

**No. 20641**

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**MULTILATERAL**

**Treaty instituting the West African Economic Community (with protocols and final communiqué of the Conference of Heads of State of the West African Economic Community). Signed at Abidjan on 17 April 1973**

*Authentic text: French.*

*Registered by the West African Economic Community, acting on behalf of the Parties on 14 December 1981.*

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**MULTILATÉRAL**

**Traité instituant la Communauté économique de l'Afrique de l'Ouest (CEAO) [avec protocoles et communiqué final de la Conférence des chefs d'Etat de la CEAO]. Signé à Abidjan le 17 avril 1973**

*Texte authentique : français.*

*Enregistré par la Communauté économique de l'Afrique de l'Ouest, agissant au nom des Parties, le 14 décembre 1981.*

## [TRANSLATION — TRADUCTION]

TREATY<sup>1</sup> INSTITUTING THE WEST AFRICAN ECONOMIC COMMUNITY

The President of the Republic of the Ivory Coast,  
 The President of the Republic of the Upper Volta,  
 The President of the Republic of Mali,  
 The President of the Islamic Republic of Mauritania,  
 The President of the Republic of the Niger,  
 The President of the Republic of Senegal,

Seeking to promote the concerted economic development of their States with a view to improving the standard of living of their peoples;

Convinced that faster and better-balanced growth of their economies calls for the creation among their States of an organized trade area and the implementation at the regional level of an active policy of economic co-operation;

Having unanimously noted that the West African Customs Union, set up among their States on 9 June 1959 and reshaped on 3 June 1966, did not sufficiently permit advancement along the desired path of faster and better-balanced economic development of all the member States;

Conscious that progress in regional economic co-operation can be achieved only if the situation and interests of each State are taken into account and care is exercised to ensure that the participation of each one in the anticipated advantages is as equitable as possible;

Convinced that a common will embodied in carefully designed institutions and mechanisms and finding its expression in the implementation of concrete actions can enable them to overcome past difficulties and promote harmonious development of the economy of their States;

Confirm their will, expressed in the Protocol adopted by them at Bamako on 21 May 1970, to institute among their States a new organization for regional economic co-operation to replace the West African Customs Union;

And, for that purpose, have agreed as follows:

*Article 1.* By this Treaty, the High Contracting Parties institute among themselves an organization for regional economic co-operation which shall be named the West African Economic Community (Communauté Economique de l'Afrique de

<sup>1</sup> Came into force on 1 January 1974, i.e., the first day of the month following the deposit with the Government of the Upper Volta of the fifth instrument of ratification, in accordance with article 44. Instruments of ratification were deposited as follows:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Ivory Coast .....	26 December 1973
Mali .....	2 March 1974
Mauritania .....	27 December 1973
Niger .....	31 December 1973
Senegal .....	22 December 1973
Upper Volta .....	15 December 1973

l'Ouest) or, in abbreviated form, CEAO, hereinafter referred to as "the Community".

*Article 2.* The Community shall be open to any West African State which requests to join. The admission of a new State must be decided unanimously by the Community's member States.

Association agreements or agreements concerning particular fields may be concluded between the Community and one or more African States which are not members of the Community, the provisions of such agreements being determined by the Conference of Heads of member States for which provision is made in article 30 below.

#### TITLE I. MISSION AND FUNDAMENTAL OBJECTIVES OF THE COMMUNITY

*Article 3.* The Community's mission shall be to foster the harmonious, balanced development of the economic activities of the member States with a view to achieving the fastest possible improvement in the standard of living of their peoples.

*Article 4.* For the purposes set forth in the preceding article, the member States agree to work together toward the achievement of the following fundamental objectives:

- To implement, at the regional level, an active policy of economic co-operation and integration, in particular as relates to the development of agriculture, animal husbandry, fishery, industry, transport and communications, and tourism;
- To develop trade in agricultural and industrial products of the member States, particularly through the establishment among them of an organized trade area.

#### TITLE II. PROVISIONS CONCERNING THE ORGANIZATION OF TRADE

##### Chapter I. *Creation of a unified economic and customs area*

*Article 5.* The Community shall constitute a regional economic unit within which the movement of goods originating therein shall not be subject to any quantitative restriction.

Within the territory of the Community, restrictions on the rendering of services by nationals and enterprises of the member States shall be eliminated gradually and within a period not to exceed twelve (12) years from the date of entry into force of the Treaty.

*Article 6.* The member States propose to create among themselves a unified customs territory characterized in particular by:

- The creation of a common customs and fiscal import tariff in their relations with third countries, within a maximum period of twelve (12) years from the date of entry into force of the Treaty;
- The free movement, with no import duties or charges, of primary products originating in the member States;

- The institution of a special preferential system applicable, under certain conditions, to the importation into member States of industrial products originating in other member States.

A proposal for the harmonization of the import tariffs and charges of the member States shall be prepared by the Secretariat-General of the Community, specified in article 30 below, and proposed by it to the Council of Ministers, specified in the same article 30, within a period of three (3) years from the date of entry into force of the Treaty.

## Chapter II. *Rules concerning the flow of primary products*

*Article 7.* Primary products originating in one of the member States shall, in circulating among those States, be exempt from all duties and charges collected on entry into those States, with the exception of any specific or *ad valorem* domestic charges levied equally and at the same rate on locally produced or imported products of the type in question.

Some such products, owing to their particular importance, may be the object of special agreements.

*Article 8.* “Primary products originating in one of the member States” shall mean products of the animal, mineral or vegetable kingdom not having undergone any industrial processing, namely:

- (a) Mineral products extracted in them from the ground or deposited on the sea-shore;
- (b) Live animals which were born in them and have been raised in them;
- (c) Products of the vegetable kingdom harvested in them;
- (d) The products of fishing and hunting in their territory;
- (e) Products extracted from the sea by vessels registered in a member State and flying the flag of that State, or, in the absence thereof, recognized as originating in that State;
- (f) Products derived from live animals bred in them and animal by-products.

Those of the above-mentioned products and by-products which, though they have not undergone industrial processing, have been given a treatment intended to preserve their good condition or facilitate their circulation (freezing, placing in brine, drying, salting, smoking, liming, pickling, trimming, squaring, etc.) shall continue to be deemed primary products.

*Article 9.* The list of primary products benefiting from the system of exemption provided for in article 7 above and the procedures applicable to their circulation are specified in Protocol “H” concerning the customs procedures applicable to the flow of products within the Community, which is annexed to the Treaty and constitutes an integral part thereof. The list may be completed or amended by a decision of the Council of Ministers.

The list of primary products which are the object of special agreements, as provided in article 7 above, shall be kept up-to-date by the Secretariat-General of the Community, which shall in good time notify the States of any change.

Chapter III. *Rules governing the flow of industrial products obtained in the member States and subject to a special preferential system*

*Article 10.* Industrial products originating in the member States may benefit, when exported to other member States, from a special preferential system based on the substitution of a tax known as the Regional Co-operation Tax (*Taxe de Coopération Régionale — TCR*) for all import duties and charges collected in each member State, with the exception of any specific or *ad valorem* domestic charges levied equally and at the same rate on locally produced or imported products of the type in question.

The Regional Co-operation Tax shall be assessed and collected in the importing member State in lieu of the import duties and charges which it replaces.

*Article 11.* Approval of qualification to benefit under the Regional Co-operation Tax system shall be granted by the Council of Ministers for a given product manufactured by one or more enterprises established in one or more member States.

Applications for approval shall be submitted by the Governments of the member States in which the enterprises whose products may qualify under the said system are established. As a general rule, the Council of Ministers shall render its decision within six months of the submission of the approval application file to the Secretariat-General of the Community.

The Regional Co-operation Tax may be specific or *ad valorem*. Where the tax is *ad valorem*, its base shall be the value c.i.f. border declared at the import customs office in the member State of destination.

The tax rate shall be specified in each case by the decision of approval of the product concerned.

Approval may or may not include a period during which it shall not be subject to review. It may also include an exclusive-right clause for a specified period during which similar products of enterprises established in one or more member States shall not be approved. The criteria for the grant of such exclusive rights shall be determined by the Council of Ministers.

Withdrawal of such approval may be pronounced by the Council of Ministers upon a petition, stating the reasons, of one of the member States.

*Article 12.* Products approved under the special system of the Regional Co-operation Tax shall bear marks, either on the products themselves, where technically feasible, or otherwise on their inner wrappers, so as to permit their identification, the modalities of such marking being specified by the relative decision of approval.

*Article 13.* Industrial products originating in member States and not admitted to the Regional Co-operation Tax system shall be subject to the import taxation which would apply to them if they originated in a third country not subject to the payment of the customs duty proper.

*Article 14.* The difference between the amount of import taxation collected by each of the member States through the application of the Regional Co-operation Tax and the amount that would result from the application to the same products of the import taxation which would be applicable to them if they originated in a third country not subject to the payment of the customs duty proper shall be the object of com-

pensatory payments by the Community Development Fund (Fonds Communautaire de Développement — FCD) instituted in article 34 below. This difference shall constitute the loss referred to in the said article 34.

Such compensatory payments shall be equal to two thirds of the difference defined in the preceding paragraph. This ratio may be revised by a decision of the Conference of Heads of State.

#### Chapter IV. *Co-operation in the fields of customs and statistics*

*Article 15.* The member States pledge themselves:

1. To harmonize within a period of three years from the date of entry into force of the Treaty, their legislation, their customs regulations and all other texts and regulations required for the proper application of import taxation;
2. To apply a common customs and fiscal tariff on imports.

*Article 16.* The member States hereby decide to apply, starting from the first day of the calendar year following the year of the entry into force of the Treaty, a standard customs and statistics nomenclature, which shall be the object of a decision issued in good time by the Council of Ministers.

*Article 17.* The member States hereby decide to apply, to all intra-Community exchanges of products originating in member States or imported from third countries and nationalized by being made available for consumption in a member State, starting from the first day of the calendar year following the year of the entry into force of the Treaty, the customs procedures defined in Protocol "H", which is annexed to this Treaty and constitutes an integral part thereof.

*Article 18.* Making products imported from third countries available for consumption shall take place, as a general rule, in the member State of destination.

Any import duties and charges paid in a member State on products imported from third countries which are subsequently transferred in order to be made available for consumption in another member State shall be reimbursed by the member State of initial import in accordance with a procedure specified in Protocol "H".

The transport of such products through the territory of other member States shall take place under transit conditions.

*Article 19.* With a view to the obtainment of the most precise knowledge possible concerning trade between member States, needed in particular for determining the differences defined in article 14 above, which are to be the object of compensatory payments by the Community Development Fund instituted in article 34 below, there is created, within the Secretariat-General of the Community, an Inter-State Statistical Service, whose operating procedures are specified in protocol "G", which is annexed to the Treaty and constitutes an integral part thereof.

### TITLE III. REGIONAL ECONOMIC CO-OPERATION

#### Chapter I. *Information exchanges, joint policies and actions*

*Article 20.* The member States, with a view to developing among themselves an active policy of economic co-operation, agree to carry on a continual exchange of

information concerning their economic situation, their programmes and their national and subregional development projects.

For this purpose they shall be required to communicate to the Secretariat-General of the Community, systematically and in good time, all useful information and documents.

The Secretariat-General of the Community shall study such information and documents and submit to the Council of Ministers the results of its thinking and any suggestions concerning harmonization and actions which it deems desirable for fostering the concerted development of the economies of the member States.

The Secretariat-General of the Community shall be entrusted with the task of submitting to the approval of the Council of Ministers, within three years following the date of entry into force of the Treaty, a proposed regional industrialization programme and a draft standard statute for multinational corporations.

*Article 21.* With a view to the implementation of this policy of co-operation, the Secretariat-General of the Community shall be entrusted with the task of studying, together with the competent national and subregional agencies, and submitting to the Council of Ministers joint policies and actions in the different fields of economic activity and, in particular, but without limitation to the following enumeration, in the areas of scientific and technical research, energy production and distribution, agricultural development, industrial and mining development, tourist development, development of trade in and the production and marketing of livestock and meat, and the co-ordination and development of transport and communications.

#### Chapter II. *Co-operation in the area of agricultural development*

*Article 22.* The principles and chief modalities of a joint agricultural development policy are dealt with in Protocol "A", which is annexed to this Treaty and constitutes an integral part thereof.

With a view to the implementation of this policy, there is created, within the Secretariat-General of the Community, a specialized agency which shall have the name Community Agricultural Development Bureau (Bureau Communautaire de Développement Agricole — BCDA).

The operating procedures of the BCDA are specified in the same protocol.

#### Chapter III. *Co-operation in the area of industrial development*

*Article 23.* The principles and chief modalities of a joint industrial development policy are dealt with in Protocol "B", which is annexed to this Treaty and constitutes an integral part thereof.

With a view to the implementation of this policy, there is created, within the Secretariat-General of the Community, a specialized agency which shall have the name Community Industrial Development Bureau (Bureau Communautaire de Développement Industriel — BCDI).

The operating procedures of the BCDI are specified in the same protocol.

#### Chapter IV. *Co-operation in the area of trade promotion*

*Article 24.* The principles and chief modalities of a joint trade promotion policy are dealt with in Protocol "C", which is annexed to this Treaty and constitutes an integral part thereof.

With a view to the implementation of this policy, there is created, within the Secretariat-General of the Community, a specialized agency which shall have the name Community Trade Promotion Office (Office Communautaire de Promotion des Echanges — OCPE).

The operating procedures of this Office are specified in the same protocol.

Chapter V. *Co-operation in the area of promotion of livestock and meat production and marketing*

*Article 25.* The principles and chief modalities of a joint policy of development of production and marketing of livestock and meat originating in the member States are dealt with in Protocol “D”, which is annexed to this Treaty and constitutes an integral part thereof.

With a view to the implementation of this policy, there is created, within the Secretariat-General of the Community, a specialized agency which shall have the name Community Livestock and Meat Office (Office Communautaire du Bétail et de la Viande — OCBV).

The operating procedures of the OCBV are specified in the same protocol.

Chapter VI. *Co-operation in the area of promotion of production and marketing of the products of inland and sea fishery*

*Article 26.* The principles and chief modalities of a joint policy of development of production and marketing of the products of inland and sea fishery are dealt with in protocol “E”, which is annexed to this Treaty and constitutes an integral part thereof.

With a view to the implementation of this policy, there is created, within the Secretariat-General of the Community, a specialized agency which shall have the name Community Bureau of Fishery Products (Bureau Communautaire des Produits de la Pêche — BCPP).

The operating procedures of the BCPP are specified in the same protocol.

Chapter VII. *Co-operation in the area of transport and communications*

*Article 27.* The principles and chief modalities of a joint policy of coordination and development of transport and communications are dealt with in Protocol “F”, which is annexed to this Treaty and constitutes an integral part thereof.

Chapter VIII. *The financing of Community actions*

*Article 28.* Community studies and actions in the area of regional economic co-operation, and in particular those conducted by the Community Bureaux and Offices created by this Treaty and any other specialized agencies that may be created within the Community, shall be financed by the Community Development Fund created in article 34 below.

Action by the Community Development Fund may be in the form, in particular, of agreements and contracts for studies, supplies and work, subsidies, shares in the capital of companies, medium- and long-term loans, guaranties and interest allowances.



Chapter IX. *Harmonization in respect of terms granted for investments and production*

*Article 29.* The member States pledge themselves to seek the harmonization of the terms granted, particularly in the fiscal area, for investments and production. For this purpose, the Secretariat-General of the Community shall submit proposals to the Conference of Heads of State, after obtaining the opinion of the Council of Ministers, no later than two years from the date of entry into force of the Treaty.

TITLE IV. INSTITUTIONS

*Article 30.* The institutions of the Community are as follows:

- The Conference of Heads of State;
- The Council of Ministers;
- The Secretariat-General of the Community;
- The Community Court of Arbitration.

Chapter I. *The Conference of Heads of State*

*Article 31.* The Conference of Heads of State is the supreme body of the Community.

It is constituted by the Heads of State of the member countries. It shall meet at least once a year and whenever necessary, on the initiative of the President in office or at the request of one or more Heads of member States.

The Conference shall sit successively for a period of one calendar year in each of the member States, in the alphabetic order of their names.

The presidency of the Conference shall be held by the Head of the member State in which the Conference is sitting.

The President in office shall fix the times and places of meetings and determine their agenda.

The Conference shall give decisions on all matters relating to the purpose and the fundamental objectives of the Community.

It shall have the supreme power to resolve all questions on which it has not been possible to reach a solution in the Council of Ministers and which have been referred to it by the said Council.

It shall appoint:

- The Secretary-General of the Community, provided for in article 35 below;
- The President and members of the Court of Arbitration;
- The Community Accountant;
- The Community Financial Comptroller;
- The President and members of the Financial Control Commission.

It shall have the power to approve the annual budget of the Secretariat-General of the Community.

Its decisions, known as Acts of the Conference of Heads of State, must be adopted unanimously.

In cases of urgency, the President may consult the other Heads of State at home by means of a written procedure.

## Chapter II. *The Council of Ministers*

*Article 32.* Within the framework of the general policy defined by the Conference of Heads of State, it shall be the task of the Council of Ministers to promote all actions conducive to the achievement of the Community's objectives.

The Council of Ministers shall be composed of ministers of each of the member States. Its composition shall vary according to the subjects treated.

The office of Chairman shall be held in turns for one calendar year, each time by one of the ministers of the member State occupying the presidency of the Conference of Heads of State.

It shall sit, in principle, at the headquarters of the Community.

It shall meet on being called by the President of the Conference of Heads of State, on his own initiative or at the request of a member State, the Chairman in office of the Council of Ministers or the Secretary-General of the Community. Meetings of the Council of Ministers shall be held at least twice a year, one of those meetings necessarily having on its agenda the preparation of the annual meeting of the Conference of Heads of State.

Decisions, referred to as Decisions of the Council of Ministers, must be adopted by unanimous vote of the member States, irrespective of the number of ministers representing each State. In case of disagreement, the question shall be referred to the Conference of Heads of State.

In cases of urgency, the Chairman of the Council of Ministers may consult the Council members concerned at home by means of a written procedure.

The members of the Council of Ministers may be assisted by experts.

## Chapter III. *Notification, publication and enforceability of decisions*

*Article 33.* There is hereby created an *Official Journal (Journal Officiel)* of the West African Economic Community.

The acts of the Conference of Heads of State and decisions of the Council of Ministers shall be published in the *Official Journal* of the Community and in the *official journals* of the member States.

They shall be enforceable 15 clear days after their publication in the *Official Journal* of the Community.

The Conference of Heads of State and the Council of Ministers may decide the publication of their acts and decisions in accordance with the urgency procedure. In that case, the act or decision in question shall specify the date of its entry into force and the special conditions of its publication.

## Chapter IV. *The Community Development Fund*

*Article 34.* There is hereby created a Community Development Fund (Fonds Communautaire de Développement — FCD).

The amount of the Fund shall be fixed annually by the Conference of Heads of State on the basis of forecasts of the total amount of the losses to each member State which will result from the application of the Regional Co-operation Tax (*Taxe de Coopération Régionale* — TCR) system instituted in article 10 above.

By reason of the special preferential system provided for in article 10, to be applied, as a general rule, to all industrial products of member States susceptible of be-

ing exported to other member States, the Fund shall be financed by means of a contribution by each member State, calculated as a function of its share in the trade in industrial products of all the member States with other member States.

The financing of the Fund shall be ensured by a deduction made in advance out of the total receipts liquidated on importation by the customs administration in each member State, up to the amount of its contribution as defined in the preceding paragraph.

Where, at the end of a given year, the total amount of the deductions paid into the Fund by a member State proves lower than the amount of its contribution, the member State concerned shall pay the difference in the shortest possible time.

The Community Development Fund shall receive all other resources which are allocated to it, as well as the proceeds of any loans issued or contracted by the Community.

Financial and accounting procedures pertaining to the financing and management of the Fund are specified in Protocol "I", which is annexed to this Treaty and constitutes an integral part thereof.

#### Chapter V. *The Secretariat-General of the Community*

*Article 35.* The Secretariat-General of the Community shall be the body responsible for preparing and executing the decisions of the Conference of Heads of State and the Council of Ministers.

It shall be headed by a Secretary-General appointed for a period of four years by the Conference of Heads of State on the proposal of the Council of Ministers. The term of office of the Secretary-General shall be renewable.

The Secretary-General of the Community shall prepare and ensure secretarial services for the Conference of Heads of State and the Council of Ministers.

Within the framework of the directives given to him by those bodies, he shall have studies carried out on problems of common interest and submit the results to them. For this purpose, he may create any *ad hoc* commission composed of members belonging to the member States.

Each year he shall draw up a report on the operation of the Community and the progress made in achieving the fundamental objectives of the Treaty and shall present it to the Council of Ministers. The report shall be forwarded to the Conference of Heads of State with the observations of the Council of Ministers.

He shall prepare the forecasting data needed in order for the Conference of Heads of State to determine, upon examination and on the proposal of the Council of Ministers, the amount of the Community Development Fund.

He shall prepare the annual budget of the Secretariat-General of the Community, which shall be submitted, following examination and on the proposal of the Council of Ministers, to the approval of the Conference of Heads of State; he shall ensure its execution.

Within the framework of the provisions of Protocol "I" concerning the financial and accounting rules applicable to the operation of the Community, which is annexed to this Treaty and constitutes an integral part thereof, he shall issue all orders to pay, as relates both to Community expenditures and payments made out of the Community Development Fund.

*Article 36.* The staff of the Secretariat-General of the Community shall be recruited by the Secretary-General of the Community within the limits of the proposed budgetary items.

The directors of the divisions of the Secretariat-General of the Community, the directors of the Community Bureaux and Offices created by this Treaty and the directors of all other specialized agencies created within the Community shall be appointed by the Council of Ministers upon examination of a list of candidates proposed by the member States and after an opinion has been given by the Secretary-General of the Community.

*Article 37.* In the exercise of their functions, the Secretary-General, the staff of the Secretariat-General and the directors and staff of the specialized agencies created within the Secretariat-General shall neither receive nor solicit instructions from any Government or any national or international authority and shall refrain from any behaviour incompatible with their capacity as international officials.

#### Chapter VI. *The Community Court of Arbitration*

*Article 38.* The composition, competence and procedure of the Court of Arbitration are specified in Protocol "J", which is annexed to this Treaty and constitutes an integral part thereof.

#### TITLE V. FREE MOVEMENT OF PERSONS AND CAPITAL

*Article 39.* The movement of persons and capital among the member countries shall be unrestricted. Nevertheless, if monetary policy needs so impose, any member State may place temporary restrictions on the movement of capital, provided, however, that such restrictions do not impede the transfer of savings of nationals of member countries or of profits of enterprises belonging to nationals of member countries; such restrictions shall gradually be removed as the monetary equilibrium of the member State concerned is restored.

National legislation and regulations concerning establishment, taxation and employment shall be applied without discrimination to nationals of all member States, subject to the provisions applicable to public office and posts treated as public office and to regulated occupations, a list of which shall be submitted to the Council of Ministers for evaluation.

#### TITLE VI. SETTING-UP OF THE COMMUNITY'S INSTITUTIONS

*Article 40.* The Conference of Heads of State shall determine the headquarters of the Community and proceed in good time to appoint the Secretary-General of the Community, the President and members of the Court of Arbitration, the Community Accountant, the Community Financial Comptroller and the Chairman and members of the Financial Control Commission.

*Article 41.* Within a period of two months from the date of entry into force of the Treaty, the Council of Ministers shall hold its first meeting.

At the said first meeting, the Council shall:

- Proceed to appoint the staff of the Secretariat-General of the Community and the specialized agencies which fall within its competence;

- Lay down the appropriate rules to enable the customs administrations and treasuries of the member States to set up in due time the necessary procedures for the application of the Regional Co-operation Tax system and the payments to the Community Development Fund;
- Give to the Secretary-General all the necessary directives concerning the work to be done during the period preceding the date of entry into force of the provisions relating to the Regional Co-operation Tax.

## TITLE VII. GENERAL AND FINAL PROVISIONS

### Chapter I. *Legal personality, immunities*

*Article 42.* The Community shall enjoy legal personality.

In particular, it shall have the capacity to borrow, acquire and dispose of such immovable property as is necessary for the achievement of its objectives, bring legal action and accept donations, legacies and gifts of all kinds.

In all such acts, it shall be represented by the President in office of the Conference of Heads of State, who may, in so far as necessary, delegate his powers, expressly for each act considered, to the Secretary-General of the Community.

Any decision to acquire or alienate immovable property or to contract loans shall fall within the competence of the Conference of Heads of State.

*Article 43.* The Conference of Heads of State shall determine the immunities to be granted to the Community, representatives of member States and personnel of international rank of the Secretariat-General of the Community in the territory of the member States.

### Chapter II. *Entry into force of the Treaty, amendments, denunciation*

*Article 44.* The present Treaty shall enter into force on the first day of the calendar year following the year in which it has been ratified by at least five of the signatory States.

*Article 45.* The present Treaty may be amended by the Conference of Heads of State, meeting for that purpose and ruling on amendment proposals presented by one or more member States.

Amendments to this Treaty must be ratified in accordance with the same forms as those which governed its adoption, with the exception of those concerning the annexed protocols.

*Article 46.* Before the entry into force of the Treaty, the instruments of ratification shall be deposited with the Government of the State of the headquarters of the West African Customs Union.

After the entry into force of the Treaty, instruments of accession to the Treaty and instruments of ratification of amendments to the Treaty shall be deposited with the Government of the State of the headquarters of the Community.

On receiving the instruments of ratification or accession, the depositary Government shall communicate such receipt to all the Contracting Parties and to the

Secretary-General either of the UDEAO, before the entry into force of the Treaty, or of CEAO, after the entry into force of the Treaty.

*Article 47.* The present Treaty may be denounced by any of the member States without the denunciation entailing the dissolution of the Community. Such denunciation, with all its consequences, shall take effect on 1 January after a minimum period of six months following notification of the President in office of the Conference of Heads of State.

### Chapter III. *Entry into force of the provisions of articles 10, 16 and 17*

*Article 48.* The provisions of article 10 above concerning the Regional Cooperation Tax and those of articles 16 and 17 above concerning, respectively, the application of the customs and statistics nomenclature and the application of customs procedures shall in turn enter into force on the first day of the civil year following the year of the entry into force of the Treaty.

The provisions of the Convention of 3 June 1966 instituting the West African Customs Union and any provisions resulting from bilateral agreements among member States shall continue to apply until the date of entry into force of the provisions of the said articles 10, 16 and 17.

Member States shall have the right to apply for the maintenance in force, beyond that date, of all or part of the provisions of the bilateral agreements referred to in the foregoing paragraph.

Such applications shall be studied by the Secretariat-General of the Community, which shall present to the Council of Ministers proposals with a view to the gradual reduction of any conflicts between those provisions and the provisions of the Treaty.

### Chapter IV. *Relations with other regional groups and third States*

*Article 49.* Community members may belong to other regional or subregional groups comprising either only part of the member States or member States and non-member States, provided that they comply with the provisions of the present Treaty.

The Secretariat-General of the Community shall take care to ensure close and constant co-ordination between Community actions and the actions of subregional groups of the geographic zone concerned by the Treaty to which member States belong either now or in the future.

The Secretary-General is hereby commissioned to study and submit to the Conference of Heads of State, after the Council of Ministers has expressed its opinion, the possibilities and modalities of integration of existing specialized subregional bodies into the Community.

*Article 50.* The validity of preferential agreements already existing between a member State and a third State shall not be affected by the present Treaty. To the extent that such agreements are not compatible with the provisions of this Treaty, the member State or States concerned shall have recourse to all appropriate means in order to eliminate any incompatibility observed.

A member State may conclude preferential agreements with a non-member African State on condition that it informs the Council of Ministers thereof. In no

case, however, shall the advantages of any nature resulting from such preferential agreements be greater than those granted to the Community's member States.

A member State shall have the right to belong to a group of States not members of the Community, provided that no incompatibility with the Community exists.

#### Chapter V. *Safeguard clause*

*Article 51.* In the event of serious disturbances occurring in a sector of the economic activity of one or more member States, in the event of difficulties resulting in the deterioration of the economic situation of a member State, or with a view to protecting a budding industry, the member State or States concerned shall have the right to take the necessary safeguard measures, provided that they inform the Secretary-General of the Community concerning those measures immediately, in the first two cases mentioned, and two (2) months before the contemplated measures are made applicable, in the third case.

Such information shall be accompanied by all the necessary explanations for evaluating the necessity of such measures.

Such measures shall remain in force for a maximum period of one year from the date on which they come into being. They shall not be extended beyond that period except by decision of the Council of Ministers.

Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

For the Republic of the Ivory Coast:

H.E. FÉLIX HOUPHOUET BOIGNY  
President of the Republic

For the Republic of the Upper Volta:

H.E. General SANGOULÉ LAMIZANA  
President of the Republic

For the Republic of Mali:

H.E. Colonel MOUSSA TRAORE  
President of the CMLN, Head of State

For the Islamic Republic  
of Mauritania:

H.E. MOKTAR OULD DADDAH  
President of the Republic

For the Republic of the Niger:

H.E. DIORI HAMANI  
President of the Republic

For the Republic of Senegal:

H.E. LÉOPOLD SÉDAR SENGHOR  
President of the Republic

#### PROTOCOL "A" CONCERNING COMMUNITY PROMOTION OF AGRICULTURAL DEVELOPMENT IN THE MEMBER STATES

*Article 1.* With a view to the promotion of agricultural development in the member States, the Secretariat-General of the Community is entrusted with the task of researching and studying, in conjunction with the competent authorities of the member States, and then proposing to the Council of Ministers a general plan for promoting the production and marketing of the agricultural products of the member States.

*Article 2.* With a view to the achievement of the plan defined in article 1 above, the Secretary-General of the Community is commissioned, in particular, to promote:

- In conjunction with the competent services and agencies of the member States, scientific and technical research in the field of agriculture, agribusiness and food and the dissemination of their results;
- The co-ordination of efforts in the field of agricultural training, in particular through more rational utilization of existing national agencies and the possible creation of specialized Community agencies;
- The study and carrying out of national or multinational agricultural projects for quantitatively and qualitatively improving the production of food products;
- The co-ordination of programmes for the production and marketing of agricultural products, as relates both to the supplying of the markets of the member States and exportation to third countries;
- The study of joint actions for developing the consumption of certain products, which actions shall be implemented by the Community Trade Promotion Office;
- The harmonization and application of phytosanitary regulations concerning products;
- The study and harmonization of national policies on the protection of wildlife.

To this end, the member States shall address to the Secretariat-General of the Community all study or action proposals which they deem desirable.

*Article 3.* With a view to facilitating the carrying out of the actions provided for in article 2 above, the Secretariat-General of the Community shall seek out and endeavour to co-ordinate regional and international financing sources that are likely to take part in the financing of such actions.

The Community Development Fund, instituted in article 34 of the Treaty, may participate, either alone or in conjunction with other national financing sources, in the financing of the projects adopted.

Action by the Community Development Fund in this connection may take the form of subsidies, shares in capital, medium- and long-term loans, guaranties and interest allowances.

*Article 4.* To impart to the contemplated agricultural promotion actions the desired dynamism and efficacy, there is created, within the Secretariat-General of the Community, in accordance with article 22 of the Treaty, a specialized agency which shall have the name Community Agricultural Development Bureau (Bureau Communautaire de Développement Agricole — BCDA), hereinafter referred to as “the Bureau”.

*Article 5.* The director of the Bureau shall be appointed by the Council of Ministers from a list of candidates proposed by the member States, after an opinion has been given by the Secretary-General of the Community.

He shall direct the action of the Bureau in line with the instructions given to him by the Secretary-General of the Community.

He shall recruit the staff of the Bureau, with the agreement of the Secretary-General of the Community.

The personnel and material costs of the Bureau shall be financed out of the budget of the Secretariat-General of the Community.



*Article 6.* A report on the activity of the Bureau shall be presented to the Council of Ministers annually by the Secretary-General of the Community. Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

For the Republic of the Ivory Coast:

H.E. FÉLIX HOUPHOUET BOIGNY  
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President of the Republic

#### PROTOCOL "B" CONCERNING COMMUNITY PROMOTION OF INDUSTRIAL DEVELOPMENT IN THE MEMBER STATES

*Article 1.* With a view to the promotion of faster and better-balanced industrial development in the member States, the Secretariat-General of the Community is entrusted with the task of researching, studying in conjunction with the competent authorities of the member States and proposing to the Council of Ministers any measures and actions likely to permit the optimum utilization of the industrial development potential of all the States of the Community.

*Article 2.* With a view to the attainment of the objective defined in article 1 above, the Secretary-General of the Community is commissioned, in particular, to study and promote:

- The harmonious distribution of the investments to be made;
- The specialization of activities among enterprises existing or to be established in the member States;
- The carrying out, in conjunction with the competent national authorities, of industrial, agro-industrial and touristic projects involving one or more member States;
- The establishment of a programme of concerted development of industry for the entire region, particularly as relates to large industrial units that are regionally oriented or engage in export to third countries;
- The adoption of a standard statute for multinational corporations permitting the sharing of several States in the capital of the major enterprises established in the region;
- The joint creation of multinational enterprises by several member States;
- Assistance, in conjunction with the competent authorities, in the creation and development of national enterprises,

and to draw up and submit to the Council of Ministers a list of new enterprises whose establishment in the territory of the Community is deemed desirable for the integration of the economies of the countries of the Community.

In the geographic distribution of enterprises of this type, priority shall be accorded to the least industrialized countries.

For this purpose, the member States shall address to the Secretariat-General of the Community all proposals and requests for studies or actions that they deem desirable.

*Article 3.* With a view to facilitating the carrying out of the national or multinational industrial projects referred to in article 2 above, the Secretariat-General of the Community shall seek out and endeavour to co-ordinate regional and international financing sources that are likely to take part in the financing of such projects.

The Community Development Fund, created in article 34 of the Treaty, may participate, either alone or in conjunction with other national or international financing sources, in the financing of the national or multinational industrial projects referred to in article 2 above and in the financing of the infrastructures accompanying such projects.

Action by the Community Development Fund shall be reserved on a priority basis for the least industrialized countries and for projects of interest to the Community.

Action by the Community Development Fund in this connection may take the form of subsidies, shares in capital, medium- and long-term loans, guaranties and interest allowances.

*Article 4.* To impart to the contemplated industrial promotion actions the desired dynamism and efficacy, there is created, within the Secretariat-General of the Community, in accordance with article 23 of the Treaty, a specialized agency which shall have the name Community Industrial Development Bureau (Bureau Communautaire de Développement Industriel — BCDI), hereinafter referred to as “the Bureau”.

*Article 5.* The director of the Bureau shall be appointed by the Council of Ministers from a list of candidates proposed by the member States, after an opinion has been given by the Secretary-General of the Community.

He shall direct the action of the Bureau in line with the instructions given to him by the Secretary-General of the Community.

He shall recruit the staff of the Bureau, with the agreement of the Secretary-General of the Community.

The personnel and material costs of the Bureau shall be financed out of the budget of the Secretariat-General of the Community.

*Article 6.* A report on the activity of the Bureau shall be presented to the Council of Ministers annually by the Secretary-General of the Community.

Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

For the Republic of the Ivory Coast:

H.E. FÉLIX HOUPHOUET BOIGNY  
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President of the Republic

## PROTOCOL "C" CONCERNING COMMUNITY PROMOTION OF TRADE IN PRODUCTS OF MEMBER STATES WITHIN THE COMMUNITY AND FOR EXPORT TO THIRD COUNTRIES

*Article 1.* With a view to the promotion of the development of trade in products and services of the member States, the Secretariat-General of the Community is entrusted with the task of researching, studying and proposing to the Council of Ministers any measures and actions likely to foster greater knowledge and better distribution of the products of the member States, both within the Community and for export to third countries.

For the purposes of the present protocol, "services" shall be understood to mean services normally provided for a valuable consideration to the extent that they are not governed by the provisions relating to trade, the right of establishment and capital movements. They include industrial activities, commercial activities, cottage-industry activities and the activities of the liberal professions, with the exception of activities of employed persons and activities the exercise of which is subject, in member States, to the observance of special regulations.

*Article 2.* With a view to the attainment of the objective defined in article 1 above, the Secretariat-General of the Community is commissioned, in particular, to study and propose:

- Any harmonization measures concerning standardization, packaging, quality control of products and, where applicable, sanitary and phytosanitary control;
- Any measures likely to improve the conditions of marketing, transport and transit of exportable products;
- Any promotion actions likely to improve familiarity with the products of the member States and the distribution of those products within the Community;
- In conjunction with the competent authorities of the member States, any joint actions for the promotion of their products on the markets of third countries.

*Article 3.* To impart the desired dynamism and efficacy to the actions contemplated in article 2 above, and particularly in the last and next-to-last paragraphs of that article, there is created, within the Secretariat-General of the Community, in accordance with article 24 of the Treaty, a specialized agency which shall have the name Community Trade Promotion Office (Office Communautaire de Promotion des Echanges — OCPE), hereinafter referred to as “the Office”.

Together with this name, the Community Trade Promotion Office (OCPE) may adopt a second name designed to enhance its notoriety.

*Article 4.* The Director of the Office shall be appointed by the Council of Ministers from a list of candidates proposed by the member States, after an opinion has been given by the Secretary-General of the Community.

He shall direct the action of the Office in line with the instructions given to him by the Secretary-General of the Community.

He shall recruit the staff of the Office, with the agreement of the Secretary-General of the Community.

The personnel and material costs of the Office shall be financed out of the budget of the Secretariat-General of the Community.

*Article 5.* A report on the activity of the Office shall be presented to the Council of Ministers annually by the Secretary-General of the Community.

Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

For the Republic of the Ivory Coast:

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#### PROTOCOL “D” CONCERNING COMMUNITY PROMOTION OF THE PRODUCTION AND MARKETING OF LIVESTOCK, MEAT AND BY-PRODUCTS

*Article 1.* With a view to the joint promotion of the production and marketing of the livestock and meat of the member States, the Secretariat-General of the Community is entrusted with the task of studying, in conjunction with the competent authorities of the member States, and proposing to the Council of Ministers, within a period of not more than two years from the date of entry into force of the Treaty, a general programme for the promotion of the production and marketing of livestock and meat originating in the States members of the Community.

This programme shall spell out the actions to be undertaken with a view to achieving the following fundamental objectives:

- To develop livestock quantitatively and qualitatively through the setting up of an integrated policy of management of livestock farming conditions throughout all the producer States;
- To improve livestock health and the control of livestock health conditions at the places of herd and flock conditioning;
- To ensure the smoothest possible movement of livestock and meat among the member States, in particular through the reduction of administrative controls and the simplification of taxation;
- To study a suitable price structure for encouraging production and promoting consumption;
- To valorize the products and by-products of livestock farming so as to make it possible to promote derivative industries.

*Article 2.* With a view to the attainment of the objectives defined in article 1 above, the Secretary-General of the Community shall bring about a meeting, within a period of four months from the date of signature of this Protocol, of a special committee of experts of the member States, whose task it shall be to make concrete proposals concerning the realization of the said objectives.

In particular, this Committee shall:

- Take stock of the possibilities for livestock development in the member States and define the actions that should be carried out, which may relate, but need not be limited, to the following:

In respect of production:

- Improvement of livestock health;
- Development of watering-places and passage zones;
- The creation or development of fattening areas;
- The valorization of the products and by-products of livestock farming and the promotion of derivative industries.

In respect of marketing:

- The organization of occupations;
  - The creation or development of markets and slaughterhouses;
  - The improvement of livestock and meat transport conditions;
  - The promotion of livestock-farming products;
  - The appropriate price structure for encouraging production and promoting consumption;
- Examine the existing projects in the producer States with a view to determining which ones might be carried out with Community assistance;
  - Study the practical measures to be proposed to Council of Ministers in the area of sanitary regulations.

*Article 3.* With a view to facilitating the carrying out of the actions provided for in article 2 above, the Secretariat-General of the Community shall seek out and endeavour to co-ordinate regional and international financing sources that are likely to take part in the financing of such actions.

The Community Development Fund, created in article 34 of the Treaty, may participate, either alone or in conjunction with other national or international financing sources, in the financing of the projects adopted.

Action by the Community Development Fund in this connection may take the form of subsidies, shares in capital, medium- and long-term loans, guaranties and interest allowances.

*Article 4.* As relates to both the study and the implementation of the measures and actions designed to promote the production and marketing of livestock and meat of the member States of the Community, the Secretariat-General of the Community shall co-operate, in so far as necessary, with all competent agencies existing presently or subsequently created in or by the member States among themselves or with non-member States.

*Article 5.* To impart the desired dynamism and efficacy to the actions contemplated in article 2 above, there is created, within the Secretariat-General of the Community, in accordance with article 25 of the Treaty, a specialized agency which shall have the name Community Livestock and Meat Office (Office Communautaire du Bétail et de la Viande — OCBV), hereinafter referred to as “the Office”.

*Article 6.* The Director of the Office shall be appointed by the Council of Ministers from a list of candidates proposed by the member States, after an opinion has been given by the Secretary-General of the Community.

He shall direct the action of the Office in line with the instructions given to him by the Secretary-General of the Community.

He shall recruit the staff of the Office, with the agreement of the Secretary-General of the Community.

The personnel and material costs of the Office shall be financed out of the budget of the Secretariat-General of the Community.

*Article 7.* A report on the activity of the Office shall be presented to the Council of Ministers annually by the Secretary-General of the Community.

Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

For the Republic of the Ivory Coast:

H.E. FÉLIX HOUPHOUET BOIGNY  
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President of the Republic

## PROTOCOL "E" CONCERNING COMMUNITY PROMOTION OF THE PRODUCTION AND MARKETING OF THE PRODUCTS OF INLAND AND SEA FISHERY

*Article 1.* With a view to ensuring the development of inland and sea fishery and the promotion and marketing of fishery products, the Secretariat-General of the Community is entrusted with the task of studying, in conjunction with the competent authorities of the member States, and submitting to the Council of Ministers, no later than two years from the date of entry into force of the Treaty, a general programme for the promotion of inland and sea fishing activities and the marketing of fishery products in the member States and for export to third countries.

*Article 2.* With a view to the attainment of the objectives defined in article 1 above, the Secretary-General of the Community is commissioned, in particular, to promote:

*In respect of the development of fishing activities*

- The preservation and development of fishery resources, both inland and marine;
- The promotion of continental aquaculture;
- The development of harbour structures and techniques used by fishing fleets;
- The installation of shipyards for the manufacture and repair of fishing vessels;
- The development of fishing fleets;
- Assistance to small-scale fishery;
- The promotion of fishing industries and related industries;
- The training of fishermen;
- The harmonization of the fishing legislation of the States of the Community, and especially the limits of territorial and regulated waters;
- A Community policy of harmonization in the area of reciprocity agreements on sea fishing with third countries.

*In respect of marketing*

- The creation and development of structures for the marketing and transport of fishery products;
- The commercial promotion of fishery products on the markets of the member States and for export to third countries.

*Article 3.* As soon as possible and no later than two years from the date of entry into force of the Treaty, the Secretary-General of the Community shall submit to the Council of Ministers proposals for fixing the rights and obligations of each of the member States in matters of fishery in territorial waters and regulated waters of other States members of the Community.

Within the same period, the Secretary-General of the Community shall submit to the Council of Ministers proposals for the harmonization of the rules governing the assignment of titles of nationality to fishing vessels of the member States.

*Article 4.* To impart to the actions contemplated above the desired dynamism and efficacy, there is created, within the Secretariat-General of the Community, in accordance with article 26 of the Treaty, a specialized agency which shall have the

name Community Bureau of Fishery Products (Bureau Communautaire des Produits de la Pêche — BCPP).

*Article 5.* The Director of the Bureau shall be appointed by the Council of Ministers from a list of candidates proposed by the member States, after an opinion has been given by the Secretary-General of the Community.

He shall direct the action of the Bureau in line with the instructions given to him by the Secretary-General of the Community.

He shall recruit the staff of the Bureau, with the agreement of the Secretary-General of the Community.

The personnel and material costs of the Bureau shall be financed out of the budget of the Secretariat-General of the Community.

*Article 6.* A report on the activity of the Bureau shall be presented to the Council of Ministers annually by the Secretary-General of the Community.

Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

For the Republic of the Ivory Coast:

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President of the Republic

## PROTOCOL "F" CONCERNING THE CO-ORDINATION AND DEVELOPMENT OF TRANSPORT AND COMMUNICATIONS

*Article 1.* With a view to the setting up of a joint policy of co-ordination and development of transport and communications among the member States and with third countries, the Secretariat-General of the Community is entrusted with the task of studying, in conjunction with the competent authorities of the member States, a Community plan for the development of the transport and communications of the member States, to be submitted to the Council of Ministers at the latest within four years from the date of entry into force of the Treaty.

The study of transport problems shall cover flows, infrastructures and the conditions of transport of products between member States as well as from and to third countries, and in particular the transit, shipping and freight conditions of products originating in or destined for continental member States. Especial attention shall be devoted to the problem of improving the sea transport situation, in particular



through the possible creation of a multinational shipping company, and through the institution, in the member States, of shipping conferences, with a view to the subsequent creation of a regional shipping conference.

Analogous studies shall be conducted in respect of postal services and telecommunications among member States and with the rest of the world.

The Secretariat-General of the Community, in conjunction with the competent authorities of the member States, shall seek out and negotiate all international, binational or multinational financing, with a view to both the study and the implementation of the said plan. In so far as necessary, he shall contribute his assistance in such matters to the member States.

*Article 2.* Without awaiting the complete results of such studies and the adoption of the Community plan for the development of the transport and communications of the member States, the Secretariat-General of the Community shall study and propose to the Council of Ministers any measures and actions for remedying the more acute difficulties observed in relation to the conditions of transport of products among member States and from or to third countries.

A review of these difficulties, accompanied by the proposed measures, in particular as relates to greater flexibility of administrative measures, the establishment of appropriate tariffs and the improvement of transit conditions, shall be presented to the Council of Ministers by the Secretariat-General of the Community not later than one year from the date of entry into force of the Treaty.

*Article 3.* To facilitate the transport of products within the Community through more flexible administrative measures (facilitation committee) and the establishment of appropriate tariffs, the Secretariat-General of the Community shall study the setting up of adequate structures (national freight offices and shipping conferences) endowed, in the member States, with the necessary means for collecting information concerning freight supply and demand and making such information known to the persons concerned.

By way of encouragement to the national carriers of the States of transit and destination, inter-State traffic shall, in so far as possible, be reserved for them on a priority basis.

*Article 4.* To assist the Secretariat-General of the Community in the accomplishment of its mission, there is created, within the said Secretariat-General, a Committee on Co-operation in Transport and Communications made up of experts designated by the member States, which shall study the creation of a transport service.

The Committee shall meet on being convened by the Secretary-General of the Community or at the request of one or more member States; the first meeting shall be held not later than four months from the date of entry into force of the Treaty.

The Committee shall annually prepare a report on its activities. The report shall be submitted to the Council of Ministers by the Secretary-General of the Community.

Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

For the Republic of the Ivory Coast:

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#### PROTOCOL "G" CONCERNING CO-OPERATION IN THE AREA OF STATISTICS

*Article 1.* Starting from the first day of the calendar year following the year of the entry into force of the Treaty, the member States shall apply, pursuant to article 16 of the said Treaty, a standard customs and statistics nomenclature, which shall be the object of a decision issued in good time by the Council of Ministers.

Any modification of the customs and statistics nomenclature shall be the object of a decision of the Council of Ministers.

*Article 2.* To permit the most homogeneous and accurate elaboration possible of the foreign-trade statistics of the member States, the customs declaration forms, which shall also serve for the elaboration of those statistics, shall be harmonized in respect of both trade among member States and trade between member States and third countries.

As relates to trade among member States, such harmonization shall, starting from the first day of the calendar year following the year of the entry into force of the Treaty, apply to the statistical and customs information that such declarations must contain, which information shall be the object of a decision of the Council of Ministers.

As relates to trade between member States and third countries, harmonization shall be sought for import declarations for the release of goods for consumption and export declarations. Such harmonization shall be brought about within a period of one year from the date of entry into force of the Treaty.

*Article 3.* In accordance with article 19 of the Treaty there is created, within the Secretariat-General of the Community, an Inter-State Statistical Service, which shall have the following purposes:

- To establish statistics relating to trade among member States;
- To furnish the data that will serve for determining, under the conditions set forth in article 20 of Protocol "I", which is annexed to the Treaty and constitutes an integral part thereof, the amount of the compensatory payments by

the Community Development Fund for which provision is made in article 14 of the Treaty;

- To furnish the data that will serve for determining, under the conditions set forth in article 4 of Protocol “H”, which is annexed to the Treaty and constitutes an integral part thereof, the amount of the Community Development Fund refunds to be made on reshipments of products enjoying the benefit of the Regional Co-operation Tax system by the member States of initial import and to calculate the amount of the compensations to be made to the member States of second import;
- To collect and summarize data relating to the trade of member States with third countries which are communicated to it by the member States;
- To undertake such studies as are requested of it by the Secretariat-General of the Community with a view to analysing the development of the trade of the member States.

*Article 4.* With a view to the development of co-operation among the statistical administrations of the member States, there is created a Specialized Committee of Experts appointed by the member States, which shall be attached to the Secretariat-General of the Community.

The Committee shall annually prepare a report on the progress of inter-State co-operation in the field of statistics; it shall propose any measures likely to promote the development of such co-operation. The report shall be submitted to the Council of Ministers by the Secretary-General of the Community.

Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

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President of the Republic

## PROTOCOL “H” CONCERNING CUSTOMS PROCEDURES APPLICABLE TO THE FLOW OF PRODUCTS WITHIN THE COMMUNITY

### Chapter I. *Customs and statistics documents*

*Article 1.* Starting from 1 January of the year following the year of the entry into force of the Treaty, harmonized customs and statistics documents shall be used for intra-Community trade.

The information to be contained in such documents shall be determined by a decision of the Council of Ministers.

As relates to the release of goods for consumption in a member State or the exportation or reshipment to a member State of products which are the object of intra-Community trade, the customs and statistics documents employed shall be differentiated so as to make it possible to distinguish, without any danger of error, the following categories of traded products:

- (a) Primary products;
- (b) Industrial products approved under the Regional Co-operation Tax system;
- (c) Industrial products manufactured in the member States that are not approved under the Regional Co-operation Tax system;
- (d) Products originating in a third country which have been nationalized by being released for consumption in a member State, referred to as the member State “of initial import”, and reshipped to another member State;
- (e) Products obtained in a member State (primary products or manufactured products reshipped to a member State after having been released for consumption in a member State “of initial import”).

## Chapter II. *General procedures concerning the export and import by and into member States of products constituting the object of intra-Community trade*

*Article 2.* To export or reship to a member State any of the products referred to in article 1 above, the shipper must file with the customs office concerned the appropriate declaration form, made out in several copies, four of which shall have the following destinations:

- The first two copies, including the original, shall be kept by the registration office;
- The third copy shall be used, if need be, as a “transire” between the registration office and the office or post office of actual exit from the territory of the member State concerned;
- The fourth copy shall accompany the goods to their destination.

Proof of exportation, the registration and checking of the export declaration and the liquidation and collection of any export duty shall take place in accordance with the regulations in force in each member State.

*Article 3.* The importation into a member State of any of the products specified in article 1 above with a view to their release for consumption shall require the filing, with the competent customs office, of the appropriate declaration form, made out in several copies, four of which shall have the following destinations:

- The first two copies, including the original, shall be kept by the registration office;
- The third copy shall be delivered to the declarant, to be used by him, if need be, as a “transire” within the importing member State between the place of customs clearance and the place of actual consumption;
- The fourth copy shall be dispatched, together with the appropriate copy of the export declaration and the usual vouchers produced in support of the import declaration, to the customs administration of the importing member State.

The registration and checking of the import declaration and the liquidation and collection of exigible duties and charges shall take place in accordance with the regulations in force in each member State.

The joint dispatch of the fourth copy of the import declaration, which must be produced by the importer, shall be made monthly, not later than ten days after the end of the reference month, to the Customs Administration of the importing member State. Following verification by the competent services of the customs administration concerned, the declarations shall be forwarded to the Secretariat-General of the Community by the end of the month following the reference month at the latest.

### Chapter III. *Special procedures in case of reshipment to a member State*

*Article 4.* Any import duties and charges collected at the time of importation into a member State, referred to as the member State of initial import, on products obtained in another member State or originating in third countries which are subsequently reshipped to another member State shall be reimbursed by the member State of initial import to the exporter of the said products in accordance with a procedure to be specified in a decision of the Council of Ministers.

Where such reshipment concerns an industrial product enjoying the benefit of the Regional Co-operation Tax system, the member State of initial import shall be required to refund to the Community Development Fund the compensation paid to that State under article 14 of the Treaty. Such refunding shall be effected by subtraction, the sums in question being deducted from the amount of the payments to be made in accordance with the procedure defined in article 20 of Protocol "I". As a parallel measure, the member State of second import shall receive from the Community Development Fund the compensation to which it is entitled.

To this end, the customs administrations of the member States shall dispatch every month, not later than thirty days after the end of the reference month, a summary statement of the declarations of the appropriate type registered by the import customs office during the month being considered, along with a copy of each of the declarations in question, to which the corresponding copies of the reshipment declarations shall be annexed.

On the basis of the information thus communicated to it, the Secretariat-General of the Community shall prepare quarterly statements showing, for each of the member States concerned:

- The total of the sums which the member State will be required to refund to the Community Development Fund;
- The total of the compensations which will be paid to the member State by the Community Development Fund.

### Chapter IV. *Procedures concerning the transit of products which are the object of intra-Community trade*

*Article 5.* The products referred to in article 1 above shall, when exported or reshipped to a member State via the territory of another member State, be placed under a transit bond, with a view to their subsequent customs clearance, in the member State of destination.

### Chapter V. *The origin of products of member States*

*Article 6.* The following are considered products originating in the member States:

- Primary products as defined in article 8 of the Treaty, a list of which is annexed to this protocol;
- Industrial products manufactured in the member States from raw materials originating within the Community;
- Industrial products manufactured in the member States from raw materials imported from third countries, if the working of such products results in their being classified under a six-digit tariff heading different from that of the raw material(s) employed.

Two lists of exceptions, however, shall be drawn up, before this protocol takes effect, by decision of the Council of Ministers.

The Community origin of industrial products shall be attested by a certificate of origin specifying the origin of the raw materials. Such certificate shall be issued by the competent authorities and countersigned by the Customs Service of the member State of manufacture.

### Chapter VI. *Violations*

*Article 7.* Violations of these regulations shall be ascertained and repressed as in customs matters or by the competent courts.

The following, in particular, shall be treated the same as undeclared importation or exportation:

- The use of a declaration of the type reserved for industrial products approved under the Regional Co-operation Tax system for the importation or exportation, in member States, of products which do not enjoy the benefit of that preferential system or of products originating in third countries;
- Fraudulent marking of industrial products coming from third countries or manufactured in member States but not approved under the Regional Co-operation Tax system.

### Chapter VII. *Co-operation in customs matters*

*Article 8.* With a view to the development of co-operation among the customs administrations of the member States, there is created a Specialized Committee, which shall be attached to the Secretariat-General of the Community and made up of experts appointed by the member States, assisted by experts of the Secretariat-General of the Community.

The Committee shall prepare an annual report on the progress of inter-State co-operation in customs matters; it shall propose any measure that is likely to promote the development of such co-operation. The report shall be submitted to the Council of Ministers by the Secretary-General of the Community.

*Article 9.* The Committee specified in article 8 above and the Committee specified in article 4 of protocol "G" concerning co-operation in the area of statistics shall hold joint meetings whenever necessary.

Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

For the Republic of the Ivory Coast:

H.E. FÉLIX HOUPHOUËT BOIGNY  
President of the Republic

For the Republic of the Upper Volta:

H.E. General SANGOULÉ LAMIZANA  
President of the Republic

For the Republic of Mali:

H.E. Colonel MOUSSA TRAORE  
President of the CMLN, Head of State

For the Islamic Republic  
of Mauritania:

H.E. MOKTAR OULD DADDAH  
President of the Republic

For the Republic of the Niger:

H.E. DIORI HAMANI  
President of the Republic

For the Republic of Senegal:

H.E. LÉOPOLD SÉDAR SENGHOR  
President of the Republic

### ANNEX TO PROTOCOL "H"

#### LIMITATIVE LIST OF PRIMARY PRODUCTS ENJOYING FREEDOM FROM ALL IMPORT DUTIES AND CHARGES IN THE MEMBER STATES

<i>Tariff and Statistics Nomenclature Number</i>	<i>Product description</i>
<i>Chapter I</i> . . . . . (All headings)	Live animals
<i>Chapter II</i> . . . . . (All headings)	Meats and edible offal
<i>Chapter III</i> . . . . . (All headings)	Fish and shellfish; fresh and salted roe
04-01 . . . . .	Fresh milk (whole or skimmed)
Ex-04-05 . . . . .	Bird eggs in the shell
04-06 . . . . .	Natural honey
<i>Chapter V</i> . . . . . (All headings)	Other NDCA products of animal origin, raw or simply cleaned or prepared, but not processed
<i>Chapter VI</i> . . . . . (All headings)	Live plants and products of flower-growing
<i>Chapter VII</i> . . . . . (All headings)	Vegetables, plants, roots and tubers used for food
<i>Chapter VIII</i> . . . . . (All headings)	Edible fruits, citrus rind and melon rind
<i>Chapter IX</i> . . . . .	Other spices
Ex-09-01 . . . . .	Green coffee, unground roasted coffee
Ex-09-02 . . . . .	Green tea
Ex-09-04 . . . . .	Peppercorns and peppers, unground
<i>Chapter X</i> . . . . . (All headings)	Cereals
<i>Chapter XI</i> Ex-11-06 . . . . .	Cassava flour (gari)

<i>Chapter XII</i> .....	Oil-bearing seeds and fruits
12-01 .....	Seeds, spores and fruits for sowing
12-03-00 .....	Sugar cane
Ex-12-04 .....	Plants, plant parts, seeds and fruits of species used chiefly in perfumery and medicine or for insecticides, parasiticides and the like, either fresh or dry, even cut, crushed or pulverized
12-07 .....	Néré seed
Ex-12-08 .....	
<i>Chapter XIII</i> .....	Raw materials for dyeing or tanning, gums, resins and other vegetable juices and extracts (in the raw state or simply cleaned or dried)
 <i>Chapter XV</i>	
Ex-15-15 .....	Beeswax or other insect waxes, natural
<i>Chapter XVIII</i>	
Ex-22-01 .....	Undistilled natural water; natural mineral water
<i>Chapter XXIV</i>	
Ex-24-01 .....	Raw tobacco and tobacco waste (raw)
<i>Chapter XXV</i>	
Ex-25-01 .....	Rock salt, salina salt, crude sea-salt
Ex-25-03 .....	Crude sulfur
Ex-25-10 .....	Natural calcium phosphates, natural aluminium calcium phosphates
Ex-25-15 .....	Marble in the undressed natural state
Ex-25-16 .....	Granite in the undressed natural state
Ex-25-20 .....	Crude gypsum
Ex-25-32 .....	"Desert roses" ("gypsum flowers")
<i>Chapter XXVI</i>	
Ex-26-01 .....	Undressed natural metallurgical ores
<i>Chapter XXVII</i>	
Ex-27-09 .....	Crude petroleum oils
Ex-27-15 .....	Natural bitumens and natural asphalts (unprocessed)
<i>Chapter XXXI</i>	
Ex-31-01 .....	Crude natural mineral fertilizers Guano and other natural fertilizers of animal or vegetable origin, not chemically processed
 <i>Chapter XL</i>	
40-01 .....	Natural rubber and natural gums in the raw state
<i>Chapter XLI</i>	
41-01 .....	Raw hides (fresh, salted, dried, limed, pickled)
<i>Chapter XLIV</i>	
44-03 .....	Untreated timber
44-04 .....	Timber that has been squared only
44-05 .....	Sawed timber
<i>Chapter XLVI</i>	
Ex-46-02 .....	Natural weaving materials (vegetable bark, unspun natural textile fibres)
 <i>Chapter LIII</i>	
Ex-53-01 .....	Wool in bulk (in the grease or washed)
Ex-53-02 .....	Fine hair and coarse hair in bulk (bales or coils), unprocessed



*Chapitre LV*

Ex-55-01 ..... Cotton in bulk (cotton fiber, unginned or ginned only)

*Chapter LVII*

(Ex) ..... Other crude vegetable textile fibres

*N.B.:* Crude gem-stones (precious or fine) and crude precious metals (silver, gold, platinum) are intentionally and expressly excluded from the above list.

## PROTOCOL "I" CONCERNING THE FINANCIAL AND ACCOUNTING RULES APPLICABLE TO THE OPERATION OF THE COMMUNITY

*Article 1.* The financial and accounting rules applicable to the operation of the Community concern:

- The budget of the Secretariat-General of the Community;
- The Community Development Fund;
- The Community Accountant;
- The Financial Comptroller.

### Chapter I. *The budget of the Secretariat-General of the Community*

*Article 2.* The budget of the Secretariat-General of the Community, hereinafter referred to as "the budget", is the annual financial instrument that forecasts and authorizes the expenditures of the Secretariat-General of the Community and the receipts intended to ensure that they are covered.

It shall be prepared by the Secretary-General of the Community and submitted, after examination, on the proposal of the Council of Ministers, to the approval of the Conference of Heads of State.

It must show a balance between receipts and expenditures.

After the budget has been approved, a copy of it shall be forwarded by the Secretary-General of the Community to the Community Accountant provided for in article 22 below, the Financial Comptroller and the Minister of Finance of each of the member States.

*Article 3.* Budget estimates shall pertain to the receipts and expenditures of the financial year to which they relate.

They shall be expressed in units of account equal to 1 CFA franc, based on the parity in force on the date of signature of the Treaty.

The financial year for budgetary and accounting purposes shall begin on 1 January and end on 31 December of each calendar year.

*Article 4.* The receipts of the budget shall be derived from:

- Financial contributions by the member States, determined annually by the Conference of Heads of State in accordance with the following distribution key, established for a period of five years from the date of entry into force of the Treaty and subject to revision by the Conference of Heads of State at the end of that period:

Ivory Coast .....	35.1%
Upper Volta .....	6.4%
Mali .....	8.5%
Mauritania .....	5.3%
Niger .....	9.6%
Senegal .....	35.1%

- Any subventions granted by those member States, non-member States or bilateral or multilateral aid and co-operation agencies;
- Any proceeds of loans issued or contracted by the Community;
- Any revenue from Community property;
- Any surpluses from previous financial years.

*Article 5.* The Secretary-General shall issue collection orders in accordance with the receipts estimates in the budget and forward them to the Community Accountant, who shall promptly proceed to make the corresponding collections.

The member States shall pay their contributions to the Community budget, as provided by article 4 above and determined by the Conference of Heads of State, four months, at the latest, after receiving the receipts document addressed to them by the Community Accountant.

*Article 6.* Credits shall be specialized by chapters and articles and shall be limitative, except in respect of personnel costs.

During the execution of the budget, transfers of credits from article to article within the same chapter may be decided by the Secretary-General of the Community; on his proposal, transfers from chapter to chapter may be decided by the President of the Conference of Heads of State.

*Article 7.* The draft budget shall be brought to the attention of the President of the Conference of Heads of State by the Secretary-General of the Community by 30 September of the year preceding its execution at the latest.

If the budget has not been approved at the beginning of the financial year in question, receipt and expenditure operations shall temporarily be effected in successive twelfths, on the basis of the budget for the previous financial year.

The President of the Conference of Heads of State shall also have the right to decide to open credits for new expenses within the limit of 5% of the budget for the previous financial year.

The Secretary-General of the Community shall report to the next meeting of the Conference of Heads of State on credits committed under the conditions set forth in the foregoing paragraphs.

*Article 8.* In accordance with article 35 of the Treaty, the Secretary-General of the Community shall determine the amount of expenses of the Secretariat-General of the Community and issue the related payment orders.

*Article 9.* No expense shall be definitively incurred or, *a fortiori*, liquidated and paid in the absence of a commitment in the proper form, signed by the Secretary-General of the Community and countersigned by the Community Financial Comptroller.

A copy of every instrument of commitment drawn up in the manner indicated above shall be forwarded immediately to the Community Accountant. The

Secretary-General of the Community and the Community Financial Comptroller shall keep accounts of expenses incurred, which must show, in particular:

- The amount of the credits opened by the budget;
- The amount of any increases or decreases in credits authorized by transfers made in accordance with article 6 above;
- The amount of any credits adjusted so as to take into account the actual cost of an expense incurred;
- The amount of credits committed;
- The amount of credits available.

*Article 10.* The liquidation of expenses shall take place automatically in the case of personnel costs and, in the case of other expenses, at the request of the creditors, provided that such request is accompanied by vouchers.

*Article 11.* Orders to pay expenses shall be made through the issue, by the Secretary-General of the Community, of a numbered payment voucher specifying the financial year, the chapter and the article to which the expense belongs, its purpose, the name and address of the creditor, reference to his postal or bank account, the manner of payment and the date of issue of the voucher.

A certification of the performance of the services or delivery of the goods concerned shall be attached to the payment voucher, along with the relevant vouchers.

The payment voucher and the certificate for the service provided shall be signed by the Secretary-General of the Community. Vouchers shall be visaed by him.

*Article 12.* In respect of both the liquidation of expenses and the issue of orders to pay them, the Secretary-General of the Community shall have the right to delegate his signature, on an exceptional or permanent basis, to one or more of his collaborators, for all or part of the operations concerned.

The signature of the Secretary-General of the Community and those of his deputies, if any, shall be filed with the Community Accountant together, in the case of deputies, with the text of the proxy signed by the Secretary-General of the Community.

*Article 13.* The period for incurring expenses other than personnel costs shall terminate on 15 December of the year in question.

At the end of each financial year, the person authorized to pass accounts shall have a period of three months within which to issue payment vouchers for services provided during the financial year then ended.

*Article 14.* Works or the supply of goods or services for an amount equal to or greater than one million CFA francs must be the object of a contract based on competitive bidding, an invitation to tender or by direct agreement.

Contracts may be concluded by direct agreement where:

- The works, supplies or services cannot, in cases of urgency, be subjected to the time requirements of procedures of calling for competitive bids;
- Owing to technical requirements or factual or legal situations, the provision of the goods or services can be ensured only by a specific supplier or contractor;

- Recourse to invitations to tender has been unfruitful;
- The amount of the contract does not exceed 5 million CFA francs.

## Chapter II. *The Community Development Fund*

*Article 15.* In accordance with article 34 of the Treaty, the Community Development Fund (Fonds Communautaire de Développement — FCD) is to be financed by a contribution of each member State. This contribution is to be paid by means of a levy on all receipts liquidated and collected on imports by the customs administration in each member State.

The amount of the levy, which shall be determined annually by the Conference of Heads of State, corresponds, in the case of each member State, to a percentage of the said receipts, also fixed annually by the Conference of Heads of State.

This percentage shall be equal, each year, to the estimated contribution corrected by the adjustment of the preceding fiscal years in relation to the estimates of import receipts.

The levy shall be effected monthly under the conditions defined in article 16 below.

The Community Development Fund shall receive the proceeds of all other resources that may be allocated to it, as well as the proceeds of any loans issued or contracted by the Community.

*Article 16.* Within 30 days following the end of the reference month, the Treasurer-Paymaster General of each of the member States shall address to the Community Accountant, in two copies, an abstract of the monthly summary statement of customs receipts, signed by the Director of Customs and by himself, showing the total amount of import receipts for the month in question and the amount of the levy resulting from the application of the percentage determined for each member State by the Conference of Heads of State to the total amount of customs receipts.

Within 60 days following the end of the month during which the levy was entered in the accounts as indicated above, the Treasurer-Paymaster General of each of the member States shall, as a matter of course, transfer the amount of the said levy to the accounts opened for that purpose with the local branch of the Central Bank of each member State by the Community Accounting Office.

*Article 17.* If the transfer of funds provided for in the second paragraph of article 16 above does not take place within the prescribed time-limit, the Community Accountant shall bring the matter to the attention of the Secretary-General of the Community, in order for him to give formal notice to the defaulting member State. After a lapse of 30 days from the date of such notice, the Secretary-General of the Community shall inform the President in office of the Conference of Heads of State, in order for him to lay the matter before the other Heads of State by means of the written procedure provided for in article 31 of the Treaty.

*Article 18.* The liabilities of the Community Development Fund include the following:

- Compensatory payments;
- Expenditures pertaining to Community studies and actions.

*Article 19.* The compensatory payments relating to the difference between the amount collected by each of the member States owing to the application of the Regional Co-operation Tax provided for in article 10 of the Treaty and the amount which would result for it were it to apply to the same products the duties and charges that would be applicable to them if they came from a third country not subject to the payment of customs duties proper shall be made by the Community Accountant under the conditions defined in article 20 below.

*Article 20.* Within 30 days following the end of the reference month, the Customs Administrations of the member States shall address to the Secretary-General of the Community a summary statement of CEAO declarations in conformity with the provisions of article 1 of Protocol "H", annexed to the Treaty, relating to the importation into their State of industrial products approved under the Regional Co-operation Tax system instituted by article 10 of the Treaty. The statement shall be accompanied by the documents annexed to the CEAO declarations.

After verification of the said documents by the services of the Secretariat-General of the Community, the Inter-State Statistical Service created in article 19 of the Treaty shall provide a report showing, for each of the member States, the elements for determining compensatory payments on the basis of the information brought to its knowledge and communicated to each member State in so far as relates to that State. The Secretary-General of the Community shall issue the corresponding payment vouchers, which shall be executed by the Community Accountant on the following dates:

On 31 March, in respect of the transactions of the month of January;

On 30 June, in respect of the transactions of the months of February, March and April;

On 30 September, in respect of the transactions of the months of August, September and October;

On 28 February, in respect of the operations of the months of November and December.

*Article 21.* The commitment of funds, the issue of orders to pay and payment from the Community Development Fund in accordance with article 28 of the Treaty, in respect of expenditures relating to Community studies and actions in the field of regional co-operation shall take place within the framework of acts of the Conference of Heads of State or decisions of the Council of Ministers concerning such expenditures.

Such acts and decisions shall be tantamount to the opening of credit in respect of the current fiscal year. The fiscal year shall begin and end simultaneously with the calendar year. The commitments concerned must take place before the end of the fiscal year in question. Orders to pay must be issued not later than the end of the third fiscal year following the year in which the act or decision that opened the credit in question was adopted.

### Chapter III. *The Community Accounting Office*

*Article 22.* The Community Accounting Office shall handle the accounting of:

- Receipts and expenditures pertaining to the execution of the Community budget;

- The levies intended to finance the Community Development Fund;
- Compensatory payments made by the Fund in favour of member States pursuant to article 14 of the Treaty;
- Expenditures relating to the financing of the Community studies and actions provided for in article 28 of the Treaty;
- The non-fungible property of the Community and any such property belonging to the Community Development Fund.

It shall be headed by an accountant appointed by the Conference of Heads of State, as provided in article 31 of the Treaty.

*Article 23.* The Accountant shall see to the collection of the receipts and the payment of expenses chargeable to the budget of the Secretariat-General of the Community as well as those pertaining to the operation of the Community Development Fund.

Every month he shall address to the Secretary-General of the Community a copy of the balance of general-ledger accounts and shall provide him, upon simple request by him, with all other information relating to the accounts.

At the end of each supplementary period of each financial year of the Community budget, he shall also produce a list of outstanding receipts receivable and outstanding payment vouchers payable.

He shall also be responsible for the genuineness of his bookkeeping entries and their compliance with the regulations.

He shall exercise his functions personally. He may, however, appoint, on his own responsibility, one or more proxies. The signature or signatures of the Community Accountant and his proxies shall be communicated to the Secretary-General of the Community, who shall acknowledge receipt thereof.

*Article 24.* On 31 December of each year, the Chairman of the Financial Control Commission of the Community, created in article 30 below, shall report, in a procès-verbal, the cash position of the Community Accounting Office.

*Article 25.* The funds of the Secretariat-General of the Community and the Community Development Fund shall be deposited with the Central Bank of the State in which the headquarters of the Community is situated, the Central Bank of the Republic of Mali and the Central Bank of the Islamic Republic of Mauritania. Their short-term, medium-term or long-term placement shall be proposed by the Secretary-General of the Community to the Council of Ministers.

*Article 26.* Advance funds for petty expenses may be created by the budget manager. The persons in charge of such advance funds shall be appointed by the Secretary-General of the Community with the approval of the Accountant. They shall be subject to the supervision of the Accountant. Vouchers for expenses must be turned over to the budget manager for regularization at least once per quarter and at the end of the year.

*Article 27.* At the time of payment of any expenditure for which an order to pay has been issued, the Accountant shall make sure of:

- The capacity of the person passing the account;
- The availability of credits;

- The validity of the claim, as relates to proof of the service provided and the regularity of liquidation.

He shall defer payment in case of:

- Absence or insufficiency of credit;
- Absence of proof of the service provided;
- An order to stop payment, concerning which notice has been duly given;
- Contested validity of the claim;
- A material error in the vouchers;
- Expenses which are incurred or for which payment orders are issued beyond the dates specified in articles 13 and 21 of this Protocol;
- A payment voucher issued by an unqualified person;
- A request for payment to a person other than the actual creditor or his duly appointed proxy.

Notice of refusal to pay and the ground or grounds therefor shall be given in writing within 48 hours to the Secretary-General of the Community, who may then, on his own responsibility, require the Accountant, in writing, to disregard his refusal to pay. In such case, the Accountant shall immediately effect the expenditure upon examining the requisition made to him, which he shall append to the payment voucher, together with a copy of his refusal to pay.

He shall, however, refuse to defer to the requisition in case of:

- Absence or insufficiency of credit;
- Absence of proof of the service provided;
- A payment that does not fully discharge the debt.

He shall notify the Secretary-General of the Community of his refusal and immediately inform the President in office of the Conference of Heads of State.

*Article 28.* The Community Accountant shall keep his accounts in accordance with the rules laid down by this Protocol and with those subsequently laid down by decisions of the Council of Ministers or the Conference of Heads of State and, in so far as they are not contrary to the foregoing, with the rules of public accountancy in force in the State where the headquarters of the Community is situated.

*Article 29.* At 31 December of each year, the Community Accountant shall establish the final balance sheet of the general-ledger accounts.

At 31 March of each year, he shall establish the budget management account of the Secretariat-General of the Community, which shall show:

- Changes in receipts;
- Changes in expenditures;
- Changes in the result for the financial year.

At 1 March of each year, he shall establish a provisional account for each fiscal year of the Community Development Fund that has not yet been closed, which shall show:

- Changes in receipts;
- Changes in expenditures pertaining to compensatory payments;
- Changes in expenses incurred in connection with Community studies and actions;

- Changes in payments made on those incurred expenses;
- The balance of receipts after deduction of expenditures pertaining to compensatory payments;
- The balance after deduction, from the preceding balance, of:
  - Expenses incurred in connection with Community studies and actions;
  - Expenses paid in connection with Community studies and actions.

After the close of each fiscal year of the Community Development Fund, he shall establish the final account for the fiscal year in question, which shall show:

- Changes in receipts;
- Changes in expenditures pertaining to compensatory payments;
- Changes in expenditures pertaining to Community studies and actions;
- Changes in the result for the fiscal year.

These accounts shall be submitted by the Community Accountant to the Community Financial Control Commission each year for auditing, in accordance with the procedure defined in article 33 below.

#### Chapter IV. *Financial control*

*Article 30.* Financial control of the operations of the Secretariat-General of the Community shall be in the hands of:

- The Community Financial Comptroller;
- The Community Financial Control Commission.

*Article 31.* The Community Financial Comptroller shall be appointed by the Conference of Heads of State.

*Article 32.* The Community Financial Comptroller shall ensure control of commitments by means of the visa which he must provide on all instruments of commitment, which shall be forwarded to him immediately after being drawn up by the Secretary-General of the Community.

He shall also visa all liquidation documents.

In case of refusal to grant such visa, the Financial Comptroller shall be required to state the reasons for his refusal, in writing, to the Secretary-General of the Community within a period of 48 hours from the receipt of the instrument of commitment.

Where the refusal to grant the visa is based on insufficiency or absence of credits, the Financial Comptroller shall also, within the same 48-hour time-limit, inform the President in office of the Conference of Heads of State.

The Financial Comptroller shall have access to all the account books of the Community. He may at any time make a report to the President of the Conference of Heads of State on the financial situation of the organization. He must prepare an annual report on the execution of the budget and the financial situation of the Community.

*Article 33.* The Community Financial Control Commission shall be made up of a Chairman and two members appointed by the Conference of Heads of State for a renewable period of one year.



It shall conduct an audit, performed on the records and on the premises, of the financial operations of the organs of the Community at least once a year and as often as it deems useful or is requested to do so by the Conference of Heads of State.

Every year it shall audit, in particular, the accounts of the Community Accounting Office.

It shall address its report, not later than 1 July, to the Secretary-General of the Community and the heads of the member States of the Community.

The offices of Chairman and members of the Financial Control Commission shall be gratuitous.

Nevertheless, their living and travel expenses during the performance of their mission shall be borne by the Community.

Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

For the Republic of the Ivory Coast:

H.E. FÉLIX HOUPHOUET BOIGNY  
President of the Republic

For the Republic of the Upper Volta:

H.E. General SANGOULÉ LAMIZANA  
President of the Republic

For the Republic of Mali:

H.E. Colonel MOUSSA TRAORE  
President of the CMLN, Head of State

For the Islamic Republic  
of Mauritania:

H.E. MOKTAR OULD DADDAH  
President of the Republic

For the Republic of the Niger:

H.E. DIORI HAMANI  
President of the Republic

For the Republic of Senegal:

H.E. LÉOPOLD SÉDAR SENGHOR  
President of the Republic

## PROTOCOL "J" CONCERNING THE STATUTE OF THE COURT OF ARBITRATION OF THE WEST AFRICAN ECONOMIC COMMUNITY

*Article 1.* The operation and composition of the Community Court of Arbitration created by article 38 of the Treaty are defined in the following articles.

### Chapter I. *The operation of the Court*

*Article 2.* Disputes between States of the Community or between one or more States of the Community relating to the interpretation or application of the Treaty and the Protocols annexed thereto may be brought before the Community Court of Arbitration by the member States that are parties to the dispute or by the President in office of the Conference of Heads of State.

*Article 3.* Matters shall be brought before the Court in the person of its President by means of a petition addressed to him, containing:

- A statement of the object of disagreement;
- The claims of the applicant party;
- A summary statement of the grounds put forward.

*Article 4.* The Court shall convene on being summoned by its President.

To sit and deliberate validly, the Court must be composed of the President and two judges.

*Article 5.* Parties shall be represented by one or more agents empowered for that purpose. An agent may be assisted by one or more advocates called to the bar in a member State or by one or more consulting professors who are nationals of a member State under whose legislation they are recognized as having the right to plead.

*Article 6.* Agents, advocates and consultants appearing before the Court shall enjoy the customary privileges and immunities throughout the duration of their missions, including the time spent in travel for the accomplishment of those missions.

Thus, they shall enjoy, in particular, immunity of jurisdiction in respect of acts committed verbally or in writing on the occasion or in the execution of their mandate.

*Article 7.* The procedure shall be based on the hearing of both sides. Its modalities shall be determined by the Court of Arbitration, which shall, at its first meeting, lay down its rules of procedure.

*Article 8.* The Court shall have the right to carry out investigative measures or cause such measures to be carried out. Witnesses properly cited shall be required to defer and appear for hearings.

The Court shall have the right to denounce to national authorities false testimony or default or subornation of witnesses.

*Article 9.* The Court shall have the right to request the parties to produce all documents and furnish all information which it deems necessary.

The Court shall also have the right to request from member States which are not parties to the dispute all information necessary for its resolution.

*Article 10.* The deliberations of the Court shall be and remain secret.

*Article 11.* The Court shall hand down its decisions by majority vote.

*Article 12.* Arbitral awards of the Court shall contain a statement of their grounds.

They shall be read at a public hearing.

Decisions of the Court shall be binding on the parties to the dispute, who shall be required to take the measures entailed in the execution of those decisions.

## Chapter II. *The composition of the Court*

*Article 13.* The Court shall be composed of three regular members and four surrogate members, appointed for four years under the conditions set forth below.

*Article 14.* The President, the two regular judges and their surrogates shall be appointed by the Conference of Heads of State on the proposal of the Council of Ministers not more than four months after the date of entry into force of the Treaty.

They must belong to the judiciary of a member State.

*Article 15.* The members of the Court shall take an oath to exercise their functions impartially and in good faith and to maintain secrecy concerning the subject of deliberations. This oath shall be sworn in accordance with the formalities laid down by the national legislation of the State in which the headquarters of the Community is situated.

*Article 16.* In the event of the death or resignation of a surrogate judge, the President of the Court shall notify the Conference of Heads of State, which shall proceed to designate the new regular or surrogate judge.

In case of resignation, regular judges and surrogate judges shall remain in office until the appointment of their successors.

*Article 17.* In the event of the death or resignation of the President of the Court, the Court shall notify the Conference of Heads of State, which shall proceed to appoint a new President.

In case of resignation, the President shall remain in office until the appointment of his successor.

*Article 18.* If one of the members of the Court considers that he ought not to participate in the judgment of a given case, he shall inform the Court, which shall decide.

If the President considers that one of the judges ought not to participate in the judgment of a given case, he shall bring the matter before the Court, which shall decide.

*Article 19.* In case of prevention of a regular judge, his surrogate shall replace him temporarily; if the surrogate is in turn prevented, another surrogate shall take his place.

A surrogate judge called upon to participate in the settlement of a matter shall sit in that matter until it is resolved.

In case of prevention of the President, the Conference of Heads of State shall designate a new President by the urgency procedure for which provision is made in article 31 of the Treaty.

*Article 20.* In the interest of the achievement of the purposes of the Court, the members of the Court shall enjoy the privileges, immunities and facilities normally granted to members of international jurisdictions and international arbitral tribunals.

Thus, they shall not be prosecuted or sought after for acts performed by them in their official capacity; they shall continue to have the benefit of such immunity after their functions have ceased.

The immunities provided for in this article may, with the exception of the immunity protecting the acts specified in paragraph two above, be terminated by the Court.

### Chapter III. *The organization and services of the Court*

*Article 21.* The Court shall sit at the place where the headquarters of the Secretariat-General of the Community is situated.

*Article 22.* The operation of the services of the Court and, in particular, its record office shall be ensured by the services of the Supreme Court of the member State in which the headquarters of the Secretariat-General of the Community is situated.

#### Chapter IV. *Operating costs of the Court*

*Article 23.* The offices of the members of the Court of Arbitration shall be gratuitous.

Living and travel expenses on the occasion of meetings of the Court shall be borne by the budget of the Secretariat-General of the Community.

Expenses pertaining to the record office of the Court of Arbitration, the investigation of disputes and the material organization of hearings shall also be borne by the budget of the Secretariat-General of the Community.

When the Court decides, either on the application of one of the parties or *ex officio*, to have recourse to extraordinary measures of investigation, it shall order the parties or one of them to deposit in a special account the amount of such advances as it deems necessary to defray the cost of such measures.

Such advances will be reimbursed by the Community, if appropriate.

Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

For the Republic of the Ivory Coast:

H.E. FÉLIX HOUPHOUËT BOIGNY  
President of the Republic

For the Republic of the Upper Volta:

H.E. General SANGOULÉ LAMIZANA  
President of the Republic

For the Republic of Mali:

H.E. Colonel MOUSSA TRAORE  
President of the CMLN, Head of State

For the Islamic Republic  
of Mauritania:

H.E. MOKTAR OULD DADDAH  
President of the Republic

For the Republic of the Niger:

H.E. DIORI HAMANI  
President of the Republic

For the Republic of Senegal:

H.E. LÉOPOLD SÉDAR SENGHOR  
President of the Republic

#### ACT No. 1-73 CEAO 1

THE CONFERENCE OF HEADS OF STATE OF THE WEST AFRICAN ECONOMIC COMMUNITY,

Having examined the Treaty creating the West African Economic Community signed at Abidjan on 17 April 1973 and, in particular, article 40 of the said Treaty at its session of 17 April 1973,

ADOPTED

The following Act:

*Article 1.* The place where the West African Economic Community is to have its headquarters shall be Ouagadougou, Republic of Upper Volta.

*Article 2.* The present Act shall be published in the official journals of the member States within one month of the date of entry into force of the Treaty creating the West African Economic Community.

At Abidjan, April Seventeenth, Nineteen hundred and seventy-three.

The President,  
DIORI HAMANI

#### ACT No. 2-73 CEAO 2

THE CONFERENCE OF HEADS OF STATE OF THE WEST AFRICAN ECONOMIC COMMUNITY,

Having examined the Treaty creating the West African Economic Community signed at Abidjan on 17 April 1973 and, in particular, article 40 of the said Treaty at its session of 17 April 1973,

ADOPTED

The following Act:

*Article 1.* Mr. Cheikh Ibrahima Fall is appointed Secretary-General of the West African Economic Community.

*Article 2.* The present Act shall be published in the official journals of the States members of the Community within one month of the date of entry into force of the Treaty.

At Abidjan, 17 April 1973.

The President,  
DIORI HAMANI

#### ACT No. 3-73 CEAO 3

THE CONFERENCE OF HEADS OF STATE OF THE WEST AFRICAN ECONOMIC COMMUNITY,

Having examined the Treaty creating the West African Economic Community signed at Abidjan on 17 April 1973 at its session of 17 April 1973,

ADOPTED

The following Act:

*Article 1.* The budget of the Secretariat-General of the Community for the year of entry into force of the Treaty is fixed, in receipts and expenditures, at the sum of 750 million CFA francs.

Within the limits of the ceiling established above, the amount of credits opened shall be:

	<i>CFA francs</i>
For the operating budget of the Secretariat-General of the Community .....	248,000,000
For the investment budget of the Secretariat-General of the Community .....	<u>502,000,000</u>
TOTAL	750,000,000

*Article 2.* The financial contributions of the member States to the financing of the budget of the Secretariat-General of the Community, determined by application of the provisions of article 4 of Protocol I, which is annexed to the Treaty and constitutes an integral part thereof, are found in Annex I to this Act.

*Article 3.* The apportionment of costs shall be in accordance with the provisions of Annex II to this Act.

*Article 4.* The present Act shall be published in the official journals of the member States within one month of the date of entry into force of the Treaty.

At Abidjan, 17 April 1973.

The President,  
DIORI HAMANI

#### SUMMARY STATEMENT OF ESTIMATED OPERATING COSTS

<i>Nomenclature</i>	<i>Estimate</i>
<b>TITLE I. OPERATING COSTS</b>	
Section I. <i>Personnel costs</i>	
Chapter 01 — Staff of the Secretariat-General .....	89,808,000
Chapter 02 — Staff of the Accounting Office .....	10,236,000
Chapter 03 — Domestic staff of the residence of the Secretariat-General .....	1,104,000
Chapter 04 — Common charges .....	31,172,000
<i>Total Section I</i>	<u>132,320,000</u>
Section II. <i>Material and equipment costs</i>	
Chapter 05 — Operation of offices .....	13,000,000
Chapter 06 — Immovable and movable property costs .....	8,600,000
Chapter 07 — Printing costs .....	49,500,000
Chapter 08 — Data-processing .....	9,000,000
Chapter 09 — Accommodation (conferences) .....	25,500,000
Chapter 10 — Office rent .....	10,080,000
<i>Total Section II</i>	<u>115,680,000</u>
TOTAL TITLE I	248,000,000
<b>TITLE II. INVESTMENT COSTS</b>	
Section I. <i>Building</i>	
Chapter 21 — CEAO building .....	450,000,000
<i>Total Section I</i>	<u>450,000,000</u>

Section II. *Equipment*

Chapter 22 — Office and housing furniture .....	34,000,000
Chapter 23 — Office equipment .....	6,000,000
Chapter 24 — Vehicles .....	12,000,000
<i>Total Section II</i>	<u>52,000,000</u>
TOTAL TITLE II	502,000,000

## ANNEX I TO ACT No. 3-73 CEAO 3 OF 17 APRIL 1973

*Financial contributions of the member States to the budget of the Secretariat-General of the Community for the year of entry into force of the Treaty*

## A. Operating budget

Ivory Coast, 35.1% .....	CFA F 87,048,000
Upper Volta, 6.4% .....	CFA F 15,872,000
Mali, 8.5% .....	CFA F 21,080,000
Mauritania, 5.3% .....	CFA F 13,144,000
Niger, 9.6% .....	CFA F 23,808,000
Senegal, 35.1% .....	CFA F 87,048,000
	<u>CFA F 248,000,000</u>

## B. Investment budget

	<i>Equipment</i>	<i>Building</i>
Ivory Coast, 35.1% .....	CFA F 18,252,000	CFA F 157,950,000
Upper Volta, 6.4% .....	CFA F 3,328,000	CFA F 28,800,000
Mali, 8.5% .....	CFA F 4,420,000	CFA F 38,250,000
Mauritania, 5.3% .....	CFA F 2,756,000	CFA F 23,850,000
Niger, 9.6% .....	CFA F 4,992,000	CFA F 43,200,000
Senegal, 35.1% .....	CFA F 18,252,000	CFA F 157,950,000
	<u>CFA F 52,000,000</u>	<u>CFA F 450,000,000</u>
		CFA F 502,000,000

## ANNEX II TO ACT No. 3-73 CEAO 3 OF 17 APRIL 1973

*Budget of the Secretariat General of the Community for the year of entry into force of the Treaty*

## (Recapitulation)

	<i>Nomenclature</i>	<i>Estimate</i>
<i>Title I. Operating costs:</i>		
Section I. Personnel costs .....		132,320,000
Section II. Equipment costs .....		115,680,000
	TOTAL TITLE I	<u>248,000,000</u>

TITLE II. Investment costs:	
Section I. Building .....	450,000,000
Section II. Equipment .....	52,000,000
	TOTAL TITLE II
	502,000,000
	GRAND TOTAL
	750,000,000

### ACT No. 4-73 CEAO 4

#### THE CONFERENCE OF HEADS OF STATE OF THE WEST AFRICAN ECONOMIC COMMUNITY,

Having examined the Treaty creating the West African Economic Community signed at Abidjan on 17 April 1973;

Considering that it is necessary for the Community Development Fund to have at its disposal, as from the first year of operation of the Community, the requisite resources for undertaking the studies and actions provided for by the Treaty and the protocols annexed thereto;

At its session of 17 April 1973,

ADOPTED

The following Act:

*Article 1.* For the first fiscal year of the Community Development Fund, the States members of the Community shall respectively pay into the said Fund the following sums:

Ivory Coast .....	CFA F 52,650,000
Upper Volta .....	CFA F 9,600,000
Mali .....	CFA F 12,750,000
Mauritania .....	CFA F 7,950,000
Niger .....	CFA F 14,400,000
Senegal .....	CFA F 52,650,000

*Article 2.* The Treasurers-Paymasters General of the member States shall transfer the sums specified in article 1 above, in four equal payments, on the first day of each quarterly period following the date of entry into force of the Treaty, to the account of the Community Accounting Office.

*Article 3.* The present Act shall be published in the *official journals* of the States members of the Community upon the entry into force of the Treaty.

At Abidjan, 17 April 1973.

The President,  
DIORI HAMANI



## ACT No. 5-73 CEAO 5

## THE CONFERENCE OF HEADS OF STATE OF THE WEST AFRICAN ECONOMIC COMMUNITY,

Having examined the Treaty creating the West African Economic Community signed at Abidjan on 17 April 1973 and, in particular, article 48 of the said Treaty;  
At its session of 17 April 1973,

ADOPTED

The following Act:

*Sole article.* Upon the entry into force of the Treaty, the Secretariat-General of the Community shall undertake a study of the economic and monetary relations that might be contemplated, in the interest of the Community, between the Community and other West African States.

The results of these studies shall be submitted to the authorities of the Community within the shortest possible time.

At Abidjan, 17 April 1973.

The President,  
DIORI HAMANI

## ACT No. 6-73 CEAO 6

## THE CONFERENCE OF HEADS OF STATE OF THE WEST AFRICAN ECONOMIC COMMUNITY,

Having examined the Treaty creating the West African Economic Community signed at Abidjan on 17 April 1973 and, in particular, article 2 of the said Treaty;  
At its session of 17 April 1973,

ADOPTED

The following Act:

*Sole article.* The provisions of the bilateral agreement concluded between the Republics of the Ivory Coast and Senegal, governing trade between them, shall continue to apply for a period of five years from the date of entry into force of the Treaty.

During the same period, the Regional Co-operation Tax system provided for in article 10 of the Treaty shall not be applicable to trade in industrial products carried on within the framework of the said bilateral Agreement unless it is likely to be more favourable than the conditions resulting from that Agreement.

At Abidjan, 17 April 1973.

The President,  
DIORI HAMANI

## ACT No. 7-73 CEAO 7

THE CONFERENCE OF HEADS OF STATE OF THE WEST AFRICAN ECONOMIC COMMUNITY,

Having examined the Treaty creating the West African Economic Community signed at Abidjan on 17 April 1973;

Considering that one of the major objectives of the Community is to achieve better-balanced development of all the States of the area, in particular as relates to industrial development;

At its session of 17 April 1973,

ADOPTED

The following Act:

*Sole article.* The portion of the Community Development Fund not used for the compensatory payments provided for in article 14 of the Treaty shall be reserved, during a period of five years from the date of entry into force of the Treaty, to finance studies and operations of interest, on a priority basis, to the less developed States.

At Abidjan, 17 April 1973.

The President,  
DIORI HAMANI

DECISION OF THE PRESIDENT IN OFFICE OF THE  
CONFERENCE OF HEADS OF STATE

*DECISION No. 1-73-PCE*

THE PRESIDENT OF THE CONFERENCE OF HEADS OF STATE OF THE WEST AFRICAN ECONOMIC COMMUNITY,

Having examined article 31 of the Treaty creating the West African Economic Community, signed at Abidjan on 17 April 1973;

Having examined article 6 of Protocol "I" concerning the financial and accounting rules applicable to the operation of the Community, annexed to the Treaty;

Having examined the proposal filed by the Secretariat-General of the Community,

HAS DECIDED:

*Article 1.* The following credits opened in the operating budget of the Secretariat-General of the Community, adopted at the Abidjan Conference for the year of entry into operation of the Community, are cancelled:

Chapter 07 — Printing costs .....	F 7,000,000
Chapter 08 — Data-processing .....	F 9,000,000
TOTAL	F 16,000,000

*Article 2.* The following credits are opened in the operating budget of the Secretariat-General of the Community for the year of entry into operation of the Community:

Chapter 04 — Personnel costs	
Common charges .....	F 11,000,000
Chapter 06 — Material and equipment costs	
Immovable and movable property costs .....	F 5,000,000
	<u>          TOTAL</u> F 16,000,000

*Article 3.* The present decision shall be published in the *Official Journal* of the Community and communicated wherever need be.

DONE at Niamey on 30 November 1973.

The President,  
DIORI HAMANI

#### FINAL COMMUNIQUÉ OF THE CONFERENCE OF HEADS OF STATE OF THE WEST AFRICAN ECONOMIC COMMUNITY HELD AT ABIDJAN ON 16 AND 17 APRIL 1973

The Heads of the States members of the West African Economic Community, meeting at Abidjan on 16 and 17 April 1973, adopted and signed the text of the protocols which are annexed to the Treaty signed by them at Bamako on 3 June 1972 and form an integral part thereof.

These protocols concern, respectively:

- Protocol A, Community promotion of agricultural development in the member States;
- Protocol B, Community promotion of industrial development in the member States;
- Protocol C, Community promotion of trade in products of member States within the Community and for export to third countries;
- Protocol D, Community promotion of the production and marketing of livestock, meat and by-products;
- Protocol E, Community promotion of the production and marketing of the products of inland and sea fishery;
- Protocol F, the co-ordination and development of transport and communications;
- Protocol G, co-operation in the area of statistics;
- Protocol H, customs procedures applicable to the flow of products within the Community;
- Protocol I, the financial and accounting rules applicable to the operation of the Community;
- Protocol J, the statute of the Court of Arbitration of the Community.

The Heads of State then adopted, as they had decided at Bamako, amendments to the text of the Treaty intended to ensure its harmonization with the provisions contained in the different protocols.

They also adopted a number of decisions concerning the setting up of the institutions and the mechanism of the Community.

Those decisions relate to the place where the headquarters of the Community is situated, the appointment of the Secretary-General, the adoption of the budget of the Secretariat-General of the Community for the year of entry into force of the Treaty, the amount of the contributions of the member States to the Community Development Fund for the year of entry into force of the Treaty, the adoption of the standard file to be prepared by enterprises seeking to qualify under the Regional Cooperation Tax system, and the study of the economic and monetary relations of the Community with other West African States.

His Excellency President Diori Hamani, President of the Republic of the Niger, has been designated President in office of the CEAO.

The headquarters of the Community shall be at Ouagadougou.

The Secretary-General of the Community shall be Cheikh Ibrahima Fall.

The Heads of State thank the Government and the people of the Ivory Coast for the warm and fraternal welcome extended to them.

They congratulate Colonel Moussa Traore, Head of the State of Mali, on accomplishing the mission which they had entrusted to him and successfully completing the work of preparation for which he assumed responsibility in accordance with the commission given to him at the Conference held in Bamako on 20 and 21 May 1970.

At the conclusion of their proceedings, the Heads of State noted with satisfaction that all the necessary provisions for the implementation of the Bamako Treaty had received the unanimous approval of the member States and that the conditions had thus been met for the institutions and mechanisms of the Community effectively to come into operation in the shortest possible time.

In this connection, they considered that, in view of relevant provisions contained in the Treaty itself, the entry into operation of the Community should take place on 1 January 1974.

Dahomey has applied for and obtained the status of observing member.

Conscious of the historical magnitude of the decisions taken by them at Bamako on 2 and 3 June 1972 and during the present Conference,

Convinced that these decisions, which constitute a point of no return in their march toward confident regional economic co-operation with a view to faster and better-balanced development of their States,

Persuaded that they have thus responded to the exigencies of the economic development of each of their States and the profound aspirations of their peoples,

Determined to proceed in such a way that the Community spirit that has reigned over their proceedings will enable them to surmount any difficulties that may arise and to advance ever further in the building of a unified, prosperous West Africa,

The undersigned Heads of State solemnly proclaim their common will to bring about, together with all the other Heads of State of the region, a vast West African Economic Community in economic independence and the material and cultural advancement of their peoples.