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

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

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

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

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

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

HEREBY AGREE AS FOLLOWS

Article 1

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

- 1 **"Treaty"** means the Treaty of the Economic Community of West African States.
- 2 **"Community"** means the Economic Community of West African States.
- 3 **"Member State" or "Member States"** means a Member State or Member States of the Economic Community of West African States.
- 4 **"Authority"** means the Authority of Heads of State and Government established by article 5 of the Treaty.
- 5 **"Executive Secretary" or "Executive Secretariat"** means the Executive Secretary or the Executive Secretariat of the Economic Community of West African States as defined in Article 8 of the Treaty.

Article 2

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

Article 3

- 1 The mechanism shall consist of a chain of national bodies responsible for guaranteeing the payment of duties, taxes and other impositions incurred in the territory of the Member State transitted within the frame-work of the Inter-State Road Transit of Goods.
- 2 The national body shall be the institution or body corporate designated by each Member State to provide the principal obligee with the requisite guarantee for cover under ISRT-ECOWAS booklets.
- 3 The national institution or body corporate so designated shall also be appointed by the Member State as the correspondent of the national institutions or body corporates designated by the other Member States of the Community.

Article 4

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

Article 5

- 1 Each designated correspondent shall represent the guarantor in its relations with the competent authorities in the territory of the Member State of the Correspondent.
- 2 The national institution or body corporate designated in each Member State and their correspondents in each of the other Member States shall be linked to one another by an agreement which shall define the obligations between them.

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

- 1 Any Member State may submit proposals for amendment or revision of this Supplementary Convention.
- 2 Any such proposals shall be submitted to the Executive Secretary who shall communicate them to other Member States within (30) thirty days of the receipt of such proposals. The amendments or revisions shall be examined by the Authority at the expiration of the thirty (30) days notice period given to Member States.

Article 11

- 1 This Supplementary Convention shall enter into force provisionally upon signature by the Heads of State and Government of Members States and definitively upon ratification by at least seven (7) signatory Member States in accordance with the constitutional procedures applicable for each signatory Member State.
- 2 This Supplementary Convention and all the instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposits of the instruments of ratification and shall register this Supplementary Convention with the Organisation of African Unity, the United Nations Organisation and other Organisations designated by Council.
- 3 This Supplementary Convention shall be annexed to and shall be an integral part of the Convention A/P 4/5/82 of 29 May, 1982.

IN FAITH WHEREOF, We the Heads of State and Government of the Economic Community of West African States have signed this Supplementary Convention

DONE AT BANJUL THIS 29TH DAY OF MAY, 1990

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

Signed

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

Signed

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

Signed

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

Signed

H.E. General Lansana CONTE,
*Chairman of the National Military Committee
of Recovery, Head of State
President of the Republic of GUINEA*

Signed

Honourable Dr. Elijah E. Taylor
*Minister of Planning and Economic Affairs
for and on behalf of the President
of the Republic of LIBERIA*

Signed

HONOURABLE Hasmi Ould DIDI
*Minister of External Affairs for and on
behalf of the President of the Islamic
Republic of MAURITANIA*

Signed

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

Signed

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

Signed

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

Signed

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

Signed

Honourable Dr. Obed Yao ASAMOAH
*PNDC Secretary for Foreign Affairs
for and on behalf of the Head of State
and Chairman Provisional National
Defence Council, GHANA*

Signed

H.E. Joao Bernardo VIEIRA
*Secretary General of the PAIGC, Chairman
of the Council of State, President of the Republic of
GUINEA BISSAU*

Signed

H.E. General Moussa TRAORE
*Secretary General of the
Democratic Union of the People of Mali,
President, Head of State of the Republic of MALI*

Signed

Honourable Aliou MAHIMIDOU
*Prime Minister, for and on behalf
of the President of the Republic of
NIGER*

Signed

H.E. Chiekh HAMIDOU KANE
*Minister Responsible for African
Economic Integration for and on behalf
of President of the Republic
of SENEGAL*

Signed

H.E. Yaovi ADODO
*Minister of Foreign Affairs and
Co-operation for and on behalf of the
President of the TOGOLESE Republic*