

No. 32495

MULTILATERAL

General Convention on privileges and immunities of the Economic Community of West African States. Concluded at Lagos on 22 April 1978

Authentic texts: English and French.

Registered by the Economic Community of West African States on 1 February 1996.

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Convention générale sur les privilèges et immunités de la Communauté économique des États de l'Afrique de l'Ouest. Conclue à Lagos le 22 avril 1978

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Enregistrée par la Communauté économique des États de l'Afrique de l'Ouest le 1^{er} février 1996.

GENERAL CONVENTION¹ ON PRIVILEGES AND IMMUNITIES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES

Whereas paragraph 2 of Article 60 of the Treaty establishing the ECOWAS,² hereinafter referred to as "the Treaty", provides that the Community shall have in the territory of each Member State the legal capacity required for the performance of its functions;

Whereas paragraph 4 of Article 60 of the Treaty provides that the privileges and immunities to be granted to the officials of the Community and in Member States shall be the same as are accorded to diplomatic persons at the Headquarters of the Community and in the Member States. Similarly, the privileges and immunities granted to the Secretariat at the Headquarters of the Community shall be the same as granted to the Diplomatic missions at the Headquarters of the Community and in the Member States; and

Whereas Article 42 of the Protocol relating to the Fund for Cooperation, Compensation and Development, hereinafter referred to as the "Fund", provides that the immunities and privileges to be granted to the officials of the FUND shall be those provided for under paragraph 4 of Article

Consequently, the High Contracting Parties have adopted the following Convention.

¹ Came into force provisionally on 22 April 1978 in respect of the following States, on whose behalf it was signed on that date, and definitively on 5 June 1980, upon deposit with the Executive Secretary of the Economic Community of West African States of instruments of ratification by seven signatory States(*), in accordance with article 11 (1):

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>	
Benin*	27 February	1979
Burkina Faso		
Cape Verde		
Côte d'Ivoire		
Gambia		
Ghana*	30 March	1979
Guinea		
Guinea-Bissau*	27 April	1979
Liberia		
Mali*	5 June	1980
Mauritania		
Niger		
Nigeria*	9 March	1979
Senegal*	28 February	1979
Sierra Leone		
Togo*	3 March	1980

Subsequently, instruments of ratification were deposited with the Executive Secretary of the Economic Community of West African States on the dates indicated hereafter, to take effect on the same date:

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>	
Guinea	16 March	1982
Burkina Faso	20 April	1982
Sierra Leone	13 May	1982
Liberia	5 May	1983
Côte d'Ivoire	11 August	1983
Gambia	30 July	1984
Niger	19 December	1990
Cape Verde	[Date not supplied]	
Mauritania	[Date not supplied]	

² United Nations, *Treaty Series*, vol. 1010, p. 17.

ARTICLE 1

Definitions:

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

- (a) the "Treaty" means the Treaty of the Economic Community of West African States;
- (b) the "Community" means the Economic Community of West African States and it includes the Fund for Co-operation, Compensation and Development and all other institutions as defined in Article 4 of the Treaty.
- (c) "Fund" means the Fund for Co-operation, Compensation and Development as established under Article 50 of the Treaty.
- (d) "Community Officials" means an Official entitled to the privileges and immunities stated in this Convention;
- (e) "Member State" or "Member States" means a Member State or Member States of the Community.
- (f) "Council" means the Council of Ministers established by Article 6 of the Treaty.

ARTICLE 2

Juridical Personality

The Community shall possess juridical personality. It shall have the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

ARTICLE 3

Property, Funds & Assets

1. The Community, its premises, buildings, assets and other property wherever located and by whomsoever held, shall enjoy immunity for every form of legal process except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution. Provided that actions may be brought against the Fund as provided in paragraph 2 of Article 39 of the Protocol relating to the Fund.

2. Subject to the provisions of Article 41 of the Protocol relating to the Fund, the premises and buildings of the Community shall be inviolable. The property and assets of the Community, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and from any other form of interference whether by executive, administrative, judicial or legislative action.

3. The archives of the Community and in general all documents belonging to it or held by it shall be inviolable wherever located.

4. Without being restricted by financial controls, regulations or moratoria of any kind:

- (a) the Community may hold funds, gold or currency of any kind and operate an account in any currency;
- (b) the Community shall be free to transfer its funds, gold or currency from one country to the other, or within any country and to convert any currency held by it into any other currency.

5. It is provided however, that in exercising its rights under paragraph 4 above, the Community shall pay due regard to any representations made by the Government of any Member State in so far as it is considered that effect can be given to such representations without detriment to the interests of the Community.

ARTICLE 4

Tax Exemptions

1. The Community, its income, assets and properties shall be exempt:

- (a) from all direct taxes, except that the ECOWAS will not claim exemption from taxes or dues which are no more than charges for public utility services;
- (b) from all import and export duties, prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Community for its official purposes. It is provided, however, that articles imported under such exemptions shall not be sold or otherwise disposed of in the country into which they were imported except under conditions agreed upon by the appropriate authorities of the Government of that country.
- (c) from customs duties, prohibitions and restrictions of import and exports in respect of its publications.

2. The Community shall be exempt from excise duties and from taxes which are payable on the purchase of moveable and immovable property which form part of the price to be paid. Member States shall make appropriate administrative arrangements for the remission or refund of the amount of duty or tax if such duty or tax has been charged.

ARTICLE 5

Facilities in Respect of Communications

1. The Community shall enjoy in the territory of each Member for its official correspondence treatment not less favourable than that accorded by the Government of that Member to any other international organisation as well as any Government, including its diplomatic mission in the matters of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, as well as press rates for information to the press and radio. All official correspondence and other official communications of the Community shall not be subject to censorship.
2. The Community shall have the right to use codes and to despatch and receive its official correspondence either by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE 6

Representatives of Member States

1. Representatives of Member States to the institutions as well as to the Technical and Specialised Commissions of the Community and to conferences convened by the Community, shall, while exercising their functions, and during their travel to and from the place of meeting, enjoy the following privileges and immunities:
 - (a) Immunity from personal arrest or detention and from any official interrogation as well as from inspection or seizure of their personal baggage;
 - (b) Immunity from legal process of every kind in respect of words spoken, written or acts done by them in the exercise of their functions;
 - (c) Inviolability for all their papers and documents and the right to use codes and to receive papers or correspondence by courier or in sealed bags;
 - (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration and from national obligations in the state they are visiting or through which they are passing in the exercise of their functions;
 - (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
 - (f) the same immunities and facilities in respect of their personal and official baggage as are accorded to diplomatic envoys;
 - (g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.