

- (a) equality and inter-dependence of Member States;
- (b) solidarity and collective self-reliance;
- (c) inter-State cooperation, harmonization of policies and integration of programmes;
- (d) non-aggression between Member States;
- (e) maintenance of regional peace, stability and security through the promotion and strengthening of good neighbourliness;
- (f) peaceful settlement of disputes among Member States, active cooperation between neighbouring countries and promotion of a peaceful environment as a prerequisite for economic development;
- (g) recognition promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights;
- (h) accountability, economic and social justice and popular participation in development;
- (i) recognition and observance of the rules and principles of the Community;
- (j) promotion and consolidation of a democratic system of governance in each Member State as envisaged by the Declaration of Political Principles adopted in Abuja on 6 July 1991; and
- (k) equitable and just distribution of the costs and benefits of economic cooperation and integration.

Article 5

General Undertakings

1. Member States undertake to create favourable conditions for the attainment of the objectives of the Community, and particularly to take all necessary measures to harmonize their strategies and policies, and to refrain from any action that may hinder the attainment of the said objectives.
2. Each Member State shall, in accordance with its constitutional procedures, take all necessary measures to ensure the enactment and dissemination of such legislative and statutory texts as may be necessary for the implementation of the provisions of this Treaty.
3. Each Member State undertakes to honour its obligations under this Treaty and to abide by the decisions and regulations of the Community.

CHAPTER III: INSTITUTIONS OF THE COMMUNITY - ESTABLISHMENT, COMPOSITION AND FUNCTIONS

Article 6

Institutions

1. The Institutions of the Community shall be:

- (a) the Authority of Heads of State and Government;
- (b) the Council of Ministers;
- (c) the Community Parliament;
- (d) the Economic and Social Council;
- (e) the Community Court of Justice;
- (f) the Executive Secretariat;
- (g) the Fund for Cooperation, Compensation and Development;
- (h) Specialised Technical Commissions; and
- (i) Any other institutions that may be established by the Authority.

2. The Institutions of the Community shall perform their functions and act within the limits of the powers conferred on them by this Treaty and by the Protocols relating thereto.

Article 7

Authority of Heads of State and Government Establishment, Composition and Functions

1. There is hereby established the Authority of Heads of State and Government of Member States which shall be the supreme institution of the Community and shall be composed of Heads of State and/or Government of Member States.
2. The Authority shall be responsible for the general direction and control of the Community. and shall take all measures to ensure its progressive development and the realization of its objectives.
3. Pursuant to the provisions of Paragraph 2 of this Article, the Authority shall:
 - (a) determine the general policy and major guidelines of the Community, give directives, harmonize and coordinate the economic, scientific, technical, cultural and social policies of Member States;
 - (b) oversee the functioning of Community institutions and follow-up implementation of Community objectives;
 - (c) prepare and adopt its Rules of Procedure;
 - (d) appoint the Executive Secretary in accordance with the provisions of Article 18 of this Treaty;
 - (e) appoint, on the recommendation of Council, the External Auditors;
 - (f) delegate to the Council, where necessary, the authority to take such decisions as are stipulated in Article 9 of this Treaty;
 - (g) refer where it deems necessary any matter to the Community Court of Justice when it confirms, that a Member State or institution of the Community has failed to honour any of its obligations or an institution of the Community has acted beyond the limits

of its authority or has abused the powers conferred on it by the provisions of this Treaty, by a decision of the Authority or a regulation of the Council;
(h) request the Community Court of Justice as and when necessary, to give advisory opinion on any legal questions; and
(i) exercise any other powers conferred on it under this Treaty.

Article 8

Sessions

1. The Authority shall meet at least once a year in ordinary session. An extra ordinary session may be convened by the Chairman of the Authority or at the request of a Member State provided that such a request is supported by a simple majority of the Member States.
2. The office of the Chairman shall be held every year by a Member State elected by the Authority.

Article 9

Decisions

1. The Authority shall act by decisions.
2. Unless otherwise provided in this Treaty or in a Protocol decisions of the Authority shall be adopted, depending on the subject matter under consideration by unanimity, consensus or, by a two-thirds majority of the Member States.
3. Matters referred to in paragraph 2 above shall be defined in a Protocol. Until the entry into force of the said Protocol, the Authority shall continue to adopt its decisions by consensus.
4. Decisions of the Authority shall be binding on the Member States and institutions of the Community, without prejudice to the provisions of paragraph 3 of Article 15 of this Treaty.
5. The Executive Secretary shall publish the decisions thirty (30) days after the date of their signature by the Chairman of Authority.
6. Such decisions shall automatically enter into force sixty (60) days after the date of their publication in the Official Journal of the Community.
7. Decisions shall be published in the National Gazette of each Member State within the period stipulated in paragraph 6 of this Article.

Article 10

The Council of Ministers

Establishment, Composition and Functions

1. There is hereby established a Council of Ministers of the Community.
2. The Council shall comprise the Minister in charge of ECOWAS Affairs and any other Minister of each Member State.

3. Council shall be responsible for the functioning and development of the Community. To this end, unless otherwise provided in this Treaty or a Protocol, Council shall:

- (a) make recommendations to the Authority on any action aimed at attaining the objectives of the Community;
- (b) appoint all statutory appointees other than the Executive Secretary;
- (c) by the powers delegated to it by the Authority, issue directives on matters concerning coordination and harmonization of economic integration policies;
- (d) make recommendations to the Authority on the appointment of the External Auditors;
- (e) prepare and adopt its rules of procedure;
- (f) adopt the Staff Regulations and approve the organizational structure of the institutions of the Community;
- (g) approve the work programmes and budgets of the Community and its institutions;
- (h) request the Community Court of Justice, where necessary, to give advisory opinion on any legal questions;
- (i) carry out all other functions assigned to it under this Treaty and exercise all powers delegated to it by the Authority.

Article 11

Meetings

1. The Council shall meet at least twice a year in ordinary session. One of such sessions shall immediately precede the ordinary session of the Authority. An extraordinary session may be convened by the Chairman of Council or at the request of a Member State provided that such request

is supported by a simple majority of the Member States.

2. The office of Chairman of Council shall be held by the Minister responsible for ECOWAS Affairs of the Member State elected as Chairman of the Authority.

Article 12

Regulations

1. The Council shall act by regulations.

2. Unless otherwise provided in this Treaty regulations of the Council shall be adopted, depending on the subject matter under consideration, by unanimity, consensus or by a two-thirds majority of Member States, in accordance with the Protocol referred to in Article 9 paragraph 3 of this

Treaty. Until the entry into force of the said Protocol, the Council shall continue to adopt its regulations by consensus.

3. Regulations of the Council shall be binding on institutions under its authority. They shall be binding on Member States after their approval by the Authority. However, in the case of regulations

made pursuant to a delegation of powers by the Authority in accordance with paragraph 3(f) of Article 7 of this Treaty, they shall be binding forthwith.

4. Regulations shall be published and shall enter into force within the same period and under the same conditions stipulated in paragraphs 5, 6 and 7 of Article 9 of this Treaty.

Article 13

The Community Parliament

1. There is hereby established a Parliament of the Community.
2. The method of election of the Members of the Community Parliament, its composition, functions, powers and organization shall be defined in a Protocol relating thereto.

Article 14

The Economic and Social Council

1. There is hereby established an Economic and Social Council which shall have an advisory role and whose composition shall include representatives of the various categories of economic and social activity.
2. The composition, functions and organization of the Economic and Social Council shall be defined in a Protocol relating thereto.

Article 15

The Court of Justice Establishment and Functions

1. There is hereby established a Court of Justice of the Community.
2. The status, composition, powers, procedure and other issues concerning the Court of Justice shall be as set out in a Protocol relating thereto.
3. The Court of Justice shall carry out the functions assigned to it independently of the Member States and the institutions of the Community.
4. Judgements of the Court of Justice shall be binding on the Member States, the Institutions of the Community and on individuals and corporate bodies.

Article 16

Arbitration Tribunal Establishment and Functions

1. There is hereby established an Arbitration Tribunal of the Community.
2. The status, composition, powers, procedure and other issues concerning the Arbitration Tribunal shall be as set out in a Protocol relating thereto.

Article 17

The Executive Secretariat Establishment and Composition

1. There is hereby established an Executive Secretariat of the Community.
2. The Secretariat shall be headed by the Executive Secretary assisted by Deputy Executive Secretaries and such other staff as may be required for the smooth functioning of the Community.

Article 18

Appointments

1. The Executive Secretary shall be appointed by the Authority for a four-year term renewable only once for another four-year period. He can only be removed from office by the Authority upon its own initiative or on the recommendation of the Council of Ministers.
2. The Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees shall evaluate the three (3) candidates nominated by the Member State to which the statutory post has been allocated and make recommendations to the Council of Ministers. Council shall propose to the Authority the appointment of the candidate adjudged the best.
3. The Executive Secretary shall be a person of proven competence and integrity, with a global vision of political and economic problems and regional integration.
4. (a) The Deputy Executive Secretaries and other Statutory Appointees shall be appointed by the Council of Ministers on the proposal of the Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees following the evaluation of the three (3) candidates nominated by their respective Member States to whom the posts have been allocated. They shall be appointed for a period of four years renewable only once for a further four-year term.
(b) Vacancies shall be advertised in all Member States to which statutory posts have been allocated.
5. In appointing professional staff of the community, due regard shall be had, subject to ensuring the highest standards of efficiency and technical competence, to maintaining equitable geographical distribution of posts among nationals of all Member States.

Article 19

Functions

1. Unless otherwise provided in the Treaty or in a Protocol, the Executive Secretary shall be the chief executive officer of the Community and all its institutions.
2. The Executive Secretary shall direct the activities of the Executive Secretariat and shall, unless otherwise provided in a Protocol, be the legal representative of the Institutions of the Community in their totality.
3. Without prejudice to the general scope of his responsibilities, the duties of the Executive Secretary shall include:
 - (a) execution of decisions taken by the Authority and application of the regulations of the Council;
 - (b) promotion of Community development programmes and projects as well as multinational enterprises of the region;
 - (c) convening as and when necessary meetings of sectoral Ministers to examine sectoral

issues which promote the achievement of the objectives of the Community;
(d) preparation of draft budgets and programmes of activity of the Community and supervision of their execution upon their approval by Council;

- (e) submission of reports on Community activities to all meetings of the Authority and Council;
- (f) preparation of meetings of the Authority and Council as well as meetings of experts and technical commissions and provision of necessary technical services;
- (g) recruitment of staff of the Community and appointment to posts other than statutory appointees in accordance with the Staff Rules and Regulations;
- (h) submission of proposals and preparation of such studies as may assist in the efficient and harmonious functioning and development of the Community;
- (i) initiation of draft texts for adoption by the Authority or Council.

Article 20

Relations Between the Staff of the Community and Member States

1. In the performance of their duties, the Executive Secretary, the Deputy Executive Secretaries, and other staff of the Community shall owe their loyalty entirely and be accountable only to the Community. In this regard, they shall neither seek nor accept. instructions from any government or any national or international authority external to the Community. They shall refrain from any activity or any conduct incompatible with their status as international civil servants.
2. Every Member State undertakes to respect the international character of the office of the Executive Secretary, the Deputy Executive Secretaries, and other staff of the Community and undertakes not to seek to influence them in the performance of their duties.
3. Member States undertake to cooperate with the Executive Secretariat and other institutions of the Community and to assist them in the discharge of the duties assigned to them under this Treaty.

Article 21

Fund for Cooperation, Compensation and Development Establishment, Status and Functions

1. There is hereby established a Fund for Cooperation, Compensation and Development of the Community.
2. The status, objectives and functions of the fund are defined in the Protocol relating thereto.

Article 22

Technical Commissions Establishment and Composition

1. There is hereby established the following Technical Commissions:

- (a) Food and Agriculture;
- (b) Industry, Science and Technology and Energy;
- (c) Environment and Natural Resources;
- (d) Transport, Communications and Tourism;
- (e) Trade, Customs, Taxation, Statistics, Money and Payments;

- (f) Political, Judicial and Legal Affairs, Regional Security and Immigration;
- (g) Human Resources, Information, Social and Cultural Affairs; and
- (h) Administration and Finance Commission.

- 2. The Authority may, whenever it deems appropriate, restructure the existing Commissions or establish new Commissions.
- 3. Each commission shall comprise representatives of each Member State.
- 4. Each Commission may, as it deems necessary, set up subsidiary commissions to assist it in carrying out its work. It shall determine the composition of any such subsidiary commission.

Article 23

Functions

Each Commission shall, within its field of competence:

- (a) prepare Community projects and programmes and submit them for the consideration of Council through the Executive Secretary, either on its own initiative or at the request of Council or the Executive Secretary;
- (b) ensure the harmonization and coordination of projects and programmes of the Community;
- (c) monitor and facilitate the application of the provisions of this Treaty and related Protocols pertaining to its area of responsibility;
- (d) carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Treaty.

Article 24

Meetings

Subject to any directives given by the Council, each Commission shall meet as often as necessary. It shall prepare its rules of procedure and submit them to the Council for approval.

CHAPTER IV: COOPERATION IN FOOD AND AGRICULTURE

Article 25