
SUPPLEMENTARY CONVENTION ESTABLISHING A COMMUNITY GUARANTEE MECHANISM FOR INTER-STATE ROAD TRANSIT OF GOODS

Signed the 1st day of Mayo 1990

THE GOVERNMENT 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 expression shall have the meaning assigned to them hereunder:

1. **"Treaty"** means the Treaty of the Economic Community of West African States.
2. **"Community"** means the Economic Community of West African States.
3. **"Member State" or Member States"** means a Member State or Member States of the Economic Community of West African States.
4. **"Authority"** means the Authority of Heads of State and Government established by Article 5 of the Treaty.



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

Article 2

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

Article 3

1. The mechanism shall consist of a chain of national bodies responsible for guaranteeing the payment of duties, taxes and other imposition incurred in the territory of the Member State transmitted within the framework 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 corporate 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 customs 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 States 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 constitutional procedures applicable for each signatory Member State.

Article 11

1. This Supplementary Convention shall enter into force provisionally upon signature by the Heads of State and Government of Member 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 deposit of the instruments of ratification and shall register this Supplementary Convention with the Organisation of Africa 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 May, 1982.