

No. 32496

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**MULTILATERAL**

**Protocol relating to free movement of persons, residence and establishment. Concluded at Dakar on 29 May 1979**

**Supplementary Protocol on the code of conduct for the implementation of the above-mentioned Protocol. Concluded at Lomé on 6 July 1985**

**Supplementary Protocol on the second phase (right of residence) of the above-mentioned Protocol of 29 May 1979. Concluded at Abuja on 1 July 1986**

**Supplementary Protocol on the implementation of the third phase (right of establishment) of the above-mentioned Protocol of 29 May 1979. Concluded at Banjul on 29 May 1990**

*Authentic texts: English and French.*

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

## PROTOCOL<sup>1</sup> RELATING TO FREE MOVEMENT OF PERSONS, RESIDENCE AND ESTABLISHMENT

### THE HIGH CONTRACTING PARTIES

RECALLING that sub-paragraph (d) of paragraph 2 of Article 2 of the Treaty of the Economic Community of West African States<sup>2</sup> calls on Member States to ensure by stages the abolition of the obstacles to free movement of persons, services and capital;

RECALLING also that paragraph 1 of Article 27 of the Treaty of the Economic Community of West African States confers the status of Community citizenship on the citizens of Member States, and also enjoins Member States to abolish all obstacles to freedom of movement and residence within the Community;

RECALLING further that paragraph 2 of Article 27 of the Treaty of the Economic Community of West African States further calls on Member States to exempt Community citizens from holding visitor's visa and residence permits and allow them to work and undertake commercial and industrial activities within their territories;

<sup>1</sup> Came into force provisionally on 29 May 1979 in respect of the following States, on whose behalf it was signed on that date, and definitively on 8 April 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 13 (1):

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>	
Benin		
Burkina Faso		
Cape Verde		
Côte d'Ivoire		
Gambia		
Ghana* .....	8 April	1980
Guinea* .....	17 October	1979
Guinea-Bissau* .....	20 August	1979
Liberia* .....	1 April	1980
Mali		
Mauritania		
Niger* .....	11 January	1980
Nigeria* .....	12 September	1979
Senegal		
Sierra Leone		
Togo* .....	9 November	1979

In addition, the Government of Mauritania deposited its instrument of ratification with the Executive Secretary of the Economic Community of West African States. The date of deposit was not supplied.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1010, p. 17.

CONVINCED of the need to spell out in this Protocol the various stages to be undergone to accomplish complete freedom of movement as envisaged by sub-paragraph (d) of paragraph 2 of Article 2 and Article 27 of the Treaty of the Economic Community of West African States;

HAVE AGREED AS FOLLOWS:

PART II

DEFINITIONS

ARTICLE 1

In this Protocol:

"Treaty" means the Treaty of the Economic Community of West African States;

"Council of Ministers" means the Council of Ministers established by Article 6 of the Treaty of the Economic Community of West African States;

"Executive Secretary" means the Executive Secretary of the Economic Community of West African States;

"Commission" means the Trade, Customs, Immigration, Monetary and Payments Commission established by Article 9 of the Treaty of the Economic Community of West African States;

"Community" means the Economic Community of West African States;

"Member State" or "Member States" means a Member State or Member States of the Economic Community of West African States;

"A citizen of the Community" means a citizen of any Member State;

"A valid travel document" means a passport or any other valid travel document establishing the identity of the holder

with his photograph, issued by or on behalf of the Member State of which he is a citizen and on which endorsement by immigration and emigration authorities may be made. A valid travel document shall also include a laissez-passer issued by the Community to its officials establishing the identity of the holder.

## PART II

### GENERAL PRINCIPLES ON MOVEMENT OF PERSONS,

#### RESIDENCE AND ESTABLISHMENT

#### ARTICLE 2

1. The Community citizens have the right to enter, reside and establish in the territory of Member States.
2. The right of entry, residence and establishment referred to in paragraph 1 above shall be progressively established in the course of a maximum transitional period of fifteen (15) years from the definitive entry into force of this Protocol by abolishing all other obstacles to free movement of persons and to the right of residence and establishment.
3. The right of entry, residence and establishment which shall be established in the course of a transitional period shall be accomplished in three phases, namely;
  - Phase I - Right of Entry and Abolition of Visa
  - Phase II - Right of Residence
  - Phase III - Right of Establishment
4. Upon the expiration of a maximum period of five (5) years from the definitive entry into force of this Protocol the Commission, based upon the experience gained from the implementation of the first phase as set out in Article 3 below, shall make proposals to the Council of Ministers for further liberalization towards the subsequent phases of freedom of residence and establishment of persons within the Community and these phases shall be dealt with in subsequent Annexes to this Protocol.

PART III

IMPLEMENTATION OF THE FIRST PHASE : ABOLITION  
OF VISAS AND ENTRY PERMIT

ARTICLE 3

- I. Any citizen of the Community who wishes to enter the territory of any other Member States shall be required to possess valid travel document and international health certificate.
2. A citizen of the Community visiting any Member State for a period not exceeding ninety (90) days shall enter the territory of that Member State through the official entry point free of visa requirements. Such citizen shall, however, be required to obtain permission for an extension of stay from the appropriate authority if after such entry that citizen has cause to stay for more than ninety (90) days.

ARTICLE 4

Notwithstanding the provisions of Article 3 above, Member States shall reserve the right to refuse admission into their territory any Community citizen who comes within the category of inadmissible immigrants under its laws.

PART IV

MOVEMENT OF VEHICLES FOR THE TRANSPORTATION OF PERSONS

ARTICLE 5

In order to facilitate the movement of persons transported in private or commercial vehicles the following provisions shall apply:-

I. Private Vehicles

A private vehicle registered in the territory of a Member State may enter the territory of another Member State and remain there for a period of ninety (90) days upon presentation of the documents listed hereunder to the competent authority of that Member State:-

- (i) Valid driving licence
- (ii) Matriculation Certificate (Ownership Card)  
or Log Book