

Economic Community of West African States, African Regional Bodies

A/SP3/5/81 Protocol Relating to Mutual Assistance on Defence

Legislation as at 29 May 1981

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A/SP3/5/81 Protocol Relating to Mutual Assistance on Defence
 Contents

Chapter I – Definitions 1
 Article 1 1

Chapter II – Objectives 2
 Article 2 2
 Article 3 2
 Article 4 2
 Subparagraph (a) 2
 Subparagraph (b) 2

Chapter III – Institutions 2
 Article 5 2
 I. The Authority 3
 II. The Defence Council 3
 III. The Defence Commission 4

Chapter IV – Administration 4
 Article 12 4
 Paragraph 1. 4
 Paragraph 2. 4
 Paragraph 3. 4
 Paragraph 4. 4
 Paragraph 5. 4
 Paragraph 6. 4
 Paragraph 7. 4

Chapter V – Modalities of intervention and assistance 4
 Article 13 4
 Paragraph 1. 4
 Paragraph 2. 4
 Paragraph 3. 4
 Article 14 5
 Article 15 5
 Paragraph 1. 5
 Paragraph 2. 5
 Article 16 5
 Article 17 5
 Paragraph 1. 5

Article 18	5
Paragraph 1.	5
Paragraph 2.	5
Chapter VI – Special provisions	5
Article 19	5
Article 20	5
Paragraph 1.	5
Paragraph 2.	6
Paragraph 3.	6
Chapter VII – General and final provisions	6
Article 21	6
Paragraph 1.	6
Paragraph 2.	6
Article 22	6
Paragraph 1.	6
Paragraph 2.	6
Article 23	6
Paragraph 1.	6
Paragraph 2.	6
Article 24	6
Paragraph 1.	6
Paragraph 2.	6
Paragraph 3.	6

Economic Community of West African States

A/SP3/5/81 Protocol Relating to Mutual Assistance on Defence

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Not commenced

[This is the version of this document as it was at 29 May 1981 to 31 May 1981.]

The Governments of the Member States of the Economic Community of West African States;

RECALLING Article 2 of the United Nations Charter which calls upon all Member States to refrain in their international relations from resorting to the use of threats or force either against the territorial integrity or the independence of all States in any manner that is incompatible with the aims of the United Nations or from interfering in the internal affairs of other States;

RECALLING Article 3 of the Charter of the Organisation of African Unity which calls upon Member States to respect the sovereignty and territorial integrity of each State and its inalienable right to an independent existence;

MINDFUL of the Treaty setting up the Economic Community of West African States;

RECALLING the Protocol on Non-Aggression signed in Lagos on 22nd April 1978 in accordance with which Member States resolved not to use force as a means of settling their disputes;

CONVINCED that economic progress cannot be achieved unless the conditions for the necessary security are ensured in all Member States of the Community;

CONSIDERING that Member States belong to the same geographical area;

CONSCIOUS of the serious continuous threats of aggression on the African continent in general and their own countries in particular;

CONSCIOUS of the serious risks that the presence of foreign military bases on the African continent may constitute as support forces to external aggression;

FIRMLY RESOLVE to safeguard and consolidate the independence and the sovereignty of Member States against foreign intervention.

CONSCIOUS of the fact that external defence of their states depends entirely on each sovereign state, and that such a defence will be more effective with the coordination and pooling together of the means of mutual assistance provided by respective Member States within the framework of this Protocol;

DESIROUS of maintaining the ties of friendship existing amongst Member States and of strengthening their cooperation in all fields on the basis of equality, mutual interests and respects;

HAVE AGREED as follows:

Chapter I Definitions

Article 1

Within the context of this Protocol,

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

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

Not commenced

"**Authority**" means the Authority of Heads of State and Government as defined in Article 5 of the Treaty;

"**Member State**" or "Member States" means a Member State or Member States of the Community;

"**Executive Secretary**" means Executive Secretary of the Community as defined in Article 8 of the Treaty;

"**Aggression**" means the use of armed force, by any State against the sovereignty and territorial integrity or political independence of another State or by any other manner incompatible with the Charter of the United Nations and OAU;

"**Assistance on Defence**" means all military aid (material, technical and personnel).

Chapter II Objectives

Article 2

Member States declare and accept that any armed threat or aggression directed against any Member State shall constitute a threat or aggression against the entire Community

Article 3

Member States resolve to give mutual aid and assistance for defence against any armed threat or aggression.

Article 4

Member States shall also take appropriate measures such as specified in Articles 17 and 18 of the present Protocol in the following circumstances:

- (a) In case of armed conflict between two or several Member States if the settlement procedure by peaceful means as indicated in Article 5 of the Non-Aggression Protocol mentioned in the Preamble proves ineffective;
- (b) In case of internal armed conflict within any Member State engineered and supported actively from outside likely to endanger the security and peace in the entire Community. In this case the Authority shall appreciate and decide on this situation in full collaboration with the Authority of the Member State or States concerned

Chapter III Institutions

Article 5

The institutions for the implementation of this Protocol shall be:

The Authority

The Defence Council

The Defence Commission

I. The Authority

Article 6

1. The Authority on the occasion of the annual ordinary meeting of ECOWAS shall examine general problems concerning peace and security of the Community;
2. The Authority may also hold extraordinary sessions on defence matters where circumstances so require;
3. The Authority shall decide on the expediency of military action and entrust its execution to the Force Commander of the Allied Forces of the Community (AAFC);
4. Decisions taken by the Authority shall be immediately enforceable on Member States.

II. The Defence Council

Article 7

1. A Defence Council of the Community shall be established by the Authority.
2. It shall consist of Ministers of Defence and Foreign Affairs of Member States. However, in cases of crisis, the Defence Council shall be chaired by the current Chairman of the Authority and it shall be enlarged to include any other Minister from Member States according to the circumstances. The Executive Secretary and the Deputy Executive Secretary in charge of military matters shall be in attendance at meetings of the Council.

Article 8

1. The Defence Council shall meet on the convocation by its Chairman to prepare the items of the Agenda of Sessions of the Authority dealing with defence matters.
2. In an emergency, the Defence Council shall examine the situation, the strategy to be adopted and the means of intervention to be used.

Article 9

In case of armed intervention, the Defence Council assisted by the Defence Com missis on shall supervise with the authority of the State or States Concerned, all measures to be taken by the Force Commander and ensure that all necessary means for the intervention are made available to him. The actions of the Force Commander shall be subject to competent political authority of the Member State or States concerned.

Article 10

At the end of the operation, the Defence Council shall write a factual report to be addressed to the Authority.

III. The Defence Commission

Article 11

1. A Defence Commission shall be established by the Authority and shall consist of a Chief of Staff from each Member State.
2. The Defence Commission shall be responsible for examining the technical aspect of defence matters.
3. The Defence Commission shall establish its Rules of Procedure especially in respect of the convening of its meetings, the conduct of the business and the implementation of duties as assigned to it by the Defence Council.

Chapter IV Administration

Article 12

1. The Defence Council shall appoint a Deputy Executive Secretary (Military) at the Executive Secretariat for a period of four years renewable only once.
2. The Deputy Executive Secretary (Military) shall be a senior serving military officer.
3. He shall be in charge of the administration and follow-up of the decisions taken by the Authority and in accordance with the present Protocol and under the authority of the Executive Secretary.
4. He shall update plans for the movement of troops and logistics and initiate joint exercises as provided for in paragraph 3 of Article 13 below.
5. He shall be assisted in the discharge of his functions by the necessary staff members and personnel as determined by the Defence Council.
6. He shall prepare and manage the military budget of the Secretariat.
7. He shall study and make proposals to the Executive Secretariat in respect of all matters relating to personnel and equipment within his jurisdiction.

Chapter V Modalities of intervention and assistance

Article 13

1. All Member States agreed to place at the disposal of the Community, earmarked units from the existing National Armed Forces in case of any armed intervention.
2. These Units shall be referred to as the Allied Armed Forces of the Community (AAFC).
3. In order to better realise the objectives set forth in this Protocol, the Member States may organise, from time to time, as may be approved by the Authority, joint military exercises among two or more earmarked Units of the AAFC.

Article 14

The Allied Armed Forces of the Community shall be under the command of the Forces Commander appointed by the Authority on the proposal of the defence Council. He shall be entrusted with powers that are conferred upon him by the Authority.

He together with the Chief of Defence staff of the assisted country, shall be the joint Chief of Defence Staff of the Allied Armed Forces and shall be responsible for the implementation of armed intervention and assistance as decided by the Authority. He shall have at his disposal all necessary means of defence.

Article 15

1. Intervention by A.A.F.C. shall in all cases be justified by the legitimate defence of the territories of the Community.
2. It shall therefore be carried out in accordance with the mechanism described in Articles 16, 17 and 18 below.

Article 16

When an external armed threat or aggression is directed against a Member State of the Community, the Head of State of that country shall send a written request for assistance to the current Chairman of the Authority of ECOWAS, with copies to other Members. This request shall mean that the Authority is duly notified and that the A.A.F.C. are placed under a state of emergency. The Authority shall decide in accordance with the emergency procedure as stipulated in Article 6 above.

Article 17

1. When there is a conflict between two Member States of the Community, the Authority shall meet urgently and take appropriate action for mediation. If need be, the Authority shall decide only to interpose the A.A.F.C. between the troops engaged in the conflict.

Article 18

1. In the case where an internal conflict in a Member State of the Community is actively maintained and sustained from outside, the provisions of Articles 6, 9 and 16 of this Protocol shall apply.
2. Community forces shall not intervene if the conflict remains purely internal.

Chapter VI Special provisions

Article 19

The implementation of this Protocol shall be supplemented by additional Protocols.

Article 20

1. Undertakings devolving from the provisions of this Protocol shall not be interpreted as being against the spirit of Conventions or Agreements binding one Member State to another third State or States; provided such Conventions and Agreements are not in conflict with the spirit of this Defence Assistance.

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2. Nonetheless, a Defence Agreement concluded with some other State shall be denounced by the Member State concerned as soon as such other State shall have been identified by the Authority as an aggressor against a Member State.
3. Member States shall undertake to end the presence of foreign military bases within their national territories as soon as the Community is in the position to meet their requirements in matters relating to defence.

Chapter VII General and final provisions

Article 21

1. Any Member State which accedes to the Treaty automatically accedes to this Protocol and to the Protocol of Non-Aggression signed in Lagos on the 22nd April, 1978.
2. On the other hand, any Member State signatory to this present Protocol and having ratified it, or having acceded to it, becomes party to the above-mentioned Non-Aggression Pact.

Article 22

1. Any Member State may submit proposals for the amendment or revision of this Protocol.
2. Any such proposals shall be submitted to the Executive Secretary who shall communicate them to other Member States not later than thirty days after the receipt of such proposals. Amendments or revisions shall be considered by the Authority after Member States have been given one month's notice thereof.

Article 23

1. Any Member State wishing to withdraw from the Protocol shall give to the Executive Secretary one year's written notice. At the end of this period of one year, if such notice is not withdrawn, such a State shall cease to be a party to the Protocol.
2. During the period of one year referred to in the preceding paragraph, such a Member State shall nevertheless observe the provisions of this Protocol and shall remain liable for the discharge of its obligations under this Protocol.

Article 24

1. This Protocol shall enter into force provisionally at the signing by the Heads of State and Government, and definitively after ratification by not less than seven (7) signatories, in accordance with the Constitutional Laws of each Member State.
2. This Protocol, as well as all 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 it with the Organisation of African Unity (OAU), as well as the United Nations (UN) and any other Organisation as the Authority shall decide.
3. The Present Protocol shall be annexed to and shall form an integral part of the Treaty.

IN FAITH WHEREOF, WE the Heads of State and Government of the Economic Community of West African States have signed the present Protocol.

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Done at Freetown this 29th day of May 1981 in single original in the English and French languages both texts being equally authentic.