

PROTOCOL ON RELATIONS BETWEEN THE AFRICAN ECONOMIC COMMUNITY AND THE REGIONAL ECONOMIC COMMUNITIES

PREAMBLE

THE PARTIES

INSPIRED by the provisions of the Treaty Establishing the African Economic Community which provides as the first priority of the African Economic Community, the strengthening of existing regional economic communities, the foundation on which the African Economic Community is established;

AWARE that most of the regional economic communities were already established each by a regional treaty and were thus in existence and functioning prior to the entry into force of the Treaty Establishing the African Economic Community;

CONSCIOUS of the need for the co-ordination and the harmonization of the policies, measures, programmes and activities of the regional economic communities and the progressive integration of the activities of the regional economic communities into the African Common Market, as a prelude to the African Economic Community;

AWARE of the responsibility placed on both the African Economic Community and the regional economic communities by the provisions of paragraph 2 (a) through (d) of Article 6 of the Treaty Establishing the African Economic Community to ensure that the latter are strengthened and are progressively integrated in the most economic and effective manner;

TAKING into account the role of the African Economic Community, in terms of the provisions of paragraphs 1 and 3 of Article 88 of the Treaty Establishing the African Economic Community of promoting closer cooperation among the regional economic communities, in particular, through the coordination and harmonization of their policies, measures, programmes and activities in all fields and sectors;

CONVINCED of the need to establish an institutional framework that shall govern relations between the African Economic Community and the regional economic communities, the harmonization and coordination of policies, measures, programmes and activities of the latter, implementation of the provisions of paragraph 2 (a) through (d) of Article 6 of the Treaty Establishing the African Economic Community and cooperation among the regional economic communities:

NOW THEREFORE

IT IS HEREBY AGREED as follows:

CHAPTER ONE PRELIMINARY PROVISIONS

ARTICLE 1

Definitions

In this protocol, unless the text otherwise requires:

“Protocol” means this Protocol;

“Parties” means the Parties to this protocol which are the Community and the regional economic communities;

“Treaty” means the Treaty Establishing the African Economic Community;

“Treaties” means the treaties establishing the regional economic communities;

“Regional Economic Community” means a corporate legal entity established by its Treaty as defined in Article 1(d) of the Treaty and whose objective is to promote economic integration as a step towards the establishment of the Community;

“Community” means the African Economic Community established by Article 2 of the Treaty;

“Committee” means the Committee on Co-ordination established by Article 6 of this Protocol;

“Committee of Secretariat Officials” means the Committee of Secretariat Officials as set out in Article 9 of this Protocol;

“Secretary-General” means the Secretary-General of the OAU provided for in Article 21 of the Treaty;

“Chief Executive” means the Chief Executive of a regional economic community;

“Policy Organs” means the organs established by the legal instruments of the Parties forming the process of decision-making;

“OAU” means the Organization of African Unity;

“Bureau of the Assembly” means the Chairman and Vice-Chairmen of the Assembly;

“Commission” means the Economic and Social Commission of the Community established by Article 7 of the Treaty;

“Council” means the Council of Ministers of the Community established by Article 7 of the Treaty;

“Assembly” means the Assembly of Heads of State or Government of the Community established by Article 7 of the Treaty; and

“Court of Justice” means the Court of Justice established by Article 18 of the Treaty.

ARTICLE 2 **Scope of Application**

The provisions of this Protocol shall apply to relations between the Parties and measures that the Parties shall implement in order to fulfil the responsibilities placed on them by Articles 6 and 88 of the Treaty.

ARTICLE 3 **Objectives**

The objectives of this protocol shall be:

- a) to strengthen the existing regional economic communities in accordance with the provisions of the Treaty, treaties and this Protocol;
- b) to promote the coordination and harmonization of the policies, measures, programmes and activities of regional economic communities to ensure that the provisions of paragraph 2 (a) through (d) of Article 6 of the Treaty are implemented in a harmonious manner to facilitate, at stage five set out in Article 6 of the Treaty, an efficient integration of the regional economic communities into the African Common Market;
- c) to promote closer co-operation among the regional economic communities; and
- d) to provide an institutional structure for the coordination of relations between the Community and the regional economic Communities on the implementation of the stages 1 through 4 set out in Article 6 of the Treaty.

ARTICLE 4
General Undertaking

The Parties undertake to promote the coordination of their policies, measures, programmes and activities with a view to avoiding duplication thereof. To this end, the Parties agree:

- a) to ensure that their policies, measures, programmes, and activities do not duplicate efforts or jeopardize the achievement of the objectives of the Community;
- b) that the Community shall refer decisions and directives relating to the implementation of the provisions of paragraph 3 of Article 6 of the Treaty to the Committee which shall advise on modalities for implementation;
- c) to abide by the provisions of paragraph 1 of Article 88 of the Treaty which states that the Community shall be established mainly through the coordination and harmonization of the activities of the regional economic communities and their eventual integration into the African Common Market, thus, envisioning a Community that shall commence operating at harmonized continental framework at stage five set-out in Article 6 of the Treaty; and
- d) to provide for the exchange of information among their respective Secretariats for the implementation of the Treaty and treaties.

ARTICLE 5
Specific Undertakings

1. The Regional Economic Communities shall take steps to review their treaties to provide an umbilical link to the Community and in particular provide:
 - a) in the treaties as their final objective, the establishment of the Community;
 - b) legal links to this Protocol, the Treaty and the treaties of the Regional Economic Communities; and
 - c) for the eventual absorption, at stage 5 set-out in paragraph 2 (f) of Article 6 of the Treaty, of the Regional Economic Communities into the African Common Market as a prelude to the Community.
2. The Community undertakes to discharge fully, and as the first priority, its responsibility of strengthening the existing Regional Economic Communities and establishing new ones where none exist, within the time framework set-out in Article 6 of the Treaty as well as of coordinating and harmonizing the activities of the regional economic communities.

CHAPTER TWO

COORDINATION FRAMEWORK

ARTICLE 6
Coordination Organs
Establishment

There shall be established as organs for coordinating policies, measures, programmes and activities of Regional Economic Communities and ensuring the implementation of activities arising from the provisions of this Protocol:

- a) the Committee on Coordination; and
- b) the Committee of Secretariat Officials.

ARTICLE 7
The Committee on Coordination
Composition and Functions

1. The Committee shall consist of:
 - a) the Secretary-General;
 - b) the Chief Executives of the Regional Economic Communities;
 - c) the Executive Secretary of the Economic Commission for Africa; and
 - d) the President of the African Development Bank.
2. Members of the Committee may be accompanied to meetings by experts and advisers.
3. The Committee shall be responsible for:
 - a) providing policy orientation pertaining to implementation of the Protocol;
 - b) coordinating and harmonizing the macro-economic policies, other policies and activities of the Regional Economic Communities, including the priority sectors of agriculture, industry, transport and communication, energy and environment, trade and customs, monetary and financial matters, integration legislation, human resources, development, housing, health and water, tourism, science and technology including information technology, cultural and social affairs;
 - c) monitoring and keeping under constant review, progress made by each regional economic community towards the implementation of stages 1 through 4 set out in Article 6 of the Treaty;
 - d) preparing the budget referred to in Article 24 of this Protocol;
 - e) determining the modalities of implementing decisions and directives of the Assembly and the Council on the implementation of the Treaty;
 - f) mobilizing resources for the implementation of the Treaty; and
 - g) considering recommendations of the Committee of Secretariat Officials covering (a) through (c) above.
4. In order to facilitate the harmonious and speedy implementation of the provisions of the Treaty, treaties and this Protocol, the Committee shall have the power to implement the provisions of this Protocol and submit regular progress reports to their respective policy organs including issues requiring their approval.

ARTICLE 8
Meeting of the Committee

1. The Committee shall meet at least once a year and shall be chaired by the Secretary-General.
2. The decisions of the Committee shall be taken by consensus failing which by a simple majority.

Subject to the provisions of the Treaty and the treaties, the Committee shall determine its own rules of procedure for the conduct of its meetings.

ARTICLE 9
The Committee of Secretariat Officials
Composition and Functions

1. The Committee of Secretariat Officials shall consist of:

- a) OAU senior officials responsible for community affairs;
 - b) designated senior officials of the regional economic communities; and
 - c) designated senior officials of the Economic Commission for Africa and the African Development Bank.
2. The Committee of Secretariat Officials whose main function shall be to prepare for the meeting of the Committee, shall, in particular, be responsible for:
- a) monitoring and keeping under constant review the coordination and harmonization of policies and activities of regional economic communities and ensuring the proper development of the communities towards the establishment of the African Common Market provided for in paragraph 2(f) of Article 6 of the Treaty and in this regard, making recommendations to the Committee.
- In particular, coordination and harmonization shall be in the priority sectors set-out in paragraph 3 (b) of Article 7 of this Protocol;
- b) evaluating progress made by each Regional Economic Community towards the implementation of the provisions of paragraph 2 (a) through (d) of Article 6 of the Treaty and making recommendations to the Committee;
 - c) recommending the budget referred to in Article 24 of this Protocol;
 - d) promoting inter-regional cooperation and coordination as well as inter-regional mutual assistance; and
 - e) submitting, from time to time, on its own initiative or upon the request of the Committee, reports and recommendations that would facilitate the attainment of the objectives of the Treaty and this Protocol.
3. Members of the Committee of Secretariat Officials may be accompanied to meetings by experts.
4. The Committee of Secretariat Officials may establish Ad-hoc Committees and working groups of experts to assist it in the discharge of its responsibilities.

ARTICLE 10
Meeting of the Committee of Secretariat Officials

1. The Committee of the Secretariat officials shall meet at least once a year prior to the meetings of the Committee.
2. The decisions of the Committee of Secretariat Officials shall be by consensus failing which the matter may be referred to the Committee on Coordination for decision.
3. The rules of procedure for the conduct of the meetings of the Committee, subject to necessary modifications, shall apply to the Committee of Secretariat Officials.

CHAPTER THREE
IMPLEMENTATION

ARTICLE 11
Immediate Priority Activities by the Community

1. In terms of the provisions of paragraph I of I Article 88 and paragraph 2 (a) through (d) of Article 6 of the Treaty, the Community's role at stages 1 through 4 is primarily to strengthen existing Regional Economic Communities, establishing new ones where none exist and harmonizing and coordinating the policies and measures adopted by the Regional Economic Communities and eventually integrating the Regional Economic Communities into the envisaged African Common Market. To this and the Community shall:

- a) Within the limit set out in Article 6 of the Treaty, identify regions where no regional economic community exists in order to establish regional economic communities there;
 - b) Evaluate the policies, measures, programmes and activities of the Regional Economic Communities and their implementation thereof in order to determine the stage at which each Regional Economic Community shall be placed in terms of the stages set out in paragraph 2(a) through (d)'of Article 6 of the Treaty;
 - c) Through the Regional Economic Communities, identify areas with respect to each Regional Economic Community which require the assistance of the Community with a view to strengthening each Regional Economic Community and facilitating the achievement of the objectives of each treaty and the Treaty; and
 - d) Monitor the implementation of harmonized and rationalized, policies, measures and programmes agreed upon at the levels of the Regional Economic Communities and the Community member states.
2. The implementation by the Community of measures, programmes and activities envisaged under the provisions of paragraph 3 of Article 6 of the Treaty concurrently within the time limits set but in paragraph 2 of Article 6 of the Treaty shall be done jointly with the Regional Economic Communities and shall take into account similar measures, programmes and activities being implemented by the latter.

ARTICLE 12
Financial and Technical Support

1. The parties recognize that the main obstacles to the full implementation of the policies, measures and programmes of Regional Economic Communities include resource constraints, at the level of the Community, Regional Economic Communities and the member states to plan, manage, in up and monitor the implementation of agreed decisions, policies, measures, programmes and activities. In this regard, the Community shall strengthen the Regional Economic Communities as follows:
- a) Provide financial resources to assist regional economic communities implement, in particular, policies, measures and programmes which shall facilitate the development of respective regional economic communities from one stage to the next as set out in paragraph 2 (a) through (d) of Article 6 of the Treaty;
 - b) Promote human resource capacity development of the regional economic communities;
 - c) Strengthen institutions created by or affiliated to the regional economic communities;
 - d) Provide technical assistance to regional economic communities according to expressed needs; and
 - e) Urge its member states to expedite implementation of programmes agreed upon at the level of the regional economic communities and monitor their compliance thereof so as to expedite the implementation of the Treaty.

CHAPTER FOUR
IMPLEMENTATION BENCHMARKS FOR THE REGIONAL ECONOMIC COMMUNITIES

ARTICLE 13
The General Benchmarks

The provisions of Articles 4 and 6 of the Treaty envisage, at stages 1 through 4 set out in paragraph 2 (a) though (d) of Article 6 of the Treaty, the following outputs:

- a) trade liberalization, facilitation, promotion and development with a view to creating a free trade area and a customs union through the eventual adoption of a common external tariff; and

- b) sectoral integration based on harmonized macro-economic policies, enabling free market policies, factor movement and measures that aim to reduce transaction costs of doing business across the borders and thus promote increased domestic production in the Parities' Member States.

ARTICLE 14
Specific Benchmark

1. The Committee shall decide, from time to time, the specific benchmark to be attained at each stage.
2. Notwithstanding the provisions of paragraph 1, all policies, measures and programmes which shall be implemented in order to achieve a free trade area, a customs union and a common market for each Regional Economic Community shall be implemented by the end of the period provided for in paragraph 2 (a) through (d) of Article 6 of the Treaty of 25 years from the date of entry into force of the Treaty.
3. Notwithstanding the provisions of paragraph 1, the coordination and harmonization of tariff and non-tariff systems among the Regional Economic Communities with a view to establishing, at continental level, a customs union by means of adopting a common external tariff, shall be achieved within the period provided for in paragraph (d) of Article 6 of the Treaty.
4. Any Regional Economic Community may accelerate the process of integration and achieve the objectives set for each stage well in advance of the time limits set-out in Article 6 of the Treaty.
5. Subject to the provisions of the Treaty, Regional Economic Communities may, jointly with the Community, implement measures, programmes and activities envisaged under the provisions of paragraph 3 of Article 6 of the Treaty concurrently within the time limits specified in paragraph 2 of Article 6 of the Treaty taking into account existing similar measures, programmes and activities.
6. The Community shall, immediately after the entry into force of this Protocol and in consultation with the regional economic communities, evaluate, existing regional economic communities to determine the stage at which each shall be placed in terms of the stages set out in paragraph 2 (a) through (d) of Article 6 of the Treaty.

CHAPTER FIVE

CO-OPERATION AMONG REGIONAL ECONOMIC COMMUNITIES

ARTICLE 15
Co-ordination of Activities

The Chief Executives may, prior to a meeting of the Committee, meet either formally or informally to discuss the co-ordination of their activities.

ARTICLE 16
Joint Programmes and Closer Co-ordination

Regional Economic Communities, inters, may enter into cooperation arrangements under which they undertake joint programmes or activities or more closely co-ordinate their policies, measures and programmes.

ARTICLE 17
Participation at each others' Meetings and Exchange of Information

1. Each Regional Economic Community shall invite the others to participate at meetings convened by it in which matters of mutual interest, in the context of this Protocol to the others, are to be discussed. The costs for attending such meetings shall be borne by the Community.
2. A Regional Economic Community may, in line with modalities to be mutually agreed upon, avail another of its experience by putting at its disposal the services of its personnel. The costs for such exchange of expertise shall be borne by the Community.

ARTICLE 18
Exchange of Information

The Regional Economic Communities shall exchange information and documents and keep each other informed of their policies, measures, programmes and activities relating to the implementation of this Protocol with a view to fostering closer coordination and cooperation among them for the achievement of the objectives of the Community. To this end, data banks shall be established within the Secretariats of the OAU/AEC and the Regional Economic Communities.

CHAPTER SIX
PARTICIPATION AT MEETING AND THE NATURE OF DECISIONS

ARTICLE 19
Participation at Community Meetings

1. The Regional Economic Communities shall participate fully in meetings of the Community on the implementation of the provisions of stages 1 through 4 set out in paragraph 2(a) through (d) of Article 6 of the Treaty and the provisions of this Protocol.
2. Each Regional Economic Community shall submit a report to the Commission, the Council and the Assembly on progress made in the implementation of the provisions of this Protocol.

ARTICLE 20
Participating at Meetings of Regional Economic Communities

1. The Secretary-General shall participate fully in meetings of the regional economic communities.
2. The Secretary-General shall submit a report to the meetings of the policy organs of the regional economic communities on the implementation of the provisions of the Treaty and this Protocol.

ARTICLE 21
Community Decisions to Regional Economic Communities

1. The Assembly and the Council shall give directives to any regional economic community whose policies, measures and programmes are at odds with the objectives of the Treaty or whose implementation of its policies, measures, programmes and activities lags behind the time limit set out in Article 6 of the Treaty.
2. Where it is established that the delay in the implementation of the policies, measures, programmes and activities arising from the provisions of Article 6 of the Treaty rests on action or omission by Member States of regional economic communities, the Assembly or the Council shall address its directives to the relevant Community member states.
3. The decisions of the Assembly and the Council may include any sanctions deemed appropriate.

ARTICLE 22
Status of the Regional Economic Communities at Community Meetings

1. Chief Executives of the Regional Economic Communities shall be accorded the same status as that of the Chief Executive of the other Party to this protocol and shall in this regard participate fully in the deliberations of the Community.
2. Decisions of the Community on regional integration shall take into account the views of the regional economic communities.

ARTICLE 23
Status of the Community at Meetings of Regional Economic Communities

The Secretary-General shall be accorded due respect and status at meetings of the regional economic communities and participate fully in the deliberations of the regional economic communities.

CHAPTER SEVEN FINANCIAL PROVISIONS

ARTICLE 24 Budget

1. The Community shall allocate in its regular budget resources for the implementation of this Protocol and related provisions of the Treaty including the financing of all meetings held in relation thereto and the costs for the participation of the regional economic communities.
2. A draft budget, for the implementation of this Protocol, for which financial year shall be prepared by the Secretary-General in consultation with the Chief Executives.
3. Notwithstanding the provisions of paragraph 1, the resources of the budget may be derived from extra-budgetary sources.

ARTICLE 25 Accounts and Financial Regulations

The regional economic communities shall account for any financial resources provided by the Community in accordance with the provisions of Article 85 of the Treaty.

CHAPTER EIGHT GENERAL AND FINAL PROVISIONS

ARTICLE 26 Working Languages

For the purposes of this Protocol, the working languages of the Committee shall be the same as those of the Community.

ARTICLE 27 Administrative Arrangements

1. The Community shall be responsible for all secretariat, administrative and conference arrangements for all meetings held at the Community Headquarters relating to the implementation of this Protocol.
2. Where the meetings are held at the invitation of one of the regional economic communities, the concerned regional economic community shall be responsible for all secretariat, administrative and conference arrangements.
3. The Community shall facilitate the participation of regional economic communities at all Community meetings.

ARTICLE 28 External Relations

1. In the context of realizing their regional integration objectives, regional economic communities may enter into cooperation agreements, interse, or with other international organizations or with third countries provided that such agreements do not conflict with the objectives of the Treaty and the treaties.
2. Copies of the agreements referred to in paragraph 1 shall be transmitted to the Secretary-General by the regional economic communities parties to them.

ARTICLE 29
Harmonization of Coordinating Ministries/Authorities

1. For the purposes of the implementation of the provisions of paragraph 2 of Article 88 of the Treaty and of Article 4 of this Protocol, the Parties agree to designate, through their Member States, the same coordinating ministry/authority for the implementation of the Treaty and the treaties.
2. Notwithstanding the provisions of paragraph 1, the regional economic communities may maintain country or regional offices in their Member States to promote the implementation, by Member States, of the provisions of the treaties and the Treaty.

ARTICLE 30
Dispute Resolution

Any dispute arising from or in connection with this Protocol shall be settled amicably between the Parties within the Committee, failing which it shall be referred to the Bureau of the Assembly. As a last resort, the Assembly may refer the disputants the Court of Justice.

ARTICLE 31
Entry into Force and Accession

1. This Protocol shall enter into force when signed by the Secretary-General on behalf of the Community and by at least three Chief Executives of the regional economic communities on behalf thereof.
2. Any Regional Economic Community which is not Party to this Protocol on the date of its entry into force shall accede to this Protocol.
3. This Protocol shall enter into force in relation to an acceding regional economic community on the date its instrument of accession shall be deposited.

ARTICLE 32
Amendments

1. Either party may propose amendments to this Protocol.
2. Proposals for amendment shall be submitted to the Secretary-General who shall transmit the same to all the regional economic communities within thirty (30) days of receipt of the proposal.
3. The Committee shall examine the proposals and make recommendations to the parties.
4. Amendments shall enter into force thirty (30) days after approval by the Community and at least three of the regional economic communities.

ARTICLE 33
Depository

This Protocol and all instruments of accession shall be deposited with the Secretary-General who shall transmit certified copies to the Parties and their Member States.

Done at Addis Ababa in the Republic of Ethiopia on the 25th day of February in the year one thousand nine hundred and ninety-eight in the English, French, Arabic and Portuguese languages, the four texts being equally authentic.

IN FAITH WHEREOF the undersigned have placed their Signatures to this Protocol.

1. **AFRICAN ECONOMIC COMMUNITY**

H.E. Mr. Salim Ahmed Salim
Secretary-General
25 FEB 1998
(signed)

2. **REGIONAL ECONOMIC COMMUNITIES**

i) **Common Market of East and Southern Africa (COMESA)**

H.E. J.E.O. MWENCHA
Ag. Secretary-General
25 FEB 1998
(signed)

ii) **Southern African Development Community (SADC)**

H.E. Dr. Kaïre MBUENDE
Executive Secretary
25 FEB 1998
(signed)

iii) **Inter-Governmental Authority for Development (IGAD)**

H.E. Dr. Tekeste GHEBRAY
Executive Secretary
25 FEB 1998
(signed)

iv) **Economic Community of West African States (ECOWAS)**

H.E. Mr. Lansana KOUYATE
Executive Secretary
25 FEB 1998
(signed)

v) **Economic Community of Central African States (ECCAS)**

H.E
Secretary-General
(not signed)

vi) **Arab Maghreb Union (AMU)**

H.E
Secretary-General
(not signed)