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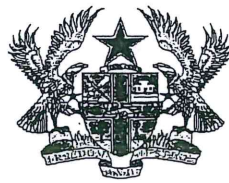
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REPUBLIC OF GHANA

MINISTRY OF ROADS &
HIGHWAYS

P. O. BOX M.57

ACCRA

GHANA

11th AUGUST, 2014

PARLIAMENTARY MEMORANDUM

THE TREATY ON THE ESTABLISHMENT OF THE ABIDJAN-LAGOS CORRIDOR AMONG
THE GOVERNMENTS OF THE REPUBLIC OF BENIN, THE REPUBLIC OF COTE
D'IVOIRE, THE REPUBLIC OF GHANA, THE FEDERAL REPUBLIC OF NIGERIA AND
TOGOLESE REPUBLIC

We forward herewith Two Hundred and Seventy (270) copies of Parliamentary Memorandum and supporting documents relating to the above-mentioned Treaty for Parliament's consideration and necessary action.

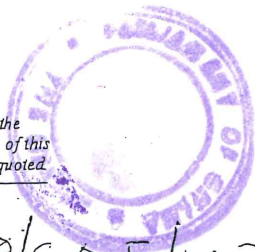
Thank you in anticipation of your usual cooperation.

DR. D. D DARKU
CHIEF DIRECTOR
FOR: MINISTER

THE CLERK OF PARLIAMENT
PARLIAMENTARY AFFAIRS
PARLIAMENT HOUSE
ACCRA

Cc: The Chairman
The Parliamentary Select Committee on
Constitutional, Legal and Parliamentary
Affairs
Parliament House
Accra

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OFFICE OF THE PRESIDENT

P.O. BOX 1627

ACCRA

My Ref. No.

DP/CA.5/V.2

FREEDOM AND JUSTICE



24TH JULY, 2014

CONFIDENTIAL

Your Ref. No.


TREATY ON THE ESTABLISHMENT OF THE ABIDJAN-LAGOS CORRIDOR
AMONG THE GOVERNMENTS OF THE REPUBLIC OF BENIN, THE REPUBLIC
OF COTE D'IVOIRE, THE REPUBLIC OF GHANA, THE FEDERAL REPUBLIC OF
NIGERIA AND TOGOLESE REPUBLIC

At its Twenty-Second Meeting held on Wednesday, 23rd July, 2014, Cabinet considered a Memorandum on the above-mentioned subject submitted by the Minister for Roads and Highways.

2. By this Memorandum, Cabinet was requested to recommend to Parliament for approval the above-mentioned Treaty between the Governments of the Republic of Benin, the Republic of Cote d'Ivoire, the Republic of Ghana, the Federal Republic of Nigeria and the Togolese Republic.

3. Cabinet took account of the benefits to be derived from the development of the corridor and gave approval for the Memorandum to be laid in Parliament.

4. I shall be grateful if you could take requisite action on the decision by Cabinet.


ROGER K. ANGSOMWINE
SECRETARY TO THE CABINET

THE MINISTER FOR ROADS AND
HIGHWAYS

cc: The Chief of Staff
Executive Secretary to H.E. the President
Secretary to H.E. the Vice President



MEMORANDUM TO PARLIAMENT

BY THE

HON. MINISTER FOR ROADS AND HIGHWAYS

ON

**THE TREATY ON THE ESTABLISHMENT OF THE
ABIDJAN-LAGOS CORRIDOR AMONG THE
GOVERNMENTS OF THE REPUBLIC OF BEBIN, THE
REPUBLIC OF COTE D'IVOIRE, TEH REPUBLIC OF
GHANA, THE FEDERAL REPUBLIC OF NIGERIA AND
TOGOLESE REPUBLIC**

AUGUST 2014

ACTION REQUIRED:

Parliament is respectfully invited to consider and ratify the TREATY ON THE ESTABLISHMENT OF THE ABIDJAN – LAGOS CORRIDOR AMONG THE GOVERNMENTS OF THE REPUBLIC OF BENIN, THE REPUBLIC OF COTE D’IVOIRE, THE REPUBLIC OF GHANA, THE FEDERAL REPUBLIC OF NIGERIA AND TOGOLESE REPUBLIC by virtue of Article 15 of the Treaty and in accordance with Article 75(2) of the 1992 Constitution.

The Treaty seeks to:

- a. Transform the Corridor into a Development Corridor that offers competitive transport and transit services that secure regional trade and stimulates investment, encourages sustainable development and guarantees security on the Corridor and
- b. Facilitate safe and efficient movement of persons and goods by improving on the road infrastructure and simplifying and harmonizing the requirements and controls that govern the movement of goods and persons with a view to reducing transportation costs and transit times.

BACKGROUND INFORMATION:

The Presidents of Nigeria, Ghana, Cote d’Ivoire, Togo and Hon. Minister of Foreign Affairs of Benin met on the margins of the Forty Second (42nd) Ordinary Session of the Authority of Heads of States and Government of ECOWAS, in Yamoussoukro on 28th February, 2013 and agreed to work towards the construction of a homogenous Highway from Lagos to Abidjan.

The Abidjan-Lagos Corridor covers a total distance of 1,028km and connects some of the largest and economically most dynamic cities in Africa namely Lagos, Accra, Cotonou, Lome and Abidjan, and covers a large proportion of the population of West Africa. It also links very vibrant sea ports, serving all the landlocked countries in the region being Burkina Faso, Mali and Niger.

In order to facilitate transportation on this Corridor which carries more than 75% of trade volume in West Africa, several interventions from ECOWAS, Development Partners and Countries

along the corridor have been undertaken over the years. These include road infrastructure improvement, border posts restructuring and soft transport facilitation interventions to improve the free flow of persons, trade and transport.

To further improve this corridor, the Presidents directed the ECOWAS Commission to convene a meeting of the related Ministries from the five (5) concerned Members States to strategize on the methodology for the realization of the project. In line with this Directive, a meeting of Ministers of Infrastructure/Works, Finance, Transport and Justice was held in Abuja on 22nd April 2013 to work out the modalities for the construction of the 3-lane dual carriageway (6 lanes) highway on the corridor.

Subsequently, a follow up consultative meeting was convened on 25th May 2013 in the margins of the 50th Anniversary of the Organization African Unity – African Union and 21st African Union Summit in Addis Ababa, Ethiopia, during which the outcome of the Abuja meeting was presented to the Presidents and Heads of Government of Nigeria, Benin, Togo, Ghana and Cote d'Ivoire. The meeting considered the recommendations and directed the ECOWAS Commission to organise a meeting of Ministers in-charge of Infrastructure, Finance and Justice to work out details of the Design Studies, Works & Supervision Contracts, Procurement Plan, Legal Framework, Institutional Arrangements and Financing Options for the implementation of the Abidjan-Lagos Highway Development project.

A Ministerial Steering Committee comprising the Ministers of Infrastructure of the 5 countries was established to support the ECOWAS Commission to undertake the activities as directed to achieve the Abidjan-Lagos Highway Development project. The Minister of Roads and Highways is Ghana's representative on the Steering Committee.

The ECOWAS Commission organized a series of Technical and Ministerial Steering Committee meetings to further discuss the technical requirements for the development of the Corridor as envisaged by the Presidents and Heads of Government of Nigeria, Benin, Togo, Ghana and Cote D'Ivoire. The ECOWAS Commission invited the Ministers of Roads and Highways, Finance and Justice as well as their technical experts to the various meetings as outlined below:

- i. 15th July, 2013 - 1st Steering Committee Meeting in Abuja – Nigeria
(Experts - 12 to 14 July)
- ii. 18th July, 2013 - Presidential Briefing meeting on the margins of the 53rd meeting of ECOWAS Summit in Abuja-Nigeria
- iii. 20th Sept, 2013 - 2nd Steering Committee Meeting *(Experts – 17th-19th Sept).*
- iv. 18th October, 2013 - **Legal Experts Meeting on Treaty**
- v. 25th October, 2013 - Presidential Briefing meeting on the margins of the ECOWAS HoSG Summit, Dakar – Senegal
- vi. 10th Dec. , 2013 - 3th Steering Committee Meeting, Yamoussoukro, Cote d’Ivoire (Experts 7-9 Dec, 2013).
- vii. 30th Jan. 2014 - Presidential Briefing meeting on the margins of the AUC Summit of HoSG, Addis Ababa – Ethiopia
- viii. 28th Feb. 2014 - 4th Steering Committee Meeting, Abuja – Nigeria

The Heads of State and Government signed the Treaty on 29th March, 2014 in Yamoussoukro. The Treaty and the Rules of Procedure guiding the development and management of the Corridor as envisaged by the Parties are attached in Appendix A and B respectively.

JUSTIFICATION FOR GOVERNMENT’S ACTION:

In 2003, ECOWAS and WAEMU adopted the Regional Road Transport and Transit Facilitation Program (RRTTFP) aimed at promoting intra-regional trade and facilitating trans-border movements. This program gives priority to the “Transcoastal” Lagos (Nigeria)-Nouakchott (Mauritania) and the “Trans-Sahelian” Dakar (Senegal) - N’Djaména (Chad) corridors. The Abidjan-Lagos coastal corridor was identified as one of the highest priority corridors for economic and social development in the sub-region due to its economic and large population that it covers.

The 1028 km coastal corridor links some of the largest and economically most dynamic cities in Africa (Lagos, Accra and Abidjan) and serves a population catchment area of over 35 million people. This corridor fulfills two main functions in West Africa:

(i) It links the main cities and neighboring countries and regional traffic is predominantly based on traffic of passengers who conduct significant informal border trade. More specifically, at least two thirds of the total traffic has an origin/destination from/to the neighboring country.

(ii) It is the global gateway to coastal and landlocked countries in West Africa, with all landlocked countries using at least one port along the Abidjan-Lagos corridor. Traders in West Africa sometimes shift port of exit/entry, and segments of the corridor are used when a problem arises on a given route: for example, the ports of Tema and Takoradi in Ghana were extensively used during the crisis in Côte d'Ivoire, for goods shipped to Burkina Faso.

Significantly, 578km of the 1028km of the Abidjan Lagos i.e. Aflao to Elubo (designated as National Road 1 (N1)) is in the territory of Ghana. The Government of Ghana has embarked on a number of projects on the Corridor, some of which are still in progress.

- The Akatsi-Denu section has been completed to a single carriageway with the assistance of the African Development Bank; however, the Denu-Aflao section is still under construction. The final 600m to Aflao will be constructed to a 2-lane dual carriageway.
- Discussions are on-going for the rehabilitation and expansion of the Accra-Tema Motorway by using the Public Private Partnership model. The procurement for a Transaction Advisor to assist the Government to engage the private sector partners is in progress.
- The George Bush Highway has been completed to a 3-lane dual carriageway with support from the Millennium Challenge Corporation.
- The Accra-Takoradi section is proposed for rehabilitation and expansion to a 2-lane dual carriageway using the Public Private Partnership model. The Pre-feasibility study is in progress.
- The Takoradi-Agona Junction was completed to a single carriageway about 3 years ago with support from the Danish Government. However, due to the early deterioration of the

section, the Danish Government is supporting a re-design study for its rehabilitation. There are no secure funds for the rehabilitation.

- The rehabilitation works of the Agona Junction – Elubo section is in progress.

The development and management of the Corridor in accordance with the tenets of the Treaty will have significant impact on Ghana's own development agenda for the N1. The George Bush Highway and about 1.5km of the Mallam-Kasoa section have been constructed to a 3-lane dual carriageway. The Motorway will also be expanded to a 3-lane dual carriageway. Current proposals for development of all other sections of the N1 are for a 2-lane dual carriageway. Subsequent to the signing of the treaty, all current and future development of the remaining sections of the N1 will have to acquire additional right of way to accommodate the proposed 3-lane dual carriageway.

HIGHLIGHTS OF THE PROVISIONS OF THE TREATY:

Article 2: Establishment, Construction and Management of the Corridor

1. The Contracting Parties hereby:
 - a. establish the Abidjan-Lagos Corridor.
 - b. establish the Abidjan-Lagos Highway Development Authority which shall have a Supra-National Status, in accordance with the provisions of Article 9.
 - c. undertake to construct and manage a 6-lane Dual Carriage Multinational Highway (2x3), which is more particularly described in the International Project Agreement, with complementary trade and transport facilitation measures linking Lagos (Nigeria) to Abidjan (Cote d'Ivoire) passing through the territories of Ghana, Togo and Benin, with such extensions and expansions as the Contracting Parties shall from time to time agree.

Article 4: Guiding Principles

1. Principle of Transparency
2. Principle of Equity
3. Principle of Solidarity

4. Principle of Mutual Assistance
5. Principle of Subsidiarity

Article 5: Areas of Collaboration

1. Infrastructure development
 - a. Updating existing studies on the different segments of the Corridor
 - b. Introduction of modern tolling systems
 - c. Provision of weighbridges
2. Transport and Trade Facilitation
 - a. Development and harmonization of trade and transport facilitation including the following areas:
 - i. Maritime port facilities
 - ii. Customs control, operation, immigration, police and other
 - iii. Documentation and procedures
3. Project to be regarded as a single unit
4. Review the scope and provisions of this Treaty to encourage integrated development
5. Make available to the Corridor Authority parcels of land for the Right of Way of the road corridor for expansion and railway infrastructure.
6. Jointly address matters relating to resettlement, compensation and protection of the Right of Way.
7. Sources of funds include; individual Contracting Party contributions, loans, grants from financial institutions.

Article 6: Project Documentation

1. International Project Agreement

The Contracting Parties to enter into an International Project Agreement with the Authority, which shall be executed on behalf of the Contracting Parties by the Steering Committee.

2. Agreed Regime and Stability

The Contracting Parties and the Authority agree that their rights and obligations relating to the Corridor, shall be exclusively governed by the following set of instruments, principles, rules and regulations: this Treaty, the International Project Agreement, the Enabling Legislation, the Rules of Procedure, all other instruments forming part of and or implementing the Agreed Regime, and all such general principles of international law, international treaties and domestic legislation as may be applicable to the Project, to the extent not inconsistent with any of the instruments contemplated in paragraphs (a), (b), (c), (d) or (e) of Article 6(3).

Article 8: Institutional Arrangements

1. Steering Committee

The Steering Committee as established by the Heads of State shall compose of Ministers responsible for Road Transport/Highway/Infrastructure/Works matters from each of the Contracting Parties and the Commissioner for Infrastructure of the ECOWAS Commission.

2. For the smooth development and management of the Corridor, the Committee shall create the following organs:
 - a. Project Delivery Team;
 - b. Abidjan-Lagos Corridor Development Authority; and
 - c. Any other organ or body as may be required.

Article 13: Frontier Facilities and Services

The Contracting Parties undertake to:

1. Facilities for the Clearance of Goods

Provide adequate facilities to enable the expeditious clearance of interstate and transit traffic at their respective designated border crossing points.

2. Border Post Facilities

- a. Establish Joint Border Posts at designated border points, to facilitate joint operations and the examination of the means of transport and goods together to avoid repeated customs control, which may lead to unloading and reloading.

- b. Harmonize border working hours for all national border agencies to 24 hours to facilitate the movement of goods and persons.

Article 15: Ratification of this Treaty.

This Treaty shall be subject to ratification in accordance with the constitutional provisions of the respective Contracting Parties.

RECORD OF CONSULTATIONS/COORDINATION:

A representative from the Ministry of Justice worked as a member of the Sub-Committee which drafted the Treaty. Other Technical Experts from the Ministry of Roads and Highways worked on the formulation of the Terms of Reference for the design, construction and reconstruction of the Corridor.

Cabinet also considered and approved the Treaty at its Twenty-Second Meeting held on Wednesday, 23rd July 2014 with a recommendation for submission of same to Parliament for ratification. Copy of Cabinet's approval letter dated 24th July 2014 and numbered OP/CA.5/V.2 attached.

IMPLEMENTATION PLAN:

The implementation of the Treaty is embodied in the Article 22 below:

Article 22: Transitional Arrangements

All such functions and powers conferred on the Authority by this Treaty, and the rules of procedure which were previously being exercised by the Steering Committee, shall automatically vest in the Authority from the date it is empowered to exercise the functions in accordance with the provisions of this Treaty.

FINANCIAL IMPACT:

The commencement of the activities leading to the realization of the development of the Corridor is dependent on the availability of funding to procure consultants for the design of the corridor, contractors for the construction of selected sections and ancillary facilities, partner private sector entities to finance, construct and manage selected sections and for the management of the Corridor.

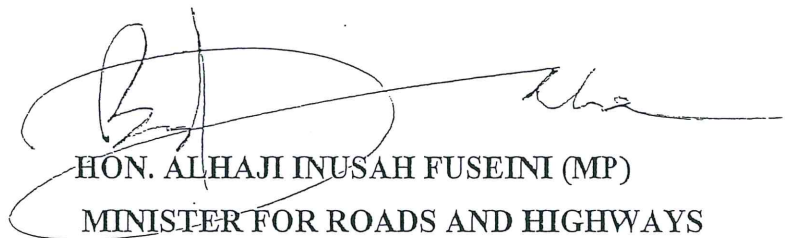
The framework for securing funding for the project is provided under Article 5 (7) of the Treaty. At the 3rd meeting of the Steering Committee in Yamoussoukro on 10th December 2013 a communiqué was issued. It was agreed in the communiqué that the Contracting Parties will contribute a total of US\$50million as seed money for the project. (Copy of the communiqué attached as Appendix C)

Subsequently, the Steering Committee met in Cotonou on 30th June 2014 and deliberated on the sharing formula to determine the contributions of the countries to the seed fund for the project. The Steering Committee briefed the Heads of State and Government on the outcome of their deliberations at the 45th Ordinary Session of ECOWAS Heads of State and Government in Accra on 10th-11th July 2014. Ghana is required to contribute US\$13,063,210 as seed money for the project. Record of the briefing is attached as Appendix D

CONCLUSION:

Parliament is respectfully invited to consider and ratify the Treaty on the Establishment of the Abidjan-Lagos Corridor among the Governments of the Republic of Benin, the Republic of the Cote D'Ivoire, the Republic of Ghana, the Federal Republic of Nigeria and the Togolese Republic as in paragraph 1 above.

The entry into force and implementation of the Treaty subsequent to ratification will pave the way for the formation of the other organs required to coordinate the development and management of the Corridor. Ghana has a higher stake as about 50% of the Corridor is within its territory. The development of the Corridor as envisaged will reduce the cost of trade and transport within the sub region.



HON. ALHAJI INUSAH FUSEINI (MP)
MINISTER FOR ROADS AND HIGHWAYS

DATED AUGUST 2014

ANALYSIS DOCUMENTS

The following supporting documents are attached to the Memorandum:

1. **Appendix A** – TREATY ON THE ESTABLISHMENT OF THE ABIDJAN – LAGOS CORRIDOR AMONG THE GOVERNMENTS OF THE REPUBLIC OF BENIN, THE REPUBLIC OF COTE D’IVOIRE, THE REPUBLIC OF GHANA, THE FEDERAL REPUBLIC OF NIGERIA AND TOGOLESE REPUBLIC

2. **Appendix B** – RULES OF PROCEDURE FOR THE ESTABLISHMENT AND MANAGEMENT OF THE ABIDJAN-LAGOS CORRIDOR

3. **Appendix C** - YAMOOUSSOUKRO STEERING COMMITTEE MEETING COMMUNIQUE AND REPORT

4. **Appendix D** – BRIEFING TO THE HEADS OF STATE AND GOVERNMENT OF THE ABIDJAN – LAGOS CORRIDOR MEMBER STATES ON THE ACTIVITIES OF THE PROJECT STEERING COMMITTEE AND REQUEST FOR APPROVAL OF THE PROPOSED SHARING FORMULA FOR THE MOBILIZATION OF US\$50 MILLION SEED FUND TO BE ALLOCATED FOR THE REQUIRED STUDIES AND ACTIVITIES TOWARDS PROJECT IMPLEMENTATION

APPENDIX A



TREATY

ON THE ESTABLISHMENT OF THE ABIDJAN-LAGOS CORRIDOR

AMONG

THE GOVERNMENTS OF

THE REPUBLIC OF BENIN, THE REPUBLIC OF COTE D'IVOIRE, THE REPUBLIC OF
GHANA, THE FEDERAL REPUBLIC OF NIGERIA AND TOGOLESE REPUBLIC

The High Contracting Parties:

The Government of the Republic of Benin,

The Government of the Republic of Cote D'Ivoire,

The Government of the Republic of Ghana,

The Government of the Federal Republic of Nigeria,

The Government of the Togolese Republic,

Hereinafter referred to as "the Contracting Parties"

PREAMBLE:

MINDFUL of the provisions of Article 84 of the ECOWAS Treaty that prescribes that Member States can conclude Agreements among themselves for the purposes of integration;

MINDFUL of the provisions of Article 32 paragraphs (a) and (b) of the revised ECOWAS Treaty prescribing to Member States to evolve common transport and communications policies, laws and regulations and develop an extensive network of all-weather highways within the Community, priority being given to the inter-State highways aiming at free movement of persons, goods and services within the Community;

MINDFUL of Decision A/DEC.13/01/03 relating to the establishment of the Regional Road Transport and Transit Facilitation Programme in support of intra-community trade and cross-border movements;

MINDFUL of Protocol A/SP1/5/90 of May 30th, 1990 establishing within the Community, a guarantee mechanism for inter-State road transit of goods;

MINDFUL of Resolution C/RES.5/5/90 of 27 May 1990 relating to the maximum permissible axle load and subsequent ones;

MINDFUL of Convention A/P4/5/82 on inter-State Road Transit of Goods;

MINDFUL of the ECOWAS Convention A/P2/5/82 of 29 May 1982 regulating inter-State Road Transportation between ECOWAS Member States;

MINDFUL of the Convention A/P5/5/82 for Mutual Administration Assistance in Customs Matters;

MINDFUL of the provisions of Decision A/DEC 2/5/81 relating to the Harmonization of Highway Legislations in the Community;

MINDFUL of Protocol A/P.1/5/79 of 29th May 1979 as amended relating to Free Movement of Persons, Residence and Establishment;

CONSIDERING that the Heads of State and Governments of the Republic of Benin, Republic of Cote D'Ivoire, the Republic of Ghana, the Federal Republic of Nigeria and , the Togolese Republic based on the recommendations of the meeting of the Ministers of Infrastructure, Transport, Finance and Justice held in Abuja on 22nd April, 2013, decided during their meeting held in Addis Ababa on May 25, 2013 to expand the Abidjan-Lagos Corridor, to a 2x3 Dual Carriage Highway taking into account the core principles of subsidiarity and solidarity among Member States;

HAVING RECOGNIZED that the Abidjan-Lagos Corridor constitutes the most traded section of the Trans-West African Highway network and connects some of the most economically vibrant cities in West Africa;

CONSCIOUS that the development of regional road infrastructure will deepen regional integration and the economic viability of the region;

DESIRING to ensure the smooth and rapid movement of goods and persons by trade routes through their respective territories in order to provide an effective, efficient and competitive corridor for regional and international trade;

RECOGNIZING that the Abidjan-Lagos Corridor is important towards developing an integrated infrastructure and transit system which is economical, safe and environmentally sustainable in order to boost the agricultural, mineral, tourism and energy resources existing in the region;

BEARING IN MIND that neither government nor private enterprises can singularly assume all risks of investment, maintenance and operation of transport and communication facilities and equipment. In this regard, the close coordination between the Governments and the Private Sector is key to the development of trade and transit facilitation;

CONVINCED that a regional approach is the best way to implement a project of such a magnitude by putting in place an institutional framework to oversee the project implementation and management process.

DO HEREBY AGREE AS FOLLOWS:

CHAPTER I: GENERAL PROVISIONS

Article 1: Definitions

For the purpose of this Treaty, the following terms and expressions shall have the meanings hereby assigned to them:

Treaty: means the Treaty relating to the development and management of the Abidjan-Accra-Lome-Cotonou-Lagos Corridor;

Authority: means the Abidjan-Lagos Highway Development Authority;

Corridor: means the Abidjan-Accra-Lome-Cotonou-Lagos Corridor which is formed by the geographical areas in:

- a) the Republic of Benin;
- b) the Republic of Cote D'Ivoire;
- c) the Republic of Ghana;
- d) the Federal Republic of Nigeria; and
- e) the Togolese Republic.

Hazardous Material: means any substance or material that could adversely affect the safety of the public, handlers or carriers during transportation. These include explosives, compressed gases, flammable liquids and solids, oxidizers and organic peroxides, toxic materials, radioactive materials, corrosive materials and any other material that presents a hazard in transportation.

Depository: means the President of the ECOWAS Commission in accordance with Article 19;

Development Corridor: means the Spatial Development Initiative approach to mobilise investment resource for the development of transportation, infrastructure, facilities and services in coordination with other sectors of the economy in the Corridor;

Enabling Legislation: means the domestic legislation passed by each Contracting Party to incorporate this Treaty;

Facilities: means infrastructure such as buildings or equipment put in place for the purpose of enabling the execution of a specific task in relation to transportation and transit of vehicles, goods and persons;

Facilitation: means procedures or measures put in place to ease the transportation of transit vehicles, goods and persons through the corridor;

Goods: mean all personal chattels and include wares, ores, livestock, aquatic animals and products, merchandise, crops, currencies and other articles offered for transportation;

Interstate Traffic or Transport: means the transport of goods or passengers between two or more Contracting Parties;

Joint Border Post: means a border post established at designated land borders at which all traffic utilizing the border post stops only once in each direction of travel and both exit and entry procedures are jointly undertaken by border control officers of the adjoining Contracting Parties from within the common control zone;

Steering Committee: means the Committee set up by Heads of States and Governments of the Contracting Parties in accordance with Article 10;

Other stakeholders: means actors or representatives of private sector, civil society, non-governmental organizations or any other recognizable bodies as may from time to time be identified.

Project: means the construction and management of a 2x3 Dual Carriage Highway from Abidjan in Cote d'Ivoire traversing Accra in the Republic of Ghana, Lomé in the Togolese Republic Cotonou in the Republic of Benin, to Lagos in the Federal Republic of Nigeria;

Right of Way: means the entire carriage way as well as adjacent portions of land, reserved sidewalks, roadside corridors for utilities, and future expansions as may be required;

Supra-National Status: means transcending powers accorded to the authority of the Abidjan-Lagos Highway. It also means a status accorded to the highway which transcends the jurisdictions of the national laws, regulations or policies of the Contracting Parties;

Traffic in Transit: means the traffic passing across the territory of contracting party with or without transshipment warehousing, break bulk, cleaning, repairing, replacing assembly, disassembly, reassembly of machinery and goods, or change of mode and means of transport;

Transit: means the passage across the territories of Contracting Parties when such passage is only a portion of a complete journey, terminating beyond the frontier of the Parties across whose territory the transit takes place;

Other Terms and Expressions:

Words in the singular include the plural unless the context otherwise requires;

Unless otherwise indicated, references to "Chapters", "Articles", and "Paragraphs" refer to chapters of, articles to, and paragraphs of this Treaty.

Article 2: Establishment, Construction and Management of the Corridor

The Contracting Parties hereby:

- a. establish the Abidjan-Lagos Corridor.
- b. establish the Abidjan-Lagos Highway Development Authority which shall have a Supra-National Status, in accordance with the provisions of Article 9.
- c. undertake to construct and manage a 6-lane Dual Carriage Multinational Highway (2x3), which is more particularly described in the International Project Agreement, with complementary trade and transport facilitation measures linking Lagos (Nigeria) to Abidjan (Cote d'Ivoire) passing through the territories of Ghana, Togo and Benin, with such extensions and expansions as the Contracting Parties shall from time to time agree.

Article 3: The Objectives and Scope of the Corridor

1. The Objectives of the Corridor shall be to:
 - a. facilitate safe and efficient movement of persons and goods, regional and international trade and transport by improving on the road infrastructure and simplifying and harmonizing the requirements and controls that govern the movement of goods and persons with a view to reducing transportation costs and transit times.
 - b. stimulate economic and social development in the territories of the contracting parties and the partnership between public and private sectors.
 - c. transform the Corridor into a Development Corridor which, in addition to offering safe, fast and competitive transport and transit services that secure regional trade, will also stimulate investment, encourage sustainable development, poverty reduction and guarantee security on the corridor.
 - d. implement strategies for accelerating economic and social growth along the corridor while ensuring environmental sustainability.
2. The Scope of the Corridor shall be from:
 - a. Cote D'Ivoire : Noe-Bassam-Abidjan;
 - b. Ghana : Aflao-Accra-Agona Junction-Elubo or Akanu-Accra-Agona Junction-Elubo;
 - c. Togo : Sanvee Condji-Lome-Noepe or Sanvee Condji-Lome-Kodjoviakope;
 - d. Benin : Krake-Hilacondji;
 - e. Nigeria : Lagos-Badagry-Seme.

Article 4: Guiding Principles

a) Principle of transparency

The Contracting Parties agree to cooperate in a transparent manner concerning issues relating to the funding, development, management and operation of the corridor.

b) Principle of Equity

The Contracting Parties agree to manage and operate the Corridor in an equitable manner in the areas of funding, development, operation and management in order to achieve their objective.

c) Principle of Solidarity

The Contracting Parties agree that the principle of solidarity shall guide the operations and implementation of this Treaty.

d) Principle of Mutual Assistance

The Contracting Parties shall give assistance to one another as may be required in matters of customs, immigration, security, health and any other such areas of interest in the use of the corridor. This assistance includes, but not limited to, control at each entry and exit point of their respective territories.

e) Principle of Subsidiarity

The Contracting Parties agree to apply the principle of subsidiarity by granting the necessary powers to anybody created under this Treaty to act for and on their behalf.

CHAPTER II: OBLIGATIONS OF THE CONTRACTING PARTIES

Article 5: Areas of Collaboration

The Contracting Parties agree to collaborate in matters relating to the following:

1. Infrastructure Development

- a. Updating of existing studies on the different segments of the Corridor to include:
 - i. Economic and financial feasibility studies,
 - ii. Detailed technical, engineering and environmental impact studies, and
 - iii. Construction works and supervision.
- b. Introduction of modern tolling systems based on appropriate studies and best practices in road financing.
- c. Provision of weighbridges and other axle load control equipment,

- d. Ensuring the implementation of road safety measures and the sensitization of social epidemics including HIVAIDS, along the corridor and its area of influence,

2. Transport and Trade Facilitation

Development and harmonisation of trade and transport facilitation measures along the Abidjan – Lagos Corridor, in the following areas:

- a. maritime port facilities;
 - b. routes and facilities;
 - c. customs control, operation, immigration, police and other agencies;
 - d. documentation and procedures;
 - e. transport of goods by road, rail and any other means as developed;
 - f. multimodal transport of goods;
 - g. handling of hazardous material;
 - h. measures of facilitation for transit agencies, traders and employees; and
 - i. corridor development.
3. To regard the project as a single unit, that may be divided into appropriate lots for purposes of contracting for works, supervision and management.
 4. Review the scope and provisions of this Treaty to encourage the development of integrated transportation infrastructure, services and facilities on the Corridor.
 5. Make available to the Authority, parcels of land on each side of the highway for Right of Way in order to accommodate the entire carriageway as well as for future expansion and developments such as Railway lines.
 6. Jointly address matters relating to resettlement, compensation and protection of the Right of Way.
 7. Source for funds needed for the execution of the project from any but not limited to the following:
 - i. Individual Contracting Party contributions
 - ii. Other Governments
 - iii. Loans from financial institutions, grants, bequests, subventions, donations from national and international donor partners and International Institutions or bodies.
 - iv. Donations from civil society, professional organizations and private companies, and
 - v. Donations from beneficiaries of the corridor, in particular private companies active along the corridor
 8. Contracting Parties agree to, for the time being entrust the ECOWAS Commission with the power to open account, receive, accept and deposit at a designated bank on behalf of the

Contracting Parties, loans, donations, contributions and grants both in cash and kind, that may from time to time be made for the purpose of the project”.

Article 6: Project Documentation

International Project Agreement

1. The Contracting Parties shall, after signing this Treaty, enter into an International Project Agreement with the Authority. The International Project Agreement shall be executed on behalf of the Contracting Parties by the Steering Committee.
2. A copy of the International Project Agreement shall be lodged with the Depository.

Agreed Regime and Stability

3. The Contracting Parties and the Authority recognise and agree that their rights and obligations relating to the Corridor, shall be exclusively governed by the following set of instruments, principles, rules and regulations:
 - a. this Treaty,
 - b. the International Project Agreement,
 - c. the Enabling Legislation,
 - d. the Rules of Procedure,
 - e. all other instruments forming part of and or implementing the Agreed Regime, and
 - f. all such general principles of international law, international treaties and domestic legislation as may be applicable to the Project, to the extent not inconsistent with any of the instruments contemplated in paragraphs (a), (b), (c), (d) or (e) above.
4. The Contracting Parties further recognize and agree with one another that the harmonized and stable application of this Treaty, the International Project Agreement, the Enabling Legislation and all other elements of the Agreed Regime by all the Contracting Parties throughout the duration of the International Project Agreement and across all five jurisdictions is essential to protect the rights and interests of each of the Contracting Parties in maintaining the Corridor to facilitate the transportation of persons, goods and services.
5. Each Contracting Party hereby agrees and undertakes that:
 - a) it shall comply with the provisions of the Agreed Regime,

- b) it shall desist from the use of direct executive action or any action whatsoever, which may discontinue performance of, revoke, amend, suspend, terminate or disable the legal effectiveness of this Treaty,
- c) It shall abstain from adopting any legislation or do anything which is incompatible with the text and application of this Treaty or of any other instruments forming or contemplated under the Agreed Regime.

Article 7: Action in the event of Breach of this Treaty

In the event of breach of any of the provisions of the Agreed Regime:

1. The affected Party shall promptly notify the Authority of the breach.
2. The Authority shall serve a notice of the breach on the Party in breach with a request to, cease and cure the breach;
3. The Party in breach shall immediately cease and remedy any such breach upon receipt of notice of the breach;
4. Refusal or failure to cease or adequately remedy the breach shall entitle the affected Party to seek redress or remedies under Article 19 of this Treaty.
5. The provisions of the International Project Agreement shall apply to determine any consultative, corrective or compensatory measures to be taken in respect of the party entitled to a remedy thereunder.

CHAPTER III: LEGAL AND INSTITUTIONAL FRAMEWORK

Article 8: Institutional Arrangements

1. Steering Committee
The Steering Committee as established by the Heads of State shall compose of Ministers responsible for Road Transport/Highway/Infrastructure/Works matters from each of the Contracting Parties and the Commissioner for Infrastructure of the ECOWAS Commission.
2. The Committee shall as soon as practicable after the signing of this Treaty, draw up the Rules of Procedure which shall apply to its conduct and to any other organ as may be created by it.
3. For the smooth development and management of the Corridor, the Committee shall create the following organs:
 - a. Project Delivery Team;
 - b. Abidjan-Lagos Corridor Development Authority; and
 - c. Any other organ or body as may be required.

4. The Steering Committee may by instrument amend the Rules of Procedure.

Article 9: Status and Powers of the Authority

1. The Contracting Parties solemnly agree to accord the Authority with a supra-national status as provided in Article 2 above, having a legal personality and financial autonomy.
2. The Authority shall have the responsibility to construct, manage and operate the Corridor and to do such other things as are expedient to the carrying out of its mandate.

Article 10: Competent Authority and Strategic partnerships

1. For the purpose of implementing this Treaty, the competent authorities of the Contracting Parties shall be their respective Ministries, Departments and Agencies (MDAs) responsible for Road Transport/Highway/Infrastructure/Works and any other MDAs as may from time to time be required as well as the Commissioner for Infrastructure of the ECOWAS Commission.
2. The Contracting Parties shall develop strategic partnerships with the private sector and other institutions for the purpose of ensuring effective and efficient implementation of this Treaty.
3. The Contracting Parties shall make all necessary information regarding the movement of persons, goods and services, along the Corridor publicly available through an accessible medium, and inform each other and the other stakeholders.

CHAPTER IV: TRANSIT ROUTES, FACILITIES AND MOVEMENT OF PERSONS AND GOODS

Article 11 - Transit Routes and Facilities

1. Technical Standards

The Contracting parties shall develop, harmonize and implement technical standards for infrastructure, facilities, equipment and vehicles along the corridor. These shall be in accordance with the ECOWAS Decision A/DEC. 6/7/96 Establishing Common Standards for the Design of Community Roads, Decision A/DEC 2/5/81 relating to the Harmonization of Highway Legislations in the Community as well as Supplementary Act/SP.17/02/12, relating to the Harmonization of Standards and Procedures for the Control of Dimensions, Weight and Axle

Load of Goods Vehicle within Member States of The Economic Community of West African States.

2. Facilities

The Authority shall:

- a) in partnership with the private sector, construct, facilitate, maintain and operate stop over facilities, at designated places, which shall include storage, buildings, loading and unloading and other ancillary facilities, accommodation for drivers and other operating staff, at places as may be agreed by the Contracting Parties.
- b) equip the corridor with communication and data transfer systems as needed in order to monitor inter-state and transit traffic within and through the territories of the contracting parties.

3. Safety and Security Measures

- a. Contracting parties agree to cooperate in the prevention of cross border crimes
- b. The Authority shall:
 - i. put in place measures for the safety and security of interstate and transit traffic within or passing through their territories.
 - ii. ensure that safety and security measures put in place are designed and implemented without impediments to free trade, transit and interstate transport.

Article 12: Movement of Persons

The Contracting Parties agree to:

- a) harmonize their immigration procedures in accordance with the ECOWAS Protocol A/P.1/5/79 of 29th May 1979 as amended relating to Free Movement of persons, residence and establishment.
- b) undertake joint immigration controls at their respective borders in accordance with ECOWAS Protocol A/P.1/5/79 of 29th May 1979, as amended relating to Free Movement of persons, residence and establishment.

Article 13: Frontier Facilities and Services

The Contracting Parties undertake to:

1. Facilities for the Clearance of Goods

Provide adequate facilities to enable the expeditious clearance of interstate and transit traffic at their respective designated border crossing points. It is further agreed that the Contracting Parties shall apply the provisions of the ECOWAS Supplementary Act that relates to the establishment and management of Joint Border Posts and corresponding Operational Procedure Manuals.

2. Border Post Facilities

- a) establish Joint Border Posts at designated border points, to facilitate joint operations and the examination of the means of transport and goods together to avoid repeated customs control, which may lead to unloading and reloading.
- b) provide adequate resources for the expeditious handling of border formalities, such as immigration, customs and health controls.
- c) permit third parties to offer warehousing services for storage of goods in customs bonded warehouses.
- d) harmonize border working hours for all national border agencies to 24 hours to facilitate the movement of goods and persons.
- e) provide adequate and secure parking space for trucks, other vehicles awaiting clearance and storage for containers;

Article 14: Customs Control and Operations

The Contracting Parties,

1. Joint Customs Posts

Agree to undertake joint customs controls at their respective borders in accordance with Article 13 of this Treaty and the ECOWAS Convention A/P5/5/82 relating to the Mutual Administration Assistance in Customs Matters.

2. Customs Inspection within The Territory

Undertake to expedite, within their respective territories, customs inspection, periods of compulsory stays in parking areas, including periods of inspection of goods and documents,

in accordance with the World Customs Organization principles, relevant ECOWAS Acts, Conventions, Protocols, Decisions, Resolutions and international best practices.

3. Harmonisation and Simplification of Procedures

Undertake to simplify, reduce and harmonize documentation and procedures as follows:

- a) implement the Convention relating to Inter-States Road Transit of Goods and limit the number of documents and extent of procedures and formalities required for interstate traffic and for traffic in transit.
- b) encourage the harmonization of customs systems through the interconnectivity of customs administrations along the Corridor.
- c) application of the ECOWAS Protocol on Brown Card Third Party Motor Insurance and other relevant instruments.

CHAPTER V: FINAL PROVISIONS

Article 15: Ratification of this Treaty.

This Treaty shall be subject to ratification in accordance with the constitutional provisions of the respective Contracting Parties.

Article 16: Amendments.

1. Subject to the provisions of Article 6 (3), any Contracting Party may propose to the Depository an amendment to this Treaty, which shall be considered by the Contracting Parties.
2. Any amendments shall be adopted by a unanimous decision of the Contracting Parties.
3. Any amendment to this Treaty which is adopted by the Contracting Parties shall enter into force upon receipt by the Depository of the instruments of ratification, acceptance or approval by at least two thirds of the Contracting Parties, or such later date as may be specified in the amendment.
4. The Depository shall notify all the Contracting Parties of the entry into force of an amendment.

Article 17: Termination and Withdrawal

1. A Contracting Party may withdraw from this Treaty by giving one year prior notice to the other Contracting Parties.
2. The withdrawal from this Treaty by a Contracting Party in accordance with paragraph (1) of this Article shall be subject to the prior consent of all the other Contracting Parties.
3. The withdrawal of a Contracting Party, shall not affect existing obligations arising from this Treaty.
4. The notice of withdrawal shall be lodged with the depository who in turn shall inform the other parties.
5. This Treaty can only be terminated by a unanimous agreement of all the Contracting Parties.

Article 18: Dispute Resolution

1. Any dispute arising from the interpretation or the application of the provisions of this Treaty shall be amicably settled through diplomatic channels or negotiation among the Contracting Parties.
2. Failing this, either Contracting Party may refer the matter to the ECOWAS Court of Justice whose decision shall be final and shall not be subject to appeal.

Article 19: Depository

1. The signed Treaty and the instruments of ratification shall be deposited with the President of the ECOWAS Commission who is the Depository of this Treaty. Duly certified copies will be transmitted by the President to the Contracting Parties.
2. The Depository shall have the following powers:
 - a. keep custody of the original text of this Treaty;
 - b. prepare certified copies of the original text and transmit them to Contracting Parties;
 - c. receive any signatures to this Treaty and receive and keep custody of any instruments, notification or communications relating to it;
 - d. examine whether the signature or any instrument, notification or communication relating to this Treaty is due and in proper form;
 - e. inform the Contracting Parties when number of signatures or of instruments of ratification or acceptance required for the entry into force of this Treaty has been received or deposited.
 - f. inform the Contracting Parties when any state qualified to accede to this Treaty under Article 21 has deposited its instruments of Accession;

- g. inform the Contracting Parties of the withdrawal of a Party.
- h. register this Treaty with the Secretariat of the United Nations; and
- i. perform other functions specified in the provisions of the Vienna Convention on the Law of Treaties.

Article 20: Entry into Force

This Treaty shall enter into force and be binding from the day the last Contracting Party deposits its instruments of ratification.

Article 21: Accession

1. This Treaty shall be open for accession by States other than the Contracting Parties on terms to be approved by the Contracting Parties from the date of entry into force of the Treaty.
2. The instruments of accession shall be deposited with the depository.

Article 22: Transitional Arrangements

All such functions and powers conferred on the Authority by this Treaty, and the rules of procedure which were previously being exercised by the Steering Committee, shall automatically vest in the Authority from the date it is empowered to exercise the functions in accordance with the provisions of this Treaty.

Done atin the Republic of on theday of2013 in the English and French languages, both texts being equally authentic.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have duly signed this Treaty.

FOR THE GOVERNMENT OF THE REPUBLIC OF BENIN

Signature:

Name:

Title:

FOR THE GOVERNMENT OF THE REPUBLIC OF COTE D'IVOIRE

Signature:

Name:

Title:

FOR THE GOVERNMENT OF THE REPUBLIC OF GHANA,

Signature:

Name:

Title:

FOR THE GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA

Signature:

Name:

Title:

FOR THE GOVERNMENT OF THE REPUBLIC OF TOGO

Signature:

Name:

Title:

IN THE PRESENCE OF:

Signature:

Name: H. E Kadre Desiré OUEDRAOGO

Title: The President of the ECOWAS Commission

APPENDIX B

RULES OF PROCEDURE

FOR THE

ESTABLISHMENT AND MANAGEMENT OF THE ABIDJAN-LAGOS CORRIDOR

Introduction

This Rules of Procedure provides operational rules for the implementation of the Treaty between the Contracting Parties for the construction and management of the Abidjan-Lagos Highway.

The Rules of Procedure adheres to the Treaty and does not contradict its provisions.

Therefore, the Contracting Parties agree on the following:

Article 1: Definitions

For the purpose of this Rules of Procedure, the following terms and expressions shall have the meanings hereby assigned to them:

Treaty: means the Treaty relating to the development and management of the Abidjan-Accra-Lome-Cotonou-Lagos Corridor;

Authority: means the Abidjan-Lagos Highway Development Authority;

Corridor: means the Abidjan-Accra-Lome-Cotonou-Lagos Corridor which is formed by the geographical areas in:

- a) the Republic of Benin;
- b) the Republic of Cote D'Ivoire;
- c) the Republic of Ghana;
- d) the Federal Republic of Nigeria; and
- e) the Republic of Togo.

Dangerous Goods: means chemical substances (including mixtures, gasses and solutions), which have potential to cause fire, health hazard, injuries or death or damage to persons, property and the environment;

Depository: means the Depository of the Treaty in accordance with Article 21;

Development Corridor: means the Spatial Development Initiative approach to mobilise investment resource for the development of transportation, infrastructure, facilities and services in coordination with other sectors of the economy in the Corridor;

Enabling Legislation: means the domestic legislation passed by each Contracting Party to govern Corridor and Authority;

Facilities: means infrastructure such as buildings or equipment put in place for the purpose of enabling the execution of a specific task in relation to transportation and transit of vehicles, goods and persons;

Facilitation: means procedures or measures put in place to ease the transportation of transit vehicles, goods and persons through the corridor;

Goods: means all personal chattels and includes wares, ores, livestock, merchandise, crops, currencies and other articles offered for transportation;

Interstate Traffic or Transport: means the transport of goods or passengers between two or more Contracting Parties;

Joint Border Post: means a border post established at designated land borders at which all traffic utilizing the border post stops only once in each direction of travel and both exit and entry procedures are jointly undertaken by border control officers of the adjoining Member States from within the common control zone;

Steering Committee: means the Committee set up by Heads of State and Presidents in accordance with Article 10 of the Treaty;

Other stakeholders: means actors or representatives of private sector, civil society, non-governmental organizations or any other recognizable bodies as may be identified from time to time.

Project: means the construction and management of a Six (6) Lane Dual Carriage Highway from Lagos in the Federal Republic of Nigeria to Abidjan in Cote d'Ivoire traversing through Cotonou in the Republic of Benin, Lomé in the Republic of Togo and Accra in the Republic of Ghana;

Right of Way: means the entire roadway or carriage way as well as adjacent portions of land reserved sidewalks, roadside corridors for utilities, and future expansions as may be required;

Supra-National Status: means transcending powers accorded to the authority of the Abidjan-Lagos Highway. It also means the status accorded to the highway which transcends the borders or jurisdictions of the national laws, regulations or policies of the Contracting Parties;

Traffic in Transit: means the traffic passing across the territory of contracting party with or without transshipment warehousing, break bulk, cleaning, repairing, replacing assembly, disassembly, reassembly of machinery and goods, or change of mode and means of transport;

Transit: means the passage across the territory of Parties when such passage is only a portion of a complete journey, terminating beyond the frontier of the Parties across whose territory the transit takes place;

Other Terms and Expressions:

All other terms and expressions that appear in this Treaty shall have the meaning assigned to them in the International Project Agreement;

Words in the singular include the plural unless the context otherwise requires;

Unless otherwise indicated, references to "Chapters", "Articles" and "Paragraphs" refer to chapters, articles and paragraphs of this Treaty.

Article 2: Structure and Mandate of Corridor Institutional Arrangements

In accordance with Article 10 of the Treaty, the Organs created shall operate under the following modalities:

1. Structure

The structure is comprised of the following:

- i) Steering Committee (SC)
- ii) Project Delivery Team (PDT)
- iii) Abidjan-Lagos Corridor Development Authority and;
- iv) Any other Organ or Committees as may be necessary

Article 2: Steering Committee (SC)

1. Composition

The Project Steering Committee shall be composed of Ministers responsible for Road Transport/Highway/Infrastructure/Works matters from each of the Contracting Parties and the Commissioner for Infrastructure of the ECOWAS Commission. Contracting Parties may designate other Ministers responsible for other sectors with relevance to the Project Management Structure under this Rules of Procedure, to attend Steering Committee Meetings. Such designations shall be communicated and accepted by a majority of the Steering Committee members.

2. Function

The Project Steering Committee shall be the policy, orientation and directive making body of the Corridor Management Structure and its decisions shall be binding on all Contracting Parties. For this purpose, the Steering Committee shall be responsible for:

- a. Overseeing the construction process of the Abidjan-Lagos Highway
- b. Considering and adopting the programmes and activity reports of the Corridor Management Organs;
- c. Reporting to the Heads of State and Governments of the Contracting Parties on the status of transit activities along the corridor, through periodic activity reports;

- d. Determining the resources of the Corridor Management Committee;
- e. Considering and adopting the budget of the Corridor Management Committee.

3. Meetings

The Steering Committee shall meet at least twice a year. The ECOWAS Commission or Abidjan-Lagos Corridor Development Authority shall coordinate and facilitate the meetings of the SC. The host and venue of the meetings of the Steering Committee shall be rotated among the Contracting Parties. Decisions shall be unanimous.

Article 4 : Project Delivery Team (PDT)

1. Composition

The Project Delivery Team is composed of the Directors responsible for Road Transport/Highways/Infrastructure/Works planning and design matters or their equivalents, and two (2) Private Sector members, per Contracting Party, representing relevant organized professional and civil society groups of cross-border transporters and traders in each of the Contracting Parties. Such private sector groups shall have activities covering a substantial length of the Corridor and shall be appointed by their respective Contracting Parties and the Ministry in-charge of Road Transport shall inform the Commission.

Resource persons, individuals or legal entities, may also take part in the proceedings of the Team as may be deemed necessary, but shall not have voting rights.

2. Functions

The Project Delivery Team shall carry out the following functions:

- a. Ensure the harmonious execution of the project by all Contracting Parties, Works Contractors, Consultants and any such body or persons associated with the execution of the Corridor Development Project.
- b. Assess and coordinate the implementation of the hard infrastructure and soft facilitation measures required to ensure the efficiency of the Corridor in terms of time, cost and reliability, in accordance with the appropriate Protocols of ECOWAS.
- c. Identifying the obstacles affecting the free flow of persons, goods and vehicles and take all necessary actions to overcome such obstacles;
- d. Assess the impact of all the facilitation measures on the performance of the corridor.

- e. Collect and disseminate information pertaining to transport and transit facilitation along the corridor as well as inform and sensitize users on any decision or measure likely to affect the operations of the corridor
 - f. Make the necessary arrangements for the enforcement of the regulations on transport facilitation applicable to the corridor.
 - g. Ensuring the enforcement of the community regulation on road transport and transit facilitation along the corridor;
 - h. Market and promote the corridor.
 - i. Facilitate the provision of a well-maintained road infrastructure as well as the development of other modes of transport such including rail and maritime.
 - j. Prepare SC meetings and report on work progress of the PDT at such meetings
3. Meetings

The Project Delivery Team shall meet at least quarterly, one meeting of which shall be held immediately preceding the meeting of the Steering Committee. The ECOWAS Commission or Abidjan-Lagos Corridor Development Authority shall coordinate and facilitate the meetings of the PDT. The host and venue of the meetings of the PDT shall be rotated among the Contracting Parties. Decisions shall be unanimous.

Article 5: Specialised Committees

1. Specialised /Technical Committees may be set-up by the PDT or as directed by the SC on the advice of the Project Delivery Team to carry out some facilitation activities along the corridor, and may include key sectors such as:
 - (a) Infrastructure Development and Management;
 - (b) Public Private Partnerships;
 - (c) Transport, Trade and Transit facilitation; and
 - (d) Customs, Trade facilitation and Free Movement.
2. The Specialised Committees shall be composed of organisations and/or persons designated by Contracting Parties to address issues in specialised areas of Transport Infrastructure; Transport, Trade and Transit; Customs; Immigration and Border Security and shall be responsible for implementation of aspects of transit transport operations in their specialized areas and in doing so, the Specialized Committees shall do the following:
 - a. Prepare implementation strategies for corridor operations;
 - b. Report their activities in periodic reports to the PDT through the Abidjan-Lagos Corridor Development Authority.

- c. Advise the Project on required amendments to the Treaty or this Rules of Procedures.

3. The ECOWAS Commission or Abidjan-Lagos Corridor Development Authority shall facilitate the Specialised Committee meetings of the Corridor Management Committee.

Article 6: The Abidjan-Lagos Corridor Development Authority

1. Appointment and Physical Location

- a. The Authority is the organ for the daily management and administration of the Lagos-Abidjan Corridor and shall be headed by an Executive Secretary and a Deputy. The Executive Secretary and the Deputy Executive Secretary shall not be nationals of the same Contracting Party.
- b. The Executive Secretary and the Deputy Executive Secretary shall be recruited based on the relevance of their qualifications, following an advertisement for suitably qualified persons for such positions from the Contracting Parties. Such advertisement shall be published in recognized national newspapers and national websites and the ECOWAS Commission. The term of their mandate shall be three (3) years subject to re-appointment for an additional three (3) year term only.
- c. The number and profiles of other staff of the Authority as required and the type and content of the tasks to be performed shall be determined by the Project Delivery team;
- d. The Headquarters of the Authority shall be located in one of the Contracting Parties as agreed by the PSC based on technical advice which shall be based on objectivity, practicality and functionality;
- e. The status of the Authority as a Supra-National organ will be established under a Headquarters Agreement between the Host Contracting Party and the Authority under which the Authority and its senior expatriate staff shall be accorded diplomatic immunities and privileges; and
- f. The Authority shall work in close collaboration with the ECOWAS Commission.

2. Functions of the Abidjan-Lagos Corridor Development Authority

The Abidjan-Lagos Corridor Development Authority shall carry out the following functions:

- a. Provide technical and analytical support to the Institutional organs and structures created in Article 10 of the Treaty;
- b. Facilitate cross-border trade and transit-transport cooperation among the Contracting Parties;
- c. Pursue spatial development initiatives aimed at developing socio-economic areas along the corridor;

- d. Set performance indicators and monitor their implementation, including implementation of the Agreement, and make periodic reports;
- e. Provide secretarial services to the meetings of the different organs of the Corridor Management Structures;
- f. Perform all such tasks as shall be assigned to it by the structures of the Steering Committee or the Project Delivery Team;

In exercising its functions the Authority shall be responsible for the organization of meetings and activities of the Steering Committee and Project Delivery Team.

Article 7: Functioning of Organs

The Steering Committee, the Project Delivery Team, the Specialised Committees and any other such organ shall determine their own internal rules of procedure for conducting business during meetings, including the election of office bearers. Both the Steering Committee and the Project Delivery Team may hold extraordinary meetings.

Article 8: Decisions

- a. The quorum required for decisions to be taken at meetings of the Organs shall be three-quarters (3/4) of its entire membership.

2. Duration of Mandate

- i) Each Contracting Party can assume the Chairperson role of the Steering Committee and the Chairperson of the Project Delivery Team, for two years. The Project Joint Technical Committee shall be chaired by the Director representing the Ministry designated as the Chairperson of the PSC.
- ii) In the event that a Chairperson is unable to complete his/her term, he/she shall be replaced by another member from the same Country up to the end of the duration of the tenure of that Contracting Party.
- iii) This chairperson mandate shall be executed rotationally among the Contracting Parties.
- iv) The ECOWAS Commission shall act as secretariat to the SC and the PDT until such a time that the Authority is fully established and functional.
- v) All activities and functions of the organs under the Treaty and this Rules of Procedure shall respect and be in accordance with the appropriate Protocols of the ECOWAS Community.

Article 9: The Resources of the Corridor Management Committees.

1. Funding

The Contracting Parties shall ensure that the Authority receives the necessary resources for its functioning. The resources of the Corridor Management Committees shall come from the following sources:

- a. Contributions by Contracting Parties: Contracting Parties shall contribute equitably according to an agreed method and procedure, and may include levies on goods leaving or entering any part of the Corridor as defined in the Treaty, under which joint financial resources shall be mobilised and utilised for the development of the corridor and sustainability of the Management Organs.
- b. Grants, Donations, bequests and other funding schemes for specific activities by Development and Donor Partners.
- c. Donations from civil society, professional organizations and private companies,
- d. Donations from beneficiaries, in particular private companies active along the corridor;

2. Auditing

The accounts of the Authority and Management Organs shall be audited annually, in accordance with the Financial Rules and Regulations of ECOWAS, by auditors duly appointed for the purpose who shall submit their report to the Steering Committee.

Article 10: Implementation and Follow-up of the Provisions of the Agreement

1. The Chairperson of the SC and President of the ECOWAS Commission shall be responsible for the implementation and follow up of all the activities leading to the effective completion of the project.
2. They shall report regularly on the progress of the project to the Heads of States and Government of the Contracting Parties.
3. In order to enhance infrastructure development through the transformation of the Corridor into a development corridor, the contracting parties agree to take all necessary measures that may include:
 - (a) Supplementary Agreements to the Treaty.
 - (b) Adoption of strategies and policies to promote the development of the Corridor,
 - (c) Mobilisation of Investment
 - (d) Enactment of enabling Legislation
 - (e) Joint implementation of projects and programmes.
4. The principles of fairness, subsidiarity and solidarity shall guide all activities under the implementation of this Agreement.

Article 11: Decisions of the Corridor Management Organs.

- a. Decisions taken by the Corridor Management Organs regarding the application of this Rules of Procedure shall be binding on the Contracting Parties.
- b. Any proposals which will necessitate amendment of the provisions of this Rules of Procedure shall be implemented only after having been approved through the amendment procedure established for that purpose in the Treaty.
- c. The Contracting Parties shall have the right to invite experts to participate in the consideration of particular matters brought up for amendment.

Article 12: Reports on the Decisions of the Corridor Management Committees.

The Abidjan-Lagos Corridor Development Authority shall communicate the decisions of the various organs of the Corridor to the Contracting Parties after each meeting of the respective organ.

Article 13: Relations between the Management Committee and other facilitation institutions

The Corridor Management Organs and other facilitation institutions, both national and regional, shall collaborate with each other to identify actions to be undertaken with a view to improving road transport and transit facilitation along the Corridor.

Article 14: Other International Obligations

Nothing in this Rules of Procedure shall prevent the Contracting Parties from fulfilling their obligations under any International Conventions to which they have become parties either before or after the entry into force of this Agreement.

Article 15: National Measures

1. The Provisions of this Rules of Procedures shall not preclude the application of any controls provided for in national legislation or any measures necessary on the grounds of public safety and national security or the application of veterinary or public health regulations. Such controls shall however respect protocols of the ECOWAS Community as it relates to transport, transit, Customs, trade and free movement.
2. The parties agree to inform and consult each other on the implementation of national laws and regulations and of any international instruments that may hamper the flow of interstate and transit traffic in the corridor.

Article 16: Offences.

1. The Contracting Parties recognise that for any punishable act or offence committed in the course of an interstate or transit operation, the laws and regulations in force in the

territory of the Parties or in whose territory such an offence has been committed shall apply.

2. The Contracting Parties agree to assist one another with respect to the apprehension and fair trial of such offenders.

Article 17: Amendments to the Rules of Procedure

1. Any Parties may propose amendments to the Rules of Procedure through the Steering Committee.
2. If each of the contracting parties notifies its acceptance of the amendments, the said amendments shall enter into force on the date of the receipt by the Authority of the last such notification of acceptance.
3. If one or more contracting parties fail to notify their final acceptance without notifying any objection to the proposed amendment within a period of six months, the amendment shall be considered as adopted.
4. The depositary shall receive the amendments and notification of acceptances and inform the contracting parties accordingly.

Article 18: Duration and Denunciation.

This Rules of Procedure shall remain an integral part of the Treaty and shall in force in for the duration of the Treaty

Article 19: Official Languages of the Corridor Management Committees.

The official languages of the Authority shall be English and French.

Article 20: Entry into Force.

This Treaty shall enter into force and be binding on the Contracting Parties as of the day each of the Contracting Parties have all deposited their instruments of ratification and/or acceptance.

FOR THE GOVERNMENT OF THE REPUBLIC OF BENIN

Signature:

Name:

Title:

THE GOVERNMENT OF THE REPUBLIC OF COTE D'IVOIRE

Signature:

Name:

Title:

THE GOVERNMENT OF THE REPUBLIC OF GHANA,

Signature:

Name:

Title:

FOR THE GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA

Signature:

Name:

Title:

FOR THE GOVERNMENT OF THE REPUBLIC OF TOGO

Signature:

Name:

Title:

IN THE PRESENCE OF:

Signature:

Name: H. E Kadre Desiré OUEDRAOGO

Title: The President of the ECOWAS Commission

APPENDIX C



THIRD MEETING OF THE STEERING COMMITTEE OF THE ABIDJAN-LAGOS HIGHWAY PROJECT Yamoussoukro, 10th December, 2013

COMMUNIQUE

1. The third meeting of the Steering Committee of the Abidjan-Lagos Highway Corridor Development Project was held on 10th December, 2013 at Hotel President in Yamoussoukro, Côte d'Ivoire.
2. The meeting was convened in compliance with the directives of the Heads of State and Government of the five Countries involved in the Project (Côte d'Ivoire, Ghana, Togo, Benin and Nigeria) on the margins of the 43rd meeting of ECOWAS Summit in Abuja-Nigeria on 18th July, 2013. They also directed that they should be briefed on the margins of subsequent Summits with the next one scheduled to be held in January, 2014.
3. This Meeting was attended by the following Infrastructure/Works and Justice Ministers or their duly mandated Representatives:
 - Republic of Benin;
 - Republic Côte d'Ivoire;
 - Republic of Ghana;
 - Federal Republic of Nigeria;
 - Togolese Republic.

Also in attendance was the Mayor of the City of Yamoussoukro. Representatives from the AfDB, Africa Finance Corporation (AFC) and Osprey Investments Ltd were also present as technical and development partners.

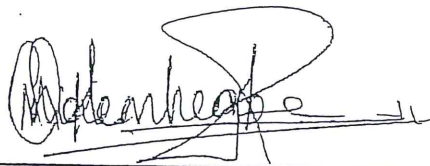
4. The Steering Committee subsequently considered the report submitted by the Legal and Road Infrastructure Experts on the first review of the Rules of Procedure. They also considered other key issues including:
 - a) Options for funding to fast-track the project implementation;
 - b) Way forward for design studies;

- c) Joint request to the AfDB ; and
 - d) Signing of finalized Project Treaty.
5. Regarding the Rules of Procedure, the Steering Committee considered the draft Rules of Procedure in terms of the following:
- a) The structure and designations of the various organs,
 - b) The relationship between the various management organs and other Regional Transport Facilitation Committees
 - c) The location of the permanent secretariat and its mandate
6. It was generally agreed that the immediate need is for a framework to ensure the construction of the Highway as envisaged by the Heads of State and Government. The proposed organs must therefore come with very clear mandates and functions consistent with the phases of the project.
7. Regarding the designation of the Corridor Management Organs, it was agreed that the structure and their functions should reflect the various phases and components of the project from the construction phase to the management phase. To this end, the Steering Committee as established by the Presidents will oversee the construction phase and be part of the governing Board of the Authority together with other Ministers as may be determined by the Heads of State.
8. On the issue of the management of the Corridor after construction, it was advised that the permanent organ should be referred to as the "Abidjan-Lagos Corridor Management Authority". In terms of its location, it was agreed that the principles of centrality, accessibility and section of the corridor in each country, should be key considerations. However, the decision of its location will ultimately be taken by the Heads of State.
9. Regarding options for resource mobilization and funding to ensure the speedy commencement of the project and to serve as a commitment to attract public and private sector investors and financial institutions, the Steering Committee agreed as follows:
- (i) Member States to contribute seed money totaling **US\$50million** for the implementation of the Project.
 - (ii) Mandate the ECOWAS Commission to engage partners such as the Africa Finance Corporation (AFC) and Roughton International to submit proposals for the provision of transaction advisory services for the implementation of the project.
 - (iii) In addition, the Commission was mandated to continue discussions with partners such as the African Development Bank and Osprey Investments on funds mobilization from external partners and the private sector for the project.

10. Regarding the funding request to the African Development Bank, the Steering Committee mandated ECOWAS to finalize the joint request for the signature of the respective Ministers of Finance, to complement the request submitted to the AfDB by the ECOWAS Commission on behalf of the five (5) countries.
11. The next meeting of the Steering Committee will be held in Cotonou, Benin on a date to be communicated to members. Before that, the ECOWAS Commission was asked to prepare all the necessary documents in consultation with the Chairman, in preparation for the consultation meeting with the Heads of State and Governments in January, 2014 in Addis Ababa, Ethiopia.
12. Lastly, the Steering Committee and Justice Ministers expressed their profound gratitude to **His Excellency, Alassane Ouattara**, President of the Republic of Cote d'Ivoire, the Government and People of Côte d'Ivoire for the warm welcome and authentic African hospitality extended to it during its stay in Yamoussoukro.

Done at Yamoussoukro, this day, 10th December, 2013

The Chairman

A handwritten signature in black ink, appearing to read 'Mike Onolememe', written over a horizontal line.

Honourable Arc Mike ONOLEMEMEN
For the Steering Committee



**MEETING OF ROAD INFRASTRUCTURE/WORKS
AND LEGAL EXPERTS FROM BENIN, COTE D'IVOIRE,
GHANA, NIGERIA AND TOGO ON THE RULES OF
PROCEDURE FOR THE ABIDJAN-LAGOS HIGHWAY
DEVELOPMENT PROJECT**

Yamoussoukro, 7th to 9th December, 2013

FINAL REPORT

INTRODUCTION

1. The meeting of the Infrastructure/Works and Legal Experts from the Republic of Benin, Republic of Côte d'Ivoire, Republic of Ghana, Federal Republic of Nigeria and the Togolese Republic to review the Rules of Procedure for the Abidjan-Lagos Highway Development Project, was held at Hotel President in Yamoussoukro, Côte d'Ivoire from 7th to 9th December, 2013.

2. The meeting was convened by the ECOWAS Commission in consultation with the Chairman of Steering Committee and in accordance with the recommendations of the 2nd Steering Committee meeting held in Accra, Ghana on 20th September, 2013. The key objective of the meeting was to review the Rules of Procedure for presentation to the Steering Committee.

PARTICIPATION

3. In attendance were experts of Infrastructure/Works and Legal from the following countries:

- Republic of Benin;
- Republic of Côte d'Ivoire;
- Republic of Ghana;
- Federal Republic of Nigeria and;
- Togolese Republic;

Also in attendance was a representative of Osprey Investments Ltd.

The expert meeting was chaired by the Legal expert from Côte d'Ivoire, Mr. Justin NDRI.

OPENING CEREMONY

4. The opening ceremony was marked by two statements:
- ✓ Speech by the Commissioner for Infrastructure of the ECOWAS Commission ; and

- ✓ Keynote Address by the Honourable Minister of Economic Infrastructure for the Republic of Côte D'Ivoire.

5. The ECOWAS Commissioner for Infrastructure, Mr. Ebrima Njie described the meeting as another opportunity for the hardworking family of experts and partners to advance the realization of the vision of Heads of State and Governments to transform the Abidjan-Lagos corridor into a modern, homogenous six lane highway. He outlined the initiatives and progress made by the ECOWAS Commission in the areas of technical studies and project financing.

6. Before declaring the meeting open, the Honourable Minister of Economic Infrastructure of Côte d'Ivoire, Mr. Patrick Achi stressed the importance of the project to the region as aptly demonstrated by the determination of the five Heads of State and Government for its expedited realization. Furthermore, he expressed the firm commitment of the Member States to secure funds for the project that is expected to provide a link to its vibrant cities. He also indicated that donors have shown tremendous interest in funding the project. He concluded by urging the Experts to continue the good work and strive to complete all the basic documents in order to kick start the project as soon as possible.

DELIBERATIONS

7. The draft Rules of Procedure was reviewed Article by Article by experts of the five Member States.

8. The experts examined issues pertaining to:

- ✓ Composition and functions of the Project Management Organs namely the Steering Committee, Project Delivery Team, Specialized Organs and the Abidjan-Lagos Corridor Development Authority;
- ✓ The Sources of funding for the Management of the Project ;
and

- ✓ The relationship between the Management Institutions and other Regional Transport Facilitation Committees.

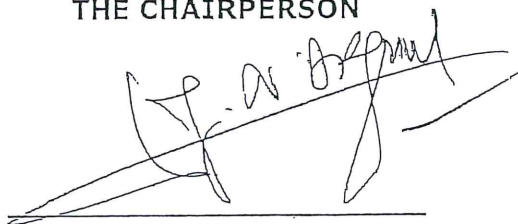
9. Following the discussions, the meeting effected amendments and proposed corrections to perfect the document which was unanimously adopted and accepted by all as the reviewed draft Rules of Procedure and is hereby attached.

10. In view of the importance of the Rules of Procedure to the implementation of the Treaty, the experts agreed to submit the reviewed draft document for the consideration and comments of the Steering Committee.

11. The Chairman expressed his appreciation to all Experts for their valuable and thoughtful contributions in enriching the document. He also applauded the congenial and friendly atmosphere in which all the deliberations took place.

Done at Yamoussoukro, Côte d'Ivoire, this day 9th of December, 2013

THE CHAIRPERSON

A handwritten signature in black ink, appearing to read 'N'DRI Justin', written over a horizontal line. The signature is stylized and somewhat cursive.

N'DRI Justin

APPENDIX D

Original: English

**45TH ORDINARY SESSION OF ECOWAS HEADS OF STATE AND
GOVERNMENT
ACCRA, 10-11 JULY 2014**

**BRIEFING TO THE HEADS OF STATE AND GOVERNMENT
OF THE ABIDJAN - LAGOS CORRIDOR MEMBER STATES ON
THE ACTIVITIES OF THE PROJECT STEERING COMMITTEE AND
REQUEST FOR APPROVAL OF THE PROPOSED SHARING FORMULA
FOR THE MOBILIZATION OF \$50 MILLION SEED FUND TO BE
ALLOCATED FOR REQUIRED STUDIES AND ACTIVITIES TOWARDS
PROJECT IMPLEMENTATION**

BY

**ARC. MIKE ONOLEMEMEN, FNIA; FNSE; FNIM.
NIGERIAN HON. MINISTER OF WORKS & CHAIRMAN OF PROJECT
STEERING COMMITTEE**

**ECOWAS COMMISSION
ABUJA, JULY 2014**

1. Your Excellencies may recall the directives given by your good selves, Presidents of Benin, Cote d'Ivoire, Ghana, Nigeria and Togo in Addis – Ababa on 25th May, 2013 and on the margins of the 43rd meeting of ECOWAS Summit in Abuja – Nigeria on 18th July, 2013. During these meetings, you directed the setting up of the Ministerial Project Steering Committee with Nigeria as Chair of the Committee and that you should be briefed on the progress of work on the Abidjan-Lagos Corridor Project in all your meetings.
2. The last briefing was done on the margins of the 44th Summit of ECOWAS Heads of State and Government in Yamoussoukro, Côte d'Ivoire on March 30, 2014.
3. Some of the details of my brief was the activities of the Steering Committee that includes the fact that the Committee has met **four times** times; 15th July, 2013 in Abuja–Nigeria, 20th September, 2013 in Accra–Ghana and 10th December, 2013 in Yamoussoukro – Cote d'Ivoire; and, Abuja 28th February, 2014.
4. During these meetings, we were able to produce the following vital documents for the execution of the project:
 - ✓ Draft Terms of Reference (ToR) for Detailed Design Studies;
 - ✓ Draft Legal Instrument "The Treaty" ;
 - ✓ Rules of Procedure (Operational Guideline);
 - ✓ Modalities for fund mobilization;
 - ✓ Identified agencies for fund mobilization; and
 - ✓ Outlined the necessary actions to be taken by concerned Member States for the immediate commencement of the project.
5. Subsequent to the last briefing we would like to update you on the activities towards the implementation of the project.
6. Regarding signing of "The Treaty", an indispensable tool for the implementation of the project, I am glad to inform you that the Treaty has now been signed by the five (5) concerned Heads of State and Government. This gives us the legal backing to pursue contractual obligations on behalf of the project and to establish the institutional arrangements for the development of the project.
7. On the request to the African Development Bank for assistance, a preparatory mission was fielded to the ECOWAS Commission from 10 to 17 June, 2014. An Aide-Memoire was signed in which the African Development Bank (AfDB) committed to source grant funding.

8. Your Excellencies, at the last briefing one major task you assigned to the Steering Committee was to propose for your consideration, a sharing formula for the mobilization of \$50 million seed fund to be utilized for project preparation which we emphasized will demonstrate Member State's commitment to the project and attract investors and financial institutions. The fifth meeting of the Steering Committee of the Abidjan-Lagos Corridor Highway Project was therefore held on June 30, 2014 at the Novotel Hotel, Cotonou, Republic of Benin to consider this issue.
9. The Steering Committee agreed as on the sharing formula below. The formula adopted is based on the average of contributions accruable to Member States derived from parameters such as population, Gross Domestic Product (GDP) and the length of the road to be built. This gives the following distribution (in millions of USD) :

COUNTRY	POPULATION	GDP	ROAD LENGTH	TOTAL
Côte d'Ivoire	2,143,870	4,420,908	8,414,397	4,993,058
Ghana	5,669,045	6,380,507	27,140,078	13,063,210
Togo	1,473,274	516,276	2,772,374	1,587,308
Benin	2,143,649	1,224,889	6,566,148	3,311,562
Nigeria	38,570,162	37,457,421	5,107,004	27,044,862
GRAND TOTAL	50,000,000	50,000,000	50,000,000	50,000,000

10. The Federal Government of Nigeria has proposed to provide the US\$50 million in advance with the contribution of the each Country as a loan.
11. We are very grateful Your Excellencies for the support you have given to the Committee to carry out the assignments so far and asked for the following approval:

Prayers:

Your Excellencies are hereby invited to:

- A. Approve the sharing formula proposed above and authorize relevant line Ministers to arrange for the release of the funds.