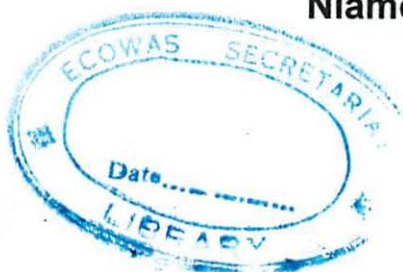




Fifty-fifth Ordinary Session of ECOWAS Council of Ministers

Niamey, 7 – 8 & 11 January, 2006



FINAL REPORT



**Executive Secretariat
Niamey, January, 2006**

I. INTRODUCTION

The fifty-fifth ordinary session of the ECOWAS Council of Ministers was held at the Palais des Congrès, Niamey, Republic of Niger, from 7, 8 and 11 January 2006.

2. The following Member States were represented at the meeting:

- Republic of Benin
- Burkina Faso
- Republic of Cape Verde
- Republic of Côte d'Ivoire
- Republic of The Gambia
- Republic of Ghana
- Republic of Guinea
- Republic of Guinea Bissau
- Republic of Mali
- Republic of Niger
- Federal Republic of Nigeria
- Republic of Senegal
- Republic of Sierra Leone
- Togolese Republic

3. The following specialised Institutions of ECOWAS and organisations were also represented at the meeting:

- The ECOWAS Court of Justice
- The ECOWAS Parliament
- The ECOWAS Bank for Investment and Development (EBID)
- The ECOWAS Regional Development Fund (ERDF)
- The ECOWAS Regional Investment Bank (ERIB)
- The West African Health Organisation (WAHO)
- The West African Monetary Institute (WAMI)
- The Inter Governmental Action Group Against Money Laundering (GIABA)
- The ECOWAS Gender Development Centre (EGDC)
- The ECOWAS Youth and Sports Development Centre (EYSDC)
- The African Development Bank (ADB)
- The World Bank
- The United Nations High Commission for Refugees (UNHCR)
- The European Commission for Africa (ECA)
- The UEMOA Commission
- CENSAD
- The United Nations Office for West Africa (UNOWA)
- WADB (West African Development Bank)

4. The list of participants is attached as an annex to this report.

II. OPENING SESSION

5. At the request of its Chairperson, the Council of Ministers observed a minute of silence in memory of the members of staff of the Community who tragically died in 2005.

6. Speaking at the opening ceremony, the ECOWAS Executive Secretary, Dr. Mohamed Ibn Chambas, welcomed all the participants to the fifty-fifth session of the Council of Ministers. On behalf of the participants, he also expressed sincere thanks and appreciation to His Excellency, Mamadou Tandja, President of the Republic of Niger and current Chairman of the ECOWAS Authority, the Government and people of Niger, for their brotherly welcome and the hospitality extended to the participants.

7. In his address, the Executive Secretary expressed gratitude to all those who had contributed to the evolution and positive gains of the Community from its creation thirty years ago. He stated that even though the West African economy had been growing by more than 5% in the past two years, the result of the evaluation of country performance on the millennium development goals (MDGs) clearly showed that all Member States run the risk of not achieving most of the eight MDGs on schedule.

8. The Executive Secretary expressed his conviction that the way for West Africa to escape the poverty trap is the regional approach to economic development. He added that the West African option of a regional approach, and the current stage of deepening the integration process, made it very necessary for a firmer commitment to the implementation of the ECOWAS programmes. This was because each ECOWAS initiative touched on national priority concerns and each Member State had necessarily to be fully engaged.

9. Taking the floor, Her Excellency Mrs. Aïchatou Mindaoudou, Minister of Foreign Affairs, Cooperation, Integration and the African Union of Niger, and current Chairperson of the ECOWAS Council of Ministers welcomed all participants and noted that the 55th session of the Council of Ministers was of particular importance to the Community, given the importance of the items on the agenda.

10. The Honourable Minister urged her colleagues to demonstrate a spirit of conciliation and commitment to duty so that their deliberations will take place in a frank and cordial atmosphere, such as would move the regional integration process forward.

11. The Honourable Minister then wished the participants fruitful deliberations and a successful meeting, and declared open the fifty-fifth ordinary session of the ECOWAS Council of Ministers.

12. A copy of the two speeches is attached as an annex to this report.

III. ELECTION OF BUREAU

13. The following bureau was elected:

- Chair: - Republic of Niger
- Rapporteurs: - Republic of Ghana
- Republic of Senegal.

IV. ADOPTION OF AGENDA AND WORK PROGRAMME

The following agenda was adopted after amendments:

1. Opening ceremony
2. Election of bureau
3. Adoption of agenda and work programme

Memoranda for Decisions by Council

4. Consideration of the ECOWAS 2005 Annual Report and implementation of tasks assigned to the Executive Secretariat
5. Consideration of the report of the Audit Committee
6. Consideration of final reports of Technical Commissions:
 - i) Political, Legal and Judicial Affairs, Regional Security and Immigration Commission (Legal Experts)
 - ii) Inter-Institutional meeting: Executive Secretariat/West African Health Organisation/ECOWAS Parliament/Community Court of Justice/ECOWAS Bank for Investment and Development
 - iii) Forty-ninth meeting of the Trade, Customs, Taxation, Statistics, Money & Payment Commission
 - iv) Extra-ordinary meeting of the Trade, Customs, Taxation, Statistics, Money and Payments Commission (Statistical issues)
 - v) Thirty-fourth meeting of Administration and Finance Commission.
7. Memorandum on the restructuring of ECOWAS Institutions:
 - i) Transformation of the Executive Secretariat into a Commission;
 - ii) Administrative restructuring of the ECOWAS Parliament.
8. Consideration of final reports of Ministerial meetings:
 - i) Ministers of Energy
 - ii) Ministers of Water Resources
 - iii) Ministers of Culture (for information)
 - iv) Ministers of Labour (for information)
 - v) Inaugural meeting of ECOWAS Chief Justices
9. Report of the meeting of the ad hoc Ministerial Committee on the Selection and Evaluation of the Performance of the Statutory Appointees; Appointment and Renewal of Terms:
 - (a) Executive Secretariat
 - (b) ECOWAS Court of Justice
 - (c) ECOWAS Parliament
10. Memorandum on the recommendations of the 4th GIABA plenary meeting
11. Progress report on the Economic Partnership Agreement negotiations between West Africa and the European Union
12. Consideration of the memorandum on the status of implementation of the ECOWAS Regional Agricultural Policy (ECOWAP)

13. Memorandum on status of implementation of the Protocol on Free Movement of Persons, Right of Residence and Establishment
14. Memorandum on the French lyrics of the ECOWAS anthem

Memoranda for Information Only

15. Memorandum on the progress report on the implementation of the ECOWAS Telecommunications Programme
16. Memorandum on the implementation status of trans-border initiative programmes
17. Memorandum on the promotion of a new regional carrier for West Africa
18. Report of the Executive Secretariat on progress in the implementation of the Yamoussokro Decision concerning the Liberalisation of Access to Air Transport Markets in West Africa
19. Consideration of draft agenda of twenty-ninth Summit of the Authority of Heads of State and Government
20. Any Other Business
21. Adoption of report
22. Closing session.

V. OUTCOME OF DELIBERATIONS

Item (4) : Consideration of the ECOWAS 2005 Annual Report and Implementation Status of Tasks Assigned to the Executive Secretariat

14. During the presentation of the ECOWAS 2005 Annual Report, the Executive Secretary stated that the past year had been devoted to enhancing the capacity of the Community to implement its regional programmes more effectively. This had involved improved programming of activities, improvement of the technical and organisational capacities of both Community Institutions and Member States, and mobilisation of additional resources for programme implementation. In recognition of the need for stronger partnerships, the Executive Secretariat ensured that working relations were enhanced, not only between the ECOWAS Institutions but also with the major development partners. Particular effort was made to maintain cordial relations between the ECOWAS and UEMOA Institutions in order to strengthen the convergence between the parallel regional integration initiatives adopted by the two West African bodies.

15. The annual report identified the challenges that the Community would have to face in the next few years. In addition to stating the need to further increase the growth rate of the regional economy through stricter macro-economic policies, the report highlighted the following points:

- completion of the process establishing the ECOWAS customs union;
- establishment of a project development and implementation unit (PDIU) and implementation of the West African component of the NEPAD infrastructural plan of action;
- approval of the ECOWAP plan of action (regional food security, agricultural productivity and trade in agricultural goods);
- time-frame for the monetary integration programme;
- outstanding issues on the economic partnership agreement;
- transformation of the Executive Secretariat into a Commission;
- strengthening of regional peace and security.

16. Council warmly congratulated the Executive Secretary on the high quality of the comprehensive report, and on the competent manner in which it was presented. During the ensuing deliberations, Council stressed the need for the Executive Secretariat to ensure an effective implementation of NEPAD as part of the 2006 Community Work Programme. The Executive Secretariat was urged to pursue with vigour the pilot projects initiated on the "border countries" concept, since it would enhance the integration process at the grass-roots level. In a similar vein, Council directed that the Executive Secretariat should pay particular attention to the development of the regional capacity for disaster management.

Item (5) : Consideration of the Report of the Audit Committee

17. The Audit Committee established by Council, held its inaugural meeting in Abuja on 31 October 2005, followed by a second meeting in Niamey, on 6 January 2006. The report of the committee was presented by its Chairperson, Mr. Mohamed B. Daramy, Minister of Development and Economic Planning of Sierra Leone.

18. The report recorded that the committee drew up draft texts regulating its functioning. These include its terms of reference, code of conduct and rules of procedure. The Committee examined the External Auditor's reports on the financial statements of West African Health Organisation (WAHO) for the year 2004 and also those of Community Parliament for the years 2003 and 2004. The Committee also examined the 2005 interim report of the Financial Controller. Finally, the Committee evaluated the applications received for the position of External Auditor to the ECOWAS Institutions for the financial years 2005 & 2006, and recommended the appointment of Deloitte & Touche of Côte d'Ivoire.

19. The Committee requested the Financial Controller to formulate proposals defining the respective roles and functions of the Financial Controller and the Internal Audit Department, as well as the relations between them. The Committee further

requested all ECOWAS Institutions to implement the recommendations of the External Auditors, and the Financial Controller to monitor the status of their implementation.

20. After deliberations, Council adopted the recommendations of the report and urged the ECOWAS Institutions to implement the recommendations as they stand.

21. Council commended the Committee for the quality of its work and requested the Committee to take note of the observations made regarding the contract period of the External Auditors.

22. Council also commended the out-going External Auditors, Coopers, Lybrand & Dieye for their services to the Community.

23. The following documents were adopted by Council:

- The final report of the inaugural meeting of the Audit Committee;
- The report of the Audit Committee on the External Auditor's report on the 2004 financial statements of WAHO and the 2003 & 2004 financial statements of the Community Parliament;
- The evaluation report of the Audit Committee on the appointment of the External Auditors for the 2005 & 2006 financial statements of the ECOWAS Institutions;
- Terms of reference, Code of Conduct and Rules of Procedure of the Audit Committee.

Item (6) : Consideration of Final Reports of Technical Commissions

i) Political, Legal and Judicial Affairs, Regional Security and Immigration Commission (Legal Experts)

24. The Chairman of the Commission presented to Council, the report of the legal experts of Member States, who met in Abuja from 17 to 19 October 2005, to examine the three draft texts hereafter:

- a draft decision on modalities for implementing Article 6 of Protocol A/P2/8/94 relating to the Community Parliament;
- draft revised statutes of the Inter-governmental Action Group Against Money Laundering in West Africa (GIABA); and
- a draft Protocol relating to the Establishment of a Criminal Intelligence and Investigation Network.

Draft Decision on the Modalities for Implementing Article 6 of Protocol A/P2/8/94 relating to the Community Parliament.

25. Explaining the reasons that led to the preparation of this protocol, the Chairman of the Commission indicated that the exercise of the powers stipulated in the Protocol relating to the Community Parliament was hindered by the absence of

procedures for the implementation of the said protocol. He pointed out that the procedures, the mode and timeframe for referring matters to the Parliament are not set out in any document.

26. The objective of the draft Decision submitted to the Council is therefore to correct these errors in order to permit the true exercise of the powers conferred on the Parliament by the Protocol relating to the Community Parliament.

Draft revised Statutes of the Intergovernmental Action Group Against Money Laundering in West Africa (GIABA)

27. To justify the need to revise the statutes of GIABA, the Chairman of the Commission indicated that the GIABA statutes adopted in 2000 did not provide any function for GIABA in the fight against terror funding. He further stated that the revised statutes also seek to ensure that Member States comply with the standards and methodology of the Financial Action Group (GAFI), in order to ensure the effectiveness of GIABA's activities.

Draft Protocol relating to the Establishment of a Criminal Intelligence and Investigation Network

28. The Chairman of the Commission recalled that the preparation of the protocol is sequel to the directive of the twenty-third session of the Authority of Heads of State and Government, the objective of which was to provide a response to the disturbing trend of trans-border criminality. In effect, the protocol is expected to assist in strengthening cooperation between the security agencies of Member States through activities such as the exchange of information concerning criminals, criminal organisations and their activities, the centralisation of the said information collected from judicial, police and security agencies, assistance for the conduct of criminal investigations and capacity building for the fight against trans-national crimes.

29. Council took note of the report and recommended to the Authority to adopt the three draft texts.

ii) Inter-Institutional Meeting: Executive Secretariat/West African Health Organisation/ECOWAS Parliament/Community Court of Justice/ECOWAS Bank for Investment and Development

30. The Executive Secretariat explained that in compliance with a directive of Council, the inter-Institutional meeting considered the draft supplementary protocol amending certain provisions of the protocol relating to the establishment of the West African Health Organisation (WAHO), earlier submitted to the meeting of legal experts of Member States.

31. The Secretariat indicated that the amendments proposed in the draft supplementary protocol were aimed at ensuring that the provisions of the Protocol relating to the establishment of the West African Health Organisation (WAHO), which concern the adoption of its staff regulations, organisation chart and budget, are in conformity with the provisions of the revised ECOWAS Treaty.

32. Council took note of the report and recommended to the Authority of Heads of State and Government to adopt the draft protocol amending certain provisions of the Protocol relating to the Establishment of the West African Health Organisation (WAHO), as amended by the inter-Institutional meeting.

iii) **Forty-ninth Meeting of the Trade, Customs, Taxation, Statistics, Money and Payments Commission**

33. The Chairman of the Commission presented the outcome of the meeting, which focused on progress realized with regard to the adoption of the ECOWAS common external tariff (ECOWAS/CET), and the consideration of a draft text relating to the adoption of a common external tariff and a draft text establishing a joint ECOWAS/UEMOA Management Committee for the ECOWAS/CET.

34. The ECOWAS-CET is based on the UEMOA goods classification which is as follows:

- Category 0: Essential social goods;
- Category 1: Basic consumer goods, raw materials, capital goods and specific inputs;
- Category 2: Intermediate goods and inputs
- Category 3: Final consumer goods.

35. The Commission also considered the status of implementation of ASYCUDA and SIGOA-TOPS software by Member States and noted that funding had been obtained from USAID by the Secretariat for the implementation of the Regional Trade Information System (RTIS) which will interconnect the customs and statistics services of Member States, by VSAT and other high-speed broadband communication technologies.

36. The Council of Ministers took note of the memorandum presented and adopted the attached Regulation establishing the ECOWAS/UEMOA Joint Committee for the Management of the Common External Tariff and setting out the modalities for its organisation and operation.

37. It further recommended to the twenty-ninth session of the Authority of Heads of State to adopt the attached draft decision, adopting the ECOWAS common external tariff, and its annexes (lists of Type A and Type B exceptions).

Item 11(iv): Report of the Extraordinary Meeting of the Trade, Customs, Taxation, Statistics, Money and Payments Commission (Statistical Issues)

38. The report of the extraordinary meeting of the Trade, Customs, Taxation, Statistics, Money and Payments Commission, to deliberate on statistical issues, was presented by its Chairman, Mr. Abdoukahi Beidou, Director General of the national Office of Statistics of Niger. The meeting, which was held in Banjul on 17 and 18 October 2005 and attended by 14 Member States, was convened to review the concluding phase of the EU-sponsored ECOWAS statistical harmonization programme (ECOSTAT). The harmonization process was deemed to have progressed satisfactorily and the extraordinary session of the Commission therefore recommended the following draft Regulations to Council for adoption :

- The ECOWAS framework for improved GDP;
- The ECOWAS improved framework for Consumer Price Indices (CPI);
- The Medium-term programme for the harmonization of CPI;
- Customs and statistical framework of external trade;
- 2006 – 2010 regional statistical programme;
- Framework for data exchange between sub-regional Institutions.

39. Council was informed of the importance of the above products of the ECOSTAT project to the multilateral surveillance mechanism for monetary integration, the monitoring of regional trade, the application of the Community levy and the future development of the regional statistical system.

40. Council took note of the outcome of the extraordinary session of the Commission. When adopting the Regulations submitted for its approval, Council urged all Member States to ensure the full application of the statistical frameworks and called on the Executive Secretariat to mobilise the resources required for the implementation of the 2006-2010 statistical programme. Council noted with satisfaction the fruitful cooperation between the relevant Institutions with regard to the statistical programme, and authorised the Executive Secretary to sign the Protocol on data exchange between the regional Institutions on behalf of ECOWAS.

v) Thirty-fourth Meeting of the Administration and Finance Commission

41. The 34th meeting of the Administration and Finance Commission was held in Abuja from 16 to 21 December 2005.

42. The report of the meeting was presented by the Chairperson of the committee, Mr. Abdoukarimou Seini, Ag. Director of Integration and the African Union, and included the consideration of several reports and memoranda submitted for its adoption, as well as the draft 2006 budgets of the 7 ECOWAS Institutions.

43. The outcome of the deliberations of the meeting is summarised hereafter.

1. Item of Information on the Programme-based Budget Preparation System

44. This item, which was presented by a consultant from the ECA, dealt with the conclusions of a workshop organised in November 2005 by the Executive Secretariat for officers of the Community Institutions.

45. The presentation indicated that the programme-based budget preparation system involves the planning, programming, budgeting, monitoring and evaluation of programme activities within the limits of clearly defined objectives, and based on the articulation of explicit performance indices.

46. After detailed discussions, the Commission concluded that, although no decision had been taken with regard to the adoption of the programme-based budget preparation system, the presentation was a useful one. The Commission also underscored the need to organise a sensitisation campaign involving all the organs of the Community to pave the way for its eventual acceptance.

2. Tasks Assigned to the Executive Secretariat

47. The Commission considered the report on the tasks assigned to the Executive Secretariat at its previous meeting.

48. After several observations on this issue, the Commission made specific recommendations on the computerisation of the National Units of the Member States and the Departments of Finance of the Institutions of the Community, the full

involvement of the national units in all activities and programmes undertaken in the Member States, the preparation of meeting documents, the regular updating and enriching of the ECOWAS web site.

3. Report on the Implementation of the Community Levy

49. The Executive Secretariat presented to the Commission a report on the application of the Protocol relating to the Community Levy by the Member States. In the report, the Executive Secretariat highlighted the fact that eleven (11) Member States were experiencing difficulties in implementing the protocol, pointing out that to date, only three Member States (The Gambia, Ghana and Sierra Leone) are fully compliant in its implementation.

50. At the end of deliberations, the Commission directed the Executive Secretariat to take necessary measures to negotiate a timetable for the payment of arrears, to effect prompt payment of arrears of compensation owed to Member States, and to create a database on the Community Levy for use by the operators of the system.

51. In conclusion, and given the importance of the Community levy for the achievement of the objectives of the Community, the Commission agreed to recommend to Council to make a recommendation to the Authority of Heads of State and Government to make an appeal to all Member States to take the following measures:

- a) All member states should fully implement the protocol on Community levy;
- b) to remit all the proceeds of the Community levy directly into the ECOWAS account;
- c) to place the ECOWAS Community levy account fully under the control of the Executive Secretariat.

4. Memorandum on the ECOWAS Peace Fund

52. The memorandum from the Executive Secretariat highlighted the delay in effecting immediate payment toward the 5 million dollars contribution by Member States, as agreed in 2004.

53. In order to demonstrate greater commitment to the ECOWAS peace and security efforts and in view the interest shown by donors, the Commission decided that the difference between the current annual budgetary provision and the target of UA 2 million should be included in the budget of the Executive Secretariat.

5. Progress Report on Construction Works at the Katampe Site

54. This report informed the Commission that work was still in progress at the construction site, although progress on the infrastructural works serving the Katampe District had been insignificant.

55. After deliberations on the memorandum, the Commission recommended that the Executive Secretariat should contact the authorities of the Federal Republic of Nigeria to request them to expedite action on the infrastructural works serving the District.

6. Memorandum relating to the Organogram of the Community Court of Justice

56. Following prolonged deliberations on the draft organogram presented by the Court, the Commission noted that there had been inadequate collaboration between the Executive Secretariat and the Court of Justice on this assignment.

57. While acknowledging the need for the Community Court of Justice to have an organogram that would enable it execute its functions optimally, the Commission recommended that the Executive Secretariat should work in close collaboration with the Court on this assignment, and present the memorandum to the Administration and Finance Commission through the appropriate Technical Commission.

7. Transformation of the Executive Secretariat into a Commission

58. The memorandum which was destined for Council was presented to the Commission for its information.

8. 2005 Interim Report of the Financial Controller

59. The 2005 interim report of the Financial Controller revealed an increase of 9% in income from the Community levy and donor funds over the same period in the preceding year. There was a considerable drop in income received by ECOWAS Institutions, a 58% rise in actual expenditure and an improvement of administrative cost/percentage from 84% in 2004 to 66% in 2005.

60. To correct these serious shortcomings highlighted in the report, the Commission made the following recommendations:

- (i) urgent and strong action should be taken at all levels to ensure greater rigour in budget management in Community Institutions;
- (ii) the recruitment of the consultant to review the Financial Regulations and Manual of Accounting Procedures should be accelerated;
- (iii) Finance Departments of Community Institutions should be computerized as a matter of priority.

61. The report also indicated that budget management and control in ECOWAS Institutions was weak and needed to be strengthened. Human resource management also needs to be improved.

9. Consideration of the 2006 Draft Budget

62. The Executive Secretariat presented the draft 2006 consolidated budget of the ECOWAS Institutions.

63. The draft consolidated budget balanced in income and expenditure at the sum of UA 82 863 399, representing an increase of 10.33%, or UA 7 751 298, over the 2005 figure. The amount breaks down as follows:

Income

Community Levy	UA 54 014 866
Contribution arrears	UA 1 503 271
External financing	UA 25 541 773
Sundry	UA 2 709 322

	UA 82 863 399

Expenditure

Court of Justice	UA 4 611 452
GIABA	UA 1 445 500
Parliament	UA 9 625 478
WAHO	UA 5 617 825
Secretariat	UA 61 560 144

	UA 82 863 399

64. The Commission requested the Institutions to maintain the status quo on all requests for creation of new posts, pending the conclusion of the on-going studies on restructuring.

65. The draft budget of each Institution, excluding that of the Parliament, was considered by the Commission. After consideration, the Commission recommended to Council to approve the following Institutions' budgets balanced in income and expenditure:

WAHO	UA 5 558 421
GIABA	UA 1 900 876
Court of Justice	UA 4 805 266
Executive Secretariat	UA 65 572 104

66. The Administration and Finance Commission did not consider the 2006 budget presented by the ECOWAS Parliament due to exceptional circumstances.

67. The Commission, however, recommended the implementation of the provisions of Article 08 of the Financial Rules and Manual of Accounting Procedures of the Institutions of the Economic Community of West African States (ECOWAS), which makes provision for payment of a monthly grant equivalent to 1/12 of the preceding year's operating budget.

68. The Commission also agreed that, during the second legislature, the Parliament should submit a draft budget for 2006 for consideration at an extraordinary session of the Administration and Finance Commission and of Council.

69. Lastly, the Commission made recommendations to the Executive Secretariat relating to the preparation of draft budgets, the programming and duration of budget sessions and the preparation of meeting documents.

70. After deliberations, the Council of Ministers adopted the recommendations made by the AFC.

Item 7 : Consideration of Memorandum on the Restructuring of the Institutions of ECOWAS

a) Transformation of the Executive Secretariat into a Commission

71. The Executive Secretariat recalled that it had been directed by the 23 June 2003 Council session to present to the current session, a report on the technical and financial implications of the transformation of the Executive Secretariat into a 9-member or 15-member Commission.

72. The Secretariat presented to Council a memorandum focused mainly on:

- the structure of the 9-member Commission and of the 15-member Commission;
- the system of rotation of Member States' representation in the 9-member Commission scenario and in the 15-member Commission scenario;
- the legal and technical implications of the two scenarios;
- the financial implications of the 9-member Commission and of the 15-member Commission;
- the repercussions of the transformation of the Executive Secretariat on other Institutions and specialised agencies.

73. The Secretariat highlighted the advantages and disadvantages of the two options. In its view, a 9-member Commission would facilitate productive interaction among the members of the Commission's management and allow for a clear division of technical assignments, thereby minimizing conflict of interests.

74. This scenario would also facilitate staff deployment and the adoption of a rotation system that guarantees equitable allocation of posts to Member States and avoids long waiting periods for those who are awaiting their turn. The 9-member Commission would also cost less the Community. The figure presented in the memorandum for the creation and running of a 9-member commission is UA 5,359,415, as compared to UA 7,831,292 for the 15-member Commission;

75. The 15-member Commission allows each Member State to be represented at any time within the Commission. The Commissioners would have the opportunity to have more direct contact with the main policy-makers in each area in Member States, thereby helping improve integration activities in each Member State.

76. This scenario may, however, split up the portfolios and make the Commissioners lose sight of the overall regional integration objective. The portfolios may become too small and overlap, with greater risk of conflict of interests. Several Commissioners would run one single department and professional staff may be too insufficient for a Commission of this magnitude. An increase in the number of routine administrative assignments would increase the burden on the administrative and financial systems.

77. It is also more difficult for a larger Commission to build and operate a closely knit management team and achieve a consensus-driven team approach to programme management.

78. The Executive Secretariat requested Council to recommend to the Authority to adopt, for the transformation of the Secretariat into a Commission, the scenario that is conducive to the improvement of the current performance of the Community, increased efficiency of the Executive of the Community and accelerated integration of Member States.

79. After lengthy deliberation on the points raised, Council proposed that the transformation of the Executive Secretariat into a Commission should be based on the principles of solidarity, equity and Community spirit, and also be guided by the criteria of efficiency, cost effectiveness and affordability. The Council propose that the transformation should be as progressive as the work-load and financial capacity of the Community would justify. On this understanding Council recommended the adoption of a 9-member Commission.

80. It was agreed that a clear rotation system would be adopted to ensure the principle of equity at all times. In this regard, Council recalled that there were other statutory positions in the other Community Institutions which could be occupied by Member States awaiting their turn at the Commission. Council therefore called for the harmonisation of terms of office in all Community Institutions and called upon the Secretariat to produce for its consideration a global schedule of rotation of Member States in statutory positions for its consideration during an extraordinary meeting of Council in the first quarter of 2006.

81. Given the substantial increase in cost that even the 9-member Commission would entail, Council strongly suggested that the Authority should urge every Member State to ensure full compliance with the provisions of the protocol on the application of the Community levy.

82. However, the Nigerian delegation was of the view that, either scenario, whether it involved 9 or 15 Commissioners would constitute an unbearable financial burden to the ECOWAS Community for the following reasons:

- (i) The introduction of rotation or equitable allocation of posts as envisaged in the recommendation for the establishment of the Commission would be unlikely to engender or promote any efficiency or effectiveness in the Executive Secretariat;
- (ii) Nigeria, which hosts the Executive Secretariat, has not been informed of, the implications of the introduction of the 9-member Commission in terms of its legal obligations and financial cost to the nation;
- (iii) The introduction of the 9-member Commission would further raise the personnel and overhead costs of the Executive Secretariat at the expense of programmes. Nigeria therefore insisted that it would support the introduction of the Commission only if that would allow at

least 50% of the Community budget to go into the implementation of programmes;

- (iv) Many Member States are not faithful and transparent in their implementation of the Community Levy Protocol which accounts for about 90% of the budget of the Community. It is therefore doubtful that the Executive Secretariat will be able to sustain the 9-member Commission if approved;
- (v) Honouring the Headquarters Agreement which requires the host country to provide both office and residential accommodation to Statutory Officers and Principal Staff (which would now include those coming on board as Commissioners) would be too heavy a burden for Nigeria to bear. Nigeria therefore found it necessary to draw attention to the fact that it might not be in a position to honour the Headquarters Agreement if the transformation policy were to be adopted. Member States were therefore hereby advised to be prepared to provide for their Commissioners in Abuja if Council insisted on adopting the policy.

Administrative Restructuring of the ECOWAS Parliament

83. The Executive Secretariat recalled the directives contained in Council Regulation C/REG. 20/01/05 on the enhancement of the operation and the administrative and financial management system of the ECOWAS Parliament. The Executive Secretary was directed to prepare, in conjunction with the Financial Controller and the Parliament, a draft organogram highlighting the management posts and the positions of the departments, with an indication of profiles and duties for each post. The Secretariat also recalled that, under the Regulation referred to above, it was to make proposals that would make a clear distinction, at the ECOWAS Parliament, between the political wing and the decision-making bodies of ECOWAS, namely, the Council of Ministers and the Authority of Heads of State and Government, and on the other hand, between the Speaker, the Bureau and the Secretariat of the Parliament.

84. In line with these directives, the Executive Secretariat prepared and submitted to Council, a memorandum containing analyses and proposals on :

- the political wing of the ECOWAS Parliament, the components of its structures and its main duties;
- the mode of election of the Speaker of the ECOWAS Parliament, his/her conditions of service, the duration of his/her tenure and his/her place of residence ;
- the administrative wing, its composition, the components of its structures, and its main duties;
- the mode of appointment of officers of this wing and the duration of their mandate.

85. After an exhaustive discussion on the issues raised, Council decided to establish an ad hoc Ministerial Committee comprising of Burkina Faso, Côte d'Ivoire, Ghana, Guinea-Bissau and Nigeria to make proposals on the restructuring of the ECOWAS Parliament for the consideration of Council at an extraordinary session to be convened in Abuja no later than 31 March 2006. The Executive Secretary was mandated to convene the meeting of the ad hoc committee before the end of February 2006. The Committee should be provided with all the documents

pertaining to the restructuring of the ECOWAS Parliament such as the Treaty, Protocol on the Community Parliament, the Rules of Procedure of the Parliament, the Report of Eriksen and Foster, Report of the ad hoc Committee on the Parliament, Report of Secretaries-General of National Assemblies of Member States and the Rex Owusu-Ansah Report.

86. Council took note that the term of office of the first Parliament came to an end on November 15, 2005. The Honourable Prof. Ali Nouhoum Diallo should continue as Speaker until the swearing in of a new Parliament. He should be paid a monthly allowance of two thousand US dollars (\$2,000), and the Executive Secretary was directed to involve him in all activities of the Community, and pay his travel costs to such activities. The Honourable Ali Nouhoum Diallo was requested to return to Mali.

Item 8 : Consideration of Final Reports of Ministerial Meetings

i) Ministers of Energy

87. The Memorandum presented highlights of the status of Implementation of the ECOWAS Energy Programme as well as the conclusions and recommendations of the 7th meeting of ECOWAS Energy Ministers for consideration by the Council of Ministers, and adoption by the Authority of Heads of State and Government.

88. The seventh meeting of ECOWAS Ministers of Energy, held in Accra, Ghana, on 28th October 2005 adopted two resolutions on the West African Power Pool (WAPP) Articles of Agreement and the ECOWAS-UEMOA Regional Policy on Access to Energy Services to Rural and Peri-urban Populations.

89. The Council of Ministers is hereby invited to examine and submit the related attached draft decisions, to the Authority of Heads of State and Government for consideration and adoption.

90. The discussions which followed emphasized the importance of the energy sector, the ECOWAS integration and development process, and the level of commitment of donors and partners to the implementation of ECOWAS programme.

91. Council endorsed the recommendations of the memorandum for adoption by the Authority.

ii) Ministers of Water Resources

92. The report of the inaugural meeting of the Ministerial Monitoring Committee of the Permanent Coordinating and Monitoring Framework for Integrated Water Resource Management in West Africa which took place in Ouagadougou, Burkina Faso, on 5th December 2005, was presented by the Executive Secretariat.

93. The main issues addressed were:

- the position of the WRCU within ECOWAS;
- statutes of the PMCF
- Function of the country and basin focal points;

- Medium-term PMCF financial plan;
- 2006 PMCF work programme and budget.

94. After deliberations, the Ministerial Monitoring Committee approved recommendations for submission to Council on the following issues:

- position of the PMCF within ECOWAS;
- Statutes and rules of procedure of the PMCF organs;
- PMCF medium-term financing plan.

95. Council took note of the conclusion of this report and adopted:

- (i) a recommendation to the Executive Secretary requesting full implementation of Decision A/DEC.5/12/01 of the Heads of State and Government institutionalising the Water Resource Coordinating Unit as a Department within ECOWAS, dated 21st December, 2001
- (ii) a recommendation to the Authority adopting the statute of the PFCM and the rules of procedure of its different organs.

96. Council also adopted the PMCF medium-term financing plan.

(iii) **Ministers of Culture**

97. The report of the second Conference of ECOWAS Ministers of Culture, held in Abuja on 26th August, 2005, was presented by Mr. Oumarou Hadari, Honourable Minister of Culture of the Republic of Niger.

98. In it's report, the Ministers of Culture made the following recommendations:

- i) In order to make the ECOWAS Prize for Excellence more attractive, prize money should be increased from UA10,000 to UA20,000;
- ii) The ECOWAS Secretariat should commission a study on the ECOWAS Festival of Arts (ECOFEST);
- iii) Member States should update the list of training Institutions and information on cultural events, and appoint a national correspondent before December, 2006;
- iv) The West African Museums Programme (WAMP) should assist those Member States which have not yet done so, to formulate a museum policy;
- v) The ECOWAS Executive Secretariat should organize a conference on AIDS and cultural practices;
- vi) With regard to the setting up of a cultural fund, an ad-hoc committee was charged with creating a regional mechanism for the funding of cultural activities;

- vii) The ECOWAS Executive Secretariat should convene a meeting of Directors of national copyright commissions;
- viii) The Declaration of ECOWAS Ministers of Culture on the protection of cultural diversity should be sent to all sub-regional organizations as well as the African Union and UNESCO.

99. Council thanked the presenter for the report and endorsed the proposals of the ECOWAS Secretariat to extend the deadline for submission of the list of cultural events by Member States from 31st December, 2005 to 30th June, 2006.

100. Council endorsed the report of the Conference of ECOWAS Ministers of Culture.

(iv) Ministers of Labour

101. The report of the first conference of ECOWAS Ministers of Labour held in Abuja on 21st September 2005 in Abuja, was presented by Dr. Timiebi Koripano-Agary, Permanent Secretary, Federal Ministry of Labour and Productivity, Nigeria, who represented the Honourable Minister of Labour and Productivity, Nigeria Chairperson of the Ministers Conference.

102. The Ministers' report highlighted the following recommendations:

- (a) The development of a regional policy framework on labour matters;
- (b) The constitution of a technical working group to further develop the proposed framework document. The group should be drawn from ECOWAS, ILO, OATUU, WAHO and other relevant technical partners and Government ministries;
- (c) The ECOWAS Secretariat should convene a stakeholders' forum consisting of government, intergovernmental agencies, labour, employers, civil society and NGOs to review the proposed framework document for presentation to the appropriate technical commission before its presentation to the Conference of ECOWAS Ministers of Labour;
- (d) ECOWAS Member States should accelerate the ratification of the General Convention on Social Security adopted by the ECOWAS Authority.

103. Council commended the Conference of ECOWAS Ministers of Labour for its work and took note of the report.

Inaugural Meeting of ECOWAS Chief Justices

104. His Lordship, the Chief Justice of Ghana, the Honourable Justice G.K. Acquah presented the report of the meeting, which was held in Accra on 24th and 25th November 2005.

105. At the end of their deliberations, the participants drew up several recommendations for submission to Council.

106. After consideration of the report, the Council of Ministers recognised the relevance of the recommendations of the Chief Justices and decided to forward the report to the appropriate technical Ministerial commission for its opinion.

107. Council therefore directed the Executive Secretariat to submit the report of the technical Ministerial Commission to its next session for consideration.

Item (9) : Report of the Meeting of the ad hoc Ministerial Committee on the Selection and Evaluation of the Performance of the Statutory Appointees; Appointment and Renewal of Terms

(a) Executive Secretariat

108. The Executive Secretariat presented a report on the ninth meeting of the ad-hoc Ministerial Committee on the Selection and Evaluation of Statutory Appointees, held in Abuja from 18 to 19 November, 2005 to recruit candidates for the positions of Deputy Executive Secretary, Policy Harmonisation; Deputy Executive Secretary, Integration Programmes, Deputy Executive Secretary Administration and Finance; and Deputy Executive Secretary, Political Affairs, Defence and Security.

109. The Chairman of the Authority, His Excellency, Mr. Mamadou Tandja, had approved the distribution of the vacant Deputy Secretary positions among some Member States as follows:

- Deputy Executive Secretary, Policy Harmonisation - Sierra Leone
- Deputy Executive Secretary, Integration Programmes - Togo
- Deputy Executive Secretary, Administration and Finance - Nigeria.

110. The fourth Deputy Executive Secretary position became vacant as a result of the demise of Major-General Cheick Oumar Diarra of Malian nationality whose second four-year term had just been renewed. The governments of the qualified Member States including Mali, were then requested to nominate three candidates for each of the allotted positions.

111. The following member countries of the ad hoc committee were present at the interview:

Republic of Benin	
Republic of The Gambia	
Republic of Ghana	- Rapporteur
Republic of Guinea	- Chairman
Republic of Liberia	
Republic of Senegal	- Rapporteur

112. The recruitment exercise was fair, competitive, and objective.

113. The following candidates emerged successful at the end of the interview:

- Dr. Abubakar Hassan Kargbo - Deputy Executive Secretary, Policy Harmonisation

- Mr. Kossi Assimaidou - Deputy Executive Secretary, Integration Programmes
- Alhaji Mohammed A. Sherriff - Deputy Executive Secretary, Administration and Finance
- Colonel Mahamane Toure - Deputy Executive Secretary, Political Affairs, Defence and Security

114. Council took note of the presentation and approved the appointment of Colonel Mahamane Toure as Deputy Executive Secretary (Political Affairs, Defence and Security) to complete the term of the late General Cheick Oumar Diarra.

115. Regarding the three positions of Deputy Executive Secretary (Policy Harmonisation, Integration Programmes, and Administration and Finance), Council recommended to the Authority to withhold approval of the recommendations of the ad hoc Committee pending completion of the transformation exercise of the Secretariat into a Commission.

116. Council authorised the Executive Secretary, at his discretion to engage the services of experts or seconded officials from Member States on a temporary basis, in order to meet the urgent needs of the Executive Secretariat. Council undertook to make every effort to ensure the completion of the restructuring before the end of the first half of 2006. The new Commission should be operational by January 2007.

(b) The ECOWAS Court of Justice

117. Protocol A/P1/7/91 relating to the Community Court of Justice stipulates the composition, terms of office of its members, as well as the powers, status and other matters relating to the Court. Article 3 (2) on the Protocol of the Court also provides that the Court shall consist of seven (7) members. The members of the Court shall elect a President and a Vice President from among their number.

118. Article 4 (1) of the same Protocol provides that "...members of the Court shall be appointed for a period of five (5) years. Their terms of office may be renewed for another term of five (5) years only, except that for members of the Court appointed for the first time, the term of office of three (3) members shall expire at the end of three (3) years and the term of the other four (4) members shall expire at the end of five (5) years".

119. The term of office of all the seven Judges of the Court took effect from 30th January 2001 which was the day on which they were sworn in by the then Chairman of the Authority of Heads of State and Government, His Excellency President Alpha Oumar Konare. The terms of office of the three (3) Judges having a three (3) year term of office were renewed on the 18th of December 2003 for a further period of five (5) years by the Authority of Heads of State and Government vide decision no. C/Rec.4/12/03.

120. The four (4) other Judges, appointed for five (5) years, and whose terms of office shall expire on the 29th of January 2006 are:-

- i. Hon. Justice Hansine N. Donli - President (Nigerian)
- ii. Hon. Justice Soumana D. Sidibe - Vice President (Niger)

- | | | | |
|------|-------------------------------|---|----------------|
| iii. | Hon. Justice Awa Daboya Nana | - | Member (Togo) |
| iv. | Hon. Justice Anthony A. Benin | - | Member (Ghana) |

121. In view of the restructuring of the Community Institutions and of the Court of Justice in particular, Council recommended to the Authority to approve the renewal of the tenure of the 4 Judges of the Court of Justice. Council proposed that a technical committee be convened to formulate recommendations on the restructuring of the Court, for submission to the extraordinary session of Council scheduled for the first quarter of 2006. This is on the understanding that at the conclusion of the restructuring exercise all quota posts currently filled will fall vacant.

(c) The ECOWAS Parliament

122. As a result of the on-going restructuring of the ECOWAS Parliament, Council decided to defer the approval of the renewal of the mandates of the Secretary-General and Deputy Secretary-General of Parliament until its extra-ordinary meeting in March 2006 at Abuja, Nigeria. The Secretary-General and the Deputy Secretary-General were directed to assist the Executive Secretary with the preparation of the proposed extra-ordinary session of Council, particularly on issues relating to the item on the re-structuring of the Parliament.

(d) Time-frame for the Restructuring Exercise

123. Council undertook to complete the restructuring of the Community Institutions within the first half of 2006. To this end, the Executive Secretary was requested to draw up the relevant schedule of activities for the restructuring exercise.

Item 10 : Consideration of the Memorandum on the Recommendations of the 4th GIABA Plenary at Ministerial Level

124. The memorandum which was presented by General Mama Sika, Honourable Minister of Internal Affairs, Security and Decentralisation of the Republic of Benin addressed the following issues:

- mutual evaluation programme and procedures ,
- establishment of a working group on typologies ,
- compliance by GIABA with seven of the nine criteria for recognition as a FAFT-style regional body,
- technical assistance needs assessment (TANA).

125. The 4th GIABA plenary recommend through Council that:

- the Authority set a one year deadline for all Member States without AML/CFT legislation to comply
- the Authority adopt the revised GIABA statutes,
- In the on-going restructuring of the ECOWAS Institutions, GIABA should be maintained as an autonomous institution of ECOWAS.

126. The recommendation of the plenary were endorsed by Council.

Item 11 : Status Report on the Economic Partnership Agreement negotiations between West Africa and the European Community

127. The Executive Secretariat presented the status report on Phase 1 (September 24 to September 2005) which was aimed at examining West Africa region's economic integration priorities, establishing the EPA reference framework, and formulating and implementing a competitiveness-enhancement and upgrading programme.

128. Five technical thematic groups were set up to facilitate the definition of negotiation positions, namely:

- Technical Thematic Group 1: free trade area, customs union, trade facilitation;
- Technical Thematic Group 2: technical standards and TBT, SPS measures;
- Technical Thematic Group 3: trade-related areas (intellectual property rights, competition policy);
- Technical Thematic Group 4: trade in services and investments;
- Technical Thematic Group 5: production sectors.

129. Only groups 1 and 2 have completed their report. Groups 3 and 4 are expected to complete theirs by the end of January, while group 5 on production sectors is expected to pursue its activities throughout the negotiation period on account of its peculiar nature.

130. The Ministerial Monitoring Committee on the negotiations, at its meeting held in Cotonou on 21 October 2005 to consider the outcome of the first phase and issue technical guidelines, made the following observations and recommendations:

Trade-related Issues and Development

131. The Ministerial Monitoring Committee (MMC) stressed the fact that the EPA, which should contribute to the structural adjustment of the West African economies and to supply capacity building, is an ambitious project. In this context, the EPA should embody an ambitious development segment focused on priority areas comprising, among others, enhancement of competitiveness through road, energy, water and telecommunication infrastructure development, and identification of the most vulnerable sectors and companies, and those with great competitiveness potential for which appropriate financial resources are recommended.

132. The Ministerial Monitoring Committee stressed that EDF resources were insufficient and difficult to obtain. It requested the European Commission to substantially increase the post-9th EDF resources to meet our region's development needs, especially the adjustment costs. The MMC endorsed the proposals made by the experts' meeting for all possible avenues to be explored with a view to providing a "C" budget with simplified disbursement procedures to cover these costs at national level.

Chronology of the Negotiation Phases

133. The Ministers observed that the phase 1 negotiations, especially within the framework of group 5 on production sectors and the adoption of the reference framework, had an impact on the phase 2 negotiations and acknowledged that the commencement of phase 2 was premature. Consequently, they requested the

region's negotiators to refrain from undertaking phase 2 negotiations until phase 1 activities were completed.

134. They requested that the negotiation schedule be reviewed by according priority to the definition of negotiation positions in the areas that were not treated in phase 1, and in particular in group 5 on production sectors. The two parties (WA and EU) should also accelerate the preparation of the reference framework, a necessary condition for the initiation of the forthcoming negotiations, especially phase 2.

135. Council endorsed the recommendations made by the Ministerial Monitoring Committee and stressed the importance of the integration dimension of the EPA.

136. The meeting recommends that Member States should be informed on a more regular basis.

Item 12 : Consideration of the Memorandum on the Implementation of the ECOWAS Agricultural Policy

137. The Secretariat presented the activities carried out with a view to operationalising the regional agricultural policy after its adoption on 19 January 2005. They relate mainly to the validation of an action plan for joint implementation of ECOWAP and the Comprehensive African Development Programme (NEPAD-CAADP/NEPAD)- (i) establishment of an implementation, coordination and monitoring-evaluation mechanism; (ii) formulation of proposals for ECOWAP guidelines to be taken into account in the CET/EPA/WTO process, since ECOWAP aims to ensure a fully integrated agriculture with differential protection by product and by sector; (iii) definition of complementary sub-sectoral policies on biotechnology, on the basis of the precaution principle; fisheries, forestry, harmonisation of sanitary measures, sanitary and phytosanitary measures (SPS); regulation of the plant seed production and marketing process.

138. On the issue of prospects, the Secretariat stressed that 2006 will be characterised by the finalisation and launch of the implementation of the Regional Agricultural Investment Programme (RAIP) which is in the process of preparation in collaboration with the FAO Investment Centre.

139. The Secretariat highlighted measures it expects Council to take and proposed that they be recommended to the Authority of Heads of State and Government. These involve (i) giving support to RAIP and appropriation, at the appropriate time, of the resources necessary for its implementation; (ii) effective implementation of the 2003 Maputo Declaration on the allocation of 10% of the national budget for the agricultural sector; (iii) reaffirmation of the option of a CET/EPA/WTO process which would be in line with the ECOWAP guidelines; request to Member States to formulate their proposals for the joint implementation of ECOWAP and CAADP and organise round tables to mobilise the resources required.

140. Council expressed satisfaction with regard to the formulation of a Regional Agricultural Investment Programme, insisting on the need for concrete development actions.

141. After deliberation, Council directed the Secretariat as follows:

- to prepare and set up effective instruments within the intra-Community framework, and within the framework of the economic relations between the Community and the outside world (CET, EPA, WTO, etc...);
- to endow the Regional Agricultural Investment Programme with the necessary Community resources in a timely manner;
- to source for funding from development partners in collaboration with EBID.

142. Council also called on Member States:

- to effectively enforce the Maputo Declaration of 2003 on the allocation of 10% of the national budget to agriculture;
- to put forward proposals for the joint implementation of ECOWAS and the NEPAD detailed Development Programme for African Agriculture (DDPAA/NEPAD) as well as the organisation of roundtables to mobilise necessary fund.

Item 13 : Memorandum on the Implementation Status of the Protocol on Free Movement of Persons, Right of Residence and Establishment

143. Free movement of persons, right of residence and establishment are fundamental aspects of the integration process.

144. To promote free, unhindered movement and strengthen the feeling among citizens of the Member States, of belonging to the same Community, the Heads of State and Government, at their meeting held in Abuja on 28 and 29 May 2000, decided to institute an ECOWAS passport. They also fixed a transitional period of five (5) years effective from 29 May 2000, during which the ECOWAS passport is expected to be printed and put into circulation alongside the national passports of Member States.

145. To date, only Benin, Guinea and Senegal have printed and put the ECOWAS Passport into circulation, in conformity with the decision of the 23rd Session of the Authority of Heads of State and Government.

146. The deadline of 31 December set for printing and putting the passport into circulation by Member States was not met. Consequently, there is a need to adopt a new transitional period.

147. In view of this situation, Council decided to recommend to the Authority to take a decision adopting a new transitional period of two (2) years, in order to enable Member States that are yet to print and circulate the ECOWAS passport to do so.

148. Council also directed the Executive Secretariat to undertake missions to Member States with a view to assisting them in the implementation of the Decision relating to the printing and circulation of the ECOWAS passport.

Item 14 : Consideration of the Memorandum on the French Lyrics of the ECOWAS Anthem

149. On the instructions of the Authority, a jury was empanelled to judge the French version of the original English lyrics to the ECOWAS anthem. The proposed French version was amended and unanimously adopted by the jury at its meeting in Abuja from 14 to 16 September 2005.

150. The Chairperson of the jury, Mr. Adamou Ide, presented the decision of the jury through Council for adoption by the Authority.

151. After deliberations, Council recommended that the Chairperson of the jury, the author of the lyrics and the composer of the tune should work on amendments to the lyrics, in collaboration with the Executive Secretariat, and in the light of the observations of the Member States.

152. The final, sung version of the anthem should be submitted to the next session of Council.

153. Council further directed the Secretariat to work on a Portuguese version to the anthem.

Item 15 : **Memorandum on the Progress Report on the
Implementation of the ECOWAS Telecommunications
Programme**

154. At the Council meeting in Dakar in January 2003 the Executive Secretariat was mandated to explore the feasibility of establishing a regional GSM roaming facility within the region based on the use of a single SIM card in the 15 countries.

155. The study carried out in pursuance of this mandate has established that GSM roaming and the necessary cross-border connectivity are technically and economically feasible in the region. However, there is a need for substantial investment by Member States in the prerequisite infrastructure backbone.

156. Member States need to bridge all the identified inter-State links in the INTELCOM II programme. To this end, it is recommended that the freeze on the use of the Special Fund for Telecommunication (SFT) be removed and the funds made available to Member States for the construction of the uncompleted sections of the inter-State links.

157. The memorandum was presented by the Executive Secretariat. It highlighted the progress made in the implementation of the major telecommunications project and stressed the need to reactivate the SFT for the development of telecommunication in the sub-region. The President of EBID informed Council that, in line with its decision C/REG.1/12/99 restructuring the Fund, the process is on-going.

158. Council directed the Executive Secretary and EBID to expedite the arrangements to permit the utilization of SFT in the implementation of telecommunications projects in ECOWAS in 2006.

Item 16 : **Memorandum on the Implementation Status of Trans-border
Initiative Programmes**

159. The Council of Ministers was informed of activities carried out to give flesh to, and concretise the "Border Country" concept.

160. The Ministers were informed that in order to concretise the "border country" concept, a Cross-border Initiatives Programme was set up. The programme seeks to make the border areas of Member States areas of development, of interaction between border populations, and of integration.

161. The objectives of the programme are :

- to prepare an agreement on cross-border cooperation at the ECOWAS level;
- to identify cross-border pilot projects on a participative basis, involving ECOWAS, local actors and development partners;
- to popularise the "cross-border" concept in all the ECOWAS Member States, with a view to ensuring that the local actors take full ownership of the concept;
- to establish a support fund to finance cross-border initiatives;
- to create a Regional Association of West African Border Towns.

162. Council was also informed that activities were carried out during the course of 2005 with a view to concretising the "border country" concept. These included notably the launching of two pilot cross-border operations: one in Sikasso in September 2005, covering the SIKASSO-KORHOGO-BOBO DIOULASSO Cross-border Zone, and the other in Ziguinchor in October 2005, spanning The Gambia, Senegal and Guinea Bissau.

163. Other cross-border pilot programmes will be initiated in 2006 and beyond, with a view to ensuring that the cross-border zones of all the Member States are covered.

164. Council directed the Executive Secretariat to continue with efforts to realise projects relating to the concretisation of the "border country" concept.

Item 17 : Memorandum on the Promotion of a New Regional Carrier for West Africa

165. In its drive to facilitate the creation of a financially stable, soundly managed, and operationally safe and reliable private regional airline, the Secretariat has, in collaboration with other West African regional Institutions such as EBID, BOAD, BCEAO, UEMOA, as well as representatives of the private sector, notably the ECOBANK Group, identified a group of private – public promoters for this purpose. This new initiative complements earlier efforts embarked upon by ECOWAS and the private sector to facilitate the setting up of a regional airline pursuant to the Decision of the Authority based on a new approach along the lines of successful regional initiatives such as ECOBANK, ECOMARINE, the West African Gas Pipeline, etc.

166. The promotion company has embarked on feasibility studies to help the key stakeholders decide on the strategy and way forward for the implementation of the

project, and Council is being invited, by the Secretariat's Memorandum on Promoting the Creation of a Regional Air Carrier In West Africa, to authorize the ECOWAS Secretariat to sign an MOU with the Regional Airline Promotion Company, appointing the latter as developer and promoter of a regional airline in West Africa.

167. The President of EBID gave an outline of efforts being made to float a regional airline. The EBID President requested Council to authorise the Executive Secretary to sign the MOU with the promoting company for mobilising necessary funds for their project. Council authorised the Executive Secretary to sign the MOU.

168. While underscoring the importance of this project, the Executive Secretary said that based on our experience with the ECOAIR project, it was desirable that the project is mainly private sector-driven. The initiative was unanimously endorsed by Council members. Concurrently, the Executive Secretariat was directed to liaise with existing airlines with a view to improving their schedules to provide optimal availability of flight services in ECOWAS.

Item 18 : Report of the Executive Secretariat on Progress in the Implementation of the Yamoussoukro Decision concerning the Liberalisation of Access to Air Transport Markets in West Africa

169. The Secretariat's Memorandum on Progress in the Implementation of the Yamoussoukro Decision seeks to update Council on advances made and challenges being faced in the process of liberalizing air transport markets in West Africa.

170. Whereas notable progress has been made in (i) the free exchange of traffic rights between States, (ii) the development of an economic regulatory environment conducive to fair competition, and (iii) strengthening of the aviation safety oversight capacity of States through the new COSCAP sub-regional projects; a number of non compliance issues arising from lack of political will and commitment continue to feature as impediments to the whole process, and call for renewed political will to comply on the part of the individual States.

171. Council expressed appreciation of the importance of the issues discussed in the memorandum. In particular, it was recommended that direct flights be established between Abuja, where the ECOWAS Institutions are located and other national capitals. It was also proposed that effective collaboration be established between civil aviation authorities for information sharing regarding issues relating to the Airline Industry.

172. Council recommended that Member States should note the inadequacies in civil aviation and urged them to take the necessary measures to correct these inadequacies.

173. Council also directed the Executive Secretariat to inform Member states of the status of compliance stated in the report and make proposals for the establishment of a Regional Civil Aviation Regulatory Association to monitor air safety and security in the sub-region.

Item 19 : Consideration of Draft Agenda of the Twenty-ninth Summit of the Authority of Heads of State and Government

174. Council considered the draft agenda submitted by the Secretariat and recommended it to the Summit for adoption.

Item 20 : Any Other Business

• Presentation of the Report of the West African Civil Society Forum:

175. The report of the 3rd WACSOF Annual Forum that met in Niamey, Niger, from 4th to 6th January, 2006, was presented to Council. Council called on the ECOWAS Executive Secretariat to provide support to the Forum and to support its institutionalization.

176. Council acknowledged the positive role played by the civil society in the promotion of regional peace, integration and economic development and called on WACSOF to take concrete steps towards ensuring compliance with the regional body's Protocol on Free Movement of Goods and Persons, Right of Residence and Establishment.

177. Council further called on the civil society to proffer concrete recommendations to promote transparent budgeting and financing of political parties and appeals for more collaboration between the ECOWAS Executive Secretariat and the civil society.

• Pilot Scheme against HIV/AIDS

178. Council expressed concern at the delay in the launching of the pilot scheme for the local production of anti-retroviral drugs in the three Member States of Nigeria, Benin and Ghana.

179. The Executive Secretariat explained that the delay was due principally to the communication gap between WAHO and the Executive Secretariat at the time. It added that the project had been submitted to the ADB which had expressed a keen interest in participating in the scheme.

• Schedule of Statutory Meetings

180. Council requested that due account should be taken of public and religious holidays in the scheduling of statutory meetings.

• Location of the Central Bank of Africa

181. The Chairperson reminded Council that the African Union had decided that the West Africa region should host the Head Office of the Central Bank of Africa. She called on her colleagues to initiate negotiations at the highest level to reach a consensus on the choice of a host country for the Bank. Ghana and Senegal informed Council that they had expressed interest in hosting the Central Bank of Africa to the Chairman of the Authority.

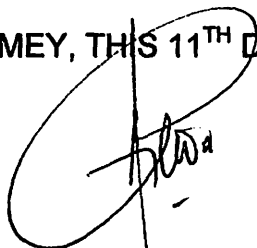
Item 21 : Adoption of the Report

182. The report was adopted after amendment.

Item 22 : Closing Ceremony

183. The Chairperson of Council, Mrs. Aïchatou Mindaoudou expressed her sincere thanks to members of Council for their positive contribution during deliberations. She thereafter declared closed the fifty-fifth ordinary session of ECOWAS Council of Ministers.

DONE AT NIAMEY, THIS 11TH DAY OF JANUARY 2006

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical line and some smaller, less distinct strokes.

**HON. AICHATOUMINDAODOU
CHAIRMAN**

FOR COUNCIL

**Fifty-fifth Ordinary Session of ECOWAS
Council of Ministers**

Niamey, 7 – 8 & 11 January, 2006

VOTE OF THANKS

The participants at the fifty-fifth ordinary session of ECOWAS Council of Ministers, held at the Palais des Congrès in Niamey from 7 to 9 January, 2006, express their sincere gratitude to His Excellency MAMADOU TANDJA, President of the Republic of Niger, the Government and People of Niger, for the warm and brotherly welcome extended to them during their stay in Niamey, and for the facilities made available to them for their deliberations.

Done at Niamey this 9th day of January 2006.

THE COUNCIL.

