ECONOMIC COMMUNITY OF
WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE
DES ETATS DE L'AFRIQUE
DE L'OUEST

ECW/CMLVI/7

FIFTY SIXTH ORDINARY SESSIONS OF THE ECOWAS COUNCIL OF MINISTERS

Abuja, 12 – 13 June, 2006

FINAL REPORT

ECOWAS Secretariat
Abuja, June 2006

I. INTRODUCTION

1. The fifty-sixth ordinary session of the ECOWAS Council of Ministers was held in the Conference Room of the ECOWAS Executive Secretariat in Abuja, Federal Republic of Nigeria, on 12 and 13 June, 2006.

2. The following Member States were represented:

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

3. Also represented were the following Institutions of the Community:

- ECOWAS Parliament
- Community Court of Justice
- ECOWAS Bank for Investment and Development
- West African Health Organisation
- ECOWAS Gender Development Centre
- ECOWAS Youth Development Centre
- Inter-Governmental Action Group against Money Laundering in Africa

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 Senator Ahmed Tijjani Ahmed, the husband of the Secretary-General of ECOWAS Parliament, who died in a motor accident on Saturday 10 June, 2006

6. In his welcome address, Nigeria's Honourable Minister of Cooperation and Integration in Africa, Senator Lawan Gana Guba, welcomed all participants to Abuja, He reminded the participants that Article 11 of the Revised ECOWAS Treaty provides for two ordinary sessions of Council each year; and that the 56th session was the first of the two sessions to be held in 2006. He observed that consideration of the status of implementation of the Community levy protocol by Member States would reveal the level of commitment of the Member States to the regional integration process on an equitable basis.

7. In his address, the ECOWAS Executive Secretary, Dr. Mohamed Ibn Chambas, also welcomed the participants, and on their behalf expressed sincere gratitude to His Excellency Chief Olusegun Obasanjo, President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria and his Government for the continued support for ECOWAS activities, and for the excellent facilities provided for the mid-year statutory meetings. He also paid tribute to the Chairperson of the Council of Ministers, Mrs Aichatou Mindaoudou, for her important contribution to the management of the affairs of the Community.

8. The Executive Secretary noted that the transformation of the Secretariat into a Commission raises a number of issues that call for careful consideration. The transformation, which must be seen as a logical consequence of the deepening of the integration process in West Africa, entails the enhancement of the supranational character of ECOWAS as an organisation. A greater degree of supranationality must be accorded to the Community if the creation of an economic and monetary union is to advance smoothly. He drew attention to the need for Council to choose one of the proposed options for a system of rotating the positions of Commissioners that would ensure transparency, predictability and equity.

9. Further, he lamented that some Member States were not fully applying the provisions of the protocol relating to the Community Levy, and therefore urged Council to carefully consider the recommendation to compel all member States to strictly apply the provisions of the protocol on the Community Levy.

10. In her opening statement, Mrs Aichatou Mindaoudou, the Honourable 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 56th session of the Council of Ministers was crucial to the Community, given the importance of the items on the agenda.

11. The Honourable Minister urged her colleagues to demonstrate a spirit of conciliation and commitment to duty so that their deliberations would take place in a frank and cordial atmosphere, with the sole purpose of moving the integration process forward. She then wished the participants fruitful deliberations and declared open the fifty-sixth ordinary session of the ECOWAS Council of Ministers.

III ELECTION OF BUREAU

12. The following bureau was elected:
    a. Chair: - Republic of Niger
    b. Rapporteurs - Republic of Cote d'Ivoire
    - Federal Republic of Nigeria

IV. ADOPTION OF AGENDA

13. The following agenda was adopted after amendments:

1. Opening ceremony

    - Welcome address by the Nigerian Minister of Cooperation and Integration in Africa

    - Statement by the ECOWAS Executive Secretary

    - Statement by the Chairperson of Council

2. Election of bureau

3. Adoption of agenda and work programme

4. Adoption of the report of the eighth extraordinary session of the Council of Ministers

5. Consideration of the final report of the extraordinary meeting of the Administration and Finance Commission

    a) Transformation of the Executive Secretariat into a Commission

    b) Restructuring of the Community Court of Justice

6. Consideration of the final report of the thirty-fifth meeting of the Administration and Finance Commission (Presentation of country reports on the application of the Community Levy by Member States)

7. Consideration of the memorandum of the Executive Secretariat on the administrative situation of the Secretary-General and Deputy Secretary -General of the Parliament

8. Any other business

9. Adoption of report

10. Closing ceremony

V. OUTCOME OF DELIBERATIONS

Item 4. Adoption of the report of the eighth extraordinary session of the Council of Ministers

14. In view of the fact that the aforementioned report was not adopted on 23 March 2006, the day on which the eighth extraordinary session of Council was held, the Chairperson submitted it for consideration and adoption.

15. Council improved the draft submitted to it by making the necessary amendments. The Minister of African Integration of the Republic of Mali expressed a reservation on Council's recommendation that the posts of Parliamentary Secretary and Treasurer should be abolished during the transition period.

16. Furthermore, in view of the fact that there was no consensus on the non-residence of the Speaker of the Parliament during the transition period and pending the election of the members of the Parliament through direct universal suffrage, Council, on the proposal of its Chairperson, agreed to refer the matter to the Authority without any recommendation.

17. The report as amended by Council is attached as an Annex to this report.

Item 5: Consideration of the extraordinary meeting of the Administration and Finance Commission

a) Transformation of the Executive Secretariat into a Commission

b) Restructuring of the Community Court of Justice

a) Transformation of the Executive Secretariat into a Commission

18. Council considered the report of the extraordinary meeting of the Administration and Finance Commission on the transformation of the Executive Secretariat and the briefing on the transformation process, presented by the Executive Secretariat.

19. After reminding the Council members that the nine-member Commission principle had been adopted in January 2006 by the Authority of Heads of State and Government, the Chairman of the Administration and Finance Commission pointed out that the deliberations of the Commission had been focussed mainly on:

- the adoption of a proposed organisation chart defining the functions of the President and the Vice-President of the Commission, the areas of jurisdiction of the seven other Commissioners, the Commission's relations with the other Community institutions;

- the formulation of principles, a methodology and criteria to guide the initial process of the establishment of a rotational scheme for the Commission;

- the definition of four options based on the methodology and criteria adopted;

- the financial implications of the transformation process;

- the Commission's new legal regime;

- the different steps of the transformation process.

20. Thereafter, the Commission proposed to the Council of Ministers to:

i) recommend to the Authority of Heads of State and Government to allocate the nine Commissioner posts to Member States according to option 2;

ii) adopt the Commission's organogram as proposed;

iii) direct the Executive Secretariat to amend the revised Treaty and the relevant protocols, following the transformation of the Executive Secretariat into a Commission, recruit staff in a progressive manner to fill positions to be created as a result of the transformation, strictly adhere to the time-table for the establishment of the Commission and adopt a new legal regime for Community acts.

iv) adopt the proposed rotational scheme for the allocation of statutory posts within the ECOWAS Parliament and the Court of Justice.

21. The Council of Ministers agreed to consider the proposals contained in the Administration and Finance Commission's report and any other new proposal from its members, taking into account the principles of equity, solidarity, transparency, and the overall situation of representation at the highest level within the entire Community institutions, in order to ensure continuity and the success of the transition between the two steps. Council stressed the need for compliance with the provisions of the Protocol on the Community Levy.

22. The delegation from Senegal raised serious reservations on the principles retained. It was of the opinion that the main criterion should have been the level of application of the Community Levy which clearly demonstrates the commitment of member states to the cause of integration.

23. At the end of the deliberations that ensued on each of the steps on the basis of the aforementioned principles, Council agreed, in respect of the allocation of the first nine Commissioner posts and the post of Financial Controller, to recommend to the Authority of Heads of State and Government to adopt the allocation of the first nine posts and the post of Financial Controller to the following Member States:

Step 1

24. Nigeria which, apart from its important contribution to the Community, also hosts the ECOWAS Executive Secretariat, maintains a permanent presence on the Commission, although the area of competence overseen by the Nigerian Commissioner must change from one mandate to another.

Step 2

25. The Gambia, Ghana, Mali, Sierra Leone, and Togo are occupying statutory posts within the Executive Secretariat. The delegation from Senegal raised a reservation for the following reasons:

- The mandate of Ghana has already expired and was extended for only one year, pending the transformation of the Executive Secretariat into a Commission. For this reason, Ghana should not be included in the list of countries currently occupying statutory posts.

- The decision to allocate posts to Nigeria, Sierra Leone and Togo was not adopted during the 29th Session of the Authority held in Niamey because of the on-going transformation of the Executive Secretariat.

Step 3

26. On the basis of the principles and criteria adopted, Burkina Faso, Cote d'Ivoire, Guinea Bissau, and Niger should be given priority in the allocation of the remaining four posts. It should be pointed out that Cape Verde has been excluded from this list solely on the basis of the Community Levy criterion.

27. At the expiration of the above mandates, posts will be rotated in an alphabetical order on payment of the Community Levy.

28. The allocation of the posts of Financial Controller and nine Commissioners to the Member States referred to above and the fact that Benin currently occupies a statutory position at the ECOWAS Bank for Investment and Development until 2009, will leave the following 4 Member States without a statutory appointee: Cape Verde, Guinea, Liberia, and Senegal.

29. At the end of discussions on the allocation of posts, Cape Verde and Liberia expressed the view that the criteria used were objective and acceptable, but that in the Spirit of solidarity, the specific situation of these countries should be taken into account.

30. Council recommend to the Authority of Heads of State and Government to give priority to the four Member States referred to above in the allocation of the next statutory posts at the expiration of the mandates of the countries occupying the posts.

31. To ensure timely transformation of the Executive Secretariat into a Commission, the Council of Ministers recommend to the Authority of Heads of State and Government to authorise immediate application of the reforms, pending the entry into force of the texts relating to the transformation. The Supplementary Protocols amending the revised Treaty, the Protocol relating to the ECOWAS Parliament, and the Protocol relating to the Community Court of Justice which the Authority is requested to adopt, will comprise provisions which will allow them to enter into force provisionally upon signature.

b) Restructuring of the Community Court of Justice

32. The Chairman of the extraordinary meeting of the Administration and Finance Commission recalled that the fifty-fifth session of the Council of Ministers had directed the AFC to submit recommendations to it on the restructuring of the Community Court of Justice, through the competent technical commission made up of Legal Experts from Member States.

33. At the request of the Chairman of Council, the Executive Secretariat presented the report of the meeting of the Commission referred to above which had been expanded to include representatives of Presidents of Supreme Courts of Member States.

34. The Executive Secretariat indicated that the meeting of Legal Experts had formulated recommendations on the restructuring of the Court that seek to ensure effective realisation of the objectives set out in the reports of the fifty-third and fifty-fifth sessions of the Council of Ministers. The restructuring is expected to:

i) enable the Judges to concentrate on their core judicial duties;

ii) provide the Court of Justice with an organisation chart that would enable it to fully discharge its duties;

iii) harmonise the terms of office in all the Community institutions and include the posts of Judges of the Court of Justice in the general schedule for the rotation of Member States in statutory posts.

35. The Executive Secretariat noted that the main recommendations of the competent technical commission concerned:

i) the qualifications and experience required by candidates for the post of Judge at the Community Court of Justice;

ii) the procedure for the appointment of judges;

iii) the mechanism for handling issues relating to discipline;

iv) the appropriate organisation chart for the Court and the recruitment plan;

v) harmonisation of the terms of office of the Judges.

i) Qualifications and experience required by candidates for the post of Judge at the Community Court of Justice

36. Candidates for the post of Judge at the Community Court of Justice must be nationals of the Member States who are persons of high moral character and possess the qualification required in their respective countries for appointment to serve as judges of the Supreme Court or of other courts of similar ranking, or be jurisconsults of recognized competence in international law, particularly in areas of community law and regional integration law. In addition, the candidates must have at least twenty years' professional experience.

ii) Appointment procedure

37. The appointment procedure shall be as follows:

a) the Judges shall be appointed from among the nationals of the countries to which the posts have been allocated;

b) the Judges shall be appointed on a competitive basis;

c) vacancy announcements shall be advertised widely in order to attract candidates from all over the Member States to which the posts are allocated;

d) the Community Judicial Council made up of the Chief Justices of the Supreme Courts or their representatives not below the rank of a Judge to which the posts have not been allocated shall carry out the selection and interview of the candidates.

iii) Mechanism for handling issues relating to discipline

38. The new mechanism for handling issues relating to discipline shall be the Community Judicial Council made up of Chief Justices of the Supreme Courts of ECOWAS Member States or Courts of similar ranking or their representatives not represented at the Community Court of Justice, and a representative of the Court elected by his peers. The mechanism is expected to prevent arbitrariness, ensure transparency and greater objectivity in the handling of issues relating to discipline.

39. Complaints or allegations shall be forwarded to the Chairman of the Community Judicial Council through the Executive Secretary.

40. Cases of physical or mental incapacity of members of the Community Court of Justice shall also be brought before the Community Judicial Council.

41. The Council shall be an ad hoc body and shall meet as and when necessary to formulate recommendations to the Authority of Heads of State and Government. Its membership shall change whenever new Judges are appointed to the Community

Court of Justice and whenever a new representative of the Court is elected by his/her peers.

iv) Organogram and recruitment plan of the Court

42. The organization structure of the Court should ensure a clear separation between its judicial and administrative functions.

43. The bureau of the Court shall be composed of the President, the Vice President and the oldest of the longest serving Judges of the Community Court. The Bureau shall be charged with providing policy guidelines for the preparation of the budget of the Court. It shall have authority over the financial management of the Court and shall delegate this power to the Director of Administration and Finance in accordance with the provisions of the Financial Regulations of the Community. The relevant provisions of the Rules of Procedure of the Court shall be amended to enable delegations of power in a manner that would ensure that the Judges and the Chief Registrar are not directly involved in the day-to-day financial management of the Court.

44. In addition to his duties, the President of the Court shall represent the Court in its relations with other ECOWAS Institutions and with third party entities.

45. In order to ensure continuity in the activities of the Court, and since the Chief Registrar is the institutional memory of the Court, he shall be a professional staff and a career servant of the Court. He shall have the rank of a Director D2 while his Deputy shall have the rank of a Director D1.

46. Recruitments shall be carried out to fill the positions provided for in the organogram and in accordance with a four (4) year recruitment plan.

v) Harmonisation of the term of office of Judges and inclusion of these posts in the overall rotation plan of Member States in statutory positions

47. Members of the Court shall be appointed for a term of office of four (4) years, non renewable. Under the internal process to be established by the Judges to ensure the smooth operation of the Community Court of Justice, the term of office of the President and of the Vice President of the Court shall be two (2) years renewable.

48. The post of Judges shall be taken into account in the overall rotation plan for Member States in statutory positions. For the posts that will become vacant in 2007, priority shall be given to the four countries not allocated any position of Commission, namely, Cape Verde, Guinea, Liberia and Senegal.

49. Upon consideration of the report presented on the restructuring of the Community Court of Justice, Council agreed to propose to the Authority of Heads of State and Government to adopt the recommendations of the competent technical Commission and representatives of the Chief Justices of the Supreme Courts of Member States. The functional relations of the organogram shall take into account the

need to hand over the day-to-day financial management of the Court to the Director of Administration and Finance.

50. Council directed the Executive Secretary to formulate proposals for the creation of an escrow account into which funds would be lodged temporarily pending determination of their final destination upon the Court's decisions becoming definitive.

51. Council agreed on the need to establish an appeal structure within the Community of Justice to enable persons who may wish to appeal the decision of the Community Court of Justice. However, given the fact that the volume of cases handled by the court does not justify the establishment of an Appeal Court, Council directed the Executive Secretariat to under take in collaboration with the Court of Justice a study for the establishment of an appellate division in the Court and submit a report to it at one of its next sessions..

Point 6: Consideration of the report of the Thirty-fifth meeting of the Administration and Finance Commission (Presentation of country reports on the implementation of the Community Levy by Member States)

52. This report, which was presented by the Chairman of the Commission dealt essentially with the following issues:

- Presentation and consideration of country reports of Member States on the implementation of the Community Levy;
- Revision of Article 64 of the Staff Regulations, defining the composition of the Management Succession Committee;
- Consideration of the appeal submitted by the former Director of Administration of the Executive Secretariat, Mrs. Tokunbo Lijadu-Oyemade.

53. On the consideration of the national reports on the implementation of the Community Levy, the Administration and Finance Commission requested.

a. All Member States should implement effectively the protocol relating to the Community Levy.

b. The Executive Secretariat should set up a management mechanism for the Community Levy and formulate a five-year plan for utilization of the proceeds of the Community Levy. The plan should be focused on projects and programmes.

c. The Executive Secretariat should discuss the application of the Community Levy to petroleum products, with a view to harmonising the positions of Member States on the issue.

d. The Executive Secretariat should present to the next meeting of the Administration and Finance Commission a memorandum on objective criteria for granting waivers to Member States which so request.

e. The Executive Secretariat should make proposals for a review of the decision relating to the sum paid to the Member State holding the Chairmanship of the Authority to defray related expenses.

Furthermore, the Commission recommended to Council to explore the possibility of granting financial assistance to any Member State which will be called upon to hold a Summit of Heads of State and Government of ECOWAS.

f. The Executive Secretariat should, in collaboration with Member States, identify the obstacles impeding the effective implementation of the Protocol relating to the Community Levy and assist them to find appropriate solutions.

g. The Executive Secretariat should pay to Member States, on a regular basis, compensations for losses of customs revenue arising from the implementation of the Trade Liberalisation Scheme.

h. The Executive Secretariat should finalise the study for the establishment of the Solidarity Fund.

54. Council noted with delight that all the Member States have put in place mechanisms for the implementation of the Community Levy. Council therefore endorsed the above recommendations and agreed to submit them to the Authority of Heads of State and Government for adoption, drawing attention to the difficulties involved in the evaluation and calculation of the amount to be paid as compensation.

55. Council further agreed to recommend to the Authority of Heads of State and Government to approve that an appropriate lump sum be allocated annually to any Member State whose Head of State or Government is the current Chairman of the Authority and that a budgetary appropriation be set aside to assist any Member State that hosts the Summit of Heads of State and Government and all other statutory meetings pertaining thereto. The amount involved should vary according to the resources available to the Community.

56. On the revision of Article 64 of the ECOWAS Staff Regulations, Council noted that the objective of the revision was to ensure that all Community Institutions were involved in the recruitment process for P5 and P6 managerial and Directors.

57. The Council of Ministers approved the amendment of Article 64 of the Staff Regulation as proposed by the Administration and Finance Commission.

58. The report of the Commission revealed that it deferred to its next session, consideration of the appeal submitted by the former Director of Administration of the Executive Secretariat because it did not have all the documents relating to the matter.

59. Having noted that the judgment of the Community Court of Justice was yet to be executed, the Council of Ministers directed the Executive Secretariat to pay the salaries due to the former Director of Administration pending its decision on the substantive issue in light of the report to be presented to it by the Administration and Finance Commission. Council directed the Administration and Finance Commission to consider the matter as soon as possible and to submit to it at the next session concrete proposals on the issue.

Point 7: Consideration of the Memorandum of the Executive Secretariat on the administrative situation of the Secretary General and the Deputy Secretary General of the Parliament

60. The Executive Secretary recalled that the memorandum was prepared in execution of a directive of the extra-ordinary session of the Council held on 23 March 2006.

61. He stated that the current Secretary General and Deputy Secretary General of the Community Parliament were appointed to their posts by the Speaker after consultations with the Bureau of the Community Parliament, in accordance with Protocol A/P2/8/94 of 6th August 1994.

62. The Executive Secretary further recalled that the Council of Ministers elevated the posts of Secretary General and Deputy Secretary General to the level of statutory appointees during its forty-ninth session, held in Dakar from 26 to 29 January 2003, and that the regulation of the Council granted this status to the two officers concerned for a period of four (4) years renewable.

63. He indicated that the term of office of these two officers would normally expire in January 2007, and noted that one of the decisions emanating from the restructuring of the Community Parliament related to the conversion of the posts of Secretary General and Deputy Secretary General to professional categories.

64. The Executive Secretary explained that in taking the decision on 23rd March 2006, to convert the posts of Secretary General and Deputy secretary General to professional categories, Council sought to ensure continuity in the activities of the Parliament since the Secretary General and the Deputy Secretary General remained senior officials that are capable of preserving the institutional memory of the Parliament.

65. He pointed out that presently, the Parliament had only limited personnel, that the current Secretary General and Deputy Secretary General were the pioneer occupants of these posts, that prior to their appointments, they had both served the Community as Principal Legal Adviser and Special Adviser to the former Executive Secretary respectively, and that they had been directly involved in the establishment of the ECOWAS Parliament.

66. He indicated that despite the fact that recruitments to professional posts are normally open to competition, it would be beneficial to the Parliament and in the interest of the Community to retain the current Secretary General and Deputy Secretary General in the professional cadre.

67. With a view to ensuring continuity for the Parliament and following consideration of the memorandum from the Executive Secretariat, Council agreed to allocate the position of Secretary general of the Parliament to the Republic of Guinea, which is one of the countries on the priority waiting list of countries eligible for a post of Head of an ECOWAS Institution.

Point 8: Any Other Business

Transfer of the Seat of the Parliament

68. Cote d"Ivoire commended Nigeria which has hosted the Headquarters of ECOWAS and other Community Institutions.

69 It indicated that it will be ready to host the seat of the Parliament as soon as the socio-political situation in the country improves.

70 Council recalled that it was Nigeria that expressed the desire as the host country of the Parliament to give up the seat of the Parliament to any member state that was ready to host it.

71. Council welcomed the proposal and agreed to inform the Authority accordingly.

Granting of Observer status to the AGETIP Network of West Africa

72. The delegation of the Gambia informed Council that AGETIP agencies of West Africa met recently in Banjul and that at that meeting, participants sought to know the status of their application for observer status in ECOWAS.

73. Considering the fact that these agencies handle the development of urban infrastructure within the sub-region, Council directed the Executive Secretariat to speed up the consideration of their application.

Dialogue on Migrations and Development

74. The delegation of Mali drew the attention of Council to the forth-coming holding of a high-level dialogue on migrations and development. Given the gravity of the immigration-related problems currently being experienced by the sub-region, Council deliberated at length on the subject matter and invited the Executive Secretariat to look into the matter and to set up a technical committee to prepare a common position for the sub-region on the matter.

75. The Executive Secretariat informed Council that it had already commenced talks on the subject matter within the framework of the ECOWAS/EU troika meetings.

Organisation of Communities Days in Burkina Faso

76. The delegation of Burkina Faso informed Council that it would organize, from 22 - 25 June 2006, Communities Days for the Communities located in the South of the Country. It invited the other delegations to take part in the event.

Organisation of the Integration Week in Mali

77. The delegation of Mali informed Council that the integration week that it regularly organizes, was held successfully this year in the Kayes region, where the country shares boundary with Senegal, Guinea and Mauritania. The delegation invited the other delegations to undertake similar initiatives.

Status of the negotiation of Economic Partnership Agreements

78. Following exchanges on this subject matter, the Council of Ministers identified some problems that ECOWAS and the other regions and the member states were facing in the conduct of these negotiations. These problems included pressure from the European Union to proceed to Phase II without having completed Phase I, the requirements of compatibility between the EPA and the WTO, the cumbersome nature of the European Union procedures.

79. Faced with such a situation, the Council of Ministers underscored the need to organize up-grading Ministerial seminars for Member States and to do everything possible to arrive at the phase II of the negotiations.

VI ADOPTION OF THE REPORT

80. This report was adopted after amendments.

VII CLOSING SESSION

81. The Chairperson of Council commended the members for their contributions and for the spirit of compromise displayed during the deliberations. Before declaring the meeting closed, she wished the members safe journey to their various destinations.

AICHATOU MINDAOUDOU
CHAIRPERSON

FOR COUNCIL

VOTE OF THANKS

The participants at the Thirty-sixth Ordinary Session of ECOWAS Council of Ministers, held in Abuja from 12 to 13 June, 2006, express their profound gratitude to His Excellency, Chief Olusegun Obasanjo, President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, and to the Government and people of Nigeria for the warm African hospitality extended to them during their stay in Abuja and for the facilities placed at their disposal to ensure the success of their meeting.

DONE AT ABUJA THIS 13TH DAY OF JUNE 2006

THE MEETING

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE DES ETATS DE L'AFRIQUE DE L'OUEST

Fifty-Sixth Ordinary Session of the Council of Ministers

Abuja, 12 - 13 June 2006

REGULATION C/REG.1/06/06 APPROVING THE ORGANISATIONAL STRUCTURE OF THE COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Decision A/DEC.16/01/06 transforming the Executive Secretariat into a Commission;

BEARING IN MIND the directive contained in the Final Communiqué issued at the twenty-eighth session of the Authority of Heads of State and Government, that the ECOWAS Executive Secretariat should be transformed with a view to adapting it to the international environment and to making it more effective in the accomplishment of its regional integration assignment;

CONVINCED that the Commission's productivity and efficiency will benefit from a clear definition of the technical areas that will be under the management of its members;

AWARE of the need to endow the Commission with functional structures that will allow for a clear division of technical assignments and a definition of working relations with a view to avoid conflicts of interests and strengthen the Community spirit.

DESIROUS of adopting all necessary measures for the purpose of attaining the aforementioned objectives;

AFTER CONSIDERING THE PROPOSALS of the extraordinary meeting of the Administration and Finance Commission, held in Abuja from 20 to 22 March 2006;

ENACTS

ARTICLE 1

The organogram of the Commission of the Economic Community of West African States, as attached hereto, is hereby approved.

ARTICLE 2

a) The Commission of the Economic Community of West African States shall be placed under the authority of its President, who shall be assisted by a Vice-President and seven (7) other Commissioners.

b) The President and Vice-President shall not be chosen from same linguistic group.

ARTICLE 3

1. The President shall be responsible for the following areas of activity:

   a) He/she shall be the Chief Executive Officer of the Commission. He/she shall coordinate the activities of all Community Institutions.

   b) The President shall be the legal representative of the Community.

   c) In addition to his/her other duties, the President shall represent the Community in international relations and may conclude any agreement that will promote the attainment of the Community's objectives. He/she shall be responsible for strategic planning and policy analysis of regional integration activities in the sub-region.

2. The following departments report to the President: the department of Legal Affairs, the Communication department, the Audit department and department of External relations. Also reports to the President, the Director of Cabinet whose status is that of Special Assistant to the President.

ARTICLE 4

1. The Vice-President shall be responsible for the following areas of activity:

   a) He/she shall ensure continuity in the operation of the Commission during the absence of the President.

   b) He/she shall assist the President in the execution of assignments under the mandate of ECOWAS.

   c) He/she shall coordinate, monitor and evaluate programmes and be responsible for the relations between the Commission and the other institutions of ECOWAS.

COMMUNAUTE ECONOMIQUE
DES ETATS DE L'AFRIQUE
DE L'OUEST

ECONOMIC COMMUNITY
OF WEST AFRICAN STATES

Fifty-Sixth Ordinary Session of Council of Ministers

Abuja, 12 - 13 June 2006

REGULATION C/REG.2/06/06 APPROVING THE ORGANISATIONAL STRUCTURE OF THE COMMUNITY COURT OF JUSTICE AND STAFF RECRUITMENT PLAN

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Protocol A/P.1/7/91 relating to the Community Court of Justice;

MINDFUL of the Supplementary Protocol amending the Protocol relating to the Community Court of Justice signed at Accra on 19 January 2005;

MINDFUL of the directives contained in the final reports of the fifty-third and fifty-fifth sessions of the Council of Ministers on the restructuring of the Community Court of Justice;

RECALLING that the aforementioned directives provided, among other things, that the Court should have an organizational chart that would enable it to perform its functions effectively;

DESIROUS to provide the Community Court of Justice with a functional structure as well as human resources adapted to its needs and to adopt measures that would enhance its efficient-functioning;

ON THE RECOMMENDATION of the Extraordinary meeting of the Administration and Finance Commission held at Abuja 20-22 March 2006.

ENACTS

ARTICLE 1

The attached organisational chart of the Community Court of Justice and staff recruitment plan are hereby approved.

ARTICLE 2

1. The President shall be the Head of the Community Court of Justice.

2. In addition to his/her other responsibilities, the President shall represent the Court in its relations with other ECOWAS institutions and with third parties.

ARTICLE 3

1. A Bureau shall be set up within the Community Court of Justice.

2. The Bureau shall be made up of three (3) Members of the Court namely: the President, Vice-President and the oldest and longest serving Judge of the Court. The President shall be Chairman of the Bureau.

3. The Bureau shall be responsible for the strategic orientation of the Court and for supervising its management and administration.

4. It shall examine the draft work programme and provide policy guidelines for the annual budget to be presented to the Council of Ministers, through the Administration and Finance Commission.

5. The Bureau shall define the procedures relating to the internal organisation of the Court in accordance with Community texts.

6. The Bureau shall have authorisation responsibility over the preparation of the budget of the Court and designate this authority to the Director of Administration, in line with the Financial Regulations of the Community.

ARTICLE 4

1. The Chief Registrar and his Deputy shall be professional staff and career officers of the Court, in order to ensure continuity within the Institution and to serve as institutional memory. The Chief Registrar shall have the rank of Director D2 while his Deputy shall have the rank of Director D1.

2. He/she supervises, monitors and coordinates the activities of the Court registry and provides services for the efficient discharge of the Judicial functions of the Members of the Court.

3. He is responsible for the acceptance, transmission and custody of documents and supervises the preparation of minutes and records of the Court and is also present at all Court sittings.

4. The Chief Registrar supervises the departments and divisions placed under his responsibility.

5. He/she is directly responsible to the President of the Court.

ARTICLE 5

1. The Director of Administration and Finance shall manage the day-to-day running of the administrative Secretariat of the Court and shall be the channel of communication between the Departments and the President on administrative matters.

2. He/she shall be responsible for all procedure for the recruitment of professional and locally recruited staff in accordance with the relevant ECOWAS Staff Regulations and shall chair the Advisory Committees in charge of recruitment of all categories of staff, except the Committee for the appointments of Directors, P6 and P5 team leader positions.

3. The Director of Administration and Finance shall prepare the annual draft budget of the Court, based on the general guidelines provided by the Bureau as well as the work programme of the Court.

4. He/she shall be the accounting officer of the Court and shall submit quarterly financial statements to the Bureau through the President.

ARTICLE 6

All existing legal and procedural texts of the Court shall be harmonised with the provisions of this Regulation.

ARTICLE 7

This Regulation shall be published by the Executive Secretariat in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall also be published by each member State, in its Official Journal, within the same time frame.

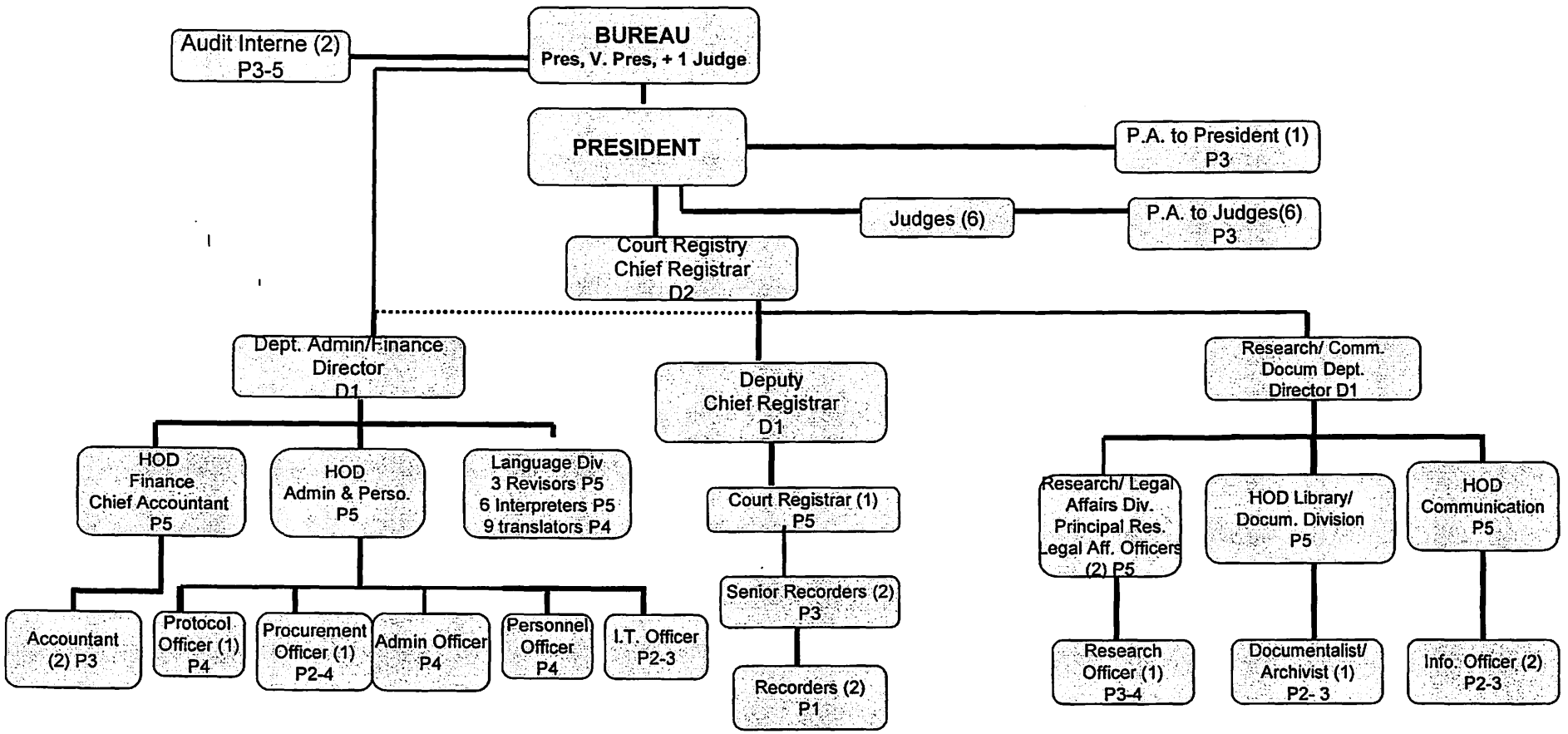
DONE AT ABUJA, THIS 13th DAY OF JUNE, 2006

.....

H.E. AÏCHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL

ORGANOGRAM OF THE COMMUNITY COURT OF JUSTICE

Juges (Statutaires) = 7
Directeurs (D1-2) = 4
Professionnels (P1-5) = 49



ECONOMIC COMMUNITY OF WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE DES ETATS DE L'AFRIQUE DE L'OUEST

Fifty-Sixth Ordinary Session of the Council of Ministers

Abuja, 12th – 13 June 2006

REGULATION C/REG.3/06/06 RELATING TO THE OPERATIONS, STRUCTURE, ADMINISTRATIVE AND FINANCIAL MANAGEMENT OF THE COMMUNITY PARLIAMENT

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of the provisions of Articles 6 and 13 of the said Treaty relating to the Institutions of the Community and the establishment of the Community Parliament, respectively;

MINDFUL of the provisions of Articles 10 (3) (f) and 69 (2) of the Treaty granting the Council power to approve Organizational structures of the Institutions and vesting other powers of an administrative and financial nature over the Institutions of the Community on the Council of Ministers;

RECALLING, in particular, Regulation C/REG.20/01/05 directing the Executive Secretary, in collaboration with the Financial Controller of the Community and the existing secretariat of the Community Parliament to carry out measures that would improve the functioning, as well as the administrative and financial management of the Parliament;

HAVING also set up an ad-hoc Ministerial Committee on Restructuring to consider the proposals from the Executive Secretary and other collaborators in the process of discharging the duties given to them on the restructuring of the Parliament;

DESIROUS of establishing a Parliament with sustainable structures and administrative and financial management systems that would enable it carry out its mandate efficiently and thus contribute to the attainment of our Community objectives;

ON THE RECOMMENDATION of the Ad-hoc Ministerial Committee on Restructuring of the Community Parliament that met in Abuja from 20 - 21 February 2006;

E N A C TS

ARTICLE 1: ADMINISTRATIVE SECRETARIAT OF THE PARLIAMENT

1. There is hereby established an Administrative Secretariat for the ECOWAS Parliament.

2. The Secretariat shall provide all administrative, technical and financial services that would facilitate the work of the Members of Parliament and ensure the efficient functioning of this Institution.

ARTICLE 2: ADMINISTRATIVE MANAGEMENT OF THE PARLIAMENT

1. The Administrative Secretariat of the Parliament shall be headed by a Secretary-General, who shall be the Chief Adviser of the Speaker on all matters of administration and procedure.

2. The Secretary General shall manage the day to day running of the Secretariat of the Parliament and be the channel of communication between the Speaker, other members of Parliament and the Secretariat which he/she heads.

3. The Secretary General shall amongst other duties, oversee the preparation of minutes and reports of all the proceedings of Parliament, Bureau and the Committees, ensure their publication and safe custody, and also deploy staff from the Secretariat to service the Plenary, Bureau, Standing Committees and Ad - hoc Committees.

4. He/she shall be responsible for all procedures for the recruitment of professional staff of the Parliament in accordance with the ECOWAS staff regulations and shall chair the Advisory Committee in charge of recruitment of professional staff, except the appointment of Directors, P6 and P5 managerial positions.

5. The Secretary General shall be assisted by Directors one of whom shall act as the Secretary General in the absence of and upon designation by the Secretary General.

6. The Secretary-General shall be classified under the Professional category of staff Members as Director grade 2 (D2). The grade of the Secretary-General as professional officer D2 becomes at the expiration of the tenure of the officer encumbering the position.

7. Other administrative duties of the Secretary General shall be provided under the Rules of Procedure of the Parliament.

ARTICLE 3: FINANCIAL MANAGEMENT OF THE PARLIAMENT

1. The Speaker shall be the Chief Authorizing Officer of the budget of the Parliament and shall designate financial management to the Secretary General in line with the Financial Regulations of the Community.

2. The Secretary-General shall be the Accounting Officer of the Parliament and shall submit to the Bureau through the Speaker quarterly financial statements.

3. The Secretary General shall also prepare the annual draft Budget of the Parliament based on the general guidelines provided by the Bureau and work programme of the Parliament.

4. The Parliament shall ensure recruitment of competent staff in the Accounts and Audit Units of the Secretariat as provided under the approved organogramm referred to under Article 3 of this Regulation. It shall also ensure full computerization of its accounting system to facilitate efficient financial management.

5. The financial operations and procurement procedures of the Parliament shall be guided by the Community financial Regulations, the Tender code, and all other Community procurement procedures that are of general application to the Community Institutions.

ARTICLE 4: ORGANIZATIONAL CHART

1. The attached Organizational Chart which is in conformity with contemporary Parliamentary structures is hereby adopted for the ECOWAS Parliament.

2. The Organizational Chart shall guide all staff recruitment for the Parliament.

3. Without prejudice to already existing personnel within the Parliament, recruitment of staff based on this organogramm shall be spread over a three-year period in conformity with the attached recruitment plan which is also hereby adopted for the Parliament.

ARTICLE 5: PARLIAMENTARY COMMITTEES

1. In order to create greater synergy in the operations of Parliament particularly in its working relationships with other institutions of the Community, the Parliament shall maintain or re-constitute Parliamentary standing Committees that reflect the areas of competence covered by the ECOWAS Technical Commissions established by the Treaty.

2. The Parliament shall establish other ad-hoc Committees to address specific subject matter and shall also establish standing Committees that are peculiar to its function or nature as a Parliamentary Institution.

ARTICLE 6: RULES OF PROCEDURE

1. The Rules of Procedure of the Parliament shall primarily deal with issues relating to the ordinary business of the Parliament as prescribed by Protocol A/P2/8/94 relating to the Community Parliament.

2. All provisions contained in the Rules of Procedure of the Parliament shall be consistent with provisions of the legal texts and policies of the Community

ARTICLE 7: RESIDENCY OF THE SPEAKER

1. (Within the current transitional period of Parliament and pending the election of Parliamentarians by direct-universal suffrage, the Speaker shall not be resident at the Seat of the Parliament).

2. The Speaker or any member of the Bureau of Parliament designated by the Speaker may travel to the Seat of Parliament to give political direction to the affairs of Parliament whenever necessary.

ARTICLE 8: ENTRY INTO FORCE

This Regulation shall be published by the Executive Secretariat in the official Journal of the Community within thirty (30) days of its signature by the Chairperson of the Council of Ministers. It shall also be published by each Member State in its Official Journal within the same time frame.

DONE AT ABUJA THIS 13TH DAY OF JUNE 2006

.....

HON. AÏCHATOU MINDAOUDOU

CHAIRPERSON

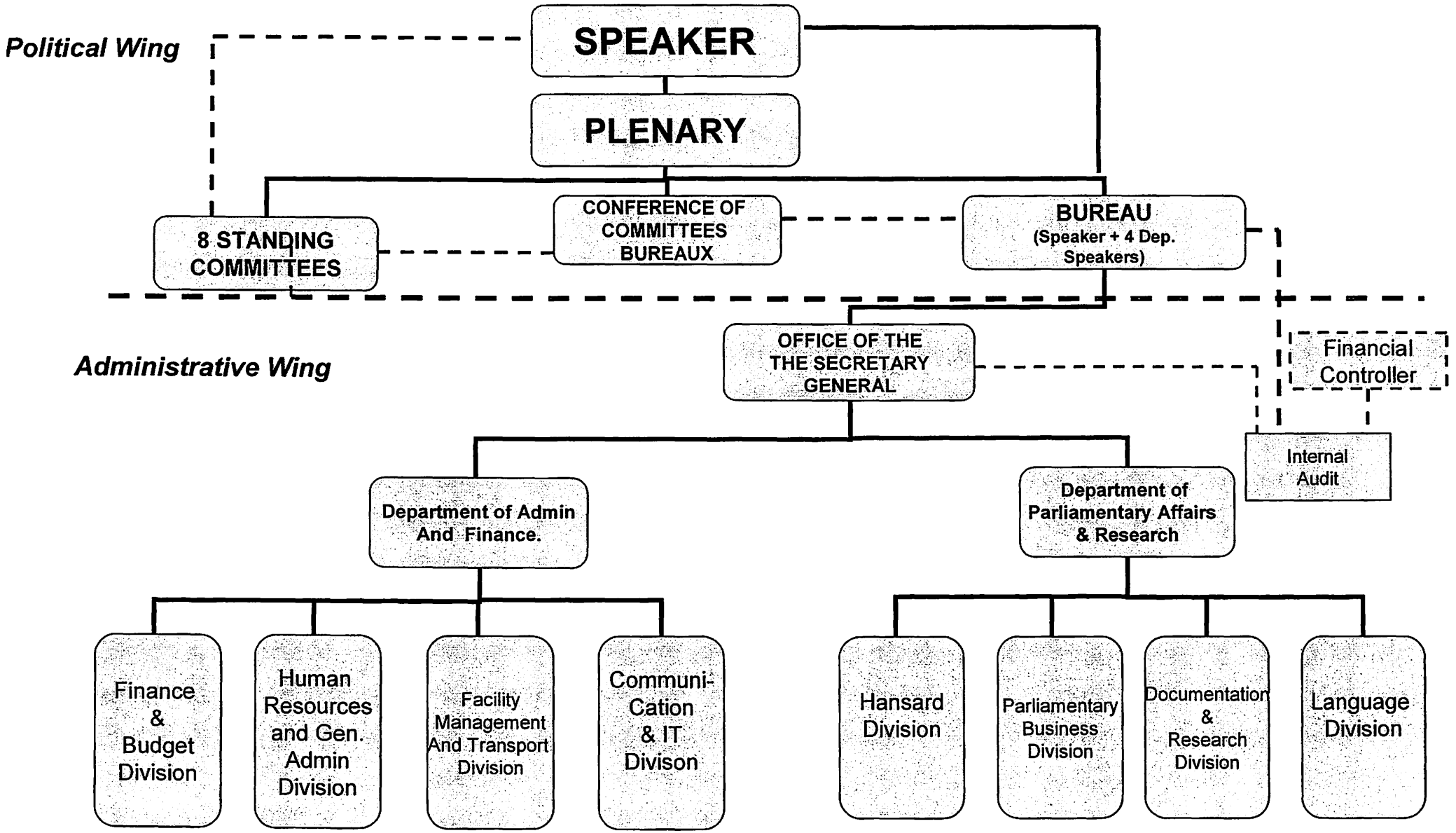
FOR THE COUNCIL

Rev 15

ORGANOGRAM AND STAFFING PLAN

ECOWAS PARLIAMENT

ECOWAS PARLIAMENT GENERAL STRUCTURE



Proposed Organogram of the Community Parliament

THE COMMUNITY PARLIAMENT

RECRUITMENT PLAN FOR PROFESSIONAL STAFF

2006

No.	Position	Grade
1	Bureau Manager	P5
2	Principal Legal Counsel	P5
3	Principal Protocol Officer	P5
4	Chief Accountant	P5
5	Principal Administrative Officer	P5
6	HOD Parliamentary Business (PB)	P5
7	Internal Auditor	P5
8	Principal Interpreter	P5
9	Committee Officer (1)	P4
10	Committee Officer (2)	P4
11	Committee Officer (3)	P4
12	Committee Officer (4)	P4
13	Committee Officer (5)	P4
14	Translator (French)	P4
15	Facility Management & Transport Officer	P4

2007

No.	Position	Grade
1	Sergeant-At-Arms	P5
2	Editor of Debates	P5
3	Principal Librarian/ Document Officer	P5
4	Principal Research Officer	P5
5	Human Resources Officer	P3
6	Administrative Officer	P3
7	Procurement Officer	P3
8	Conference Officer	P3
9	Budget Officer	P3
10	Translator (Portuguese)	P4
11	Programmer/ Webmaster	P3

2008

No.	Position	Grade
1	Interpreter	P5
2	Interpreter	P5
3	Revisor	P5
4	Legal Counsel	P4
5	Research Officer	P3
6	Deputy Editor of Debates	P3

ECONOMIC COMMUNITY OF
WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE
DES ETATS DE L'AFRIQUE DE
L'OUEST

FIFTY-SIXTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 12 – 13 June 2006

REGULATION C/REG.4/06/06 AMENDING THE REVISED ECOWAS STAFF REGULATIONS OF JANUARY 2005

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of the Principles of Staff Employment and the Revised Staff Regulations of ECOWAS adopted by Regulation C/Reg. 17/01/05 of the Council of Ministers on 18th January 2005

NOTING that a single Community-wide Management Succession Committee was established by the Revised ECOWAS Staff Regulations of January 2005 to, amongst other duties, approve all appointments and promotions to the managerial P5 levels, D1 and P6 grades anywhere in the Community and also to review long-term plans for management development within Community Institutions;

CONSIDERING the need to involve all the ECOWAS Institutions in the recruitment process for practical reasons and administrative convenience and to ensure uniformity in the classification of ECOWAS staff in the Community Institutions;

DESIRING therefore to amend the existing Staff Regulations as a means of attaining these objectives;

ON THE RECOMMENDATION of the Thirty-fifth Meeting of the Administration and Finance Commission held in Abuja, on the 10 – 11 June 2006.

E N A C T S

ARTICLE 1

The Management Succession of the ECOWAS shall comprise the Heads of each Community Institution with the addition of the Financial Controller, and the Director of the Legal Affairs Department of the Executive Secretariat.

ARTICLE 2

The Director of the Legal Affairs Department of the Executive Secretariat of ECOWAS shall have a consultative role and shall have no voting privileges.

ARTICLE 3

Article 64(b) of the Revised Staff Regulations of January 2005 is hereby amended to include and reflect the provisions of Articles 1 and 2 of this Regulation.

ARTICLE 4

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days after signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette within the same time frame.

DONE AT ABUJA, THIS 13TH DAY OF JUNE 2006.

.....

HON. AICHATOU MINDAOUDOU

CHAIRMAN
FOR COUNCIL

ECONOMIC COMMUNITY OF
WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE
DES ETATS DE L'AFRIQUE
DE L'OUEST

Fifty-sixth Ordinary Session of the Council of Ministers

Abuja, 12 – 13 June 2006

REGULATION C/REG.5/06/06 ALLOCATING THE POST OF SECRETARY-GENERAL OF THE ECOWAS PARLIAMENT TO THE REPUBLIC OF GUINEA, AS AN EXCEPTIONAL CASE

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Article 18, paragraph 5, of the Treaty which stipulates that, in appointing professional staff of the Community, due regard shall be had, subject to ensuring the highest standards of efficiency and technical competence, to maintaining equitable geographical distribution of posts among nationals of all Member States;

MINDFUL of Regulation C/REG.20/12/99 abolishing quota posts within the institutions of the Community;

MINDFUL of Regulation C/REG.8/01/03 regularising the appointment of some officers of the ECOWAS Parliament and granting the status of statutory appointees to the Secretary-General and the Deputy Secretary-General;

RECALLING that, by Regulation C/REG.3/06/06 relating to the operations, structure and administrative and financial management of the ECOWAS Parliament, the post of Secretary-General of the ECOWAS Parliament, which was initially a statutory post, was transformed into a professional post on Grade D2 after the expiration of the term of office of the incumbent;

NOTING that the post of Secretary-General of the ECOWAS Parliament will soon be vacant;

AWARE of the importance of the role of the Secretary General of the ECOWAS Parliament in the administrative management of this institution;

DESIROUS of providing the Community Institutions with highly qualified staff;

REAFFIRMING its commitment to abolishing the quota system with regard to appointments to professional staff;

DESIROUS, however, of paying special attention to the case of Guinea which has only a few nationals occupying the highest posts within the Institutions of the Community;

AFTER CONSIDERING the appeal made by Guinea's delegation to the fifty-sixth session of the Council of Ministers;

ENACTS

ARTICLE 1

The post of Secretary General of the ECOWAS Parliament is hereby allocated, as an exceptional case, to the Republic of Guinea.

ARTICLE 2

This Regulation shall be published by the Executive Secretariat in the Official Journal of the Community within thirty (30) days of its signature the Chairman of the Authority.

It shall also be published within the same time frame by each Member State in its National Gazette.

DONE AT ABUJA, THIS 13TH DAY OF JUNE 2006

.....

HON. AÏCHATOU MINDAOUDOU
CHAIRPERSON

FOR THE COUNCIL

COMMUNAUTE ECONOMIQUE DES
ETATS DE L'AFRIQUE DE L'OUEST

ECONOMIC COMMUNITY
OF WEST AFRICAN STATES

Fifty-Sixth Ordinary Session of the Council of Ministers
Abuja, 12 - 13 June 2006

RECOMMENDATION C/REC.1/06/06 AMENDING THE REVISED ECOWAS TREATY

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Article 90 of the ECOWAS Treaty relating to the amendment and revision of the revised Treaty of the Economic Community of West African States;

MINDFUL of Protocol A/P1/12/01 amending Articles 1, 3, 6, and 21 of the said Treaty of ECOWAS

MINDFUL of Regulation C/REG.15/01/03 establishing the Ad hoc Ministerial Committee on the harmonization of Community legislative texts, particularly in its Article 2, which directed that the Committee shall undertake a critical review of the revised ECOWAS Treaty, Protocols and Conventions, with a view to endowing the Community with modern legal instruments whose interpretation shall contribute to the acceleration of the integration process;

MINDFUL of the recommendations of the meeting of the Ad hoc Ministerial Committee on the Harmonization of Community Texts held on 19 June 2003, particularly those concerning corrections to be made to the shortcomings observed in the Treaty which can impede integration;

MINDFUL of the report of the fiftieth session of the Council of Ministers which adopted the recommendations of the Ad hoc Ministerial Committee referred to above and requested the Executive Secretariat to take urgent measures to amend the revised Treaty, with a view to adopting a new legal regime for Community Acts and more appropriate deadlines for the entry into force of certain texts;

BEARING IN MIND Decision A/DEC.12/8/97 relating to the frequency and venue of ECOWAS Summits and Decision A/DEC.27/01/06 on the organization of the ECOWAS Chairmanship;

MINDFUL of paragraph 50 of the Final Communiqué of the twenty fifth Session of the Authority which directed the Executive Secretariat to undertake a study on the enhancement of the powers to the Community Parliament.

MINDFUL of Decision A/DEC.6/1/05 on the modalities for implementation of Article 6 of the Protocol relating to the Community Parliament.

MINDFUL of the directive contained in the Final Communiqué of the twenty-eighth session of the Authority of Heads of State and Government for the transformation of the Executive Secretariat, with a view to enabling it to adapt to the international environment and more successfully fulfill its role in the sub-regional integration process;

MINDFUL of Decision A/DEC.16/01/06 transforming the Executive Secretariat into a Commission;

MINDFUL of the directive in the report of the fifty-fifth session of the Council of Ministers which called for the harmonization of terms of office of all Statutory Appointees in all the Community institutions and requested the Executive Secretariat to produce a global schedule of rotation of Member States in statutory positions in the Commission;

CONSIDERING the need to amend some of the provisions of the revised Treaty in order to effectively implement the above directives;

ON THE PROPOSAL of the extraordinary meeting of the Administration and Finance Commission held in Abuja from 20 to 22 March 2006;

AFTER CONSIDERATION of the proposals of the Meetings of the Commission of the Political, Judicial and Legal Affairs, Regional Security and Immigration, held in Abuja on 27th – 28th February 2006 and on the 22 – 25 May 2006;

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the draft Supplementary Protocol attached herewith, amending the ECOWAS Revised Treaty.

DONE AT ABUJA, THIS 13TH DAY OF JUNE 2006

.....

HON. AICHATOU MINDAOUDOU

CHAIRPERSON
FOR THE COUNCIL

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE DES ETATS DE L'AFRIQUE DE L'OUEST

Fifty-sixth Ordinary Session of the Council of Ministers

Abuja, 12-13 June 2006

RECOMMENDATION C/REC.2/03/06 RELATING TO THE COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Articles 17, 18 and 19 of the ECOWAS Treaty respectively establishing the Executive Secretariat, the procedure for appointing the Executive Secretary and the Deputy Executive Secretaries and defining the functions of the Executive Secretary;

BEARING IN MIND the directive contained in the Final Communiqué issued at the twenty-eighth session of the Authority of Heads of State and Government, that the ECOWAS Executive Secretariat should be transformed with a view to adapting it to the international environment and to making it more effective in the accomplishment of its regional integration assignment;

MINDFUL of Decision A/DEC.16/01/06 transforming the Executive Secretariat into a Commission;

MINDFUL of the directive of the fifty-fifth session of the Council of Ministers that tenures in all Community Institutions should be harmonised and calling upon the Executive Secretary to submit a global schedule of rotation of representation of Member States within the Secretariat of the Commission;

CONVINCED that the establishment of the Commission and its functioning should be based on the principles of solidarity, equity and Community spirit;

ANXIOUS to improve the productivity and efficiency of the Commission;

CONVINCED ALSO that the adoption of a transparent, balanced and predictable system of rotation of representation of Member States within the Commission can promote the attainment of the objectives set out by the twenty-eighth session of the Authority recalled above;

DESIROUS of adopting all necessary measures to this end;

ON THE PROPOSAL of the extraordinary meeting of the Administration and Finance Commission, held in Abuja from 20 to 22 March 2006;

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft decision relating to the Commission of the Economic Community of West African States (ECOWAS).

DONE AT ABUJA THIS 13TH DAY OF JUNE 2006.

.....

HON. AICHATOU MINDAOUDOU
CHAIRMAN
FOR COUNCIL

COMMUNAUTE ECONOMIQUE DES
ETATS DE L'AFRIQUE DE L'OUEST

ECONOMIC COMMUNITY
OF WEST AFRICAN STATES

Fifty-Sixth Ordinary Session of the Council of Ministers
Abuja, 12 – 13 June 2006

RECOMMENDATION C/REC.3 /06/06 AMENDING ARTICLE 3 PARAGRAPHS 1, 2 AND 4, ARTICLE 4 PARAGRAPHS 1, 3 AND 7 AND ARTICLE 7 PARAGRAPH 3 OF THE PROTOCOL ON THE COMMUNITY COURT OF JUSTICE

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL OF Article 33 of Protocol A/P1/7/91 on the procedure for amending the Protocol on the Community Court of Justice;

MINDFUL OF Supplementary Protocol A/SP1/1/05 amending the Protocol on the Community Court of Justice;

MINDFUL OF the directives contained in the final reports of the fifty-third and fifty-fifth sessions of the Council of Ministers on the restructuring of the Community Court of Justice;

RECALLING that the aforementioned directives provided that the Court should be restructured in such a way as to enable the Judges devote themselves to their main duties;

RECALLING also that the same directives provided that with the restructuring the Court shall be equipped with an organizational chart which will enable it perform its duties optimally, ensure harmonization of tenure with statutory positions in other Institutions of the Community and include the position of judges in the general plan for rotating statutory posts among member States;

CONSIDERING the need to appoint to the Community Court of Justice competent judges, who can contribute, through the quality of their decisions, to the development of Community Law, capable of consolidating and speeding up the regional integration process;

CONSIDERING also the need to ensure that the judges of the Community Court of Justice are persons of high moral standing upon assumption of duty and to guarantee that this quality is maintained by the judges throughout their term of office;

CONCERNED with providing the Community Court of Justice with functional organs and adequate human resources;

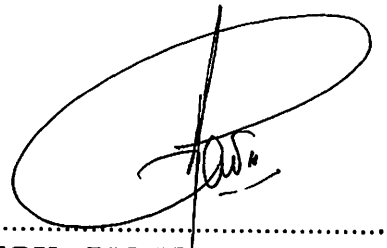
DESIROUS of adopting recruitment modalities based on criteria which would allow for selection and appointment of the most suitable persons as judges of the Community Court of Justice and to adopt any measure that will enhance the functioning of the Court;

ON THE PROPOSAL of the meetings of the Political, Judicial and Legal Affairs, Regional Security and Immigration Commission, held at Abuja on the 27 - 28th February 2006 and on 22nd - 25th May 2006.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the draft Protocol attached herewith, amending Articles 3 paragraphs 1 and 2, and 4 Article 4 paragraphs 1, 3 and 7 and Article 7 Paragraph 3 of the Protocol relating to the Community Court of Justice.

DONE AT ABUJA, THIS 13TH DAY OF JUNE 2006



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HON. AICHATOU MINDAOUDOU

CHAIRPERSON
FOR THE COUNCIL

COMMUNAUTE ECONOMIQUE DES
ETATS DE L'AFRIQUE DE L'OUEST

ECONOMIC COMMUNITY
OF WEST AFRICAN STATES

Fifty-Sixth Ordinary Session of the Council of Ministers
Abuja, 12th – 13th June 2006

RECOMMENDATION C/REC.4/06/06 ON THE ESTABLISHMENT OF A JUDICIAL COUNCIL FOR THE COMMUNITY

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Protocol A/P.1/7/91 relating to the Community Court of Justice;

MINDFUL of the Supplementary Protocol amending the Protocol relating to the Community Court of Justice signed at Accra on 19 January 2005;

MINDFUL of the directives contained in the final reports of the fifty-third and fifty-fifth sessions of the Council of Ministers on the restructuring of the Community Court of Justice ;

RECALLING that the aforementioned directives provided that the Court should be restructured in such a way as to enable the Judges devote themselves to their main duties;

CONSIDERING the need to appoint to the Community Court of Justice highly qualified and competent persons, who can contribute, through the quality of their decisions, to the development of Community Law, capable of consolidating and speeding up the regional integration process.

CONSIDERING also the need to ensure that the judges of the Community Court of Justice are persons of high moral standing upon assumption of duty and to guarantee that this quality is maintained by the judges throughout their term of office;

NOTING that the present mode of selection of judges does not guarantee that the most suitable persons occupy these exalted position;

CONVINCED that the disciplinary procedure laid down in Protocol A/P.1/7/91 should be improved upon to foster the maintenance of high moral standards by the judges throughout their term of office;

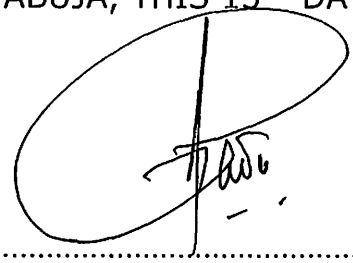
DESIROUS therefore of establishing a credible organ capable of effectively managing the process of recruiting judges on a competitive basis and to adopt an independent disciplinary mechanism which guarantees transparency of deliberations and objectivity of decisions in disciplinary matters ;

ON THE PROPOSAL of the meetings of the Political, Judicial and Legal Affairs, Regional Security and Immigration Commission held at Abuja on 27 and 28 February 2006, and 22nd – 25th May 2006.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the draft Decision attached herewith, establishing the Judicial Council of the Community.

DONE AT ABUJA, THIS 13TH DAY OF JUNE 2006



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HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR COUNCIL

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE DES ETATS DE L'AFRIQUE DE L'OUEST

Fifty-Sixth Ordinary Session of the Council of Ministers

Abuja, 12 – 13 June 2006

RECOMMENDATION C/REC.5/06/06 AMENDING PROTOCOL A/P2/8/94 RELATING TO THE COMMUNITY PARLIAMENT

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Articles 6 and 13 of the said Treaty relating to the Institutions of the Community and the establishment of the Community Parliament respectively;

MINDFUL of Protocol A/P2/8/94 relating to the Community Parliament;

MINDFUL of Decision A/Dec.6/01/06 adopted by the 29th session of the Authority of Heads of State and Government relating to modalities for the effective implementation of Article 6 of Protocol A/P2/8/94 relating to the Community Parliament;

MINDFUL of the content of Regulation C/REG.20/01/05, giving directives for the restructuring of the Community Parliament to permit its effective participation in the ECOWAS decision-making process and to create the necessary synergy and cooperation between it, the Parliament of Member States and the Institutions of the Community with a view to complementing efforts at accelerating the process of integration;

RECALLING that the above mentioned directives provided that the Parliament should be restructured with clear separation of roles between the political and administrative wings of Parliament, in order to allow Members of Parliament concentrate mainly on their political role, while being adequately serviced by a competent and efficient team of technocrats and administrative personnel;

DESIROUS of improving the performance of the Community Parliament alongside the process of enhancing its powers and progressively transforming its mandate from advisory to co-decision-making and subsequently to a law-making role in areas to be defined by the Authority upon the election of its members by direct universal suffrage;

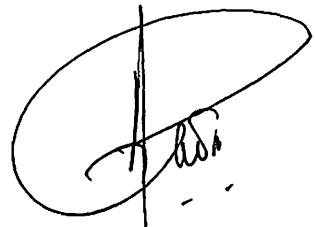
DESIROUS of amending the relevant provisions of Protocol A/P2/8/94 relating to the Community Parliament to achieve the above mentioned objectives;

ON THE PROPOSAL of the Ad-hoc Ministerial Committee on the Restructuring of the Parliament held in Abuja, 20 – 21 February 2006.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the draft Supplementary Protocol attached herewith, amending Protocol A/P2/8/94 relating to the Community Parliament.

DONE AT ABUJA, THIS 13TH DAY OF JUNE 2006



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HON. AICHATOU MINDAOUDOU

CHAIRPERSON
FOR THE COUNCIL

ECONOMIC COMMUNITY OF
DES WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE
ETATS DE L'AFRIQUE
DE L'OUEST

Fifty-sixth Ordinary Session of the Council of Ministers

Abuja, 12 - 13 June 2006

RECOMMENDATION C/REC.6/06/06 TRANSFERING THE HEADQUARTERS OF THE COMMUNITY PARLIAMENT TO CÔTE D'IVOIRE

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 13 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Article 4 of Protocol A/P8/94 of 6th August 1994, on the Parliament which provides that the headquarters of the Parliament shall be decided by the Authority;

MINDFUL of Decision A/DEC.19/12/01 of 21 December 2001, allocating the headquarters of the Community Parliament to the Federal Republic of Nigeria;

CONSIDERING that the Federal Republic of Nigeria, host country of the Community Parliament, indicated to Council at its extraordinary session held in Abuja on 23rd march 2006, that it was willing to cede the headquarters of the said Parliament to any other Member State that may wish to host it;

CONSIDERING the need to take account of equitable geographical distribution in the allocation of headquarters of Community Institutions to Member States;

AFTER HAVING reiterated its gratitude to the Federal Republic of Nigeria whose important efforts made it possible for the Community Parliament to commence its operations under excellent conditions in Abuja;

AFTER HAVING received favourably the offer by Cote d'Ivoire;

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the draft Decision attached herewith, transferring the headquarters of the Community Parliament to Côte d'Ivoire.

DONE AT ABUJA, THIS 13TH DAY OF JUNE 2006

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HON. AÏCHATOU MINDAOUDOU
CHAIRPERSON

FOR THE COUNCIL

Communauté Economique
des Etats de l'Afrique de l'Ouest

Economic Community
of West African States

56ème Réunion du Conseil des Ministres

Fifty-Sixth Meeting of the Council of Ministers

Abuja, 12 juin/June 2006

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