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PROTOCOL ESTABLISHING AN ECOWAS CRIMINAL INTELLIGENCE AND INVESTIGATION BUREAU

PREAMBLE

We, the Heads of State and Government of Member States of the Economic Community of West African States (ECOWAS);

MINDFUL of the revised ECOWAS Treaty signed in Cotonou on 24 July 1993 and its supplementary texts;

MINDFUL of the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping on Security of 10 December 1999;

ACKNOWLEDGING that the provisions of the ECOWAS Protocols on Free Movement, Right of Residence and Establishment of Persons in Member States facilitates the movement of criminals, contributing to the spread of criminal activities within the sub-region;

RECALLING the concern expressed by the session of the Authority of Heads of State and Government held in Abuja 28 and 29 May 2000 on the menace of the various forms of crime and their negative effects on the socio-economic development of countries in West Africa;

CONSIDERING the increasingly sophisticated methods employed by criminals and the rise in criminal activities;

CONVINCED that effective strategies to combat crime globally require the combined efforts of ECOWAS Member States and regional and international organisations;

RECALLING the Cooperation Agreement between ECOWAS and Interpol aimed at enhancing the capacity of ECOWAS in the control of sub-regional crime;

ALSO RECALLING directives of the 23rd summit of Heads of State and Government to establish a mechanism for a fight against various forms of crime through the establishment of a Criminal Intelligence and Investigation Bureau;

DESIRING to formally establish a bureau and provide it with adequate structures and also put in place the appropriate procedures for its operation.

HAVE AGREED AS FOLLOWS:

CHAPTER I GENERAL PROVISIONS

Article 1: Definitions

In this Protocol,

“ECOWAS” means the Economic Community of West African States;

“Community” means the Economic Community of West African States established under Article 2 of the Treaty;

“Authority” means the Authority of Heads of State and Government established under Article 7 of the ECOWAS Treaty;

“Council” means the Council of Ministers established under Article 10 of the ECOWAS Treaty;

“Crime” or **“Organised Crime”** includes drug trafficking, terrorism, trafficking In Persons, money laundering, currency counterfeiting, cyber crime and other forms of trans-national crime;

“Director-General” means the Director-General of the Bureau.

“Member State” means a Member State of the Community;

“Forum” means the meeting of Ministers in charge of security or internal affairs in ECOWAS Member States;

“CIIB” means the ECOWAS Criminal Intelligence and Investigation Bureau established under Article 2 of the present Protocol;

“Executive Secretary” means the ECOWAS Executive Secretary appointed in accordance with the provisions of article 18 of the Treaty ;

“Sub-region” means the West African sub-region;

“Treaty” means the Treaty of the Economic Community of West African States signed in Cotonou (Benin) on 24 July 1993;

“Competent Authorities” means all public bodies existing in Member States which are responsible under National law for preventing and combating criminal offences.

“NCB-Interpol” means National Central Bureau of Interpol;

“WAPCCO” means West African Police Chief’s Committee.

CHAPTER II

ESTABLISHMENT, NAME, OBJECTIVES, FUNCTIONS AND LEGAL CAPACITY

Article 2

1. There is hereby established an ECOWAS Criminal Intelligence and Investigation Bureau hereinafter referred to as "CIIB".
2. The CIIB shall be a specialised institution of ECOWAS, tasked with preventing and combating transnational crimes.
3. The CIIB shall liaise with a single national unit to be established in Member States in accordance with article 46 (3) of the Protocol relating to the Mechanism on Conflict Prevention, Management, Resolution, Peace keeping and Security of 10th December 1999 and also liaise with the National Central Bureaux of Interpol and any other similar organisation.

Article 3: Objective and Functions

1. The objective of the CIIB shall be to improve the effectiveness and cooperation of the competent authorities in Member States in preventing and combating trans-national crimes and other related criminal offences in West Africa.
2. In the framework of its objective pursuant to paragraph 1 above, the CIIB shall:
 - a) facilitate the exchange of information on criminals, criminal organisations and their activities;
 - b) facilitate criminal investigations by law enforcement agencies of Member States by providing them with any useful information they may require;
 - c) participate in the formulation of coherent strategies aimed at combating crimes and eliminating criminal networks;
 - d) collect data from institutions such as the judiciary, the police, the gendarmerie and other law enforcement agencies in Member States on criminals, their mode of operation, arrests, prosecutions, trials and convictions pertaining to crime, particularly transnational crimes;
- e) establish a data bank on criminals, their mode of operation, current developments or innovations in crime methods, and national legislation relating to crime;
- f) use modern information technology to promote data sharing among Member States on criminals, their mode of operation, prosecutions, trials and convictions pertaining to transnational crimes;
- g) provide such information as the CIIB may consider appropriate from its data bank to Member States for dissemination to law enforcement agencies;
- h) contribute to the development of the human resources and skills of law enforcement agencies by organising training courses and seminars and developing training materials;
- i) in collaboration with the technical bodies of the Committee of West African Chiefs of Police, and the technical bodies of similar organisations, advise the Management Board on:
 - methods to strengthen regional capacity and capabilities to deal with transnational crimes;
 - the revision of existing laws relating to various forms of transnational crime, so as to bridge the gaps in legal systems which can be exploited by organised criminal groups;
- j) perform such other functions as are necessary for the achievement of the objectives set out in this Protocol.

Article 4: Legal Capacity

1. The Criminal Intelligence and Investigation Bureau shall have legal personality.
2. The CIIB shall enjoy in each Member State the legal and contractual capacity available to legal persons under the laws of the Member State, in particular the power to acquire and dispose of movable and immovable property and to sue and be sued.
3. The CIIB shall have the power to conclude a Headquarters Agreement with any of the

ECOWAS Member States. It shall also have the power to conclude the necessary confidentiality agreements, pursuant to Article 31(6), as well as other arrangements with States and international organisations within the meaning of Article 18(4), in the framework of the rules laid down by the Authority of Heads of State and Government on the basis of this Protocol.

CHAPTER III ORGANS AND STAFF

Article 5: Organs of the CIIB

The organs of the ECOWAS Criminal Intelligence and Investigation Bureau shall be:

1. the Management Board;
2. the General Directorate;
3. the Budget Committee;
4. the Financial Committee;
5. National Units.

Article 6: Management Board

1. The Management Board shall be the decision making body of the CIIB. In this capacity, the Board shall:
 - a. take part in the elaboration of the objectives of the CIIB;
 - b. define the rights and obligations of liaison officers towards the CIIB;
 - c. define implementing rules governing personal data files and rules governing the CIIB's relations with third States and third bodies;
 - d. decide on the details of the procedure for checking the legal character of retrievals in the information system;
 - e. take part in the appointment and dismissal of the Director-General, Deputy Director-General and the Financial Controller;
 - f. oversee the proper performance of the duties of the Director-General;
 - g. take part in the adoption of the Staff Regulations;
2. The Management Board shall be composed of one representative of each Member State. Each member of the Management Board shall have one vote.
3. Each member of the Management Board may be represented by an alternate member. In the absence of the full member, the alternate member may exercise his right to vote.
4. The members or alternate members shall be entitled to be accompanied and advised by experts from their respective Member States at meetings of the Management Board.
5. The Chairman of the Management Board shall be elected from among the members of the Board.
6. The Management Board shall adopt its own Rules of Procedure.
7. The Management Board shall meet at least two times a year to adopt:
 - a general report on the activities of the CIIB during the previous year;
 - a provisional report on the CIIB's future activities taking into account the operational needs of Member States and budgetary and staffing implications for the CIIB.
8. Decisions of the Management Board shall be by a simple majority of members present.

Article 7: General Directorate

The General Directorate shall be the organ responsible for overseeing the operations of the CIIB. It shall be made up of a Director-General, a Deputy Director-General, Heads of Department, and liaison officers.

1. The Director-General shall be appointed by the Council of Ministers on the proposal of the Forum and on the recommendation of the Management Board for a period of 4 years renewable only once for the same period of 4 years.
2. The Director-General shall be responsible for:
 - a. performance of the tasks assigned to the CIIB;
 - b. day-to-day administration;
 - c. personnel management;
 - d. proper preparation and implementation of decisions of the Management Board;
 - e. preparing the draft budget, draft establishment plan and draft financing plan and implementing the budget of the CIIB;
 - f. all other tasks assigned to him by the Management Board;
3. The Director-General shall be accountable to the Management Board in respect of the performance of his duties.
4. The Director-General shall be the legal representative of the CIIB.
5. He shall attend the meetings of the Management Board.
6. The Director-General recommends the establishment plan of the CIIB departments to the Management Board.
7. The Deputy Director-General shall be appointed by the Council of Ministers on the proposal of the Management Board and on the recommendation of the Forum.
8. He shall assist the Director-General in the performance of the functions of the Director-General and act for the Director-General in his absence.

9. The Heads of Department shall be appointed and supervised by the Director General.
10. The Heads of Department shall oversee the activities of the departments and staff placed under their supervision.
11. The Forum of Ministers in charge of Security may if it deems it necessary recommend to the Council of Ministers the restructuring of the existing departments or the establishment of new ones.
12. Liaison officers may be seconded to the CIIB by ECOWAS Member States.
 Their appointments shall be in conformity with the Staff Regulations of the Institutions of the Community.
13. Due regard shall be given to ensuring the highest standards of efficiency and technical competence and representation of the official languages of the Community.
14. The rights and obligations of the staff of the CIIB shall be as defined by the Council of Ministers on the proposal of the Management Board

Article 8: Budget Committee

1. The Budget Committee shall oversee the accounts of the CIIB. It shall be made up of three members designated by the Council of Ministers, on the basis of their experience in budgetary matters. Their term of office shall be for three years only.
2. The accounts in respect of all income and expenditure entered in the budget together with the balance sheet showing the CIIB's assets and liabilities shall be subject to an annual audit in accordance with the ECOWAS Financial Regulations and Manual of Accounting procedures. For this purpose, the Director-General shall submit a report on the annual accounts by 31 December of the following year at the latest. Any costs arising from the audit shall be charged to the CIIB budget.
3. The Budget Committee shall submit to the Management Board an audit report on the annual accounts of the CIIB. Prior thereto, the Director-General and the Financial Controller shall be given an opportunity to express an opinion on the audit report and the report shall be discussed by the Management Board.

4. The Director-General shall provide the members of the Budget Committee with all information and every assistance which they may need in order to perform their task.
5. A decision on the discharge to be given to the Director-General in respect of budget implementation for the financial year in question shall be taken by the Management Board, after examination of the report on the annual accounts.
6. The detailed rules for performing audits shall be laid down in the Financial Regulations.
- d. evaluate information and intelligence in accordance with national law for the competent authorities and transmit this material to them;
- e. issue requests for advice, information, intelligence and analysis to the CIIB;
- f. supply the CIIB with information for storage in the computerised system;
- g. ensure compliance with the law in every exchange of information between themselves and the CIIB.

Article 9: Financial Controller

A Financial Committee shall be responsible for the control and monitoring of the budget of the CIIB. It shall be headed by a Financial Controller appointed by the Council of Ministers on the proposal of the Forum and on the recommendation of the Management Board;

Article 10: National Units

1. Each Member State shall establish a national unit within the framework of the operations of the CIIB, in accordance with Article 2 of this Protocol. The national units shall be established in accordance with the guidelines defined by the Director-General. Their relations with the law enforcement agencies of Member States shall be as set out in the national legislation of Member States.
2. The national unit of each Member State shall be the liaison body between the CIIB and the competent national authorities.
3. The Member States shall take all necessary measures to ensure that the national units are able to fulfil their tasks and, in particular, have access to relevant national data.
4. It shall be the task of the national units to:
 - a. supply the CIIB on their own initiative with the information and intelligence necessary for it to carry out its tasks;
 - b. respond to CIIB's requests for information, intelligence and advice;
 - c. keep information and intelligence up to date;

5. The costs incurred by the national units for communications with the CIIB shall be borne by the Member States.
6. The Heads of national units shall meet at least once a year and as often as necessary to assist the CIIB by giving advice.

CHAPTER IV BUDGET

Article 11: Budget

- 1.(a) The budget of the CIIB shall be financed from the Community Levy contributions by Member States.
- (b) The Budget can also be financed from third countries, International and Inter-governmental Organizations as well as any other sources approved by the Management Board.
2. Estimates shall be drawn up of all of the CIIB's income and expenditure for each financial year and these items entered in the budget. An establishment plan shall be appended to the budget. The financial year shall begin on 1 January and end on 31 December.

The income and expenditure shown in the budget shall be in balance.
3. By 31 March each year at the latest, the Director-General shall draw up the draft budget and draft establishment plan for the following financial year and shall submit them, after examination by the Financial Committee, to the Management Board together with the draft financing plan.
4. The Management Board shall take a decision on the financing plan.

5. Financial contributions from the Member States shall be made in accordance with the ECOWAS formula for financial contributions.
6. The Director-General shall implement the budget in accordance with the Financial Regulations.
7. Monitoring of the commitment and disbursement of expenditure and of the establishment and collection of income shall be carried out by the Financial Controller. The Financial Regulations may make provision for ex-post monitoring by the Financial Controller in the case of certain items of income or expenditure.
8. Sanctions as prescribed by Article 7 of the ECOWAS Treaty of 24 July, 1993 may be imposed on Member States that fail to honour their financial obligations to the CIIB.
3. They shall neither address the press nor make pronouncements on the radio, television or any other medium on issues pertaining to the CIIB, without prior authorisation of the Director-General.
4. The staff of the CIIB and members of its organs shall not engage in any political activity, practise any profession, accept any other employment or mandate that is incompatible with their duties within the CIIB. Any staff of the CIIB wishing to occupy a political post shall resign from the CIIB.
5. The staff of the CIIB and members of its organs who are under obligation of discretion or confidentiality shall be bound not to disclose any facts or information which come to their knowledge in the performance of their duties or the exercise of their activities to any unauthorised person. This shall not apply to facts or information too insignificant to require confidentiality. The obligation of discretion and confidentiality shall apply even after leaving office or employment, or after termination of activities.

CHAPTER V CONFIDENTIALITY AND OBLIGATION OF DISCRETION

Article 12: Confidentiality

1. The CIIB and the relevant authorities in Member States shall take necessary measures to protect information obtained by or exchanged with the CIIB on the basis of this Protocol. To this end, the Director-General shall prepare appropriate rules on confidentiality which he shall submit for adoption by the forum.
2. Officials entrusted with the processing of information shall possess the required qualifications and shall undergo security screening to be organised by the Director-General or by the supervising authorities of the national units to ascertain their moral integrity.
6. The persons mentioned in paragraph 4 above may not give evidence in or outside court or make any statements on any facts or information which come to their knowledge in the performance of their duties or the exercise of their activities, without reference to the Director-General or, in the case of the Director-General himself, to the Management Board.
7. The Director-General or the Management Board, as the case may be, shall approach the judicial body or any other competent body with a view to taking necessary measures under the national law applicable to the body approached; such measures may either be to adjust the procedures for giving evidence in order to ensure the confidentiality of the information or, provided that the national law concerned so permits, to refuse to make any communication concerning data insofar as it is vital for the protection of the superior interests of the CIIB or a Member State.

Article 13: Obligation of discretion

1. The Director-General, Deputy Director-General, Heads of Department, Financial Controller, and the liaison officers shall carry out their duties keeping in mind the objectives and mandates of the CIIB.
2. The staff of the CIIB and members of its organs shall refrain from any action which may be harmful to the CIIB or prejudice its activities or negatively affect the integrity, independence, impartiality or exemplary conduct dictated by the dignity of their functions.

CHAPTER VI COMPUTERISED SYSTEM OF COLLECTED INFORMATION

Article 14

1. The CIIB shall maintain a computerised system of collected information consisting of the following components:
 - a) an information system as referred to in Article 15 of this Protocol with a restricted and precisely defined content which allows for rapid reference to the information available to the Member States and the CIIB;
 - b) work files as referred to in Article 18 of this Protocol established for variable periods of time for the purposes of analysis and containing comprehensive information.
2. The computerised system of collected information operated by the CIIB must under no circumstances be linked to other automated processing systems, except for the automated processing systems of the national units.

Article 15 : Establishment of an information system

1. In order to perform its tasks, the CIIB shall establish and maintain a computerised information system. The information system, into which Member States, represented by their national units, may directly input data in compliance with their national procedures, and into which the CIIB may directly input data supplied by third States and third bodies and analysis data, shall be directly accessible for consultation by national units and duly empowered staff of the CIIB.
2. Direct access by the national units to the information system in respect of the persons referred to in Article 18 (1.b) of this Protocol shall be restricted solely to the details of identity listed in Article 18(2). If needed for a specific enquiry, the full range of data shall be accessible to them via the liaison officers.
3. The Criminal Intelligence and Investigation Bureau shall:
 - a) have the task of ensuring compliance with the provisions governing cooperation on and operation of the information system;

- b) be responsible for the proper working of the information system in technical and operational respects. The CIIB shall in particular take all necessary measures to ensure that the measures referred to in Articles 24 and 27 of this Protocol regarding the information system are properly implemented.

4. The national unit in each Member State shall be responsible for communication with the information system. It shall, in particular, be responsible for the security measures referred to in Article 24 in respect of the data-processing equipment used within the territory of the Member State in question, for the review in accordance with Article 27.

Article 16: Content of the information system

1. The information system may be used to store, modify and utilise only the data the CIIB needs to perform its functions, with the exception of data concerning related criminal offences as referred to in Article 3 (1). Data entered shall relate to:
 - a) persons who, in accordance with the national law of the Member State concerned, are suspected of having committed or having taken part in a criminal offence for which the CIIB is competent under Article 3, or who have been convicted for such an offence;
 - b) persons who there are serious grounds under national law for believing will commit criminal offences for which the CIIB is competent under Article 3.
2. Personal data as referred to in paragraph 1 may include only the following details:
 - a) surname, maiden name, given names and, where necessary, any alias or assumed name;
 - b) date and place of birth;
 - c) nationality;
 - d) sex; and
 - e) where necessary, other characteristics likely to assist in identification, including any specific objective, physical characteristics not subject to change.

3. In addition to the data referred to in paragraph 2 above from the CIIB data the CIIB or the inputting national unit, the information system may also be used to store, modify and utilise the following details concerning the persons referred to in paragraph 1:
 - a) criminal offences, alleged crimes and when and where they were committed;
 - b) means which were or may be used to commit the crimes;
 - c) departments handling the case and their filing references;
 - d) suspected membership of a criminal organisation;
 - e) convictions, where they relate to criminal offences for which the CIIB is competent under Article 3.
 4. The data may also be input when they do not yet contain any references to persons. Where the CIIB inputs the data itself, as well as giving its filing reference, it shall also indicate whether the data were provided by a third party or are the result of its own analyses.
 5. Additional information held by the CIIB or national units concerning the groups of persons referred to in paragraph 1 may be communicated to any national unit or the CIIB should either so request.
 6. Where the additional information concerns one or several related criminal offences as defined in Article 3 (1), the data stored in the information system shall be marked accordingly to enable national units and the CIIB to exchange information on the related criminal offences.
 7. If the proceedings against the person concerned are dropped or if that person is acquitted, the data relating to either decision shall be deleted.
- a) the file name;
 - b) the purpose of the file;
 - c) the groups of persons on whom data are stored;
 - d) the nature of the data to be stored;
 - e) the type of personal data used to open the file;
 - f) the supply or input of the data to be stored;
 - g) conditions under which the personal data stored in the file may be communicated, to which recipients and under what procedure;
 - h) the time-limits for examination and duration of storage;
 - i) the method of establishing the audit log.
2. The supervisory authority provided for in Article 34 shall immediately be advised by the Director-General of the plan to order the opening of such a data file and shall receive the dossier so that it may address any comments it deems necessary to the Management Board.
 3. If the urgency of the matter is such as to preclude obtaining the approval of the Management Board as required under paragraph 1, the Director-General, on his own initiative or at the request of the Member States concerned, may by a reasoned decision order the opening of a data file. At the same time, he shall inform the members of the Management Board of his decision. The procedure pursuant to paragraph 1 shall then be set in motion without delay and completed as soon as possible.

Article 17: Order Opening a Data File

1. For every computerised data file containing personal data operated by the CIIB for the purpose of performing its tasks referred to in Article 18, the CIIB shall specify in an order opening the file, which shall require the approval of the Management Board:

Article 18: Collection, Processing and Use of Data on Individuals

1. Where this is necessary to achieve the objective laid down in Article 3, the CIIB may store, modify and utilise data which are intended for specific analyses, and concerning:
 - a) persons referred to in Article 16;
 - b) persons who may be called on to testify in investigations in connection with the offences under consideration or in subsequent criminal proceedings;

- c) persons who have been the victims of the offences under consideration or with regard to whom certain facts give reason for believing that they could be the victims of such an offence;
 - d) contacts and associates;
 - e) persons who can provide information on the criminal offences under consideration.
2. Such files shall be opened for the purposes of analysis with the aim of helping a criminal investigation. Each analysis project shall entail the establishment of an analysis group closely associating analysts, liaison officers and/or experts of the Member States supplying the information or concerned by the analysis.
 3. At the request of the CIIB or on their own initiative, national units shall communicate to the CIIB all the information which it may require for the performance of its tasks under Article 3 above.
 4. The national units shall communicate such data only where processing thereof for the purposes of preventing, analysing or combating offences is also authorised by their national law.
 5. Depending on their degree of sensitivity, data from national units may be routed directly and by whatever means that may be appropriate to the analysis groups.
 6. If, in addition to the data referred to in paragraph 4, it would seem justified for the CIIB to have other information for the performance of its tasks under Article 3, the CIIB may request that:
 - a) ECOWAS Member States and bodies governed by public law established under the Treaty establishing the Community;
 - b) bodies which are based on an agreement between two or more ECOWAS Member States;
 - c) third States;
 - d) other bodies governed by public law which are based on an agreement between two or more States; and
 - e) the International Criminal Police Organisation,
 7. It may also, under the same conditions and by the same means, accept information provided by those various bodies on their own initiative. The Forum of Ministers shall draw up the rules to be observed by the CIIB in this respect, after consulting the Management Board.
 8. Insofar as the CIIB is entitled under other Conventions to gain computerised access to data from other information systems, the CIIB may receive personal data by such means.
 9. If an analysis is of a general nature and of a strategic type, all Member States shall be fully associated in the findings thereof, in particular through the communication of reports drawn up by the CIIB. Source of the information giving rise to the decision to open the analysis file shall participate therein.

Article 19: Rules on the Use of Data

1. Personal data retrieved from the information system, the index system or data files opened for the purposes of analysis and data communicated by any other appropriate means, may be transmitted or utilised only by the competent authorities of the Member States in order to prevent and combat crimes falling within the competence of the CIIB and to combat other serious forms of crime.
2. The data referred to in the first paragraph shall be utilised in compliance with the law of the Member State responsible for the authorities which utilised them.
3. The CIIB may utilise the data referred to in paragraph 1 only for the performance of its tasks as referred to in Article 3.
4. If, in the case of certain data, the communicating Member State or the communicating third State or third body as referred to in Article 20 stipulates particular restrictions on use to which such data is subject in that Member State or by third parties, such restriction shall also be complied with by the user of the data except in the specific case where national law lays down that the restrictions be waived for judicial authorities, legislative bodies or any other independent body set up under the law and made responsible for supervising the national competent authorities within the meaning of Article 3. In such cases, the data may only be

used after prior consultation of the communicating Member State whose interests and opinions must be taken into account as far as possible.

5. Use of data for other purposes or by authorities other than those referred to in Article 3 shall be possible only after prior consultation of the Member States which transmitted the data insofar as the national law of that Member State permits.

Article 20: Duty to notify

1. The CIIB shall promptly notify the national units if the national units so request, of any information concerning their Member States and of connections identified between criminal offences for which the CIIB is competent.
2. The information and intelligence on other serious crimes known to the CIIB during the course of its activities may also be shared.

Article 21: Correction and deletion of data

1. If it emerges that data held by the CIIB which have been communicated to it by third States or third bodies or which are the result of its own analyses are incorrect or that their input or storage contravenes this Protocol, the CIIB shall correct or delete such data.
2. If data that are incorrect or that contravene this Protocol have been passed directly to the CIIB by Member States, they shall be obliged to correct or delete them in collaboration with the CIIB. If incorrect data are transmitted by other appropriate means or if the errors in the data supplied by Member States are due to faulty transmission or have been transmitted in breach of the provisions of this Protocol or if they result from their being entered, taken over or stored in an incorrect manner or in breach of the provisions of this Protocol by the CIIB, the CIIB shall be obliged to correct them or delete them in collaboration with the Member State concerned.
3. In the cases referred to in paragraphs 1 and 2, the Member States which are recipients of the data shall be notified forthwith. The recipient Member States shall also correct or delete those data.
4. Any person shall have the right to ask the CIIB to correct or delete incorrect data concerning him.

5. The CIIB shall inform the enquirer that the data concerning him have been corrected or deleted. If the enquirer is not satisfied with the CIIB's reply or if he has received no reply within three months, he may refer the matter to the joint supervisory authority.

Article 22: Liability for Unauthorised or Incorrect Data Processing

1. Each Member State shall be liable, in accordance with its national law, for any damage caused to an individual as a result of legal or factual errors in data stored or processed at the CIIB. Only the Member State in which the event which gave rise to the damage occurred may be the subject of an action for compensation on the part of the injured party, who shall apply to the courts having jurisdiction under the national law of the Member State involved. A Member State may not plead that another Member State had transmitted inaccurate data in order to avoid its liability under its national legislation vis-a-vis an injured party.
2. If these legal or factual errors occurred as a result of data erroneously communicated or of failure to comply with the obligations laid down in this Protocol on the part of one or more Member States or as a result of unauthorised or incorrect storage or processing by the CIIB, the CIIB or the Member State in question shall be bound to repay, on request, the amounts paid as compensation unless the data were used by the Member State in the territory of which the damage was caused in breach of this Protocol.
3. Any dispute between that Member State and the CIIB or another Member State over the principle or amount of the repayment must be referred to the Management Board which shall settle the matter by a two-thirds majority.

Article 23: Right of Access to the Information System

1. Only the national units and the liaison officers shall have the right to input and retrieve data from the information system. The data shall be retrieved only when they are needed to perform a specific task and the right to retrieve the data shall be exercised in accordance with the legislative, regulatory and administrative provisions as well as procedures of the unit which retrieves the information, except as may be provided otherwise in this Protocol.

2. Only the unit which input the data shall have the right to modify, correct or delete the data. If another unit has sufficient reason to believe that the data referred to in Article 18 is incorrect or incomplete, it shall promptly notify the unit that input the data which shall immediately consider the request and, where necessary, modify, complete, correct or delete the data.
3. The unit which retrieves, inputs or modifies data contained in the information system shall ensure that such action is legal. The unit must be identifiable. Data sharing between the national units and the competent authorities in Member States shall be governed by national legislation.

CHAPTER VII

DATA SECURITY, RIGHT OF ACCESS AND TIME LIMITS FOR STORAGE OF DATA FILES

Article 24: Data security

In respect of automated data processing at the CIIB, each Member State and the CIIB shall implement measures designed to:

- a) deny unauthorised persons access to data processing equipment used for processing personal data (equipment access control);
 - b) prevent the unauthorised reading, copying, modification or removal of data media (data media control);
 - c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of stored personal data (storage control);
 - d) prevent the use of automated data processing systems by unauthorized persons using data communication equipment (user control);
 - f) ensure that persons authorized to use an automated data processing system only have access to the data covered by their access authorization (data access control);
 - g) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment (communication control);
 - h) ensure that it is subsequently possible to verify and establish which personal data have been input into automated data processing systems and when and by whom the data were input (input control);
- i) prevent unauthorized reading, copying, modification or deletion of personal data during transfers of personal data or during transportation of data media (transport control);
 - j) ensure that installed systems may, in case of interruption, be immediately restored (recovery);
 - k) ensure that the functions of the system perform without fault, that the appearance of faults in the functions is immediately reported (reliability) and that stored data cannot be corrupted by means of a malfunctioning of the system (integrity).

Article 25: Standard of data protection

- 1- Each Member State shall, under its national legislation, take the necessary measures in relation to the processing of personal data in data files in the framework of this Protocol to ensure a standard of data protection.
2. The communication of personal data provided for in this Protocol may not begin until the data protection rules laid down in paragraph 1 above have entered into force on the territory of each of the Member States involved in such communication.
3. The CIIB shall also observe these principles in respect of non-automated data held in the form of data files, i.e. any structured set of personal data accessible in accordance with specific criteria.

Article 26: Responsibility in data protection matters

1. Subject to other provisions in this Protocol, the responsibility for data stored at the CIIB, in particular as regards the legality of the collection, the transmission to the CIIB and the input of data, as well as their accuracy, their up-to-date nature and verification of the storage time-limits, shall lie with:
 - a) the Member State which input or otherwise communicated the data;
 - b) the CIIB in respect of data communicated to the CIIB by third parties or which result from analyses conducted by the CIIB.

2. In addition, subject to other provisions in this Protocol, the CIIB shall be responsible for all data received by the CIIB and processed by it, whether such data be in the information system referred to in Article 16, in the data files referred to in Article 17 in the data files opened for the purposes of analysis referred to in Article 18, or in the index system referred to in Article 19.
3. The CIIB shall store data in such a way that it can be established by which Member State or third party the data were transmitted or whether they are the result of an analysis by the CIIB.

Article 27: Time limits for the storage and deletion of data files

- 1) Data in data files shall be held by the CIIB only for as long as is necessary for the performance of its tasks. The need for continued storage shall be reviewed no later than three years after the input of data. Review of data stored in the information system and its deletion shall be carried out by the inputting unit. Review of data stored in other CIIB data files and their deletion shall be carried out by the CIIB. The CIIB shall automatically inform the Member States three months in advance of the expiry of the time limits for reviewing the storage of data.
- 2) During the review, the units referred to in the third and fourth sentences of paragraph 1 above may decide on continued storage of data until the next review if this is still necessary for the performance of the CIIB's tasks. If no decision is taken on the continued storage of data, those data shall automatically be deleted.
- 3) Storage of personal data relating to individuals as referred to in Article 18 may not exceed three years. Each time limit shall begin to run afresh on the date on which an event leading to the storage of data relating to that individual occurs. The need for continued storage shall be reviewed annually and the review documented.
- 4) Where a Member State deletes from its national data files data communicated to the CIIB which are stored in other CIIB data files, it shall inform the CIIB accordingly. In such cases, the CIIB shall delete the data unless it has further interest in them, based on intelligence that is more extensive than that possessed by the communicating Member State. The CIIB shall inform the Member State concerned of the continued storage of such data.

- 5) Deletion shall not occur if it would damage the interests of the data subject which require protection. In such cases, the data may be used only with the consent of the data subject.

Article 28: Correction and storage of data in paper files

1. If it emerges that an entire paper file or data included in that file held by the CIIB are no longer necessary for the performance of CIIB's tasks, or if the information concerned is overall in contravention of this Protocol, the paper file or data concerned shall be destroyed. The paper file or data concerned must be marked as not for use until they have been effectively destroyed.
2. Destruction may not take place if there are grounds for assuming that the legitimate interests of the data subject would otherwise be prejudiced. In such cases, the paper file must bear the same note prohibiting all use.
3. If it emerges that data contained in the CIIB paper files are incorrect, the CIIB shall be obliged to correct them.
4. Any person covered by a CIIB paper file may claim the right vis-a-vis the CIIB to correction or destruction of paper files or the inclusion of a note. Article 21 (4) and Article 34(2) and (7) shall be applicable.

Article 29: Right of Access

1. Any individual wishing to exercise his right of access to data relating to him which have been stored within the CIIB or to have such data checked may make a request to that effect free of charge to the national competent authority in any Member State he wishes, and that authority shall refer it to the CIIB without delay and inform the enquirer that the CIIB will reply to him directly.
2. The request must be fully dealt with by the CIIB within three months following its receipt by the national competent authority of the Member State concerned.
3. The right of any individual to have access to data relating to him or to have such data checked shall be exercised in accordance with the law of the Member State where the right is claimed.

4. Where the law of the Member State applied to provides for a communication concerning data, such communication shall be refused if such refusal is necessary to:
 - a) enable the CIIB to fulfil its duties properly;
 - b) protect security and public order in the Member States or to prevent crime;
 - c) protect the rights and freedoms of third parties and consequently the interests of the persons concerned by the communication of the information cannot prevail over the status right of refusal.
5. The right to communication of information in accordance with paragraph 3 shall be exercised according to the following procedures:
 - d) as regards data entered within the information system defined in Article 16, a decision to communicate such data cannot be taken unless the Member State which entered the data and the Member States directly concerned by communication of such data have first had the opportunity of stating their position, which may extend to a refusal to communicate the data. The data which may be communicated and the arrangements for communicating such data shall be indicated by the Member State which entered the data;
 - e) as regards data entered within the information system by the CIIB, the Member States directly concerned by communication of such data must first have had the opportunity of stating their position, which may extend to a refusal to communicate the data;
 - f) as regards data entered within the work files for the purposes of analysis as defined in Article 18, the communication of such data shall be conditional upon the consensus of the CIIB and the Member States participating in the analysis, within the meaning of Article 18(2), and the consensus of the Member State(s) directly concerned by the communication of such data.
6. Should one or more Member States or the CIIB have objected to a communication concerning data, the CIIB shall notify the person concerned that it has carried out the checks, without giving any information which might reveal to him whether or not he is known.
7. The right to the checking of information shall be exercised in accordance with the following procedures:
 - a) Where the national law applicable makes no provision for a communication concerning data or in the case of a simple request for a check, the CIIB in close cooperation with the national authorities concerned, shall carry out the checks and notify the enquirer that it has done so without giving any information which might reveal to him whether or not he is known.
 - b) In its reply to a request for a check or for access to data, the CIIB shall inform the enquirer that he may appeal to the joint supervisory body if he is not satisfied with the decision. The latter may also refer the matter to the joint supervisory body if there has been no response to his request within the time-limits laid down
 - c). If the enquirer lodges an appeal to the joint supervisory body provided for in Article 34, the appeal shall be examined by that body.
 - d). Where the appeal relates to a communication concerning data entered by a Member State in the information system, the joint supervisory body shall take its decision in accordance with the national law of the Member State in which the application was made. The joint supervisory body shall first consult the national supervisory body or the competent judicial body in the Member State which was the source of the data. Either national body shall make the necessary checks, in particular to establish whether the decision to refuse was taken in accordance with paragraphs 3 and 4(1) of this Article. On confirmation of that, the decision, which may extend to a refusal to communicate any information, shall be taken by the joint supervisory body in close cooperation with the national supervisory body or competent judicial body.
 - e) Where the appeal relates to a communication concerning data entered by the CIIB in the information system or

data stored in the work files for the purposes of analysis, the joint supervisory body, in the event of persistent objections from the CIIB or a Member State, may not overrule such objections unless by a majority of two-thirds of its members after having heard the CIIB or the Member State concerned. If there is no such majority, the joint supervisory body shall notify the enquirer that it has carried out the checks, without giving any information which might reveal to him whether or not he is known.

- f) Where the appeal concerns the checking of data entered by a Member State in the information system, the joint supervisory body shall ensure that the necessary checks have been carried out correctly in close cooperation with the national supervisory body of the Member State which entered the data. The joint supervisory body shall notify the enquirer that it has carried out the checks, without giving any information which might reveal to him whether or not he is known.
- g) Where the appeal concerns the checking of data entered by the CIIB in the information system or of data stored in the work files for the purposes of analysis, the joint supervisory body shall ensure that the necessary checks have been carried out by the CIIB. The joint supervisory body shall notify the enquirer that it has carried out the checks, without giving any information which might reveal to him whether or not he is known.

- 8. The above provisions shall apply mutatis mutandis to non-automated data held by the CIIB in the form of data files, i.e. any structured set of personal data accessible in accordance with specific criteria.

Article 30: Provisions on drawing up of reports

The CIIB shall draw up reports for each retrieval made within the information system referred to in Article 16 - in order to check whether they are permissible under law. The data contained in the reports shall only be used for that purpose by the CIIB and the supervisory bodies referred to in Articles 33 and 34 and shall be deleted after six months, unless the data are further required for ongoing control. The details shall be decided upon by the Management Board following consultation with the joint supervisory body.

Article 31: Communication of data to third States and third bodies

1. The CIIB may under the conditions laid down in paragraph 4 communicate personal data which it holds to third states and third bodies within the meaning of Article 18(4), where:
 - a) this is necessary in individual cases for the purposes of preventing or combating criminal offences for which the CIIB is competent under Article 3;
 - b) an adequate level of data protection is ensured in that State or that body;
 - c) this is permissible under the general rules within the meaning of paragraph 2.
2. The Forum of Ministers shall determine the general rules for the communication of personal data by the CIIB to the third States and third bodies within the meaning of Article 18(4). The Management Board shall prepare the Forum's decision and consult the joint supervisory body referred to in Article 34.
3. The adequacy of the level of data protection afforded by third States and third bodies within the meaning of Article 18(4) shall be assessed taking into account all the circumstances which play a part in the communication of personal data; in particular,
 - a) the nature of the data;
 - b) the purpose for which the data is intended;
 - c) the duration of the intended processing; and
 - d) the general or specific provisions applying to the third States and third bodies within the meaning of Article 18(4).
4. If the data referred to have been communicated to the CIIB by a Member State, the CIIB may communicate them to third States and third bodies only with the Member State's consent. The Member State may give its prior consent, in general or other terms, to such communication; that consent may be withdrawn at any time.
5. If the data have not been communicated by a Member State, the CIIB shall satisfy itself that communication of those data is not liable to:

- a) obstruct the proper performance of the tasks falling within a Member State's sphere of competence;
- b) jeopardize the or otherwise security and public order of a Member State prejudice its general welfare.

6. The CIIB shall be responsible for the legality of the authorizing communication.

The CIIB shall keep a record of communications of data and of the grounds for such communications. The communication of data shall be authorized only if the recipient gives an undertaking that the data will be used only for the purpose for which it was communicated. This shall not apply to the communication of personal data required for a CIIB inquiry.

7. Where the communication provided for in paragraph 1 concerns information subject to the requirement of confidentiality, it shall be permissible only insofar as an agreement on confidentiality exists between the CIIB and the recipient.

Article 32: Relations with third States and third bodies

1. Insofar as is relevant for the performance of the tasks described in Article 3, the CIIB shall establish and maintain cooperative relations with third bodies within the meaning of Article 18(4). The Management Board shall draw up rules governing such relations. This provision shall be without prejudice to Article 18(4) and (5) and Article 31(2); exchanges of personal data shall take place only in accordance with the provisions of Articles 17 to 22 of this Protocol.
2. Insofar as is required for the performance of the tasks described in Article 3, the CIIB may also establish and maintain relations with third States and third bodies within the meaning of Article 18, paragraphs 4, 5, and 6.

CHAPTER VIII SUPERVISORY BODIES

Article 33: National supervisory body

1. Each Member State shall designate a national supervisory body, the task of which shall be to monitor independently, in accordance with its respective national law, the permissibility of the

input, the retrieval and any communication to the CIIB of personal data by the Member State concerned and to examine whether this violates the rights of the data subject.

2. For the purpose of paragraph 1 the supervisory body shall have access at the national unit or at the liaison officers' premises to the data entered by the Member State in the information system and in the index system in accordance with the relevant national procedures.
3. For their supervisory purposes, national supervisory bodies shall have access to the offices and documents of their respective liaison officers at the CIIB.
4. In addition, in accordance with the relevant national procedures, the national supervisory bodies shall supervise the activities of national units insofar as such activities are of relevance to the protection of personal data.
5. Each individual shall have the right to request the national supervisory body to ensure that the entry or communication of data concerning him to the CIIB in any form and the consultation of the data by the Member State concerned are lawful.
6. This right shall be exercised in accordance with the national law of the Member State to the national supervisory body of which the request is made.

Article 34: Joint supervisory body

1. An independent joint supervisory body shall be set up, which shall have the task of reviewing, in accordance with this Protocol, the activities of the CIIB in order to ensure that the rights of the individual are not violated by the storage, processing and utilization of the data held by the CIIB. In addition, the joint supervisory body shall monitor the permissibility of the transmission of data originating from the CIIB.
2. The joint supervisory body shall be composed of not more than two members or representatives (where appropriate assisted by alternates) of each of the national supervisory bodies guaranteed to be independent and having the necessary abilities, and appointed for five years by each Member State.
3. Each delegation shall be entitled to one vote.

4. The joint supervisory body shall appoint a chairman from among its members.
 5. In the performance of their duties, the members of the joint supervisory body shall not receive instructions from any other body.
 6. The CIIB must assist the joint supervisory body in the performance of the, in particular:
 - a) supply the information it requests, give it access to all documents and paper files as well as access to the data stored in the system,
 - b) and allow it free access at any time to all its premises.
 - c) carry out the joint supervisory body's decisions on appeals in accordance with the provisions of Articles 29(7) and 21(4).
 7. The joint supervisory body shall also be competent for the examination of questions relating to implementation and interpretation in connection with the CIIB's activities as regards the processing and utilization of personal data, for the examination of questions relating to checks carried out independently by the national supervisory bodies of the Member States or relating to the exercise of the right to information, as well as for drawing up harmonized proposals for common solutions to existing problems.
 8. Each individual shall have the right to request the joint supervisory body to ensure that the manner in which his personal data have been collected, stored, processed and utilized by the CIIB is lawful and accurate.
 9. If the joint supervisory body notes any violations of the provisions of this Protocol in the storage, processing or utilization of personal data, it shall make any complaints it deems necessary to the Director-General of the CIIB and shall request him to reply within a time limit to be determined by it. The Director-General shall keep the Management Board informed of the entire procedure. In the event of any difficulty, the joint supervisory body shall refer the matter to the Management Board.
 10. The joint supervisory body shall draw up activity reports at regular intervals; the Management Board shall first have the opportunity to deliver an opinion, which shall be attached to the reports.
- The joint supervisory body shall decide whether or not to publish its activity report, and, if it decides to do so, determine how it should be published.
11. The joint supervisory body shall adopt its rules of procedure, which shall be submitted for the approval of the Management Board. It shall set up internally a committee comprising one qualified representative from each Member State with entitlement to a vote. The committee shall have the task of examining the appeals provided for in Articles 29(7) and 21(4) by all appropriate means. Should they so request, the parties, assisted by their advisers if they so wish, shall be heard by the committee. The decisions taken in this context shall be final as regards all the parties concerned.
 12. It may also set up one or more other committees.
 13. It shall be consulted on that part of the budget which concerns it. Its opinion shall be annexed to the draft budget in question.
 14. It shall be assisted by a secretariat, the tasks of which shall be defined in the rules of procedure.

CHAPTER IX SETTLEMENT OF DISPUTES

Article 35

1. Disputes between Member States on the interpretation or application of this Protocol shall in an initial stage be discussed by the Management Board with the aim of finding a settlement.
2. When such disputes are not so settled within six months, the Member States who are parties to the dispute shall decide, by agreement among themselves, the modalities according to which they shall be settled.
3. The provisions on appeals referred to in the rules relating to the conditions of employment applicable to temporary and auxiliary staff of ECOWAS shall apply, *mutatis mutandis*, to the staff of the CIIB.

CHAPTER X HEADQUARTERS PRIVILEGES AND IMMUNITIES

Article 36: Headquarters

1. The Authority shall decide the Headquarters of the CIIB.
2. The necessary arrangements concerning the accommodation to be provided for the CIIB in the headquarters State and the facilities to be made available by that State as well as the particular rules applicable in the CIIB headquarters State to members of the CIIB's organs, its employees and members of their families shall be laid down in a headquarters agreement between the CIIB and the Member State concerned.

Article 37: Privileges and Immunities:

1. The CIIB staff and the members of its organs shall enjoy the privileges and immunities necessary for the performance of their tasks in accordance with the ECOWAS General Convention on Privileges and Immunities of 1978 and the Headquarters Agreement setting out the rules to be applied in all Member States.
2. The country hosting the headquarters and the other Member States shall agree in the same terms that liaison officers seconded from the other Member States as well as members of their families shall enjoy those privileges and immunities necessary for the proper performance of the tasks of the liaison officers at the CIIB.

CHAPTER XI LANGUAGES

Article 38 : Production of Documents

All reports and documents to be submitted to Management Board shall be produced in the official languages of the Community.

CHAPTER XII FINAL PROVISIONS

Article 39: Amendment

1. Any Member State, the Executive Secretary or the Management Board of CIIB may submit proposals for the amendment or revision of this Protocol.
2. Any such proposals shall be submitted to the Executive Secretary who shall notify other Member States thereof not later than thirty (30) days after the receipt of such proposals. Amendments or revisions shall not be considered by the Authority unless Member States shall have been given at least three months notice thereof.
3. Amendment or revisions shall be adopted by the Authority and shall be submitted for ratification by all Member States in accordance with their respective constitutional procedures. They shall enter into force in accordance with article 40 of this Protocol.

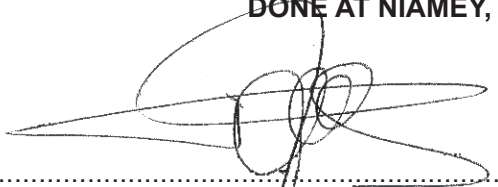
Article 40: Entry into force

1. This Protocol shall enter into force upon ratification by at least nine (9) signatory states in accordance with their respective constitutional requirements.
2. The present Protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of this Protocol to all Member States and notify them of the dates of deposit of the instruments of ratification and shall register this Protocol with the African Union, United Nations Organisation and such other organizations as the Council may determine.
3. The depositary shall publish the notifications, instruments or communications concerning this Protocol in the Official Journal of the Community.

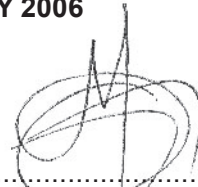
**IN FAITH WHEREOF WE, THE HEADS OF STATE AND GOVERNMENT
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)
HAVE SIGNED THIS SUPPLEMENTARY PROTOCOL**

**IN THREE ORIGINAL COPIES IN FRENCH, ENGLISH AND PORTUGUESE LANGUAGES,
THE THREE (3) TEXTS BEING EQUALLY AUTHENTIC.**

DONE AT NIAMEY, THIS 12TH DAY OF JANUARY 2006



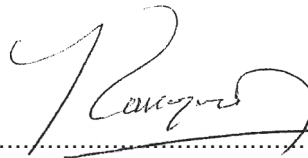
H. E. Hon. Fredric DOHOU
Minister of Communications and Promotion of New
Technologies Representing
H. E. the President of the Republic of BENIN



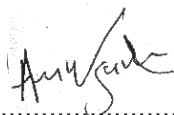
H. E. Youssouf OUEDRAOGO
Senior Minister, Minister of Foreign Affairs
and Regional Cooperation
Representing H. E. the President
of BURKINA FASO



H. E. Rabu Vieira BARBOSA
Ambassador of Cape Verde in Senegal
Representing H. E. the President
Of the Republic of CAPE VERDE

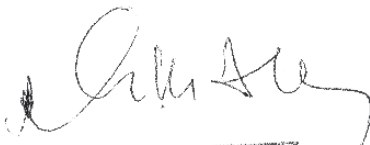


Hon. Youssouf BAKAYOKO
Minister of foreign Affairs
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of CÔTE D'IVOIRE



H. E. Aliou M. NGUM
Minister of Trade, Industry and Employment
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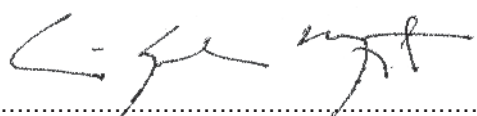
H.E. Nana AKUFO-ADDO
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Representing H. E. the President of
of the Republic of GHANA



H. E. Cellou Dalein DIALLO
Prime Minister
of the Republic of GUINEA



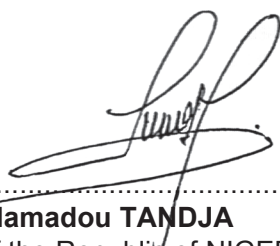
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President of the Republic of
GUINEA BISSAU



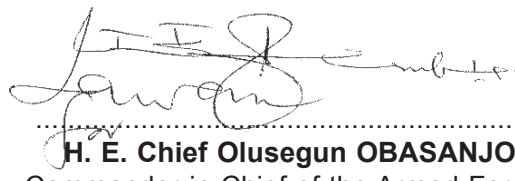
H. E. Charles GYUDE BRYANT
Chairman of the Transitional
Government of LIBERIA



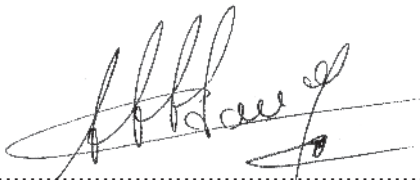
H. E. Amadou Toumani TOURE
President of the Republic of MALI



H. E. Mamadou TANDJA
President of the Republic of NIGER



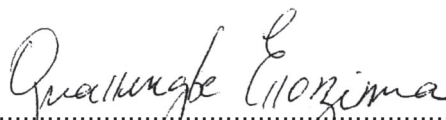
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and President of the Federal Republic
of NIGERIA



Hon. Abdou Aziz SOW
Minister of NEPAD, of African Economic
Integration and of Policy of Good Governance
Representing H. E. the President
of SENEGAL



Hon. Mohamed B. DARAMY
Minister of Development and Economic Planning
Representing H. E. the President
of the Republic of SIERRA LEONE



H. E. Faure Ezzionma Gnassingbe
President of THE TOGOLESE Republic

**SUPPLEMENTARY PROTOCOL A/SP.1/01/06
AMENDING ARTICLES VI-C, VI-L, IX-8, X1-2 AND
XII OF PROTOCOL A/P2/7/87 ON THE
ESTABLISHMENT OF THE WEST AFRICAN
HEALTH ORGANIZATION (WAHO)**

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Regulation C/REG.15/01/03 establishing the Ad Hoc Ministerial Committee on the Harmonization of the Community Legislative Texts, and Article 2 defining the committee's terms of reference;

CONSIDERING that the procedure prescribed by Protocol A/P2/7/87 of 9 July, 1987 for the adoption of the budget of the West African Health Organization is inconsistent with the procedure prescribed for all the ECOWAS Institutions by Article 69 of the revised Treaty adopted on 24 July, 1993 and currently in force;

CONSIDERING that Article 84 of the Final Report of the Forty-ninth Session of the Council of Ministers requests the Executive Secretariat to take necessary measures to amend Article XII of the Protocol establishing the West African Health Organization to conform to Article 69 of the Treaty relating to the adoption of the budgets of the Community Institutions;

CONSIDERING that the Fiftieth Session of the Council of Ministers approved the recommendations of the Ad Hoc Ministerial Committee on the Harmonization of the Community Texts and decided that the draft budgets and all issues with financial implications for the Community Institutions should be approved on the recommendation of the Administration and Finance Commission and in accordance with Article 69, paragraphs 3 and 4 of the revised Treaty;

CONSIDERING that Articles VI-c, VI-l, IX-8, X 1-2 and XII of Protocol A/P2/7/87 relating to the adoption of the Staff Rules and Regulations of the West African Health Organization, and to the approval of the organogram of this institution are inconsistent with the relevant provisions of Article 10-3 (f) of the revised Treaty and that there is need to amend them to conform to them;

CONSIDERING the report of the Fifty-fourth Session of the Council of Ministers on the draft Protocol amending Article XII of Protocol A/P2/7/87 on the establishment of a West African Health Organization;

AGREE AS FOLLOWS:

ARTICLE 1

Articles VI-c, VI-l, IX-8, X 1-2 and XII of Protocol A/P2/7/87 on the establishment of a West African Health Organization are hereby abrogated and replaced with the following new provisions:

NEW ARTICLE IX-8

The Director-General shall appoint the officials and other staff of the West African Health Organization, in accordance with the provisions of the ECOWAS Principles of Staff employment and Staff Regulations of the Community Institutions.

NEW ARTICLE X 1-2

1. The following specialized technical divisions are hereby created within the General Directorate of WAHO:
 - i) Division of Human Resource Development;
 - ii) Division of Research and Health Management Information Systems;
 - iii) Division of Primary Health Care and Disease Control;
 - iv) Division of Planning and Technical Assistance.
2. The Council of Ministers may, on the recommendation of the Assembly, create other divisions within the General Directorate.

NEW ARTICLE XII: BUDGET

1. There shall be a budget for the West African Health Organisation.
2. A draft budget for each year previously considered by the Assembly of Health Ministers shall be proposed by the Director-General of the West African Health Organisation.
3. The Administration and Finance Commission shall consider the draft budget of the West African Health Organization, as well as all

issues with financial implications for the organization. It shall consider all issues relating in particular to the administrative organization and management of the staff of the West African Health Organization.

4. The budget of the West African Health Organization shall be approved by the Council of Ministers on the recommendation of the Administration and Finance Commission.

ARTICLE 2: ENTRY INTO FORCE

1. This Protocol shall enter into force provisionally upon signature by Heads of State and Government. Accordingly, signatory Member States hereby undertake to start implementing all provisions of this Protocol upon signature.

2. This Protocol shall enter into force definitively upon ratification by at least nine (9) signatory States in accordance with the constitutional procedures of each Member State.

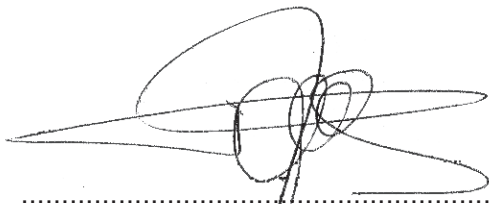
ARTICLE 3: DEPOSITORY AUTHORITY

This Supplementary Protocol and all the instruments of ratification shall be deposited with the Executive Secretariat, which shall transmit certified true copies of this Supplementary Protocol to all Member States, informing them of the dates on which the instruments of ratification have been deposited. This Supplementary Protocol shall be registered with the African Union, the United Nations Organization and with any organization that the Council may determine.

**IN FAITH WHEREOF, WE THE HEADS OF STATE AND GOVERNMENT
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)
HAVE SIGNED THIS SUPPLEMENTARY PROTOCOL**

**IN THREE ORIGINAL COPIES IN FRENCH, ENGLISH AND PORTUGUESE LANGUAGES,
THE THREE (3) TEXTS BEING EQUALLY AUTHENTIC.**

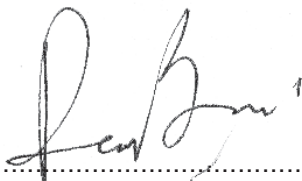
DONE AT NIAMEY, THIS 12TH DAY OF JANUARY 2006



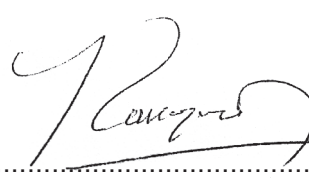
H. E. Hon. Fredric DOHOU
Minister of Communications and Promotion of New
Technologies Representing
H. E. the President of the Republic of BENIN



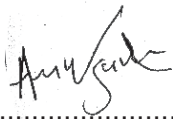
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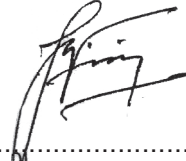


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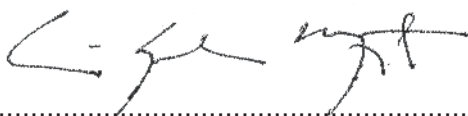
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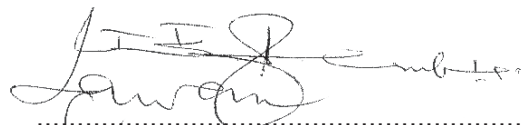
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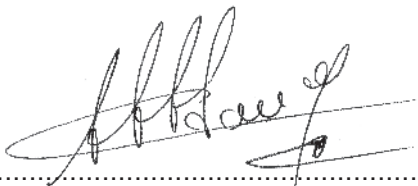
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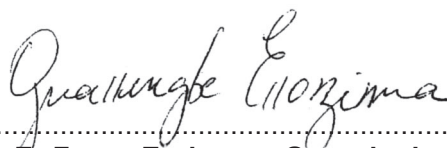
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H. E. Faure Ezzionma Ghasssingbe
President of THE TOGOLESE Republic

DECISION A/DEC.1/01/06 ADOPTING THE REVISED STATUTES OF THE INTER-GOVERNMENTAL ACTION GROUP AGAINST MONEY LAUNDERING IN WEST AFRICA (GIABA)

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8, and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Decision A/DEC.9/12/99 of 10th December 1999 establishing the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA);

MINDFUL of Decision A/DEC.6/12/00 of 16th December 2000 adopting the Statutes of GIABA;

MINDFUL of the Declaration of the Fifty-second session of the Council of Ministers dated 17th July 2004 on the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA);

CONSCIOUS of the growing threat of terrorism, which no region of the world is spared, as a result of the resources available to it from money laundering/the financing of terrorism;

CONVINCED that the drying up of funding for terrorists may rein back this scourge;

DESIROUS of revising the Statutes of GIABA in order to properly reflect the imperative fight against terror funding, and make all necessary modifications capable of promoting the effective functioning of this Institution;

ON THE RECOMMENDATION of the Fifty-fifth session of the Council of Ministers held in Niamey, on 7–8 and 11 January 2006;

DECIDES

ARTICLE 1

The Revised Statutes of the Inter-Governmental Action Group against Money Laundering, attached to this Decision, are hereby adopted.

ARTICLE 2

The Executive Secretary shall forward the Revised Statutes of GIABA to the Administrative Secretary of GIABA, who shall implement them. He shall also forward copies of the said revised Statutes to the President of the Financial Action Task Force on Money Laundering (FATF) and to other relevant international Institutions, for information.

ARTICLE 3

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN**

FOR THE AUTHORITY

REVISED STATUTES OF THE INTER-GOVERNMENTAL ACTION GROUP AGAINST MONEY LAUNDERING IN WEST AFRICA (GIABA)

JANUARY 2006

MINDFUL of Decision A/DEC.9/12/99 of the ECOWAS Authority of Heads of State and Government establishing the Inter-governmental Action Group against Money Laundering in West Africa;

MINDFUL of Decision A/DEC.6/12/00 adopting the Statutes¹ of GIABA;

⁽¹⁾ *The Conference of the Heads of State and Government of the Economic Community of West African States (ECOWAS) decided on the creation of the inter-governmental Group of Action against money laundering in West Africa (GIABA) on 10 December 1999, in Lome, Togo. The Statutes were agreed and adopted on 3 November, 2000.)*

MINDFUL of Decision A/DEC.3/01/05 amending Articles 8 (ii), 9 (ii) and 9 (iii) of the Statutes of GIABA;

MINDFUL of the 17 July 2004 Declaration of the fifty-second session of the Council of Ministers on the Inter-Governmental Action Group against Money Laundering in Africa (GIABA) by which the Ministers undertook to fulfil all the conditions that will facilitate the recognition of GIABA as a FATF-style regional body (FRSB);

The Member States acknowledge that:

Money laundering and financing of terrorism are issues of critical importance to the world community which require global action;

West Africa needs to address these issues and find global solutions to them;

West Africa is particularly vulnerable to money laundering and financing of terrorism because other regions have adopted appropriate measures to effectively tackle these problems;

The capacity of individual countries to deal with these issues is limited, due to the nature, complexity and international scope of the problems posed;

Close cooperation between the countries is necessary and the countries have much to gain by promoting better understanding of the problems and their solutions;

The economies and financial systems of the countries need to be protected from laundered money and proceeds from terrorist activities;

International measures exist that can be used to effectively combat money laundering and financing of terrorism, particularly the recommendations by the Financial Action Task Force²;

⁽²⁾ *"FATF Recommendations" refer to the FATF recommendations on money laundering and the FATF special recommendations on financing of terrorism.)*

The United Nations Security Council has adopted a number of treaties and resolutions on money laundering and financing of terrorism (AML/CFT);

The FATF Recommendations constitute reference guidelines for the establishment of a complete AML/CFT system;

They need to implement the FATF Recommendations and the United Nations Security Council treaties and resolutions related to AML/CFT, in line with the constitutional provisions in force in each country.

Consequently, the Member States hereby agree to revise the Statutes of the Inter-governmental Action Group against Money Laundering in West Africa as follows:

CHAPTER I : PRELIMINARY PROVISIONS

ARTICLE 1: DEFINITIONS

In the context of these statutes, the definitions below will serve as a reference:

- **ADB:** African Development Bank.
- **BOAD:** West African Development Bank.
- **ECOWAS:** Economic Community of West African States.
- **Committee:** The ad hoc Ministerial Committee referred to in Article 7 of the current statutes.
- **COMMONWEALTH:** The Commonwealth of Nations.
- **The Authority:** The Authority of Heads of State and Government of ECOWAS Member States.
- **Council:** The Council of Ministers of the Economic Community of West African States.
- **Signatory State(s):** Member States of ECOWAS and all other States who adhere to the present statute.
- **IMF:** International Monetary Fund.

- *FATF*: Financial Action Task Force.
- *GIABA*: Inter-Governmental Action Group Against Money Laundering in West Africa.
- *INTERPOL*: International Criminal Police Organisation.
- *AML/CFT*: Anti-Money Laundering and Combating the Financing of Terrorism.
- *WCO*: World Customs Organisation.
- *UNODC*: United Nations Office for Drugs and Crime.
- *Executive Secretariat*: The Executive Secretariat of the Economic Community of West African States.
- *Secretariat for Administration*: The Secretariat for Administration stipulated in Article 7 of the current Statutes.
- *EU*: European Union.
- *WAMU*: West African Monetary and Economic Union.

ARTICLE 2: OBJECTIVES OF GIABA

- a) The objective of GIABA shall be to :
 - i. protect the national economies and the financial and banking systems of signatory States against the proceeds of crime, and combat the financing of terrorism;
 - ii. improve measures and intensify efforts to combat the laundering of proceeds from crime; and
 - iii. strengthen co-operation among its members.
- b) GIABA shall :
 - i. combat the laundering of proceeds from crime and the financing of terrorism;
 - ii. ensure harmonized and concerted adoption of appropriate measures to combat money laundering and the financing of terrorism;
 - iii. evaluate, through self-evaluation and mutual-evaluation according to the FATF procedure, progress and the efficacy of measures;
 - iv. encourage any other States to join GIABA;
- c) The functions of GIABA are :
 - I. The Group shall do everything possible to ensure that Member States recognize, adopt and implement:
 - a) the FATF norms including recommendations, especially the forty (40) recommendations and the nine (9) special recommendations on the financing of terrorism, adopted by the FATF members;
 - b) the FATF revised methodology and any other relevant document adopted by it;
 - c) The Action Plan against Money Laundering, adopted by the United Nations General Assembly in New York on 10 June 1998, the International Convention for the Repression of the Financing of Terrorism of 19 December 1999 and any other relevant international instrument.
 - II. The group provides a focus for co-operative anti-money laundering and anti-terrorism financing efforts in the region;
 - III. The group is a forum in which :
 - a) regional issues can be discussed, AML/CFT strategy developed, information exchange mechanisms elaborated and regional level research on money laundering and terrorist methods and trends initiated;
 - b) operational co-operation among member jurisdictions is encouraged;
 - c) technical assistance and training is provided.
 - IV. The group facilitates the adoption and implementation by member jurisdictions of internationally accepted anti-money laundering and anti-terrorism financing measures (including the creation of Financial intelligence Units);
 - V. The group enables regional and jurisdictional factors to be taken into account in the implementation of international anti-money laundering and anti-terrorism financing measures;

- VI. The group encourages signatory States jurisdictions to develop more effective mutual legal assistance;
- VII. The group prepares an annual report that sets out the actions that GIABA has taken to meet the objectives of the Group;
- VIII. The group shares with the FATF, its Secretariat and Members all mutual evaluation reports on the basis of reciprocity publication;
- IX. The group adopts a publication policy of Mutual Evaluation Reports similar to that of the FATF, to ensure the broadest possible publication of its evaluation report.

CHAPTER II: COMPOSITION AND DUTIES

ARTICLE 3 : COMPOSITION

The following shall be eligible for membership :

- a) Member States of ECOWAS.
- b) All other African States adhering to these statutes. Applications for membership shall be addressed to the Executive Secretariat for approval by the Authority on the recommendation of Council.

Article 4: DUTIES

The Member States referred to in paragraph a and b above shall:

- Take action to combat money laundering and the financing of terrorism;
- Adopt the FATF Recommendations and implement them effectively;
- Take ownership of the Anti-Money Laundering/Combating Financing of Terrorism (AML/CFT) Methodology adopted by the FATF in 2004 and as updated from time to time at international level;
- Take steps to develop, pass and implement anti-money laundering and anti-terrorism financing legislations and other measures based on accepted international standards;
- Participate in self-assessment and mutual evaluation programmes based on the FATF Recommendations, using the FATF Methodology and other agreed mutual evaluation template documentation;

- Implement the ECOWAS decisions on AML/CFT.

ARTICLE 5: OBSERVERS

- i. The following shall be granted observer status within GIABA:
 - a) Inter-governmental organizations which support the objectives and actions of GIABA and/or contribute to its financing;
 - b) Non-African States that support the objectives and actions of GIABA and/or contribute to its financing;
 - c) African States which have applied for observer status of GIABA;
 - d) Central Banks of signatory States, Regional Securities and Exchange Commissions, UEMOA, BOAD, the French Zone Anti-Laundering Liaison Committee, the *"Conseil Regional de l'Epargne Public et des Marches Financiers"* ADB, UNODC, World Bank, IMF, WCO, INTERPOL, FATF, the Commonwealth Secretariat and the EU.
- ii. Any State or Organisation wishing to obtain observer status within GIABA shall apply to the Chairman of the Committee. The status of observers shall be granted by the Authority upon the recommendation of the Council based on a report received from the Committee.

ARTICLE 6: SANCTIONS

- i. Where a Signatory State fails to fulfill its obligations to the Group, Council may, on the recommendation of the Committee, impose any of the following sanctions on the said Signatory State:
 - a) suspension of all forms of assistance and disbursement on on-going projects or assistance programmes;
 - b) non-recruitment of its citizens to international posts in the Administrative Secretariat;
 - c) suspension of voting rights.
- ii. Where the Signatory State persists in its default, the Authority may revoke the Membership of the said State from GIABA on the recommendation of Council based on proposals received from the Committee.

ARTICLE 7: WITHDRAWAL OF MEMBERSHIP

1. Any signatory state wishing to withdraw from GIABA shall give one (1) year's notice thereof in writing to the Executive Secretary who shall immediately inform the signatory states accordingly. A copy of the notification shall be addressed to the Administrative Secretariat by the signatory state concerned. If the notice of resignation is not withdrawn within this period, the signatory state shall cease to be a member of GIABA.
2. The State wishing to withdraw from GIABA shall continue to fulfill its obligations during the period of notice provided for in paragraph (i) of this Article.

CHAPTER III : ORGANIZATION AND FUNCTIONING OF GIABA

ARTICLE 8: ORGANS OF GIABA

The organs of GIABA shall be the following :

- i. the Ad Hoc Ministerial Committee;
- ii. the Administrative Secretariat;
- iii. the Technical Commission.

ARTICLE 9: THE AD HOC MINISTERIAL COMMITTEE

The Committee shall be the principal decision-making organ of GIABA;

i. Composition

- a) The Committee shall comprise the Minister of Finance, the Minister of Internal Affairs or Security and the Minister of Justice of each signatory state.
- b) The Committee shall be chaired by the Minister whose country is the current chair of ECOWAS. The Committee shall elect annually two (2) Vice-Chairmen. In the absence of the Chairman, one of the Vice-Chairmen shall preside over the meetings of GIABA.

ii. Functions

The Committee shall:

- a) approve the progress report;
- b) recommend the annual work programme for approval by the Council;

- c) adopt self-evaluation and mutual-evaluation reports following similar procedures and processes as those of the FATF including follow-up, publication and sharing of mutual evaluations;
- d) recommend candidates for membership and for the grant of the Status of observer;
- e) propose the issuance of formal notifications and recommend, through Council, the suspension of signatory states which fail to fulfill their obligations;
- f) propose amendments of the Statutes of GIABA as the need arises.

iii. Meeting, Quorum and Decisions

- a) The Committee shall meet at least once annually.
- b) The quorum for meetings of the Committee shall be half of its members present or represented. Decisions of the Committee shall be taken by a 2/3 majority vote of members present.
- a. Observers may be allowed to participate in the deliberations of the Committee. They may also participate in mutual evaluations unless a signatory state is opposed to their participation. However, observers shall have no voting rights.

ARTICLE 10: ADMINISTRATIVE SECRETARIAT

i. Composition

The Administrative Secretariat shall be composed of the Administrative Secretary, his/her Deputy and such other staff necessary for its smooth functioning.

ii. Appointment

The Administrative Secretary and his/her Deputy and all other Staff of GIABA shall be appointed in conformity with ECOWAS principles, rules and procedures governing employment of Staff.

iii. Functions

The Administrative Secretariat shall:

- a. implement decisions of the Committee. It shall be assisted by the Executive Secretariat, if need arises;
- b. assist the Executive Secretariat to prepare interim and annual reports which

- shall be submitted to the ECOWAS authorities by the Executive Secretary;
- c. implement the annual work programme;
 - d. prepare the draft budget for adoption in accordance with Article 69 of the Revised ECOWAS Treaty and implement it after its approval by the Council of Ministers;
 - e. prepare questionnaires for self-evaluation and screen responses;
 - f. prepare and participate in mutual evaluation missions under the supervision of the Committee;
 - g. work together within the Executive Secretariat to identify the needs of the States in terms of technical assistance and facilitate mobilization of such assistance;
 - h. in conjunction with the Executive Secretariat, establish links with signatory states and other regional groups, international organizations and third countries on issues relating to its sphere of competence;
 - i. discharge all duties assigned to it by the Chairman of the Committee.

ARTICLE 11: TECHNICAL COMMISSION

i. Composition

- a) The Technical Commission shall comprise experts from Ministries of Finance, Internal Affairs or Security and the Ministries of Justice of signatory states.
- b) The Coordinators of the Inter-ministerial Drug Control Coordinating Committee of each Member State shall be de jure members of the Technical Commission. It shall meet at least once a year and may meet as often as necessary.
- c) Meetings of the Technical Commission shall be convened by the Administrative Secretary who shall propose a draft agenda.
- d) The meetings of the Technical Commission shall be presided over by a designated expert of the Member State that is the current Chairman of ECOWAS.

ii. Functions

- a) The Technical Commission shall make proposals to the Committee through the

Administrative Secretary on measures to combat the laundering of proceeds from crime and the financing of terrorism.

- b) The Commission shall also carry out any other functions as may be assigned to it by the Committee.
- c) The Technical Commission shall discuss the self-assessment and mutual evaluation reports for approval by the Ad-Hoc Ministerial Committee.

CHAPTER IV: MISCELLANEOUS PROVISION

ARTICLE 12: IMPLEMENTATION OF MEASURES

Signatory States hereby undertake to take all legal and regulatory steps and set up all necessary structures for the implementation of recommendations of the Committee which have been approved by the Authority or the Council, particularly with regard to the establishment of financial intelligence units.

ARTICLE 13: SELF ASSESSMENT PROCEDURE

Signatory States undertake to evaluate themselves on the implementation status of the measures approved by the Committee. An evaluation questionnaire shall be drawn up by the Administrative Secretariat for this purpose.

ARTICLE 14: MUTUAL EVALUATION PROCEDURE

Each Signatory State hereby undertakes to submit to evaluation by other Signatory States, of the compliance of its internal regulations with international standards for measures to combat money laundering and the financing of terrorism approved by the Committee. Evaluation procedure shall be established by the Committee.

ARTICLE 15: FINANCING OF GIABA

The resources of GIABA shall be derived from:

- a) a percentage of the resources of the Community Levy as may be determined by Council;
- b) an annual contribution made by member states which shall be calculated on the basis of coefficients determined by Council;
- c) any voluntary contributions from Signatory States and third countries

international and inter-governmental organizations or regional Central Bank that support its activities;

- d) any other sources of funds as may be approved by the Committee.

ARTICLE 16: HEADQUARTERS

The Headquarters of GIABA shall be decided by the Authority.

CHAPTER V: FINAL PROVISION

ARTICLE 17: AMENDMENT AND REVISION

- i. Any Signatory State may submit proposals for the amendment or review of these statutes.
- ii. Any such proposals shall be submitted to the Executive Secretary who shall inform Signatory States thereof not later than thirty (30) days after the receipt of such proposals. The

Authority shall not consider the proposed amendments or review unless Signatory States shall have been given three (3) months notice thereof.

- iii. Amendments or reviews shall be adopted by the Authority on the recommendation of Council. They shall enter into force one (1) month after their adoption.

ARTICLE 18: WORKING LANGUAGES

The working languages of GIABA shall be English, French and Portuguese.

ARTICLE 19: ENTRY INTO FORCE

These Statutes shall enter into force on the date of signature of the Authority Decision adopting them.

**DONE AT NIAMEY,
THIS 12th DAY OF JANUARY, 2006**

DECISION A/DEC.2/01/06 RELATING TO THE ADOPTION OF THE CONCEPT OF BORDER COUNTRIES AND THE DEVELOPMENT OF TRANS-BORDER COOPERATION WITHIN THE ECOWAS REGION

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT;

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

NOTING that populations with socio-economic and cultural links live in geographical areas that cut across two or more neighbouring States;

CONSCIOUS of the increasing role of the populations of trans-border towns and villages in the enhancement of the regional integration process through daily initiatives for the concerted management and the common and informal sharing of socio-economic infrastructure located across the border areas;

CONVINCED that cross border integration constitutes a factor in the acceleration and enhancement of regional integration;

ANXIOUS to transform the proximity of local communities separated by borders into dynamic areas of development and peace;

CONVINCED of achieving this objective by encouraging the free and unhindered movement of the populations of trans-border towns and villages and by facilitating the development of economic and cultural activities within these areas through dialogue, solidarity and complementarity;

DESIRING therefore, to recognise trans-border communities as contact and trade zones, and develop institutional intermediaries at the national and local levels, with a view to ensuring greater efficiency of initiatives for the joint management of the everyday problems of populations located along the borders;

ON THE RECOMMENDATION of the fifty-fourth session of the Council of Ministers, held in Abuja on 23 June 2005;

DECIDES

ARTICLE 1

1. The concept of border countries is hereby adopted.
2. Border countries are defined as a geographical area cutting across two or more neighbouring States inhabited by populations with socio-economic and cultural links.
3. They constitute an important element of trans-border cooperation within the ECOWAS region.

ARTICLE 2

The concept of border countries forms part of the regional integration strategy and is taken into account in ECOWAS programmes of activities.

ARTICLE 3

In order to enable border countries effectively strengthen regional integration, ECOWAS shall focus efforts on developing trans-border cooperation. To this end, the Executive Secretariat shall:


- (i) prepare trans-border cooperation programmes that should take the following aspects into account:
 - identification and preparation of inventory of trans-border initiatives;
 - creation of permanent trans-border frameworks for dialogue between local and regional authorities and/or groups on either side of the borders;
 - exchanges of experiences, sharing of best practices in trans-border cooperation;
 - involvement of national structures charged with trans-border matters, elected officers of trans-border communities and relevant socio-professional organisations;
 - management of problems of the everyday life of the populations of trans-border towns and villages;
 - mobilisation and support of partners;

- (ii) set up a community fund to facilitate trans-border cooperation;
- (iii) submit proposals in view of establishing an Observatory of border countries.

ARTICLE 4

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time-frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



.....
**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC.3/01/06 RELATING TO THE EXTENSION OF THE TRANSITIONAL PERIOD FOR THE PRINTING AND CIRCULATION OF NATIONAL PASSPORTS SIDE BY SIDE WITH THE ECOWAS PASSPORT

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT;

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Decision A/DEC. 1/5/2000 relating to the adoption of an ECOWAS Passport;

CONSIDERING that the five (5) year transitional period during which Member States were authorized to continue to print and put into circulation their national passports side by side with the ECOWAS Passport expired on 28 May 2005;

CONSIDERING that by virtue of Decision A/DEC. 1/5/2000, national passports ceased to exist at the end of the transitional period;

NOTING that most of the Member States are to date, yet to print and put into circulation, the ECOWAS passport;

DETERMINED to take appropriate measures to ensure that Member States that are yet to implement Decision A/DEC.1/5/2000 effectively do so;

DESIRING therefore, to extend the transitional period;

UPON RECOMMENDATION of the fifty-fifth session of the Council of Ministers, held in Niamey from 7 to 8, and 11 January 2006;

DECIDES

Article 1

The transitional period, during which Member States shall continue to print and put into circulation their national passports side by side with the ECOWAS Passport, is hereby extended for two (2) years with effect from 31 January 2006;

Article 2

To enable Member States that are yet to issue and put into circulation the ECOWAS Passport in accordance with the features stipulated in Decision A/DEC1/5/2000, to effectively do so within the next

two (2) years, the Executive Secretariat and Member States shall undertake the following actions:

- i) The Executive Secretariat shall remind Member States of Decision A/DEC. 1/5/2000;
- ii) The Executive Secretariat shall liaise with the ministries involved in the printing and circulation of the ECOWAS passport, and shall assist them in removing any obstacles to the implementation of Decision A/DEC. 1/5/2000. To this end, it shall send evaluation and monitoring missions to the Member States.
- iii) The Executive Secretariat shall seek the assistance of development partners with a view to assisting Member States to strengthen their capacities to make the ECOWAS passport secure and acquire necessary technical materials.
- iv) The different ministries involved in the printing and circulation of the ECOWAS passport shall coordinate their efforts under the management of the Ministry in charge of security with a view to effectively implementing this decision.

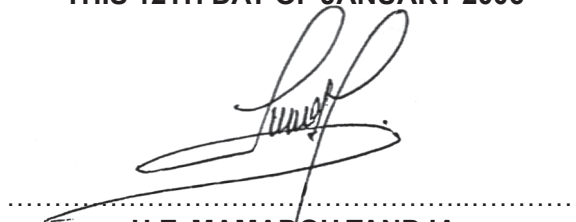
Article 3

The Member States concerned shall submit a report to the ECOWAS Executive Secretariat not later than 30 October 2006, on the effective implementation of this Decision, while the Executive Secretariat shall report to the thirtieth Session of the Authority, on the status of the printing and circulation of the ECOWAS Passport by Member States.

Article 4

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC. 4/01/06 STATUTES OF THE PERMANENT FRAMEWORK FOR COORDINATION AND MONITORING INTEGRATED WATER RESOURCES MANAGEMENT IN WEST AFRICA AND THE RULES OF PROCEDURE OF ITS ORGANS

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the revised ECOWAS Treaty establishing the Authority of Heads of State and Government of ECOWAS and defining its composition and functions;

MINDFUL of Decision A/DEC.12/12/00 of 16 December 2000 adopting a Regional Action Plan for integrated water resources management in West Africa (RAP/IWRM/WA);

MINDFUL of Decision A/DEC.5/12/01 establishing the Permanent Framework for Coordination and Monitoring of Integrated water resources management in West Africa;

MINDFUL of Decision A/DEC.6/12/2001 amending Decision A/DEC.12/12/00 of 16 December 2000 on the adoption a Regional Action Plan for integrated water resources management;

CONSIDERING the commitments made by West African countries to realise the Millennium Development Goals (MDGs), in particular the promotion of integrated water resources management in West Africa;

RECALLING In particular the commitments contained in the Ouagadougou Declaration adopted by the West African Conference on integrated water resources management, which led to the establishment of a Permanent Framework for Coordination and Monitoring of integrated water resources management composed of a technical committee-assisted Ministerial Monitoring Committee, a consultative council and an IWRM Coordination Unit, in line with Decision A/DEC/5/12/01 previously referred to;

CONSIDERING that the established organs have not been endowed with appropriate legal mechanisms to enable them function effectively;

WISHING TO MAKE this unit and subsequent ones operational through adoption of rules to govern their organisation and operation;

ON THE RECOMMENDATION of the fifty-fifth session of the Council of Ministers, held in Niamey on 7 to 8 and 11 January 2006;

DECIDES

ARTICLE 1

The Statutes of the Permanent Framework for Coordination and Monitoring of Integrated Water Resources Management In West Africa are hereby adopted.

ARTICLE 2

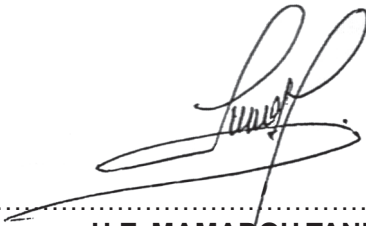
The Rules of Procedure of the following bodies are also hereby adopted:

- (i) Ministerial Monitoring Committee on integrated water resources management in West Africa;
- (ii) Technical Committee on integrated water resources management In West Africa;
- (iii) Sub-regional consultative council on integrated water resources management in West Africa.

ARTICLE 3

This decision 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 national Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



.....
**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC.5/01/06 APPROVING MEASURES FOR THE EFFICIENT FUNCTIONING OF INTER-GOVERNMENTAL ACTION GROUP AGAINST MONEY LAUNDERING IN WEST AFRICA (GIABA)

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT;

MINDFUL of Articles 7,8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Decision A/Dec.9/12/99 and Decision A/Dec.6/12/00 establishing the Intergovernmental Action against Money Laundering in West Africa and adopting its Statutes respectively;

CONSIDERING that GIABA was established to combat the laundering of the proceeds of criminal activity within the sub-region and protect financial and banking systems as well as the national economies of Member States from laundered money, amongst other objectives;

RECALLING the recent amendments made to the GIABA Statutes to include necessary measures that would facilitate a fight against the financing of terrorism in response to the growing threat of terrorism which is being financed by resources obtained as a result of money laundering;

MINDFUL of the need to enhance the capacity of GIABA so that it might gain recognition as a Financial Task Force (FATF) Regional Style Body (FRSB) and thus participate effectively in decisions concerning money laundering and the financing of terrorism taken at the global level;;

CONSIDERING that GIABA has been granted an Observer Status at the FATF forum;

DESIRING therefore to upgrade GIABA as a FATF Style Regional Body, ensure its efficient functioning and also ensure and strengthen Member States full involvement in the fight against money laundering which is now being used for the financing of terrorism;

ON the Recommendation of the fifty-fifth Session of the Council of Ministers held in Niamey 7-8 January 2006.

DECIDES:

Article 1

Member States shall adopt for implementation, the underlisted measures as a means of strengthening the fight against money laundering and the financing of terrorism:

- a) Adopt a one year limit in order to put in place Anti-Money Laundering Law/Combating the Financing of Terrorism (AML/CFT) legislation
- b) ECOWAS Francophone countries shall adopt the harmonized laws for money laundering of the UEMOA, as well as legislations against the financing of terrorism.
- c) Ensure the establishment of Financial Intelligence Units (FIU)
- d) Strengthen the capacities of National Correspondents to enable them perform their responsibilities effectively.

Article 2

- a) The revised mutual evaluation timetable as well as the money laundering and terrorist financing typologies established by GIABA are hereby adopted
- b) Member States shall adopt the mutual evaluation procedures established by GIABA which are based on the Revised FATF methodology on evaluation.

Article 3

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



.....
**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

**DECISION A/DEC.6/01/06 RELATING TO
MODALITIES FOR THE EFFECTIVE
IMPLEMENTATION OF ARTICLE 6 OF PROTOCOL
A/P.2/8/94 RELATING TO THE COMMUNITY
PARLIAMENT**

**THE AUTHORITY OF HEADS OF STATE AND
GOVERNMENT,**

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 13 of the said Treaty relating to the Community Parliament;

MINDFUL of Protocol A/P.2/8/94 relating to the Community Parliament which defines the composition, mode of election of Members, functions and powers of the Parliament;

CONSIDERING the need for the Community Parliament to participate effectively in the ECOWAS decision-making process;

NOTING that modalities for facilitating the implementation of Article 6 of the Protocol relating to the ECOWAS Parliament have not been defined;

DETERMINED to consolidate the achievements recorded by the Community, with a view to realising its set objectives and, to this end, to promote and facilitate the effective exercise by the Parliament of the powers granted to it in Article 6 of Protocol A/P.2/8/94;

DESIRING therefore to adopt modalities defining procedures to be followed in the process of consulting the Community Parliament, and fixing deadlines for the formulation and communication of recommendations made by the Parliament and the opinions sought by the other Institutions of the Community;

ON THE RECOMMENDATION of the fifty-fifth session of the Council of Ministers held in Niamey on 7th, 8th and 11th January 2006;

DECIDES

Article 1: Competence

1. In accordance with Article 6 of the Protocol relating to the Community Parliament, the Parliament may consider any matter concerning

the Community, in particular issues relating to Human Rights and Fundamental Freedoms, and make recommendations to the Institutions and Organs of the Community.

2. The Parliament may be consulted for its opinion on matters concerning the Community.
3. The opinion of the Parliament shall be sought in the areas enumerated in Article 6 paragraph 2 of Protocol A/P.2/8/94 dated 6 August 1994.

Article 2: Procedure for referral to the Community Parliament

1. Where, in accordance with Article 6 paragraph 1 of Protocol A/P.2/8/94, the Community Parliament deems it necessary to consider any matter concerning the Community, the procedure to be followed shall be as follows:
 - a) The Parliament shall forward a draft Recommendation, Regulation or Decision on the matter to the Executive Secretariat, accompanied by the report of the meeting of the competent Committee of the Parliament that considered the issue.
 - b) The Executive Secretariat shall consult the Institutions and Member States concerned by the proposal and submit the proposal as well as the report of the Parliamentary Committee to the competent specialised Technical Commission.
 - c) The Executive Secretariat shall communicate to the Community Parliament whatever amendments may be proposed by the specialised Technical Commission.
 - d) The Community Parliament shall communicate to the Executive Secretariat the observations it may have on the amendments proposed by the Technical Commission.
 - e) On the basis of the observations by the Parliament, the Institutions and Organs concerned and the Executive Secretariat shall, where they deem it necessary, amend the proposal before submitting it for adoption. They shall inform the Parliament if necessary. In all cases, the Executive Secretariat shall inform the Community Parliament of the proposal submitted for adoption.

2. Where the Institutions and Organs of the Community choose to consult the Parliament for its opinion or in cases where the Parliament must be consulted for its opinion, the Institutions and Organs shall proceed as follows:
 - a) The Institutions and Organs concerned shall prepare a draft Recommendation, Regulation, or Decision;
 - b) They shall submit the draft text to the relevant authorities for onward transmission to the competent specialised Technical Commission for consideration.
 - c) They shall communicate the draft text as amended by the specialised Technical Commission to the Community Parliament, accompanied by the report of the meeting of the Commission.
 - d) After examining the draft text in line with its internal procedures, the Parliament shall communicate its opinion accompanied by the necessary justifications, to the Institution or Organ concerned and to the Council of Ministers, through the Executive Secretariat.

Article 3: Deadline for consultation and formulation of opinion

1. The Institutions and Organs of the Community concerned shall communicate to the Parliament through the Executive Secretariat, the draft texts concerning the matters on which the opinion of the Parliament may or has to be sought at least thirty (30) days before the start of the ordinary session during which the drafts are to be considered.
2. The draft texts received within the time frame fixed above shall be included in the agenda of the ordinary session of Parliament referred to in paragraph 1 above.
3. The Parliament shall give its opinion during the same session or in an extraordinary session.

Article 4: Deadlines for Communication of Opinion


1. In both cases where a consultation is optional or compulsory, the Parliament of the Community gives an advisory opinion and communicates it to the Council of Ministers

- through the Executive Secretariat, latest, ninety (90) days from the date of the receipt of the draft to the Parliament.
2. Where the Parliament on its own decides to consider any matter concerning the Community:
 - a) The opinion shall be communicated without delay to the Council of Ministers through the Executive Secretariat.
 - b) The Executive Secretariat has a deadline of ninety (90) days from the date of the receipt of the opinion of the Community Parliament that is submitted to it to proceed on necessary consultations, convening a meeting of the competent specialised Technical Commission and inform the Parliament of the observations made by the Commission.
 - c) The Community Parliament shall forward its observations on the amendments proposed by the specialised Technical Commission to the Executive Secretariat not later than seven (7) days after the end of the next ordinary or extraordinary session of the Parliament.
 3. If, at the expiration of the time frame provided for in Article 4, paragraph 2 (b), the Executive Secretariat has not proceeded as indicated in the paragraph, the Speaker of the Community Parliament shall draw the attention of the Executive Secretariat to the non-observance of the time-frames.
 4. The Executive Secretariat shall therefore undertake to communicate the opinion of the specialised Technical Commission to the Speaker of the Community Parliament, in any event within a period not exceeding two (2) months.

Article 7: Publication and entry into force

This Decision 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 Authority of Heads of State and Government. It shall also be published in the National Gazette of each Member State within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



.....
H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY

Article 5: Rendering Opinions in Emergency Procedures

1. The time frames defined in Article 4 of the present Decision shall be reduced where necessary.
2. The Parliament may, in line with paragraph 1 of this Article, meet in extraordinary session, in accordance with the relevant provisions of Protocol A/P.2/8/94 and the Rules of Procedure of the Parliament.

Article 6: Failure to render an opinion and opinions rendered outside the fixed deadlines

1. The opinion shall be deemed not to have been given if it is received outside the deadline by the Institutions and Organs concerned as well as by the Executive Secretariat.
2. The procedure for the adoption of the Community texts shall continue if the Parliament has not given an opinion or if the opinion was not received by the Institution, the Organs concerned and the Executive Secretariat, before the deadline prescribed by the present Decision.

DECISION A/DEC.7/01/06 ON GRANTING OF OBSERVER STATUS TO THE CONGRESS OF CULTURAL ACTORS IN WEST AFRICA CCAWA/CACAO

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8, and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 61 of the said Treaty which enjoins Member States to cooperate with a view to mobilizing the various sections of the population and ensuring their effective integration and involvement in the social development of the region.

MINDFUL ALSO of Member States' undertaken to pursue the objectives of the Community cultural framework Agreement of 9th July 1987 which requires the promotion of all forms of cultural exchanges and the development or improvement of structures and mechanisms for propagating cultural industries;

RECOGNISING the Congress of Cultural Actors in West Africa (CCAWA/CACAO) as one whose many objectives include the promotion of culture as the mainstay of development, human and social integration, and as a vehicle and factor of peace, the stimulation and facilitation of cultural exchanges between West African Art and cultural Professionals;

MINDFUL of Decision A/DEC.9/8/94 of the Authority of Heads of State and Government establishing Regulations for the granting to Non-Governmental Organisations (NGOs) the status of Observer within the Institutions of the Community;

DESIRING to ensure effective implementation of the cultural mandate of the organization;

ON THE RECOMMENDATION of the Fifty-fourth session of the Council of Ministers held in Abuja on 23rd June 2005;

DECIDES

ARTICLE 1

The Congress of Cultural Actors in West Africa (CCAWA/CACAO) is hereby granted, within the institutions of Economic Community of West African States (ECOWAS), the status of observer.

ARTICLE 2

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC.8/01/06 RELATING TO THE GRANTING OF OBSERVER STATUS WITHIN THE INSTITUTIONS OF THE COMMUNITY, TO THE WEST AFRICAN MUSEUMS PROGRAMME (WAMP)

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8, and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 61 of the said Treaty which enjoins Member States to cooperate with a view to mobilizing the various sections of the population and ensuring their effective integration and involvement in the social development of the region;

MINDFUL of the need to encourage the promotion of all forms of cultural exchanges between Member States as provided by Article 62 of the ECOWAS Treaty;

MINDFUL of the Protocol A/P1/7/87 on the Cultural Framework Agreement for ECOWAS;

RECOGNISING the West African Museums Programme (WAMP) as an organization that amongst other things, helps to strengthen the professional Museum network in West Africa and promotes links with the International Museums related network.

DESIRING to encourage and work with any reputable organization that would positively contribute to the preservation and enrichment of the African Cultural heritage;

ON THE RECOMMENDATION of the fifty-fourth Session of the Council of Ministers held in Abuja on 23rd June 2005.

DECIDES


ARTICLE 1

The West African Museums Programme (WAMP) is hereby granted within the Institutions of the Economic Community of West African States (ECOWAS) the status of observer in category.

ARTICLE 2

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



.....
**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION C/DEC.9/01/06 RELATING TO THE ADOPTION OF THE HARMONISATION PROGRAMME FOR CONSUMER PRICE INDICES (CPI) OF MEMBER STATES

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty* establishing the Authority of Heads of State and Government;

MINDFUL of Article 51 on Money, Finance and Payments of the said Treaty aimed at promoting intra-community trade on goods and services relating to the establishment of the Community Economic and Monetary Union;

MINDFUL of Decision A/DEC.2/7/87 on the adoption of an ECOWAS Monetary Cooperation Programme;

MINDFUL of Decision A/DEC.7/12/99 relating to the adoption of macroeconomic convergence criteria within the framework of the ECOWAS Monetary Cooperation Programme;

MINDFUL of Decision A/DEC. 17/12/01 relating to the establishment of a Multilateral Surveillance Mechanism of ECOWAS Member States' economic and financial policies;

MINDFUL of Decision A/DEC.11/7/96 relating to the adoption of an ECOWAS Statistics Policy;

CONSCIOUS of the need for comparable economic data to guarantee the credibility of the ECOWAS Multilateral Surveillance Mechanism;

CONSIDERING paragraph 130 of the report of the 49th Session of the Council of Ministers held in Dakar from 26 to 28 January 2003 relating to the adoption of a plan of action for the harmonisation of consumer price indices in ECOWAS Member States and the conclusions of the meeting of the ECOWAS Directors of Statistics held in Freetown from 22 to 24 June 2005;

ON THE RECOMMENDATION of the Fifty fifth Session of the Council of Ministers held in Niamey on 7 to 8, and 11 January 2006:

DECIDES

Article 1

The regional programme on the harmonisation of consumer price indices in ECOWAS Member States

is hereby adopted and attached as an integral part of this Decision.


Article 2

The Executive Secretariat shall take appropriate measures to implement the programme, in close collaboration with Member States and the other sub-regional organisations.

Article 3

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

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC. 10/01/2006 ON ECOWAS IMPROVED FRAMEWORK OF GROSS DOMESTIC PRODUCT (GDP) IN MEMBER STATES

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 51 of the ECOWAS Treaty on Money, Finance and Payments aimed at promoting Intra-community trade on goods and services relating to the establishment of the Community Economic and Monetary Union;

MINDFUL of Decision A/DEC.2/7/87 on the adoption of an ECOWAS Monetary Cooperation Programme;

MINDFUL of Decision A/DEC.7/12/99 relating to the adoption of macroeconomic convergence criteria within the framework of the ECOWAS Monetary Cooperation Programme;

MINDFUL of Decision A/DEC. 17/12/01 relating to the establishment of a Multilateral Surveillance Mechanism of ECOWAS Member States' economic and financial policies;

MINDFUL of Decision A/DEC.11/7/96 relating to the adoption of an ECOWAS Statistics Policy;

CONSCIOUS of the need for comparable economic data to guarantee the credibility of the ECOWAS Multilateral Surveillance Mechanism;

MINDFUL of the report of the 49th Ordinary Session of the Council of Ministers held in Dakar from 26 to 28 January 2003, particularly in its paragraph 130 relating to the adoption of a plan of action on the harmonisation of national accounts in ECOWAS Member States;

CONSIDERING paragraph 130 of the report of the 49th Session of the Council of Ministers held in Dakar from 26 to 28 January 2003 relating to the adoption of a plan of action for the harmonisation of national accounts in ECOWAS Member States and the conclusions of the meeting of the ECOWAS Directors of Statistics held in Freetown from 22 to 24 June 2005;

ON RECOMMENDATION of the Fifty fifth Session of the Council of Ministers held in Niamey from 7 to 8, and 11 January 2006:

DECIDES

Article 1: Adoption of the improved framework of GDP

The ECOWAS improved framework of Gross Domestic Product (GDP) is hereby adopted and attached as an integral part of this Regulation.

Article 2: Responsibility for Execution

The main objective of the framework is to improve the comparability of national accounts data of Member States as needed for the implementation of the multilateral surveillance mechanism of national economic policies.

Article 3: Content of the Framework

The ECOWAS framework shall have three components: common presentation of national accounts, harmonised content of accounts and converging methods. These components shall be recognised as the ECOWAS Common Platform of National Accounts, attached to this Regulation.

In each activity sector, the contribution of the informal sector to the Gross value added should be shown separately.

As regard the content of national accounts, special attention is paid to the following elements which are not given uniform treatment in Member States' accounts:

- imputed rents;
- own account construction of the households;
- fixed capital consumption (FCC) of government;
- domestic service
- imputed output of banking services (IOBS)
- external aid.

The methods being recommended for the compilation of national accounts are in conformity with the recommendations of the United Nations 1993 System of National Accounts (SNA93). In addition to the above-mentioned areas of compilation, the framework also provides guidelines for the compilation of accounts in agriculture, livestock and meat production.

Article 4: Data transmission to the ECOWAS Secretariat

To ensure the functioning of the surveillance mechanism, the Executive Secretariat shall publish national accounts data of Member States twice a year: forecast accounts for year n , in April of year n ; and revised forecast accounts for year n and provisional accounts for year $n-1$, in November of year n .

Consequently, Member States shall send to the Executive Secretariat their forecast accounts for year n by March of year n ; and provisional accounts for year $n-1$ and revised forecast accounts for year n by October of year n , including past series and forecast for years $n+1$ and $n+2$.

The data to be sent shall include country national accounts and data according to the ECOWAS Common Platform, as well as the bridge tables for the transcription of the country data into the common platform.

To enable every Member State to fulfill the conditions for the implementation of the above protocol on data transmission, the date for its entry into force shall be set for 1 January 2007.

Article 5: Implementation and Monitoring

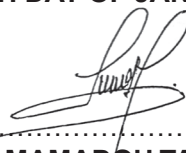
The Executive Secretariat shall ensure effective implementation of the improved GDP framework by Member States, particularly through regular meetings of national officials in charge of national accounts, and technical assistance to Member States;

The Executive Secretariat, in close collaboration with other sub-regional organizations shall take necessary measures for the implementation of the improved GDP framework by Member States.

Article VII: Entry into Force

This regulation shall be published by the Executive Secretariat in the Official Journal of the Community within thirty (30) days of the 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 limit.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**


.....
**H.E. MAMADOU TANDJA
CHAIRMAN, FOR THE AUTHORITY**

DECISION A/DEC.11/01/06 RELATING TO THE ADOPTION OF THE 2006-2010 ECOWAS REGIONAL STATISTICAL PROGRAMME

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

CONVINCED of the importance of statistical information in the development and integration of the West African region;

NOTING the inadequate functioning of national statistical systems of Member States in the production of reliable and up-to-date data relating to Member States;

MINDFUL of the Decision A/DEC.11/7/96 of the Authority of Heads of State and Government relating to the adoption of an ECOWAS Statistics Policy;

CONSCIOUS that statistics constitutes a public good for which sustainable funding of production is firstly the duty of Member States;

DETERMINED to strengthen the regional mechanism for the production, harmonisation and dissemination of statistical information necessary for the monitoring of economic and social development in the ECOWAS region;

ON THE RECOMMENDATION of the Fifth-fifth Session of the Council of Ministers held in Niamey from 7th, 8th and 11th January 2006;

DECIDES:

Article I: ADOPTION OF THE REGIONAL STATISTICAL PROGRAMME

The ECOWAS 2006-2010 regional statistical programme is hereby adopted and attached to this Decision as an integral part.

Article II: OBJECTIVES

The objective of this statistical development programme for West Africa is to create the conditions for each country in the region to have the capacity to produce the minimum statistical information necessary for decision-making by national authorities

and the international community as well as socio-economic operators.

More particularly, the programme is designed to better meet the needs of multilateral and commercial surveillance systems as well as the monetary integration objectives of West Africa and the Millennium Development Goals (MDGs). The quest for this minimum information will take into account the requirements on quality, comparability, timeliness, integrity and availability of data for users. To this effect, it has national and regional components.

Article III: COORDINATION OF THE REGIONAL STATISTICAL PROGRAMME

The ECOWAS Executive Secretariat, in close collaboration with Member States, shall be responsible for the preparation of annual programmes and for the monitoring of the implementation of actions, in conformity with the objectives of the programme.

Also, necessary arrangements will be made by the Executive Secretariat for the sensitisation of all national, regional and international parties involved in the implementation of the programme and to ensure effective functioning of national statistical systems.

Article IV : MONITORING AND EVALUATION

The ECOWAS Directors of Statistics will assess continuous implementation of the programme and formulate necessary guidelines for its efficient execution. Final evaluation of the programme will be done in 2010 by the Executive Secretariat in order to design a possible successor of the programme.

Article V: FUNDING OF THE REGIONAL STATISTICAL PROGRAMME

The Executive Secretariat will mobilise funding for the implementation of the regional component of the programme.

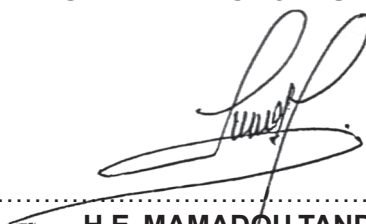
Funding for the national component of the programme will be mobilised by each Member State Government, with the assistance of the Executive Secretariat.

In order to sustain effective functioning of national statistical systems, particularly through adequate human, material and financial resources, the Executive Secretariat will carry out a study on the feasibility of creating a Support Fund for statistical development in West Africa.

Article VI: ENTRY INTO FORCE

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

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



.....
**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

**DECISION A/DEC.12/01/06 SETTING NEW
MODALITIES FOR THE PREPARATION OF
STATISTICS ON EXTERNAL TRADE IN THE
ECONOMIC COMMUNITY OF WEST AFRICAN
STATES TO REPLACE DECISION C/DEC.3/6/86**

**THE AUTHORITY OF HEADS OF STATE AND
GOVERNMENT,**

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Decision C/DEC.7/11/79 of the Council of Ministers relating to the programme on trade liberalisation, co-operation and related problems;

MINDFUL of Decision C/DEC 3/11/82 of 17 November, 1982 relating to the coding of ECOWAS customs, statistical and tax regimes;

AWARE of the methodological disparities relating to the modalities on preparation of external trade statistics in Member States resulting from Decision C/DEC/3/6/86 relating to the regulations on the modalities for the preparation of foreign trade statistics of ECOWAS Member States;

CONSIDERING the conclusions of the consultative meeting between the UEMOA Commission and the ECOWAS Executive Secretariat on the harmonisation of statistical and customs procedures, held in Ouagadougou from 5 to 7 April 2005;

CONSIDERING that data collection and processing of external trade statistics is a responsibility of Member States on the one hand, whilst on the other hand, the Executive Secretariat has to integrate the harmonisation and consolidation of national data for disseminating Community statistics;

CONSIDERING the outcome of the study required by the Executive Secretariat for the update of the legal, customs and statistical framework for the compilation of external trade statistics within ECOWAS, and their conformity with international standards;

CONSIDERING the conclusions of the national external trade statistics experts and customs officials at their meeting on 11 September 2005 in Abuja;

MINDFUL of the necessity to ensure quality and reliability of external trade statistics produced by Member States, through a common methodological framework which conforms with the international standards;

ON THE RECOMMENDATION of the Fifty fifth Session of the Council of Ministers held in Niamey from 7 to 8, and 11 January 2006:

DECIDES

ARTICLE 1

This Decision replaces Decision C/DEC.3/6/86 and sets new modalities for the preparation of external trade statistics of Member States taking into consideration the provisions in the text attached to this Decision.

ARTICLE 2

Member States shall take all necessary measures at national level to ensure the diligent implementation of this Decision and shall forward to the Executive Secretariat the instruments pertaining to its implementation.

ARTICLE 3

The Executive Secretariat, in collaboration with the UEMOA Commission, shall ensure continuous evaluation of the implementation of this Decision, particularly through regular meetings of national experts involved in the preparation of external trade statistics of Member States.

ARTICLE 4

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

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

**DECISION A/DEC.13/01/06 RELATING ECOWAS
IMPROVED FRAMEWORK OF CONSUMER PRICE
INDICES (CPI) IN MEMBER STATES****THE AUTHORITY OF HEADS OF STATE AND
GOVERNMENT,**

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 51 on Money, Finance and Payments of the said Treaty aimed at promoting intra-community trade on goods and services relating to the establishment of the Community Economic and Monetary Union;

MINDFUL of Decision A/DEC.2/7/87 on the adoption of an ECOWAS Monetary Cooperation Programme;

MINDFUL of Decision A/DEC.7/12/99 relating to the adoption of macroeconomic convergence criteria within the framework of the ECOWAS Monetary Cooperation Programme;

MINDFUL of Decision A/DEC.17/12/01 relating to the establishment of a Multilateral Surveillance Mechanism of ECOWAS Member States' economic and financial policies;

MINDFUL of Decision A/DEC.11/7/96 relating to the adoption of an ECOWAS Statistics Policy;

CONSCIOUS of the need for comparable economic data to guarantee the credibility of the ECOWAS Multilateral Surveillance Mechanism;

CONSIDERING paragraph 130 of the report of the 49th Session of the Council of Ministers held in Dakar from 26 to 28 January 2003 relating to the adoption of a plan of action for the harmonisation of consumer price indices in ECOWAS Member States and the conclusions of the meeting of the ECOWAS Directors of Statistics held in Freetown from 22 to 24 June 2005;

ON THE RECOMMENDATION of the Fifth-fifth Session of the Council of Ministers held in Niamey on 7 to 8, and 11 January 2006:

DECIDES:**Article 1: Adoption of the improved framework of CPI**

The ECOWAS improved framework of Consumer Price Indices (CPI) is hereby adopted and attached as an integral part of this Decision.

Article 2: Objective

The objective of the framework is mainly to improve the comparability of consumer price index data of Member States as needed for the implementation of the multilateral surveillance mechanism of national economic policies.

Article 3: Content of the Framework

The Framework has two components: common presentation of CPI and improvement of methods used for the calculation of the index. These components are referred to as the ECOWAS Common Platform of CPIs, attached to this Decision.

The nomenclature used for the presentation of CPI is the Classification of Individual Consumption and Purpose (COICOP) comprising 12 functions of household final consumption and compatible with the SNA93, as indicated in the framework attached.

Guidelines on methods to be used are also set out in the framework.

Article 4: Data transmission to the ECOWAS Secretariat

The Executive Secretariat shall publish CPI data of Member States twice a year, for the functioning of the surveillance mechanism.

Member States shall send to the Executive Secretariat, by 15 of each month, their CPI data of the preceding month.

The data to be sent shall include country CPI data and data according to the ECOWAS Common Platform, as well as the bridge tables used to transcribe the country data into the common platform.

The above requirement for data transmission shall enter into force as from 1 January 2006.

Article 5: Implementation and Monitoring

The Executive Secretariat, in collaboration with the other sub-regional organisations, shall take necessary measures for the implementation of the improved framework of the ICP in all the Member States.

The Executive Secretariat shall ensure effective implementation of the improved CPI framework by Member States, particularly through meetings of national officials in charge of CPI compilation, and technical assistance to Member States.

Article 6: Entry into Force

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

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC. 14/01/06 ON THE CREATION, ORGANISATION AND FUNCTIONING OF THE ECOWAS-UEMOA JOINT MANAGEMENT COMMITTEE ON THE ECOWAS COMMON EXTERNAL TARIFF

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of articles 7, 8 and 9 of the ECOWAS Treaty relating to the establishment of the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of articles 35, 36 and 37 of the aforementioned Treaty relating to the liberalization of trade, customs duties and the establishment of the Common External Tariff within the Community towards the creation of the Customs Union;

CONSIDERING the final Communiqué of the twenty-second session of the Authority of Heads of State and Government during which it was decided to extend the Common External Tariff of the West African Economic and Monetary Union to all Member States of the Community;

CONSCIOUS of the need to harmonise ECOWAS and UEMOA trade liberalisation programmes;

REAFFIRMING our strong commitment to the establishment of a Customs Union among ECOWAS Member States;

CONVINCED that the extension of the common external tariff of the West African Economic and Monetary Union to all Member States of the Community necessitates joint management of the ECOWAS/CET;

DESIROUS to implement the ECOWAS Common External Tariff (ECOWAS/CET), which is indispensable to the establishment of the customs union of the Community;

BASED on the advice of the 49th Meeting of the Trade, Customs, Taxation, Statistics, Money and Payments Commission held in Abuja from 15 to 17 December 2005;

UPON THE RECOMMENDATION of the Fifty-fifth Session of the Council of Ministers held in Niamey, from 7 to 8 and 11 January 2006;

DECIDES

CHAPTER 1: ESTABLISHMENT AND OBJECTIVE

Article 1:

An ECOWAS-UEMOA Joint Management Committee for the ECOWAS Common External Tariff (CET) is hereby established.

Article 2:

The Committee shall be charged with providing advice to the UEMOA Commission and the ECOWAS Executive Secretariat on all matters relating to the management and monitoring of the ECOWAS Common External Tariff (CET). To this end, the UEMOA Commission and the ECOWAS Executive Secretariat shall refer to it all projects relating to the categorization of goods under the tariff system or relating to import duties and taxes under the ECOWAS Tariff structure.

CHAPTER II: COMPOSITION

Article 3:

The Joint Committee shall be composed of representatives of Member States, the ECOWAS Executive Secretariat and the UEMOA Commission.

Each Member State shall be represented by a delegation comprising of two persons, one of whom shall be a customs officer with expertise in tariff matters.

Nevertheless, the ECOWAS Executive Secretariat and the UEMOA Commission shall, where necessary, co-opt any competent individual or corporate body.

Article 4:

Each delegation shall be led by a Head of Delegation, who shall be designated by the Member State concerned.

Article 5:

The ECOWAS Executive Secretariat, the UEMOA Commission and the individuals or corporate bodies mentioned in Article 3, Paragraph 3 above shall take part in the deliberations but shall not have the right to vote.

CHAPTER III: ORGANISATION OF THE SESSIONS OF THE COMMITTEE

Article 6:

The meeting of the Joint Committee shall be convened by the ECOWAS Executive Secretariat in consultation with the UEMOA Commission.

Article 7:

The ECOWAS Executive Secretariat shall, at least one month prior to the commencement of the sessions, inform the Member States of the date and duration of the sessions as well as the agenda, and shall invite them to designate the experts to represent them at the session.

Article 8:

The documents relating to the sessions shall be forwarded to the Member States not later than two weeks before the date of commencement of the sessions.

CHAPTER IV: CONDUCT OF THE SESSIONS

Article 9:

At the opening of the session, the ECOWAS Executive Secretariat and the UEMOA Commission shall present a report to the Joint Committee on the different items listed on the provisional agenda.

Article 10:

Nine (9) delegations shall form the quorum required for deliberations at the session. The quorum formed at the beginning of the session shall be valid until the end of the deliberations.

Article 11:

The Joint Committee shall elect a bureau for each session. The said bureau, comprising a Chairman and two Rapporteurs, shall be elected in the following order:

- Chairman
- First Rapporteur
- Second Rapporteur.

Article 12:

The Rapporteurs may not be from the same delegation or from the delegation of the Chairman.

Article 13:

The Session Bureau shall lead the deliberations of the Joint Committee. The deliberations of the Committee shall not be conducted in public.

Article 14:

The Committee shall adopt the final agenda and work programme for the session after the election of the Bureau.

Article 15:

Decisions of the Committee shall be by majority of the States represented.

Article 16:

The Session Bureau shall prepare a final report of the session, which it shall submit to the delegations for approval at the close of the session.

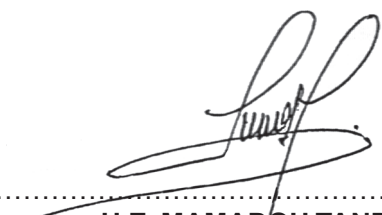
Article 17:

The Executive Secretariat shall transmit the final report, duly signed by the Chairman and the rapporteurs, to members of the joint committee.

Article 18:

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



.....
**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC.15/01/06 RELATING TO THE ESTABLISHMENT OF AN AUDIT COMMITTEE FOR ECOWAS AND THE ADOPTION OF ITS MANDATE AND TERMS OF REFERENCE

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of the Council's responsibility as defined by Articles 10 and 18 (4) (a) of the said Treaty for the efficient functioning and development of the Community which amongst other duties include:

- i. approving the organizational structure of the institutions of the Community;
- ii. approving the budgets of the Community and its institutions;
- iii. and recommending the appointment of the External Auditors of the Institutions of the Communities and;
- iv. appointment of the Financial Controller of the institutions of the Community.

AWARE of the need to establish a mechanism that would ensure that the most efficient, effective and economic risk control and governance processes are in place in ECOWAS institutions and that the associated assurance processes are also optimal in these institutions;

RECOGNISING that such a mechanism would assist in overseeing the work of the Financial Controller and the External auditors and also assist in monitoring and reviewing the internal audit function, risk management and the internal control system of ECOWAS Institutions;

DESIRING therefore to establish a body that would facilitate the oversight responsibilities of Council in the area of financial administration and management of the resources of the Community Institutions and assist Council in monitoring the functioning and development of the Community;

ON THE RECOMMENDATION of the Fifty-fourth session of the Council of Ministers held in Abuja, 23rd June 2005;

DECIDES

ARTICLE 1

There is hereby established an Audit Committee for the Institutions of the Economic Community of West African States (ECOWAS).

ARTICLE 2

1. The Audit Committee shall comprise representatives of Member States who shall be appointed by the Council of Ministers for a four (4) year term.
2. Membership of the Audit Committee shall be on a rotational basis and shall, for this first term, be drawn from the following Member States:
 - (i) Republic of Benin
 - (ii) Federal Republic of Nigeria
 - (iii) Republic of Senegal; and
 - (iv) Republic of Sierra Leone.

ARTICLE 3

The Committee shall assist the Council of Ministers in discharging its function of establishing and maintaining good internal financial control principles as well as financial accounting standards within the Institutions of the Community.

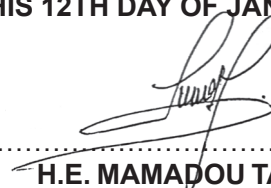
ARTICLE 4

The mandate and terms of Reference of the Audit Committee as contained in the attached annex to this decision is hereby adopted.

ARTICLE 5

This Decision shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by 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 NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC. 16/01/06 TRANSFORMING THE EXECUTIVE SECRETARIAT INTO A COMMISSION**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,**

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government 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 his Deputy Executive Secretaries, and the duties of the Executive Secretariat;

MINDFUL of the directive contained in the Final Communiqué of the twenty-eighth session of the Authority of Heads of State that the ECOWAS Executive Secretariat should be transformed to adapt it to the international environment and make it more effective in the performance of its sub-regional integration mission;

CONSIDERING that the prescribed reform aims to transform the Executive Secretariat into a Commission;

CONSIDERING that, to work towards the achievement of such an objective, a formal decision has to be taken first;

ON THE RECOMMENDATION of the Fifty-fifth session of the Council of Ministers, held in Niamey from 7 to 8 and 11 January 2006;

DECIDES**ARTICLE 1**

The Executive Secretariat is hereby transformed and dubbed the Commission of the Economic Community of West African States.

Article 2

1. The Commission of the Economic Community of West African States shall comprise nine (9) Commissioners.
2. The Commission shall be under the authority of its President.

3. The President of the Commission shall be assisted by a Vice-President and seven (7) other Commissioners.

Article 3

1. The Executive Secretariat shall submit for adoption by the Authority, a draft protocol on the transformation of the Executive Secretariat into a Commission, amending the relevant provisions of the revised Treaty with a view to aligning them with this decision.
2. The protocol referred to in paragraph above shall comprise in particular provisions stipulating the system of rotation of Member States' representation within the Commission on an equitable, transparent, regular and predictable basis. The draft protocol shall also set out the modalities for appointing the Commissioners, the duration of their tenure and the functions of the Commission, its relations with the other institutions, the specialised agencies and other ECOWAS Representations.

Article 4

This Decision 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 National Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC.17/1/06 ADOPTING THE ECOWAS COMMON EXTERNAL TARIFF

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Articles 35, 36 and 37 of the said Treaty relating to trade liberalisation, customs duties and the establishment of a common external tariff within the Community with a view to the establishment of a Community customs union;

CONSIDERING the Final Communiqué of the twenty-second session of the Authority of Heads of State and Government in which it was agreed to extend the common external tariff of the West African Economic and Monetary Union to all Member States of the Community;

AWARE of the need to harmonise the ECOWAS and UEMOA trade liberalisation programmes;

REAFFIRMING our firm commitment to the realisation of the customs union between ECOWAS Member States to ensure unhindered economic integration;

CONVINCED that the extension of the common external tariff of the Economic and Monetary Union to all Member States of the Community requires common management of the ECOWAS Common External Tariff;

ON THE PROPOSAL of the 49th meeting of the Trade, Customs, Taxation, Statistics, Money and Payments Commission, held at Abuja from 15 to 17 December 2006;

ON THE RECOMMENDATION of the 55th session of the Council of Ministers, held in Niamey on 7-8 and 11 January 2006;

DECIDES:

ARTICLE 1: ADOPTION OF ECOWAS COMMON EXTERNAL TARIFF

A common external tariff for ECOWAS Member States (ECOWAS CET) is hereby adopted.

ARTICLE 2: STRUCTURE OF THE COMMON EXTERNAL TARIFF

The common external tariff shall be composed of:

1. A tariff and statistical nomenclature (TSN);
2. Schedule of duties and taxes.

ARTICLE 3: TARIFF AND STATISTICAL NOMENCLATURE

The ECOWAS Tariff and Statistical Nomenclature is a common customs nomenclature based on the harmonised commodity description and coding system (HS) adopted by the Community.

ARTICLE 4: SCHEDULE OF DUTIES AND TAXES

The schedule of duties and taxes applicable to imported products is made up of the following:

1. The customs duty, the statistical tax and the ECOWAS Community Levy (ECOWAS CL);
2. The decreasing protection tax (DPT), and
3. The import safeguard tax (IST).

ARTICLE 5: CATEGORISATION OF PRODUCTS

1. The products featuring in the Tariff and Statistical Nomenclature are divided into four (4) categories as follows:
 - Category 0: basic social goods;
 - Category 1: basic goods, raw materials, capital goods and specific inputs;
 - Category 2: inputs and intermediate goods;
 - Category 3: final consumer goods.
2. The list of products that make up each category is arrived at through a regulation of the Council of Ministers based on the recommendations of the Trade, Customs, Statistics, Money and Payments Commission.
3. Council shall, based on the same procedure, re-classify products.

ARTICLE 6: TAX BASE, DUTY AND TAXES

1. The tax base for the application of the common external tariff is *ad valorem*.

2. The rates of customs duties applied under the common external tariff are fixed as follows:

Category 0	Category 1	Category 2	Category 3
0%	5%	10%	20%

ARTICLE 7: DECLARATION OF IMPORTED PRODUCTS

Goods imported into Member States from third countries must be declared in the accordance with the provisions of this decision.

ARTICLE 8: RATE OF THE STATISTICAL TAX

Under this decision, the statistical tax shall be fixed at 1% to be applicable irrespective of whether or not the imported product is under an exemption regime.

ARTICLE 9: PRODUCTS TO WHICH THE DECREASING PROTECTION TAX AND THE IMPORT SAFEGUARD TAX ARE APPLICABLE

1. The Council of Ministers shall, on the recommendation of the Trade, Customs, Taxation, Statistics, Money and Payments Commission, determine through a regulation, the list of taxable products, the tax base, the rates and the period of application of the decreasing protection tax and the import safeguard tax, as well as the criteria for applying the taxes to the products concerned.
2. Council could, based on the same procedure, prescribe specific protection measures.

ARTICLE 10: TRANSITIONAL PROVISIONS

1. A transitional period of two (2) years has been instituted for the application of the ECOWAS Common External Tariff.
2. This period starts on 1 January 2006 and ends on 31 December 2007.

ARTICLE 11:

1. During the transitional period, all Member States shall apply the customs duties and taxes established under the ECOWAS Common External Tariff.
2. ECOWAS Member States are, however, authorised to make use of the lists of type A exceptions and type B exceptions adopted by Council.

ARTICLE 12:

The type A exceptions consist of products for which Member States are requesting the application of duties other than the rate of the common external tariff during the transition period.

ARTICLE 13:

The type B exceptions consist of products for which the Member States are requesting change of categorisation.


ARTICLE 14:

The lists of type A and type B exceptions are attached to this decision as annexes.

ARTICLE 15: FINAL PROVISIONS

This decision 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 National Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



.....
**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC. 18/01/06 ADOPTING THE ARTICLES OF AGREEMENT RELATING TO THE ESTABLISHMENT AND FUNCTIONING OF THE WEST AFRICAN POWER POOL

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and defining its composition and functions;

MINDFUL of Article 28 of the ECOWAS Treaty, relating to Energy;

MINDFUL of Decision A/DEC.3/5/82, relating to the ECOWAS energy policy;

MINDFUL of Decision A/DEC.5/12/99 establishing the Regional Electricity Market called the “West African Power Pool (WAPP)”, designed to promote regional investments for power production and the interconnection of networks, piloted by a coordination structure comprising Ministers in charge of Energy and the Committee of Directors General of the National Power Utilities of Member States;

RECALLING Article 31 of the protocol on Energy, which provides that the meeting of Ministers in charge of Energy shall set up the regional regulatory bodies, programmes and projects within the context of implementing the said protocol;

CONSIDERING Decision A/DEC.6/1/05 relating to the creation of a regional regulatory framework of the ECOWAS energy sector as a prelude to the establishment of a regional regulatory organ that should address the problems relating to the development of power trading between the Member States and accelerate sectoral reforms, thereby contributing to the development of common standards and the dissemination of “good practices” among all the stakeholders;

NOTING that ECOWAS Energy Ministers, at their meeting in Accra on 28 October 2005, decided sequel to Decision A/DEC.7/01/05 relating to the ECOWAS Revised Master Plan for power production and distribution, that the priority projects of the West African Power Pool (WAPP) project shall be implemented systematically;

NOTING however, that the structural and functional framework of the said organ was not defined, and that consequently, the Directors General of the

member Power Utilities of the WAPP adopted the Agreement stipulating the organisation and the operation of the said structure, which was endorsed by the ECOWAS Energy Ministers;

CONSIDERING that the objective of the Agreement is to institute the management structures of the WAPP, organise them and define their modalities of operation in order to establish a cooperation mechanism between the contracting parties with a view to ensuring efficient power supply to the Member States and facilitating access of their citizens to power and mobilising resources from donors;

DESIRING to approve the Agreement;

UPON THE RECOMMENDATION of the Fifty-fifth (55th) session of the Council of Ministers, held in Niamey from 7 to 8 and 11 January 2006;

DECIDES:

Article 1:

The Articles of Agreement relating to the establishment and functioning of the West African Power Pool system is hereby adopted.

Article 2:

The national Power Utilities of ECOWAS Member States are hereby authorised to sign the said Agreement.

Article 3:

The Executive Secretariat shall, in collaboration with the Secretary-General of WAPP, take all necessary measures to ensure the accomplishment of the task aforesaid in Article 2 above. The Executive Secretariat shall further be charged with the monitoring and the implementation of the activities of the WAPP.


Article 4:

The ECOWAS Energy Observatory in Cotonou under the authority of the General, is henceforth transformed to the WAPP Information and Coordination Centre in accordance with article 8 of the Articles of Agreement. This present article nullifies and replaces all previous and contrary provisions

Article 5:

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

**DECISION A/DEC.19/01/06 APPOINTING THE FIRM
“DELOITTE AND TOUCHE” OF COTE D’IVOIRE AS
THE EXTERNAL AUDITORS OF THE COMMUNITY
INSTITUTIONS**

**THE AUTHORITY OF HEADS OF STATE AND
GOVERNMENT,**

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 75 of the said Treaty relating to the appointment of the External Auditor of the Institutions of the Community;

MINDFUL of Decision A/DEC.3/7/91 of the Authority of Heads of State and Government which provides the procedure for the selection and evaluation of statutory appointees of the Community Institutions including that of the External Auditors;

ON THE RECOMMENDATION of the Fifty-fifth session of the Council of the Ministers held in Niamey on the 7 - 8 and 11 January 2006;

DECIDES

Article 1

The firm of “Deloitte and Touche” of Côte d’Ivoire hereby appointed as external auditors for the Institutions of the Community for an initial period of two (2) years and may have its appointment renewed twice only, each time for another term of two years.

Article 2

The recruitment of the External Auditors shall be in accordance with the Terms of Reference for the recruitment adopted by the 54th session of the Council of Ministers, attached as an annex to this Decision.

Article 3

This Decision 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 Authority. It shall also be published in the National Gazette of each Member State within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC. 20/01/06 GRANTING THE STATUS OF A SPECIALISED INSTITUTION OF ECOWAS TO THE WEST AFRICAN POWER POOL (WAPP)

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 28 of the ECOWAS Treaty relating to Energy;

MINDFUL of the Decision A/Dec. 3/5/82 relating to the ECOWAS Energy Policy;

ALSO MINDFUL of Decision A/DEC.5/12/99 establishing the Regional Electricity Market called the "West African Power Pool (WAPP) designed to promote regional investment for power production and the interconnection of networks, piloted by a coordination structure comprising Ministers in charge of Energy and the Committee of Directors General of the National Power Utilities of Member States;

NOTING that Energy Ministers at their meeting in Accra on 28 October 2005, decided that the priority projects of the West African Power Pool (WAPP) project shall be implemented systematically;

RECALLING our recent decision to adopt "Articles of Agreement" for the WAPP to define its structural and functional framework and thus establish a cooperation framework between the Contracting parties with a view to ensuring efficient power supply to the Member States and facilitating increased access to energy for its citizens;

RECALLING ALSO that the Chief Executives of the National Power Utilities who are Parties to the WAPP Organisation also endorsed the WAPP Articles of Agreement within the framework of the Inter-Utilities cooperation between Member States.

DESIRING therefore to strengthen the operations of WAPP in order to improve its delivery capacity;

RECALLING THE PROPOSAL of the meeting of the WAPP Steering Committee held in Accra on October 28 2005.

UPON THE RECOMMENDATION of the fifty-fifth session of the Council of Ministers held in Niamey from 7 to 8 and 11 January 2006.

DECIDES:

Article 1

The West African Power Pool (WAPP) organisation is hereby granted the Status of a Specialised Institution of ECOWAS.

Article 2

The Executive Secretary should sign a Headquarters Agreement, as soon as possible between the WAPP General Secretariat located in Cotonou, Republic of Benin, and the Government of the Republic of Benin, to facilitate the effective start off of the activities of the General Secretariat.

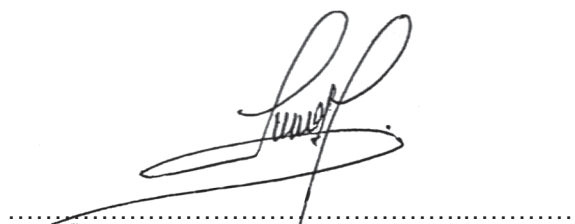
Article 3

The Executive Secretary should second one of the full time staff of the Executive Secretariat to serve as an Interim Secretary-General of the WAPP organisation.

Article 4

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC.21/01/06 RENEWING THE TENURE OF SOME JUDGES OF THE COMMUNITY COURT OF JUSTICE

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 15 of the ECOWAS Treaty establishing the Community Court of Justice;

MINDFUL of Article 6 of the ECOWAS Treaty establishing the Community Court of Justice;

MINDFUL of Decision A/DEC. 1/12/2000 appointing the Judges of the Community;

MINDFUL of Article 3 of Protocol A/PI/91 as amended, stipulating that the members of the Court are appointed by the Authority;

MINDFUL of Article 4 (1) of the Protocol of the Court defining, among other issues, the mandate of the judges, their renewal on the basis of eligibility for another period of five (5) years;

CONSIDERING that the tenure of the first four (4) judges ends on 29 January 2006 in accordance with the provisions of Article 4 (1) of the Protocol relating to the Court;

DESIROUS of renewing the tenure of the four (4) Judges of Community Court of Justice;

ON THE RECOMMENDATION of the fifty-fifth session of the Council of Ministers, held in Niamey from 7, 8 and 11 January 2006;

DECIDES

Article 1


The tenure of the following four (4) Judges of the Court of Justice is hereby renewed for a period of five (5) years.

- **Justice Anthony Alfred (Ghana);**
- **Justice Awa Amadou Daboya (Togo);**
- **Justice Hansine Napwaniyo Donli (Nigeria);**
- **Justice Soumana Dirarou Sidibe (Niger).**

Article 2

This decision 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 National Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC. 22/01/06 ESTABLISHING AN AD HOC MINISTERIAL COMMITTEE ON THE RESTRUCTURING OF THE ECOWAS PARLIAMENT.

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 6 of the ECOWAS Treaty in which the ECOWAS Parliament is referred to as an institution of the Community;

MINDFUL of Protocol A/P2/8/94 of 6 August 1994 relating to the ECOWAS Parliament, defining the composition of the Parliament, its powers, the organisation of its sessions, and the mode of election of its members and their mandate;

MINDFUL of Regulation C/REG.20/1/05 dated 18 January 2005, relating to the improvement of the functioning and the administrative and financial management of the ECOWAS Parliament;

RECALLING the regional dimension of the ECOWAS Parliament and its contribution to the consolidation and acceleration of the ECOWAS integration process;

DESIROUS of drawing on the experience of the functioning of the first legislature of the ECOWAS Parliament;

DESIROUS also of establishing a transparent and effective administrative and financial management system at the ECOWAS Parliament;

DESIROUS, in this context, to set up a body that will make relevant and realistic proposals that will be beneficial to the Community when implemented;

ON THE RECOMMENDATION of the fifty-fifth session of the Council of Ministers, held in Niamey from 7 - 9 and 11 January 2006;

DECIDES:

Article 1

An Ad Hoc Ministerial Committee on the restructuring of the ECOWAS Parliament is hereby established.

Article 2

The Ad Hoc Ministerial Committee shall be composed as follows:

- **Burkina Faso**
- **Cote d'Ivoire**
- **Ghana**
- **Guinea-Bissau**
- **Nigeria**

Article 3

The Ad Hoc Ministerial Committee shall submit to Council, proposals on the restructuring of the ECOWAS Parliament.

1. The Executive Secretary shall convene the meeting of the Ad Hoc Committee at the end of February 2006, at the latest.

2. The Executive Secretariat shall provide the committee with the documentation necessary for the accomplishment of its assignment, particularly the revised ECOWAS Treaty, the Protocol relating to the ECOWAS Parliament, the Rules of Procedure of the ECOWAS Parliament, the reports of Eriksen and Foster, the report of the Ad Hoc Committee on the Parliament, the reports of the Secretaries-General of the National Assemblies of Member States and the report of Rex Owusu-Ansah.

Article 5

The Executive Secretary shall convene an extraordinary meeting of the Council of Ministers in Abuja not later than 31 March 2006 to consider the proposals on the restructuring of the ECOWAS Parliament.

Article 6

This Decision 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 National Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC.23/01/06 AWARDING THE 2005 EDITION OF THE ECOWAS PRIZE FOR EXCELLENCE ON BEST PRACTICES IN HIV/AIDS TREATMENT AND PREVENTION

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 62 of the Treaty;

MINDFUL of Member States' commitment to the promotion of the objectives of Protocol 1/P1/7/87 relating to the ECOWAS Cultural Framework Agreement;

MINDFUL of Decision A/DEC.14/5/82 establishing the ECOWAS Prize for Excellence;

MINDFUL also of Decision A/DEC.2/7/92 approving the Regulations on the ECOWAS Prize for Excellence;

CONSIDERING the decision appointing the members of the International Jury on the ECOWAS Prize for Excellence in HIV/AIDS sensitisation matters;

ON THE PROPOSAL of the International Jury on the ECOWAS Prize for Excellence on best practices in HIV/AIDS prevention and treatment;

MINDFUL of Article 75 of the said Treaty relating to the appointment of the External Auditor of the Institutions of the Community;

MINDFUL of Decision A/DEC.3/7/91 of the Authority of Heads of State and Government which provides the procedure for the selection and evaluation of statutory appointees of the Community Institutions including that of the External Auditors;

ON THE RECOMMENDATION of the Fifty-fifth session of the Council of the Ministers held in Niamey on the 7 - 9 and 11 January 2006;

DECIDES:

Article 1

The ECOWAS Prize for Excellence in the area of sensitisation on best practices in HIV/AIDS prevention is hereby awarded to the following winners:

1. **NGO-PROMACO** whose work is titled "C'est ma vie".
2. **NGO-ADRA** whose presentation is "My Life".

Article 2

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

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

DECISION A/DEC.24/01/06 ADOPTING AN ECOWAS/UEMOA REGIONAL POLICY ON ACCESS TO ENERGY SERVICES FOR POPULATIONS IN RURAL AND PERI-URBAN AREAS FOR POVERTY REDUCTION IN LINE WITH ACHIEVING THE MDGs IN MEMBER STATES

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 28 of the revised Treaty relating to the coordination and harmonisation of the Energy Policy of the Member States;

MINDFUL of Decision A/DEC.3/5/82 relating to the ECOWAS Energy Policy;

MINDFUL of Decision A/DEC.5/12/99 relating to the development of a West African Power Pool (WAPP);

MINDFUL of Decision A/DEC.2/12/03 relating to the European Initiative for Poverty Eradication and Sustainable Development, which decided on the PRSP Revision to the Integration of the Energy Programmes into the EDF eligible programmes, and the National PRSP review, intending to include the Energy field as part of the priority programmes eligible to the EDF;

MINDFUL of Decision A/DEC.3/12/03 relating to the Regional Rural Electrification Programme;

CONSIDERING the Regulation C/REG.7/12/99 relating to the adoption of a Master Plan of energy production and interconnection of electricity networks of the ECOWAS Member States;

CONSIDERING the Convention signed between ECOWAS and UEMOA on the 22nd of August 2005, on joint implementation of actions in the energy sector;

CONSIDERING the MOU signed between UNDP and ECOWAS on the 15th of September 2005, granting UNDP the status of technical partner;

AWARE of the challenges ECOWAS countries face in terms of looking after the well-being of their peoples and achieving the Millennium Development Goals (MDGs) by 2015, especially halving poverty and increasing access to basic services;

AGREEING that particular attention must be given to populations in rural and peri-urban areas, whose living conditions are especially difficult, considering prevalent poverty rates and the level of access to basic social and productive infrastructures;

CONVINCED that Energy, at the same time resource, collective service, and production factor has a multisectoral scope, and lies at the heart of any socio-economic development process and is central to meeting fundamental human needs (food, health, education, etc.);

AWARE that existing initiatives and programmes aimed at reducing poverty often fail to take adequate account of the concept of energy poverty and the pivotal role of energy, and that this oversight may jeopardise the implementation of development programmes and the achievement of the MDGs targets;

AWARE that ECOWAS and UEMOA Member States are confronted with the challenge of changing the scale of policies and programmes aimed at accelerating the development process required to achieve the MDGs;

DESIRING to contribute to the development of the on-going policies and initiatives in the energy sector, and within the general framework of poverty reduction and PRSP elaboration;

CONSIDERING previous commitments made by NEPAD, and more recently, by the Forum of African Ministers in charge of Energy (FEMA), during the Millennium Summit in September 2005;

CONSIDERING the recommendations made by the multisectoral delegations of Member States, at the ECOWAS and UEMOA Bamako Forum from 16 to 19 May 2005;

CONSIDERING the recommendations made by the Regional Multisectoral Committee, at ECOWAS and UEMOA Accra Meeting from 24 to 26 October 2005;

DESIRING to adopt a regional policy that would increase access to modern energy services of rural and peri-urban populations;

ON THE RECOMMENDATION of the Fifty fifth Session of the Council of Ministers held in Niamey on 7 to 9 and 11 January 2006:

DECIDES:

Article 1: Member States shall assign themselves one (1) global objective to increase access to modern energy services of rural and peri-urban populations, to provide by 2015, access to modern energy services to at least half the populations living in rural and peri-urban areas. This entails multiplying by four the number of people with access to modern energy services in comparison to 2005. This also entails supplying 36 million more households and 49000 more localities with access to energy services.

Article 2: Member States shall assign themselves three (3) specific objectives as follows:

- i) To strengthen regional integration by pooling knowledge of good practices, exchanging experiences, adopting a regional information system and developing cross-border cooperation with a view to fostering development and building capacities,
- ii) To help harmonise political and institutional frameworks (i.e. PRSPs, MDG monitoring framework, etc), in taking into account essential role energy services play in boosting human development and achieving the MDGs.
- iii) To develop, on the basis of national political frameworks, coherent energy policies based on reducing poverty in rural and peri-urban areas and achieving the MDGs.

The energy programmes will focus in particular on:

- Stimulating productive activities, especially those related to processing and added value to agricultural produce;
- Modernising basic social services (healthcare, education, water, etc.) and improving living conditions;
- Improving the situation of women, who are disproportionately affected by all aspects of poverty, most particularly health problems (arising from the difficulty of chores such as wood-gathering and water-drawing, etc.).

Article 3: Member States shall target three (3) Results by 2015:

- i) 100% of the total populations or 325 million people, will have access to a modern cooking fuel.

- ii) At least 60% of people living in rural areas will have access to productive energy services in villages, in particular motive power to boost the productivity of economic activities.
- iii) 66% of the population, or 214 million people will have access to an individual electricity supply, or:
 - 100% of urban and peri-urban areas;
 - 36% of rural populations;
 - Moreover, 60% of the rural population will live in localities with modernized basic social services - healthcare, drinking water, communication, lighting, etc.
 - Access to lighting, audiovisual and telecommunications service, etc and
 - The coverage of isolated populations with decentralized approaches.

Article 4: Member States shall have for guiding Principles of this Policy:

- Subsidiarity to be applied to all regional policies and according to which the only policies that will be conducted at regional level will be those for which regional action can bring added value to national action;
- Participatory Approach: promotion of the approach based on the involvement of the end users in the definition of technical and organisational options;
- Cohesion, consultation and cooperation: these are particularly important because of the size of the investments, the value of accessing a regional market, and the complementarities of situation between importing and exporting countries. This includes cooperation with other sub-regional institutions;
- A multisectoral approach: energy programmes will be based on an approach that identifies development needs and services and coordinates other sectorial investments to ensure the requisite equipment - and therefore the market - is in place. Past programmes have been limited, fully or in part, to a single sector -it has been proven that this restricts development dynamics;
- Technological neutrality: the energy programmes will endeavour to uphold the technological neutrality, meaning that the

technology used in any given circumstance will be the one that is likely to be best in the long-term according to local and national contexts. This neutrality will be applied, in particular, to comparing centralised and decentralised solutions and mobilising renewable energies that require heavy investment. It also entails taking account of externalities when making comparative analysis of technical solutions;

- Promoting public-private partnerships: this partnership will cover technical aspects, management systems, fund-raising and financial risk-taking. It is highly important that public actors (state, public institutions, local authorities, etc.) and private actors (national and local entrepreneurs, financial institutions, associations and cooperatives, NGOs, etc.) are mobilised. This will entail setting up appropriate regulatory frameworks and a transparent, incentive-based framework;
- Sustainable Development: taking into account the three pillars (economic, social and environmental), first at local level, but also at global level, because of the potential impact of energy projects, especially on climate change or biodiversity;
- Support to gender equality: by, for example, alleviating women's workload, creating income-generating activities for women, their households and their communities, access to quality social services, including healthcare and literacy training;
- Security of supply and reduction of economic vulnerability to external shock such as oil prices raise; this is a fundamental principle in all programmes and is crucially important in the current context of rising oil prices;
- Optimisation of the use of available financial resources and the raising of additional measures: public development aid (multi-and bi-lateral), national financing and private funding. This will be done by seeking complementarities between regional and national funding sources and by prioritising "high impact/ low cost" solutions;

- On the sustainability of retained solutions: sustainability of investments beyond 2015 must be a central concern; all alternative options therefore have to be analysed over the long term (perspective of life cycle analysis approach).

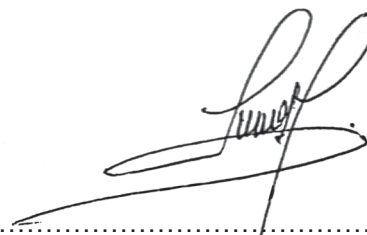
Article 5:

The Member States aim at the realisation of a Joint Investment Programme defined in the document annexed to the Policy to reach the objective previously defined.

Article 6: Entry into force

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

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

**DECISION A/DEC.25/01/06 RELATING TO THE
EXTENSION OF THE ECOWAS INITIAL PLAN OF
ACTION ON THE FIGHT AGAINST TRAFFICKING
IN PERSONS (2006 – 2007)**

**THE AUTHORITY OF HEADS OF STATE AND
GOVERNMENT,**

MINDFUL of Articles 7, 8 and 9 of the Revised Treaty establishing the Authority of Heads of State and Government and defining its composition and its functions;

MINDFUL of the Protocol A/P1/12/99 relating to the Mechanism for Conflict Prevention, Management, Peacekeeping and Security which relates to the maintenance of security and the control of trans-border crime within the Community;

RECALLING the Declaration A/DCL.2/12/01 on the Fight Against Trafficking in Persons which was issued at the twenty-fifth Summit of the Authority in Dakar, December 2001, unequivocally condemning the offence of trafficking in persons and asserting the unacceptability of trade in human beings;

ALSO RECALLING the Initial Plan of Action on the fight against trafficking adopted for the sub-region for the period 2002-2003 containing measures that addresses the deplorable phenomenon of trafficking in persons;

DEEPLY CONCERNED over the continued rise in the incidence of trafficking in persons within the West African sub-region and from our Member States to other parts of the World;

MINDFUL of the global fight against trafficking in persons and the United Nations Conventions on Transnational Organised Crime and the Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, and wishing to ensure that the West African sub-region remains a part of this global initiative;

RECOGNISING the ECOWAS Initial Plan of Action of 2002-2003 as an effective tool for sub-regional cooperation and for the enhancement of Member States' individual and collective capacities to fight the offence of trafficking in human beings and establish protective measures against that offence;

DESIRING to extend the life of the ECOWAS Initial Plan of Action on the Fight Against Trafficking in Persons to 2006-2007;

ON THE RECOMMENDATION of the meeting of Ministers of Foreign Affairs held in Niamey on 9th January 2006;

DECIDES:

Article 1

The ECOWAS Initial Plan of Action on the Fight Against Trafficking in Persons for the years 2004-2005 is hereby extended for continued implementation from 2006-2007.

Article 2

Member States shall give priority to necessary ratification processes in relation to all relevant international instruments as defined in the plan of action and adopt requisite legislative reforms thereto.

Article 3

Member States shall urgently, through the appropriate legal means, establish National Task Forces on Trafficking in Persons that will be responsible for the development of policy and national action plans against Trafficking in Persons.

Article 4

The Executive Secretariat of ECOWAS shall intensify its efforts in sensitising Member States on related implementation measures, in resource mobilisation and also ensure that it plays effective supervisory role within the framework of its task as Coordinator.

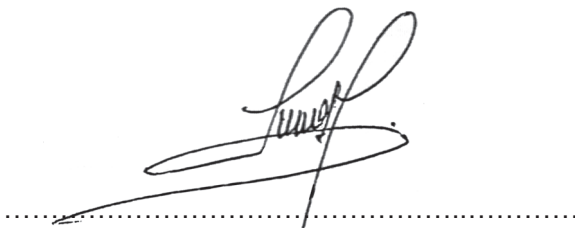
Article 5

All activities within the 2004-2005 action plan for which implementation and completion dates were slated for specific months within those years shall now have their implementation and completion dates slated for the corresponding months within the years 2006-2007 respectively.

Article 6

This Decision shall be published by the Executive Secretariat in the Official Journal of the Community within thirty (30) days of its signature by the current Chairman of the Authority of Heads of State and Government. It shall also be published in the Official Gazette of each Member State within the same time-frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

CONCERNED about the different conflicts, which continue to affect a good number of Member States of the sub-region;

CONSIDERING that the designated mediators are carrying out their mission satisfactorily;

DESIRING to renew the mandate of the members of the Council of Elders;

UPON RECOMMENDATION of the Ministers of Foreign Affairs;

DECIDES:

Article 1:

The personalities whose names appear on the list attached as an annex to this Decision are hereby appointed as members of the Council of Elders for the year 2006.

Article 2:

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

**DECISION A/DEC. 26/01/06 ON THE
COMPOSITION OF THE COUNCIL OF ELDERS
FOR THE YEAR 2006**

**THE AUTHORITY OF HEADS OF STATE AND
GOVERNMENT**

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty;

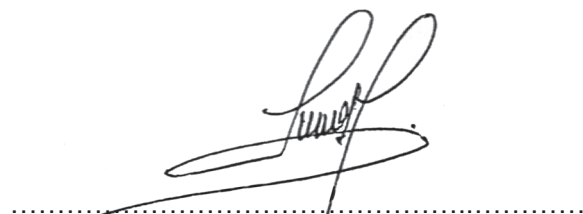
MINDFUL of Article 19 (3c) of the ECOWAS Treaty directing the Executive Secretary to convene sectoral meetings to examine sectoral issues, which promote the achievement of the objectives of the Community;

MINDFUL of the Protocol relating to the Mechanism for Conflict Prevention, Management and Resolution, Peace keeping and Security adopted in Lome on 10th December 1999;

MINDFUL of Articles 15 and 20 of the Protocol relating to the functions of the Executive Secretary, the composition and mandate of the Council of Elders respectively;

MINDFUL of Decision A/DEC. 13/12/03 approving the new members of the Council of Elders for 2005;

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

**DECISION A/DEC.27/01/06 ON THE
ORGANISATION OF THE ECOWAS
CHAIRMANSHIP**

**THE AUTHORITY OF HEADS OF STATE AND
GOVERNMENT**

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 8 of the said Treaty, which provides for the election of a Chairman of the Authority and fixes the duration of his tenure;

MINDFUL of Article 11 of the Treaty, which stipulates that the office of the Chairman of Council shall be held by the Minister responsible for ECOWAS affairs of the Member State elected as Chairman of the Authority;

MINDFUL of Decision A/DEC.12/8/97 relating to the frequency and venue of the Summit meetings;

CONSIDERING the need to involve all Member States in the management of the affairs of the Community, sensitise their national implementing agencies to community issues and enable their citizens to show great interest in and commitment to the integration process;

DESIRING to institute a rotational system of accession to the Chairmanship of the Authority;

UPON RECOMMENDATION of the meeting of Ministers of Foreign Affairs, held in Niamey on 9 and 11 January 2006;

DECIDES

Article 1

1. The office of the Chairman shall be held every year by a Member State elected by the Authority.
2. The Chairman shall be elected by a system of rotation, which shall take into account the alphabetical order of Member States.

Article 2

Without prejudice to the provisions of the aforementioned Article 1, a Member State eligible to be elected Chairman of the Authority may give up its turn to Chair the Community. In this event, the State concerned shall give notice of its renunciation not later than three (3) months before the date of the Summit at which the election is to be held.

Article 3

A State aspiring to be Chairman of the Community shall automatically lose its turn in the event of a coup d'état or an unconstitutional takeover of power within that State.

Article 4

A State aspiring to be Chairman of the Community must apply the provisions governing the Community Levy.

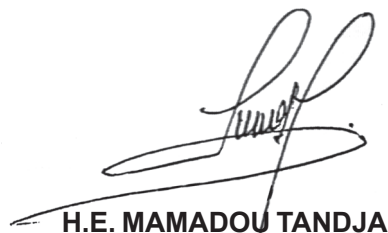
Article 5

The modalities of the rotational system of election to Chairmanship of the Community shall be fixed by the Authority.

Article 6

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12th DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN
FOR: THE AUTHORITY**

DECISION A/DEC.28/01/06 FIXING THE AMOUNT TO BE DEVOTED TO SUPPORTING THE ACTIVITIES OF THE ECOWAS CHAIRMAN**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT;**

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 8 of the said Treaty, which provides for the election of a Chairman of the Authority and fixes the duration of his tenure;

MINDFUL of Article 11 of the Treaty, which stipulates that the office of the Chairman of Council shall be held by the Minister responsible for ECOWAS affairs of the Member State elected as Chairman of the Authority;

MINDFUL of Article 72 of the Treaty, instituting the Community Levy for the purpose of financing the activities of the Community;

MINDFUL of Protocol A/P1/7/96 relating to the conditions for applying the Community Levy;

MINDFUL of Decision A/DEC.12/8/97 relating to the frequency and venue of the Summit meetings;

MINDFUL of Decision A/DEC.10/11/03 relating to the postponement of the date of entry into force of the substantive regime of the Community Levy to 1st July 2003;

MINDFUL of Regulation C/REG.4/12/95 fixing the rate of the Community Levy;

MINDFUL of Resolution A/RES.1/8/97 relating to the urgent implementation of the Community Levy;

CONSIDERING that the implementation of ECOWAS programmes and the maintenance of an atmosphere of peace and security required for the development of the Member States and the acceleration of the integration process impose onerous responsibilities on the Chairman with significant costs;

DESIRING to provide assistance to the Member State elected to chair the Community, thus enabling it to bear the costs associated with the discharge of its responsibilities;

UPON RECOMMENDATION of the meeting of Ministers of Foreign Affairs, held in Niamey on 9 and 11 January 2006;

DECIDES**Article 1**

The amount of 0.5% of the proceeds of the Community Levy is hereby allocated to the Chairman of the Community for the purpose of financing the activities associated with the discharge of his responsibilities.

Article 2

Member States shall ensure the diligent implementation of the texts on the Community Levy in order to enable the effective application of the provisions of Article 1 above.

Article 3

This Decision 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 Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



**H.E. MAMADOU TANDJA
CHAIRMAN**

FOR: THE AUTHORITY

DECISION A/DEC. 29/01/06 ALLOCATING THE PROCEEDS OF THE COMMUNITY LEVY WITHIN THE INSTITUTIONS OF ECOWAS**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,**

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 69 of the said Treaty relating to the budget of the Community;

MINDFUL of the Treaty establishing the Community Levy for financing Community activities;

MINDFUL of Protocol A/PI/7/96 relating to the criteria for the application of the Community Levy;

MINDFUL of Decision A/DEC. 10/11/03 postponing the entry into force of the substantive regime of the Community Levy to 1 July 2003;

MINDFUL of Regulation C/REG.4/12/95 fixing the rate of the Community Levy;

MINDFUL of Resolution A/RES. 1/8/97 relating to the application of the Community Levy as a matter of urgency;

DESIROUS of working towards gradually achieving financial self-sufficiency for financing Community activities and managing its resources in a prudent manner and in accordance with the principles of good governance, as contained in the ECOWAS Protocol on Democracy and Good Governance;

AWARE that the Community Levy can achieve its objective of financing the economic integration activities of Member States only if a greater part of its proceeds is earmarked for financing Community projects and programmes as a matter of priority;

RESOLVED to promote the development of Community infrastructure and investments and consequently allocate a greater portion of the Community Levy for the aforementioned financing purposes;

DECIDES**Article 1**


The Institutions of the Community shall allocate the amounts of their budgets derived from the proceeds of the Community Levy as follows:

- a) 40% for project and programme financing;
- b) 60% for operating expenditure.

Article 3

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

**DONE AT NIAMEY,
THIS 12TH DAY OF JANUARY 2006**



.....
**H.E. MAMADOU TANDJA
CHAIRMAN
FOR THE AUTHORITY**

**REGULATION C/REG. 1/01/06 APPROVING THE
WORK PROGRAMME OF THE EXECUTIVE
SECRETARIAT FOR THE 2006 FINANCIAL YEAR****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;

HAVING CONSIDERED the Work Programme of the Executive Secretariat for the 2006 financial year proposed by the Thirty-fourth meeting of the Administration and Finance Commission held in Abuja, from 16 - 21 December, 2005;

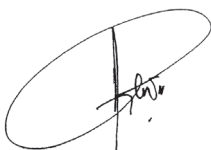
ENACTS:**ARTICLE 1**

The Work Programme attached hereto, is hereby approved and shall be executed by the Executive Secretariat during the 2006 Financial Year.

ARTICLE 2

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat 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 National Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL**

**REGULATION C/REG. 2/01/06 APPROVING THE
WORK PROGRAMME OF THE COMMUNITY
COURT OF JUSTICE FOR THE 2006 FINANCIAL
YEAR****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;

HAVING CONSIDERED the Work Programme of the Community Court of Justice for the 2006 financial year proposed by the Thirty-fourth meeting of the Administration and Finance Commission held in Abuja, from 16 - 21 December, 2005;

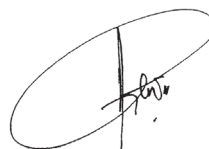
ENACTS:**ARTICLE 1**

The Work Programme attached hereto, is hereby approved and shall be executed by the Community Court of Justice during the 2006 Financial Year.

ARTICLE 2

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat 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 National Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL**

**REGULATION C/REG. 3/01/06 APPROVING THE
WORK PROGRAMME OF THE WEST AFRICAN
HEALTH ORGANISATION FOR THE 2006
FINANCIAL YEAR**

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;

HAVING CONSIDERED the Work Programme of the West African Health Organisation for the 2006 financial year proposed by the Thirty-fourth meeting of the Administration and Finance Commission held in Abuja, from 16 - 21 December, 2005;

ENACTS

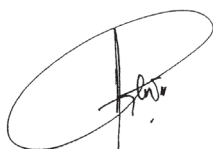
ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the West African Health Organisation during the 2006 Financial Year.

ARTICLE 2

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat 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 National Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOUMINDAOU DOU
CHAIRPERSON
FOR THE COUNCIL**

**REGULATION C/REG. 4/01/06 APPROVING THE
WORK PROGRAMME OF THE
INTERGOVERNMENTAL ACTION GROUP AGAINST
MONEY LAUNDERING IN WEST AFRICA (GIABA)
FOR THE 2006 FINANCIAL YEAR**

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;

HAVING CONSIDERED the Work Programme of the Intergovernmental Action Group Against Money Laundering in West Africa for the 2006 financial year proposed by the Thirty-fourth meeting of the Administration and Finance Commission held in Abuja, from 16 - 21 December, 2005;

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the Intergovernmental Action Group Against Money Laundering in West Africa during the 2006 Financial Year.

ARTICLE 2

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat 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 National Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOUMINDAOU DOU
CHAIRPERSON
FOR THE COUNCIL**

REGULATION C/REG. 5/01/06 APPROVING THE WORK PROGRAMME OF THE ECOWAS GENDER DEVELOPMENT CENTRE FOR THE 2006 FINANCIAL YEAR**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;

HAVING CONSIDERED the draft Work Programme of the ECOWAS Gender Development Centre for the 2006 financial year proposed by the Thirty-fourth meeting of the Administration and Finance Commission held in Abuja, from 16 - 21 December 2005;

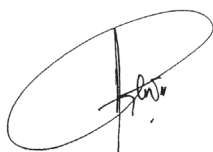
ENACTS**Article 1**

The Work Programme attached hereto, is hereby approved and shall be executed by the Gender Development Centre during the 2006 Financial Year.

Article 2

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

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL**

REGULATION C/REG. 6/1/06 APPROVING THE WORK PROGRAMME OF THE ECOWAS YOUTH AND SPORTS DEVELOPMENT CENTRE FOR THE 2006 FINANCIAL YEAR**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;

HAVING CONSIDERED the draft Work Programme of the Youth and Sports Development Centre for the 2006 financial year proposed by the Thirty-fourth meeting of the Administration and Finance Commission held in Abuja, from 16 - 21 December 2005;

ENACTS**Article 1**

The Work Programme attached hereto, is hereby approved and shall be executed by the Youth and Sports Development Centre during the 2006 Financial Year.

Article 2

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

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL**

REGULATION C/REG. 7/01/06 APPROVING THE BUDGET OF THE EXECUTIVE SECRETARIAT FOR THE 2006 FINANCIAL YEAR

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 Article 69 of the ECOWAS Treaty which relate to the budgets of the Community Institutions;

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95;

MINDFUL of the budget of the Executive Secretariat proposed by the thirty-fourth meeting of the Administration and Finance Commission, held in Abuja from 16 to 21 December 2005;

CONSIDERING the Decision taken on the Recommendation of the Ministers of Foreign Affairs allocating 0.5 % of the resources of the Community Levy to the Chairman of the Community to finance the activities relating to his functions;

ENACTS

ARTICLE 1

The budget of the Executive Secretariat for the 2006 financial year, balanced in income and expenditure at the sum of sixty five million five hundred and seventy two thousand one hundred and four Units of Accounts (UA 67,776,905) is hereby approved.

ARTICLE 2

1. An amount of thirty six million two hundred and seventy six thousand four hundred and fifty Units of Accounts (UA 38,481,251) shall be derived from resources obtained from the Community Levy.
2. Additional amounts in the sum of seven hundred and fifty three thousand two hundred and seventy one Units of Accounts (UA 753,271) shall be derived from arrears of contributions.
3. Another amount in the sum of two hundred and eighty one thousand seven hundred and forty nine Units of Accounts (UA 287,749) shall be derived from other sources.

4. An amount of Twenty three million, nine hundred and seventy thousand, eight hundred and fifty Units of Accounts (UA 23,970,850) shall be derived from external funding.
5. Another amount of four million, two hundred and eighty three thousand, seven hundred and eighty four Units of Accounts (UA 4,283,784) shall be derived from excess funds.

ARTICLE 3

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

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL**

REGULATION C/REG. 8/01/06 APPROVING THE BUDGET OF THE COMMUNITY COURT OF JUSTICE FOR THE 2006 FINANCIAL YEAR

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 15 of the ECOWAS Treaty establishing the Community Court of Justice;

MINDFUL of Protocol A/P.1/7/91 defining the composition, functions, powers and organisation of the Community Court of Justice;

MINDFUL of the provisions of Article 69 of the ECOWAS Treaty which relate to the budget of the Community Institutions;

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95;

HAVING CONSIDERED the budget of the Community Court of Justice proposed by the thirty-fourth meeting of the Administration and Finance Commission, held in Abuja from 16 to 21 December 2005;

ENACTS

ARTICLE 1

The budget of the Community Court of Justice for the 2006 financial year, balanced in income and expenditure at the sum of four million eight hundred and five thousand two hundred and sixty six Units of Accounts (UA 4,805,266) is hereby approved.

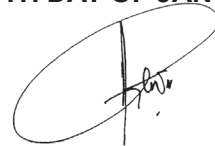
ARTICLE 2

1. An amount of four million four hundred and ninety-two thousand, seven hundred and forty-five Units of Accounts (UA 4,492,745) shall be derived from resources obtained from the Community Levy.
2. Additional amounts in the sum of two hundred thousand Units of Accounts (UA 200,000) shall be derived from arrears of contributions.
3. Additional amount of one hundred and twelve thousand, five hundred and twenty one Units of Accounts (UA 112,521) shall be derived from other sources.

ARTICLE 3

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

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL**

REGULATION C/REG. 9/01/06 APPROVING THE BUDGET OF THE WEST AFRICAN HEALTH ORGANISATION FOR THE 2006 FINANCIAL YEAR

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 Protocol A/P.2/7/87 relating to the creation of the West African Health Organisation (WAHO);

MINDFUL of the provisions of Article 69 of the ECOWAS Treaty which relate to the budgets of the Community Institutions;

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95;

HAVING CONSIDERED the budget of the West African Health Organisation proposed by the thirty-fourth meeting of the Administration and Finance Commission, held in Abuja from 16 to 21 December 2005;

ENACTS

ARTICLE 1

The budget of the West African Health Organisation for the 2006 financial year, balanced in income and expenditure at the sum of five million five hundred and fifty eight thousand four hundred and twenty one Units of Accounts (5,558,421 UA) is hereby approved.

ARTICLE 2

1. An amount of two million forty five thousand and eighty four hundred Units of Accounts (2,045,084 UA) shall be derived from resources obtained from the Community Levy.
2. Additional amounts in the sum of two hundred thousand Units of Accounts (200,000 UA) shall be derived from arrears of contributions.
3. Another amount in the sum of one hundred and eighty one thousand four hundred and fourteen Units of Accounts (181,414 UA) shall be derived from other sources.
4. Additional amount of one million one hundred and thirty one thousand nine hundred and twenty three Units of Accounts (1,131,923 UA) shall be derived from external funding.
5. Another amount of two million Units of Accounts (2,000,000 UA) shall be derived from excess funds.

ARTICLE 3

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

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOU DOU
CHAIRPERSON
FOR THE COUNCIL**

REGULATION C/REG.10/01/06 APPROVING THE BUDGET OF THE INTERGOVERNMENTAL ACTION GROUP AGAINST MONEY LAUNDERING IN WEST AFRICA FOR THE 2006 FINANCIAL YEAR

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 Article 69 of the ECOWAS Treaty which relate to the budget of the Community Institutions;

MINDFUL of Decision A/DEC.9/12/99 establishing GIABA and the Revised Statutes of the Intergovernmental Action Group Money Laundering in West Africa.

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95;

HAVING CONSIDERED the budget of the Intergovernmental Action Group Against Money Laundering in West Africa proposed by the thirty-fourth meeting of the Administration and Finance Commission, held in Abuja from 16 to 21 December 2005;

ENACTS

ARTICLE 1

The budget of the Intergovernmental Action Group Against Money Laundering in West Africa for the 2006 financial year, balanced in income and expenditure at the sum of one million nine hundred thousand eight hundred and seventy six Units of Accounts (1,900,876 UA) is hereby approved.

ARTICLE 2

1. An amount of one million four hundred and sixty two thousand, eight hundred and seventy six Units of Accounts (1,462,876 UA) shall be derived from resources obtained from the Community Levy.
2. Additional amounts in the sum of four hundred and thirty eight thousand Units of Accounts (438,000 UA) shall be derived from external funding.

ARTICLE 3

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

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**


**HON. AICHATOUMINDAOU DOU
CHAIRPERSON
FOR THE COUNCIL**

REGULATION C/REG.11/01/06 APPROVING THE AUDITED FINANCIAL STATEMENT OF THE COMMUNITY PARLIAMENT FOR THE 2003 & 2004 FINANCIAL YEARS

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 75 of the said Treaty relating to the appointment of the External Auditor of the Institutions of the Community;

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95;

MINDFUL of the Authority Decision A/DEC.6/12/99 dated 10th December 1999 on the appointment of the Firm of COOPERS LYBRAND & DIEYE as External Auditors of the Community;

MINDFUL of the Regulation C/REC.10/7/04 prolonging the mandate of the Firm COOPERS, LYBRAND & DIEYE as External Auditors of the Community;

HAVING EXAMINED the report of the Firm of COOPERS, LYBRAND & DIEYE on the Financial Statements of the Community Parliament for 2003 and 2004;

ON THE RECOMMENDATION of the Second meeting of the Audit Committee held in Niamey on 5 and 6 January 2006

ENACTS

Article 1

The Audited Statements of the Community Parliament for the 2003 and 2004 financial years are hereby adopted.

Article 2

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

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL**

HAVING EXAMINE the report of the Firm of COOPERS, LYBRAND & DIEYE on the Financial Statements of the West African Organisation for the 2004 Financial Year;

ON THE RECOMMENDATION of the Second meeting of the Audit Committee held in Niamey on 5 and 6 January 2006

ENACTS

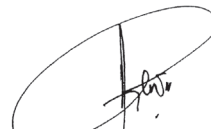
Article 1

The Audited Statement of the West African Health Organisation accounts for the 2004 Financial Year is hereby adopted.

Article 2

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

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL**

**REGULATION C/REG.12/1/06 APPROVING THE
AUDITED FINANCIAL STATEMENTS OF THE WEST
AFRICAN HEALTH ORGANISATION FOR THE 2004
FINANCIAL YEAR**

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 75 of the said Treaty relating to the appointment of the External Auditor of the Institutions of the Community;

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95;

MINDFUL of the Authority Decision A/DEC.6/12/99 dated 10th December 1999 on the appointment of the Firm of COOPERS LYBRAND & DIEYE as External Auditors of the Community;

MINDFUL of the Regulation C/REC.10/7/04 prolonging the mandate of the Firm COOPERS, LYBRAND & DIEYE as External Auditors of the Community;

REGULATION C/REG. 13/1/06 RELATING TO THE UPWARD REVIEW OF THE COMPENSATORY HOUSING ALLOWANCE PAYABLE TO THE GENERAL SERVICES AND AUXILIARY STAFF OF ECOWAS**THE COUNCIL OF MINISTERS**

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

MINDFUL of Article 31 (b) of the revised ECOWAS Staff Regulations of January 2005 which provide for the payment of a compensatory Housing Allowance to the General Service and Auxiliary Staff of ECOWAS taking into consideration the actual situation of their duty station;

RECALLING the upwardly reviewed compensatory housing allowance for the General Services and Auxiliary Staff (G & M) of ECOWAS approved by Council at its 51st Session in Accra 15-18 December, 2003 in lieu of the provision of residential accommodation for staff in this category;

RECALLING that the payment of the compensatory housing allowance to G and M staff of the Community was also provided for under article 25 (C) of the ECOWAS Staff Regulations of 1999 applicable at the time or the 2003 review;

CONSIDERING the monetisation policy in Nigeria which has significantly increased the demand for medium range housing in Nigeria, given rise to increase in the cost of rented accommodation within the Abuja metropolis in particular;

MINDFUL of the fact that the compensatory housing allowance for G and M Staff can no longer cover the costs of acceptable accommodation as a result of this hike in pricing;

DESIRING therefore to ensure that reasonable housing allowances are provided for the G and M Staff to enable them rent residential accommodation;

ON THE RECOMMENDATION of the Thirty Fourth meeting of the Administration and Finance Commission held in Abuja 16-21 December, 2005;

ENACTS**ARTICLE 1**

The Compensatory Housing Allowance payable to G and M Staff of Institutions of the ECOWAS is hereby increased.

ARTICLE 2

An upward review of the said compensatory allowances shall be paid to these categories of Staff in the following amounts:

- i) M1 to G2 = N500,000 per person per year
- ii) G3 to G4 = N700.000 per person per year
- iii) G5 to G6 = N900.000 per person per year

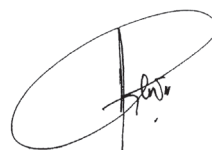
ARTICLE 3

The Executive Secretariat shall, as a long term option, assist the General Services and Auxiliary Staff to acquire property through the procurement of housing loans from credible funding agencies and establish the necessary repayment schedules for the staff.

ARTICLE 4

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 National Gazette within the same time frame.

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL**

REGULATION C/REG. 14/01/06 RELATING TO MEASURES TO IMPROVE THE ORGANISATION OF SESSIONS OF THE COUNCIL OF MINISTERS AND MEETINGS OF THE ADMINISTRATION AND FINANCE COMMISSION

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 11 of the said Treaty relating to the calendar of meetings of the Council of Ministers;

MINDFUL of Article 22 paragraphs 1 (h) and 3 of the said Treaty relating to the establishment and composition of the Administration and Finance Commission;

MINDFUL of Article 69 paragraph 4 of the Treaty relating to the budget of the Community which stipulates that the Administration and Finance Commission shall consider the draft budget and all financial issues concerning the Community and shall examine issues pertaining mainly to administration and personnel management in the Institutions of the Community;

CONSIDERING that, due to the late transmission to Member States of documents to be considered by the Council of Ministers and Administration and Finance Commission, members in sessions and meetings of both Institutions are not able to examine the documents in detail and prepare adequately for the meetings;

CONSIDERING that the sessions and meetings are scheduled for too short a duration and that the overcrowding of the work programme with indeed very important agenda items is ultimately detrimental to the quality of deliberations;

DESIRING to adopt measures to improve the organization of the sessions and meetings of the Council of Ministers and Administration and Finance Commission;

On the RECOMMENDATION of the thirty-fourth meeting of the Administration and Finance Commission held in Abuja from 16 to 21 November, 2005;

ENACTS

Article 1

1. The Executive Secretariat shall ensure proper programming and organization of the sessions of the Council of Ministers and meetings of the Administration and Finance Commission and ensure that the number of agenda items are such that can be properly deliberated upon within the time allowed for the sessions.
2. It shall ensure that the budget meetings of the Administration and Finance Commission are scheduled not later than November each year.
3. The Executive Secretariat shall take into account religious holidays in Member States when fixing the dates for ECOWAS sessions and meetings, ensuring a timely dispatch of invitations to Member States.

Article 2

- i) The Executive Secretariat shall collate all the documents prepared by the Community Institutions for consideration by the Council of Ministers and the Administration and Finance Commission and transmit them to Member States at least one month before the official opening of the sessions and meetings.
- ii) The Executive Secretariat shall utilize all possible means, including the diplomatic pouch of the embassies of Member States in Abuja, electronic means and express courier to effect rapid service and dispatch of all correspondence and documents to Member States.

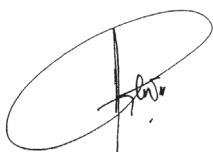
Article 3

If documents are not received in Member States within the stipulated period, they shall not be considered either by the Administration and Finance Commission or by the Council of Ministers.

Article 4

This Regulation shall be published by the Executive Secretariat in the Official Journal of the Community not later than thirty (30) of its signature by the Chairman of the Council of Ministers. It shall also be published in the National Gazette of each Member State within the same time frame.

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL**

**REGULATION C/REG.15/01/06 APPOINTING THE
DEPUTY EXECUTIVE SECRETARY IN CHARGE OF
POLITICAL AFFAIRS, DEFENCE AND SECURITY**

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 4(a) of the said Treaty, stipulating that the Deputy Executive Secretaries and other Statutory Appointees shall be appointed for a period of four (4) years renewable only once for a further 4-year term;

MINDFUL of Decision CAHSG/DEC.1/7/2000 of the Chairman of Authority allocating the position of Deputy Executive Secretary in charge of Political Affairs, Defence and Security to the Republic of Mali;

MINDFUL of Regulation CCM 01/04/05 renewing the tenure of the Deputy Executive Secretary in charge of Political Affairs, Defence and Security;

CONSIDERING that the exercise by General Cheick Oumar Diarra of the functions of Deputy Executive Secretary in charge of Political Affairs, Defence and Security, following the renewal of this tenure for a further four-year with effect from 2nd April, 2005, was brutally brought to an end by his demise in the air crash that occurred in Lagos on 22nd October 2005;

DESIRING to fill the position of Deputy Executive Secretary in charge of Political Affairs, Defence and Security, which had become vacant, following the tragic death of General Cheick Oumar Diarra;

UPON RECOMMENDATION of the meeting of the Ad Hoc Ministerial Committee on the Selection and Evaluation of Statutory Appointees, held in Abuja on 18 and 19 November 2005;

ENACTS

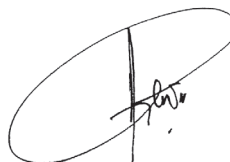
ARTICLE 1

Colonel Mahaman Touré is hereby appointed Deputy Executive Secretary in charge of Political Affairs, Defence and Security, to complete with effect from the date of her/his assumption of duty, the remainder of the tenure of his predecessor that was renewed for a period of four (4) years, but which was only executed for the period covering 2nd April to 22nd October 2005.

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 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 NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOUDOU
CHAIRPERSON
FOR THE COUNCIL**

**REGULATION C/REG. 16/01/06 RELATING TO THE
ADOPTION OF THE CODE OF CONDUCT AND
RULES OF PROCEDURE OF THE AUDIT
COMMITTEE OF ECOWAS INSTITUTIONS**

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 ECOWAS Financial Regulations and Manual of Accounting procedures as amended in 1995 which amongst other provisions, provides for internal control procedures for all budgetary and financial transactions of ECOWAS Institutions;

MINDFUL of the increase in volume of financial resources available to the Community and its institutions which require strengthened internal financial control systems;

MINDFUL of the recommendations for the establishment of an ECOWAS Audit Committee by the fifty fourth Session of the Council of Ministers to assist Council discharge its oversight responsibilities in the area of financial administration and management of the resources of the Community;

DESIRING to establish standards of conduct for members of the committee and to provide guidance that would facilitate its oversight responsibility;

ENACTS

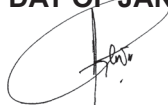
ARTICLE 1

- (a) Code of Conduct and Rules of Procedure for the ECOWAS Audit Committee is hereby adopted.
- (b) The Code of Conduct and Rules of Procedure for the Committee are attached as an annex to this Regulation.

ARTICLE 2

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

**DONE AT NIAMEY,
THIS 11TH DAY OF JANUARY 2006**



**HON. AICHATOU MINDAOU DOU
CHAIRPERSON, FOR THE COUNCIL**

FINAL COMMUNIQUE OF THE TWENTY-NINTH SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Niamey, 12 January, 2006

INTRODUCTION

The twenty-ninth ordinary session of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) was held in Niamey, Republic of Niger, on 12 January 2006 under the chairmanship of His Excellency, Mamadou Tandja, President of the Republic of Niger and current Chairman of ECOWAS.

The following Heads of State and Government or their duly accredited representatives attended the meeting:

- His Excellency, Joao Bernardo Vieira, President of the Republic of Guinea-Bissau
- Her Excellency, Charles Gyude Bryant, Chairman of the National Transitional Government of Liberia
- His Excellency, Amadou Toumani Toure, President of the Republic of Mali
- His Excellency Mamadou Tandja, President of the Republic of Niger
- His Excellency, Chief Olusegun Obasanjo, President, Commander-In-Chief of the Armed Forces of the Federal Republic of Nigeria, current Chairman of the African Union
- His Excellency, Faure Ezzionma Gnassingbe, President of the Togolese Republic
- His Excellency, Cellou Dalein Diallo, Prime Minister of the Republic of Guinea Representing H.E. the President of Guinea
- Hon. Frederic Dohou, Minister of Communications and Promotion of New Technologies Representing H.E. the President of Benin
- His Excellency Youssouf Ouedraogo, Minister of State Minister of Foreign Affairs and Regional Cooperation Representing H.E. the President of Burkina Faso
- Hon. Youssouf Bakayoko, Minister of Foreign Affairs Representing H.E. the President of Cote d'Ivoire
- Hon. Alieu N. Ngum, Secretary of State for Trade, Industry & Employment Representing H. E. the President of The Gambia
- Hon. Nana Akufo-Addo, Minister of Foreign Affairs Representing H.E. the President of Ghana
- Hon. Abdou Aziz Sow, Minister of NEPAD, of African Economic Integration and of the Policy of Good Governance Representing H.E. the President of Senegal
- Hon. Mohamed B. Daramy, Minister of Development and Economic Planning Representing H.E. the President of Sierra Leone.
- H.E. Raul Barbosa, Extraordinary and Plenipotentiary Ambassador of the Republic of Cabo Verde in Senegal Representing H.E. the President of Cabo Verde

The following personalities also attended the twenty-ninth session as observers:

- His Excellency Ahmedou Ould Abdallah, Representative of the Secretary-General of the United Nations Organisation
- Mrs. Julia Dolly Joiner, representing the Chairman of the African Union
- Mr. Soumaila Cisse, President of the UEMOA Commission
- His Excellency Lansana Kouyate, representative of the Secretary General of the OIF
- Mr. Justin Baro, Deputy Governor of BCEAO
- Mr. Boni YAYI, President of the BOAD
- Alhaji Bamanga Tukur, President of ABR
- Representative of the Private Sector
- Representative of UNHCR Secretary-General WACSOF
- Representatives of the West African Women's Leaders

OPENING CEREMONY

The opening ceremony was marked by the welcome statement of the ECOWAS Executive Secretary, Dr. Mohamed Ibn Chambas, the opening address of His Excellency, Mamadou Tandja, President of the Republic of Niger, and current Chairman of ECOWAS and UEMOA, the congratulatory speech of the Heads of State and Government, delivered by His Excellency Chief Olusegun Obasanjo, President of the Federal Republic of Nigeria and current Chairman of the African Union as well as the message of the United Nations Secretary-General and statements of a representative of the private sector Mr. Ibrahim Iddi Ango, President of the Niger Chamber of Commerce, and of two representatives of West African Women leaders Madam Salimata Porquet of Cote d'Ivoire and Madam Iyesha Josiah of Sierra Leone.

The Authority agreed that these documents should be used as working documents. The Heads of State and Government reaffirmed their commitment to making ECOWAS an effective instrument for promoting the integration process and for the development of West African economies.

HOMAGE TO THE VICTIMS OF THE 22 OCTOBER 2005 AIR CRASH IN NIGERIA

At the request of the Chairman of the Authority, the participants observed a minute silence in memory of Major-General Cheikh Oumar Diarra, Deputy Executive Secretary for Political Affairs, Defence and Security, and all those who died in the 22 October 2005 air crash in Nigeria. They paid special homage to General Diarra for the remarkable work he accomplished in the execution of his duties.

ECOWAS PROGRAMMES

The Authority adopted the annual report of the Executive Secretary, the reports of the two sessions of the Council of Ministers and of the meeting of ECOWAS Ministers of Foreign Affairs. The reports focused mainly on regional integration and cooperation programmes, institutional issues, regional peace and security.

EXTERNAL INDEBTEDNESS AND ACHIEVEMENT OF THE MDGs

The Authority expressed concern about the huge foreign debt of ECOWAS Member States, which impedes development initiatives and the achievement of the Millennium Development Goals (MDGs).

The Authority, however, expressed satisfaction at the commitments made by the G8 partners at their last summit in Gleneagles in September 2005 to cancel the external debt of several development countries, including six ECOWAS Member States. It appealed to our development partners to extend the debt cancellation measures to all ECOWAS Member States and relax the terms of eligibility.

The Heads of State and Government urged Member States to improve economic governance through appropriate macro-economic policies and sound structural policies that will make it possible to achieve the economic growth rates necessary for the attainment of the MDGs, in particular, the reduction of poverty by half in the region by 2015.

To this end, the Authority confirmed its commitments to a regional approach in addressing poverty alleviation with a view to creating synergies and strengthening national programmes under the Poverty Reduction Strategy Papers (PRSP). It directed the Executive Secretariat to finalise the regional Poverty Reduction Strategy Paper in association with the UEMOA Commission and the World Bank. It urged Member States to take account of the regional dimension of poverty reduction in their respective national PRSPs.

NEGOTIATION OF ECONOMIC PARTNERSHIP AGREEMENT (EPA)

The Authority stressed the ambitious nature of the on-going EPA negotiations, which are expected to contribute to the structural transformation of West African economies, the improvement of competitiveness and the enhancement of production and supply capacities. The Authority reiterated its position that the EPA should first and foremost be an instrument of development in the fight against poverty. It urged West African negotiators to ensure that the EPA is sufficiently flexible to take into account the low level development of the national economies, the economic and social constraints and the region's limited capacity to adapt to the new global economy.

MULTILATERAL TRADE NEGOTIATIONS

Reiterating the position of the West African region during the recent WTO meeting in Hong Kong, the Authority urged all our partners to honour their commitment to making the Doha round a veritable development round. To that end, it urged the development partners to go beyond the Hong Kong commitments in order to eliminate all forms of internal subsidies for agriculture and cotton. The Heads of

State and Government particularly stressed the imperative need to find a lasting solution to the cotton issue.

MONETARY COOPERATION PROGRAMME

The Authority underscored the need to further deepen the convergence of macro-economic policies and strengthen the performance of Member States in order to give greater credibility to the second monetary zone and the ECOWAS single monetary zone. To that end, the Authority urged all the Member States to redouble their efforts to achieve the macro-economic convergence criteria through stricter budgetary discipline and structural reforms aimed at expanding the production base.

FREE MOVEMENT OF PERSONS

Desirous of enabling ordinary Community citizens to fully enjoy their membership of the Community, the Authority urged Member States to take all necessary measures to implement the provisions of the Protocol on Free Movement of Persons, Right of Residence and Establishment.

ECOWAS PASSPORT

The Heads of State and Government commended the Republics of Benin, Guinea and Senegal for effectively putting into circulation the ECOWAS Passport, which confers Community citizenship on the region's population. They invited the other Member States to take all necessary measures to print and put into circulation this important travel document. In view of the delays encountered in the issuance of the ECOWAS Passport, the Authority decided to extend by two years the transition period, during which the national passports would continue to circulate along-side the ECOWAS Passport.

The Authority urged all Member States to ensure the printing and issuance of the ECOWAS Travel Certificate.

ECOWAS COMMON AGRICULTURAL POLICY

Considering that the ECOWAS Agricultural Policy (ECOWAP) should contribute in a significant manner to improve the food security situation, the fight against poverty, increase rural income, foster economic growth and reduce social inequalities, the Authority welcomed the formulation of a regional agricultural investment programme and stressed the need to undertake concrete actions that would ensure agricultural development. The Authority directed the Council of Ministers to:

- devise and utilize appropriate instruments both within the intra-community cooperation framework and in the economic relations of the Community with the external world (CET, EPA, WTO, etc ..)
- provide the regional agricultural investment programme with adequate Community resources
- undertake external resource mobilization measures with development partners, in association with EBID.

Furthermore, the Authority invited Member States to formulate proposals for combining the implementation of ECOWAP and the NEPAD Detailed African Agricultural Development Programme. There should also be round-tables organized to mobilize the required financial resources.

TRANSFORMATION OF THE ECOWAS EXECUTIVE SECRETARIAT INTO A COMMISSION

To enable ECOWAS better play its role in the integration and development process of the region, and to better adapt to the international environment, the Authority decided to transform the Executive Secretariat into a 9-member Commission, headed by a President.

PRIVATE SECTOR PARTICIPATION

The Authority received with appreciation the message from the representatives of the West African private sector in which the economic operators declared their desire to play a more active role in the regional integration process. The Heads of State and Government recalled the ECOWAS Treaty provisions concerning the promotion of the private sector in order to build a firm economic base and achieve sustainable development. They welcomed the proposal for the establishment of an ECOWAS Business Council as an advisory body to the decision-making organs of the Community. To this end, the Executive Secretariat was directed to work in close collaboration with all sections of the West African business community to ensure the effective creation and functioning of the proposed Business Council.

REGIONAL STATISTICAL HARMONISATION

The Authority acknowledged the need for a significant improvement of statistics in the region to enhance the operation of the ECOWAS multilateral surveillance mechanism, and more generally, to

improve the basis for decision-making in both private and public sector institutions. Consequently, the Authority adopted a 2006-2010 Statistical Harmonization Programme and directed the Executive Secretary to mobilize the resources needed for its implementation from both internal and external sources. In this connection, the Executive Secretary was authorized to sign a cooperation protocol with the relevant regional institutions to facilitate the development of the regional statistical system. The Authority also adopted the common frameworks for the compilation of Gross Domestic Product (GDP) and for Consumer Price Indices (CPI) as well as external trade statistics, and enjoined all Member States to ensure an immediate application of these harmonized statistical instruments.

ADOPTION OF ECOWAS COMMON EXTERNAL TARIFF

Heads of State and Government deliberated on the Community objective of creating a customs union, and noted in particular the efforts being made to consolidate the free trade area status that was achieved in 2000. While adopting the ECOWAS Common External Tariff, they noted the various measures that Individual Member States had taken towards the effective application of this common customs regime. The Executive Secretariat was directed to continue its collaboration with the UEMOA Commission to ensure the resolution of all outstanding issues to enable all Member States operate the ECOWAS CET by 31 December 2007, the end of the transition period.

REGIONAL PEACE AND SECURITY

The Authority undertook an in-depth review of the political and security situation in the region. Heads of State and Government expressed general satisfaction with the progress made. They referred in particular to the successful elections that were held in the region during the year, and the positive results achieved with the ECOWAS peace mediation efforts. The Authority resolved to maintain the current momentum of peace processes in West Africa. By so doing, ECOWAS would be able to put an end to all the active conflicts and to focus on its fundamental objective of economic and social development.

On the issue of ECOWAS monitoring of the political and security situation in specific Member States, the Authority concluded as follows:

Cote d'Ivoire

The Authority welcomed the progress made in the peace process under the auspices of ECOWAS, the African Union and the United Nations. Heads of State and Government expressed satisfaction at the achievements made in the implementation of the UN Security Council Resolution 1633 by the designation of Mr. Charles Konan Banny as Prime Minister and the formation of a new Government. Noting the continuing efforts for the implementation of UN Security Council Resolution 1633, the Authority stressed the need for ECOWAS close involvement and leadership of the mechanism for monitoring its implementation.

Liberia

The Authority expressed its appreciation at the positive evolution of the situation in Liberia and warmly congratulated Mrs. Ellen Johnson-Sirleaf, the President-elect of Liberia. The Heads of State and Government resolved to take all necessary measures to guarantee the durability of the peace process in this critical post-electoral phase. They called on the international community and the UN to speedily establish the Peace-Building Commission (PBC). Pending the operationalisation of the proposed commission, they appealed to the international community to provide all necessary financial and logistic support to ensure the process of reintegration of ex-combatants and the reconstruction of Liberia.

The Authority commended the ECOWAS Mediator General Abdulsalami Abubakar for his relentless efforts in support of the peace process in Liberia.

Guinea Bissau

The Authority expressed satisfaction with the ECOWAS peace efforts in Guinea-Bissau. Heads of State and Government welcomed the successful conduct of the elections and called on the political parties to avoid actions that could jeopardize the progress achieved. The Authority emphasized the necessity to hold a donor round-table in February 2006 for Guinea Bissau to mobilize the resources needed for the reconstruction of the country. It called on the Executive Secretary and the development partners to remain seized of the situation in Guinea Bissau and continue their active involvement in the reconstruction process of the country.

The Authority paid tribute to the patriotism of the Armed Forces of Guinea Bissau and invited the international community to provide relevant assistance for security sector reforms and general reconstruction efforts in the country.

Sierra Leone

Heads of State and Government welcomed the considerable progress being made in Sierra Leone. They stressed the need to increase the international assistance extended for the implementation of the country's development programme in the post conflict period. In the light of the achievements made, the Authority strongly recommended that Sierra Leone should be removed from the list of the countries in conflict.

Togo

Heads of State and Government recognized that Togo is in the process of reconciliation with the framework of the inter-Togolese dialogue. They therefore encouraged all political parties in Togo to be involved in the dialogue. The Authority assured the Togolese political parties of the commitment of ECOWAS to continue to support the political process.

OPERATIONALISATION OF ECOWAS PEACE FUND

Heads of State and Government noted with much satisfaction the effective operationalisation of the ECOWAS Peace Fund. They congratulated the Member States which had made their contribution to the Fund and appealed to those which had not yet done so to meet this important Community obligation without further delay. They directed that an annual ECOWAS contribution of UA 2 million to the Fund should be made. They also expressed gratitude to the development partners who supported the creation of the Fund and have made financial contributions. The Authority recalled the three windows of the Peace Fund (conflict prevention and capacity-building; conflict management and peace-keeping, and post-conflict reconstruction). In their appeal to the international community for further support, Heads of State and Government indicated that the three Windows were designed to accommodate the different conditions governing the financial interventions of the principal West African development partners.

CONTROL OF CROSS-BORDER CRIME

The Authority reviewed the Community mechanisms for the fight against trans-border criminality, as part

of the objective of enhancing regional peace and stability. In acknowledgment of the importance of the ECOWAS initiative to curb human trafficking, Heads of State and Government agreed to extend for a further period of two years, the initial plan of action that had been in operation. They called on all Member States to take necessary measures to facilitate its implementation and contribute to the elimination of the dreadful scourge of human trafficking and slavery.

ECOWAS SUPPORT OF UN SECURITY COUNCIL REFORM

The Authority expressed regret at the slow pace of the reform of the UN, and in particular at the reluctance of certain countries to the expansion of the Security Council. Heads of State and Government stated that the proposed reform could give Africa increased representation and enable it to better defend the interests of the Continent. They, therefore, directed the ECOWAS Ministers of Foreign Affairs to redouble their efforts to accomplish the reform of the Security Council at the resumed session of the General Assembly in early 2006.

SPECIAL APPEAL ON THE COMMUNITY LEVY

Heads of State and Government noted the continued failure to fully implement the Community Levy by a majority of Member States. They strongly appealed to Member States to take all necessary measures to implement it fully to provide resources to ECOWAS.

The Authority stressed the need to devote more of the resources of the Community to the development of regional projects and encouraged the Executive Secretary to continue the reform of the budgeting process in that direction.

FREQUENCY OF ECOWAS SUMMITS

Heads of State and Government recalled their decision to hold ordinary sessions of the ECOWAS Authority twice a year. They took due note of the increasing pace of regional integration and the many issues that need to be brought before the Authority for consideration and decision. They, therefore, directed the Executive Secretary to organize the work of the Community to ensure the convening of the Authority twice a year.

SWEARING-IN OF SECOND ECOWAS PARLIAMENT

The Authority took note of the expiration of the first ECOWAS Parliament on 15 November 2005. In view of the decision to review the mission, functions and structure of the ECOWAS Parliament in the light of the experience over the last five years, the Authority decided that the restructuring of the Parliament should be completed before the Second Parliament is sworn-in.

APPOINTMENT OF EXTERNAL AUDITORS

The Authority appointed Deloitte and Touche of Cote d'Ivoire as the External Auditors of the Community Institutions for a period of two years with effect from January 2006, renewable for two additional terms of a two-year duration each.

RENEWAL OF APPOINTMENT OF JUDGES

The Authority renewed for a term of five years the appointment of the following judges of the Community Court of Justice:

- **Justice Hansine N. Donli - President**
- **Justice Soumana D. Sidibe - Vice President**
- **Justice Awa Daboya Nana - Member**
- **Justice Anthony A. Benin - Member**

RENEWAL OF APPOINTMENT OF EXECUTIVE SECRETARY

The Authority renewed the appointment of the Executive Secretary, Dr. Mohamed Ibn Chambas for a further four-year term with effect from 1st February, 2006.

ELECTION OF NEW CHAIRMAN OF AUTHORITY

Heads of State and Government re-elected His Excellency Mamadou Tandja President of the Republic of Niger as the Chairman of the ECOWAS Authority of Heads of State and Government for another term of one year.

DATE AND VENUE OF THE NEXT SUMMIT

The next ordinary session of the Authority shall be held in Niamey at a venue and date to be decided through consultation.

VOTE OF THANKS

The Heads of State and Government expressed their deep gratitude to His Excellency Mamadou Tandja, President of the Republic of Niger and Chairman of the Community, for the leadership he has exercised in the promotion of regional peace and security and the strengthening of the ECOWAS integration and development process.

Their Excellencies expressed particular appreciation for the excellent hospitality extended to them during their stay in Niamey. The Heads of State lauded the contribution of President Tandja toward regional integration and the entrenchment of democracy.

The Authority expressed its gratitude and appreciation to all the Heads of State and Government involved in the peace initiative towards finding an acceptable and durable solution to the conflicts in the region.

THE AUTHORITY