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AFRICA DO OESTE

ECONOMIC COMMUNITY
OF WEST AFRICAN STATES



COMMUNAUTE ECONOMIQUE
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DE L'OUEST

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SEVENTIETH ORDINARY SESSION OF THE ECOWAS COUNCIL OF MINISTERS

Abidjan, 20th – 21st June, 2013

FINAL REPORT

ECOWAS Commission
Abidjan, June, 2013

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INTRODUCTION

1. The Seventieth Ordinary Session of the Council of Ministers was held from 20th to 21st June, 2013 in Abidjan, Republic of Côte d'Ivoire. The meeting, which was attended by Ministers in-charge of ECOWAS Affairs and Finance, was chaired by H.E. Charles Koffi DIBY, Senior Minister of Foreign Affairs of Côte d'Ivoire and Chairman of Council.
2. The following Member States were represented:
 - Republic of BENIN
 - BURKINA FASO
 - Republic of CAPE VERDE
 - Republic of COTE D'IVOIRE
 - Republic of The GAMBIA
 - Republic of GHANA
 - Republic of GUINEA
 - Republic of GUINEA BISSAU
 - Republic of MALI
 - Republic of NIGER
 - Federal Republic of NIGERIA
 - Republic of SENEGAL
 - Republic of SIERRA LEONE
 - TOGOLESE Republic
3. The following institutions and specialized agencies of ECOWAS were also represented:
 - ECOWAS Commission;
 - ECOWAS Parliament;
 - Community Court of Justice;
 - West African Health Organisation (WAHO);
 - Inter-Governmental Action Group against Money Laundering in West Africa (GIABA);
 - ECOWAS Regional Centre for Renewable Energy and Energy Efficiency (ERCREEE);
 - ECOWAS Regional Electricity Regulatory Agency (ERERA);
 - ECOWAS Bank for Industry and Development (EBID)
 - West African Power Pool (WAPP)
 - ECOWAS Gender Development Centre
 - ECOWAS Centre for Youth and Sports Development

4. The list of participants is annexed to this report.

I. OPENING CEREMONY

5. In his opening address, the Chairman of the Council of Ministers, H.E. Charles Koffi DIBY, Senior Minister, Ministry of Foreign Affairs of the Republic of Côte d'Ivoire, welcomed to Abidjan all the Ministers participating in the Seventieth Ordinary Session of the ECOWAS Council of Ministers.

6. He said the meeting was aimed at making a mid-term appraisal of ECOWAS activities through the various reports of the President of the Commission on the status of implementation of institutional and structural matters.

7. To that end, he urged his Colleagues to consider the 2013 Interim Report of the President of the Commission which will outline the progress recorded in the deepening of the regional integration process.

8. In this regard, he recalled the conclusions of the 19th Ministerial Meeting on the political dialogue between the European Union and ECOWAS held on 16 May 2013 in Brussels, which enabled us to agree with our Partners on the need to conclude before the end of this year, the negotiations on the Economic Partnership Agreement.

9. On the Malian crisis and its humanitarian repercussions, he welcomed the signing of the Preliminary Agreement for the Presidential elections and the inclusive dialogue for peace in Mali. On behalf of the ECOWAS Chairman, H.E. Mr. Alassane OUATTARA and the Council of Ministers, he congratulated the Mediator in the Malian crisis, H.E. Mr. Blaise COMPAORE, on his efforts leading to the signing of this significant Agreement, as well as the traditional partners for their support regarding the development, safeguard and consolidation of peace efforts in the sub-region.

10. On this note, he declared open the 70th Ordinary Session of the Council of Ministers.

11. The President of the Commission in turn welcomed the ministerial delegation and recalled the political background in which the 70th Ordinary Session of the Council of Ministers is being held, characterized by a gradual stabilization in Guinea Bissau and Mali. In addition to the formation of an all-inclusive government, he underscored the consensus reached by all the Guinea Bissau stakeholders on the regime pact adopted in April 2013 regarding the impending November 2013 elections. In the case of Mali, the President of

the Commission welcomed the excellent work done by all the troops in the field and subsequently the memory of the fallen heroes in the field of honour, especially late Gen. Yaye Garba, Deputy Force Commander of AFISMA. He stressed that the transformation of AFISMA into a United Nations Multidimensional Integrated Stabilization Mission as authorized by UNSC Resolution 2100 would consolidate the ongoing stabilization efforts in this country. In this vein, the President of the Commission commended the sense of responsibility which prevailed during the process of dialogue between Bamako, the MNLA and the HCUA which led to the signing of an Agreement by the parties concerned with a view to seeking peace. Condemning the recent terrorists attacks on the Republic of Niger, the President of the Commission expressed ECOWAS solidarity with that member state and reaffirmed the region's determination to do all it can until peace is fully restored in the region.

12. On the status of integration projects, the President of the Commission indicated among other things that the region had reached a turning point with the process of implementing the ECOWAS Common External Tariff (CET). He advocated unanimous political support from Council members to make the CET a reality. Consequently, he emphasized the advisability of CET establishment in the resumption of the EPA negotiations. With a view to concluding a development-oriented regional EPA, the President of the Commission referred to the work undertaken on the review of the liberalisation scenario, which has been carried out and made it possible to have new measures for market access offers that should enable discussions to be held with the European party.

13. Lastly, the President of the Commission expressed his profound gratitude to H.E. Alassane OUATTARA, President of the Republic of Côte d'Ivoire and ECOWAS Chairman, for his personal involvement in the improvement of the security situation in the region and in the consolidation of our Community building process. He also commended the strong mobilisation of ECOWAS partners, especially for the success of the International Donor Conference for Development in Mali held on 15 May 2013 in Brussels and for their support in the implementation of ECOWAS programmes.

14. The full texts of the speeches are attached to this report.

II. ELECTION OF BUREAU

15. The following bureau was elected:

- Chairman - Republic of Cote d'Ivoire
- Rapporteurs - Republic of Ghana
- Republic of Guinea Bissau

III. ADOPTION OF AGENDA AND WORK PROGRAMME

16. The following agenda was adopted:

- I Opening Ceremony
 - Opening Statement by the Chairman of Council
 - Statement by the President of the ECOWAS Commission
- II Adoption of Draft Agenda and Work Programme
- III Election of Bureau
- IV Close Door Session

ITEMS FOR DECISION

- V Presentation and Consideration of the 2013 Interim Report of the President of the ECOWAS Commission
- VI Presentation and Consideration of the Status of Tasks Assigned by the 69th Ordinary Session of the ECOWAS Council of Ministers
- VII Presentation and Consideration of the Financial Controller's 2012 Final Report
- VIII Presentation and Consideration of the Report of the 11th Meeting of the Administration and Finance Committee
- IX Presentation and Consideration of the Report of the Audit Committee
- X Consideration of the Draft Agenda of the 43rd Ordinary Session of the Authority of Heads of States and Government
- XI Memorandum of the President of the Commission on the expansion of Commission membership from nine to fifteen



ITEMS FOR ENDORSEMENT

- XII Report of the Ministers of Finance on the ECOWAS Common External Tariff
- XIII Progress Report on the EPA Negotiations
- XIV Report on the ECOWAS Regional Competition Authority
- XV Report of the Meeting of Ministers of Labour, Employment and Social Affairs
- XVI Report of the ECOWAS Ministers of Infrastructure, Transport, ICT and Water Resources
- XVII Report on the Conclusions of the 10th Energy Ministers Meeting
- XVIII Memorandum on the Supplementary Act relating to the Establishment and Implementation of Joint Border Post within ECOWAS Member States
- XIX Memorandum of the Eleventh Meeting of ECOWAS Ministers on Renewable Energy and Energy Efficiency
- XX Report of the Ministerial Meeting on the ECOWAS Research Policy (ECORP)
- XXI Report of the Meeting of ECOWAS Ministers of Health
- XXII Report of the Meeting of Ministers of Security

OTHER ITEMS

- XXIII Any Other Business
- XXIV Adoption of Report
- XXV Vote of Thanks
- XXVI Closing Ceremony

IV. OUTCOME OF DELIBERATIONS

ITEMS FOR DECISION

Item 5: **Presentation and Consideration of the 2013 Interim Report of the President of the ECOWAS Commission**

17. The 2013 Interim Report was presented by the President of the ECOWAS Commission, H.E. Mr. Kadré Désiré OUEDRAOGO.

18. The presentation reveals that the region's economic growth has been positive qualifying it as the most performing region on the continent with a projected GDP growth of 7% in 2013 as against 6.6% in 2012. The dynamism of the regional economy is as a result of consolidation of growth in the major ECOWAS economies such as Nigeria (7.2%), Côte d'Ivoire (8%), Ghana (6.9%), Benin (5.1%) and Senegal (4.0%). Other member States that are expected to record significant growth rates are Sierra Leone (17.1%), The Gambia (8.9%), Liberia (7.5%) Burkina Faso (7.0%), Mali (4.8%), Guinea (4.5%) and Guinea Bissau (4.2%).

19. Regarding the implementation of the Community's work programme, the President highlighted the progress made during the first half of 2013. He noted that significant progress was made during the first half in the implementation of the work programme, and reaffirmed the commitment of the new management team to pursue efforts to achieve the mission assigned to it.

20. On economic and monetary integration, he highlighted the progress made in ensuring the harmonization of economic and financial policies of ECOWAS Member States within the framework of the ECOWAS Multilateral surveillance Mechanism and the implementation of the Roadmap for the ECOWAS single currency programme leading to the establishment of the second West African Monetary Zone (WAMZ) and the ECOWAS-wide single currency in 2020.

21. Concerning the establishment of the customs union, the President gave an update on the progress made in the finalisation of the ECOWAS Common External Tariff (CET) with particular reference to the extraordinary meeting of the ECOWAS Ministers of Finance held from 18th to 20th March 2013 in Praia, which approved all the ECOWAS CET draft texts.

22. Regarding the Economic Partnership Agreement (EPA) negotiations, the President of the Commission informed Council of the finalization and adoption by the EPA Ministerial Monitoring Committee of the overall EPA document.

23. He highlighted the recommendations formulated during the brainstorming session organized by the Commission in collaboration with Member States relevant institutions and Civil Society to review the protocol on free movement and develop an appropriate action plan for the popularization of the text and removal of obsolete sections that are impediments to the implementation of the Protocol.

24. Regarding the development of natural resources in the region, he stated that the Commission had continued its efforts to expedite the implementation of programmes

identified within the framework of agricultural and mineral resource development. The President also gave an update on the activities implemented during the first half of 2013 in the area of recruitment into the 52 critical positions and institutional reforms.

25. The President said the Commission had continued to play a leading role in the regional and international efforts to stabilize the security and political situation in the region particularly in Mali and Guinea Bissau. With respect to Mali, the Commission's effort contributed to the deployment of AFISMA which, supported, by the French Force (SERVAL), curtailed the activities of insurgents and liberated major cities in the North of the country. On the political front, it facilitated the development and implementation of a transitional road map in Mali, provided electoral assistance to Member States and boosted the capacity of the Network of National Human Right Institutions in order to address human rights challenges in the region. A holistic review of the Early Warning System was also undertaken to enhance its capacity to adequately respond to the changing profile of conflicts in Member States

26. Lastly, the President gave a comprehensive report on the activities relating to the development and implementation of infrastructural programmes in the region.

27. After outlining the prospects for the remainder of 2013, the President of the Commission urged all the political leaders to keep supporting ECOWAS programmes with a view to establishing a credible, viable and conducive regional economic space for the realization of the regional integration agenda.

28. Council lauded the quality of the Interim Report and commended the Commission for the actions taken.

29. At the end of the presentation, Council sought clarifications on some of the issues raised and adopted the Report after clarifications were provided.

Item 6: Presentation and Consideration of the Status of Tasks Assigned by the 69th Ordinary Session of the ECOWAS Council of Ministers

30. The Commission presented a report on the implementation status of tasks assigned indicating the status of implementation of each task as well as remarks on the tasks.

31. At the end of the presentation, Council members sought some clarifications on some of the tasks and adopted the report after the clarifications were provided.

Item 7: Presentation and Consideration of the Financial Controller's 2012 Final Report

32. The 2012 final report covers the period 1st January to 31st December 2012 for the Community Institutions which have been allocated financial resources from the Community levy and others by the Council of Ministers for the budget year 2012. The Institutions include the ECOWAS Commission, the Community Parliament, the Community Court of Justice, the West African Health Organisation and the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA). The budgets for the ECOWAS Gender Development Centre (EGDC), the Water Resources Coordination Centre and ECOWAS Youth and Sports Development Centre have been included in that of ECOWAS Commission.

33. The Council of Ministers at its sixty-seventh ordinary session approved a total budget of UA 167,319,510 for the above Community Institutions for the year 2012, a decrease of about 8% over the preceding year. The budget was to be funded from community levy of UA 147,047,008, contribution arrears of UA 600,000, donor grants of UA 19,494,447 and miscellaneous income of UA 178,005. About 88% of the funding of the budget is expected to come from community resources and 12% from donor funds.

34. At the end of the year under review, total income recorded was UA 223,735,592 or 34% of the budgeted income for the year. Of the total income recorded as received, community levy accounted for UA 219,048,634 constituting 98% of total receipts. Of the levy received UA 136,845,905 or 62% was disbursed to finance the institutions' programmes and activities. Only Niger paid an amount of UA 324,887 for the contribution arrears during the year. Donor grants amounted to UA 4,573,423 or 23% of the grants budgeted and miscellaneous income of UA 113,535. The rate of income received for the period from the community levy was good.

35. Issues relating to early and timely receipt of returns on the assessment, collection and deposit of levy continue to persist. Statements on levy assessments continue to be behind schedule. Some statements of levy assessed, collected and deposited into the community levy bank accounts for the period have been received but there were delays in receiving most of them. Nigeria continues to control and restrict access to the ECOWAS levy bank account located at the Central Bank of Nigeria. Contrary to the decision of the Authority A/DEC.4/01/05 and Council regulation C/REG.1/9/03, for effective control of the community levy bank accounts by the Executive Secretariat now Commission without any restrictions, the levy bank account in Nigeria is yet to be handed over to the Commission. Despite all efforts made by the Commission to get the account released, there seems to



be no solution in sight. The Council is therefore reminded to find a lasting solution to this problem.

36. On the contribution arrears, with three years left to the new deadline set for the settlement of all arrears of 31 December 2015, no firm action has been taken to facilitate the recovery of the outstanding balance. The Commission is encouraged to conclude recovery plans with the respective member states. The affected member states are invited to consider revising the rate of the community levy upward in order to raise the required funds to settle their indebtedness to the community as already done successfully by some member States.

37. On the expenditure side, a total amount of UA 129,028,614 was committed during the period representing 77% of the total expenditure budget for the year. Programme expenditure recorded was UA 64,711,286 or 52% of the total expenses committed, administrative expenditure recorded was UA 53,637,756 representing 41% of the total expenses committed whilst amount spent on governing bodies was UA 8,953,404 and other expenditure stood at UA 1,726,168. The overall rates of budget and programme implementation was good compared to last year.

38. In addition, extra-budgetary payments were made mainly regarding the volatile situations in Guinea Bissau and Mali totalling UA 8,089,466, and Election Observer Missions amounting to UA 2,470,522 as well as humanitarian assistance to some member states totalling UA 946,333. All the disbursements were authorized by the Chairman of Council of Ministers.

39. At the end of the period, the number of staff in ECOWAS Institutions increased by Eleven (11) staff to One Thousand and Nine (1009) staff comprising Twenty (20) statutory appointees, Three Hundred and Ninety-Three (393) professionals and Five Hundred and Ninety-Six (596) local staff. The total female staff numbered Two Hundred and Eighty-Two (282), representing 28% of total staff strength and a slight increase of 1% compared to the preceding year. Greater attention should be paid to the number of local staff being recruited into the institutions which had led to over staffing of administrative function. Priority should be given to staffing of the programme departments.

40. As at 31 December 2012, UA 51,166,990 was committed as staff costs representing 97% of the staff expenditure budget for the year and accounting for 40% of the total expenditure for the period. Concerning the effective take-off of the staff pension scheme for the staff of ECOWAS institutions, not much progress has been made. The Board of Trustees is urged to expedite the process of the establishment of the community-wide staff pension plan.

41. There was a total of UA 257 million held in various bank accounts by the community institutions at the end of the year. Of the total amount held, UA 197.8 million was community levy funds which are largely not accessible except of UA 43.9 million. Most of the Institutions have responded to the call for rationalisation of the number of bank accounts held, they set aside funds for separation pay and invested their surplus funds in short term deposits.

42. At the end of his report, eight (8) recommendations were made for the consideration of the Council of Ministers.

43. With regard to the specific recommendations on the ECOWAS Parliament, Council was informed that the Speaker of Parliament has setup a Committee to address the issues raised. Council was further informed that the Committee has begun its work and held a series of meetings and prevailed on Council to permit Parliament to finish its work and report the progress at the next session of Council.

44. Council commended the Acting Financial Controller on the quality of his report.

45. After deliberations, Council adopted the Report and requested the Ag. Financial Controller to present an Assessment Report on the status of implementation of its recommendations at the next Ordinary Session of Council.

Item 8: Presentation and Consideration of the Report of the 11th Meeting of the Administration and Finance Committee

46. The final report of the 13th meeting of the Administration and Finance Committee was presented by the Chairman of the Committee, Mr. TANON Félix, Director, Sub-Saharan Africa and Indian Ocean at the Ministry of Foreign Affairs of Côte d'Ivoire. The report dealt mainly with the following issues:

- Status of Tasks Assigned to Community Institutions
- 2012 Report of the Financial Controller
- Revised Tender Code and Manual of Procedures
- Proposed Enhancement of Powers of the ECOWAS Parliament
- Preparations for ECOWAS 40th Anniversary Celebration in 2015

47. Following deliberations, Council adopted the report and all the recommendations made by the Administration and Finance Committee.

Item 9: Presentation and Consideration of the Report of the 27th Meeting of the Audit Committee

48. The synopsis report of the 27th meeting of the Audit Committee was presented on behalf of the Chairman Mr. Benjamin Codjoe covering the following issues:

- Update on progress on consultancy services for Institutional Reform including evaluation of the Office of the Chief Internal Auditor;
- Update of finalization and implementation of Tender Code and Procurement Practices;
- Update on progress on IPSAS/SAP implementation
- Update on TAMOSYS – Implementation of remaining activities and presentation of final version;
- Consideration of the Report of the External Auditor on the 2011 Financial Statements of ECOWAS Institutions and Agencies;
- General observations on the reports of the External Auditors
 - Insufficiency in the implementation of the new Financial Regulations;
 - Difficulty in the implementation of Headquarters Agreements;
 - Insufficiency in Payroll Administration;
 - Consolidation of budget and financial statements;
 - Lapses in pre-vetting of transactions in certain institutions;
 - Non-review of bank reconciliation statements;
 - Inadequate information systems back-up;
 - Salary exchange rate differences;
 - Unretired advances;
- Timetable for preparation of 2012 financial statements by Community Institutions for audit by KPMG Ghana.

49. After the presentation of the report, Council congratulated the Audit Committee for the quality of the report presented and adopted the report and the recommendations contained therein. In effect, among others, the Council approved the 2011 Financial Statement of the following Institutions and Agencies: The Community Parliament, Community Court of Justice, GIABA, ECOWAS Gender Development Centre, ERERA and ECREEE.

50. Regarding the 2011 Financial Statements of the Commission, Community Levy and WAHO, the Institutions are urged to resolve all outstanding issues so as to conclude the audits and finalise the financial statements. The unretired advances which the Directorate of Finance has not been able to clear should be put forward to the AFC and then to Council of Ministers for accounting write off to clean the books.



Item 10: Consideration of the Draft Agenda of the 43rd Ordinary Session of the Authority of Heads of State and Government

51. The Commission presented the draft agenda of the 41st Ordinary Summit of ECOWAS Heads of State and Government. Council examined the agenda presented and adopted it as amended.

Item 11: Memorandum of the President of the Commission on the Expansion of the Commission from Nine to Fifteen members

52. The Commission presented a memorandum on the Expansion of the Commission and the Allocation of Statutory Positions to Member States. In its presentation, they recalled the memorandum presented to Council at its 11th Extra-Ordinary Session in June, 2012, as well as the Decision of the Authority of Heads of state to increase the current number of Commissioners from nine (9) to fifteen (15) in order to ensure effective and equitable participation of each Member State in the overall management of the Commission. The Commission also recalled the various criteria previously adopted by the Authority on the allocation of statutory positions.

53. In line with this, the Memorandum presented various proposals pertaining to:

- Expanding the Commissioners from nine (9) to 15 (fifteen) posts;
- Allocation, Appointment and Tenure of Presidency and Vice Presidency;
- Allocation, Appointment and Tenure of Commissioners;
- Selection, Appointment and Tenure of Heads and Deputy Heads of Specialised Organs/Institutions;
- Modalities for the Allocation of Statutory Posts;
- Occupied and Vacant Statutory Posts.

54. With regard to the Expansion of the Commission and the Allocation, Appointment and Tenure of the Presidency and Vice Presidency, the Memorandum made proposals relating to the specific Departments to be headed by the various Commissioners and presented two scenarios in respect of the posts of the President and Vice President of the Commission.

55. In conclusion, the Commission invited Council to adopt the proposals contained in the Memorandum.

56. Council made observations and proposals mainly concerning;

- The splitting of the Department of Social Affairs

- The volume of activities of some departments
- The list of statutory positions to be filled
- Rotation in alphabetical order, which should be considered by taking due account of the countries that have already headed ECOWAS
- The choice between the two rotation scenarios proposed
- The relation between the Memorandum proposals and the institutional audit under way.

57. In conclusion, Council asked the President of the Commission to re-examine the memorandum presented while taking due account of the observations made. Regarding the various departments proposed, Council also instructed the Commission to take as much account as possible of the observations and proposals made prior to the submission of the memorandum to the Authority in consonance with its instruction.

58. nonetheless, the Gambian delegation made two reservations regarding Council's conclusion:

- on the issue of expanding the Commission as directed by the Authority, the Gambia entered a reservation and proposed that, in implementing this decision Council must ensure the expansion/ restructuring that is optimal and one that is efficient to serve the best interest of the Community. Considering the fact that Phase One of the restructuring assignment is due in December 2013, the Gambian Delegation proposes that the Commission waits for the report of the Institutional Reform Consultant to guide the Commission and Council in adopting a new expanded future.
- the Gambia also entered another reservation on the non-allocation of statutory positions and proposed that the Commission Council should propose replacements based on the approved guidelines for allocation. The Commission should present this proposal to Council as soon as possible before the next Summit so that Council can endorse it and present it to Authority in July for endorsement. Council should not go to Authority with a list of vacant positions and request them to fix it.

ITEMS FOR ENDORSEMENT

Item 12: Report of the Ministers of Finance on the ECOWAS Common External Tariff

59. The Report of the ECOWAS Ministers in charge of Finance on the Common External Tariff was presented by the Minister of Foreign Affairs of Cape Verde, Mr. Jorge

Borges. In his presentation, he recalled that the establishment of the ECOWAS Common External Tariff (CET), pursuant to Decision A/DEC.17/01/06, is in response to the objective of the Community as enshrined in Article 3 of the ECOWAS Revised Treaty on the establishment of a common market in West Africa.

60. Following seven (7) years of negotiations (2006-2013) within the framework of the Joint ECOWAS-UEMOA committee for the management of the ECOWAS CET, the architecture of the final draft CET as validated by the 51st session of the Technical Committee on Trade, Customs, and Free Movement from 18th - 19th March, 2013, and approved by the meeting of ECOWAS Ministers of Finance on 20th March, 2013 in Praia, are as follows:

S/N	Description	Rate	Tariff Lines
0	Essential Social Goods	0%	85
1	Basic Raw Materials and Capital Goods	5%	2,146
2	Intermediate Products	10%	1,373
3	Final Consumer Goods	20%	2,165
4	Specific Goods for Economic Development	35%	130

61. In addition to three (3) trade defence instruments: Safeguard, Anti-dumping, and Countervailing measures, there are four (4) additional texts to accompany the implementation of the CET. These are regulations on the list of products contained in the ECOWAS Tariff and Statistical Nomenclature; heavily taxed inputs; Customs valuation; and the Community Integration levy.

62. After deliberations, Council adopted the Report and its related texts.

Item 13: Progress Report on the EPA Negotiations

63. The Commission presented a Report on the status of the negotiations of the Economic Partnership Agreement and recalled the established modalities for the negotiation of new trade agreements provided for in Articles 35 onwards of the Cotonou Agreement which, for our region, has been running since October 2003 under the ECOWAS + Mauritania formula

64. Subsequently, it stressed that considerable progress had been recorded on all the issues under discussion. Indeed, of the 114 Articles of the draft text of the agreement, consensus had been reached on 110. Divergences still remain, however, on the following points:

- Market access offer,
- Taking due account of the impact of the EU agricultural subsidies on trade between the two regions;
- Inclusion in the EPA text of the MFN clause.
- Inclusion in the EPA of the non-execution clause that introduces a link between trade related concerns and the issue of political dialogue referred to in Articles 8, 9, 96 and 97 of the Cotonou Agreement;
- WA's request to commence trade negotiations with the countries adhering to a customs union with the EU;
- Adequate funding of the needs arising from the EPA,
- WA's request to introduce the principle in the EPADP protocol, and that of additional resources to be mobilized to finance the EPA.

65. Pursuant to the directives of the 41st Session of the ECOWAS Heads of State and Government to find solutions to the deadlock, West Africa conducted a product- by-product analysis leading to the review of the liberalisation scenario through a re-categorisation of the products listed in the access offer. The analysis was conducted:

- on the one hand, by ensuring coherence between the offer and the ECOWAS CET, and
- on the other hand, by sticking to the development imperatives being sought through trade liberalisation, namely,: access to production factors at low cost, protection of regional production, preservation of state revenues, and contribution to consumer welfare improvement, etc.

66. Thanks to the analysis, the concerns raised by the Member States regarding the competitiveness of the region's production sectors, the decline in the Member States' income, the improvement of the people's welfare, as well as the other appraisals conducted by the Member States, it was possible for the proposals to be approved by the member states after the MMC meeting in Praia on 21 and 22 May, and the regional meeting on liberalisation and the EPADP held in Banjul from 6 to 13 May 2013. The following scenario then ensued from the proposal: a 74.93% opening, and a 25.07% exclusion.

67. While approving the recommendations set out in the report, the Council issued the following instructions:

- a. The Presidents of the ECOWAS and UEMOA Commissions, who are the Negotiators-in-Chief, were urged to initiate a new round of discussions with the European Party on the basis of the new market access offers and a tariff

dismantling timeframe that would ensure the success of the reform, adequate financing and significant implementation of the EPADP. They were also urged to initiate political dialogue at the highest level between the two parties with a view to facilitating the technical works.

- b. The Presidents of the ECOWAS and UEMOA Commissions are further urged to take the necessary measures to ensure all the recommendations made by the MMC meeting in Praia and the regional meeting held in Banjul on the market access offer and EPADP are effectively implemented.

They are also urged to mobilize from their own budget the resources required for the implementation of the priority EPADP actions.

Item 14: Report on the ECOWAS Regional Competition Authority

68. Council was informed of the need to review Article 2 of Supplementary Act A/SA.2/12/08 establishing the Regional Competition Authority adopted by the Authority of Heads of State and Government in 2008. The review concerns aligning the French version with the English version in line with the consensus reached on the structure of the governing body of the regional Authority, namely, taking due account of the fact that the structure will be headed by one Director with **statutory** status, to be appointed for a non-renewable mandate of four (4) years, and two (2) Deputy Directors on permanent contract with a view to ensuring continuity in management. The necessity for putting in place the structure derives from the new policy intended to reduce the administrative costs and, where possible, put in place specialized community agencies at a lower cost.

69. While emphasizing the need to review the above correction, Council approved the amended draft Supplementary Act and recommended that the Authority of Heads of State and Government adopt the draft text.

70. Council adopted the Memorandum on the Regional Competition Authority

Item 15: Report of the Meeting of Ministers of Labour, Employment and Social Affairs

71. On behalf of the Senior Minister, Minister of Employment, Social Welfare and Vocational Training of the Republic of Côte d'Ivoire, Mr. Brahim Kipeya KONE presented the Report of the meeting of ECOWAS Ministers of Labour, Employment and Social Affairs held on 7 December 2013 in Dakar. In his presentation, he informed Council that the Meeting aims at adopting the following documents on social programmes:

- The Draft ECOWAS General Convention on Social Security, its Administrative Arrangement and related application forms for the benefit of migrant workers;
- The Draft ECOWAS Youth Employment Action Plan aimed at increasing youth employability and job creation;
- The Draft Action Plan against Child Labour for creating a conducive environment for the elimination of child labour in the Member States;
- The Draft Supplementary Act instituting the ECOWAS Tripartite Social Dialogue Forum, with a view to promoting stability and social peace.

72. The following key recommendations were made:

- a. Member States are urged to take the requisite measures with a view to facilitating access to social protection for rural workers and the informal economy, particularly by extending the existing social protection regimes, taking into account the African Union's Social Protection Plan for the Informal Economy and Rural Workers (SPIREWORK) (Malabo, July 2011).
- b. Member States should sensitise the populations, as well as build the capacities of the structures and populations to ensure better understanding of issues relating to social security;
- c. Owing to the importance of the specific issue of youth employment, it is necessary to mobilise adequate resources to address the issue. In that regard, not less than 10% of the Community programme budget should be allocated to activities relating to youths.
- d. Member States should provide adequate budgets, especially in sectors with high labour force potentials such as agriculture, infrastructure, etc.
- e. Member States should establish National Action Plan against child Labour;
- f. The ECOWAS Social Dialogue Forum with its tripartite constituents is an important social structure that should be utilised for effective sensitization and mobilisation of the Community to implement programmes especially the ECOWAS Youth Employment Action Plan.

73. After the ensuing discussions, Council adopted the Report and the related recommendations.

Item 16: Report of the ECOWAS Ministers of Infrastructure, Transport, ICT and Water Resources

74. The Honourable Minister of Economic Infrastructure of Côte d'Ivoire, Mr Patrick ACHI presented the Report of the meeting of ECOWAS Ministers for Infrastructure,

Transport, ICTs, Energy and Water Resources on the Programme for Infrastructural Development in Africa Priority Action Plan (PIDA-PAP), held on 9th November, 2012, in Yamoussoukro, Côte d'Ivoire.

75. In his presentation, he informed the Council of Ministers that the Meeting had endorsed the Experts Report and the updated list of infrastructure projects, the road map for the long-term ECOWAS Regional Infrastructural Development Master Plan, as well as the Resolution annexed to the report.

76. He also highlighted the following main decisions taken by the Sectoral Ministerial meeting:

- Adoption of the list of validated regional infrastructure projects to be implemented by the region;
- Extension of the scope of application of the Transport and Energy Development and Financing Fund (FODETE-ECOWAS) to other infrastructure sectors such as ICT and Waters;
- Use of part of the Community Levy to fund exclusively the preparation and the implementation of regional infrastructure projects and to enhance the capacity of EBID. A Decision from the Authority of Heads of State and Government is expected to that end;
- Request to the technical and financial partners, particularly the AUC, the NPCA and the AfDB to give high priority to capacity building, financial aid, technical assistance and any support for the implementation of the selected regional infrastructure projects.

77. In his conclusion, he invited the Council of Ministers to adopt the Report, the related Resolution and annexes, as well as the main decisions highlighted above.

78. After deliberations, Council adopted the Report and the recommendations contained therein.

Item 17: Report on the Conclusions of the 10th Energy Ministers Meeting

79. The report of the 10th Energy Ministers' Meeting was presented by Mr. Adama TOUNGARA, Minister of Mines, Petroleum and Energy of the Republic of Côte d'Ivoire. In his presentation, he recalled the directive of the 42nd Session of the Conference of the Authority of Heads of State and Government to consider the requests from The Gambia (USD 31.90 million), Mali (USD 54.34 million), and Sierra Leone (USD 21.8 million) for assistance in the implementation of emergency energy programmes and make appropriate recommendations to the next Summit.

80. He highlighted the status of implementation of the ECOWAS energy policy and programmes as well as the conclusions of the meeting of the Energy Ministers for consideration and adoption by the Council of Ministers.

81. In conclusion, Council was invited to adopt the report as well as the resolutions and texts contained therein.

82. After deliberations, Council adopted the report and the recommendations contained therein.

Item 18: Memorandum on the Supplementary Act relating to the Establishment and Implementation of Joint Border Post within ECOWAS Member States

83. The Memorandum on the Supplementary Act relating to the Establishment and Implementation of Joint Border Posts within the ECOWAS Member States was presented on behalf of the Minister of Transport of Côte d'Ivoire by Mr. Benjamin Daufangny SORO, Director of Cabinet, Ministry of Transport of the Republic of Côte d'Ivoire. In his presentation he recalled the various Decisions of the Authority of the ECOWAS Heads of State and Government taken in favour of the development of Transport and related sectors including the establishment of Joint Border Posts to enhance joint controls and improve border crossing formalities.

84. The Memorandum highlighted the provisions of the Supplementary Act which aims at ensuring the smooth operationalization of the Joint Border Posts upon completion, by providing inter alia, guidelines for the homogenous application of procedures across the region.

85. In conclusion, the Council of Ministers was invited to approve the Supplementary Act to facilitate the establishment, operation and management of Joint Border Posts in West Africa.

86. After presentation, Council adopted the Memorandum.

Item 19: Memorandum of the Eleventh Meeting of ECOWAS Ministers on Renewable Energy and Energy Efficiency

87. The Chairman of the ECOWAS Energy Ministers, Honourable Oluniyi ROBIN-COKER, Minister for Energy and Water Resources, Sierra Leone, presented the Memorandum on the ECOWAS-GFSE-UNIDO High Level Energy Forum, as well as the recommendations of the Meeting of ECOWAS Energy Ministers held in Accra, Ghana from 29th – 31st October, 2012.

88. In view of the need to enhance the enabling environment for increased access to energy services in the ECOWAS Region and to provide opportunities for the diversification of the region's energy sources, the Energy Ministers meeting adopted a common Action Plan to implement the Sustainable Energy For All (SE4ALL) Initiative in the ECOWAS region. It also adopted four (4) resolutions relating to:

- The ECOWAS Energy Efficiency Policy;
- The ECOWAS Renewable Energy Policy;
- The ECOWAS Small-Scale Hydro Power Programme; and
- The ECOWAS Bio-energy Strategy.

89. In his conclusion, the Honourable Minister, informed the Council that the Draft Regulations on the four documents are presented for their consideration and adoption while the two Supplementary acts on the ECOWAS Energy Efficiency Policy and the ECOWAS Renewable Energy Policy respectively are presented for recommendation to the Authority of Heads of State and Government for adoption.

90. After presentation, Council adopted the Report and all the recommendations contained therein.

Item 20: Report of the Ministerial Meeting on the ECOWAS Research Policy (ECORP)

91. The Report of the Meeting of the ECOWAS Ministerial Committee held on 27 June, 2012, in Cotonou, Benin, was presented by the Minister of Higher Education and Scientific Research of Côte d'Ivoire. In presenting the report, he indicated that the main objective of the meeting was to examine and validate the report of the experts' meeting on the ECOWAS Regional Research Policy. The main recommendations of the report centred on the following:

- The Programme and Terms of Reference;
- The status of Scientific Research in the ECOWAS Region;
- The Regional Research Policy Document;
- The Organizational Structure for the implementation of the ECORP

92. In conclusion Council was invited to adopt the Report on ECORP.

93. After presentation, Council adopted the report and the recommendations contained therein.

Item 21: Report of the Meeting of ECOWAS Ministers of Health

94. The Ministers of Health report was presented by Dr. Raymonde Goudou COFFIE, Minister of Health and AIDS Control of the Republic of Côte d'Ivoire. In his presentation, he informed Council that the meeting centred on the following key areas:

- Annual report of the Director General of WAHO
- Report of the Committee of Health Experts
- The report of the WAHO partners forum
- The presentation of countries' experiences
- Launch of the ECOWAS fake drug and illegal drug trade
- Date and venue of the next assembly of Health Minister
- Signing of the framework for collaboration between WAHO and pharmaceutical industries of the region
- Exchange with Partners.

95. In conclusion, Council was invited to adopt the report.

96. After deliberations, Council adopted the report and all the recommendations contained therein.

Item 22: Report of the Meeting of Ministers of Security

97. The Report of the ECOWAS Ministers in charge of Security held in Abidjan, Cote D'Ivoire on the 25th of June 2012 was presented by the Commission. The Report indicated that their meeting examined and endorsed the recommendations presented by the Technical Committee for the effective implementation of the Free Movement Protocol.

98. It recalled the determining factor for the adoption on 29th May 1979 of the Protocol on Free Movement of Persons, Right of Residence and Establishment and related Supplementary Protocols was to eradicate the obstructions of free movement and goods for establishment of a single market in West Africa with a view to mitigating the weaknesses of the national economies.

99. The Report lamented the fact that despite the legal framework that was put in place over thirty years ago, ECOWAS citizens are facing limitations to their rights as enshrined in the Protocol of Free Movement. These impediments are as a result the proliferation of un-authorized road-blocks, extortion of citizens, harassments at Border-Posts and lack of

proper knowledge about the rights. Heads of State and Government have bemoaned the state of or highways and the proliferation of illegal checkpoints at their annual Summits.

100. In conclusions, Council was invited to adopt the ten (10) recommendations in the Report of the ECOWAS Ministers in Charge of Security.

101. Council adopted the Report and the recommendations contained therein.

OTHER ITEMS

Item 23: Any Other Business

102. The Senegalese delegation expressed deep concern at the hasty manner in which the Community Court of Justice gave its ruling in a legal suit pending before the national courts. In that context, it reaffirmed the determination of the Senegalese Government to embark on, and adhere to, all the ongoing procedures aimed at sanctioning all acts of prevarication and/or bad governance that may lead to the conviction of any person exercising, or who has exercised, any public functions. Notwithstanding the foregoing, the Senegalese delegation informed Council that the highest Senegalese authorities reserve the right to raise the matter before the Authority of ECOWAS Heads of State and Government.

103. The Court informed Council that the Court was there to serve the Citizens of the Community in accordance with the legal texts that define its mandate and govern its mode of operations.

104. The Gambian delegation raised the issue of the hosting of Community institutions by Member States and indicated that The Gambia was among the few that are not currently hosting any ECOWAS Institution. They stated that they have already registered their interest to host the ECOWAS Competition Authority or any one of the emerging institutions. The Commission noted The Gambia's interest and stated that Guinea Bissau has also expressed similar interest. The Commission further indicated that there are already existing texts that provide for the criteria for hosting ECOWAS Institutions, and that these would be applied in selecting a host country for the emerging institutions.

105. The delegation of Sierra Leone made reference to the abundant resources in the sub-region and appealed for the intensification of the integration process through the identification of specific areas such as Trade, Free Movement and Infrastructure so as to move faster in the integration process. The Commission shared Sierra Leone's concerns and recommendations and highlighted the various priority programmes underway in the specific areas cited.

106. With regard to the ongoing recruitment exercise into fifty-two (52) positions in the ECOWAS Commission, Council urged the Commission to give due regard to the relevant provisions of Article 4 of the Revised Treaty by giving particular attention to those countries that are under-represented in the Community Institutions.

Item 24: Adoption of the Report

107. This report was adopted after amendments. The Council of Ministers also adopted the three attached communiqués relating to: (i) the signing of the preliminary agreement on the Presidential elections and inclusive dialogue for peace in Mali (ii) the transition process in Guinea Bissau and (iii) the terrorists attacks on the Republic of Niger.

Item 25: Closing Remarks

108. The Chairman of Council, H.E. Charles Koffi DIBY, in his closing remarks, thanked Council members for their contributions during the deliberations and for the spirit of camaraderie, which prevailed during their session. Thereafter, he declared the Seventieth Ordinary Session of Council closed, and wished all participants safe journey back to their respective destinations.

DONE AT ABIDJAN THIS 21st DAY OF JUNE, 2013



**HIS EXCELLENCY CHARLES KOFFI DIBY
MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF CÔTE D'IVOIRE**

CHAIRMAN

FOR: THE COUNCIL OF MINISTERS



VOTE OF THANKS

The participants at the Seventieth ordinary session of the ECOWAS Council of Ministers held in Abidjan, from 20th – 21st June, 2013 express their profound gratitude to His Excellency Alassane OUATTARA, President of the Republic of Côte D'Ivoire and Chairman of the Authority, and to the Government and people of Côte D'Ivoire for the warm African hospitality extended to them during their stay in Abidjan and for the facilities placed at their disposal to ensure the success of their meeting.

DONE AT ABIDJAN THIS 21st DAY OF JUNE, 2013

THE SESSION