

**COMUNIDADE DOS ESTADOS DA  
AFRICA DO OESTE**

**ECONOMIC COMMUNITY  
OF WEST AFRICAN STATES**



**COMMUNAUTE ÉCONOMIQUE  
DES ÉTATS DE L'AFRIQUE  
DE L'OUEST**

ORIGINAL : FRENCH

**THIRTEENTH EXTRAORDINARY SESSION  
OF THE ECOWAS COUNCIL OF MINISTERS**

Yamoussoukro, 26<sup>th</sup> March, 2014

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**FINAL REPORT**

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**ECOWAS Commission  
Yamoussoukro, March 2014**

## **Introduction**

1. The Extraordinary Session of the Council of Ministers was held on 26<sup>th</sup> March, 2014 in Yamoussoukro, Republic of Côte d'Ivoire. The meeting, which was attended by ECOWAS Ministers of Foreign Affairs, Integration, Trade, Defence and Security, 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 Cabo Verde;
- Republic of Côte d'Ivoire;
- Republic of The Gambia;
- Republic of Ghana;
- Republic of Guinea;
- Republic of Guinea Bissau;
- Republic of Mali;
- Republic of Liberia;
- Republic of Niger;
- Federal Republic of Nigeria;
- Republic of Senegal;
- Republic of Sierra Leone;
- Togolese Republic.

3. The following Institutions and Specialised Agencies were also represented:

- ECOWAS Commission;
- Community Court of Justice;
- West African Health Organisation;
- Inter-Governmental Group against Money Laundering in West Africa (GIABA);
- ECOWAS Regional Electricity Regulatory Authority;
- ECOWAS Bank for Investment and Development.

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

### **I. Opening Session**

5. The President of the Commission, Mr Kadré Désiré Ouédraogo, expressed heartfelt gratitude to the President of the Republic of Côte d'Ivoire, H.E. Mr. Alassane Ouattara, his Government and people, for accepting to host in Yamoussoukro, this momentous Extraordinary Session of Council, and for the excellent facilities placed at the disposal of ECOWAS.

6. He also welcomed the presence of the Council Ministers and the other Ministers who came to provide backup, Experts from the Member States and Representatives of other stakeholders in the EPA process who, during the 2013-2014 period, were particularly active in

putting forward new proposals for the EPA with a view to seeking a compromise with the European Union on persistent differences.

7. He subsequently referred to the new impetus the Heads of State and Government instilled in the process at the end of their Extraordinary Summit held in Dakar on 25 October 2013 and instructed the Chief Negotiators of West Africa to resume the EPA negotiations with the European Party under the supervision of H.E. Mr. Macky Sall, President of the Republic of Senegal, in the quest for a mutually advantageous political compromise for both parties.

8. While commending H.E. Mr. Macky Sall for his relentless efforts to ensure the success of the mandate entrusted him by the Authority of Heads of State and Government, he welcomed the production of a preliminary draft agreement that had sailed through all the technical stages and is now merely awaiting the final decisions of the ECOWAS Council of Ministers and the Authority of Heads of State and Government.

9. Reminding Council of the importance of this meeting for the consolidation of the region's integration and socio-economic development, he invited Council members to also consider two other items, namely, the Community Judicial Council Report and the Report of the Security Ministers' Meeting on the Amendments to the Protocol on the Free Movement of Persons.

10. He concluded his address by renewing, on behalf on the Community Institutions, his sincere gratitude to the Council of Ministers for their continuing mobilization for the Community's socio-economic development.

11. On that score, he wished them success in their deliberations.

12. In his opening address, the Chairman of the Council of Ministers, H.E. Mr. Charles Koffi DIBY, Senior Minister responsible for Foreign Affairs of the Republic of Côte d'Ivoire on behalf of the President and Government of Côte d'Ivoire, and on his own behalf, welcomed to Yamoussoukro all the Ministers participating in the Thirteenth Extraordinary Session of the ECOWAS Council of Ministers.

13. While emphasizing the importance of this 13<sup>th</sup> Extraordinary Session of Council, which will mainly consider the conclusions of the Ministerial Monitoring Committee meeting on the Economic Partnership Agreement negotiations, he welcomed the significant progress made during the previous extraordinary session held in Abidjan in January 2014, with the completion of the recruitment process and the allocation of statutory positions.

14. He subsequently commended the leadership displayed by the ECOWAS Heads of State and Government in driving the various Community reforms, and crisis resolution in Mali and Guinea Bissau.

15. Recalling the instructions which the Heads of State and Government at their Extraordinary Session in Dakar issued to the West African Chief Negotiators on 25 October 2013, to immediately resume negotiations with the European side with a view to concluding a mutually beneficial Agreement for the parties as soon as possible, Mr. Diby stated that a historic preliminary agreement was concluded early that year. In that regard, on behalf of Council, he reiterated their sincere congratulations to the entire Committee for its hard work.

16. He also commended Mr. Kadré Désiré OUEDRAOGO, President of the ECOWAS Commission, for his untiring efforts to ensure that the Organization attains its goals. While underscoring the significant progress made in recent years, he drew Council's attention to the many challenges facing ECOWAS in its quest to meet the expectations of current and future generations.

17. He concluded his address by wishing Council Members success in their deliberations and called the Extraordinary Session of the ECOWAS Council of Ministers to order.

## **II. Adoption of the Agenda**

18. The Agenda was adopted as follows:

- I. Opening Session
  - Statement by the President of the ECOWAS Commission;
  - Opening Statement by the Chairman of Council;
- II. Adoption of the Agenda;
- III. Election of the Bureau;
- IV. Consideration of the conclusions of the EPA Ministerial Monitoring Committee meeting which took place in Dakar on 17<sup>th</sup> February 2014;
- V. Consideration and adoption of the report of the meeting of the Community Judicial Council;
- VI. Consideration of the final report of the meeting of ECOWAS Ministers in charge of Security on the Biometric Identity Card and Abolition of Residence Card;
- VII. Any Other Business
- VIII. Adoption of report
- IX. Closing Session

## **III. Election of the Bureau**

19. The Bureau was elected as follows:

- Chairman: Republic of Côte d'Ivoire
- Rapporteurs: Republic of The Gambia  
Togolese Republic

## **IV. CONSIDERATION OF THE CONCLUSIONS OF THE EPA MINISTERIAL MONITORING COMMITTEE MEETING, DAKAR, 17<sup>TH</sup> FEBRUARY 2014;**

20. The report of the Ministerial Monitoring Committee (MMC) meeting on the Economic Partnership Agreement held on 17 February 2014 in Dakar was presented by Mr. Ally

Coulibaly, Minister for African Integration and Ivoirians in the Diaspora. The meeting was attended by Ministers of Trade and Finance of all the 16 West African States.

21. Mr. Ally Coulibaly informed the meeting that the MMC took note of the agreement reached by ECOWAS and the European Union on a phased liberalization of 75% of the African market over a period of 20 years. The MMC reiterated the need to maintain synergy between the CET and EPA, particularly in the area of tariffs dismantling and taking into account the economic adjustment cost and the net fiscal loss by the European party. Furthermore, the Member States are urged to undertake tax and economic reforms necessary for the development of national economies with the support of the ECOWAS and UEMOA Commissions.

22. The MMC welcomed the European Union's acceptance of the tariff dismantling schedule proposed by West Africa, which was designed to ensure the gradual deduction in fees made for maintaining the same tariff levels as those of the ECOWAS-CET (35%, 20%, 10%, 5% and 0%). The tariff dismantling for products to be liberalized will be done every five year.

23. With regard to EPA financing, Mr. Coulibaly said the MMC took note of the European Council's commitment to provide at least 6.5 billion euros to cover financing of the EPA Development Programme (EPADP) for the period 2015-2019, and reiterated the need for adequate European support in implementing the Agreement over the requisite period for economic adjustments and improvement of the competitiveness of the productive sector of the West Africa region.

24. To promote the development and integration of West African national economies into the global economy, the MMC stressed the need to improve competitiveness, through targeted investments in infrastructures and the adoption of common standards for West Africa, as well as to take the necessary measures to improve disbursement procedures for EPADP resources under the Regional EPA Fund.

25. As regards the text of the agreement, the MMC endorsed the compromises obtained by the chief negotiators on the lingering differences in the following areas: the Most-Favoured-Nation clause, the non-execution clause, the customs union clause, processing of European subsidies in the EPA, and the Rules of origin.

26. Mr. Coulibaly explained that the above results had been attained due to the participatory approach that prevailed within the West African region due to the quest for acceptable compromises, the involvement of leading political authorities in the region, in particular, His Excellency Macky Sall, President of the Republic of Senegal, the need to refrain from signing the two interim EPAs initialed by Côte d'Ivoire and Ghana and, lastly, the need to consider the development aspects of the EPA.

27. Lastly, the MMC urged the ECOWAS and UEMOA Commissions to take immediate steps to ensure ownership of the Agreement by the major players of the region. Consultations and information should continue with Civil Society Organizations, the private sector and other stakeholders on the content, and the impacts of the agreement. Based on all those elements, the MMC recommended that the present conclusions of the EPA negotiations be submitted to the ECOWAS Council of Ministers for validation

28. The Council of Ministers had a lengthy discussion on the conclusions of the MMC. The participants welcomed the said conclusions and considered the draft Agreement as being an acceptable compromise that resulted in a positive outcome.

29. However Nigeria raised objections regarding the following ten issues:

- a. The need to address the product mix in Group "C" and "D", in order not to hurt Nigeria and West Africa Industrialization drive;
- b. There is need for the development of a clear support programme to enhance the competitiveness of products in group "C" by the EU and ECOWAS Commission and annexed to the EPA agreement;
- c. The agreement did not address the issue of re-imbursement of the fiscal loss estimated to be about \$1.3 trillion for Nigeria and over 50% of some LDC budget that rely on custom duties, as well as loss of investments and jobs that will arise from signing the EPA. Some member States that rely on custom duty will lose up to 50% of their budget. Furthermore, it is not clear how the fiscal/revenue loss will be recovered;
- d. The 6.5 billion euros for the EPADP financing is not satisfactory, as its sources i.e. EDF, EU Member States funding, Aid-for-Trade etc. all exist without EPA. Nigeria wants to be assured about additional funds to the current support;
- e. There is need for additional safeguard clause/ instrument as declaration that would become an integral part of the Agreement. The Regional Supplementary Protection Measures should be annexed or embedded in the agreement;
- f. The EPA text needs to be re-examined. For instance Article 60 on transfers is based on cooperation instead of legal guarantee to compensate for fiscal loss and ensure transfers into our economies. The language used by the EU for removal of export subsidy is on the best of endeavors and not binding;
- g. Review clause: a review of the Agreement every 5 years, using agreed indicators, is needed and Member States should reserve the right to pull out , if the Agreement proves to be disadvantageous to their economy;
- h. The EU needs to work out specific modalities with its own private sector and relate this to the EPA to locate production plants in West Africa in a joint venture arrangement to take advantage of raw materials for EU market;
- i. Monitoring provisions/benchmarks: there is need to develop monitoring indicators and Benchmarks that should include economic indicators like loss in revenue (since different models give different amount; but it is certain that there will be loss in revenue); jobs; impact on MSME, loss of investment etc., Given the size and significant impact on Nigeria's economy and the fact that Nigeria is the only GSP economy in ECOWAS, we propose that Nigeria should be a member of the EPA monitoring group;

- j. There is need to put in place clear monitoring and evaluation indicators to assess the impact of EPA on member State's growth and industrialization by ECOWAS Commission and Member States.

30. Responding to these concerns, the President of the Commission reassured Council of the West African region's precautions regarding the conclusion of this Agreement. He recalled that the market access offer, which was negotiated and accepted by the EU, was done on the basis of the proposals made by West Africa itself. He subsequently recalled that the offer was endorsed by the Authority of Heads of State and Government in Dakar on 25 October 2013 and that it was not amended during the negotiations. It therefore represents a consensus already approved by West Africa.

31. Reacting to the alarming findings raised by Nigeria on the basis of the simulations made from the General Calculable Equilibrium Model (GCEM), the President of the Commission called for caution in the light of the results obtained. He recalled that statistical weaknesses in our region call for prudence, particularly regarding the projections made. On that note, the President said it is was for that reason that the experts of the West African region were unable to ensure the credibility of the simulations made on the basis of the model. In a bid to alleviate this difficulty, the President indicated that the market access offer was elaborated on the basis of rigorous economic analysis of the 5899. He said that the Region made its market access offer choices on the basis of a line-by-line analysis of the 5 899 tariff lines of the ECOWAS CET is comprised, and by taking due account as much as possible, of the specific needs expressed by the states.

32. Each product was examined taken due account of its contribution to the fiscal revenue of the State, the subsistence of the populations, the preservation of employment and its sensitivity to external competition.

33. In addition, the President of the Commission further clarified the commitment of the European Union to maintain at least the sum of 6.5 billion Euros during the three five-year periods after the initial commencement of the EPADP and it is possible to request that this commitment be reinforced. He further gave assurances that it was a matter of additional resources. With regard to the special treatment to be granted to landlocked countries, this issue will be considered under EPADP programming whose priorities are set by the Region.

34. In the case of the anticipated loss of fiscal revenue, the President of the Commission warned against their over-estimation since the Region's trade with the EU revolves around 30% on average and that the liberalization has been progressively spread over a period of 20 years

35. With regard to the effects on industries, he explained that the liberalization plan was aimed at providing them with raw materials and the necessary inputs for their development. He recalled that, moreover, safeguard measures and the additional taxes envisaged in the CET are valid for the EPA and that each State could protect itself in the event of a risk concerning its domestic production.

36. The President of the Commission further indicated that since the EPA would be revised every five years, the Region has the possibility to amend any provision it deems inappropriate. In addition, he recalled that EPA implementation will be managed by a joint Council of Ministers that will resolve any application problems.

37. He emphasized that market access offer is a balance between the interest of the sixteen countries and that the EPA is a dynamic process. Over the 20 year-period of transition, countries will have a sufficiently large opportunity to make the necessary adjustments when the need arises.

38. Lastly, he also underpinned the latent risk of interim EPAs on the integration process if it is not replaced with a regional EPA.

39. Council endorsed the conclusions in view of the fact that:

- The Agreement includes flexibilities and safeguard measures that could be conveniently used by the Member States during its implementation.
- The Agreement should be reviewed every five years;
- All the ECOWAS Member States are committed to pursuing and deepening the integration process of their economies;

40. However, Council agreed to mention the reservations as expressed by Nigeria, when presenting the draft agreement to the ECOWAS Heads of State and Government for decision.

#### **V. Consideration and adoption of the report of the meeting of the Community Judicial Council;**

41. The Chief Justice of the Republic of Côte d'Ivoire and Chairman of the Ad Hoc Committee of the Judicial Council, His Lordship Mamadou Koné presented the recommendations of the Community Judicial Council. He recalled that Burkina Faso, Guinea, Guinea Bissau, Liberia, Mali, Nigeria and Senegal who were allocated Judicial positions at the Community Court of Justice by the Authority of Heads of State and Government at its 43<sup>rd</sup> Summit of 18 July, 2013, had presented candidates who had been interviewed by an Ad Hoc Committee of the Community Judicial Council.

42. He informed Council that, the Ad Hoc Committee's report was presented to and endorsed by the Community Judicial Council on 18<sup>th</sup> March, 2014, in Cotonou, Republic of Benin.

43. His Lordship Mamadou Koné stated that, in conformity with Decision A/DEC.2/06/06 of the Authority of Heads, the interviews for the recruitment of Judges for the ECOWAS Court of Justice were conducted by the Judicial Council established for that purpose. After the interview process, the Council of Ministers recommends the appointment of the following suitable candidates as Judges:



S/N	Member State	Recommended Candidate
1.	Burkina Faso	Jerome Traore
2.	Republic of Guinea	Yaya Boiro
3.	Republic of Guinea Bissau	Maria Do Ceu Silva Monteiro
4.	Republic of Liberia	Micah Wilkins Wright
5.	Republic of Mali	Hameye Founé Mahamadane
6.	Federal Republic of Nigeria	Friday Chijoke Nwoke
7.	Republic of Senegal	Alioune Sall

44. After deliberations, Council commended the Community Judicial Council for the excellent work done and adopted the report thereafter.

#### **VI. CONSIDERATION OF THE FINAL REPORT OF THE MEETING OF ECOWAS MINISTERS IN CHARGE OF SECURITY ON THE BIOMETRIC IDENTITY CARD AND ABOLITION OF RESIDENCE CARD;**

45. The Commissioner for Trade, Customs and Free Movement & Tourism, Mr Hamid Ahmed, presented the Report of the Meeting of the Ministers of Security, which held in Niamey, Republic of Niger, on 25<sup>th</sup> February, 2014. The purpose of the Meeting was to validate and adopt the draft supplementary Act on the proposed ECOWAS National Biometric ID Card and the Abolition of Residence Cards.

46. Following the presentation and on the request of a Member State, Council decided to defer the consideration of this report to its next session.

#### **VII. Any Other Business**

47. The Commission informed Council of the West African Region's participation in the next EU-Africa Summit in Brussels scheduled to hold on 2<sup>nd</sup> and 3<sup>rd</sup> April, 2014, on the theme: "Invest in Populations, Prosperity and Peace". The President of the Commission stated that each region had been allocated a theme and the West African region was allocated the theme relating to Agricultural Development. Council was further informed that H.E Mr. Goodluck Ebele Jonathan, President of the Federal Republic of Nigeria who presides over the Peace and Security Council of the African Union, would make a presentation on Peace and Security. In similar fashion, H.E. Mr. Macky Sall, President of the Republic of Senegal will speak on the theme "Transformation in Africa" in his capacity as Chairman of NEPAD Steering Committee.

48. The Commission also informed Council of the candidature of the Republic of Niger for the Chairmanship of the African Union (AU) in 2017 and their intention to host the statutory meetings of the AU the following year.

49. Council was also informed of the candidatures of Niger, Côte d'Ivoire, Mali and Burkina Faso to the Board of the International Telecommunications Union during the elections scheduled to hold during the Plenipotentiary Conference from 20<sup>th</sup> October to 7<sup>th</sup> November, 2014 in Korea.

50. Burkina Faso also intended to renew the candidature of Mr. Brahim SANOU for the post of Director of Telecommunications Development Bureau during the Plenipotentiary Conference.

51. The Republic of Côte d'Ivoire apprised Council of its intention to host the Regional Coordination Centre for Maritime Security in West Africa.

52. Council took note of the information provided.

#### **VIII. Adoption of the Report**

53. The report was adopted.

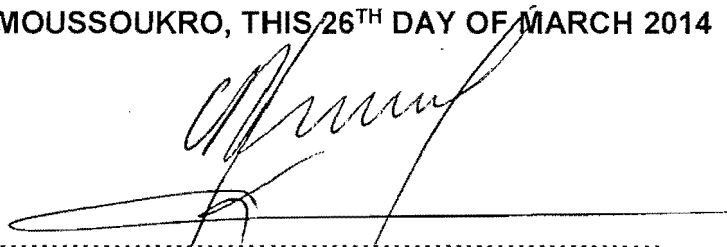
#### **IX. Closing Session**

54. A vote of thanks addressed to the Ivorian Authorities was adopted by Council. The text of the vote of thanks is attached as an Annex to this report.

55. The Chair of Council thanked all the participants for their contributions to the meeting. He expressed satisfaction at the smooth conduct of Council's deliberations, particularly the transparency of the selection process which resulted in the validation of the recommendations by the Ad Hoc Ministerial Committee.

56. He concluded by bidding the participants safe journey to their respective countries and declared the Extraordinary Session of the Council of Ministers closed.

**DONE AT YAMOUSSOUKRO, THIS 26<sup>TH</sup> DAY OF MARCH 2014**



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

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**THIRTEENTH EXTRAORDINARY SESSION  
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YAMOUSSOUKRO, 26<sup>th</sup> March, 2014

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**VOTE OF THANKS**

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The participants at the Thirteenth Extraordinary Session of the Council of Ministers held in Yamoussoukro on 26<sup>th</sup> March, 2014, express their profound gratitude to His Excellency Alassane Ouattara, President of the Republic of Côte d'Ivoire, and the Government and people of Côte d'Ivoire for the warm hospitality extended to them during their stay in Yamoussoukro and for the facilities placed at their disposal to ensure the success of their meeting.

**THE COUNCIL**