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PROTOCOL A/P1/1/03 RELATING TO THE DEFINITION OF THE CONCEPT OF PRODUCTS ORIGINATING FROM MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES

THE HIGH CONTRACTING PARTIES

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

MINDFUL of paragraph 3, Article 38 of the Treaty of the Economic Community of West African States relating to possible amendments to the definition of the concept of products originating from Member States.

RECOGNISING the pressing need to harmonise the integration programmes of the Economic Community of West African States with those of the West African Economic and Monetary Union, with a view to creating a single economic zone in West African.

DESIROUS of ensuring that the definition of the concept of products originating from Member States is in conformity with the new regulations of the World Trade Organization, and of amending the protocol relating thereto accordingly.

HAVE AGREED AS FOLLOWS:

Article 1: Definitions

In this protocol,

“Treaty” Means the revised Treaty of the Economic Community of West African States signed in Cotonou on 24 July 1993.

“Community” means the Economic Community of West African States whose establishment is reaffirmed in Article 2 of the Treaty.

“Member States” means a Members State of the Community.

“Authority” means the Authority of

Heads of State and Government of the Community established by Article 7 of the Treaty.

“Council” means the Council of Ministers of the community established by Article 10 of the Treaty.

“Executive Secretariat” means the Executive Secretariat established by Article 17 of the Treaty.

“Commission” means the Trade, Customs, Taxation, Statistics, Money and Payments Commission established by Article 22 of the Treaty.

“Manufacture” means any form of processing or transformation, including assembly or any other special operation.

“Material” means any ingredient, raw material, component or part used in the manufacture of goods.

“Product” means a finished product, even if the product is to be used thereafter in the manufacture of another product.

“Goods” means materials and products.

“Import Duties” means all customs duties and taxes of equivalent effect levied on goods upon importation.

“Customs Value” means the value of an article determined in conformity with the 1994 agreement relating to the implementation of Article VII of the General Agreement on Tariffs and Trade (Agreement on the WTO Customs value).

“Value of materials” means the customs value at the time of importation of non-originating materials to be used in a process of production or, where such value is not known or cannot be determined, the earliest ascertainable price paid for them in the Member State where they are used in a process of production.

“Value-added” means the difference, expressed as a percentage, between the ex-factory price of the finished product before tax, and the CIF value of raw

non-EC origin, used in the manufacture of the final product in the form under which it is released into circulation.

“Input” means any material, product used in the manufacturing process.

“Chapters” means the chapters used in the nomenclature of the harmonized system of designation and codification of goods, referred to in this protocol as the “Harmonised System” or “HS”.

“Sub-headings” means the sub-headings (4 figures) used in the nomenclature of the harmonized system of designation and codification of goods, referred to in this protocol as the “Harmonised System” or “HS”.

“Classified” means the classification of a product or a material under a particular sub-heading.

“Consignment” means all the products forwarded at the same time by an exporter to a consignee, or transported under the cover of a single document from an exporter to a consignee, or, in the absence of such a document, under the cover of a single invoice.

Article 2: Rules of origin of Community Goods.

1. For the purpose of the provisions of Chapter VIII of the Treaty relating to trade liberalization, goods shall be considered as originating from Member States if:
 - a) They have been wholly produced in Member States, in accordance with the provisions of Article 3 of this protocol.
 - B) They have been produced in Member States but contain raw materials which were not wholly obtained from Member States, provided that such materials have undergone operations and processes that confer Community

protocol.

2. Originating products consisting of materials wholly produced or sufficiently transformed in one or several Member States shall be considered as products originating from the Member State in which the last processing or transformation took place, inasmuch as the processing or transformation carried out there exceeds the processing and transformation defined in Article 5 of this protocol.

Article 3: Goods wholly produced in Member States.

1. The following products shall be regarded as wholly produced in the Member States”
 - a) Live animals born and raised as wholly produced in the Member States.
 - b) Mineral products extracted from the ground, sub-soil or sea bed of Member States.
 - c) Vegetable products harvested within the Member States.
 - d) Products obtained from animals living or raised in Member States.
 - e) Products obtained by hunting or fishing within the Member States.
 - f) Products obtained from the sea, rivers and lakes within the Member States by vessels belonging to the Member states.
 - g) Products manufactured aboard ship factories belonging to Member States, exclusively from the products referred to in paragraph (f) of this Article.
 - h) Used articles fit only for the recovery of raw materials, provided that such articles have

been collected from users within the Member States.

- l) Scrap and waste resulting from manufacturing operations within Member States.
 - j) Goods produced from the material listed in paragraphs (b) to (i) of this article, used alone or mixed with other materials, provided that they represent at least 60% of the total quantity of raw materials used.
 - k) Electric energy produced in Member States.
2. The terms "vessels" and "factory ships" used in paragraph 1 (f) and (g) shall apply only to vessels and factory ships:
- Which are registered in a Member State.
 - Which sail under the flag of a Member State.
 - Which carry a complement, inclusive of the Master thereof, of which not less than 50% are nationals of Member States.

Article 4: Operations and processes conferring origin

For the purpose of this protocol, the following operations and processes shall be considered as sufficient to support a claim of origin from a Member State:

Where:

- 1) Goods are not wholly produced in Member States and where their production requires the exclusive use of materials which are to be classified under a different tariff sub-heading from that of the product.

The above rule shall be accompanied by a list of exemptions mentioning the cases

where the change in the sub-heading is not a determining factor, or imposing additional conditionals. The list shall be established in by a regulation of the Council of Ministers.

Or

- 2) Goods are not wholly produced in Member States and where their production requires the use of materials which have received a value-added of at least 30% of the ex-factory price of the finished goods.

Article 5: The concept of originating industrial Products.

Originating industrial goods shall be those referred to in articles 2 and 3 (j) of this protocol, with the exception of hand-made articles or articles produced without the use of tools instruments or implements directly operated by the manufacturer.

Article 6: Operations and processes not conferring origin.

For the purpose of this protocol, the following operations and processes shall be considered as insufficient to support a claim that goods originate from a Member State.

- a) Operations to ensure the preservation of merchandise in good condition during transportation and storage such as ventilation, spreading out, drying, freezing, placing in brine, sulphur dioxide or other aqueous solutions removal of damaged parts and similar operations.
- b) Simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching, including the making up of sets of goods, washing painting and cutting up.
- c) (i) Changes of packaging and breaking up or assembly of consignment.

flasks, bags, cases boxes, fixing on cards or boards and all other simple packing operations.

- d) Marking or labeling in order to distinguish products or their packages.
- e) Simple mixing of products, even of different types, where one or several of the components do not satisfy the community origin criteria set out in this protocol.
- f) Simple assembly of parts of a product to constitute a complete product.
- g) A combination of two or more operations specified in subparagraphs (a) to (f) of this protocol.
- h) Slaughter of animals.
- i) Salting, placing in brine, drying or smoking of meat, fish, and shellfish.
- j) Freezing of meat, offal, fish, shellfish, fruits, vegetables or garden plants.
- k) Preparation and conservation of meat, offal, blood, fish, and shellfish from products listed in chapter 2 and 3 of the nomenclature of the harmonized system.
- l) Cutting and processing of leaves and foliage of all types.

Article 7: Goods produced in free zones or under special economic regimes.

Goods transformed within the framework of economic or suspensive customs regimes or certain special regimes involving the suspension or partial or total exemption from customs duties on inputs shall in no case be considered as originating products.

1. For the purpose of this protocol, the unit of qualification shall be the product used as the base unit in order to determine classification under on the nomenclature of the harmonized system.

Consequently:

- Where a group, set or assemble of products is to be classified under a single heading, such group, set or assembly shall be treated as one products.
 - Where a consignment is composed of a number of identical products classified under the same heading in the harmonized system, each product in the consignment shall be considered separately.
2. Where, in application of the General Rule No. 5 of the harmonized system, packaging is considered as forming a whole with the goods, the packaging shall be considered as forming a whole with the goods when determining origin.

Article 9: Accessories, Spare Parts and Tools

Accessories, spare parts and tools which are imported with a material, machine, appliance or vehicle, and whose price is included in that of the product or for which no separate charge is made, shall be considered as forming a whole with the material, machine, appliance or vehicle under consideration.

Article 10: Proof of Origin.

Proof of the community origin of goods shall be supported by a certificate of origin stating the conditions set out in this protocol.

However, a certificate of origin shall not be required for agricultural and livestock

products as well as hand-made articles or articles produced without the use of tools, instruments or implements directly operated by the manufacturer.

The certificate of origin shall be issued by the competent authority designated for that purpose by the Member State of origin and countersigned by the Customs Department of that Member State.

Article 11: Identification of Originating Industrial Products.

Originating industrial products shall, where it is technically possible, carry an identification mark on them or on their packaging.

Article 12: Cooperation in Administrative Procedure

In order to ensure the proper and uniform implementation of this protocol, Member States shall, through the intermediary of their respective administrations and services, give mutual aid and assistance in the authentication of certificates of origin.

Article 13: Settlement of Disputes.

1. In the event that the origin of a product is contested, the Member States contesting the community origin of the product shall, on its own initiative or that of any other party concerned, bring the issue to the attention of the competent authority in the issuing country.
2. The exporting Member State shall, within a period of forty-five (45) working days, furnish all necessary information on the conditions under which the contested certificate was issued.
3. Products whose origin is in dispute shall not be denied the advantages granted to originating products, provided that the importer deposits an amount as guarantee for the duties and taxes payable in the importing Member States.

Article 14:

Disputes which remain unresolved by the Member States concerned within the time-limit prescribed in article 13 above shall be brought before the commission by any of the parties concerned through the intermediary of the Executive Secretariat.

Article 15:

The commission shall determine the merits and demerits of the case at its next session, and transmit the dossier of the case to the council of Ministers which shall take a decision thereon and inform the parties concerned accordingly.

Article 16: Amendment and Revision.

1. Any Member State may submit proposals for the amendment or revision of this protocol.
2. Any such proposals shall be submitted to the Executive Secretariat which shall send notice thereof to the Member States not later than thirty (30) days after their receipt. Amendments or revisions shall not be considered by the Authority unless Member States have been received one month's notice thereof.
3. Amendments or revisions shall be adopted by the Authority.

Article 17: Entry into force.

1. This protocol shall enter into force provisionally upon signature by the Heads of State and Government. Accordingly, signatory Member States and the Executive Secretariat hereby undertake to commence implementation of all provisions of the protocol upon signature.
2. This protocol shall enter fully into force upon ratification by at least nine (9) signatory states, and in

procedures of each member State.

3. This protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies thereof to all Member States and notify them of the dates of deposit of instruments of ratification by the Member States and shall register

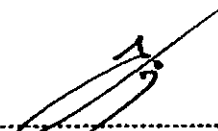
of African Unity (OAU), the United Nations Organisation (UNO), and such other organizations as the council may determine.

Article 18:

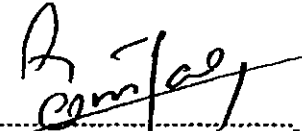
This protocol repeals and replace all existing provisions which are incompatible with the above provisions.

IN FAITH WHEREOF WE, THE HEADS OF STATE AND GOVERNMENT OF
THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN
STATES (ECOWAS) HAVE SIGNED THIS PROTOCOL IN SINGLE ORIGINAL IN
THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL TEXTS BEING
EQUALLY AUTHENTIC.

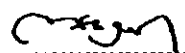
DONE AT DAKAR, THIS 31ST DAY OF JANUARY 2003



.....
His Excellency Mathieu KÉREKOU
President of the Republic of Benin




.....
His Excellency Blaise COMPAORÉ
President of Faso,
Chairman of the Council of Ministers



.....
H.E. Madam Fatima VEIGA
Minister of Foreign Affairs, Cooperation
and Communities,
For and on behalf of the President of
the Republic of Cape Verde




.....
His Excellency Laurent GBAGBO
President of the Republic of Côte d'Ivoire



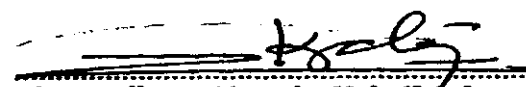
.....
His Excellency Dr. Alhaji Yahya A.J.J. JAMMEH
President of the Republic of The Gambia




.....
His Excellency John Agyekum KUFUOR
President of the Republic of Ghana



.....
Hon. Lamine SIDINE
Prime Minister, representing the
President of the Republic of Guinea



.....
His Excellency Koumba Yala Kouda
NIANCA
President of the Republic of Guinea-Bissau



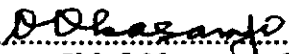
.....
H.E. Moses Z. BLAH
Vice President of the Republic of Liberia
For and on behalf of the
President of the Republic of Liberia



.....
His Excellency Amadou Toumani TOURÉ
President of the Republic of Mali



.....
His Excellency Mamadou TANDJA
President of the Republic of Niger



.....
His Excellency Chief Olusegun OBASANJO
President and Commander-in-Chief of the Armed
Forces of the Federal Republic of Nigeria



.....
His Excellency Mame Abdoulaye WADE
President of the Republic of Senegal



.....
**His Excellency Alhaji Dr. Ahmad Tejan
KABBAH**
President of the Republic of Sierra Leone



.....
His Excellency Gnassingbé EYADEMA
President of the Togolese Republic

**COMPENSATION PROCEDURES FOR
LOSS OF REVENUE INCURRED BY
ECOWAS MEMBER STATES AS A
RESULT OF THE TRADE
LIBERALISATION SCHEME**

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 article 48 of the treaty relating to compensation for loss of revenue registered incurred by a Member States as a result of trade liberalization.

Mindful of the protocol relating to the evaluation of loss of revenue registered by the ECOWAS Member States.

Mindful of protocol A/P1/7/96 relating to the conditions for the application of the Community levy.

Mindful of decision A/DEC.6/7/92 amending decision /1/5/83 relating to the adoption and implementation of a single ECOWAS trade liberalization scheme.

Mindful of decision A/DEC.19/5/80, dated 28 May, relating to the application of compensation procedures for loss of revenue incurred by the Member states.

Considering that one of the major obstacles to the implementation of the ECOWAS trade liberalization scheme stems from the inadequacies observed in the system adopted for the compensation of the loss of customs revenue.

Conscious that harmonization of the trade liberalization schemes operating in the sub-region is a necessary condition for the creation of a common market.

Desirous of enacting a protocol introducing a judicious and effective compensation system for loss of revenue.

Hereby agreed as follows:

ARTICLE 1:

For the purpose of this protocol,

“Treaty” Means the revised Treaty of the Economic Community of West African States signed in Cotonou, on 24 July 1993

“Community” Means the Economic Community of West African States whose creation was reaffirmed by article 2 of the Treaty

“Member State” Means a Member State of ECOWAS.

“Authority” Means the ECOWAS Authority of Heads of state and Government of established by article 7 of the Treaty.

“Council” Means the ECOWAS Council of Ministers established by article 10 of the Treaty.

“Executive Secretariat and Executive Secretary” Means the ECOWAS Executive Secretariat provided for and Executive Secretary appointed under article 17 and 18 of the Treaty respectively.

Article 2:

Under the terms of article 48 of the Treaty, compensation shall be paid to Member States incurring loss of customs revenue from imports as a result of the implementation of the ECOWAS trade liberalization scheme.

II. EVALUATION OF REVENUE LOST

Article 3:

Loss of customs revenue incurring by a Member state is defined as total shortfall in receipts recorded by the Member State as a result of its importation of approved originating industrial products.

Article 4:

Total loss of custom revenue incurred by an ECOWAS Member State importing industrial products originating from another ECOWAS Member State, as a result of the application of the preferential intra-community regime shall be assessed according to the following formula:

$$\text{CRL} = (\text{Cde} + \text{Str}) \times \text{Vcif}$$

Where

CRL	=	Customs revenue lost
Cde	=	Customs duty and taxes of equivalent effect
Str	=	Statistical taxation rate
Vcif	=	CIF value of product.

Article 5:

Shall be compensated, any customs revenue lost as a result of the imposition of import duties and taxes assessed on the basis of the formula stipulated in article 4 above. This provisions shall not be applicable to domestic taxes levied on locally produced goods or goods imported from within the community.

III DURATION:

Article 6:

The duration of the compensation mechanism is fixed at four (4) years, dating from 1 January 2002. Amounts payable as compensation shall

be calculated on a decreasing scale in the following manner:

100% of loss incurred, in 2002

80% of loss incurred, in 2003

60% of loss incurred, in 2004

30% of loss incurred, in 2005

0% of loss incurred, with effect from 1 January 2006.

Article 7:

Member States shall transmit to the Executive Secretariat, within a time-limit not exceeding six months from the date of reference, a list of customs declarations processed under the ECOWAS trade liberalization scheme, accompanied by the originals of the certificates of origin of each product, and copies of the declaration of release for consumption.

IV. COMPENSATION PROCEDURE:

Article 8:

The Executive Secretariat shall be given a time-limit of 90 days from the date of receipt of applications for compensation, to screen the applications, determine the amounts payable as compensation and effect payment.

Article 9:

Payment of compensation shall be effected by the Executive Secretary who shall render account thereof to the Council of Ministers.

V. FINANCING:

Article 10:

Compensation for loss of revenue incurred by Member States shall be financed from the proceeds of the community levy.

Article 11:

Pending the entry into full force of the community levy, the Executive Secretariat shall effect payment of the compensation, in consultation with the Member States, in accordance with the current rules.

VII. FINAL PROVISION:

Article 12: A m e n d m e n t a n d Revision

1. Any Member State may submit proposals for the amendment or revision of this protocol.
2. Any such proposals shall be submitted to the Executive Secretariat which shall notify the Member States, not later than thirty (30) days after receipt of the proposals. Amendments or revisions shall not be considered by the Authority unless Member States have been given at least one month's notice thereof.
3. Amendments or revisions shall be adopted by the Authority.

Article 13: Entry into force

1. This protocol shall enter into force provisionally upon signature by

Government. Accordingly, Signatory Member States and Executive Secretariat hereby undertake to start implementation of all provision of the protocol upon signature.

2. This protocol shall enter into force upon ratification by at least (nine) signatory state in accordance with the constitution procedures of each Member State.
3. This protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposit of instruments of ratification by the Member States and shall register it with the Organisation of African Unity (OAU), the United Nations Organisation (UNO), and other organization as the council may determine.

Article 14:

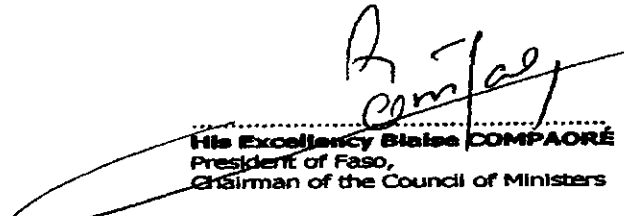
The protocol relating to assessment of loss of revenue and decision A/DEC.19/5/80 dated 28 May 1980, relating to the application of compensation procedure for loss of revenue and all the provisions therein shall be abrogated upon the entry into force of this protocol.

**IN FAITH WHEREOF WE, THE HEADS OF STATE AND GOVERNMENT
OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST
AFRICAN STATES(ECOWAS) HAVE SIGNED THIS PROTOCOL IN SINGLE
ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL TEXTS BEING EQUALLY AUTHENTIC**

DONE AT DAKAR, THIS 31ST DAY OF JANUARY 2003.



.....
His Excellency Mathieu KÉRÉKOU
President of the Republic of Benin



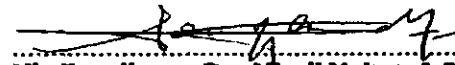
.....
His Excellency Blaise COMPAORÉ
President of Faso,
Chairman of the Council of Ministers



.....
H.E. Madam Fatima VEIGA
Minister of Foreign Affairs, Cooperation
and Communities,
For and on behalf of the President of
the Republic of Cape Verde




.....
His Excellency Laurent GBAGBO
President of the Republic of Côte d'Ivoire



.....
His Excellency Dr. Alhaji Yahya A.J.J. JAMMEH
President of the Republic of The Gambia




.....
His Excellency John Agyekum KUFUOR
President of the Republic of Ghana



.....
Hon. Lamine SIDINE
Prime Minister, representing the
President of the Republic of Guinea



.....
**His Excellency Koumba Yala Kobbe
NHANCA**
President of the Republic of Guinea-Bissau



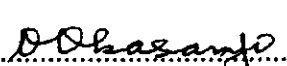
.....
H.E. Moses Z. BLAH
Vice President of the Republic of Liberia
For and on behalf of the
President of the Republic of Liberia



.....
His Excellency Amadou Toumani TOURÉ
President of the Republic of Mali



.....
His Excellency Mamadou TANDJA
President of the Republic of Niger



.....
His Excellency Chief Olusegun OBASANJO
President and Commander-in-Chief of the Armed
Forces of the Federal Republic of Nigeria



.....
His Excellency Maître Abdoulaye WADE
President of the Republic of Senegal



.....
**His Excellency Alhaji Dr. Ahmad Tejan
KABBAH**
President of the Republic of Sierra Leone



.....
His Excellency Gnassingbé EYADEMA
President of the Togolese Republic

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PREAMBLE

The High contracting parties,

Mindful of Article 7, 8, 9 establishing the Authority of Heads of state and Government and defining its composition and functions.

Mindful of the provision of the ECOWAS Revised Treaty, Articles 60-66, identifying areas of cooperation with regard to human resources, information, social and cultural affairs, and of chapter XII relating to cooperation in other areas.

Reaffirming their final objective of accelerated, planned and sustained economic development in the West African sub-region and prosperity for the ECOWAS Member States.

Considering that education and training are an indispensable part of the mechanism for the realization of the objectives of ECOWAS.

Convinced that the full development of human resources is a prerequisite for the resolution of the socio-economic problems confronting the sub-region.

Further convinced that a high rate of literacy and numeracy, promotion of education of girls, and training for women are factors for sustained development.

Conscious of the fact that socio-economic and technological research is crucial for sustained development.

Noting that no ECOWAS Member State can single-handedly provide long-term internationally recognized education and training programmes for its citizens.

Recognizing the need for a national and regional dimension to development programmes, the utilization of human resources and increased productivity.

Considering that Member States have a responsibility to make a concerted effort to equip the sub-region to face the challenges of the 21st century and beyond.

Desirous of ensuring the implementation, coordination and overall integration of regional education and training programmes in order to fulfil the aspirations of the Member States.

Have agreed as follows:

CHAPTER I

DEFINITIONS

ARTICLE 1

For the purposes of this protocol:

“Centre of Excellence: shall mean a research institute within the sub-region, established in accordance with the provisions of Article 8b of this protocol.

“Specialised Centre” shall mean a specialized teaching and training institution within the region established in accordance with the provisions of Article 7e of this protocol.

“Community” shall mean the Economic Community of West African States the establishment of which is reaffirmed by Article 2 of the ECOWAS Revised Treaty.

“Council” shall mean the ECOWAS Council of Ministers, established by Article 10 of the ECOWAS Revised Treaty.

“Qualification” shall mean a certification of a level of education, apprenticeship and training, which may be dispensed in different institutions and under different conditions, applying different methods.

“Equivalence” shall mean the accepted standards expected with regard to the different levels of education and training, and the different educational system.

“Executive Secretary” shall mean the Executive Secretary appointed in accordance with the provisions of Article 18 of the ECOWAS Revised Treaty

“Harmonisation” shall mean the approved and accepted provisions

performance and quality of two educational or training systems or groups of systems.

“HRD Sector” means the human resource development sector.

“Section” shall mean the section of the sub-section created under the terms of article 11 of this protocol.

“Protocol” shall mean the ECOWAS Protocol on cooperation in Education and Training.

“Region” shall mean the ECOWAS region

“A Basic Education shall mean early childhood and minimum of 9 years formal education and non formal education

“High contracting parties” shall means ECOWAS Members States.

CHAPTER II

PRINCIPLES AND OBJECTIVES

ARTICLE 2

PRINCIPLES

The High Contracting Parties, in pursuing the objectives stated in article 2 of this protocol, hereby affirm and declare their adherence to the following principles.

- a) Recognition of the equality of all Member States.
- b) Equitable participation, even distribution and mutual benefit from the proceeds of Regional cooperation.
- c) Optimal utilization of available expertise, institutions and other educational and training resources in the Region for the purposes of ensuring sustained cooperation among the

- d) Rejection of unproductive measures which only serve to undermine the effects of education and training policies at all levels.
- e) Creation and promotion of specialized centres and centres of excellence in the region to provide high quality education and training and conduct research.
- f) Co-option of all parties interested in education and training into actively participating in and functioning as resource persons for the purposes of the programmes provided for in this protocol.
- g) Guarantee of the academic freedom of institutions of learning and research as a means of promoting academic pursuit throughout the region.
- h) Total commitment to the achievement of the objectives of this protocol within the prescribed time-frame in order to reduce the development gap between the ECOWAS Community and the industrialised world.
- i) Simplification and ultimate elimination of immigration formalities in order to facilitate the free movement of students and workers within the region for the specific purposes of study, teaching, research and any other pursuits relating to education and training.
- j) Formulation of policies designed to create an enabling environment with incentives based on merit, and targeting well educated and trained individuals, with a view to encouraging them to use their expertise in the service of the entire region.

- k) Promotion of the teaching and study of National and cross-border languages
- l) Gradual achievement of the objective identified in paragraph "k" above, within a period which shall not exceed fifteen years from the date of entry into force of this protocol.
- m) Phased introduction of equivalences, harmonization and standardization of the educational and training systems and training systems in the region.
- n) Elimination of all discriminatory measures against women in order to ensure equity in all areas of education at all levels.

ARTICLE 3

OBJECTIVES

By the terms of this protocol, Member States undertake to cooperate in the areas of education and training with a view to achieving the following objectives.

- a. To set up an efficient system linking the Member states, for the collation and exchange of information and data on the present and projected education and training needs of the region.
- b. To mobilize resources of Member States for the creation of mechanisms and institutions which will produce the professional, technical, research and management cadres needed to facilitate the development of the region in every sector.
- c. To encourage and coordinate efforts by the Member States to formulate and implement comparable educational and training policies, strategies and systems appropriate to their needs.

- d. To formulate and implement policies and strategies involving the private sector, non-governmental organizations and other parties interested in education and training.
- e. To encourage and coordinate the formulation and implementation of policies, strategies and programmes aimed at promoting the study and application of the sciences, technology, computer programming, and research and development.
- f. To reduce and eliminate the constraints, preventing nationals of Member States, both men and women, from having access to a good education and from availing themselves of the openings for training within the sub-region.
- g. To promote the education of girls and ensure girls' full access to and achievement in all levels of the educational system.

CHAPTER III

AREAS OF COOPERATION

ARTICLE 4

COOPERATION IN EDUCATION AND TRAINING POLICIES.

Member States acknowledge that despite the existence of national education and training policies, regional cooperation and mutual assistance in this area can be enhanced and extended to include other sectors by the implementation of coherent, comparable, harmonized and standardized policies within the following areas:

- 1) Accessibility of education and training for all, with special

scholarship/bursaries for the girl child from disadvantaged communities.

- 2) Raising of educational standards and adaptation of education and training to respond to the needs of the development process.
- 3) Harmonisation of the admissions requirements for institutions of higher learning and vocational training institutions, as well as procedures for the recognition of certificates and other qualifications;
- 4) Introduction of measures to encourage the joint preparation and production of teaching and learning materials.
- 5) Establishment of partnerships to finance education and training schemes, with the involvement of governments, private sector and all other stakeholders.
- 6) Encouragement of academic freedom and excellence as a contribution to the development of the region.
- 7) Achievement of comparability, equivalence and standardization of the education and training systems.

ARTICLE 5

COOPERATION IN BASIC AND SECONDARY EDUCATION:

1. Member States shall recognize the importance of basic and secondary education as the foundation upon which tertiary education is built and consequently undertake to raise educational standards at both the basic and secondary school level.
2. Member States shall recognize the importance of familiarizing

ECOWAS Region, thereby accelerating the integration process. They therefore undertake to include material on the ECOWAS Member States in the curricula of their basic and secondary schools.

3. Member States shall, as a measure for the eradication of illiteracy, undertake to take individual measures to ensure that every child of school age shall enjoy a minimum of nine years basic education.
4. Member States shall undertake to give special assistance to the most socially disadvantaged and physically challenged groups in gaining access to basic education; however this measure shall be without prejudice to the normal admission requirements.
5. Member States shall ensure that basic education will teach students skills designed to equip them for life.
6. Member States shall endeavour to ensure that basic and secondary school education shall remain for the most part under State control and that the following areas shall be the focus of cooperation and mutual assistance:
 - A) The formulation and execution of school programmes in order to ensure high standards and the suitability of subjects taught, and achieve the harmonization of the educational systems of the Region.
 - b) The joint development, supply and exchange of teaching and learning materials in order to improve quality and adapt education to the needs of the society.
 - c) Exchange of experiences, views and information so as to broaden the body of knowledge and expertise available to

programme planners, teachers, trainers and education administrators.

- d) Establishment of national examinations and accreditation systems for the harmonization and standardization of certificates and other qualifications.
- e) Support regional examination and accreditation systems and encourage same to accommodate emerging regional demands.

7. Adult Education

- 1. Member States define the objectives of adult education to include the following:
 - a) To make education and training more accessible to all and create a more level playing field for their acquisition;
 - b) To achieve universal literacy.
 - c) Promote the use of local/national languages in adult education programmes.
 - d) To develop skills designed to equip the learners for life
 - e) To contribute to the development of the ECOWAS Community.
- 2. Those Member States which do not operate adult education schemes are urged to introduce them without delay as a means of achieving universal adult literacy, the training of adult educators and trainers, and the conduct of studies and evaluation exercises on adult literacy and education programmes.
- 3. Member States shall undertake to promote Cooperation between institutions, centres and departments of adult education in the region for the design, production and distribution of adult education teaching materials and,

wherever possible, the joint teaching of certain courses.

ARTICLE 6

COOPERATION AT THE INTERMEDIATE LEVEL OF EDUCATION AND TRAINING:

CERTIFICATES AND OTHER QUALIFICATIONS

- 1. Member States shall ensure that intermediate educational and training institutions will form the breeding ground for the human resources required for economic development.
- 2. Member States shall ensure that intermediate education and training will dispense knowledge and expertise and help shape the minds of its beneficiaries.
- 3. Member States acknowledge that despite the praiseworthy efforts deployed by individual governments to boost intermediate education and training, cooperation and mutual assistance are necessary in the following areas:
 - 1) Training of Teachers
 - i) Formulation and implementation of high quality, practical and suitably adapted training programmes designed as the building blocks for a harmonized and standardized teacher training system.
 - ii) Joint development, supply and exchange of teaching materials for teacher training, of a standard that will ensure the quality of the training received.
 - iii) Exchange of experiences, views and information to broaden the knowledge and skills of programme planners, teacher trainers and education administrators;

- and accreditation bodies to facilitate conversion to the use of harmonized, standardized certificates and other qualifications.
- v) Joint formulation of teacher development programmes to enhance the competence, teaching and administrative skills of the beneficiaries.
 - vi) Creation of professional associations at the sub-regional level, to provide for the exchange of views, ideas and experiences between programme planners and teacher trainer in their various areas of specialization.
- 2) Technical Education and Vocational Training
- i) Planning and formulation of programmes designed to ensure the quality and suitability of technical and vocational training based on the principles of comparability, harmonization and standardization.
 - ii) Joint development and exchange of training materials designed to enhance the quality and suitability of the training received.
 - iii) Exchange of experiences, ideas and information with a view to broadening the knowledge of trainers.
 - iv) Creation of national examinations and accreditation bodies to facilitate the harmonization, equivalence and standardization of the certificates awarded
 - v) Creation of regional associations of professionals in the field of technical education and vocational training, in order to provide for the exchange of views, ideas and experiences between programme planners, teachers and trainers.

management techniques and entrepreneurial skills which should be incorporated into the technical and training programmes.

- 3) Creation of specialized teacher training centres in accordance with the provisions of Article 7 of this protocol, to formulate and teach joint programmes, particularly for the education of physically challenged children. The areas of specialization shall be identified and embodied in agreements which shall from time to time be concluded between the Member States.
- 4) Creation, in accordance with the provisions of Article 7e of this Protocol, of specialized training centres for technical education and vocational training, which shall formulate and teach joint programmes designed for specialized projects such as distance education. The areas of specialization shall be identified and embodied in agreements which shall from time to time be concluded between the Member States.

ARTICLE 7

COOPERATION IN HIGHER EDUCATION AND TRAINING

- (A) Access to Universities: Student and Teaching Staff Mobility
 - 1. Member States shall direct Heads of universities and other tertiary institutions of their countries to reserve at least 5% of admissions for students from other ECOWAS countries.
 - 2. Member States shall endeavour to harmonise and standardize requirements for admission to their universities.
 - 3. Member States shall undertake, in order to prevent expensive

duplication of courses, and as a contribution to the mutual recognition of certificates and other qualifications by the authorities throughout the sub-region, to direct the universities to devise mechanisms to facilitate the inter-university transfer of credits and knowledge;

4. Member States shall acknowledge the need to work towards the harmonization of the academic year in order to facilitate staff and student transfers.
5. Member States shall undertake to grant to students from other ECOWAS countries the same privileges as to their own students in terms of fees and accommodation, within a period of five years from the date of entry into force of this Protocol.
6. Member States shall undertake to facilitate the movement of their students and teaching staff within the region for purposes of study, research, teaching and any other activities relating to education and training. To this end they shall endeavour to gradually simplify and ultimately eliminate immigration formalities that obstruct the free movement of students and teaching staff.

(B) Undergraduate Studies

1. The Member States acknowledge that although undergraduate studies remain essentially under the control of the national educational authorities, cooperation and mutual assistance will be necessary in certain disciplines, which will be determined by the institutions concerned. In this regard they shall direct their university authorities to:
 - a) Cooperate, as necessary, in the formulation of academic programmes, with a particular

emphasis on joint programmes.

- b) Establish bilateral and multilateral relations designed to encourage joint or split-site teaching, collaboration in consultancy work, and, where necessary, in other areas of academic endeavour. The form, content and practical modalities for such exercises shall be determined by the universities concerned.
- c) Collaborate in the production of teaching and training materials such as textbooks and computer software, in order to create economies of scale and contribute to the harmonization of academic and professional programmes in the region.
- d) Promote bilateral and multilateral university student and teaching staff exchange programmes for educational reasons and in order to promote cultural ties and engender a sense of identity with the region.
- e) Make more use of external examiners and examination boards in order to build up the number of intellectuals within the region and ensure the development of internationally acceptable educational standards.
- f) Encourage and support the establishment of regional associations of professionals in the field of education, thereby providing a forum for the exchange of views, ideas and experiences on the different disciplines, and allowing the formulation of top quality programmes corresponding to the development needs of the Community.
- g) Inform the educational sub-sector of bilateral and multilateral cooperation agreements between the universities of the region for purposes of sharing information and experiences.

deserving but socially disadvantaged and physically challenged candidates shall be accorded favourable conditions for admission into their chosen fields of study. Each case shall be considered separately, and without prejudice to the regular criteria for admission. Government scholarships shall be awarded to this category of student, based on the results of tests which shall be organized for the purpose.

3. Member States shall direct their university authorities to ensure that the content, quality and relevance of undergraduate studies should be of the standard demanded by higher training institutions, employers in the region and in the international community.
4. Member States undertake to provide adequate resources to enable their universities to formulate high quality undergraduate studies programmes and also provide them with well-equipped, modern teaching infrastructures, libraries and state of the art equipment for studies in the sciences, technology and information.

(2). **Post-Graduate Studies**

Admissions

1. Member States agree that the entry requirement for admission to a receiving institution shall constitute an acceptable requirement for every post-graduate degree programme in the region.
2. Member States shall ensure that the proportion of admissions to post-graduate study programmes as against admissions to

should represent a greater number of students from ECOWAS Member States.

3. Member States shall ensure that deserving but socially disadvantaged and physically challenged candidates shall be accorded favourable conditions for admission into their chosen fields of study. Each case shall be considered separately, and without prejudice to the regular criteria for admission. Government scholarships shall be awarded to this category of student, based on the results of a test, which shall be organized for the purpose.
4. Member States shall provide adequate resources to enable their universities to formulate high quality postgraduate study programmes and also provide them with well-equipped, modern teaching infrastructure, libraries and state of the art equipment for studies in the sciences, technology and information.

D. Areas Of Cooperation

Member States acknowledge that the post of sustained, specialized post-graduate programmes in all disciplines is too heavy for their individual budgets to bear. Consequently, they undertake to pool the resources of the Region with a view to formulating high quality study programmes at less cost. To this end, the universities of the Member States shall undertake to cooperate in the following areas:

- a) The formulation of academic and especially joint academic programmes.
- b) The establishment of bilateral and multilateral relations with one another, with a view to providing teaching services, conducting research and acting in an advisory

capacity in any academic discipline as the occasion demands. The institutions to perform these services and the modalities for their execution shall be determined by the universities concerned.

- c) Collaboration to produce teaching and learning materials such as textbooks and computer software, in order to create economies of scale and contribute to the harmonization of academic and training programmes in the region;
- d) Promotion of bilateral and multilateral student and staff exchange programmes, strengthening of cultural ties and engendering of a sense of identity within the region;
- e) Increased use of external examiners and examination boards as a contribution to the creation of a regional intelligentsia and the raising of the educational level to a comparable level throughout the sub-region.
- f) Encouragement and support for the establishment of sub-regional associations of professionals in the field of education, thereby providing a forum for the exchange of views, ideas and experiences on the different disciplines, and allowing the formulation of high quality programmes corresponding to the development needs of the Community.
- g) Revitalization of the regional association of Vice-chancellors of universities as a forum which will promote the policy of cooperation in university education, training, research and development;
- h) Creation of a data bank to facilitate the dissemination of information.

E. Specialized Centres

- 1. Member States acknowledge that

the final objective in creating specialized centres is to establish reliable regional teaching and training institutions with a view to building up the number of properly qualified persons in the region. Specialised centre shall also be responsible for the preparation of teaching materials and the compilation of data on case studies for use in adapting teaching programmes to the needs of the region.

- 2. Member States undertake to create specialised departments where necessary within existing institutions in order to up-grade and up-date them.
- 3. Member States undertake to support the specialised centres by sending their scholarship students and civil servants to attend courses there in preference to institutions outside the region.
- 4. Member States shall ensure that applicants are mainly of post-graduate level. However, undergraduates may register for degree programmes in medicine, engineering and technology.
- 5. Member States shall ensure that the siting of specialized centres shall be determined with an eye to geographical spread and balance. Selection criteria shall be defined for each centre and the statutes of the centres shall be adopted at a later date.
- 6. Member States acknowledge that the disciplines and areas of specialization of the centre shall be determined through consultations between the education sub-sector, the universities and the government authorities;
- 7. Member States shall ensure that the official language in use at the centres is that of the host

the centre shall provide language classes to make their courses accessible to as wide a section of the region as possible.

8. Member State shall direct the authorities of the universities and the specialized centres and the education sub-sector in general, to ensure that control and evaluation mechanisms are set up to monitor proper execution of their mandate.
9. Where the performance of the control and evaluation mechanisms proves unsatisfactory, the university concerned shall be given a period of two years within which to redress the situation, failing which, government support and recognition shall be withdrawn. The education authorities shall then meet and submit the outcome of their deliberations to the governments of the Member States for consideration.

ARTICLE 8

COOPERATION IN RESEARCH AND DEVELOPMENT

1. Member States acknowledge that scientific and technological expertise can only be acquired through the introduction of post-graduate and first-rate training programmes, and using the findings of basic and applied research with a view to achieving the development of the region.
2. Member States acknowledge the key role played by institutions of higher education in research and human development. Consequently, they shall strive to ensure that research programmes in the region respond to national and regional needs.
3. Member States acknowledge that

and technology, imposes a heavy financial burden and that not every country disposes of sufficient resources to enable its institutions to develop a high quality research capacity in all disciplines. They therefore shall undertake to jointly develop and share research facilities.

4. Member States shall undertake, within ten years from the date of entry into force of this protocol, to have formulated the national science and technology policies, which will establish guidelines for a regional science
5. +
6. And technology policy.
- A Research at the University Level
1. Member States shall encourage their universities to take necessary measures to boost basic and applied research, and consultancy services, in order to enhance national and regional development efforts.
2. Member States shall undertake to enjoin their universities and research institutes to cooperate in research projects and establish relations with manufacturers, investors, the private and other sectors within the region with a view to identifying priority research areas, and to take all necessary action to this end.
3. Member States shall undertake to direct their university departments of research as well as their research institutes to develop, make accessible and share their facilities, including high-technology equipment and materials, as a means of maximizing the utilization of their scarce resources.
4. Member States shall undertake to promote and provide financial and all other support for the

establishment of associations of research scientists at the regional level, in order to facilitate the exchange of information, views and experience and thereby upgrade the quality and relevance of their research programmes.

B. Centres of Excellence

1. Member States shall, in collaboration with universities and research institutes, set up centres of excellence in vital research areas in order to optimize the utilization of their scarce financial resources and costly research facilities. These centres shall be located evenly throughout the region and shall be able to pool human resources.
2. Member States shall consult with universities and research institutes in order to determine modalities for the selection of the centres and of priority research areas.
3. Member States undertake to facilitate the free movement of research scientists within the ECOWAS countries for purposes of research, consultancy services and related pursuits, by gradually eliminating the immigration formalities, which hinder free movement.
4. Member States shall ensure that the education authorities, in collaboration with the host institutions of the centres of excellence, shall organize and conduct the performance evaluation of the mechanisms designed to ensure the smooth functioning of the centres.
5. Where the results of the monitoring and evaluation prove unsatisfactory, the research institutes concerned shall be given a period of two years within which to redress the situation, failing which, government support and

recognition shall be withdrawn. The education authorities shall then meet and submit the outcome of their deliberations to the governments of the Member States for consideration.

ARTICLE 9

COOPERATION IN TEACHING AND CONTINUING EDUCATION

1. Member States reaffirm their commitment to the achievement of universal literacy in their countries within the shortest possible time and hereby undertake to provide the requisite resources to this end.
2. Member States acknowledge that the achievement of universal literacy is primarily a national responsibility and therefore undertake to establish national adult literacy and distance learning centres throughout their territories and the region.
 1. Distance Learning
 1. Member States define the objectives of distance learning to be the following:
 - a) To make education and training more accessible to all and create a more level playing field for their acquisition.
 - b) To work towards achieving universal literacy;
 - c) To reduce the cost of education and training, taking advantage of the economies of scale created by distance education;
 - d) To develop skills designed to equip the subjects for life.
 2. Member States shall undertake to harmonise policies on distance learning with a view to creating a framework for cooperation at the sub-regional level.

- learning programme to make use of the facilities available at every level in any other Member State until such time as they may be able to create their own.
4. Member States shall set up a multilingual distance learning centre, using the English, French and Portuguese languages, and designed to back up and improve on existing distance learning and training facilities in the region.
 5. Member States shall undertake to promote cooperation between the distance learning institutions in the region in the design, production and distribution of distance learning materials, teacher and trainer training, and the teaching of some of their programmes.
 6. Member States shall encourage and support the revitalization (or creation where non exists) of regional associations of distance learning teachers and the organization of teacher exchange programmes between distance learning institutions by way of establishing a forum for the exchange of ideas, viewpoints and experiences, thereby enhancing the quality and relevance of their programmes.
- II. Courses, Seminars and Workshops**
1. Member States undertake to promote cooperation between development institutions, through training institutes, universities and other institutions offering courses, seminars and workshops.
 2. Member States define the objectives of such courses, seminars and workshops to be the following:
 - a) To teach programme development
 - b) To effect the timely up-dating and up-grading of skills in keeping with the constantly evolving working environment.
 - c) To familiarize the work force with technological advances.
 - d) To deliver managerial and administrative training.
 3. Member States shall encourage universities and other training institutions in ECOWAS to offer a wide range of courses; organize seminars and workshops targeting participants from the host country as well as the rest of the region, and aimed at transferring skills which will enhance the productivity of their workers. The methods to be adopted for this purpose shall include lectures, distance learning and evening classes.
 4. Member States shall direct their universities and other training institutions to conduct regular evaluation exercises in order to assess requirements with regard to such activities as the organization of courses, seminars and workshops.
 5. Member States shall urge their universities and other training institutions to work closely with employers and the appropriate departments of the ECOWAS Executive Secretariat in determination the content of their courses seminars and workshop.
- III. Science and Technology Competitions**
- Member States shall organize competitions in the disciplines of science and technology to showcase the inventions and discoveries of the research community. The competitions shall be restricted to ECOWAS nationals, and prizes will be awarded to the best entries.

ARTICLE 10

COOPERATION IN PUBLISHING AND THE EQUIPMENT OF LIBRARIES

A. Publishing

1. Member States acknowledge that they have difficulty in producing and disseminating teaching materials. Publishing houses are reluctant to publish academic materials, including journals, which are not widely marketable. They are also sometimes reluctant to publish local textbooks if not assured of a large market.
2. Member States further acknowledge that not all Member States have sufficient resources with which to set up university presses and publishing houses.
3. Member States therefore shall undertake to set up regional presses and publishing houses for the purpose of publishing and disseminating research findings, text books, academic journals and creative work produced by local talents.
4. Member States shall undertake to encourage the publication of journals and text books by institutions and writers whenever the need arises, thereby creating economies of scale, and stimulating research and publishing in the region.
5. Member States shall undertake to encourage and support the publication of a wide range of reading materials in the indigenous languages in order to promote the development and growth of these languages, the national cultures and the works of authors writing in the vernacular.

B. Libraries

- 1) Member States acknowledge the

vital importance of libraries as centres for learning, teaching and research; and affirm that a sound education is largely dependent on access to good schools and public libraries as well as information and documentation centres.

- 2) Member States also acknowledge the need to link up with the virtual library network.

CHAPTER FOUR

INSTITUTIONS

ARTICLE 11

CREATION OF AN EDUCATION AND TRAINING SECTION

1. Member States hereby undertake to create such appropriate organs within the human resource development sector as shall be necessary for the effective implementation of this protocol.
2. Without prejudice to paragraph 1 above, the Member States shall create a section for cooperation in education and training, which shall constitute the core section of the human resource development sector. The objectives of this section shall be:
 - a) To develop and establish a common network for the collection and regular dissemination of information on the current and projected status of supply and demand, and priority areas where education and training must be provided in the sub-region;
 - b) To establish mechanisms and institutions which will enable Member States to pool their resources effectively and efficiently for the training of the technical, research and administrative personnel for the planning and administration of global development in the sub-region;

- appropriate and comparable policies, strategies and systems of education and training in the Member States.
- d) To develop and implement policies and strategies designed to promote the participation and contribution of the private sector and other key stakeholders in the sectors of education and training.
- e) To promote and coordinate the formulation and implementation of policies, strategies and programmes designed to encourage the teaching of applied science and technology, with a focus on new information technology and research and development.
- f) To work towards the reduction and ultimate elimination of constraints with a view to ensuring ECOWAS nationals unrestricted access to a good education and training within the sub-region.
- g) To formulate and promote policies designed to create an enabling environment by providing incentives to deserving educated and trained individuals in order to encourage them to effectively exploit their special knowledge and skills for the overall development of the sub-region.
- h) To enhance mobilization of funds and other resources for the implementation of educational and training programmes and projects.
- i) To provide technical assistance to Member States, institutions and technical committees on request.
- J) To gradually streamline and harmonise the educational and training systems in the sub-region.
- 3) The following shall be the implementing organs for this protocol:

- b) The Experts Committee,
- c) The Decade of Education in West Africa (DEWA) Secretariat for all activities relating to education and training.
- 4 a) The Coordinating Unit shall comprise the following technical committees, which shall report to the experts' committee:
 - i) The technical committee on basic education (basic, secondary and non formal).
 - ii) The technical committee on intermediate education and teacher training.
 - iii) The technical committee on intermediate education and technical training)
 - iv) The technical committee on higher education, training, research and development.
 - v) The technical committee on continuing education and training:
 - vi) The technical committee on the administration of the educational fund.
 - vii) The technical committee on the equivalence of certificates and other qualifications.
 - viii) The technical committee on distance education
- b) The coordinating unit may create more technical committees as the need arises.

ARTICLE 12

COMPOSITION AND FUNCTIONS OF THE ORGANS

- 1. The organs established by article 11 of this protocol are the following:
 - a. The committee of Ministers of Education.

- b. The Experts' Committee comprising Senior Officials in charge of Education and Training in the Member States
 - c. The Decade of Education in West Africa (DEWA) Secretariat, which shall comprise a Director and staff appointed or seconded by the Member State coordinating the HRD sector.
2. The ministerial committee shall have the following functions:
 - a) To formulate policy and strategy in the section
 - b) To examine areas of cooperation as stipulated in article 4 of this protocol.
 - c) To consider and recommend the annual reports on the section for approval by council.
 - d) To consider and approve recommendations on projects and programmes
 - e) To consider and approve recommendations on rules and regulations governing the coordinating unit.
 - f) To address any issues relating to the objectives, orientations and implementation of this protocol which may be brought to its attention by a Member State.
 - g) To recommend to council, amendments to the protocol and / or changes or modifications to the structure of the section.
 - h) To elect the chairpersons, vice-chairpersons of the meetings of the ministerial committee and decide on the venue and date of such meetings.
 3. The experts committee shall have the following functions
 - i. To advise the ministerial committee on the activities of the section.
 - ii. To recommend the agendas, draft work programmes, studies and projects proposed by the DEWA Secretariat to the ministerial committee for consideration.
 - iii. To perform such other functions as may be assigned to it by the ministerial committee.
 - iv. From time to time, seek the advise of prominent individuals preferably of ECOWAS citizenship, on issues relating to the protocol and its implementation.
 4. The Decade of Education in West Africa (DEWA) Secretariat shall have the following functions:
 - a) To coordinate the day to day functions of the section.
 - b) To facilitate the implementation of this protocol and monitor the degree of its effectiveness in Member States.
 - c) To implement the decisions of the ministerial committee.
 - d) To convene and organize meetings of the section and its committees.
 - e) To prepare and disseminate reports of meetings.
 - 5) Each organ shall draw up its own Rules of Procedure.

ARTICLE 13

COMPOSITION AND FUNCTIONS OF THE TECHNICAL COMMITTEES.

The composition of the technical committee established by article 11 of this protocol shall be as follows:

- a) The technical committee on basic education, which shall comprise one representative per Member State from at least one of the following categories:
 - 1) Ministry officials responsible for basic education

- 3) Non-governmental organizations with a key stake in basic education
- 4) Teachers' associations
- 5) The private sector
- 6) Students' organizations.
- 7). Development Partners

The general functions of the committee shall relate to cooperation in basic education and training as agreed upon under the terms of this protocol.

- b) The technical committee on intermediate education and training which shall comprise one representative per Member State from at least one of the following categories.

1. Ministry officials responsible for intermediate education
2. Teacher training for vocational training
3. Teacher trainer
4. Teachers' associations
5. The private section

6. Students organizations
- The general functions of the committee shall relate to cooperation in intermediate education and training as agreed upon under the terms of this protocol.

- c) The technical committee on higher education, advanced training, and research and development which shall c o m p r i s e o n e representative per Member State from at least one of the following categories.

1. Ministry officials responsible for higher education and training
2. Technical or research institutions
3. Councils on higher education or

4. The Private sector

5. Student organizations

The general functions of the committee shall relate to cooperation in higher education, advanced training, research and development, as agreed upon under the terms of this protocol.

- d) The technical committee on continuing education and training which shall comprise one representative per Member State from at least one of the following categories.

1. Ministry officials responsible for adult education
2. Institutions for administration, development and training
3. Non-governmental organizations with a key stake in continuing education and training
4. The private sector
5. Student organisations
6. African Academy of languages

The general functions of the committee shall relate to cooperation in education, further education as agreed upon under the terms of this protocol.

- e) The technical committee on the administration of the educational fund which shall comprise one representative per Member State from at least one of the following categories.

1. Ministry officials responsible for scholarships or bursaries.
2. Ministry officials responsible for intermediate education and training
3. Ministry officials responsible for higher education, training and

- research and development
- 4. The private sector
- 5. Non-governmental organizations offering scholarships
- 6. Student organizations

Development partners offering scholarships may attend as observers.

The general functions of the committee shall relate to cooperation on issues relating to the establishment, disbursement and administration of the educational fund, as agreed upon under the terms of this protocol.

- e) The technical committee on certification and accreditation which shall comprise one representative per Member State from at least one of the following categories.

- 1. Ministry officials responsible for basic education
- 2. Ministry officials responsible for intermediate education
- 3. Ministry officials responsible for higher education and training
- 4. Ministry officials responsible for distance education
- 5. Ministry officials responsible for scholarships or bursaries
- 6. Councils on higher education or their equivalent
- 7. Examinations councils
- 8. Accreditation boards / councils

- f) The technical committee on distance education, which shall comprise one representative per Member State from at least one of the following categories.

- 1. Ministry officials responsible for distances education

- 2. Councils on higher education or their equivalent
- 3. Associations for distance education
- 4. Non-governmental organizations involved in distance education
- 5. The private sector
- 6. Private distance education institutions
- 7. Student organizations.

The general functions of the committee shall relate to cooperation in distance education, as agreed upon under the terms of this protocol.

CHAPTER FIVE

RESOURCES, THE TRAINING FUND AND ASSETS

ARTICLE 14

RESOURCES

The cost of cooperation in education and training shall be paid for from contributions from the Member States and other sources.

ARTICLE 15

THE EDUCATION AND TRAINING FUND

Member States shall establish a fund to be known as the ECOWAS Training Fund. The objects, organs and functioning of the fund shall be defined in the statutes and regulations of the fund.

ARTICLE 16

PARTNERSHIPS

- 1. Member States agree that donor funding must be targeted to recipient countries' articulated objectives.
- 2. Member states shall develop more flexible funding mechanisms to

ARTICLE 17

ASSETS

Assets acquired by Member States through the implementation of this protocol shall be considered to be Community assets and shall be administered by a committee appointed by Council for that purpose.

CHAPTER SIX

ARTICLE 18

AMENDMENTS AND REVISION

1. Any Member State may submit proposals for the amendment or revision of this protocol.
2. Any such proposals shall be submitted to the Executive Secretariat, which shall communicate them to other Member States not later than thirty days after receipt of such proposals. Amendments and revision shall be considered by the Authority of Heads of State and Government after the interested parties have given one month's notice thereof.
3. Amendments and revisions shall be adopted by the Authority of Heads of State and Government.

ARTICLE 19

WITHDRAWAL

1. Any Member State wishing to withdraw from this protocol shall notify the Executive Secretary of its intention in writing. The withdrawal shall take effect twelve months after the date of receipt of the notification. At the expiry of this one-year period, if the notification is not withdrawn, the

2. However, during this one-year period, the Member State shall continue to observe the provisions of this protocol, and honour its obligations.

ARTICLE 20

ENTRY INTO FORCE

1. This protocol shall enter into force provisionally upon signature by the Heads of State and Government. Consequently, the Member States and the Executive Secretariat shall commence its implementation immediately upon signature.
2. This protocol shall enter finally into force upon ratification by at least nine signatory States, in accordance with the constitutional procedures applicable in each Member State.

ARTICLE 21


APPLICATION

Member States agree that this protocol shall apply to cooperation in education and training in the region. However, States are mandated to undertake their own sector specific training with the cooperation and guidance of the sub-sector.

ARTICLE 22

RELATIONSHIP WITH OTHER REGIONAL AND INTERNATIONAL ORGANISATIONS

Member states shall maintain good working relations and other forms of cooperation and may enter into agreement with other states, regional and international organization, whose objectives are compatible with the objectives and the provisions of this protocol.



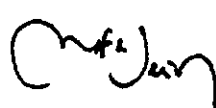
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His Excellency Mathieu KÉRÉKOU
President of the Republic of Benin



.....
His Excellency Blaise COMPAORÉ
President of Faso,
Chairman of the Council of Ministers



.....
His Excellency Laurent GBAGBO
President of the Republic of Côte d'Ivoire



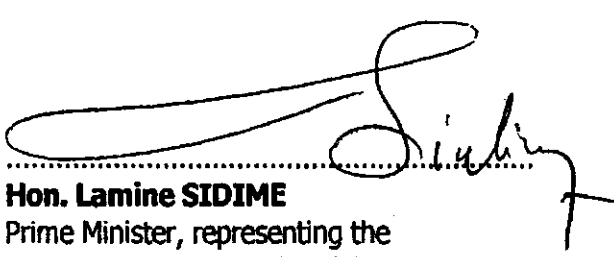
.....
H.E. Madam Fatima VEIGA
Minister of Foreign Affairs, Cooperation
and Communities,
For and on behalf of the President of
the Republic of Cape Verde



.....
His Excellency Dr. Alhaji Yahya A.J.J. JAMMEH
President of the Republic of The Gambia



.....
His Excellency John Agyekum KUFUOR
President of the Republic of Ghana



.....
Hon. Lamine SIDIME
Prime Minister, representing the
President of the Republic of Guinea



.....
His Excellency Koumba Yala Kobde NHANCA
President of the Republic of Guinea-Bissau

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PREAMBLE

THE HIGH CONTRACTING PARTIES

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.

CONSIDERING the provisions of the Treaty of the Economic Community of West African States (hereinafter referred to as, the "ECOWAS Treaty") relating to the promotion, cooperation, integration and development of the energy projects and sectors of Member States of the Community, with particular reference to Articles 3, 26, 28 and 55.

NOTING the decision A/DEC.3/5/82 of the Authority of the Heads of States and Governments of ECOWAS relating to the ECOWAS Energy Policy.

MINDFUL of the fact that the responsibility for the economic development of the West African region rests with the Member States themselves.

WANTING to secure regionally efficient and reliable supplies of electricity and other forms of energy.

CONSIDERING that the principles articulated and adopted by 51 nations of Europe and Asia, and memorialized in the document known as the Energy Charter Treaty which was signed in December, 1994, and which went into effect in April, 1998, represent the leading internationally accepted basis for the promotion, cooperation, integration and development of energy investment projects and energy trade among sovereign nations.

APPRECIATING the fact that the Energy Charter Treaty is the outcome of a thorough and thoughtful debate, deliberation and compromise among its signatory nations.

CONVINCED that adherence to the terms

Community will demonstrate to international investors and capital markets that the ECOWAS Region is a very attractive region for investing in energy projects and infrastructure.

WISHING to implement the basic concept of the Energy Charter initiative, which is to catalyse economic growth in the ECOWAS region by means of measure to liberalize energy investment and trade in energy.

AFFIRMING that the Member State of ECOWAS attach the highest importance to implementing the most favoured nation treatment and that such commitments will make it possible to realize investments in accordance with this Protocol.

HAVING REGARD to the objective of progressive liberalization of international trade and to the principle of avoidance of discrimination in international trade as enunciated in the Agreement Establishing the World Trade Organization and as otherwise provided for in this Protocol.

DETERMINED to progressively remove technical, administrative and other barriers to trade in electricity, gas and other Energy Materials and Energy-Related Equipment, technologies and services.

MINDFUL of the rights and obligations of certain contracting Parties which are also members of the World Trade Organisation;

HAVING REGARD to competition rules concerning mergers, monopolies, anti-competitive practices and abuse of dominant position.

RECOGNIZING the necessity for the most efficient exploration, production, conversion, storage, transport, distribution and use of energy.

UNDERSTANDING that sustaining the environment is an essential component of all phases of development and trade in the energy sector;

RECOGNIZING the vital role of the private sector in promoting and implementing energy investments, and intent on ensuring a favourable institutional framework for economically viable investment in energy infrastructure.

CONVINCED of the urgency of the need to promote energy sector investment and energy trade in West Africa; and

RECOGNIZING that adoption of the highest international trade standards is the most efficient course to pursue to attract energy sector investors to the ECOWAS Region.

HAVE AGREED AS FOLLOWS:

- (6) "Energy Cycle" means the entire energy chain, including activities related to prospecting for, exploration, production, conversion, storage, transport, distribution and consumption of the various forms of energy, and the treatment and disposal of wastes, as well as the decommissioning, cessation or closure of these activities, minimizing harmful Environmental Impacts;
- (7) "Energy Materials and Products", based on the Harmonized System of the World Customs Organization, means the items included in Annexes A.
- (7 bis) "Energy-Related Equipment", based on the Harmonised System of the World Customs Organization, means the items included in a list as adopted by the Meeting of Energy Ministers.
- (8) "Environmental Impact" means any effect caused by a given activity on the environment, including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interactions among these factors; it also

includes effects on cultural heritage or socio-economic conditions resulting from alterations to those factors.

- (9) "Executive Secretariat" means the Executive Secretariat under Article 17 of the ECOWAS Treaty.
- (10) "Freely Convertible Currency" means a currency which is widely traded in international foreign exchange markets and widely used in international transactions.
- (11) "Improving Energy Efficiency" means acting to maintain the same unit of output (of goods or services) without reducing the quality or performance of the output, while reducing the amount of energy required to produce that output.
- (12) "Intellectual Property" includes copyrights and related rights, trademarks, geographical indications, industrial designs, patents, layout designs of integrated circuits and the protection of undisclosed information.
- (13) "Investment" means every kind of assets, owned or controlled directly or indirectly by an Investor and includes:
 - (a) Tangible and intangible, and movable and immovable, property, and any property rights such as leases, mortgages, liens, and pledges.
 - (b) A company or business enterprise, or shares, stock, or other forms of equity participation in a company or business enterprises, and bonds and other debt of a company or business enterprise.

DEFINITIONS AND PURPOSE

ARTICLE 1

DEFINITIONS

As used in this Protocol

- (1) **"Area"** means with respect to a state that is a Contracting Party.
 - (a) The territory under its sovereignty, it being understood that territory includes land, internal waters and the territorial sea; and
 - (b) subject to and in accordance with the international law of the sea; the sea, sea-bed and its subsoil with regard to which that Contracting Party exercises sovereign rights and jurisdiction.
- (C) With respect to a Regional Economic Integration Organization which is a Contracting Party, Area means the Areas of the member states of such Organization, under the provisions contained in the agreement establishing that Organization.
- (2) **"Community"** means the Economic Community of West African States established by Article 2 of the ECOWAS Treaty.
- (3) **"Contracting Party"** means an ECOWAS Member State or Regional Economic Integration Organization which has consented to be bound by this Protocol and for which the Protocol is in force.
- (4) **"Cost-Effective" or "Cost-Effectiveness"** means achievement of a defined objective at the lowest cost or to achieve the greatest benefit at a given cost.
- (5) **"Economic Activity in the Energy Sector"** means an

production, storage, land transport, transmission, distribution, trade, marketing, or sale of Energy Materials and Products except those included in Annex B, or concerning the distribution of heat to multiple premises.

- (c) Claims to money and claims to performance pursuant to contract having an economic value and associated with an Investment
- (d) Intellectual Property
- (e) Returns
- (f) Any right conferred by law or contract or by virtue of any licences and permits granted pursuant to law to undertake any Economic Activity in the Energy Sector.

A change in the form in which assets are invested does not affect their character as investments and the term "Investment" includes all investments, whether existing at or made after the later of the date of entry into force of this Protocol for the Contracting Party of the Investor marking the investment and that for the Contracting Party in the Area of which the investment is made (hereinafter referred to as the "Effective Date") provided that this Protocol shall only apply to matters affecting such investments after the Effective Date.

"Investment" refers to any investment associated with an Economic Activity in the Energy Sector and to investments or classes of investments designated by a Contracting Party in its Area as "efficiency projects" and so notified to the Executive Secretariat of ECOWAS.

(14) **"Investor"** means:

- (a) A natural person having the citizenship or nationality of, or who resides or established an office in the Area of, a Contracting Party in

accordance with its applicable laws; or,

- (B) A company or other organization organized, or registered, in accordance with the law applicable in that Contracting Party.
- (15) "Make Investments" or "Making of Investments" means establishing new Investments, acquiring all or part of existing Investments or moving into different fields of Investment activity.
- (16) "Meeting of Energy Ministers" means the meeting of the organ responsible for implementation of the present Protocol composed by the Energy Ministers of ECOWAS.
- (17) "Regional Economic Integration Organization" means an organization constituted by Member States to which they have transferred competence over certain matters a number of which are governed by this Protocol, including the authority to take decisions binding on them in respect of those matters.
- (18) "**Returns**" means the amounts derived from or associated with an Investment, irrespective of the form in which they are paid, including profits, dividends, interest, capital gains, royalty payments, management, technical assistance or other fees and payments in kind.
- (19) (a) "**WTO**" means the World Trade Organization established by the Agreement Establishing the World Trade Organization.
- (b) "WTO Agreement" means the Agreement Establishing the World Trade Organization, its Annexes and the decisions, declarations and understandings related thereto, as subsequently rectified, amended and modified from time to time.
- (c) "GATT 1994" means the General Agreement on Tariffs and Trade

as specified in Annex 1A of the Agreement Establishing the World Trade Organization, as subsequently rectified, amended or modified from time to time.

A party to the Agreement Establishing the World Trade Organization is considered to be a party to GATT 1994.

- (d) "Related Instruments" means, the Agreement Establishing the World Trade Organization including its Annex 1 (except GATT 1994), its Annexes 2, 3 and 4, and the decisions, declarations and understandings related thereto as subsequently rectified, amended or modified.

ARTICLE 2

PURPOSE OF THE PROTOCOL

This Protocol establishes a legal framework in order to promote long-term co-operation in the energy field, based on complementarities and mutual benefits, with a view to achieving increased investment in the energy sector, and increased energy trade in the West Africa region.

CHAPTER II

COMMERCE

ARTICLE 3

INTERNATIONAL MARKETS

The Contracting Parties shall work to promote access to international markets relating to Energy Materials and Products and Energy-Related Equipment on commercial terms and generally to develop an open and competitive energy market.

ARTICLE 4

NON-DEROGATION FROM WTO AGREEMENT

Nothing in this Protocol shall derogate, as between particular Contracting Parties

provisions of the WTO Agreement as they are applied between those Contracting Parties.

ARTICLE 5

TRADE-RELATED INVESTMENT MEASURES

- (1) A Contracting Party shall not apply any trade-related investment measure that is inconsistent with the provisions of article III or XI of the GATT 1994; this shall be without prejudice to the Contracting Party's rights and obligations under the WTO Agreement and Article 29 of this Protocol.
- (2) Such measures include any investment measure which is mandatory or enforceable under domestic law or under any administrative ruling, or compliance with which is necessary to obtain an advantage, and which requires:
 - (a) The purchase or use by an enterprise of products of domestic origin or from any domestic source, whether specified in terms of particular products, in terms of volume or value of products, or in terms of a proportion of volume or value of its local production; or
 - (b) That an enterprise's purchase or use of imported products be limited to an amount related to the value of local products that it exports.

Or which restricts:
 - (c) The importation by an enterprise of products used in or related to its local production, generally or to an amount related to the volume or value of local production that it exports.
 - (d) The importation by an enterprise of products used in or related to its local production by restricting its

amount related to the foreign exchange inflows attributable to the enterprise; or

- (e) The exportation or sale for export by an enterprise of products, whether specified in terms of particular products, in terms of volume or value of products or in terms of a proportion of volume or value of its local production.
- (3) Nothing in paragraph (1) shall be construed to prevent a Contracting Party from applying the trade-related investment measures described in subparagraphs (2) (a) and (c) as a condition of eligibility for export promotion, foreign aid, government procurement or preferential tariff or quota programmes.
- (4) Notwithstanding paragraph (1), a Contracting Party may temporarily continue to maintain trade-related investment measures which were in effect more than 180 days before its signature of this Protocol, subject to the notification and phase-out provisions set out in Annex C.

ARTICLE 6 COMPETITION

- (1) Each Contracting Party shall work to alleviate market distortions and barriers to competition in Economic Activity in the Energy Sector.
- (2) Each Contracting Party shall ensure that within its jurisdiction it has and enforces such laws as are necessary and appropriate to address unilateral and concerted anti-competitive conduct in Economic Activity in the Energy Sector.
- (3) Contracting Parties with experience in applying competition rules shall give full consideration to providing, upon request and within

available resources, technical assistance on the development and implementation of competition rules to other Contracting Parties.

- (4) Contracting Parties may co-operate in the enforcement of their competition rules by consulting and exchanging information.
- (5) If a Contracting Party considers that any specified anti-competitive conduct carried out within the Area of another Contracting Party is adversely affecting an important interest relevant to the purposes identified in this Article, the Contracting Party may notify the other Contracting Party and may request that its competition authorities initiate appropriate enforcement action. The notifying Contracting Party shall include in such notification sufficient information to permit the notified Contracting Party to identify the anti-competitive conduct that is the subject of the notification and shall include an offer of such further information and co-operation as the notifying Contracting Party is able to provide. The notified Contracting Party or, as the case may be, the relevant competition authorities may consult with the competition authorities of the notifying Contracting Party in deciding whether or not to initiate enforcement action with respect to the alleged anti-competitive conduct identified in the notification. The notified Contracting Party shall inform the notifying Contracting Party of its decision or the decision of the relevant competition authorities and may if enforcement action is initiated, the notified Contracting Party shall advise the notifying Contracting Party of its outcome and, to the extent possible, of any significant interim development.
- (6) Any information provided under

the terms of this Article shall be made only with due regard for internal laws of a Contracting Party regarding disclosure of information, confidentiality or business secrecy.

- (7) The procedures set forth in paragraph (5) and Article 27 (1) shall be the exclusive means within this Protocol of resolving any disputes that may arise over the implementation or interpretation of this Article.
- (8) Contracting Parties agree that open and non-discriminatory access to power generation sources and transmission facilities encourages investment in generation and distribution facilities, and thereby increases competition in such sub-sectors of the power industry, in turn leading to reduced cost for power. Contracting Parties agree therefore to make accessible for all other Contracting Parties and Investors, without any discrimination, power generation sources and transmission facilities sited within their Areas.

ARTICLE 7

TRANSIT

- (1) Each Contracting Party shall take the necessary measures to facilitate the Transit of Energy Materials and Products consistent with the principle of freedom of transit and without distinction as to the origin, destination or ownership of such Energy Materials and Products or discrimination as to pricing on the basis of such distinctions, and without imposing any unreasonable delays, restrictions or charges.
- (2) Contracting Parties shall encourage relevant entities to co-operate in:

- (b) The development and operation of Energy Transport Facilities serving the Areas of more than one Contracting Party;
- (c) Measures to mitigate the effects of interruptions in the supply of Energy Materials and Products;
- (D) Facilitating the interconnection of Energy Transport Facilities.
- (3) Each Contracting Party undertakes that its provisions relating to transport of Energy Materials and Products and the use of Energy Transport Facilities shall treat Energy Materials and Products in Transit in no less favourable a manner than its provision treat such materials and products originating in or destined for its own Area, unless an existing international agreement provides otherwise. Contracting Parties shall, subject to paragraphs (6) and (7), secure established flows of Energy Materials and Products to, from or between the Areas of other Contracting Parties.
- (4) In the event that Transit of Energy Materials and Products cannot be achieved by means of existing Energy Transport Facilities consistent with paragraph (1), the established, except in the case where a Contracting Party can prove that the new capacity or the building of new capacities would endanger the security or efficiency of the existing energy system, including supply security, except as may be otherwise provided in applicable legislation which is consistent with paragraph (1).
- (5) A Contracting Party through whose Area Energy Materials and Products may transit shall not be obliged to

- (b) Permit new or additional Transit through existing Energy Transport Facilities.

Which it demonstrates to the other Contracting Parties concerned would endanger the security or efficiency of its energy systems, including the security of supply.

- (6) A Contracting Party through whose Area Energy Materials and Products transit shall not, in the event of a dispute over any matter arising from that Transit, interrupt or reduce, permit any entity subject to its control to interrupt or reduce, or require any entity subject to its jurisdiction to interrupt or reduce the existing flow of Energy Materials and Products prior to the conclusion of the dispute resolution procedures set out in paragraph (7), except where this is specifically provided for in contract or other agreement governing such Transit or permitted in accordance with the conciliator's decision.
- (7) The following provisions shall apply to a dispute envisioned by paragraph (6), but only following the exhaustion of all relevant contractual or other dispute resolution remedies previously agreed between the Contracting Parties party to the dispute or between any entity referred to in paragraph (6) and an entity of another Contracting Party to the dispute:
 - (a) A Contracting Party to the dispute may refer it to the Executive Secretariat of ECOWAS by a notification summarizing the matters in dispute. The Executive Secretariat of ECOWAS shall notify all Contracting Parties of any such referral.

- (b) Within 30 days of receipt of such a notification, the Executive Secretariat of ECOWAS, in consultation with the parties to the dispute and the other Contracting Parties concerned, shall appoint a conciliator. Such a conciliator shall have experience in the matters subject to dispute and shall not be a national or citizen of or permanently resident in the Area of a party to the dispute or one of the other Contracting Parties concerned.
- (c) The conciliator shall see the agreement of the parties to the dispute to a resolution thereof or upon a procedure to achieve such resolution. If within 90 days of his appointment he has failed to secure such agreement, he shall recommend a resolution to the dispute or a procedure to achieve such resolution and shall decide the interim tariffs and other terms and conditions to be observed for Transit from a date which he shall specify for 12 months or until the dispute is resolved, whichever is earlier.
- (d) The Contracting Parties undertake to observe and ensure that the entities under their control or jurisdiction observe any interim decision under subparagraph (c) on tariffs, terms and conditions for 12 months following the conciliator's decision or until resolution of the dispute, whichever is earlier.
- (e) Notwithstanding subparagraph (b) the ECOWAS Executive Secretariat may elect not to appoint a conciliator if in its judgment the dispute concerns Transit that is or has been the subject of the dispute resolution procedures set out in subparagraphs (a) to (d) and those proceedings have not resulted in resolution of the dispute.
- (f) The Meeting of Energy Ministers shall adopt standard provisions concerning the conduct of conciliation and the compensation of conciliators.
- (8) Nothing in this Article shall derogate from a Contracting Party's rights and obligations under international law including customary international law, existing bilateral or multilateral agreements, including rules concerning submarine cables and pipelines.
- (9) This Article shall not be so interpreted as to oblige any Contracting Party which does not have a certain type of Energy Transport Facilities used for Transit to take any measure under this Article with respect to that type of Energy Transport Facilities. Such a Contracting Party is, however, obliged to comply with paragraph (4)
- (10) For the purpose of this Article:
 - (a) "Transit" means
 - (i) The carriage through the Area of a Contracting Party, or to or from port facilities in its Area for loading or unloading, of Energy Materials and Products originating in the Area of another state and destined for the Area of a third state, so long as either the other state or the third state is a Contracting Party; or
 - (ii) the carriage through the Area of a Contracting Party of Energy Materials and Products originating in the Area of another Contracting Party and destined for the Area of that other Contracting Party.
 - (b) "Energy Transport Facilities" consist of high-pressure gas transmission pipelines, high-voltage electricity transmission grids and lines, and other fixed facilities specifically for handling Energy Materials and Products.

TRANSFER OF TECHNOLOGY

- (1) The Contracting Parties agree to promote access to and transfer of energy technology on a commercial and non-discriminatory basis to assist effective trade in Energy Materials and Products and Investment and to implement the objectives of this Protocol subject to their laws and regulations, and to the protection of Intellectual Property rights.
- (2) Accordingly, to the extent necessary to give effect to paragraph (1) the Contracting Parties shall eliminate existing obstacles and create no new ones to the transfer of technology in the field of Energy Materials and Products and related equipment and services, subject to non-proliferation and other international obligations.

ARTICLE 9

ACCESS TO CAPITAL

- (1) The Contracting Parties acknowledge the importance of open capital markets in encouraging the flow of capital to finance trade in Energy Materials and Products and for the making of and assisting with regard to Investments in Economic Activity in the Energy Sector in the Areas of other Contracting Parties. Each Contracting Party shall accordingly endeavour to promote conditions for access to its capital market by companies and nationals of other Contracting Parties, or, any other third state, for the purpose of financing trade in Energy Materials and Products and for the purpose of Investment in Economic Activity in the Energy Sector in the Areas of these other Contracting Parties, on a basis no less favourable than that which it accords in like circumstances to its

any other Contracting Party or any third state, whichever is the most favourable.

- (2) A Contracting Party may adopt and maintain programmes providing for access to their Investors to public loans, grants, guarantees or insurance for facilitating trade or Investment within the Area of other Contracting Parties. It shall make such facilities available, consistent with the objectives, constraints and criteria of such programmes (including any objectives, constraints or criteria relating to the place of business of an applicant for any such facility or the place of delivery of goods or services supplied with the support of any such facility) for Investments in the Economic Activity in the Energy Sector of other Contracting Parties or for financing trade in Energy Materials and Products with other Contracting Parties.
- (3) Contracting Parties shall, in implementing programmes in Economic Activity in the Energy Sector to improve the economic stability and investment climates of the Contracting Parties, seek as appropriate to encourage the operations and take advantage of the expertise of relevant international financial institutions.
- (4) Nothing in this Article shall prevent.
 - (a) Financial institutions from applying their own lending or underwriting practices based on market principles and prudential considerations; or
 - (b) A Contracting Party from taking prudent measures, including
 - (i) Steps to protect its investors, consumers, depositors, insured or persons to whom a fiduciary duty is owed by a financial service supplier; or

- (ii) Steps to ensure the integrity and stability of its financial system and capital markets.

CHAPTER III

INVESTMENT PROMOTION AND PROTECTION

ARTICLE 10

PROMOTION, PROTECTION AND TREATMENT OF INVESTMENTS

- (1) Each Contracting Party shall, in accordance with the provisions of this Protocol, encourage and create stable, equitable, favourable and transparent conditions for Investors to make Investments in its Area. Such conditions shall include a commitment to accord at all times to Investments of Investors fair and equitable treatment. Such Investments shall also enjoy the most constant protection and security and no Contracting Party shall in any way impair by unreasonable or discriminatory measures their management, maintenance, use, enjoyment or disposal. In no case shall such Investments be accorded treatment less favourable than that required by international law, including treaty obligations. Each Contracting Party shall observe any obligations it has entered into with an Investor or with respect to an Investment.
- (2) Each Contracting Party shall endeavour to accord to Investors, as regards the Making of Investments in its Area, the Treatment described in paragraph (3).
- (3) For the purposes of this Article, "Treatment" means treatment accorded by a Contracting Party which is no less favourable than that which it accords to its own Investors or to Investors of any

other Contracting Party or, indeed, of any third state, whichever is the most favourable.

- (4) Each Contracting Party shall, as regards the making of Investments in its Area, endeavour to:
 - (a) Limit to the minimum the exceptions to the Treatment described in paragraph (3).
 - (b) Progressively remove existing restrictions affecting Investors.
- 5 (a) A Contracting Party may, as regards the Making of Investments in its Area, at any time declare voluntarily to the Meeting of Energy Ministers, through the Executive Secretariat of ECOWAS, its intention not to introduce new exceptions to the Treatment described in paragraph (3).
- (b) A Contracting Party may, furthermore, at any time make a voluntary commitment to accord to Investors, as regards the Making of Investments in some or all Economic Activities in the Energy Sector in its Area, the Treatment described in paragraph (3). Such commitments shall be notified to the Executive Secretariat of ECOWAS and shall be binding under this Protocol
- (6) Each Contracting Party shall, in its Area, accord to Investments of Investors and their related activities including management, maintenance, use, enjoyment or disposal, treatment no less favourable than that which it accord to its own Investors or of the Investors of any third state and their related activities including management, maintenance, use, enjoyment or disposal, whichever is the most favourable.
- (7) The modalities of application of paragraph (6) may exclude programmes under which a

other financial assistance, or enters into contracts, for energy technology research and development. Each Contracting Party shall through the Executive Secretariat of ECOWAS keep the Meeting of Energy Ministers informed of the modalities it applies to the programmes described in this paragraph.

- (8) Each state or Regional Economic Integration Organization which signs or accedes to this Protocol shall, on the date it signs the Protocol or deposits its instrument of accession, submit to the Executive Secretariat of ECOWAS a report summarizing all laws, regulations or other measures relevant to:
- (a) Exceptions to paragraph (2); or
- (b) The programs referred to in paragraph (7)

A contracting party shall keep its report up to date by promptly submitting amendments to the Executive Secretariat of ECOWAS. The Meeting of Energy Ministers shall review these reports periodically.

In respect of subparagraph (a) the report may designate parts of the energy sector in which a contracting party accords to Investor the Treatment described in paragraph (3).

In respect of subparagraph (b) the review by the Meeting of Energy Ministers may consider the effects of such programmes on competition and Investors.

- (9) Notwithstanding any other provision of this Article, the treatment described in paragraphs (3) and (6) shall not apply to the protection of Intellectual Property, instead, the treatment shall be as specified in the corresponding provisions of the applicable international agreements for the protection of Intellectual property

- (10) For the purpose of Article 26, the application by a contracting party of a trade-related investment measure as described in Article 5 (1) and (2) to an Investment of an Investor existing at the time of such application shall, subject to Article 5 (3) and (4), be considered a breach of an obligation of the former contracting party under this part.
- (11) Each contracting party shall ensure that its domestic law provides effective means for the assertion of claims and the enforcement of rights with respect to Investments, investment agreements, and investment authorizations.

ARTICLE 11

KEY PERSONNEL

- (1) A contracting party shall, subject to its laws and regulations relating to the entry stay and work of natural persons, examine in good faith requests by Investors and key personnel who are employed by such Investors or by Investments of such Investors, to enter and remain temporarily in its Area to engage in activities connected with the making or the development, management, maintenance, use enjoyment or disposal of relevant Investments, including the provision of advice or key technical services.
- (2) A contracting party shall permit Investors which have Investments in its Area, and Investments of such Investors, to employ any key person of the Investor's or the Investment's choice regardless of nationality and citizenship provided that such key person has been permitted to enter, stay and work in the Area of the contracting party and that the employment concerned conforms to the terms,

conditions and time limits of the permission granted to such key person.

ARTICLE 12

COMPENSATION FOR LOSSES

- (1) Except where Article 13 applies, an Investor which suffers a loss with respect to any Investment in the Area of a contracting party owing to war or other armed conflict, state of national emergency, civil disturbance, or other similar event in that Area, shall be accorded by the latter contracting party, as regards restitution, indemnification, compensation or other settlement, treatment which is the most favourable of that which that contracting party accords to any other Investor, whether its own Investor, the Investor of any other contracting party, or the Investor of any third state.
- (2) Without prejudice to paragraph (1), an Investor which, in any of the situations referred to in that paragraph, suffers a loss in the Area of a contracting party resulting from
 - (a) Requisitioning of its Investment or part thereof by the latter's forces or authoritiesOr
 - (b) Destruction of its Investment or part thereof by the latter's forces or authorities which was not required by the necessity of the situation,Shall be accorded restitution or compensation which in either case shall be prompt adequate and effective

ARTICLE 13

EXPROPRIATION

- (1) Investments of Investors in the Area of any contracting party shall not be nationalized,

expropriated or subjected to a measure or measures having effect equivalent to nationalization or expropriation (hereinafter referred to as "Expropriation" except where such Expropriation is:

- (a) For a purpose which is in the public interest
- (b) Not discriminatory
- (c) Carried out under due process of law, and
- (d) Accompanied by the payment of prompt, adequate and effective compensations.

Such compensation shall amount to the fair market value of the Investment expropriated at the time immediately before the Expropriation or impending Expropriation became known in such a way as to affect the value of the Investment (hereinafter referred to as the "Valuation Date")

Such fair market value shall at the request of the Investor be expressed in a freely convertible currency on the basis of the market rate of exchange existing for that currency on the valuation date. Compensation shall also include interest at a commercial rate established on a market basis from the date of Expropriation until the date of payment.

- (2) The Investor affected shall have a right to prompt review, under the law of the contracting party making the Expropriation, by a judicial or other competent and independent authority of that contracting party, of its case of the valuation of its Investment, and of the payment of compensation, in accordance with the principles set out in paragraph (1).

- (3) For the avoidance of doubt, Expropriation shall include situations where a contracting party expropriates the assets of a company or enterprise in which an

shares.

ARTICLE 14

TRANSFERS RELATED TO INVESTMENTS

- 1). Each contracting party shall with respect to Investments made in its Area by Investors guarantee the freedom of transfer into and out of its Area, including the transfer of:
 - (a) The initial capital plus any additional capital for the maintenance and development of an Investment.
 - (b) Returns
 - (c) Payments under a contract, including amortization of principal and accrued interest payments pursuant to a loan agreement
 - (d) Unspent earnings and other remuneration of personnel engaged from abroad in connection with that Investment.
 - (e) Proceeds from the sale or liquidation of all or any part of an Investment
 - (f) Payments arising out of the settlement of a dispute
 - (g) Payments of compensation pursuant to Articles 12 and 13
- (2) Transfers under paragraph (1) shall be effected without delay and (except in case of a return in kind) in a freely convertible currency.
- (3) Transfers shall be made at the market rate of exchange existing on the date of transfer with respect to spot transactions in the currency to be transferred. In the absence of a market for foreign exchange, the rate to be used will be the most recent rate applied to inward investments or the most recent

Rights, whichever is more favourable to the Investor.

- (4) Notwithstanding paragraphs (1) to (3), a contracting party may protect the rights of creditors, or ensure compliance with laws on the issuing, trading and dealing in securities and the satisfaction of judgments in civil, administrative and criminal adjudicatory proceeding, through the equitable, non-discriminatory, and good faith application of its laws and regulations.
- (5) Notwithstanding subparagraph (1)(b), a contracting party may restrict the transfer of a return in kind in circumstances where the contracting party is permitted under Article 29(2)(a) or the WTO Agreement to restrict or prohibit the exportation or the sale for export of the product constituting the return in kind, provided that a contracting party shall permit transfers of returns in kind to be effected as authorized or specified in an investment agreement, investment authorization, or other written agreement between the contracting party and either an Investor or its Investment.

ARTICLE 15

SUBROGATION

- (1) If a contracting party or its designated agency (hereinafter referred to as the "Indemnifying Party") in the Area of another contracting party (hereinafter referred to as the "Host Party"), the Host Party shall recognize:
 - (a) The assignment to the Indemnifying party of all the rights and claims in respect of such investment, and
 - (b) The right of the indemnifying party to exercise all such rights and

enforce such claims by virtue of subrogation.

- (2) The indemnifying party shall be entitled in all circumstances to:
 - (a) The same treatment in respect of the rights and claims acquired by it by virtue of the assignment referred to in paragraph (1), and
 - (b) The same payments due pursuant to those rights and claims, as the Party Indemnified was entitled to receive by virtue of this protocol in respect of the investment concerned.
- (3) In any proceeding under Article 26, a contracting party shall not assert as a defence, counterclaim, right of set-off or for any other reason, that indemnification or other compensation or all or part of the alleged damages has been received or will be received pursuant to an insurance or guarantee contract.

ARTICLE 16

RELATION TO OTHER AGREEMENTS

Where two or more contracting parties have entered into prior international agreement, or enter into a subsequent international agreement, whose terms in either case concern the subject matter of chapter III or V of this protocol.

- (1) Nothing in chapter III or V of this protocol shall be construed to derogate from any provision of such terms of the other agreement or from any right to dispute resolution with respect thereto under that agreement and
- (2) Nothing in such terms of the other agreement shall be construed to derogate from any provision of chapter III or V of this protocol or from any right to dispute resolution with respect thereto under this protocol.

Where any such provision is more favourable to the Investor or Investment.

ARTICLE 17

NON-APPLICATION OF CHAPTER III IN CERTAIN CIRCUMSTANCES

Each contracting party reserves the right to deny the advantages of the provisions of chapter III to:

- (1) A legal entity if citizens or nationals of a third state own or control such entity and if that entity has no substantial business activities in the Area of the contracting party in which it is organized or
- (2) An investment, if the denying contracting party establishes that such investment is an investment of an investors of a third state with or as to which the denying contracting party:
 - (a) Does not maintain a diplomatic relationship or
 - (b) Adopts or maintains measures that
 - (i) Prohibit transactions with investors of that state or
 - (ii) Would be violated or circumvented if the benefits of this chapter were accorded to investors of that state or to their investments.

CHAPTER IV

MISCELLANEOUS PROVISIONS

ARTICLE 18

SOVEREIGNTY OVER ENERGY RESOURCES

- (1) The contracting parties recognize state sovereignty and sovereign rights over energy resources. The reaffirm that these must be exercised in accordance with and

- (2) Without affecting the objectives of promoting access to energy resources, and exploration and development thereof on a commercial basis, this protocol shall in no way prejudice the rules in contracting parties governing the system of property ownership of energy resources.
- (3) Each state continues to hold in particular the rights to decide the geographical areas within its Area to be made available for exploration and development of its energy resources, the optimization of their recovery and the rate at which they may be depleted or otherwise exploited, to specify and enjoy any taxes, royalties or other financial payments payable by virtue of such exploration and exploitation, and to regulate the environmental and safety aspects of such exploration, development and reclamation within its Area, and to participation in such exploration and exploitation, inter alia, through direct participation by the government or through state enterprises.
- (4) The contracting parties undertake to facilitate access to energy resources, inter alia, by allocating in a non-discriminatory manner on the basis of published criteria authorizations, licences, concessions and contracts to prospect and explore for or to exploit or extract energy resources.
- (f) Promote public awareness of the Environmental Impacts of energy systems, of the scope for the prevention or abatement of their adverse Environmental Impacts and of the costs associated with various prevention or abatement measures.
- (g) Promote and co-operate in the research, development and application of energy efficient and

processes which will minimize harmful environmental impacts of all aspects of the Energy Cycle in an economically efficient manner.

- (h) Encourage favourable conditions for the transfer and dissemination of such technologies consistent with the adequate and effective protection of Intellectual Property rights
- (i) Promote the transparent assessment at an early state and prior to decision, and subsequent monitoring, of environmental impacts of environmentally significant energy investment projects.
- (j) Promote international awareness and information exchange on contracting parties relevant environment programmes and standards and on the implementation of those programmes and standards and on the implementation of those programmes and standards.
- (k) Participate, upon request, and within their available resources, in the development and implementation of appropriate environmental programmes in their Areas.
- (2) At the request of one or more contracting parties, disputes concerning the application or interpretation of provisions of this Article shall, to the extent that arrangements for the consideration of such disputes do not exist in other appropriate international for a, be reviewed by the Meeting of Energy Ministers aiming at a solution.

ARTICLE 19

ENVIRONMENTAL ASPECTS

- (1) In pursuit of sustainable development and taking into

account its obligations under those international agreements concerning the environment to which it is party, each contracting party shall strive to minimize in an economically efficient manner harmful Environmental Impacts occurring either within or outside its Area from all operations within the Energy Cycle in its Area, taking proper account of safety. In doing so each contracting party shall act in a cost-effective manner. In its policies and actions each contracting party shall strive to take precautionary measures to prevent or minimize environmental degradation. The contracting parties agree that the polluter in the Areas of contracting parties, shall bear the cost of the avoidance, elimination, and clean-up of any pollution, as well as the cost of any other consequences of such pollution, including trans-boundary pollution, with due regard to the public interest and without distorting investment in the Energy Cycle or international trade contracting parties shall accordingly.

- (a) Take account of environmental considerations throughout the formulation and implementation of their energy policies.
- (b) Promote market-oriented price formation and a fuller reflection of environmental costs and benefits throughout the Energy Cycle.
- (c) Encourage co-operation in the attainment of the environmental objectives of this protocol and co-operation in the field of international environmental standard for the Energy Cycle.
- (d) Have particular regards to improving Energy Efficiency, to developing and using renewable energy sources, to promoting the use of cleaner fuels and to employing technologies and technological means that reduce pollution.

- (e) Promote the collection and sharing among contracting parties of information on environmentally sound and economically efficient energy policies and cost-effective practices and technologies.

ARTICLE 20

TRANSPARENCY

- (1) Laws, regulations, judicial decisions and administrative rulings of general application which affect trade in Energy Materials and Products or Energy-Related Equipment are, in accordance with Article 29(2) (a), among the measures subject to the transparency disciplines of the WTO Agreement.
- (2) Laws, regulations, judicial decisions and administrative rulings of general application made effective by any contracting party, and agreements in force between contracting parties, which affect other matters covered by this protocol shall also be published promptly in such a manner as to enable contracting parties and investors to become acquainted with them. The provisions of this paragraph shall not require any contracting party to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of any investor.
- (3) Each contracting party shall designate one or more enquiry points to which requests for information about the above the above mentioned laws, regulations, judicial decisions and administrative rulings may be addressed and shall communicate promptly such designation to the Executive Secretariat of ECOWAS which shall make it available on request.

TAXATION

- (1) Except as otherwise provided in this Article, nothing in this protocol shall create rights or impose obligations on investors with respect to Taxation Measures of the contracting parties. In the event of any inconsistency between this Article and any other provision of this protocol, this Article shall prevail to the extent of the inconsistency.
- (2) Article 7(3) shall apply to Taxation Measures other than those on income or on capital, except that such provision shall not apply to:
 - (a) An advantage accorded by a Contracting Party pursuant to the tax provision of any convention, agreement described in subparagraph (7)(a)(ii); or
 - (b) Any taxation Measure aimed at ensuring the effective collection taxes, except where the measure of a Contracting Party arbitrarily discriminates against Energy Materials and Products originating in, or destined for the area of another Contracting Party or arbitrarily restricts benefits accorded under Article 7(3).
- (3) Article 10(2) and (6) shall apply to Taxation Measures of the Contracting Parties other than those on income or on capital, except that such provisions shall not apply to:
 - (a) impose most favoured nation obligations with respect to advantages accorded by a Contracting Party pursuant to the tax provisions of any convention, agreement or arrangement described in subparagraph (7)(a)(ii) or resulting from membership of any Regional Economic Integration Organization; or

ensuring effective collection of taxes, except where the measure arbitrarily discriminates against and Investor or arbitrarily restricts benefits accorded under the Investment provisions of this Protocol.

- (4) Article 29(2) to (8) shall apply to taxation Measures other than those on income or on capital.
- (5) (a) Article 13 shall apply to taxes.
 - (b) Whenever an issue arises under article 13, to the extent it pertains to whether a tax constitutes an expropriation or whether a tax alleged to constitute an expropriation is discriminatory, the following provisions shall apply:
 - (i) The Investor or the Contracting Party alleging expropriation shall refer the issue of whether the tax is an expropriation or whether the tax is discriminatory to the relevant Competent Tax Authority. Failing such referral by the Investor or the Contracting Party, bodies called upon to settle disputes pursuant to article 26(2)© or 27(2) shall make a referral to the relevant Competent Tax authorities.
 - (ii) The Competent Tax Authorities shall, within a period of six months of such referral, strive to resolve the issues so referred. Where non-discrimination issues are concerned, the Competent Tax Authorities shall apply the non discrimination provisions of relevant tax convention or, if there is no non-discrimination provision in the relevant tax convention applicable to the tax or no such tax convention is in force between the Contracting Parties concerned, they shall apply the non-discrimination principles under the Model Tax Convention on Income and Capital of the Organization for

economic Co-operation and Development or any other model agreed upon by the Contracting Parties;

- (iii) Bodies called upon to settle disputes pursuant to article 26(2) (c) or 27(2) may take into account any conclusions arrived at by the Competent Tax authorities regarding whether the tax is an expropriation. Such bodies shall take into account any conclusions arrived at within the six-month period prescribed in subparagraph (b)(ii) by the Competent Tax Authorities regarding whether the tax is discriminatory. Such bodies may also take into account any conclusions arrived at by the Competent Tax Authorities after the expiry of the six-month period.
- (iv) Under no circumstances shall involvement of the Competent Tax Authorities, beyond the end of the six-month period referred to in subparagraph (b)(ii), lead to a delay of proceedings under Articles 26 and 27.
- (6) For the avoidance of doubt, Article 14 shall not limit the right of a Contracting Party to impose or collect a tax by withholding or other means.
- (7) For the purposes of this Article:
 - (a) The term "Taxation Measure" includes
 - (i) Any provision relating to taxes of the domestic law of the Contracting Party or of a political subdivision thereof or a local authority therein; and
 - (ii) Any provision relating to taxes of any convention for the avoidance of double taxation or of any other international agreement or arrangement by which the contracting Party is bound.
 - (b) There shall be regarded as taxes

on income or on capital all taxes imposed on total income, on total capital or on elements of income or of capital, including taxes on gains from the alienation of property, taxes on estates, inheritances and gifts, or substantially similar taxes on capital appreciation.

- (c) A "Competent Tax authority" means the competent authority pursuant to a double taxation agreement in force between the Contracting Parties or, when no such agreement is in force, the minister or ministry responsible for taxes or their authorized representatives.
- (d) For the avoidance of doubt, the terms "tax provisions" and taxes" do not include customs duties.

ARTICLE 22

STATE AND PRIVILEGED ENTERPRISES

- (1) Each Contracting Party shall ensure that any state enterprise which it maintains or establishes shall conduct its activities in relation to the sale or provision of goods and services in its Area in a manner consistent with the Contracting Party's obligations under Chapter III of this Protocol.
- (2) No Contracting party shall encourage or require such a state enterprise to conduct its activities in its Area in a manner inconsistent with the Contracting Party's obligations under other provisions of this Protocol.
- (3) Each Contracting Party shall ensure that if it establishes or maintains an entity and entrusts the entity with regulatory, administrative or other governmental authority, such entity shall exercise that authority in a manner consistent with the Contracting Party's obligations under this Protocol.

which it grants exclusive or special privileges to conduct its activities in its area in a manner inconsistent with the contracting Party's obligations under this Protocol.

- (5) For the purposes of this Article, "entity includes any enterprise, agency or other organization or natural person.

ARTICLE 23

OBSERVANCE BY SUB-NATIONAL AUTHORITIES

- (1) Each contracting party is fully responsible under this protocol for the observance of all provisions of the protocol, and shall take such reasonable measures as may be available to it to ensure such observance by regional and local government and authorities within its Area.
- (2) The dispute settlement provisions in chapter II, IV and V of this protocol by a invoked in respect of measures affecting the observance of the protocol of the protocol by a contracting party which have been taken by regional or local governments or authorities within the Area of the contracting party.

ARTICLE 24

EXCEPTIONS

- (1) This Article shall not apply to Articles 12, 13 and 29
- (2) The provisions of this protocol other than
- (a) Those referred to in paragraph (1), and
- (b) With respect to subparagraph (1), chapter III of the protocol shall not preclude any contracting party from adopting or enforcing any measure.

- (ii) Essential to the acquisition or distribution of Energy Materials and Products in conditions of short supply arising from causes outside the control of that contracting party, provided that any such measure shall be consistent with the principles that

- (A) All other contracting parties are entitled to an equitable share of the international supply of such Energy Materials and products and

- (B) Any such measure that is inconsistent with this protocol shall be discontinued as soon as the conditions giving rise to it have ceased to exist or

- (iii) Designed to benefit investor who are aboriginal people or social or economically disadvantage individuals or groups or their investments and notified to the secretariat as such, provided that such measure.

- (A) Has no significant impact on that contracting party's economy and

- (B) Does not discriminate between investors not included among those for whom the measure is intended,

Provided that no such measure shall constitute a disguised restriction on Economic Activity in the Energy Sector, or arbitrary or arbitrary or unjustifiable discrimination between contracting parties or between investors or other interested persons of contracting parties. Such measure shall be duly motivated and shall not nullify or impair any benefit one or more other contracting parties may reasonably expect under this protocol on an extent greater than is strictly necessary to the stated end.

(3) The provisions of this protocol other than those referred to in paragraph (1) Shall not be construed to prevent any contracting party from taking any measure which it considers necessary.

(a) For the protection of its essential security interests including those

(i) Relating to the supply of Energy Materials and products to a military establishment or

(ii) Taken in time of war, armed conflict or other emergency in international relations

(b) Relating to the implementation of national policies respecting the non-proliferation of nuclear weapons or other nuclear explosive devices or needed to fulfil its obligations under this protocol or any other treaty on the non-proliferation of Nuclear Weapons, the Nuclear Suppliers Guidelines, and other international nuclear non-proliferation obligations or understanding; or

(c) For the maintenance of public order.

Such measure shall not constitute restriction on Transit

(4) The provisions of this protocol which accord most favoured nation treatment still not oblige any contracting party to extend to an investor any preferential treatment resulting from that contracting party's membership of a free-trade area or customs union.

ARTICLE 25

ECONOMIC INTEGRATION AGREEMENTS

(1) The provisions of this protocol shall not be so construed as to oblige a contracting party which is party to an Economic Integration Agreement (hereinafter referred to

as "EIA") to extend, by means of most favoured nation treatment, to another contracting party to that EIA, any preferential treatment application between the parties to that EIA as a result of their being parties thereto.

(2) For the purpose of paragraph (1), "EIA) means an agreement substantially liberalizing, inter alia, trade and investment, by providing for the absence or elimination of substantially all discrimination between or among parties thereto through the elimination of existing discrimination measures and / or the prohibition of new or more discriminatory measures, either at the entry into force of that agreement or on the basis of a reasonable time frame.

CHAPTER V

DISPUTE SETTLEMENT

ARTICLE 26

SETTLEMENT OF DISPUTES BETWEEN AN INVESTOR AND A CONTRACTING PARTY

(1) Disputes between a contracting party and an investor relating to an investment of the latter in the Area of the former, which concern an alleged breach of an obligation of the former under chapter III shall, if possible, be settled amicably.

(2) If such disputers can not be settled according to the provisions of paragraph (1) within a period of three months from the date on which either party to the dispute requested amicable settlement, the investor party to the dispute may choose to submit for resolution.

(a) To the courts or administration tribunals of the contracting party to the dispute.

- (c) In accordance with the following paragraph of this Article.
- (3) Each Contracting Party hereby gives its unconditional consent to the submission of a dispute to international arbitration in accordance with the provisions of this Article.
- (4) In the event that an Investor chooses to submit the dispute for resolution under subparagraph (2) (c), the Investor shall further provide its consent in writing for the dispute to be submitted to:
 - (a) (i) The International Centre for Settlement of Investment Disputes, established pursuant to the Convention on the settlement of Investment Disputes between States and Nationals of other States opened for signature at Washington, 18 March 1965 (hereinafter referred to as the "ICSID Convention"), if the country of origin of the Investor and the Contracting Party to the dispute are both parties to the ICSID Convention; or
 - (ii) The International Centre for Settlement of Investment Disputes, established pursuant to the convention referred to in subparagraph (a) (i), under the rules governing the Addition Facility for the Administration of Proceedings by the Secretariat of the Centre (hereinafter referred to as the "Additional Facility Rules"), if the country of origin of the Investor or the Contracting Party to the dispute, but not both, is a party to the ICSID Convention; or
 - (b) a sole arbitrator or ad hoc arbitration tribunal established under the Arbitration Rules of the United Nations Commission on

- (c) An arbitral proceeding under the Arbitration Institute of the Stockholm Chamber of Commerce; or
- (d) An arbitral proceeding under the organization for the Harmonization of Trade Laws in Africa (OHADA).
- (5) (a) The consent given in paragraph (3) together with the written consent of the Investor given pursuant to paragraph (4) shall be considered to satisfy the requirement for:
 - (i) Written consent of the parties to a dispute for purposes of Chapter II of the ICSID Convention and for purposes of the Additional Facility Rules.
 - (ii) an "agreement in writing" for purposes of article II of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, 10 June 1958 (hereinafter referred to as the "New York Convention"); and
 - (iii) "The parties to a contract [to] have agreed in writing" for the purpose of article 1 of the UNCITRAL Arbitration Rules.
- (b) Any arbitration under this Article shall at the request of any part to the dispute be held in a state that is a party to the New York Convention. Claims submitted to arbitration hereunder shall be considered to arise out of a commercial relationship or transaction for the purpose of article 1 of that Convention.
- (6) A tribunal established under paragraph (4) shall decide the issues in dispute in accordance with this Protocol and applicable rules and principles of international law.

- (7) An Investor other than an natural person which has the nationality of a Contracting Party to the dispute on the date of the consent in writing referred to in paragraph (4) and which, before a dispute between it and that Contracting Party arises, is controlled by Investors of another Contracting Party, shall for the purpose of article 25(2)(b) of the ICSID Convention be treated as a "national of another Contracting Party" and shall for the purpose of article 1(6) of the Additional Facility Rules be treated as a "national of another State".
- (8) The awards of arbitration, which may include an award of interest, shall be final and binding upon the parties to the dispute. An award of arbitration concerning a measure of a sub-national government or authority of the disputing Contracting Party shall provide that the contracting Party may pay monetary damages in lieu of any other remedy granted. Each Contracting Party shall carry out without delay any such award and shall make provision for the prompt and effective enforcement in its Area of such awards.

ARTICLE 27

SETTLEMENT OF DISPUTES BETWEEN CONTRACTING PARTIES.

- (1) Contracting Parties shall endeavour to settle disputes concerning the application or interpretation of this Protocol through diplomatic channels.
- (2) If a dispute has not been settled in accordance with paragraph (1) within a reasonable period of time, either party thereto may, except as otherwise provided in this Protocol or agreed in writing by the Contracting Parties, and except as concerns the application or interpretation of Article 6 or Article 19 upon written notice to the other party to the dispute submit the

matter to an ad hoc tribunal under this Article.

- (3) Such an ad hoc arbitral tribunal shall be constituted as follows:
 - (a) The Contracting Party instituting the proceedings shall appoint one member of the tribunal and inform the other Contracting Party to the dispute of its appointment within 30 days of receipt of the notice referred to in paragraph (2) by the other Contracting Party;
 - (b) Within 60 days of the receipt of the written notice referred to in paragraph (2), the other Contracting Party which is a party to the dispute shall appoint one member. If the appointment is not made within the time limit prescribed, the Contracting Party having instituted the proceedings may, within 90 days of the receipt of the written notice referred to in paragraph (2), request that the appointment be made in accordance with subparagraph (d).
 - (c) A third member, who may not be a national or citizen of a Contracting Party to the dispute, shall be appointed by the Contracting Parties to the dispute. That member shall be the President of the Tribunal. If, within 150 days of the receipt of the notice referred to in paragraph (2), the Contracting Parties are unable to agree on the appointment of a third member, that appointment shall be made, in accordance with subparagraph (d), at the request of either Contracting Party submitted within 180 days of the receipt of that notice;
 - (d) Appointments requested to be made in accordance with this paragraph shall be made by the Executive Secretary of the Executive Secretariat of ECOWAS within 30 days of the receipt of a request to do so;

accordance with subparagraphs (a) to (d) shall be made with regard to the qualifications and experience, particularly in matters covered by this protocol, of the members to be appointed.

- (f) In the absence of an agreement to the contrary between the Contracting Parties, the Arbitration Rules of UNCITRAL shall govern, except to the extent modified by the Contracting Parties to the dispute or by the arbitrators. The tribunal shall take its decisions by a majority vote of its members;
- (g) The tribunal shall decide the dispute in accordance with this Protocol and applicable rules and principles of international law;
- (h) The arbitral award shall be final and binding upon the Contracting Parties to the dispute;
- (i) The expenses of the tribunal, including the remuneration of its members, shall be borne in equal shares by the Contracting Parties to the dispute. The tribunal may, however, at its discretion direct that a higher proportion of the costs be paid by one of the Contracting Parties to the dispute;
- (j) Unless the Contracting Parties to the dispute agree otherwise, the tribunal shall sit in Abuja, Nigeria, and use the facilities of the ECOWAS Court of Justice.
- (k) A copy of the award shall be deposited with the Executive Secretariat of ECOWAS which shall make it generally available.

ARTICLE 28

NON-APPLICATION OF ARTICLE 27 TO CERTAIN DISPUTES

A dispute between Contracting Parties with respect to the application or

settled under Article 27 unless the Contracting Parties to the dispute so agree.

CHAPTER VI

TRANSITIONAL PROVISIONS

ARTICLE 29

INTERIM PROVISIONS ON TRADE-RELATED MATTERS

- (1) The provisions of this Article shall apply to trade in Energy Materials and Products and Energy-related Equipment while any Contracting Party is not a member of the WTO.
- (2) Trade in Energy Materials and Products and Energy-Related Equipment between Contracting Parties at least one of which is not a member of the WTO shall be governed, subject to subparagraphs (b) and to the exceptions and rules provided for in Annex D, by the provisions of the WTO Agreement, as applied and practiced with regard to Energy Materials and Products and Energy Related Equipment by members of the WTO among themselves, as if all Contracting Parties were members of the WTO.
- (3) Each signatory to this Protocol, and each state or Regional Economic Integration Organization acceding to this Protocol, shall on the date of its signature or of its deposit of its instrument of accession provide to the Executive Secretariat of ECOWAS a list of all customs duties and other charges levied on Energy Materials and Products at the time of importation or exportation, notifying the level of such duties and charges applied on such date of signature or deposit. Any changes to such duties or other charges shall be

- notified to the Executive Secretariat of ECOWAS, which shall inform the Contracting Parties of such changes.
- (4) Each contracting Party shall endeavour not to increase any customs duty or tariff rate or other charge levied at the time of importation or exportation:
- (a) in the case of the importation of Energy Materials and Products listed in Annex A or Energy-Related Equipment listed in the document to be adopted by the Meeting of Energy Ministers under the terms of Article 30 of this Protocol and described in Part I of the Schedule relating to the Contracting Party referred to in article II of the GATT 1994, above the level set forth in that Schedule, if the Contracting Party is a member of the WTO;
- (B) In the case of the exportation of Energy Materials and Products listed in Annex A or Energy-related Equipment listed in the document to be adopted by the Meeting of Energy Ministers under the terms of Article 30 of this Protocol, and that of their importation if the Contracting Party is not a member of the WTO, above the level most recently notified to the Executive Secretariat of ECOWAS, except as permitted by the provisions made applicable by subparagraph (2) (a).
- (5) A Contracting Party may increase such customs duty or other charge above the level referred to in paragraph (4) only if.
- (a) in the case of a customs duty or other charge levied at the time of importation, such action is not inconsistent with the applicable provisions of the WTO Agreement, other than those provisions of the WTO Agreement listed in Annex D; or
- (b) It has, to the fullest extent practicable under its legislative procedures, notified the Executive Secretariat of ECOWAS of its proposal for such an increase, given other interested Contracting Parties reasonable opportunity for consultation with respect to its proposal, and accorded consideration to any representation from such Contracting Parties.
- (6) In respect of trade between Contracting Parties at least one of which is not a member of the WTO, no such Contracting Party shall increase any customs duty or charge of any kind imposed on or in connection with importation or exportation of Energy Materials and Products listed in Annex A or Energy-related Equipment listed in the document to be adopted by the Meeting of Energy Ministers under the terms of Article 30 of this Protocol above the lowest of the levels applied on the date of the decision by the Meeting of Energy Ministers to list the particular item in the relevant Annex or document.
- A Contracting Party may increase such customs duty or other charge above that level only if:
- (a) In case of a customs duty or other charge imposed on or in connection with importation, such action is not inconsistent with the applicable provisions of the WTO Agreement, other than those provisions of the WTO Agreement listed in Annex D; or
- (b) In exceptional circumstances not elsewhere provided for in this Protocol, the Meeting of Energy Ministers decides to waive the obligation otherwise imposed on a Contracting Party by this paragraph, consenting to an increase in a customs duty, subject to any conditions the Meeting of Energy Ministers may impose.

importation or exportation of Energy Materials and Products or Energy-Related Equipment shall be subject to the provisions of the Understanding on the Interpretation of Article II: 1(b) of the GATT 1994 as modified according to Annex D.

- (8) Annex E shall apply:
- (a) Do disputes regarding compliance with provisions applicable to trade under this Article;
- (b) To disputes regarding the application by a Contracting Party of any measure, whether or not it conflicts with the provisions of this Article, which is considered by another Contracting Party to nullify or impair any benefit accruing to it directly or indirectly under this Article; and
- (c) Unless the Contracting Parties to the dispute agree otherwise, to disputes regarding compliance with Article 5 between Contracting Parties at least one of which is not a member of the WTO, except that Annex E shall not apply to any dispute between contracting Parties, the substance of which arises under an agreement that:
- (i) Has been notified in accordance with and meets the other requirements of subparagraph (2) (b); or
- (ii) Establishes a free-trade area or a customs union as described in article XXIV of the GATT 1994.

ARTICLE 30

ENERGY-RELATED EQUIPMENT

The Meeting of Energy Ministers shall approve a list of Energy-related Equipment to be included in the trade provisions of this Protocol. The list of

equipment not included in the list, it must submit to the Contracting Party of the area in which it is acting an additional list for approval.

CHAPTER VII

STRUCTURE AND INSTITUTIONS

ARTICLE 31

IMPLEMENTATION

- (1) The Meeting of the Energy Ministers of the ECOWAS Member States shall be the organ responsible for implementation of the West African Energy Protocol.
- (2) The functions of the Meeting of Energy Ministers shall be to:
- (a) Carry out the duties assigned to it by this Protocol and any other Agreements under Article 37 of this Protocol;
- (b) Keep under review and facilitate the implementation of the principles and provisions of this Protocol and other Agreements under Article 37 of this Protocol;
- (c) Facilitate in accordance with this Protocol and other Agreement under Article 37 of this Protocol the co-ordination of appropriate measures to carry out the principles of this Protocol;
- (d) Consider and adopt programmes of work to be carried out by the ECOWAS Executive Secretariat;
- (e) Consider and approve or adopt the terms of any headquarters or other agreement, including privileges and immunities considered necessary for the Executive Secretariat of ECOWAS.
- (f) Encourage co-operative efforts

aimed at facilitating and promoting market-oriented reforms and modernization of energy sectors in the countries of West Africa.

- (g) Authorize and approve the terms of reference for the negotiation of protocols, and consider and adopt the texts thereof and of amendments thereto;
- (h) Authorize the negotiation of declarations, and approve their issuance;
- (i) Decide on accessions to this Protocol;
- (j) Authorize the negotiation of and consider and approve or adopt association agreements;
- (k) Consider and adopt texts of amendments to this Protocol;
- (l) Consider and approve modifications of and technical changes to the Annexes to this Protocol;
- (m) Commit and bind Contracting Parties with respect to obligations for facilitating the creation and execution of energy systems, programmes and projects within the framework of implementation of this Protocol.
- (n) Establish regulatory bodies for energy systems, programmes and projects within the framework of implementation of this Protocol.
- (3) In the performance of its duties, the Meeting of Energy Ministers, through the Secretariat, shall co-operate with and make as full a use as possible, consistent with economy and efficiency, of the services and programmes of other institutions and organizations with established competence in matters related to the objectives of this Protocol.
- (4) The Meeting of Energy Ministers may establish such subsidiary

bodies as it considers appropriate for the performance of its duties.

- (5) The Meeting of Energy Ministers shall consider and adopt rules of procedure and financial rules.

ARTICLE 32

SECRETARIAT

- (1) In accomplishing its mission, the Meeting of Energy Ministers shall receive the support of the Executive Secretariat of ECOWAS which is responsible for implementing the decisions of the Community.
- (2) The Executive Secretariat of ECOWAS shall provide to the Meeting of Energy Ministers all assistance necessary for accomplishment of its mission and shall exercise the function assigned to it under this Protocol or any other Agreement under Article 37 of this Protocol and any other functions that may be assigned to it by the Meeting of Energy Ministers.

ARTICLE 33

VOTING

- (1) Decisions of the Meeting of energy Ministers shall be by consensus, or a simple majority, of members present at the meeting.
- (2) Decisions may not be taken unless a minimum of two thirds of the Member States are represented at the meeting.

CHAPTER VIII

FINAL PROVISIONS

ARTICLE 34

RATIFICATION

This Protocol shall be subject to ratification by signatories. Instruments of

be deposited with the Executive Secretariat of ECOWAS in Abuja, Nigeria.

ARTICLE 35

ACCESSION

This Protocol shall be open for accession, from the date on which the Protocol is closed for signature, by states and regional Economic Integration Organizations which are Member States of ECOWAS on terms to be approved by the Meeting of Energy Ministers. The instruments of accession shall be deposited with the Executive Secretariat of ECOWAS.

ARTICLE 36

AMENDMENTS AND REVISIONS

- (1) Any Contracting Party may submit proposals for amending or revising this Protocol.
- (2) All such proposals should be submitted to the Executive Secretariat of the ECOWAS which shall distribute them to the Member State within thirty (3) days after their receipt. The Meeting of the Energy Ministers of ECOWAS will examine the amendments or revisions proposals within three (3) months accorded to the Contracting Parties.
- (3) The amendments and revisions shall be adopted by the Meeting of the Energy Ministers of ECOWAS in accordance with the provisions of article 33 of this Protocol and submitted to all the Contracting Parties for ratification according to their respective constitutional procedures. They will enter into force and effect in accordance with the provisions of Article 39 of this Protocol.

ARTICLE 37

E N E R G Y P R O T O C O L S , A G R E E M E N T S A N D D E C L A R A T I O N S

- (1) The Meeting of Energy Ministers

number of Agreements or declarations in order to pursue the objectives and principles of this Protocol.

- (2) Any signatory to this Protocol may participate in such negotiation.
- (3) A state or Regional Economic Integration Organization shall not become a party to any agreement referred to in paragraph (1), above, or declaration unless it is, or becomes at the same time, a signatory and a Contracting Party to this Protocol.
- (4) Subject to paragraph (3) and subparagraph (6) (a), final provisions applying to a protocol shall be defined in that protocol.
- (5) An Agreement shall apply only to the Contracting Parties which consent to be bound by it, and shall not derogate from the rights and obligations of those Contracting Parties not party to the Agreement.
- (6)
 - (a) An Agreement may assign duties to the Meeting of Energy Ministers and functions to the Executive Secretariat of ECOWAS, provided that no such assignment is approved by the Meeting of Energy Ministers, whose approval shall not be subject to any provisions of the Agreement which are authorized by subparagraph (b).
 - (b) An Agreement which provides for decisions thereunder to be taken by the Meeting of Energy Ministers may, subject to subparagraph (a), provide with respect to such decisions;
- (i) For voting rules other than those contained in Article 33;
- (ii) That only parties to the Agreement shall be considered to be Contracting Parties for the purposes of Article 33 or eligible to

vote under the rules provided for in the Agreement.

ARTICLE 38

ASSOCIATION AGREEMENTS

- (1) The Meeting of Energy Ministers may authorize the negotiation of association agreements with states or Regional Economic Integration Organizations, or with international organizations, in order to pursue the objectives and principles of this Protocol and the provisions of this Protocol or any other Agreements such as those referred to in Article 37.
- (2) The relationship established with and the rights enjoyed and obligations incurred by an associating state, Regional Economic Integration Organization, or international organization shall be appropriate to the particular circumstances of the association, and in each case shall be set out in the association agreement.

ARTICLE 39

ENTRY INTO FORCE

- (1) This Protocol and the attaché annexes which form an integral part thereof shall enter into force on the ninetieth day after the date of deposit of the ninth instrument of ratification thereof, or of accession thereto, by an ECOWAS Member State.
- (2) For each state or Regional Economic Integration Organization which ratifies this Protocol or accedes thereto after the deposit of the ninth instrument of ratification it shall enter into force on the ninetieth day after the date of deposit by such state or Regional Economic Integration Organization of its instrument of ratification, or accession.

- (3) For the purposes of paragraph (1), any instrument deposited by a Regional Economic Integration Organization shall not be counted as additional to those deposited by Member States of ECOWAS.

ARTICLE 40

PROVISIONAL APPLICATION

- (1) Each signatory agrees to apply this Protocol provisionally pending its entry into force for such signatory in accordance with Article 39, to the extent that such provisional application is not inconsistent with its constitution, laws or regulations.
- (2)
 - (a) Notwithstanding paragraph (1) any signatory may, when signing, deliver to the Depository a declaration that it is not able to accept provisional application. The obligation contained in paragraph (1) shall not apply to a signatory making such a declaration. Any such signatory may at any time withdraw that declaration by written notification to the Depository.
 - (b) Neither a signatory which makes a declaration in accordance with subparagraph (a) nor may investors of that signatory claim the benefits of provisional application under paragraph (1).
 - (c) Notwithstanding subparagraph (a), any signatory making a declaration referred to in subparagraph (a) shall apply Chapter VII provisionally pending the entry into force of the Protocol for such signatory in accordance with Article 39, to the extent that such provisional application is not inconsistent with its constitution, laws or regulations.
- (3)
 - (a) Any signatory may terminate its provisional application of this Protocol by notification to the Depository of its

Contracting Party to the Protocol. Termination of provisional application for any signatory shall take effect upon the expiration of 60 days from the date on which such signatory's written notification is received by the Depository.

- (b) In the event that a signatory terminates provisional application under subparagraph (a), the obligation of the signatory under paragraph (1) to apply Chapters III and V with respect to any Investments made in its Area during such provisional application by Investors of other signatories shall nevertheless remain in effect with respect to those Investments for twenty years following the effective date of termination.
- (4) Pending the entry into force of this Protocol the signatories shall meet periodically in the provisional Meeting of Energy Ministers, the first meeting of which shall be convened by the ECOWAS Executive Secretariat.
- (5) A State or Regional Economic Integration Organization which prior to this Protocol's entry into force, accedes to the Protocol in accordance with Article 35 shall, pending the Protocol's entry into force, have the rights and assume the obligations of a signatory under this Article.

ARTICLE 41

RESERVATIONS

No reservations shall be made to this Protocol

ARTICLE 42

WITHDRAWAL

- (1) At any time after five years from the date on which this Protocol has entered into force for a Contracting

Party, give written notification to the Depository of its withdrawal from the Protocol.

- (2) Any such withdrawal shall take effect upon the expiry of one year after the date of the receipt of the notification by the Depository, or on such later date as may be specified in the notification of withdrawal.
- (3) The provisions of this Protocol shall continue to apply to Investments made by Investors in the Area of a withdrawing Contracting Party for a period of 20 years from such date of withdrawal.
- (4) All Agreements referred to in Article 37(1) to which a Contracting Party is party shall cease to be in force for that Contracting Party on the effective date of its withdrawal from this Protocol.

ARTICLE 43

ENERGY EFFICIENCY

- (1) Basic Provisions
 - (a) Contracting Parties shall co-operate and, as appropriate, assist each other in developing and implementing energy efficiency policies, laws and regulations.
 - (b) Contracting Parties shall establish energy efficiency policies and appropriate legal and regulatory frameworks which promote, inter alia:
 - (i) Efficient functioning of market mechanisms including market oriented price formation and a fuller reflection of environmental costs and benefits;
 - (ii) Reduction of barriers to energy efficiency, thus stimulating investments.
 - (iii) Mechanisms for financing energy efficiency initiatives.

- (iv) Education and awareness
- (v) Dissemination and transfer of technologies.
- (vi) Transparency of legal and regulatory frameworks.
- (c) Contracting Parties shall strive to achieve the full benefit of energy efficiency throughout the Energy Cycle. To this end they shall, to the best of their competence, formulate and implement energy efficiency policies and co-operative or coordinated actions based on Cost-Effectiveness and economic efficiency, taking due account of environmental aspects.
- (d) Energy efficiency policies shall include both short-term measures for the adjustment of previous practices and long-term measures to improve energy efficiency throughout the Energy Cycle
- (e) When Co-operating to achieve the objectives of this Protocol, Contracting Parties shall take into account the differences in adverse effects and abatement costs between Contracting Parties.
- (f) Contracting Parties recognize the vital role of the private sector. They shall encourage by energy utilities, responsible authorities and specialized agencies, and close co-operation between industry and administrations.
- (g) Co-operative or coordinated action shall take into account relevant principles adopted in international agreements, aimed at protection and improvement of the environment, to which Contracting Parties are parties.
- (h) Contracting Parties shall take full advantage of the work and expertise of competent international or other bodies and shall take care to avoid duplication.
- (2) Division of Responsibility and Coordination: Each Contracting Party shall strive to ensure that energy efficiency policies are coordinated among all of its responsible authorities.
- (3) Domestic Programmes.
- (a) In order to achieve the policy aims formulated according to Article 5, each Contracting Party shall develop, implement and regularly update energy efficiency programmes best suited to its circumstances.
- (b) These programmes may include activities such as the:
 - (i) Development of long-term energy demand and supply scenarios to guide decision-making.
 - (ii) Assessment of the energy, environmental and economic impact of actions taken;
 - (iii) Definition of standards designed to improve the efficiency of energy using equipment, and efforts to harmonize these internationally to avoid trade distortions.
 - (iv) Development and encouragement of private initiative and industrial co-operation, including joint ventures.
 - (v) Promotion of the use of the most energy efficient technologies that are economically viable and environmentally sound.
 - (vi) Encouragement of innovative approaches for investments in energy efficiency improvements, such as Third Financing and Co-financing.
 - (vii) Development of appropriate energy balances and data bases, for example with data on energy demand at a sufficiently detailed level and on technologies for Improving Energy Efficiency.

advisory and consultancy services which may be operated by public or private industry or utilities and which provide information about energy efficiency programmes and technologies, and assist consumers and enterprises.

- (ix) Support and promotion of confederation and of measures to increase the efficiency of district heat production and distribution systems to buildings and industry;
- (x) Establishment of specialized energy efficiency bodies at appropriate levels that are sufficiently funded and staffed to develop and implement policies.
- (c) In implementing their energy efficiency programmes, Contracting Parties shall ensure that adequate institutional and legal infrastructures exist.
- (4) Role of the ECOWAS Executive Secretariat: The ECOWAS Executive Secretariat shall endeavour to adopt, within 180 days after the entry into force of this Protocol, procedures for keeping under review and facilitating the implementation of its provisions, including reporting requirements.

ARTICLE 44

DEPOSITORY

The ECOWAS Executive Secretariat shall be the Depository of this Protocol.

ECOWAS Executive will provide certified copies of the present Protocol for all ECOWAS Member States, notifying them of the dates for filing of the ratification instruments and membership instruments and shall have the present Protocol filed with the African Union, The United Nations, and with any other organizations which Meeting of Energy Ministers may determine.

TESTIMONIUM/AUTHENTIC TEXTS

In witness whereof the undersigned, being duly authorized to that effect, have signed this Protocol in English, French, and Portuguese of which each text is equally authentic, in one original, which will be deposited with the ECOWAS Executive Secretariat.

DONE AT DAKAR ON THE 31ST OF JANUARY IN THE YEAR OF TWO THOUSAND AND THREE.

ANNEXES TO THE WEST AFRICA ENERGY PROTOCOL

ANNEX A

ENERGY MATERIAL AND PRODUCTS (In Accordance with Article 1(5))

Nuclear Energy 26.12 Uranium or thorium ores and concentrates

27.07 Oils and other products of the distillation of high temperature coal tar; similar products in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents (e.g. benzole, toluene, xylene, naphthalene, other aromatic hydrocarbon mixtures, phenols, creosote oils and others).

ANNEX B

NON APPLICABLE ENERGY MATERIALS AND PRODUCTS FOR DEFINITIONS OF "ECONOMIC ACTIVITY IN THE ENERGY SECTOR"

(In accordance with Article 1(4))

27.07 Oils and other products of the distillation of high temperature coal tar; similar products in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents (e.g. benzole, toluene, xylene, naphthalene, other aromatic hydrocarbon mixtures, phenols, creosote oils and others).

ANNEX C

NOTIFICATION AND PHASE-OUT (TRIMs)

(In accordance with Article 5(4))

- (1) Each Contracting Party shall notify to the Executive Secretariat of ECOWAS all trade-related investment measures which it applies that are not in conformity with the provisions of Article 5, within:
 - (a) 90 days after the entry into force of this Protocol if the Contracting Party is a member of the WTO; or
 - (b) 12 months after the entry into force of this Protocol if the Contracting Party is not a party to the WTO.

Such trade-related investment measures of general or specific application shall be notified along with their principal features.

- 2). In the case of trade-related investment measures applied under discretionary authority, each specific application shall be notified. Information that would prejudice the legitimate commercial interests of particular enterprises need not be disclosed.
- (3) Each Contracting Party shall eliminate all trade-related investment measures which are notified under paragraph (1) within:
 - (a) Two years from the date of entry into force of this Protocol if the Contracting Party is a party to the WTO; or
 - (b) Three years from the date of entry into force of this Protocol if the Contracting Party is not a party to the WTO.
- (4) During the applicable period referred to in paragraph (3) a Contracting Party shall not modify the terms of any trade-related

notifies under paragraph (1) from those prevailing at the date of entry into force of this Protocol so as to increase the degree of inconsistency with the provisions of Article 5 of this Protocol.

- (5) Notwithstanding the provisions of paragraph (4), a Contracting Party, in order not to disadvantage established enterprises which are subject to a trade-related investment measure notified under paragraph (1), may apply during the phase-out period the same trade-related investment to a new Investment where:

- (a) The products of such Investment are like products to those of the established enterprises; and
- (b) Such application is necessary to avoid distorting the conditions of competition between the new Investment and the established enterprises.

Any trade-related investment measure so applied to a new Investment shall be notified to the Executive Secretariat of ECOWAS. The terms of such a trade-related investment measure shall be equivalent in their competitive effect to those applicable to the established enterprises, and it shall be terminated at the same time.

- (6) Where a state or Regional Economic Integration Organization accedes to this Protocol after the Protocol has entered into force.
 - (a) The notification referred to in paragraphs (1) and (2) shall be made by the later of the applicable date in paragraph (1) or the date of deposit of the instrument of accession; and
 - (b) The end of the phase-out period shall be the later of the applicable

which the Protocol enters into force for that state or Regional Economic Integration Organization.

ANNEX D

EXCEPTIONS AND RULES GOVERNING THE APPLICATION OF THE PROVISIONS OF THE WTO AGREEMENT

(In accordance with Article 29(2) (a))

- (A) Exceptions to the Application of the Provisions of the WTO Agreement.

- (i) The following provisions of the WTO Agreement shall not be applicable under Article 29(2) (a).

- (a) Agreement Establishing the World Trade Organisation All except article IX, paragraphs 3 and 4 and XVI, paragraphs 1, 3, and 4.

- (i) General Agreement on Tariffs and Trade 1994.

- II Schedules of Concessions, paragraphs (1)(a), (1)(b, 1st sentence), (1)(c) and (7).

- IV Special Provisions relating to Cinematographic Films

- XV Exchange Arrangements

- XVIII Government Assistance to Economic Development

- XXIV Consultation

- XXV Joint Action by the Contracting Parties

- XXVI Acceptance, Entry into Force and Registration

- XXVII Withholding or Withdrawal of Concessions

- XXVIII Modification of Schedules

- XXVIII bis Tariff Negotiations

- XXIX The relation of this Agreement to the Havana Charter

- XXX Amendments

- XXXI Withdrawal

- XXXII Contracting Parties

- XXXIII Accession

- XXXV Non-application of the Agreement between particular Contracting Parties.

XXXVI Principles and Objectives
 XXXVII Commitments
 XXXVIII Joint Action
 Annex H Relating to Article XXVI

(Annex I Notes and Supplementary Provisions (related to above-mentioned GATT provisions)

Understanding on the interpretation of Article II: 1(b) of the GATT 1994

2. Date of incorporation of other duties and charges into the schedule.

4 Challenges, (1st sentence only)
 6 Dispute settlement
 8 Supersession of BISD 27S/24

Understanding on the Interpretation of Article XVII of the GATT 1994

1 only the phrase "for review by the working party to be set up under paragraph (5).
 5 Working Party on state trading

Understanding on the Balance-of-Payments Provisions of the GATT 1994.

5 Committee on Balance-of-Payments Restrictions, except last sentence
 7 Review by the Committee, the phrase "or under paragraph 12(b) of Article XVIII"
 8 Simplified consultation procedures
 13 Conclusions of Balance-of-Payments consultations, first sentence, third sentence: the phrase "and XVII: B, the 1979 Declaration" and last sentence.

Understanding on the Interpretation of Article XXIV of the GATT 1994

All except paragraph 13

Understanding in Respect of Waivers of Obligations under the GATT 1994

3. Nullification and Impairment

Understanding on the Interpretation of Article XXVIII of the GATT 1994

Marrakesh Protocol to the GATT 1994

(ii) Agreement on Agriculture

(iii) Agreement on the Application of Sanitary and Phytosanitary Measures

(iv) Agreement on Textiles and Clothing

(v) Agreement on Technical Barriers to Trade

Preamble (paragraphs 1, 8, 9)

1.3 General provisions

10.5 The words "Developed country" and the words "French or Spanish" which shall be replaced by "Russian"

10.6 The phrase "and draw attention of developing country Members ... interest to them."

10.9 Information about technical regulations, standards and certification systems (languages)

11 Technical assistance to other Parties

12 Special and differential treatment of developing countries

13 The Committee on Technical Barriers to Trade

14 Consultation and dispute settlement

15 Final provisions (other than 15.5 and 15.13)

Annex 2 Technical Expert Groups

(vi) Agreement on Trade-Related Investment Measures

(vii) Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping)

15 Developing Country Members

16 Committee on Anti-Dumping Practices

- 18 Final Provisions, paragraphs 2 and 6
- (vii) Agreement on Implementation of Article VII of the GATT 1994 (Customs Valuation)

Preamble paragraph 2, the phrase "and to secure additional benefits for the international trade of developing countries"

- 14 Application of Annexes (second sentence except as far as it refers to Annex III paragraphs 6 and 8)
- 18 Institutions (Committee on Customs Valuation)
- 19 Consultation and Dispute Settlement
- 20 Special and differential treatment of developing countries
- 21 Reservations
- 23 Review
- 24 Secretariat

Annex II Technical Committee on Customs Valuation
Annex III Extra Provisions (except paragraphs 6 and 7)

- (ix) Agreement on Preshipment Inspection

Preamble paragraphs 2 and 3

- 3.3 Technical Assistance
- 6 Review
- 7 Consultation
- 8 Dispute Settlement

- (x) Agreement on Rules of Origin

Preamble 8th indent

- 4 Institutions
- 6 Review
- 7 Consultation
- 8 Dispute Settlement
- 9 Harmonization of Rules of Origin

- (xi) ~~Agreement on Import Licensing Procedures~~

- 1.4(a) General Provisions (last sentence)
- 2.2 Automatic Import Licensing (footnote 5)

- 4 Institutions
- 6 Consultations and Dispute Settlement
- 7 Review (except paragraph 3)
- 8 Final provisions (except paragraph 2)

- (xii) Agreement on Subsidies and Countervailing Measures

- 4 Remedies (except paragraphs 4.1, 4.2 and 4.3)
- 5 Adverse Effects, last sentence
- 6 Serious Prejudice (paragraphs 6.6, the phrases "subject to the provisions of paragraph 3 of Annex V" and "arising under Article 7, and to the panel established pursuant to paragraph 4 of Article 7", 6.8 the phrase", including information submitted in accordance with the provisions of Annex V" and 6.9)
- 7 Remedies (except paragraph 7.1, 7.2 and 7.3)
- 8 Identification of Non-Actionable Subsidies, paragraph 8.5 and Footnote 25
- 9 Consultations and Authorised Remedies
- 24. Committee on Subsidies and Countervailing Measures and Subsidiary Bodies.
- 26. Surveillance
- 27. Special and Differential Treatment of Developing Country Member
- 29 Transformation into Market economy, paragraph 29.2 (except first sentence)
- 30 Dispute Settlement
- 31 Provisional Application
- 32.2, 32.7 and 32.8 (only insofar as it refers to Annexes V and VII) final provisions.

Annex V Procedures for Developing Information Concerning Serious Prejudice

Annex VII Developing Countries.

- (xiii) Agreement on Safeguards

- 9 Developing Country Members
- 12 Notification and Consultation, paragraph 10

13	Surveillance		Agreement on Textiles and Clothing.
14	Dispute Settlement		
	Annex Exception	(vii)	Decision on Review of the ISO/IEC Information Centre Publication.
(b)	Annex IB to the WTO Agreement: General Agreement on Trade in Services	(viii)	Decision on Proposed Understanding on WTO-ISO Standards Information System.
(c)	Annex IC to the WTO Agreement:		
	Agreement on Trade-related Aspects of Intellectual Property Rights.	(ix)	Decision on Anti-Circumvention
		(x)	Decision on Review of Article 17.6 of the Agreement on Implementation of Article VI of the GATT 1994
(d)	Annex 2 to the WTO Agreement: Understanding on Rules and Procedures Governing the Settlement of Disputes	(xi)	Declaration on Dispute Settlement pursuant to the Agreement on Implementation of Article VI of the GATT 1994 or Part V of the Agreement on Subsidies and Countervailing Measures.
(e)	Annex 3 to the WTO Agreement Trade Policy Review Mechanism		
(f)	Annex 4 to the WTO Agreement Plurilateral Trade Agreements:	(xii)	Decision Regarding Cases Where Customs Administrations Have Reason to Doubt the Truth or Accuracy of the Declared Value.
(i)	Agreement on Trade in Civil Aircraft		
(ii)	Agreement on Government Procurement	(xiii)	Decision on Texts Relating to Minimum Values and Imports by Sole Agents, Sole Distributors and Sole Concessionaries.
(g)	Ministerial Decisions, Declarations and Understanding:		
		(xiv)	Decision on Institutional Arrangements for the GATS.
(i)	Decision on Measures in favour of Least-Developed Countries	(xv)	Decision on certain Dispute Settlement Procedures for the GATS
(ii)	Declaration on the Contribution of the WTO to Achieving Greater Coherence in Global Economic Policy Making.	(xvi)	Decision on Trade in Services and the Environment
(iii)	Decision on Notification Procedures	(xvii)	Decision on Negotiations on Movement of Natural Persons
(iv)	Declaration on the relationship of the WTO with the IMF	(xviii)	Decision on Financial Services
(v)	Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries.	(xix)	Decision on Negotiations on Maritime Transport Services
		(xx)	Decision on Negotiations on Basic Telecommunications
		(xxi)	Decision on Professional Services
(vi)	Decision on Notification of First Integration under Article 2.6 of the	(xxii)	Decision on Accession to the

(xxiii)	Procurement		governed by agreements entered into by the Meeting of Energy Ministers.
(xxiv)	Decision on the Application and Review of the Understanding on Rules and Procedures Governing the Settlement of Disputes.	(B)	Rules Governing the Application of Provisions of the WTO Agreement.
(xxv)	Understanding on Commitments in Financial Services	(1)	In the absence of a relevant interpretation of the WTO Agreement adopted by the Ministerial Conference or the General Council of the World Trade Organization under paragraph 2 of article X of the WTO Agreement concerning provisions applicable under Article 29(2)(a), the Meeting of Energy Ministers may adopt an interpretation.
(xxvi)	Decision on the Acceptance of and Accession to the Agreement Establishing the WTO		
(xxvii)	Decision on Trade and Environment		
(xxviii)	Decision on Organizational and Financial Consequences following from implementation of the Agreement Establishing the WTO.	(2)	Requests for waivers under Article 29(2) and (6)(b) shall be submitted to the Meeting of Energy Ministers, which shall follow, in carrying out these duties, the procedures of paragraphs 3 and 4 of article IX of the WTO Agreement.
(xxix)	Decision on the Establishment of the Preparatory Committee for the WTO.		
(2)	All other provisions in the WTO Agreement which relate to:	(3)	Waivers of obligations in force in the WTO shall be considered in force for the purposes of Article 29 while they remain in force in the WTO.
(a)	Governmental assistance to economic development and the treatment of developing countries, except for paragraphs (1) to (4) of the Decision of 28 November 1979 (L/4903) on Differential and more Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries.	(4)	The provisions of article II of the GATT 1994 which have not been disapplied shall, without prejudice to Article 29(4), (5) and (7), be modified as follows:
(b)	The establishment or operation of specialist committees and other subsidiary institutions;	(i)	All energy Materials and Products listed in Annex A and Energy Related Equipment imported from or exported to any other Contracting Party shall also be exempt from all other duties or charges of any kind imposed on or in connection with importation or exportation, in excess of those imposed on the date of the standstill referred to in Article 29(6), first sentence, or under Article 29(6), or those directly and mandatorily required to be imposed thereafter by legislation in force in the importing or exporting
(c)	Signature, accession, entry into force, withdrawal, deposit and registration.		
(3)	All agreements, arrangements, decisions, understandings or other joint action pursuant to the provisions listed as not applicable in paragraphs (1) or (2).		

territory on the date referred to in Article 29(6), first sentence.

- (ii) Nothing in article II of the GATT 1994 shall prevent any Contracting Party from imposing at any time on the importation or exportation of any product.
- (a) a charge equivalent to an internal tax imposed consistently with the provisions of paragraph 2 of article III of GATT 1994 in respect of the like domestic product or in respect of an article from which the imported product has been manufacture or produced in whole or in part;
- (b) Any anti-dumping or countervailing duty applied consistently with the provisions of article VI of GATT 1994;
- (c). Fees or other charges commensurate with the cost of services rendered
- (iii) No Contracting Party shall alter its method of determining dutiable value or of converting currencies so as to impair the value of the standstill obligations provided for in Article 29 (6) or (7).
- (iv) If any Contracting Party establishes, maintains or authorizes, formally or in effect, a monopoly of the importation or exportation of any Energy Material or Product or in respect of Energy Related Equipment, such monopoly shall not operate so as to afford protection on the average in excess of the amount of protection permitted by the standstill obligation provided for in Article 29(6) or (7). The provisions of this paragraph shall not limit the use by Contracting Parties of any form of assistance to domestic producers permitted by other provisions of this Protocol.
- (v) If any Contracting Party considers that a product is not receiving from

another Contracting Party the treatment which the first Contracting Party believes to have been contemplated by the Standstill obligation provided for in Article 29(6) or (7), it shall bring the matter directly to the attention of the other Contracting Party. If the latter agrees that the treatment contemplated was that claimed by the first Contracting Party, but declares that such treatment cannot be accorded because a court or other proper authority has ruled to the effect that the product involved cannot be classified under the tariff laws of such Contracting Party so as to permit the treatment contemplated in this Protocol, the two Contracting Parties, together with any other Contracting Parties substantially interested, shall enter promptly into further negotiations with a view to a compensatory adjustment of the matter.

- (vi) (a) The specific duties and charges included in the Tariff Record relating to the Contracting Parties members of the International Monetary Fund, and margins of preference in specific duties and charges maintained by such Contracting Parties, are expressed in the appropriate currency at the par value accepted or provisionally recognized by the Fund at the date of the standstill referred to in Article 29(6), first sentence, or under Article 29(7). Accordingly, in case this par value is reduced consistently with the Articles of Agreement of the International Monetary Fund by more than twenty per centum, such specific duties and charges and margins of preference may be adjusted to take account of such reduction; Provided that the Conference concurs that such adjustments will not impair the value of the standstill obligation provided for in Article 29(6) or (7) or elsewhere in this Protocol, due account being taken of all factors

- (b) Similar provisions shall apply to any Contracting Party not a member of the Fund, as from the date on which such Contracting Party becomes a member of the Fund or enters into a special exchange agreement in pursuance of Article XV of GATT 1994.
- (vii) Each Contracting Party shall notify the ECOWAS Executive Secretariat of the customs duties and charges of any kind applicable on the date of the standstill referred to in Article 29(6) first sentence. The Secretariat shall keep a Tariff Record of the customs duties and charges of any kind relevant for the purpose of the standstill on customs duties and charges of any kind under Article 29(6) or (7).
- (5) The Decision of 26 March 1980 on "Introduction of a Loose-Leaf System for the Schedules of Tariff Concessions" (BISD 27S/24) shall not be applicable under Article 29(2)(a). The applicable provision of the Understanding on the Interpretation of Article II: 1(b) of the GATT 1994 shall, without prejudice to Article 29(4), (5) or (6), apply with the following modifications:
- (i) In order to ensure transparency of the legal rights and obligations deriving from paragraph 1 (b) of article II of GATT 1994, the nature and level of any "other duties or charges" levied on any Energy Materials and Products listed in Annex A or Energy-related Equipment with respect to their importation or exportation, as referred to in that provision, shall be recorded in the Tariff Record at the levels applying at the date of the standstill referred to in Article 29(6), first sentence, or under Article 29(7) respectively, against recording does not change the legal character of "other duties or charges".
- (ii) "Other duties or charges" shall be recorded in respect of all Energy Materials and Products and Energy-related Equipment.
- (iii) It will be open to any Contracting Party to challenge the existence of an "other duty or charge", on the ground that no such "other duty or charge" existed at the date of the standstill referred to in Article 29(6), First sentence, or the relevant date under Article 29(7), for the item in question, as well as the consistency of the recorded level of any "other duty or charge" with the standstill obligation provided for by Article 29 (6) or (7), for a period of one year after the entry into force of this Protocol, or one year after the notification to the ECOWAS Executive Secretariat of the level of customs duties and charges of any kind referred to in Article 29(6), first sentence, or Article 29(7), if that is the later.
- (iv) The recording of "other duties or charges" in the Tariff Record is without prejudice to their consistency with rights and obligations under GATT 1994 other than those affected by subparagraph (iii) above. All Contracting Parties retain the right to challenge, at any time, the consistency of any "other duty or charge" with such obligations.
- (v) "Other duties or charges" omitted from a notification to the Secretariat shall not subsequently be added to it and any "other duty or charge" recorded at a level lower than that prevailing on the applicable date shall not be restored to that level unless such additions or changes are made within six months of the notification to the Secretariat.

- (6) Where the WTO Agreement refers to "duties inscribed in the Schedule" or to "bound duties" there shall be substituted "the level of customs duties and charges of any kind permitted under Article 29(4) to (8).
- (7) Where the WTO Agreement specifies the date of entry force of the WTO Agreement (or an analogous phrase) as the reference date for an action, there shall be substituted the date of entry into force of the Agreement to the trade-related provisions of this Protocol.
- (8) With respect to notifications required by the provisions made applicable by Article 29(2)(a).
 - (a) Contracting Parties which are not members of the WTO shall make their notifications to the ECOWAS Executive Secretariat. Such Secretariat shall circulate copies of the notifications to all Contracting Parties; Notifications to the Executive Secretariat shall be in one of the authentic languages of this Protocol. The accompanying documents may be solely in the language of the Contracting Party.
 - (b) Such requirements shall not apply to Contracting Parties to this Protocol which are also members of the WTO which provides for its own notification requirements.
- (9) Where Article 29(2)(a) or (6)(b) applies, the Meeting of Energy Ministers shall carry out any applicable duties that the WTO Agreement assigned to the relevant bodies under the WTO Agreement.
- (10) (a) Interpretations of the WTO Agreement adopted by the Ministerial Conference or the General Council of the WTO under paragraph 2 of article IX of the WTO Agreement insofar as they

interpret provisions applicable under Article 29(2) (a) shall apply.

- (b) Amendments to the WTO Agreement under article X of the WTO Agreement that are binding on all members of the WTO (other than those under paragraph 9 of article X) insofar as they amend or relate to provisions applicable under Article 29(2)(a), shall apply unless a Contracting Party requests the Meeting of Energy Ministers to disapply or modify such amendment. The Meeting of Energy Ministers shall take the decision by a three-fourths majority of the Contracting Parties and determine the date of the disapplication or modification of such amendment. A request for the disapplication or modification of such amendment may include a request that the application of the amendment be suspended pending the decision of the Meeting of Energy Ministers.

A request to the Meeting of Energy Ministers made under this paragraph shall be made within six months of the circulation of a notification from the ECOWAS Executive Secretariat that the amendment has taken effect under the WTO Agreement.

- c) Interpretations, amendments, or new instruments adopted by the WTO, other than the interpretations and amendments applied under paragraphs (a) and (b) shall not apply.

ANNEX E

INTERIM PROVISIONS FOR TRADE DISPUTE SETTLEMENT

(In accordance with Article 29(9))

- (1) (a) In their relations with one another, Contracting Parties shall make every effort through co-operation and consultations to arrive at a mutually satisfactory resolution of any dispute about existing measures that might

the provisions applicable to trade under Article 5 or 29, or about any measures that might nullify or impair any benefit accruing to a Contracting Party directly or indirectly under the provisions applicable to trade under Article 29.

- (b) A Contracting Party may make written request to any other Contracting Party for consultations regarding any existing measure of the other Contracting Party that it considers might affect materially compliance with provisions applicable to trade under Article 5 or 29. A Contracting Party which request consultations shall to the fullest extent possible indicate the measures complained considers relevant. Requests to consult pursuant to this paragraph shall be notified to the Secretariat, which shall periodically inform the Contracting Parties of pending consultations that have been notified.
- (c) A Contracting Party shall treat any confidential or proprietary information identified as such and contained in or received in response to a written request, or received in the course of consultations, in the same manner in which it is treated by the Contracting Party providing the information.
- (d) In seeking to resolve matters considered by a Contracting Party to affect compliance with provisions applicable to trade under Article 5 or 29 as between itself and another Contracting Party, or to nullify or impair any benefit accruing to it directly or indirectly under the provisions applicable to trade under Article 29, the Contracting Parties participating in consultations or other dispute settlement. Shall make every effort to avoid a resolution that adversely affects

Party.

- (2) (a) If, within 60 days from the receipt of the request for consultation referred to in subparagraph (1)(b), the Contracting Parties have not resolved their dispute or agreed to resolve it by conciliation, mediation, arbitration or other method, either Contracting Party may deliver to the Executive Secretariat of ECOWAS a written request for the establishment of a panel in accordance with subparagraphs (b) to (f). In its request the requesting Contracting Party shall state the substance of the dispute and indicate which provisions of Article 5 or 29 and of the WTO Agreement are considered relevant. The Executive Secretariat of ECOWAS shall promptly deliver copies of the request to all Contracting Parties.
- (b) The interests of other Contracting Parties shall be taken into account during the resolution of a dispute. Any other Contracting Party having a substantial interest in a matter shall have the right to be heard by the panel and to make written submissions to it, provided that both disputing Contracting Parties and the Executive Secretariat of ECOWAS have received written notice of its interest no later than the date of establishment of the panel, as determined in accordance with subparagraph (c).
- (c) A panel shall be deemed to be established 45 days after receipt of the written request of a Contracting Party by the Executive Secretariat of ECOWAS pursuant to subparagraph (a).
- (d) A panel shall be composed of three members who shall be chosen by the ECOWAS Executive Secretariat from the roster described in paragraph (7).

Except where the disputing Contracting Parties agree otherwise, the members of a panel shall not be citizens of Contracting Parties which either are party to the dispute or have notified their interest in accordance with subparagraph (b), or citizens of states members of a Regional Economic Integration Organization which either is party to the dispute or has notified its interest in accordance with subparagraphs (b).

- (e) The disputing Contracting Parties shall respond within ten working days to the nominations of panel members and shall not oppose nominations except for compelling reasons.
- (f) Panel members shall serve in their individual capacities and shall neither seek nor take instruction from any government or other body. Each Contracting Party undertakes to respect these principles and not to seek to influence panel members in the performance of their tasks. Panel members shall be selected with a view to ensuring their independence, and that a sufficient diversity of backgrounds and breadth of experience are reflected in a panel.
- (g) The Executive Secretariat of ECOWAS shall promptly notify all Contracting Parties that a panel has been constituted.
- (3) (a) The Meeting of Energy Ministers shall adopt rules of procedure for panel proceedings consistent with this Annex. Rules of procedure shall be as close as possible to those of the WTO Agreement. A panel shall also have the right to adopt additional rules of procedure not inconsistent with the rules of procedure adopted additional rules of procedure not inconsistent with the rules of procedure adopted by the

Meeting of Energy Ministers or with this Annex. In a proceeding before a panel each disputing Contracting Party and any other Contracting Party which has notified its interest in accordance with subparagraph (2) (b), shall have the right to at least one hearing before the panel and to provide a written submission. Disputing Contracting Parties shall also have the right to provide a written rebuttal. A panel may grant a request by any other Contracting Party which has notified its interest in accordance with subparagraph (2) (b) for access to any written submission made to the panel, with the consent of the Contracting Party which has made it.

The proceedings of a panel shall be confidential. A panel shall make an objective assessment of the matters before it, including the facts of the dispute and the compliance of measures with the provisions applicable to trade under Article 5 or 29. In exercising its functions, a panel shall consult with the disputing Contracting Parties and give them adequate opportunity to arrive at a mutually satisfactory solution. Unless otherwise agreed by the disputing Contracting Parties, a panel shall base its decision on the arguments and submissions of the disputing Contracting Parties. Panels shall be guided by the interpretations given to the WTO Agreement within the framework of the WTO Agreement, and shall not question the compatibility with Article 5 or 29 of practices applied by any Contracting Party which is a member of the WTO to which it applies the WTO Agreement and which has not been taken by those other members to dispute resolution under the WTO Agreement.

Unless otherwise agreed by the disputing Contracting Parties, all procedures

of its final report, should be completed within 180 days of the date of establishment of the panel; however, a failure to complete all procedures within this period shall not affect the validity of a final report.

- (b) A panel shall determine its jurisdiction; such determination shall be final and binding. Any objection by a disputing Contracting Party that a dispute is not within the jurisdiction of the panel shall be considered by the panel, which shall decide whether to deal with the objection as a preliminary question or to join it to the merits of the dispute.
- (c) In the event of two or more requests for establishment of a panel in relation to disputes that are substantively similar, the ECOWAS Executive Secretariat may with the consent of all the disputing contracting parties appoint a single panel.
- (4) (a) After having considered rebuttal arguments, a panel shall submit to the disputing contracting parties the descriptive sections of its draft written reports, including a statement of the facts and a summary of the arguments made by the disputing contracting parties. The disputing contracting parties shall be afforded an opportunity to submit written comments on the descriptive sections within a period set by the panel.
Following the date set for receipt of comments from the contracting parties, the panel shall issue to the disputing contracting parties an interim written report, including both the descriptive sections and the panel's proposed findings and conclusions. Within a period set by the panel a disputing contracting party may submit to the panel a

review specific aspects of the interim report before issuing a final report. Before issuing a final report the panel may, in its discretion, meet with the disputing contracting parties to consider the issues raised in such a request.

The final report shall include descriptive sections (including a statement of the facts and a summary of the arguments made by the disputing contracting parties), the panel's findings and conclusions, and a discussion of arguments made on specific aspects of the interim report at the stage of its review. The final report shall deal with every substantial issue raised before the panel and necessary to the resolution of the dispute and shall state the reasons for the panel's conclusions.

A panel shall issue its final report by providing it promptly to the Executive Secretariat of ECOWAS and to the disputing contracting parties. The Executive Secretariat of ECOWAS shall at the earliest practicable opportunity distribute the final report, together with any written views that a disputing contracting party desires to have appended, to all contracting parties.

- (b) Where a panel concludes that a measure introduced or maintained by a contracting party does not comply with a provision of Article 5 or 29 or with a provision of the WTO Agreement that applies under Article 29, the panel may recommend in its final report that the contracting party alter or abandon the measure or conduct so as to be in compliance with that provision.
- (c) Panel reports shall be adopted by the Meeting of Energy Ministers. In order to provide sufficient time for the Meeting of Energy Ministers to consider panel reports, a report

shall not be adopted by the Meeting of Energy Ministers until at least 30 days after it has been provided to all contracting parties by the Executive Secretariat of ECOWAS. Contracting Parties have objections to a panel report shall give written reasons for their objections to the Executive Secretariat of ECOWAS at least 10 days prior to the date on which the report is to be considered for adoption by the Meeting of Energy Ministers, and the Executive Secretariat of ECOWAS shall promptly provide them to all contracting parties. The disputing contracting parties and contracting parties which notified their interest in accordance with subparagraph (2)(b) shall have the right to participate fully in the consideration of the panel report on that dispute by the Meeting of Energy Ministers, and their views shall be fully recorded.

- (d) In order to ensure effective resolution of disputes to the benefit of all contracting parties, prompt compliance with rulings and recommendations of a final panel report that has been adopted by the Meeting of Energy Ministers is essential. A contracting party which is subject to a ruling or recommendation of a final panel report that has been adopted by the Meeting of Energy Ministers shall inform the Meeting of Energy Ministers of its intentions regarding compliance with such ruling or recommendation. In the event that immediate compliance is impracticable, the contracting party concerned shall explain its reasons for non-compliance to the meeting of Energy Ministers and, in light of this explanation, shall have a reasonable period of time to effect compliance. The aim of dispute resolution is the modification or removal of inconsistent measures.

(5) (a) Where a contracting party

has failed within a reasonable period of time to comply with a ruling or recommendation of a final panel report that has been adopted by the Meeting of Energy Ministers, a contracting party to the dispute injured by such non-compliance may deliver to the non-complying contracting party a written request that the non-complying contracting party enter into negotiations with a view to agreeing upon mutually acceptable compensation. If so requested the non-complying contracting party shall promptly enter into such negotiations.

- (b) If the non-complying contracting party refuses to negotiate, or if the contracting parties have not reached agreement within 30 days after delivery of the request for negotiations, the injured contracting party may make a written request for authorization of the Meeting of Energy Ministers to suspend obligations owed by it to the non-complying contracting party under Article 5 or 29.
- © The Meeting of Energy Ministers may authorize the injured contracting party to suspend such of its obligations to the non-complying contracting party, under provisions of Article 5 or 29 or under provisions of the WTO Agreement that apply under Article 29, as the injured contracting party considers equivalent in the circumstances.
- (d) The suspension of obligations shall be temporary and shall be applied only until such time as the measure found to be inconsistent with Article 5 or 29 has been removed, or until a mutually satisfactory solution is reached.
- (6) (a) Before suspending such obligations the injured contracting party shall inform the non-complying contracting party of the nature and level of its proposed

contracting party delivers to the Executive Secretariat of ECOWAS a written objection to the level of suspension of obligations proposed by the injured contracting party, the objection shall be referred to arbitration as provided below. The proposed suspension of obligations shall be stayed until the arbitration has been completed and the determination of the arbitral panel has become final and binding in accordance with subparagraph (e).

- (b) The Executive Secretariat of ECOWAS shall establish an arbitral panel in accordance with subparagraphs (2)(d) to (f), which if practicable shall be the same panel which made the ruling or recommendation referred to in subparagraph (4)(d), to examine the level of obligations that the injured contracting party proposes to suspend. Unless the Meeting of Energy Ministers decides otherwise the rules of procedure for panel proceeding shall be adopted in accordance with subparagraph (3)(a).
- (c) The arbitral panel shall determine whether the level of obligations proposed to be suspended by the injured contracting party is excessive in relation to the injury it experienced, and if so, to what extent. It shall not review the nature of the obligations suspended, except insofar as this is inseparable from the determination of the level of suspended obligations.
- (d) The arbitral panel shall deliver its written determination to the injured and the non-complying contracting parties and to the Executive Secretariat of ECOWAS within 60 days of the establishment of the panel or within such other period as may be agreed by the injured and the non-complying contracting

present the determination to the Meeting of Energy Ministers at the earliest practicable opportunity, and no later than the meeting of the Meeting of Energy Ministers following receipt of the determination.

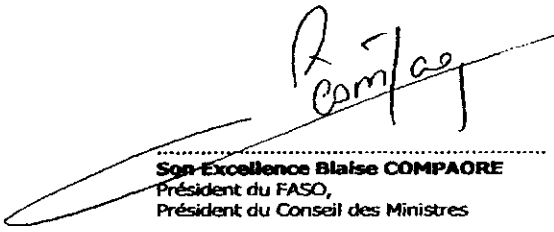
- (e) The determination of the arbitral panel shall become final and binding 30 days after the date of its presentation to the Meeting of Energy Ministers, and any level of suspension of benefits allowed thereby may thereupon be put into effect by the injured contracting party in such manner as that contracting party considers equivalent in the circumstances, unless prior to the expiration of the 30 days period the Meeting of Energy Ministers decides otherwise.
- (f) In suspending any obligations to a non-complying contracting party, an injured contracting party shall every effort not to affect adversely the trade of any other contracting party.
- (7) Each contracting party may designate two individual who shall, in the case of contracting parties which are also member of the WTO, if they are willing and able to serve as panelists under this Annex, be persons whose names appear on the indicative list of governmental and non-governmental individuals, referred to in article 8 of the Understanding on Rules and Procedures Governing the Settlement of Disputes contained in Annex 2 to the WTO Agreement or who have in the past served as panelists on a GATT or WTO dispute settlement panel. The Executive Secretariat of ECOWAS may also designate, with the approval of the Meeting of Energy Ministers, not more than ten individuals, who are willing and able to serve as panelists for purposes of dispute resolution in


accordance with paragraphs (2) to (4). The Meeting of Energy Ministers may in addition decide to designate for the same purposes up to 20 individuals, who serve on dispute settlement rosters of other international bodies, who are willing and able to serve as panelists. The names of all of the individuals so designated shall constitute the dispute settlement roster. Individuals shall be designated strictly on the basis of objectivity, reliability and sound judgment and, to the greatest extent possible, shall have expertise in international trade and energy matters, in particular as relates to provisions applicable under Article 29. In fulfilling any function under this Annex, designees shall not be affiliated with or take instructions from any contracting party. Designees shall serve for renewable terms of five years and until their successors have been designated. A designee whose term expires shall continue to fulfil any function for which that individual has been chosen under this Annex. In the case of death, resignation or incapacity of a designee, the contracting party shall have the right to designate another individual to serve for the remainder of that designee's term, the designation by the Director being subject to approval of the Meeting of Energy Ministers.

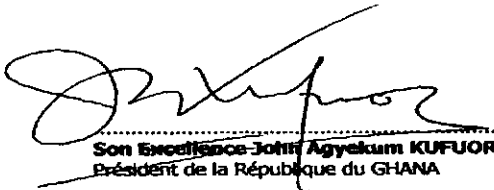
- (8) Notwithstanding the provisions contained in this Annex, contracting parties are encouraged to consult throughout the dispute resolution proceeding with a view to settling their dispute.
- (9) The Meeting of Energy Minister may appoint or designate other bodies or fora to perform any of the function delegated in this Annex to the Executive Secretariat of ECOWAS.
- (10) Where a contracting party invokes

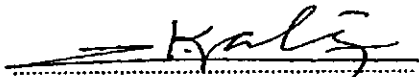
Article 29(9)(b), this Annex shall apply, subject to the following modifications:

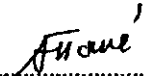
- (a) The complaining party shall present a detailed justification in support of any request for consultations or for the establishment of a panel regarding a measure which it considers to nullify or impair any benefit accruing to it directly or indirectly under Article 29.
- (b) Where a measure has been found to nullify or impair benefits under Article 29 without violation thereof, there is no obligation to withdraw the measure, however, in such a case the panel shall recommend that the contracting party concerned make a mutually satisfactory adjustment.
- (c) The arbitral panel provided for in paragraph (6)(b), upon the request of either party, may determine the level of benefits that have been nullified or impaired, and may also suggest ways and means of reaching a mutually satisfactory adjustment, such suggestions shall not be binding upon the parties to the dispute.

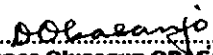

Son Excellence Blaise COMPAORE
Président du FASO,
Président du Conseil des Ministres


Son Excellence Laurent GBAGBO
Président de la République de CÔTE
D'IVOIRE


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Président de la République de GUINÉE
BISSAU

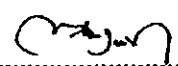

Son Excellence Amadou Toumani TOURE
Président de la République du MALI

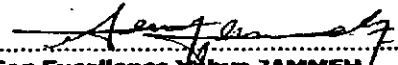

Son Excellence Olusegun OBASANJO
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Président de la République de SIERRA LEONE

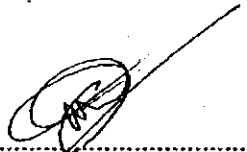

Son Excellence Gnassingbé EYADEMA
Président de la République TOGOLAISE


Son Excellence Mathieu KEREKOU
Président de la République du BENIN


S.E. Madame Fatima VEIGA
Ministre des Affaires étrangères, de la Coopération
et des Communautés,
Pour et par ordre du Président
de la République du CAP VERT


Son Excellence Yahya JAMMEH
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S.E. Maître Lamine SIDIME
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S.E. Moses Z. BLAH
Vice-Président de la République du Libéria,
Pour et par ordre du Président
de la République du LIBERIA


Son Excellence Mahamadou TANDJA
Président de la République du NIGER


Son Excellence Abdoulaye WADE
Président de la République du SENEGAL

**GENERAL CONVENTION A/C.1/1/03
ON THE RECOGNITION AND
EQUIVALENCE OF DEGREES,
DIPLOMAS, CERTIFICATES AND
OTHER QUALIFICATIONS IN ECOWAS
MEMBER STATES.**

THE HIGH CONTRACTING PARTIES

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 60 of the Economic Community of West African States Revised Treaty on co-operation in human resources.

MINDFUL of Decision (A/DEC.11/5/82 on the establishment of an ad-hoc committee to determine the equivalence of certificates within ECOWAS

MINDFUL of Protocol A/P1/7/87 on the cultural framework agreement for the Economic Community of West African states (ECOWAS).

MINDFUL of the Protocol of free movement of persons, right of residence and establishment.

GUIDED BY:

The General Convention of the African and Malagasy Council for Higher Education (CAMES) on the automatic validity and the equivalence of certificate of higher education.

The Convention of the West African Examination Council (WAEC).

The Regional Convention on the recognition of studies and certificates diplomas, degrees and other higher educational qualification in African States (UNESCO), Arusha Regional Convention.

REAFFIRMING their common wish to work towards strengthening comprehension and co-operation among the peoples of the sub-region as a means of realizing their aspirations to solidarity and greater fraternity.

CONVINCED that harmonization of educational and training policies is a key factor in the promotion of culture and scientific exchanges within the framework of such co-operation.

RESOLVED to promote continued education and improve the quality of teaching.

CONVINCED that recognition of degrees, diplomas, certificates and other qualifications and of their equivalence is a prerequisite for increased mobility of students, teachers and specialists and a means of accelerating development in the field of education and achieving sub-regional integration.

HAVE AGREED AS FOLLOWS:

ARTICLE 1: DEFINITIONS

The following terms shall have the meanings assigned to them hereunder.

Community is the Economic Community of West African States (ECOWAS) whose establishment has been reaffirmed under Article 2 of the ECOWAS Revised Treaty.

Treaty means the Treaty of the Economic Community of West African States signed in Cotonou on 24th July, 1993.

Member state or Member States shall mean a Member State or States of the Economic Community of West African States.

Host Member State shall mean the Member State or the country of residence of the holder of a qualification.

Member State, Country of Origin shall mean the Member States or country of origin of the migrant student or holder of the qualification, or of which he/she is a national.

High Contracting parties shall mean ECOWAS Member States

Executive Secretariat shall mean the Executive Secretariat of the Economic Community as referred to under Article 17 of the Treaty.

corresponding to the same criteria and which may be considered to be identical

Exemption shall refer to recognition of the basic value of other education systems even where qualifications do not correspond or are strictly identical.

In this context exemption means exceptionally permitted to pursue studies under certain condition.

Comparability shall mean recognition of qualifications with the same academic value, the element of comparison exists with regards to the level and stage of training.

Partial Studies shall mean education of partial duration or consent by comparison with the norms prevailing in the institution in which it is acquired. Recognition may be granted in accordance with the level of education attained by the students as approved by the state granting recognition.

Stage of Training shall mean the sum of academic studies or personal experience and achievement culminating in attachment of the requisite level of maturity and skill to enable the training to accede to the next stage of studies, or to take up appointment and perform such duties as are consonant with the stage attained if wishing to embark upon a profession.

ARTICLE 2: AIMS AND OBJECTIVES

The aim of the Convention shall be:

- To promote regional co-operation with regard to the assessment and recognition of degrees, diplomas, certificates and other qualifications, social and cultural integration embarked upon by ECOWAS.
- To widen cooperation among people and strengthen collaboration in the use of manpower, thereby reducing brain and promoting harmonious development.

and the pursuit of studies.

ARTICLE 3: UNDERTAKEN GIVEN BY MEMBER STATES

Member States of the Community hereby undertaken

1. AT THE COMMUNITY LEVEL

- (a) To recognize the validity or equivalence of degrees awarded by their respective training institutions.
- (b) To grant dispensation or exemption with a view to the pursuance of studies under certain conditions where linguistic problems have been resolved.
- (c) To accept comparability through recognition of certificates with the same academic value. The right of residence being already granted.
- (d) To promote exchange of information and documentation on studies, certificates, diplomas and other qualifications from higher institutions.

2. AT NATIONAL LEVEL

- a) Inform the Executive Secretariat and Member States of the terms under which studies partially completed in institutions of the other contracting parties may be recognised for the purpose of pursuing studies in other Member States.
- b) To give or maintain in their training institutions covered by the Convention, Educational training and organisation which complies with international standards while taking into account the realities of the African context.
- c) To ensure effective implementation of this convention through existing national agencies or bodies to be established for that purpose.

- d) To provide national agencies with the necessary means to carry out their duties of collation, analysis and categorization of all information on studies and certificates higher education.
- e) To actively involve, wherever possible, relevant governmental and non-governmental sectors, particularly universities and training institutions, in the activities.

ARTICLE 4: CONDITIONS FOR VALIDITY, EQUIVALENCE AND COMPARABILITY

The following main criteria are to be complied with:

- a) Comparable status of establishment awarding the degree, including level of equipment and qualification of teachers.
- B) Similar conditions of entry to courses.
- c) Comparability of duration of studies/academic value.
- d) Similar course contents, study programmes, and assessment method for aptitude and knowledge.

ARTICLE 5: LIST OF QUALIFICATION

The list of degrees, diplomas, and other qualifications and grades which are equivalent, comparable or granted dispensation approved by the Council of Ministers is attached as an annex to this convention.

ARTICLE 6: DATA COLLECTION

- 1. The Executive Secretariat shall collaborate with competent national bodies to compile the necessary data for a periodic update of this list.

- 2. The Council of Ministers is empowered to approve any future amendment to this list.

ARTICLE 7: FURTHER STUDIES

Any national of a Member State whose certificate was obtained outside ECOWAS may take advantage of such provisions as may be applicable, provided the certificates are recognised in the country of award and in the Member State where he/she wishes to continue his/her studies.

ARTICLE 8: FINAL PROVISIONS

This Convention shall replace all other convention and treaties on the subject which may have been signed between ECOWAS Member States.

The Convention shall not, however, in any manner affect the provisions of Treaties and Conventions already signed between Member States of the Community and third countries and / or international bodies.

ARTICLE 9: REVISION AND AMENDMENT

- a) Any party to this Convention may submit proposal for amendment or revision of this convention.
- b) Any such proposals shall be submitted to the Executive Secretary who shall notify other Member States not late than thirty (30) days after the receipt of such proposals. Amendments or revisions shall considered by the Heads of State and Government after parties have been given at least three (3) months notice thereof.

ARTICLE 10: ENTRY INTO FORCE

- a) This Convention shall enter into force, provisionally, upon signature by Heads of States and Government and definitively upon ratification by at least nine (9) signatory states in accordance


of each Member State.

ratification.

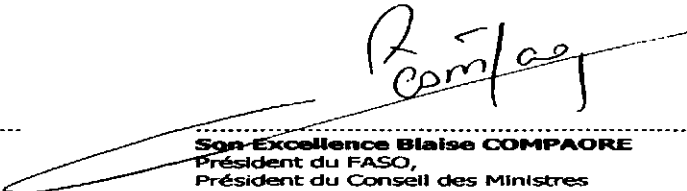
- b) This Convention and the instrument of ratification shall be deposited with the Executive Secretariat of the Community which shall transmit certified true copies of the document to Member States and notify them of the dates
- c) The Executive Secretariat shall communicate to Member States all information regarding measures taken by each Member States for the enforcement of this convention.

IN FAITH WHEREOF WE, THE HEADS OF STATE AND GOVERNMENT
OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF
WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS CONVENTION
IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE
LANGUAGES, ALL TEXTS BEING EQUALLY AUTHENTIC

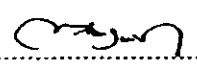
DONE AT DAKAR, THIS 31ST DAY OF JANUARY 2003.



Son Excellence Mathieu KEREKOU
Président de la République du BENIN



Son Excellence Blaise COMPAORE
Président du FASO,
Président du Conseil des Ministres




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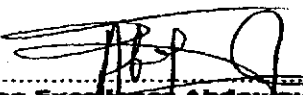
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.....
Son Excellence Gnassingbé EYADEMA
Président de la République TOGOLAISE

**DECISION A/DEC.1/01/03 FORMALLY
ADOPTION THE FLAG OF THE
ECONOMIC COMMUNITY OF WEST
AFRICA STAES (ECOWAS)**

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

MINDFUL of Articles 7, 8, and 9 of the Treaty establishing the Authority of heads of States and Government and defining its composition and functions.

MINDFUL of Decision C/DEC.2/7/84 relating to the choice of logo for the community.

MINDFUL of the directive of the 25th session of the Authority of Heads of State and Government on the formal adoption of an ECOWAS flag.

CONSIDERING that the existing ECOWAS flag has significantly contributed to the recognition of the community, and elicited interest in ECOWAS both within the Member States and outside the community.

CONSIDERING that the flag perfectly symbolizes the integration objectives of ECOWAS, and has been used by all the institutions of the community, and by ECOMOG which used it on its armband.

CONSIDERING the need to guarantee the exclusive use of the ECOWAS flag by the community and its institutions, and to protect it from all fraudulent and abusive use.

DESIROUS of formally adopting and registering the flag.

ON THE RECOMMENDATION of the forty-ninth ordinary session of the council of Ministers held in Dakar from 26th to 28th January 2003.

Article 1

The ECOWAS Flag described in Article 2 below is hereby adopted.

Article 2

The ECOWAS Flag shall consist of the logo of the organization printed on a white background. The logo consists of the map of Africa inside the circle formed by a broad green band with a thinner green line forming an inner circle, and the acronym "CEDEAO" Printed above and (ECOWAS" below. The map of Africa is yellow, with West Africa highlighted in green. Africa is cupped by two stylized hands fingers reaching out to touch one another and holding up a white cowrie inside a brown circle.

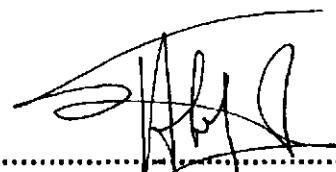
ARTICLE 3

The Secretariat shall take all necessary measures to register the ECOWAS Flag.

ARTICLE 4

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 in the National Gazette by each member state within the same time frame.

**DONE AT DAKAR, THIS 31ST DAY OF
JANUARY 2003.**



H.E. MAITRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

**TWENTY-SIXTH ORDINARY SESSION
OF THE AUTHORITY OF HEADS OF
STATE AND GOVERNMENT**

Dakar, 31 January 2003

**DECISION A/DEC.2/01/03 RELATING
TO THE CREATION OF THE ECOWAS
ENERGY OBSERVATORY)**

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

MINDFUL of Articles 7, 8, and 9 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions.

CONSIDERING that the ECOWAS Revised Treaty of July 24, 1993 re-affirmed the principle set forth in the Treaty of May 28, 1975, establishing ECOWAS for the purpose of encouraging cooperation among the Member States in the areas of economic development and to this end, favouring the free movement of persons and goods between States.

MINDFUL of Decision A/Dec.3/5/82 of 29 May, 1982 relating to the ECOWAS Energy Policy.

CONSIDERING that Member States have demonstrated their will to coordinate their efforts with a view to implementing the ECOWAS priority action plans, notably, those relating to the interconnection of infrastructure.

MINDFUL of an earlier Decision A/Dec.5/12/99 which in its article 2, created a coordinating structure for the meeting of Energy Minister and the committee of Chief Executive of the Electricity companies of the Member States and defined its attributes.

RECALLING Regulation C/Reg.7/12/99 relating to the adoption of a Master Plan to develop means of energy production and interconnection of electricity networks of ECOWAS Member States, and also recalling a memorandum of understanding signed in Lome 29th

September 2000 by ECOWAS Ministers of Energy in relation to the Master Plan.

DESIRING to create an ECOWAS Energy observatory as a first component of the future WAPP information and coordination centre, and as a information and communication system to alert the Member States on possible shortages and to identify the preventive measures that could be implemented to avoid such shortages.

UPON THE RECOMMENDATION of the Forty-ninth session of the council of Ministers held at Dakar 26-28 January 2003.

DECIDES

ARTICLE 1

There is hereby established for the Community a West Africa Power Pool (WAPP) Energy Observatory that will be temporarily located in Cotonou, the Republic of Benin, which is to be hosted by CEB.

ARTICLE 2

The WAPP Energy Observatory shall have the following scope of work:

- Collect, analyse and publish information giving an overview of the current situation of the WAPP and a prospective view of its developments.
- Monitor the situation of power systems in Member States with particular attention to the national power systems in a state of emergency, warn on risk of power supply failures and propose feasible solution for the identified crisis situations.
- Assess periodically the economic and technical potential of feasible power exchanges between electricity companies.
- Facilitate the development of

and treating the necessary information for normal operation of the national power systems and interconnection tie lines.

- Assist in the tracking of the technical performance of the electricity companies.

ARTICLE 3

1. In a transitory phase, the financial support and the human resources for the setting up and the operation of the Energy Observatory will be provided by development partners and the electricity companies.
2. Within this phase, the National Electricity Power Authority (NEPA) of Nigeria will nominate a coordinator for the Observatory.

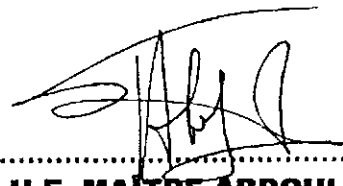
ARTICLE 4

The Executive Secretariat will supervise the activities of the Energy Observatory.

ARTICLE 5

This decision shall be published by the Executive Secretariat in the Official Journal of the Community not later than thirty (30) days after it is signed 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 DAKAR, THIS 31ST
JANUARY 2003**



H.E. MAITRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Dakar, 31 January 2003

DECISION A/DEC.3/01/03 ADOPTING THE ECOWAS PROTOCOL ON EDUCATION AND TRAINING

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

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

MINDFUL of the provisions of Articles 60-66 of the ECOWAS Treaty identifying areas of cooperation with regards to human resources, information, social and cultural affairs, and chapter XII relating to cooperation in other areas.

CONSIDERING that the full development of human resources, promotion of education and training are pre-requisites for the resolution of the social-economic problems in our sub-region and are an indispensable part of the mechanism for the realization of the objectives of ECOWAS.

AWARE of the acute basic needs of our peoples and their legitimate yearning for material and moral well-being.

CONVINCED that for countries with limited resources such as ours, investment in education and training undertaken collectively can contribute to poverty eradication and economic and social development.

CONVINCED also that any development policy that does not give pride of place to education and training is bound to fail.

DESIROUS of adopting an instrument that will facilitate and coordinate efforts by Member States to formulate and implement comparable educational and training policies, strategies and systems appropriate to the needs of our citizens.

ON THE RECOMMENDATION of the Forty-Ninth Session of the Council of Ministers held at Dakar from 26 to 28 January 2003.

DECIDES

Article 1

There is hereby adopted for the Community a Protocol on Education and Training which is attached as an annex to this decision.

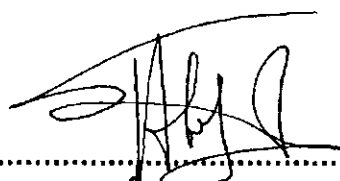
Article 2

Member states shall expedite action for the early ratification and entry into force of this protocol

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 DAKAR, THIS 31ST DAY OF JANUARY 2003



H.E. MAÎTRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

TWENTY-SIXTH SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Dakar, 31 January 2003

DECISION A/DEC.4/01/03 RELATING TO THE ADOPTION OF A GENERAL CONVENTION ON RECOGNITION AND EQUIVALENCE OF DEGREES, DIPLOMAS, CERTIFICATES AND OTHER QUALIFICATIONS IN ECOWAS 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, functions.

MINDFUL of Article 60 of the Treaty of the Economic Community of West African States on human resources.

MINDFUL of Protocol A/P1/7/87 on the cultural framework agreement for the Economic Community of West African States (ECOWAS).

MINDFUL of the Protocol of free movement of persons, right of residence and establishment.

CONVINCED that harmonization of educational and training policies is a key factor in the promotion of cultural and scientific exchanges with the framework of sub-regional cooperation.

CONVICED that recognition of degrees and of their equivalence is a prerequisite for increased mobility of students, teachers and specialists and a means of accelerating development in the field of education and achieving sub-regional integration.

DESIRING to promote sub-regional cooperation with regard to the assessment and recognition of degrees, diplomas, certificates and other qualifications, social and cultural integration embarked upon by ECOWAS.

DECIDES

Article 1

There is hereby adopted for the Community a General Convention on Regional and Equivalence of degrees, diplomas, certificates and other qualifications in ECOWAS Member States which is attached as an annex to this decision.

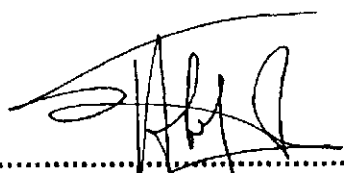
Article 2

Member States shall expedite action for an early ratification and entry into force of this Decision

Article 3

This decision shall be published by the Executive Secretariat in the Official Journal of the Community not later than thirty (30) days after it is signed by the Chairman of the Authority. It shall also be published by each Member States in its National Gazette within the same time frame.

**DONE AT DAKAR, THIS 31ST
JANUARY 2003.**



H.E. MAÎTRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

AND GOVERNMENT

Dakar, 31st January 2003

**DECISION A/DEC.5/0/03 RELATING TO
THE ADOPTION OF PLAN OF ACTION
TO FACILITATE SUB-REGIONAL
INTEGRATION OF EDUCATION
OBJECTIVES PURSUANT TO
SUSTAINABLE DEVELOPMENT.**

**AUTHORITY OF HEADS OF STATE
AND GOVERNMENT.**

MINDFUL of Article 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 provision of Article 60-66 of the ECOWAS Treaty identifying areas of cooperation with regard to human resources, information, social and cultural affairs, and Chapter XII relating to cooperation in other areas;

CONSIDERING that the full development of human resources, promotion of education and training are pre-requisites for the resolution of the socio-economic problems in our sub-region and are an indispensable part of the mechanism of the realization of the objectives of ECOWAS.

CONVINCE that the promotion of education and training, socio-economic and technological research are all crucial for sustainable development.

MINDFUL of the need to promote quality education in our different countries.

RECOGNISING the need to establish within ECOWAS a forum bringing together Ministers of Education, experts and development partners, for consultations, exchanges, and actions, with a view to promoting integration in the areas of education and training.

CONVINCED also of the need to make NEPAD the framework for he

harmonization of our education policies, in order to ensure greater integration of education and training into strategies for sustainable development.

DESIRING to adopt a Plan of Action to guide implementation, coordination and overall integration of regional education and training strategies for sustainable development.

ON THE RECOMMENDATION of the Forty-ninth Session of the Council of Ministers held in Dakar from 26 to 28 January 2003.

DECIDES

ARTICLE

There is hereby adopted for the Community a Plan of Action to facilitate sub-regional integration of educational objectives pursuant to sustainable development.

ARTICLE 2

The Plan of Action for sub-regional integration of our educational objectives is as follows:

- i. Senegal, the Gambia, Mali, and BREDA shall be responsible for harmonizing and integration DEA and EFA 2000 objectives into NEPAD objectives.
- ii. Cote d'Ivoire and Senegal, in collaboration with ADEA, the World Bank, and the Educational research Network for West and Central Africa (ROCARE), will be in charge of the regional project on HIV/AIDS.
- iii. Brkina Faso, Benin and The Gambia, in conjunction with UNICEF, FAWE, and ROCARE, will be in charge of education for girls.
- iv. Nigeria, in collaboration with UNESCO, BREDA and India, will take charge of the project on teacher training through open and distance learning.

- v. Mali and The Gambia, working with the World Bank, UNESCO, and World Space, will be responsible for the project on science and technology education.
- vi. Ghana, in collaboration with ILO JICA, UNESCO, the World Bank, and India, will be in charge of the project on vocational training.

ARTICLE 3

The New Partnership for African Development (NEPAD) is the framework for the harmonization of our education policies.

ARTICLE 4

All new strategies relating to actions to be taken in the field of education both at national and regional levels will henceforth give the highest priority to the following areas of action defined under NEPAD as follows:

- i. Good governance, human rights, and democracy;
- ii. Agriculture;
- iii. Health;
- iv. Environment;
- v. Science and technology;
- vi. National languages;
- vii. New information and communications technology.

ARTICLE 5

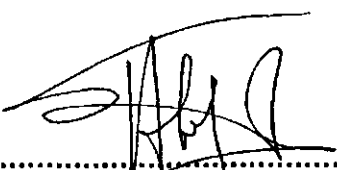
All Member States and technical and financial partners, under the coordination of the Executive Secretariat of ECOWAS, shall finalise and implement within the shortest possible time, actions and undertakings proposed under this Decision.

ARTICLE 6

The Executive Secretariat in collaboration with UNESCO and BREDA shall establish a Task Force to coordinate and monitor the implementation of the programme as highlighted under this Decision.

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 DAKAR, THIS 31ST DAY OF JANUARY 2003



.....
H.E. MAÎTRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Dakar, 31st January 2003

DECISION A/DEC.6/01/03 RELATING TO THE ADOPTION OF PLAN OF ACTION FOR THE ENHANCEMENT AND REACTIVATION OF CULTURAL COOPERATION AMONG MEMBER STATES, WITHIN THE FRAMEWORK OF NEPAD.

AUTHORITY OF HEADS OF STATE AND GOVERNMENT.

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

MINDFUL of the Declaration of the Conference of Ministers of Culture from Member States, of 11 May, 2002;

RECOGNISING that culture is an essential dimension of general development.

CONSCIOUS of the benefits that culture can bring to Member States.

DESIROUS to attain this goal in concert, and through plans of action or a dynamic and successful cultural cooperation within the framework of NEPAD.

ON THE RECOMMENDATION of the forty-ninth session of the Council of Ministers which took place in Dakar from 26 to 28 January, 2003.

DECIDES

ARTICLE 1

The plan of action for the reactivation and enhancement of cultural cooperation among Member States within the framework of NEPAD, attached herewith, is adopted.

ARTICLE 2

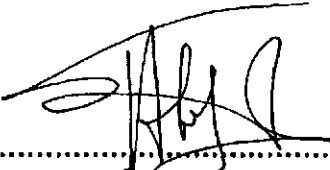
Member States and the Executive

Secretariat shall take the necessary measures to ensure that the plan of action is implemented properly and expeditiously.

ARTICLE 3

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 in the National Gazette by each Member State within the same time frame.

DONE AT DAKA, THIS 31ST DAY OF JANUARY 2003



.....
H.E. MAITRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

TWENTY-SIXTH SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Dakar, 31st January 2003

DECISION A/DEC.7/01/03 RELATING TO THE ADOPTION OF THE AFRICAN PUBLIC SERVICE CHARTER BY MEMBER STATES OF ECOWAS.

AUTHORITY OF HEADS OF STATE AND GOVERNMENT.

MINDFUL of Article 7,, 8,9 of the ECOWAS Treaty establishing of Head of State and Government and defining its composition and functions.

MINDFUL of the provisions of article 5 of the ECOWAS Treaty calling on Member States to take all necessary measures to harmonise their strategies and policies and thus create favourable conditions for the attainment of the objectives of the Community.

RECOGNISING the importance of the public Service sector as the tool for the implementation of Government Policies;

AWARE of the adoption of the African Public service sector as the tool for the implementation of Government Policies.

CONSIDERING that the public services must be able to discharge their functions effectively, protect the public interest and protect human and sustainable economic and social development.

AWARE that the implementation of the provisions of the Charter would promote probity and efficiency in the performance of the public service in our Member States.

DESIRING to enhance professionalism and ethics in the public Services of Member States;

Fourth Ninth Session of the Council of Ministers held in Dakar 25th January 2003.

DECIDED

ARTICLE 1

Member States should undertake, within their states, sanitation and enlightenment programmes about the African Public Service Charter adopted at the third biennial Pan African conference of Ministers of the Civil Service in Windhoek, Namibia on 5th February 2001.

ARTICLE 2

The Executive Secretariat should work in concept with other sub-regional organizations to ensure the adoption of the Charter by the Heads of State of the African Union at their next summit in 2003.

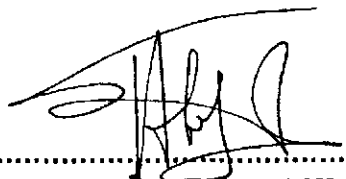
ARTICLE 3

This decision shall be published by the Executive Secretariat in the Official Journal of the Community not later than thirty (30) days after it is signed 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 DAKAR, THIS 31ST DAY OF JANUARY 2003

TWENTY-SIXTH SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Dakar, 31st January 2003



H.E. MAÎTRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

FOR PREPARATION FOR NEGOTIATIONS BETWEEN WEST AFRICA AND THE EUROPEAN UNION ON ECONOMIC PARTNERSHIP AGREEMENTS (EPAS).

AUTHORITY OF HEADS OF STATE AND GOVERNMENT.

MINDFUL of Article 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.8/12/99 on the enhancement of partnership between West Africa and the European Union and designing ECOWAS as the institutional framework for coordinating relations between the two Organisations.

MINDFUL of Decision A/DEC.11/12/01 on negotiations between West African members of the ACP Group and the European Union on economic partnership agreements.

RECALLING the Cotonou Agreement signed on 23 June 2000 setting out provisions governing the partnership between the European Union and the ACP Group.

CONSCIOUS of the need to clearly define the region's priorities, prepare its negotiating positions and identify the accompanying measures that would enable West Africa derive maximum benefit from the economic partnership agreements.

ON THE RECOMMENDATION of the meeting of ECOWAS Ministers of Trade and Finance held in Cotonou on 11 September 2002.

DECIDES

ARTICLE 1

The negotiating structure, priority areas of action, terms of the negotiating mandate and the plan of action endorsed by the

ECOWAS Ministers of Trade and Finance for negotiations between West Africa and the European Union of economic partnership agreements are hereby adopted.

ARTICLE 2

The regional negotiating structure shall be made up of the following organs:

- ECOWAS Council of Ministers which shall issue political guidelines and adopt the negotiating mandate;
- Ministerial Monitoring Committee which shall issue technical guidelines and monitor and evaluate the negotiations
- Groups of ECOWAS Ambassadors in Brussels;
- Group of ECOWAS Permanent Representative in Geneva;
- Regional Negotiating Committee which shall provide technical assistance on issues to be negotiated during the "All ACP" phase and conduct the negotiations during the second phase on behalf of the region;
- Technical Support Committee to the Regional Negotiating Committee which comprises representatives of each Member State from the public service, private sector and civil society.

ARTICLE 3

1. The Composition of the Ministerial Monitoring Committee shall be as follows:
 - i. West African Ministers of Trade and Finance;
 - ii. Ministers representing West Africa in the Bureau of the ACP Council;
 - iii. The Ministers representing West

Africa in the Ministerial Trade Committee (MTC);

- iv. ECOWAS Executive Secretary;
 - v. President of the UEMOA Commission;
 - vi. Coordinator of ECOWAS Ambassadors in Brussels;
 - vii. Representative of the ECOWAS Permanent Representatives in Geneva.
2. The Minister of the country coordinating the Group of ECOWAS Ambassadors in Brussels shall be the spokesman for the Ministerial Monitoring Committee.

ARTICLE 4

The Group of ECOWAS Ambassadors in Brussels shall be made up of Heads of diplomatic missions of West African countries accredited to the European Community in Brussels.

ARTICLE 5

The Group of ECOWAS Permanent Representatives in Geneva shall be made up of Permanent Representatives of West African Countries in Geneva.

ARTICLE 6

The composition of the Regional Negotiating Committee shall be as follows:

- i. ECOWAS Executive Secretariat;
- ii. UEMOA Commission;
- iii. Coordinator of the Committee of Ambassadors;
- iv. 1 representative of the private sector;
- v. 1 representative of civil society organization;
- Vi. Representatives of the Technical Support Committee.

ARTICLE 7

1. The composition of the Technical

follows:

- ii. 3 representatives from each country (Ministers of Trade, Finance, and Foreign Affairs.).
 - iii. 1 representatives of the private sector of each country
 - iv. 1 representative of civil society organizations of each country.
2. The two regional integration Organisations shall provide the secretariat for the Technical Support Committee.

ARTICLE 8

In preparing for the negotiations, West Africa shall be guided by the priority areas of action identified which take account of the ACP approach to the negotiations, the principles governing the negotiations, and the development financing needs identified.

ARTICLE 9

The terms of the negotiating mandate shall define the key issues that will guide West Africa in the negotiations on the economic partnership agreement and on the resources that will enable the region finance the necessary adjustments during the implementation of the agreement.

ARTICLE 10

To ensure effective implementation of the priority areas of action, the action plan shall focus on:

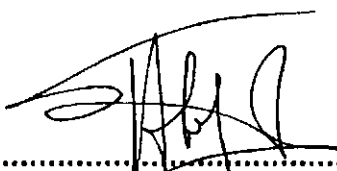
- i. trade negotiation capacity building;
- ii. Adoption of a participatory approach;
- iii. Evaluation of the impact of EPAs and formulation of leveling programmes;
- iv. The development paradigm in trade policies

The Executive Secretariat shall take all necessary measures to ensure adequate preparations for the negotiations by closely monitoring the activities of the negotiating structure and ensuring effective implementation of the action plan, taking account of the priority areas of action and the terms of the negotiating mandate.

ARTICLE 12

This Decision shall be published in the official Journal of the Community by the executive Secretariat within thirty (30) days after signature by the Chairman of the Council. It shall also be published within the same time frame in the National Gazette of each member state.

**DONE AT DAKAR, THIS 31ST DAY OF
JANUARY 2003**



.....
H.E. MAÎTRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

**TWENTY-SIXTH SESSION OF THE
AUTHORITY OF HEADS OF STATE
AND GOVERNMENT**

Dakar, 31st January 2003

**DECISION A/DEC.9/01/03 RELATING
TO ECOWAS REPRESENTATION AT
MEETINGS WITH THE EUROPEAN
UNION WITHIN THE FRAMEWORK OF
THE POLITICAL DIALOGUE
BETWEEN THE TWO
ORGANIZATIONS.**

**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 function

MINDFUL of Decision A/DEC.8/12/99 on
the enhancement of partnership between
West Africa and the European Union and
designing ECOWAS as the institutional
framework for coordinating relations
between West Africa and the European
Union.

MINDFUL of Decision A/DEC.11/12/01
relating to the negotiations of a Regional
Economic Partnership Agreement
between West African ACP States and the
European Union.

RECALLING the Cotonou Agreement
signed on 23 June 2000 setting out
provision governing the partnership
between the European Union and the
ACP Group.

CONSCIOUS of the need to designate a
body that will officially represent
ECOWAS at meetings with the European
Union within the framework of the political
dialogue between the two Organisation.

DESIROUS of ensuring balanced
dialogue with the European Union and
determined to present a united front;

ON THE RECOMMENDATION of the
forty-ninth Session of the Council of
Ministers held in Dakar from 26 to 28
January 2003.

DECIDES

ARTICLE 1

There is hereby established an
“ECOWAS Structure” to represent the
sub-region at meetings with the European
Union within the framework of the political
dialogue between the two institutions.

ARTICLE 2

The “Structure” shall represent ECOWAS
at meetings at all levels: experts,
Ambassadors, senior officials, Ministers,
Parliamentarians, and current Chairman
of the two organizations.

ARTICLE 3

Membership of the Structure” shall be as
follows

- i. The country currently holding the
post of Chairman;
- ii. The country that is immediate past
Chairman
- iii. The Executive Secretariat (as
permanent member).

ARTICLE 4

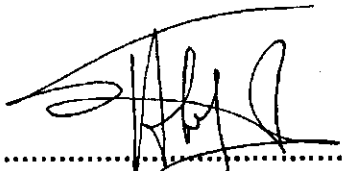
The ECOWAS Executive Secretariat, in
collaboration with the General Secretariat
of the European Union Council shall
ensure balanced representation of the
two parties at the meetings referred to
above.

ARTICLE 5

This Decision shall be published by the

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 DAKAR, THIS 31ST DAY OF
JANUARY 2003**



.....
H.E. MAÎTRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

**AUTHORITY OF HEADS OF STATE
AND GOVERNMENT**

Dakar, 31st January 2003

**DECISION A/DEC.10/01/03 ON THE
DEFERMENT OF THE ENTRY INTO
EFFECT OF THE SUBSTANTIVE
REGIME OF THE ECOWAS
COMMUNITY LEVY.**

**AUTHORITY OF HEADS OF STATE
AND GOVERNMENT.**

MINDFUL of Article 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 72 of the ECOWAS
Treaty introducing a Community Levy to
generate revenue for financing the
activities of the Community.

MINDFUL of Protocol A/1/7/96 on the
conditions governing application of the
Community Levy adopted by the
Community on 27th July 1996, and which
entered into force on 14th March 2000.

RECALLING Article 19 of the above
stated Protocol which provides for a
transitional period of 3 years dating from
the entry into force of the Protocol which
should precede a substantive entry into
effect of the regime of the levy.

NOTING that the substantive regime for
the implementation of the provisions on
the Community Levy commences from
1st January 2003.

HAVING noted the improvement in
Member States' compliance with the
conditions laid down for the application of
this levy;

WISHING to devise, for the Community, a
strategy that will ensure a smooth
passage to the substantive regime;

DESIRING to extend the transition period
for a limited time for this purpose.

ON THE RECOMMENDATION of the Forty ninth Session of the Council of Ministers held in Dakar, from 26th to 28th January 2003.

DECIDES

ARTICLE 1

The entry into effect of the substantive regime of the Community Levy as defined by the Protocol of the Community Levy is hereby deferred until 1st July 2003.

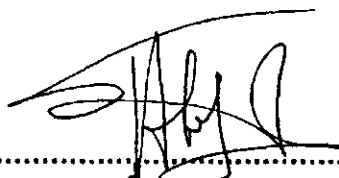
ARTICLE 2

Member State shall take all possible measures to ensure the fulfillment, within the above stated period, of all conditions necessary for the commencement of the substantive regime of the Community Levy.

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 DAKAR, THIS 31ST DAY OF JANUARY 2003.



H.E. MAÎTRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

**TWENTY-SIXTH SESSION OF THE
AUTHORITY OF HEADS OF STATE
AND GOVERNMENT**

Dakar, 31st January 2003

**DECISION A/DEC.11/01/03 RELATING
TO THE PAYMENT OF DUTY
ALLOWANCE TO THE VICE
PRESIDENT OF THE COMMUNITY
COURT OF JUSTICE.**

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

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

MINDFUL of Article 15 of the Treaty establishing the Community Court of Justice as an Institution of the Community.

MINDFUL of Protocol A/P1/7/91 on the Community Court, in particular its Article 28 relating to the remuneration, allowances and other benefits of the president and other members of Court;

MINDFUL of Decision A/DEC.1/12/00 appointing the seven (7) judges of the Court who took their oath of office before the Chairman of the Authority in Bamako on 30 January, 2001.

RECOGNISING the duty of the Community Court with regard to the dispensation of justice and protection of the rights and interests of Community citizens and institutions with a view to advancing the economic, political and social integration of the peoples of West Africa.

MINDFUL of Decision A/DEC.3/12/01 granting the status of statutory appointee to the judges of the court.

MINDFUL of Decision A/DEC.20/12/01 relating to the Annual Salaries of the Judges of the Community Court of Justice

President of the Court shall be paid duty allowance in addition to his salary.

DESIRING to pay the Vice-President of the Court an allowance is commensurate to the status of the Vice-President of an International Court;

ON THE RECOMMENDATION of the Forty-ninth Session of the Council of Ministers held in Dakar from 26th to 28th January 2003

DECIDES

ARTICLE 1

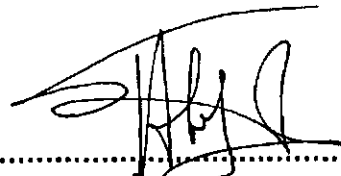
The allowance of the Vice-President of the Community Court of Justice is fixed as follows:

- Vice-president of the court: UA1, 465 per annum

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 National Gazette within the same time frame.

DONE AT DAKAR, THIS 31ST DAY OF JANUARY 2003.



H.E. MAITRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

AND GOVERNMENT

Dakar, 31st January 2003

**DECISION A/DEC.12/01/03
ESTABLISHING AN ECOWAS LIAISON
OFFICE IN BRUSSELS.**

**AUTHORITY OF HEADS OF STATE
AND GOVERNMENT.**

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

MINDFUL of Decision A/DEC.8/12/99 on partnership between West Africa and the European Union and designating ECOWAS as the institutional framework for coordinating relations between West Africa and the European Union.

MINDFUL of Decision A/DEC.11/12/01 on negotiations between West African members of the ACP Group and the European Union on economic partnership agreements.

RECALLING the Cotonou Agreement signed on 23 June 2000 setting out provisions governing the partnership between the European Union and the ACP Group.

RECALLING ALSO the recommendation relating to the establishment of ECOWAS liaison offices in Brussels and Geneva issued by the meeting of ECOWAS Ministers of Trade on post-Seattle matters held in Bamako on 29 January 2000 in the margins of the ECOWAS/UEMOA ministerial meeting on the acceleration of the integration process in West Africa.

MINDFUL of the relations between the regional organizations and institutions involved in ACP-EU cooperation (European Commission, Committee of Ambassadors, ACP Secretariat, Centre for Development of Enterprises, Technical Agricultural Centre) which are now more direct and stronger.

CONSIDERING that the ACP-EU negotiation on economic partnership agreements began in Brussels on 27 September 2002 and will last until September 2007.

CONSIDERING that ECOWAS assistance is being solicited more and more frequently by representatives of Member States and the Group of Ambassadors in Brussels in their negotiations with the European Union;

RECOGNISING the need to closely monitor the cooperation with the European Union and to prepare adequately for the negotiations on the economic partnership agreements.

DESIROUS of putting West Africa in a position where it would derive maximum benefit from the economic partnership agreements and its partnership with parties to ACP-EU cooperation.

ON THE RECOMMENDATION of the Forty-ninth Session of the Council of Ministers held in Dakar from 26th to 28th January 2003.

DECIDES

ARTICLES 1

An ECOWAS Liaison Office in Brussels is hereby created.

ARTICLE 2

The Liaison Office shall:

- a. Contribute to strengthen the partnership between West Africa and the European Union.
- b. Promote greater cooperation between the ECOWAS Executive Secretariat and the Committee of Ambassadors in Brussels on the one hand, and between the

Ambassadors in Geneva, the European Commission and the ACP Secretariat, on the other.

- c. Assist the ECOWAS Executive Secretariat and Member States in their preparations for meetings in Brussels by communicating to them all the documents available in Brussels and Geneva.
- d. Assist the ECOWAS Executive Secretariat to successfully carry out its mission of conducting the negotiations with the European Union on the economic partnership agreements.
- e. Keep abreast of developments and lobby officials in Brussels and Geneva.
- f. Liaise between the ECOWAS Executive Secretariat and the decision making bodies in Brussels and Geneva.
- g. Participate in all the negotiation sessions, provide technical assistance to the negotiating organs, and monitor the activities of the Ambassadors.

ARTICLE 3

The head of the Liaison Office shall be a Professional category staff, assisted by one officer.

ARTICLE 4

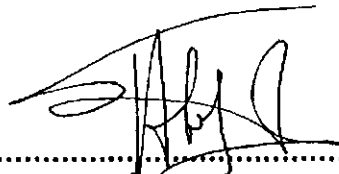
The ECOWAS Executive Secretariat shall take all necessary measures to create and ensure the smooth operations of the Liaison Office in Brussels.

ARTICLE 5

This Decision shall be published by the executive Secretariat in the Official Journal of the Community within thirty

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

**DONE AT DAKAR, THIS 31ST DAY OF
JANUARY 2003**



H.E. MAITRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Dakar, 31st January 2003

**DECISION A/DEC.13/01/03 RELATING
TO THE ESTABLISHMENT OF A
REGIONAL ROAD TRANSPORT AND
TRANSIT FACILITATION
PROGRAMME IN SUPPORT OF INTRA-
COMMUNITY TRADE AND CROSS-
BORDER MOVEMENTS**

**AUTHORITY OF HEADS OF STATE
AND GOVERNMENT.**

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

MINDFUL of Article 32 of the ECOWAS Treaty relating to cooperation in transport, community Transport and tourism.

MINDFUL of our Decision A/DEC.20/5/80 adopted on 29th May 1980, relating to the Community Transport Programme;

CONSIDERING Decision C/DEC.8/12/88 of the Council of Ministers on the second phase of ECOWAS road projects relating to the interconnection of roads for the opening up of the land-locked countries.

CONSIDERING Protocol A/P2/5/82 on the Convention Regulating Inter-State Road Transportation between ECOWAS Member States.

MINDFUL of Protocol A/P4/5/82 relating to the Convention on Inter-State road Transit of Good;

MINDFUL of Resolution C/RES.4/5/90 on the redaction of the number of road check - points in ECOWAS Member States.

MINDFUL of Resolution C/RES.5/5/90 on the maximum permissible axle load.

AWARE of the supplementary Convention A/SP.1/5/90 establishing a Community guarantee mechanism for inter-State Road Transit of Goods.

MINDFUL of the emergence of NEPAD and its objectives to reduce transport costs in order to encourage trade.

DESIRING to put in place a programme that will facilitate and Support Intra-Community trade cross-border movements;

ON THE RECOMMENDATION of the Forty-ninth Session of the Council of Ministers held in Dakar from 26th to 28th January 2003;

DECIDES

ARTICLE 1

Member States shall adopt a regional road transport and transit facilitation programme in support of intra-Community trade and cross-boarder movements.

ARTICLE 2

Member States shall implement the following three components of the road facilitation programme on inter-State corridors;

- i. Establishment of joint border posts
- ii. Establishment of observatories to identify bad practices;
- iii. Awareness campaign of effective implementation of the Inter-State Road Transit of Goods Convention (ISRT).

ARTICLE 3

1. The Trans coastal Lagos/Nouakchott and the Trans-sahelian Dakar/Ndjmena corridors are hereby selected for the implementation of the road transport and inter-state road transit facilitation programme.
2. The Transport Commission may identify other corridors for inclusion in the programme among the interconnecting roads as the need arises.
3. The inclusion of any corridor in the road facilitation programme should be based on the level of

implementation of the Community Decisions by affected Member States.

4. Priority should be given to corridors where Member States have sufficient proof of compliance to the Decisions of free movement of goods and persons.

ARTICLE 4

Member states shall undertake within twelve (12) months or less, the following measures at national level, in support of the action plan:

- i. Identify sites for the construction of joint border-posts. The Ministries responsible for Transport and Highways of neighboring countries shall institute joint inter-ministerial committees to identify sites for the construction of joint border posts.
- ii. Make the national monitoring committee functional through Government acts or laws.
- iii. Submit for publication, a document on the official checkpoints on inter-state road.
- iv. Enact statutory instruments establishing National Nureaux of the Brown Card for the bureaux to have legal backing.
- V. Designate national guarantors who should sign inter-bureau Agreements.
- vi. Issue directives to national guarantors and the Ministry responsible for transport to organize awareness campaigns to sensitise economic operators as well as law enforcement agents.
- vii. Establish road Safety Units and adopt measures, such as the provision of funds for awareness campaigns, to make them functional.
- viii. Continue road safety and accident prevention programmes and introduce same into school curricula; and

the free movement of goods and persons.

ARTICLE 5

To enhance the implementation of the Action Plan:

Member States:

- i. Should specify in the Action Plan the agencies that should be responsible for carrying out the proposed Sensitization programmes.
- ii. Should be involved in the sensitization programmes through electronic/print media, workshops, seminars, publication of brochures and handouts with a view to informing stakeholders on transit operations.

The Executive Secretariat shall

- i. put in place a follow-up mechanism for the implementation of the Action Plan.
- ii. In collaboration with the Member States, organize meetings for the Implementation Agencies such as the police, the Gendarmerie, Customs and Immigration Officers so that they could be familiar with the decisions of the High Committee on Land Transport and enable them implement those decisions effectively in their respective countries.
- iii. Provide quarterly publications on the level of implementation of the recommendations and decision of the Higher Committee on Land Transport.
- iv. Ensure the participation of law enforcement agents at meetings of the High Committee on Land Transport. In addition, the Executive Secretariat shall occasionally assemble law enforcement agents with Directors

- v. Write to remind Member States from time to time to indicate the level of implementation of decisions on facilitation of road transport. The list of countries that do not comply with these decisions should be published regularly.

ARTICLE 6

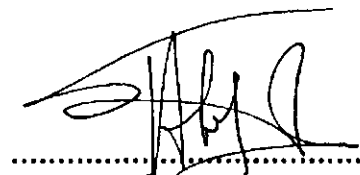
THE ECOWAS Executive Secretariat shall Also:

- i. Monitors the implementation of the Action Plan on the regional road transport facilitation programme;
- ii. Request multinational grants from development partners for the execution of the components of the Action Plan on identified and selected road transport and transit corridors;
- iii. Ensure that the participation at the meeting of the Transport, Communication and Tourism Commission be at Ministerial level so as to ensure effective implementation of decisions.

ARTICLE 7

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 DAKAR, THIS 31ST DAY OF JANUARY 2003


.....
H.E. MAÎTRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

**TWENTY-SIXTH SESSION OF THE
AUTHORITY OF HEADS OF STATE
AND GOVERNMENT**

Dakar, 31st January 2003

**DECISION A/DEC.14/01/03 RELATING
TO THE PLAN OF ACTION FOR THE
HARMONISATION OF NATIONAL
ACCOUNTS IN MEMBER STATES.**

**AUTHORITY OF HEADS OF STATE
AND GOVERNMENT.**

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

MINDFUL of Articles 3, 4, 5, 51 and 55 of
the Treaty relating to the establishment of
the Community Economic and Monetary
Union;

MINDFUL of the Decision A/DEC.2/7/87
of the Authority of Heads of State and
Government relating to the adoption of an
ECOWAS Monetary Cooperation
Programme, for the establishment of a
Single Monetary Zone within ECOWAS.

MINDFUL of the Decision A/DEC.7/12/99
of the Authority of Heads of State and
Government relating to the adoption of
Macroeconomic convergence criteria
within the framework of the ECOWAS
Monetary Cooperation Programme.

MINDFUL of the Decision
A/DEC.17/12/01 of the Authority of Heads
of State and Government relating to the
establishment of a multilateral
surveillance mechanism of ECOWAS
Member States' economic and financial
policies.

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.

MINDFUL of the need for comparable
economic data to guarantee the credibility
of the ECOWAS multilateral surveillance
mechanism.

ON THE RECOMMENDATION of the
Forty-ninth Session of the Council of
Ministers held in Dakar from 26th to 28th
January, 2003;

DECIDES

ARTICLE 1

The regional plan of action for the
harmonization of national accounts in
ECOWAS Member States attached to this
Regulation is hereby adopted.

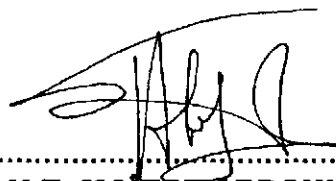
ARTICLE 2

The Executive Secretariat shall take
appropriate measures to implement this
plan of action.

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 DAKAR, THIS 31ST DAY OF
JANUARY 2003.**



.....
H.E. MAITRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

Dakar, 31st January 2003

**DECISION A/DEC.15/01/03 ON PLAN
OF ACTION FOR THE HAMONISATION
OF CONSUMER PRICE INDICES IN
MEMBER STATES.**

**AUTHORITY OF HEADS OF STATE
AND GOVERNMENT.**

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

MINDFUL of Articles 3, 4, 5, 51 and 55 of the Treaty relating to the establishment of the Community Economic and Monetary Union

MINDFUL of the Decision A/DEC.2/7/87 of the Authority of Heads of State and Government relating to the adoption of an ECOWAS Monetary Cooperation Programme, for the establishment of a Single Monetary Zone within ECOWAS.

MINDFUL of the Decision A/DEC.7/12/99 of the Authority of Heads of State and Government relating to the adoption of Macroeconomic convergence criteria within the framework of the ECOWAS Monetary Cooperation Programme.

MINDFUL of the Decision A/DEC.17/12/01 of the Authority of Heads of State and Government relating to the establishment of a multilateral surveillance mechanism of ECOWAS Member States' economic and financial policies.

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.

MINDFUL of the need for comparable economic data to guarantee the credibility of the ECOWAS multilateral surveillance mechanism.

ON THE RECOMMENDATION of the

DECIDES

ARTICLE 1

The regional plan of action for the harmonization of national accounts in ECOWAS Member States attached to this Regulation is hereby adopted.

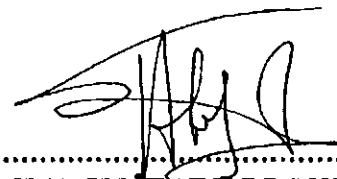
ARTICLE 2

The Executive Secretariat shall take appropriate measures to implement this plan of action.

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 DAKAR, THIS 31ST DAY OF
JANUARY 2003**



M.E. MAITRE ABDOULAYE WADE

**CHAIRMAN
FOR THE AUTHORITY**

**TWENTY-SIXTH SESSION OF THE
AUTHORITY OF HEADS OF STATE
AND GOVERNMENT**

Dakar, 31st January 2003

**DECISION A/DEC.16/01/03 RELATING
TO THE TRANSFORMATION OF THE
WEST AFRICAN WOMEN
ASSOCIATION (WAWA) INTO THE
ECOWAS GENDER DEVELOPMENT
CENTRE.**

**AUTHORITY OF HEADS OF STATE
AND GOVERNMENT.**

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

CONSIDERING Recommendation
A.Rec/1/5/83 of the Authority on the
mobilization of the various social classes
in the integration process.

MINDFUL of Decision A/DEC.4/7/87 on
the Approval of the Status of the West
African Women Association (WAWA);

MINDFUL of Decision A/DEC.3/7/87 on
the granting of the status of specialized
Institution of ECOWAS to WAWA;

CONSCIOUS of the need to involve our
people in the building of the Community
and the need to promote the integration
and participation of women in the
economic and social development
endeavours.

RECALLING Article 4 (b) of the status of
WAWA which assigns to WAWA the task
of mobilizing and involving women in the
sub-region in the Community building
process;

DESIRING therefore to reinforce the
capacity of WAWA as a specialized
Technical Institution of the Community to
contribute to the development of Gender-
related issues within our sub-region;

ON THE RECOMMENDATION of the
Forty-Ninth Session of the Council of

Ministers held from 26-28 January, 2003.

DECIDES

ARTICLE 1

The West African Women Association
shall henceforth be referred to as the
ECOWAS Gender Development Centre;

ARTICLE 2

The Centre shall be charged with the
initiation, facilitation, coordination and
monitoring of strategies and programmes
designed to incorporate gender issues
into integration programmes;

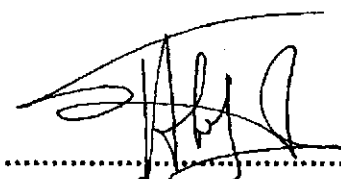
ARTICLE 3

The Statutes of the Association shall be
reviewed to take account of its new
responsibility.

ARTICLE 4

This Decision shall be published in the
official Journal of the Community by the
Executive Secretariat within thirty (3)
days after signature by the Chairman of
the Council. It shall also be published
within the same time frame in the National
Gazette of each Member State.

**DONE AT DAKAR, THIS 31ST DAY OF
JANUARY, 2003**



H.E. MAITRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

**AUTHORITY OF HEADS OF STATE
AND GOVERNMENT**

Dakar, 31st January 2003

**DECISION A/DEC.17/01/03 RELATING
TO THE ADOPTION OF AN ECOWAS
PROTOCOL ON ENERGY**

**AUTHORITY OF HEADS OF STATE
AND GOVERNMENT.**

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

MINDFUL of Article 3, 26, 28 and 55 of the ECOWAS Treaty which call for the promotion, cooperation, integration and development of energy projects and sectors of Member States of the Community;

MINDFUL of Decision A/DEC.3/5/82 of 29 May, 1982 relating to the ECOWAS Energy Policy.

RECOGNIZING the need to jointly develop the energy resources of Member States in order to provide a much needed infrastructure and this create a solid basis for industrialization.

RECALLING Decision A/Dec.5/12/99 relating to the establishment of the West Africa Power Pool (WAPP) and decision A/DEC/8/12/01 relating to the establishment of a mechanism for financing the WAPP.

WISHING to secure regionally efficient and reliable sources of electricity and other forms of energy.

RECOGNIZING the basic concept of the Energy Charter adopted in 1994 by 51 nations in Europe and Asia, which in the ECOWAS context would help promote economic growth by means of measures to liberalize energy investment and trade in energy.

determined to progressively remove technical administrative and other barriers to trade in electricity, gas, and other energy related equipment, technologies and services.

DESIROUS of adopting an instrument that will embody necessary concepts which will further cooperation among Member States and promote the West African regional environment as an attractive place for investment, especially in the energy sector.

ON THE RECOMMENDATION of the forty-eight Session of the Council of Ministers held in Dakar from 26th to 28th January 2003.

DECIDES

ARTICLE 1

There is hereby adopted for the Community an ECOWAS Protocol on Energy.

ARTICLE 2

Member States shall adopt all possible measures for the early ratification of this Protocol.

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 DAKAR, THIS 31ST DAY OF
JANUARY 2003**



.....
H.E. MAITRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

TWENTY-SIXTH SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Dakar, 31st January 2003

DECISION A/DEC.18/01/03 ON THE POSTPONEMENT OF THE DATE FOR THE CREATION OF THE ECOWAS SINGLE MONETARY ZONE.

AUTHORITY OF HEADS OF STATE AND GOVERNMENT.

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

MINDFUL of its Decision A/DEC.2/7/87 on the adoption of an ECOWAS monetary cooperation programme which envisages the creation of a single monetary zone within ECOWAS.

MINDFUL of its Decision A/DEC.7/12/99 relating to the adoption of macro-economic convergence criteria within the framework of the ECOWAS monetary cooperation programme.

M I N D F U L of Decision HS/ZMAO/DEC.1/12/2000 of the Second Summit of Heads of State and Government of the Second Monetary Zone (WAMZ) adopting the legal texts for the establishment of the WAMZ and its institutions.

RECALLING the importance that the Member States of the Community attach to the realization and enhancement of the economic integration process in general and monetary integration in particular.

CONSIDERING the difficulties encountered by Member States in attaining macro-economic convergence on the date initially scheduled, which is a necessary condition for the creation of a credible monetary union.

AWARE that the creation of the ECOWAS single monetary zone in 2004 is not feasible.

TAKING into account the decision of the Fourth summit of the Head of State and Government of the Second Monetary Zone (WAMZ) held at Conakry on 6 November 2002 which deferred the date for the creation of the second monetary zone to July 2005.

DESIROUS of formulating a sounder ECOWAS monetary cooperation programme to allow Member States sufficient time for adjusting their economies.

DECIDES

Article 1

The date for the creation of the single ECOWAS monetary zone is extended beyond the initially scheduled date of 2004.

Article 2

The firm choice of a date will be at the meeting of the Authority in 2005, after a detailed appraisal of the performance of the second monetary zone and the level of convergence of the economies of the sub-region as a whole.

Article 3

The Authority urges all Member States to intensify their efforts to meet the macro-economic convergence criteria by sanitizing their public finances, carrying out the necessary structural reforms and increasing their production base.

Article 4

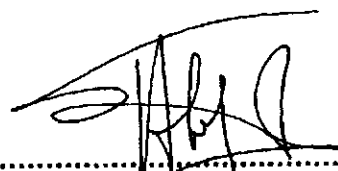
The Authority directs the ECOWAS Executive Secretariat, the West African Monetary Agency (WAMA) to reinforce inter-institutional cooperation in order to ensure rapid implementation of the monetary programme of the secondary zone (WAMZ) and the single ECOWAS monetary zones.

Article 5

This decision shall be published by the Executive Secretariat in the Official

Journal of the Council of Elders,
(30) days of signature by the current
Chairman of the Authority. It shall also be
published by each State in its National
Gazette within the same time frame.

**DONE AT DAKAR, THIS 31ST DAY OF
JANUARY 2003**



H.E. MAITRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Dakar, 31st January 2003

DECISION A/DEC.19/01/03 RELATING TO THE DESIGNATION OF MEMBERS OF THE COUNCIL OF ELDERS 2003

AUTHORITY OF HEADS OF STATE AND GOVERNMENT.

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

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

MINDFUL of Articles 15 and 20 of the
Protocol relating to the functions of the
Executive Secretary and the composition
and mandate of the Council of elders
respectively.

CONCERNED by the various conflicts
which persist within several of the
Member States.

DESIRING to implement all the aspects of
the Protocol including the establishment
of a Council of Elders, members of which
will act as mediators, conciliators and
facilitators in Member States that are in
crisis.

NOTHING that the tenure of the mandate
of the 2001-2002 Council of Elders has
expired.

DESIRING to designate new members of
that Council for the year 2003;

ON THE RECOMMENDATION of the
Meeting of Ministers of Foreign Affairs
held in Dakar from 28th to 30th January,
2003;

DECIDES

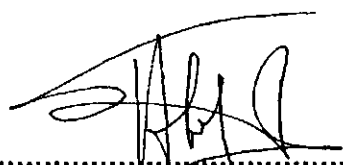
ARTICLE 1

The attached list of eminent personalities is hereby approved as the Council of Elders for 2003, to enable the implementation of the provisions of Article 200 of the Protocol relating to the Mechanism for Conflict Prevention, Management, resolution, Peacekeeping and Security.

ARTICLE 2

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

**DONE AT DAKAR, THIS 31ST DAY OF
JANUARY 2003**



H.E. MAÎTRE ABDOULAYE WADE
CHAIRMAN
FOR THE AUTHORITY

LISTE DES MEMBERS DU CONSEIL DES DE LA CEDEAO POUR 2003/

LIST OF MEMBERS OF THE ECOWAS COUNCIL OF ELDERS FOR 2003

No.	PAYS/COUNTRY	NOMS/NAMES
1	BENIN	S.E. MME BERNADINE DO-REGO
2	BURKINA FASO	S.E.M. ANSELME SAMOU
3	CAP VERT	S.E.M. ANTONIO MASCRAENHAS MONTEIRO
4	COTE D'IVOIRE	S.E.M. OULAI SIENE
5	THE GAMBIA	H.E. ERIC TUNDE JANNEH
6	GHANA	H.E. E.M. DEBRAH
7	GUINEE	S.E.M. ABDOURAHMANE SO
8	GUINEE-BISSAU	S.E.M. PEDRO GODINAH GOMEZ
9	LIBERIA	H.E. ERNEST EASTMAN
10	MALI	S.E. MME SIRA DIOP
11	NIGER	S.E.M. AMINU SIDIKOU
12	NIGERIA	H.E. GEN. YAKUBU GOWON
13	SENEGAL	S.E.M. MBAYE MBENGUE
14	SIERRA LEONE	H.E. DESMOND LUKE
15	TOGO	S.E.M. BITOKOPU YAGNAMINI

DAKAR, 26-28 JANUARY, 2003

ENACTS

**REGULATION C/REG.1/01/03
RELATING TO THE PARTIAL
ALLOCATION OF THE COMMUNITY
LEVY TO THE PAID-UP CAPITAL OF
ECOWAS BANK FOR INVESTMENT
AND DEVELOPMENT**

ARTICLE 1

Member States are hereby authorized to use part of their Community Levy for the Payment of the shares they have subscribed in the capital of ECOWAS Bank for Investment and Development (EBID).

THE COUNCIL OF MINISTERS,

ARTICLE 2

MINDFUL of Article 10,11 and 12 of the Treaty of the Economic Community of West African States (ECOWAS) establishing the Authority of Heads of State and Government and defining its composition and functions.

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

MINDFUL of Protocol A/P.1/7/96 of 27 July 1996 relating to the conditions governing the application of the Community Levy namely article 11 (d) authorizing any other uses as may be decided by the Authority or the Council including any increases to the capital of the ECOWAS Fund.

**DONE AT DAKAR, THIS 28TH
JANUARY, 2003**

MINDFUL of Decisions A/DEC.2/6/88 and A/DEC.10/6/89 of the Authority of Heads of State and Government relating to the study on the Enhancement of the Financial resources of ECOWAS FUND.



**HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL**

MINDFUL of Decision A/DEC.4/12/99 of the Authority relating to the transformation of ECOWAS Fund into a regional Holding Company.

MINDFUL of Decision A/DEC.13/12/01 of the Authority of Heads of State and Government declaring the first tranche of the call-up capital of ECOWAS Bank for Investment and Development as due.

CONSIDERING the Report of the 22nd Meeting of the Ad hoc Ministerial Committee on the Enhancement of the Financial Resources of the FUND.

ON THE RECOMMENDATION of the

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**REGULATION C/REG.2/01/03
RELATING TO PLACEMENT IN
ECOWAS BANK FOR INVESTMENT
AND DEVELOPMENT OF THE
BALANCE OF THE PROCEEDS FROM
COMMUNITY LEVY**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10,11 and 12 of the Treaty of the Economic Community of West African States (ECOWAS) establishing the Authority of Heads of State and Government and defining its composition and functions.

MINDFUL of Protocol A/P.1/7/96 of July 1996 on the conditions governing the application of the Community Levy specifically, Article 19.5 authorizing the reversion of the balance of proceeds from the Community Levy, to Member States;

MINDFUL of Decisions A/DEC.2/6/88 and A/DEC.10/6/89 of the Authority of Heads of State and Government relating to the study on the Enhancement of the Financial Resources of ECOWAS FUND.

MINDFUL of Decision A/DEC.4/12/99 of the Authority relating to the transformation of ECOWAS FUND into a Regional Holding Company.

CONSIDERING the significant resources required for the take off of ECOWAS Bank for Investment and Development (EBID) and its subsidiaries, and in view of the significant resources they required for the financing of Community programmes.

CONSIDERING that significant resources collected in the previous years are available in the Central Banks of Member States, thus providing the Bank and its subsidiaries, with the opportunity to mobilize financial resources within the Community.

CONSIDERING the mutual interest for Member States and ECOWAS Bank for

Investment and Development (EBID) to examine the conditions for the payment of interest on the balance of proceeds from the Community Levy to be reverted to Member States at the end of the transitional period.

HAVING EXAMINED the Report of the 22nd Meeting of the Ad hoc Ministerial Committee on the enhancement of the Financial Resources of the FUND.

ON THE RECOMENDATION of the President of ECOWAS Bank for Investment and Development (EBID).

INVITES member States to negotiate with ECOWAS Bank for Investment and Development (EBID), the conditions for the placement in EBID, of all or part of the balance of proceeds from the Community Levy that should be reverted to Member States at the end of the transitional period as defined by the Protocol on the conditions governing the application of the Community Levy.

INSTRUCTS the Executive Secretary and the President of ECOWAS Bank for Investment and Development (EBID) to ensure the constant monitoring of the present resolution.

**DONE AT DAKAR, THIS 28TH
JANUARY 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

DAKAR, 26-28 JANUARY, 2003

**REGULATION C/REG.3/01/03
RELATING TO THE IMPLEMENTATION
ON THE REGULATIONS ON
TRANSUMANCE BETWEEN THE
ECOWAS MEMBER STATES.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10,11 and 12 of the Treaty of the Economic Community of West African States (ECOWAS) establishing the Authority of Heads of State and Government and defining its composition and functions.

MINDFUL of Article.25 of the Treaty on cooperation between the Member States as a means for achieving agricultural development and food security.

MINDFUL of Decision A/DEC.5/10/98 on the regulation of transhumance between the ECOWAS Member States.

CONVINCED that the sustained development of livestock production is an integral part of any food security or poverty reduction policy.

CONSIDERING that given the resources presently available to the ECOWAS Member States, traditional pastoral farming systems such as transhumance, susbsit and contribute to socio-economic development and the growth of livestock production.

AWARE that the random movement of livestock and transhumance can trigger numerous health, social, legal, environmental, economic and political problems.

DESIROUS of improving the conditions for livestock production in the Member States, and, for the purpose, to induce a gradual evolution of the traditional farming systems towards intensive breeding methods, and to introduce transhumance regulations in the ECOWAS sub-region.

meeting of ECOWAS ministers responsible for livestock production, held in Ouagadougou, on 9 and 10 October 2002.

The measures hereunder shall be taken by all the States of the ECOWAS sub-region

ARTICLE 1:

AT THE LEVEL OF THE MEMBER STATES

- a) Organisation of information, communication, enlightenment, training and education campaigns and programmes directed at transhumant herdsmen and the different actors involved in transhumance in the departure, transit and host zone of transhuman herds;
- b) Establishment and/or re-energising of pastoral organizations at the national level, and especially, of breeders' associations, in order to encourage them to contribute to the improvement management of transhumance, and the prevention and management of transhumance related conflicts.
- c) Establishment of national committees, networks or other bodies, to manage, monitor and appraise transhumance.
- d) Strict compliance, by the livestock breeding States, transhumant, farmers and other sections of the rural society:
 - With the decision of the Heads of State and Government regulating transhumance between the Member States, and with the provisions of the ECOWAS Protocols, Conventions and Decisions relating thereto, and particularly, to those on the free movement of persons, goods and services, and to the mechanism for conflict prevention, management and resolution, peace-keeping and security.

- With the laws and regulations in force in the Member States, and to bilateral and multilateral commitment, especially those concerning the conservation and sustained management of natural resources and the environment.
- With the abrogation by Benin, of the measure suspending transhumance.

ARTICLE 2: AT THE LEVEL OF THE ECOWAS EXECUTIVE SECRETARIAT

- a. Technical and financial support shall be given by ECOWAS, which shall also source funds from donors for the following:
 - i. To finance information, training and enlightenment programmes for transhumant herdsman and the local communities affected by cross-border transhumance.
 - ii. To print and circulate the ECOWAS international transhumance certificate.
 - iii. To organize annual meetings to appraise and programme transhumance between neighboring States, and biennial meetings on transhumance in the West African sub-region, jointly sponsored by ECOWAS, UEMOA, CILSS and other organisations with stakes in transhumance.
 - iv. To conduct up-date studies on transhumance routes and itineraries, in collaboration with UEMOA, CILSS and other organizations with stakes in transhumance.
 - v. To formulate and implement sub-regional programmes for the development of grazing lands, or the creation of cross-border infrastructures to facilitate transhumance.
 - vi. To set up pilot cross-border projects with a view to developing new joint management methods

for the transhumance routes and host zones.

- vii. To conduct a study projecting the future of livestock production, particularly in West and central Africa.
- b. Other intergovernmental organizations in West and Central Africa shall be officially briefed in order to coordinate initiative and interventions relating to transhumance in West and Central Africa.
- c. OAU/IBAR shall be officially briefed in order to ensure the inclusion of transhumance in the Pan African Programme for the Control of Epizootic Diseases (PACE) in view of the serious implications of animal movements for animal health.
- d. A high-level emergency meeting of the countries concerned shall be convened, with a view to finding a lasting solution to the presence of alien livestock entering the territory of the host country illegally.

ARTICLE 3: AT THE LEVEL OF THE MEMBER STATES AND ECOWAS

- i. Coverage of all the transhumance routes within sub-region.
- ii. Creation of an information and communications network for transhumance and the monitoring of animal diseases.
- iii. Involvement of herdsman, associations of professionals and other stakeholders in the implementation of the decision of the Heads of States.
- iv. Formulation and implementation, within each Member State, of a pastoral development programme involving the preparation of maps of grazing areas, transhumance zone and watering points.

- vi. Creation of a regional transhumance observatory to monitor compliance with ECOWAS measures.
- vii. Formulation of a regional pastoral resources strategy within the framework of the sub-regional action plan (SRAP) for desertification control adopted by the Authority of Heads of State and Government, and of initiatives taken within the West African sector of the New Partnership for Africa's Development (NePAD)
- viii. Inclusion of pastoral and agro-economic programmes in the curriculums of West African training institutions specializing in livestock production.
- ix. Promotion of dialogue and collaboration between Member States on transhumance related issues.
- x. Dissemination of information on animal health among the veterinary services of the Member States.

ARTICLE 4: ENTRY INTO FORCE

This regulation shall be published by the Executive Secretariat in the Official Journal of the Community within thirty (30) days of its signature by the 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 DAKAR, THIS 28 DAY OF JANUARY 2003


HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

COUNCIL OF MINISTERS

DAKAR, 26-28 JANUARY, 2003

**REGULATION C/REG.4/01/03
RELATING TO THE RENEWAL OF
LEASE AGREEMENTS ON THE
RESIDENCE OF THE EXECUTIVE
SECRETARIAT STAFF IN ABUJA.**

THE COUNCIL OF MINISTERS,

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

CONSIDERING the need for the construction of vital additional works for the Executive Secretariat Staff quarters at Katampe.

CONSIDERING that the estimated completion period for the provision by the Nigerian Government of access roads and other infrastructural facilities at the Katampe Housing Estate will extend up to the year 2004.

NOTING that the leases on most of the residence rented for the staff of the Executive Secretariat in 2000 will expire by October 2002.

CONSIDERING the high demand for residential accommodation in Abuja resulting in an astronomical increase in the real Estate rents in the Abuja metropolis.

AWARE of the need to renew the lease Agreements on the staff residences in Abuja and make adequate funds available to the Executive Secretariat for the purpose.

ON THE RECOMMENDATION of the Twenty-Eighth Meeting of the Administration and Finance Commission held in Abuja from 18 to 25 November 2002.

ENACTS

ARTICLE 1

The sum of N281, 100,000 (Two Hundred and Eighty-one Million, one hundred thousand naira) (UA 1,079,403.05) is hereby approved for the Executive Secretariat of ECOWAS to cover renewal and contracting of new leases for 2003.

ARTICLE 2

The Executive Secretariat shall prepare estimates of the overall financial implications of leases to cover all the posts approved by the sixth extraordinary session of the Council of Ministers. Such estimates shall be submitted to the Administration and Finance commission for consideration.

ARTICLE 3

This regulation shall be published by His 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 in the National Gazette of each Member State within the same time-frame.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS
DAKAR, 26-28 JANUARY, 2003**

**REGULATION C/REG.5/01/03
APPROVING THE AUDITED
FINANCIAL STATEMENTS OF THE
EXECUTIVE SECRETARIAT FOR THE
2001 FINANCIAL YEAR.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Article 75 of the Treaty relating to the appointment of External Auditor for the Institutions of the Community.

MINDFUL of the financial regulations and Manual of Accounting Procedure 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 appointing the firm of Coopers & Lybrand Dieye as External Auditors of the Community.

MINDFUL of Authority Decision C/AHSG/DEC.1/2/2000 confirming the appointment of Coopers & Lybrand and Dieye as external auditors of the Institutions of the Community.

CONSIDERING the Contract Agreement between ECOWAS and Coopers Lybrand and Dieye defining the conditions of engagement of the External Auditors dated 26 February 2000.

HAVING EXAMINED the report of the firm of Coopers & Lybrand Dieye on the financial statements of the Executive Secretariat for the 2001 Financial Year.

ON THE RECOMMENDATION of the twenty eighth meeting of the Administration and finance commission held in Abuja from 18 to 25 November 2002.

ARTICLE 1

The Audited financial Statements of the executive Secretariat attached hereto for the 2001 financial year is hereby approved.

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 in the National Gazette of each Member State within the same time-frame.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY, 2003
FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS
DAKAR, 26-28 JANUARY, 2003**

**REGULATION C/REG.6/01/03
APPROVING THE BUDGET OF THE
WEST AFRICAN HEALTH
ORGANISATION FOR THE 2003
FINANCIAL YEAR.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Protocols A/P2/7/87 on the establishment of the West African Health Organisation.

MINDFUL of the provisions of Article 69 of the Treaty which relate to the budget 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.

HAVING CONSIDERING the budget of the west African Health Organisation

Commission held in Abuja, from 18 to 25 November 2002.

ENACTS

ARTICLE 1

The budget of the west African Health Organisation for the 2003 Financial Year, balanced in income and expenditure at the sum of Four Million, nine hundred and sixty seven thousand, seven hundred and fourteen Units of Account (4,967,714 UA) is hereby approved.

ARTICLE 2

An amount of One Million Units of Accounts (UA 1,000,000) shall be derived from the annual contributions of Member States.

ARTICLE 3

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 in the National Gazette of each Member State within the same time-frame.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

FORTY-NINTH SESSION OF THE COUNCIL OF MINISTERS

DAKAR, 26-28 JANUARY, 2003

REGULATION C/REG.7/01/03 APPROVING THE BUDGET OF THE COMMUNITY PARLIAMENT FOR THE 2003 FINANCIAL YEAR.

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Article 13 of the Treaty establishing the Community Parliament.

MINDFUL of protocol A/P.2/8/94 defining the composition, functions, powers and organizations of the Community Parliament;

MINDFUL of the provisions of Article 69 of the Treaty which relate to the budget 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.

HAVING CONSIDERING the budget of the Community Parliament proposed by the Twenty-Eighth Meeting of the Administration and Finance Commission held in Abuja, from 18-25 November 2002.

ENACTS

ARTICLE 1

The budget of the Community Parliament for the 2003 Financial Year, balanced in income and expenditure at the sum of Six Million five hundred and forty-four thousand three hundred and forty six Units of Accounts (UA 6,544,346) is hereby approved.

ARTICLE 2

An amount of Four Million Five Hundred

and forty-four thousand three hundred and forty Units of Accounts (UA 4,544,346) shall be derived from the annual contributions of member States.

ARTICLE 3

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 in the National Gazette of each Member State within the same time-frame.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

DAKAR, 26-28 JANUARY, 2003

**REGULATION C/REG.8/01/03
REGULARISING THE APPOINTMENT
OF CERTAIN OFFICERS OF THE
COMMUNITY PARLIAMENT AND
GRANTING THE STATUS OF
STATUTORY APPOINTEE TO THE
SECRETARY GENERAL AND THE
DEPUTY SECRETARY GENERAL**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Protocol A/P2/8/94 defining the status, composition, functions and other issues relating to the Community Parliament.

MINDFUL of Decision A/DEC.19/12/01 relating to the headquarters of the Community Parliament.

MINDFUL of the rules of Procedure of the Community Parliament.

MINDFUL of the regulations adopting the budgets of the Community Parliament for 2001 and 2002.

CONSIDERING the need to grant to officers of the Community Parliament, a status commensurate with the importance of the institution.

CONSIDERING that for the take-off of its activities and its smooth operation, the Community Parliament has engaged the services of highly qualified and competent staff, whose performance is deemed satisfactory by the Head of the institution.

DESIROUS of preserving the rights thus acquired by the aforementioned staff of the Community Parliament.

ENACTS

ARTICLE 1

The appointments of Mrs. Halima Ahmed

General and Deputy Secretary General of the Parliament with the status of statutory appointees are hereby approved.

ARTICLE 2

Mrs. Halima Ahmed and Mr. Mohammed Diakite are appointed for a period of four (4) years, renewable for another period of four (4) years.

ARTICLE 3

Mrs. Halima Ahmed and Mr. Mohammed Diakite shall retain the rights enjoyed since their appointment, in respect of remunerations and other privileges.

ARTICLE 4

The appointment of the thirty-one (31) other members of staff recruited by the Community Parliament is hereby endorsed.

ARTICLE 5

The members of staff mentioned in Article 3 above shall retain the rights enjoyed since their appointment, in respect of remunerations and other privileges.

ARTICLE 6

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 in the National Gazette of each Member State within the same time-frame.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**REGULATION C/REG.9/01/03
APPROVING THE BUDGET OF THE
COMMUNITY COURT OF JUSTICE
FOR THE 2003 FINANCIAL YEAR**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Article 15 of the Treaty establishing the Community Court of Justice.

MINDFUL of Protocol A/P.1/7/91 defining the status, composition, powers, procedure and other issues concerning the Community Court of Justice.

MINDFUL of the provisions of Article 69 of the Treaty which relate to the budget 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.

HAVING CONSIDERED the budget of the Community Court of Justice proposed by the Twenty-Eighth meeting of the Administration and Finance Commission held in Abuja, from 18 to 25 November 2002.

ENACTS

ARTICLE 1

The budget of the Community Court of Justice for the 2003 Financial Year, balanced in income and expenditure at the sum of Three Million and forty-two thousand nine hundred and eighty-seven Units of Accounts (3,042,987 UA) is hereby approved.

ARTICLE 2

The amount of Two million eight hundred and seventeen thousand two hundred and ninety-six Units of Accounts (2,817,296 UA) shall be derived from the annual contributions of member State.

ARTICLE 3

This regulation shall be published by his 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 in the National Gazette of each Member State within the same time-frame.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

COUNCIL OF MINISTERS

DAKAR, 26-28 JANUARY, 2003

REGULATION C/REG.10/01/03 APPROVING THE BUDGET OF THE EXECUTIVE SECRETARIAT FOR THE 2003 FINANCIAL YEAR.

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

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

HAVING CONSIDERING the budget of the Executive Secretariat proposed by the Twenty-Eighth meeting of the Administration of finance Commission held in Abuja, from 18th to 25th November 2002.

ENACTS

ARTICLE 1

The budget of the executive Secretariat for the 2003 Financial Year, balanced in income and expenditure at the sum of Twenty-two Million Seventy two thousand and seven hundred Units of accounts (22,072,700 UA) is hereby approved.

ARTICLE 2

An amount of Eighteen million nine hundred and two thousand and two hundred Units of Accounts (18,902,200 UA) shall be derived from the annual contributions of Member States.

ARTICLE 3

This regulation shall be published by the

Journal of the Community with a minimum of (30) days 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 DAKAR, THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

FORTY-NINTH SESSION OF THE COUNCIL OF MINISTERS

DAKAR, 26-28 JANUARY, 2003

REGULATION C/REG.11/01/03 APPROVING THE COMPENSATION BUDGETS FOR LOSS OF REVENUE SUFFERED BY ECOWAS MEMBER STATES IN 2000, 2001 AND 2002 AS A RESULT OF THE LIBERALISATION OF INTRA-ECOWAS TRADE.

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Decision A/DEC/8/5/79 of the Authority of Heads of State and Government, dated 29th May, 1979 relating to the consolidation of customs duties and taxes of equivalent effect and non-tariff barriers.

MINDFUL of Decision A/DEC.19/5/80 of the Authority of Heads of State and Government, dated 28th May, 1980 relating to compensation procedure for loss of revenue suffered by ECOWAS Member States as a result of the liberalization of intra-ECOWAS trade.

MINDFUL of Decision A/DEC.1/5/83 of the Authority of Heads of State and Government relating to the adoption and implementation of the single trade liberalization scheme to industrial products originating from Member States and the amendment thereto embodied in Decision A/DEC.6/6/89, dated 30th June, 1989.

MINDFUL of the Decisions and Regulations listing enterprises and products approved to benefit under the ECOWAS trade liberalization scheme.

CONSIDERING the applications for compensation of loss of revenue submitted by Benin and Togo for the importation of approved industrial products in 2000, 2001 and 2002.

CONSIDERING the report of the forty fourth meeting of the Trade, Customs, Taxation, Statistics, Money and payments Commission held Abuja from 15 to 16 November 2002.

ON RECOMMENDATION of the twenty-eight meeting of the Administration and Finance Commission held in Abuja from 18 to 25 November 2002.

ENACTS

ARTICLE 1

The compensation budget for loss of revenue suffered by ECOWAS Member States as a result of the liberalization of intra-ECOWAS trade are hereby approved, in the amount of two billion one hundred and fifty million nine hundred and seventy four thousand two hundred and six CFA francs (2,150,974,206 FCFA), which breaks down as follows:

- a) Nine million, three hundred and forty thousand, and thirty two francs CFA (9,340,321) for 2000;
- b) One million, four hundred and twenty four million, three hundred and ninety seven thousand, two hundred and fifty tree francs CFA (1,424,397,253) for 2001
- C) Seven hundred and seventeen million, two hundred and thirty six thousand, six hundred and thirty two francs CFA (717236632) for 2002.

Tables I and II annexed hereto indicate the share of contributions owed to the compensation budget by each exporting Member State.

ARTICLE 2

The ECOWAS Executive Secretariat and the ECOWAS Fund shall be responsible for payment to the Member States having suffered loss of revenue, of the amounts recorded in the compensation budgets for 2000, 2001 and 2002.

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 in the National Gazette of each Member State within the same time-frame.

DONE AT DAKAR, THIS 28TH DAY OF JANUARY, 2003



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

TABLEAU I: DE RECETTES DU BENIN

(en francs CFA)

ETATS MEMBERS	MONTANT DES CONTRIBUTIONS
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TABLEAU II: PERTE DE RECETTES DU TOGO

(en francs CFA)

ETATS MEMBERS	MONTANT DES CONTRIBUTIONS
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DAKAR, 26-28 JANUARY, 2003

REGULATION C/REG.12/01/03 ON THE ADDITIONAL LIST OF ENTERPRISES AND PRODUCTS APPROVED UNDER THE ECOWAS TRADE LIBERALISATION SCHEME.

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of the Protocol dated 5th November 1976 defining the concept of products originating from Member States of the Community.

MINDFUL of Decision A/DEC.6/7/92 dated 29th July 1992 of the Authority of Heads of State and Government of ECOWAS on the adoption and implementation of a single Trade Liberalisation Scheme for products originating from Member States of the Community.

MINDFUL of decision A/DEC.4/7/96 dated 27th July 1996 on the cancellation of the criterion relating to the level of participation of community nationals in the equity capital of enterprises.

MINDFUL of Regulation C/REG.3/4/02 dated 23rd April 2002 of the council of Ministers defining the procedure for approval of industrial enterprises and products under the ECOWAS Trade Liberalisation Scheme.

ON THE RECOMMENDATION of the forty-fourth of the Trade, Customs, Taxation, Statistics, Money and payments Commission held in Abuja from 15th to 16th November 2002.

ENACTS

ARTICLE 1

The Industrial enterprises and products

fulfilling the ECOWAS rules of origin listed in the attached annex are approved for approval for the benefit of preferential treatment under the ECOWAS Trade Liberalisation Scheme.

ARTICLE 2

The Executive Secretariat shall give each enterprises concerned, an approval number which must feature on the certificate of origin and on the ECOWAS customs declaration form and inform Member States accordingly.

ARTICLE 3

Member States and the Executive Secretariat shall take all necessary measures to ensure the implementation of this regulation.

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 in the National Gazette of each Member State within the same time-frame.

DONE AT DAKAR, THIS 28TH DAY OF JANUARY, 2003



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

FORTY-NINTH SESSION OF THE COUNCIL OF MINISTERS

DAKAR, 26-28 JANUARY, 2003

REGULATION C/REG.13/01/03 APPROVING THE WORK PROGRAMME OF THE EXECUTIVE SECRETARIAT FOR THE 2003 FINANCIAL YEAR.

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

HAVING CONSIDERED the work Programme of the Executive Secretariat for the 2003 Financial Year proposed by the Twenty-eighth meeting of the Administration and Finance Commission held in Abuja, from 18th to 25 November 2002.

ENACTS

ARTICLE 1

The work Programme attached hereto is hereby approved and shall be executed by the Executive Secretariat during the 2003 financial year.

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 in the National Gazette of each Member State within the same time-frame.

DONE AT DAKAR, THIS 28TH DAY OF JANUARY, 2003



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**REGULATION C/REG.14/01/03
APPROVING THE REVISED
ORGANOGRAM OF THE EXECUTIVE
SECRETARIAT OF ECOWAS IN
ORDER TO ACCOMMODATE THE
FORTY-NINE (49) NEWLY CREATED
POSTS.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Article 17 of the ECOWAS Treaty establishing an Executive Secretariat of the Community.

CONSIDERING the need to restructure the Executive Secretariat in order to eliminate all short comings and defects identified in the structure and introduce thereon fundamental innovations that would strengthen the institution and enable it respond more effectively to the challenges of globalization.

RECALLING Reg.C/Reg.9/12/99 approving the Restructuring of the Executive Secretariat in accordance with an approved 1999 Organogram.

AWARE of the new responsibilities that fall on the Executive Secretariat as a result of Decision A/Dec.2/5/02 adopted in Yamoussoukro on 17th May, 2002 which appoints ECOWAS as the coordinating and Monitoring organ for the implementation of NEPAD.

DESIRING to enhance the capacity of the Executive Secretariat in terms of personnel to enable it discharge its functions more efficiently.

ON THE RECOMMENDATION of the fifth meeting of the Ad-hoc Ministerial Committee on re-structuring held in Abuja from 1-2 August 2002.

ARTICLE 1

The revised organogram of the executive Secretariat of ECOWAS accommodating forty nine (49) newly created posts is hereby adopted:

ARTICLE 2

The Executive Secretariat should immediately commence the process of recruitment of staff in order to fill the vacancies in the approved organogram.

ARTICLE 3

This regulation shall be published by his 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 in the National Gazette of each Member State within the same time-frame.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS
DAKAR, 26-28 JANUARY, 2003**

**REGULATION C/REG.15/01/03
ESTABLISHING AND AD HOC
MINISTERIAL COMMITTEE ON THE
HARMONISATION OF THE
LEGISLATIVE TEXTS OF THE
COMMUNITY.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

CONSIDERING that many protocols relating to the institutions of the community, by virtue of their prior existence to the revised ECOWAS Treaty, contain provision in contradiction to the Treaty.

NOTHING that the continued existence of this situation may infirm the decisions of the Community and hinder the smooth functioning of the institutions.

ANXIOUS to endow the Community with coherent, well-adapted and readily applicable texts, and to this end to up-date existing texts.

ENACTS

ARTICLE 1

There is hereby established ad hoc Ministerial Committee to harmonise the legislative texts of the Community.

ARTICLE 2

1. The Committee shall undertake a critical review of the revised ECOWAS Treaty, Protocols and conventions with a view to endowing the community with modern legal instruments whose implementation shall contribute to the acceleration of the integration process.

2. The Committee shall identify and examine the deficiencies of the texts and formulate proposals for their amendment.
3. The committee shall, in the execution of this task, make such recommendations as shall be liable to remove all legal and institutional obstacles to the realization of the integration objectives of the Community.

ARTICLE 3

1. The following Member States shall be members of the Ad hoc Committee:
 - i Republic of Cape Verde
 - ii Republic of the Gambia
 - iii Republic of Ghana
 - iv. Republic of Guinea
 - v Republic of Mali
 - vi Federal Republic of Nigeria
 - vii Republic of Senegal
 - viii Republic of Sierra Leone
2. The Executive Secretariat shall equally be a member of the Committee.

ARTICLE 4

The ad hoc Committee shall submit a progress report at the next ordinary session of the Council of Ministers.

ARTICLE 5

This regulation shall be published by his 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 in the National Gazette of each Member State within the same time-frame.

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**REGULATION C/REG.16/01/03
RELATING TO THE BUDGET OF THE
ECOWAS BANK FOR INVESTMENT
AND DEVELOPMENT (EBID) FOR THE
YEAR 2003.**

THE COUNCIL OF MINISTERS

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Decisions A/DEC.2/6/88 and A/DEC.10/6/89 of the Authority of Heads of State and Government relating to the study on the enhancement of the financial resources of the ECOWAS FUND.

MINDFUL of Decision A/DEC.4/12/99 of the Authority relating to the transformation of the ECOWAS FUND into a Regional Holding Company.

CONSIDERING the report of the Twenty-second Meeting of the Ad hoc Ministerial Committee on the Enhancement of the financial Resources of the FUND.

ON THE RECOMMENDATION of the ad hoc ministerial committee on the Enhancement of the financial resources of the Fund.

ENACTS

ARTICLE 1

1. The budget of the ECOWAS Bank for Investment and Development (EBID) for the year 2003 is approved as follows:

- * Operating expenses UA406.170
- * Expenses on equipment: UA9.750
- * Amounting to a total of UA 416.920.

the capital resources of the ECOWAS FUND and treated as part of start-up costs.

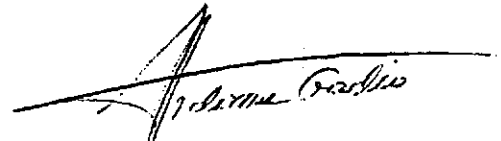
ARTICLE 2

The President of the ECOWAS Bank for Investment and Development shall be responsible for the implementation of this Regulation.

ARTICLE 3

This regulation shall be published by His 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 in the National Gazette of each Member State within the same time-frame.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**REGULATION C/REG.17/01/03
RELATING TO THE BUDGET OF THE
ECOWAS REGIONAL INVESTMENT
BANK (ERIB) FOR THE YEAR 2003.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10,11 and 12 of the Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Decisions A/DEC.2/6/88 and A/DEC.10/6/89 of the Authority of Heads of States and Government relating to the study on the enhancement of the financial resources of ECOWAS FUND.

MINDFUL of Decision A/DEC.4/12/99 of the Authority relating to the transformation of ECOWAS FUND into a regional Holding Company.

CONSIDERING the report of the Twenty-second Meeting of the Ad hoc Ministerial Committee on the Enhancement of the Financial Resources of the FUND.

ON THE RECOMMENDATION of the Ad hoc Ministerial Committee on the enhancement of the Financial Resources of the FUND.

ENACTS

ARTICLE 1

1. The budget of the ECOWAS Regional Investment Bank (ERIB) for the year 2003 amounting to UA 259,500 and covering its operating expenditure is hereby approved.
2. The amount shall be drawn from the capital resources of the ECOWAS FUND and treated as part of start-up costs.

ARTICLE 2

The Managing director of ECOWAS Regional Investment Bank shall be responsible for the implementation of this Regulation.

ARTICLE 3

This regulation shall be published by His 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 in the National Gazette of each Member State within the same time-frame.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

DAKAR, 26-28 JANUARY, 2003

**REGULATION C/REG.18/01/03
RELATING TO THE BUDGET OF THE
ECOWAS REGIONAL DEVELOPMENT
FUND (ERDF) FOR THE YEAR 2003.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10,11 and 12 of the Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Decisions A/DEC.4/12/99 of the Authority of Heads of State and Government relating to the study on the enhancement of the financial resources of ECOWAS FUND.

MINDFUL of Decision A/DEC.4/12/99 of the Authority relating to the transformation of ECOWAS FUND into a regional Holding Company.

CONSIDERING the report of the Twenty-second Meeting of the Ad hoc Ministerial Committee on the Enhancement of the Financial Resources of the FUND.

ON THE RECOMMENDATION of the Ad hoc Ministerial Committee on the Enhancement of the Financial Resources of the FUND.

ENACTS

ARTICLE 1

1. The budget of the ECOWAS Regional Development Fund (ERDF) for the year 2003 is approved as follows:

- * operating expenses: UA 260,190
- * Expenses on equipment UA 5,550 amounting to a total of UA 265,740.

ECOWAS FUND and treated as part of start-up costs.

ARTICLE 2

The Managing Director of the ECOWAS Regional Development Fund shall be responsible for the implementation of this regulation.

ARTICLE 3

This regulation shall be published by his 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 in the National Gazette of each Member State within the same time-frame.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.1/01/03
ADOPTING THE FLAG OF THE
ECONOMIC COMMUNITY OF WEST
AFRICA STATES (ECOWAS)**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of the directives of the 25th session of the Authority of Heads of State and Government in view of adopting formally an ECOWAS flag.

CONSIDERING that for many years, ECOWAS used a flag which contributed greatly to increasing awareness about the Community and stimulating interest in her, both within Member States and outside the Community.

CONSIDERING that the flag under consideration translates perfectly the integration objectives of ECOWAS, and has been utilized successfully by all the Institutions of the Community, including ECOMOG, which used it as armband.

CONSIDERING the need to guarantee the exclusive use of the ECOWAS flag by the Community and its Institutions, and to formally adopt and register it.

ON THE PROPOSAL of the forty-ninth session of the Council of Ministers which took place in Dakar from 26 to 28 January 2003.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF

STATE AND GOVERNMENT to adopt the attached draft Decision adopting the Flag of the Economic Community of West Africa States (ECOWAS).

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

COUNCIL OF MINISTERS

DAKAR, 26-28 JANUARY, 2003

RECOMMENDATION C/REC.2/01/03 RELATING TO THE CREATION OF THE ECOWAS ENERGY OBSERVATION

THE COUNCIL OF MINISTERS,

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

CONSIDERING that the ECOWAS Revised Treaty of July 24, 1993 re-affirmed the principles set forth in the treaty of May 28, 1975, establishing ECOWAS for the purpose of encouraging cooperation among the Member States in the areas of economic development and to this end, favouring the free movement of persons and good between States.

MINDFUL of Decision A/Dec.3/5/82 of 29 May, 1982 relating to the ECOWAS Energy Policy.

CONSIDERING that Member States have demonstrated their will to coordinate their efforts with a view to implementing the ECOWAS priority action plans, notably, those relating to the interconnection of infrastructure.

MINDFUL of Decision A/Dec.5/12/99 adopted by the Authority of Heads of State and Government which in its article 2, created a coordinating structure for the meeting of Energy Ministers and the Committee of Chief Executives of the Transmission System Operators of the Member States and defined its attributes.

RECALLING Regulation C/Reg.7/12/99 relating to the adoption of a Master Plan to develop means of energy production and interconnection of electricity networks of ECOWAS Member States; and also recalling a memorandum of understanding signed in Lome 29th September 2000 by ECOWAS Ministers of Energy in relation to the Master Plan.

observatory as a first component of the future WAPP information and Coordination Centre, and as an information and Communication System to alert the Member States on possible shortages and to identify the preventive measures that could be implemented to avoid such shortages.

UPON the proposal to the Fourth Steering Committee Meeting held in Conakry on 18th October 2002.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached Decision relating to the creation of the Energy Observatory.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.3/01/03
ADOPTING THE ECOWAS PROTOCOL
ON EDUCATION AND TRAINING**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the ECOWAS Treaty establishing the Authority of Head of State and Government and defining its composition and functions.

MINDFUL of the provisions of Articles 60-66 of the ECOWAS Treaty identifying areas of cooperation with regard to human resources, information, social and cultural affairs, and chapter XII relating to cooperation in other areas.

CONSIDERING that the full development of human resources, promotion of education and training are pre-requisites for the resolution of the socio-economic problems in our sub-region and are an indispensable part of the mechanism for the realization of the objectives of ECOWAS.

AWARE of the acute basic needs of our peoples and their legitimate yearning for material and moral well-being.

CONVINCED that for countries with limited resources such as ours, investment in education and training undertaken collectively can contribute to poverty eradication and economic and social development.

CONVINCED also that any development policy that does not give pride of place to education and training is bound to fail.

DESIROUS of adopting an instrument that will facilitate and coordinate efforts by Member States to formulate and implement comparable educational and training policies, strategies and systems appropriate to the needs of our citizens.

ON THE PROPOSAL of the Conference

of ECOWS Ministers for Education held at Conakry from 24 to 25 September 2002.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision adopting the ECOWAS Protocol on Education and training.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.4/01/03
RELATING TO THE ADOPTION OF A
GENERAL CONVENTION ON
RECOGNITION AND EQUIVALENCE
OF DEGREES, DIPLOMAS,
CERTIFICATES AND OTHER
QUALIFICATIONS IN ECOWAS
MEMBER STATES.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the ECOWAS Treaty establishing the Authority of Head of State and Government and defining its composition and functions.

MINDFUL of Article 60 of the Treaty of the Economic Community of West African States on human resources.

MINDFUL of Protocol A/P1/7/87 on the cultural framework agreement for the Economic Community of West African States (ECOWAS).

MINDFUL of the Protocol of free movement of persons, right of residence and establishment.

CONVINCED that harmonization of educational and training policies is a key factor in the promotion of cultural and scientific exchanges with the framework of sub-regional cooperation.

CONVINCED that recognition of degrees and of their equivalence is a prerequisite for increased mobility of students, teachers and specialists and a means of accelerating development in the field of education and achieving sub-regional integration.

DESIRING to promote sub-regional cooperation with regard to the assessment and recognition of degrees, diplomas, certificates and other qualifications, social and cultural integration embarked upon by ECOWAS.

ECOWAS Education Ministers and Experts held in Dakar on 23-25 September 2002.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision on the General Convention on recognition and equivalence of degrees, diplomas, Certificates and other qualifications in ECOWAS Member States.

**DONE AT DAKAR, THIS 28TH DAY OF
JANUARY 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

FORTY-NINTH SESSION OF THE COUNCIL OF MINISTERS

DAKAR, 26-28 JANUARY, 2003

RECOMMENDATION C/REC.5/1/03 RELATING TO THE ADOPTION OF A PLAN OF ACTION TO FACILITATE SUB-REGIONAL INTERPRETATION OF EDUCATION OBJECTIVES PURSUANT TO SUSTAINABLE DEVELOPMENT.

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the ECOWAS Treaty establishing the Authority of Head of State and Government and defining its composition and functions.

MINDFUL of the provisions of Articles 60-66 of the ECOWAS Treaty identify areas of cooperation with regard to human resources, information, social and cultural affairs, and Chapter XII relating to cooperation in other areas.

CONSIDERING that the full development of human resources, promotion of education and training are pre-requisites for the resolution of the socio-economic problems in our sub-region and are an indispensable part of the mechanism for the realization of the objectives of ECOWAS.

CONVINCED that the promotion of education and training, socio-economic and technological research are all crucial for sustainable development.

MINDFUL of the need to promote quality education in our different countries.

RECOGNISING the need to establish within ECOWAS a forum bringing together Ministers of Education, experts and development partners, for consultations, exchanges, and actions, with a view to promoting integration in the areas of Education and training.

CONVINCED also of the need to make NEPAD the framework for the harmonisation of our education policies,

in order to ensure greater integration of education and training into strategies for sustainable development.

DESIRING to adopt a Plan of Action to guide implementation, coordination and overall integration of regional education and training strategies for sustainable development.

ON THE PROPOSAL of the Conference of ECOWAS Education Ministers and Experts held in Daka from 23rd to 25th September 2001.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision relating to the Adoption of a Plan of Action to Facilitate Sub-Regional Interpretation of Education Objectives Pursuant to Sustainable Development.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.6/01/03
RELATING TO THE ADOPTION OF A
PLAN OF ACTION FOR THE
ENHANCEMENT AND REACTIVATION
OF CULTURAL COOPERATION
AMONG MEMBER STATES, WITHIN
THE FRAMEWORK OF NEPAD.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Authority of Head of State and Government and defining its composition and functions.

MINDFUL of the Declaration of the Conference of Ministers of Culture from Member States, of 11 May, 2002.

RECOGNISING that culture is an essential dimension of general development.

CONSCIOUS of the benefits that culture can bring to Member States.

DESIROUS to attain this goal in concept, and through plans of action for a dynamic and successful cultural cooperation within the framework of NEPAD.

ON THE PROPOSAL of the conference of Ministers of Culture which took place in Dakar on 0-11 May, 2003.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision relating to the

Cultural Cooperation among
States, within the Framework of NEPAD.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.7/01/03
RELATING TO THE ADOPTION OF THE
AFRICAN PUBLIC SERVICE CHARTER
BY ECOWAS MEMBER STATES.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 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 5 of the ECOWAS Treaty calling on Member States to take all necessary measures to harmonise their strategies and policies and thus create favourable conditions for the attainment of the objectives of the Community.

RECOGNISING the importance of the public service sector as the tool for the implementation of Government Policies.

AWARE of the adoption of the African Public Service Charter at the Third Biennial Pan-African Conference of Ministers of the Civil Service held in Windhoek, Namibia from 3rd to 5th February 2001.

CONSIDERING that the public services must be able to discharge their functions effectively, protect the public interest and protect human and sustainable economic and social development.

AWARE that the implementation of the provisions of the Charter would promote probity and efficiency in the performance of the public service in our Member States.

DESIRING to enhance professionalism and ethics in the Public Services of Member States.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision relating to the Adoption of the African Public Service Charter by ECOWAS Member State.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.8/01/03
RELATING TO PREPARATIONS FOR
NEGOTIATIONS BETWEEN WEST
AFRICAN AND THE EUROPEAN
UNION ON ECONOMIC PARTNERSHIP
AGREEMENTS (EPAS).**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Decision A/DEC.8/12/99 on the enhancement of partnership between West Africa and the European Union and designating ECOWAS as the institutional framework for coordinating relations between the two Organisations.

MINDFUL of Decision A/DEC.11/12/01 on negotiations between West African members of the ACP Group and the European Union on economic partnership agreements.

RECALLING the Cotonou Agreement signed on 23 June 2000 setting out provisions governing the partnership between the European Union and the ACP Group.


CONSCIOUS of the need to clearly define the region's priorities, prepare its negotiating positions and identify the accompanying measures that would enable West Africa derive maximum benefit from the economic partnership agreements.

ON THE PROPOSAL of the meeting of ECOWAS Ministers of Trade and Finance held in Cotonou on 11 September 2002;

RECOMMEND

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision relating to Preparations for negotiations between

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.9/01/03
RELATING TO ECOWAS
REPRESENTATION AT MEETINGS
WITH THE EUROPEAN UNION WITHIN
THE FRAMEWORK OF THE
POLITICAL DIALOGUE BETWEEN
THE TWO ORGANIZATIONS.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10,11 and 12 of the Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Decision A/Dec.8/12/99 on the enhancement of partnership between West Africa and the European Union and designating ECOWAS as the institutional framework for coordinating relations between West Africa and the European Union.

MINDFUL of Decision A/DEC.11/12/01 relating to the negotiation of a Regional Economic Partnership Agreement between West African ACP States and the European Union.

RECALLING the Cotonou Agreement signed on 23 June 2000 setting out provisions governing the partnership between the European Union and the ACP Group.

CONSCIOUS of the need to designate a body that will officially represent ECOWAS at meetings with the European Union within the framework of the political dialogue between the two Organizations.

DESIROUS of ensuring balanced dialogue with the European Union and determined to present a united front;

**ON THE PROPOSAL of the ECOWAS
Executive Secretariat.**

RECOMMENDS

**TO THE AUTHORITY OF HEADS OF
STATE AND GOVERNMENT to adopt the
attached draft Decision relating to
ECOWAS representation at meetings
with the European Union within the frame
work of the political dialogue between the
two (2) organizations.
FOR COUNCIL**

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.10/01/03
ON THE DEFERMENT OF THE ENTRY
INTO EFFECT OF THE SUBSTANTIVE
REGIME OF THE ECOWAS
COMMUNITY LEVY.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Article 72 of the ECOWAS Treaty introducing a Community Levy to generate revenue for financing the activities of the Community.

MINDFUL of Protocol A/P/1/7/96 on the conditions governing application of the Community Levy adopted by the Community on 27th July 1996, and which entered into force on 14th March 2000.

RECALLING Article 19 of the above stated Protocol which provides for a transitional period of 3 years dating from the entry into force of the Protocol which should precede a substantive entry into effect of the regime of the Levy.

NOTHING that the substantive regime for the implementation of the provisions on the Community Levy commences from 1st January 2003.

HAVING noted, the improvement in Member States, compliance with the conditions laid down for the application of this levy.

WISHING to devise, for the Community, a strategy that will ensure a smooth passage to the substantive regime.

DESIRING to extend the transition period for a limited time for this purpose.

ON THE PROPOSAL of the forty-ninth session of the Council of Ministers held in Dakar from 26th to 28th January 2003.

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision on the deferment of the entry into effect of the substantive regime of the ECOWAS Community levy.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.11/01/03
RELATING TO THE PAYMENT OF
DUTY ALLOWANCE TO THE VICE-
PRESIDENT OF THE COMMUNITY
COURT OF JUSTICE.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Article 15 of the Treaty establishing the Community Court of Justice as an Institution of the Community.

MINDFUL of Protocol A/P1/7/91 on the Community Court, in particular its Article 28 relating to the remuneration, allowances and other benefits of the President and other members of the Court.

MINDFUL of Decision A/DEC.1/2/00 appointing the seven (7) judges of the Court who took their oath of office before the Chairman of the Authority in Bamako on 30 January, 2001

RECOGNISING the duty of the Community Court with regard to the dispensation of justice and protection of the rights and interests of Community citizens and institutions with a view to advancing the economic, political and social of the peoples of West Africa.

MINDFUL of Decision A/DEC.3/12/01 granting the status of statutory appointees to the judges of the Court.

MINDFUL of Decision A/DEC.20/12/01 relating to the Annual Salaries of the Judges of the Community Court of Justice in which it is also stated that the Vice President of the Court shall be paid duty allowance in addition to his salary.

DESIRING to pay the Vice-President of the Court an allowance that is commensurate to the status of the Vice-President of an International Court.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision relating to the payment of Duty Allowance to the Vice-President of the Community Court of Justice.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

DONE DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.12/01/03
ESTABLISHING AN ECOWAS LIAISON
OFFICE IN BRUSSELS.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10,11 and 12 of the Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Decision A/DEC.8/12/99 on partnership between West Africa and the European Union and designating ECOWAS as the institutional framework for coordinating relations between West Africa and the European Union.

MINDFUL of Decision A/DEC.11/12/01 negotiations between West African members of the ACP Group and the European Union on economic partnership agreements.

RECALLING the Cotonou Agreement signed on 23 June 2000 setting out provisions governing the partnership between the European Union and the ACP Group.

RECALLING ALSO the recommendation relating to the establishment of ECOWAS liaison offices in Brussels and Geneva issued by the meeting of ECOWAS Ministers of Trade on Post-Seattle matters held in Bamako on 29 January 2000 in the margins of the ECOWAS/UEMOA ministerial meeting on the acceleration of the integration process in West Africa.

MINDFUL of the relations between the regional organizations and institutions involved in ACP-EU cooperation (European Commission, Committee of Ambassadors, ACP Secretariat, Centre for Development of Enterprises, Technical Agricultural Centre) which are now more direct and stronger.

negotiations on economic partnership agreements began in Brussels on 27 September 2002 and will last until September 2007.

CONSIDERING the ECOWAS assistance is being solicited more and more frequently by representative of Member States and the Group of Ambassadors in Brussels in their negotiations with the European Union.

RECOGNISING the need to closely monitor the cooperation with the European Union and to prepare adequately for the negotiations on the economic partnership agreements.

DESIROUS of putting West Africa in a position where it would derive maximum benefit from the economic partnership agreements and its partnership with parties to the ACP-EU cooperation.

ON THE PROPOSAL of the twenty-eighth meeting of the Administration and Finance Commission held in Abuja from 18 to 25 November 2002.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision relating to the establishment of an ECOWAS liaison Office in Brussels.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.13/01/03
RELATING TO THE ESTABLISHMENT
OF A REGIONAL ROAD TRANSPORT
AND TRANSIT FACILITATION
PROGRAMME IN SUPPORT OF INTRA-
COMMUNITY TRADE AND CROSS-
BOARDER MOVEMENTS**

THE COUNCIL OF MINISTERS,

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

MINDFUL Article 32 of the ECOWAS Treaty relating to cooperation in transport, communication and tourism.

MINDFUL of Decision A/DEC.20/5/80 of the ECOWAS Authority of Heads of State and Government dated 29th May 1980 relating to the Community Transport Programme.

MINDFUL of Decision C/DEC.8/12/88 of the Council of Ministers on the Second Phase of ECOWAS road projects relating to the interconnection of roads for the opening up of the land-locked countries.

CONSIDERING Protocol A/P2/5/82 on the Convention Regulating Inter-State road Transportation between ECOWAS Member States;

MINDFUL of Protocol A/P4/5/82 relating to the Convention on Inter-State Road Transportation between ECOWAS Member States.

MINDFUL of Resolution C/RES.5/5/90 on the maximum permissible axle load.

AWARE of the Supplementary Convention A/SP.1//5/90 establishing a Community guarantee mechanism for Inter-State Road Transit of Goods.

MINDFUL of the emergence of NEPAD and its objectives to reduce transport

costs in order to encourage trade.

ON the proposal of the 2nd meeting of the Transport Communication and Tourism Commission.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision hereto attached relating to the Establishment of a regional road transit facilitation programme in support of intra-community trade and cross-border movements.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.14/01/03
RELATING TO THE PLAN OF ACTION
FOR THE HARMONISATION OF
NATIONAL ACCOUNTS IN MEMBER
STATES.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10,11 and 12 of the Treaty of the Economic Community of West African State (ECOWAS) establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Article 3, 4,5,51 and 55 of the Treaty relating to the establishment of the Community Economic and Monetary Union.

MINDFUL of the Decision A/DEC.2/7/7 of the Authority of Heads of State and Government relating to the adoption of an ECOWAS Monetary Cooperation Programme, for the establishment of a Single Monetary Zone with ECOWAS.

MINDFUL of the Decision A/DEC.7/12/99 of the Authority of Heads of State and Government relating to the adoption of macroeconomic convergence criteria within the framework of the ECOWAS Monetary Cooperation Programme.

MINDFUL of the Decision A/DEC.17/12/01 of the Authority of Head of State and Government relating to the establishment of a multilateral surveillance mechanism of ECOWAS Member States' economic and financial policies.

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.

MINDFUL of the need for comparable economic data to guarantee the credibility of the ECOWAS multilateral surveillance mechanism.

Directors of Statistics, at their meeting in Lome from 16 to 20 September 2002;

RECOMMENDATIONS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision relating to the plan of Action for the Harmonisation of National Accounts in Member States.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.15/01/03
ON THE PLAN OF ACTION FOR THE
HARMONISATION OF CONSUMER
PRICE INDICES IN MEMBR STATES.**

THE COUNCIL OF MINISTERS,

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

MINDFUL of Article 3, 4, 5, 51 and 55 of the Treaty relating to the establishment of the Community Economic and Monetary Union.

MINDFUL of the Decision A/DEC.2/7/7 of the Authority of Heads of State and Government relating to the adoption of an ECOWAS Monetary Cooperation Programme, for the establishment of a Single Monetary Zone with ECOWAS.

MINDFUL of the Decision A/DEC.7/12/99 of the Authority of Heads of State and Government relating to the adoption of macroeconomic convergence criteria within the framework of the ECOWAS Monetary Cooperation Programme.

MINDFUL of the Decision A/DEC.17/12/01 of the Authority of Head of State and Government relating to the establishment of a multilateral surveillance mechanism of ECOWAS Member States' economic and financial policies.

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;

MINDFUL of the need for comparable economic data to guarantee the credibility of the ECOWAS multilateral surveillance mechanism.

ON THE PROPOSAL of the ECOWAS Directors of Statistics, at their meeting in Lome from 16 to 20 September 2002;

RECOMMENDATIONS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision relating to the plan of Action for the Harmonisation of National Accounts in Member States.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.16/01/03
RELATING TO THE
TRANSFORMATION OF THE WEST
AFRICAN WOMEN ASSOCIATION
(WAWA) INTO THE "ECOWAS
GENDER DEVELOPMENT CENTRE"**

THE COUNCIL OF MINISTERS,

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

CONSIDERING Recommendation A/Rec/1/5/83 of the Authority on the mobilization of the various social classes in the integration process.

MINDFUL of Decision A/Dec.4/7/87 on the Approval of the Statutes of the West African Women Association (WAMA).

MINDFUL of Decision A/Dec.3/7/87 on the Granting of the status of specialized Institutions of ECOWAS to WAMA;

CONSCIOUS of the need to involve our people in the building of the Community and the need to promote the integration and participation of women in the economic and social development endeavours.

RECALLING Article 4(b) of the statutes of WAMA which assigns to WAWA the task of mobilizing and involving women in the sub-region in the Community building process.

DESIRING therefore to reinforce the capacity of WAWA as a specialized Technical Institution of the Community to contribute to the development of Gender related issues within our sub-region.

ON THE PROPOSAL of the meeting of Ministers of Women Affairs of ECOWAS Member States that held in Abuja, 9 December, 2003.

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision relating to the Transformation of the West African Women's Association (WAWA) into the "ECOWAS Gender development Centre".

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.17/01/03
RELATING TO THE ADOPTION OF AN
ECOWAS PROTOCOL ON ENERGY**

THE COUNCIL OF MINISTERS,

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

MINDFUL of Article 3, 26, 28 and 55 of the ECOWAS Treaty which call for the promotion, cooperation, integration and development of energy projects and sectors of Member of the Community.

MINDFUL of Decision A/DEC.3/5/82 of 29 May, 1982 relating to the ECOWAS Energy Policy.

RECONGNISING the need to jointly develop the energy resources of Members States in order to provide a much need infrastructure and thus create a solid basis for industrialization.

RECALLING Decision A/Dec.5/12/99 relating to the establishment of the West African Power Pool (WAPP) and Decision A/Dec/8/12/01 relating to the establishment of a mechanism for financing the WAPP.

WISHING to secure regionally efficient and reliable sources of electricity and other forms of energy.

RECOGNISING the basic concept of the Energy Charter adopted in 1994 by 51 nations in Europe and Asia, which in the ECOWAS context would help promote Economic growth by means of measures to liberalize energy investment and trade in energy.

CONSIDERING that Member States are determined to progressively remove technical administrative and other barriers to trade in electricity, gas, and other energy materials and energy related

equipment, technologies and services.

DESIROUS of adopting an instrument that will embody necessary concepts which will further cooperation among Member States and promote the West African regional environment as an attractive place for investment, especially in the energy sector.

ON the proposal of the Fourth Meeting of the Steering Committee on Energy held at Conakry on 18th October, 2002.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision adopting the ECOWAS Protocol on Energy.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.18/01/03
RELATING TO THE POSTPONEMENT
OF THE DATE FOR THE CREATION OF
THE ECOWAS SINGLE MONETARY
ZONE.**

THE COUNCIL OF MINISTERS,

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

MINDFUL of Decision A/DEC.2/7/87 on the adoption of an ECOWAS monetary cooperation programme which envisages the creation of a single monetary zone within ECOWAS.

MINDFUL of Decision A/DEC.7/12/99 relating to the adoption of macro-economic convergence criteria within the framework of the ECOWAS monetary cooperation programme.

M I N D F U L of Decision HS/ZAMAO/DEC.1/12/2000 of the Second Summit of Heads of State and Government of the Second Monetary Zone (WAMZ) adopting the legal texts for the establishment of the WAMZ and its institutions.

RECALLING the importance that the Member States of the Community attach to the realization and enhancement of the economic integration process in general and monetary integration in particular.

CONSIDERING the difficulties encountered by Member States in attaining macro-economic convergence on the date initially scheduled, which is a necessary condition for the creation of a credible monetary union.

AWARE that the creation of the ECOWAS single monetary zone in 2004 is not feasible.

TAKING INTO ACCOUNT the decision of

and Government of the Second Monetary Zone (WAMZ) held at Conakry on 6 November 2002 which differed the date for the creation of the second monetary zone to July 2005.

DESIROUS of formulating a sounder ECOWAS monetary cooperation programme to allow Member States sufficient time for adjusting their economies.

DETERMINED to fully implement the convergence measures as well as the practical modalities for organizing and introducing the multilateral surveillance prior to the creation of a single monetary zone.

ON THE PROPOSAL of the Committee of Governors of Central Banks.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision relating to the postponement of the date for the creation of the ECOWAS single Monetary Zone.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**FORTY-NINTH SESSION OF THE
COUNCIL OF MINISTERS**

DAKAR, 26-28 JANUARY, 2003

**RECOMMENDATION C/REC.19/01/03
RELATING TO THE DESIGNATION OF
MEMBERS OF THE COUNCIL OF
ELDERS 2003.**

THE COUNCIL OF MINISTERS,

MINDFUL of Article 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions.

MINDFUL of the Protocol relating to the Mechanism for Conflict Prevention, Management, resolution, Peace-keeping and Security (the Protocol) adopted in Lome on 10 December, 1999.

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

CONCERNED by the various conflicts which persist within several of the Member States.

DESIRING to implement all the aspects of the Protocol including the establishment of a Council of elders, members of which will act as mediators, conciliators and facilitators in Member States that are in crisis.

NOTHING that the tenure of the mandate of the 2001-2002 Council of Elders has expired.

DESIRING to designate new members of that Council for the year 2003.

ON THE PROPOSAL of the Meeting of Ministers of Foreign Affairs held in Dakar on 28th and 30th January 2003.

RECOMMENDS

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached draft Decision relating to the designation of members of the Council of elders for 2003.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY, 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**TWENTY-SIXTY SESSION OF THE
AUTHORITY OF HEADS OF STATES
AND GOVERNMENT**

DAKAR, 31 JANUARY 2003

RESOLUTION A/RES.1/01/03

**APPEAL FOR A RETURN TO PEACE IN
COTE D'IVOIRE**

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

MINDFUL of Article 7, 8 and 9 of the Treaty relating to the Authority of Heads of State and Government.

DEEPLY concerned about the crisis that has persisted in Cote d'Ivoire since 19 September 2003.

PROFOUNDLY disturbed by the increased tension in several parts of Cote d'Ivoire since 27 January 2003.

DEPLORING the hardship resulting from the frequent violations of human rights in Cote d'Ivoire since 19 September 2002.

CONCERNED about the tragic consequence of the crises on vulnerable groups.

CONSCIOUS of the enormous risks to the economic and social life of Cote d'Ivoire, and the resultant insecurity and instability engendered by a prolonged state of crisis.

EQUALLY CONSCIOUS of the negative repercussions of the Ivorian crisis on all the States of the sub-region.

Therefore, appeals to all Ivorians to:

- Allow wisdom and restraint to prevail, and give singular priority to the interests of Cote d'Ivoire.

The Authority urges all Ivorians to embark upon a process of true national reconciliation, with the aim of maintaining their force, unity and prosperity. In this regard, the Authority urges Ivorians to be

forgiving, tolerant and united.

The Authority urge the civil, military and religious authorities of Cote d'Ivoire at all levels to create a conducive environment for the restoration of peace, security, unity and national cohesion.

The Authority pays tribute to its Chairman, the ECOWAS Contract Group, its Coordinator, and the Malian and French initiatives, as well as those who have showed, and continue to show good faith, commitment and skill of the return of peace to Cote d'Ivoire.

**DONE AT DAKAR, THIS 31ST DAY OF
JANUARY 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

FORTY-NINE SESSION OF THE COUNCIL OF MINISTERS

Dakar, 26-28 January 2003

RESOLUTION C/RES.1/01/03 RELATING TO THE USE OF THE LIQUID RESOURCES FROM THE COMMUNITY FOR PAYMENT OF THE FIRST TRANCHE OF THE CAPITAL OF EBID

THE COUNCIL OF MINISTERS

MINDFUL of Articles 10, 11 and 12 of the revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions.

MINDFUL of Protocol A/P.1/7/96 of July 1996 on the conditions governing the application of the community Levy specifically, Article 19.5 on use of the surplus from Community Levy.

MINDFUL of Decisions A/DEC.2/6/88 and A/DEC.10/6/89 of the Authority of Heads of State and Government relating to the study on the Enhancement of the Financial resources of ECOWAS FUND.

MINDFUL of Decision A/DEC.4/12/99 of the Authority relating to the transformation of ECOWAS FUND into a Regional Holding Company.

MINDFUL of Decision A/DEC.13/12/01 of the Authority of Heads of State and Government declaring as due the first tranche of the called-up capital of the ECOWAS Bank for Investment and Development (EBID).

CONSIDERING that Decision A/DEC.13/12/01 of the Authority of Heads of State and Government entered into force therefore the first tranche of called-up capital of EBID has become and arrear of contribution for Member States.

CONSIDERING the urgent need for the payment of the first tranche of the called-up capital of EBID to enable the Bank and

its subsidiaries to take of on solid bases;
CONSIDERING that significant resources collected in the previous years are available in the Central Bank of Member States.

HAVING EXAMINED the Report of the twenty-second Meeting of the Ad hoc Ministerial Committee on the Enhancement of the Financial Resources of the FUND;

ON THE RECOMMENDATION of the President of ECOWAS Bank for Investment and Development (EBID).

INVITES members states to apply the resources they collected as Community Levy to pay the first tranche of the called-up capital of ECOWAS Bank for Investment and Development (EBID).

INSTRUCTS the Executive Secretary and the President of ECOWAS Bank for Investment and Development (EBID) to ensure the constant monitoring of the present resolution.

**DONE AT DAKAR THIS 28TH DAY OF
JANUARY 2003**



HON. CHEIKH TIDIANE GADIO
CHAIRMAN
FOR COUNCIL

**ON THE WEST AFRICAN GAS
PIPELINE PROJECT**

BETWEEN

THE REPUBLIC OF BENIN

AND

THE REPUBLIC OF GHANA

AND

**THE FEDERAL REPUBLIC OF
NIGERIA**

AND

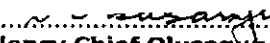
THE TOGOLESE REPUBLIC

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Government have signed this Treaty.

Signed at Dakar, this 31st January, 2003, in six (6) authentic texts in the English and French language.



.....
His Excellency Mathieu KÉREKOU
President of the Republic of Benin


.....
His Excellency John Agyekum KUFUOR
President of the Republic of Ghana


.....
His Excellency Chief Olusegun OBASANJO
President and Commander-in-Chief of the Armed
Forces of the Federal Republic of Nigeria


.....
His Excellency Gnassingbé EYADEMA
President of the Togolese Republic

IN THE PRESENCE OF
The Executive secretary of ECOWAS


.....
Dr. Mohamed Ibn CHAMBAS

TWENTY SIXTH SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Dakar 31 January 2003

FINAL COMMUNIQUE

1. The twenty sixth ordinary session of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) was held in Dakar on 31 January 2003 under the Chairmanship of His Excellency Maitre Abdoulaye Wade, President of the Republic of Senegal and current Chairman of ECOWAS.
2. The following Heads of State and Government of their duly accredited representatives were present at the session.
 - His Excellency Mathieu Kerekou
President of the Republic of Benin
 - His Excellency John Agyekum Kufuor
President of the Republic of Ghana
 - His Excellency Koumba Yalla
President of the Republic 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 Olusegun Obasanjo
President of the Federal Republic of Nigeria
 - His Excellency Abdoulaye Wade
President of the Togolese Republic
 - Her Excellency Isatou Njie-Saidy
Vice-President of the Republic of the Gambia Representing the President of the Republic.
 - His Excellency Ernest Paramanga Yonli
Prime Minister Representing the President of Faso
- His Excellency Lamine Sidime
Prime Minister of the Republic of Guinea, Representing the President of the Republic.
- Mrs. Fatima Veiga
Minister of Foreign Affairs and Cooperation Representing the President of Cabo Verde
- Mr. Leon Emmanuel Monnet
Minister of Mines and Energy
Representing the president of the republic of Cote d'Ivoire
- Mr. Momodou Koroma
Minister of Foreign Affairs and International Cooperation Representing the President of the Republic of Sierra Leone.
3. The following eminent persons were also present at the twenty-sixth session as observers.
 - The representative of the United Nations Secretary General
 - The Deputy Secretary General
Special representatives of the United Nations Secretary General for Children and Armed Conflict.
 - The Representative of the Secretary general of the Organisation of African Unity, Interim President of the African Union Commission (OAU/Africa Union)
 - The Secretary General of the CEN-SAD
 - The Secretary General of the Economic Community of Central Africa States (ECCAS)
 - The President of the Committee of Governors of west African Central Bank Governor of the Central Bank of Sierra Leone
 - The representative of the African Development Bank (ADB)
 - The representative of the European Union

4. A list of participants is attached to this report.

OPENING CEREMONING

The opening address was delivered by His Excellency Maitre Abdoulaye Wade President of the Republic of Senegal, and current Chairman of ECOWAS and UEMOA. A response was made by His Excellency Olusegun Obasanjo President of the Federal Republic of Nigeria on behalf of the other Heads of State and Government. The Authority decided that these addresses should be retained as working documents. The Heads of State and Government reaffirmed their commitment to strengthening regional peace and security, and to make ECOWAS a powerful medium for the promotion of integration and the development of the economies of the West African economies within the framework of NEPAD.

Messages of support and encouragement were addressed to the 26th summit of Heads of State and Government by the Deputy Secretary. Special Representative of the United Nations Secretary General for Children and Armed Conflict. Messages were also received from the Representatives of the United Nations Secretary General, the Representative of the OAU and interim President of the African Union Commission.

ACCELERATING THE REGIONAL INTEGRATION PROCESS

ECOWAS Programmes

The Authority adopted the reports of the Executive Secretary, the 6th extraordinary session of the Council of Ministers. The 49th ordinary session of the Council of Ministers, the ad hoc

Enhancement of the Resources of the ECOWAS Fund and the meeting of Ministers of Foreign Affairs, the thrust of these reports may be listed as follows:

- Creation of the ECOWAS Common Market
- Creation of the single monetary zone
- Trade negotiations with the European Union within the framework of the EPAs
- Creation of a West African representation within the framework of its dialogue with the European Union
- Sartorial production programmes and infrastructure
- Human development programmes
- Administrative and financial matters
- Enhancement of the financial resources of the ECOWAS Fund
- Regional peace and security.

During the deliberations of the Authority the focus of attention was on economic and institutional matters peace and security.

ECONOMIC MATTERS

Implementation of NEPAD

The Heads of State and Government reaffirmed their commitment to the objectives, orientations and priorities of NEPAD, which is the most appropriate instrument for the integration and development of the economies of the African continent, and for the release of the African peoples from the grip of poverty.

The Authority decided to take appropriate measures to enable the West African sub-region to derive the utmost benefit from

the NEPAD continental initiative. Referring to the Declaration and Plan of Action for NEPAD implementation in West Africa which were adopted at the extraordinary meeting of the Authority in Yamoussoukro on 17 May 2002, when ECOWAS was designated the coordinator and monitoring agency for the implementation of NEPAD programmes in West Africa, the Authority called on the Executive Secretariat and the Member States to take appropriate action to ensure the creation of NEPAD focal points in all the Member States.

The Authority thanked its development partners for their assistance to the Executive Secretariat in setting up the regional NEPAD implementation unit at the offices of the Secretariat and rendering it functional.

The Authority expressed satisfaction at the fact that NEPAD has been well received by the G8. It appealed to the members of the G8 group to make good on the promises made at their summits in Genoa in 2001, and Kananaskis in 2002.

The Monetary Cooperation Programme

In addressing the issue of a single ECOWAS monetary zone, the authority reaffirmed the relevance of the initiative taken by the ECOWAS Member States outside the West African Economic and Monetary Union (UEMOA) to create a second monetary zone as part of the fast-track approach to the creation of a single ECOWAS monetary zone. The Heads of State and Government commended the determination of the countries of the second monetary zone to create their own common currency.

However, the Authority took note of the progress report on the macroeconomic convergence programme which reveals that the achievement of a monetary union by 2004 is not possible in view of the macroeconomic and political instability of some of the countries. The Authority also

emphasized the fact that the decision of the summit of Heads of State of the second monetary zone held in Conakry on 6 November 2002, to defer the launch date for their monetary zone till 2005, makes it impossible to meet the 2004 deadline for the realization of the single currency.

Consequently the Authority decided to push the launching of the single monetary zone beyond the target date of 2004. It was decided that a firm date will be fixed at the meeting of the Authority in 2005. After a detailed appraisal of the performance of the countries of the second monetary zone and the level of convergence of the economies of the sub-region as a whole.

The Heads of State and Government emphasized the need to enhance the convergence of the macroeconomic policies and performances of the Member States in order to build up the credibility of the proposed ECOWAS single currency zone. In this regard, they called on all Member States to redouble their efforts to meet the macroeconomic convergence criteria guided by the principles of good governance, through public finance reforms and the introduction of the appropriate structural reforms needed for the expansion of their production base.

THE ECOWAS COMMON MARKET

The Authority expressed its satisfaction at the harmonization of the trade liberalization schemes of ECOWAS and UEMOA as attested to by the adoption of common rules of origin, the new certificate of origin, and new approval and compensation procedure for loss of customs revenue. This opens up new perspectives for the creation of a single regional market in West Africa. The Heads of State and Government called on the ECOWAS Executive Secretary and the President of the UEMOA Commission to build upon the cooperation thus initiated. The Authority strongly urged the Member States to take concrete measures towards the creation of the single regional

liberation scheme, and the alignment of the national customs tariffs with the UEMOA tariff, which is the basis of the

ECOWAS Common External Tariff (CET)

Free Movement of Persons

The Authority noted with regret the repeated violations of the provisions of the protocol on free movement of persons right of residence and establishment by some Member States. The Authority particularly deplored the presence of numerous check-points along the West African highways. The Heads of State urged Member States to take necessary measures to have these check points removed and ensure the faithful application of the provisions of the protocol without further delay. The Authority directed the Executive Secretariat to monitor proper implementation of these protocols, and report accordingly to the next session of the Council of Ministers.

THE ECOWAS PASSPORT

The Heads of State and Government commended the Republic of Benin and the Republic of Senegal for putting into circulation the ECOWAS passport, which confers ECOWAS citizenship. The Heads of State and Government urged the other Member States to take necessary action to put the passport into use in the shortest possible time.

The Community Levy

The Authority took note of the importance of implementing the Protocol on the Community levy as a means of providing a definitive solution to the problem of irregular payments of financial contributions to the budgets of the Community institutions. The Authority urged all Member States to promptly implement and remove all obstacles to the proper application of the provisions of the protocol of the Community Levy, in

a solidarity fund for the use of all Member States.

The Heads of State and Government decided that the substantive regime of the Community shall come into force with effect from 1st July 2003 consequently they called on all Member States to take all the necessary measures to apply this decision.

Preparation for the Negotiation of Economic Partnership Agreements (EPAs) with the European Union.

The Authority acknowledged the importance of the negotiation, between West Africa and the European Union of an economic partnership agreement (EPA) designed to accelerate developments and the regional integration process. In order to facilitate the preparations for these negotiations, the Authority adopted.

- Areas of priority actions for the West African region;
- A plan of action for the negotiations
- A negotiating structure
- Terms of the negotiation mandate
- Development funding

Definition of a single structure to speak for West Africa in the dialogue with the European Union

In order to ensure a balanced dialogue between the two parties and manifest the unity and cohesion of West Africa. The Authority stressed the fact that ECOWAS should like the European Union, have a single representation which would speak for the whole Community. The Authority adopted the structure of this representation as follows:

- The country which is current Chairman
- The country which is the out-going Chairman and
- The Executive Secretariat as permanent member.

Establishment of an ECOWAS liaison office in Brussels

The Authority expressed its appreciation to the European Union for its unwavering support to the sub-region in the acceleration of the regional integration process. It appealed to the European Union to show its support by providing substantial financial assistance for the establishment and operation of an ECOWAS office in Brussels.

SECTORAL PRODUCTION PROGRAMMES AND INFRASTRUCTURE

Livestock Development and Transhumance

The Heads of State and Government, addressing the implications of cross-border transhumance which can pose a threat to peace. Creates social conflicts between livestock breeders and farmers and provokes the degradation of natural resources, stressed the need to introduce a transhumance surveillance and monitoring mechanism. The Heads invited the Executive Secretariat and the Member States to take necessary measures to implement the plans of action agreed by the Ministers responsible for livestock development. Taking due account of the recommendations of the Council of Ministers.

Energy

The Authority, expressing concern over the persistent energy crises in the sub-region, reaffirmed its decision to boost the West African Power Pool by exploitation the energy resources of Member States. In order to enable them to meet their development needs. It was decided to

launch the system by signing a Protocol on Energy and also establish an ECOWAS Energy Observatory.

The Authority commenced the determination of Ben0n, Ghana. Nigeria and Togo to realize the construction of the West African Gas Pipeline project within the framework of the ECOWAS energy programme. It also commended the signing of the Gas Pipeline Treaty by the Heads of State of the four (4) countries. The Heads of State and Government called on the Executive Secretariat and the private sector to take necessary measures to commence construction in January 2004, and ensure the delivery of the first consignment of gas in June 2005. They also requested the Executive Secretariat to prepare an operational plan to extend the gas pipeline to all ECOWAS Member States.

Water Resources Management

Referring to the regional plan of action for integrated water resources management in West Africa, the Authority decided to establish an ECOWAS Regional Coordinating Unit with its headquarters in Ouagadougou.

Human Development

The Authority expressed much concern at the low level of human development in the region, and acknowledged the importance of adopting and implementing regional human development programmes in order to bolster national programmes. To this end, the Authority adopted the following.

- * In the education sector, a Protocol on Education and Vocational Training and a Convention on the Equivalence and Recognition of Degrees, Diplomas, Certificates and other Qualifications:
- * In the health sector the West African Health Organization 55 year strategic plan (2003-2007) and appropriate measures for the anti-HIV/AIDS strategy.

The Authority recognizing culture as an essential dimension of human development reaffirmed the political will of Member States to work together to promote a dynamic and productive cooperation in cultural affairs. To this end the Authority endorsed the Plan of Action and the Dakar Declaration on Culture and directed the Executive Secretariat to use them to initiate programmes for stimulating the cultural development of West Africa within the NEPAD framework.

ENHANCEMENT OF THE FINANCIAL RESOURCES OF ECOWAS FOR INVESTMENT FINANCING

The Authority welcomed the ratification by twelve Member States of the supplementary protocol amending the ECOWAS Treaty. And the Protocol establishing the ECOWAS Bank for Investment and Development (EBID) which launched the regional bank and its subsidiaries as a desirable means of enhancing the financial resources of ECOWAS earmarked for investment financing.

The Authority also:

- i) Urged the Member States which are yet to do so to reify Protocols A/P1/12/01 amending articles 1.3.6 and 21 of the revised Treaty. And A/P2/12/02 on EBID and transmit the instruments of ratification to the Executive Secretariat.
- ii) Urged Member States to pay up the first tranche of 35% of the called up capital of EBID bearing in mind the fact that Member States have the possibility of using the Community levy instituted by article 11 Protocol A/P1/7/96 to settle their share of the capital.
- iii) Endorsed the Resolution of the Council of Ministers calling on Member States to negotiate with EBID the conditions for the placement of part or all of the balance of proceeds from the Community levy with the bank.

i) Reinforcement of the Institutions of the Community

In order to guarantee the coordination of the activities and programmes of the institutions of the Community the Authority endorsed the recommendation of the council of Ministers to set up an ad hoc Ministerial Committee to harmonise the provisions of the Treaty and the protocols regulating the institutions of the Community.

ii) The West African Women's Association

Taking due account the role of women in development and regional integration the Authority endorsed the decision of the Council of Ministers to revive the West African Women's Association (WAWA) which is a specialized ECOWAS institution by extending the scope of its operations. The association has been renamed the ECOWAS Gender Development Centre. A Division will be created at the Executive Secretariat for gender issues and a technical commission set up to look into problems relating to gender inequality.

REGIONAL PEACE SECURITY

The Authority of Heads of State and Government examined the report of the meeting of Ministers of Foreign Affairs on the security situation in the region, especially in Cote d'Ivoire and the Mano River Union countries. After deliberations on the situation in Cote d'Ivoire and in the countries of the Mano River Union. The following observations and recommendations were made.

Cote d'Ivoire

The Authority expressed gratitude to President Eyadema for the efforts deployed by him in the search for peace in Cote d'Ivoire.

The Authority listened to the account of evolution of the Ivorian situation from Mr. Seydou Diarra. Prime Minister-designate

under the Marcoussis Accord. Mr. Pascal Affi Nguessan, Prime Minister and also Mr. Guillaume Soro, Secretary General of the Patriotic Movement of Cote D'Ivoire, who spoke on behalf of the MPCI, MPIGO and MJP.

Heads of State and Government expressed their deep concern over the persistence of the Ivorian crisis. They reaffirmed their decision taken on 29 September 2002 at Accra concerning their preference for a peaceful settlement of the crisis. They therefore, resolved to give every support to the outcome of the Round-table on Cote d'Ivoire which was held at Linas Marcoussis from 15 to 24 January 2003. They invited all the parties concerned to work together to ensure the scrupulous of the Marcoussis Accord.

The Authority decided that ECOWAS would play the role that it was assigned within the framework of the Marcoussis Accord. The Heads of State and Government made a strong appeal to His Excellency President Laurent Gbagbo to be fully involved, to bring the peace process to a satisfactory end.

They expressed their preparedness to continue to offer their good offices to facilitate the early return of peace to Cote d'Ivoire

The Authority affirmed its support for the legitimate President of Cote d'Ivoire. His Excellency Laurent Gbagbo. It was decided that the ECOWAS contact Group, which is made up of Ghana, Guinea-Bissau, Mali, Niger, Nigeria and Togo would continue to monitor and facilitate the application of the Marcoussis Accord. It was decided to enlarge the Contact Group to include Senegal.

The members of the Contract Group are to proceed to Abidjan, Cote d'Ivoire on Saturday. February 1, 2003 to meet with President Gbagbo to discuss the current situation in the country.

The Authority invites all Ivorians to embark on a true national reconciliation so as to keep their country united, strong and prosperous. They are requested in this

regard, to show a spirit of forgiveness tolerance and solidarity.

The Authority expressed profound gratitude to the President of the French Republic. His Excellency Jacques Chirac and his Government for the assistance extended to the region within the context of the resolution of the Ivorian crisis.

The Heads of State and Government acknowledged the assistance of the international community.

The Authority paid glowing homage to His Excellency Maitre Abdoulaye Wada. His Excellency Gnassingbe Eyadema coordinator of the ECOWAS Contact Group and His Excellency President Amadou Toumani Toure for all the contribution they have made and continue to make with dedication and competence to ensure the return of peace to Cote d'Ivoire.

The Mano River Union

The Heads of State and Government noted with satisfaction that significant progress had been made in Sierra Leone in terms of the restoration of peace and security. The Heads of State and Government appealed to the international community to continue to provide assistance needed for the economic development of Sierra Leone.

The Heads of State and Government renewed their appeal to the UN Security Council to ensure the continued presence of UNAMSIL in Sierra Leone to maintain security in accordance with the proposals of the Secretary General in his 15th Report of 5th September 2002.

The Heads of State and Government welcomed recent initiatives, especially by His Majesty Mohamed VI, King of Morocco and the Mano River Union Women's Network which has facilitated the restoration of dialogue between the Presidents of the Mano River Union. The Heads of State and Government urged the Executive Secretariat to continue monitoring the situation along the border between Guinea and Liberia.

noted with regret, the continuing hostilities between the government troops and the Liberians United for Reconciliation and Democracy (LURD). They welcomed the various actions initiated by the current Chairman of Authority and the Executive Secretariat at encouraging dialogue between the parties to the conflict.

The Heads of State and Government also welcomed the wish expressed by the government of Liberia to hold a national reconciliation forum to which the LURD would be invited. In this regard, the Authority undertook to facilitate the organization of a round table meeting of all the Liberian parties involved including the LURD with a view to bringing a peaceful end to the present conflict in Liberia.

In view of the forthcoming national elections scheduled for October 2003, the Authority of Heads of States and Government urged the International Contact Group on Liberia (ICGL) to assist the government of Liberia to create a conducive environment for free, transparent and democratic elections as a matter of extreme urgency.

The Mechanism for Conflict Prevention, Management and Resolution, Peace-keeping and Security.

The Authority requested the Executive Secretariat to take necessary action to speed up implementation of the Protocol relating to the Mechanism for conflict Prevention, Management and Resolution Peace-keeping and Security. In this regard, the Authority renewed its appeal to Member States to ratify the Protocol without delay.

The Authority expressed its profound gratitude to the partners of ECOWAS namely, the European Union, Canada, the United States of America and the USAID, and Germany for the assistance they have given to the Community in setting up the ECOWAS peace and security mechanism.

of Member States who have not yet presented their letters of accreditation to the Executive Secretary to do so without further delay. It welcomed the accreditation of the Ambassadors of Russia, France and Germany to the Executive Secretariat.

Evaluation of the Moratorium on the Importance, Exportation and Manufacture of Small Arms

The Authority acknowledged the relevance of the provisions of the Moratorium as a regional strategy designed to resolve the problem of the unregulated movement of small arms and low caliber weapons. It appealed to all Member States to comply fully with the provisions of the Moratorium and the code of Conduct.

Monitoring of Elections in Member States Holding National Elections in 2003.

The Authority exhorted all Member States to pursue with diligence the principles of democracy, transparency and good governance. And appealed to all the states that are yet to do so to ratify the Protocol on Democracy and Good Governance.

The Authority instructed the Executive Secretariat to conduct fact-finding missions to the Member States concerned to ascertain the state of preparedness for the 2003 elections.

Trafficking in Persons

The Authority called on the Executive Secretariat and Member States to ensure a stricter implementation of the Plan of Action on Trafficking in persons by the appropriate national bodies.

The Authority expressed appreciation to ECOWAS partners and especially to the governments of Japan, the United States and Sweden to the United Nations office on Drug and Crime and all other development partners that have provided financial and technical assistance for the

fight against human trafficking.

Protection of the Rights of the West African Child

The Heads of State and Government expressed particular concern for the violence perpetrated against children, especially in zones of conflict, and for the suffering of handicapped children. They declared their commitment to the respect of the inalienable principles contained in the African Charter on the Rights and Welfare of the Child and the Convention on the Rights of the Child.

The Authority called on all Member States to adopt and implement the United Nations plan of action for children affected by war. This plan covers conflict prevention, ratification and implementation of the principle instruments for the protection of the rights of the child, and the inclusion of child protection in ECOWAS negotiations and peace-keeping activities. The plan also covers the creation of a network of civil society organizations for child protection and advocacy the concept of ECOWAS as a zone free of child soldiers investment in the child in post-conflict situations. African traditional values and norms transborder initiatives and the enhancement of the ECOWAS child protection unit.

The Authority appealed to the international community and particular to the United Nations to urgently give all necessary assistance for the implementation of the plan of action.

The Council of Elders

The Authority expressed deep sadness at the loss of two eminent members of the ECOWAS Council of Elders, their Excellencies Ide Onmarou of Niger former OAU Secretary General and Simeon Ake of Cote d'Ivoire former Minister of Foreign Affairs. The Authority paid glowing tribute to the memory of the late illustrious sons of the Community.

The Authority of Heads of State and Government appealed to Member States

that have not submitted the names of their representatives on the Council for 2003 to do so urgently to enable their appointment to be approved by the Authority.

Nomination of West African Candidates to the positions of Commissioner of the African Union.

The Authority strongly urged Member States to forward the names of their candidates to the Executive Secretariat not later than 10 February 2003 and requested the Executive Secretariat not later than 10 February 2003 and requested the Executive Secretariat to convene a meeting of the screening committee by 12th February 2003.

Establishment of ECOWAS Logistics Depots

The Authority directed the Executive Secretariat to study and submit a report of the proposal of the United States on the establishment of ECOWAS logistics depots.

DATE AND VENUE OF THE NEXT SUMMIT

His Excellency President John Agyekum Kufuor President of the Republic of Ghana was elected chairman of the ECOWAS Authority of Heads of State and Government by his peers. The next ordinary summit of the Authority will be held in December 2003 at a venue to be determined after consultation

VOTE OF THANKS

The Authority of Heads of State and Government expressed its profound gratitude to His Excellency Abdoulaye WADE President of the Republic of Senegal for the exemplary leadership in promoting the African Union NEPAD and

appreciative of the warm reception accorded them and the excellent facilities placed at their disposal during their stay in Dakar. The Heads of State wish to pay tribute to President Abduoulaye Wade for his defence of the integration of the African continent in general and the West African sub-region in particular.

The Authority expresses its best wishes for happiness to His Excellency Maitre Abdoulaye Wade and to the people of Senegal. Its best wishes for peace happiness and prosperity.

THE AUTHORITY