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## **ECOWAS CONVENTION ON SMALL ARMS AND LIGHT WEAPONS, THEIR AMMUNITION AND OTHER RELATED MATERIALS**

### **PREAMBLE**

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

**MINDFUL** of Articles 7, 8, and 9 of ECOWAS Revised Treaty relating to the establishment, composition and function of the Authority of Heads of State and Government:

**MINDFUL** of Article 58 of the ECOWAS Revised Treaty relating to regional security which stipulates that Member States undertake to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region and to establish and strengthen appropriate mechanisms for the timely prevention and resolution of conflicts;

**MINDFUL** of Article 77 of the Treaty relating to sanctions applicable in cases where a Member State fails to fulfill its obligations to the Community;

**MINDFUL** of the relevant provisions of the Protocol on the Community Court of Justice adopted on 16 July 1991, the ECOWAS conventions on mutual legal assistance and extradition, signed respectively in Dakar on 29 July 1992 and Abuja on 6 August 1994;

**MINDFUL** of the Protocol on Non-aggression signed in Lagos on 22 April 1978 and the Protocol on Mutual Assistance in Defence Matters signed in Freetown on 29 May 1981, and more particularly our determination to provide mutual assistance in defence matters in the event of armed aggression or threat of aggression against a Member State;

**RECALLING** the principles of the Charter of the United Nations, particularly the principle that States shall have the right to defend themselves both individually and collectively, the principle of non-intervention and non-interference in internal affairs of another State, and the principle that each Member shall avoid recourse to the threat or use of force;

**RECALLING** also the relevant provisions of the Constitutive Act of the African Union, including the decision by the Executive Council of the African

Union requesting the African Union Commission to take necessary measures to establish a legal instrument to prevent, combat and eradicate illicit trade in small arms and light weapons in Africa;

**RECALLING** equally the ECOWAS Protocol relating to Conflict Prevention, Management and Resolution, Peace-keeping and Security signed in Lome on 10 December 1999, particularly Articles 3, 50 and 51 relating to the control of the proliferation of small arms and light weapons and illegal circulation of such arms;

**TAKING INTO ACCOUNT** resolutions of the United Nations Security Council imposing arms embargoes on countries in the West African sub-region;

**ALSO TAKING INTO ACCOUNT** the Bamako Declaration of 1st December, 2000 on the common African position on the proliferation, circulation and illicit trade in small arms and light weapons;

**EQUALLY TAKING INTO ACCOUNT** other international, regional and sub-regional initiatives aimed at curtailing the proliferation of small arms and light weapons, and the decision relating to the common African position on the review of the United Nations programme of action on small arms and light weapons adopted in Khartoum in January 2006;

**CONSIDERING** that the proliferation of small arms and light weapons constitutes a major destabilising factor in ECOWAS Member States and poses a serious threat to the peace and stability of our peoples;

**DEEPLY CONCERNED** about the uncontrolled flow of small arms and light weapons into Africa in general and West Africa in particular, and aware of the need to effectively control the transfer of arms by suppliers and arms brokers;

**AWARE** of the need to build peace and prevent conflicts in West Africa, and the disastrous consequences the proliferation of small arms and light weapons has on the prolongation of armed conflicts and illegal exploitation of natural resources;

**AWARE OF THE NEED** to prevent, combat and eradicate the illicit manufacture and excessive accumulation of small arms and light weapons, trafficking, detention and use of such arms, which have been seen to have negative effects on the security of each country in the sub-region, human

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**MINDFUL** of Article 58 of the ECOWAS Revised Treaty relating to regional security which stipulates that Member States undertake to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region and to establish and strengthen appropriate mechanisms for the timely prevention and resolution of conflicts;

**MINDFUL** of Article 77 of the Treaty relating to sanctions applicable in cases where a Member State fails to fulfill its obligations to the Community;

**MINDFUL** of the relevant provisions of the Protocol on the Community Court of Justice adopted on 16 July 1991, the ECOWAS conventions on mutual legal assistance and extradition, signed respectively in Dakar on 29 July 1992 and Abuja on 6 August 1994;

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**RECALLING** the principles of the Charter of the United Nations, particularly the principle that States shall have the right to defend themselves both individually and collectively, the principle of non-intervention and non-interference in internal affairs of another State, and the principle that each Member shall avoid recourse to the threat or use of force;

**RECALLING** also the relevant provisions of the Constitutive Act of the African Union, including the decision by the Executive Council of the African

Union requesting the African Union Commission to take necessary measures to establish a legal instrument to prevent, combat and eradicate illicit trade in small arms and light weapons in Africa;

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**CONSIDERING** that the proliferation of small arms and light weapons constitutes a major destabilising factor in ECOWAS Member States and poses a serious threat to the peace and stability of our peoples;

**DEEPLY CONCERNED** about the uncontrolled flow of small arms and light weapons into Africa in general and West Africa in particular, and aware of the need to effectively control the transfer of arms by suppliers and arms brokers;

**AWARE** of the need to build peace and prevent conflicts in West Africa, and the disastrous consequences the proliferation of small arms and light weapons has on the prolongation of armed conflicts and illegal exploitation of natural resources;

**AWARE OF THE NEED** to prevent, combat and eradicate the illicit manufacture and excessive accumulation of small arms and light weapons, trafficking, detention and use of such arms, which have been seen to have negative effects on the security of each country in the sub-region, human

security, international humanitarian law, sustainable development, and human rights;

**DETERMINED** to achieve the objectives outlined in the Declaration on the Moratorium on the Importation, Exportation and Manufacture of Light Weapons in ECOWAS Member States signed in Abuja on 31 October 1998 and in the Code of Conduct for the implementation of the Moratorium adopted in Lome on 10 December 1999;

**DETERMINED ALSO** to consolidate the gains of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons and its Code of Conduct, and to take into account the shortcomings observed, with a view to taking corrective measures;

**RECOGNISING** in this regard the progress achieved in the implementation of the Moratorium, thanks to contributions by the Plan of Action of the Programme for Coordination and Assistance for Security and Development (PCASED);

**CONSCIOUS** of the need to strengthen the institutional and operational capacity of the ECOWAS Executive Secretariat in order to enable fight more effectively against the proliferation of small arms and light weapons, with a view to obtaining the desired results;

**CONSIDERING** the United Nations Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects adopted in 2001;

**CONSIDERING** the United Nations international instrument adopted in 2005 which seeks to enable States to identify and rapidly trace small arms and light weapons, and the UN Protocol on the manufacture and illicit trade in fire arms, spare parts, components and ammunition adopted in 2001;

**TAKING INTO ACCOUNT** Security Council Resolution 1325 (2002) on women, peace and security which recognises the specific role of women in peace building;

**DEEPLY CONCERNED** by the use of children in armed conflicts, and taking account of the United Nations Security Council resolutions on children and armed conflicts;

**RECOGNISING** the important contribution of civil society organisations in the fight against the proliferation of small arms and light weapons,

**BEARING IN MIND** the Final Communiqué issued at the end of the Summit of ECOWAS Heads of State and Government held in Dakar on 30 January 2003 which directed the ECOWAS Executive Secretariat to examine the possibility of transforming the Moratorium into a Convention;

**HEREBY AGREE AS FOLLOWS:**

## **CHAPTER I DEFINITIONS AND OBJECTIVES**

### **Article 1: Definitions**

For the purpose of this Convention:

1. **LIGHT WEAPONS:** Portable arms designed to be used by several persons working together in a team and which include notably:
  - heavy machine guns;
  - portable grenade launchers, mobile or mounted;
  - portable anti-aircraft cannons;
  - portable anti-tank cannons, non-recoil guns;
  - portable anti-tank missile launchers or rocket launchers;
  - portable anti-aircraft missile launchers;
  - mortars with a calibre of less than 100 millimetres;
2. **SMALL ARMS:** Arms used by one person and which include notably:
  - firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine;
  - revolvers and pistols with automatic loading;
  - rifles and carbines;
  - machine guns;
  - assault rifles;
  - light machine guns.
3. **AMMUNITION:** Devices destined to be shot or projected through the means of firearms including among others:
  - cartridges;

- projectiles and missiles for light weapons;
  - mobile containers with missiles or projectiles for anti-aircraft or anti-tank single action systems;
4. **OTHER RELATED MATERIALS:** All components, parts or spare parts for small arms or light weapons or ammunition necessary for their functioning; or any chemical substance serving as active material used as propelling or explosive agent;
  5. **ILLICIT:** Covers all that is carried out in violation of this Convention;
  6. **MARKING:** Inscriptions permitting the identification of arms covered by this Convention;
  7. **TRACING:** Indicates the systematic monitoring of the movements of small arms and light weapons and their ammunition and other related materials, from the manufacturer to the end user, with a view to helping member States competent authorities to detect illicit manufacture and trading;
  8. **BROKERING:** Work carried out as an intermediary between any manufacturer, supplier or distributor of small arms and light weapons and any buyer or user; this includes the provision of financial support and the transportation of small arms and light weapons;
  9. **TRANSFER:** Includes import, export, transit, transshipment and transport or any other movement whatsoever of small arms and light weapons, ammunition and other related materials from or through the territory of a State;
  10. **NON-STATE ACTORS:** Such as any actor other than State Actors, mercenaries, armed militias, armed rebel groups and private security companies.
  11. **SMALL ARMS AND LIGHT WEAPONS**  
In this Convention this shall be deemed to include ammunition and other related materials.

## Article 2: Objectives

The objectives of this Convention are:

1. To prevent and combat the excessive and destabilising accumulation of small arms and light weapons within ECOWAS;
2. To continue the efforts for the control of small arms and light weapons within ECOWAS;
3. To consolidate the gains of the Declaration of the Moratorium on the importation, exportation and manufacture of small arms and its Code of Conduct.
4. To promote trust between the Member States through concerted and transparent action on the control of small arms and light weapons within ECOWAS;
5. To build institutional and operational capacities of the ECOWAS Executive Secretariat and the Member States in the efforts to curb the proliferation of small arms and light weapons, their ammunitions and other related materials;
6. To promote the exchange of information and cooperation among the Member States.

## CHAPTER II TRANSFER OF SMALL ARMS AND LIGHT WEAPONS

### Article 3:

#### Prohibition of transfer of small arms and light weapons

1. Member States shall ban the transfer of small arms and light weapons and their manufacturing materials into their national territory or from/through their national territory.
2. Member States shall ban, without exception, transfers of small arms and light weapons to non-state actors that are not explicitly authorised by the importing Member States.
3. Small arms and light weapons as defined in this Convention shall not be deemed to be goods for the purpose of Article 45 of ECOWAS Revised Treaty of 1993.

**Article 4:  
Conditions of Exemption**

1. A Member State can request exemption from the provisions of Article 3.1 in order to meet legitimate national defence and security needs, or to participate in peace support or other operations in accordance with the decisions of the United Nations, African Union, ECOWAS, or other regional or sub-regional body of which it is a member.
2. For the purpose of paragraph 1 of this article, Member States shall establish and maintain an effective system of export and import licensing or authorisation, as well as of measures on international transit, for the transfer of small arms and light weapons.
3. Each Member State shall take such measures as may be necessary to ensure that licensing or authorisation procedures are secure and that the authenticity of licensing or authorisation of the documents can be verified and validated.

**Article 5:  
Procedures for Exemption**

1. The request for exemption for an arms transfer is transmitted for examination to the ECOWAS Executive Secretariat and must contain information on:
  - a) Details of the arms to be transferred: The quantity, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other marks;
  - b) Details of the supplier: Full details (name of company and representative, address, and full contact details) of all companies and individuals involved, including brokers where relevant;
  - c) Details of the supply process: The number and period of shipments, the routes including transit locations, the type of transport to be used, all companies involved in importing, freight forwarding and handling, details of the storage and management of the weapons whilst being transferred, the time period covered by the activity for which the exemption is requested;

d) Details of the final end user: Name of individual/company/institution and representative responsible, confirmation from relevant national authority that the end user is authorised to import weapons;

e) Details of the end use.

2. The ECOWAS Executive Secretary shall apply the criteria for Article 6 of this Convention for exemption requests as well as those of paragraph (a) of this Article. Reasoned opinion of the ECOWAS Executive Secretary shall be sent confidentially to the Member State in order to confirm or refuse the opinion given. The final decision of Member States shall be taken by consensus. In the absence of a consensus, the exemption request as well as the reasoned opinion of the Executive Secretary shall be submitted for a final decision to the ECOWAS Mediation and Security Council.
3. The granting of an exemption shall be transmitted to the Member State concerned by the ECOWAS Executive Secretary through the issuing of an exemption certificate. The exemption certificate once issued must accompany the request for an export or import licence as well as the End-User-Certificate.
4. The ECOWAS Executive Secretary shall forward to the Member States information on exemptions and refusals granted within 90 days. The Executive Secretary shall also compile and publish a comprehensive annual report detailing all international arms transfers granted exemptions, and a list of refusals.

**Article 6:  
Cases for Refusal of Exemptions  
for Transfers**

1. A transfer shall not be authorised if:
  - a) Authorisation on export, import, transit, transshipment or brokering considered as donation has not been provided by all States directly concerned with the transfer;
  - b) All the required information has not been supplied to the ECOWAS Executive Secretary;

- c) The arms have not been marked according to requirements under this Convention.
2. A transfer shall not be authorised if its authorisation violates obligations of the requesting States as well as those of Member States, under international law including:
- a) Obligations under the Charter of the United Nations, including:
- i. Binding resolutions of the United Nations Security Council such as those imposing arms embargoes;
  - ii. The prohibition on the use or threat of use of force;
  - iii. The prohibition on intervention in the internal affairs of another State.
- b) Universally accepted principles of international humanitarian law.
- c) Any other treaty or decision by which the Member States are bound, including:
- i. binding decisions, including embargoes, adopted by relevant international, multilateral, regional and sub-regional bodies, such as the African Union Peace and Security Council, to which a State is party;
  - ii) prohibitions of arms transfers that arise in particular treaties which a State is party to, such as OTTAWA Convention on Antipersonnel Mines, the 1980 Convention on Certain Conventional Weapons and its Protocols.
3. A transfer shall not be authorised if the arms are destined to be used:
- a) for the violation of international humanitarian law or infringement of human and peoples' rights and freedoms, or for the purpose of oppression;
  - b) for the commission of serious violations of international humanitarian law, genocide or crimes against humanity;
  - c) to worsen the internal situation in the country of final destination, in terms of provoking or prolonging armed conflicts, or aggravating existing tensions;
  - d) to carry out terrorist acts or support or encourage terrorism;
  - e) other than for the legitimate defence and security needs of the beneficiary country;
4. A transfer shall not be authorised if it is destined to:
- a) be used for or to facilitate the commission of violent or organised crime;
  - b) adversely affect regional security, endanger peace, contribute to destabilising or uncontrolled accumulations of arms or military capabilities into a region, or otherwise contribute to regional instability;
  - c) hinder or obstruct sustainable development and unduly divert human and economic resources to armaments of the States involved in the transfer;
  - d) involve corrupt practices at any stage, from the supplier through any middlemen or brokers, to the recipient;
5. A transfer shall not be authorised if it is likely to be diverted, within the transit or importing country or be re-exported to unauthorized uses or users or into the illicit trade;
6. The Executive Secretary and all Member States shall provide elements of proof to apply the criteria enunciated in paragraphs 1, 2, 3, 4 and 5 of the present article and to indicate the refusal of exemption request made by a Member State.

**CHAPTER III  
MANUFACTURE OF SMALL ARMS  
AND LIGHT WEAPONS**

**Article 7:  
Control of the Manufacture  
of Small Arms and Light Weapons**

1. Member States shall undertake to control the manufacture of small arms and light weapons within their national territories;
2. Each Member State shall regulate the activities of local small arms and light weapons manufacturers and shall undertake to adopt strategies and policies for the reduction and/or limitation of the manufacture of small arms and light weapons so as to control the local manufacture as well as their marketing in ECOWAS region.
3. Member States shall undertake to draft an exhaustive list of local manufacturers of small arms and light weapons and the registration of each of them into the national arms registers;
4. Where production and/or assembly capacities of small arms and light weapons exist within the ECOWAS region, Member States shall submit the data to the Executive Secretary. This data shall include the type of the arms and their quantity on their annual production.

**Article 8 :  
Measures of Control for Small Arms and  
Light Weapons Manufacture**

Without prejudice to the other measures that Member States shall undertake to ensure the effective control of the manufacturing of small arms and light weapons on their national territory, a request for the manufacture of small arms and light weapons shall not be granted if the requesting person has not given information relating to :

- a) Details of the arms to be manufactured:  
The quantity, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other markings;
- b) The procedure for marking, the procedure for entering details of each small arm and light weapon into the national small arms and

light weapons and information on the storage and maintenance of the weapons after manufacture.

**CHAPTER IV  
TRANSPARENCY AND EXCHANGE OF  
INFORMATION**

**Article 9:  
National Database and Registers of Small  
Arms and Light Weapons**

1. Member States shall establish where they do not exist already, national computerised registers and database of small arms and light weapons.
2. The following information shall be recorded in the national registry:
  - a) Description of the product (type or model, calibre) and quantity (if it concerns a batch);
  - b) the content of the marking;
  - c) the names and addresses of the former and current owners and, when possible, successive owners;
  - d) the date of registration;
  - e) information concerning each transaction including:
    - i. the name and address of the shipper, the intermediary (where applicable), the consignee and the user indicated on the end-user certificate;
    - ii. the origin, the point of departure, transit if any, and destination, as well as the customs references and the dates of departure, transit and delivery to the end-user.
    - iii. the export, transit and import licence (quantities and batches corresponding to the same licence as well as the validity of the licence);
    - iv. full details concerning the method of transport and transporter(s);

- v. the controlling agency or agencies (at points of departure, transit and entry);
- vi. the nature of the transaction (commercial, non-commercial, private or public, conversion, repair);
- vii. where applicable, the insurer and/or the financial institution intervening in the transaction.

 Records shall be permanently kept in the register.

#### Article 10:

#### ECOWAS Small Arms and Light Weapons Database and Registers

1. Member States undertake to establish a sub-regional database and register of small arms and light weapons under the ECOWAS Executive Secretary as a way of promoting confidence.
2. The ECOWAS Executive Secretariat shall develop in collaboration with the Member States the procedures for the setting up and management of the database and register as well as the issues to be covered.
3. The Member States shall provide the ECOWAS Executive Secretariat with all the necessary information for the operation of the sub-regional database and register of small arms and light weapons. Member States also undertake to transmit an annual report to the ECOWAS Executive Secretary detailing their orders or purchase of small arms and light weapons.
4. The ECOWAS Executive Secretary shall present an annual report on the workings of the sub-regional database and register of small arms and light weapons at the Summit of Heads of State and Government.
5. Records shall be kept in the register permanently.

#### Article 11:

#### Register of Arms for Peace Operations

1. Member States undertake to:
  - a) Establish a register of small arms and light weapons, their ammunition and

other related material destined for use in peacekeeping operations both inside and outside the ECOWAS territory, under the ECOWAS Executive Secretary, as a way of ensuring the control of movements of small arms and light weapons and their effective withdrawal at the end of peace operations in which Member States are participating.

- b) Declare in this regard to the ECOWAS Executive Secretariat all small arms and light weapons used in peace operations.
- c) Declare to the ECOWAS Executive Secretary all the small arms and light weapons seized, collected and/or destroyed during peace operations on their territory and in the ECOWAS region.

2. The ECOWAS Executive Secretary shall take the necessary measures to ensure the adequate recording of the information transmitted by the Member States participating to peace operations.
3. Records shall be permanently kept in the register.

#### Article 12:

#### Dialogue with Manufacturers and Suppliers

1. The ECOWAS Executive Secretary and each Member State shall strengthen cooperation and dialogue with national and international manufacturers and suppliers of arms as well as with the competent international and regional organisations in order to ensure their support, respect for and compliance with the spirit and the letter of this Convention.
2. The ECOWAS Executive Secretary shall take the necessary measures to take advantage of the information available from Member States of the Wassenaar Arrangement, the European Union and other manufacturers and suppliers of arms, in order to strengthen the effective implementation of this Convention.

**Article 13:  
Prevention of and the Fight Against  
Corruption**

Member States shall institute appropriate and effective measures for cooperation between administrative departments concerned and law enforcement agencies to curb corruption associated with the illicit manufacturing of, trafficking in, illicit possession and use of small arms and light weapons.

**CHAPTER V  
OPERATIONAL MECHANISM**

**Article 14:  
Control of Possession of Small Arms and  
Light Weapons by Civilians**

1. Member States shall prohibit the possession, use and sale of light weapons by civilians.
2. Member States shall regulate the possession, use and sale of small arms by civilians.
3. Authorisations may be granted to permit individual possession of one or more small arms and their ammunition in line with the legislation of each Member State. Applications for such authorisations shall be processed by relevant national authorities. All applicants must meet the relevant national authority in person. The Executive Secretary shall develop and communicate authorisation procedures to the relevant national authority.
4. Member States undertake to implement a strict control regime for civilian possession of small arms. The authorisation procedure will involve issuing a license from the relevant national authority for each small arm used by a civilian. Member States shall not grant an authorisation if the applicant does not meet the following criteria:
  - a) The required minimum age;
  - b) Applicant does not have criminal record and has not been subject to morality investigation;
  - c) Proof of a legitimate reason to possess, carry or use for each small arms;
  - d) Proof that the prospective owner has undergone safety training and

competency training including training in the relevant laws regarding small arms;

- e) Proof that the weapon will be stored in a safe place and separately from its ammunition.
5. Member States shall impose a limit on the number of weapons a licence may cover and require a 'cooling-off' period of at least 21 days before an authorisation is granted for the possession of each weapon. Member States shall include an expiration date on each licence and authorisations shall be subject to periodic review. Contravention of regulations concerning possession of small arms in private hands will allow the small arms to be seized by the authorities, the licence/authorisation revoked, and adequate sanctions including penalties applied.
6. Member States shall include information regarding the civilian possession of small arms within the national small arm database and register established under Article 9 of the present Convention;
7. Member States undertake to introduce minimum penal sanctions for the illicit possession and use of small arms and light weapons and the carrying of unlicensed small arms.

**Article 15:  
Visitors' Certificates**

1. Each Member State shall take the appropriate measures demanding that visitors wanting to import temporarily small arms covered by this Convention for the duration of their temporary stay in the ECOWAS region, prepare in advance an application including information about the purpose, type and marking of small arms to be imported into one of the ECOWAS territories and to declare the arms on their arrival. Such application shall be addressed to the relevant authorities of the Member State concerned for decision.
2. ECOWAS Executive Secretary shall issue guidelines on the procedures to be followed and communicate them to the relevant authority.
3. If the request is approved, the competent

national authorities shall issue to the visitors an entry certificate and an exit declaration at the visitors' arrival and departure.

4. All certificates shall be recorded by the Member States concerned in the national small arms register referred to in compliance with the above mentioned Article 9.

#### **Article 16:**

##### **Management and Security of Stockpiles**

1. Member States shall take the necessary measures to ensure the safe and effective management, storage and security of their national stocks of small arms and light weapons;
2. To this effect, Member States shall establish effective standards and procedures for stockpile management, storage and security. These standards and procedures shall include:
  - a) appropriate site;
  - b) physical security measures of storage facilities;
  - c) inventory management and record keeping;
  - d) staff training;
  - e) security during manufacture and transportation;
  - f) sanctions in case of theft or loss.
3. Member States shall ensure that stockpiles of small arms and light weapons by manufacturers, dealers as well as individuals are securely stored in accordance with the appropriate standards and procedures;
4. Member States shall undertake to regularly review, in accordance with national laws and standards, the storage facilities and conditions of small arms and light weapons held by their armed and security forces and other authorised bodies in order to identify, for disposal, surplus and obsolete stocks;
5. The Executive Secretary shall ensure, in collaboration with Member States, that effective standards and procedures for stockpile management of weapons collected in the context of peace operations are duly observed.

#### **Article 17:**

##### **Collection and Destruction of Small Arms and Light Weapons**

1. Member States shall undertake to collect and/or destroy:
  - a) the arms which are surplus to the national needs or have become obsolete;
  - b) seized weapons;
  - c) unmarked weapons;
  - d) illicitly held weapons;
  - e) arms collected in the implementation of peace accords or programmes for the voluntary handing in of weapons.
2. All weapons so collected must be registered and securely stored and or destroyed.
3. Member States undertake to promote and/or carry out programme of voluntary handing in of weapons.

#### **Article 18:**

##### **Marking**

1. For identification purposes, all small arms and light weapons, their ammunition and other materials, considered as essential by the supplier, shall be assigned a unique and specific marking upon manufacture; this marking shall include the following elements:
  - a) "Classic marking" shall include a unique serial number, the manufacturer's identity, as well as the identification of the country and year of manufacture. Information concerning the purchaser's identity and the country of destination should also be included if known at the time of manufacture. The markings shall be expressed alphanumerically. They must be legible and should be featured on a maximum number of main parts of the weapon, and at the very least on the part designated by the manufacturer as essential as well as on one other important part of the arm;
2. For small arms and light weapons covered under this Convention;
  - a) "Classic marking" shall include a unique serial number, the manufacturer's identity, as well as the identification of the country and year of manufacture. Information concerning the purchaser's identity and the country of destination should also be included if known at the time of manufacture. The markings shall be expressed alphanumerically. They must be legible and should be featured on a maximum number of main parts of the weapon, and at the very least on the part designated by the manufacturer as essential as well as on one other important part of the arm;

- b) A "Security marking" shall be applied to all weapons produced after the entry into force of this Convention. This will permit the identification of the weapons in the event that classic markings have been destroyed or falsified. Security markings must be undertaken on component parts that are not easily manipulated after the weapon's manufacture, and the falsification of which would render the weapon unusable;
- c) Member States that import a small arm that is not marked in accordance with the provisions outlined under paragraph a) and b) above shall:
- i. Apply a classic marking if the weapons were manufactured before the entry into force of this Convention;
  - ii. Apply a classic marking and a security marking if the weapons were manufactured after the entry into force of this Convention; failing this, the weapons cannot be imported or must be destroyed.
  - iii. If the importing country and the year of import are not known at the time of manufacture, the acronym of the importing State and the year of importation are marked by a competent institution in the importing country.
3. For ammunition:
- a) The markings shall include a unique lot number, the manufacturer's identity, as well as the country and year of manufacture. Information concerning the purchaser's identity and the country of destination should also be included if known at the time of manufacture. These details must feature at least once on the jacket (i.e. cartridge) containing the powder or liquid used in the ammunition or explosive. The markings shall be expressed alphanumerically.
  - b) The smallest ammunition packaging shall include information outlined under 3(a).
- Article 19:  
Tracing**
1. Member States shall exchange information on illicit small arms and light weapons and on seized small arms and light weapons, as well as trafficking in weapons that contravene international law or the internal laws of the States in which the operations take place (condemnation of the person or institution implicated, sanctions, disposal, destruction methods, neutralisation).
  2. In the case of other small arms and light weapons, Member States shall exchange the following data on a regular basis:
    - a) on manufacture (the marking system and techniques used, and authorized manufacturers);
    - b) on transfers (exports to and/or imports from all other States, transits, information available concerning national legislation, existing practices and controls, authorised dealers and brokers);
    - c) on existing stockpiles (management, inventory, security, surplus, losses, theft, destruction).
  3. The Executive Secretary shall receive request for exemption and shall act in accordance with Article 5 of this Convention.
  4. A Member State may initiate a tracing request through the ECOWAS Executive Secretary in relation to small arms and light weapons found within its territorial jurisdiction that it considers to be illicit.
  5. To ensure smooth and effective cooperation in tracing, requests for assistance in tracing illicit small arms or light weapons will contain sufficient information including, inter alia:
    - a) Information describing the illicit nature of the small arm and light weapon, including the legal justification thereof and circumstances under which the small arm and light weapon was found;

- b) Markings, type, calibre and other relevant information;
  - c) Intended use of the information being sought.
6. Member States receiving a tracing request shall acknowledge receipt and shall process it within a reasonable time frame.
  7. Member States shall provide reliable responses to tracing requests made by other Member States within one month from the date of receipt of the said request.
  8. In responding to a tracing request, the requested Member States shall provide all available information sought by the requesting Member States that is relevant for the purpose of tracing illicit small arms and light weapons.
  9. The requested Member States may seek additional information from the requesting Member States where a tracing request does not contain the information required in Paragraph 5 above.

#### **Article 20: Brokering**

1. Member States shall register all citizens and all companies incorporated in their territory that are brokering small arms and light weapons, including financial agents and transportation agents on armament and shall make such registration a requirement for their licit operation.
2. Member States shall ensure that all registered small arms and light weapons brokering agents obtain an explicit authorization for each individual transaction in which they are involved, irrespective of where the arrangements take place.
3. Member States shall require that all small arms and light weapons brokering license applications for authorisation provide full disclosure of relevant import and export licences or authorisations and associated relevant documents, the names and locations of all brokering and shipping agents involved in the transaction and the transit routes and points of the small arms and light weapons shipments.

4. Member States shall adopt such legislative and other measures to punish and establish as a criminal offence the illicit brokering of small arms and light weapons.
5. Brokering activities may be asseated under Articles 1 and 6 of the present Convention.

#### **Article 21: Harmonization of Legislative Provisions**

1. Member States shall undertake to revise and update national legislation to ensure that the provisions in this Convention are minimum standards for small arms and light weapons control and their ammunition as well as other related materials.
2. Each Member State shall adopt legislative and other necessary measures to establish as a criminal offence in the following cases:
  - a) any activity carried out in violation of the provisions of this Convention;
  - b) any activity carried out in violation of an arms embargo imposed by the United Nations, the African Union or ECOWAS;
3. The Executive Secretary shall elaborate and propose to Member States guidelines for harmonization of legislative provisions.

#### **Article 22: Strengthening of Border Controls**

Member States, in collaboration with the ECOWAS Executive Secretary, shall:

- a) Strengthen sub-regional cooperation among defence and security forces, intelligence services, customs and border control officials in combating the illicit circulation of small arms and light weapons.
- b) Enhancing the capacity of national defence and security forces, law enforcement and security agencies, including appropriate training in investigative procedures, border control and law enforcement techniques, and upgrading of equipment and resources;

**Article 23:  
Public Education and Awareness  
Programmes**

1. In the interest of promoting a culture of peace, Member States shall design public/community education and awareness programmes at local, national and regional levels in order to involve the population in the efforts to curb the proliferation of small arms and light weapons.
2. Member States in this regard shall undertake to develop and/or strengthen their partnership with civil society organisations at local, national and regional levels including women, youth and others, for better information and raise public awareness on the dangers of the proliferation of small arms and light weapons.
3. Member States shall encourage civil society organisations to play a leading role in creating awareness and education of the population.

**CHAPTER VI  
INSTITUTIONAL AND IMPLEMENTATION  
ARRANGEMENTS**

**Article 24:  
Member States**

1. Within the framework of the implementation of this Convention, the States Parties which have not yet done so, shall establish through regulation or legislation, a National Commission in accordance with Article 51 of the Protocol relating to the mechanism for conflict prevention, management, resolution, peace keeping and security and the decision of the Authority of Heads of State and Government on December 10th, 1999 on the establishment of National Commissions for the fight against the illicit proliferation and circulation of light weapons.
2. The National Commissions shall be established according to the existing ECOWAS guidelines contained in the Manual of procedures for National Commissions prepared by ECOWAS.
3. Member States shall allocate a budget line to ensure effective functioning of National Commissions

4. The Member States shall elaborate their National Action Plans on Small Arms and Light Weapons.
5. Such action plans shall be developed through a national information gathering process involving all relevant national stakeholders including civil society, and the convening of a national forum of all stakeholders to deliberate on the elements to be included in the National Action Plan.

**Article 25:  
The ECOWAS Executive Secretary**

1. The ECOWAS Executive Secretary is responsible for supporting and supervising the application of the provisions of this Convention. To this end, the ECOWAS Executive Secretary shall:
  - a) define and carry out the policy for mobilising the necessary resources for the implementation of this Convention;
  - b) provide the Member States with the necessary financial and technical support for the realisation of their activities;
  - c) ensure the monitoring and implementation of this Convention;
  - d) present an annual Report to the Summit of Heads of State and Government on the status of implementation of the Convention.
  - e) if ECOWAS Executive Secretary deems it necessary, refer a specific urgent and/or serious question regarding the application of this Convention to the ECOWAS Mediation and Security Council.
2. The Executive Secretary shall develop a Plan of action for the implementation of this Convention and submit it to the appreciation of the Member States for adoption. Such a plan shall outline key activities that need to be implemented (such as capacity building, harmonization of national legislation, border control, public awareness raising, information exchange among National Commissions, strengthening the capacity of civil society, organisations, etc).

3. Member States shall take the necessary measures to endow the ECOWAS Executive Secretariat with the institutional and operational capacities appropriate to the responsibilities given to the Executive Secretary by this Convention.

#### Article 26:

#### Cooperation Within and Among States

1. Member States undertake to promote intra and inter-state cooperation in the implementation of this Convention. To this effect:
- a) the ECOWAS Executive Secretary shall prepare procedures for inter-state cooperation between security forces, the services in charge of border controls and all other services concerned, in the spirit of this Convention.
  - b) The ECOWAS Executive Secretary shall facilitate and seek assistance for the training of officials in intra- and inter-state cooperation.

#### Article 27:

#### Complaint Procedure Concerning Violation of this Convention

1. All concerns relating to the violation of this Convention shall be brought to the attention of the ECOWAS Executive Secretary who would then submit such a complaint to the ECOWAS Mediation and Security Council.
2. If the ECOWAS Mediation and Security Council considers that there is a breach of the obligations under this convention, it shall decide on the appropriate measures to be taken such as sanctions, inquiry, study or refer the matter to the ECOWAS Court of Justice.
3. This review procedure of complaints shall not mean the impossibility for a State or an individual to refer to the ECOWAS Court of Justice if it notes a failure in the application of this Convention.

#### Article 28:

#### Monitoring the Implementation of this Convention

1. In order to ensure the monitoring of and compliance with the provisions of this Convention, the Executive Secretary shall appoint a Group of Independent Experts who supports him. The Group of Independent Experts shall submit a report to the Executive Secretary.
2. Member States, upon the request of the Executive Secretary, shall provide the Group of Independent Experts with all information at their disposal on exemption request.
3. The Group of Independent Experts may seek any other information it shall deem useful for its work in relation with Member States and through cooperation with Member States of the Wassenaar Arrangements, the European Union and suppliers of arms.
4. Each Member State shall submit an annual report to the ECOWAS Executive Secretary on its activities related to small arms and light weapons as well as other matters in relation with this Convention, in accordance with the format of report developed by the Executive Secretary.
5. A Conference of all Parties to the Convention shall be convened by the Depositary as soon as possible after the entry into force of this Convention. The Authority of Heads of State and Government of Member States shall review the implementation of this Convention and shall have further mandates as decided by Member States. Other Conferences of Member States shall be held as needed.

#### CHAPTER VII

#### GENERAL AND FINAL PROVISIONS

#### Article 29:

#### Interpretation and Dispute Settlement

1. Any dispute arising out of the interpretation and/or the implementation of the Convention shall be settled by way of negotiation or by recourse to the ECOWAS Mediation and Security Council.
2. In the absence of a negotiated settlement, the dispute shall be brought before the ECOWAS Court of Justice.

### **Article 30: Special Provisions**

The undertakings ensuing from the provisions of this Convention shall not be interpreted as being in contradiction to the spirit and letter of the Conventions or Accords linking a Member State with a third State as long as these Conventions and Accords are not in contradiction with the spirit and letter of this Convention.

### **Article 31: Sanctions**

Sanctions mentioned in Article 77 of the ECOWAS Revised Treaty are applicable to all Member States whom the ECOWAS Court of Justice would have found to be in violation of this Convention.

### **Article 32: Final Provisions**

#### **A. Signature, Ratification, Accession and Entry into Force**

1. This Convention shall be open for signature to ECOWAS Member States. It shall be subject to ratification.
2. It shall enter into force on the date of deposit of the ninth instrument of ratification.
3. For a signatory that ratifies this Convention after the date of the deposit of the ninth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.
4. Any ECOWAS Member State that has not signed this Convention shall be able to accede to it. In this case, this Convention shall enter into force for that State upon the date of the deposit of the instrument of accession.

#### **B. Amendments**

1. Any amendment to this Convention proposed by a Member State shall be submitted to the ECOWAS Executive Secretary who shall notify the Member States.
2. Decision on the adoption of such an amendment shall be taken by the Conference of Heads of State and Government by a two-thirds majority of the Member States.

3. An amendment adopted shall enter into force for all Member States who are party to this Convention after receipt by the Depository of the instrument of ratification by the majority of Member States.

#### **C. Withdrawal**

1. Each Member State shall, in exercising its national sovereignty, have the right to withdraw from this Convention if it decides that extraordinary events related to the subject-matter of this Convention, have jeopardised its supreme interests.
2. Withdrawal shall be effected by a Member State giving notice, which includes a statement of the extraordinary events it regards as having jeopardised its supreme interest, twelve months in advance to the Depository. The Depository shall circulate such notice to all other Member States.
3. During the period of twelve months referred to in the preceding paragraph, such Member State shall nevertheless continue to observe the provisions of this Convention.

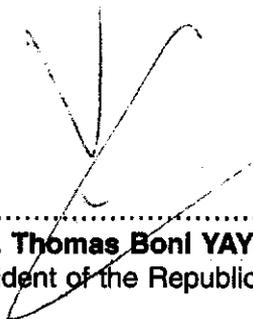
#### **D. Depository Authority**

1. This Convention shall be deposited with the Executive Secretary of ECOWAS, who is hereby designated as the Depository of the Convention.
2. The Depository shall:
  - a) Receive instruments of ratification;
  - b) Register this Convention with the African Union, the United Nations, as well as any other organisation as may be decided by the ECOWAS Mediation and Security Council;
  - c) Transmit authentic copies of this Convention to all States in the ECOWAS region, and shall notify them of signatures and ratifications and accession of this Convention.

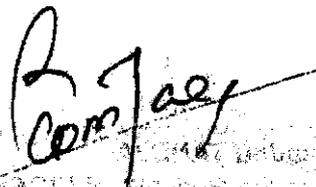
**IN FAITH WHEREOF,  
WE, THE HEADS OF STATE AND GOVERNMENT OF THE  
MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)  
HAVE SIGNED THIS CONVENTION**

**IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,  
ALL TEXTS BEING EQUALLY AUTHENTIC.**

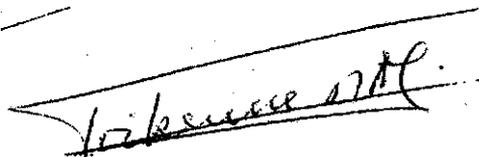
**DONE AT ABUJA, ON 14TH DAY OF JUNE 2006.**



.....  
**H. E. Thomas Boni YAYI**  
President of the Republic of **BENIN**

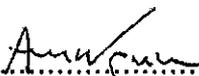


.....  
**H. E. Blaise COMPAORE**  
Chairman of the Council of Ministers  
President of **FASO**

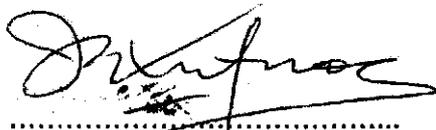


.....  
**S. E. DR. ALBERT MABRI TOIKEUSSE**  
Minister for African Integration  
Representing the President of the  
Republic of **CÔTE D'IVOIRE**

.....  
Republic of **CAPE VERDE**



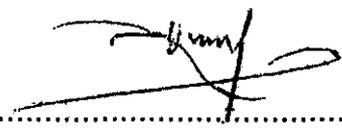
.....  
**H. E. ALIEU NGOM**  
Minister of Trade, Industry and Employment,  
Representing the President of the  
Republic of The **GAMBIA**



.....  
**H. E. John Agyekum KUFUOR**  
President of the Republic of **GHANA**



.....  
**H. E. Fatoumata Kaba SIDIBE**  
Minister for International Cooperation  
Representing the President of the  
Republic of **GUINEA**



.....  
**H. E. DE SOUSA - RUI DIA**  
Minister, Presidency of Council of  
Ministers on Social Communication  
and Affairs  
Representing the President of the  
Republic of **GUINEE BISSAU**

*[Signature]*

**H. E. ELLEN JOHNSON-SIRLEAF**  
President of the Republic of LIBERIA

*[Signature]*

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

*[Signature]*

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

*[Signature]*

**H. E. Olusegun OBASANJO, GCFR**  
President and Commander-in-Chief  
of the Armed Forces of the Federal  
Republic of NIGERIA

*[Signature]*

**H. E. ABDOU AZIZ SOW**  
Minister for NEPAD, Economic  
Integration in Africa & Good  
Governance Policy  
Representing the President of the  
Republic of SENEGAL

*[Signature]*

**H. E. Alh. (Dr.) Ahmad Tejan KABBAH**  
President of the Republic of  
SIERRA LEONE

*[Signature]*

**H. E. Faure Essozimna GNASSINGBE**  
President of the TOGOLESE Republic

*[Signature]*

**ABHIJUD**

## **SUPPLEMENTARY PROTOCOL A/SP.1/06/06 AMENDING THE REVISED TREATY**

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

MINDFUL of Protocol A/P.1/12/01 amending Article 1, 3, 6 and 21 of the said Treaty of the Economic Community of West African States;

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

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

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

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

MINDFUL of Paragraph 50 of the Final Communiqué of the twenty-fifth Session of the Authority which directed the Executive Secretariat to undertake a

study on the enhancement of the powers to the Community Parliament;

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

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

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

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

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

### **HAVE AGREED AS FOLLOWS:**

#### **ARTICLE 1**

The terms "**Executive Secretariat**", "**Executive Secretary**" and "**Deputy Executive Secretary**" wherever they appear in the Revised Treaty are hereby replaced by the terms "**Commission of the Economic Community of West African States**", "**President of the ECOWAS Commission**" and "**Commissioners**" respectively.

#### **ARTICLE 2**

Articles 8, 9, 10 (2), 12, 17, 18, 19, 22(1), 79, and 83 are hereby abrogated and replaced by new provisions as follows:

#### **New article 8: Sessions and chairmanship of the Community**

1. The Authority shall meet at least twice a year in ordinary session. An extraordinary session may be convened by the Chairman of the Authority or at the request of a Member State,

- 2. Supplementary Acts, Regulations, and Directives shall enter into force after publication by the Commission on a date specified therein.
- 3. Decisions shall be communicated to the persons designated therein and shall enter into effect on the date of the notification.

**New Article 17:**

**The Commission: establishment and composition**

- 1. There is hereby established a Commission of the Economic Community of West African States.
- 2. The Commission shall have nine Commissioners namely: the President, the Vice President, seven (7) other Commissioners and such other staff as may be required for the smooth functioning of the Community.
- 3. Whenever it is deemed necessary, the Authority may decide to restructure the Commission and modify the number of Commissioners.

**New Article 18:**

**Appointments**

- 1. The President of the Commission shall be appointed by the Authority for a single four-year term. The appointment shall be done to ensure that Member States can successively occupy the position of President.
- 2. The President of the Commission shall be a person of proven competence and integrity, with a global vision of political and economic problems and regional integration.
- 3. a The Vice-President, Commissioners and statutory appointees in other Institutions shall be appointed by the Council of Ministers on the recommendation of the Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees following the interview of the three (3) candidates nominated by their respective Member States to whom the posts have been allocated.

b The Commissioners shall be appointed for a single four-year term. During their term of office, the members of the Commission may not be removed from their posts except in cases of serious misconduct or incapacity.

c The members of the Commission shall act independently in the exercise of their functions, in the overall interest of the Community. They shall neither solicit nor receive instructions from any government or external body. Member States shall respect the independence of the members of the Commission. At the beginning of their term of office, members of the Commission shall take an oath of office to be administered by the President of the Court of Justice at a Session of the Council of Ministers. However, the oath of office of the President shall be administered by the President of the Court of Justice at a Session of the Authority of Heads of State and Government. The Commissioners by this oath undertake to discharge their duties independently and honestly and shall not undertake any other professional activity during their term of office, whether such activity is remunerated or not.

(d) The mandate of the members of the Commission may be interrupted following resignation or dismissal. The decision for dismissal with respect to the President is taken by the Authority and that of all other statutory appointees, by the Council of Ministers. Dismissal of Judges of the Community Court of Justice shall be carried out by the Authority upon the recommendation of a Community Judicial Council to be established by the Authority. In the event of interruption of the mandate of a member of the Commission, the Commissioner concerned shall be replaced for the outstanding duration of his or her term of office by a national of that country. Except in cases of dismissal, members of the Commission shall remain at their posts until they are replaced.

(e) The members of the management of the ECOWAS Bank for Investment and

Development (EBID) and its subsidiaries shall be appointed on the basis of the Rules and Regulations in force in these institutions.

- (f) The statutory appointees of the other Community institutions shall be appointed for a single four-year term of office.
  - (g) Vacancies shall be advertised in all Member States to which the statutory posts have been allocated, with the exception of the post of President of the Commission.
4. Representation of Member States within the management cadre of Community institutions shall be based on a transparent, equitable and predictable System of rotation adopted by the Authority.
  5. In appointing professional staff for the Community, due regard shall be had, subject to ensuring the highest standards of efficiency and technical competence, to maintaining equitable geographical distribution of posts and gender balance among nationals of all Member States.

#### **New Article 19: Functions**

1. Unless otherwise provided in the Treaty, Protocols and Supplementary Acts, the President of the Commission shall be the Principal Officer of the Community and the Chief Executive Officer of the Commission.
2. The President of the Commission shall coordinate the activities of the Community Institutions and shall be the legal representative of the Community.
3. Without prejudice to the general scope of his responsibilities as provided under Article 19 of the Revised Treaty, the President of the Commission shall be responsible for the external relations of the Commission, international cooperation, strategic planning and policy analysis of regional integration activities within the sub-region.
4. The Commission shall exercise its powers to ensure the smooth functioning of the Community and protect the overall interest of the Community. To this end, it shall submit

to the Authority and Council any recommendation it may deem necessary to promote and develop the Community.

5. The Commission shall formulate proposals that will enable the Authority and Council to take decisions on the main orientations of policies of Member States and the Community.
6. The Commission may, in consultation with the ECOWAS National Units, request all the institutions and national bodies for any useful information, organize necessary consultations with the institutions and national bodies where it is convinced that such information and consultations may assist it in the accomplishment of its mission.

#### **New Article 22, new paragraph 1:**

#### **Technical Committees: establishment and composition**

- a) The technical Commissions established in accordance with Article 22 of the Revised ECOWAS Treaty are henceforth referred to as Technical Committees.
- b) The following Technical Committees are hereby established:
  - (i) Administration and Finance;
  - (ii) Agriculture, Environment and Water Resources;
  - (iii) Human and Gender Development;
  - (iv) Infrastructure;
  - (v) Macro economic policies;
  - (vi) Political Affairs, Peace and Security;
  - (vii) Trade, Customs, Free Movement of Persons;
  - (viii) Legal and Judicial Affairs;
  - (ix) Communication and Information Technology

**New Article 79:****Relations between the Community and other regional economic Communities**

1. The President of the Commission may conclude cooperation agreements with other regional communities, with a view to ensuring effective realization of regional integration objectives.
2. Such cooperation agreements shall be brought to the immediate attention of the Council of Ministers through the Chairman of Council.

**Article 83, new paragraph 3:****Cooperation Agreements**

Cooperation on agreements to be concluded in accordance with the provisions of paragraphs 1 and 2 of Article 83 of the Revised Treaty shall be concluded by The President of the Commission who shall fulfill the conditions stipulated under new Article 79(2) above.

**ARTICLE 3**

Article 13 is hereby amended as follows:

**New Article 13**

1. There is hereby established a Parliament of the Community.
2. The Community shall ensure the effective involvement of the Parliament in decision-making.
3. The method of election of the Members of the Community Parliament, its composition, functions, organization as well as modalities for its involvement in decision-making shall be defined in a Protocol relating thereto.

**ARTICLE 4**

1. The present Supplementary Protocol shall enter into force provisionally upon signature by the Heads of State and Government. Consequently, signatory ECOWAS Member States undertake to begin to implement its provisions.
2. The present Supplementary Protocol shall enter into force definitively upon ratification by at least nine signatory Member States in accordance with the constitutional rules in force in each Member State.
3. The present Supplementary Protocol shall be annexed to the Revised Treaty of which it shall form an integral part.

**ARTICLE 5**

Member States shall adopt constitutional, legislative and regulatory provisions to ensure full application of the present Supplementary Protocol.

**ARTICLE 6**

Notwithstanding the provisions of new Article 9 above, all Community Conventions, Protocols, Decisions, Regulations and Resolutions of the Community made since 1975 and which are still in force shall remain valid and in force, except where they are incompatible with the present supplementary Protocol.

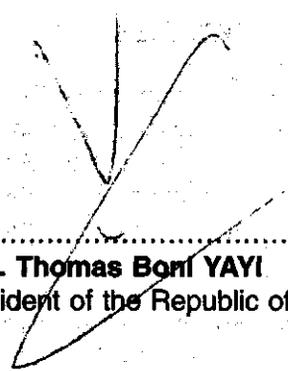
**ARTICLE 7**

The present Supplementary Protocol and all instruments of ratification shall be deposited with the Commission which shall transmit certified true copies of this Supplementary Protocol to all Member States and notify them of the dates of deposit of the instruments of ratification and shall register this Supplementary Protocol and instruments of ratification with the African Union, the United Nations Organization, and such other organizations as the Council may determine.

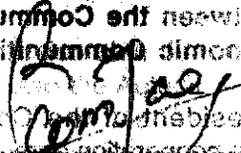
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HAVE SIGNED THIS SUPPLEMENTARY PROTOCOL.**

**IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,  
ALL TEXTS BEING EQUALLY AUTHENTIC.**

**DONE AT ABUJA,  
THIS 14TH DAY OF JUNE 2006**

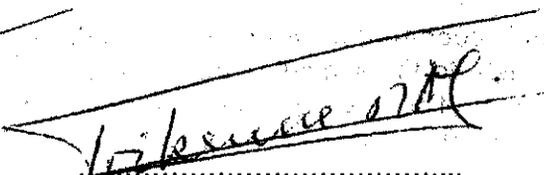


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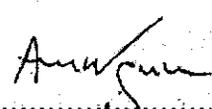


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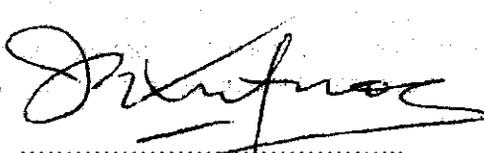
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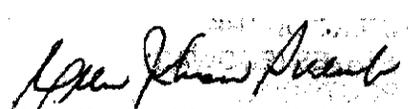
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**SUPPLEMENTARY PROTOCOL A/SP.2/06/06  
AMENDING ARTICLE 3 PARAGRAPHS 1, 2 AND  
4, ARTICLE 4 PARAGRAPHS 1, 3 AND 7 AND  
ARTICLE 7 PARAGRAPH 3 OF THE PROTOCOL  
ON THE COMMUNITY COURT OF JUSTICE**

**THE 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 33 of Protocol A/P.1/7/91 on the procedure for amending the Protocol on the Community Court of Justice;

MINDFUL of Supplementary Protocol A/SP.1/1/05 amending the Protocol on the Community Court of Justice;

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

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

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

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

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

CONCERNED with providing the Community Court

of Justice with functional organs and suitable human resources;

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

**HEREBY AGREE AS FOLLOWS:**

**ARTICLE 1**

All references to "*Executive Secretariat*" and "*Executive Secretary*" in Protocol A/P.1/7/91 are hereby deleted and substituted respectively with "*Commission*" and "*President*".

**ARTICLE 2**

Article 3, paragraphs 1, 2 and 4 of Protocol A/P.1/7/91 are amended as follows:

**Article 3, new Paragraph 1**

The Court shall be composed of seven (7) independent judges selected and appointed by the Authority from nationals of the Member States who are persons of high moral character and possess the qualification required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law, particularly in areas of Community Law or Regional Integration Law. Furthermore, candidates to the posts of Judge of the Community Court of Justice shall have a total of no less than twenty (20) years professional experience.

**Article 3, new Paragraph 2**

The members of the Court shall elect a President and Vice-President from among their numbers who shall serve in those capacities for renewable terms of two (2) years. No two (2) members of the Court shall be nationals of the same Member State.

**Article 3, new Paragraph 4**

1. The Authority shall allocate vacant posts to Member States. A Judicial Council of the Community composed of the Chief Justices of the Supreme Courts of Member States to which the posts have not been allocated, or their representatives, shall select three (3)

candidates per country from among the nationals of the countries to which the posts have been allocated. The Judicial Council shall also interview the candidates and propose their appointments by the Authority of Heads of State and Government through the Council of Ministers.

2. The composition and modalities for the functioning of the Judicial Council of the Community for the recruitment of Judges shall be defined in a decision of the Authority.

### ARTICLE 3

1. There is hereby established a Bureau within the Court which shall comprise three (3) members of the Court namely: The President, the Vice-President and the oldest and longest serving judge of the Court.
2. The functions of the Bureau shall be defined in a Regulation of the Council of Ministers.

### ARTICLE 4

Article 4, Paragraphs 1, 3 and 7 of Protocol A/P.1/7/91 are amended as follows:

#### Article 4, new Paragraph 1

Members of the Court shall be appointed for a non-renewable four (4) year term.

#### Article 4, new Paragraph 3

At the expiration of the term of a member of the Court, the said member shall remain in office until the appointment and assumption of office of his successor.

#### Article 4, new Paragraph 7

1. Cases of discipline of judges and cases of inability to perform the functions of a Judge by reason of physical or mental disability of members of the Community Court of Justice, shall be brought before the Judicial Council of the Community for consideration.
2. The composition and modalities for the functioning of the Judicial Council of the Community in disciplinary matters shall be defined by a decision of the Authority.

### ARTICLE 5

Article 7 paragraph 3 of Protocol A/P.1/7/91 is amended as follows:

#### Article 7, new Paragraph 3

In case of resignation of any member of the Court, the President of the Court shall inform the President of the Commission who shall report to the Chairman of the Judicial Council of the Community. The Judicial Council of the Community shall recommend a replacement in accordance with the selection procedure defined under Article 1 of this Supplementary Protocol. The new Judge shall serve the unexpired term of the predecessor and shall also be a national of the same country.

### ARTICLE 6

Article 3 paragraphs 5, 6 and 7 and Article 4 paragraphs 2, 6 and 7 of Protocol A/P.1/7/01 as well as all other provisions that are inconsistent with the provisions of this supplementary Protocol are hereby abrogated.

### ARTICLE 7

The provisions of Article 2 of this Supplementary Protocol relating to the criteria for short-listing candidates for the position of judge and procedure for their appointment, shall apply whenever a vacancy arises in the Community Court of Justice.

### ARTICLE 8

1. This Supplementary Protocol shall come into force provisionally upon its signature by the Heads of State and Government. Consequently, signatory Member States, the Community Court of Justice and the Commission undertake to begin to implement its provisions.
2. This Supplementary Protocol shall come into force definitively upon its ratification by at least nine (9) signatory States in accordance with the Constitution of each Member State.

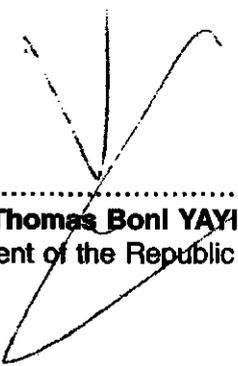
### ARTICLE 9

This Supplementary Protocol and all its instruments of ratification shall be deposited at the Commission which shall transmit certified copies of this Supplementary Protocol to all Member States, notify them of the date of deposit of the instruments of ratification and register this Supplementary Protocol with the African Union, United Nations Organization and any other organization as may be decided by Council.

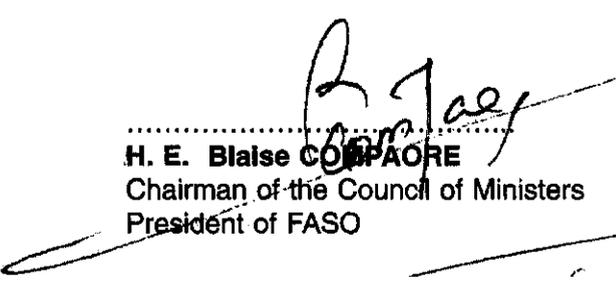
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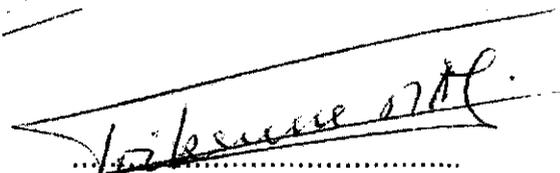


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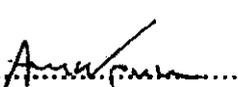


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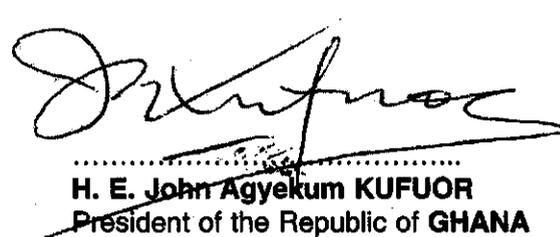
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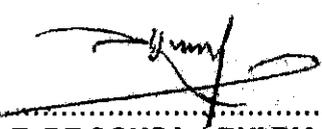
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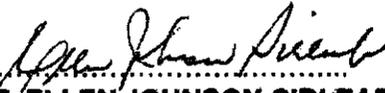
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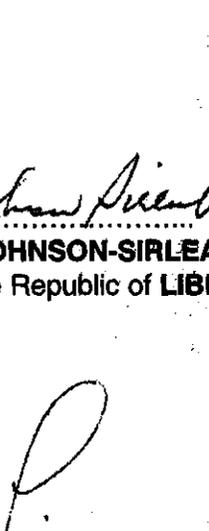
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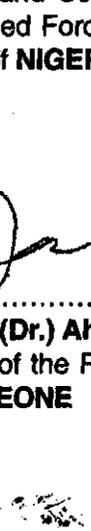
  
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**SUPPLEMENTARY PROTOCOL A/SP.3/06/06  
AMENDING PROTOCOL A/P.2/8/94 RELATING TO  
THE COMMUNITY PARLIAMENT**

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

MINDFUL of Protocol A/P.2/8/94 relating to the Community Parliament;

MINDFUL of Decision A/DEC.6/01/06 adopted by the twenty ninth session of the Authority of Heads of State and Government relating to modalities for the effective implementation of Article 6 of Protocol A/P.2/8/94 relating to the Community Parliament;

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

RECALLING that the above mentioned directives were aimed at establishing a restructured Parliament with a distinct Political arm and an administrative wing adequately staffed by competent professional and administrative personnel that will provide the necessary administrative services for the work of the members of the Parliament;

DESIROUS of enhancing the performance of the Community Parliament and progressively transforming its mandate from advisory to co-decision, upon the election of its members by direct universal suffrage;

DESIROUS of establishing greater harmony between the activities of the Parliament and Community Programmes;

DESIROUS of amending relevant provisions of

Protocol A/P.2/8/94 relating to the Community Parliament to achieve the above stated objectives.

**HEREBY AGREE AS FOLLOWS:**

**ARTICLE 1**

All references to "*Executive Secretariat*" and "*Executive Secretary*" in Protocol A/P.2/8/94 are hereby deleted and substituted respectively with "*Commission*" and "*President*".

**ARTICLE 2**

The following terms shall be added to those enumerated in Article 1 of Protocol A/P.2/8/94 and shall be defined as follows:

"*Protocol*" means Protocol A/P.2/8/94 and its amendments as contained in this Supplementary Protocol amending Protocol A/P.2/8/94 relating to the Community Parliament and other amendments as may be made from time to time; "

"*Conference of Bureaux*" means the Conference of Bureaux referred to under Article 16 of this Supplementary Protocol;

"*Committee of Selection*" means the Committee constituted at the beginning of any legislature by the Plenary to assist the Bureau in composing members of each Standing Committee;

"*Standing Committees of Parliament*" means Parliamentary Committees established to reflect the areas of competence covered by the ECOWAS Technical Commissions established by the ECOWAS Treaty;

"*The Secretariat of the Parliament*" means the General Secretariat of Parliament referred to under Article 16 of this Supplementary Protocol;

"*Secretary General*" means the officer appointed in accordance with Article 16 of this Supplementary Protocol;

**ARTICLE 3**

Articles 3, 4, 6, 7-2(1), 14-1(3), 14-1 (b), 14-1(c); 15, 16, 19 and 21 are deleted and replaced as follows:

**New Article 3****Designation**

The House of Representatives of the Peoples of the Community shall be designated:

**"ECOWAS PARLIAMENT"****New Article 4****The Life of the Legislature**

The life span of the Legislature shall be four (4) years from the date of its inauguration by the Chairman of the Authority;

**Article 7 - New Paragraph 2 (1)****Terms of Office**

"Representatives shall be elected for a period of four (4) years from the day of swearing-in. Their mandate shall, without any exception, end on the last day of the legislature."

**New Article 14 - Paragraph 1(a)**

The first Session of each new legislature shall be convened by the current Chairman of the Authority upon the recommendation of the President of the Commission.

**New Article 14 - Paragraph 1(b)**

The President of the Commission shall, three (3) months prior to the end of each legislature request Member States to elect their Parliamentarians to the Community Parliament in accordance with Article 15(6) of this Protocol.

**New Article 14 - Paragraph 1(c)**

The President of the Commission shall, upon receiving the names of at least three-quarter of the Members of Parliament forwarded by the States, inform the Chairman of Authority accordingly who shall take necessary measures to convene the Parliament.

**New Article 15****ELECTION OF THE SPEAKER**

1. The Speaker is elected for the life of the Legislature.

2. The position of Speaker shall be allocated to Member States by the Authority in line with an established rotational System based on an alphabetical order of States.
3. All Members of Parliament from the Member State to which the position has been allocated shall be eligible to contest the position.
4. The modalities for the election of the Speaker shall be as defined in the Rules of Procedure of the Parliament.

**FUNCTIONS OF THE SPEAKER**

4. The Speaker shall:
  - a) Preside over all proceedings of Plenary, Bureau and Conference of Bureaux and in his absence, a Deputy Speaker in the order of their precedence takes over.
  - b) Be the Chief authorizing officer of the budget of the Parliament and may designate financial management to the Secretary General in line with the financial regulations of the Community. However, at the expiration of the life of the legislature, the outgoing Speaker loses his powers as the Chief Authorizing Officer of the Parliament. Notwithstanding the provisions of articles 7-2(1) above, the Speaker continues to carry out ceremonial duties until the election of a new Speaker.
  - c) Open, suspend or close the sitting of Parliament.
  - d) Determine the admissibility or otherwise of papers brought to the Parliament.
  - e) Follow up on the implementation of the decisions of the Bureau and Parliament.
  - f) Represent Parliament in relations with other ECOWAS Institutions and third parties.
  - g) Appoint, on the recommendation of the Secretary-General, locally recruited personnel in conformity with the ECOWAS Staff Regulations.

- h) Perform any other duties incidental to these functions. (Political, diplomatic, protocol and ceremonial).
5. For the duration of the transitional period of the Parliament and pending election of its Representatives by direct universal suffrage, the Speaker shall not be resident at the Seat of Parliament.
6. ECOWAS Parliamentarians shall be elected by the national assemblies of Member States and their names shall be communicated to the President of the Commission at least one month before the end of the legislature to ensure the timely installation of the next legislature.

## New Article 16

### STRUCTURE OF THE PARLIAMENT

1. The Parliament shall have political and administrative wings.
2. The structures of the political wing are as follows:
- The Plenary
  - The Bureau of Parliament
  - The Conference of Bureaux

#### A. The Plenary

The Plenary shall be the highest body and its decisions shall be binding on other structures of the Parliament. As an advisory Parliament, the Plenary adopts all Resolutions of Parliament which are to be forwarded to the decision-making bodies of the Community. The Plenary shall however be guided by the provisions of the Treaty and all other legal text of general application to Community Institutions.

#### B. The Bureau

1. The Bureau shall be the governing organ of the Parliament. Its decisions shall be in conformity with the provisions of the Treaty and all other legal texts of general application to Community Institutions.
2. The Bureau shall comprise the Speaker, the first Deputy Speaker, the Second Deputy Speaker, the Third Deputy Speaker and the Fourth Deputy Speaker.

3. The tenure of all Deputy Speakers shall be the same as the Speaker, and their elections shall be conducted in accordance with the Rules of Procedure of the Parliament.
4. In the absence of the Speaker the Deputy Speakers shall preside in their order of precedence.

#### B.1 Functions of the Bureau

The Bureau shall have the following functions:

- a) Determine with the Conference of Committees Bureaux and the Speaker, the draft agenda and all programmes or business of the session, taking into account the approved Community programmes.
- b) Authorize meetings, hearings, fact finding and study tours of Committees away from the headquarters.
- c) Determine, with the assistance of the Selection Committee, the composition of the Standing Committees. In carrying out this assignment, due regard shall be given to linguistic, gender balance and nationality.
- d) Subject to the provisions of the Treaty regarding the mandate of the Council, the Bureau shall:
- i. Maintain at all times a structure that clearly enhances the synergy between the political and the administrative wings of Parliament
  - ii. Issue general guidelines and policy directions for the management and administration of the affairs and facilities of the Parliament and its organs, in accordance with Community rules.
  - iii. Regulate the procedures relating to the internal organization of the Parliament and its organs in accordance with Community rules.
  - iv. Be responsible for prescribing guidelines for the annual budgets within the limits set out by the President of the Commission.

- v. Consider the draft budget and present it to the appropriate committee.
- vi. Appoint the Secretary-General and the Directors and approve the appointment of professional staff on the recommendation of the relevant Advisory Committee on recruitment.
- vii. Undertake any other function as may be prescribed by the Plenary and consistent with Community texts.

### C. The Conference of Committees' Bureaux

1. The Conference of Committees' Bureaux shall be composed of the Speaker, Chairmen or Deputy Chairmen and the Rapporteur of each of the Standing Committees.
2. The Conference shall:
  - a. be the organ of Parliament that shall represent all committees collectively.
  - b. work with the Bureau of the Parliament to prepare the draft annual work-plan of the Parliament taking into account the priority Community programs and work-plans of other Community Institutions. The Speaker shall be the convener and the Chairman of all such joint-Committees.
  - c. collaborate with the Bureau to organize the work-plans of the Standing Committees in accordance with the Rules of Procedure and the terms of reference of the Committees.
  - d. work in close collaboration with National and other Regional Parliaments.
  - e. be chaired by the Speaker who shall convene all meetings of the said conference.

### D. The General Secretariat

1. There is hereby established a General Secretariat of Parliament.
2. The administrative wing of the Parliament shall comprise The General

Secretariat of the Parliament headed by the Secretary General who will be assisted by Directors. The position of the Secretary-General shall be of the professional category.

3. The recruitment of the Secretary General, and the Directors shall be guided by the Staff Regulations of the Community:
4. The appointment of other categories of Staff shall also be in accordance with the laid down procedure of the Community.
5. The Secretary-General is the head of the administration of the Parliament, under the authority of the Speaker, and his or her functions shall be defined in a Council Regulation.
6. At the expiration of the life of each legislature and before the inauguration of a new legislature and consequent election of a Speaker, the Secretary-General shall continue to carry out the day-to-day administration of Parliament.

### New Article 19

#### RULES OF PROCEDURE

The Parliament shall adopt its own Rules of Procedure which shall conform to the Treaty and all other legal texts of general application to Community Institutions.

### New Article 21

1. Any Member State, the Parliament and other Institutions of the Community may submit proposals for the amendment or revision of the Protocol.
2. Any such proposal shall be submitted to the President of the Commission who shall notify other Member States thereof not later than thirty (30) days after the receipt of such proposal. Amendments or revisions shall not be considered by the Authority unless Member States shall be given at least three months notice thereof.
3. Such amendments shall be examined by the Authority in accordance with the provisions of Article 9 of the Treaty.

## ARTICLE 4

Article 6 of Protocol A/P.2/8/94 relating to the Parliament of the Community is reformulated as follows:

1. The Parliament may consider any matter concerning the Community, in particular issues relating to Human Rights and Fundamental Freedoms and make recommendations to the Institutions and Organs of the Community.
2. The powers of the ECOWAS Parliament shall be progressively enhanced from advisory to co-decision making and subsequently to a law making role in areas to be defined by the Authority.
3. Pending the election of the Parliamentarians by direct universal suffrage, the Parliament may be consulted for its opinion on matters concerning the Community. The opinion of the Parliament shall be sought in the following areas:
  - a) interconnection of the communications links between Member States so as to make free movement of persons and goods effective;
  - b) interconnection of telecommunications systems to form an effective Community network with the maximum possible number of extensions to the rural areas to make them more accessible;
  - c) interconnection of energy networks;
  - d) increased cooperation in the area of radio, television and other media links within the Community and between the Community and the rest of the world, development of national communications systems to form an integrated, effective Community System with its own programmes;
  - e) public health policies for the Community;
  - f) common educational policy through harmonization of existing Systems and specialization of existing universities; adjustment of education within the Community to international standards;

- g) youth and sports;
- h) scientific and technological research;
- i) Community policy on environment;
- j) Treaty review;
- k) Community citizenship;
- l) Social integration;
- m) Respect for human rights and fundamental freedoms in all their plenitude.

## ARTICLE 5

In view of the creation of a new Article 4 of Protocol A/P.2/8/94 by the provisions contained herein, the old Article 4 is therefore renumbered Article 5 with all subsequent Articles being numbered thereafter serially.

## ARTICLE 6

All provisions of Protocol A/P.2/8/94 contrary to the provisions herein contained are hereby abrogated.

## ARTICLE 7

1. This Supplementary Protocol shall come into force provisionally upon its signature by the Heads of States and Government. Consequently, signatory Member States, Parliament and the Commission undertake to commence implementation of its provisions.
2. This Supplementary Protocol shall come into force definitively upon its ratification by at least nine (9) signatory States, in accordance with the Constitution of each Member State.

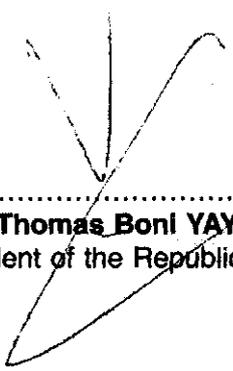
## ARTICLE 8

This Supplementary Protocol and all its instruments of ratification shall be deposited at the Commission which shall transmit certified copies of this Supplementary Protocol to all Member States, notify them of the date of deposit of the instruments of ratification and register this Supplementary Protocol with the African Union, United Nations Organisation and any other organization as may be declared by Council.

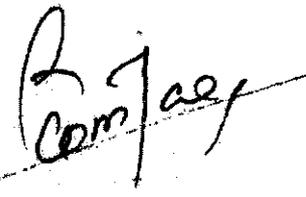
**IN FAITH WHEREOF,  
WE, THE HEADS OF STATE AND GOVERNMENT OF THE  
ECONOMIC COMMUNITY OF WEST AFRICAN STATES,  
HAVE SIGNED THIS SUPPLEMENTARY PROTOCOL**

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

**DONE AT ABUJA,  
THIS 14TH DAY OF JUNE, 2006**

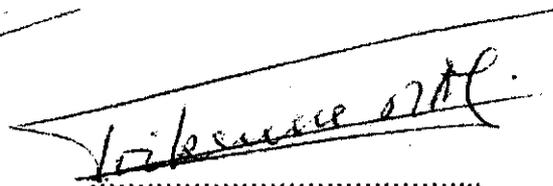


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**H. E. Thomas Boni YAYI**  
President of the Republic of **BENIN**

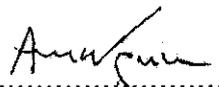


.....  
**H. E. Blaise COMPAORE**  
Chairman of the Council of Ministers  
President of **FASO**

.....  
Republic of **CAPE VERDE**



.....  
**S. E. DR. ALBERT MABRI TOIKEUSSE**  
Minister for African Integration  
Representing the President of the  
Republic of **CÔTE D'IVOIRE**



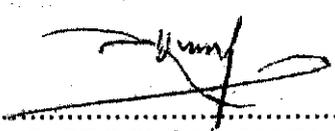
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**H. E. ALIEU NGUM**  
Minister of Trade, Industry and Employment,  
Representing the President of the  
Republic of The **GAMBIA**



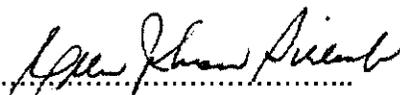
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**H. E. John Agyekum KUFUOR**  
President of the Republic of **GHANA**

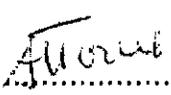


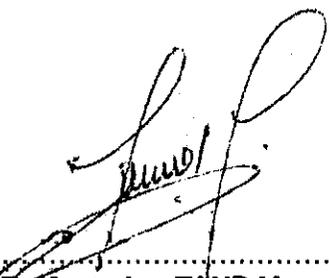
.....  
**H. E. Fatoumata Kaba SIDIBE**  
Minister for International Cooperation  
Representing the President of the  
Republic of **GUINEA**



.....  
**H. E. DE SOUSA - RUI DIA**  
Minister, Presidency of Council of  
Ministers on Social Communication  
and Affairs  
Representing the President of the  
Republic of **GUINEE BISSAU**

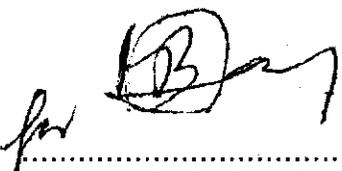
  
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**H. E. ELLEN JOHNSON-SIRLEAF**  
 President of the Republic of **LIBERIA**

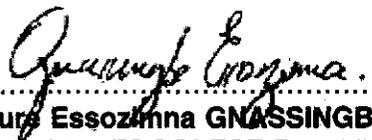
  
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**H. E. Amadou Toumani TOURE**  
 President of the Republic of **MALI**

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

  
 .....  
**H. E. Olusegun OBASANJO, GCFR**  
 President and Commander-in-Chief  
 of the Armed Forces of the Federal  
 Republic of **NIGERIA**

  
 .....  
**H. E. ABDOU AZIZ SOW**  
 Minister for NEPAD, Economic  
 Integration in Africa and Good  
 Governance Policy  
 Representing the President of the  
 Republic of **SENEGAL**

  
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**H. E. Alh. (Dr.) Ahmad Tejan KABBAH**  
 President of the Republic of  
**SIERRA LEONE**

  
 .....  
**H. E. Faure Essozimna GNASSINGBE**  
 President of the **TOGOLESE** Republic

Republic of GUINEE BISSAU  
 President of the Republic of the

**DECISION A/DEC.1/6/06 RELATING TO THE COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

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

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

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

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

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

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

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

ANXIOUS to improve the productivity and efficiency of the Commission;

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

DESIROUS of adopting all necessary measures to this end;

ON THE RECOMMENDATION of the fifty-sixth Session of the Council of Ministers held in Abuja on the 12 and 13 June, 2006;

**DECIDES**

**ARTICLE 1**

1. The Commission of the Economic Community of West African States shall be under the authority of its President.
2. The President of the Commission of the Economic Community of West African States shall be assisted by a Vice-President and seven (7) Commissioners.
3. The Authority may restructure the Commission and modify the number of Commissioners if it deems it necessary.

**ARTICLE 2**

1. Allocation to Member States of Statutory positions within the Commission for the initial take-off of that Institution shall be guided by principles of continuity, equity and solidarity as well as implementation of the Protocol on the Community levy;
2. The initial representation of Member States within the Commission and the allocation of the position of Financial Controller of the Community Institutions shall be as follows:
  - a) For the Commissioner positions: Burkina Faso, Côte d'Ivoire, Ghana, Mali, Niger, Nigeria, Senegal, Sierra Leone and the Togolese Republic;
  - b) For the Financial Controller:  
- *The Gambia.*

**ARTICLE 3**

1. The Commissioners shall be appointed for a non-renewal period of four (4) years.
2. On an exceptional basis, Nigeria shall maintain a permanent presence on the Commission but shall not encumber any particular position permanently;
3. No Member State shall encumber the same position twice consecutively.
4. The Executive Secretary shall propose a balanced, predictable and transparent

rotational scheme for allocation of statutory positions within the Institutions of the Community, taking into account the alphabetical order of States.

#### ARTICLE 4

Without prejudice to the duties of the Executive Secretary as set out in the Revised Treaty and as assigned to him, the Commission exercise powers in order to ensure the proper functioning and to safeguard the general interest of the Community. In this context, it shall make any recommendation to Council and to the Authority which it may deem necessary for the protection and development of the Community.

#### ARTICLE 5

The Commission shall make proposals to Council and to the Authority to enable them take decisions on major policy guidelines adopted by Member States and the Community.

#### ARTICLE 6

The Commission may seek any useful information from any national institution through the ECOWAS National Units; hold any necessary consultation with these institutions and structures if it thinks that such information or consultation can enhance the accomplishment of its assignment.

#### ARTICLE 7

The Commission may adopt Rules on the implementation of Acts enacted by Council. Implementation Rules adopted by the Commission shall have the same legal force as Council Acts to be implemented.

#### ARTICLE 8

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

**DONE AT ABUJA,  
THIS 14TH DAY OF JUNE 2006.**

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

## **DECISION A/DEC. 2/06/06 ESTABLISHING THE JUDICIAL COUNCIL OF THE COMMUNITY**

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

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

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

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

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

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

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

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

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

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

DESIROUS therefore to establish a credible organ capable of effectively managing the process of recruiting judges on a competitive basis and to

adopt an independent disciplinary mechanism which guarantees transparency of deliberations and objectivity of decisions in disciplinary matters;

ON THE RECOMMENDATION of the fifty-sixth Ordinary Session of the Council of Ministers held in Abuja from 12 - 13 June, 2006;

## DECIDE

### ARTICLE 1: ESTABLISHMENT

There is hereby established a Judicial Council of the Community to be responsible for the recruitment and discipline of judges of the Community Court of Justice

### ARTICLE 2: COMPOSITION

1. For the recruitment of judges to the Community Court of Justice, the Judicial Council of the Community shall comprise the Chief Justices of the Supreme Courts of Member States or their representatives to which positions of judges have not been allocated.
2. For disciplinary matters, the Judicial Council of the Community shall comprise the Chief Justices of the Supreme Courts of Member States or their representatives which do not have judges on the Community Court of Justice, and one representative of the judges of this Court, elected by his peers for one year.
3. The representatives of the Chief Justices of the Supreme Court shall be judges of the Supreme Court.

### ARTICLE 3: DURATION OF TERM

Membership of the Judicial Council of the Community shall change whenever new judges are appointed to the Community Court of Justice and when a new representative is elected for the judges in accordance with article 2(2) of this Regulation.

### ARTICLE 4: FUNCTIONS

1. The Judicial Council of the Community, constituted as stated in Article 2 paragraph 1 above, shall shortlist three (3) candidates per Member State, from among the applicants of the member States to which the positions have been allocated. This Council shall

interview the short-listed candidates and recommend the appointment of the judges to the Community Court of Justice by the Authority of Heads of State and Government through the Council of Ministers.

2. The Judicial Council of the Community constituted as stated in Article 2 paragraph 2 above, shall examine cases of gross misconduct and inability to perform the functions of a judge by reason of physical or mental disability of members of the Court. The Judicial Council of the Community, through the Council of Ministers, shall make recommendations to the Authority in case of criminal acts committed by judges of the Community Court of Justice.

### ARTICLE 5: OPERATIONS

1. The Judicial Council of the Community, shall prepare its Rules of Procedure which shall be adopted by the Council of Ministers, on the recommendation of the Executive Secretary. The Rules of Procedure of the Judicial Council shall, among other things, address frequency of meetings, types of complaints, conservative measures and sanctions that may be recommended for each complaint, method of investigating matters referred to the Council, defence and protection of the interests of the judge concerned by the case.
2. The Judicial Council of the Community shall elect its Chairman and other members of the Bureau.
3. The Judicial Council of the Community may be assisted by other ECOWAS organs or offices such as the Audit Committee, Financial Controller or Medical Council.
4. Complaints or allegations shall be forwarded to the Chairman of the Community Judicial Council, through the ECOWAS Executive Secretary. The Chairman shall make necessary consultations with other members of the Council and shall, where necessary, request the Executive Secretary to convene a meeting of the Judicial Council. The Chairman shall thereafter inform the Court about the proposed meeting of the Community Judicial Council.

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5. The Judicial Council of the Community shall prepare its draft budget which shall be incorporated into that of the Executive Secretariat.

#### ARTICLE 6 : PUBLICATION

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

**DONE AT ABUJA,  
THIS 14TH DAY OF JUNE 2006.**



**H.E. MAMADOU TANDJA  
CHAIRMAN**

**FOR THE AUTHORITY**

#### **DECISION A/DEC.3/06/06 RE-ORGANISING THE ECOWAS BANK FOR INVESTMENT AND DEVELOPMENT (EBID) GROUP**

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

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

MINDFUL of Protocol A/P.1/12/01 amending Articles 1, 3, 6 and 21 of the ECOWAS Treaty, to reflect the transformation of the ECOWAS Fund into a holding company called ECOWAS Bank for Investment and Development (EBID) with two subsidiaries;

MINDFUL of Protocol A/P.2/12/01 relating to the ECOWAS Bank for Investment and Development;

CONSIDERING that the current organisational structure of EBID engenders duplication of functions, does not reflect the fact that the subsidiaries belong to a group, creates problems at various levels and entails excessive costs;

ACKNOWLEDGING the need to ensure harmony between the organisational structure of EBID and its subsidiaries and consistency of the procedures and practices of these entities with the group's strategic vision;

AWARE that it is beneficial to attain the objectives of EBID and to draw on best practices and reliable procedures that have proved efficacious in similar financial development institutions;

WISHING in this context to re-organise the Group of the ECOWAS Bank for Investment and Development;

ON THE RECOMMENDATION of the third extraordinary session of the EBID Board of Directors, held in Ouagadougou on 19 May 2006.

**DECIDES**

#### **ARTICLE 1**

The EBID Group is hereby re-organised into a single entity with two operational windows, namely, a private sector window and a public sector window.

**ARTICLE 2**

The re-organised EBID Group shall be headed by a President, who shall be assisted by two Vice-Presidents.

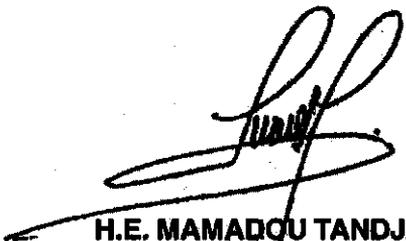
**ARTICLE 3**

Protocols A/P.1/12/01 and A/P.2/12/01 shall be amended to reflect the re-organisation of EBID as prescribed by this decision.

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

**DONE AT ABUJA,  
THIS 14TH DAY OF JUNE 2006.**



**H.E. MAMADOU TANDJA  
CHAIRMAN**

**FOR THE AUTHORITY**

**DECISION A/DEC.4/06/06 ALLOCATING THE POSITION OF THE PRESIDENT OF THE COMMISSION OF ECOWAS TO THE REPUBLIC OF GHANA**

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

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

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

MINDFUL of Supplementary Protocol A/SP.1/06/06 amending the Revised Treaty of the Economic Community of West African States and adopted by the Authority of Heads of State and Government in Abuja on 14th June 2006;

MINDFUL of the Final Communiqué of the twenty-eighth session of the Authority of Heads of State and Government in which the Heads of State and Government issued the directive that the Executive Secretariat should be transformed into a Commission, with a view to enabling it adapt to the international environment and more successfully fulfill its role in the sub-regional integration process;

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

MINDFUL of Regulation C/REG.1/06/06 approving the Organisational Structure of the Commission of ECOWAS and establishing positions of President, Vice-President and seven (7) other Commissioners within the new structure;

MINDFUL of Article 2 of the Supplementary Protocol A/SP.1/06/06 amending Articles 17 and 18 of the Revised Treaty on the establishment of Commissioner positions and mode of appointment of the President of the Commission and other Commissioners;

MINDFUL of Decision A/DEC.1/06/06 relating to the Commission of ECOWAS where the Authority decided that, for the initial take-off of the Commission, allocation to Member States of statutory positions therein, shall be guided by principles of continuity, equity and solidarity and

shall also be guided by the implementation of the provisions of the Protocol on Community Levy;

GUIDED by the above stated Decision which allocated the nine (9) Commissioner positions within the Commission as well as the position of Financial Controller to Member States;

CONSIDERING Decision A/DEC.24/12/01 which had allocated the post of the Executive Secretary of ECOWAS to the Republic of Ghana and the Appointment of DR. MOHAMED IBN CHAMBAS as the Executive Secretary of the Economic Community of West African States;

DESIRING therefore to allocate the position of the President of the Commission to a Member State.

## DECIDES

### ARTICLE 1

The position of President of the Commission is hereby allocated to the Republic of Ghana.

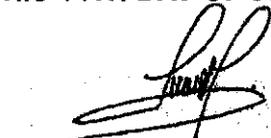
### ARTICLE 2

1. The position of President of the Commission shall be occupied by Dr. Mohamed Ibn Chambas, who is currently the Executive Secretary of ECOWAS;
2. Dr. Mohamed Ibn Chambas serving as President of the Commission shall have a four (4) year tenure which commences on the 1st of January 2007.

### 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 Authority. It shall also be published by each Member State in its Official Journal, within the same time frame.

**DONE AT ABUJA,  
THIS 14TH DAY OF JUNE 2006.**

  
**H.E. MAMADOU TANDJA**  
CHAIRMAN

**FOR THE AUTHORITY**

## DECISION A/DEC.8/06/06 ALLOCATING TO MEMBER STATES THE POSITIONS OF COMMISSIONERS WITHIN THE ECOWAS COMMISSION

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

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

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

MINDFUL of Supplementary Protocol A/SP.1/06/06 amending the Revised Treaty of the Economic Community of West African States and adopted by the Authority of Heads of State and Government in Abuja on 14th June 2006;

MINDFUL of the Final Communiqué of the twenty-eighth session of the Authority of Heads of State and Government in which the Heads of State and Government issued the directive that the Executive Secretariat should be transformed into a Commission, with a view to enabling it adapt to the international environment and more successfully fulfill its role in the sub-regional integration process;

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

MINDFUL of Regulation C/REG.1/06/06 approving the Organisational Structure of the Commission of ECOWAS and establishing positions of Commissioners within this new structure;

MINDFUL of Article 2 of the Supplementary Protocol A/SP. 1/06/06 amending Articles 17 and 18 of the Revised Treaty on the establishment of Commissioner positions and mode of appointment of Commissioners;

MINDFUL of Decision A/DEC.1/06/06 relating to the Commission of ECOWAS where the Authority decided that for the initial take-off of the Commission, allocation to Member States of Statutory Positions therein, shall be guided by principles of continuity, equity, and solidarity and shall also be guided by the implementation of the provisions of the Protocol on Community Levy;

GUIDED by the above stated Decision which allocated the nine (9) Commissioner positions within the Commission as well as the position of Financial Controller to Member States;

DESIRING therefore to allocate specific offices to Member States to facilitate the appointment of Commissioners and the functioning of the Commission by January 2007.

## DECIDES

### ARTICLE 1

The under mentioned Commissioner positions within the Commission which have the status of Statutory positions are hereby allocated to the following Member States:

- a) Vice President of the Commission  
- **Burkina Faso**
- b) Commissioner for Macroeconomic Policies  
- **Republic of Côte d'Ivoire**
- c) Commissioner for Political Affairs, Peace and Security  
- **Republic of Mali**
- d) Commissioner for Agriculture, Environment and Water Resources  
- **Republic of Niger**
- e) Commissioner for Administration & Finance  
- **Federal Republic of Nigeria**
- f) Commissioner for Human Development & Gender  
- **Republic of Senegal**
- g) Commissioner for Trade, Customs, Free Movement of Persons and Goods  
- **Republic of Sierra Leone**
- h) Commissioner for Infrastructure  
- **Togolese Republic**

### ARTICLE 2

The Position of Financial Controller is hereby allocated to the Republic of The Gambia.

### ARTICLE 3

1. With the exception of the Republics of The Gambia, Ghana and Mali, each of the Member States referred to in Article 1 shall carry out widespread advertisement of the position allocated to it in order to attract applications from its nationals.

2. Upon receipt of the applications referred to in Paragraph 1 above, the Executive Secretariat shall immediately forward them to the Ministerial Committee for the Selection and Evaluation of Statutory Appointees, which shall carry out preselection and interview exercises.

3. The Committee shall carry out the recruitment exercise within the shortest possible time;

4. The Executive Secretariat shall send the recommendations of the Ministerial Committee to the Chairman of the Council of Ministers, who shall, after consultations with other Members of Council, appoint the new Commissioners.

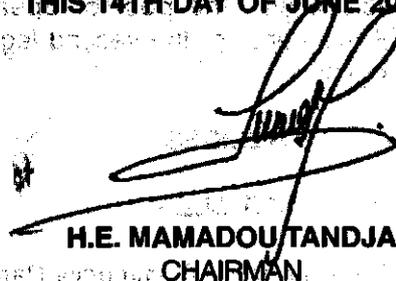
### ARTICLE 4

Each appointment shall take effect on the day the officer assumes duty following receipt of a letter of appointment by the officer. The tenure of the appointments are for periods of four (4) years non renewable each.

### ARTICLE 5

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

DONE AT ABUJA,  
THIS 14TH DAY OF JUNE 2006.



H.E. MAMADOU TANDJA  
CHAIRMAN

FOR THE AUTHORITY

**DECISION A/DEC.6/06/06 ALLOCATING THE POST OF SPEAKER OF THE COMMUNITY PARLIAMENT TO THE REPUBLIC OF NIGER**

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

CONSIDERING Articles 7, 8 and 9 of the Revised ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and duties;

CONSIDERING the provisions of Articles 6 and 13 of the Treaty relating to Community institutions and the establishment of the Community Parliament;

CONSIDERING Protocol A/P.2/8/94 on the Community Parliament;

CONSIDERING Supplementary Protocol A/SP.3/06/06 amending Protocol A/P.2/8/94 relating to the Community Parliament, in particular its new Article 15 on election of the Speaker of Parliament;

CONCERNED to institute a procedure for the election of Speaker of Parliament that would give all member States a chance to occupy this important post as quickly as possible, in accordance with the Community policy of allocating important posts to Member States;

CONVINCED of the need to allocate the post of Speaker of the Community Parliament according to an alphabetical order of rotation which would afford every Member State an opportunity to occupy the position in turn, and at the same time takes due account of the application of the Community Levy by Member States;

NOTING that the Republic of Mali occupied the position of Speaker of the Community Parliament during the just-ended first legislature;

DESIROUS to give the Member State following Mali, in alphabetical order, the post of Speaker of Community Parliament, for the second legislature of the Parliament;

**DECIDES**

**ARTICLE 1**

The post of Speaker of the Community Parliament is hereby allocated to the Republic of Niger, for the second legislature of the Parliament.

**ARTICLE 2**

All nationals of the Republic of Niger, who are members of the Community Parliament in the second legislature, shall be eligible to run for the position of Speaker of Parliament.

**ARTICLE 3**

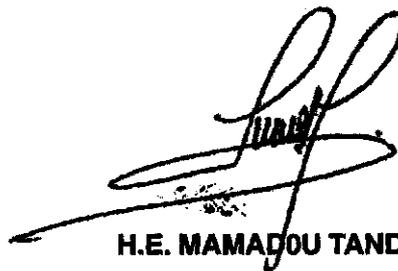
The Speaker of the Community Parliament shall be elected by all members of the Parliament, from among the eligible candidates, in accordance with Article 2 of this Decision.

**ARTICLE 4**

The Executive Secretariat shall publish this decision in the Official Journal of the Community within thirty (30) days of the date on which it is signed by the Chairman of Authority. It shall also be published by each Member State in its Official Journal within the same time frame.

**DONE AT ABUJA,  
THIS 14 DAY OF JUNE 2006**

**FOR THE AUTHORITY,  
THE CHAIRMAN,**



**H.E. MAMADOU TANDJA**

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

**THE COUNCIL OF MINISTERS,**

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

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

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

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

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

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

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

**ENACTS**

**ARTICLE 1**

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

**ARTICLE 2**

1. The Commission of the Economic Community of West African States shall be placed under

the authority of its President, who shall be assisted by a Vice-President and seven (7) other Commissioners.

2. The President and Vice-President shall not be chosen from the same linguistic group.

**ARTICLE 3**

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

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

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

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

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

**ARTICLE 4**

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

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

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

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

- d) The Vice-President shall assume any other responsibilities that may be delegated to him/her by the President of the Commission.
2. The Vice-President shall oversee the Community Computer Centre.

#### ARTICLE 5

1. The Commissioners shall be under the authority of the President. They shall report to the President through the Vice-President, be responsible for the following technical areas and oversee the following departments:

- a) Commissioner for Administration and Finance:
- i) the Department of General Administration;
  - ii) the Department of Human Resources;
  - iii) the Conference Department;
  - iv) the Department of Finance.
- b) Commissioner for Agriculture, Environment and Water Resources:
- i) the Department of Agriculture and Rural Development;
  - ii) the Department of Environment and Water Resources;
- c) Commissioner for Human Development and Gender:
- i) the Department of Education, Science and Technology;
  - ii) the Department of Gender, Social Affairs, Youth, Sports and Culture
- d) Commissioner for Infrastructure:
- i) the Department of Transport and Telecommunications;
  - ii) the Department of Industry;
  - iii) the Department of Energy;
- e) Commissioner for Macroeconomic Policies:
- i) the Department of Multilateral Surveillance;

- ii) the Department of Research and Statistics.
  - iii) the Department of Private Sector
- f) Commissioner for Political Affairs, Peace and Security:
- i) the Department of Political Affairs;
  - ii) the Observation and Monitoring Centre;
  - iii) the Department of Peacekeeping Operations and Regional Security;
  - iv) the Department of Humanitarian Affairs;
- g) Commissioner for Trade, Customs and Free Movement of Persons and Goods:
- i) the Department of Trade and Customs;
  - ii) the Department of Free Movement of Persons and Tourism;

#### ARTICLE 6

The Council of Ministers may restructure the departments referred to in Article 5 above or create new ones, if it deems necessary.

#### ARTICLE 7

The relevant Commissioners and their staff shall maintain and develop, at the technical level, close working relations with the Specialised Institutions.

#### ARTICLE 8

The heads of the departments within the Commission shall be known as Directors.

#### ARTICLE 9

The post of "Commissioner" applies only to the structure of the Executive Secretariat; the executive officers of the Parliament and the Court of Justice are not affected by the transformation of the Executive Secretariat into a Commission.

**ARTICLE 10**

The heads of the West African Health Organisation (WAHO) and of the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) and their deputies shall be known as Directors-General and Deputy Directors-General respectively.

**ARTICLE 11**

The members of the Management of the ECOWAS Investment and Development Bank (EBID) and those of its subsidiaries shall be appointed in accordance with the rules and regulations in force in these institutions.

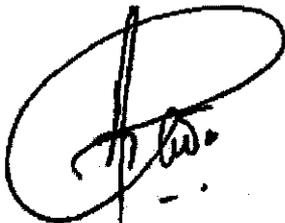
**ARTICLE 12**

The heads of the Water Resources Unit, the Gender Development Centre and the Youth and Sports Development Centre shall be known as Directors. They are professional officers and report to Commissioners.

**ARTICLE 13**

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

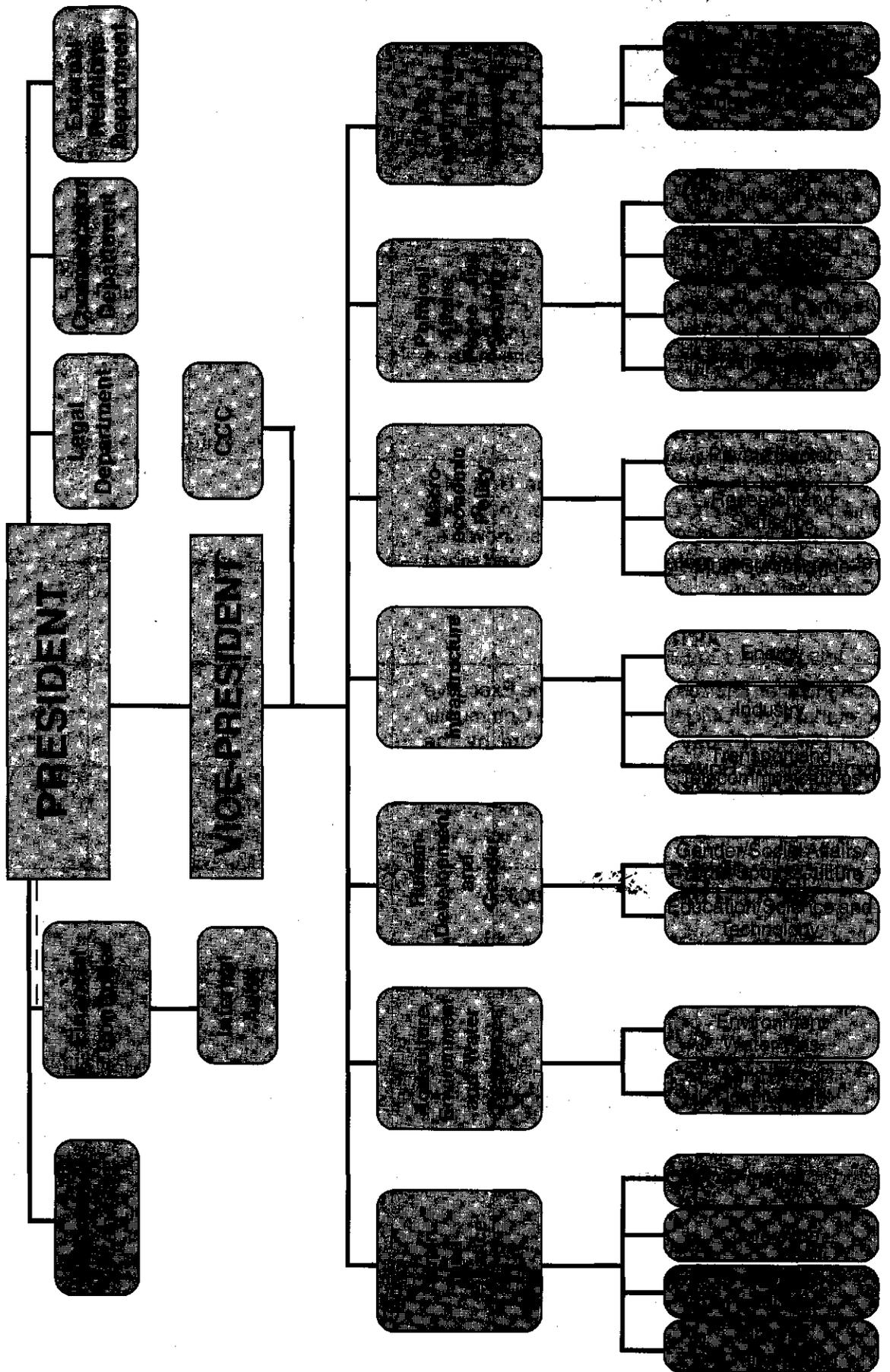
**DONE AT ABUJA,  
THIS 13TH DAY OF JUNE, 2006.**



**HON. AÏCHATOU MINDAOUDOU,  
CHAIRMAN,**

**FOR COUNCIL**

ORGANOGRAM OF THE COMMISSION



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

**THE COUNCIL OF MINISTERS,**

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

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

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

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

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

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

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

**ENACTS**

**ARTICLE 1**

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

**ARTICLE 2**

1. The President shall be the Head of the Community Court of Justice.
2. In addition to his/her other responsibilities, the President shall represent the Court in its relations with other ECOWAS institutions and with third parties.

**ARTICLE 3**

1. A Bureau shall be set up within the Community Court of Justice.
2. The Bureau shall be made up of three (3) Members of the Court namely: the President, the Vice-President and the oldest and longest serving Judge of the Court. The President shall be Chairman of the Bureau.
3. The Bureau shall be responsible for the strategic orientation of the Court and for supervising its management and administration.
4. It shall examine the draft work programme and provide policy guidelines for the annual budget to be presented to the Council of Ministers, through the Administration and Finance Commission.
5. The Bureau shall define the procedures relating to the internal organisation of the Court in accordance with Community texts.
6. The Bureau shall have responsibility over the management of the budget of the Court and designate this authority to the Director of Administration and Finance, in line with the Financial Regulations of the Community.

**ARTICLE 4**

1. The Chief Registrar and the Deputy shall be professional staff and career officers of the Court, in order to ensure continuity within the Institution and to serve as institutional memory. The Chief Registrar shall have the rank of Director D2 while the Deputy shall have the rank of Director D1.
2. He/she supervises, monitors and coordinates the activities of the Court registry and provides services for the efficient discharge of the judicial functions of the Members of the Court.
3. He is responsible for the acceptance, transmission and custody of documents and supervises the preparation of minutes and records of the Court and is also present at all Court sittings.
4. The Chief Registrar shall supervise the departments and divisions placed under his/her responsibility.

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

#### **ARTICLE 5**

1. The Director of Administration and Finance shall manage the day-to-day running of the administrative Secretariat of the Court and shall be the channel of communication between the Departments and the President on administrative matters.
2. He/she shall be responsible for all procedure for the recruitment of professional and locally recruited staff in accordance with the relevant ECOWAS Staff Regulations and shall chair the Advisory Committees in charge of recruitment of all categories of staff, except the Committee for the appointments of Directors, P6 and P5 team leader positions.
3. The Director of Administration and Finance shall prepare the annual draft budget of the Court, based on the general guidelines provided by the Bureau as well as the work programme of the Court.
4. He/she shall be the accounting officer of the Court and shall submit quarterly financial statements to the Bureau through the President.

#### **ARTICLE 6**

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

#### **ARTICLE 7**

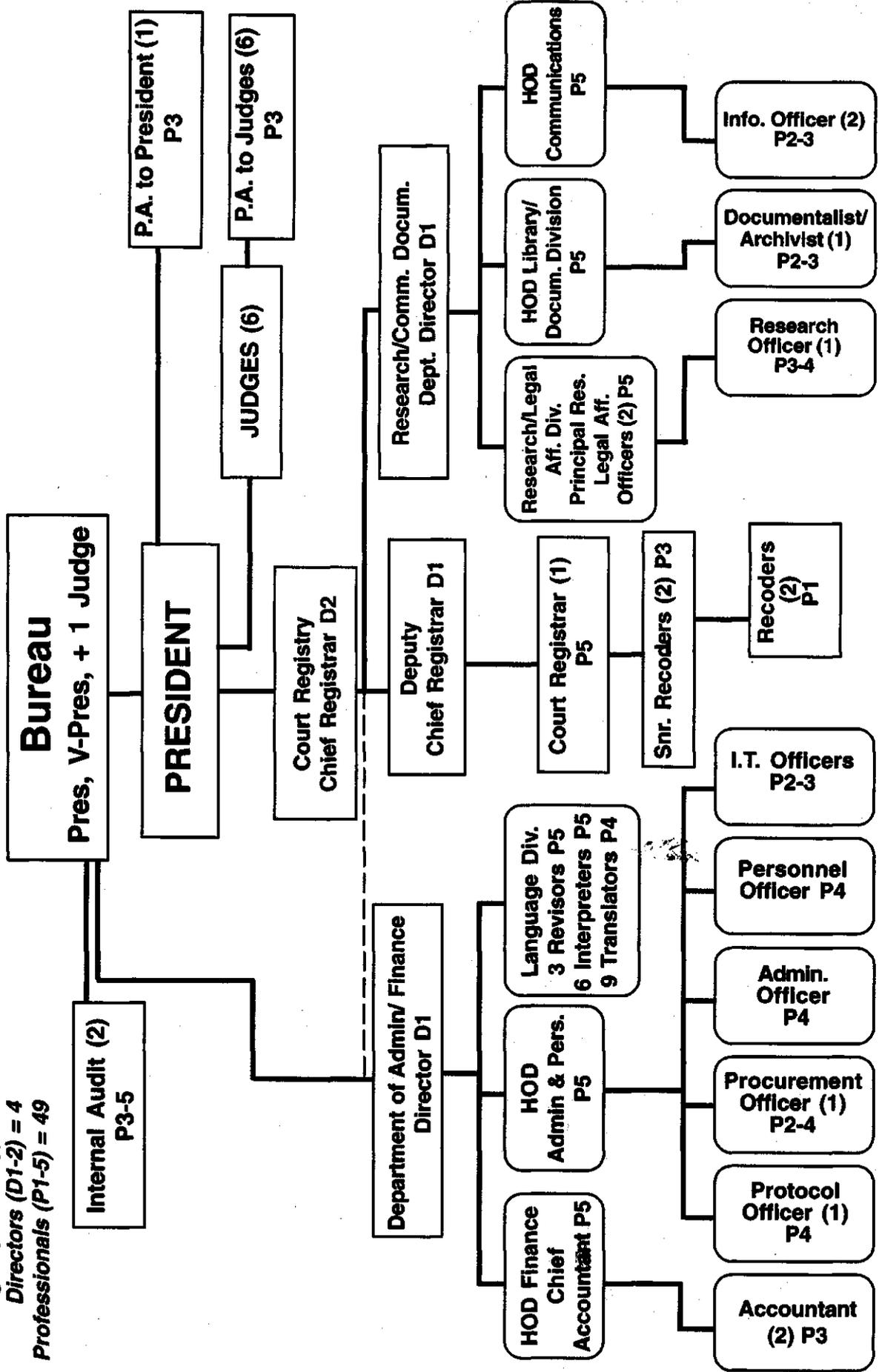
This Regulation shall be published by the Executive Secretariat in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall also be published by each Member State, in its Official Journal, within the same time frame.

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

  
**HON. AICHATOUMINDAOU DOU,  
CHAIRMAN  
FOR COUNCIL**

**ORGANOGRAM OF THE COMMUNITY COURT OF JUSTICE**

Judges (Statutory) = 7  
 Directors (D1-2) = 4  
 Professionals (P1-5) = 49



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

**THE COUNCIL OF MINISTERS,**

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

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

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

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

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

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

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

**ENACTS**

**ARTICLE 1:  
ADMINISTRATIVE SECRETARIAT OF THE  
PARLIAMENT**

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

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

**ARTICLE 2:  
ADMINISTRATIVE MANAGEMENT  
OF THE PARLIAMENT**

1. The Administrative Secretariat of the Parliament shall be headed by a Secretary-General, who shall be the Chief Adviser of the Speaker on all matters of administration and procedure.
2. The Secretary General shall manage the day to day running of the Secretariat of the Parliament and be the channel of communication between the Speaker, other members of Parliament and the Secretariat which he/she heads.
3. The Secretary General shall amongst other duties, oversee the preparation of minutes and reports of all the proceedings of Parliament, Bureau and the Committees, ensure their publication and safe custody, and also deploy staff from the Secretariat to service the Plenary, Bureau, Standing Committees and Ad - hoc Committees.
4. He/she shall be responsible for all procedures for the recruitment of professional staff of the Parliament in accordance with the ECOWAS staff regulations and shall chair the Advisory Committee in charge of recruitment of professional staff, except the appointment of Directors, P6 and P5 managerial positions.
5. The Secretary-General shall be assisted by Directors one of whom shall act as the Secretary-General in the absence of and upon designation by the Secretary General.
6. The Secretary-General shall be classified under the Professional category of staff Members as Director grade 2 (D2). The grade of the Secretary-General as professional officer D2 becomes effective at the expiration of the tenure of the officer encumbering the position.
7. Other administrative duties of the Secretary-General shall be provided under the Rules of Procedure of the Parliament.

**ARTICLE 3:  
FINANCIAL MANAGEMENT OF THE  
PARLIAMENT**

1. The Speaker shall be the Chief Authorizing Officer of the budget of the Parliament and shall designate financial management to the Secretary-General in line with the Financial Regulations of the Community.
2. The Secretary-General shall be the Accounting Officer of the Parliament and shall submit to the Bureau through the Speaker quarterly financial statements.
3. The Secretary-General shall also prepare the annual draft Budget of the Parliament based on the general guidelines provided by the Bureau and work programme of the Parliament.
4. The Parliament shall ensure recruitment of competent staff in the Accounts and Audit Units of the Secretariat as provided under the approved organogram referred to under Article 3 of this Regulation. It shall also ensure full computerization of its accounting system to facilitate efficient financial management.
5. The financial operations and procurement procedures of the Parliament shall be guided by the Community financial Regulations, the Tender code, and all other Community procurement procedures that are of general application to the Community Institutions.

**ARTICLE 4:  
ORGANIZATIONAL CHART**

1. The attached Organizational Chart which is in conformity with contemporary Parliamentary structures is hereby adopted for the ECOWAS Parliament.
2. The Organizational Chart shall guide all staff recruitment for the Parliament.
3. Without prejudice to already existing personnel within the Parliament, recruitment of staff based on this organogram shall be spread over a three-year period in conformity with the attached recruitment plan which is also hereby adopted for the Parliament.

**ARTICLE 5:  
PARLIAMENTARY COMMITTEES**

1. In order to create greater synergy in the operations of Parliament, particularly in its

working relationships with other institutions of the Community, the Parliament shall maintain or re-constitute Parliamentary standing Committees that reflect the areas of competence covered by the ECOWAS Technical Commissions established by the Treaty.

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

**ARTICLE 6:  
RULES OF PROCEDURE**

1. The Rules of Procedure of the Parliament shall primarily deal with issues relating to the ordinary business of the Parliament as prescribed by Protocol A/P.2/8/94 relating to the Community Parliament.
2. All provisions contained in the Rules of Procedure of the Parliament shall be consistent with provisions of the legal texts and policies of the Community

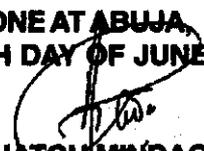
**ARTICLE 7:  
RESIDENCY OF THE SPEAKER**

1. Within the current transitional period of Parliament and pending the election of Parliamentarians by direct-universal suffrage, the Speaker shall not be resident at the Seat of the Parliament.
2. The Speaker or any member of the Bureau of Parliament designated by the Speaker may travel to the Seat of Parliament to give political direction to the affairs of Parliament whenever necessary.

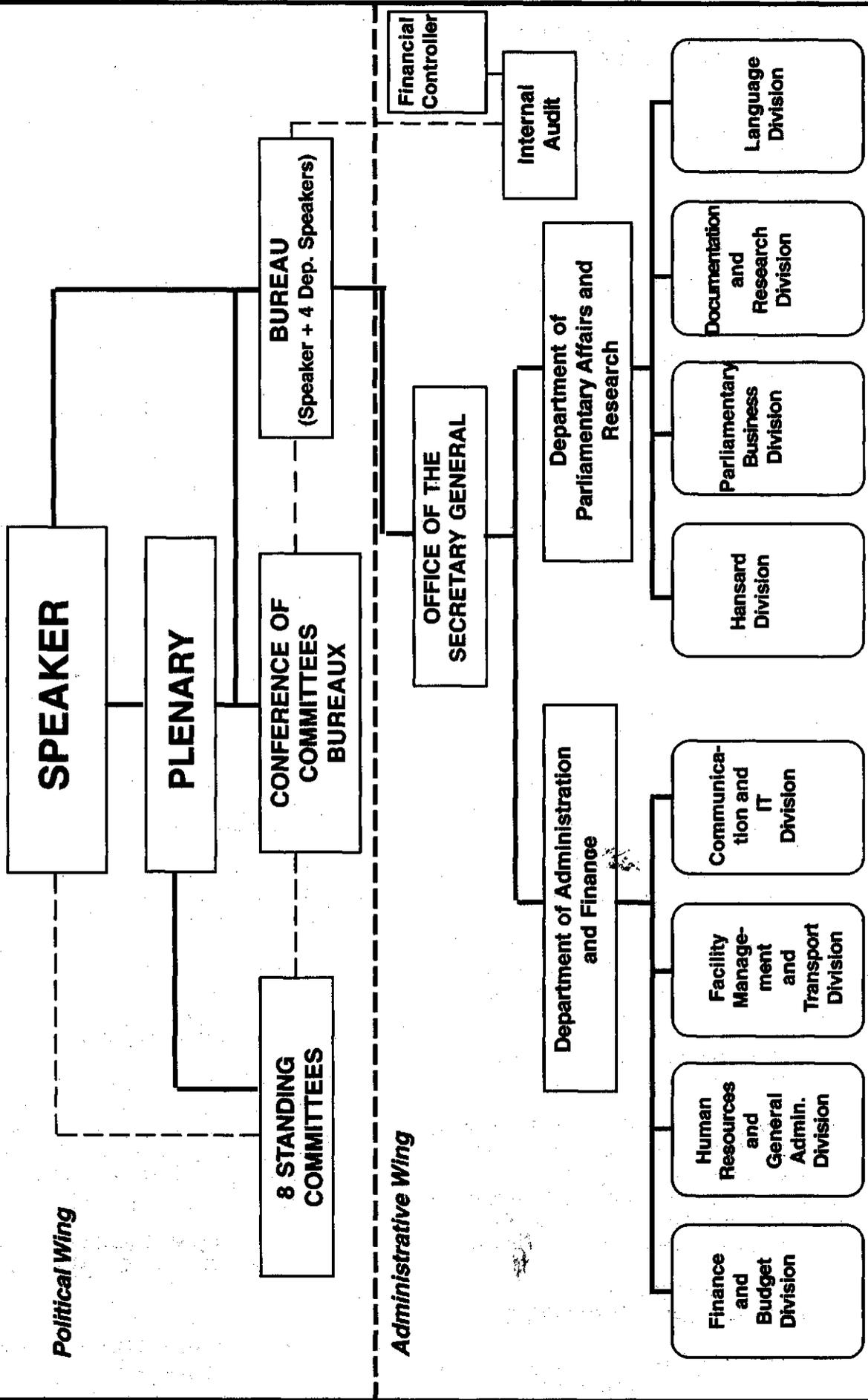
**ARTICLE 8:  
ENTRY INTO FORCE**

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

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

  
**HON. AICHATOUMINDAODOU  
CHAIRPERSON,  
FOR THE COUNCIL**

# ORGANOGRAM AND STAFFING PLAN ECOWAS PARLIAMENT - GENERAL STRUCTURE



**THE COMMUNITY PARLIAMENT  
RECRUITMENT PLAN FOR PROFESSIONAL STAFF**

**2006**

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

**2007**

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

**2008**

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

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

**THE COUNCIL OF MINISTERS,**

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

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

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

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

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

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

**ENACTS**

**ARTICLE 1**

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

**ARTICLE 2**

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

**ARTICLE 3**

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

**ARTICLE 4**

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

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



**HON. AÏCHATOU MINDAOUDOU,  
CHAIRMAN,**

**FOR COUNCIL**

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

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

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

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

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

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

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

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

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

DESIROUS of providing the Community Institutions with highly qualified staff;

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

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

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

**ENACTS**

**ARTICLE 1**

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

**ARTICLE 2**

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

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



**HON. AÏCHATOU MINDAOUDOU,  
CHAIRPERSON,  
FOR THE COUNCIL**

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

### **THE COUNCIL OF MINISTERS,**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **RECOMMENDS**

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

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



**HON. AÏCHATOU MINDAOUDOU,  
CHAIRPERSON,  
FOR COUNCIL.**

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

**THE COUNCIL OF MINISTERS,**

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

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

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

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

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

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

ANXIOUS to improve the productivity and efficiency of the Commission;

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

DESIROUS of adopting all necessary measures to this end;

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

**RECOMMENDS**

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

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



**HON. AÏCHATOU MINDAOUDOU,  
CHAIRMAN,  
FOR COUNCIL.**

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

**THE COUNCIL OF MINISTERS,**

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

MINDFUL of Article 33 of Protocol A/P.1/7/91 on the procedure for amending the Protocol on the Community Court of Justice;

MINDFUL of Supplementary Protocol A/SP.1/1/05 amending the Protocol on the Community Court of Justice;

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

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

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

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

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

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

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

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

**RECOMMENDS**

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

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



**HON. AÏCHATOU MINDAOUDOU,  
CHAIRPERSON,  
FOR THE COUNCIL**

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

**THE COUNCIL OF MINISTERS,**

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

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

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

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

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

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

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

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

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

DESIROUS therefore of establishing a credible organ capable of effectively managing the process of recruiting judges on a competitive basis and to adopt an independent disciplinary mechanism which

guarantees transparency of deliberations and objectivity of decisions in disciplinary matters;

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

**RECOMMENDS**

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

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



**HON. AÏCHATOU MINDAOUDOU,  
CHAIRPERSON,**

**FOR COUNCIL**

**RECOMMENDATION C/REC.5/06/06 AMENDING  
PROTOCOL A/P.2/8/94 RELATING TO THE  
COMMUNITY PARLIAMENT**

**THE COUNCIL OF MINISTERS,**

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

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

MINDFUL of Protocol A/P.2/8/94 relating to the Community Parliament;

MINDFUL of Decision A/DEC.6/01/06 adopted by the 29th session of the Authority of Heads of State and Government relating to modalities for the effective implementation of Article 6 of Protocol A/P.2/8/94 relating to the Community Parliament;

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

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

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

DESIROUS of amending the relevant provisions of Protocol A/P.2/8/94 relating to the Community Parliament to achieve the above mentioned objectives;

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

**RECOMMENDS**

**TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT** to adopt the draft Supplementary Protocol attached herewith, amending Protocol A/P.2/8/94 relating to the Community Parliament.

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



**HON. AÏCHATOU MINDAOUDOU,  
CHAIRMAN,**

**FOR COUNCIL**

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

**THE COUNCIL OF MINISTERS,**

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

MINDFUL of Articles 4 of Protocol A/P.8/94 of 6th August 1994, on the Parliament which provides that the Headquarters of the Parliament shall be decided by the Authority;

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

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

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

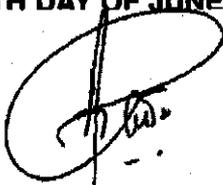
AFTER HAVING reiterated its gratitude to the Federal Republic of Nigeria whose important efforts made it possible for the Community Parliament to commence its operations under excellent conditions in Abuja;

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

### RECOMMENDS

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

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



**HON. AÏCHATOU MINDAOUDOU,  
CHAIRPERSON,**

**FOR THE COUNCIL**

## THIRTIETH SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

14 June, 2006

Executive Secretariat, Abuja,

### FINAL COMMUNIQUE

#### INTRODUCTION

The Thirtieth ordinary session of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) was held in Abuja, Federal Republic of Nigeria on 14th June, 2006 under the chairmanship of His Excellency Mamadou Tandja, President of the Republic of Niger.

The following Heads of State and Government or their duly accredited representatives attended the meeting:

- His Excellency Thomas Boni Yayi, President of the Republic of Benin;
- His Excellency Blaise Compaore, President of Faso, Head of Government;
- His Excellency John Agyekum Kufuor, President of the Republic of Ghana;
- Her Excellency, Ellen Johnson-Sirleaf, President of Republic of Liberia;
- His Excellency, Amadou Toumani Toure, President of the Republic of Mali;
- His Excellency Mamadou Tandja, President of the Republic of Niger, Chairman of the ECOWAS Authority of Heads of State and Government;
- His Excellency, Chief Olusegun Obasanjo, President of the Federal Republic of Nigeria;
- His Excellency, Alhaji (Dr.) Ahmad Tejan KABBAH, President of the Federal Republic of Sierra Leone;
- His Excellency, Faure Essozimna GNASSINGBE, President of the Togolese Republic;

- Hon. Dr Albert Mabri Toikeusse, Minister of Cooperation and African Integration, Representing H.E. President of the Republic of Côte d'Ivoire;
- Hon. Fatoumata Kaba Sidibe, Minister of International Cooperation Representing H.E. the President of Guinea;
- Hon. De Sousa-Rui Dia, Minister of Social Affairs and Communication Representing H.E. the President of Guinea Bissau;
- Hon. Abdou Aziz Sow, Minister of NEPAD, African Economic Integration and Good Governance, Representing H.E. the President of Senegal;
- Hon. Alieu N. Ngum, Secretary of State for Trade, Industry & Employment, Representing H.E. the President of The Gambia
- Mr. Severine Soares Almeida, Director General, External Policy, Ministry of Foreign Affairs, Representing H.E. President of Cape Verde;

The summit session was witnessed by a large number of the members of the diplomatic corps, representatives of regional and international institutions.

#### OPENING CEREMONY

The opening ceremony was marked by the welcome statement of His Excellency, Chief Olusegun Obasanjo, President of the Federal Republic of Nigeria and the opening address of His Excellency, Mamadou Tandja, President of the Republic of Niger and current Chairman of ECOWAS.

#### 1) RE-STRUCTURING OF THE COMMUNITY INSTITUTIONS

In its review of the evolution of the Community, particularly the deepening of the integration process and the greater priority being accorded the regional approach to tackling the development challenges confronting West African countries, the Authority agreed on the need for enhancing the ECOWAS institutional arrangements. Heads of State and Government therefore decided on the modalities for the transformation of the Executive Secretariat into ECOWAS Commission, the re-

structuring of the ECOWAS Parliament and the Community Court of Justice, and the re-organisation of the ECOWAS Bank for Investment and Development (EBID).

### **Transformation of the Executive Secretariat**

While confirming its decision to transform the ECOWAS Executive Secretariat into ECOWAS Commission, the Authority agreed that nationals of each of the following Member States: Burkina Faso, Côte d'Ivoire, Ghana, Mali, Niger, Nigeria, Sierra Leone, Senegal and Togo will constitute the first set of the 9-member Commission. The Commissioners shall be competent persons appointed on a competitive basis. Heads of State and Government adopted a system of rotation to ensure that at the expiration of the four-year term of office of the Commissioners their replacement will be effected in a transparent, predictable and equitable manner.

The Authority recognised the need for enhancing the institutional and legal capacity of the Community, particularly with regard to the Commission and the Council of Ministers and consequently, directed the Executive Secretary to present appropriate legal texts for adoption.

The Heads of State and Government allocated the post of President of the ECOWAS Commission to the Republic of Ghana and the post of Vice-President to Burkina Faso.

In recognition of the competence and high performance of Dr. Mohamed Ibn Chambas as the current Executive Secretary, the Authority appointed Dr. Chambas, a Ghanaian as the first President of the ECOWAS Commission for a four-year term beginning from 1st January, 2007.

### **Re-structuring of ECOWAS Parliament and Community Court of Justice.**

The Authority agreed on new organization charts for the Parliament and for the Court which will operate a system of administration that enables the ECOWAS parliamentarians and judges to concentrate on their parliamentary and legal duties respectively.

Heads of State and Government directed the Executive Secretary to take all necessary measures to ensure the inauguration of the second ECOWAS legislature as soon as possible. After the second legislature, the ECOWAS Parliament will be made

up of parliamentarians elected directly through universal suffrage, and will exercise legislative powers in certain areas to be specified.

### **Reorganisation of the EBID Group**

The Authority approved the re-organisation of the ECOWAS Bank for Investment and Development (EBID) Group. By that approval, the organisational structure of the EBID Group, which is currently a Holding Company with two subsidiaries, will become a single cohesive entity. Instead of the existing three separate organisation charts, the re-organised EBID will have a single organisation chart, headed by the President. EBID will now have two operational windows (private sector and public sector), each headed by a Vice-President.

Heads of State and Government noted that the structure reflects the initial conception and mission of this financial institution of the Community. Furthermore, this structure corresponds to the operational structure of similar international financial institutions. The re-organisation will ensure cost effectiveness of operations and will make EBID more attractive to non-regionals and the international financial market.

The Authority directed the Executive Secretary to ensure the presentation of appropriate draft legal texts at the next ECOWAS Summit relating to the amendment of the relevant provisions of the ECOWAS treaty and the EBID protocol.

## **II) ADOPTION OF ECOWAS CONVENTION ON SMALL ARMS AND LIGHT WEAPONS**

The Authority recalled its earlier measures to stem the circulation of illegal weapons within the region, particularly the 1998 declaration of a moratorium on the importation, exportation, manufacture and circulation of small arms in West Africa.

After a review of the operation of the moratorium under the code of conduct adopted in 1999, Heads of State and Government agreed on the necessity to continue the regional approach to the control of small arms.

Consequently, the Authority adopted an ECOWAS Convention on Small Arms and Light Weapons as a regional instrument that would effectively ban the transfer of small arms into and within West Africa. All Member States would have to apply to the ECOWAS Executive Secretary for exemption to enable them engage in any such transaction. The

convention also bans the transfer of small and light arms to non-state actors and places a tight control on the manufacture and sale of such arms within Member States.

The Executive Secretary was directed to establish a regional arms register, and initiate the formulation of an appropriate plan of action for the implementation of this new ECOWAS convention.

### III) THE CURRENT WEST AFRICAN SITUATION

Heads of State and Government took note of the continued positive growth of the West African economy, due in part to the pursuit of sounder macro-economic policies. They urged that this should be a source of encouragement to each Member State to undertake the much needed deeper reforms.

They also recognised the contribution that continued improvement in the political situation could make to the enhancement of the investment climate, which is necessary for achieving the objective of a much higher growth rate and sustainable development.

The Authority expressed satisfaction at the peaceful elections being recorded in the region. In that context, it warmly congratulated Her Excellency, Ellen Johnson-Sirleaf, President of the Republic of Liberia, on her inauguration in January 2006 as the first African female president. Similarly, Heads of State and Government congratulated His Excellency, Boni Yayi, the new President of the Republic of Benin on his success at the presidential elections. They also extended a warm welcome to Mr. Charles Konan Banny as the new Prime Minister of Côte d'Ivoire.

#### Côte d'Ivoire peace process

Heads of State and Government took note of the new momentum that the peace process had gained in Côte d'Ivoire, as reflected by the political consensus on the implementation of the road map, the simultaneous commencement of the processes of citizen identification and disarmament (DDR). They invited all the Ivorian parties to continue to cooperate with the government of Prime Minister Charles Konan Banny.

#### Togo

The Authority welcomed the significant steps taken in recent months by the political class in Togo

towards normalising the socio-political situation in that Member State. They called upon all the parties and stakeholders to continue to engage in the inter-Togolese dialogue.

#### Sierra Leone

There was similar recognition of the continued progress being made in Sierra Leone in the area of reconstruction and strengthening of State institutions, improving infrastructure and restructuring the security agencies.

Heads of State and Government expressed their appreciation of the valuable contribution of the international community and urged for increased assistance in support of the country's economic development programme which is geared toward reducing youth unemployment, increasing incomes and the consolidation of the security sector reforms.

#### Liberia

Heads of State and Government took note of the positive measures being introduced by the new administration of Her Excellency, Ellen Johnson-Sirleaf to consolidate peace in Liberia and launch a veritable reconstruction programme.

They expressed their appreciation of the leadership role of His Excellency, Chief Olusegun Obasanjo, President of the Federal Republic of Nigeria, in the management of the Liberian peace process. They recalled the courageous decision of President Obasanjo to provide asylum for the former Liberian President Charles Taylor, who vacated the office and went into exile to facilitate the process that led eventually to the election of President Ellen Johnson-Sirleaf.

#### Guinea Bissau

The Authority acknowledged the continued fragility of the situation in Guinea Bissau, particularly in the border area with Senegal. It was in the light of this that the Authority welcomed the efforts of President Nino Vieira at engaging all the different parties in a dialogue, and seeking to reach a national consensus that would pave the way for lasting peace and stability.

Heads of State and Government re-iterated the necessity for an injection of substantial assistance from the international community, in order to stabilise the situation and initiate the re-building of the national socio-economic fabric. It is in this

regard, that they welcomed the proposal to establish an International Contact Group for Guinea Bissau that would offer political support, promote reconciliation, reinforce national institutional capacities and mobilise international financial assistance.

#### **IV) MIGRATION**

Heads of State and Government expressed concern at the increasing problem of international migration, particularly to Europe, involving West African nationals.

The Authority called for a coordinated regional approach to tackling this problem. In this regard, the Executive Secretary was directed to present a technical report with appropriate recommendations to a meeting of the relevant ECOWAS Ministers, for the purpose of adopting a West African common policy on migration.

#### **V) DATE AND VENUE OF THE NEXT SUMMIT**

The next session of the ECOWAS Authority of Heads of State and Government will be held in December 2006 at Ouagadougou, Burkina Faso.

#### **VI) VOTE OF THANKS**

The Heads of State and Government expressed their deep gratitude to His Excellency, President Olusegun Obasanjo, President of the Federal Republic of Nigeria, for the leadership he has exercised in the promotion of regional peace and security and the strengthening of the ECOWAS integration and development process.

Heads of States and Government expressed particular appreciation for the excellent hospitality extended to them during their stay in Abuja. They lauded the contribution of President Obasanjo towards regional integration and the entrenchment of democracy.

Heads of State and Government expressed their appreciation of the able manner in which the current Chairman of the ECOWAS Authority, His Excellency Mamadou Tandja, President of the Republic of Niger, has been directing the affairs of the Community.

**THE AUTHORITY**