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CONTENTS	PAGE
REGULATION C/REG. 1/05/08 RELATING TO THE REORGANIZATION OF THE DEPARTMENTS UNDER THE SUPERVISION OF THE COMMISSIONER FOR TRADE, CUSTOMS, INDUSTRY, MINES, TOURISM, AND FREE MOVEMENT OF PERSONS AND ADDITIONAL STAFFING	1
REGULATION C/REG. 2/05/08 APPOINTING DR. (MRS.) ADRIENNE DIOP AS THE COMMISSIONER FOR HUMAN DEVELOPMENT AND GENDER OF THE ECOWAS COMMISSION	2
REGULATION C/REG. 3/05/2008 ON HARMONIZATION OF THE RULES GOVERNING PESTICIDES REGISTRATION IN ECOWAS REGION	3
REGULATION C/REG. 4/05/2008 ON HARMONIZATION OF THE RULES GOVERNING QUALITY CONTROL, CERTIFICATION AND MARKETING OF PLANT SEEDS AND SEEDLINGS IN ECOWAS REGION	13
REGULATION C/REG. 5/05/08 ON THE ADOPTION OF THE ACTION PLAN FOR THE DEVELOPMENT OF BIOTECHNOLOGY AND BIOSAFETY IN THE ECOWAS REGION	32
REGULATION C/REG. 6/05/08 ADOPTING THE STRATEGIC PLAN 2007-2015 OF THE PERMANENT COORDINATION AND FOLLOW-UP FRAMEWORK FOR INTEGRATED WATER RESOURCES MANAGEMENT (IWRM) IN WEST AFRICA	77
REGULATION C/REG. 7/05/08 CHANGING THE NAME OF THE WATER RESOURCES COORDINATION UNIT AND OF THE DEPARTMENT OF ENVIRONMENT AND WATER RESOURCES OF THE COMMISSION	78
REGULATION C/REG. 8/05/08 RELATING TO THE RECOGNITION OF THE INTERNATIONAL INSTITUTE FOR WATER AND ENVIRONMENTAL ENGINEERING (IWEE) AS A CENTRE OF EXCELLENCE OF THE COMMUNITY FOR WATER AND ENVIRONMENTAL TRAINING AND RESEARCH	79

REGULATION C/REG. 1/05/08 RELATING TO THE REORGANIZATION OF THE DEPARTMENTS UNDER THE SUPERVISION OF THE COMMISSIONER FOR TRADE, CUSTOMS, INDUSTRY, MINES, TOURISM, AND FREE MOVEMENT OF PERSONS AND ADDITIONAL STAFFING

THE COUNCIL OF MINISTERS,

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

MINDFUL of Regulation C/REG.7/06/07 approving the organizational structure of the Commission of the Economic Community of West African States;

MINDFUL of Article 4 of the said Regulation giving competence to the President of the ECOWAS Commission to recommend to the Council of Ministers the creation of a new Department when the need arises;

MINDFUL of Decision A/DEC.17/12/06 relating to the ECOWAS Common External Tariff;

MINDFUL of the Regulation C/REG.1/12/07 approving the Budget of the ECOWAS Commission, its agencies and offices for the 2008 Financial year;

CONSIDERING that the thirty-third (33rd) ordinary session of the Authority of Heads of State and Government stressed the need for the establishment of the common external tariff as a matter of priority;

CONSIDERING that custom issues are of paramount importance to the Economic Community of West African States in its efforts to rise up to the current challenges of the Economic Partnership Agreement (EPA) negotiations and of the realization of a free trade zone within the Community;

NOTING that there is no department in charge of custom issues within the ECOWAS Commission;

CONSIDERING also the need to reorganize judiciously the Department of Free Movement of Persons;

DESIROUS of establishing a new department within the Commission, to manage the custom issues, on one hand and on the other hand, relocate the division of Tourism to Department of Free Movement of Persons;

ON THE RECOMMENDATION of the third meeting of the Administration and Finance Committee, held in Abuja from 21 to 23 April 2008;

ENACTS

Article 1

1. A Department of Customs is hereby created within the ECOWAS Commission.
2. The Department of Customs is under the supervision of the Commissioner for Trade, Customs, Industry, Mines, Tourism and Free Movement of Persons

Article 2

1. The Division of Tourism is hereby re-located to the Department of Free Movement of Persons.
2. The reorganized department referred to under Paragraph (1) of this article is called "Department of Free Movement of Persons and Tourism". This department is under the supervision of the Commissioner for Trade, Customs, Industry, Mines, Tourism and the Free Movement of Persons.

Article 3

The underlisted Departments under the Commissioner in charge of Trade, Customs, Industry and Mines, Tourism, Free Movement of Persons are charged with the following functions:

i) *The Department of Trade*

The Department will be in charge of issues related to the harmonization of Trade Policy, the Creation of the regulatory Framework for Competition, Informal Trade, Multilateral and Bilateral Negotiations, as well as the pursuit of the Economic Partnership Agreement Negotiations between West Africa and the European Union and the monitoring of its implementation after it has been signed.

ii) *The Department of Customs*

This Department will be in charge of issues related to the creation of the Common Market through Liberalization of intra-community trade (Free Trade Area), the establishment of a Common External Tariff, the removal of obstacles to the free movement of goods and the harmonization of domestic taxation.

iii) The Department of Industry and Mines

This Department will be in charge of formulating and implementing the regional policies on Industries and Mines.

iv) The Department of Free Movement of Persons and Tourism

This Department will be in charge of issues related to the free movement of persons, Tourism Development, Immigration and Cross-border issues

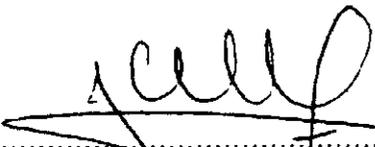
Article 4

1. The Commission shall ensure that staff is recruited for the efficient functioning of the four (4) departments mentioned in Article 3 of this Regulation in line with the approved Staff requirement as contained in the Appendix attached to this Regulation.
2. The Commission will take necessary measures to ensure that staff recruitment is carried out within the limits of the existing budget allocation for 2008.

Article 5

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

**DONE AT ABUJA,
THIS 18TH DAY OF MAY 2008.**


.....
**H.E. MRS. MINATA SAMATE CESSOUMA
CHAIRPERSON
FOR COUNCIL**

REGULATION C/REG. 2/05/08 APPOINTING DR. (MRS.) ADRIENNE DIOP AS THE COMMISSIONER FOR HUMAN DEVELOPMENT AND GENDER OF THE ECOWAS COMMISSION**THE COUNCIL OF MINISTERS,**

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

MINDFUL of Article 2 of the Supplementary Protocol A/SP.1/06/06 amending articles 17 and 18 of the ECOWAS Revised Treaty of 1993 and which provide the appointment of nine (9) Commissioners for the ECOWAS Commission and the procedure for appointing them;

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

MINDFUL of Decision A/DEC.05/06/06 allocating to Member States the positions of Commissioners within the ECOWAS Commission;

BEARING IN MIND that the position of Commissioner for Human Development and Gender was allocated to the Republic of Senegal;

RECALLING Regulation C/REG.7/06/07 approving the Organizational Structure of the Commission of the Economic Community of West African States;

ALSO RECALLING Decision A/DEC.3/7/91 relating to the Selection and Evaluation of the Performance of Statutory Appointees of the Community;

ON THE RECOMMENDATION of the twelfth Meeting of the Ad-hoc Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees held in Abuja on 16 May 2008;

ENACTS**Article 1**

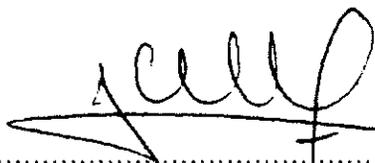
Dr. (Mrs.) Adrienne DIOP is hereby appointed as the Commissioner for Human Development and Gender for a non-renewable term of four (4) years with effect from the date she assumes duty.

Article 2

This Regulation shall be published in the Official Journal of the Community by the Commission within

thirty (30) days of its signature by the Chairperson of the Council of Ministers. It shall also be published by each Member State in its National Gazette within the same time frame.

**DONE AT ABUJA,
THIS 18TH DAY OF MAY 2008.**



.....
**H.E MRS. MINATA SAMATE CESSOUMA
CHAIRPERSON
FOR COUNCIL**

**REGULATION C/REG.3/05/2008 ON
HARMONIZATION OF THE RULES GOVERNING
PESTICIDES REGISTRATION IN ECOWAS
REGION**

THE COUNCIL OF MINISTERS

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

MINDFUL of Decision A/DEC. 11/01/05 adopting an Agricultural Policy for the Economic Community of West African States;

MINDFUL of Decision C/DEC.1/5/83 relating to the short and medium-term programme for the implementation of the Regional Agricultural Development Strategy;

MINDFUL of Decision A/DEC.5/5/82 relating to the production of selected basic seeds and the choice of seed production stations;

MINDFUL of Decision C/DEC.1/5/81 relating to common agricultural policy;

CONSIDERING the FAO International Code of Conduct on the Distribution and Use of Pesticides;

CONSIDERING the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;

CONSIDERING the Stockholm Convention on Persistent Organic Pollutants (POPs);

CONSIDERING the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;

CONSIDERING the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa;

CONSIDERING the strategic role of the agricultural sector in the economies of Member States, in providing food for the populations and reducing poverty in rural areas;

AWARE that promotion of sustainable agriculture leading to food security and improved living standard for the populations requires the use of

any substance or combination of substances likely to help achieve this result;

CONVINCED that pesticides could contribute to development of sustainable agriculture in our Member States, given their proven efficacy in agricultural systems across the world;

AWARE of the need to foster and create, in the sub-region, the conditions for sustainable agriculture underpinned by regular market supply of quality pesticides accessible to farmers;

RECOGNIZING, however, that the use of pesticides could pose a danger both for the populations and for the environment of our Member States;

DESIROUS of building inter-state cooperation within ECOWAS for the sale and use of quality pesticides through harmonization of the rules governing registration of pesticides in ECOWAS region;

WELCOMING the active involvement and positive contribution of other sub-regional organizations, notably CILSS and UEMOA, in the formulation of this Regulation;

ON THE RECOMMENDATION of ECOWAS Member States' Ministers of Food and Agriculture meeting in Ouagadougou, Burkina Faso, on 8 November 2007;

ENACTS

SECTION I: GENERAL PROVISIONS

CHAPTER 1: DEFINITIONS

Article 1: Definitions

For the purpose of this Regulation:

ECOWAS means the Economic Community of West African States;

WAPRC means the West African Pesticides Registration Committee for pesticides evaluation and registration in West Africa;

APPLICATOR means any individual or corporate entity engaged, for his/her own purposes or on behalf of a third party, in phytosanitary protection of crops, treatment of stored food items, treatment of the premises and materials used for storage of agricultural produce, sanitization of the means of transport for and storage of agricultural produce,

sanitization of public places, dwelling accommodation and animal shelters, and in external disinfestation of animals;

PROVISIONAL AUTHORIZATION OF SALE (PAS) means the temporary authorization to market a pesticide, pending collection of such additional data as may be required for its registration;

BIOCIDE means any product used to combat harmful organisms; for example, products designed to eliminate mosquitoes, fleas and cockroaches; cowshed disinfectants, etc;

BIOPESTICIDE means any pesticide derived from natural organisms such as animals, plants, bacteria and some kinds of mineral;

PACKAGING means any container together with its protective wrappings used to deliver pesticides to the consumer through wholesale and retailer distribution networks;

DISTRIBUTOR means any authorized individual or corporate body who imports or procures for himself, approved pesticides for commercial purposes;

MANUFACTURER means any company, individual, public or private body, activities or functions of which comprise, directly or indirectly through an agent or body under its control, or with whom it has entered into an agreement for the manufacture of the active ingredients of pesticides or the preparation of formulations and products from such ingredients.

FORMULATION means any combination of processes which aims at making a pesticide effectively usable for a set purpose or transforming such product in a marketable form;

REGISTRATION means the process by which relevant national or regional authorities approve the sale and use of a pesticide after satisfying themselves through appraisal of all available scientific data that the product in question effectively contributes to attainment of established objectives and does not constitute unacceptable risk to human and animal health or the environment;

ACTIVE INGREDIENT means the biologically active part of a pesticide as contained in its formulation;

COMMON NAME means the name given to the active ingredient of a pesticide by the International Standards Organization or a name endorsed by a

national standards structure as generic term for the product or a name commonly used solely to describe the said active ingredient;

COMMERCIAL NAME (TRADE NAME) means the name under which the pesticide is labeled, registered and marketed by the manufacturer and which, if protected by national or regional legislation, may be used exclusively by the manufacturer to distinguish the product from other pesticides containing similar active ingredient;

STANDARDS means any set of benchmarks that could be used to assess the quality of a pesticide; **Pesticide** means any substance or combination of substances:

- a) used to repel, eliminate or control harmful organisms including human or animal disease vectors and undesirable plant or animal species that cause damage or are otherwise harmful during production, processing, storage, transportation or marketing of food items, agricultural produce, timber and timber products or animal feed;
- b) administered to animals to combat insects, arachnids and other endo- or ectoparasites;
- c) used as growth regulator of plants and defoliant, desiccation agents and fruits polishing agents or to prevent premature fall off of fruits; as well as substances applied on crops, before or after harvest, to protect produce from deterioration.

PROHIBITED PESTICIDE means any such pesticide, use of which has been fully or partly prohibited by specific regulation with the objective to protect human and animal health or the environment. This term is also applicable to a pesticide, first use registration of which has been rejected or which has been withdrawn by the industry either from the domestic market or from the national or regional registration process, where it is obvious that such a measure has been taken to protect human health or the environment.

STRICTLY REGULATED PESTICIDE means all such pesticides, use of which has been fully or partly prohibited by a specific decision of the competent authority with the objective to protect human and animal health or the environment, but of which one or several specific uses have been authorized. The term is also applicable to any pesticide, registration

of which has been fully or partly rejected or which has been withdrawn by the industry either from the domestic market or from the national or regional registration process, where it is obvious that such a measure has been taken to protect human health or the environment.

PRODUCT OR PESTICIDE PRODUCT means any active ingredient and other components, in the form it is packaged and sold.

PERSISTENT ORGANIC POLLUTANT (POP) means any chemical substance with toxic properties, resistant to deterioration, builds up in living organisms and is disseminated by air, water and migratory animals across international borders and deposited far away from its original location, or builds up in land and water ecosystems.

RESIDUE means any specific substances left by pesticides in food, agricultural products, animal feed or the environment. The term refers to all pesticides residues, such as conversion products, metabolites and reagents, as well as impurities deemed significant from the toxicology standpoint. It (pesticides residues) includes residues from unknown source or unavoidable residues like those contained in the environment, and also those resulting from known use of chemical products;

RETAILER means all such authorized individual or cooperate body that procures pesticides from distributors or manufacturers in the national territory for commercial purposes.

CHAPTER II: PURPOSE AND FIELD OF APPLICATION

Article 2: Purpose

A Regulation on pesticides registration common to all ECOWAS Member States (hereinafter referred to as Common Regulation), is hereby established.

The purpose of this Common Regulation shall be to:

- a) protect the populations and the environment of West Africa against the potential dangers in the use of pesticides;
- b) facilitate trade in pesticides amongst and within the Member States, through application of principles and rules mutually agreed at regional level, to dismantle trade barriers;

- c) facilitate timely and convenient access by farmers to quality pesticides;
- d) ensure rational and judicious use of pesticides;
- e) contribute to the creation of a climate propitious to private investment in the pesticides industry; and
- f) promote public-private sector partnership.

Article 3: Field of Application

This Regulation shall be applicable to all activities involving experiments on, as well as authorization, marketing, use and control of, pesticides and biopesticides in the Member States.

CHAPTER III: GUIDING PRINCIPLES

Article 4: Principle of Harmonization

In pursuance of harmonization as intended by this Regulation, ECOWAS shall help bridge the gap between Member States' legislations in the field of pesticides.

Article 5: Principle of Free Movement of Pesticides

For effective organization of a regional market in furtherance of the regional agricultural policy, there shall be free movement of pesticides in the territory of ECOWAS Member States upon registration and being declared as being in conformity with the quality standards defined in the applicable texts.

Article 6: Principle of Mutual Recognition and Equivalence

Member States shall implement the principle of mutual recognition of pesticides registrations based on the technical specifications and regional standards on pesticides as well as on the registration conditions and procedures applicable in ECOWAS, and shall recognize such conditions and procedures as equivalent.

Article 7: Principle of recognizing International Standards

To ensure the free movement of pesticides within ECOWAS region and foster regional and international trade thereon, Member States shall anchor their pesticides technical regulations on:

- a) international standards, directives and

recommendations, particularly those prescribed by the Rotterdam, Stockholm, Basle and Bamako Conventions;

- b) FAO specifications and OECD standards; and the
- c) commitments of the Member States that have ratified the aforementioned Conventions.

Article 8: Principle of Participation and Information

1. Member States shall ensure the full participation of the pesticides sector players in the process of public decision-making in matters of pesticide.
2. Member States shall organize public access to pesticide information available to public authorities.
3. Member States shall help train and build the awareness of pesticides sector players.

CHAPTER IV: ORGAN AND TOOLS FOR PESTICIDES MANAGEMENT

Article 9: West African Committee for Pesticides Registration

1. A West African Committee for Pesticides Registration, hereinafter called WACPR, is hereby established. This Committee shall implement the Common Regulation on behalf of the ECOWAS Commission. To this end, it shall operate under the direct institutional authority of the Commission.
2. The WACPR shall be structured into sub-divisions to improve its effectiveness.
3. The head office of WACPR coordination unit shall be located within ECOWAS Commission premises in Abuja. However, this head office may be transferred to any other ECOWAS Member State.
4. The WACPR shall work closely with national pesticides management committees for development of the sector. To this end, each Member State shall set up a National Committee for Pesticides Management (NCPM) where this does not already exist.

5. The NCPM shall first examine and approve pesticides registration applications, prior to their submission to ECOWAS Commission for similar action.
6. All applications for pesticides registration shall be submitted to ECOWAS Commission which shall, through the WACPR, verify that such applications have met the set standards. In the registration process, the NCPM shall be responsible for pre-registration (experimental trial) as well as post-registration (control).
7. The functions, composition, functioning and financing of WACPR as well as the number of its sub-divisions shall be determined by ECOWAS Commission in an enabling Regulation.

Article 10: Pesticide Management Tools

1. Five lists of pesticides are hereby instituted for more effective pesticides management in ECOWAS and in its Member States:
 - a) List of registered pesticides or pesticides accorded provisional authorization of sale (PAS);
 - b) List of strictly controlled pesticides;
 - c) List of pesticides under toxicant monitoring;
 - d) List of prohibited pesticides; and
 - e) List of registered pesticides approved by each Member State.
2. The above lists shall constitute the official tools for pesticides management in Member States.
3. The list of registered pesticides approved by each Member State shall be drawn up on the basis of list of the pesticides registered by ECOWAS Commission.
4. However, Member States may refuse to authorize the sale, on their national market, of a registered pesticide, or a pesticide that has been accorded provisional authorization of sale (PAS). In this connection, they shall submit a request to the Commission stating the reasons for the refusal. ECOWAS Commission shall inform the Member States of its decision.

SECTION II: REGISTRATION OF PESTICIDES

CHAPTER V: OBLIGATION AND RESPONSIBILITY TO REGISTER

Article 11: Obligation to register

No pesticide may be marketed and used in the territory of Member States unless it has been registered or accorded PAS in accordance with the provisions of this Common Regulation, except where the use for which it is intended has not been covered by the provisions of Articles 19 and 28 hereunder.

Article 12: Registration Responsibility

1. Consideration and evaluation of pesticides registration applications shall be the responsibility of WACPR. This exercise shall be applicable to all Member States.
2. The decision to register shall be taken by ECOWAS Commission on the recommendation of WACPR.
3. Registration conditions and procedures are defined in Chapters VI and VII of this Common Regulation.

Article 13: Implementation

Pursuant to the provisions of Article 7 of this Regulation, the WACPR shall evaluate all the notifications and Decision Concept Papers (DCP) regarding the aforementioned Conventions. It shall submit its opinion thereon to the Commission which, in turn, shall transmit same to Member States for implementation.

Article 14: Inappropriate Use

1. Pesticides shall be used in appropriate manner.
2. Appropriate usage includes:
 - a) compliance with the conditions stipulated in Articles 15 and 16 and those indicated on the label; and
 - b) application of the principles of best phytosanitary and veterinary practices, or of vectors control, as well as the principle of integrated management of harmful pests, whenever this is possible.

CHAPTER VI: REGISTRATION CONDITIONS

Article 15: Registration Requirements

1. A pesticide shall be registered on the basis of registration dossier, the contents of which shall be clearly defined by ECOWAS Commission.
2. A pesticide shall be registered where it has met the requirements defined in the registration dossier.
3. The applicant for pesticide registration shall have its headquarters or a representation in one of the Member States.
4. Pesticide registration shall be granted for specific purpose, and such purpose shall be such as has been authorized in the Member States.
5. Registration shall be granted with specific restrictions as to its use.

Article 16: Registration Criteria

1. The registration criteria shall embrace the biological efficacy and quality of the formulations offered for sale, their toxicity and risk to humans, as well as their harmful impact and the danger posed to the environment.
2. These criteria shall be spelt out by ECOWAS Commission in conjunction with WACPR and Member States, in an enabling Regulation.

Article 17: Registration Processing Fee

A fee is hereby instituted for processing of all pesticides registration applications. The amount of such processing fee shall be determined by ECOWAS Commission on the recommendation of WACPR. The said fee shall be borne by the applicant.

Article 18: Period of Validity of Registration

Pesticide registration shall be valid for five (5) years, renewable.

Article 19: Emergency Situations

1. The use of unregistered pesticide or a pesticide that has not been accorded the PAS by the Commission shall be accepted,

exceptionally, in the event of phytosanitary, veterinary and sanitary emergencies such as unforeseen pest invasion or unexpected emergence of disease vector.

2. The use of unregistered pesticide or a pesticide that has not been accorded the PAS shall be authorized only where there is no other available alternative for management of the harmful organism. The usage so authorized shall be at limited scale and for specific time frame.
3. A Member State wishing to use unregistered pesticide or a pesticide that has not been granted provisional authorization of sale (PAS) in the event of emergency, shall immediately inform the Commission accordingly, submitting to it a report containing the justification for its request. The Commission shall approve or reject such request after due consideration.

CHAPTER VII: REGISTRATION PROCEDURE

Article 20: Evaluation of Registration Applications

The procedures for evaluation of registration applications shall be established and defined by the Commission.

Article 21: Registration Decisions

1. The Commission may:
 - a) decide to register a pesticide for a period of five (5) years, renewable;
 - b) grant provisional authorization of sale (PAS) pending further study;
 - c) keep the file open for further information;
 - d) refuse to register a pesticide; and
 - e) withdraw the registration or the PAS.
2. A pesticide registered or accorded the PAS shall bear one sole registration number that is common to all Member States.
3. The registration or the PAS granted by Commission shall be signed in two copies. One copy shall be transmitted to the applicant, and the second kept by WACPR.

4. The WACPR shall, after every meeting, update the list of registered pesticides and of those accorded the PAS. The updated list shall be forwarded to each Member State and published in the Official Journal of ECOWAS.

Article 22: Provisional Registration and Validity

1. Provisional authorization of sale (PAS) shall be granted where additional data and information have been deemed necessary to satisfactorily meet the conditions spelt out in Article 15 of this Regulation.
2. The PAS shall be valid for three (3) years, and is not renewable.

Article 23: Further Study

A pesticide registration application shall be kept for further study where the information provided is not sufficient to meet the conditions stipulated in Article 15 of this Regulation. In that event, the Commission shall, through the WACPR, request the applicant to furnish the requisite additional information.

Article 24: Rejection of Registration Application

An application for registration of pesticide shall be rejected where it has failed to meet the conditions set out in Articles 15 and 16 of this Regulation.

Article 25: Review, Modification or Annulment of Registrations and PAS

1. Pesticide registration or PAS may be reviewed. Such review may result in withdrawal of registration or, where appropriate, legal action.
2. Pesticide registration or PAS may be annulled were:
 - a) any one of the requirements is no longer fulfilled; and
 - b) the information required for registration or PAS has been deemed false or fallacious.
3. Pesticide registration or PAS may be modified where, in light of new scientific and technical knowledge:
 - a) the directions and the quantities recommended for use could be modified; and
 - b) appraisal of the data provided in the application for registration has changed.

Article 26: Confidentiality

1. The data furnished by an applicant for pesticide registration shall be confidential.
2. This confidentiality shall not apply in the event of a request by a Member State regarding:
 - a) designation and level of the active ingredient (s) and description of commercial product;
 - b) the names of other substances considered hazardous for humans or the environment;
 - c) the physical-chemical data on the active ingredient (s), matters concerning degradation or metabolites of (eco) toxicological significance and the commercial product;
 - d) the means used to make the ingredient (s), active; or the commercial product, harmless;
 - e) summary of the results of the tests conducted to establish the efficacy of the product and its safety for humans, animals, plants and the environment;
 - f) the methods and precautions recommended to reduce risks during handling, storage, transportation, etc;
 - g) the methods used for analysis of the active ingredient(s), its or their post-application residues, as well as the metabolites or other components deemed to be (eco)toxicologically significant;
 - h) product disposal and packaging modalities;
 - i) needed decontamination measures in the event of accidental application or leakage; and
 - j) the first aid measures and the medical treatment to be applied in the event of accidental exposure or poisoning.

CHAPTER VIII: TRIALS

Article 27: Trial Protocols

Detailed conditions for experimental protocols and methodologies, for the purpose of pesticide registration, shall be spelt out in the pesticides registration dossier of the Commission.

Article 28: Experimental Trials with Emissions of Unauthorized Products

Experimental trials in Member States for research or development purposes, involving emission into the environment of phytosanitary product not authorized by the Commission, shall not be conducted except with prior authorization of the appropriate authority of the Member State in which the trial or test is to be undertaken and in accordance with applicable national legislation.

Article 29: Biological Efficacy Tests

1. Biological efficacy tests for the purpose of registration of a pesticide shall be conducted by the public or private institutions approved by ECOWAS Commission on the recommendation of WACPR.
2. Such tests shall be undertaken according to the protocols formulated by the Commission on the recommendation of WACPR.

CHAPTER IX: APPEAL

Article 30: Right of Appeal

1. Appeal against the rejection of application for registration as defined in Article 24 of this Regulation, or for modification or annulment of a PAS or registration as stipulated in Article 25 above, may be brought before the President of the Commission or his/her representative or, where appropriate, before the Community Court of Justice.
2. The appeal procedure shall be defined by ECOWAS Commission on the recommendation of WACPR.

SECTION III: MARKETING OF PESTICIDES

CHAPTER X: CONDITIONS

Article 31: Licencing

1. The exercise of the profession of pesticide manufacturer, importer, distributor, retailer, applicator, exporter, formulator, repackaging and transporter shall be subject to license issued by the Member State concerned.

2. The licence is renewable at the request of the holder for similar duration. It may be suspended or withdrawn.
3. The conditions and modalities for obtaining license, or for its suspension or withdrawal shall be specified by each Member State, in accordance with the pertinent provisions of this Regulation.

Article 32: Stock Accounting

1. All pesticide dealers shall keep a detailed record of all entries and sales of pesticides in a ledger which could be consulted and checked at any time by the official control service or any other accredited private body and by the competent Departments of the Ministry of Trade or other relevant Ministry.
2. The quantities of pesticides received, procured and stored shall not be included in obsolete stock.

Article 33: Warehouse Storage Conditions

For the purpose of effective conservation of pesticides, all warehouses for storage of pesticides intended for sale shall:

- a) have adequate temperature and moisture levels; and
- b) be tidy and well-ventilated.

Article 34: Storage Conditions

1. Pesticides shall be stored in their original container with their labels intact. They shall be conserved separately in key-locked cupboards. The storage cupboards shall be exposed to free air circulation and access thereto shall be monitored to avoid unauthorized use.
2. More detailed conditions for storage of pesticides that conform to international directives shall in due course be spelt out by the Commission on the recommendation of WACPR.

Article 35: Transportation Conditions

1. Pesticides shall be transported in a compartment isolated from the driver and passengers.

2. Pesticides shall not be transported in the same compartment as animals, food, clothings, household items or other personal effects.
3. Detailed conditions for transportation of pesticides shall, in due course, be defined by the Commission on the recommendation of WACPR.

Article 36: Installation of Factories

Installation of pesticide manufacturing and/or packing company shall be subject to prior authorization of the country concerned in conformity with international standards.

Article 37: Import and Export Regimes

1. Without prejudice to community regulations in matters of foreign trade, the import and export of pesticides shall be subject to prior authorization of the concerned country based on the list of registered pesticides approved by the Member State in question.
2. The importer or exporter shall furnish all the information required on the forms designed for that purpose by the Commission.

**CHAPTER XI:
LABELLING**

Article 38: Obligation to Label

1. Any packaging containing a registered pesticide shall bear a label.
2. User Information shall be provided in the labels and the instruction leaflets attached to the registration application.

Article 39: Content of a Label

1. The minimum information required on the label and/or instruction leaflets shall be specified by the Commission. The labels and/or instruction leaflets shall be written in the official language(s) of the country where the product is marketed.
2. Pictograms shall complement the text on the label.
3. The label shall bear at the bottom a toxicology band in accordance with FAO/WHO classification of pesticides.

**CHAPTER XII:
PACKAGING**

Article 40: Characteristics of Packaging

The characteristics of packagings shall be those set by ECOWAS Commission, and shall be in conformity with international standards.

**SECTION IV:
QUALITY CONTROL OF PESTIGIDES**

**CHAPTER XIII:
RESPONSIBILITIES AND PROCEDURES**

Article 41: General Responsibility for Quality Control

1. Member States have the overall responsibility for post-registration control, distribution and use of pesticides. They shall, to this end, accord to their competent authorities the necessary powers as well as the human and financial resources to carry out their mission.
2. Management of packagings and stocks of obsolete pesticides shall be the responsibility of Member States; and this shall be realized in accordance with the standards set by ECOWAS Commission.

Article 42: Empowerment and Powers of Quality Control Agents

1. Member States shall draw up a list of the phytosanitary agents accredited to undertake control.
2. Such agents shall be empowered to conduct inspections and investigations enabling them to, among other things:
 - a) enter professional premises including compounds and buildings for pesticide manufacture, formulation and distribution as well as warehouses, storerooms and storage depots for pesticides.
 - b) access and cause to be transmitted to it all documentation relating to the operations of pesticides formulators, repackaging agents and distributors;
 - c) inspect pesticides plants, vehicles and treatment devices; and
 - d) collect samples, and ensure that these samples are representative enough and quantitatively sufficient to allow for comparative evaluation.

3. Inspections during production and marketing shall be carried out in the presence of the formulator, repackaging agent, distributor or his/her representative.

Article 43: Toxicant Monitoring

Registered pesticides or pesticides accorded the PAS featuring on the list of products under toxicant monitoring as stipulated in Article 10 of this Regulation shall be subject to special monitoring by the competent structures of Member States.

Article 44: Field of Control

1. Pesticides control in ECOWAS region shall be conducted at any time and at any venue of production, import, export, storage, transportation, formulation and packaging, as well as marketing, utilization and disposal of the said pesticides.
2. Member States shall monitor compliance with the prescriptions contained of this Common Regulation, particularly those on:
 - a) licensing;
 - b) the import and export requirements stipulated in Article 36;
 - c) quality of the formulations offered for sale;
 - d) authorized areas of application and the restrictions prescribed for registration and PAS;
 - e) labeling requirements;
 - f) use of pesticides marketed according to the indications on the labels;
 - g) storage and transportation conditions;
 - h) impact of pesticides on the environment.
 - i) any other conditions defined in this Regulation

Article 45: Control Procedures

1. Pesticides control shall be conducted in accordance with extant Regulations of the Community.
2. However, pesticides control shall be carried out in the presence of the pesticide manufacturer, importer, distributor, applicator, exporter, formulator, repackaging agent and transporter or his/her accredited representative, with an appropriate report containing pertinent observations as well as technical recommendations or instructions.

3. A model control report shall be defined by the Commission on the recommendation of WACPR.

Article 46: Right of Appeal and Experts' Re-evaluation

1. In the case of dispute over control report, the formulator, packaging agent, distributor, applicator and transporter shall have the right of recourse to experts' re-evaluation.
2. The appeal process shall be that which is in force in Member States.

SECTION V: SPECIAL PROVISIONS

CHAPTER XIV: SANCTIONS

Article 47: Sanctions

1. Member States shall take appropriate measures to impose sanction for breaches of the provisions of this Regulation and its enabling texts.
2. The following shall constitute breaches of the provisions of this Regulation and its enabling texts:
 - a) the production, import or export of unregistered pesticides;
 - b) marketing of pesticides without license;
 - c) false statements on the label of a pesticide and the use of any trickery to mislead people over the quality of the pesticide;
 - d) alteration or any wilful falsification of a label;
 - e) lack of proper stock accounting;
 - f) hindrance to the official discharge of control duties;
 - g) any other infringement of this Regulation and its enabling texts.

SECTION VI: FINAL PROVISIONS

Article 48: Implementation

In furtherance of its activities, WACPR shall be open to the sub-regional institutions operating in the

pesticides sector. Specific Conventions shall define the modalities of such opening.

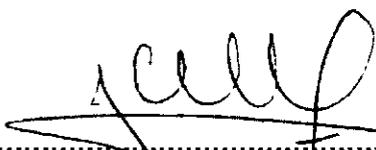
Article 49: Publication

This Regulation shall be published by the Commission in the Official Journal of the Community within thirty (30) days following signature by the Chairperson of the Council of Ministers. It shall also be published in Member States' Official Gazette within the same timeframe.

Article 50: Entry into Force

This Regulation shall enter into force upon publication.

**DONE AT ABUJA,
THIS 18TH DAY OF MAY 2008**



**H.E. MRS. MINATA SAMATE CESSOUMA
CHAIRPERSON
for: COUNCIL OF MINISTERS**

REGULATION C/REG.4/05/2008 ON HARMONIZATION OF THE RULES GOVERNING QUALITY CONTROL, CERTIFICATION AND MARKETING OF PLANT SEEDS AND SEEDLINGS IN ECOWAS REGION

THE COUNCIL OF MINISTERS

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

MINDFUL of Decision A/DEC.11/01/05 adopting an Agricultural Policy for the Economic Community of West African States;

MINDFUL of Decision C/DEC.14/12/90 on the establishment of a sub-regional Seed Committee;

MINDFUL of Decision C/DEC. 16/12/90 on the establishment of Inter-State Technical Committees to monitor Price Trends for Specific Agricultural Products or Groups of Products;

MINDFUL of Decision C/DEC.1/5/83 relating to the short and medium-term programmes for the implementation of the Regional Agricultural Development Strategy;

MINDFUL of Decision C/DEC.5/5/82 relating to the production of selected basic seeds and the choice of seed production stations;

MINDFUL of Decision C/DEC.1/5/81 relating to common agricultural policy;

CONSIDERING the strategic role of the agricultural sector in the economy of Member States in terms of meeting the food needs of the population and eradicating poverty in rural areas;

CONSIDERING the need to promote in Member States, sustainable agriculture that is more productive and competitive, and capable of ensuring food security and higher living standards for farmers;

CONVINCED that seeds are of crucial importance in promoting sustainable agriculture and for actualization of the Community agricultural policy;

RECOGNIZING that regular supply of quality and affordable seeds to markets of Member States is a prerequisite for achieving food security and improved living standards for farmers;

DESIROUS OF ensuring safe and regular quality seeds supply to Member States' markets and, to this end, harmonizing the rules governing seed production and marketing in these States;

EXPRESSING SATISFACTION AT the active involvement and positive contribution of other sub-regional organisations such as CILSS and UEMOA in the formulation, improvement and finalisation of this draft Regulation;

ON THE RECOMMENDATION OF ECOWAS Member States' Ministers of Food and Agriculture meeting in Ouagadougou on 8 November 2007;

ENACTS:

SECTION I: GENERAL PROVISIONS

CHAPTER I: DEFINITIONS

Article 1: Definitions

For the purposes of this Regulation:

FARMER-MULTIPLICATOR means the category of farmers specialized in seed multiplication.

ALLOGAMY means the cross-pollination mode whereby the two gametes (male and female reproductive cells) are from two different individuals.

SEED ANALYSIS means the range of techniques used in the laboratory to determine the quality of seed sample.

CROPPING HISTORY means cropping undertaken during the planting season immediately preceding the season under consideration.

SELF FERTILIZATION means the fertilization of a pistil by pollen from the same flower or another flower of the same plant.

AUTOGAMY means the fertilization mode whereby the male and female gametes come from the same individual.

PLANT CASTRATION means the removal or destruction of plant male reproductive organs.

CATALOGUE OF SPECIES AND VARIETIES means the official document containing the list of all registered species and varieties.

WEST AFRICAN CATALOGUE OF PLANT SPECIES AND VARIETIES or **WACPSV** means the catalogue of plant species and varieties common to Member States.

SEED CATEGORY means the class of seeds of the same nature potentially of one or several generations.

PHYTOSANITARY CERTIFICATE means the document that conforms to the models advocated by the International Convention for Plant Protection (ICPP)

CERTIFICATION means the culmination of seed quality control process in the field or in laboratory, leading to assurance that the seeds conform to minimum standards of varietal purity through genealogical parentage and a system of breeder seed maintenance of varietal features, in accordance with the provisions of extant technical regulations.

SEED PRODUCTION FARM means any parcel of land devoted to production and multiplication of seeds of specific variety.

MARKETING means the sale, conservation for the purpose of sale, sale offer and any form of cession, supply or transfer for the purpose of commercial transaction, of seeds or plants with or without remuneration.

COMMISSION means ECOWAS Commission.

COMMUNITY means the Economic Community of West African States.

SEEDS PACKAGING means the operation by which seeds are dried, cleaned, sorted, treated and packaged to avoid physical, chemical or biological degradation and facilitate handling.

SEED MULTIPLICATION CONTRACT means a written agreement between the farmer-seed growers and seed producers accredited by the competent services.

QUALITY CONTROL means the range of activities carried out by the competent services to verify that the varietal or genetic purity of seeds, their physiological and health conditions as well as their technological standards conform to the technical rules applicable in Member States.

SEED CONTROLLER means any technician with

responsibility to inspect standing plants to ensure that location and management of seed multiplication farms conform to the extant technical regulations in Member States.

CROPPING DECLARATION means the document or form filled out by any individual or corporate body whose name features on the list of seed producers.

DISJUNCTION means any plant produced from the descendant of a specie but without the features of that specie given the fact that it has not been genetically engineered.

SEED DISTRIBUTOR means any individual or corporate body other than the seed producer engaged in seed marketing either as a wholesaler, semi-wholesaler or retailer.

COMMUNITY LAW means a law resulting from application of the ECOWAS Treaty and subsequent texts.

SEED SAMPLE means any portion that is representative of seed batch sampled in accordance with extant technical regulations.

SAMPLING means the range of operations used to obtain samples in accordance with an established process.

PACKAGE means any container notably bags, sachet, cartons made of a variety of materials such as cotton, paper, aluminium and polyethylene in which seeds are packaged.

ROGUING means the elimination of off-type plants, diseased plants or any other plants that could alter seed quality.

SPECIE means all individuals that inter-cross and are distinguishable by a number of common features.

GERMINATION TEST OR TRIAL means any laboratory test meant to observe the appearance of a seedling and its development up to the stage where its essential organs indicate that it would be able or unable, in future, to evolve into a normal plant under conducive full soil conditions.

SEED HEALTH STATUS means a condition involving the presence or otherwise of disease occasioned mainly by moulds, bacteria, virus and other parasites such as insects, acarinas and nematodes.

LABEL means any document visibly displaying specific information in readable manner to facilitate seed identification or traceability.

GERMINATING CAPACITY means the ability of a batch of seeds to germinate, evaluated by calculating the percentage of grains that germinate in a given batch of seeds, under normalized conditions within a given time frame.

GENERATION means phylogenesis in successive progenies.

FARM GRAIN AND SEED means any seed or grain produced by a farm meant for the personal use of the farmer and not destined for the market.

WEED GRAIN means any grain produced by herbaceous wild plants.

REGISTRATION means the procedure by which the species or varieties intended to be included in the national catalogue of species, are registered.

HOMOZYGOTE means any individual whose cells contain double the amount of genes of a specific nature.

OFF-TYPE means any plant of given specie that does not conform to the standards of the specie.

DOUBLE CROSS HYBRID means the product of a cross between two single cross involving four lines.

SINGLE CROSS (F_1) means the product of a cross between two pure lines obtained by artificial self fertilization.

THREE-WAY CROSS means the product of a cross between a single female cross and a pure male line.

HYBRID means the product of a cross between two or several genetically different varieties.

INDIVIDUAL means any live specimen of an animal or plant specie produced from one cell.

ISOLATION means measures taken to protect a seed production farm from pollution by foreign pollen.

ISOLATION IN TIME means staggering the planting date of varieties of the same specie such that the flowering periods do not coincide.

ISOLATION IN SPACE means keeping a set distance between the variety meant for multiplication and another variety of the same specie, or between a variety that has been multiplied and the same variety that has not been rogued.

ISTA means International Seed Test Association.

LABORATORY ASSISTANT means any person trained to work in a laboratory.

SEED ANALYSIS LABORATORY means any premises specifically designed to conduct seed tests generally involving special purity, varietal purity, germination, humidity level and health status, with a view to determining seed quality.

PURE LINE means any genetically homozygote and homogeneous line.

LINE means all individuals descendants of one or several parents. In plants, line is the result of successive self-fertilizations over several generations.

SEED BATCH means any quantity of seed defined and identifiable by a number, and is homogenous especially in terms of identity and varietal or genetic purity, special purity, germinating capacity and humidity level.

RAW SEED BATCH means any batch of seeds meant for certification.

MAINTAINER means any person or organization responsible for maintaining a variety featuring in the national catalogue and likely to be sent in for certification

PARENT MATERIAL (G₀) means any initial or zero generation (G₀) material, production of which is based on a well-defined breeder seed maintenance method.

ACTIVE INGREDIENT means the content of a product to which its effectiveness is wholly or partly attributable.

INERT INGREDIENT means any impurities such debris, soil or straw fragments contained in a batch of seeds

STANDARDS means a set of benchmarks for evaluating seed quality

SEED BREEDER means any individual or corporate body who has created or discovered or developed a new variety

ACCREDITED PRIVATE BODY means any private institution empowered by a member state to undertake control and certification activities

BATCH ORIGIN means any venue for production of seed batch such as country, town, village or any other relevant locality.

SEED PRODUCTION FARM means any single holder parcel of land comprising one or several seed farms

ADVENTIVE PLANT means any undesirable plant or weed growing in a farm land

ALLOGAMOUS PLANT means any cross-fertilized plant.

AUTOGAMOUS PLANT means any plant which reproduces through the fertilization of its ovules by its own pollen.

PLANT means any young plant, stem cuttings, leaves or root, grafts and runners meant for plant production.

DISEASED PLANT means any plant showing signs of malformation resulting from infestation.

SHOOT means any young plant resulting from grain germination and still dependent on the same grain for nourishment.

POLLEN means an aggregation of microscopic grains produced by stamens and which constitute the male productive elements of flowering plant.

CONTAMINATION means any contamination of the seed multiplication process by the presence of off-type and adventive weeds and/or dangerous diseases and other cultivated plant species difficult to separate.

SEED PRODUCER means any individual or corporate body specialized in the production of seeds and registered for inspection.

SEED PRODUCER-DISTRIBUTOR means any individual or corporate body specialized in the production of seeds and engaged in their wholesale, semi-wholesale or retail marketing.

SPECIFIC PURITY means the proportion of elements considered in a seed batch.

VARIETAL OR GENETIC PURITY means the

proportion of plants in the field that meet the standards of the variety. In the laboratory, it means the proportion of a given variety in a seed batch.

TECHNICAL REGULATION means the document specifying the characteristics of a product or its production procedures and methods, including the applicable administrative requirements that must be respected. Technical regulation may also partially or fully determine the terminologies, symbols or specifications used for packaging, marking and labelling of a product, service, production procedure or method

PLANT BREEDER means any individual or corporate body engaged in plant improvement with a view to creating new varieties.

SEED means any plant material or organ, or part of plant organ, such as grain, shoot, bulb, scion, rhizome, tuber or embryo, able to reproduce an individual

SEED TUBER means all or any part of a tuber meant for cultivation, as in the case of yam and potato.

CONVENTIONAL SEED means any seed of a variety of which the visual, technological and agronomic characteristics have been stabilized through genetic and biological manipulation

CERTIFIED SEED means any seed obtained from the first or second multiplication of basic seed

ROGUE SEED means any seed of undesirable plants or weeds growing in a farmland.

BASIC SEED OR FOUNDATION SEED (G_4) means any seed from pre-basic or breeder seed produced under the responsibility of a maintainer according to generally accepted maintenance breeding rules for that variety and intended for the production of certified seeds.

INFECTED SEED means any seed penetrated by living pathogens such as bacteria, mycoplasma, viruses, protozoa, fungi or yeasts.

INFESTED SEED means any seed invaded by parasitic animals such as insects or acarids.

PARENT SEED means any seed sown to produce a new generation. Any generation can be used as parent seed, except the generation sold to farmers to produce consumer grains.

NON-CONVENTIONAL SEED means any seed other than conventional seed

PRE-BASIC OR BREEDER SEED means any generation G_1 , G_2 or G_3 seed situated between parent material and basic seed. Pre-basic seed is produced directly by the breeder of the variety or his authorized agent

OFFICIAL CONTROL AND CERTIFICATION SERVICE means the national service or body responsible for seed control and certification.

SEED STORAGE means any conservation of seeds in a storage area or warehouse under appropriate temperature and humidity conditions.

MOISTURE OR WATER CONTENT means the percentage of water content in a seed sample.

SEED TECHNICIAN means any seed professional licensed to assist seed producers by the national seed quality control and certification body or service of Member State.

CHEMICAL TREATMENT means the application of one or several chemical agents on seeds for their phytosanitary protection.

PHYTOSANITARY TREATMENT means the application of chemical products on seeds to protect them against disease and parasites.

COMPOSITE VARIETY means any variety obtained by the combination of several lines or populations, of relative genetic variability.

PLANT SPECIE OR VARIETY means the collection of plants of the lowest known botanic taxon i) defined by using the characteristics of some genotype or a combination of genotypes, ii) distinguishable from all other plant collections by at least one of these characteristics and iii) considered as an entity given its capacity for authentic reproduction.

CHAPTER II: PURPOSE AND FIELD OF APPLICATION

Article 2: Purpose

1. The purpose of this Regulation is to harmonize the rules governing quality control, certification and marketing of plant seeds and agricultural plants in Member States.

2. The harmonization is intended to ensure good quality and determine the origin of the seeds of plant species and varieties listed in the West African Catalogue of Plant Species and Varieties, as defined in Article 9 of this Regulation.
3. More specifically, the purpose of this harmonization is to:
 - facilitate local production of quality seeds;
 - facilitate trade in seeds amongst Member States, through application of regionally agreed principles and rules that minimize trade barriers;
 - facilitate timely and convenient access by farmers to quality seeds;
 - create a climate propitious for private investment in the seed industry;
 - help widen the choice of the seeds available to farmers; and
 - promote partnership between the public and private sectors.

Article 3: Field of Application

1. This Regulation shall apply to all seed related activities, especially those pertaining to seed quality control, certification and marketing.
2. It shall not be applicable to freely used farm grains and seeds, without prejudice to the regulations in force in ECOWAS.

CHAPTER III: GENERAL PRINCIPLES

Article 4: Principle of Harmonization

In pursuance of harmonization as intended by this Regulation, the Community shall help bridge the gap between Member States' legislations in the field of seeds.

Article 5: Principle of Free Movement of Pesticides

For the purpose of organization of a common market as defined in the Community agricultural policy, there shall be free movement of seeds in the territory of ECOWAS Member States as soon as the seeds meet the quality standards applicable in the Community.

Article 6: Principle of Mutual Recognition and Equivalence

Member States shall implement the principle of mutual recognition of certifications based on the technical specifications and Community standards on plant seeds as well as on the registration conditions and procedures applicable in ECOWAS, and shall recognize such conditions and procedures as equivalent.

Article 7: Principle of recognizing International Standards

To ensure the free movement of seeds within Community and foster regional and international trade thereon, Member States shall anchor their seed technical regulations on international standards, directives and recommendations.

Article 8: Principle of Participation and Information

1. Member States shall ensure the full participation of the seed sector players in the process of public decision-making in seed related matters.
2. Member States shall organize public access to the seed related information available to public authorities.
3. Member States shall help train and build the awareness of seed sector players.

CHAPTER IV: SEED MANAGEMENT TOOL AND ORGAN

Article 9: West African Catalogue of Plant Species and Varieties

1. A West African Catalogue of Plant Species and Varieties, hereinafter known as the "WACPSV", is hereby established for more effective management of seed quality control and certification in the Member States.
2. The WACPSV shall be the official document containing the list of all registered varieties in Member States.
3. The WACPSV shall be constituted by all registered varieties listed in Member States' national catalogues. To this end, each Member State shall institute a national catalogue of plant species and varieties.

4. The organizational modalities for WACPSV shall be determined by the Commission in an enabling Regulation.

Article 10: West African Seed Committee

1. A West African Seed Committee hereinafter referred to as WASC is hereby established. This Committee shall implement extant regulations in matters of seed quality control, certification and marketing, with a view to fostering the development of the seed sector in Member States.
2. The West African Seed Committee shall work closely with national seed committees for development of the seed sector. To this end, each Member State shall set up a national seed committee and a seed sector support fund.
3. At the request of WASC, each Member State shall provide information for verification of compliance of national seed quality control and certification systems with Community texts. WASC may conduct investigations in Member States to verify the accuracy of information provided.
4. The functions, organization, operations and financing of the West African Seed Committee shall be defined in due course.

SECTION II: QUALITY CONTROL

CHAPTER V: PRELIMINARY PROVISIONS

Article 11: Purpose of Control

1. The purpose of control shall be to enable the official quality control and certification service or any other accredited private body to ascertain that the seeds submitted to it:
 - are of acceptable varietal or genetic purity;
 - are in good physiological and health condition; and
 - meet technological standards, where appropriate.
2. The requisite standards regarding the above characteristics shall be spelt out in enabling technical regulations as mentioned in Article 58 of this Regulation.

Article 12: Area of Control

Seed quality control shall apply to all stages and venues of production, from the farm to the producer's or distributor's storage facility which must have previously been admitted for control.

Article 13: Quality Control Authority

Seed quality control in each Member State shall be carried out by the official quality control and certification service or any other accredited private body, in accordance with the provisions of this Regulation.

CHAPTER VI: ADMISSION FOR CONTROL

Article 14: Application for Admission for Quality Control

- (a) In each Member State, admission for quality control shall be granted to any individual or corporate body who applies accordingly. Admission shall be determined by the official national quality control and certification service or any other accredited private body for one or several of the species listed in the WACPSV and, in regard to each of these species, for one or several categories of seed as defined in Article 22 of this Regulation;
- (b) Applications, using the appropriate form, shall be addressed to the official quality control and certification service or any other accredited private body in Member State before the start of the planting season;
- (c) The quality control and certification service or any other accredited private body shall examine the application and satisfy itself that the admission requirements under prevailing regional regulations have been met. The applicant shall be notified of the approval or rejection of the application within fifteen (15) days of its submission;
- (d) Where the official quality control and certification service or any other accredited private body deems necessary, it may grant additional period of ten (10) days to the applicant for submission of fresh application or provision of supplementary information.

Article 15: Admission Criteria

- (a) **General Criteria**
Any individual or corporate body wishing to be admitted for quality control, shall meet the following conditions:

- I. undertake to observe the enabling technical regulations as mentioned in Article 58 of this Regulation;
 - II. have sufficient land;
 - III. have sufficient and qualified technical personnel; and
 - IV. possess appropriate facilities and equipment.
- (b) Special Criteria
The special criteria shall be determined by the enabling technical regulations in accordance with the characteristics of each specie.

Article 16: Professional Card

1. The official quality control and certification service shall issue a professional card to individuals or corporate bodies who have met the admission requirements.
2. Issuance of such card shall be subject to payment of single registration fee in accordance with the type of activity. The amount, payment modalities and allocation of the proceeds of the single registration fee shall be determined by the individual Member State.
3. Professional card shall be issued to the following individuals or corporate bodies:
 - Seed/Plant Breeder;
 - Producer of basic seeds;
 - Producer of certified seeds;
 - Plant producer (Nursery farmer)
 - Wholesaler;
 - Retailer;
 - Importer /Exporter;
 - Associated operators such as packaging professionals, brokers, transporters and packers.

Article 17: Validity of Professional Card

Professional card shall be issued for three years, renewable at the holder's request, in accordance with the applicable procedures.

Article 18: Suspension of Professional Card

1. Professional card shall be suspended in the following cases, after written notification to the holder:
 - (a) Where there has been non-observance of the provisions of this Regulation despite the directives of the official quality control and certification service;
 - (b) Where sanction has been imposed on the holder in accordance with the concerned Member State's legislation on crack down on offenses.
2. In the event of suspension of professional card, the holder shall have a period of thirty (30) days from the date of notification to comply with the provisions of this Regulation. After this deadline, the holder's name shall be deleted from the register of professionals for the specific activity.

Article 19: Withdrawal of Professional Card

1. Professional card shall be withdrawn where:
 - (a) the holder has not been active for two consecutive years;
 - (b) the holder commits fresh infringement punishable by suspension within one year of the lifting of a previous suspension;
 - (c) the holder under suspension has not complied with the provisions of this Regulation within the thirty (30) days time frame granted under Article 18 of this Regulation.
2. The official quality control and certification service shall serve notice of termination to the professional card holder. However, the holder may still have access to the quality control services for crops cultivated prior to the withdrawal decision and, hence, obtain certification for the seeds therefrom produced, where these have met the set standards.
3. Where a professional card has been withdrawn, fresh application may be filed only after three years following the date of withdrawal of the card.

CHAPTER VII: ORGANIZATION OF PRODUCTION

Article 20: Seed Producer and Farmer-Seed Grower

1. A seed producer is any individual or corporate entity duly admitted for quality control.
2. A seed producer may enter into multiplication contract with one or several farmer- seed growers engaged in similar species.
3. A farmer-seed grower shall not be authorized to conclude multiplication contract with several producers. However, exemptions may be allowed where the contract with several producers does not cause prejudice to any one of them.

Article 21: Varieties to be multiplied

1. Only seeds of the varieties registered in national catalogue or the West African Catalogue of Plant Species and Varieties (WACPSV) may be eligible for multiplication, for the purpose of certification.
2. The characteristics of these varieties shall be consistent with those of the samples deposited at the time of registration in the WACPSV and conserved under the responsibility of the national committee in charge of registration in the catalogue.

Article 22: Seed Categories

The seed categories shall be as follows:

- (a) Parent Material (G_0)
Parent material G_0 means the initial material, production of which shall be based on well-defined methodology for pedigree seed production.
- (b) Pre-basic Seed (G_1 , G_2 and G_3)
Pre-basic seed G_1 , G_2 and G_3 means the seed generations between parent material and basic seed. Pre-basic seed shall be produced directly by the breeder of the variety or his/her authorized agent.
- (c) Basic Seed (G_4)
Basic seed G_4 means the seed derived from pre-basic seed produced under the responsibility of the maintainer according to pedigree seed production rules generally accepted for the variety, and intended for production of certified seed.

- (d) Certified Seed
Certified seed means the seed resulting directly from the first or second multiplication of basis seeds.

Article 23: Generations of Certified Seed

1. Certified seed may concern several successive seed generations:
 - First generation or " R_1 " certified seed, from basic seed;
 - Second generation or " R_2 " certified seed, from " R_1 " certified seed;
 - Third generation or " R_3 " certified seed, from " R_2 " certified seed.
2. For hybrid varieties, certified seeds result from one sole hybridization (F_1) of basic seeds. These are referred to as certified seeds of hybrid varieties.

Article 24: Authorized Generations of Certified Seeds

1. The last authorized generation under this Regulation shall be the certified seeds of the second generation " R_2 " which is not likely to produce seeds.
2. However, in case of difficulty of supply of certified seeds owing to force majeure in one Member State, the other Member States may authorize the delivery or marketing of seeds from the last authorized R_2 generation to address the crisis situation. Such seed must comply with the basic standards required for R_2 certified seed and shall be referred to as third generation or " R_3 " seed.
3. The required standards relating to the above characteristics shall be defined in the enabling technical regulations mentioned in Article 59 of this Regulation.

CHAPTER VIII: PRODUCTION CONDITIONS

Article 25: Location of Seed Farm

1. Individual or corporate entities admitted for quality control shall abide by the production zones recommended by the breeder of a given variety.

2. The seed farm shall be accessible for inspection at any time throughout the growing cycle.

Article 26: Cultivated Areas

The minimum and maximum areas per crop and per parcel shall be as applicable in each Member State.

Article 27: Number of Varieties and Categories

1. The number of seed varieties and categories authorized for multiplication on the same agricultural holding shall be determined by the species and in accordance with the standards laid down in the enabling technical regulations.
2. The number of varieties shall not be restricted, as far as testing stations or experimental farms are concerned, on condition that the isolation standards defined in the aforementioned technical agreements are observed.

Article 28: Origin of the Parent Seed

1. The official quality control and certification service or any other accredited private body shall ensure that the seed producer or farmer-multiplier uses only certified parent seed.
2. All seed producers or farmer-multipliers shall justify the origin of parent seed with documentary evidence such as certification label, invoice, delivery note or any other appropriate document.

CHAPTER IX: PRODUCTION CONTROL

Article 29: Control Periods

Control shall be undertaken at all stages of activity, namely: seed production, conservation, packaging, warehousing, transportation, marketing and utilization.

Article 30: Cropping Declaration

1. Before each certification season, individuals or corporate bodies admitted for control shall transmit, prior to cultivation, cropping declaration to the national quality control and certification service or any other accredited private body within a reasonable timeframe, failing which the declaration shall be rejected.

2. Any subsequent changes to the cropping declaration shall be reported immediately to the quality control and certification service or any other accredited private entity.
3. A model cropping declaration shall feature in the enabling Regulation as defined in Article 57 of this Regulation.

Article 31: Seed Multiplication Contract

1. The seed multiplication contract concluded between the seed producer and one or several farmer-multipliers shall include:
 - (a) a commitment by the farmer-multiplier to respect existing regulations, allow the quality control agents to inspect his/her crops and not inconvenience neighbouring seed farms; and
 - (b) an undertaking by the producer to provide the farmer-multiplier with all necessary technical instructions and deliver the parent seeds in good time.
2. A model seed multiplication contract shall be presented in the enabling Regulation referred to in Article 57 of this Regulation.

Article 32: Control Agents

1. Throughout their growing cycle, seed crops shall be under the surveillance of sworn agents, hereinafter known as inspectors, drawn from the official national quality control and certification service of the concerned Member State or any other accredited private body.
2. The inspectors shall have the mandate to visit the seed farms to ascertain their characteristics and cropping condition.

Article 33: Field Inspections

1. The inspectors shall carry out extension visits and shall, in this regard, have free access to the seed farms. They shall produce a field inspection report with respect to each visit.
2. At least four inspection exercises shall be undertaken in the course of a cropping cycle.
 - (a) **First Inspection: Preliminary Inspection**
This first inspection shall take place

before cropping to ascertain whether or not the land set aside by the producer meets the minimum characteristics and standards required for the species to be multiplied.

(b) Second Inspection: Pre-Flowering Phase

The second inspection shall take place during the vegetative phase extending from cropping phase to that start of flowering up to emergence of inflorescence.

(c) Third Inspection: Flowering Phase

The third inspection shall take place when some 50 percent of the plants are in flower; the flowers are open, the stigmas are receptive and the spores release pollen.

(d) Fourth inspection: Pre-Harvest Phase

The fourth inspection shall take place a few days before harvest: the seed is sufficiently firm and has attained physiological maturity.

3. The field characteristics and minimum standards required for each specie shall be defined in the enabling technical regulations mentioned in Article 58 of this Regulation.

Article 34: Factors determining Number of Inspections

1. The minimum number of inspections shall be determined in light of the following characteristics:
 - Seed farm environment;
 - Origin of parent seed;
 - Cropping history;
 - Isolation,
 - Crop condition.
2. All these characteristics shall be spelt out in the enabling technical regulations mentioned in Article 58 of this Regulation.

Article 35: Grounds for Rejection of a Seed Farm

1. A seed farm shall be rejected by the official quality control and certification service or any other accredited private body if it fails to meet the required standards in respect of:

- Physical purity,
- Adventive plants,
- Health status, and
- Varietal purity.

2. The required standards in regard to the above characteristics shall be spelt out in the enabling technical regulations mentioned in Article 58 of this Regulation.

Article 36: Inspection Report

1. The inspections shall take place in the presence of the seed grower or an accredited representative of the producer, and a report containing observations on the cropping condition of the seed farm issued.
2. The report shall also contain technical recommendations or directives in accordance with the rules governing the specific specie.
3. A model field inspection report shall be presented in the enabling Regulation mentioned in Article 57 of this Regulation.

Article 37: Seed Technicians

1. Any seed producer without the necessary technical competence shall resort to the services of a seed technician whom he shall engage from the stage of production up to that of sale to distributors.
2. The seed technician shall meet the following conditions:
 - be accredited by the official national quality control and certification service;
 - serve only one producer at a time. This requirement may, however, be waived if the contracts concluded with several producers do not cause prejudice to any of them.
3. The seed technician shall:
 - oversee standing crops;
 - be present at each inspection visit;
 - tidy up the sowing, cropping, harvesting and transportation as well as the packaging and storage facilities;
 - identify seed batches; and

- store the seeds in appropriate conditions.

4. The model application for registration as seed technician shall be presented in the enabling Regulation mentioned in Article 57 of this Regulation.

Article 38: Internal Control

Any producer admitted for control may install an internal crop control structure that engages seed technicians.

Article 39: Abandonment of a Seed Farm

A seed farm may be abandoned for climatic or technical reasons at any stage of the vegetative process. In that event, the producer shall accordingly inform the official quality control and certification service or any other accredited private body within the shortest possible time.

Article 40: Classification of Crops

1. The inspectors shall classify the crops on the basis of the outcomes of and the observations made during control visits.
2. A crop may be rejected where the technical recommendations or directives issued during previous visits have not been complied with:
 - (a) any rejection shall be notified to the concerned party as soon as possible;
 - (b) where there has been multiplication of parent seeds imported from non-ECOWAS Member State, classification of the seed farms shall be predicated on the results of varietal control conducted in the laboratory or in the farm.

CHAPTER X: QUALITY CONTROL OF SEED BATCHES

Article 41: Constitution of Seed Batch

1. All seed batches shall be physically identifiable by a number which could be in the form of figure or letter or a combination of both.
2. With the authorization of the quality control service, a given batch of certified seeds may be constituted from the products of several

farms of the same variety and of the same parent seed.

3. However, with respect to pre-basic and basic seeds, a seed batch shall be constituted by the product of one farm.

Article 42: Size of Seed Batch

The size of a seed batch shall depend on the species. It shall be defined in the enabling technical regulations mentioned in Article 58 of this Regulation.

Article 43: Identification of Raw Seed Batches

From harvest to packaging stage, raw seed batches of all categories, whether bagged or loose, shall be provisionally identified by label, harvest tag or other appropriate document to avoid accidental mix up.

Article 44: Sampling

1. To determine the value of seed batches, the official quality control and certification service or any other accredited private body shall take samples for laboratory testing.
2. Sampling shall be carried out in accordance with the international rules developed by the International Seed Testing Association (ISTA).
3. The sample weight for each specie shall be defined in the enabling technical regulations mentioned in Article 58 of this Regulation.
4. The samples shall be placed in sachets bearing the following information:
 - Official quality control and certification service or accredited private body of the Member State;
 - Name of producer;
 - Specie and variety;
 - Category;
 - Batch number;
 - Batch weight or number of units in the batch;
 - Treatment and products used;
 - Sampling date;

- Name of agent of the official service or accredited private body responsible for quality control and certification or of the laboratory assistant.

Article 45: Laboratory Control

1. Any seed batch submitted for certification shall be tested in a laboratory designated by the Member State or an official laboratory affiliated to the ISTA.
2. Such control shall embrace the five key areas indicated hereunder. The related standards shall be defined in the enabling technical regulations stipulated in Article 58 of this Regulation

(a) Analytical Purity

The laboratory control of analytical purity shall seek to determine:

- i. the composition of the analysed sample; and
- ii. the identity of the seed specie and the inert particles that constitute the sample.

(b) Water Content

The laboratory control of water content shall seek to determine seed moisture content using appropriate methodology.

(c) Germination Test

The germination test shall seek to determine the germinative value of the seeds for sowing in farm and furnish data for comparison of seed batches.

(d) Health Status Test

The health status test shall determine the health of a seed sample through examination to detect diseases occasioned by organisms such as fungi, bacteria and viruses and animal parasites including nematodes and insects.

(e) Varietal Purity

The laboratory control of varietal purity shall ascertain the varietal identity of a seed batch and compare its varietal purity with that of a reference sample.

Determination of varietal identity may be morphological, physiological, cytological or chemical.

Article 46: Laboratory Reports

1. All test results shall be consigned in a seed analysis report issued by the competent national seed testing laboratory of Member State.
2. A model seed laboratory report shall be presented in the enabling Regulation mentioned in Article 57 of this Regulation.
3. For the purpose of seed trade in Member States, the national seed testing laboratory of Member State may also issue an International Seed Analysis Certificate in accordance with the applicable rules of the ISTA.

Article 47: A posteriori Control

1. A posteriori control shall be carried out after certification, on a reference sample of seeds of all categories. Such control may extend to parent material and pre-basic seeds in the event of dispute or complaint.
2. As regards pre-basic and basic seeds, the outcomes of such control shall serve to confirm or modify the classification of the seed batches still in stock and the progeny of the controlled batches.
3. The sample used for quality control shall be taken in accordance with ISTA standards and conserved by the official quality control and certification service or any other accredited private body of the Member State.
4. A posteriori control shall be conducted in accordance with a protocol defined by the quality control and certification service in concert with the national research institutions concerned.
5. Quality control during seed marketing shall be carried out by agents of the official quality control and certification service or any other accredited private entity and agents of the Ministry of Trade.

CHAPTER XI: CONDITIONING

Article 48: Seed Treatment

Seeds presented for certification shall be treated in a seed conditioning plant accredited by the

official quality control and certification service of the Member State in which they have been produced.

Article 49: Use of Sorting Sieve

Seed cleaning lines in accredited conditioning plants shall use at least one set of three-grid sieve, with top, middle and bottom sieves, selected according to the species to be conditioned.

Article 50: Maintenance of Facilities

The conditioning facilities shall be cleaned after every use to avoid accidental mix up.

CHAPTER XII: PACKAGING

Article 51: Types of Packaging

The type of packaging used shall be those authorized in each Member State. The packaging shall be clean, resistant and appropriate for seed protection and viability.

Article 52: Marking the Packagings

1. All producers shall mark the packagings of their seeds.
2. The package markings shall indicate in clear and easily legible print:
 - (a) name and address of the producer or distributor;
 - (b) logo or trade name, where these exist;
 - (c) name of the species and of the variety as listed in the WACPSV;
 - (d) category, generation and production cycle;
 - (e) net weight;
 - (f) certification label; and
 - (g) name of the product used for treatment

CHAPTER XIII: SPLITTING - REPAGKAGING

Article 53: Splitting and Repackaging

Where seed batches have been assembled and labelled, any subsequent splitting and/or repackaging shall be undertaken in the presence of agents of the quality control and certification

service, failing which the seed batches concerned shall be rejected.

Article 54: Labelling

In the case of splitting and/or repackaging, the new labels shall bear the same particulars as the original labels, with additional annotation indicating that the batch has been repackaged.

CHAPTER XIV: STORAGE

Article 55: State of Storage Facilities

1. All seed storage facilities must have an appropriate temperature and humidity. They shall kept tidy and well aerated for effective seed conservation.
2. Storage facilities must also be regularly disinfected.

Article 56: Conditions for Bags Storage

Seed bags shall be placed on duckboards or pallets: They must not be kept in contact with the ground or with walls. Seed batches shall be arranged in a way that allows a passage between piles of seeds to facilitate control and sampling.

CHAPTER XV: CONTROL MODALITIES

Article 57: Model administrative documents

An enabling Regulation of the Commission shall define the model administrative documents to be used for seed quality control in Member States.

Article 58: Enabling Technical Regulations

An enabling Regulation of the Commission relating to enabling technical regulations shall complement the modalities of seed quality certification and control in the Member States.

SECTION III: SEED CERTIFICATION

CHAPTER XVI: CERTIFICATION, ELIGIBILITY CONDITIONS AND CERTIFICATION FEE

Article 59: Certification

All plant seed produced for the purpose of marketing shall be certified in accordance with the provisions of this Regulation and its enabling Regulations.

Article 60: Eligibility

Certification shall be applicable only to seed batches from farms normally eligible for control and for the varieties listed in the WACPSV.

Article 61: Certification Fee

1. Any service in respect of certification, be it for control in the field or in laboratory, shall be subject to certification fee.
2. A certification fee shall be collected by the official service or any other quality control and certification body at the time of issue of certification labels or laboratory reports.
3. The fee amount, payment modalities and the conditions for allocation of the proceeds shall be determined by each Member State.

CHAPTER XVII: LABELLING

Article 62: Mandatory Labelling

1. Any packaging containing certified seeds shall bear a certification label issued by the official quality control and certification service or body. The certification label shall be different from the seed producer's label as provided for in Article 52 of this Regulation.
2. The official service or body responsible for quality control and certification shall have the sole authority to print, distribute and affix official certification labels. This responsibility may, however, be delegated to an accredited private body.
3. Certification labels shall be affixed in a way to ensure inviolability of the package.
4. A certification label identical to that affixed to

the package shall be placed inside the package, where such package does not bear printed specifications of the seed batch.

5. Model certification labels shall be presented in the enabling Regulation stipulated in Article 57 of this Regulation.

Article 63: Colour of Certification Labels

The colours of certification labels shall depend on seed category. The authorized colours shall be:

- (a) white with diagonal violet stripes - for parent material and pre-basic seeds;
- (b) white for basic seeds;
- (c) blue for "R₁" or first generation certified seeds; and
- (d) red for "R₂" or second generation certified seeds and "F₁" hybrid seeds.

Article 64: Specifications on Certification Labels

1. The top side of certification labels shall bear the following indications:
 - (a) Name of specie, followed where appropriate by cropping suitability or varietal type; for example:
Specie: rainfed rice or irrigated rice;
Hybrid maize or composite maize;
 - (b) Name of variety as listed in the WACPSV;
 - (c) Batch number;
 - (d) Size;
 - (e) Minimum germination capacity;
 - (f) Year and month of harvest;
 - (g) Minimum genetic purity;
 - (h) Weight;
 - (i) Reference to this Regulation;
 - (j) Name of official quality control and certification service or body.
2. The seal of the official quality control and certification service or accredited private body of the country in which the seed was produced, shall be used as a guarantee of the authenticity of the certification label.
3. The back side of the certification label shall bear no annotation.

4. The number of certification labels shall be strictly limited to the number of units that make up each certified batch.

Article 65: Withdrawal of Certification Labels

1. Where a seed batch has been declassified or rejected after testing, for reasons of non-compliance with the set standards, all certification labels already issued shall be withdrawn and recovered by the official quality control and certification service.
2. The seed batch in question shall no longer be used or marketed.

CHAPTER XVIII: CERTIFICATION ATTESTATION

Article 66: Issuance of Certification Attestation

1. Certification attestation is an official document issued in respect of a seed batch by the official control and certification service or any other accredited private body at the request of any person wishing to use the batch in question.
2. A model certification attestation shall be presented in the enabling Regulation mentioned in Article 57 of this Regulation.

CHAPTER XIX: EXEMPTIONS

Article 67: Exceptional Issuance of Certification Labels

(a) Authorization of non-conforming pre-basic and basic seeds

The official service or any other accredited private body responsible for quality control and certification may exceptionally issue certification labels for pre-basic or basic seeds, germination capacity of which falls short of the required standards. In such case, the real germination capacity shall be indicated on the label.

(b) Authorization of non-conforming seeds

The official service or any other accredited private body responsible for quality control and certification may exceptionally issue, in the case of emergency and/or for dormant

seeds, certification labels for non-conforming seed batches, after preliminary and summary biochemical evaluation of viability.

CHAPTER XX: CARRY-OVER SEED BATCHES

Article 68: Declaration of Carry-Over Seed Batches

1. Certified seed batches shall be considered as carry-over batches counting from the starting date of the new planting season following the harvest season. Such batches shall be declared to the official quality control and certification service or any other accredited private body.
2. Such seed batches shall be examined to ascertain germination capacity by the national laboratory of the Member State or any other accredited laboratory. The labels of non-conforming batches shall be withdrawn.

CHAPTER XXI: MUTUAL RECOGNITION

Article 69: Mutual Recognition of Certification

Seeds certified by an authorized service of a Member State in accordance with the provisions of this Regulation and its enabling Regulations shall be recognized as such by all other Member States.

SECTION IV: SEED MARKETING

CHAPTER XXII: MARKETING BY PRODUCER-DISTRIBUTORS AND DISTRIBUTORS

Article 70: Variety of Seeds marketed on the Regional Market

Only seeds registered in the West African Catalogue of Plant Species and Varieties shall be marketed in the sub-region.

Article 71: Accreditation

1. The marketing of seeds by producer-distributors and distributors shall be subject to official accreditation.
2. Such accreditation shall be renewable every three years at the request of the holder.

3. The criteria for accreditation shall be determined by each Member State in accordance with the provisions of this Regulation.

Article 72: Stores Accounting

All seed producer-distributors and distributors shall keep detailed account of stock entries and withdrawals in a ledger that shall be available for checking and inspection at all times by the official quality control and certification service or any other accredited private body, and by the competent Departments of the Ministry of Trade.

Article 73: State of Storage Facilities

1. All storage facilities for seeds for marketing must have appropriate temperature and humidity levels. They shall be kept tidy and well aerated for effective seed conservation.
2. The storage facilities shall also be regularly disinfected.

Article 74: Conditions for Bags Storage

Seed bags shall be placed on duckboards or pallets. They must not be kept in contact with the ground or with walls. Seed batches shall be arranged in a way that allows a passage between piles of seeds to facilitate control and sampling.

Article 75: Conditions for Transportation

Seeds shall be transported in such conditions as can maintain their intrinsic quality.

CHAPTER XXIII: EXPORT - IMPORT

Article 76: Procedure

1. Without prejudice to Community regulations on external trade, the import and export of conventional seeds shall be subject to prior declaration to the official quality control and certification service or body.
2. The importer or exporter shall provide the following information regarding the seed batch:
 - Individual or corporate name;
 - Name and address of consignee or supplier;

- Species and variety as registered in the WACPSV;
- Category and generation;
- Batch number;
- Declared batch weight;
- Number of packages;
- Unit weight of packages;
- Number of labels specifying first and last figures; and
- Chemical treatment with the name of active ingredients used.

3. The import and export of unconventional seeds shall be governed by the legislation applicable in Member States.

Article 77: Issuance of International Certificate

Member States' national seed testing laboratories accredited by the ISTA shall be authorized to issue an International Certificate where this is required.

Article 78: Phytosanitary Certificate

1. All seed export and import shall be accompanied by a phytosanitary certificate issued by the national service or agency responsible for plant protection in the country of origin of the seed.
2. For the purpose of issuance of phytosanitary certificate, Member States shall periodically conduct surveys and exchange information with a view to drawing up comprehensive inventories of the pests existing in the States.
3. Such inventories shall serve to update the list of quarantine and non-quarantine organisms.
4. The list of quarantine and non-quarantine organisms drawn up for the purpose of inter and intra-Community trade and the modalities of seed phytosanitary control shall be determined by ECOWAS Commission.

Article 79: Scientific Research

Exchange of plant material among Member States for scientific research shall not be affected by the provisions of Article 76 of this Regulation. However, the requirement for a phytosanitary certificate shall be applicable.

Article 80: Suspect Seed Batches

1. Any imported or exported seed batch that arouses suspicion of fraud or falsification shall be considered as suspect and provisionally impounded.
2. A sample thereof shall be taken by the official quality control and certification service or any other accredited private body and transmitted to the national seed testing laboratory for investigation of fraud and falsification. Where the results fail to match the specifications on the documents accompanying the seeds, the seed batch shall be seized by the agents or officers of the criminal police or the sworn agents of the customs and plant protection authorities. Thus, utilization of the seeds in such batch shall not be authorized; and the labels shall be withdrawn and destroyed.

Article 81: Batches in Transit

1. Any batch transiting the territory of a Member State shall be declared to the official quality control and certification service or any other accredited private body by the individual or corporate entity responsible for the transit.
2. Information concerning the consignee and the country of destination shall be communicated to the official quality control and certification service or any other accredited private body and to the official plant protection services by the aforementioned individual or corporate entity.
3. Transiting batches shall be accompanied by a phytosanitary certificate indicating the source and destination of the seeds. The batches in question shall not be subject to quality control in the transit countries.

SECTION V: SANCTIONS**Article 82: Sanctions for Infringement**

1. The following shall constitute breaches of the provisions of this Regulation and its enabling Regulations:
 - (a) production of seeds without professional card;
 - (b) marketing of seeds without accreditation;

- (c) misleading information on seed labelling, wilful modification or alteration of labelling and the use of any trickery to mislead third parties as to the quality of the seeds;
- (d) distribution, for animal or human consumption, of seeds treated with substances dangerous to human or animal health and, thus, unfit for consumption;
- (e) failure to keep proper ledger as laid down in Article 73 of this Regulation;
- (f) import or export of conventional seeds without prior declaration;
- (g) import or export of unconventional seeds in violation of applicable legislation;
- (h) obstruction of official inspection or control activities;
- (i) non-compliance with the conditions of admission for control; and
- (j) fraud or attempted fraud in the utilization or marketing of seeds transiting Member States.

2. Member States shall take all appropriate measures to impose sanctions for any breach of the provisions of this Regulation.

Article 83: Empowerment and Powers of Control Agents

1. Member States shall draw up a list of the agents authorized to carry out verifications of compliance.
2. The agents shall be accorded powers of inspection and investigation to enable them to, among other things:
 - (a) enter the professional premises including compounds and buildings meant for seed distribution as well as seed warehouses, storerooms and other storage places and depots;
 - (b) access and cause to be transmitted to them all documentation relating to the operations of seed producers and seed distributors;
 - (c) inspect installations, facilities, works, vehicles, devices and tools used in seed related activities; and

- (d) collect samples and ensure that these samples are representative enough and leave open the possibility of alternative evaluation.
3. Inspections during seed production and marketing shall be carried out in the presence of the producer and the distributor or their representative.

**SECTION VI:
GUARANTEES FOR PERSONS ADMITTED FOR
CONTROL AND FOR DISTRIBUTORS**

Article 84: Scope of the Guarantees

Individuals or corporate bodies subject to compliance control and inspection at all stages of seed production, certification and marketing shall be accorded the following guarantees:

- (a) confidentiality of the information they provide, since the individual or corporate entity concerned are bound to keep the secrets of their profession.
- (b) representativeness of the samples used as basis for contested administrative measure;
- (c) right to resort to alternative opinion and to lodge an appeal according to applicable procedures;
- (d) right to be present or be represented during control exercise;
- (e) right to demand disclosure of documents such as notification of measures taken against their person, grounds for such decision, receipts for samples and seed seizure reports, laboratory test results, their statements and any other document that inform the decisions that affect them.

**SECTION VII:
MISCELLANEOUS PROVISIONS**

Article 85: Implementation

In furtherance of its activities, WACPSV shall be open to the sub-regional institutions operating in the seed sector. Specific Conventions shall define the modalities of such opening.

Article 86: Relation with other Community Texts

Seed quality control, certification and marketing activities within the Community shall be exercised in accordance with the applicable ECOWAS texts.

SECTION VIII: FINAL PROVISIONS

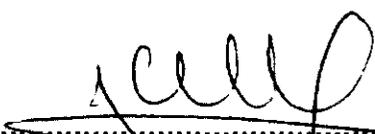
Article 87: Publication

This Regulation shall be published by the Commission in the Official Journal of the Community within thirty (30) days following signature by the Chairperson of the Council of Ministers. It shall also be published in Member States' Official Gazette within the same timeframe.

Article 88: Entry into Force

This Regulation shall enter into force upon its publication.

**DONE AT ABUJA,
THIS 18TH DAY OF MAY 2008**



H.E MRS. MINATA SAMATE CESSOUMA
CHAIRPERSON
For COUNCIL

REGULATION C/REG.5/05/08 ON THE ADOPTION OF THE ACTION PLAN FOR THE DEVELOPMENT OF BIOTECHNOLOGY AND BIOSAFETY IN THE ECOWAS REGION

THE COUNCIL OF MINISTERS,

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

MINDFUL of Decision A/DEC. 11/01/05 on the adoption of the ECOWAS Agricultural Policy;

MINDFUL of Decision A/DEC. 1/5/81 relating to the sections on eradication of hunger, extension of some plant and animal varieties, programme funding, research and agricultural production projects;

MINDFUL of Decision C/DEC.5/5/81 relating to selected staple seeds production and to the selection of production stations;

MINDFUL of Decision C/DEC.1/05/83 on short and medium term programmes on the implementation of a regional strategy for agricultural development;

MINDFUL of Decision C/DEC.14/12/90 on the establishment of a seeds committee;

CONSIDERING the Strategic role of the agricultural sector in the economies of ECOWAS member States in providing food to the population and reducing poverty in rural areas;

CONSIDERING the necessity to promote among member States, a more productive and competitive agriculture to ensure food security and to improve the standard of living of farmers;

CONVINCED that seeds are of utmost importance in the promotion of a sustainable agriculture and in the achievement of the agricultural policy of the community;

ACKNOWLEDGING that regular supply to member States' markets of good quality and affordable seeds to farmers is an essential condition for achieving food security and raising living standard of farmers;

RECOGNIZING FURTHER, the need to improve current seed systems and regulations on seed production, use and marketing;

DETERMINED therefore to ensure access to new agricultural technologies from which biotechnologies emanate and taking into account all considerations relating to biosafety;

DESIROUS to adopt, for these purposes, a five-year Action Plan on the development of biotechnology and biosafety in the ECOWAS region;

EXPRESSING SATISFACTION at the active involvement and positive cooperation of other sub-regional institutions such as CILSS, UEMOA in the drafting, review and finalisation of this Regulation;

ON THE RECOMMENDATION of the meeting of ministers in charge of agriculture and food of ECOWAS member States held in Ouagadougou on 8th November 2007;

ENACTS

Article 1:

The attached five-year Action Plan for the development of biotechnology and biosafety in the ECOWAS region is hereby adopted.

Article 2:

This Regulation shall be published by the Community in its Official journal thirty days (30) days after the date of its signature by the Chairperson of the Council of Ministers. It shall also be published by each member State its national gazette within the same time-frame.

**DONE AT ABUJA,
THIS 18TH DAY OF MAY 2008.**



**H.E. MRS. MINATA SAMATE CESSOUMA
CHAIRPERSON
FOR COUNCIL**

Economic Community of West African States (ECOWAS)

**Action plan
for the development of
biotechnology and bio-safety in the
ECOWAS sub-region
(2006-2010)**

CONTENTS

LIST OF ACRONYMS AND ABBREVIATIONS.

1. EXECUTIVE SUMMARY

2. CONTEXT AND JUSTIFICATION

- 2.1 Characteristics of West African agriculture
- 2.2 The role of Biotechnology
 - 2.2.1 Opportunities offered
 - 2.2.2 Necessary bio-safety mechanism
 - 2.2.3 On-going biotechnology and bio-safety development initiatives within ECOWAS

3. THE ACTION PLAN

- 3.1. Challenges.
- 3.2 Objectives of the Action Plan.
 - 3.2.1 Key objective
 - 3.2.2 Operational objectives
 - 3.2.2.1 Operational Objective 1 (OO1): To develop Biotechnological products within the ECOWAS area to enhance agricultural productivity and competitiveness and manage genetic resources on a sustainable basis
 - Result 3.2.2.1.1: Biotechnology application is promoted in the ECOWAS sub-region
 - Result 3.2.2.1.2: To implement effective cooperation in the agro-biotechnology sector within ECOWAS
 - 3.2.2.2. Operational Objective 2 (OO2): To develop a regional approach to bio-safety
 - Result 3.2.2.2.1: A regional bio-safety framework is established within the ECOWAS area
 - Result 3.2.2.2.2: National capacities for implementing the regional bio-safety regulatory framework are developed.
 - 3.2.2.3. Operational Objective 3 (OO3): To set up an effective coordination, control and monitoring-evaluation mechanism of the Programme
 - Result 3.2.2.3.1: A Coordination and Control Unit (CCU) is set up and strengthened
 - Result 3.2.2.3.2: Communication and sensitisation capacities in the biotechnology and bio-safety sectors are developed in the ECOWAS countries
 - Result 3.2.2.3.3: Financial capacity is built
 - 3.2.1 Key objective
 - 3.2.2 Operational objectives
- 3.5. Beneficiaries and expected impact
- 3.6 Roles and responsibilities of the key players; time horizon for the main actions
- 3.7. Provisional Budget.

LIST OF ACRONYMS AND ABBREVIATIONS

AATF	African Agricultural Technology Foundation	IFPRI	International Food Policy Research Institute
ABI	African Bioscience Initiative	IITA	International Institute for Tropical Agriculture
ABSF	African Biotechnology Stakeholder Forum	INSAH	Sahel Institute
ABSP	Agricultural Biotechnology Support Project	IPGRI	International Phyto-genetic Resources Institute
DNA	Deoxyribonucleic Acid	ISAAA	International Service for the Acquisition of Agri-biotech Applications
TRIPS	Trade related intellectual property systems	MSU	Michigan State University
WARDA	West African Rice Development Association	NEPAD	New Partnership for Africa's Development
IAEA	International Atomic Energy Agency	NGICA	Network for the Genetic Improvement of Cowpea
APHIS	Animal and Plant Health Inspection Service	AIPO	African Intellectual Property Organisation
ARI	Advanced Research Institutes	OECD	Organisation of Economic Cooperation and Development
ASARECA	Association for Agricultural Research Extension in East and Central Africa	GMO	Genetically Modified Organism
ADB	African Development Bank	IGO	Inter-Governmental Organisation
BCEAO	Central Bank of West African States	WTO	World Trade Organisation
BCH	Biosafety Clearing House	WHO	World Health Organisation
BOAD	West African Development Bank	NGO	Non-Governmental Organisation
Bt	Bacillus thuringiensis	UNO	United Nations Organisation
CBD	Convention on biological Diversity	UNIDO	United Nations Industrial Development Organisation
ECOWAS	Economic Community of West African States	MLO	Modified Living Organism
CGIAR	Consultative Group on International Agricultural Research	PBS	Programme on the Biosafety systems
ITAC	International Tropical Agriculture Centre	PDBA	Agricultural Biotechnology Development Programme
CIGGB	International Genetic Engineering and Biotechnology Centre	GDP	Gross Domestic Product
CILSS	Permanent Inter-state Committee for Drought Control in the Sahel	SMSE	Small and Medium-Sized Enterprises
CIMMYT	International Maize and Wheat Improvement Centre	SMSI	Small and Medium-Sized Industries
IARC	International Agricultural Research Centre	UNDP	United Nations Development Programme
CORAF/ WECARD	Conseil ouest et centre africain pour la recherche et le developpement agricoles / West and Central African Council for Agricultural Research and Development	UNEP	United Nations Environmental Programme
US	United States	UK	United Kingdom
ECOWAP	Agricultural Policy of the Economic Community of West African States	TOKTEN	Acronym of a UNDP project on transfer of knowledge by expatriates in their countries of origin
FAO	United Nations Food and Agriculture Organisation	AU	African Union
FARA	Forum for Agricultural Research in Africa	EU	European Union
FDA	Food and Drug Administration	UEMOA	West African Economic and Monetary Union
GEF	Global Environmental Facility	UNU/ INERA	United Nations University/ Univeristy Institute for Natural Resources in Africa
WG	Working Group	USAID	United States Agency for International Development
ICRISAT	International Crops Research Institute for the Semi-Arid Tropics	USDA	United States Department of Agriculture
		WABNet	West Africa Bioscience Network

1. EXECUTIVE SUMMARY

The agricultural sector is, and will remain for quite a long time again, a strategic sector for the economies of the majority of the ECOWAS Member States. The agricultural sector contributes for more than 30 % to the GDP and remains, in this globalised world, the only escape route left for our countries to get out of the crisis. It participates from this point of view for 60 to 80 % in the exports revenues and provides jobs to nearly 70 % of the population.

It still has many assets that need to be capitalized: the significant yet unexpressed potential of irrigable lands and water resources; the existence of crops with high potential value added (fruits and vegetables in particular); the existence of significant pastoral and fish resources.

However, despite its strategic character in the Member States' economies and its undeniable assets, the West Africa regional agriculture is still unable to meet the local food requirements. Nearly 40 million people suffer from food insecurity every day.

The production growth noted in most of the countries is due more to an increase in acreages than to yield increase. The lack of control over the climatic hazards, the land tenure insecurity, the lack of credit and agricultural inputs are all elements in the producer environment that slow down investment, modernization and intensification of the production systems.

Thus, the Agricultural policy of the Economic Community of West African States (ECOWAP) has been assigned three major orientations:

- Enhancement of agricultural productivity and competitiveness;
- Regional integration of productions and markets;
- Controlled integration into the global trade system.

The first orientation calls for the: (i) modernization and security of smallholdings; (ii) promotion of food and cash crops; (iii) sustainable management of natural resources; (iv) management of food crises and other natural disasters.

However, the majority of the agricultural sector stakeholders agree today on the opportunities biotechnologies can offer for increasing and diversifying foodstuffs, increasing agricultural productivity, managing pests while reducing recourse to toxic pesticides in agriculture.

But, the current practice shows that, like all technologies, biotechnologies need to be managed in a responsible way. It is necessary to ensure the bio-safety of the populations and ensure access to the products for each and everyone.

From this viewpoint, the Ministerial Conference of the ECOWAS countries on biotechnology, held from 21 to 24 June 2005 in Bamako (Mali) adopted a series of guidelines and recommended ECOWAS to work out, in consultation with CORAF/WECARD and CILSS, an action plan for:

- The development of biotechnologies;
- The adoption of a regional approach to bio-safety;
- The promotion of information and communication with the stakeholders.

This document gives:

- The objectives and results expected from the Action plan;
- The main activities to be carried out for achieving each expected result and the time frame for their implementation;
- The impacts expected from the implementation of the Action plan, as well as the key beneficiaries;
- The costs of the activities and of the Action plan as a whole, as well as the funding mechanism;
- The roles and responsibilities of the stakeholders.

This document is the outcome of a long and protracted consultative process with various stakeholders interested in agri-biotechnological applications in the sub-region, including scientists, professional agricultural organizations, medias and decision makers.

The main objective of the action plan is the development of biotechnology application in order to enhance agricultural productivity and stimulate competitiveness, while maintaining the natural resource base and creating an enabling environment in this respect.

Developing biotechnology in the ECOWAS sub-region will help overcome certain topmost constraints to crop and animal production and will contribute significantly to the achievement of the objectives of the ECOWAS Agricultural Policy (ECOWAP), i.e., pursuit of sustainable food security, economic and social development, and poverty reduction in the ECOWAS Member States.

The development of biotechnology in the ECOWAS sub-region will necessarily go through implementation of key actions of which: i) good economic analysis for the identification of the top constraints to agricultural production in the sub-region, as well as selection of the proposed solutions; ii) development of a public-private sector partnership capable of stimulating the mobilization of financial resources for the design and implementation of research and development operations; iii) promotion of biotechnology products specific agribusiness; iv) strengthening of the seed systems and national phytosanitary legislations to facilitate dissemination of the products; v) good training of all the stakeholders so as to further develop their research-development and technology transfer capacities; vi) impact orientation of all research and technology transfer efforts, and; vii) reinforcement of the intellectual property systems to enable all the parties involved to take advantage of the development of the biotechnology sector in the region.

Biotechnology development will also necessitate setting up of a good regional cooperation mechanism on the matter. This will be made possible through establishment of a co-operation mechanism that brings together the northern partners, the development of networks of laboratories of excellence, the mobilization of the Diaspora and the development of common legislative instruments at the regional level.

A regional bio-safety regulatory framework will facilitate safe deployment of modern biotechnology products which would be coming from outside the sub-region or would be produced by the national agricultural research systems (SNRA) within the sub-region.

The development of the national capacities for the implementation of the sub-regional bio-safety regulatory framework will require pooling of the various skills on a national scale. This will facilitate handling conditions, risk assessment and management, as well as sharing of reliable information about the environmental impacts and food and seed safety, as they are relevant to modern biotechnology products. This approach will reduce investment costs potentially, which will facilitate deployment of modern biotechnology products inside the sub-region.

All the stakeholders will benefit from the biotechnology development, including researchers in the national agricultural research systems and international agricultural research centres (IARC), small holders, groups of producers, consumer groups. Community organizations, nongovernmental organizations (NGO), the private sector, the animal and crop protection systems, the sanitary and phytosanitary services.

At the same time, the development of capacities as regards communication and sensitisation in

biotechnology and biosafety in the ECOWAS sub-region will help the stakeholders to make well-informed decisions with regard to the adoption and use of biotechnology and its products.

Developing the financial capacity and the capacity of the ECOWAS Department of Agriculture, Rural Development and Environment (DARDE) will facilitate, in general, implementation of the Action plan. On the one hand, both the decision makers and the investors will be convinced that the resources of the taxpayers that are allocated for activities related to biotechnology and biosafety application to agriculture in the sub-region are profitable and economical. In addition, this will further support the need for making increased investments in the agricultural sector, since it constitutes the engine behind the economic growth of the ECOWAS Member States.

As a whole, the implementation of the Action plan offers an integrated approach to increasing production and facilitating the penetration of science and innovation in the sub-region. This will contribute to meet the increased food needs, while taking into account the potential risks for the human health and the environment as well.

The implementation of the Plan will be coordinated by ECOWAS, while the technical activities will be carried out by the key biotechnology and biosafety players of the sub-region, particularly CORAF/WECARD, INSAH/CILSS and their associate partners.

The total budget of the ECOWAS Action plan for the development of biotechnology was estimated at US\$ 23 615 000 over a five-year period.

2. CONTEXT AND JUSTIFICATION

2.1 Characteristics of West African agriculture

Agriculture is the principal economic sector of the West African countries. It provides jobs to approximately 65 % of the population who live especially in the rural areas and work according to traditional farming and processing systems. The sector contributes to approximately 15.3 % of total export earnings in terms of products and services. Excluding Nigeria, this figure can go up to 30%. It also contributes for 35 to 60% of gross domestic product (GDP) of these countries and provides the agro-processing industry with raw materials.

The sector is undergoing rapid change. Although the agricultural sector is still dominated by family farms, it has been going through profound transformations over the last 20 years. The production of almost all the commodities, except for cattle, has more than doubled between 1980 and 2000. However, this situation does not concern the countries experiencing conflicts.

The recent years have been characterised by substantial production increase, particularly of vegetable crops and livestock production of small ruminants, which were strongly stimulated by the urban demand. The actors are better organized and determined to play a significant role, as true partners, in the development and implementation of policies and strategies, for better consideration of the situation in the rural area.

However, the West African agricultural sector has many weaknesses. The yields and productivity per farmer are among the lowest in the world. The production increase noted over the last 20 years is due more to an increase in cultivated lands.

Food shortfalls constitute an extreme source of concern. The sub-region depends on food imports for approximately 19% of its food supplies. Moreover, the regional market is made up of more than one quarter of billion consumers, with the majority of whom depending on imported foodstuffs.

The national development strategies, developed and implemented over the last years, thanks to the structural adjustment programmes, have further compartmentalized the national agricultural policies and thus worsened their loose articulation with agricultural policies undertaken at the sub-regional level. Moreover, these agricultural policies were often devised without the participation of the socio-professional actors and the civil society. Thus, they often resulted in action plans, programmes and projects being partially implemented. This situation has been an obstacle to the attainment of the agricultural policy objectives, i.e., to achieve food security, to increase job creation in the rural areas and to improve integration into sub-regional and international markets.

Several other constraints prevent the ECOWAS countries' agriculture from reaching a level of sufficient productivity and competitiveness to achieve their principal development goals. Such constraints include:

- Purely agricultural constraints, which can change according to the crops, countries, geographical areas and the level of development of countries in the region, but which are essentially linked to:
 - Low production potential of the animal and plant genetic material;
 - Adverse impact of the various stresses on the performance of the varieties and breeds that are disseminated: biotic stress (insects, viral infections, fungal diseases, etc.) and abiotic stress (acidity, salinity, ferric toxicity, drought, etc.);
 - Strong pressure exerted on the environment as a whole, and on the genetic resources, the soils and water resources in particular, Land pressure;
 - Seed and agricultural produce marketing problems;
 - Low level of adoption of new technologies by the peasants, either because the solutions available are not adapted to their constraints, or because it is difficult for them to access the technology as a result of poor extension services, transfer of technologies and communication and high costs involved in adopting new solutions.
- Crosscutting technical obstacles, such as:
 - Low human and material capacity;
 - Inadequate level of fundamental and applied research on local biodiversity and agricultural produce processing;
 - Inappropriate farming systems;
 - Low performance of the seed systems.
- Political and institutional obstacles, such as:
 - Inadequacy of the economic environment for optimal use of technical innovations;
 - Poor coordination of the various initiatives in progress in the sub-region in aid to the agricultural sector;
 - Low level of co-operation among the regional organizations (UEMOA, ECOWAS, CILSS, CORAF/WECARD, etc.) in the implementation of the agricultural programmes;

- Inadequacy of national and regional legislations covering the agricultural sector (such as those relating to the crop protection, seeds and GMOs);
- Low level of mobilization of the private sector in certain new fields such as biotechnology (a paradox when we know that it is the private sector that has contributed by 80 % to the development of biotechnology in the world, during the last 20 years);

But, the West African agricultural potential is always under exploited to a large extent. West Africa has various ecosystems and thus can offer a wide range of agricultural produce. Its land resources are considerable: 284 million hectares of arable and fallow lands, 215 million hectares of rangelands, particularly in the Sahelian and Sudano-Sahelian zones, and more than 10 million hectares of irrigable lands. Approximately 24.6 % of the arable lands are currently exploited; this corresponds to approximately two hectares per rural dweller. There is still a potential of approximately 1.6 hectare per rural farmer. Only 10 % of irrigable lands have been developed for rice growing and market gardening purposes. The sub-region is struggling to integrate the technological innovations in its farming system and therefore cannot make the most of the opportunities these technologies can offer, particularly to increase the productivity and competitiveness of its products and to protect the environment.

2.2. The role of Biotechnology

2.2.1 Opportunities

Although it is not a panacea in itself, biotechnology application can supplement more conventional agricultural practices and significantly contribute to agricultural production increase in the developing countries.

In the ECOWAS sub-region, the development of research and biotechnology application can help, significantly, cope with several agricultural sector constraints. It can help not only to overcome some of the purely agricultural constraints but, through its spill-over impact, it can also contribute to I) poverty reduction through increase in the agricultural and animal farmers' income, II) improvement of food security, through yield increase and improved nutritional quality of the agricultural produce. III) environmental protection through reduced levels of pesticides and fertilizer use iv) creation of jobs through the development of new business opportunities and the development of new businesses, (v) improvement of the women's condition through creation of jobs in their activity sectors.

The studies carried out by CORAF/WECARD have

shown that biotechnologies can make considerable contribution to agriculture and livestock production, in particular for: I) development of vaccines and analysis tools for the prevention and management of epidemics; II) development of in vitro multiplication technologies of food crops and forest resources to ensure regular supply of the peasants with seeds and to support reforestation programmes; III) use of molecular markers to accelerate genetic selection programmes and; iv) exploitation of transgenesis to solve problems that the traditional genetic improvement method has not succeeded in solving. In the same vein, in environment and natural resources matters, the possibilities identified include: I) the use of biotechnologies for the assessment, conservation and sustainable use of biological diversity; II) better knowledge of the micro-organisms of African soils for improving de-pollution processes and sustainable land management and; III), exploration of the biodiversity for the purpose of biological pest management (bio-pesticides; insect viruses, etc). In the agro-processing industry sector, the principal potential that has been identified relates to the improvement of performances of micro-organisms in the biotechnological processes and the production and development of high value added biological substances.

The sub-region has many assets to build on. The various studies undertaken in West Africa show that the ECOWAS zone has a huge biodiversity potential, the basis necessary for a sustainable development of biotechnology. This biodiversity covers all the agro-climatic zones of the sub-region and harbours many genes of agricultural interest (genes resisting to biotic and abiotic constraints, genes which allow creation of high yield varieties and breeds adapted to the various agro-climatic conditions of the region, useful macromolecules for the production of bio-pesticides, sources of biological fuel, etc). Thus, the development of a plant and animal seeds market, livestock vaccines, pharmaceutical products, etc, is widely possible in the sub-region, if the potential that this biodiversity offers were capitalized.

In addition, the region has a scientific and technical basis, which is certainly insufficient, but can help initiate a development process of the sector, at the country and sub-regional level as well.

The research and development as well as the conventional biotechnology-derived products, in particular molecular marker-assisted selection, tissue culture, vaccine production and artificial insemination, have been adopted in the sub-region. However, their level of adoption varies from one country to another. They helped to improve crop and animal productivity.

Modern biotechnology, on the other hand, is especially conducted under the impulse of the collaboration

between the national actors and the multinationals. Emphasis is placed for the moment on marketing and industrialization. Burkina Faso is the only country in the sub-region that is experimenting transgenic cotton (Bt cotton) and has been conducting confined field trials for the third year now.

One of the major sub-regional initiatives in the agricultural biotechnology field is the Agricultural Biotechnology Support Programme (ABSP, phase II) coordinated by Cornell University and financed by the USAID. The objective of this programme is to develop the capacities of African NARS as regards agricultural biotechnology, through:

- Cautious selection and provision of certain products derived from genetic engineering;
- Development of a "whole series of measures for the product marketing", to facilitate their access to the producers,
- Development of the capacities of the researchers, managers of regulatory institutions, extension workers, decision makers and general public;
- Improvement of the capacity of the decision-makers to make enlightened and well-advised decisions.

Currently, some work within the framework of the project is being carried out in Mali, Ghana and Nigeria, to improve resistance of tomato to TYLCV (tomato yellow leaf curl virus), a major constraint to tomato production in the sub-region.

Despite all these initiatives, the adoption of modern biotechnology in the ECOWAS space is still very timid. There is still a lot to do to be able to make the most of the benefits biotechnology, in particular modern biotechnology offers.

2.2.2 Bio-safety mechanism: a necessity

Conventional biotechnology has been used for decades in the sub-region, without giving rise to any controversy and without being subjected to any preliminary authorization. On the other hand, despite all the benefits attached to it, modern biotechnology raises concerns as to the possible effects of transgenic organisms on the health and the environment.

These concerns were at the basis of several initiatives. At the global level, the Global Environmental Facility (GEF) is supporting the biggest capacity-building initiative for biosafety. This initiative is implemented by the United Nations Environmental Programme (UNEP), the United Nations Development Programme (UNDP)

and the World Bank.

The initiative aims at establishing and implementing National Biosafety Committees (NBC) which are in conformity with the Protocol of Cartagena on biosafety. More than 120 countries, including the ECOWAS countries, are involved in this initiative. This protocol seeks to guarantee adequate safety level in the transfer, handling and use of Modified Living Organisms (MLO) derived from modern biotechnology. The adverse effects are taken into consideration, while taking into account the sustainable conservation and utilization of biological diversity, as well as health risks, with special focus on transboundary movements¹ in particular. Though all the ECOWAS countries take part in this project, some of them haven't yet ratified the Protocol of Cartagena on biosafety.

The ECOWAS countries are faced with ever increasing challenges as they look into the modern biotechnology-related biosafety problems. These challenges concern:

- Promotion of a regulatory framework characterized by transparency and stability;
- Empowerment and involvement of the stakeholders in the decision-making process in order to obtain the confidence of the public;
- Harmonization of biosafety regulations with the current regulatory systems on food safety, seeds, phytosanitary requirements, importation and with other appropriate legislative or regulatory provisions;

In the same vein, it is necessary to establish acceptability criteria in order to reduce the risks to the benefit of the advantages and thus, to achieve a balance between productivity and sustainability.

2.2.3 Initiatives in progress for the development of Biotechnologies and Biosafety in the ECOWAS sub-region

The use of new technologies (including biotechnologies) for agricultural and food production and the concerns voiced by the civil society about possible risks for the health and the environment were discussed at a conference that took place at Sacramento in the United States of America (USA) in June 2003. 112 ministers in charge of agriculture, environment, health and water from 117 countries attended the conference. The discussions were focused on the developing countries' needs, and recommendations were made concerning access to new agricultural and food technologies with a view to achieving the World Food Summit goals, namely halving hunger across the world by 2015.

¹ The MLO terminology is used in this document in reference to any genetically modified organisms (OGM) which could propagate naturally when introduced into an environment.

In pursuance of these recommendations, a West Africa regional conference was held in June 2004, in Ouagadougou (Burkina Faso) under the topic: "Controlling sciences and technologies to increase agricultural productivity in Africa: a West African perspective". This conference stressed the need for establishing:

- A public biotechnology information system by the West African States;
- A partnership between the West African research institutions and their counterparts of the North, particularly those of the United States of America, as regards agricultural sciences and technology;
- A West African biotechnology centre.

The conference also made the following decisions:

- To organize a ministerial conference on biotechnologies under the aegis of ECOWAS in Bamako, in order to adopt an action plan to promote biotechnologies and harmonize the biosafety regulations;
- To institutionalise a ministerial conference on biotechnologies in West Africa, as a first step towards the creation of an African Ministerial Conference on biotechnologies.

In other respects, the West African ministers in charge of science and technology organized, under the aegis of ECOWAS, a conference in Abuja, early November 2004. The discussions were focused on agriculture and biotechnologies. During the conference, the ministers made the following recommendations with regard to biotechnologies:

- To establish centres of excellence in priority fields, such as biotechnologies, where the Member States have comparative advantages;
- To promote research and development in the sub-region in order to generate adequate biotechnology innovations to support and stimulate the biotechnology industry;
- To promote the acquisition and marketing of recognised biotechnologies in the relevant fields;
- To encourage collaboration with the private sector and relevant national and international agencies to stimulate the biotechnology industry;
- To promote capacity building to ensure adoption of biotechnologies and effective implementation of biosafety measures.

The CORAF/WECARD, with the support of the United States Agency for International Development (USAID), started a process in 2004, which led to the development of a sub-regional programme, centered on the integration of biotechnologies (including establishment of a relevant biosafety framework) into current research activities, in order to contribute to solving the agricultural problems in the sub-region, safely and profitably.

Several other research and development initiatives in agricultural biotechnology and biosafety are on-going in the sub-region. These initiatives were developed with the assistance of the European, American and Japanese bilateral co-operation agencies, as well as of international financial institutions such as the World Bank, the Rockefeller and McKnight Foundations.

In the same vein, the member institutes of the Consultative Group for International Agricultural Research (CGIAR) operating in West Africa are carrying out activities in the biotechnology field in order to improve agricultural productivity.

All these initiatives aim principally at:

- Building the capacity of the national agricultural research systems (NARS) to develop biotechnological products;
- Creating enabling conditions for their adoption by the users or for marketing and;
- Creating enabling conditions for the development of national and regional Biosafety mechanisms.

The Programme on the Biosafety Systems (PBS) - also sponsored by the USAID - constitutes an example of initiative aimed at addressing these concerns in three countries of the sub-region, namely Nigeria, Mali and Ghana. This programme aims at developing the capacities of the countries involved for:

- Science-based decision-making as regards biosafety and;
- Implementation of biosafety measures through a new approach.

It also aims at approaching biosafety issues more effectively as part of a sustainable development strategy, centred on the economic growth, trade and achievement of the environmental objectives. The activities planned are grouped under the following components:

- Policy formulation;
- Design of a competitive funding mechanism for the financing of biosafety research;
- Support to the definition of control measure packages;

- Support to the food safety communication system and;
- Capacity building.

Moreover, several NGOs take part in actions aimed at ensuring:

- Participation of the public in decision-making concerning biotechnology and biosafety issues and;
- Communication and access to information for all the parties involved.

This is the case for NGOs such as the International Service for the Acquisition of Agro- biotech Applications (ISAAA), AfricaBio and the Agricultural Biotechnology Stakeholder Forum (ABSF).

They are working hard to achieve one or more following goals:

- Sharing with the actors involved the latest available information on biotechnology,
- Establishing a network of the institutions and organizations for achieving this objective.

The CORAF/WECARD sub-regional programme, the recommendations of the conference of ministers in charge of science and technology in Ouagadougou (Burkina Faso) and the opportunities offered by the various initiatives in the sub-region were discussed at the ministerial conference on biotechnology in the ECOWAS area, which took place in June 2005 in Bamako (Mali).

The Bamako conference formulated a series of recommendations and requested ECOWAS, in liaison with CORAF/WECARD and CILSS, to work out and circulate a detailed action plan on:

- The biotechnology application,
- The regional approach to biosafety issues and
- Communication.

This plan should include the objectives, the expected results, the activities, the expected impacts, the recipients, the costs, the roles and responsibilities of the actors, as well as the implementation schedule.

3. THE ACTION PLAN

3.1. Challenges

The West African agriculture has three main challenges to take up, namely:

- Enhancement of agricultural productivity and competitiveness to meet the food requirements of an ever increasing and highly urbanized West African population, and to increase the farmers' incomes;
- Promotion of sustainable agricultural development while taking the social and environmental issues into account;
- Establishment of effective institutional systems in the region to facilitate dissemination among the producers of improved crop varieties and animal breeds, including those derived from biotechnology.

Enhancement of agricultural productivity and competitiveness

The high population growth rate highlights the need for improving the agricultural production. However, contrary to past years, this improvement can no longer be achieved through mere increase in acreages because of the growing scarcity of arable lands. In such circumstances, agro-biotechnology applications offer other technological possibilities to increase production per area unit and to also lower the costs of agricultural inputs, thus contributing to income generation, improved nutrition and conservation of the natural ecosystems. However, there are several constraints to large-scale application of agricultural biotechnologies in the ECOWAS space, of which the most significant are:

- Limited capacity of existing human resources to apply the technology;
- Lack of financial and material resources to implement promising biotechnologies beyond the pilot projects and;
- Low level of sensitisation of peasants about the potential benefits of biotechnologies, thus limiting their adoption.

To facilitate agro-biotechnology applications within the ECOWAS, it is necessary to improve both the national and sub-regional capacities, including infrastructural requirements, improvement of collaboration between the research community and the end-users. Many countries in the sub-region do not have adequate resources to develop their own capacity for biotechnology research or training in biotechnology applications. This absence could be made up through developing co-operation and

partnership in the sub-region. By developing the sub-regional organizations and agricultural research networks for specific products, it becomes easier to explore the opportunities of the regional platforms for promoting biotechnologies.

More specifically, improvements are necessary in the following fields:

- Sub-regional prioritisation mechanisms to identify the main constraints to production and the specific products that might benefit from the opportunities offered by biotechnology;
- Partnerships between the public and private sectors in biotechnology application and development of the human resource capacity and the research infrastructure and biotechnology application;
- North-South international co-operation in the field of biotechnology to guarantee effective application;
- Networking of national laboratories and biotechnology centres of excellence in the sub-region thus mobilizing the Diaspora for the implementation of biotechnology programs;
- Communication and extension capacity of the regional institutions.

In order to increase productivity to effectively contribute to the development process, it is necessary to improve access to the market of agricultural produce in West Africa. The regional markets and the integration of the West African agriculture into the global market need to be promoted through:

- Strengthening of regulatory systems and a product quality approach;
- Elimination of the trade barriers;
- Resolution of the intellectual property issues so as to promote technological development while taking the many socio-economic contexts and roles of agriculture into account.

Promotion of sustainable agricultural development

The second challenge relates to the promotion of sustainable agricultural development by taking the social and environmental issues into account. Socially, it is necessary to make efforts towards reversing the trend to impoverishment of the agricultural sector in order to make the rural area a pleasant living environment. As for the environmental level, the efforts need to be concentrated on the promotion of sustainable

management of natural resources while limiting at minimum the environmental impact of agriculture.

These efforts must aim at the application of biotechnologies to develop and disseminate improved crop varieties and animal species, which can contribute to sustainable development. This will be possible through expansion of the genetic base with a view to improving resistance to pests, diseases and drought. As a result, there will be notable reduction of the use of agrochemical products which, while minimizing the risks of toxicity and the improvement of human health and the ecosystems, will also help to:

- Increase the yields;
- Intensify agriculture on a sustainable basis;
- Reduce encroachment to marginal lands and;
- Increase global productivity.

Setting up of effective regional frameworks

The third challenge relates to the establishment of appropriate and effective regional institutional mechanisms to guarantee access to new agricultural technologies, including mechanisms emanating from biotechnologies. To take up these challenges, improvements are needed for the current seed systems and the regulations governing the production, use and marketing of seeds. This must take into account the biosafety considerations with regard to the seeds and transgenic plants and animals. Moreover, the biosafety issue needs to be addressed at the sub-regional level to facilitate circulation and marketing of the biotechnological products in order to protect human and animal health, as well as the environment. This will also enable to:

- Reduce disparities among the national regulatory systems;
- Develop the capacities of the national institutions for risk monitoring, inspection and management;
- Improve the scientific and technical capacities for risk assessment and;
- Develop the capacity as regards decision-making, in the sub-region.

3.2 Objectives of the Action plan

3.2.1 Key objective

The key objective of the Action plan is to promote Biotechnology within the ECOWAS area in order to contribute to achieving the ECOWAS agricultural policy

(ECOWAP) goals: pursuit of sustainable food security, economic and social development and reduction of poverty in the Member States.

3.2.2 Operational objectives

The Action plan has been assigned three operational objectives to help promote biotechnologies within the ECOWAS area:

- Development of biotechnological products to enhance agricultural productivity and competitiveness and to manage genetic resources on a sustainable basis;
- Development of a regional approach to biosafety;
- Setting up of a steering, coordination and monitoring-evaluation mechanism of the Action plan.

3.2.2.1 Operational objective 1 (001): To develop biotechnological products within the ECOWAS area to enhance agricultural productivity and competitiveness and to manage genetic resources in a sustainable way

The research and development as well as the products resulting from conventional biotechnologies, in particular the molecular marker-assisted selection, tissue culture, vaccine production and artificial insemination, have been adopted in the sub-region. However, their level of adoption varies from one country to another. They helped to enhance crop and livestock productivity, even if they were not exploited at their full potential.

On the other hand, modern biotechnology has difficulties in establishing itself in the sub-region. The few and rare actions that have been carried out were undertaken under the impulse of multinational firms, in cooperation with national stakeholders. Emphasis is laid for the moment on marketing and industrialization. Burkina Faso is the only country of the sub-region making experiments of transgenic cotton (BT cotton) for the third year now of confined field trials.

One of the major sub-regional initiatives in the field of agricultural biotechnologies is the Agricultural Biotechnology Support Programme (ABSP, phase II) coordinated by Cornell University and financed by the USAID. The aim of this program is to develop the capacities of African NARS in agricultural biotechnology, through:

- Cautious selection and provision of certain products resulting from genetic engineering;
- Development of a "whole series of measures for the marketing of the product", to facilitate access to the producers,

- Development of the capacities of the researchers, managers of regulatory institutions, extension workers, decision makers and the general public;
- Improvement of the capacity of the decision-makers for enlightened and well-advised decision-making.

Currently, some activities within the framework of the project are being carried out in Mali, Ghana and Nigeria, to improve resistance of tomato to TYLCV (tomato yellow leaf curl virus), a major constraint to tomato production in the sub-region.

Despite all these initiatives, there is still a lot to do before the benefits of biotechnology, particularly modern biotechnology, can be turned to good account.

Developing the biotechnology in the ECOWAS Member countries with a view to improving agricultural productivity and competitiveness and manage genetic resources in a sustainable way is conditioned by the achievement of two key results:

- Effective promotion of the application of the biotechnological tool in the national and regional agricultural research and development programmes;
- Implementation of effective regional co-operation in the field of biotechnology.

Expected results and proposed actions

Result 3.2.2.1.1: Biotechnology application is promoted across the ECOWAS sub-region

To promote the application of the biotechnological tool in the ECOWAS area and to stimulate its progressive and sustainable acquisition by the national and regional research institutions, the PADBA is implementing a number of priority actions, namely:

- To develop a framework for the identification of agricultural research priorities, based on economic quantitative analysis;
- To encourage the public-private sector partnership in the field of modern agrobiotechnology application;
- To promote the use of biotechnology in agribusiness as a business opportunity;
- To consolidate the national phytosanitary legislations;
- To improve the national seed systems;
- To train stakeholders (scientists, laboratory and field technicians), in the biotechnology aspects;

- To promote the use of more efficient molecular biology techniques in the research programmes to reduce the constraints to agricultural production;
- To institutionalise impact assessment of modern biotechnology-derived products;
- To strengthen existing IP systems within the Member States.

Action 3.2.2.1.1.1: To develop a frame-work for the identification of agricultural research priorities, based on economic quantitative analysis.

The CORAF/WECARD analyses have helped to identify the major agronomic constraints to agricultural and animal production in the ECOWAS sub-region, as well as the biotechnological solutions (available or to develop) that could be used to address such constraints. However, the attempts to establish regional priorities have ran up against the special interests of the various regional geo-economic blocks.

With regard to available biotechnological solutions, it has been relatively easy to define the priorities as regards technology transfer, because this has taken account of the following factors:

- Current capacity of the countries and the region to adopt them;
- Immediate impact potential of these technologies;
- Existence of a technology transfer mechanism.

Thus, the development of in vitro culture, artificial insemination and vaccine production techniques, for example, is regarded as a top priority. The application of these technologies should be strengthened in the very short term so as to increase at maximum their potential impact on agricultural productivity and competitiveness. At the same time, it is also important that other available biotechnological solutions to overcome some of the region's constraints (GMO for example) should be tested and validated so that the conditions of their transfer at the farm level may be examined and controlled right now.

In the medium term (from 0 to 5 years), it is the technologies based on the use of molecular markers to accelerate genetic selection, crop protection, sustainable natural resources and soil management programmes, etc, that need to be developed.

In the long run (beyond 5 years), all technologies that draw benefits from molecular and cellular biology as well as computer processing (genomic, genetic engineering, bioinformatics, etc.) will have to be promoted in the region.

The investment flow should thus follow a curve in relation to the development of the biotechnologies. However, it will be necessary to make a strategic deployment of the investments so that, as of now, the capacities of the region may also start being developed for the so-called medium and long term biotechnologies.

Thus, the PADBA, in liaison with the CORAF/WECARD and NEPAD initiatives will contribute to the material, financial and human capacity building of the key research laboratories and institutions of the sub-region so that each of them may contribute, depending on its comparative advantages, to developing application of biotechnology in the regional and national programmes.

The difficulties in identifying priorities start when you need to draw up a list of the region's cultures or priority breeds, on the one hand, and a list of the priority constraints that weigh on these resources on the other hand. The multiplicity of ecosystems and of national agricultural priorities makes the task very complicated. The CORAF/WECARD has drawn up a list (still controversial) of constraints and priority resources, because certain countries of the ECOWAS humid tropical zone do not know exactly what to do. There is therefore a pressing need for ECOWAS to fill the gaps of the previous initiatives and to define a mechanism or scientific approach towards priority identification, by taking into account criteria as diverse as economic growth, social well-being, environmental quality, capacity development and potential impacts, etc.

The definition of the investment priorities on the constraints and resources must take on board such qualitative factors as: I) existence of biotechnological solutions to the identified constraints; (ii) benefit of resorting to biotechnology to remove the constraint; III) quality and representativeness of the actors questioned for the definition of the priorities; iv) opportunity of adopting a biotechnological solution in the global context of the development policy of the countries and the region; v) adequacy with International Conventions (Convention on bio-diversity. Protocol of Cartagena, international Treaty on the phylogenetic resources. Millennium development goals, etc).

The quantitative analysis for its part must incorporate aspects such as: I) the real production potential and the critical mass of peasants or stockbreeders involved in the development of a resource; II) the potential market (supply, demand, trade rules, etc).

Thus it appears that economic analysis experts, as far as the constraints and resources are concerned, should define investment priorities in the biotechnology sector. The ECOWAS PADBA will re-experiment what was achieved in the ASARECA zone by commissioning IFPRI to undertake a similar study in the region. However, this study should take into account the agro-ecological

differences as well as all the genetic resources (animal, plant and fish resources, etc.) of the region and draw up the priorities for each of them, before highlighting the general priorities and the consistent capacity building requirements.

From this point of view, the aim will be to carry out the following activities:

- To make a regional study, under the supervision of CORAF-WECARD / IFPRI;
- To get the findings of the study technically validated by the CORAF/WECARD mechanism;
- To get the findings validated by the ECOWAS decision-making authorities.

Action 3.2.2.1.1.2: To encourage the public-private sector partnership for the application of modern biotechnology to agriculture.

One of the main characteristics of the modern biotechnology sector, at the global level, is that it is sponsored at more than 80 % by the private sector. The public sector is also very efficient and effective in the fundamental research sector in the developed countries, but the main part of the human and material resources deployed for the development of biotechnological products is provided by the private sector. Thus, most of the products currently available to solve certain agricultural constraints within the ECOWAS region were developed by private sector firms (Monsanto, Aventis, Syngenta mainly).

The adoption, by the region, of the products available will necessitate in the very near future the development of a partnership between the West African public and private institutions and the holders of biotechnological products. While preserving the interests of the parties involved (holders, beneficiary populations, civil society), this partnership should ensure that appropriate solutions to the problems of the region are adapted and adopted. The ECOWAS should especially ensure that this partnership allows the potential recipients to access information on the solutions available, to facilitate the transfer of technologies, to have at one's disposal, under the best possible conditions, technical packages and seeds and to have the possibility of technical supervision and training at the initial phases of the technology transfer. The ECOWAS member countries can stimulate progressive transfer of technologies and technicalities, within the context of the Research agreements in partnership with the public or private research institutions of the developed countries and the international centres such as those of the Consultative Group for International Agricultural Research (IITA, WARDA, ICRISAT, IFPRI, IPGRI, CIAT, CIMMYT, etc), those of the United Nations system (ICGEB, UNU/INERA, etc), or the Francophonie, etc.

The CORAF/WECARD analyses also state that: "in spite of the possibility of negotiating for the transfer of transgenic products through marketing channels and principles defined by the WTO, it is not absolutely necessary for the African countries to go through private agencies to get GMO-based products or technology. The developed countries' public sector (public universities in particular) is also holder of many technologies and products whose access should be easier for the African countries than already patented products. If need be, there are NGOs specialised in technology transfer such as ISAAA and AATF which can, through conventions between the technology holders and with the support of certain donors such as the Rockefeller Foundation or the Gatsby Charitable Foundation, help the African countries to get transfer of technologies more adapted to their socio-economic conditions".

Thus, the aim under the PADBA is to:

- Set up an interface for the exchange and promotion of biotechnology (a regional office) which will be used as an entry point for the potential partners and will act as an intermediary between them and the decision-making authorities at the regional level; this office will be charged in priority with the task of assisting the regional and continental institutions and initiatives of the NEPAD, FARA, CORAF/WECARD, AAB, ADB and the USAID, in the development of partnerships between the private and the public sectors;
- Get institutions like AATF and ISAAA and the consultants develop control tools to be used by the policy-makers and economic operators of the region (data on the public and private sector partners of the region, the bilateral and multilateral international partners, the biotechnological products available to overcome agricultural constraints within the region, the demanding institutions and countries of the sub-region, etc.);
- Organize regularly (at least once a year), a show on the biotechnology partnership in the region in order to promote the signature of partnership research agreements between the ECOWAS national and regional research institutions and the institutions partner (interested private partners and international institutions of the CGIAR and the United Nations system, etc).

Action 3.2.2.1.1.3: To promote biotechnology use in agribusiness as a business opportunity.

For the purpose of developing the partnership with the private sector, ECOWAS will have to place special emphasis on the mobilization of the region's professional organizations with a view to developing new business opportunities. The development of biotechnology research and development in the region must go hand in hand with the development of a new economic sector materialized by the establishment of SMSEs and SMSIs using and producing biotechnological products. Taking ownership of the technology and the benefits it may bring about depends on effective mobilization of endogenous resources to finance its development. The potential of the sector is such that the economic operators will have, as of now, to take part in its promotion and develop new opportunities for creating jobs and socio-economic surpluses.

It is crucial for the ECOWAS to initiate actions targeting the private partners of the region in order to sensitise them about the socio-economic significance of the sector, mobilize them and get them invest in research-development programmes and economic activities in the biotechnology sector, with a view to enhancing the local biodiversity and human resources and overcoming constraints to agricultural productivity and competitiveness within the region. ECOWAS will have to organise, within the framework of the annual biotechnology show, awareness meetings and generate partnerships for business operations. To sustain its action on a long-term basis, ECOWAS will set up a "Business" special Committee within the framework of the PDBA coordinating mechanism.

Action 3.2.2.1.1.4: To consolidate the phytosanitary legislations at the national level.

The introduction of new diseases and pests (which can be the source of a decrease in the agricultural yields and quality) has its origins in genetic, plant or animal material exchanges. The ECOWAS countries have, in their great majority, developed cross-border movement control systems of the living genetic material as well as mechanisms for testing and certifying the pesticides used to control crop and livestock pests and diseases. However, these systems are effective but in very rare countries and one can observe that:

- National legislations are not strengthened as regards phytosanitary issues or they are not responsive to the commitments of the International Conventions relating to environmental protection;
- Quarantine and containment principles are very little enforced;
- Controls and phytosanitary certificate

requirements are very summary when they do exist;

- Pesticides are often used anarchically thus causing several human and environmental tragedies;
- Transhumant livestock vaccination practice is optional;
- Follow-up mechanisms of the implementation of regulations, when they exist, are inoperative.

Therefore, given the emergence of new potential risks, the countries must immediately consolidate their legislative, institutional and operational systems in order to ensure biological safety in the broad sense and biosafety in a restricted meaning. This goes through adapting the national legislations to the new international legal context and strengthening incentives and deterrents on plant and environmental protection.

ECOWAS should use the various platforms at its disposal to sensitise the policy-makers about the matter and help them, through technical cooperation and financial assistance, to reinforce the phytosanitary systems. To that end, ECOWAS will:

- Get national consultants of its member countries to assess the state of things as well as the capacity building needs;
- Assist the countries in drafting national bills;
- Advocate for the acceleration of the process at the policy-making level, in particular during ministerial Biotechnology meetings.

Action 3.2.2.1.1.5: To improve the seed systems at the national level.

One of the keystones for the adoption and dissemination of the new agricultural produce is the regular availability of seeds within the national agricultural systems. The adoption of biotechnological solutions also go through this reality; but it poses singular problems in addition to those which were at the roots of the failure by national and international research systems in the region to adopt several improved varieties that have been produced. The weak official seed distribution system (by the State or by private producers) is in general the weak point of the promotion policies of research-improved varieties, but this weakness, sometimes, is made up for by the possibility for the peasants themselves to produce seeds for the future growing seasons (based on traditional seeds). However, like for the hybrid seeds the use of which has been one of the main driving forces behind the green revolution in the developed countries, the seeds of biotechnological products, such as the GMOs, cannot be reused directly

by the peasants: if the new variety does not include a genetic mechanism which prevents its re-use, its use as a seed must be authorized by the owner of the variety which holds the plant breeder's rights.

Thus, it will be necessary for the countries wanting to adopt biotechnological products such as GMOs, in addition to strengthening the traditional seeds sector, to take specific measures in connection with the GMO seeds distribution sector. This implies that as a preliminary step, the political authorities should set up at the national level, institutions or mechanisms facilitating negotiations with the holders of plant breeder's rights and patents as well as with the national economic operators of the seeds sector, over conditions under which they can be used and re-used by the peasants.

For the other biotechnological products such as those derived from tissue culture, the improvement of the distribution of planting equipment (banana or pineapple stumps, cocoa or palm tree seedlings, etc.) requires setting up a network of secondary multipliers and distributors around small in vitro culture units where will take place the clean-up and primary multiplication of vitro seedlings. It goes without saying that a training activity for these producers and distributors should take place before their setting in motion and that it would be necessary to support, through voluntary action, the development of these small SMSEs

The problem for ECOWAS goes beyond the context of borders, because their porosity is such that any solution that would be proposed should be a regional one. However, the aim will be to support the national initiatives in order to better coordinate the actions at the regional level.

Thus, the activities to be carried out at the country level will consist of:

- Organizing advanced courses for the key stakeholders of the seed chains (administrative and scientific authorities, primary and secondary seed producers and distributors, development NGOs, journalists, etc.) on:
 - o National seeds and biosafety legislations;
 - o Variety testing and certification procedures;
 - o Seeds quality control;
 - o Seeds multiplication and distribution;
 - o GMO seeds management;
 - o Monitoring of phytosanitary and biosafety measures;

- Getting national consultants of member countries to assess capacity building requirements for the seeds sector;
- Getting the adoption and implementation of the ECOWAS seeds harmonised regulatory framework accelerated;
- Assisting internal working groups in drafting national strategies for strengthening the seeds sector;
- Setting up an advocacy mechanism to assist the countries in mobilizing funds (with the FAO, UNDP, foundations, etc.) and human resources (NGOs and bilateral and multilateral technical co-operation) for the development of seeds distribution networks at the national level;
- Assisting the countries in the negotiations for equitable use of biotechnological products, within the framework of the public-private sector partnerships;

Actions 3.2.2.1.1.6: To provide the stakeholders with biotechnology training.

Human resource development is the top priority as regards building the capacities of the region in biotechnology. The studies that have been carried out all clearly point out to this constraint as being the most serious one because, even in those countries where there is minimum research infrastructure, the missing link is the critical mass of researchers, technicians and managers of biotechnology research. The universities in many ECOWAS countries (Benin, Burkina Faso, Cote d'Ivoire, Ghana, Mali, Nigeria, Senegal, for example) have already introduced molecular biology and biotechnology modules into the curricula of the traditional courses of study (genetics, biochemistry, etc.); but very few universities have developed a specialized course of study in this area.

ECOWAS, through progressive approach, should: I) carry out a study to identify those universities having the best potentialities and assess their capacity building requirements for biotechnology teaching; II) help these universities to create specialized biotechnology courses of study; III) develop a competitive grant programme for biotechnology studies and university research in the region. The region could use CORAF/WECARD and the NEPAD as instruments for the implementation of this policy.

In the same vein, the agricultural colleges and the laboratory technical training schools must be identified and supported for the development of curricula and specialized training modules in biotechnology and biosafety.

For the time being, ECOWAS should put in place a grant programme of refresher courses for the regional researchers, research technicians and administrators to allow them, in collaboration with the bilateral and multilateral partners of the region, to build their capacities. Candidates will be selected basing on their effective participation in a research programme that calls upon the contribution of a particular biotechnology to move forward. CORAF / WECARD will be able to implement this strategy.

Action 3.2.2.1.1.7: To develop the capacity of national and regional institutions with a view to biotechnology research.

The studies carried out in the ECOWAS region have drawn up the list of national and international laboratories working in the field of biotechnologies and having certain comparative advantages. Some of these laboratories already have a pole or centre of excellence status of the CORAF/WECARD or of the NEPAD WABNet network. These are expected to work for agro-biotechnological research and application in West Africa as well as for gradual transfer of know-how towards the countries of the region. The material, human and functional capacity building of these laboratories can yield beneficial results for the whole region in the short run. The PDBA should thus develop a competitive funding initiative for applied research in biotechnology in order to strengthen the laboratories that can currently:

- Use molecular markers, artificial insemination, in vitro culture, etc, to accelerate the genetic selection, crop protection or genetic resource management programmes;
- Test and evaluate useful GMOs for agriculture in the sub-region.

Action 3.2.2.1.1.8: Put in place competitive funding mechanism opened to laboratories and centres of excellence to promote the use of more efficient molecular and cellular biology techniques in the research programmes to reduce constraints to agricultural production and better manage genetic resources.

To be able to make the most of the benefits modern biotechnology offers, the ECOWAS should not only encourage the adoption of biotechnological products or the application of technologies available to overcome its immediate constraints. ECOWAS should also adopt a more aggressive approach, following the example of the Asian (India, China, Indonesia, Malaysia, etc.) and Latin American countries (Brazil, Argentina, Mexico, etc.). It should promote advanced fundamental research to anticipate solutions to the new constraints threatening the regional agriculture in the near or remote future,

but also to invest the global biotechnological products market. Following the example of the above-mentioned countries, the region has a major asset at its disposal, i.e., its biodiversity. This should form the basis for generating new biotechnological products and the region should, in the long term, produce its own pest scouting tools, bio-pesticides, bio-fuels, GMOs, vaccines, etc, by using its biodiversity and its researchers. Better still; ECOWAS should devote its efforts to the development of new biotechnological tools by incorporating molecular computing aspects into the fundamental biotechnological research programmes. All these go through the development of capacities of the national and regional fundamental research programmes. To achieve such a goal, the ECOWAS should put in place a funding programme for the biotechnology fundamental research open to the laboratories and centres of excellence identified by the procedure indicated above. The validation of the research topics as well as the allocation of the funds will be achieved through the CORAF / WECARD selection processes. The aim will be:

- In the medium term:
 - To develop new molecular markers, vaccines and diagnostic tools for agricultural production and genetic resources management, including forest resources;
 - To produce bio-pesticides and bio-fertilizers;
- In the long term:
 - To carry out fundamental research in order to exploit as much as possible the local biodiversity

The laboratories of excellence to be supported should be selected in conjunction with the two international sub-regional stakeholders in that field, namely, CORAF/WECARD and the NEPAD.

In parallel, certain national initiatives also need support. ECOWAS should rely on the CORAF/WECARD competitive funding programme to achieve its goals. This programme has the advantage of not only putting in place a transparent system in the selection of the national laboratories for the development of their capacities, but it also supports the integration of efforts for the resolution of problems common to the countries of the region.

Action 3.2.2.1.1.9: To institutionalise socio-economic impact assessment of products derived from modern biotechnology.

Apart from the fears formulated against GMOs concerning their possible adverse impact on the

environment and human health, certain NGOs are expressing worries about the possible negative socio-economic impact that might come along with the adoption of GMOs by the farming community of the ECOWAS sub-region. Even if such worries do not apply to the GMOs alone, it is important to assess the introduction of new technologies or new products into an agricultural system that is already unstable. Thus, ECOWAS should adopt, as a guiding principle, the institutionalisation of comprehensive impact assessment (environmental, health and socio-economic) of GMO introduction into the West African agricultural system. To that end, it shall condition all its actions in favour of any GMO adaptation or adoption tests to a simultaneous study to be undertaken on the impact study. It will be able, if need be, to commission independent studies to assess these impacts and notify the policy-makers of the region. It shall therefore include, in its current operating budget, headings relating to the impact assessment for the adoption of new products and technologies in West Africa, including biotechnological products. The PDBA for its part will make a study on the impact of all products currently available and potentially transferable in the region.

Action 3.2.2.1.10: To strengthen existing IP systems in the Member States.

Most of the ECOWAS countries are members of the World Trade Organization (WTO) and are therefore compelled to implement the Trade Related Intellectual Property Systems (TRIPS) provisions, either through adoption of new laws in relation to these agreements, or by adaptation of pre-existing legal instruments.

The adoption of biotechnologies poses very important intellectual property problems relating primarily to the use of the transgenic products and particular genes for which there are patents or other intellectual property protection mechanisms. One should remember that the 70 varieties of transgenic plants which are recorded for marketing worldwide belong to only three multinational corporations, namely Monsanto, Syngenta and Aventis which produce almost all GMO products worldwide.

To benefit from the GMOs and to avoid being in contradiction with the international agreements, the ECOWAS countries need to adapt their national legislations. Since the ECOWAS countries also belong to the African Intellectual Property Organization (AIPO), the national representations of these organizations should be mobilized by ECOWAS with a view to not only re-examining the national legislations in order to adapt them to the new global context, but also assist the countries in setting up the administrative and technical institutions in charge of intellectual property issues. Within the context of the Convention on biological diversity, non-traditional intellectual property aspects such as those relating to the rights of the local

communities, the equitable access to technology and genetic resources, the use of traditional knowledge, etc, will have to be taken into account in the preparation of the laws.

Thus, ECOWAS will combine its efforts with those of the AIPO to solve intellectual property problems within the region. If need be, it could engage the services of specialized international NGOs such as AATF and ISAAA.

Thus, ECOWAS will promote the development of human resources in this field, with the assistance of these partners.

As for the problem of farmers re-using transgenic seeds, which is matter of global political options, ECOWAS shall discuss the issue with the biotechnology development partners in Africa and the holders of biotechnological products, as well as within the framework of the exchanges of views among the regional institutions (NEPAD, ECOWAS, UEMOA, CILSS, etc), in order to ensure that the interest of the farmers of the sub-region is protected.

Thus, the following priority activities will be carried out within the framework of the PDBA:

- To get a harmonized regional strategy as regards Property Rights adopted within the ECOWAS;
- To assess the state of things and draw up capacity-building requirements as regards intellectual property rights, by national consultants of its Member States;
- To organize training and information workshops on intellectual property for the national and regional actors;
- To assist the countries in preparing national bills;
- To plead for an acceleration of law adoption processes by the policy-makers, during the ministerial meetings on biotechnology.

Result 3.2.2.1.2: To implement effective co-operation in the Field of agricultural biotechnology in the ECOWAS sub-region

Action 3.2.2.1.2.1 Setting up of a North-South biotechnology panel of experts including all the stakeholders and partners

The experts meeting in preparation for the ECOWAS Ministerial conference on biotechnology, held in Bamako in June 2005, stressed the interest in mobilizing the development partners and implementing a regional biotechnology and biosafety programme. They

are not only the international technical and financial, bilateral and multilateral partners, but also regional partners including the research and support institutions for agricultural development, political and socio-economic institutions, as well as the private sector.

The Ministerial conference requested the ECOWAS biotechnology ad hoc panel to work towards the formation of an experts group representing these partners. Meetings of this group should be organized to promote exchanges among the major partners and to harmonize biotechnology and Biosafety development policies within the ECOWAS, as well as the strategies for financing the sector.

Action 3.2.2.1.2.2: To set up a network of national biotechnology laboratories and centres of excellence.

As indicated earlier, the region has some capacities (national laboratories or international centres) that simply need to be strengthened so that they may form the basis, not only for training and progressive technology transfer, but also for fundamental research. Once they have been endorsed as the ECOWAS technical instruments of reference, these institutions can be used to create a flow of know-how, from the developed countries towards them, on the one hand, and from these institutions towards the countries, on the other hand. There are two complementary approaches in the region:

- The CORAF/WECARD approach which uses specialized basic centres entrusted with certain tasks to be carried out to the benefit of the national programmes and with their collaboration, on the one hand, and thematic networks involving the countries concerned, on the other hand. This approach comprises moreover a research financing system using competitive funds;
- The NEPAD WABNet approach that gives greater importance to the use of a centre of excellence as a "Hub" networked with regional centres consisting of national laboratories with good capacities in specific fields. This network of laboratories and centres of excellence will be charged with implementing projects adopted by the NEPAD African Bioscience Initiative (NEPAD-ABI).

The ECOWAS could rely on these two models and create a coordinating mechanism of the activities of the national and international laboratories and centres, by taking on board the centres of the Consultative Group of the region, namely IITA, WARDA and ICRISAT. As a supplement to the mechanisms set up by the CORAF/WECARD and WABNet/NEPAD-ABI, ECOWAS should

plan setting up, for the coordination of its biotechnology Programme, a special committee charged with:

- Defining the terms of reference that will facilitate identifying the centres of excellence on a competitive basis;
- Defining mechanisms for synergy creation between the CORAF / WECARD programmes and those of WABNet / NEPAD-ABI;
- Identifying the priority topics to address within the framework of the selected centres of excellence.

For the mobilization of the local private partners, ECOWAS will have to sensitise the private sector for them to invest in the development of private research laboratories, which made biotechnologies a success on other continents.

Action 3.2.2.1.2.3: To mobilize the Diaspora for the implementation of the regional biotechnology programme.

West Africa is characterized by a high brain drain which, even though it has not been quantified with accuracy, constitutes nevertheless a significant dead loss for the economic and social development of the countries. The budgets allocated for the national education and higher education of these countries are colossal; but a large part of such investments yield no return, because the critical mass of researchers and high level personnel it generates only benefits the developed countries. These can not only offer better conditions to West African human resources so that they may fully express themselves, but also, they can provide them with decent living standards incomparable with those that would have been offered to them if they were working in their countries of origin.

In view of this reality, the ideal thing would be to set up a system whereby the researchers of the Diaspora could contribute to the development of their region while not jeopardizing the good living and working conditions they have managed to acquire. The aim will be first to see which cooperation mechanisms could be developed between the institutions that employ them and the countries of the region. Subsequently, within the framework of this co-operation, they could be mobilized on a short-term or medium-term basis through collaborative contracts between the institutions involved, following the example of the TOKTEN project developed in Mali. The priority for ECOWAS is thus:

- To assess the situation of this Diaspora in the field of biotechnology around the world;
- To establish contacts with the Diaspora and their employers to discuss opportunities for collaboration;

- To establish mechanisms of co-operation between the Diaspora and the research and development support institutions, and the private sector of the region;
- To assist in the drafting and implementation of projects involving the diaspora within the framework of these mechanisms.

The projects to be developed will cover all capacity-building aspects, in particular training, technology transfer, research, and technical assistance.

Action 3.2.2.1.2.4: To set up a mechanism to harmonize common phytosanitary and zoosanitary legislations within the ECOWAS

As mentioned above, the borders of the ECOWAS countries are open, by definition. Consequently, the adoption of phytosanitary legislations at the country level will be of some interest only if these regulations are in keeping with those of the neighbouring countries. Just like for biosafety, a regional approach is simply needed for the phytosanitary aspects. ECOWAS should therefore ensure that the national legislations are incorporated into a regional framework.

In general, there are two approaches: one approach that consists of starting from pre-existing national legislations and then harmonize them at the regional level; and another one that consists in defining the outlines of a regional legislation and having it validated and adapted at the national level. The second option has already been successfully tried in the region by INSAH / CILSS with regard to phytosanitary regulations in the Sahel countries. ECOWAS will have to draw inspiration from this model and extend it to its other Member States. INSAH / CILSS, based on its experience, will have to be charged with drafting and proposing such legislation. This option is certainly the most effective one, because the various countries of the region stand at so different levels in terms of legislation to the point that trying to harmonize them would be simply impossible.

ECOWAS should - in collaboration with UEMOA, CILSS, and the other actors concerned - set up an effective mechanism for the harmonization of phytosanitary and zoosanitary legislations. To that end, ECOWAS will:

- Develop the mechanism;
- Have it validated technically;
- Have it adopted by the decision-making authorities and;
- Have it implemented.

Action 3.2.2.1.2.5: To set up a regional seeds regulatory framework within ECOWAS (seed trade, certification, phytosanitary rules).

Like for the pesticides, INSAH/CILSS has developed a seed regulatory framework for the Sahel countries, which is being extended to the ECOWAS area as a whole. Based on an analysis of the countries' current practices as regards seeds (production, multiplication, distribution, legislation and regulations) and laws, decrees, by-laws, technical regulations (production, multiplication, certification and phytosanitary standards), a team of experts has proposed a draft framework convention instituting a common regulation as regards conventional and transgenic seeds. This draft convention was submitted to the 39th session of the Council of Ministers of CILSS countries (January 2005). It defines the quality standards for the production and marketing of seeds and addresses all seeds marketed in the sub-region (9 varieties have already been harmonized). Moreover, it proposes a framework defining the relationship between the seed producers, the research partners, the controllers and actors of the private sector.

During the same Ministerial Council of the CILSS countries, a draft body and operating system of a regional consultative framework or CRC (French acronym) was also proposed. The goal of this CRC is to implement the common regulation and to facilitate the introduction, use and circulation of seeds and GMOs in the sub-region. Its role is also to serve as an expert focal point for the countries of the sub-region (scientific support, information and communication, capacity-building).

The aim for ECOWAS will be to capitalize on the CILSS efforts and to see to what extent the CRC could widen its sphere of action to include the other ECOWAS Member States. ECOWAS should, as a matter of priority, support:

- Development of the organizational and operational elements of the CRC;
- Operability of the CRC in all its components.

Action 3.2.2.1.2.6: To have a harmonized regional strategy on property rights adopted in the ECOWAS member countries.

As is the case with the phytosanitary and zoosanitary legislations as well as the field crop seeds and biosafety regulation, ECOWAS member countries should have a common approach to the management of issues such as intellectual property rights (IPRs). The above-cited complexities in the member countries impact on the regional economic and social integration organizations such as ECOWAS. A harmonized system, which not

only complies with the commercial conventions signed by the member countries, but also contributes to a better operation of technical instruments of economic co-operation (e.g., OHADA -Organization for the Harmonization of Business Law in Africa). First and foremost, consensus should be built on the policy approach to IPRs related to biotechnology products because the various countries of the region have often adopted opposing options. This will be done during high-level meetings between the various ministers of the member countries involved with IPRs (trade, agriculture, health, etc.). The resolutions to be adopted by this meeting will then be used as a springboard for writing a draft regional strategy, which will first be validated by the experts of the sub-region and then by the political authorities of ECOWAS.

3.2.2.2 Operational Objective 2 (OO2): To Develop a Regional Approach to Biosafety

To date, it can be seen that the processes of development and implementation of national biosafety framework in West Africa have been slow. This can be attributed to many causes, including:

- absence of political support in the field of biotechnology and biosafety;
- lack of communication between stakeholders, even within the same country;
- lack of coordination between the concerned ministries in the member countries;
- poor regional co-operation on the subject.

Even if the majority of the member countries have ratified the Cartagena Protocol on Biosafety, no investment has been carried out in support of the creation of an enabling environment for the use of modern biotechnology.

For the sub-region to quickly make the most of the benefits associated with modern biotechnology, it is essential to set up biosafety regulatory frameworks at national and regional levels.

Within this context, CORAF/WECARD has undertaken to develop a Programme on Biotechnology and Biosafety (PBB) for Central and Western Africa. This programme aims to bring an added value to national efforts at the development and safe utilization of biotechnology products through an efficient sub-regional biosafety framework. Though validated in technical terms, the implementation of PBB has not begun yet. This action plan is an opportunity to support the implementation of this programme in the ECOWAS member countries.

In this process, it is very encouraging to note that the Global Environment Facility (GEF) and the World Bank

are turning towards a sub-regional approach, with all the United Nations (UN) agencies and centers of excellence participating.

A regional approach to the development of biosafety is thus recommended, because it provides several opportunities and advantages, which will add value to national initiatives. Furthermore, in the case of member countries, which lack adequate capacity to develop their own national regulatory system, regional co-operation is the most appropriate way to help them conform to the Cartagena Protocol.

The regional approach to biosafety will take the form of a common regulatory framework to which all the member countries adhere. This framework aims to:

- guarantee access to biotechnology under conditions of minimum risks, to all the countries of the region,;
- ensure an acceptable safety level in the utilization of biotechnology products, based on a common foundation;
- provide a common mechanism for the assessment of the effects of GMOs on human health and the environment;
- facilitate mutual acceptance of data on risk assessment;
- facilitate the exchange of approved GMOs through the regional regulatory system.

Such an approach makes it possible to pool resources, facilitate learning from each other's experiences and cardinal information and data sharing. It allows the maximum use of the potential in terms of human, institutional, financial and technical resources.

This approach is in conformity with the spirit of regional integration implemented by institutions such as ECOWAS, WAEMU (UEMOA), CILSS and CORAF/WECARD and with the provisions of the Cartagena Protocol relating to regional co-operation, in particular article 14.

In this context, the second operational objective of the action plan aims to introduce a regional approach to biosafety (OOS2).

Expected Results and Proposed Actions

Result 3.2.2.1: A regional biosafety framework is established in the ECOWAS member countries.

The formulation of a regional approach to biosafety could be based on the prevailing initiatives in the sub-region, namely the CILSS common regulation on pesticides

adopted in 1992 and implemented in 1994. The regional approach to biosafety of ABDP (Agricultural Biotechnology Development Programme) will be centered around two main actions:

- to create a regional biosafety regulatory framework and;
- to have national frameworks developed and adopted in harmony with the regional biosafety framework

Action 3.2.2.2.1.1: To create a regional biosafety regulatory framework (harmonization of rules and procedures)

The issue of sovereignty has very often been raised as a limiting factor in the establishment of regional biosafety regulatory frameworks. Therefore, it is of utmost importance that all the regional economic and political organizations as well as the member countries accept and adhere to the idea of establishing a regional biosafety regulatory framework. Furthermore, the factors, which will favour effective co-operation in a regional biosafety regulation within the context of the sometimes complex sociopolitical and economic situations of the countries of the sub-region, have never been discussed politically. The creation and implementation of the regional biosafety framework will require:

- to design a document instituting the common biosafety regulation in the ECOWAS member countries, which comprises proposals for:
 - o regulatory framework;
 - o common regional administrative procedures and forms (applications for import license/permit, inspection record forms/worksheets, handling forms, reporting format, etc.) for risk assessment and management;
 - o regional technical protocols (for confinement in laboratory, research under greenhouses, analyses in private animal clinics as well as analyses of food and seed safety);
 - o mechanisms governed by participatory approach for the participation of stakeholders in regional decision-making;
- to organize regional participatory consultation with all the stakeholders concerned, in order to validate the regional regulatory document and the harmonized products;
- to put in place a regional framework for coordination and biosafety regulation;

- to train the future leaders of the regional framework.

Action 3.2.2.2.1.2: To have national biosafety frameworks developed and adopted in harmony with the regional biosafety framework

National biosafety frameworks will be examined and revisited or developed to ensure that they are in harmony with the regional regulatory framework. The activities planned within this framework are:

- to organize national exchanges of views to ensure adherence to the idea of a national framework in conformity with the regional biosafety framework;
- to take stock of the situation of biosafety frameworks in the member countries;
- to examine and revisit the national biosafety frameworks to conform to the regional biosafety regulatory framework;
- to have the framework developed in the member countries where it does not exist.

Result 3.2.2.2.2: The national capacities for the implementation of the regional biosafety regulatory framework are strengthened

Placing all the countries of the sub-region at the same level in terms of information and understanding of international treaties on modern biotechnology is an important prerequisite:

- which will serve as a solid political foundation to make the member countries get involved in the process of creation and implementation of a regional regulatory framework;
- To strengthen national capacities for the implementation of regional biosafety regulatory mechanisms.

To achieve these results, the following is necessary:

- Promote understanding of the Convention on Biological Diversity (CBD) and the Cartagena Protocol on Biosafety;
- Strengthen the capacity (infrastructure and expertise) of the national stakeholders to implement the regulation;
- Strengthen the capacity of diagnostic laboratories.

Action 3.2.2.2.2.1: To promote the understanding of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety.

A better understanding of the CBD and Cartagena Protocol on Biosafety will facilitate the strengthening of national capacities for the implementation of the regional biosafety regulatory framework- This requires:

- Training of officials responsible for the development and implementation of the regulatory framework;
- Effective participation of stakeholders concerned (MPs, technical officials the media, etc.) in international fora on biosafety and;
- Organization of conferences, workshops, training courses and communication campaigns for key stakeholders.

Action 3.2.2.2.2: To strengthen the capacity (infrastructure and expertise) of national stakeholders for the implementation of the regulation

The assessment of needs for capacities carried out by the member countries, which embarked on the development of national biosafety frameworks, emphasized the significant need for capacity building.

These include:

- Scientific expertise in the field of biotechnological safety and techniques for risk assessment and management;
- Infrastructures required for risk assessment and management.

The strengthening of the required national expertise thus includes:

- the development of curricula for the various levels of responsibility in risk management;
- the organization of training workshops on:
 - # risk assessment and management;
 - # food safety;
 - # monitoring-evaluation;
 - # Drafting of directives, legal documents and regulatory frameworks in relation to biosafety.

Concerning the needs for strengthening the capacity of biosafety infrastructures, these mainly include the provision of appropriate and adequate equipment to the regional laboratories for functions such as:

- Biotechnological risk assessment (diagnosis);
- Risk monitoring and management.

3.2.2.3. Operational objective 3 (OO3): To put in place an effective mechanism for coordination, steering, monitoring and evaluation of the Programme

The implementation of the Action Plan for the Development of Agricultural Biotechnology and Biosafety in the ECOWAS member countries is based

on responsibility shared by ECOWAS, as the principal contracting authority, CORAF/WECARD, as the main executing agency and CILSS, as the associated agency.

CORAF/WECARD would ensure the technical implementation of the Plan, under the supervision of ECOWAS, whose expertise it will benefit from whenever necessary, for the smooth execution of activities. This implementation also involves the mobilization of many other stakeholders and requires putting in place an operational mechanism for steering, coordination, monitoring and evaluation of the actions carried out within the framework of the implementation of the Plan.

This steering and coordination mechanisms comprise on the whole:

- the Annual Conference of Ministers in charge of Agricultural Biotechnology (ACMAB), the political authority which, based on expert reports decides on the major orientations and shifts towards the effective implementation of the Plan;
- The Orientation and Monitoring-Evaluation Committee (OMEC), which ensures the harmonious implementation of the Action Plan. It ensures the technical supervision of the Action Plan assesses the progress made and gives the required corrective orientations. This committee meets at least twice a year and:
 - o ensures the appropriate technical and budgetary execution of the Plan;
 - o gives the technical support and advice required for the preparation of the Ministerial Conference;
 - o ensures the implementation of the recommendations made by the Ministerial Councils;
 - o provides support in resource mobilization.

Its annual reports are submitted to the ECOWAS expert team in charge of preparing ACMAB.

It is made up of:

- o the representative of the ECOWAS Department of Agriculture, Rural Development and the Environment;
- o the representative of the CST of CORAF/WECARD;
- o the senior coordinator of the Plan implementation at the level of CORAF/WECARD;
- o the two coordinators of the

- o Biotechnology (CORAF/WECARD) and Biosafety (CILSS) components of the Plan;
 - o the representatives of specialized agencies (CGIAR Institutes, NGOs, Advanced Research Institutes);
 - o the representatives of donors;
- the Coordination and Steering Unit (CSU) in charge of leading the operational task forces and the daily supervision of the Plan's activities.
- the setting up of relevant indicators for the collection of data on the execution of activities;
- the development of methods for the collection and processing of information on ways to implement the Plan;
- the distribution of tasks and responsibilities between the institutions involved in the implementation of the Plan;
- the adoption of modalities for drafting reports;

Expected Results and Proposed Actions

As part of the responsibilities assigned to it, the Executing Agency (CORAF/WECARD) should:

- o Set up and strengthen (by ensuring its operation) the Coordination and Steering Unit (CSU).
- o Strengthen capacities for communication and sensitization on Biotechnology and Biosafety in the ECOWAS member countries;
- o Strengthen financially, the capacity of the sub-region in favour of Biotechnology and Biosafety.

Result 3.2.2.3.1: Coordination and Steering Unit (CSU) is set up and strengthened

To ensure the technical implementation of the Plan, CORAF / WECARD, will recruit a Senior Coordinator to be responsible for:

- # Establishing the operational task forces within CSU;
- # Organizing the working sessions of these operational task forces ;
- # Putting in place a mechanism for the coordination of technical activities;
- # Assisting ECOWAS in organising the Annual Ministerial Conference on Biotechnology;
- # The secretariat during the meetings of OMEC.

Action 3.2.2.3.1.1: Establishing the operational task forces of CSU:

Two technical Task Forces (TFs), one on Biotechnology and the other on Biosafety will be established within CSU to monitor and evaluate the technical aspects of the Action Plan. To this effect, they are charged with:

- the development of an operational monitoring-evaluation mechanism and its implementation requirements;

The TFs members are:

- the Scientific Coordinator of CORAF/WECARD;
- the Senior Coordinator of the Plan;
- the Coordinator of the "Biosafety" (CILSS) or "Biotechnology" (CORAF/WECARD) Unit;
- two experts (including one designated by ECOWAS and the other by the donors) for each TF;
- Any other person whose expertise is deemed necessary.

Action 3.2.2.3.1.2: Organizing regular task forces' meetings.

Quarterly meetings and when necessary, extraordinary meetings of these task forces, will be organized to monitor and evaluate the Action Plan.

Action 3.2.2.3.1.3: Setting up a coordination mechanism for technical activities

Two Technical Coordination Units (TCUs) will be established to coordinate the activities of the Plan:

- A TCU in charge of "Biosafety" will be established at [NSAH/CILSS, which is an interstate institution with a comparative advantage with regard to sub-regional regulatory initiatives in the field of pesticides, phytosanitary, seed and biosafety issues. This choice is also justified by the fact that the bulk of priority biosafety activities involves institutional building (political, legislative and administrative) of the ECOWAS member States, which are fields in which INSAH / CILSS has recognized expertise;
- A TCU in charge of "Biotechnology" will be based at the headquarters of CORAF/WECARD, which is a sub-regional institution for agricultural research and development. This institution already

possesses a Programme for the development of Biotechnology and Biosafety in West and Central Africa (adopted by ECOWAS) and has a comparative advantage in sub-regional coordination of agricultural research and development activities.

A unit head will be appointed to coordinate the regular activities of the Action Plan. The units' roles and tasks are:

- to coordinate and monitor the activities of the stakeholders involved in the implementation of the action plan;
- to encourage communication and collaboration between these stakeholders;
- to ensure maximum effectiveness and efficiency in the implementation of the Plan;
- to facilitate the dissemination of information on the progress of execution of the Plan;
- to establish linkages with the other relevant initiatives underway in the ECOWAS member countries;
- to manage the administrative and financial aspects relating to the execution of the activities of the Plan;
- to ensure that databases on biotechnology and biosafety are built in the region and are functional;
- to report regularly on the implementation of the Plan to CORAF/WECARD;

Action 3.2.2.3.1.4: To support ECOWAS in the organization of the Annual Conference of Ministers in charge of Biotechnology

The effective implementation of biotechnology and biosafety as well as the actions to be addressed within the context of the Plan, should be coordinated by the policy institutions in the various Member States. ECOWAS has instituted a ministerial conference on biotechnology to serve this purpose. Annual meetings of this conference will be organized to examine general issues related to biotechnology and biosafety in the ECOWAS member countries and to formulate the institutional arrangements to facilitate the implementation of the Action Plan.

Action 3.2.2.3.1.5: Serve as secretariat during the OMEC meetings

In its capacity as Executing Agency of the Action Plan and technical partner of ECOWAS for the implementation of its agricultural research and

development policy, CORAF / WECARD will provide technical support in the organization of OMEC annual meetings and will be in charge of their secretarial work.

Result 3.2.2.3.2: Enhanced capacities for communication and sensitization in biotechnology and biosafety in the ECOWAS member countries.

The development of some biotechnology products such as GMOs has given rise to open and often dogmatic debates worldwide, but which nonetheless have highlighted the wide gap between the research community and end-users of research products in terms of information.

It can be easily noted that from ordinary citizens to decision-makers, including journalists, lawyers, rural development stakeholders, etc., there is a feeling of distrust associated with biotechnology and more particularly with GMOs. Events such as the scandal of "HIV infected blood" in France and the emergence of bovine spongiform encephalopathy known as "mad cow disease" have contributed to undermining the trust between citizens and the research community.

Civil society has become very demanding to the extent that as long as all the information on conditions under which a biotechnology product has been obtained and its potential impacts have not been disclosed, it will be increasingly difficult to release it. Furthermore, the use of a biotechnological solution involving the end-users of research products should help overcome a clearly identified constraint. It is therefore essential that the user-community is well informed of the comparative advantages of the proposed solutions, the methodologies used to obtain the products as well as their safety. The same holds true of decision-makers, information professionals, lawmakers, etc. Objective criteria using this approach will result in informed choices.

Analysis carried out by some authors, including Walter, 2002, on the level of public awareness on the issue of biotechnologies revealed that significant sensitisation needs to be done in the region. More recently, the meetings of ministers in charge of agricultural research in Sacramento, Ouagadougou and Bamako, contributed, to a large extent, to informing the policy makers of the region about what is at stake in the biotechnology sector. However, there still remains a lot to be done before they could develop and take ownership of relevant information to inform their public themselves.

In its capacity as sub-regional organization, ECOWAS will look further at and implement its communication strategy on biotechnologies through the following activities:

- to sensitize the main stakeholders of the biotechnology sector;
- to create a sub-regional facility for information and communication on biotechnology, while exploiting fully, the CORAF/WECARD information and communication system (experience sharing, professional campaign);
- to create national information and communication focal points in charge of raising public awareness on biotechnology;
- to coordinate the implementation of the information and communication strategy on biotechnologies;
- to establish relations with other regional and international organizations with experience in the field of information and communication on biotechnologies;
- to set up a communication programme in the agribusiness sector.

Action 3.2.2.3.2.1 To sensitize the main stakeholders of the biotechnology sector.

The ECOWAS information and communication strategy should start with short-term actions aimed at civil society stakeholders, information professionals (journalists and communicators), stakeholders of production chains (producers, end-users), the private sector (traders and industrialists), decision-makers, inspectors, etc. These include:

- to organize workshops for the various categories of target groups, during which the biotechnological aspects associated with their daily activities will be presented to them. The process will consist of providing highlights on the benefits of technology as well as the optimum conditions for its adoption, including aspects related to biosafety, intellectual property rights, farmers' rights and the protection of indigenous knowledge;
- to publish articles in widely disseminated journals of biotechnology and biosafety;
- to take part in TV and radio programmes on biotechnologies and biosafety;
- to produce communication and information tools (brochures, films, typical presentation, etc.) for partners (NGOs, national focal points, journalists, etc.).

Action 3.2.2.3.2.2: To coordinate the implementation of the information and communication strategy on biotechnologies

In addition to short-term activities, the ECOWAS communication strategy on biotechnology should also project into the medium- and long-terms through lasting sustainable actions. To this effect, a specialized body should be set up and charged with the development and implementation of communication activities under the ECOWAS biotechnology programme. Whilst building on what already exists, and encouraging synergy the proposed body should be housed at CORAF/WECARD, which has an efficient information and communication system, and would be strengthened for the good of the cause. This close collaboration will also allow ECOWAS to reach out more easily to the thematic networks and national technical partners of CORAF/ WECARD, thus enabling it to broaden its target group.

Implementation of the ECOWAS information and communication strategy will require coordination duties, which could be undertaken by the Senior Coordinator of the programme. Coordination will concern communication and information activities associated on the one hand with biotechnology and on the other with biosafety and should thus involve CORAF/ WECARD, WABNet and INSAH/CILSS in as a matter of priority and the implementation of activities.

Action 3.2.2.3.2.3: To establish co-operative relations with the other regional and international organizations with experience in the field of information and communication on biotechnologies.

Within the framework of the implementation of its communication and information strategy, ECOWAS will have to establish work relations with the other initiatives, networks and organizations working in the region (WABNet, UNEP-GEF project, ABSP, PBS, BCH projects, etc.). In particular, the BCH system will be very useful for the dissemination and collection of information relating to the development of new biotechnology products and the status of biosafety in the world.

Action 3.2.2.3.2.4: To set up a communication programme for the agribusiness sector

As indicated above, the participation of economic operators of the agricultural sector in the biotechnology development process is essential. Within the framework of its communication strategy, ECOWAS will specifically target these operators through the regular organization of biotechnology fora and shows in order to sensitize them on new business opportunities available in the biotechnology sector. Private partners

in developed countries will be included in these events in order to establish "joint ventures" and various other forms of business partnerships.

Action 3.2.2.3.2.5: To create national focal points on information and communication for raising public awareness on biotechnology.

It will be possible to set up local information and communication units, which will be the regional body's intermediary through the national CORAF/WECARD member institutions. It may not necessitate the creation of new institutions, but rather of strengthening the capacities of national partners to take local actions. Provision should therefore be made for strengthening the capacities of documentation and communication services of National Agricultural Research Centers and for holding briefing workshops at local level. These services will be in constant contact with the regional body and will receive communication documents and other aids developed at regional level, for dissemination and use. They will also be used to convey national information to the regional level to promote experience sharing.

Result 3.2.2.3.3: The financial capacity is strengthened

For the implementation of the Action plan, it is essential to clarify the responsibilities of institution and to ensure the coherence and linkage of actions at sub-regional level as much as it is essential to coordinate efforts in order to optimize the funds. Fund management and cost sharing should be based on the principles of transparency and good governance. The strategy for the mobilization of financial resource for the development of Biotechnology and Biosafety in the region should include funds from other sources committed to ECOWAS within a coherent and transparent framework. Thus, to enhance the financial contribution of ECOWAS to agricultural research and development in general and biotechnologies in particular in its member States and at the same time optimize the contribution of donors, two main actions will be carried out:

- to encourage the member States to comply with their commitment to allocate 10% of their national budgets for public investments in agricultural development;
- to establish a foundation for the application of biotechnology to agriculture in the sub-region.

3.2.2.3.3.1 To encourage the member States to comply with the commitment to allocate 10% of their national budgets for public investments in agricultural development.

The Heads of African States made a commitment, at the Summit of the African Union held in Maputo in July

2003, to allocate 10% of their national budgets for public investments in agricultural development. The implementation of such a commitment will have a significant impact on agricultural development in the continent, which will be reflected in new sectors such as biotechnology. At sub-regional level, ECOWAS will maintain contact with its member States to ensure compliance with the commitment.

Action 3.2.2.3.3.2: To establish a fund for the application of biotechnology to agriculture

In real terms, it is a matter of setting up a consortium of potential bilateral and multilateral donors.

Development support foundations (Rockefeller, McKnight, Bill Gates, Carnegie, etc), private stakeholders (African industrials and multinationals operating in Africa), the European Union (EU), the United Nations Economic Commission for Africa, the African Development Bank (ADB), the World Bank and the Co-operation Agencies of developed countries are likely donors to support the setting up of an integrated mechanism for the financing of Biotechnology and Biosafety in the region.

This includes in practical terms:

- To organize a donor's forum for the development of biotechnologies in the ECOWAS member countries, to discuss opportunities and practical details for the setting up of a common fund. ECOWAS should put up the initial capital and undertake to regularly contribute money to it;
- To implement the resolutions adopted by the above forum by instituting the West African Fund for the Development of Biotechnology and Biosafety;
- To set up the institutions and procedures for managing the fund;
- To start the activities associated with the financing of Biotechnology and Biosafety research and development through this fund.

3.5. Beneficiaries and Expected Impact

The promotion of biotechnology in the ECOWAS member countries will undoubtedly provide additional solutions to cope with the many constraints, which affect crop and animal productions in the sub-region. As a matter of fact, the following is expected:

- 1) A framework for the identification of priority constraints is established;

- 2) Fruitful partnerships between the main stakeholders of the public and private sectors are established;
- 3) Legislations related to intellectual property and seed systems are strengthened in the member countries;
- 4) Operators are trained in the various aspects of biotechnology applications;
- 5) Endogenous research is encouraged to create a dynamic allowing capturing the regional and international market;
- 6) Relevant socio-economic studies are conducted to prove the positive effects of the development of the biotechnology sector.

This raises hopes that the promotion of biotechnology will have the desired effects, namely, improvement in productivity and agricultural competitiveness and sustainable genetic resource management in West Africa. Through the generated added value, this will enable ECOWAS a speedy achievement of its objectives, namely, poverty reduction, the attainment of food security as well as sustainable conservation and utilization of natural resources.

Meanwhile, for the impact of the development of agricultural biotechnology to be optimal, it is essential that efforts are integrated at regional level. The creation of linkages between the countries of the region and their partners of the north, the networking of research centres and laboratories, the mobilization of resources from the diaspora, the development of regional regulatory frameworks for the dissemination of new technologies and seeds, etc., constitute the elements which will strengthen regional integration and bring about an overall positive impact on the region. The beneficiaries will include all the stakeholders of the agro-industrial community, including NARS, producers, small holders, consumers, community-based groups, NGOs, civil society and the private sector.

The establishment of a sub-regional biosafety regulatory framework will facilitate the safe deployment of modern, imported biotechnology products or created by the NARS of the sub-region. The regional approach is essential in this area characterized by free trade and free movement of people and goods (including seeds). "Safe" products could thus be provided to producers, small holders, consumers and private operators of the food sector in order to have the desired positive impact on economic growth.

The relevance of the regional framework consists of the harmonization of rules and procedures between the member States. But for this approach to have maximum impact, the Action Plan also envisages the strengthening of national capacities for the implementation of the regional biosafety regulatory framework. This includes pooling various national expertise: 1) to accelerate procedures for processing import documents 2) to encourage risk assessment and management, 3) to facilitate the sharing of credible information on environmental impacts, food safety and seed systems associated with modern biotechnology products. This approach could also contribute to reducing investment costs for the dissemination of modern biotechnology products in the sub-region. All the stakeholders, researchers (NARS and ICAR, producers' groups, consumer groups, community-based organizations, NGOs, the private sector, animal and crop protection systems, health and phytosanitary services and representatives of port authorities) will benefit from the development of a harmonized regional framework and implemented at national level.

Once the capacities for communication and sensitization in the field of biotechnology and biosafety are strengthened in the ECOWAS member countries, the general public would be in a position to go for informed options on the adoption and utilization of biotechnology and derived products. This will directly benefit all the stakeholders of agricultural research and decision-makers, because they will be sensitized on the potential role that biotechnology can play in reducing famine and poverty in the sub-region.

3.6 Main stakeholders' roles and responsibilities; timeframe for main actions

Main actions	Implementation	Lead Institution	Partners	Timeframe
Main objective: <i>To sustainably contribute to the food security, the economic and social development, and poverty reduction of the population, in the member States</i>				
Operational objective 1: <i>To develop biotechnology to improve productivity, competitiveness and sustainable natural resource management</i>				
Expected result 1.1: <i>The application of biotechnology is promoted in the ECOWAS member countries</i>				
Action 1.1.1: To develop a framework for agricultural research priority setting based on quantitative economic analysis	IFPRI-CORAF/WECARD	ECOWAS CORAF/WECARD	AAATF, ISAAA, MSU, IITA, WARD, ICRISAT, IPGRI, international experts	6 months
Action 1.1.2: To encourage partnership between the private and public sectors for the application of modern biotechnology to agriculture	CORAF/WECARD	ECOWAS	Private and public sectors, AAATF, ISAAA, IITA, WARD, ICRISAT, IPGRI	0 to 5 years
Action 1.1.3: To promote the utilization of biotechnology in agribusiness as new opportunities	INTERFACE	ECOWAS CORAF/WECARD	Private and public sectors, AAATF, ISAAA, IITA, WARD, ICRISAT, IPGRI, regional and national professional agricultural organizations	0 to 5 years
Action 1.1.4: To strengthen national phytosanitary legislations	INSAH/CILSS	ECOWAS CORAF/WECARD	National programmes	0 to 3 years
Action 1.1.5: To improve national seed systems	INSAH/CILSS	ECOWAS, CORAF/WECARD	National programmes	0 to 3 years
Action 1.1.6: To train stakeholders in Biotechnology	CORAF/WECARD	ECOWAS	NEPAD-ABI, national universities, AAATF, ISAAA, IITA, WARD, ICRISAT, IPGRI, USAID, USDA, EU, Canada, Japan, China, India, Brazil, Argentina, South Africa,	0 to 5 years

				France, Belgium, Switzerland, UK, ICGEB, IAEA, FAO, WHO, Rockefeller Foundation	
Action 1.1.7: To strengthen the capacity of national and regional institutions (laboratory, equipment scientific, greenhouses and experimental field) with the aim of conducting research in biotechnology.	CORAF/WECARD	ECOWAS	NEPAD-ABI, national universities, AATF, ISAAA, IITA, WARD, ICRISAT, IPGRI, USAID, USDA, EU, Canada, Japan, China, India, Brazil, Argentina, South Africa, France, Belgium, Switzerland, UK, ICGEB, IAEA, FAO, WHO, Rockefeller Foundation	0 to 3 years	
Action 1.1.8: To promote the utilization of more efficient molecular biology techniques in research programmes to reduce the constraints on agricultural production	CORAF/WECARD	ECOWAS	NEPAD-ABI, national universities, AATF, ISAAA, IITA, WARD, ICRISAT, IPGRI, USAID, USDA, EU, Canada, Japan, China, India, Brazil, Argentina, South Africa, France, Belgium, Switzerland, UK, ICGEB, IAEA, FAO, WHO, Rockefeller Foundation	0 to 5 years	
Action 1.1.9: To institutionalise the assessment of impacts of modern, derivative n biotechnology products	ECOWAS	ECOWAS	NEPAD-ABI, AATF, ISAAA, MSU, IITA, WARD, ICRISAT, IPGRI, international experts	0 to 2 years	
Action 1.1.10: To strengthen the intellectual property (IP) systems existing in the member States	CORAF / WECARD AIPO	ECOWAS	AATF, ISAAA, MSU, IITA, WARD, ICRISAT, IPGRI, international experts	0 to 3 years	
Expected result 1.2: Co-operation in the area of biotechnology in agriculture is implemented in the ECOWAS member countries					
Action 1.2.1: To set up a panel of experts in biotechnology including all the stakeholders and partners.	CORAF/WECARD	ECOWAS INSAH / CILSS	WABNet / NEPAD-ABI national universities, AATF, ISAAA, IITA, WARD, ICRISAT, IPGRI, USAID, USDA, EU, Canada,	6 months	

				Japan, China, India, Brazil, Argentina, South Africa, France, Belgium, Switzerland, UK, ICGEB, IAEA, FAO, WHO, Rockefeller Foundation	
Action 1.2.2: To set up a network of national laboratories specialized in biotechnology.	CORAF/WECARD	ECOWAS	6 months	NEPAD-ABI, national Programmes, national research institutions	
Action 1.2.3: To mobilize the Diaspora as part of the implementation of the regional biotechnology programme.	CORAF/WECARD	ECOWAS	0 to 2 years	NEPAD-ABI, national universities and research institutions, AATF, ISAAA, IITA, WARDA, ICRISAT, IPGRI, USAID, USDA, EU, Canada, Japan, China, India, Brazil, Argentina, South Africa, France, Belgium, Switzerland, UK, ICGEB, IAEA, FAO, WHO, Rockefeller Foundation	
Action 1.2.4: To set up a mechanism to harmonize common phytosanitary and zoosanitary legislations in the ECOWAS member countries.	INSAH/CILSS	ECOWAS	0 to 3 years	Ministries and national agricultural institutions	
Action 1.2.5: To set up a regional seed regulatory framework in the ECOWAS member countries (trade in seeds, certification, phytosanitary regulations).	INSAH/CILSS	ECOWAS	1 year	Ministries and national agricultural institutions	
Action 1.2.6: To harmonize the regional strategy on intellectual property rights adopted in the ECOWAS member countries.	CORAF / WECARD AIPO; OHADA (Organization for the Harmonization of Business Law in Africa)	ECOWAS	0 to 3 years	AATF, ISAAA, MSU, IITA, WARDA, ICRISAT, IPGRI, international experts	

Operational objective 2: To establish a regional approach to biosafety				
Expected result 2. 1: <i>The regional biosafety framework is established in the ECOWAS member countries</i>				
Action 2.1.1: To create a regional biosafety regulatory framework (harmonization of rules and procedures).	INSAH/CILSS	ECOWAS CORAF / WECARD	WAEMU, AU, CBD Secretariat, PSB, GEF, national experts of UNEP, international experts, IGOS (FAO, WHO, UNIDO), relevant departmental services, OECD, EU, AGBIOS, IARC, NARS, FAO/WHO (Codex Alimentarius), health and phytosanitary systems, private sector, AATF, networks or associations dealing in food products (i.e., NGICA), consumer groups, relevant NGOs, MSU, USDA/APHIS, FDA	5 years
Action 2.1.2 To have national biosafety frameworks, which are harmonized with the regional biosafety framework, developed and adopted	INSAH/CILSS	ECOWAS CORAF/WECARD	AU, WAEMU, relevant departmental services, national authorities competent in biosafety	5 years
Expected result 2. 2: <i>National capacities for the implementation of the regional biosafety regulatory framework are strengthened</i>				
Action 2.2.1: To promote understanding of the Convention on Biological Diversity and the Cartagena Protocol on Biological Diversity.	INSAH/CILSS	ECOWAS CORAF/WECARD	UNEP, GEF CORAF/WECARD, CBD secretariat, IARC, ARJ, relevant departmental services, national authorities competent in biosafety	0 to 3 years
Action 2.2.2: To strengthen the capacity of national stakeholders (infrastructure and expertise) for the implementation of regulations	INSAH/CILSS	ECOWAS CORAF/WECARD	IARC, ARJ, NARS, PBS, UNEP, GEF, EU, national and international experts, private sector - interface, USDA-APHIS, MSU, AGBIOS	0 to 5 years

					UNIDO, FAO, WHO, NGOs, consumer groups, producers' organizations	
Operational objective 3: To set up an efficient mechanism for the coordination, steering, monitoring and evaluation of the Programme						
Expected result 3.1: A Coordination and Steering Unit (CSU) is set up and strengthened						
Action 3.1.1: To establish the CSU operational task forces (TF on Biotechnology and TF on Biosafety) and OMEC	CORAF/WECARD for the TF on Biotechnology INSAH/CILSS for the TF on Biosafety; ECOWAS for OMEC	ECOWAS, CORAF / WECARD	Experts in biotechnology and biosafety of the sub-region, Ministers responsible for biotechnology	0 to 3 months		
Action 3.1.2: To organize ordinary meetings of these task forces	CORAF / WECARD	ECOWAS	INSAH/CILSS; Experts in biotechnology and biosafety	0 to 5 years		
Action 3.1.3: To establish a mechanism for the coordination of these technical activities (biotechnology and biosafety)	CORAF/WECARD for the Biotechnology Unit; INSAH / CILSS for the Biosafety unit	ECOWAS	Experts in biotechnology and biosafety of the sub-region	0 to 3 months		
Action 3.1.4: To support ECOWAS in the organization of the Annual Conference of Ministers in charge of Biotechnology	CORAF / WECARD	ECOWAS	INSAH/CILSS	0 to 5 years		
Action 3.1.5: To take care of the secretariat during the OMEC meetings	CORAF / WECARD	ECOWAS	INSAH/CILSS	0 to 5 years		
Expected results 3.2: Capacities for communication and sensitization on biotechnology and biosafety are strengthened in the ECOWAS member countries						
Action 3.2.1: To sensitize stakeholders [civil society, journalists and communicators, producers, end-users, private sector (traders and	CORAF/WECARD INSAH / CILSS	ECOWAS	WAEMU (UEMOA), national media, NGOs, national universities and research institutions, AATF, ISAAA,	0 to 5 years		

industrialists), decision makers, inspectors] on the benefits of biotechnology and biosafety				IITA, WARD, ICRISAT, IPGRJ, USAID, USDA, EU	
Action 3.2.2: To coordinate the implementation of the information and communication strategy on biotechnologies	CORAF/WECARD	ECOWAS	ECOWAS	INSAH / CILSS, ECOWAS WABNet, UNEP-GEF, ABSP, PBS, BCH	0 to 5 years
Action 3.2.3: To co-operate with the other regional and international organizations with experience in the field of information and communication on biotechnologies	CORAF / WECARD	ECOWAS	ECOWAS	BCH, AATF, ISAAA, IITA, WARD, ICRISAT, IPGRJ, USAID, USDA, EU, ICGEB, FAO, WHO	0 to 2 years
Action 3.2.4: To set up a communication programme in the agribusiness sector	CORAF/WECARD	ECOWAS	ECOWAS	Interface, BCH, AATF, ISAAA, IITA, WARD, ICRISAT, IPGRJ, USAID, USDA, EU, ICGEB, FAO, WHO	0 to 6 months
Action 3.2.5: To create national information and communication units for raising public awareness on biotechnology and serving as coordinating units	CORAF/WECARD	ECOWAS	ECOWAS	National media, NGOs, national universities and research institutions	0 to 1 year
Expected result 3.3: The financial capacity is strengthened					
Action 3.2 1: To encourage the Member States to allocate at least 10% of the national budget to agriculture.	ECOWAS	ECOWAS / WAEMU	ECOWAS / WAEMU	Member States, AU	0 to 3 years
Action 3.2 2: To establish a fund for the application of biotechnology to agriculture.	ECOWAS	ECOWAS / WAEMU	ECOWAS / WAEMU	ADB, WADB, BCEAO (Central Bank of the West African Francophone States), AU, the World Bank, member States, private sector and development partners	0 to 2 years

3.7. Provisional budget

Main actions	Activities	Budget (US\$)
Main objective: To sustainably contribute to the food security of the population, economic and social development and poverty reduction in the member States		
Operational objective 1: To develop biotechnology to improve productivity, competitiveness and sustainable natural resource management		
Expected result 1.1: The application of biotechnology is promoted in the ECOWAS member countries		
Action 1.1.1 To develop a framework for agricultural research priority setting based on quantitative economic analysis	To conduct a study under the supervision of CORAF-WECARD / IFPRI	25 000
	To validate the results of the study from a technical standpoint through the CORAF/WECARD mechanism	20 000
	To have the results validated by the ECOWAS decision making bodies	20 000
Action 1.1.1. To encourage partnership between the private and public sectors for the application of modern biotechnology to agriculture	To set up a regional office for the exchange and promotion of biotechnology	50 000
Action 1.1.3: To promote the utilization of biotechnology in agribusiness as new opportunities	To develop orientation and decision support tools for decision makers (information notes; synthesized analyses, etc.)	50 000
	To organize regular trade fairs which focus on partnership in biotechnology	500 000
Action 1.1.4: To strengthen national phytosanitary legislations	Stocktaking and capacity building needs assessment in relation to the phytosanitary legislation of the 15 member countries	150 000
	To support the countries in drafting national bills	75 000

Action 1.1.5: To improve national seed systems	To organise advanced courses in the 15 member countries	150 000
	Stocktaking and capacity building needs assessment of the seed sector of the 15 member countries	150 000
	To accelerate the adoption and implementation of the ECOWAS harmonized seed regulatory framework	75 000
	To support internal task forces in drafting national strategies to strengthen the seed sector	75 000
	To set up an advocacy mechanism to help the member countries mobilize funds (with FAO, UNDP, foundations, etc.) and human resources (NGOs and bilateral and multilateral technical co-operation agencies) for the development of seed distribution networks at national level	50 000
Action 1.1.6: To train stakeholders in Biotechnology	To set up a fellowship programme for researchers and technicians	2 400 000
	To carry out a study to identify the universities, higher agricultural education institutions and training schools for laboratory technicians with the appropriate potential and to assess their needs for capacity building in biotechnology	50 000
	To help five identified universities and higher education institutions to create specialized courses of study on biotechnology	1 250 000
Action 1.1.7: To strengthen the capacity of national and regional institutions (laboratory, equipment scientific, greenhouses and experimental field) with the aim of conducting research in biotechnology.	To set up a competitive scholarship programme for studies and university research in biotechnology	3 000 000
	To set up a competitive financing programme for applied research in biotechnology	2 400 000

Action 1.1.8: To promote the utilization of more efficient molecular biology techniques in research programmes to reduce the constraints on agricultural production	To set up a programme for financing basic research in biotechnology open to laboratories and centres of excellence	2 500 000
Action 1.1.9: To institutionalise the assessment of impacts of modern derivative biotechnology products	To commission an independent study for assessing the socio-economic impacts of adopting GMOs in the ECOWAS member countries	50 000
Action 1.1.10: To strengthen the intellectual property (IP) systems existing in the member States	Stocktaking and capacity building needs assessment for intellectual property by national consultants of the 15 member States	150 000
	To organize workshops for training and providing information to national and regional stakeholders on intellectual property (IP)	150 000
	To support the member countries in drafting national bills on IP	75 000
Subtotal		13 415 000
Expected result 1.2: The co-operation in biotechnology in agriculture is implemented in the ECOWAS member countries		
Action 1.2.1: To set up a panel of experts in biotechnology including all the stakeholders and partners.	To set up a forum of partners	100 000
Action 1.2.2: To set up a network of national laboratories specialized in biotechnology.	To help CORAF/WECARD and WABNet with their efforts to network laboratories and centres of excellence	20 000
Action 1.2.3: To mobilize the Diaspora as part of the implementation of the regional biotechnology programme.	To make an inventory of the Diaspora	20 000
	To make contacts with it and its employers to exchange views on opportunities for collaboration	50 000
	To set up mechanisms for co-operation with the Diaspora	10 000

	To assist in the drafting and implementation of projects involving the Diaspora within the framework of these mechanisms	10 000
Action 1.2.4: To set up a mechanism to harmonize common phytosanitary and zoosanitary legislations in the ECOWAS member countries	To organize a meeting of national stakeholders to develop an efficient mechanism for the harmonization of phytosanitary and zoosanitary legislations in the ECOWAS member countries	100 000
	Technical validation of the mechanism	10 000
	To have the project validated by the decision making bodies	100 000
Action 1.2.5: To set up a regional seed regulatory framework in the ECOWAS member countries (Trade in seeds, certification, phytosanitary regulations)	To implement the mechanism	100 000
	To organize a meeting of national stakeholders to outline the regional legislation based on the CILSS model	100 000
	To finalize the project	10 000
Action 1.2.6: To have a harmonized regional strategy on intellectual property rights adopted in the ECOWAS member countries.	To have the project validated by stakeholders and political decision makers	100 000
	To organize a meeting between national and international stakeholders to adopt a policy approach in order to harmonize the International Conventions related to IPRs (UPOV (plant breeders/variety rights), Bangui Agreements, etc.)	100 000
	To conduct a study to come up with a harmonized framework on IPRs	50 000
	Technical validation of the project	10 000
	To have the project validated by stakeholders and political decision makers	100 000
Subtotal		990 000

Operational objective 2 To establish a regional approach to biosafety	
Expected result 2.1: <i>The regional biosafety framework is established in the ECOWAS member countries</i>	
Action 2.1.1: To create a regional biosafety regulatory framework (harmonization of rules and procedures)	100 000
To organize a regional policy exchange of views on the regulatory system	
To design a draft document on the common biosafety regulation in the ECOWAS member countries (including the legal system, administrative framework, technical directives/guidelines and mechanisms for public participation)	150 000
To monitor and evaluate the drafting of the regional document	75 000
To examine the established framework and procedures harmonized by the ECOWAS member States.	160 000
To organize a regional participatory consultation among all the relevant stakeholders to validate the regulatory document and harmonized products	150 000
To set up a regional framework for biosafety coordination and regulation	200 000
To train key stakeholders of ECOWAS and other regional institutions on the harmonized mechanism and its implementation procedures	50 000
Action 2.1.2 To develop and adopt national biosafety frameworks, which are harmonized with the regional biosafety framework	75 000
To organize national exchanges of views to ensure support for the idea of a national framework in conformity with the regional biosafety framework	

	To make the inventory of biosafety frameworks in the member countries	150 000
	To examine and revisit national biosafety frameworks to ensure conformity with the regional biosafety regulatory framework	75 000
	To develop the framework in the countries where it does not exist yet	75 000
Subtotal		1 260 000
Expected result 2.2: National capacities for the implementation of the regional biosafety regulatory framework are strengthened		
Action 2.2.1: To promote understanding of the Convention on Biological Diversity and the Cartagena Protocol on Biological Diversity	To train officials charged with the development and implementation of the national regulatory framework	150 000
	To organize conferences, workshops, training and communication sessions aimed at key national stakeholders to encourage the member States to ratify the Cartagena Protocol	150 000
	To ensure the actual participation of the national stakeholders concerned (MPs, technical experts, media, etc.) in international meetings on biosafety	240 000
Action 2.2.2: To strengthen the capacity of national stakeholders (infrastructure and expertise) for the implementation of regulations	To develop curricula for the various levels of responsibility in risk management	50 000
	To organize training workshops on risk assessment and management	100 000
	To organize training workshops on issues related to seed and food safety.	100 000

To organize training workshops on biosafety monitoring & evaluation	100 000
To organize training workshops on the drafting of directives, legal documents and regulatory frameworks in biosafety	100 000
To equip laboratories to serve as regional laboratories for risk monitoring & evaluation	2 000 000
To equip laboratories to serve as regional diagnostic laboratories with regard to GMO food and seed safety	2 000 000
Subtotal	4 990 000

Operational objective 3 To set up an efficient mechanism for the coordination, steering, monitoring and evaluation of the Programme		
Expected result 3.1: A Coordination and Steering Unit (CSU) is set up and strengthened		
Action 3.1.1: To establish the CSU operational task forces (TF on Biotechnology and TF on Biosafety) and OMEC	To set up OMEC	10 000
	To set up the TF on Biotechnologies	10 000
	To set up the TF on Biosafety	10 000
Action 3.1.2: To organize ordinary meetings of these task forces	To organize quarterly meetings of the task forces	450 000
Action 3.1.3: To establish a mechanism for the coordination of these technical activities (biotechnology and biosafety)	To formulate an operational monitoring-evaluation mechanism	30 000
	To implement the monitoring-evaluation activities of the Action Plan	150 000
	Implementation of coordination actions	650 000
Action 3.1.4: To support ECOWAS in the organization of the Annual Conference of Ministers in charge of Biotechnology	Accompanying measures	390 000
	To take part in the preparation of the Conference of Ministers responsible for Biotechnology	160 000
Action 3.1.5: To take care of the secretariat during the OMEC meetings	To organize the annual meetings of OMEC	100 000
Subtotal		1 960 000

Expected results 3.2: Capacities for communication and sensitization in the field of biotechnology and biosafety are strengthened in the ECOWAS member countries		
Action 3.2.1: To sensitize stakeholders [civil society, journalists and communicators, producers, end-users, private sector (traders and industrialists), decision makers, inspectors] on the benefits of biotechnology and biosafety	To organize three workshops for the various categories of target groups	150 000
	To contribute to the wide dissemination of journals of biotechnology and biosafety	10 000
	To take part in TV and radio programmes on biotechnologies and biosafety	5 000
	To produce communication and information tools (brochures, films)	50 000
	To set up a specialized body in charge of information and communication on biotechnology	50 000
Action 3.2.2: To coordinate the implementation of the information and communication strategy on biotechnologies Action 3.2.3: To establish relations with the other regional and international organizations with experience in the field of information and communications on biotechnologies; Action 3.2.4: To set up a communication programme in the agribusiness sector	To make this specialized body function	150 000
	Action 3.2.5: To create national information and communication units for raising public awareness on biotechnology and serving as coordinating units	160 000
Subtotal	To organize 15 local information dissemination workshops	75 000
		650 000

Expected result 3.3: The financial capacity is strengthened		
Action 3.3 1: To encourage the member States to allocate at least 10% of the national budget to agriculture.	To continue dialogue with the member States to ensure that this declaration will be implemented	0
Action 3.3 2: To establish a fund for the application of biotechnology to agriculture	To have ECOWAS put up the initial capital/funds	50 000
	To bring donors together to discuss opportunities and practical details for the setting-up of a common fund for the development of Biotechnology and Biosafety in the ECOWAS member countries	100 000
	To establish the Western African Fund for the development of Biotechnology and Biosafety	100 000
	To put in place the bodies and procedures for the management of the fund	100 000
Subtotal		3 50 000
GRAND TOTAL		23 615 000

REGULATION C/REG.06/05/08 ADOPTING THE STRATEGIC PLAN 2007-2015 OF THE PERMANENT COORDINATION AND FOLLOW-UP FRAMEWORK FOR INTEGRATED WATER RESOURCES MANAGEMENT (IWRM) IN WEST AFRICA

THE COUNCIL OF MINISTERS,

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

MINDFUL of Decision A/DEC.12/12/00 of 16 December 2000 adopting the Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA);

MINDFUL of Decision A/DEC.5/12/01 of 21 December 2001 setting up the Permanent Coordination and Follow-up Framework for Integrated Water Resources Management in West Africa,

MINDFUL of Decision A/DEC.6/12/2001 of 21 December 2001 amending Decision A/DEC.12/12/00 of 16 December 2000 adopting the Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA);

MINDFUL of Decision A/DEC.4/01/06 of 12 January 2006 adopting the Statutes of the Permanent Coordination and Follow-up Framework for Integrated Water Resources Management in West Africa and the rules and regulations of the constituent organs;

CONSIDERING that the plan which is presented replaces back, in a consolidated strategic framework, the IWRM Permanent Coordination and Follow-up Framework activities in West Africa based on projects envisaged in the Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA);

CONSIDERING that the aforementioned plan is in keeping with the ECOWAS Strategic Plan 2007-2010.

ON THE RECOMMENDATION of the 2nd session of the IWRM Ministerial Follow-up Committee in West Africa held in Ouagadougou, on 15 November 2007

ENACTS

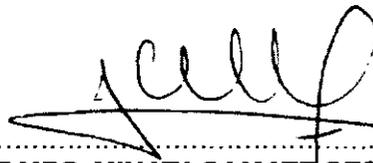
Article 1

The Strategic Plan of the IWRM Permanent Coordination and Follow-up Framework in West Africa for 2007-2015 is adopted

Article 2

This Regulation shall be published by the President of the Commission in the Official journal of the Community within thirty (30) days following its signature by the Chairperson of the Council of Ministers. It will also be published by each Member State in its national gazette within the same time-limits.

**DONE AT ABUJA,
THIS 18TH DAY OF MAY 2008.**



H.E MRS. MINATA SAMATE CESSOUMA
CHAIRPERSON,
FOR COUNCIL

REGULATION C/REG.7/05/08 CHANGING THE NAME OF THE WATER RESOURCES COORDINATION UNIT AND OF THE DEPARTMENT OF ENVIRONMENT AND WATER RESOURCES OF THE COMMISSION

THE COUNCIL OF MINISTERS

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

MINDFUL of Decision A/DEC.12/12/00 of 16 December 2000 adopting the Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA);

MINDFUL of Decision A/DEC.5/12/01 of 21 December 2001 setting up the Permanent Coordination and Follow-up Framework for Integrated Water Resources Management in West Africa,

MINDFUL of Decision A/DEC.6/12/2001 of 21st December, 2001 amending Decision A/DEC.12/12/00 of 16th December 2000 adopting the Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA);

MINDFUL of Decision A/DEC.4/01/06 of 12 January 2006 adopting the Statutes of the Permanent Coordination and Follow-up Framework for Integrated Water Resources Management in West Africa and the rules and regulations of the constituent organs;

BEARING in mind the commitments embodied in the Ouagadougou Declaration adopted by the West African Conference on integrated water resources management, which led to the establishment of a Permanent Coordination and Follow-up Framework of Integrated Water Resources Management made up of a Ministerial Follow-up Committee assisted by an Experts Technical Committee and an IWRM Coordination Unit, pursuant to Decision A/DEC. 5/12/01 referred to above;

ON THE RECOMMENDATION of the 2nd Session of the IWRM Ministerial Follow-up Committee in West Africa held in Ouagadougou, on 15 November 2007,

ENACTS

Article 1

The Water Resources Coordination Unit shall be named "Water Resources Coordination Centre", in abbreviated form "WRCC"

Article 2

The Department of Environment and Water Resources under the ECOWAS Commission shall be named Department of Environment.

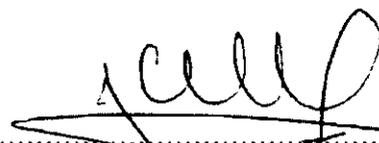
Article 3

The expressions "Water Resources Coordination Unit" and "Department of Environment and Water Resources" shall be replaced, wherever they appear in the legal instruments regulating the Community, by "Water Resources Coordination Centre" and "Department of Environment" respectively.

Article 4

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

**DONE AT ABUJA,
THIS 18TH DAY OF MAY 2008.**



H.E MRS. MINATA SAMATE CESSOUMA
CHAIRPERSON
FOR COUNCIL

REGULATION C/REG.8/05/08 RELATING TO THE RECOGNITION OF THE INTERNATIONAL INSTITUTE FOR WATER AND ENVIRONMENTAL ENGINEERING (IWEE) AS A CENTRE OF EXCELLENCE OF THE COMMUNITY FOR WATER AND ENVIRONMENTAL TRAINING AND RESEARCH

THE COUNCIL OF MINISTERS,

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

MINDFUL of Decision A/DEC.12/12/00 of 16 December 2000 adopting a Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA);

MINDFUL of Decision A/DEC.5/12/01 of 21 December 2001 establishing the Permanent Coordination and Follow-up Framework for Integrated Water Resources Management in West Africa,

MINDFUL of Decision A/DEC.6/12/2001 of 21 December 2001 amending Decision A/DEC.12/12/00 of 16 December 2000 adopting the Regional Action Plan for Integrated Water Resources Management in West Africa;

MINDFUL of Decision A/DEC.4/01/06 of 12 January 2006 adopting the Statutes of the Permanent Coordination and Follow-up Framework for Integrated Water Resources Management in West Africa and the rules and regulations governing its constituent organs;

CONSIDERING the crucial importance of building the capacities of the stakeholders in the regional approach to integrated water resources management;

CONSIDERING the recognised competence of the *Institut International de l'Eau et de l'Environnement* (International institute for Water and Environmental Engineering) as regards training and research in the water and environmental sectors in Africa;

CONSIDERING the request addressed to ECOWAS by the International institute for Water and Environmental Engineering;

ON THE RECOMMENDATION of the 2nd Session of the Ministerial Follow-up Committee of IWRM in West Africa held in Ouagadougou, on 15 November 2007;

ENACTS

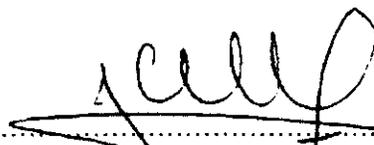
Article 1

The International institute for Water and Environmental Engineering, in abbreviated form, "2iE" is recognised as a centre of excellence of the Community as regards training and research in the water and environmental sectors.

Article 2

This Regulation shall be published by the President of the Commission in the Official Journal of the Community within thirty (30) days following its signature by the Chairperson of the Council of Ministers. It shall also be published by each Member State in its National Gazette within the same timeframe.

**DONE AT ABUJA,
THIS 18TH DAY OF MAY 2008.**


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**H.E. MRS. MINATA SAMATE CESSOUMA
CHAIRPERSON
FOR COUNCIL**

