



## of the Economic Community of West African States (ECOWAS)

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**REGULATION C/REG. 1/12/95 AUTHORISING THE MANAGING DIRECTOR OF ECOWAS FUND TO SIGN ON BEHALF OF THE COMMUNITY A COOPERATION AGREEMENT WITH THE FOOD AND AGRICULTURE ORGANISATION (FAO)**

**THE COUNCIL OF MINISTERS,**

MINDFUL of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

CONSCIOUS of the mandate of ECOWAS whose aim is to promote economic and social progress and ensure food security of its Member States;

EQUALLY CONSCIOUS of the role of FAO as a pilot organisation of the United Nations system in the areas of food, agriculture, forestry and fisheries having the mandate of assisting Member States to formulate and implement their agricultural development plans;

CONSIDERING that food self-sufficiency is a subject of concern common to the members of both FAO and ECOWAS;

MINDFUL of the 1984 Cooperation Agreement between the Food and Agriculture Organisation (FAO) and the Economic Community of West African States of which the Fund is the development finance institution;

CONSIDERING the recommendation of the 34th Session of the Board of Directors of the ECOWAS Fund held in Abuja from 8th to 9th December, 1995;

**ENACTS**

**Article 1**

The Managing Director of the Fund is hereby authorised to finalise and sign the attached Cooperation Agreement with the Food and Agriculture Organisation (FAO).

**Article 2**

This Regulation shall be published in the Official

Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

This Regulation shall enter into force upon signature.

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

**COOPERATION AGREEMENT BETWEEN  
THE UNITED NATIONS FOOD AND  
AGRICULTURE ORGANISATION (F.A.O) AND  
THE FUND FOR COOPERATION,  
COMPENSATION AND DEVELOPMENT OF THE  
ECONOMIC COMMUNITY OF WEST AFRICAN  
STATES, ECOWAS FUND**

MINDFUL of the 1984 Cooperation Agreement between FAO and the Economic Community of West African States of which the FUND is the development finance institution;

The United Nations Food and Agriculture Organisation (hereinafter called "FAO") of the one part and the Fund for Cooperation, Compensation and Development of the Economic Community of West African States hereinafter called "ECOWAS Fund" of the other part;

CONSCIOUS of the role of FAO as a pilot organisation of the United Nations system in the areas of food, agriculture, forestry and fisheries having the mandate of assisting Member Countries to formulate and implement their agricultural development plans;

EQUALLY CONSCIOUS of the mandate of the Economic Community of West African States whose aim is to promote economic and social progress and ensure food security of its Member States;

CONSIDERING that food self-sufficiency is a subject of concern common to the West African States which are members of both FAO and ECOWAS Fund;

DESIROUS of cooperating in order to provide assistance to their respective Member Countries in the area of agriculture and its related activities and strengthen the effectiveness of their respective actions;

**NOW THEREFORE THE PARTIES HERETO  
AGREE AS FOLLOWS:**

**Article I**

**Purpose**

The purpose of this Agreement is to facilitate

cooperation between ECOWAS Fund and FAO on a partnership basis with a view to promoting agricultural development and its related activities in the West African Countries which are members of both Institutions.

**Article II**

**Areas of Cooperation**

ECOWAS Fund and FAO shall cooperate in all areas of mutual interest and more specifically, in the following:

**2.1. Investments**

- a) assistance to Member Countries of ECOWAS Fund and FAO in order to identify and prepare agricultural development projects for which ECOWAS Fund will be willing to consider financing;
- b) joint prior examination of agricultural projects which the ECOWAS Fund intend to finance;
- c) joint examination of the level of execution of agricultural projects financed by ECOWAS Fund and joint post-evaluation of these projects in the countries in which they are located and in the beneficiary agencies.

**2.2. Activities relating to Investments or in Support of Investments**

- a) analysis of the activity and the development potential of the agricultural sector in Member Countries of both organisation and consideration of national agricultural development policies and programmes with a view to identifying investment and technical assistance projects likely to interest ECOWAS Fund;

- b) training of nationals from Member Countries of both organisations and/or professional staff from ECOWAS Fund in the methods and techniques for the preparation and execution of investment projects;
- c) FAO's assistance, upon request, in the execution of the technical assistance programmes of ECOWAS Fund;
- d) exchange of information and documentation, particularly as regards studies, surveys and data concerning major products and projects envisaged or implemented by either of the organisations.

### Article III

#### Mechanism of Cooperation

- 3.1 ECOWAS Fund and FAO shall establish an institutional dialogue concerning the orientation of agricultural policies liable to encourage sustainable agricultural development in their respective Member States and shall confer with each other with a view to coordinating their activities in all areas conducive to joint actions in accordance with the terms of this Agreement.
- 3.2 During these consultations which will take place at least once a year or more often if necessary, specific activities for which cooperation is deemed desirable shall be examined and shall be the subject of a work programme mutually agreed upon to be undertaken within the scopes stipulated by the respective budgets of ECOWAS Fund and FAO. This programme shall indicate the estimated cost of the activities as well as the functions and composition of the missions.
- 3.3 At the request of the government concerned, ECOWAS Fund and FAO could, individually or jointly, offer assistance to the country. After consultation, both organisations shall take a decision on the services to be provided and the measures to be taken.

- 3.4 ECOWAS Fund and FAO shall endeavour to encourage all actions which will permit their respective Member Countries to extend and improve their knowledge in the areas of cooperation relating to the activities which they shall carry out jointly in accordance with the terms of this Agreement.
- 3.5 ECOWAS Fund could designate FAO as executing agency for the implementation of the activities mentioned in Article II, whether such activities are financed by ECOWAS Fund or out of the funds put at the disposal of ECOWAS Fund, following a request for assistance formulated by interested governments.
- 3.6 Activities undertaken in accordance with Article II of this Agreement shall be included in operation programmes which will specify the respective commitments of ECOWAS Fund and FAO.
- 3.7 Where the activities carried out under this Cooperation Agreement require the constitution of a joint ECOWAS Fund/FAO mission, both organisations shall confer with each other to determine jointly the modalities and time schedule to be followed and the appropriate measures to be taken in conducting these missions.
- 3.8 Communications between ECOWAS Fund and FAO shall be the responsibility of the Managing Director of ECOWAS Fund and the Managing Director of FAO or their designated representatives.
- 3.9 Any issues for which no provision has been made in this Agreement shall be resolved in a mutually acceptable manner by both parties. To this end, each party shall carefully examine all proposals put forward by the other.

### Article IV

#### Responsibility of ECOWAS Fund

ECOWAS Fund shall assume full responsibility for the consideration of loan requests submitted by Member States and shall decide which projects to finance.

**Article V****Financial Provisions**

The cost of the activities covered by this Agreement as well as the modalities for their financing shall be defined by mutual consent on a case by case basis.

**Article VI****Duration**

- 6.1 This Agreement has been concluded for an indefinite duration, it being understood that each of the parties has the option to cancel it by giving a six (6) months' written notice to the other party.
- 6.2 The provisions of this Agreement shall however remain in force beyond the date on which its cancellation comes into effect so that the activities and the accounts between the two parties may be properly concluded.
- 6.3 Both parties shall cooperate in concluding in an orderly manner all the measures taken under this Agreement.

**Article VII****Supplementary Provisions and Amendments**

- 7.1 The Managing Directors of both organisations can, for the purpose of the effective execution of this Agreement, take by mutual consent, any such supplementary measures as they may deem necessary in the light of the practical experience of both organisations.
- 7.2 This Agreement may be amended or supplemented only by mutual consent, each party carefully studying any request for amendment presented by the other.

**Article VIII****Settlement of Disputes**

- 8.1 Any dispute relating to the interpretation or execution of this Agreement shall be settled amicably.
- 8.2 In the event of failure to settle the matter

amicably, the dispute shall be taken to arbitration at the request of either of the parties.

- 8.3 Each party shall designate an arbitrator within fifteen (15) days following the failure of amicable settlement and the two arbitrators designated shall nominate a third arbitrator who shall be the chairman. In the event that one of the parties fails to designate his arbitrator within the time frame stipulated above, or in the event that a designated arbitrator finds it impossible to accomplish his mission or because of lack of agreement between the two arbitrators to name the third arbitrator, the President of the International Court of Justice shall, at the instance of the more diligent party, designate someone to replace the arbitrator who is unable to accomplish his mission to fill the position of the arbitrator who has not been designated.

- 8.4 The arbitration procedure shall be determined by the arbitrators and the arbitration costs assessed by the arbitrators shall be divided by them and charged, at their discretion, to the two parties.

- 8.5 The ruling will include a presentation of the motive having led to it and shall be accepted by the parties as a final ruling resolving the dispute.

**Article IX****Entry into Force**

This Agreement shall enter into force upon signature by the Managing Director of ECOWAS Fund and the Managing Director of FAO.

IN WITNESS WHEREOF THE MANAGING DIRECTOR OF ECOWAS FUND AND THE DIRECTOR GENERAL OF FAO HAVE SIGNED THIS AGREEMENT IN FOUR (4) COPIES WRITTEN IN FRENCH.

**SAMUEL K. APEA**  
*Managing Director*  
*ECOWAS Fund*

**JACQUES DIOUF**  
*Director General of the United Nations Food*  
*and Agriculture Organisation*

DATE:.....

DATE:.....

**REGULATION C/REG. 2/12/95 AMENDING THE FINANCIAL REGULATIONS AND MANUAL OF ACCOUNTING PROCEDURE OF THE INSTITUTIONS OF THE COMMUNITY**

**THE COUNCIL OF MINISTERS**

**MINDFUL** of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of Article 106 of the Financial Regulations and Manual of Accounting Procedure of the Institutions of the community which provides for the amendment of the said Regulations;

**CONSIDERING** the need to include provisions that will adequately serve the purposes of the ECOWAS Fund as a development finance institution;

On the **RECOMMENDATION** of the 33rd session of the Board of Directors of the ECOWAS Fund held in Accra, Ghana from 18th to 20th July, 1995;

**ENACTS**

**Article 1**

1. The Financial Regulations and Manual of Accounting Procedure are hereby amended by the alteration of Articles 003; 004; 006; 009; 011; 019; 023; 035; 038; 039; 040; 041; 073; 085; 100 and the insertion of new Articles 006; 008; 009; 026; 027; 028; 043; 090; 091; 092 and 110.
2. All the Articles in the Financial Regulations and Manual of Accounting Procedure are renumbered accordingly.
3. The amended text of the Financial Regulations and Manual of Accounting Procedure is contained in Document No. FBD/CA33/95/11 attached as an annex to this Regulation.

**Article 2**

These amendments shall apply only to the ECOWAS Fund. The Executive Secretariat shall

continue to apply the Financial Regulations and Manual of Accounting Procedure adopted by Council Decision 4/11/89 until amended.


**Article 3**

This Regulation shall be published by the Executive Secretariat in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

This Regulation shall enter into force on 1st January, 1996.

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**



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**THE  
AMENDMENTS TO  
THE FINANCIAL REGULATIONS  
AND MANUAL OF ACCOUNTING  
PROCEDURE**

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*DOCUMENT NO. FBD/CA33/95/11*

## THE AMENDMENTS TO THE FINANCIAL REGULATIONS

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In exercise of the powers conferred upon Council by Article 55 of the Treaty of the Economic Community of West African States, the following regulations are hereby established:

### Article 001

#### Introduction

These regulations may be cited as Financial Regulations and Manual of Accounting Procedure of the Institutions of the Economic Community of West African States.

### Article 002

#### Applicability

These regulations shall govern Financial and Accounting Operations of the Community Institutions.

### Article 003

#### Definitions

1. "Treaty" means the Treaty of the Economic Community of West African States.
2. "Community" means the Economic Community of West African States established by Article 1.1 of the Treaty.
3. "Budget Protocol" means the protocol on contributions from Member States to the budget of the Economic Community of West African States.
4. "Fund Protocol" means the protocol on the Fund for Cooperation, Compensation and Development of the Economic Community of West African States.
5. "Member States" means States of the Community, as defined by Article 1.2 of Treaty.
6. "Council" means the Council of Ministers established by Article 6.1 of the Treaty.
7. "Board of Directors" means the Board of Directors established by Article 25 of the Fund Protocol.
8. "Executive Secretariat" means the Secretariat of the Community as defined by Article 8.1 of the Treaty.
9. "Fund" means the Fund for Cooperation, Compensation and Development established by Article 50 of the Treaty.
10. "Chairman of Council" means the Chairman of the Council of Ministers.
11. "Chairman of the Board of Directors" means the Chairman of the Board of Directors of the Fund, as stipulated in Article 25.3 of the Fund Protocol.
12. "Executive Secretary" means the officer referred to in Article 8.2 of the Treaty.
13. "Managing Director" means the Managing Director of the Fund.
14. "Financial Controller" means the officer referred to in Article 8.5 of the Treaty.
15. "External Auditor" means the person referred to in Article 10.1 of the Treaty.
16. "Head of Institution" means the Executive Secretary or the Managing Director or the Fund.
17. "Authorising Officer" means the Head of the Institution or any person designated by him, responsible for preparation and collection of all amounts owed to the Institution, as well as authorising and certification of expenditure.
18. "Treasurer" means the officer empowered for and on behalf of the Institution, to effect receipt and expenditure operations, and handle bonds either in cash or securities, which are in his custody.
19. "Director of Finance" means the officer directly under the authority of the authorising officer or his representative, responsible for the preparation of operational, investment

and special accounts budgets, the execution of all the duties of the authorising officer (certification or obligation, commitment and authorisation of expenditure) keeping of the administrative accounts of the authorising officer, and the preparation of an administrative statement of account of the Institution, for his purpose.

#### Article 004

##### Budget: *Fundamental Principles*

1. The annual budget or where applicable the statement of estimated income and expenditure shall be the document in which receipts and expenditure of the Institutions of the Community are stipulated and authorised.

2. It shall be executed according to the financial year system while the financial year covers the period from 1st January to 31st December inclusive, or any other period which Council of Ministers or Board of Directors may determine as necessary.

3. Receipts taken into account in the budget in the course of the year in which they are accounted for.

Receipts taken into account in the budget in the course of the year shall relate to the accounting year.

4. The funds voted may only be used during the financial year for which they have been authorised.

However, operations for the regulation of expenditure concerning debts established in the course of the expired financial year shall continue to be settled up to 31st March of the following year. All commitments for the preceding budget which have not been settled shall be cancelled.

The Head of Institution may, however, by decision of the Chairman of Council or of the Board of Directors, taken on the advice of the Financial Controller, carry over available credits to the following financial year, for payment of outstanding debts, or to continue

implementation of programmes approved by the Authorities of the Community. The advice of the Financial Controller shall be based on relevant background.

5. Receipts and expenditure shall be balanced out in the budget.

6. The budgets and accounts of the Institutions of the Community shall be established in Units of Account.

The unit of account is equal to the Special Drawing Rights (SDR) of the International Monetary Fund (SDR-IMF).

7. Budget appropriations shall be classified into heads and items.

8. Receipts shall be made up of the total sum of revenue without contraction or compensation between receipts and expenditure.

Certain special receipts may however be directly allocated to certain forms of expenditure.

9. Financial accounting operations resulting from budget execution are the responsibility of the authorising officers and accountants. These operations are those involving receipts, expenditure, cash transactions and assets. They shall be carried out through established accounting systems according to established international standards and shall be subject to control by duly mandated authorities.

10. The duties of authorising officer and those of the accountant in the Institutions shall be strictly separated.

#### Article 005

The draft budget of the Secretariat shall be drawn up by the Executive Secretary in accordance with Article 53 of the Treaty, and based on the Accounting Nomenclature attached as annex 1 shall be forwarded to Member States at least one month before the date scheduled for the budget session accompanied by the following documents:

1. A note of presentation stating the conditions under which the balanced budget was arrived at as well as explanatory appendices setting out item by item the cost of each service and the new measures justifying proposed modifications, namely funds concerning the creation, cancellation or transformation of posts.
2. A work programme for the year.
3. Adopted audited administrative and management account for the financial year.
4. Most recent statement of the finances of the organisation.
5. A statement of Member States contributions.
6. Inventory of assets of the Community as reflected in the property accounts.
7. Comparative tables of staff salaries for the past two years and the budget year.

#### Article 006

##### Budget of the Fund

##### 1. Content of Budgets

The Budgets shall include:

##### (a) Operating Budget

This is the budget of disburseable income and expenditure of the Fund. It consists of incomes generated from placement, loans and other miscellaneous revenue receipts; and normal operating expenditure of the Fund.

##### (b) Capital Budget

This is the budget of a non-recurring fixed asset nature like computer and office equipment, buildings, rolling stocks, etc. The budget must be presented whenever there is a proposal to incur expenditure under this head.

##### (c) Investment Budget

These are *proposed* Fund's Annual

intervention budget in projects both approved and proposed. Proposed projects should be presented to the Board for approval, showing among other things sources of finance of the project; incomes and other benefits accruing to the flow forecast of ongoing projects and proposed ones.

2. The draft operations budget and draft statement of operations of the Fund shall be prepared by the Managing Director, in accordance with Article 28 paragraphs 2 and 8 of the protocol of the Fund and based on the attached Accounting Nomenclature and forwarded to Member States at least one month before the date scheduled for the budget session. They must be accompanied by the following documents:

##### **Draft Operational Budget and Capital Budget**

- (a) A note of presentation, stating how the balanced budget was arrived at, as well as explanatory appendices setting out, item by item, the cost of each service and the new measures justifying the proposed modification, namely funds concerning the creation cancellation and transformation of posts;
- (b) The audited and management accounts for the previous year;
- (c) The most recent statement of finances of the Institution as well as a table of current interest rates applicable to placements;
- (d) Inventory of the assets of the Community as reflected in the property accounts;
- (e) A Work Programme for the Year;
- (f) A statement of Member States contributions;
- (g) Comparative tables of staff salaries for the past two years and the budget year.

### **Special Fund Budget Draft**

- (h) Statement of commitments of the Fund;
- (i) Statement of special accounts as well as the statement of contributions from Member States.

#### **Article 007**

The Council of Ministers and the Board of Directors and the management bodies of the specialised institutions shall consider and approve the work programme and the budget of their respective institutions at the annual budget session upon the advice of the Administration and Finance Commission.

1. For the Executive Secretariat, the Council of Ministers shall constitute the supreme authority on budget matters. The Executive Secretary shall for his part, ensure the execution of the adopted budget.
2. For the Funds, the Board of Directors shall be the supreme authority on budget matters. The Managing Director, shall for his part, ensure the execution of the adopted budget.

#### **Article 008**

##### **Budgetary Revision during Financial Year**

When in the course of the financial year, it becomes probable that the balance expected cannot be achieved or maintained, budgets revised accordingly should be submitted for approval to the earliest meeting of the Board of Directors within one of its sessions.

#### **Article 009**

##### **Budgetary Accounting Codes**

The budgets shall follow the same accounting codes as the financial accounting in order to allow direct comparison.

#### **Article 010**

1. If for any reason the budget of the following financial year is not approved by the Council

of Ministers or the Board of Directors before 31 December, the Head of Institutions concerned shall be authorised by the Chairman of the Board of Directors, depending on the Institution, to continue to carry out operations in respect of receipts and expenditure on the basis of the last approved budget, and in any event not beyond 31 March of that financial year, deducting where necessary funds voted for non-renewable expenses. However in determining the ceiling of the commitment of certain types of expenditure, the implications of renewing already established measures may be taken into account, after pre-audited by the Financial Controller.

2. The amount paid per month and per heading shall not exceed 1/12 of the total amount of funds under this heading in the preceding financial year.
3. Any expenditure made under this provision shall be taken into account when the operational budget is approved.

#### **Article 011**

1. Financial administration in each Institution shall be according to the principle of separation of the duties of authorising officers and accountants. Management shall be the responsibility of the Heads of the Institutions who alone shall be competent to commit expenditure, establish debts to be recovered and issue receipt and payment vouchers.
2. Recovery and payment shall be the duty of the Treasurer.
3. The duties of Authorising Officer, Financial Controller and Treasurer shall be separated.
4. Heads of Institutions may however delegate all or part of the management powers conferred on them to expressly designed officers. Decisions on delegation of powers shall be notified to the delegate, the Treasurer, the Financial Controller and to the External Auditor.

**Article 012**

as all measures taken to implement these provisions;

**Receipts**

Receipts of the budgets of the Community Institutions shall consist of:

1. Contributions from Member States.
2. Proceeds of placements.
3. Income from loans and guarantees.
4. Income from services.
5. proceeds from sales of fixed and movable assets.
6. Salary deductions for housing expenses.
7. Miscellaneous income.
8. Subsidies, grants and legacies.
9. Any other resources that the Board or Council may determine.

(c) The application of the principles of good financial management.

4. After endorsement by the Financial Controller, the Accountant, shall take charge of the demand notes which shall be forwarded to him by the Authorising Officer. The accountant shall be responsible for calling for payment of debts to the Institution concerned through notes addressed to Member States or other debtors. In this capacity, he must act with expediency to ensure that the contributions are paid by the scheduled dates. He shall also safeguard the assets for the Community.

5. Contributions from Member States by virtue of the provisions of Article 2 of the Protocol on contributions to the budget, shall be paid into the budget with the first three months of the financial year which they cover. However, any contribution due to Member States to cover expenses of an exceptional nature as stipulated in Article 4 of the Protocol shall be paid within two months following notification to the Member States by the Chief Executives.

**Article 013****Contributions and Recovery**

1. After approval of the budget, the Head of the Institution shall communicate to Member States the necessary information on contributions due from each Member States.
2. The recovery of any sums due to the Institutions of the Community shall be done by the sending of a demand note by the Authorising Officer.
3. Demand note shall be forwarded by the Authorising Officer to the Financial Controller for his verification. The purpose of the verification by the Financial Controller is to establish the following:
  - (a) The accuracy of the appropriation;
  - (b) The regularity and conformity of the demand note with the provisions applicable to the management of the Institutions of the Community, as well

6. In case of the Fund, each Member State shall pay the contributions due on the basis of the formula determined by the Council of Ministers.

7. Contributions due to the Fund capital and the budget of the Executive Secretariat should be paid in convertible currencies as declared by the International Monetary Fund and any other currency which the Council of Ministers may Designate as such.

8. The rates of exchange of currencies of Member States of the Community for purposes of payment of contributions due from them shall be the official rate declared by the International Monetary Fund on the date of payment. Where the currency of a state is floating, the day's average of the buying rate and the selling rate on the Central Bank of the Member State shall be utilised.

9. Whatever the nature of the debt, the accountant must inform the authorising officer and the Financial Controller if it is not paid within the scheduled time so that necessary action may be taken.

#### Article 014

##### 1. Conversion of the Unit of Account

- (a) The exchange rate for currencies used in the payment of contribution shall be the rate applicable on the 1st working day of January of the Financial Year in which such contribution falls;
- (b) The conversion rate applicable for payment of arrears of contributions by Member States shall be the highest applicable rate between the due date and payment date;
- (c) Member States shall be appraised of the conversion rates of the Units of Account into the currency payment;
- (d) Contributions paid by Member States to cover expenses of an exceptional nature as stipulated in Article 4, paragraph 2 of the Protocol relating to the budget of the Community, and paid within two (2) months of their due date, shall be at the rate communicated by the Executive Secretary.

After this period, however, payments shall be at the rate of Unit of Account as declared by the International Monetary Fund on the date on which they are recorded.

##### 2. Rates Applicable to the Preparation and Execution of the Budgets

- (a) The conversion rate applicable during the preparation of the annual budget of the different institutions shall be the average of all the rates of the Unit of Account for the first two quarters of the current financial year.  
This rate shall be determined and communicated to the Institutions by the Financial Controller;

- (b) Receipts other than contributions shall be converted at average of all rates for the preceding quarter;
- (c) Operational expenses shall also be converted using the average of all rates of the preceding quarter;
- (d) Investment expenditure shall be converted at the rate applicable on the date of the investment;
- (e) Capital expenditure shall be converted at the rate applicable on the billing date;
- (f) Loans shall be converted using the average rate for the ten (10) working days occurring three (3) days before the date of payment;
- (g) Loan disbursements shall be converted at rate applicable on the date of payment.

##### 3. Conversion of Currencies of Payment into Units of Accounts

Amounts due from Member States as contribution to the Fund capital, repayment of the principal of loans, payment of interest and of commission on loans, shall be converted into Units of Account at the average rate applicable on the due date.

This rate shall be valid for only one quarter. At the beginning of each quarter, the Institutions shall send out statements to the Member States showing their obligations to the Institutions. The statement shall be expressed in units of accounts, and also indicate the convertible currency in which payment should be effected.

#### Article 015

- (1) After compensation adjustments on the conversion of the various currencies as against the Units of Account are recorded in the fluctuation reserve account.
- (2) Any gains or losses resulting from the conversion of a currency into another shall be included in the calculation of net revenue.

**Article 016**

The SDR exchange rates determined by the IMF shall be periodically communicated by the Financial Controller who shall be responsible for the proper application of these exchange rates.

**Article 017**

The Head of each Institution shall send at the end of each quarter of the calendar year, a statement of the position of their contributions.

**Article 018**

The Head of each Institution may, for and on behalf of the Community and subject to final approval from Council or the Board of Directors:

- (1) accept all gifts, bequeath and other donations to the Community;
- (2) negotiate, receive, include in the budget of the Community Institutions, and manage any form of aid and or financial assistance granted to the Community.

In all instances, the conditions governing the acquisition, management and utilisation of the above named resources shall receive prior endorsement from the Financial Controller.

**Article 019**

1. A register shall be kept by the fund to record the contributions of each Member State to the capital of the Fund.
2. Registers shall be kept by the two institutions to record contributions paid by Member States.

**Article 020**

A register of investments shall be kept by the Fund.

**Article 021**

Approval of the budget by the Council of Ministers of the Board of Directors empowers the Head of Institution to commit, settle, authorise and effect payment of expenditure.

**1. Commitment of expenditure presents two aspects - the legal and the accounting:**

- (a) Commitment in the legal sense is the act whereby the institution creates or recognises an obligation binding upon itself, and culminating in an expense (signature of a contract, lease, order for supplies, letter of appointment etc...);
- (b) Commitment in accounting terms is the allocation of part of the budget vote for the purpose of effecting expenditure arising from a legal commitment.

1.1 Any act whatsoever which constitutes a commitment of expenditure shall be backed by a commitment order signed by the authorising officer, and endorsed by the Financial Controller. The endorsement by the Financial Controller is to ascertain:

- (a) that the expense is charged under the appropriate head;
- (b) availability of funds;
- (c) that the expense is proper and in conformity with the provisions governing the management of the Institution, and further ascertain the implications of the proposed measures for the finances of the Institute. All supporting documents for the commitment shall be made available to the Financial Controller for this purpose.

1.2 Accounts shall be kept of commitments and authorisations by the authorising officer and the Financial Controller, each set of accounts to be checked out against the other. These accounts should include the following items:

- (a) total credit vote in the original budget;
- (b) total credit increases and reductions caused by virements (where applicable);
- (c) total amount committed;



- (d) total authorised expenditure;
- (e) credit available after authorisation.

## 2. *Settlement of Expenditure*

Settlement of expenditure is the act whereby the authorising officer;

- (a) verifies the authenticity of the Creditor's claim;
- (b) determines and verifies the existence and amount of the debt;
- (c) verifies the repayment terms of the debt.

2.1 Settlement of any expenditure is subject to submission of supporting documents testifying to the rights of the creditor, and where necessary, to the service provided.

2.2 Barring certain exception laid down by the statutory texts, settlement may not be effected prior to the completion of the service required. Down payments and advances may however be made in accordance with regulations.

2.3 The authorising officers shall be held responsible for the certification they deliver. They shall therefore personally examine all supporting documents or ensure that verifications has in effect, been made.

## 3. *Authorisation of Expenditure*

3.1 Authorisation is the act by which, the authorising officer gives an order to the Accountant instructing him to effect payment of an expenditure.

The authorisation shall be in the form of a payment voucher which shall stipulate the following:

- (a) appropriation;
- (b) sum payment in figures and in full in words, including the currency of payment;

- (c) name and address of creditor;
- (d) mode of payment;
- (e) object of expenditure;
- (f) the payment voucher shall be dated and signed by the authorising officer.

3.2 The payment voucher shall be accompanied by supporting documents in the original, and a document from the authorising officer certifying the accuracy of the sum payable and acknowledging receipt of supplies, orders, or completion of services requested. The payment voucher shall carry a record of the number and dates on the corresponding commitment approval.

3.3 Copies of supporting documents certified true to the originals by the authorising officer, may be accepted in place of the originals in strictly justifiable circumstances.

3.4 In cases where a down payment is to be effected, the first payment shall be accompanied by documents establishing the entitlement of the creditor to the down payment.

3.5 Subsequent payment vouchers shall carry a record of such supporting documents, as well as the reference of the first payment voucher.

3.6 Payment vouchers shall be sent to the Financial Controller for pre-auditing to verify the following:

- (a) that the payment voucher has been properly issued;
- (b) that the issuance of the payment voucher agrees with the commitment of the expenditure, and that the amount indicated is correct;
- (c) that the amount is correctly appropriated;
- (d) that the supporting documents conform to the required format;
- (e) that the special provisions governing



certain expenses have been complied with.

- 3.7 In the event of a rejection by the Financial Controller, Article 31 of these Financial Regulations shall become applicable.
- 3.8 After pre-audit, the original of the payment voucher shall be sent to the accountant together with the supporting documents.

The Head of each Institution may delegate authority to one or more collaborators to commit, settle and authorise expenditure in the course of certain specific transactions. A specimen signature of the authorising officer and of the delegate shall be deposited with the Accountant and the Financial Controller.

#### 4. **Payment**

Payment is the act by which the Institution discharges a debt by the Accountant.

Payment can be effected in cash or through a bank account:

- a) Modalities for operating bank accounts shall be determined by the Head of Institution;
- b) Payment can be made in cash for certain types of expenditure through petty cash Imprest System.

The modalities for the operation of these accounts be determined by the Head of Institution.

#### **Article 022**

Commitment for expenses other than those relating to staff may not be effected after 15th December of the year under review. At the end of the year the authorising officer shall have a three-month period within which to issue payment vouchers for proven entitlements and services for the financial year just ending.

#### **Article 023**

The appropriation shall be available for commitments during the Financial Year to which

they relate. The unused appropriations at the close of the financial year shall be transferred to the Reserve Fund. Such portion of appropriation as may be required to meet outstanding legal obligations as of the last day of the financial year shall remain available for twelve (12) months. Any remaining balances shall be credited to the Special Reserve Fund as referred to in Article 17 relating to the Fund Protocol.

#### **Article 024**

In the case of the Executive Secretariat, any budget surplus established at the end of the financial year shall be put into a Reserve Account, the utilisation of which shall be decided by the Council of Ministers.

#### **Article 025**

##### **Virements**

Funds voted in the budget of a financial year for each item of expenditure may not in principle be allocated to other items.

However:

1. Virements from one item to another for expenditure under the same budget chapter may be effected upon the decision of the Authorising officer, subject to pre-auditing by the Financial Controller.
2. Virements from one chapter to another may be authorised during the budget year by the decision of the chairman of the Council of Ministers or the Board of Directors after advice by the Financial Controller.
3. The utilisation of the vote under "CONTINGENCY" should be strictly limited to items of expenditure which are not specifically provided for under other budget heads.

#### **Article 026**

##### **Treasury Management**

The placements Committee shall be presided over by the Managing Director. This Committee shall examine the positions of cash investments and

provide the Treasurer with instructions on the placement of surplus resources.

It shall examine bi-annual the situation of the banks with which the Fund maintains financial relations and prepare applications for the approval of new banks to be submitted to the Board of Directors.

#### Article 027

##### Medium-Term Programme

(1) The Managing Director shall ensure that a medium-term projection is prepared and updated annually covering all the activities undertaken by the Fund and its profits and losses (and Special Facilities). This statement shall be submitted to the Board of Directors for approval at the budget session.

(2) The Managing Director shall ensure that the medium-term 3-year or more rolling programme is updated annually. This programme will highlight:

- the annual activity targets and results;
- the lending programme;
- the financing policy;
- operating forecasts;
- the necessary operational resources and manpower.

The plan will also provide the basis for the preparation of annual budgets programme.

#### Article 028

##### Risk Management

###### (1) DEFINITION, CONTENT.

The following risks must be monitored:

- risk for lock-up of capital:
  - \* amounts due from borrowers;
  - \* deposits and placements in banks.

###### (2) RATIOS

(a) Ratios expressing limitations to operations or the minimum caution principles shall be fixed by the Board of Directors. Routine financial management ratios shall be fixed by Management. These ratios must be subject to quarterly review;

(b) The component of financial management mentioned above must be monitored using periodic control statements and ratios which shall help to ensure effective financial management and the basic profit/loss balances. (See annex)

#### Article 029

##### Tender Procedure

1. Any equipment purchase order, work order, supply and service orders in an amount lower than or equal to UA 7,500 may be authorised by the Head of the Institution concerned.
2. Any equipment purchase order, work order, supply and service orders in an amount higher than UA 7,500 but not exceeding UA 25,000 may be authorised, following a limited tender, by the Head of the Institution upon the recommendation of the Procurement Committee of each Institution.

A procurement Committee shall be set up in each Institution and composed as follows:

- (a) Director of Administration  
- **Chairman**;
- (b) Director of Finance  
- **Member**;
- (c) Director of Audit  
- **Member**;
- (d) Director of Legal Affairs  
- **Member**;
- (e) A Representative of Professional Staff  
- **Member**;

- (f) Head of Administration Division  
- **Secretary.**

The quorum for meetings of the Procurement Committee shall be four (4) of its members. However, the presence of the Chairman and the Director of the Audit Department shall be necessary.

3. Any equipment purchase, works contract, supply and service contract in an amount higher than UA 250,000 can be concluded only after a public tender and examination of bids by the Tender Committee of each Institution.

The tender committee of each Institution shall comprise:

- (a) The Head of the Institution  
- **Chairman;**
- (b) The Deputies to the Head of Institution  
- **Member;**
- (c) The Financial Controller  
- **Member;**
- (d) Director of Finance  
- **Member;**
- (e) Director of Legal Affairs  
- **Member;**
- (f) The Treasurer (Fund)  
- **Member;**
- (g) The Director of Administration  
- **Member;**
- (h) The Head of Administration Division  
- **Member**

The quorum for meetings of the Tender Board shall be five (5) of its members. However, the presence of the Chairman, one of the Deputies of the Head of the Institution and the Financial Controller shall be necessary.

4. Any equipment purchase, works contract, supply and service contract in an amount higher than UA 250,000 can be concluded only after a public tender and examination

of bids by the standing Tender Board of the Community which shall be composed as follows:

- (a) The Chairman of the Administration and Finance Commission  
- **Chairman;**
- (b) The Chairman of the appropriate Technical Committee  
- **Vice Chairman;**
- (c) The Executive Secretary  
- **Member;**
- (d) The Managing Director  
- **Member;**
- (e) The Financial Controller  
- **Member;**
- (f) The Officer responsible for the project concerned  
- **Member;**
- (g) A Representative of the country where the project will be executed  
- **Member;**
- (h) Representative of each Member State involved in the project  
- **Member;**
- (i) The previous Chairman of the appropriate Technical Committee  
- **Member.**

The quorum for meetings of the Permanent Tender Committee shall be five (5) of its members. However, the presence of the Chairman or the Vice-Chairman, the Executive Secretary or the Managing Director and the Financial Controller shall be necessary.

#### Article 030

Written contracts shall specify in detail description of the goods and services, quantity, unit price, conditions of delivery or fulfilment and terms of payment and all other relevant information.

**Article 031****Physical Inventories**

Physical inventories shall be taken of all supplies, equipment or other property of each Institution at such intervals as may be necessary to ensure adequate control over such property.

**INTERNAL CONTROL****Article 032**

The Financial Controller shall be responsible for pre-auditing all financial and budgetary transactions in the Executive Secretariat, the Fund and all other subordinate Institutions. He shall be assisted by internal Auditors who will assume their functions in each Institution of the Community.

**Article 033**

The Financial Controller shall supervise the implementation of the Financial Regulations and Accounting Procedure and is empowered to prescribe all necessary rules and regulations to facilitate the efficient discharge of his duties, such rules and regulations to be previously approved by the Council of Ministers.

**Article 034**

The Financial Controller shall make proposals to the heads of Institutions on the implementation of the provisions in the Financial Regulations necessary for the improvement of the financial and accounts management of the Institution.

**Article 035**

The Financial Controller may submit reports of his work direct to the Chairman of the Ministerial Council and the Board of Directors of the Fund with copies to the Executive Secretary, the Managing Director of the Fund and the head of any Institutions that may be affected thereby.

**Article 036**

The Financial Controller shall pre-audit all expenditure. Where the expenditure is not approved due to the inadequacy or absence of funds, the refusal of the Financial Controller to

approve such expenditure shall be final.

However, if the Financial Controller disallows expenditure on the grounds that such expenditure is irregular, the Head of the Institution may in writing refer the matter to the Chairman of Council or of the Board of Directors respectively for confirmation or rejection of the Financial Controller's decision. No expenditure may be incurred in such a case until a written decision is obtained from the Chairman of the Council of Ministers or of the Board of Directors.

**Article 037**

Any Person who incurs an unauthorised expenditure on behalf of any of the Institutions shall be surcharged.

**Article 038**

The Financial Controller must prepare an annual report on the budget and financial situation of the Community for the attention of the Council of Ministers and the Board of Directors through the Administration and Finance Commission and copies shall be sent to the Executive Secretary and the Managing Director of the Fund. He shall be in attendance at the meeting of the Council of Ministers and the Board of Directors of the Fund.

**Article 039**

There shall be in each Institution an internal audit department which shall, for administrative purposes, be under the control of each Head of Institution, and operationally responsible to the Financial Controller.

**Article 040**

The Internal Audit Department shall ensure effective Financial and budgetary control over the Institution.

**Article 041**

**Financial Control and Internal Audit of the Fund**

**Content of Financial Control**

Financial control comprises:

- the post-auditing of budgetary expenditure commitments;
- the post-auditing of income orders;
- the post-auditing of budget execution;
- the analysis of procedures and internal control;
- post-auditing of financial statements and of all the accounting and financial documents prepared by the Fund.

#### **Article 042**

##### **General Functions of Internal Audit**

The internal Audit Department shall ensure at all times that:

- financial management is efficient and saves resources for the Community;
- the financial regulations are thoroughly and properly applied;
- directives issued by Management are duly complied with;
- the procedures in force are suitable for planned routine operations and that staff members responsible for these operations are thoroughly conversant with such procedures;
- a separation of functions and satisfactory internal control is observed in all the departments of Fund and for all operations undertaken.

Comprehensive control exercise to be undertaken in each specific field have been described in the proceeding chapters.

#### **Article 043**

##### **Verification of Accounts and the Financial and Amounting Statements**

The Internal Audit Department shall verily periodically:

- the trial balance;
- the transfer accounts;
- the suspense accounts;
- bank reconciliation statements;
- the justifications of end-of-months balances.

#### **Article 044**

##### **Audit of Accounts**

The Head of each Institution shall ensure that proper accounts and records of the income and expenditure of each Institution are kept, and that within three months of the end of each financial year, or such longer period as the Council of Ministers or the Board of Directors may allow in each specific case, a statement of account be prepared for each Institution. In accordance with accepted international practice, and any directives that may be issued by the Council or the Board of Directors and transmitted to the External Auditor.

#### **Article 045**

The Statement of Account certified by the External Auditor shall be submitted without delay by the Executive Secretary to the Council or by the Managing Director to the Board of Directors within six months from the end of the relevant financial year or within any additional period granted by the Council of Ministers or the Board of Directors in each respective case. Without requiring the approval of the Account Department, the External Auditor shall be entitled to make any observations he may deem necessary on the efficiency of financial methods, the accounting system and internal financial control.

The Explanation on all issues raised in his observations before making any criticisms in his External Auditor's Report to be presented to the Council or the Boards of Directors.

#### **Article 046**

For purposes of control, the External Auditor and any other person authorised by him shall have access to all books, files, statement and documents

relating to these accounts. After examining all the books and documents prepared and forwarded by the Head of each Institution, the External Auditor shall make a certified report to the Executive Secretary, within a period in conformity with the provisions of Article 37 of these Financial Regulations.

#### Article 047

#### Responsibility of Authorising Officer, Financial Controller, Accountants and Imprests Holders

1. Without prejudice to Article 69 of the State Regulations of the Community, any Authorising Officer shall be financially responsible when he endorses the right or issues a recovery order when he commits an item of expenditure or signs a payment voucher without complying with the provisions of these Financial Regulations. This shall also be a recovery order without justification.
2. A Financial Controller shall be financially responsible for his actions in the Exercise of his duties particularly when he vets a case of over-expenditure. He shall also be financially responsible if he omits or delays his approval stamp without justification.
3. An accountant shall be liable to discipline and held financially responsible in the following situation:
  - (a) in case of loss or deterioration of funds assets and documents in his keeping if such loss or deterioration is the result of a deliberate fault or of serious negligence on his part;
  - (b) under the same conditions, he shall also be responsible for correct execution of orders received by him concerning the utilisation and management of bank accounts and in particular:
    - (i) when sums recovered or payments effected by him do not tally with the amount recorded on the recovery,

- (ii) when he effects payment to parties other than the legal beneficiaries.

4. An imprest holder shall be liable to disciplinary action and may be held financially responsible:
  - (a) When he cannot justify the payment he effects with the proper documentation;
  - (b) When he pays to parties other than the legal beneficiaries.
5. Taking into account their responsibilities, the accountants and the cashiers may be paid an allowance which can be determined according to their level of responsibilities by the Council of Ministers or the Board of Directors.

#### ACCOUNTING PROCEDURE

#### Article 048

#### Accounting Documents

##### 1. *Records*

Accounting procedure in the Institutions of the Community follows the double-entry principle. Each operation is recorded by two equal and opposite entries (debit and credit).

##### 2. *Classification of Accounts*

The postings are made according to an Accounting Nomenclature as follows:

- (a) budget operation;
- (b) special accounts;
- (c) cash flow transactions
- (d) movement of funds and statement of inter-institutional transactions;
- (e) outcome of budget execution and treasury related transactions;
- (f) statement of debts and claims of the

Institutions in the form of record of attested claims.

Accountants of Institutions of the Community may only charge the operations they carry out to accounts set out in the ECOWAS nomenclature. No other account *may* be opened without the express authorities of the Financial Controller of the Institutions of the Community.

**Article 049**

**Keeping of Accounts Books**

Accounting procedure in the Institutions of the Community uses a centralised book-keeping system based on the following documents:

- (1) documents of prime entry;
- (2) main books of accounts;
- (3) subsidiary journals.

**1. Journals and Original or Prime Entry Documents**

- (a) The Cash Book is kept by the cashier and shows entries of all transactions, both receipts and payments, as and when they are effected. The layout of the cash book makes it possible to make entries according to the accounts concerned. At the close of each day, the Cashier must verify the accuracy of his records and figures against those of the expenditure account;
- (b) Receipt Book: Receipts by cheque to the benefit of the Community are acknowledged by the issuance of a receipt from a triplicate receipt book.
- (c) Counterfoil Receipt Book: Cash payments are acknowledged by a receipt initialled by the Treasurer.
- (d) Records Cards are used by the Community Institutions. They determine the other original documents to be posted in the ledger for each

transaction (a-b-c). Every transaction must have a blue credit card and a pink debit card.

They indicate the charge accounts affected by each transaction (account credited and account debited). The debit and credit cards are then recorded by the official who wrote them up on entry control sheets (white). The entry control sheet summarises the information on the other two cards as follows:

- i) date (in theory, that of the day);
- ii) list of accounts debited;
- iii) list of accounts credited;
- iv) total of transactions recorded under each account.

Supporting documents for receipts and payments must be attached to the credit and debit cards as the case may be. Credit and debit cards as well as entry control sheets may be filled in duplicate. They should normally be filled in by the officer in charge of the transaction.

- (e) Movement of Cards: Credit cards, debit cards and entry control sheets must be submitted together to the Accounts against the amount charged to the transaction. The Accounts Department then sends the credit card (and the supporting documents) to the departments responsible for monitoring the relevant credit and debit accounts respectively. The entry control sheets are put on file in the Accounts Department and given a serial number starting from the first number in the Journal.

**2. Main Books of Account**

The transaction of the Institutions of the Community are recorded in the JOURNAL and LEDGER, using information from credit cards (blue), debit cards (pink) and entry



control sheets (white). These documents must be posted daily, using carbon where possible and otherwise simultaneously.

(a) **The Journal:** The Journal gives a chronological record of both debit and credit entries.

- (i) The first column records the number of the articles in sequence beginning from 1/1 of the year under review.
- (ii) The second column indicates the folio references for each entry in the Ledger.
- (iii) The third column indicates the date and type of transaction, and where necessary contrasts.
- (iv) The last two columns record total transactions, one for debit entries and the other for credit entries.

The Journal shows:

- (v) Entry balance operations;
- (vi) Counter entries;
- (vii) Daily debit and credit transactions based on the entry control sheets.

The journal is established each month. The total figure for contract operations from the beginning of the year is deducted from the total amount of operations.

(b) **The Ledger:** debit and credit columns are opened on each page of the ledger for each individual account.

The columns are sub-divided to indicate:

- (i) date of transaction;
- (ii) journal reference;

- (iii) total debit or credit, including opening balance operations.

All transactions recorded daily in the journal are also transferred from the entry control sheets to the appropriate accounts in the Ledger, so that at any given time, the position of each individual account from the beginning of the year is available.

3. **Subsidiary Books:** These are generally kept on a specific category of transactions charged to an individual account. Expenditure is recorded under debit, and receipts under "credit". Debit operations in subsidiary books are recorded from "expenditure" and "receipt" cards approved by the accounts department. The books are ruled off at the end of each month, and the totals for each account checked against the figures for the same account in the Ledger. The figures must agree.

- (a) receipts and expenditure through current bank accounts;
- (b) budget expenditure;
- (c) budget receipts;
- (d) miscellaneous transactions.

Other books may be opened as the occasion demands.

4. **Accounting Documents** outside the General Accounting System of the Institutions of the Community.

These documents should be drawn up at regular intervals.

- 4.1 to make sure that accounts are balanced and if necessary check the detailed records of operations against the supporting documents produced by the accountants;
- 4.2 as an overall statement of operations effected, to be prepared by the Institutions.

The documents are the following:

- 4.3 **End of Month:** a monthly balancing of accounts in the ledger.

**4.4. End of Year**

- (i) Trial balance of ledger accounts (pre-audit);
- (ii) Final or post-audit balance, supported by statements showing positions of certain accounts selected by the Financial Controller;
- (iii) Annual Balance sheet and Management Account.

The balance is normally obtained from the figures shown in the ledger. It takes the form of a total

**A. SECTION ONE (2 columns)**

- (i) Account number name:

**B. SECTION TWO: Debit (5 columns)**

- (i) Opening balance;
- (ii) Previous operations;
- (iii) Current monthly operations;
- (iv) Total annual operations;
- (v) Grand total.

**C. SECTION THREE: Credit (5 columns)**

Headings as for "Debit" section.

**D. SECTION FOUR: Balance (2 columns)**

- 1. Debit and Credit

**Article 050**

The following accounting documents shall be kept for posting into the books of prime entry:

- (a) Purchase Order;
- (b) Invoice;
- (c) Expense Claim Form;

- (d) Payment Voucher;
- (e) payment Remittance Advice;
- (f) Petty Cash Voucher.

**Article 051**

The Treasury shall be responsible for the following duties:

- (a) Receiving and recording of cheques and cash;
- (b) Making of payments by cheque and petty cash and the recording thereof;
- (c) Daily balancing of main and petty cash books;
- (d) Safe custody of cash books and systematic filing of documents;
- (e) Preparation of periodic cash flow statements;
- (f) Lodgement of all receipts into the banking accounts of the Institutions.

**Article 052**

Daily receipts and payments must be recorded in the cash books before the cash office is closed. The cashier shall compare the day's entries with the three copies of the receipt slips and cheque stubs to ensure that there is no omission.

The cashier shall collect the list of bank charges, commissions or any other such expenditure and shall ensure that such charges are recorded in the Cash Book before the total and before closing the Cash Book at the end of the month.

**Article 053**

**Receipts**

A receipt in triplicate shall be issued for any amount received. The original shall be issued to the payer, the second copy shall be used to record the transaction and the third copy shall be kept in the book.

**Article 054**

Receipt shall be issued in strict numerical order and a special official stamp affixed to them.

**Article 055**

If, for any reason, a receipt needs to be cancelled, the three copies shall be clearly marked "VOID" and rubber stamped. The three copies shall be kept in the book.

**Article 056**

All cheques received shall be crossed "Not Negotiable, Account Payee Only."

All monies received each day shall be lodged into the bank not later than the following working day.

**Article 057**

A cheque shall be rejected if any one of the following irregularities is observed.

- (a) The amount stated in words and figures disagree;
- (b) The amount is written in letters but not in figures or vice versa;
- (c) The amount in letters or figures on the cheque has been altered and the alteration has not been signed by the drawer(s);
- (d) The cheque is postdated;
- (e) The Cheque is no longer valid, i.e; it carries a date which is earlier than six months before the date of its receipt;
- (f) The cheque is not in favour of the ECOWAS Institutions and is marked: "Non-Negotiable, Account Payee Only";
- (g) The cheque is in favour of a person other than the ECOWAS Institution, is crossed and marked "& Co." and the payee has neither endorsed it "Pay to";
- (h) The cheque is not signed by the drawer.

**Article 058**

Payment Remittance Advice shall detail the payment to be made and shall quote the serial numbers of the invoices. The amount being paid shall be stated in words and figures. Every payment shall be supported by a payment remittance advice prepared by the Treasury.

**Article 059**

Payment vouchers shall be prepared in triplicate in respect of every cheque issued. The voucher shall be coded. The original copy. The third copy shall be filed.

**Article 060**

Payment vouchers shall be numbered consecutively, each year. The voucher number shall be composed of the year, the bank reference number, followed by the serial number of the voucher, e.g. 81/100/1. The voucher numbers shall be recorded in the cash book strictly in numerical sequence and the cheque number shall also be recorded.

**Article 061**

All payment vouchers and supporting documents shall be rubber-stamped "PAID" and carry the date of payment.

**Article 062**

Payment vouchers and supporting documents shall be presented to the Authorising Officer for approval.

**Article 063**

All cheques shall be crossed except in special authorised cases. Any alteration on a cheque shall be signed by the authorised signatories.

**Article 064**

A cheque issued register shall be maintained to record:

- (a) the date the cheque is issued;
- (b) the cheque number;

- (c) particular of the payee;
- (d) the amount of the cheque; and
- (e) the signature of the person collecting the cheque.

#### **Article 065**

The Cash Book shall be balanced and ruled off at the end of each month. All entries shall be in ink and running totals shall be maintained for each month.

#### **Article 066**

##### **Reconciliation of Bank Balance**

The lodgements and cheque payments as entered in the Bank Book shall be checked against the figures on the bank statements and the balance as per Cash Book shall be reconciled with the banks statement.

#### **Article 067**

There shall be a bank reconciliation record in which shall be recorded the monthly reconciliation for each banking account operated by the Institution.

#### **Article 068**

Any issued cheque which remains unrepresented six (6) or twelve (12) months after the date of issue shall be cancelled and entered as a receipt in the Cash Book.

A formal letter shall be addressed to the payee to inform him that the cheque is stale and has therefore been cancelled. The payee shall be required to submit the cancelled cheque in exchange for a new one.

#### **Article 069**

##### **Petty Cash Advance**

The Petty cash float shall be operated on an imprest system and actual expenditure shall be reimbursed.

The float ceiling and the maximum amount per petty cash voucher shall be determined by the Head of the Institution on the advice of the Financial Controller.

#### **Article 070**

Petty Cash Book shall be kept to record all petty cash payments. Petty cash vouchers shall be prepared, giving the details of the payment and the serial number of the supporting documents. These vouchers, which shall be the medium for posting into the various accounts, shall carry a code.

#### **Article 071**

The vouchers and supporting documents shall be rubber-stamped "PAID" and the date of payment shall be shown thereon.

#### **Article 072**

The Petty Cash float may not be reimbursed from receipts. Separate cheques shall be drawn from the bank for the reimbursement of the petty cash float.

#### **Article 073**

##### **Security Arrangements**

All cheques and cash held by the cashier shall be kept in the safe provided for the cashier.

#### **Article 074**

A Register of Receipt Books shall be kept to record all receipts books issued and received. Receipts shall be issued in numerical sequence. A signature must be obtained at the time of each issue.

#### **Article 075**

##### **Filing of Documents**

Payment vouchers shall be filed in strict numerical sequence and vouchers for each month shall be kept in separate files.

If it becomes necessary to remove a payment voucher, a note stating by whom and for what purpose it is removed shall be made and inserted in the place of the payment voucher.

#### **Article 076**

Files shall be kept for statement of cash-flow positions.

**Article 077**

Petty cash vouchers shall be tiled in numerical sequence.

**Article 078****Unclaimed Salaries**

At the end of the day on which payment of salaries takes place, all unclaimed salaries shall be properly listed by the officer responsible for payment of salaries. This officer shall hand over such unclaimed salaries to the Cashier who shall sign for them.

**Article 079**

The cashier shall retain the salary packets for a period of 15 (fifteen) days during which he may pay legitimate claimants upon presentation of satisfactory evidence or authority where necessary.

**Article 080**

At the expiration of the fifteen days, the cashier shall pay the total sum of unclaimed salaries into the institution's bank account, and shall issue a receipt for this amount to the officer in charge of salaries.

**Article 081**

An "unclaimed salaries register" shall be kept. The register shall record the following details:

<b>ON THE LEFT</b>	<b>ON THE RIGHT</b>
(a) Date	(f) date of authorisation
(b) Name of payee	(g) Payment voucher number of the ultimate payment
(c) Pay roll number	(h) Amount received
(d) Amount	(i) Accountant's signature
(e) Number of receipt	(j) Claimant's signature or postage stamps or the payment for Franking Machine deposit.

**Article 082**

At the end of each quarter, a list of names of employees who have not claimed their salaries shall be sent to the Administration Division (Personnel Section) requesting information on their whereabouts. Details of amounts shall not be quoted on the list which is sent out.

**Article 083****Postage and Franking Machine Deposit**

A postage record shall be kept to record all purchases.

The amount paid will be on an imprest system and actual expenditure shall be reimbursed as and when required.

**PURCHASES AND SERVICES DAY BOOK  
CREDITORS LEDGER PURCHASES****Article 084**

A "Purchases and Services Day Book" shall be kept to record all purchases and services bought on credit. An individual account of credit suppliers shall also be kept.

**Article 085**

A Local Purchase Order (LPO) shall be issued for credit suppliers. The LPO shall be in quadruplicate, the original and first copies go to the supplier, the duplicate copy shall be sent to the Procurement Officer and the quadruplicate copy should remain in the book.

**Article 086**

On receipt of suppliers invoices, the Procurement Officer shall record them in a register which shall contain the following information:

- (a) Date;
- (b) Supplier's name;
- (c) Supplier's invoice number and date;
- (d) Amount of invoice;

- (e) Department ordering the goods;
- (f) Date sent to the Department for certification and authorisation;
- (g) Signature of recipient of the invoice

#### **Article 087**

The invoices shall be rubber-stamped at the back before despatched to the Department which placed the order:

- (a) Department;
- (b) Date received;
- (c) Additions and calculations checked;
- (d) Quantity checked and received;
- (e) Amount authorised;
- (f) Ultimate payment.

Any defect or short delivery not detected by the Procurement Officer shall be communicated to him without delay. The Procurement Officer shall promptly take necessary action to inform the supplier accordingly.

#### **Article 088**

The Purchase and Services Day Book shall record the following details:

- (a) Date of invoice;
- (b) Supplier's invoice number;
- (c) Supplier's name;
- (d) Accounting expenditure code;
- (e) Amount of the invoice which shall be entered in the total column and analysed according to the nature of goods or services supplies.

### **DEPRECIATION**

#### **Article 089**

Depreciation shall be provided for on the straight

line method at rates determined by the Management subject to approval by the Financial Controller

### **BUDGET CONTROL STATEMENT**

#### **Article 090**

The Head of each Institution shall be supplied with quarterly budgetary control statement pre-audited by internal Audit with report by the Director of Finance on any matter which may require the attention of the Head of the Institution. Copies of such documents shall be distributed to the Financial Controller and Heads of Department.

### **REGISTER OF FIXED ASSETS**

#### **Article 091**

A record of all fixed assets shall be kept to the following details:

- (a) Identification number;
- (b) Date of acquisition;
- (c) Value of acquisition;
- (d) Title or description;
- (e) Place of utilisation;
- (f) Rate of depreciation;
- (g) Cumulative depreciation;
- (h) Residual value;
- (i) Date of disposal;
- (j) Sales proceeds;
- (k) Other information.

### **VERIFICATION OF FIXED ASSETS**

#### **Article 092**

At the end of financial year, all assets shall be physically verified by Heads of Department and the Director of Internal Audit who shall prepare a report to be endorsed by the Financial Controller for external audit purposes.

**Article 093****Minimum Threshold**

Only lasting property with a unit value of more than UA 100 shall be taken into account as fixed assets.

**Article 094****Declassification, Scrapping**

Declassified or scrapped fixed assets shall be removed from the assets accounts and their residual net value, if any, charged to the assets disposable account.

**Article 095****Re-evaluation**

Upon a decision of the Board of Directors, fixed assets may be re-evaluated so as to replace the initial values with current values. The depreciations shall be re-calculated in the same manner.

The differences observed in the net values shall be treated as additions or subtractions from the special reserve constituted through re-evaluation of fixed assets.

**Article 096****Link Account**

There is hereby established link account which shall contain all the financial transactions between the Institutions. In this connection, a book of debit and credit advices will be kept by both Institutions of the community.

1. Advances made/payments effected by one on behalf of the other.

Funds transferred from one Institution to another or payment effected by the Accountant of one Institution on behalf of another shall be acknowledged by the issuance, by the Authorising Officer, of a payment voucher payable into a link account.

The Accountant shall debit this account and credit the account of his own institutions or bank.

The accountant shall then issue a debit advice to the institution concerned, the debit advice being considered an accounting document accompanied by photocopies of supporting documents.

On receipt of the debit advice, the Accountant shall credit the amount of the expenditure to the link account and debit the expenditure to be settled or he shall directly debit the relevant charge account, or in the case of an advance, he shall debit the Institution receiving the advance.

2. Income received by on Institution on behalf of the other.

Where an Institution receives payment on behalf of the other, such a payment is debited to its own account and credited to the link account.

The Accountant of the Institution promptly prepares a credit advice and transfers the amount recovered to the institution concerned.

**RECONCILIATION OF LINK ACCOUNTS****Article 097**

Periodically, the Institutions shall reconcile their current accounts with each other and make settlement accordingly.

Expenditure carried out through the link account must have the prior authorisation of the Internal Auditor of the Institution requesting such payment.

**BANKING OPERATION ORDINARY AND SPECIAL OPERATIONS****Article 098**

The operations of the Fund shall consist of ordinary and special operations. Ordinary operations shall be those financed from the ordinary capital resources of the Fund as stated in Article 3 of the Protocol on the Fund. Special operation shall be those financed from the special resources referred to in Article 4 of the Fund Protocol.

## **OPERATIONS PERTAINING TO ORDINARY CAPITAL RESOURCES**

### **Article 099**

The ordinary capital resources of the Fund shall at all time and in all respects be held, used, committed invested or otherwise disposed of and accounted for entirely separately from the Special Resources.

### **Article 100**

Disbursements from the ordinary capital resources of the Fund shall be authorised and applied in order to:

1. Carry out, in accordance with the decisions of the Board of Directors:
  - (a) The ordinary operations of the Fund and activities incidental to such operations, or
  - (b) Activities relating to technical advice and assistance or for any other non-operational purposes, in as much as they are to be financed from ordinary resources;
2. Meet interest or amortization payments in respect of funds borrowed or otherwise acquired by the Fund for inclusion in its ordinary capital resources;
3. Invest funds appertaining to such resources as needed in its ordinary operation; or
4. Meet the administrative expenditure of the Fund which are chargeable to such resources either entirely or in part

## **CONTRIBUTION TO THE CAPITAL OF THE FUND**

### **Article 101**

Each member State shall be issued with a certificate stating the amount of its subscription to the capital of the Fund. Each certificate shall indicate conspicuously on its face:

1. That it has been issued by the Fund (and

does not represent an obligation by any Government;

2. That it has been issued in respect of paid up or called up contributions;
3. That the certificate may not be pledged or encumbered in any manner.

Subscription certificates shall be issued by the Fund and bear the signature of the Managing Director. They shall contain relevant particulars as are legally or generally required in such documents.

## **SPECIAL RESOURCES**

### **Article 102**

The resources appertaining to any Special Fund shall at all times and in all respects be held, used, committed, invested or otherwise disposed of and accounted for entirely separately from the Special Resources appertaining to any Special Fund.

The Fund shall accept for administration the resources of Special Facilities as stipulated in Article 4 of the Fund Protocol. In this respect, funds under this Article shall be used in such manner and on such terms and conditions as are inconsistent with the general objectives of the Fund and the agreement under which such resources are accepted by the Fund for administration. They shall be accounted for in a separate account.

### **Article 103**

Payment to the Fund in respect of contributions to any Special Fund or other resources appertaining to that Special Fund shall be held, subject to the rules and regulations governing that Special Funds in order to:

1. Carry out, in accordance with the decision of the Board of Directors:
  - (a) the special operations to be financed from such special resources, and activities incidental to such operation; or
  - (b) in as much as they are to be financed from such special resources, activities



relating to technical advice and assistance or any other non-operational activities.

2. Meet interest or amortisation payments in respect of funds borrowed or otherwise acquired for the purpose of the Special Fund;
3. Invest funds appertaining to such special resources not needed in its special operations relating to that Special Fund;
4. Meet administrative expenditures chargeable to such special resources either in their entirety or in part.

#### **PAYMENT OF SUBSCRIPTIONS TO THE CAPITAL OF THE FUND**

##### **Article 104**

1. Payments to the Fund in respect of subscriptions to its ordinary capital or funds and income referred to in Article 3 and 4 of the Fund Protocol shall be credited to the ordinary capital resources of the Fund.
2. The Managing Director shall, as required, inform Member States at least three months before the end of the current financial year, and through their respective Directors of their obligations in respect of contributions to the ordinary capital.
3. The first payment of Member State contributions shall be due and payable during the first quarter following the decision of the Board of Directors to commence the operations of the Fund.
4. As of the first day of the following year, the unpaid balance of such contributions shall be considered to be one year in arrears and shall bear interest at the rate currently charged by the Fund in its operations. In the event of non-payment by a Member State of all or part of its contribution within 30 days after the due date, the Managing Director shall promptly inform the Executive Secretary of the Community of such default in payment with the expectation that the matter will be dealt with in accordance with paragraph 3 of Article 54 of the Treaty.

5. Obligations of Member States including arrears of contributions and interest thereon, if any, shall remain payable in convertible currency.

#### **SPECIAL RESERVE FUND**

##### **Article 105**

Miscellaneous income such as those cited in Article 17 of the Fund Protocol shall be credited to the Special Reserve Fund.

#### **OTHER FUNDS**

##### **Article 106**

1. Gifts, legacies, grants and other contributions in kind or in cash (hereinafter collectively referred to as voluntary contributions) from any Governments, national or international organisations and institutions, may be accepted by the Board of Directors in accordance with paragraph "C" and "D" of Article 3 of the Fund Protocol.
2. Voluntary contributions made in the form of loans to be granted to the Fund shall be administered in accordance with Article 3 and 9 of the Fund Protocol.
3. The value of voluntary contributions made in kind shall be estimated by the Managing Director, where appropriate, in consultation with the donor and subject to the approval of the Board of Directors.

#### **MANAGEMENT OF THE SPECIAL FUNDS**

##### **Article 107**

The provisions of these Regulations and the special rules and regulations adopted for the administration and use of any special fund in conformity with Article 4 of the Fund Protocol shall be treated wherever possible as complimentary.

Where such special rules or regulations are inconsistent with the provisions of these regulations, the Special Rules and Regulations shall prevail.

Where such Special Rules and Regulations do not apply the Special Funds shall be governed by the provisions of these Regulations.

## MISCELLANEOUS INCOME

### Article 108

1. All receipts other than:
  - (a) Contributions payable by Member States;
  - (b) Special contributions from Member States;
  - (c) Repayments of loans and deposits related to such Trust Funds shall be classed as Miscellaneous Income for credit to the Special Reserve Fund.
2. Interest or other income derived from any Trust Fund shall be credited to the fund to which it relates, unless otherwise provided for by the terms of the applicable Trust Fund agreement.
3. Voluntary cash contributions in respect of which as purpose is specified shall be recorded as a "gift" and treated as Miscellaneous income.

## BORROWING AND LENDING

### Article 109

1. Any agreement in regard to monies borrowed or loaned by the Fund (other than to conduct current business of the Fund) by virtue of the authority laid down in the Fund Protocol, shall require the prior approval of the Board. Such agreement shall stipulate all essential terms and conditions as provided for in Articles 13, 15 and 16 of the Fund protocol, in particular, the amount of the loan, the rate of interest and of commitment charges, the terms of the loan and conditions of repayment.

All transactions with regard to each loan shall be recorded in a separate account.

2. Monies loaned shall not exceed:
 

50% of total paid-in capital, borrowings and reserves. The interest rate at which money is loaned shall not be lower than the rates at which it is borrowed plus administrative expenses.
3. To take into account the special economic and social situation of the least developed states of the community and projects with delayed returns (e.g. infrastructural or social projects) the special rates applied shall be subsidised from the special resources of the Fund by decision of the Board.
4. If there is a shortfall in any year resulting from default on the part of the borrowers, the shortfall shall be covered by a withdrawal from the Reserve Fund.

If the Reserve Fund is inadequate for covering shortfalls arising from defaults, the matter shall be referred by the Managing Director to the Board who shall decide how this shortfall is to be covered.

5. Each decision authorising borrowing transactions shall indicate whether the funds borrowed by the Fund shall be included in its ordinary capital or in the special resources appertaining to a special fund.
6. The Managing Director shall, in respect of each loan transacted other than a temporary loan, issue a loan certificate. The form and detail of such loan shall be determined by the Provisions of the Financial Rules.

### Article 110

#### Provisions for Losses on Loans

Systematic provision shall be made for arrears of principal of loans in default of more than ONE YEAR. In the event of payment at a later date, the provision will be reversed. Provision may be made in part or in full for principal instalment not yet due if Management deems it prudent after prior consultation with the Financial Controller.

## SHORT TERM LOANS

### Article 111

The Managing director on consultation with the Financial Controller may contract short term loans in the form of bank credits or overdraft to meet the immediate requirements of the Fund. The money thus acquired shall on no account exceed the equivalent of 500,000 Units of Account.

## TEMPORARY INVESTMENT

### Article 112

1. Where funds belonging to the ordinary resources of the capital or funds appertaining to the special resources of a special fund are not immediately needed for the requirement of the Fund, the Managing Director may invest such funds in accordance with the rules and regulations government the respective special funds concerned.
2. Except with the permission of the Board of Directors, the Fund's money cannot be utilised in any investment by virtue of preceding paragraph for period exceeding three years.
3. In deciding on any investment to be made by virtue of preceding paragraph, the Managing Director shall bear in mind the current operational estimates of the Fund.
4. The annual report of the Fund and the monthly statements of financial positions shall show the investments made by virtue of article 98(2).

These shall be shown separately for the ordinary capital resources and special resources appertaining to each special fund.

## GUARANTEES

### Article 113

Subject to the provisions of Article 11(5) of the Fund Protocol, the Fund shall use its guarantee powers to the extent best appropriate to fulfil its purposes and satisfy the interests of Member States.

### Article 114

#### General Accounting Code

The Fund's accounting codes is adapted to its nature as a financial institution.

#### (a) BALANCE SHEET ACCOUNT

- Class 1 CAPITAL RESOURCES
- Class 2 FIXED ASSETS
- Class 3 LOANS AND GUARANTEES
- Class 4 CASH, BANK AND SHORT-TERM INVESTMENT SUSPENSE ACCOUNTS
- Class 5 BANK AND CASH ACCOUNTS

#### (b) OPERATING ACCOUNTS

- Class 6 OPERATING EXPENSES
- Class 7 OPERATING INCOMES
- Class 8 PROFIT/LOSS

#### (c) EXTRA-BALANCE SHEET COMMITMENTS

- Class 9 EXTRA-BALANCE SHEET COMMITMENT ACCOUNTS

### Article 115

#### Detailed Accounting Code

#### CLASS

#### ACCOUNTS

- I. CAPITAL RESOURCES
10. CAPITAL SUBSCRIBED
11. CONTRIBUTION TOWARDS HEADQUARTERS BUILDINGS
12. RESERVES
13. PROVISIONS
- 14.
15. GRANTS RECEIVED
16. LONG-AND-MEDIUM-TERM BONDS
17. LONG AND MEDIUM TERM CONTRACTUAL BORROWINGS

18. MEMBER STATES ACCOUNTS	48. ACCUMULATED DEPRECIATIONS
19. PROFIT AND LOSS ACCOUNT	49. PROVISIONS.
2. <b>FIXED ASSETS</b>	5. <b>CASH AND BANKS</b>
20. INTANGIBLE FIXED ASSETS	50. CASH
21. LAND	51. CENTRAL BANKS
22. TANGIBLE FIXED ASSETS	52. COMMERCIAL BANKS
23.	53. TIME PLACEMENTS
24. FIXED ASSETS IN PROGRESS	54.
25.	55.
26. START UP COSTS	56.
27. EQUITY PARTICIPATION AND RELATED ACCOUNTS	57.
28.	58.
29. PROVISIONS	59. PROVISIONS
3. <b>MEMBER STATES LOANS AND ACCOUNTS</b>	6. <b>OPERATING EXPENSES</b>
30. DISBURSEMENT OF LOANS	60. FINANCIAL CHARGES
31. AMOUNTS INVOICED	61.
32. DEFAULTING LOANS	62. STAFF AND OTHER RELATED EXPENSES
33.	63. TAXES
34. GUARANTEES DISBURSED	64. MISCELLANEOUS EXPENSES
35. TEMPORARY EQUITY PARTICIPATION	65. EXCHANGE DIFFERENCES-LOSSES
36.	66. GRANT
37. BAD DEBTS	67. EXCEPTIONAL ITEMS
38.	68. PROVISIONS
39. PROVISIONS	69.
4. <b>PROVISIONS</b>	7. <b>INCOME FROM OPERATIONS</b>
40. ACCOUNTS FOR PAYMENTS RECEIVABLE	70. INCOME FROM LOANS
41. INTER-INSTITUTIONAL ACCOUNTS	71. INCOME FROM EQUITY PARTICIPATIONS
42. STAFF AND PENSION FUNDS	72. INCOMES FROM TIME PLACEMENTS
43. SUPPLIERS	73.
44. SUNDRY DEBTORS/CREDITORS	74. FEES FOR MANAGEMENT AND TECHNICAL ASSISTANCE
45. REGULARISATIONS	75. EXCHANGE DIFFERENCES-GAINS
46. SUSPENSE ACCOUNT	76. MISCELLANEOUS INCOME
47. PAYMENTS IN RESPECT OF SECURITIES	77.
	78. DISPOSAL OF ASSETS ACCOUNTS

- 
- 79. PROVISIONS REVERSED
  
  - 8. **PROFIT/LOSS AND BALANCES ARISING  
FROM MANAGEMENT OF RESOURCES**
  
  - 80. GROSS FINANCIAL REVENUES
  - 81. NET FINANCIAL RESULTS
  - 82. OPERATING PROFIT/LOSS
  - 83. PRE-TAX NET PROFIT/LOSS
  - 84. DISPOSABLE PROFIT/LOSS
  
  - 9. **COMMITMENTS**
  
  - 90. BALANCED ACCOUNTS
  - 91. TO FINANCIAL INSTITUTIONS
  - 92. FROM FINANCIAL INSTITUTIONS
  - 93. TO BORROWERS
  - 94. FOREIGN EXCHANGE OPERATIONS
  - 95.
  - 96. GUARANTEES RECEIVED FROM MEMBER  
STATES
  - 97. MISCELLANEOUS

**REGULATION C/REG. 3/12/95 WAIVING PROVISIONS OF ARTICLE 59 OF THE STAFF REGULATIONS**

**THE COUNCIL OF MINISTERS**

**MINDFUL** of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

**CONSIDERING** the recommendation of the 34th Session of the Board of Directors of the ECOWAS Fund held in Abuja from 8th to 9th December, 1995;

**ENACTS**

**Article 1**

The provisions of Article 59 of the Staff Regulations are hereby waived exceptionally to allow Mr. Nicholas Ogbonna, the Treasurer of the ECOWAS Fund, to retire voluntarily on 31st March, 1996 before the statutory age of fifty (50) years.


**Article 2**

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

This Regulation shall enter into force sixty (60) days after its publication in the Official Journal of the Community.

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPPRAH  
CHAIRMAN,**

**FOR COUNCIL OF MINISTERS**

**REGULATION C/REG. 4/12/95 DETERMINING THE RATE OF THE COMMUNITY LEVY**

**THE COUNCIL OF MINISTERS,**

**MINDFUL** of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

**CONSIDERING** that the enhancement of the financial situation of ECOWAS necessitates the implementation of measures capable of regularly generating resources;

**CONSIDERING** that the Revised Treaty has, to that end, made provision for a Community levy on the taxable value of goods imported into the Community from third countries, on the one hand, and the determination of the exact rate of the levy by the Council of Ministers, on the other;

On the PROPOSAL of the thirty-fifth meeting of the Trade, Customs, Immigration, Money and Payments Commission held in Lagos from 24th to 27th October, 1995;

**ENACTS**

**Article 1**

The rate of the Community levy is hereby fixed at 0.5% of the value of goods imported from third countries.

**Article 2**

The rate fixed in Article 1 of this Regulation shall, if necessary, be modified every three years.

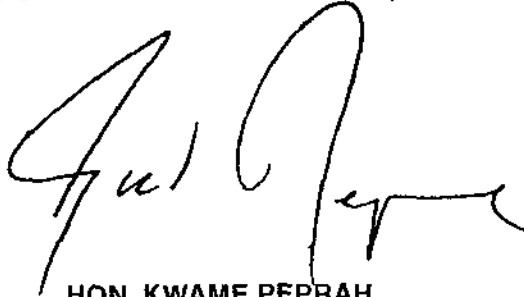
**Article 3**

This Regulations shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

It shall also be published within the same time-frame in the National Gazette of each member State.

This Regulation shall enter into force on the date the Protocol relating to the Conditions Governing the Community Levy, the Modalities for the Transfer and Utilisation of the Revenue Generated comes into force.

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

**REGULATION C/REG. 5/12/95 WITHDRAWING  
THE APPROVAL TO BENEFIT FROM THE  
ECOWAS TRADE LIBERALISATION SCHEME  
GRANTED TO INDUSTRIAL PRODUCTS AND  
ENTERPRISES**

**THE COUNCIL OF MINISTERS,**

MINDFUL of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Decision C/DEC. 3/6/88 dated 21st

June, 1988, of the Council of Ministers defining the procedure for approval of industrial products and enterprises to benefit from the ECOWAS Trade Liberalisation Scheme;

MINDFUL of Decision C/DEC. 4/2/92 completing Decision C/DEC. 3/6/88 mentioned above;

MINDFUL of Decision C/DEC. 6/12/88 dated 6th December, 1988 relating to the list of industrial enterprises and products eligible to benefit from the ECOWAS Trade Liberalisation Scheme;

CONSIDERING the justified request of the Republic of Benin to withdraw approval to benefit from the ECOWAS Trade Liberalisation Scheme granted to certain Beninoise enterprises, namely Industries Beninoise de Refrigeration (IGER), Union Africaine de Confiseries (UAC) and Manufacture des Cigarettes et Alumettes (MANACIA);

On the PROPOSAL of the thirty-fifth meeting of the Trade, Customs, Immigration, Money and Payments Commission held in Lagos from 24th to 27th October, 1995;

**ENACTS**

**Article 1**

The industrial products and enterprises submitted by the Republic of Benin which are listed in the table annexed to this Regulation are hereby withdrawn from the list of industrial products and enterprises to benefit from the trade liberalisation scheme.

**Article 2**

The products referred to in Article 1 of this Regulation shall no longer be considered in the preparation of estimates for the compensation budget for loss of revenue.

The Executive Secretariat will make the necessary adjustment while fixing the contribution of Benin to the Compensation Budget.

**Article 3**

The Executive Secretary and the Managing Director of the ECOWAS Fund shall, each, in his

particular areas of competence, be responsible for the implementation of this Regulation.

#### **Article 4**

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

This Regulation shall enter into force sixty (60) days after its publication in the Official Journal of the Community

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**

A handwritten signature in black ink, appearing to read 'Kwame Peprah', written in a cursive style.

**HON. KWAME PEPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**



**ANNEX:** Table of Companies/Enterprises and Industrial products of Benin retrieved from the list of Companies/Enterprises and agreed products to benefit from the advantages of the scheme.

**ANNEXE:** Tableau des entreprises et produits industriels du Bénin retirés de la liste des entreprises et produits agréés pour bénéficier des avantages du schéma.

COMPANY ENTREPRISE	No. Nomencl.	PRODUCT PRODUIT	APPROVAL NUMBER No D'AGREMENT				Year Année
			Country Code Code Pays	No Entr. No Entr.	Prod. No No Prod		
USINE AFRICAINE DE CCNFISERIE	17.08	Other non-cocoa based Confectionery Autres sucreries sans cacao	204	001	01		88
IBER-S.A. (Industrie Béninoise de Réfrigération)	84.15	Refrigerators Réfrigérateurs	204	003	01		88
	84.12	Air Conditioners Climatiseurs	204	003	02		88
MANUCIA	86.06	Matches Allumettes	204	004	01		88

**REGULATION C/REG. 6/12/95 ON THE  
ADDITIONAL LIST OF INDUSTRIAL  
ENTERPRISES AND PRODUCTS ELIGIBLE TO  
BENEFIT FROM THE ECOWAS TRADE  
LIBERALISATION SCHEME**

**THE COUNCIL OF MINISTERS,**

**MINDFUL** of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of the Protocol relating to the definition of the concept of products originating from the Member States of the Economic Community of West African States and of the subsequent Acts and Decisions;

**MINDFUL** of Decisions C/DEC. 3/6/88 dated 21st June, 1988 and C/DEC. 4/7/92 dated 25th July, 1992 of the Council of Ministers defining the procedure for approval of industrial products and enterprises to benefit from the ECOWAS Trade Liberalisation Scheme;

**MINDFUL** of Decision A/DEC/ 6/7/92 dated 29th July, 1992 of the Authority of Heads of State and Government relating to the adoption and implementation of a single trade liberalisation scheme for industrial products originating from Member States of the Community;

**MINDFUL** of Decision C/DEC. 5/7/95 of 27th July, 1995 on the list of enterprises and products approved to benefit from the ECOWAS Trade Liberalisation Scheme;

**ON THE ADVICE** of the thirty-fifth meeting of the Trade, Customs, Immigration, Money and Payments Commission held in Lagos from 24th to 27th October, 1995;

**ENACTS**

**Article 1**

Industrial enterprises and products fulfilling the conditions of the ECOWAS rules of origin, a list of which is attached as an annex to this Regulation, are hereby approved to benefit from the

Community Trade Liberalisation Scheme in addition to those contained in Decision C/DEC. 5/7/95 of 27th July, 1995.

**Article 2**

The Executive Secretariat shall allocate to each of the enterprises concerned an approved number which must feature on the ECOWAS Certificate of Origin and Customs Declaration Form, and inform Member States accordingly.

**Article 3**

The Member States and the Executive Secretariat shall take all necessary measures to implement this Regulation.

**Article 4**

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

This Regulation shall enter into force sixty (60) days after its publication in the Official Journal of the Community.

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

<b>ADDITIONAL LIST OF INDUSTRIAL PRODUCTS SUBMITTED FOR APPROVAL</b> <i>LISTE ADDITIVE DE PRODUITS INDUSTRIELS A AGREEER</i>		
<b>Identity of Enterp. by Member State</b> <i>Ident. des Entrep. par Etat Member</i>	<b>Customs Nomencl. N°</b>  <i>Douan Nomencl N°</i>	<b>Products</b>  <i>Produits</i>
<b>I. GHANA</b> <b>I. WAHOME STEEL LTD.</b> P.O. Box 1518 72 14 40	72 07 11	Billetes <i>Billets</i> Rebars <i>Fers à béton</i>
<b>II. NIGERIA</b> <b>1. HOSABOL NIG. LTD</b>  68 02 23	68 02 21	Marble (slabs & tiles) <i>marbre (ouvrages cost)</i>  (slabs & tiles) <i>Granit (ouvrages const)</i>
<b>2: PINKROSE INT. PRODUCTS</b>	39 23 90	<b>Plastics Containers</b> <i>Articles de transport ou d'emballage en matières plastiques</i>
<b>3. VERATEE INT. (NIG) LTD</b>	48 18 10	<b>Toilet paper</b> <i>Papiers hygiéniques</i>

**Participation of Member States in the intra-community approved product exchange in 1996 and their contribution to the compensation budget.**

*Participation des Etats membres aux échanges intra-Communautaires des produits agréés pour 1996 et leur contribution au budget de compensation.*

Member States <i>Etats membres</i>	Value of Export (UA) <i>Valeur des Exportations (UC)</i>	Percentage of exports per Member State <i>Pourcentage des Exportations par Etats membre</i>	Amount of contributions (UA) <i>Montant des contributions (UC)</i>	Remarks <i>Observation</i>
BENIN	671.400	5,25	136 353	
GHANA	5.198.400	40,67	1056 281	
NIGERIA	4.562.800	43,52	1130 302	
TOGO	1.349.300	10,56	274 264	
	<b>12,781,900</b>	<b>100</b>	<b>2,597,200</b>	

**REGULATION C/REG. 7/12/95 APPROVING THE BUDGET OF THE EXECUTIVE SECRETARIAT FOR THE 1996 FINANCIAL YEAR**

**THE COUNCIL OF MINISTERS**

MINDFUL of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

MINDFUL of the provisions of Article 69 of the Revised Treaty which relates to the budget of the Community;

MINDFUL of the Financial Regulations and Manual of Accounting Procedure of the Institutions of the Community;

HAVING EXAMINED the draft budget proposed by the Seventeenth Meeting of the Administration and Finance Commission, held in Abuja from 30th November to 7th December, 1995;

**ENACTS**

**Article 1**

The budget of the Executive Secretariat for the 1996 Financial Year, balanced out in revenue and expenditure at five million nine hundred and sixty eight thousand six hundred and ninety eight Units of Account (5 968 698 UA) is hereby approved.

**Article 2**

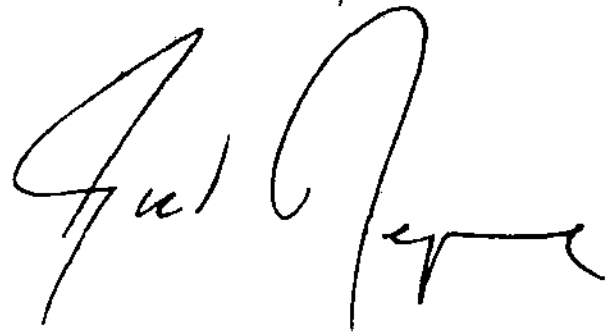
An amount of five million nine hundred and seven thousand and ninety-eight Units of Account (5 907 098 UA) shall be derived from the annual contributions of Member States while the balance of fifty-one thousand six hundred Units of Account (51 600 UA) shall be derived from the Executive Secretariat's internal resources.

**Article 3**

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

**REGULATION C/REG. 8/12/95 APPROVING THE WORK PROGRAMME OF THE EXECUTIVE SECRETARIAT FOR THE 1996 FINANCIAL YEAR**

**THE COUNCIL OF MINISTERS,**

MINDFUL of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

ON THE RECOMMENDATION of the Seventeenth meeting of the Administration and Finance

Commission, held in Abuja, from 30th November to 7th December, 1995;

### ENACTS

#### Article 1

The work Programme of the Executive Secretariat for the 1996 Financial Year, attached hereto, is hereby approved.

#### Article 2

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**

A handwritten signature in black ink, appearing to read 'Kwame Peprah', written in a cursive style.

**HON. KWAME PEPPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

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**1996 BUDGET**

**WORK PROGRAMME**

---

**EXECUTIVE SECRETARIAT  
1996 BUDGET  
WORK PROGRAMME**

		UA
<b>A . LEGAL AFFAIRS DEPARTMENT</b>		
1.	Reconstitution of the archives of the Executive Secretariat.	—
2.	Harmonisation of Commercial Law in ECOWAS	8 485
3.	Establishment of a Law library	5 431
4.	Attendance at Technical Cooperation Meetings.	3 000
<b>TOTAL LEGAL AFFAIRS DEPARTMENT</b>		<b>16 916</b>
<b>B . AGRICULTURE, INDUSTRY AND NATURAL RESOURCES DEPARTMENT</b>		
1.	<b>Agriculture Division</b>	
1.	Seed Production	
i)	Assistance to national seed production structures	67,888
ii)	Monitoring of use of subvention granted to States and market survey	7 505
2.	West African pesticide management network	7,692
3.	Food security	2,185
4.	Agriculture development information	3,734
5.	Evaluation of agricultural programmes	2,254
6.	Development of Community selected cattle breeding centres	1,231
7.	Control of animal diseases	4,304
8.	Economic data bank on animal breeding in the sub-region	for info. only
<b>TOTAL I</b>		<b>96,794</b>
II.	<b>Industry Division</b>	
1.	Establishment of an industrial information system	37,338



		UA
2.	Organisation and promotion of industrial sub-contracting	for info only
3.	Promotion of sub-regional cooperation in the areas of standardisation and quality control	—
4.	Development of pilot inter-State industrial zones	2,390
5.	Promotion of industrial cooperation between the EEC and West African (Industrial Forum)	for info only
6.	Revitalisation of the FAIAO	5 058
<b>TOTAL II</b>		<b>44 786</b>
<b>III. Natural Resources Division</b>		
1.	Floating weeds control	33 371
2.	Rural water supply programme	3 422
3.	Coordination of desertification control programme	for info only
4.	Meteorological programme	923
5.	Preparation of a fish resources management programme	for info only
<b>TOTAL III</b>		<b>37 716</b>
<b>IV. Technical Cooperation</b>		<b>5 000</b>
<b>TOTAL AGRICULTURE, INDUSTRY AND NATURAL RESOURCES DEPARTMENT</b>		<b>184,296</b>
<b>C. SOCIAL AFFAIRS AND CULTURAL DEPARTMENT</b>		
<b>I. Social Affairs Division</b>		
1.	Meeting of the Implementation Committee 1996.	17,504
2.	Third Ordinary session of the Assembly ECOWAS Health Ministers	4,571
3.	Transitional budget for three (3) months for the West African Health Organisation (WAHO)	13,107

		UA
4.	Fifth General Assembly of the West African Women's Association (WAWA)	1,130
5.	Social Security	—
6.	United Nations Disaster Management	—
7.	Subvention to WAWA	3,394
<b>TOTAL I</b>		<b>39,706</b>
<b>II. Cultural Affairs Division</b>		
1.	ECOWAS Prize for Excellence	13,309
2.	Cultural Exchanges	5,108
3.	Meeting of Associations with observer Status	2,818
4.	Meeting of Ministers of Youth and sports (CMYS/ECOWAS)	2 261
5.	Promotion of Cultural Industries	1,084
6.	Festival of Black and African Arts and Culture in the USA (FEBAAC '96)	—
7.	Social and Cultural Affairs Commission	—
<b>TOTAL II</b>		<b>24,580</b>
<b>IV. Cooperation Mission</b>		<b>5,000</b>
<b>TOTAL SOCIAL AND CULTURAL AFFAIRS DEPARTMENT</b>		<b>69,286</b>
<b>D TRANSPORT, COMMUNICATIONS AND ENERGY DEPARTMENT</b>		
<b>I. Transport Division</b>		
1.	Improvement of infrastructures on the Trans-West African Road network	10,144
2.	Facilitation of Road Transports in the sub-region	9,959
3.	Restructuring of railway	1,195
4.	Improvement of Air Links in the Sub-region.	3,721
5.	Formulation of a common policy on maritime and river transport	547

		UA
	6. Coordination of the Second Transport and Communications Decade for Africa Programme	1,874
	<b>TOTAL I</b>	<b>27,440</b>
<b>II.</b>	<b>Communications Division</b>	
	1. Coordination of inter-State Telecommunications links	for the record
	2. Programme to improve aeronautical Telecommunications infrastructure.	923
	3. Establishment of a regional maintenance centre in Lome	for the record
	<b>TOTAL II</b>	<b>923</b>
<b>III.</b>	<b>Energy Division</b>	
	1. Community cooperation programme for the supply and distribution of petrol, petroleum products and gas.	14,166
	2. Development of hydroelectric power and interconnection of electricity networks in the sub-region	2,090
	3. Study on the needs of Member States in the area of new and renewable energy equipment and establishment of a regional production unit for the equipment	4,976
	4. Renewable energy information system.	for the Record
	<b>TOTAL III</b>	<b>21,232</b>
<b>IV.</b>	<b>Technical Cooperation</b>	<b>5,000</b>
	<b>TOTAL TRANSPORT, COMMUNICATION AND ENERGY DEPARTMENT</b>	<b>54,595</b>
<b>E.</b>	<b>TRADE, CUSTOMS, IMMIGRATION, MONEY AND PAYMENTS DEPARTMENT</b>	
<b>I.</b>	<b>Trade Division</b>	
	1. Promotion of standardisation	—
	2. Promotion of trade within the ECOWAS sub-region	—

		UA
<b>II.</b>	<b>Customs Division</b>	
1.	Implementation of the ECOWAS Trade liberalisation Scheme	—
2.	Harmonisation of internal indirect taxation	—
3.	Harmonisation and simplification of ECOWAS Customs document	—
4.	Harmonisation of Member States Customs regulations and formalities	4,806
5.	Implementation of convention relating to inter state road transit of goods (ISRT)	7,420
6.	Community levy to finance the activities of the Community and its Institution	—
7.	Establishment of an ECOWAS Common External Tariff	—
	<b>Total II</b>	<b>12,226</b>
<b>III.</b>	<b>Immigration Division</b>	
1.	Implementation of the Protocol on free movement of persons, right of residence and establishment	—
2.	Printing and distribution of the ECOWAS Travel Certificate	—
<b>IV.</b>	<b>Money and Payment Division</b>	
1.	Implementation of the ECOWAS Monetary Cooperation programme	12,200
2.	Establishment of a regional financial market	—
	<b>Total IV</b>	<b>12,200</b>
<b>V.</b>	<b>Tourism Division</b>	
1.	Establishment of an ECOWAS Tourism and Leisure Park	3,711
2.	Standardisation of hotel classification systems in countries in the sub-region	5,146
3.	Establishment of a West African Tourist Centre on the originating market	—
	<b>Total V</b>	<b>8,857</b>
<b>VI.</b>	<b>Technical Cooperation</b>	<b>10,000</b>
<b>TOTAL</b>	<b>TRADE, CUSTOMS, IMMIGRATION, MONEY AND PAYMENTS DEPARTMENT</b>	<b>43 303</b>

		UA
<b>F. ECONOMIC RESEARCH DEPARTMENT</b>		
<b>1. Economic Research Division</b>		
1. Harmonisation of Economic and Financial Policies of Member States		5 656
2. Regional Development Programme		12 011
3. Improvement of the level of implementation of Community Acts and Decisions		—
4. Permanent Committee on Research		11 812
5. ECOWAS Participation in the transition programme of the African Economic Community		3 902
6. Rationalisation of West African IGOs		2 037
<b>TOTAL I</b>		<b>35 418</b>
<b>II. Projects Division</b>		
1. Establishment of a Financial Resource Mobilisation Policy		8 224
<b>TOTAL II</b>		<b>8 224</b>
<b>III. Statistics Division</b>		
1. Updating of ECOWAS Secretariat's Data of Member States		12 831
2. Harmonisation of Statistics in ECOWAS Member States		7 650
3. Meeting of ECOWAS Directors of Statistics		2 254
<b>TOTAL III</b>		<b>22 735</b>
<b>IV. Technical Cooperation Meeting</b>		<b>5 000</b>
<b>TOTAL ECONOMIC RESEARCH DEPARTMENT</b>		<b>71 377</b>

		UA
<b>G. INFORMATION DEPARTMENT</b>		
1.	Implementation of DECISION C/DEC. 9/12/94 relating to the Information Priority Programme	15 000
2.	Implementation of Programme of Action aimed at promoting increased awareness of ECOWAS and its activities	52 000
3.	ECOWAS publications (The West African Bulletin and The ECOWAS NEWS)	22 000
4.	Technical Cooperation	3 000
<b>TOTAL INFORMATION DEPARTMENT</b>		<b>92 000</b>
<b>H. COMMUNITY COMPUTER CENTRE</b>		
<b>I. Technical Development Division</b>		
1.	Development of ECOTRADE and ECOSTARS. External Funding <b>20 000 ECU</b>	for info only
2.	Development of Data Processing Software for ECOWAS Institutions	for info only
3.	Implementation of ECOWAS Trade Information Network (ECOTINET) External Funding <b>50 000 ECU</b>	for info only
<b>II. Operations Division</b>		
4.	Computer Maintenance Services for ECOWAS Institution External Funding <b>40 000 ECU</b>	for info only
5.	Data Services for EUROTRACE, ASYCUDA and ECOMIS External Funding <b>100 000 ECU</b> ECOWAS Counterpart financing <b>5 000 UA</b>	

		UA
<b>III.</b>	<b>Training and Technical Assistance Division</b>	
6.	Organisation and Participation in ASYCUDA and EUROTRACE Training Programmes	
	External Funding	100 000 ECU
	ECOWAS Counterpart financing	5 0900 UA
7.	Technical Assistance to Member States	
	External Funding	40 000 ECU
	ECOWAS Counterpart financing	19 000 UA
<b>IV.</b>	<b>Technical Cooperation meeting of the Centre</b>	<b>5 000</b>
<b>TOTAL COMMUNITY COMPUTER CENTRE</b>		<b>29 500</b>

**REGULATION C/REG. 9/12/95 APPROVING THE AUDITED ACCOUNTS OF THE EXECUTIVE SECRETARIAT FOR THE 1994 FINANCIAL YEAR**

**THE COUNCIL OF MINISTERS,**

**MINDFUL** of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of paragraph 3(d) of Article 10 of the Revised Treaty relating to the appointment of the External Auditors;

**MINDFUL** of the Financial Regulations and Manual of Accounting Procedure of the Institutions of ECOWAS adopted in Lome on 30th November, 1989;

**MINDFUL** of the Authority Decision A/DEC. 3/7/92 dated 29th July, 1992 on the appointment of the firm of Akintola Williams and Company as External Auditors of the Community;

**HAVING EXAMINED** the report of the External Auditors; and

**ON THE RECOMMENDATION** of the seventeenth meeting of the Administration and Finance Commission held in Abuja, from 30th November to 7th December, 1995;

**ENACTS**

**Article 1**

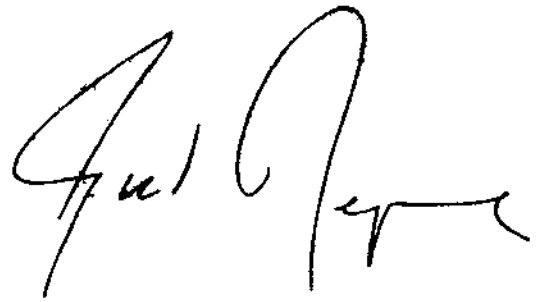
The audited accounts of the Executive Secretariat for the 1994 financial year is hereby approved.

**Article 2**

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

**REGULATION C/REG. 10/12/95 REVIEWING THE REMUNERATION OF THE EXTERNAL AUDITORS**

**THE COUNCIL OF MINISTERS,**

**MINDFUL** of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of paragraph 3(d), Article 10 of the Treaty on the appointment and the terms and conditions of service of the External Auditors;

**MINDFUL** of Decision C/DEC. 9/11/89 on the remuneration of the External Auditors;



CONSIDERING that the remuneration of the External Auditors was fixed as a lump sum covering fees, per diem, transportation, and all other related expenses;

CONSIDERING that the said remuneration having been fixed more than four years ago now needs to be reviewed;

ON THE RECOMMENDATION of the sixteenth meeting of the Administration and Finance Commission held in Abuja from 30th November to 7th December, 1995;

### ENACTS

#### Article 1

1. A lump sum of fifty thousand Units of Account per annum is hereby fixed as the revised remuneration of the External Auditors with effect from the 1996 financial year. This sum shall cover all expenses including fees, per diem, transportation and other related expenses.
2. The Executive Secretariat and the ECOWAS Fund shall make equal contribution for the payment of the fees of the External Auditors.

#### Article 2

The mode of payment of this sum of the firm of External Auditors shall be as follows: 50% upon commencement of work; 25% upon submission of its reports to the two Institutions of the Community, namely the Executive Secretariat and the Fund, and the remaining 25% upon approval of the reports by the Council of Ministers.

#### Article 3

1. The External Auditor shall submit twenty (20) copies each, in English and French languages of the report to each Institution of the Community.
2. The Executive Secretariat and the Fund shall ensure the translation of the External Auditors' reports into Portuguese.

#### Article 4

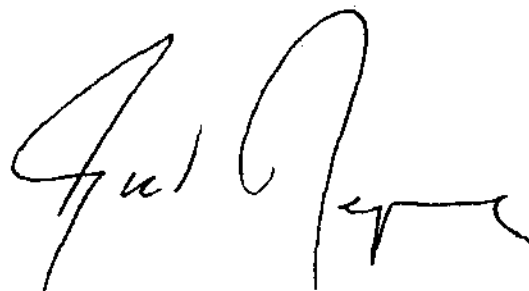
The External Auditor shall attend all ordinary sessions of the Authority of Heads of State and Government and all budgetary meetings of the Administration and Finance Commission, the Board of Directors of the Fund and the Council of Ministers.

#### Article 5

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

**REGULATION C/REG. 11/12/95 APPROVING THE 1996 COMPENSATION BUDGET ESTIMATES FOR PROJECTED LOSS OF CUSTOMS REVENUE BY MEMBER STATES AS A RESULT OF LIBERALISATION OF INTRA-COMMUNITY TRADE IN INDUSTRIAL PRODUCTS**

**THE COUNCIL OF MINISTERS,**

**MINDFUL** of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of Decision A/DEC. 8/5/79 dated 29th May, 1979 of the Authority of Heads of State and Government relating to the consolidation of import duties and equivalent taxes and non-tariff barriers;

**Mindful** of Decision A/DEC. 19/5/80 dated 28th May, 1980 of the Authority of Heads of State and Government relating to the application of the compensation procedures for loss of revenue suffered by Member States as a result of the trade liberalisation programme;

**MINDFUL** of Decision A/DEC. 1/5/83 dated 30th May, 1983 as amended by Decision A/DEC. 6/6/89 dated 30th June, 1989 of the Authority of Heads of State and Government relating to the adoption and implementation of a single trade liberalisation scheme for industrial products originating from Member States;

**MINDFUL** of Decisions C/DEC. 6/12/88, C/DEC. 2/5/90, C/DEC. 5/7/92, C/DEC. 4/7/93, C/DEC. 11/12/93 and C/DEC. 7/12/94 of the Council of Ministers establishing lists of industrial products approved for inclusion in the ECOWAS Trade Liberalisation Scheme;

**ON THE RECOMMENDATION** of the thirty-fifth meeting of the Trade, Customs, Immigration, Money and Payment Commission, held in Lagos, from 24th to 27th October, 1995;

**ON THE ADVICE** of the seventeenth meeting of the Administration and Finance Commission held in Abuja from 30th November to 7th December, 1995.

**ENACTS**

**Article 1**

An amount of two million, five hundred and ninety-seven thousand, two hundred Units of Account (UA 2,597,200) is hereby approved as the 1996 compensation budget for projected loss of revenue from the trade liberalisation scheme.

**Article 2**

Each Member State shall pay its contribution into the special fund being managed by the ECOWAS Fund which constitutes the permanent resources exclusively for the payment of loss of revenue incurred by Member States as a result of the implementation of the trade liberalisation scheme.

**Article 3**

The Executive Secretary and the Managing Director of the ECOWAS Fund shall be responsible, in their respective capacities, for the implementation of this Regulation.

**Article 4**

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

**TABLE I**  
**CONTRIBUTION OF MEMBER STATES TO THE COMPENSATION BUDGET 1990-1995**  
**CONTRIBUTION DES ETATS MEMBRES AU BUDGET DE COMPENSATION 1990-1995**

MEMBER STATES ETATS MEMBRES	CONTRIB. TO BUDGET 1990	CONTRIB. TO BUDGET 1991	CONTRIB. TO BUDGET 1992	CONTRIB. TO BUDGET 1993	1994 BUDGET BUDG. 1994	1995 BUDGET BUDG. 1995	TOTAL EN UC
BENIN	147.332	—	—	401.369	—	1,781.631	2,330.332
BURKINA FASO	151.374	—	—	—	—	—	151.374
CABO VERDE	11.995	—	—	—	—	—	11.995
COTE D'IVOIRE	—	—	—	—	—	—	—
GAMBIA	—	—	—	—	—	—	—
GHANA	19.198	965.312	769.179	—	9.638	1,730.968	3,495.015
GUINEA	—	—	—	—	—	—	—
LIBERIA	—	—	—	—	—	—	—
MALI	16.559	—	—	—	—	—	16.559
MAURITANIE	—	—	—	—	—	—	—
NIGER	19.559	—	—	—	—	—	19.688
NIGERIA	936.827	624.988	818.727	4,400.427	19,267.162	12,280.590	38,328.715
SENEGAL	130	—	—	—	45.000	52.352	97.482
SIERRA LEONE	—	—	—	75.104	—	—	75.041
TOGO	—	—	—	—	—	—	—
<b>TOTAL</b>	<b>1,303.823</b>	<b>1,590.300</b>	<b>1,587.900</b>	<b>4,876.900</b>	<b>19,321.800</b>	<b>16,887.500</b>	<b>45,568.223</b>

**REGULATION C/REG. 12/12/95 AUTHORISING  
THE EXECUTIVE SECRETARY TO SIGN A  
COOPERATION AGREEMENT WITH THE UNION  
DU MAGHREB ARABE (UMA)**

**THE COUNCIL OF MINISTERS,**

MINDFUL of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

CONSIDERING that an agreement setting down the general framework for cooperation between the Union du Maghreb Arabe (UMA) and the Economic Community of West African States (ECOWAS) will be beneficial to the Community;

ON THE RECOMMENDATION of the seventeenth meeting of the Administration and Finance Commission held in Abuja from 30th November to 7th December, 1995;

**ENACTS**

**Article 1**

The Executive Secretary is hereby authorised to sign the draft cooperation agreement between the Union du Maghreb Arabe (UMA) and the Economic Community of West African States (ECOWAS) attached hereto.

**Article 2**

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

This Regulation shall enter into force sixty (60) days after its publication in the Official Journal of the Community.

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

**DRAFT COOPERATION AGREEMENT**

**BETWEEN**

**THE ECONOMIC COMMUNITY OF WEST  
AFRICAN STATES**

**AND**

**THE MAGHREB ARAB UNION**

By this agreement,

The Economic Community of West African States, hereinafter referred to as "ECOWAS", with its headquarters at 6, King George V Road, P.M.B. 12745, Lagos, Nigeria;

of the one part;

and

the Maghreb Arab Union (UMA), hereinafter

referred to as "UMA", with its headquarters at 27 Avenue Okba Agdal, Rabat, Morocco;

of the other part;

**CONSIDERING** that the main objective of ECOWAS is to promote cooperation and integration between its Member States with a view to improving the living standard of the peoples of West Africa and contributing to the progress and development of the African continent;

**CONSIDERING** that the objective of the UMA is to work towards the progress and well-being of the peoples that make up its Member States;

**CONSCIOUS** of the need to promote balanced economic and socio-cultural development of all parts of the continent;

**RECOGNISING**, therefore, that forging of closer links between ECOWAS and UMA can accelerate the realisation of their respective objectives;

**DESIROUS** of concluding a cooperation agreement between the two Institutions through which each can derive maximum benefit from the experiences of the other;

#### **AGREE AS FOLLOWS**

##### **Article 1**

The aim of this Agreement is to:

1. establish a framework for cooperation between ECOWAS and UMA;
2. facilitate collaboration between the contracting parties with a view to ensuring the realisation of their respective objectives of economic and socio-cultural development.

#### **AREA OF COOPERATION**

##### **Article 2**

ECOWAS and UMA undertake to cooperate in priority areas jointly defined by them.

#### **CONSULTATION AND EXCHANGE OF INFORMATION**

##### **Article 3**

ECOWAS and UMA agree to exchange information and to hold consultations on matters of common interest.

To that effect, they undertake to:

- i) inform each other regularly on their respective sectional priorities and decisions concerning the policies of their Institutions;
- ii) exchange their respective work programmes from time to time;
- iii) inform each other, upon request, of planned projects in areas of possible interest.

##### **Article 4**

ECOWAS and UMA shall consult each other on matters of common interest which they deem capable of enhancing fruitful cooperation between them.

##### **Article 5**

Consultations and exchange of information and documents as provided for in the preceding Articles shall be subject to such arrangements as may be requested by either party in the interest of confidentiality.

##### **Article 6**

Each party undertakes to grant observer status to the other at meetings and conferences organised under its auspices whenever such meetings are considered to be of relevance to the other party.

#### **IMPLEMENTATION OF THE AGREEMENT**

##### **Article 7**

The Executive Secretary of ECOWAS and the Secretary General of UMA shall take all necessary

measures to ensure the judicious implementation of this agreement.

**Article 8**

ECOWAS and UMA undertake to bring this agreement to the notice of all their Member States.

**Article 9**

Any costs and expenses relating to or incurred as a result of an activity pertaining to this agreement shall be borne by either or both of the parties, by prior agreement relating to the activity concerned.

**DURATION**

**Article 10**

This agreement shall be for an indefinite period.

However, either party may revoke at any moment by giving a six-month notice to the other party.

**Article 11**

Where either party revokes the agreement, necessary steps shall be taken to ensure that such a decision is not prejudicial to any on-going activity initiated under the terms of this agreement.

**MISCELLANEOUS PROVISIONS**

**Article 12**

Both parties may, at any time and by mutual consent;

- 1. amend the provisions of this agreement;
- 2. append additional arrangements thereto.

**ENTRY INTO FORCE**

**Article 13**

This agreement shall enter into force upon signature by both parties.

IN FAITH WHEREOF, the Executive Secretary of ECOWAS and the General Secretary of UMA have signed this agreement.

Done at.....

this ..... day of ..... 199.....

*(in single original in the Arabic, English, French and Portuguese languages, all four texts being equally authentic).*

**FOR ECOWAS**

.....  
**EDOUARD BENJAMIN**  
**EXECUTIVE SECRETARY**

**FOR UMA**

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**MOHAMED AMAOU**  
**GENERAL SECRETARY**

## **REGULATION C/REG. 13/12/95 EXTENDING THE 1995 MINIMUM AGENDA FOR ACTION**

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

MINDFUL of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Decision C/DEC. 6/12/95 of the Council of Ministers on the Minimum Agenda for action (1995) on Free Movement of Persons;

CONSIDERING that little was achieved in the area of implementation of the Agenda in 1995;

CONVINCED that the full application by Member States of texts relating to free movement of persons constitute an important cornerstone for the building of ECOWAS;

Also CONVINCED that the extension, for another one year, the 1995 Minimum Agenda on Free movements of persons would give ample time to Member States to effectively and fully implement all the provisions contained therein;

### **ENACTS**

#### **Article 1**

1. The Minimum Agenda for Action on Free Movement of Persons annexed to Decision C/DEC. 6/12/94 adopted by the Council of Ministers in Lome, on 17th December, 1994, which enjoined Member States to lift all remaining obstacles to free movement of persons on their territories in 1995 is hereby extended for the year 1996.
2. Each Member State and the Executive Secretariat shall undertake, in 1996, all activities and implement all measures contained in the said minimum agenda for action.

#### **Article 2**

Each Member State shall forward to the Executive Secretariat, which shall transmit to the Council of

Ministers, a report stating measures taken at the national level to implement this Regulation.

#### **Article 3**

The Executive Secretariat shall monitor the implementation of this Regulation.

#### **Article 4**

The Executive Secretariat shall present to the thirty-ninth session of the Council of Ministers, an updated version of a new Minimum Agenda on Free Movement of Persons and Goods.

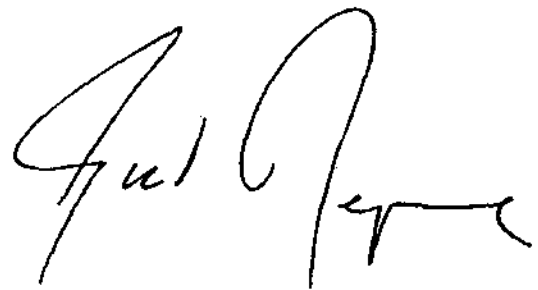
#### **Article 5**

This Regulation shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of the Council of Ministers.

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

This Regulation shall enter into force on the 1st day of January, 1996.

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

**REGULATION C/REG. 14/12/95 RELATING TO WEST AFRICA'S REPRESENTATION ON THE BOARD OF DIRECTORS OF THE GLOBAL ENVIRONMENT FACILITY**

**THE COUNCIL OF MINISTERS,**

**MINDFUL** of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

**CONSIDERING** that the instrument governing the restructuring of the Global Environment Facility provides that benefiting interest groups shall be established within each geographical zone, after consultations between participating beneficiary states and using criteria defined by them;

**NOTING** that, following the distribution of interest groups benefiting from the Global Environment Facility into geographical zones, two Member States from West Africa are eligible to sit on its Board of Directors;

**CONSIDERING** also that Cote d'Ivoire, Mauritania and Nigeria are candidates for the two posts allocated to West Africa on the Board of Directors;

**BEARING IN MIND** the final communique of the eighteenth session of the Authority of Heads of State and Government held in Accra from 28th to 29th July, 1995, at which the Heads of State and Government directed that membership of the Board of Directors of the Global Environment Facility should rotate among ECOWAS countries;

**DESIROUS** of appointing West Africa's representatives without further delay and of defending the sub-region's interests effectively within the Board of Directors of the Global Environment Facility;

**ENACTS**

**Article 1**

For the duration of the first term of office, Côte d'Ivoire and Nigeria shall represent West Africa on the Board of Directors of the Global Environment Facility for the duration of the first term of office,

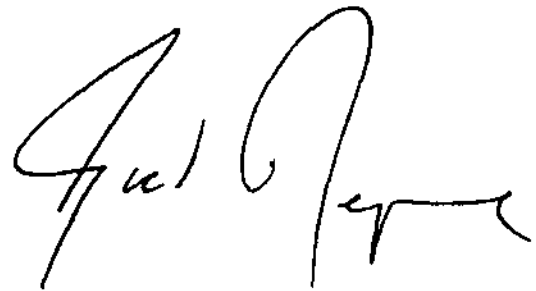
with Mauritania and Cape Verde serving as alternate members.

**Article 2**

This Regulation shall be published by the Executive Secretariat in the Official Journal of the Community thirty (30) days after its signature by the Chairman of the Council of Ministers and shall be communicated to the Board of Directors of the Global Environment Facility.

It shall be published within the same time-frame in the National Gazette of each Member State and shall enter into force upon signature.

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**



**RECOMMENDATION C/REG. 1/12/95 ON THE DRAFT PROTOCOL RELATING TO CONDITIONS GOVERNING THE COMMUNITY LEVY, THE MODALITIES FOR THE TRANSFER AND THE UTILISATION OF THE REVENUE GENERATED**

**THE COUNCIL OF MINISTERS,**

**MINDFUL** of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of paragraph 1, Article 72 of the ECOWAS Revised Treaty instituting a Community Levy as a means of generating funds for financing Community activities;

**CONSIDERING** paragraph 4, Article 72 of the Revised Treaty on the adoption of a protocol defining the conditions for the application of the levy, the modalities for the transfer and utilisation of the revenue generated;

**AWARE** that the institution of the Community levy is in response to the need to make the budgets of the Community and of its Institutions independent of the annual budgetary allocations and contributions of the Member States;

**ON THE ADVICE** of the thirty-fifth meeting of the Trade, Customs, Immigration, Money and Payments Commission, held in Lagos from 24th to 27th October, 1995;

**RECOMMENDS** to the Authority of Heads of State and Government to approve and adopt the draft Protocol\* on the Conditions for the Application of the Community Levy, the Modalities for the Transfer and the Utilisation of the Revenue Generated.

\* See Volume 31 of the Official Journal

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**



**HON. KWAME PEAPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

**RECOMMENDATION C/REG. 2/12/95 RELATING TO THE PROTOCOL ESTABLISHING VALUE ADDED TAX IN ECOWAS MEMBER STATES**

**THE COUNCIL OF MINISTERS,**

**MINDFUL** of Articles 10, 11 and 12 of the Revised Treaty of the Economic Community of West African States (ECOWAS) establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of Decision C/DEC. 2/11/81 dated 26th November, 1981 of the Council of Ministers classifying duties and internal indirect taxes to be reduced, abolished or harmonised;

**CONSIDERING** the discriminatory and disparate nature of internal indirect taxes applied in Member States;

**CONSIDERING** there need to introduce a neutral internal indirect taxation system which would boost consumption and promote intra-Community trade on a non-discriminatory basis;

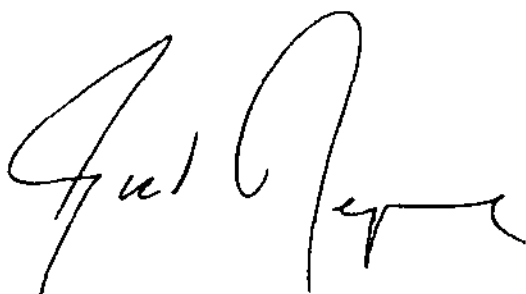
**CONSIDERING** that value-added tax is a neutral tax and that its scope of application covers all stages of production and distribution and all service areas;

**CONSIDERING** the need to include specific provisions relating to interpretations, derogations and detailed methods of application in order to ensure a homogenous value-added tax system;

**ON THE ADVICE** of the thirty-fifth meeting of the Trade, Customs, Immigration, Money and Payments Commission, held in Lagos from 24th to 27th October, 1995;

**RECOMMENDS** to the Authority of Heads of State and Government to adopt the attached draft Protocol\* Establishing Value Added Tax in Member States.

**DONE AT ABUJA,  
THIS 13TH DAY OF DECEMBER, 1995**

A handwritten signature in black ink, appearing to read 'Kwame Peprah', is written over a large, faint watermark of the same signature.

**HON. KWAME PEPRAH  
CHAIRMAN,  
FOR COUNCIL OF MINISTERS**

\* See Volume 31 of the Official Journal