



**SIXTY-SIXTH ORDINARY SESSION  
OF THE COUNCIL OF MINISTERS**

Abuja, 17 - 19 August 2011

**REGULATION C/REG.1/08/11 ESTABLISHING  
THE REGIONAL FOOD AND AGRICULTURE AGENCY (RFAA)**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Article 25 of the said ECOWAS Treaty on Agricultural Development and Food Security;

**MINDFUL** of Decision A/DEC.11/01/05 adopting the ECOWAS Agricultural Policy;

**CONSIDERING** the need to establish operational structures with autonomous administrative and financial management to ensure implementation of the ECOWAP/CAADP projects and programmes;

**CONSIDERING** that the purpose of establishing these structures is not to replace existing technical cooperation institutions or to preclude the establishment of such institutions in the future;

**CONSIDERING** the need to put in place technical institutions that have the capacity to implement activities and investment programmes within the Agricultural sector;

**CONSIDERING** therefore that the Agency shall serve as the technical institution through which ECOWAS would fully play its role of providing

support to the actors and regional cooperation institutions to implement the investment programmes;

**CONVINCED** that, by virtue of the purpose of the ECOWAP/CAADP which is to promote food security, in West Africa, there is a need to establish the Regional Food and Agriculture Agency to ensure the technical implementation of the required regional investment plans and programmes with the support of the regional institutions, organisations and actors that have proven competencies;

**DESIROUS** therefore of establishing a Regional Food and Agriculture Agency (RFAA);

**ON THE RECOMMENDATION** of the meeting of the Specialised Ministerial Committee on Agriculture, Environment and Water Resources of the ECOWAS Member States held on 3rd February 2011 in Accra, Ghana;

#### **AGREE AS FOLLOWS:**

##### **ARTICLE 1 ESTABLISHMENT**

This Regulation hereby establishes the Regional Food and Agriculture Agency (RFAA).

##### **ARTICLE 2 INSTITUTIONAL ARRANGEMENT**

1. The Agency specified in Article 1 of this Regulation shall be a specialised technical structure that will work in the Agricultural sector.
2. The Agency shall be established in one of the ECOWAS countries and shall have a Headquarters Agreement which shall vest on it all privileges accorded an international institution in conformity with the ECOWAS General Convention on Privileges and Immunities of 1978.
3. It shall have administrative and financial autonomy and its rules of procedure, legal, administrative and financial operating regulations shall be (staff regulations, administrative and financial

management procedures) in conformity with those enforced in ECOWAS.

4. The Commissioner for Agriculture, Environment and Water Resources shall supervise RFAA on behalf of the President of the ECOWAS Commission.

### **ARTICLE 3      MANDATE AND MISSION**

1. The mandate of the Agency is to ensure the technical implementation of programs and regional investment plans and contribute to the operationalization of the ECOWAS agricultural policy, by working with regional institutions, agencies and stakeholders with proven expertise.
2. The functions shall include:
  - a) To enhance the intervention capacity of the ECOWAS Commission, particularly the Department for Agriculture, Environment and Water Resources, reinforcing its technical capacity to implement investment programs and enable it provide strategic orientation, regulation and control.
  - b) To contribute in the capacity building of the regional actors in document preparation and implementation of activities and help improve the various services provided by the technical cooperation institutions and other regional actors undertaking activities in the agricultural sector (private sector, professional agricultural organisations and civil society).
  - c) To coordinate and streamline the activities of the specialized technical institutions in the agricultural and agro-food sectors.

### **ARTICLE 4      OPERATIONS**

1. The Agency shall submit, for approval, requests for financing to the managers of the Regional Food and Agriculture Fund established by Council Regulation C/REG.2 /08/11.
2. The Agency shall request for technical advice from the Advisory Committee on Food and Agriculture established by Council Regulation C/REG.3/08/11 and from an Inter-departmental

Committee to be established by the President of the Commission.

## **ARTICLE 5      OPERATING STRUCTURES**

The Agency shall comprise one *executive* Directorate under which two operational units shall be established: the administration and finance unit and the technical unit for implementation of the programmes.

## **ARTICLE 6      FUNCTIONS OF THE EXECUTIVE DIRECTORATE**

1. The Executive Directorate shall be responsible for the management of the Agency, and shall manage relations with the Department of Agriculture, Environment and Water Resources, as well as other structures involved in the implementation of the agricultural policy, technical cooperation institutions, (Regional Advisory Committee and the inter-department) other Producers and socio-professional organisations, civil society and all other regional actors that contribute towards achieving the goal of ECOWAP.
2. The Executive Directorate shall coordinate the preparation of programme budget estimates for submission to the ECOWAS Statutory Authorities through the Commissioner for Agriculture, Environment and Water Resources.
3. The Executive Directorate shall receive and centralise the projects and programmes jointly financed and submitted to the Agency for implementation by the Member States, technical institutions, other regional actors and banks prior to submitting these to the ECOWAF Food and Agricultural Fund (ECOWADF) managers.
3. The Executive Directorate shall ensure proper functioning of the Agency and shall submit reports on its activities to the ECOWAS statutory authorities.
5. The Executive Directorate shall organize financial and technical audits on the Agency and submit same to the President of the Commission through the Department of Agriculture, Environment and Water Resources.

## **ARTICLE 7      FUNCTIONS OF THE ADMINISTRATION AND FINANCE UNIT**

1. The Administration and Finance Unit shall be under the authority of the Executive Directorate and shall be responsible for the management of administrative and financial affairs.
2. It shall ensure compliance of the administrative and financial actions undertaken by the Agency with the relevant rules and regulations enforced in ECOWAS.
3. It shall keep the Agency's accounts, prepare, sign and monitor contracts signed with the partner institutions.
4. It shall manage the human resources of the Agency and be in charge of Staff Welfare.
5. It shall ensure compliance with all Protocols signed with partner institutions on matters that fall within its purview.

## **ARTICLE 8      FUNCTIONS OF THE TECHNICAL UNIT**

1. The Technical Unit in charge of programme implementation shall collaborate in the development of policy instrument aimed at stimulating agricultural production. It shall coordinate the technical implementation of investment programmes and the establishment of policy incentives for agricultural production.
2. The Unit shall ensure the proper execution of all planned activities. To that end, it shall undertake two categories of tasks: appropriate preparation of the programme documents and regular monitoring of the status of implementation of the activities by different service providers.
3. The Unit shall undertake capacity building of the Institutions and all actors eligible to directly execute activities under the three specific objectives of the Regional Agricultural Investment Programme: support for the preparation of bid tenders, training of those involved in project management and issues relating to gender mainstreaming and the environment.
4. Regarding monitoring, the technical unit is responsible for auditing activities to verify compliance with project or program

specifications. It may suggest, after discussion with the different stakeholders and analysis of the context, adjustments to be made.

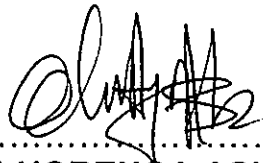
**ARTICLE 9      STAFFING**

The staffing of the Agency as well as the matching job profiles as contained in the detailed "Note on the institutional mechanism and financial arrangements for ECOWAP/CAADP implementation" attached to this Regulation are hereby adopted.

**ARTICLE 10      PUBLICATION**

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days after its signature by the Chairman of Council. It shall also be published by each Member State in its Official Gazette within thirty (30) days after its notification thereof by the Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**



**SIXTY-SIXTH ORDINARY SESSION  
OF THE COUNCIL OF MINISTERS**

ABUJA, 17 - 19 August 2011

**REGULATION C/REG. 2/08/11 CREATING THE REGIONAL  
FOOD AND AGRICULTURE FUND (ECOWADF)**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Article 25 of the *said* ECOWAS Treaty on Agricultural Development and Food Security;

**MINDFUL** of Decision A/DEC.11/01/05 adopting the ECOWAS Agricultural Policy;

**RECALLING** the recommendation of the Extraordinary Session of the Joint Meeting of ECOWAS Ministers of Regional Integration, Agriculture, Trade, Economic Affairs and Finance held on 23<sup>rd</sup> October 2009 in Yamoussoukro on the creation of the Regional Food and Agriculture Fund;

**CONSIDERING** that the ECOWAS Agricultural Policy adopted in 2005 provides for intervention activities within its any components and that various structures have been established by legal acts to undertake activities within the framework of ECOWAP;

**RECOGNISING** the need for the provision of funds to support the operations of these structures;

**DESIROUS** therefore of establishing a fund for investment in the Agricultural sector, to implement and monitor programmes derived from ECOWAP;

**ON THE RECOMMENDATION** of the meeting of the Specialised Ministerial Committee on Agriculture, Environment and Water Resources held on 3<sup>rd</sup> February 2011 in Accra, Ghana;

## **E N A C T S:**

### **ARTICLE 1**

This Regulation hereby creates the Regional Food and Agriculture Fund (ECOWADF).

### **ARTICLE 2**

1. The Regional Food and Agriculture Fund referred to in Article 1 of this Regulation assures funding for the regional investment programmes being implemented by the Regional Food and Agriculture Agency by channeling all domestic and foreign resources towards financing the ECOWAS/CAADP regional programmes.
2. It shall supplement the national financing arrangements put in place by ECOWAS Member States to ensure financing of the National Agricultural Investment Programmes (NAIP).

### **ARTICLE 3**

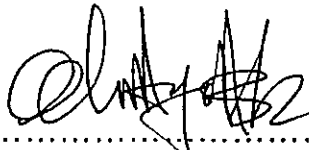
1. The Fund shall be managed by the ECOWAS Bank for Investment and Development (EBID) under a Delegation Agreement establishing the rules and procedures jointly defined by the ECOWAS Commission and EBID.
2. Accordingly, the Regional Food and Agriculture Fund shall be established within the EBID premises in Lome, Togolese Republic.



#### **ARTICLE 4**

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days after its date of signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its Official Journal within thirty (30) days after its notification thereof by the Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



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**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**



## **SIXTY-SIXTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS**

Abuja, 17 - 19 August 2011

### **REGULATION C/REG.3/08/11 ESTABLISHING THE ADVISORY COMMITTEE FOR FOOD AND AGRICULTURE**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Article 25 of the said ECOWAS Treaty relating to Agricultural Development and Food Security;

**MINDFUL** of Decision A/DEC.11/01/05 adopting the ECOWAS Agricultural Policy;

**RECOGNISING** that the establishment of an Advisory Committee will institutionalize the multi-actor partnership initiated during the ECOWAS/CAADP process for the implementation of the Agricultural Policy;

**DESIROUS** of establishing the Advisory Committee for Food and Agriculture;

**ON THE RECOMMENDATION** of the Extraordinary Session of the joint meeting of Ministers in charge of Regional Integration, Agriculture, Trade, Economy and Finance, held in Yamoussoukro on 23 October 2009;

## **ENACTS**

### **ARTICLE 1: Establishment**

This Regulation hereby establishes the Advisory Committee for Food and Agriculture (ACFA) as a forum for regular consultation on all aspects relating to the implementation of ECOWAS/CAADP.

### **ARTICLE 2: Composition**

1. The composition of the Advisory Committee for Food and Agriculture (ACFA) shall reflect a fair representation of Member States' representatives, professional organisations (farmers' organisations and private food-processing industries), regional cooperation organisations and technical and financial partners.

2. The ACFA shall comprise:

a) Representatives of ECOWAS Institutions, namely:

- i) President of the Commission;
- ii) Commissioner for Agriculture, Environment and Water Resources;
- iii) Representative of the ECOWAS Parliament, and
- iv) Director of Agriculture and Rural Development;

b) Representatives of Member States from the Ministries of Agriculture and ECOWAS Affairs:

c) Representatives of professional organisations, namely:

- i. Four representatives of professional farmers' organisations;
- ii. Two representatives of the Regional Network of Chambers of Agriculture;

- iii. Two representatives of the private food-processing industries;

d) A Representative from each of the regional Institutions below:

- i. Comité permanent Inter-états de Lutte contre la Sécheresse (CILSS)
- ii. West African Economic Monetary Union (UEMOA)
- iii. La Conférence des Ministres de l'Agriculture de l'Afrique de l'Ouest (CMAAOC)
- iv. Conseil Ouest et Centre Africain pour la Recherche et le Développement Agricoles (CORAF)
- v. Africa Rice Centre
- vi. International Institute of Tropical Agriculture (IITA)
- vii. Rural Hub.

e) Three representatives of technical and financial partners appointed from the Tradition Famille Propriété (TFP) coordinating group;

f) Two representatives of NGOs supporting agricultural development;

g) Other invited or resource persons from within or outside the region. Invited by Chairman of ACFA depending on the subject matter.

3. The Committee shall be chaired by the Minister of Agriculture of the country at the chairmanship of ECOWAS at the given time.

4. A representative of the professional farmers' organisations shall be the Vice Chairman of the Committee.

5. The Department of Agriculture, Environment and Water Resources of the ECOWAS Commission shall provide secretarial services for ACFA.

### **ARTICLE 3: Mandate**

The Advisory Committee for Food and Agriculture shall advise on all issues relating to the implementation of the ECOWAS Agricultural Policy (ECOWAP/CAADP). It shall:

- a. Advise on ECOWAP/CAADP orientations;
- b. Advise on the annual plan of action of the Regional Investment Programmes;
- c. Advise on budgetary orientations;
- d. Review the annual monitoring and evaluation report, the report of the implementation of the Regional Fund for Food and Agriculture;
- e. Submit to the ECOWAS Commission, any matter members may consider relevant within the framework of the ECOWAP/CAADP operationalisation;
- f. Provide a forum for discussions on the initiatives of various stakeholders;
- g. Monitor the implementation of the Regional Partnership Agreement.

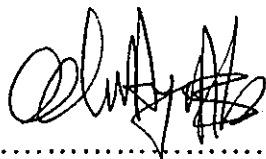
### **ARTICLE 4: Operation**

1. The Committee shall meet once (1) a year at the invitation of its Chairman.
2. The meeting shall be scheduled based on the timetable for the preparation of the Regional Investment Programme (RAIP) Annual Operational Plan, before submission to ECOWAS decision-making bodies.
3. Its operational costs shall be charged to the budget of the Department of Agriculture, Environment and Water Resources.

**ARTICLE 5:      Publication**

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days after its date of signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its Official Journal within thirty (30) days after its notification thereof by the Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN  
FOR COUNCIL**



**SIXTY-SIXTH ORDINARY SESSION  
OF THE COUNCIL OF MINISTERS**

Abuja, 17 - 19 August 2011

**REGULATION C/REG.4/08/11 ON THE VALIDATION OF THE  
STRATEGIC ACTION PLAN FOR THE DEVELOPMENT AND  
TRANSFORMATION OF LIVESTOCK FARMING IN WEST AFRICA**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Article 25 of the said ECOWAS Treaty on Agricultural Development and Food Security;

**MINDFUL** of Decision A/DEC.11/01/05 adopting the ECOWAS Agricultural Policy;

**MINDFUL** of Decision C/DEC.1/5/81 on the components of the fight against hunger, multiplication of certain varieties of plant and animal species, funding of research programs and project for agricultural production, storage and treatment of agricultural products;

**MINDFUL** of Decision A/DEC/5/10/98 of the Authority of the Heads of States and Government of transhumance within the ECOWAS region;

**MINDFUL** of the Supplementary Act A/SA/12/01/07 on establishment of a sub-regional mechanism of coordination of the prevention and Response against Avian Influenza in West Africa;

**MINDFUL** of Directive C/DIR.1/11/10 on the ECOWAS Veterinary Pharmacy;

**MINDFUL** of regulation C/REG.21/11/10 on harmonizing the structure and the operating rules in security and protection of plants, animals and fruits;

**MINDFUL** of Regulation C/REG. 22/11/10 on the Procedure for the management of veterinary medicine;

**MINDFUL** of Regulation C/REG.23/11/10 on the establishment, composition and modalities of operation of the Veterinary Regional Committee within ECOWAS;

**MINDFUL** of the Maputo declaration which obliges African countries to allocate 10% of their budgets to fund agricultural matters;

**CONSIDERING** that livestock constitutes a major component of ECOWAP for which veterinary structures and organs have been established;

**CONVINCED** by the need of adopting a regional plan of action for the implementation and monitoring of programmes and activities relating to the development of livestock;

**ON RECOMMENDATION** of the meeting of ECOWAS Agriculture and Livestock Ministers which was held on 10 March 2011 at Bamako, Republic of Mali;

## **ENACTS**

### **ARTICLE 1**

The Strategic Action plan for the Development and Transformation of Livestock Farming in West Africa attached to the Regulation is hereby adopted.



**ARTICLE 2**

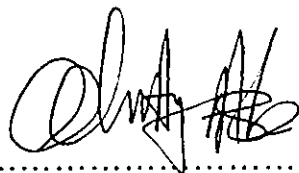
1. The ECOWAS Commission shall take necessary measures for the implementation of the Strategic Action Plan for the Development and Transformation of Livestock Farming in West Africa.

2. The President of the Commission through the Commissioner for Agriculture, Environment and Water Resources shall monitor the implementation of the Strategic Plan of Action.

**ARTICLE 3**

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

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**



**SIXTY-SIXTH ORDINARY SESSION  
OF THE COUNCIL OF MINISTERS**

Abuja, 17 - 19 August 2011

**REGULATION C/REG.5/08/11 RELATING TO THE DENOMINATION  
AND THE ESTABLISHMENT OF THE RULES FOR THE  
FUNCTIONS, ORGANIZATION AND MODE OF OPERATION  
OF THE ECOWAS PROJECT PREPARATION  
AND DEVELOPMENT UNIT (PPDU)**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of the provisions of Article 28 of the said Treaty relating to the coordination and harmonisation of policies and programmes in the field of energy;

**MINDFUL** of the provisions of Article 32 of the said Treaty on the coordination and harmonisation of policies and programmes in the field of transport;

**MINDFUL** of Protocol A/P1/7/96 on the conditions governing the application of the Community Levy;

**MINDFUL** of Supplementary Act A/SA.6/01/08 amending Decision A/DEC.9/01/06 on the allocation of resources from the Community Levy to Community Institutions;

**MINDFUL** of Regulation C/REG.9/12/99 approving the restructuring of the ECOWAS Executive Secretariat in order to make it more functional and to pursue ECOWAS and NEPAD objectives, thereby fulfilling the expectations of Member States;

**MINDFUL** of Regulation C/REG.18/01/05 of 18 January 2005 relating to the creation within the ECOWAS Executive Secretary of a Project Development and Implementation Unit (PDIU) for the Development and Implementation of NEPAD Infrastructure Projects;

**DESIROUS** of amending, by this Regulation, the provisions of Regulation C/REG.18/01/05 of 18 January 2005 to make the said provisions consistent with the texts establishing the PPDU;

**MINDFUL** of Regulation C/REG.18/11/08 of 29 November 2008 relocating the ECOWAS Project Preparation and Development Unit (PPDU) to ECOWAS Bank for Investment and Development (EBID) and establishing the Infrastructure Fund for financing the activities of the Unit;

**BEARING IN MIND** that the term “PPDU” is commonly used by various stakeholders in the infrastructure sector and that the said term may be retained as the designation for the Project Preparation and Development Unit;

**OBSERVING** that the term “PDIU” has changed to become “PPDU” for reasons of the partial change in the mandate and responsibilities of the Unit;

**CONSIDERING** the imperative need to define the organisation, functions and mode of operation of the Project Preparation and Development Unit to facilitate the take-off of its activities;

**CONSIDERING** that, upon the creation of the PPDU, a Working Group comprising ECOWAS Commission and its technical and financial partners was established, and that the said Group affirmed the importance of conferring autonomy on the PPDU;

**DESIROUS** therefore of adopting Regulations to govern the organisation, functions and mode of operation of the PPDU;

**ON THE RECOMMENDATION** of the ninth meeting of the Administration and Finance Committee held in Abuja in May 2011;

**ENACTS:**

**CHAPTER 1: DEFINITIONS, DENOMINATION, FUNCTIONS,  
ORGANISATION AND MODE OF OPERATION OF  
THE PPDU**

**Article 1 Definitions**

For the purpose of these Regulations, and unless the context otherwise dictates:

**“Treaty”** means the Revised Treaty of the Economic Community of West African States (ECOWAS) signed in Cotonou on 24 July 1993 and all its amendments;

**“ECOWAS”** means the Economic Community of West African States, established under Article 2 of the 1993 Revised Treaty of ECOWAS;

**“Unit”** means the Project Preparation and Development Unit (PPDU);

**“Community”** means the Economic Community of West African States (ECOWAS) referred to under Article 2 to the revised Treaty and subsequent protocols;

**“Commission”** means the ECOWAS Commission established by virtue of the New Article 17 of the Supplementary Protocol A/SP.1/06/06 amending the Revised Treaty;

**“Director”** means Director of PPDU

**“Member States”** means the Member States of ECOWAS;

**“Council of Ministers”** means the Council of Ministers as established by Article 10 of the ECOWAS Revised Treaty;

**“NEPAD”** means the New Partnership for Africa's Development;

**“Technical and Financial Partners”** means the donors and development partners which support PPDU activities through financing, technical assistance and capacity building;

**“The Advisory Facility” (AF):** means the facility support to the public sector or in some cases the private sector in partnership with the public sector;

**“The Infrastructure Developer Challenge Fund” (IDCF):** means the facility provided for the funding of the operations of projects preparation of the private sector.

**“Stakeholder”** means all entities that will benefit from the activities of the PPDU and/or have provided a financial contribution or technical assistance to it.

## **Article 2 Denomination**

1. The NEPAD Infrastructure Projects Development and Implementation Unit (PDIU) established in the ECOWAS Commission is hereby re-designated Project Preparation and Development Unit (PPDU).
2. The PPDU shall be vested with legal personality and the autonomy necessary to discharge its mandate.

## **Article 3 Functions of the PPDU**

1. The PPDU shall be responsible for:
  - a. preparing and developing regional integration infrastructure projects in ECOWAS Member States;
  - b. management of a dedicated infrastructure fund for preparation of the projects;
  - c. promotion of public/private partnerships in investment financing and project management in ECOWAS;
  - d. discharging such other tasks as may be assigned to it by its governance organs.

2. To this end, the PPDU shall:

- a) Identify, select and prioritize regional integration infrastructure projects in consultation with the ECOWAS Commission, Member States and the private sector;
- b) Mobilise the resources required for preparation and development of infrastructure projects;
- c) Undertake the studies and activities required for preparation and development of infrastructure projects with a view to making the projects bankable;
- d) Create a more attractive climate for regional infrastructure projects financing and investment;
- e) Manage the Infrastructure Funds, and all the other Funds placed at its disposal;
- f) Serve as regional focal point for capacity-building of similar structures in ECOWAS Member States;
- g) Negotiate and conclude cooperation and/or partnership agreements with regional and sub-regional institutions in the area of infrastructure project preparation and development.
- h) Monitor and evaluate the implementation of projects it supports.

#### **Article 4 Governance organs**

The governance organs of the PPDU shall be:

- The Steering Committee; and
- The Directorate.

#### **Article 5 Composition and Functions of the Steering Committee**

The Steering Committee shall be the strategic decision-making organ of the PPDU.

## **1. Composition of the Steering Committee**

- a) The Steering Committee shall be composed of the following nine (9) members representing PPDU stakeholders:
  - i. Two (2) Representatives of the ECOWAS Commission;
  - ii. One (1) Representative of the ECOWAS Bank for Investment and Development (EBID);
  - iii. Two (02) Members representing ECOWAS Member States;
  - iv. Three (03) Members representing the Technical and Financial Partners; and
  - v. One (01) Member representing the Private Sector.
- b) One of the Representatives of ECOWAS Commission shall be the Chairperson of the Steering Committee. The Deputy Chairperson shall be elected by Members of the Steering Committee.
- c) Members of the Steering Committee shall be persons recognised for their technical and managerial competence.
- d) The Director of PPDU shall participate in meetings of the Steering Committee in a non-voting capacity.

## **2. Functions of the Steering Committee**

The Steering Committee shall perform the following functions:

- a) Propose from time to time for adoption by ECOWAS Statutory Authorities the overall mandate and management policy of the PPDU;
- b) Approve the operating strategy of the PPDU;
- c) Appoint External Auditors and review and approve the annual audited financial accounts;

- d) Approve the annual operating plan and budget submitted by the PPDU Management;
- e) Approve the organisational structure of the PPDU;
- f) Appoint the Director, evaluate his/her performance and, if need be, terminate his/her appointment;
- g) Approve the appointment proposal for the senior management staff of the PPDU;
- h) Approve the applications for the Advisory Facility (AF) and the Infrastructure Developer Challenge Fund (IDCF);
- i) Approve PPDU Management submissions in respect of distribution/allocation of AF and IDCF;
- j) Approve the commitments and expenditures of the AF and the IDCF;
- k) Approve the risk management plan, financial audit and control procedures of the PPDU;
- l) Approve the Rules of Procedure and the Manuals of Accounting, Financial, Administrative and Human Resource Management Procedures of the PPDU;
- m) Monitor the performance of the PPDU in relation to its mandate;
- n) Review the performance of the PPDU from time to time and make appropriate recommendations to the statutory authorities of ECOWAS. The periodicity for review shall be specified in the Manual of Procedure.

**Article 6 Mode of Operation of the Steering Committee**

- a) The Steering Committee shall hold two (2) ordinary sessions in a calendar year, and an extra-ordinary session (s) where the need arises, at the invitation of its Chairperson or at the instance of at least two-thirds (2/3) of its members. The Chairperson shall address a written notification to each member not later than fifteen (15) days before any of the meetings.



- b) The Deputy Chairperson shall stand in for the Chairperson:
- At the request of the Chairperson; or
  - Where the Chairperson is unable to carry out his/her duties.
- c) In case of vacancy of the position of Deputy Chairperson, the Chairperson shall provisionally appoint a member of the Steering Committee to serve as Deputy Chairperson until the next meeting of the Committee at which a new Deputy Chairperson shall be appointed.
- d) Two-thirds (2/3) of the Steering Committee shall constitute a quorum. Decisions of the Steering Committee shall be taken by a simple majority of the members present and voting. In the event of a tie, the Chairperson shall have a casting vote.
- e) The deliberations of the Steering Committee shall be recorded in a report signed by its Chairperson and the designated Rapporteur.
- f) The PPDU Directorate shall serve as the Secretariat of the Steering Committee.
- g) Members of the Steering Committee shall receive sitting allowance as prescribed in the PPDU Manual of Procedures referred to under Article 9 of this Regulation. Their participation in the various sessions shall be covered by the budget of the PPDU.
- i) The Steering Committee may set up technical committees whenever necessary.

**Article 7 Election and Term of Office, Resignation and Removal, Vacancy of Position**

**1. Election and Term of Office**

- a) With the exception of the Representatives of the ECOWAS Commission and those of EBID, members of the Steering Committee shall be appointed for a non-renewable tenure of four (4) years with effect from the date of their appointment.

- b) The Representatives of ECOWAS Commission, namely: the Commissioner for Infrastructure and the Commissioner for Finance and Administration or their respective representatives, shall be appointed in their official capacity.
- c) The Representative of EBID, namely, the Vice President in charge of Operations or his/her Representative shall be appointed in his/her official capacity.
- d) Representatives of Member States shall be appointed by consensus from among ECOWAS Member States on a two (2) year rotational basis.
- e) Without prejudice to Article 11 (2) of this Regulation the procedure for appointing representatives of the Steering Committee with the exception of the representatives of the ECOWAS Commission and EBID shall be defined in a regulation to be adopted by the Steering Committee established under Article 3 of this Regulation.

## **2. Resignation and Removal from Office**

- a) Any member wishing to resign from the Steering Committee shall give fifteen (15) days notice thereof to the Chairperson of the Steering Committee who shall inform the other members accordingly.
- b) A member of the Steering Committee may be removed from office for dereliction of duty, gross misconduct, repeated unjustified absence from committee sessions or where he/she has been convicted of a criminal offence, in accordance with the Rules of Procedure of the Committee.
- c) In case of resignation, death or removal from office of a member of the Steering Committee, his/her replacement shall be chosen without prejudice to the composition of the Steering Committee.

## **3. Vacancy of position**

Where the position of a member of the Steering Committee becomes vacant during his/her tenure, the Chairperson of the Steering Committee shall take all appropriate measures for

replacement of the member without prejudice to the composition of the Steering Committee.

## **Article 8 Directorate of the PPDU**

### **1. Functions of the Director**

The Director shall:

- a) Act as the principal representative of the PPDU in its dealings with all the key stakeholders;
- b) Implement the decisions of the Steering Committee;
- c) Represent the PPDU in all contractual transactions and act as its legal representative.
- d) Initiate and conduct staff recruitment in conformity with the organizational structure and the relevant procedures, as adopted by the Steering Committee;
- e) Organise and coordinate all activities of the PPDU;
- f) Manage the assets of the Unit;
- g) Sign contracts within the limits set by the Steering Committee;
- h) Authorize expenditure within the limits set by the Steering Committee;
- i) Recruit experts and consultants to render services relating to the effective running of the Unit, depending on the workload of the relevant staff;
- j) Manage and supervise the staff of the PPDU in the execution of their day-to-day activities and report to the Steering Committee;
- k) Build a good image for the Unit by the quality of the projects presented ;
- l) Perform such other functions as may be assigned to him/her by the Steering Committee.

## **2. Recruitment of the PPDU Director**

- a) The profile and grade required for the position of Director of the PPDU shall be determined by the Steering Committee which shall adopt the Terms of Reference for the said position.
- b) Recruitment of the Director of the PPDU shall be conducted in a transparent manner through competitive international recruitment procedure, open only to nationals of ECOWAS Member States.
- c) The Director of the PPDU shall be recruited on account of his/her competences and experience in infrastructure project management as defined in the profile of the position.
- d) In collaboration with the appropriate Human Resource Committee of the ECOWAS Commission, three (3) members of the Steering Committee shall participate in the process of selecting the Director.
- e) The Director of the PPDU shall be appointed by the Steering Committee for a tenure of five (5) years, renewable once.
- f) The personal emoluments of the Director shall be determined by the Steering Committee and shall be competitive in relation to comparable institutions.
- g) Renewal of the tenure of the Director shall be subject to an evaluation of his/her performance by the Steering Committee. The Steering Committee shall decide whether or not to renew the tenure of the Director depending on the outcome of the evaluation.

## **Article 9 Staff of the PPDU**

1. The PPDU staff complement shall comprise of a Director, a technical team and support administrative staff recruited on the basis of the organizational structure and the PPDU Staff Regulations adopted by the Steering Committee.
2. Recruitment shall be carried out in collaboration with the appropriate Human Resources Committee of the ECOWAS Commission.

## **Article 10 Manuals of Procedure and Rules of Procedure**

1. The rules governing the operation of the PPDU shall be set out in the Manuals of Procedure and Operation adopted by the ECOWAS Council of Ministers on the recommendation of the Steering Committee.
2. The Steering Committee shall adopt its own Rules of Procedure

## **Article 11 Communication**

The PPDU shall devise a communication policy with a view to promoting and ensuring the transparency of its activities. It shall publish a report on its activity, on annual basis.

## **CHAPTER 2: FINANCIAL AND ACCOUNTING PROVISIONS**

### **Article 12 Funding and Utilization**

1. The PPDU shall be financed by contributions from the stakeholders. The funds so raised shall be used to finance:
  - a. The Infrastructure Fund; and
  - b. The operating budget.
2. **The Infrastructure Fund**
  - 1) The Infrastructure Fund shall comprise two types of Fund: the Advisory Facility (AF) and the Infrastructure Developer Challenge Fund (IDCF).
  - 2) The sources of funding for the Infrastructure Fund shall be:
    - a) The Community;
    - b) Donors, contributors, foundations and development partners;
    - c) Public-private sector partnership mechanisms; and
    - d) All other sources.

### **3. The Advisory Facility (AF):**

The Advisory Facility shall serve to provide support to the public sector in the form of technical assistance towards preparation and negotiation of infrastructure projects. The Facility shall also be used to support the public sector during project preparation and negotiation with the private sector.

### **4. The Infrastructure Developer Challenge Fund (IDCF)**

- a. The IDCF shall serve to provide support towards development of private sector-led infrastructure projects emanating from public-private partnership.

### **5. Common procedures of the two funds**

- b. Distribution of the funds shall be determined by the Steering Committee.
- c. The procedure for use as well as the criteria for accessing the AF and the IDCF shall be established by the PPDU Directorate and approved by the Steering Committee.
- d. For both the AF and the IDCF, there shall be open invitations for the tendering of proposals from ECOWAS Member States' Governments and private sector regarding the provision of grants and/or contributions towards the cost of infrastructure projects.

### **6. Operating Budget**

The Operating budget of the PPDU shall be made up of resources as a determined by the Steering Committee of the PPDU.

### **7. Adoption of PPDU Budget**

The budget for the upcoming year shall be adopted by the Steering Committee in the last quarter of the current year.

### **Article 13      Financial Regulations of the PPDU**

1. The PPDU shall provide itself with Financial Regulations and a Manual of Accounting Procedures approved by the Steering Committee.
2. The Financial Regulations referred to in paragraph 1 of this article shall be in conformity with the ECOWAS Financial Regulation and Manual of Accounting Procedures.

## **CHAPTER 3: TRANSITIONAL AND FINAL PROVISIONS**

### **Article 14      Transitional Provisions**

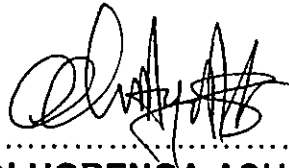
- 1.a) For the purpose of speedy takeoff of the activities of the PPDU, interim personnel shall be recruited for the Unit on one-year renewable contract. The said recruitment shall be undertaken under the supervision of the President of the ECOWAS Commission. A Recruitment Committee is hereby established, with membership comprising the Representatives of ECOWAS Commission (Infrastructure Department, Human Resources Directorate), financial and technical partners, and two resource persons recognized for their competence in infrastructure development.
- 1.b) The Committee shall select the candidates on the basis of a fair, transparent and competitive process.
2. The appointment of the Steering Committee members shall be undertaken under the supervision of the President of ECOWAS Commission in consultation with the stakeholders.
3. The operating budget of US\$8.864 million appropriated by the Council of Ministers by Regulation C/REG.18/11/08 of 29 November 2008, for a period of five years, shall be reallocated for five (5) years with effect from the date of signing of this Regulation.
4. The Infrastructure Fund shall start off with the sum of US\$ten (10) million as per Regulation C/REG.18/11/08 of 29 November 2008 adopted by the ECOWAS Council of Ministers. Other project funding needs shall be met by this Fund, as well as by the donors

and development partners participating in the financing of the PPDU.

**Article 15      Final Provisions**

1. This Regulation abrogates all contrary previous provisions, particularly the provisions of Regulation C/REG.18/01/05 of 18 January, 2005 establishing within the ECOWAS Executive Secretariat, a Unit for the development and implementation of NEPAD infrastructure projects.
2. It shall be published by ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette within thirty (30) days after notification by the Commission.

**Done at Abuja this 19<sup>th</sup> day of August 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**





## SIXTY FIFTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 17 – 19 August 2011

### REGULATION C/REG.6/8/11 APPROVING THE 2010 AUDITED FINANCIAL STATEMENTS OF THE ECOWAS COMMISSION

#### THE COUNCIL OF MINISTERS,

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

**MINDFUL** of Article 75 of the Treaty appointing the External Auditors of the ECOWAS Institutions;

**MINDFUL** of Regulation C/REG.5/05/09 of 27<sup>th</sup> May 2009 relating to the Financial Regulation of ECOWAS Institutions;

**MINDFUL** of Decision A/DEC.1/07/10 of 2<sup>nd</sup> July 2010 relating to the renewal of the contract of the Firm Deloitte et Touche Côte d'Ivoire as External Auditors of the Community Institutions;

**MINDFUL** of the contract between ECOWAS and the Firm Deloitte et Touche Côte d'Ivoire relating to the conditions of service of the Internal Auditors of the Community Institutions;

**AFTER CONSIDERING** the report of the firm, « Deloitte and Touche, Côte d'Ivoire », on the 2010 financial statements of the Community Parliament;

**ON THE RECOMMENDATION** of the twentieth meeting of the Audit Committee, held in Abuja from 11 to 15 August 2011;

## **ENACTS**

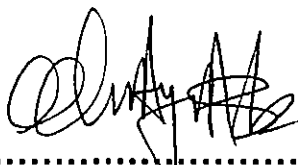
### **ARTICLE 1er :**

The audited financial statements of the ECOWAS Commission for 2010 is hereby approved.

### **ARTICLE 2:**

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days after its date of signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its Official Journal within thirty (30) days after its notification thereof by the Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**



## **SIXTY FIFTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS**

Abuja, 17 – 19 August 2011

### **REGULATION C/REG.7/8/11 APPROVING THE 2010 FINANCIAL STATEMENTS OF THE COMMUNITY LEVY MANAGED BY THE ECOWAS COMMISSION**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of the provisions of Article 72 of the said Treaty relating to Community Levy;

**MINDFUL** of Article 75 of the Treaty appointing the External Auditors of the ECOWAS Institutions;

**MINDFUL** of the Protocol A/P1/7/96 relating to the conditions of application of the Community Levy;

**MINDFUL** of Decision A/DEC.10/11/03 relating to the report of 1<sup>st</sup> July 2003 of the day of full entry into force of the Community Levy;

**MINDFUL** of Decision A/DEC.9/01/06 on transfer of resources of the Community Levy to the Community Institutions;

**MINDFUL** of Supplementary Act A/SA.6/01/08 amending the Decision A/DEC.9/01/06 on transfer of resources of the Community Levy to Community Institutions;

**MINDFUL** of Resolution A/RES.1/8/97 relating to the urgent implementation of the Community Levy;

**MINDFUL** of Regulation C/REG.5/05/09 of 27<sup>th</sup> May 2009 relating to the Financial Regulation of ECOWAS Institutions;

**MINDFUL** of Decision A/DEC.1/07/10 of 2<sup>nd</sup> July 2010 relating to the renewal of the contract of the firm, "Deloitte et Touche of Côte d'Ivoire, as External Auditors of the Community Institutions;

**MINDFUL** of the contract between ECOWAS and the firm, "Deloitte et Touche of Côte d'Ivoire", relating to the conditions of service of the Internal Auditors of the Community Institutions;

**AFTER CONSIDERING** the report of the firm, "Deloitte et Touche of Côte d'Ivoire", on the 2010 financial statements of the Community Parliament;

**ON THE RECOMMENDATION** of the twentieth meeting of the Audit Committee, held in Abuja from 11 to 15 August 2011;

## **ENACTS**

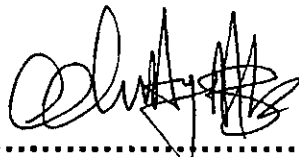
### **ARTICLE 1:**

The audited financial statements of the Community Levy for 2010 is hereby approved.

**ARTICLE 2:**

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days after its date of signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its Official Journal within thirty (30) days after its notification thereof by the Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

CHAIRMAN

FOR COUNCIL



## SIXTY FIFTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 17 – 19 August 2011

### REGULATION C/REG.8/8/11 APPROVING THE 2010 AUDITED FINANCIAL STATEMENTS OF THE COMMUNITY PARLIAMENT

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Article 75 of the Treaty appointing the External Auditors of the ECOWAS Institutions;

**MINDFUL** of Regulation C/REG.5/05/09 of 27<sup>th</sup> May 2009 relating to the Financial Regulation of ECOWAS Institutions;

**MINDFUL** of Decision A/DEC.1/07/10 of 2<sup>nd</sup> July 2010 relating to the renewal of the contract of the firm, "Deloitte et Touche of Côte d'Ivoire", as External Auditors of the Community Institutions;

**MINDFUL** of the contract between ECOWAS and the Firm Deloitte et Touche Côte d'Ivoire relating to the conditions of service of the Internal Auditors of the Community Institutions;

**AFTER CONSIDERING** the report of the firm, "Deloitte et Touche of Côte d'Ivoire", on the 2010 financial statements of the Community Parliament;

**ON THE RECOMMENDATION** of the twentieth meeting of the Audit Committee, held in Abuja from 11 to 15 August 2011;

**ENACTS**

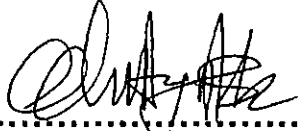
**ARTICLE 1:**

The audited financial statements of the Community Parliament for 2010 is hereby approved.

**ARTICLE 2:**

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days after its date of signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its Official Journal within thirty (30) days after its notification thereof by the Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

CHAIRMAN

FOR COUNCIL



## SIXTY FIFTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 17 – 19 August 2011

### REGULATION C/REG.9/8/11 APPROVING THE 2010 AUDITED FINANCIAL STATEMENTS OF THE WEST AFRICAN HEALTH ORGANISATION (WAHO)

#### THE COUNCIL OF MINISTERS,

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

**MINDFUL** of Article 75 of the Treaty appointing the External Auditors of the ECOWAS Institutions;

**MINDFUL** of Regulation C/REG.5/05/09 of 27<sup>th</sup> May 2009 relating to the Financial Regulation of ECOWAS Institutions;

**MINDFUL** of Decision A/DEC.1/07/10 of 2<sup>nd</sup> July 2010 relating to the renewal of the contract of the firm, "Deloitte et Touche of Côte d'Ivoire", as External Auditors of the Community Institutions;

**MINDFUL** of the contract between ECOWAS and the firm, "Deloitte et Touche of Côte d'Ivoire" relating to the conditions of service of the Internal Auditors of the Community Institutions;



**AFTER CONSIDERING** the report of the firm, "Deloitte et Touche of Côte d'Ivoire", on the 2010 financial statements of the Community Parliament;

**ON THE RECOMMENDATION** of the twentieth meeting of the Audit Committee, held in Abuja from 11 to 15 August 2011;

**ENACTS**

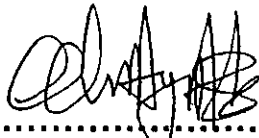
**ARTICLE 1:**

The audited financial statements of the West African Health Organisation (WAHO) for 2010 is hereby approved.

**ARTICLE 2:**

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days after its date of signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its Official Journal within thirty (30) days after its notification thereof by the Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**



## **SIXTY FIFTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS**

Abuja, 17 – 19 August 2011

### **REGULATION C/REG.10./8/11 APPROVING THE 2010 AUDITED FINANCIAL STATEMENTS OF THE INTER-GOVERNMENTAL ACTION GROUP AGAINST MONEY-LAUNDERING IN WEST AFRICA (GIABA)**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Article 75 of the Treaty appointing the External Auditors of the ECOWAS Institutions;

**MINDFUL** of Decision A/DEC.1/07/10 of 2<sup>nd</sup> July 2010 relating to the renewal of the contract of the firm, "Deloitte et Touche of Côte d'Ivoire", as External Auditors of the Community Institutions;

**MINDFUL** of Decision A/DEC.9/12/99 establishing the Inter-Governmental Action Group Against Money-Laundering in West Africa with its revised Status;

**MINDFUL** of Regulation C/REG.5/05/09 of 27<sup>th</sup> May 2009 relating to the Financial Regulation of ECOWAS Institutions;

**MINDFUL** of the contract between ECOWAS and the firm, "Deloitte et Touche of Côte d'Ivoire", relating to the conditions of service of the Internal Auditors of the Community Institutions;

**AFTER CONSIDERING** the report of the firm, "Deloitte et Touche of Côte d'Ivoire", on the 2010 financial statements of the Community Parliament;

**ON THE RECOMMENDATION** of the twentieth meeting of the Audit Committee, held in Abuja from 11 to 15 August 2011;

### **ENACTS**

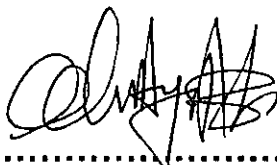
#### **ARTICLE 1:**

The audited financial statements of the Inter-Governmental Action Group Against Money-Laundering in West Africa for 2010 is hereby approved.

#### **ARTICLE 2:**

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days after its date of signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its Official Journal within thirty (30) days after its notification thereof by the Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN  
FOR COUNCIL**



## SIXTY FIFTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 17 – 19 August 2011

### REGULATION C/REG.11/8/11 APPROVING THE 2010 AUDITED FINANCIAL STATEMENTS OF THE ECOWAS GENDER DEVELOPMENT CENTRE

#### THE COUNCIL OF MINISTERS,

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

**MINDFUL** of Article 75 of the Treaty appointing the External Auditors of the ECOWAS Institutions;

**MINDFUL** of Decision A/DEC.16/04/03 relating to the transformation of the West African Women Association (WAWA) into the ECOWAS Gender Development Centre

**MINDFUL** of Decision A/DEC.1/07/10 of 2<sup>nd</sup> July 2010 relating to the renewal of the contract of the firm, "Deloitte et Touche of Côte d'Ivoire", as External Auditors of the Community Institutions;

**MINDFUL** of Regulation C/REG.5/05/09 of 27<sup>th</sup> May 2009 relating to the Financial Regulation of ECOWAS Institutions;

**MINDFUL** of the contract between ECOWAS and the firm, "Deloitte et Touche of Côte d'Ivoire" relating to the conditions of service of the Internal Auditors of the Community Institutions;

**AFTER CONSIDERING** the report of the firm, "Deloitte et Touche of Côte d'Ivoire", on the 2010 financial statements of the Community Parliament;

**ON THE RECOMMENDATION** of the twentieth meeting of the Audit Committee, held in Abuja from 11 to 15 August 2011;

**ENACTS**

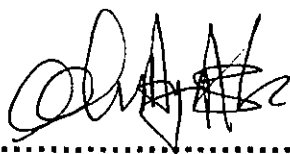
**ARTICLE 1:**

The audited financial statements of the ECOWAS Gender Centre is hereby approved.

**ARTICLE 2:**

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days after its date of signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its Official Journal within thirty (30) days after its notification thereof by the Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN  
FOR COUNCIL**



## SIXTY FIFTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 17 – 19 August 2011

### REGULATION C/REG.12/8/11 APPROVING THE 2010 AUDITED FINANCIAL STATEMENTS OF THE ECOWAS REGIONAL CENTRE FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY (ECREEE)

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Article 75 of the Treaty appointing the External Auditors of the ECOWAS Institutions;

**MINDFUL** of Decision A/DEC.1/07/10 of 2<sup>nd</sup> July 2010 relating to the renewal of the contract of the firm, "Deloitte et Touche Côte d'Ivoire", as External Auditors of the Community Institutions;

**MINDFUL** of A/DEC.9/12/99 establishing the Inter-Governmental Action Group Against Money-Laundering in West Africa with its revised status;

**MINDFUL** of Regulation C/REG.23/11/08 of 29 November 2008 establishing the ECOWAS Regional Centre for Renewable Energy and Energy Efficiency;

**MINDFUL** of Regulation C/REG.5/05/09 of 27<sup>th</sup> May 2009 relating to the Financial Regulation of ECOWAS Institutions;

**MINDFUL** of the contract between ECOWAS and the firm, "Deloitte et Touche of Côte" d'Ivoire relating to the conditions of service of the Internal Auditors of the Community Institutions;

**AFTER CONSIDERING** the report of the firm, "Deloitte et Touche of Côte d'Ivoire", on the 2010 financial statements of the Community Parliament;

**ON THE RECOMMENDATION** of the twentieth meeting of the Audit Committee, held in Abuja from 11 to 15 August 2011;

## **ENACTS**

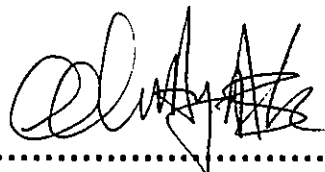
### **ARTICLE 1:**

The audited financial statements of the ECOWAS Regional Centre for Renewable Energy and Energy Efficiency is hereby approved.

### **ARTICLE 2:**

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days after its date of signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its Official Journal within thirty (30) days after its notification thereof by the Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H. E. OLUGBENGA ASHIRU**

**CHAIRMAN  
FOR COUNCIL**



**SIXTY-SIXTH SESSION OF THE ORDINARY SESSION OF THE  
ECOWAS COUNCIL OF MINISTERS**

Abuja, 17 – 19 August 2011

**REGULATION C/REG.13/08/11 APPROVING THE RATE OF  
RESPONSIBILITY ALLOWANCE PAYABLE TO INTERNAL  
AUDITORS OF COMMUNITY INSTITUTIONS**

**THE COUNCIL OF MINISTERS,**

**MINDFUL OF** Articles 10, 11 and 12 of the Revised ECOWAS Treaty establishing the Council of Ministers and laying down its membership and functions ;

**MINDFUL OF** Regulation C/REG.11/01/05 on the payment of a responsibility allowance to Accountants and Cashiers/Imprest Officers of the ECOWAS Institutions;

**MINDFUL OF** Regulation C/REG.3 2/12/07 of 15 December 2007 defining the functions of the Commissioner for Administration and Finance, the Financial Controller and Chief Internal Auditor;

**MINDFUL OF** Regulation C/REG.5/05/09 of 27 May 2009 adopting the Financial Regulations of the Institutions of the Economic Community of West African States (ECOWAS) ;

**CONSIDERING** that Regulation C/REG.11/01/05 has fixed the rate of allowance to be paid to Accountants on the basis of their responsibilities;

**RECALLING** that the justification for payment of responsibility allowance is based on the responsibilities incumbent on the Chief



Internal Auditors by extension, all other Internal Auditors with a view to fully or partially rectifying any impairment suffered by the ECOWAS institutions as a result of serious breaches, which is part of their remit in the accomplishment of their work;

**CONSIDERING** the magnitude of the responsibilities entrusted them;

**DESIROUS** of authorizing the payment of a responsibility allowance to the Internal Auditors at the same rate as that paid to Professional Accountants and the Controllers in the ECOWAS Institutions ;

**ON RECOMMENDATION** by the eighth meeting of the Administration and Finance Committee held from 26 to 31 October 2010;

## **HEREBY ENACTS**

### **ARTICLE 1<sup>ER</sup>**

It is hereby approved by this Regulation the payment of a responsibility allowance to Internal Auditors of Community Institutions.

### **ARTICLE 2 :**

The allowance shall be calculated at the rate of 15% of the basic salary of the Internal Auditors in the professional category and 10% for those in the general service category.

### **ARTICLE 3 :**

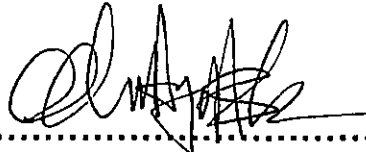
Payment of the approved responsibility allowance shall take retroactive effect from 1 August 201.

### **ARTICLE 4 :**

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its

signature by the President of the Council of Ministers, and shall equally be published by each Member State in its Official Gazette thirty (30) days after notification by the Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

CHAIRMAN

FOR COUNCIL



**SIXTY-SIXTH ORDINARY SESSION  
OF THE COUNCIL OF MINISTERS**

Abuja, 17 – 19 August 2011

**DIRECTIVE C/DIR. 1/08/11 ON FIGHTING CYBER CRIME  
WITHIN ECOWAS**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Articles 27, 32 and 33 of the said Treaty on Science and Technology, and on the areas of Communication and Telecommunications;

**MINDFUL** of Article 57 of the said Treaty on judicial and legal cooperation, which provides that Member States undertake to promote judicial cooperation with a view to harmonizing judicial and legal systems;

**MINDFUL** of the ECOWAS Supplementary Act A/SA 1/01/07 of 19 January 2007 on the harmonization of the policies and regulatory framework of the Information and Communication Technology sector (ICT);

**MINDFUL** of the ECOWAS Supplementary Act A/SA.1/01/10 on Personal Data Protection within ECOWAS;

**MINDFUL** of the ECOWAS Supplementary Act A/SA.2/01/10 on Electronic Transaction within ECOWAS;

**MINDFUL** of Convention A/P1/7/92 of ECOWAS relating to the Mutual Assistance in Criminal Matters;

**MINDFUL** of Convention A/P1/94 relating to extradition;

**MINDFUL** of the cooperation as regards matters of criminal policing between the member States of ECOWAS which provides the pooling of expertise and sharing of experiences by security services with a view to establishing an efficient method of police investigations;

**CONSIDERING** that the use of information and communication technologies, among others, the internet or cybernetics, has generated an upsurge of reprehensible acts;

**NOTING** that cyber crime is a new phenomenon that requires the definition of specific offences that must be substantially linked with conventional offences such as theft, swindling, the receipt of stolen goods, blackmail, and damages caused by the use of the internet;

**CONSCIOUS** that criminal acts committed by means of internet require the identification of a legal regime and a suitable punishment because of the level of damage they generate;

**DESIROUS** to adopt a framework for criminal liability in order to effectively fight against cyber crime and provide for efficient and reliable international cooperation.

**HAVING OBTAINED THE OPINION** of the ECOWAS Parliament dated 23 May 2009;

**PRESCRIBES:**

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### **Article 1 Definitions**

For the purposes of this Directive:

**Electronic communication** means making communication available to the general public or a category of the public through a process of electronic or electromagnetic means, signs, signals, written documents, images, sounds or messages of any kind;

**Computer data:** any representation of facts, information or concepts in a form suitable for processing in a computer system;

**Racism and xenophobia in relation to ICTs** refer to any document, image or any other depiction of ideas or theories, which advocates or encourages hatred, discrimination or violence against a person or group of persons by reason of their race, colour, ancestry, affiliation or their national or ethnic origin or religion, to the extent that this reason serves as a pretext for one or the other of such elements or incites such acts;

**Minor:** any person under the age of eighteen (18) as stipulated in the United Nations Convention on the Rights of the Child;

**Child pornography:** any data of whatever nature or form, that visually depicts a minor engaged in a sexually explicit conduct or realistic images representing a minor engaged in a sexually explicit conduct;

**Computer system:** any isolated or non-isolated device or group of interconnected devices that all or in part carries out automatic processing of data pursuant to a programme.

**Information Technology and Communication (ITC):** technologies used to gather, store, use and send information, including technologies that involve the use of computers or any communication system, including any telecommunication system.

## **Article 2 Objective**

The objective of this Directive is to adapt the substantive criminal law and the criminal procedure of ECOWAS Member States to address the cybercrime phenomenon.

## **Article 3 Scope**

This Directive shall be applicable to all cyber crime-related offences within the ECOWAS sub-region as well as to all criminal offence whose detection shall require electronic evidence.

## **CHAPTER II**

### **OFFENCES SPECIFICALLY RELATED TO INFORMATION AND COMMUNICATION TECHNOLOGIES**

For the purposes of this Directive, the following shall constitute offences:

#### **Article 4 Fraudulent access to computer systems**

Fraudulent access to computer systems is the act by which a person fraudulently accesses or attempts to access the whole or part of a computer system.

#### **Article 5 Fraudulently remaining in a computer system**

Fraudulently remaining in a computer system is the act by which a person fraudulently remains or attempts to remain within the whole or part of a computer system.

#### **Article 6 Interfering with the operation of a computer system**

Interfering with the operation of a computer system is the act by which a person impedes, alters or attempts to impede or alter the functioning of a computer system.

#### **Article 7 Fraudulent input of data in a computer system**

Fraudulent input of data in a computer system is the act by which a person fraudulently inputs or attempts to input data into a computer system.

#### **Article 8 Fraudulent interception of computer data**

Fraudulent interception of computer data is the act by which a person fraudulently intercepts or attempts to intercept computer data during their non-public transmission to, from or within a computer system using technological means.

### **Article 9 Fraudulent modification of computer data**

Fraudulent modification of computer data is the act by which a person fraudulently damages or attempts to damage, delete or attempts to delete, worsen or attempting to worsen, alter or attempts to alter, modify or attempt to modify computer data.

### **Article 10 Computer data forgery**

Computer data forgery is the act by which a person produces or manufactures a set of digital data through fraudulent input, deletion or suppression of computer data stored, processed or transmitted by a computer system, resulting in counterfeit data, with the intent that it be considered or used for legitimate purposes as if it were genuine.

### **Article 11 Obtaining benefit from Computer related fraud**

Obtaining benefit from Computer related fraud is the act of obtaining fraudulently for oneself or for another person material or economic benefit through the input, alteration, deletion or suppression of computer data or through any other form of interference with the functioning of a computer system.

### **Article 12 Fraudulent manipulation of personal data**

Fraudulent manipulation of personal data is the act by which a person, even through negligence, processes personal data or causes personal data to be processed without having complied with the prerequisite conditions stipulated by the relevant law on personal data provided for in each Member State.

### **Article 13 Use of forged data**

Use of forged data is the act by which a person knowingly uses forged data.

### **Article 14 Obtaining equipment to commit an offence**

Obtaining equipment to commit an offence is the act by which a person knowingly without any legitimate reason produces, sells, imports, possesses, distributes, offers, transfers or makes available equipment, computer programmes, or any device or data, any password, access code or similar computer data by which they

commit any offence as stipulated in this Directive.

**Article 15 Participation in an association or agreement to commit computer offences**

Participation in an association or agreement to commit *computer offences* is the act by which a person participates in an association that is formed or an agreement that is established for the purpose of preparing or committing one or several of the offences described in this Directive.

**Article 16 Production of child pornography or pornographic representation**

Production of child pornography or pornographic representation is the act by which a person produces, records, offers or makes available, distributes or transmits child pornography or pornographic representation through a computer system.

**Article 17 Import or export of child pornography or pornographic representation**

Import or export of child pornography or pornographic representation is the act by which a person procures for oneself or for another person, imports or causes to be imported, exports or

causes to be exported, child pornography through a computer system.

**Article 18 Possession of child pornography or pornographic representation**

Possession of child pornography or pornographic representation is the act by which a person possesses child pornography or pornographic representation through a computer system or through any other computer data storage medium.

**Article 19 Facilitation of access of minors to pornography, documents, sound or pornographic representation**

Facilitation of access of minors to pornography, documents, sound or pornographic representation is the act by which a person facilitates access of a minor to pornographic pictures, sounds or representation.



**Article 20 Possession of racist or xenophobic written documents or pictures through a computer system**

Possession of racist or xenophobic written documents or pictures through a computer system is the act by which a person creates, downloads, disseminates, or makes available in whatever form, written documents, messages, photographs, drawings or any other depictions of racist and xenophobic ideas and theories by means of a computer system.

**Article 21 Threat through a computer system**

Threat through a computer system is any threat through a computer system to commit a criminal offence against a person by reason of his affiliation to a group that is characterised by race, colour, ancestry, ascendants, religion, national or ethnic origin , to the extent that this affiliation serves as a pretext for such a threat to that person or a group of persons that is distinguished by one of the foregoing characteristics.

**Article 22 Abuse through a computer system**

Abuse through a computer system is any abuse to a person through a computer system by reason of his belonging to a group that is characterised by race, colour, ancestry, ascendants, religion, national or ethnic origin, to the extent that this affiliation serves as a pretext for such an abuse to the person or a group of persons that is distinguished by the foregoing characteristics.

**Article 23 Denying or justifying acts or crimes against humanity by means of a computer system**

Denying or justifying acts or crimes against humanity by means of a computer system is any intentional act to deny, approve or justify established acts of genocide or crimes against humanity by means of a computer system.

## **CHAPTER III**

### **INCORPORATING TRADITIONAL OFFENCES INTO INFORMATION AND COMMUNICATION TECHNOLOGY OFFENCES**

#### **Article 24 Aggravating Circumstances of Common Law Offences**

Under this Directive, the use of ICTs to commit common law offences such as theft, fraud, possession of stolen goods, breach of trust, extortion, terrorism, and money laundering or organised crimes shall constitute a higher degree of offence than the common law offences.

#### **Article 25 Violations of computer data, software and programme**

Under this Directive, theft, fraud, possession of stolen goods, breach of trust, extortion, acts of terrorism, and counterfeiting

relating to computer data, software and programme shall constitute an offence.

#### **Article 26 Media offence committed through electronic means of communication**

Media offences committed through electronic means of communication under this Directive shall be subjected to the provisions relating to media offences which are applicable in Member States.

#### **Article 27 Liability of Corporate Bodies other than Public Entities**

Any corporate body, excluding the State, local authorities and public establishments, shall be held liable for any of the offences described in this Directive that are committed for their benefit by their representatives. Such liability shall not exclude the liability of individuals who commit such acts or abet the commission of such acts.

## **CHAPTER IV**

### **SANCTIONS**

#### **Article 28 Major penalties**

- 1) The offences stipulated under this Directive shall be punishable under the criminal Court of Member States. Sanctions shall be proportionate and dissuasive.
- 2) Any corporate body found liable under this Directive shall be punishable by proportionate and dissuasive sentences, including criminal and civil penalties.

#### **Article 29 Supplementary Penalties**

1. In the event of conviction for an offence committed through an electronic communication medium, the relevant jurisdiction may decree supplementary sanctions.
2. In the event of conviction, the court may decide that materials, equipment, instruments, computer programmes or data, as well as proceeds from an offence and belonging to the convicted person be confiscated.
3. Conviction decisions shall be published in the National Gazette of Member States and in an electronic medium at the expense of the convict.

## **CHAPTER V:**

### **RULES OF PROCEDURE**

#### **Article 30 Search or access to a computer system**

1. The national competent authority may carry out searches or effect seizures or have access to any computer system in order to establish the truth.

2. However, where seizure of the electronic medium is undesirable, the data required to understand it shall be copied on a computer data storage medium and sealed.

### **Article 31 Expedited preservation of data**

Where the exigencies of information so require, and where there is reason to believe that computerized data recorded in a computer system can be lost, the national competent authority shall order any individual to keep and protect in secret the integrity of data in his possession or under his control within a time line set by a Member State.

### **Article 32 Method of Proof**

Electronic evidence shall be accepted as proof to establish an offence provided the person from whom they emanate can be identified and that they are kept in such conditions as to guarantee their integrity.

### **Article 33 Judicial Cooperation**

1. Where Member States are informed by another Member State of the alleged commission of an offence as defined in this Directive, such Member States shall cooperate in the search for and establishment of that offence, as well as in the collection of evidence pertaining to the offence.
2. Such cooperation shall be carried out in line with relevant international instruments and mechanisms on international cooperation in criminal matters.

## **CHAPTER VII:**

### **FINAL PROVISIONS**

### **Article 34 Publication**

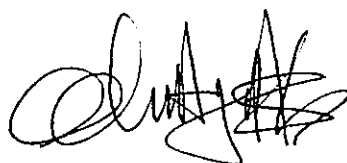
This Directive shall be published by the Commission in the Community Official Journal within thirty (30) days of the date of signature by the

Chairman of the Council of Ministers. It shall equally be published by each Member State in its national Gazette thirty (30) days after notification by the Commission.

**Article 35 Implementation**

1. Member States shall adopt the necessary legislative, regulatory and administrative measures in order to comply with this Directive not later than 1<sup>st</sup> January 2014.
2. The measures referred to in Paragraph 1 of this Article should make reference to this Directive or shall be accompanied by such reference upon their official publication.
3. Member States shall inform the ECOWAS Commission of the measures they will adopt to comply with this Directive.
4. Member States shall notify the President of the Commission of the difficulties they encounter in implementing this Directive. The President of the Commission shall report such difficulties at the next session of the Council of Ministers which shall, in turn, take the appropriate measures to ensure the effective implementation of this Directive.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

CHAIRMAN

FOR COUNCIL



**DECISION C/AHSG.1/09/11 ON MEASURES TO  
RESPOND TO THE SECURITY SITUATION IN COTE  
D'IVOIRE AND LIBERIA AND ALONG THE BORDER  
CORRIDOR BETWEEN THE TWO MEMBER STATES**

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

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

**MINDFUL** of new Article 9 of the ECOWAS Treaty as amended by Article 1 of the Supplementary Act A/SA.3/01/10 on the Legal Regime of Acts of the Community that prescribes that the Authority shall adopt decisions that are directed to whom they are meant under the said decisions;

**MINDFUL** of Decision A/DEC.2/07/10 of 2 July 2010 adopting the Rules and Procedures of the Authority of heads of State and Government;

**MINDFUL** of Article 13 paragraph 3 of the Rules and Procedure of the Authority of Heads of State and Government prescribing in Article 13 Paragraph 3 that, in-between two sessions, the Chairman shall exercise the powers of the Authority and act on its behalf;



**RECALLING** that at the Thirty-Ninth Ordinary Session of Authority held in Abuja on 23 and 24 March 2011, the Heads of State and Government renewed the tenure of the Federal Republic of Nigeria as Chair of the ECOWAS Authority of Heads of State and Government until 31 December 2011;

**CONSIDERING** that the border zone between Côte d'Ivoire and Liberia is teeming with mercenaries and armed bandits amidst the unchecked flow of small arms and light weapons;

**CONSIDERING** that the said arms and weapons are used to terrorize the civilian population and for cross-border criminality;

**NOTING** that more than one million citizens of both Côte d'Ivoire and Liberia have been internally displaced by acts of violence, revenge killing and intimidation in their own countries;

**NOTING** also that as a result of protracted conflicts in Côte d'Ivoire and Liberia, thousands of community citizens were forced to flee across borders to seek refuge in neighboring countries;

**AWARE** that ECOWAS is working closely with the United Nations High Commission for Refugees (UNHCR) to identify new refugees and Internal Displaced Persons (IDPs) in all



Member States involved, with the view to managing their serious humanitarian situation;

**CONCERNED** about the huge humanitarian challenge to be faced by the region in feeding more than one million people daily, until normalcy is restored in the above mentioned Member States;

**ENCOURAGED** by the deliberate policy adopted by Côte d'Ivoire and Liberia to reconcile political and ethnic opponents with a view to achieving unity of purpose and action in both countries;

**CONSCIOUS** of the fact that Côte d'Ivoire and Liberia have already taken steps to embark on national reconciliation processes, including the setting up of Truth and Reconciliation Commissions (TRC), to examine the violent past with a view to reconciling the people;

**CONSCIOUS** also that Côte d'Ivoire and Liberia need tremendous assistance from ECOWAS and external partners to supplement their effort in dealing with the after effects of the decisions emanating from the findings of the TRC;

**DESIROUS** to respond to the grave security situation that has developed in Côte d'Ivoire and Liberia and to assist in stabilizing the border zone between these Member States;





**ON THE RECOMMENDATION** of the ECOWAS Mini-Summit of Head of States and Government held in Abuja on the 10<sup>th</sup> September 2011

**HEREBY DECIDES**

**Article 1**

The ECOWAS Commission shall work in close collaboration with the Security Forces in Côte d'Ivoire and Liberia in order to provide additional support to the efforts of the United Nations (UN).

**Article 2**

The ECOWAS Commission shall consider the possibility of developing new security alternatives with Côte d'Ivoire and Liberia within the framework of the ECOWAS Mechanism.

**Article 3**

The ECOWAS Commission shall solicit the assistance of the United Nations in order to achieve the following:

1. greater United Nations security efforts in the region as well as greater cooperation between ECOWAS and the United Nations;



2. additional technical assistance for the peace-keeping missions for the intensification of a joint UNOCI-UNMIL monitoring and control of the common border zone between Cote D'Ivoire and Liberia;
3. a more secure environment which is conducive for the conduct of free, fair and transparent elections in Liberia and for the unhindered movement of people along the border areas of the two countries.

#### **Article 4**

1. The President of the Commission shall appoint a Special Envoy in Liberia who shall act as liaison between the ECOWAS Commission and that Country and in particular assist with the monitoring of the forthcoming elections in Liberia.
2. The President of the Commission shall also engage UNOWA in order to undertake a joint ECOWAS – UNOWA mission to Liberia to interact with all stakeholders in order to sensitize them on the need for their cooperation for the successful holding of the elections in Liberia.



### **Article 5**

The ECOWAS Commission shall oversee the effective implementation of the ECOWAS convention on small arms and light weapons (SALW) in particular within the Mano River Basin, with a view to controlling the acquisition, proliferation and misuse of the weapons.

### **Article 6**

1. The President of the Commission shall intensify ECOWAS efforts at mobilizing and delivering humanitarian assistance for the refugees and IDPs along the common borders between Côte d'Ivoire and Liberia.
2. The President of the ECOWAS Commission shall ensure more effective collaboration with the UN agencies in facilitating the return and settlement of refugees and IDPs of the two Member States.

### **Article 7**

1. The ECOWAS Commission shall work closely with the Government of Côte d'Ivoire in its efforts to achieve justice and national reconciliation.



2. The Commission shall assist Côte d'Ivoire in the identification and provision of experts, consultants and other technical/financial support.

### **Article 8**

This Decision shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman. It shall also be published by each Member State in its Official Gazette within the (30) thirty-day timeframe after notification by the Commission thereof.

DONE AT ABUJA, THIS 10<sup>TH</sup> DAY OF SEPTEMBER 2011

**H.E. GOODLUCK EBELE JONATHAN (GCFR)**

FOR THE AUTHORITY,

THE CHAIRMAN



## **SIXTY-SIXTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS**

Abuja 17 – 19 August 2011

### **RECOMMENDATION C/REC.1/08/11 RELATING TO THE HARMONISATION OF STANDARDS AND PROCEDURES FOR THE CONTROL OF DIMENSION, WEIGHT AND AXLE LOAD OF GOODS VEHICLE WITHIN MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES**

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

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

**MINDFUL** of Article 32 of the said Treaty which provides for the adoption of common transport and communication policies, laws and Regulations as a means of ensuring harmonious integration of the physical infrastructure of Member States and the promotion and facilitation of movement of persons, goods and services within the Community;

**MINDFUL** of Decision A/DEC. 2/5/81 relating to the harmonization of highway legislations in the Community;

**MINDFUL** of the ECOWAS Convention No. A/P2/5/82 of 29 May 1982 Relating to Inter-State Road Transportation between ECOWAS Member States providing amongst other issues, the tonnage for axle load and other dimensions for vehicles;

**MINDFUL** of Resolution C/RES.5/5/90 of 27 May 1990 urging Member States to introduce Weighbridge and axle scales as a means of effectively monitoring the tonnage transported as well as axle load;

**MINDFUL OF** Decision C/DEC/7/7/91 of 3 July 1991 Relating to the Road Traffic Regulations based on 11.5 Axle Load to protect Road Infrastructures and Road Transport Vehicles, especially the annex thereof, which provides for eventual harmonization of the sanctions imposed on any one in breach of the said Regulations;

**MINDFUL OF** Decision A/DEC. 2/8/94 relating to the Community Programme on Road Safety and Accident prevention in ECOWAS Member States;

**MINDFUL OF** Decision A/DEC.6/7/96 of 27<sup>th</sup> July 1996 establishing standards for the design of Community roads;

**CONSIDERING** Regulation14/2005/CM/UEMOA of 16 December 2005 on Harmonization of the Control of the Dimension, Weight and Axle Load of Heavy Duty Goods Transport Vehicles in UEMOA Member States;

**CONSIDERING** Resolution No. 2 of the Meeting of ECOWAS Transport Ministers on Implementation of the Regulation on the Control of Vehicle Axle Load, held in Yamoussoukro in Cote d'Ivoire on 5 June 2009;

**CONSIDERING** the Road map of March 2010 relating to the abolition of the surcharge adopted by the Ministers responsible for Infrastructures and Transport in the UEMOA Member States and in Ghana;

**DETERMINED** to effectively preserve the road heritage of Member States;

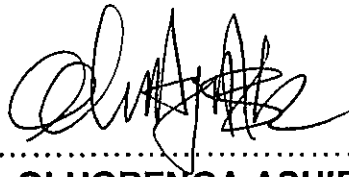
**DESIROUS** of harmonizing the standards and procedures for the control of the load, dimension limits and axle load of vehicles amongst Member States of the Community;

**ON THE RECOMMENDATION** of the meeting of Ministers of Infrastructure and Transport held in Accra, on the 1<sup>st</sup> April, 2011;

**HAVING** obtained the opinion of the Community Parliament

**RECOMMEND** to the Authority of Heads of State and Government to adopt the Draft Supplementary Act relating to the Harmonisation of Standards and Procedures for the Control of Dimensions, Weight and Axle Load of Goods Vehicle within Member States of the Economic Community of West African States (ECOWAS).

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**

## Fortieth Ordinary Session of the Authority of the Heads of State and Government

Abuja, ... 2011

Draft

### **SUPPLEMENTARY ACT/SP.1/08/11 RELATING TO THE HARMONIZATION OF STANDARDS AND PROCEDURES FOR THE CONTROL OF DIMENSIONS, WEIGHT AND AXLE LOAD OF GOODS VEHICLE WITHIN MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES**

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

**MINDFUL** of Article 32 of the said Treaty which provides for the adoption of common transport and communication policies laws and Regulations as a means of ensuring harmonious integration of the physical infrastructure of Member States and the promotion and facilitation of movement of persons, goods and services within the Community;

**MINDFUL** of Decision A/DEC. 2/5/81 relating to the harmonization of highway legislations in the Community;

**MINDFUL** of the ECOWAS Convention No. A/P2/5/82 of 29 May 1982 Relating to Inter-State Road Transportation between ECOWAS Member States providing amongst other issues, the tonnage for axle load and other dimensions for vehicles;

**MINDFUL** of Resolution C/RES.5/5/90 of 27 May 1990 urging Member States to introduce Weighbridge and axle scales as a means of effectively monitoring the tonnage transported as well as axle load;



**MINDFUL** of Decision C/DEC.7/7/91 of 3 July 1991 Relating to the Road Traffic Regulations based on 11.5 Axle Load to protect Road Infrastructures and Road Transport Vehicles, especially the annex thereof, which provides for eventual harmonization of the sanctions imposed on any one in breach of the said Regulations;

**MINDFUL** of Decision A/DEC. 2/8/94 relating to the Community Programme on Road Safety and Accident prevention in ECOWAS Member States;

**MINDFUL** of Decision A/DEC.6/7/96 of 27<sup>th</sup> July 1996 establishing standards for the design of Community roads;

**CONSIDERING** Regulation 14/2005/CM/UEMOA of 16 December 2005 on Harmonization of the Control of Dimension, Weight and Axle Load of Heavy Duty Goods Transport Vehicles in UEMOA Member States;

**CONSIDERING** Resolution No. 2 of the Meeting of ECOWAS Transport Ministers on Implementation of the Regulation on the Control of Vehicle Axle Load, held in Yamoussoukro in Cote d'Ivoire on 5 June 2009;

**CONSIDERING** the March 2010 road map forbidding transport overloading adopted by the UEMOA Ministers in Charge of Infrastructure and Transport in Ghana.

**DETERMINED** to effectively preserve the road heritage of Member States;

**DESIROUS** of the harmonization of standards, and procedures for the control of load, dimension limits, and axle load of vehicles amongst Member States of the Community;

**ON THE RECOMMENDATION** of meeting of Ministers of Road Transport and Infrastructure for the Review and adoption of the ECOWAS Axle Load and the PPDU Regulations which was held in Accra on 1<sup>st</sup> April 2011;

**HAVING OBTAINED** the opinion of the Community Parliament;

**HAVE AGREED AS FOLLOWS:**

**CHAPTER I: DEFINITIONS, OBJECTIVE AND SCOPE OF APPLICATION**

**Article 1 Definitions**

The technical terms used in this Supplementary Act with regard to vehicle type, vehicle axle, vehicle dimensions and weight and to goods transport activity, are defined in Annex 1 attached to this Supplementary Act.

**Article 2 Objective and scope of application**

1. The objective of this Supplementary Act is to harmonize amongst ECOWAS Member States, the standards the control of dimension, weight and axle load of heavy duty goods transport vehicles, and the sanctions imposed for non-compliance with these standards.
2. This Supplementary Act complements and amends all relevant ECOWAS texts, particularly Convention A/P2/5/82 of 29 May 1982, Decision C/DEC/7/7/9 of 13 July 1991 and Council of Ministers Resolution 5/5/90 of 27 May 1990.
3. Annexes 1 and, 2 to this Supplementary Act form an integral part thereof. The weight and dimension limits set forth herein, deriving from the aforementioned previous texts, shall constitute the load standards for heavy-duty goods transport vehicles plying public roads in ECOWAS Member States.

## **CHAPTER II: LIMITS TO THE DIMENSIONS, WEIGHT AND AXLE LOAD OF HEAVY DUTY GOODS TRANSPORT VEHICLES**

### **Article 3 Limits to heavy duty vehicle dimensions**

The external dimensions of any vehicle or assembly of vehicles plying the road network of ECOWAS Member States shall not exceed the authorized maximum dimensions set forth in Annex 2 of this Supplementary Act.

### **Article 4 Limits of axle load**

In accordance with Article 4 of Convention A/P2/5/82 of the Authority of Heads of State and Government of ECOWAS and Article 1 of the Council of Ministers Decision C/DEC/7/7/91, transport vehicle traffic on roads networks of ECOWAS Member States shall be permissible subject to a maximum axle load of 11.5 tons for single load-carrying axles.

The Authorized Maximum Axle Loads (AMAL) for the various types of axle are listed in Annex 2 of this Supplementary Act.

### **Article 5 Limits to laden weight**

For each type of vehicle or assembly of vehicles, the authorized Total Laden Weight (ATLW) or the authorized Total Transported Weight (ATTW) shall be defined in conformity with Annex 2 of this Regulation.

### **Article 6 Exceptions for exceptional transport**

In conformity with Article 7 of the Convention A/P2/5/82 and as provided in the annex to Decision 7/7/91 Special transport vehicles or exceptional convoys of vehicles that are not compliant with the standards defined in Article 3, 4 and 5 of this Supplementary Act shall, while transiting in each Member State, be subject to prior authorization for exceptional transport issued by the competent authorities. The beneficiary of such authorization shall hold the same in possession in the course of the journey.

## **CHAPTER III: MEASURES TO IMPLEMENT AND CONTROL THE STANDARDS**

### **Article 7 Load and Dimensions Inspection Certificate**

1. Pursuant to implementation of this Supplementary Act, each Member State shall formulate and incorporate in its official transport document (traffic document or road consignment note) a note in the certificate attesting that a vehicle's weight and dimensions have been duly checked. The total laden weight and the overall axle system load of the concerned vehicle shall be clearly mentioned, and there shall be express indication as to the vehicle's conformity with the dimension standards.
2. With respect to exceptional transport, the authorization for exceptional transport set forth in Article 6 shall apply.

### **Article 8 Technical inspection of heavy-duty vehicles**

1. Prior to registration and entry into service, every vehicle shall be subject to technical inspection by the competent administration in the Member State. The dimension, weight and axle type specifications (with the nomenclature used in this Supplementary Act) shall be clearly inscribed in two plates:
  - a) A tare plate clearly displaying:
    - i) The unladen weight (UW) - at full tank;
    - ii) Authorized total laden weight (ATLW) of the vehicle; and
    - iii) Type of the vehicle axle.
  - b) A dimensions plate displaying the dimension specifications of the vehicle.
2. The two plates shall be affixed to the vehicle.
3. Technical inspection shall be compulsory upon a vehicle's entry into circulation after an accident or significant transformation thereto. The vehicle owner shall request for this inspection from the Competent Authority.

4. During the periodic vehicle inspection stipulated in Article 10 of Convention A/P2/5/82, the dimension and weight specifications inscribed on the plates shall be checked.
5. As regards an assembly of vehicles, the provisions of this Article shall apply to each component of the fleet.

## **Article 9 Obligatory Inspection of Equipment and Devices**

### **A. For Member States**

- 1) Pursuant Resolution C/RES.5/5/90 and for the purposes of effective inspection, Member States shall install or cause to be installed equipment for control of the set limits to vehicle load and dimensions. The equipment in question are essentially weighbridges, weighing scales and dimension gauges.
- 2) The said equipment shall be installed in the form of fixed posts along inter-State road corridors, at the beginning and at the end of such corridors, and at the borders where the equipment can be used by the relevant authority of neighbouring Member States in line with the concept of adjoining check points. In addition, mobile weighing scales shall be used for unscheduled inspections.
- 3) It shall be the responsibility of the State to ensure that the inspection equipment is installed at the exit of urban agglomerations which generate annual road freight for heavy-duty vehicles of over two hundred thousand (200,000) ton
- 4) The equipment forming part of the installations referred to under paragraph 3 of this article shall be inspected frequently each year and recalibrated by a metrology service recognized or certified by the State.

### **B. For platforms that generate heavy traffic**

- 1) Operators of port and airport transit platforms, logistics platforms, rail-road inter-modal platforms, warehousing and storage facilities, as well as industrial and/or mining institutions which generate heavy-duty vehicle goods traffic of over two hundred thousand (200,000) tones annually, shall equip their platforms or facilities with an installation having the specialized facilities required for inspection of the dimensions, weight and axle load of heavy-duty cargo transport vehicles loading in their respective domains.
- 2) The operator shall be required to obtain a certificate of compliance from the national administration in charge of transport
- 3) Member States shall ensure the implementation of these provisions by those in charge of platforms.

#### **CHAPITE IV: INSPECTION OF HEAVY-DUTY VEHICLES DIMENSION, WEIGHT AND AXLE LOAD ALONG ROAD CORRIDORS**

##### **Article 10 Responsibilities of loading platforms prior to departure of a laden truck**

1. Operators of the platforms and facilities mentioned in Article 9(B) of the Supplementary Act shall ensure and certify in their inspection installations by their respective services or by any other service provider operating on behalf of their services, that the standards regarding the dimensions, weight and axle load limits for heavy-duty vehicles loaded in the said platforms and/or facilities have been complied with. The services or service providers in question shall accordingly issue an inspection certificate as provided for in Article 7 of this Supplementary Act.
2. Such inspection shall be conducted at the expense of the vehicle operator. The inspection certificate where so issued shall

be kept aboard the vehicle for presentation on demand during road inspections.

3. The vehicle may not leave the premises of the platform or facility with its cargo and re-embark on the journey unless it is in compliance with the standards set forth by this Supplementary Act, or the vehicle operator has an authorization for exceptional transport. Prohibition from leaving the platform/facility premises for non-compliance shall be the responsibility of the owners of the said platforms or facilities.
4. Every urban agglomeration generating outgoing road cargo traffic for heavy-duty vehicles of over two hundred thousand (200,000) tones annually shall offer every heavy-duty vehicle transporter the opportunity to ensure that his/her laden vehicle conforms with the dimensions, weight and axle load standards set for such vehicles. The offer shall be extended by putting in place an appropriate technical facility operated by or on behalf of the services of the administration or by a private operator accredited by the road administration.

#### **Article 11 Responsibilities of vehicle operators prior to departure of laden trucks**

The vehicle operator or his/her representative shall ensure that, at the point of loading and of departure that the said vehicle is compliant with the dimensions, weight and axle load standards set for the vehicle. The vehicle operator shall be held responsible, unless proved otherwise, for non-compliance with the said standards on public roads.

#### **Article 12 Inspection at fixed posts**

1. Each fixed inspection post shall, at the minimum, be equipped with vehicle weighing facility for inspection of axle load and total vehicle weight, as well as a facility for measuring vehicle dimensions. The fixed inspection posts shall have secured cargo warehousing facilities and secured parking spaces for immobilized vehicles in order to facilitate implementation of the

sanctions set forth in Articles 16 and 17 of the Supplementary Act.

2. The number of inspection posts along any Community transit corridor in a Member State may not exceed three [3] in each traffic direction, including the posts in the precincts of the aforementioned sources of heavy traffic where such posts are located on the border corridors and posts. The inspection posts situated on Community transit corridor feeder roads are not subject to this limit..
3. Weighing-toll posts shall not be included in the number of inspection fixed posts mentioned in paragraph 2 of this Article. Transit transport vehicles with the stickers provided for in the regional road inspection plan shall not be subject to the weighing formalities at the said weighing-toll posts.

### **Article 13 Inspection by mobile brigade**

1. In addition to establishing the system of inspection fixed posts stipulated in Article 12, the road inspection system in each Member State shall be provided with standardized mobile equipments.
2. Mobile road inspection shall be conducted without prior notice. It is primarily intended to control offences and fraud committed on crossing inspection fixed posts. It is also aimed at controlling the vehicles not intercepted at an inspection fixed post. Mobile road inspection shall entail only the verification of compliance with the standards stipulated in this Supplementary.
3. Mobile road inspection along any Community transit corridor in a Member State may be operated only within the limits of a total of three consecutive inspection points, in each traffic direction along the corridor, fixed posts and mobile inspection posts inclusive, counted in the same way as in Article 12 above.



4. Inspection at mobile check points shall be conducted at random and through sampling of units of traffic plying the road without forming a queue. No other vehicle in circulation shall be intercepted during a vehicle inspection operation; and no vehicle shall be kept waiting for the purpose of inspection.
5. A transit transport vehicle may be inspected right through the journey, for every transit corridor in a Member State.

**Article 14 Content of road inspection and mode of management**

1. Apart from the inspection of vehicle and driver's particulars, fixed and mobile posts inspection shall entail verification of conformity with the dimension and load standards set forth in **Articles 3, 4 and 5** of this Supplementary Act.
2. In each Member State, the road inspection system defined in Articles 12 and 13 of this Supplementary Act and the mode of management and operation thereof fall under the purview of the Member State, with the exception of the adjoined inspection posts at the border of two Member States, which shall be governed by a special regime.
3. The inspection posts juxtaposed at the border of two Member States shall be located on common land entry-exit platforms. Legal provisions defining the status of such platforms shall be put in place by the ECOWAS Commission.

**CHAPTER V: SANCTIONS FOR NON-COMPLIANCE WITH THE DIMENSIONS, WEIGHT AND AXLE LOAD LIMITS**

**Article 15 Content of the Sanctions**

1. A breach of the standards and non-compliance with the responsibilities laid down in this Supplementary Act shall attract sanctions set forth in Articles 16 to 24 hereunder.

2. In general terms, in the event of non-conformity with dimensions and weight limits, the sanctions imposable shall comprise:
  - a) Corrective measures as well as measures imposed to oblige compliance with the relevant standards (weight and load shedding) at the expense of the offender with a view to eliminating the impact of the offence on the rest of the journey;
  - b) Dissuasive fine determined in accordance with seriousness of the offence to be defined in the manner provided under Article 18 of this Supplementary Act.
3. The level of fine for overloading shall be determined in such a way that the amount applicable shall be at least equal to the income expected by a public transporter on the transportation of the cargo weight that constituted the overload. In this regard, account shall be taken of the average cost of heavy-duty transportation of a kilometer tone and the average transportation distances in respect of national and inter-State transport.

**Article 16 Compulsory overload shedding and correction of dimensions**

1. The operator of a vehicle found to be non-compliant with the loading standards stipulated in this Supplementary Act shall have the obligation to conform with the Act prior to putting the vehicle back in circulation.
2. Payment of the fine incurred notwithstanding, the vehicle operator shall be required to cause the excess load to be discharged and/or re-order the vehicle load with a view to bringing the vehicle load and dimensions back to permissible limits.
3. The operations to load and re-load off-loaded cargo shall be the responsibility of the vehicle operator who shall exclusively bear the cost.

4. In the case of a sealed vehicle or a transit transport vehicle under ISRT regime, the operations referred to in paragraph 3 of this Article shall be conducted under customs oversight.
5. Where a non-compliant vehicle is intercepted by mobile inspection, such vehicle shall be immediately escorted to the nearest inspection fixed post.

**Article 17 Immobilization of vehicle and compulsory cargo trans-shipment**

1. Where an inspected vehicle is found to be in breach of the dimension standards set forth in Article 3 of this Supplementary Act and the cause of the non-compliance is not due to loading but solely to the technical specifications of the vehicle, the vehicle operator shall be required to transfer its cargo to another vehicle that is compliant with the dimension standards.
2. The defaulting vehicle shall be immobilized at the inspection post under the responsibility of the post operator pending the arrival of the inspection post vehicle to which the cargo is to be trans-shipped. The trans-shipment shall be Effected at the inspection post **by the vehicle operator under the supervision of the post operator.**
3. The owner of the non-compliant vehicle shall be sanctioned with immobilization of the said vehicle at a location indicated by him/her, until the vehicle is brought to conformity.

**Article 18 Fine**

1. 1 The amounts for fines attached to sanctions prescribed under chapter 5 of this Supplementary Act shall be defined in a Regulation to be adopted by the Council of Ministers on the recommendation of the sector Ministers. All such fines shall be calculated in the United States dollars but paid in the appropriate local currency. The amounts shall be reviewed periodically by the Council of Ministers on the advice of the sector Ministers.

## **2. In the absence of Dimension and Tare Plates**

Any owner of a vehicle without the dimension and tare plates stipulated in Article 8 of this Supplementary Act shall be sanctioned with a fine.

## **3. For lack of inspection certificate**

1. Any international transport vehicle without inspection certificate in its set of travel documents as prescribed in Article 7 of this Supplementary Act, or without the authorization for exceptional transport in lieu of the certificate, shall be sanctioned with a fine in exchange for the eventual issuance of a certificate of compliance in lieu of inspection certificate, to complete the rest of the journey.
2. In the event of a mobile inspection, the defaulting vehicle shall be escorted to the nearest stationed inspection post for the purpose of issuance of the requisite certificate after verification of compliance with all the prescribed limits.

## **4. For breach of dimension standards**

1. Any breach of the dimension standards resulting exclusively from vehicle load shall attract a fine at the expense of the operator of the vehicle.
2. Any breach of the dimension standards due exclusively to the specifications of the vehicle shall be punished with a fine at the expense of the owner of the vehicle and immobilization shall be imposed in accordance with the provisions of Article 17 of the Supplementary Act.

## **5. For exceeding the total travelling weight of the vehicle**

Any overload beyond the regulated total laden weight of a vehicle or assembly of vehicles with regard to national and inter-state transport shall attract fines to be determined in the manner provided for under Article 18 {1} of this Supplementary Act. A five percent (5%) allowance on the total laden weight is however made to take into account the margin of error of the weighing facility.

## **6. For axle overload**

1. Any excess of axle load for national and international transport in violation of the standards set forth in Article 4 of this Supplementary Act shall attract fines calculated per ton overload in respect of the axle accounting for the highest overload amongst all the axles of the vehicle.:
2. Where the two kinds of overload, namely, weight overload and axle overload, have been observed in respect of the same road transport vehicle, the penalty applicable shall be the highest.

## **Article 19 Special case of transportation of hydrocarbons, explosives and certain dangerous cargo**

1. In special cases where the cargo transported by the weight or dimension non-compliant vehicle is composed of hydrocarbons, explosives and certain dangerous cargo which cannot be manipulated and/or stored in inspection fixed post facility for security reasons, the vehicle shall immediately be escorted to its loading point, its journey starting point, the off load point or destination, depending on the point with the shortest distance between the two destinations, that is, from the inspection point where the offence was observed, and the fixed or mobile post.
2. The fine applicable shall be double the fine set for similar offence in case of ordinary cargo transport.
3. With respect to transit transport, escorting the vehicle back to the loading point shall be supervised by the customs.

## **Article 20 Increased fine for repeated breach**

1. Repeated breaches of the standards in respect of both dimension and load shall attract increased fines at rates determined in a Council Regulation as stated in Article 18 {1} of this Supplementary Act .
2. For the purpose of implementing the provisions of subparagraph 1 of this Article, annual computation of offences shall

be carried out in respect of the offences committed in the territory of the same State and detected at the control system. Such computation shall be managed by the operator of the inspection system.

3. In the special case of adjoining inspection posts at the borders, the provisions of Paragraph 1 of this Article above shall be applied on the basis of computation of offences detected at the same joint border post.

### **Article 21 Fines for proven offences at inspection fixed posts**

During unscheduled mobile inspection, any offence or offences involving a vehicle at the last inspection of dimension, weight and axle load at a fixed post shall attract the requisite fine. This sanction shall be additional to the other sanctions defined in earlier Articles.

### **Article 22 Obligation to implement sanctions**

A defaulting vehicle may not be authorized to leave the inspection fixed post or the destination designated for the vehicles mentioned in Articles 17 and 19 of this Supplementary Act, unless the vehicle operator produces proof that the requirements laid down under the sanctions have been met, and that the fine and other sanctions imposed have been cleared at the inspection fixed posts holding and processing the dossier regarding the offense.

### **Article 23 Fine imposed for deliberate refusal to pass through the weigh-bridge and axle weighing scales**

Any deliberate refusal by the driver of a vehicle to pass through the weigh bridge or axle weighing scale shall be sanctioned in addition to such other coercive measures as may be applicable. Such sanction shall be imposed on the vehicle operator who may institute a claim against the driver.

**Article 24 Sanction against platforms and facilities generating  
Out-going road traffic of over 200,000 tones**

1. Any corporate body operating a platform or facility of the category defined in Article 9 (B) of this Supplementary Act without the compulsory inspection facilities mentioned in the said Article, shall attract a fine. This fine becomes applicable at the expiration of two years deadline following the formal notification of the obligation to be compliant, issued by the national administration in charge of transport where the corporate body in question fails to meet the obligation.
2. Any corporate body referred to under Article 9 (B) that has conformed with the obligations in terms of the inspection equipment and facilities mentioned in the same Article but is in breach of the obligations regarding vehicle inspection and prohibition from leaving the inspection post defined in Article 10 of this Supplementary Act, shall be sanctioned with a fine per any vehicle loaded in the precincts of the defaulting platform or facility.

**CHAPTER VI: GENERAL AND FINAL PROVISIONS**

**Article 25 Adaption and/or amendment of technical standards of  
vehicles and sanctions**

1. The technical standards for heavy duty goods transporting vehicles plying public highways within the limits of dimension of heavy vehicles, axle load, laden load shall be adapted periodically in line with improvements in the manufacturing technology of vehicles.
2. Consequently annexes 1, and 2 attached to this Supplementary Act, and which are part thereof shall be adapted or modified by a Decision of the Council of Ministers upon the recommendation of the sector Ministers.

## **Article 26 Other Obligations**

1. A Member State shall not have the right to refuse or prohibit the use of vehicles registered or put into service in any other Member States on its territory for reasons pertaining to the dimensions and weight if such vehicles comply with the maximum values specified in annex 1 and 2 of this Supplementary Act.
2. The provision of paragraph 1 of this Article shall be applicable notwithstanding the fact that the said vehicles do not comply with the provisions of the laws of the Member State regulating some weight and dimension specifications that are not covered by this Supplementary Act.
3. No Member State shall authorize the normal circulation of vehicles or an assembly of vehicles on its territory if they do not comply with the specifications stated in this Supplementary Act.

## **Article 27 Transition period**

1. During a one-year transition period starting from the date of entry into force stated in article 29 below, Member States shall put in place their road control system as specified below :
  - i. By the end of the first six months of the transition period, weighing equipment shall be acquired and made operational and temporary areas shall be developed as fixed control posts for the storage of goods offloaded from overloaded vehicles ;
  - ii. By the end of the transition period, road control systems shall be set and made operational as defined in this Supplementary Act.
2. By the end of a two year period starting from the date of entry into force stated in Article 29 below, vehicles transporting hydrocarbons in circulation in the region and which do not comply with the standards Set forth in this Supplementary Act shall be modified to make them compliant.



3. A road map defining the modalities for the implementation of this Supplementary Act shall be established by the Council of Ministers on the recommendation of the transport Sectoral Ministers.

### **Article 28 Moratorium**

1. In each Member State, a moratorium shall be applicable starting from the date of entry into force of this Supplementary Act as specified in paragraph (2) et (2) below.
2. A general moratorium limited to enforcement of fines shall be granted for a period of twelve (12) months during which only sanctions provided for under article 15 of the Supplementary Act shall be applied
3. Infringements shall be subject to a specific moratorium as follows:
  - Infringements which attract the sanction provided under paragraph C of Article 18 (4) of this Act: None for new vehicles or registered vehicles for the first time; (ii) one (1) year for other vehicles with the exception of Hydrocarbon transport Vehicle for which a period of two years has been granted;
  - Breach of provisions of Article 8 of this Supplementary Act : (i) none for new vehicles or vehicles registered for the first time ; (ii) one (1) year for other vehicles with the exception of Hydrocarbon Transport Vehicles for which 2 years has been granted. .

### **Article 29 Publication**

This Supplementary Act shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signing by the Heads of State and Government. It shall also be published by each Member State in its National Gazette within thirty (30) days of notification by the Commission.

**Article 30 Entry into force**

This Supplementary Act shall enter into force upon its publication. Consequently, Member States shall undertake to commence implementation of its provisions upon its entry into force.

**Article 31 Miscellaneous Provisions**

The Supplementary Act shall supersede any other contrary provisions.

**Article 32 Depository Authority**

This Supplementary Act shall be deposited at the Commission which shall forward certified copies to all Member States and shall register same with the African Union, United Nations Organisation and all other organisations selected by the Council.


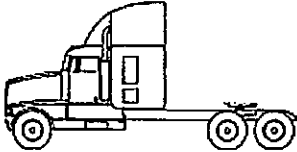
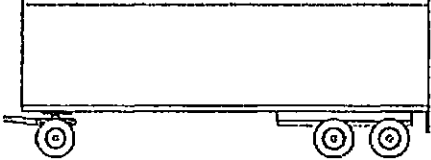
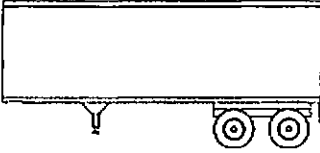
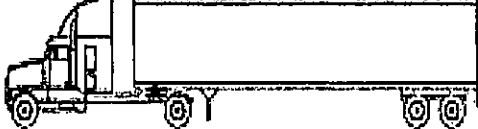

**IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS), HAVE SIGNED THIS SUPPLEMENTARY ACT**


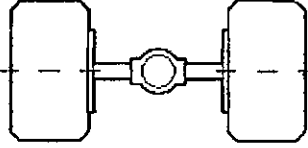
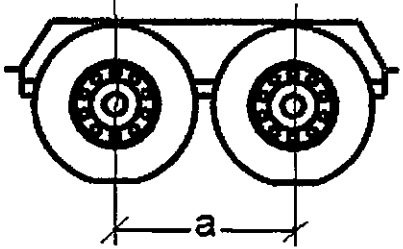
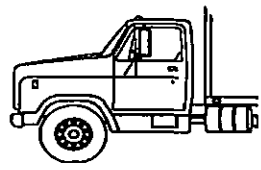
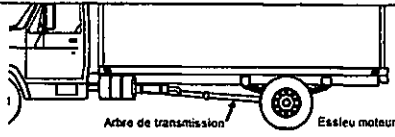

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF JULY, 2011**

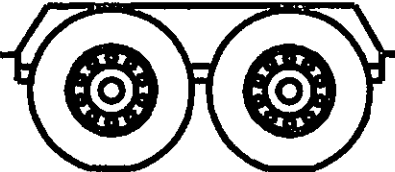
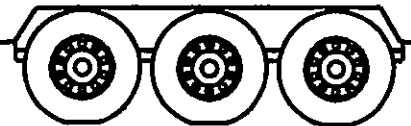
**IN SINGLE ORIGINAL IN ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL TEXTS BEING EQUALLY AUTHENTIC.**

**ANNEX 1 : DEFINITIONS RELATING TO THE DIMENSIONS, WEIGHT AND LOAD OF HEAVY-DUTY GOODS TRANSPORT VEHICLES**

**DEFINITIONS RELATING TO VEHICLE TYPES**

TERMS AND DEFINITIONS	BODY FRAME
<p><b>Heavy-duty /cargo vehicle</b></p> <p>Vehicle (or assembly of vehicles coupled to form a unit of traffic) whose authorized total travelling weight is above 3.5 tones</p>	
<p><b>Tractive unit</b></p> <p>A vehicle motorized so as to be self-propelling</p>	
<p><b>Cargo vehicle</b></p> <p>A motorized vehicle with a fixed cargo casing or platform, which bears its entire load on its frame.</p>	
<p><b>Road tractor</b></p> <p>A motorized (non-cargo) vehicle fitted with a "fifth wheel" as well as electrical and compressed air connections for semi-trailer lights and brakes.</p>	
<p><b>Truck trailer</b></p> <p>Non-motorized vehicle designed to be towed by a motorized vehicle. Truck trailer may also describe the last vehicle of a road train</p>	
<p><b>Semi-trailer</b></p> <p>Trailer without front axle, the wheelless part of which is designed to be coupled to a motorized towing vehicle such that part of this trailer rests on the motorized vehicle and that a substantial part of its weight and load weight rests on the said vehicle</p>	
<p><b>Articulated Vehicle</b></p> <p>Combination of vehicles consisting of a road tractor coupled to a semi-trailer</p>	
<p><b>Road train</b></p> <p>Vehicle combination consisting of a cargo vehicle</p>	

and a trailer or a semi trailer	
<b>Double road train</b> Vehicle combination consisting of a tractor and two semi-trailers.	
<b>DEFINITIONS RELATING TO AXLE TYPES</b>	
<b>TERMS AND DEFINITIONS</b>	<b>BODY FRAME</b>
<b>Load carrying axle</b> A set of wheels mounted symmetrically on the same axle beam to support a portion of the load.	
<b>Axle spread/spacing</b> Distance between the centers of the axle beams connected to the same suspension	 a : axle spread
<b>Front axle</b> Steering axle located at the front end of a motor vehicle	
<b>Steering axle</b> Load carrying axle with wheels mounted on the pivoting components	
<b>Powered axle</b> Load carrying axle which receives driving force from the transmission and transmits to the wheels	
<b>Single axle</b> Axle system having only one load carrying axle	

<b>Tandem axle / Double axle</b>  Axle system composed of two axles, either of which may be powered or non-powered	<b>Type 1</b> $a \leq 1m$	
	<b>Type 2</b> $1m \leq a \leq 1,3m$	
	<b>Type 3</b> $1,3m \leq a \leq 1,8m$	
	<b>Type 4</b> $a \geq 1,8m$	
	<b>Type 5</b> $a \geq 23t$	
<b>Triple axle or tri-axle</b>  Running gear consisting of an assembly of three evenly spread load-carrying axles mounted on the same suspension	<b>Type 1</b> $a \leq 1,3m$	
	<b>Type 2</b> $1,3m \leq a \leq 1,4m$	
	<b>Type 3 27t</b> $a$	
	<b>Type 3 27t</b> $a$	
<b>Twin or dual wheels</b>	Dual wheels on each side of an axle	

### DEFINITIONS RELATING TO DIMENSIONS

<b>Overall external dimensions</b>	Dimensions (length, width and height) inclusive of all protrusions, load and accessories
<b>Dimensions</b>	Overall dimension or size (length, width and height) of an assembly of vehicles cargo unit inclusive
<b>Maximum authorized dimensions</b>	Permissible maximum dimensions for a vehicle in circulation

### DEFINITIONS RELATING TO VEHICLE WEIGHT

<b>Axle load (AL)</b>	Portion of vehicle weight borne by the axle
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<b>Authorized maximum axle load (AMAL)</b>	The maximum axle load statutorily permissible for a vehicle in circulation on public road
<b>Authorized total laden weight (ATLW)</b>	The maximum total weight statutorily permissible for a laden vehicle in circulation
<b>Authorized total operational weight (ATOW)</b>	The maximum total weight statutorily permissible for an assembly of laden vehicles in circulation
<b>OTHER DEFINITIONS</b>	
<b>Vehicle driver</b>	The person driving the vehicle at the time under control. This person could be the owner himself or an employee of the owner or any other person offering his services to the owner for a fee or free of charge
<b>Vehicle operator/ transporter</b>	A corporate body or an individual who uses a vehicle to transport goods on his own account or for another person. The vehicle belongs to the operator or hired by operator. In any other case, the operator is the same as the owner of the vehicle; it is the special case where the vehicle is borrowed.
<b>Shipper or Consignor</b>	Individual or corporate body owner or representative of cargo unit owner for whom the cargo is being transported
<b>Traffic generating Platform</b>	
<b>Way bill</b>	A written record of the contract between the transporter and the shipper as provided in the OHADA Uniform Act (stated above) regulating road transport of goods. The shipper shall also be defined as the consignee.
<b>Moratorium</b>	Period starting from the entry into force of this Regulation during which none of the monetary sanctions shall be applied.
<b>Road control system operator or operator</b>	A public or private corporate body managing and operating a road control system to check the dimensions, weight and axle load of vehicles
<b>Common land exit/entry platform</b>	A border platform hosting the joint border control post and considered as a common land entry and exit point of two sharing a common border
<b>Joint border control post</b>	A place developed and equipped, near the border in one of two neighboring countries, housing the post used by both border control services at the borders of the two neighboring countries to conduct border control operations at the exit point of one country and entry point for the others.
<b>ISRT</b>	Inter-State Road Transit

## ANNEX 2 : DIMENSION, WEIGHT AND AXLE LOAD STANDARDS FOR HEAVY-DUTY CARGO TRANSPORT VEHICLES

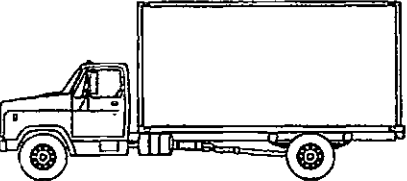
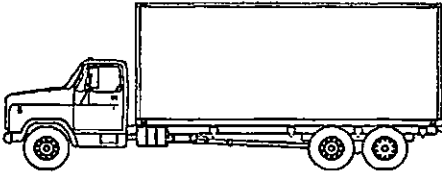
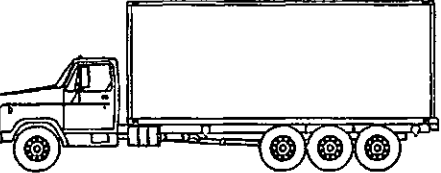
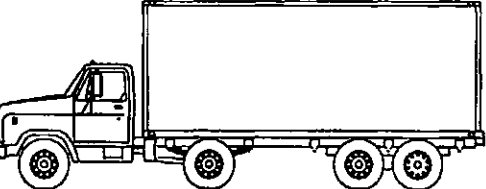
### DIMENSION LIMIT FOR HEAVY-DUTY CARGO TRANSPORT VEHICLES

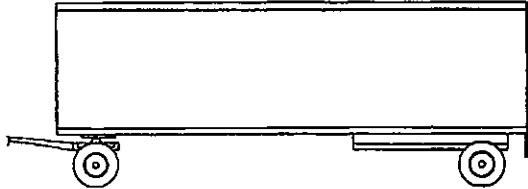
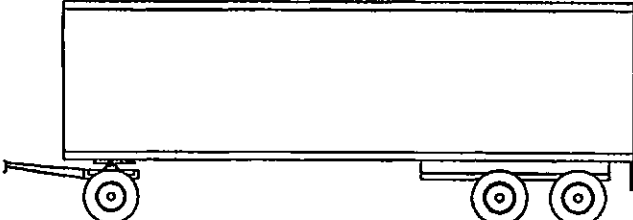
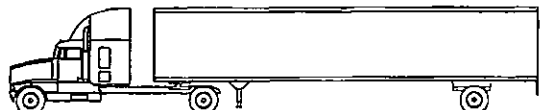
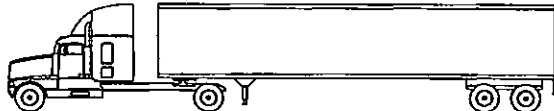
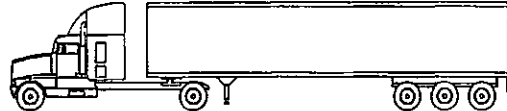
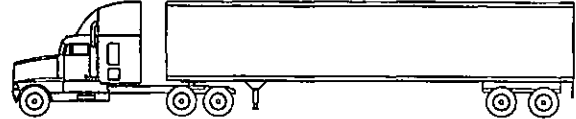
DIMENSIONS	VEHICLE	MAXIMUM AUTORISED
<b>LENGTH INCLUSIVE OF ALL PROTRUSIONS, LOAD AND ACCESSORIES</b>	Cargo carrier - Single engine vehicle	12 m
	Semi-trailer (between the kingpin and the back)	12 m
	Trailer (without coupling mechanism)	12 m
	Articulated Vehicle	18.75 m
	Road train Coupled assembly of vehicles (cargo carrier + trailer)	18.75 m
	Double train for car transportation	18.00 m
	Double train for container transportation	24.20 m
	Other road train/double train	22 m
<b>WIDTH INCLUSIVE OF ALL PROTRUSIONS, LOAD AND ACCESSORIES</b>	Transport vehicle with controlled temperature	2.65 m
	Other vehicles	2.55 m
	Trailer with « twist lock »	2.70 m
<b>HEIGHT INCLUSIVE OF ALL PROTRUSIONS, LOAD AND ACCESSORIES</b>	Any vehicles	4.50 m
AUTHORIZED MAXIMUM AXLE LOAD (AMAL)		
AXLE TYPE	AMAL	
Single front axle	9 t	
Single intermediary or rear axle	Single wheel	11.5 t
	Twin wheels	12 t
Dual (tandem) intermediary or rear axle <sup>24</sup>	Type 1	11.5t

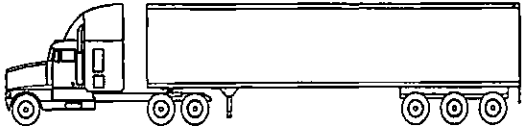
	Type 2	16t
	Type 3	18t
	Type 4	20t / 23t
Triple axle (tri-axle)	Type 1	21t
	Type 2	25t
	Type 3	27t
	Type 4	31.5t


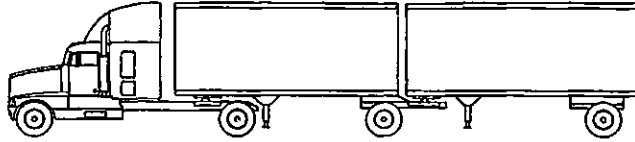
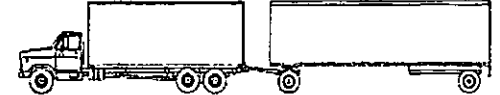


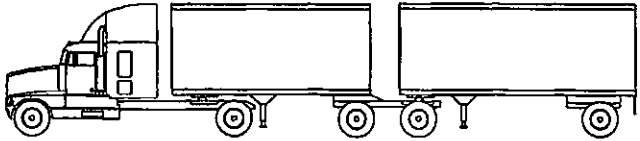
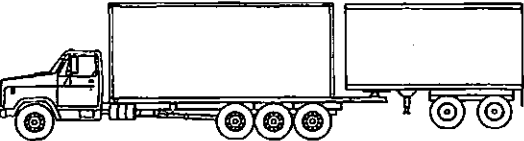
**AUTHORIZED TOTAL WEIGHT OF SOME COMMON VEHICLES**

	VEHICLE	ATLW		VEHICLE	ATLW
1	<p>Vehicle with 2 axles (9 ; 12) <u>P11</u></p> 	18 tonnes	2	<p>Vehicle with 3 axles, one of which is type tandem type4 (9 ;23t) <u>P12</u></p> 	26 tonnes
3	<p>Vehicle with 4 axles, one of which is tridem type 2 (9 ;27t), <u>P13</u></p> 	31 tonnes	3b	<p>Vehicle with 4 axles, one of which is tandem type 2 (9 ; 12; 23) <u>P112</u></p> 	31 tonnes

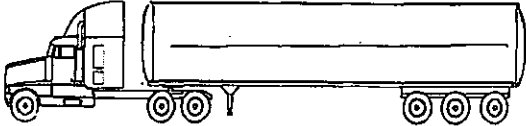
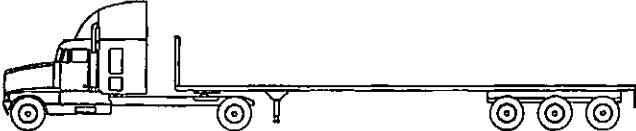
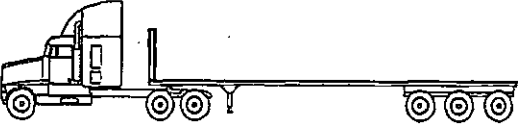
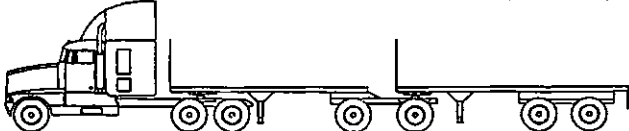
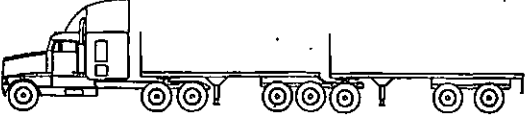
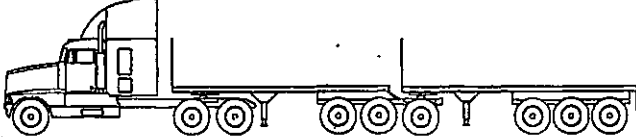
4	Trailer with 2 axle (9 ; 12t) <b>R11</b>	18 tonnes	5	Trailer with three axles, one of which is a tandem (9 ;23t) <b>R12</b>	26 tonnes
					
	<b>VEHICULE</b>	<b>PTRA</b>		<b>VEHICULE</b>	<b>PTRA</b>
6	Articulated vehicle with 3 axles (9 ; 12 ; 12t) <b>T11S1</b>	30 tonnes	7	Articulated vehicle with 4 axles, one of which is tandem type 4 (9 ; 12 ; 23t) <b>T11S2</b> or (9 ; 23 ; 12), <b>T12S1</b>	38 tonnes
					
8	Articulated vehicle with 5 axles, one of which is tridem type 2. (9 ; 12 ; 27t), <b>T11S3</b>	43 tonnes	9	Articulated vehicle with 5 axles, two of which are tandem type 4 (9 ;23 ;23t) <b>T12S2</b>	46 tonnes
					

10	Articulated Vehicle with 6 axes, with 1 tandem type 4 and 1 tridem type 2 (9 ;23 ;27) <b>T12S3</b> Six axle or more vehicle 	51 tonnes			
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	VEHICULE	PTRA		VEHICULE	PTRA
11	Road Train (cargo vehicle – trailer with four simple axle (9 ;12 ;12 ;12) <b>P11R11</b> 	38tonnes	11b	Dual train with 4 simple axle (9 ; 12 ; 12 ; 12) <b>T11S1S1</b> 	38tonnes
12	Road Train (cargo vehicle + trailer) with 5 axle (9; 20; 12; 12) <b>P12R11</b> or (9; 12; 12; 20) <b>P11R12</b> 	44tonnes	12b	Double Train with 5 axle (9;12;23;12) <b>T11S2S1</b> or (9;23;12; 12) <b>T12S1S1</b>	44tonnes

					
12c	Road Train (cargo vehicle – trailer) with 6 axle (9 ; 23 ; 9 ; 23) <b>P12R12</b>	44tonnes	12d	Double train with 6 axle (9 ; 23 ; 23 ; 12) <b>T12S2S1</b>	44tonnes
13	Six axle Road Train (cargo vehicle + trailer) (9 ; 27 ; 23) <b>P13S2</b>	51tonnes			
					

	VEHICULE	PTRA		VEHICULE	PTRA
4	Articulated vehicle with 6 axle for HYDROCARBON TRANSPORT (9 ; 23 ; 31,5) <b>T12S3</b>	59tonnes *	5	Articulated vehicle with 5 axle for CONTAINER COMBINED TRANSPORT (9 ; 12 ; 31,5) <b>T11S3</b>	46tonnes

					
16	<p>Articulated vehicle with 6 axle for <b>CONTAINER COMBINED TRANSPORT</b> (9 ; 23 ; 31,5) <b><u>T12S3</u></b></p> 	56tonnes	17	<p>Articulated vehicle with 7 axle for <b>CONTAINER COMBINED TRANSPORT</b> (9 ; 23 ; 23 ; 23) <b><u>T12S2S2</u></b></p> 	64tonnes
18	<p>Articulated vehicle with 8 axle for <b>CONTAINER COMBINED TRANSPORT</b> (9 ; 23 ; 31,5 ; 23) <b><u>T12S3S2</u></b></p> 	75tonnes	19	<p>Articulated vehicle with 9 axle for <b>CONTAINER COMBINED TRANSPORT</b> (9 ; 23 ; 31,5 ; 31,5) <b><u>T12S3S3</u></b></p> 	80 tonnes



**SIXTY-SIXTH ORDINARY SESSION  
OF THE COUNCIL OF MINISTERS**

Abuja 17 – 19 August 2011

**RECOMMENDATION C/REC.2 /08/11 RELATING  
TO THE ADOPTION OF THE ECOWAS MINERAL DEVELOPMENT  
POLICY (EMDP) AND THE ATTACHED IMPLEMENTATION  
MATRIX**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Article 31 of the said ECOWAS Treaty that provides that Member States shall harmonize and coordinate their policies and programmes in the field of natural resources and also coordinate their programmes for development and utilization of mineral and water resources;

**MINDFUL** of Regulation C/REG.3/5/09 relating to the development of Mineral Resources and the organization of the mining sector within ECOWAS;

**MINDFUL** of Directive C/DIR.3/5/09 relating to the Harmonization of Guiding Principles and Policies in the Mining Sector, enjoining Member States to take the required measures for the implementation of the said Directive and of its Action Plan by 01 July 2014;

**MINDFUL** of Supplementary Protocol AP/SP1/12/01 of 21 December 2001 on Democracy and Good Governance which provides the principles of good political, economic and social governance;

**MINDFUL** also of the ECOWAS Protocol A/P1/5/79 of May 1979 on Free Movement of People and Goods;

**MINDFUL** of Supplementary Act A/SA4/12/08 relating to the ECOWAS ENVIRONMENT Policy;

**CONSCIOUS** of the need to promote a Mineral sector environment conducive to sustainable macroeconomic development and thus ensure a balance between incentives to investors and protection of the income base and resources of Member States;

**AWARE** of the need to acquire basic geological and mineral information through a systematic programme;

**ACKNOWLEDGING** the importance and specific needs of Artisanal and Small Scale Mining;

**RECOGNIZING** the need for Member States to develop, manage and promote their mineral resources so as to maximize the benefits of mineral revenue that accrue from mineral exploration;

**RECOGNIZING** also the need to promote the participation of national private sector and public private partnership in the mineral sector which encourage the acquisition of skills and increase professional opportunities for Member States citizens;

**CONVINCED** that in order to ensure the effective implementation of an ECOWAS Mineral Development Policy, it is imperative to attach a coherent and realistic Implementation Matrix that will ensure the development of capacity building programmes in Member States;

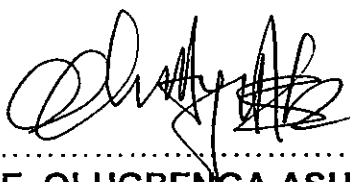
**AWARE** of the need to protect and preserve the environment, the health and safety of mining Communities from the negative impacts of mineral development operations, especially in mineral rich areas;

**DESIROUS** of adopting a harmonized institutional legal and regulatory framework in the mineral sector which is modern, transparent, accessible, competitive and in line with international best practice;

**ON THE PROPOSAL** of the third Meeting of ECOWAS Ministers in charge of Mineral Resource Development held in Accra on 3<sup>rd</sup> June 2011;

**RECOMMENDS** to the Authority of Heads of State and Government to adopt the attached Draft Supplementary Act on the ECOWAS Mineral Development Policy and its Implementation Matrix.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**



**FORTIETH ORDINARY SESSION OF THE AUTHORITY  
OF HEADS OF STATE AND GOVERNMENT**

Abuja, ... 2011

**SUPPLEMENTARY ACT A/SP.3/08/11 ADOPTING  
THE ECOWAS MINERAL DEVELOPMENT POLICY (EMDP)  
AND ITS IMPLEMENTATION MATRIX**

**THE HIGH CONTRACTING PARTIES,**

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

**MINDFUL** of Article 31 of the said ECOWAS Treaty signed in Cotonou on 24 July 1993 that prescribes that Member States shall harmonize and coordinate their policies and programmes in the field of natural resources and also coordinate their programmes for development and utilization of mineral and water resources;

**MINDFUL** of Regulation C/REG.3/5/09 relating to the development of Mineral Resources and the organization of the mining sector within ECOWAS;

**MINDFUL** of Directive C/DIR.3/5/09 relating to the Harmonization of Guiding Principles and Policies in the Mining Sector, enjoining Member States to take the required measures for the implementation of the said Directive and of its Action Plan by 1<sup>st</sup> July 2014;

**MINDFUL** of Supplementary Protocol AP/SP1/12/01 of 21 December 2001 on Democracy and Good Governance which prescribes the principles of good political, economic and social governance;

**MINDFUL** also of ECOWAS Protocol A/P1/5/79 of May 1979 on Free Movement of People and Goods;

**MINDFUL** of Supplementary Act A/SA4/12/08 relating to ECOWAS ENVIRONMENT Policy;

**CONSCIOUS** of the need to promote a Mineral sector environment conducive to sustainable macroeconomic development and thus ensure a balance between incentives to investors and protection of the income base and resources of Member States;

**AWARE** of the need to acquire basic geological and mineral information through a systematic programme;

**ACKNOWLEDGING** the importance and specific needs of Artisanal and Small Scale Mining;

**RECOGNIZING** the need for Member States to develop, manage and promote their mineral resources so as to maximize the benefits of mineral revenue that accrue from mineral exploration;

**RECOGNIZING** also the need to promote the participation of national private sector and public private partnership in the mineral sector which encourages the acquisition of skills and increases professional opportunities for Member States citizens;

**CONVINCED** that in order to ensure the effective implementation of an ECOWAS Mineral Development Policy, it is imperative to attach a coherent and realistic Implementation Matrix that will ensure the development of capacity building programme in Member States;

**AWARE** of the need to protect and preserve the environment, the health and safety of mining Communities from the negative impacts of mineral development operations, especially in mineral rich areas;

**DESIROUS** of adopting a harmonized institutional legal and regulatory framework in the mineral sector which is modern, transparent, accessible, competitive and in line with international best practice;

**ON THE PROPOSAL** of the third Meeting of ECOWAS Ministers in charge of Mineral Resource Development held in Accra on 3<sup>rd</sup> June 2011;

**ON THE RECOMMENDATION** of the sixty-sixth Ordinary Session of the Council of Ministers held in Abuja from 17<sup>th</sup> to 19<sup>th</sup> August 2011;

**AGREE AS FOLLOWS:**

**Article 1**

By this Supplementary Act, the ECOWAS Mineral Development Policy and its Implementation Matrix are hereby adopted.

**Article 2**

The general vision of the ECOWAS Mineral Development Policy shall be to promote the harnessing of mineral resource capital, facilitate sustainable economic growth and integrated socio-economic development in the region.

**Article 3**

The overall objective of the ECOWAS Mineral Development Policy shall be to promote the development of an efficient mineral sector in the region by improving geological and mineral information, regulating and developing Artisanal and Small Scale Mining and ensuring the mainstreaming of Mineral Operators Corporate Social Responsibility in local development plans of Mineral Communities.

**Article 4**

Member States shall ensure the harmonization of the national mineral policies with the ECOWAS Mineral Development Policy referred to in Article 1 of this Supplementary Act.

**Article 5**

The ECOWAS Commission shall take necessary measures to diligently implement the ECOWAS Mineral Development Policy and its Implementation Matrix.

## **Article 6**

This Supplementary Act shall be published by the ECOWAS Commission in the official journal of the Community within thirty (30) days after its signature. It shall also be published by each Member State in its official Gazette thirty (30) days after its notification by the Commission.

## **Article 7**

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory Member States undertake to commence the implementation of its provision on its entry into force.
2. This Supplementary Act shall be attached as an annex to the ECOWAS Treaty of which it forms an integral part.

## **Article 8**

This Supplementary Act shall be deposited with the Commission which shall submit certified true copies thereof to all Member States and shall register it with the African Union, the United Nations and such other organizations as Council may determine.

**IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND  
GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST  
AFRICA, HAVE SIGNED THIS SUPPLEMENTARY ACT.**

**DONE AT ABUJA THIS 19<sup>TH</sup> DAY OF AUGUST 2011**

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



## SIXTY-SIXTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 17 – 19 August 2011

### RECOMMENDATION C/REC.3/8/11 RELATING TO THE SANCTIONS AGAINST MEMBER STATES THAT FAIL TO HONOUR THEIR OBLIGATIONS TO ECOWAS

#### THE COUNCIL OF MINISTERS,

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

**RECALLING** that ECOWAS has created supranational bodies whose decisions are binding and therefore, applicable directly and in their entirety in Community Institutions as well as in Member States, with the aim of enhancing their effectiveness;

**RECALLING** also that ECOWAS has granted its political and judicial Institutions the capacity to enforce compliance and apply the decisions of its supranational bodies;

**CONSIDERING** that Article 77 of the ECOWAS Treaty stipulates that the Authority can impose sanctions against Member States that fail to honour their obligations to the Community;

**CONSIDERING** that the Protocol A/SP1/12/01 on Democracy and Good Governance, supplementing the ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security in its Article 45, stipulates that the Community can impose different sanctions on Member States where democracy has been disrupted through whatever means;

**CONSIDERING** that Article 9 of the Supplementary Protocol A/SP1./01/05 amending the Protocol relating to the Court of Justice grants this Court the competence to consider cases of non-fulfilment by Member States of obligations incumbent upon them by virtue of the ECOWAS Treaty, Conventions and Protocols, Regulations, Decisions and Directives ;

**NOTING** that the Community provisions in force do not define the obligations, for which non-application or non-fulfilment exposes Member States to sanctions;

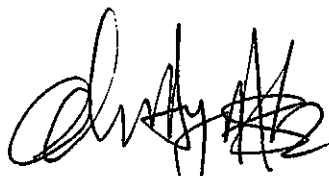
**DESIRING** to establish appropriate sanctions and ensure suitable, just and equitable application;

**CONVINCED** that the Community can only impose sanctions which are effective and actually applicable against Member States or their leaders, if it has a well-defined sanctions system;

**DESIROUS** to adopt a system comprising obligations which if unfulfilled, may lead to the imposition of sanctions, and a system that brings together in a single document the range of applicable sanctions, defining the modalities for the implementation of the said sanctions by specifying in particular, the procedures for imposing and lifting sanctions;

**RECOMMENDS** to the Authority of Heads of State and Government to adopt the Draft Supplementary Act on Sanctions against Member States that fail to honour their Obligations to ECOWAS

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**

**FORTIETH ORDINARY SESSION OF THE AUTHORITY  
OF HEADS OF STATE AND GOVERNMENT**

Abuja, .....2011

**SUPPLEMENTARY ACT A/SP.2/08/11 ON SANCTIONS AGAINST  
MEMBER STATES THAT FAIL TO HONOUR THEIR OBLIGATIONS  
TO ECOWAS**

**THE HIGH CONTRACTING PARTIES,**

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

**RECALLING** that ECOWAS has created supranational bodies whose decisions are binding and therefore applicable directly and in their entirety in Community Institutions as well as in Member States with the aim of enhancing their effectiveness;

**RECALLING** also that ECOWAS has granted its political and judicial Institutions the capacity to enforce compliance and apply the decisions of its supranational bodies;

**CONSIDERING** that Article 77 of the ECOWAS Treaty stipulates that the Authority can impose sanctions against Member States that fail to honour their obligations to the Community;

**CONSIDERING** that the Protocol A/SP1/12/01 on Democracy and Good Governance, supplementing the ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security in its Article 45, stipulates that the

Community can impose different sanctions on Member States where democracy has been disrupted through whatever means;

**CONSIDERING** that Article 9 of the Supplementary Protocol A/SP1./01/05 amending the Protocol relating to the Court of Justice grants this Court the competence to consider cases of non-fulfilment by Member States of obligations incumbent upon them by virtue of the ECOWAS Treaty, Conventions and Protocols, Regulations, Decisions and Directives ;

**NOTING** that the Community provisions in force do not define the obligations, for which non-application or non-fulfilment exposes Member States to sanctions;

**DESIRING** to establish appropriate sanctions and ensure suitable, just and equitable application;

**CONVINCED** that the Community can impose sanctions which are effective and actually applicable against Member States or their leaders, if it has a well-defined sanctions system;

**DESIROUS** to adopt a system comprising obligations which if unfulfilled, may lead to the imposition of sanctions, and a system that brings together in a single document the range of applicable sanctions, defining the modalities for the implementation of the said sanctions, by specifying in particular, the procedures for imposing and lifting sanctions;

**ON THE PROPOSAL** of the Meeting of Ministers of Justice of Member States held in Abuja on 16 to 17 May 2011;

**ON THE RECOMMENDATION** of the sixty-sixth ordinary session of the Council of Ministers held in Abuja from 17 to 19 August 2011;

**AGREE AS FOLLOWS:**



## **CHAPTER 1**

### **OBLIGATIONS FOR WHICH NON-FULFILMENT IS LIKELY TO ENGENDER SANCTIONS AGAINST MEMBER STATES**

#### **Article 1 Definition of Obligation of Member States**

1. Member States shall apply and respect Acts of the Authority and Council of Ministers which include the ECOWAS Treaty, Conventions, Protocols Supplementary Acts, Regulations, Decisions, Directives of the Community as well as the decisions of the Community Court of Justice.

#### **Article 2 Categories of obligations of Member States**

1. The obligations contained in the Acts described in Article 1 paragraph 2 of this Supplementary Act are divided into two categories. They are those Acts that aim to create within Member States and at the regional level, an atmosphere of true and lasting peace, void of all threat and violation of the constitutional order and those which aim at strengthening and accelerating the process of regional integration.
2. The following shall among others constitute the obligations of Member States, to:
  - i) respect and protect Human Rights, the Rule of law, democracy and constitutional order;
  - ii) ratify ECOWAS Protocols and Conventions;
  - iii) dismantle tariff and non-tariff barriers which hinder the free movement of persons, goods, the right of residence and establishment;
  - iv) pay all financial obligations in general and in particular apply the texts in the Community Levy;
  - v) promptly apply texts adopting the integration policies, projects and programmes of the Community;

- vi) apply the mandatory texts enumerated under Article 1 paragraph 1 of this Supplementary Act;
  - vii) prohibit the adoption of measures or positions contrary to democratic governance and respect for the Rule of Law, or likely to constitute either a serious threat to regional security or gross and severe human rights abuses, or trigger a humanitarian disaster ;
  - viii) refrain from adopting and implementing all measures likely to subvert or compromise the strengthening of the process of regional integration.
4. The decisions of the ECOWAS Community Court of Justice are binding on Member States.

## **CHAPTER 2**

### **SANCTIONS APPLICABLE IN THE EVENT OF NON-FULFILMENT OF OBLIGATIONS**

#### **Article 3 Principle of Sanctions**

1. Member States or their leaders that fail to honour their obligations to the Community shall be liable to judicial and political sanctions.
2. Leaders of Member States, members of their families and their associates shall also have sanctions imposed on them as stipulated in paragraph 1 of this Article.

#### **Article 4 Purpose of sanctions**

1. The aim of imposing sanctions must be to prevent the non-respect or non-application of mandatory Acts defined in Article 1 of this Supplementary Act from having harmful effects on the functioning of the Community and its Institutions. It is to prevent such behaviour by Member States compromising the

implementation of Community programmes and lead to gradual blockage in the activities of the Community.

2. Sanctions must encourage Member States to respect and enforce all mandatory Acts of the Community. They must promote the elimination of all obstacles to regional integration and facilitate the achievement of Community goals.
3. To be effective, sanctions to be imposed against Member States must aim at creating conditions for the restoration of normal constitutional processes when they are imposed; for example in the case of a breakdown in democracy. They also allow for the righting of a wrong or the acknowledgement of a right denied a citizen, where this right has been conferred by a mandatory Act. The aim of sanctions must be to strengthen the Community and make her more effective.
4. As far as it is possible, sanctions shall not affect the delivery of humanitarian aid to people in the concerned Member State.

#### **Article 5      Judicial Sanctions**

The Court of Justice may deliver judgements sanctioning Member States for failure to comply with their obligations under the Treaty, the Conventions and Protocols, Regulations, Decisions and Directives of ECOWAS.

#### **Article 6      Political sanctions**

Sanctions applicable against Member States that do not honour their obligations to the Community may include:

- (i) suspension of any new loans or new assistance granted by the Community;
- (ii) suspension of disbursements for all ongoing loans, projects and Community assistance programmes;
- (iii) non-acceptance of applications to statutory and professional positions within Community Institutions;
- (iv) suspension of the right to vote;

- (v) suspension from participation in Community activities;
- (vi) non-support of applications presented by Member States to elective positions in international organisations;
- (vii) refusal to organise meetings in the concerned Member State;
- (viii) suspension of the concerned Member State from all ECOWAS decision-making organs. During the suspension period, the concerned Member State shall continue to pay its contributions to the Community ;
- (ix) travel ban on the leaders their families and their associate, notwithstanding community provisions on free movement of persons;
- (x) freeze their financial assets;
- (xi) recall by other Member States of their Ambassadors from the country where there is a breakdown of democracy;
- (xii) embargo on arms entering the concerned Member State;
- (xiii) ban on contesting for the Chairmanship of the Community;
- (xiv) condemnation and refusal to acknowledge unconstitutional Governments;
- (xv) Peace enforcement or restoration of constitutional order by use of legitimate force.

**Article 7 Definition of the content of some sanctions**

To facilitate consistent and equal application to all Member States, the envisaged sanctions shall be defined in the provisions of this Supplementary Act.

**Article 8 Suspension from participation in ECOWAS activities**

1. When a Member State is suspended from participating in the activities of the Community, these activities shall include all

activities organised or co-organised by ECOWAS, as well as outside the sub-region.

2. When a Member State is suspended from participating in ECOWAS activities, ECOWAS Institutions shall not invite or admit the representatives of this country to its meetings, regardless of the place where these meetings are held. ECOWAS Institutions shall suspend the implementation or monitoring of on-going projects and programmers in this country. All consultations with leaders of the suspended Member States regarding Community activities shall cease.
32. The leaders of the suspended Member States shall not sit on any committee set up by ECOWAS to prepare or monitor the implementation of Community projects or to manage or settle issues regarding the Community. No leader of the suspended country shall be a member of any ECOWAS delegation representing the Community before international bodies or in the implementation of any Community activity.
4. The territory of the suspended Member State shall not be used to hold any meeting nor event organised or supported by ECOWAS.

**Article 9      Travel ban on leaders, their families and associates**

1. When leaders of a Member State, members of their families and associates are banned from travelling, the other Member States, without prejudice to the fullness of their powers and the relevant provisions of the ECOWAS Protocols on Free Movement of Persons, Goods, the Right of Residence and Establishment, shall :
  - a) impose on them restrictions on any travel they shall make to the other Member States;
  - b) impose restrictions on the use of their airspace or territorial waters;
  - c) expel them from their territory;

2. The afore-mentioned travel restrictions shall apply on all occasions except when the leaders under the travel ban are invited by ECOWAS, African Union, European Union and the United Nations or when the travel is for humanitarian reasons.

**Article 10 Recall by other Member States of their Ambassadors accredited to a country**

When the Authority of Heads of State and Government decides on other Member States recalling their Ambassadors accredited to a country, all diplomatic relations with that country shall also be suspended.

**Article 11 Embargo on arms entering a Member State**

1. When the Authority of Heads of State and Government decides to place an embargo on arms entering a Member State, other Member States shall put in place an embargo on the delivery of arms, ammunitions, and military equipment to this country. Other Member States shall prevent:
  - a) the sale and/or supply to a country under embargo, by their citizens or from their territory, or through their ships or aircrafts, of weaponry and related materials of all types, including arms and ammunitions, military vehicles and equipments, police equipment and related spare parts;
  - b) entry to the territorial waters of the country under embargo, of any means of transport carrying weaponry or related materials of all types, including arms and ammunitions, military and police vehicles and related spare parts.
2. When an arms embargo has been placed against a country, the President of the Commission shall not accede to any requests for exemption from the application of the provisions of the ECOWAS Convention on Small Arms and Light Weapons. The President of the Commission shall cease to notify the leaders of the country under embargo, of requests for exemption from the application of the Convention on Small Arms and Light Weapons that he may receive from other Member States, and the responses he will give to such requests.

3. Other Member States shall ensure the strict surveillance of their coastal areas, land borders and air spaces, in order to prevent any violation of the arms embargo by the country against which this sanction has been imposed.

**Article 12      Ban on standing for Presidential office in Member States**

The perpetrators of Coup d'Etat and their accomplices, governments seeking to remain in power and prevent any possibility of alternation by changing the constitution, as well as participants and beneficiaries of all other anti-constitutional changes shall not stand for presidential office in their respective Member State. ECOWAS and its Member States shall not recognise governments arising from power obtained through such means.

**CHAPTER 3**

**MODALITIES FOR IMPLEMENTING SANCTIONS**

**Article 13      Application of sanctions**

The sanctions defined in Articles 5 to 11 of this Supplementary Act shall be enforced in gradual or cumulative manner.

**Article 14      Power of Initiative**

The procedure for the application of sanctions against Member States that fail to honour their obligations to the Community shall be implemented:

- a) upon decision of the Authority of Heads of State and Government;
- b) at the request of a Member State;
- c) on the recommendation of the President of the Commission.

**Article 15 Allegations of non-compliance or non-fulfilment of obligations by Member States**

1. Cases of non-compliance or non-fulfilment by Member States of their obligations to the Community may be reported by any individual or corporate entity of a Member State, any Community Institution, Member State and may be ascertained by the Council of Ministers of the Authority of Heads of State and Government.
2. The allegations by individuals and corporate entities shall be addressed to National Authorities responsible for regional integration or the President of the Commission. When these allegations are addressed to national authorities, the latter shall forward same to the President of the Commission without delay. Allegations by Institutions shall be addressed to the President of the Commission. All allegations shall be presented to the Council of Ministers through the President of the Commission.
3. The President of the Commission shall notify the Member State concerned of the allegation against it and informs it that it has a period of thirty (30) days with effect from the date of notification, to honour the obligations which it is accused of failing to honour, or present a case in its defence.
4. At the expiration of the afore-mentioned thirty (30) days deadline, the President of the Commission shall have a thirty (30) days period to verify whether the concerned Member State has honoured its obligations to the Community. If this is the case, the President of the Community shall inform the initiator of the allegation and present a report to the Council of Ministers at its next Session.

**Article 16 Indictment against a Member State that fails to honour its obligations to the Community**

1. If, following investigations by the President of the Commission, it is revealed that the Member State has failed to respect or fulfil its obligations, and that after the start of the investigations, the concerned Member State has made no effort to remedy this, the



President of the Commission shall make a report contained in a Memorandum addressed to the Council of Ministers.

2. The Council of Ministers shall consider the Memorandum presented by the President of the Commission and set a deadline for the concerned Member State within which it must honour the obligations it is being accused of having failed to respect or fulfil.
3. If at the end of the deadline set by the Council of Ministers, the concerned Member State has still not fulfilled its obligations, the Council of Ministers shall make recommendations to the Authority of Heads of State and Government on the sanctions to be imposed on the concerned Member State, their leaders, members of their families and associates. The Authority shall impose appropriate sanctions.
4. Sanctions imposed against any Member State shall not be subject to appeal before the Community Court of Justice or any other court.

#### **Article 17      Notification of sanctions**

1. Member States shall be immediately notified of sanctions imposed on them. Other Member States as well as all Community Institutions shall also receive notifications by the President of the ECOWAS Commission.
2. The notification referred to in paragraph 1 of this article shall be published in the Official Journal of the Community by the ECOWAS Commission.

#### **Article 18      Application of sanctions and monitoring of their implementation**

1. All Member States and Community Institutions shall take the necessary measures to ensure that the Decisions by which sanctions are imposed are fully applied.
3. The President of the ECOWAS Commission shall put in place a Committee for monitoring the implementation of sanctions. The Commission shall, within its means, render the assistance

required by the concerned Member State to carry out the obligations it has failed to honour.

3. The composition of the Committee shall be defined by an enabling rule of the President of ECOWAS Commission.

**Article 19 Suspension of Application of Sanctions against a Member State**

1. Any Member State, that temporarily finds itself unable to honour the obligations described in Articles 1 of this Supplementary Act for reasons such as disasters or exceptional circumstances that seriously affect its economy, peace, security and political stability, shall inform the President of the Commission of the circumstances without delay.
2. When, in application of paragraph 1 of this Article, the President of the Commission is informed, the latter shall make a report to the Council of Ministers requesting that no sanctions be taken against the concerned Member State or that the provisions on sanctions be benevolently enforced on the Member State, until such a time as the disasters or exceptional circumstances affecting the country no longer exist.

**Article 20 Suspension of sanctions**

1. If no session of the Council of Ministers and the Authority of Heads of State is held in the two (2) months following the observation by the President of the Commission that the Member State concerned has fulfilled its obligations, the President of the Commission shall propose to the current Chairman of the Council of Ministers, who is acting on behalf of the Authority, to suspend the sanctions taken against the concerned Member State.
2. The President of the Commission shall inform the Council of Ministers of the recommendations of its Chairman and the suspension decision taken by the Chairman of the Authority at the next session of the Council
3. A Member State which fails to honour its obligations shall after sanction proceedings have been commenced against it, present a request to the Council of Ministers through the President of the

Commission, for a special time frame allowing it to ensure the respect and fulfilment of its obligations. In this case, the Chairman of the Council of Ministers, on behalf of the Council of Ministers, shall make recommendations to the Chairman of the Authority of Heads of State and Government on the suspension of the sanctions proceedings. The Chairman later acting on behalf of Authority, after private consultation with his peers, may accede to the request.

4. If at the end of the special time frame, the defaulting Member State honours its obligations, no sanction procedure will be taken against it. If the Member State does not honour its obligations, the Authority shall impose appropriate sanctions against it.

#### **Article 21      Lifting of Sanctions**

1. Once it has honoured its obligations, the Member State under sanctions shall inform the President of the Commission of its compliance. The President of the Commission, after ensuring that this is the case, shall present a report to the Council of Ministers by way of a Memorandum. The Council of Ministers, after having noted that the sanctions are no longer necessary, shall recommend their immediate removal to the Authority of Heads of State and Government.
2. Sanctions shall be lifted if, from the opinion of the Heads of State and Government, and on the basis of a substantiated report prepared by an independent body set up by the President of the Commission, the concerned Member State failed to honour its obligations due to reasons and circumstances beyond its control and if, the defaulting Member State satisfies conditions allowing for the sanctions against it to be lifted.

## **CHAPTER 4**

### **FINAL PROVISIONS**

#### **Article 22      Amendment and Revision**

1. Any Member State, the Council of Ministers or the ECOWAS Commission may submit proposals for the amendment or revision of this Supplementary Act.
2. Any proposal not originating from the ECOWAS Commission shall be submitted to it. The Commission shall notify Member States no later than thirty (30) days after receipt of such proposals. The Authority shall consider proposals on amendments and revisions after the three (3) month notice period given to Member States.
3. Amendments and revisions shall be adopted by the Authority and shall enter into force upon their publication in the Official Journal of the Community.

#### **Article 23      Publication**

This Supplementary Act shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signing by the Heads of State and Government. It shall also be published by each Member State in its National Gazette within thirty (30) days of notification by the Commission.

#### **Article 24      Entry into force**

This Supplementary Act shall enter into force upon its publication. Consequently, Member States shall undertake to commence implementation of its provisions upon its entry into force.

#### **Article 25      Miscellaneous Provisions**

The Supplementary Act shall supersede any other contrary provisions.

**Article 26 Depository Authority**

This Supplementary Act shall be deposited at the Commission which shall forward certified copies to all Member States and shall register same with the African Union, United Nations Organisation and all other organisations selected by the Council.

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

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**

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



## SIXTY-SIXTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 17 - 19 August 2011

### RECOMMENDATION C/REC.4/08/11 ON THE ABOLITION OF RESIDENCE PERMITS FOR COMMUNITY CITIZENS WITHIN THE ECOWAS REGION

THE COUNCIL OF MINISTERS,

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

**MINDFUL** of Articles 3 and 4 of the ECOWAS Treaty signed on 24 July 1993 respectively stating the aims and objectives of the Community, as well as the fundamental principles of the Community;

**MINDFUL** of Protocol A/P1/5/79 on the free movement of persons and goods, right of residence and establishment and its subsequent Protocols;

**MINDFUL** of Protocol A/P.4/5/82 of the Authority of Heads of State and Government on interstate road transit of goods;

**CONSIDERING** the Final Communiqué of the Mini Summit of ECOWAS Heads of State and Government on the establishment of an ECOWAS area without borders, which called for the abolition of the residence permit requirement for all Community citizens, in the desire to guarantee equal treatment for them in the Member States;

**CONSIDERING** that notwithstanding the efforts deployed within the sub-region, Community citizens encounter impediments to movement, stay and establishment in Community countries;

**CONSIDERING** that, by virtue of the provisions of Protocol A/P1/5/79 on the free movement of persons and goods, right of residence and establishment, ECOWAS citizens are entitled to enter, carry out business, and establish in the Member States;

**CONSIDERING** that the right of entry, residence and establishment should gradually become effective through the removal of all obstacles to the free movement of persons and goods and the right of residence and establishment;

**CONVINCED** that this is the opportune moment to abolish the residence permit requirement for Community citizens who move within, or are established in, ECOWAS Member States;

**CONSIDERING** the urgent need to speed up sub-regional integration and boost the effectiveness of a common area with a view to ensuring freedom of movement, residence and establishment of Community citizens in all ECOWAS Member States ;

**AWARE** of the difficulties Community citizens encounter when they travel within, or become established in, a country other than their countries of origin;

**CONVINCED** that only the abolition of the residence permit will ensure total freedom of movement, residence and establishment for Community citizens, and put an end to the many and diverse impediments to intra-Community trade;

**DESIROUS**, therefore, of ensuring the Member States' total abolition of the residence permit requirement for Community citizens in all ECOWAS Member States;

**HEREBY RECOMMENDS** that the Authority of Heads of State and government adopt the Supplementary Act annexed to this document, on the abolition of Residence Permits for Community Citizens within the ECOWAS Region.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**



**FORTIETH ORDINARY SESSION OF THE AUTHORITY OF  
HEADS OF STATE AND GOVERNMENT**

Abuja, ... 2011

**SUPPLEMENTARY ACT A/SP...../08/11 ON THE ABOLITION OF  
RESIDENCE PERMITS FOR COMMUNITY CITIZENS WITHIN THE  
ECOWAS REGION**

**THE HIGH CONTRACTING PARTIES,**

**MINDFUL** of Articles 7, 8 and 9 of the Revised ECOWAS Treaty establishing the Authority of Heads of State and Government and laying down its membership and functions;

**MINDFUL** of Articles 3 and 4 of the ECOWAS Treaty signed on 24 July 1993 respectively stating the aims and objectives of the Community, as well as the fundamental principles of the Community;

**MINDFUL** of Protocol A/P1/5/79 on the free movement of persons and goods, right of residence and establishment and its subsequent Protocols;

**MINDFUL** of Protocol A/P.4/5/82 of the Authority of Heads of State and Government on interstate road transit of goods;

**CONSIDERING** the Final Communiqué of the Mini Summit of ECOWAS Heads of State and Government on the establishment of an ECOWAS area without borders, which called for the abolition of the residence permit requirement for all Community citizens, in the desire to guarantee equal treatment for them in the Member States;

**CONSIDERING** that notwithstanding the efforts deployed within the sub-region, Community citizens encounter impediments to movement, stay and establishment in Community countries;

**CONSIDERING** that, by virtue of the provisions of Protocol A/P1/5/79 on the free movement of persons and goods, right of residence and establishment, ECOWAS citizens are entitled to enter, carry out business, and establish in the Member States;

**CONSIDERING** that the right of entry, residence and establishment should gradually become effective through the removal of all obstacles to the free movement of persons and goods and the right of residence and establishment;

**CONVINCED** that this is the opportune moment to abolish the residence permit requirement for Community citizens who move within, or are established in, ECOWAS Member States;

**CONSIDERING** the urgent need to speed up sub-regional integration and boost the effectiveness of a common area with a view to ensuring freedom of movement, residence and establishment of Community citizens in all ECOWAS Member States ;

**AWARE** of the difficulties Community citizens encounter when they travel within, or become established in, a country other than their countries of origin;

**CONVINCED** that only the abolition of the residence permit will ensure total freedom of movement, residence and establishment for Community citizens, and put an end to the many and diverse impediments to intra-Community trade;

**DESIROUS**, therefore, of ensuring the Member States' total abolition of the residence permit requirement for Community citizens in all ECOWAS Member States;

**ON PROPOSAL** by the 7th Forum of ECOWAS Ministers in charge of security issues in ECOWAS Member States held in Abuja, Nigeria on 6 November 2009;

**ON RECOMMENDATION** by the Sixty-fifth Session of the Council of Ministers held in Abuja from ... to ... November 2010;

## **HEREBY AGREE AS FOLLOWS:**

### **ARTICLE 1: ABOLITION OF RESIDENCE PERMITS**

By virtue of this Supplementary Act, the residence permit requirement is hereby abolished for all Community citizens within the ECOWAS area, with a view to ensuring equal treatment for them in the Member States.

### **ARTICLE 2: AMENDMENT AND REVIEW**

(1) Any Member State, the Council of Ministers, ECOWAS Parliament and ECOWAS Commission may submit proposals for amendment or review of this Supplementary Act.

(2) Proposals not emanating from the ECOWAS Commission shall be submitted to it. The Commission shall communicate all the proposals to the Member States no later than thirty (30) days after receipt. The Authority shall consider the amendment and review of proposals on expiry of a (3) three-month deadline granted the Member States.

(3) The amendments and reviews shall be adopted by the Authority in keeping with the provisions of Article 9 of the Revised ECOWAS Treaty, and shall enter into force upon publication in the Official Journal of the Community.

### **ARTICLE 3: PUBLICATION**

This Supplementary Act shall be published by the Commission in the Official Journal of the Community within thirty (30) days of signature by the Chairman of the Conference of Heads of State and Government. It shall also be published by each Member State in its National Gazette within thirty days of notification by the Commission.

### **ARTICLE 4: ENTRY INTO FORCE**

1. This Supplementary Act shall enter into force upon its publication. The Member States therefore undertake to commence the implementation of its provisions once it enters into force.

2. This Supplementary Act shall be appended to the ECOWAS Treaty of which it shall form an integral part.

**Article 5: DEPOSITORY AUTHORITY**

This Supplementary Act shall be deposited at the Commission, which shall forward certified true copies thereof to all Member States and register same with the African Union, the United Nations Organisation and all other organisations, as Council may determine.

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

**DONE AT ABUJA THIS ... DAY OF DECEMBER 2011**

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



## SIXTY-SIXTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, August 2011

### RECOMMENDATION C/REC.5/08/11 ADOPTING A (SCHENGEN- TYPE) SINGLE VISA SYSTEM WITHIN THE ECOWAS REGION

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Articles 3 and 4 of the ECOWAS Treaty adopted on 24 July 1993, which state respectively the aims and objectives of the Community as well as its fundamental principles;

**MINDFUL** of Protocol A/P1/5/79 on the free movement of persons and goods, right of residence and establishment and its subsequent Protocols;

**MINDFUL** of Protocol A/P.4/5/82 of the Authority of Heads of State and Government on the road transit of goods between Member States;

**CONSIDERING** the Final Communiqué of the mini Summit of ECOWAS Heads of State and Government on the establishment of a borderless ECOWAS region that requires the adoption of a Single Visa System (Shengen- type) for any visitor who wishes to enter any Member State;

**CONSIDERING** that the approach is aimed at facilitating ECOWAS Member States' access to foreign visitors and investors and promoting tourism within the Community region;

**CONSIDERING** that, in the framework of the regional integration process, establishment of the single visa system is one of the important stages for free movement of persons and goods;

**CONVINCED** that it is now opportune to establish a multi-country (Shengen type) single visa system that may enable any visitor to a Community Member State to travel with a single visa to any State of his/her choice without requiring any other special administrative formality;

**CONSIDERING** the urgent need to accelerate regional integration and the effectiveness of a Community area with a view to ensuring free movement, promotion of foreign investment, and tourism;

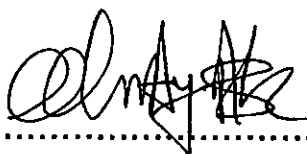
**AWARE** of the difficulties encountered by foreign visitors, tourists and investors when they plan to travel within the Community area;

**CONVINCED** that adoption of single Community visa system is one of the indispensable factors for the promotion of foreign investments and tourism;

**DESIROUS**, therefore, of ensuring that the Member States allow any foreign visitor issued with a visa by one Member State is able to move within the other Member States without any special formality;

**HEREBY RECOMMENDS** that the Authority of Heads of State and government adopt the Supplementary Act annexed to this document adopting a (Schengen-type) single visa system within the ECOWAS Region.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**

**FORTIETH ORDINARY SESSION OF THE AUTHORITY OF  
HEADS OF STATE AND GOVERNMENT**

Abuja, ... 2011

**SUPPLEMENTARY ACT A/SP.../08/11 ADOPTING A (SCHENGEN-  
TYPE) SINGLE VISA SYSTEM WITHIN THE ECOWAS REGION**

**THE HIGH CONTRACTING PARTIES,**

**MINDFUL** of Articles 7, 8 and 9 of the Revised ECOWAS Treaty establishing the Authority of Heads of State and Government and laying down its membership and functions; d

**MINDFUL** of Articles 3 and 4 of the ECOWAS Treaty adopted on 24 July 1993, which state respectively the aims and objectives of the Community as well as its fundamental principles;

**MINDFUL** of Protocol A/P1/5/79 on the free movement of persons and goods, right of residence and establishment and its subsequent Protocols;

**MINDFUL** of Protocol A/P.4/5/82 of the Authority of Heads of State and Government on the road transit of goods between Member States;

**CONSIDERING** the Final Communiqué of the mini Summit of ECOWAS Heads of State and Government on the establishment of a borderless ECOWAS region that requires the adoption of a Single Visa System (Shengen- type) for any visitor who wishes to enter any Member State;

**CONSIDERING** that the approach is aimed at facilitating ECOWAS Member States' access to foreign visitors and investors and promoting tourism within the Community region;

**CONSIDERING** that, in the framework of the regional integration process, establishment of the single visa system is one of the important stages for free movement of persons and goods;

**CONVINCED** that it is now opportune to establish a multi-country (Shengen type) single visa system that may enable any visitor to a Community Member State to travel with a single visa to any State of his/her choice without requiring any other special administrative formality;

**CONSIDERING** the urgent need to accelerate regional integration and the effectiveness of a Community area with a view to ensuring free movement, promotion of foreign investment, and tourism;

**AWARE** of the difficulties encountered by foreign visitors, tourists and investors when they plan to travel within the Community area;

**CONVINCED** that adoption of single Community visa system is one of the indispensable factors for the promotion of foreign investments and tourism;

**DESIROUS**, therefore, of ensuring that the Member States allow any foreign visitor issued with a visa by one Member State is able to move within the other Member States without any special formality;

**ON PROPOSAL** by the 7<sup>th</sup> Forum of Ministers in charge of security questions in the ECOWAS Member States held in Abuja (Nigeria) on 6<sup>th</sup> November 2009;

**ON RECOMMENDATION** by the Sixty-Sixth Session of the ECOWAS Council of Ministers held in Abuja from ... to ... November 2010;



**HEREBY AGREE AS FOLLOWS:**

**ARTICLE 1: ADOPTION OF A SINGLE VISA SYSTEM**

It is hereby adopted by this Supplementary Act, the multi-country (Schengen type) Single Visa system for all foreign visitors to the ECOWAS region.

**ARTICLE 2: IMPLEMENTATION**

Member States undertake to ensure effective implementation of this Supplementary Act upon its publication.

**ARTICLE 3: AMENDMENT AND REVISION**

(1) Any Member State, the Council of Ministers, ECOWAS Parliament or the ECOWAS Commission may submit proposals for the amendment or revision of this Supplementary Act.

(2) Proposals initiated by any institution other than the ECOWAS Commission shall be submitted to the ECOWAS Commission, which shall transmit such proposals to all Member States no later than thirty (30) days after receiving such proposals. The Authority shall consider the proposed amendments or revisions on expiry of the three-month deadline granted to Member States.

(3) Amendments or revisions shall be adopted by the Authority in conformity with Article 9 of the Revised ECOWAS Treaty. They shall come into force upon their publication in the Official Journal of the Community.

**ARTICLE 4: PUBLICATION**

This Supplementary Act shall be published by the Commission in the Official Journal of the Community within thirty (30) days after signature by the Chairman of the Authority of Heads of State and Government. It

shall also be published by each Member State in its Official Gazette within thirty (30) days after notification by the Commission thereof.

#### **ARTICLE 5: ENTRY INTO FORCE**

1. This Supplementary Act shall enter into force upon its publication. Consequently, all Member States undertake to start implementing its provisions upon its entry into force.
2. This Supplementary Act shall constitute an annex to the ECOWAS Treaty, of which it shall form an integral part.

#### **Article 6: DEPOSITORY AUTHORITY**

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies to all Member States and register with the African Union, the United Nations Organisation, and such other organisations as Council may determine.

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

**DONE AT ABUJA, THIS ... DAY OF .....2011**

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



## **SIXTY-SIXTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS**

Abuja, 17 – 19<sup>th</sup> August 2011

### **RECOMMENDATION C/REC.6/08/11 SUPPORTING THE CANDIDATURE OF DR. RENE KOUASSI FOR ELECTION TO THE POST OF COMMISSIONER FOR ECONOMIC AFFAIRS OF THE AFRICAN UNION COMMISSION**

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

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

**MINDFUL** of Decision A/DEC.2/07/10 of 2<sup>nd</sup> July 2010 adopting the Rules of Procedure of the Authority of Heads of State and Government;

**MINDFUL** of Article 13 paragraph 3 of the Rules of Procedure of the Authority of Heads of State and Government which provides that, in between two sessions, the Chairman of the Authority shall exercise the powers of the Authority and take decisions on its behalf;

**RECALLING** that, at the 39<sup>th</sup> Ordinary Session of the Authority held in Abuja on 23 and 24 March 2011, the mandate of the Federal Republic of Nigeria as Chair was renewed by the Heads of State and Government until 31st December 2011;

**CONSIDERING** that the Republic of Côte d'Ivoire has sought the other Member States' support for the candidature of its national, Dr René Kouassi, for election as--- Commissioner for Economic Affairs in the African Union Commission;

**CONSIDERING** that Dr. René Kouassi has the requisite qualifications, experience and skills to acquit himself creditably of the responsibilities that may be assigned him within the African Union Commission;

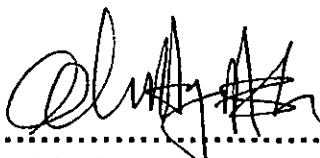
**NOTING** that the ECOWAS Commission has been informed only of the candidature of Dr Rene Kouassi for the above-mentioned election and that the Republic of Côte d'Ivoire is the only Member State seeking the support of the other Member States for its candidate.

**DETERMINED** to support the candidatures of the most deserving Community citizens for recruitment into international organisations which are considered of utmost interest to the West African region;

**DESIROUS** of adopting a common position in support of the candidature of Dr René Kouassi and ensuring his actual appointment to the African Union Commission;

**HEREBY RECOMMENDS** that the Authority of Heads of State and government adopt the Decision annexed to this document, on supporting the candidature of Dr. Rene KOUASSI for election to the post of Commissioner for Economic Affairs of the African Union Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**



**DECISION C/AHSG.3/08/11 SUPPORTING THE CANDIDATURE  
OF DR. RENE KOUASSI FOR ELECTION TO THE POST OF  
COMMISSIONER FOR ECONOMIC AFFAIRS OF THE AFRICAN  
UNION COMMISSION**

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

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

**MINDFUL** of Decision A/DEC.2/07/10 of 2<sup>nd</sup> July 2010 adopting the Rules of Procedure of the Authority of Heads of State and Government;

**MINDFUL** of Article 13 paragraph 3 of the Rules of Procedure of the Authority of Heads of State and Government which provides that, in between two sessions, the Chairman of the Authority shall exercise the powers of the Authority and take decisions on its behalf;

**RECALLING** that, at the 39<sup>th</sup> Ordinary Session of the Authority held in Abuja on 23 and 24 March 2011, the mandate of the Federal Republic of Nigeria as Chair was renewed by the Heads of State and Government until 31st December 2011;

**CONSIDERING** that the Republic of Côte d'Ivoire has sought the other Member States' support for the candidature of its national, Dr René Kouassi, for election as--- Commissioner for Economic Affairs in the African Union Commission;

**CONSIDERING** that Dr. René Kouassi has the requisite qualifications, experience and skills to acquit himself creditably of the responsibilities that may be assigned him within the African Union Commission;



- 2 -

**NOTING** that the ECOWAS Commission has been informed only of the candidature of Dr Rene Kouassi for the above-mentioned election and that the Republic of Côte d'Ivoire is the only Member State seeking the support of the other Member States for its candidate.

**DETERMINED** to support the candidatures of the most deserving Community citizens for recruitment into international organisations which are considered of utmost interest to the West African region;

**DESIROUS** of adopting a common position in support of the candidature of Dr René Kouassi and ensuring his actual appointment to the African Union Commission;

**ON THE RECOMMENDATION** by the Sixty-sixth Session of the Council of Ministers held in Abuja from 17 to 19 August 2011;

### **HEREBY DECIDES AS FOLLOWS**

#### **ARTICLE 1**

1. ECOWAS Member States hereby support the candidacy of Dr. René Kouassi for election into the position of Commissioner for Economic Affairs in the African Union Commission.
2. The competent authorities of the Member States shall take appropriate measures to ensure that they vote for Dr René KOASSIE at the election referred to in paragraph 1 of this Article.

#### **ARTICLE 2**

The competent authorities of the Member States and the President of the ECOWAS Commission shall appeal to the other sub-regions to undertake measures to ensure the attainment of the purpose of this Decision.



- 3 -

**ARTICLE 3**

This Decision shall be published by the President of the Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Authority. It shall also be published by each Member State in its National Gazette within thirty (30) days after due notification by the Commission.

**DONE AT ABUJA, THIS 22<sup>ND</sup> DAY OF AUGUST 2011**

.....  
**H.E. GOODLUCK EBELE JONATHAN (GCFR)**

**CHAIRMAN**

**FOR THE AUTHORITY**



**SIXTY-SIXTH ORDINARY SESSION OF THE COUNCIL  
OF MINISTERS**

Abuja, August 2011

**RECOMMENDATION C/REC.7/08/11 SUPPORTING THE  
CANDIDATURE OF PROFESSOR JEAN-PIERRE EZIN FOR  
ELECTION AS COMMISSIONER FOR HUMAN RESOURCES,  
SCIENCE AND TECHNOLOGY OF THE AFRICAN UNION  
COMMISSION**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL OF** Decision A/DEC.2/07/10 of 2 July 2010 adopting the Rules of Procedure of the Authority of Heads of State and Government;

**MINDFUL** of Article 13 paragraph 3 of the Rules of Procedure of the Authority of Heads of State and Government prescribing in Article 13 Paragraph 3 that, in-between two sessions, the Chairman shall exercise the powers of the Authority and act on its behalf;

**RECALLING** that at the Thirty-Ninth Ordinary Session of Authority held in Abuja on 23 and 24 March 2011, the Heads of State and Government renewed the tenure of the Federal Republic of Nigeria as Chair of the ECOWAS Authority of Heads of State and Government until 31 December 2011;



**CONSIDERING** that the Republic of Benin is seeking the support of the other Member States for the candidature of a Beninois national, Prof. Jean-Pierre EZIN, for election as Commissioner for Human Resources, Science and Technology of the African Union Commission;

**CONSIDERING** that Prof. Jean-Pierre EZIN possesses the requisite qualifications, experience and skills to enable him acquit himself creditably of the responsibilities that may be assigned him as Commissioner for Human Resources, Science and Technology of the African Union Commission;

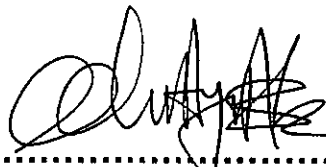
**NOTING** that the ECOWAS Commission has been apprised only of the candidature of Professor EZIN for the election referred to above, and that the Republic of Benin is the only Member State seeking the other Member States' support for its candidate;

**DETERMINED** to support the candidatures of the most deserving ECOWAS citizens for recruitment into International Organisations of essential interest to the West African region;

**DESIROUS** of adopting a common position for the candidature of Professor Jean-Pierre EZIN and ensuring that he is actually elected Commissioner for Human Resources, Science and Technology of the African Union Commission

**HEREBY RECOMMENDS** that the Authority of Heads of State and government adopt the Decision annexed to this document, supporting the candidature of Professor JEAN-PIEERE EZIN for election as Commissioner for Human Resources, Science and Technology of the African Union.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

CHAIRMAN

FOR COUNCIL



**DECISION C/AHSG.4/08/11 ON SUPPORT FOR THE  
CANDIDATURE OF PROFESSOR JEAN-PIERRE EZIN FOR  
ELECTION AS COMMISSIONER FOR HUMAN RESOURCES,  
SCIENCE AND TECHNOLOGY OF THE AFRICAN UNION  
COMMISSION**

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

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

**MINDFUL OF** Decision A/DEC.2/07/10 of 2 July 2010 adopting the Rules of Procedure of the Authority of Heads of State and Government;

**MINDFUL** of Article 13 paragraph 3 of the Rules of Procedure of the Authority of Heads of State and Government prescribing in Article 13 Paragraph 3 that, in-between two sessions, the Chairman shall exercise the powers of the Authority and act on its behalf;

**RECALLING** that at the Thirty-Ninth Ordinary Session of Authority held in Abuja on 23 and 24 March 2011, the Heads of State and Government renewed the tenure of the Federal Republic of Nigeria as Chair of the ECOWAS Authority of Heads of State and Government until 31 December 2011;

**CONSIDERING** that the Republic of Benin is seeking the support of the other Member States for the candidature of a Beninois national, Prof. Jean-Pierre EZIN, for election as Commissioner for Human Resources, Science and Technology of the African Union Commission;

**CONSIDERING** that Prof. Jean-Pierre EZIN possesses the requisite qualifications, experience and skills to enable him acquit himself creditably of the responsibilities that may be assigned him as Commissioner for Human Resources, Science and Technology of the African Union Commission;



- 2 -

**NOTING** that the ECOWAS Commission has been apprised only of the candidature of Professor EZIN for the election referred to above, and that the Republic of Benin is the only Member State seeking the other Member States' support for its candidate;

**DETERMINED** to support the candidatures of the most deserving ECOWAS citizens for recruitment into International Organisations of essential interest to the West African region;

**DESIROUS** of adopting a common position for the candidature of Professor Jean-Pierre EZIN and ensuring that he is actually elected Commissioner for Human Resources, Science and Technology of the African Union Commission

**ON THE RECOMMENDATION** of the Sixty-Sixth Ordinary Session of the Council of Ministers held in Abuja from 17 to 19 August 2011;

**HEREBY DECIDES**

**ARTICLE 1**

1. ECOWAS Member States hereby support the candidature of Professor Jean-Pierre EZIN for election as Commissioner for Human Resources, Science and Technology of the African Union Commission.
2. The competent authorities of the Member States shall take the appropriate measures to ensure that they vote for Professor Jean-Pierre EZIN at the election referred to in paragraph 1 of this Article.



- 3 -

**ARTICLE 2**

The Competent Authorities of the ECOWAS Member States and the President of the ECOWAS Commission shall appeal to states in other sub- regions to ensure the attainment of the purpose of this Decision.

**ARTICLE 3**

This Decision shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman. It shall also be published by each Member State in its Official Gazette within the (30) thirty-day timeframe after notifying the Commission thereof.

DONE AT ABUJA, THIS 22<sup>ND</sup> DAY OF AUGUST 2011

.....  
H.E. GOODLUCK EBELE JONATHAN (GCFR)

FOR THE AUTHORITY,

THE CHAIRMAN



**SIXTY-SIXTH ORDINARY SESSION OF THE COUNCIL  
OF MINISTERS**

Abuja, August 2011

**RECOMMENDATION C/REC.8/08/11 ON SUPPORT FOR THE  
CANDIDATURE OF MRS FATOU BOMM BENSOU DA FOR  
ELECTION AS PROSECUTOR AT THE INTERNATIONAL  
CRIMINAL COURT (ICC)**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL OF** Decision A/DEC.2/07/10 of 2 July 2010 adopting the Rules of Procedure of the Authority of Heads of State and Government;

**MINDFUL** of Article 13 paragraph 3 of the Rules of Procedure of the Authority of Heads of State and Government, which provides in Article 13 Paragraph 3 that in-between two sessions, the Chairman shall exercise the powers of the Authority and act on its behalf;

**RECALLING** that at the Thirty-Ninth Ordinary Session of Authority held in Abuja from 23 to 24 March 2011, the Authority of Heads of State and Government renewed the tenure of the Federal Republic of Nigeria as Chair of the ECOWAS Authority of Heads of State and Government until 31 December 2011;

**CONSIDERING** that the Republic of The Gambia is seeking the other Member States' support for the candidature of a Gambian national, Mrs. Fatou Bomm BENSOUA for election as Prosecutor at the International Criminal Court;

**CONSIDERING** that Mrs. Fatou BENSOUA possesses the requisite qualifications, experience and skills to enable her acquit herself creditably of the responsibilities that may be assigned her as Prosecutor of the International Criminal Court;

**NOTING** that the ECOWAS Commission has been informed only of the candidature of Mrs. Fatou BENSOUA for the election referred to above, and that the Republic of The Gambia is the only Member State seeking the other Member States' support for its candidate;

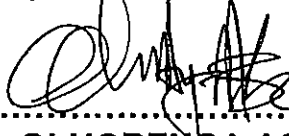
**DETERMINED** to support candidatures of the most deserving ECOWAS citizens for recruitment into International Organisations which are considered of utmost interest to the West African region;

**DESIROUS** of adopting a common position for the candidature of Mrs. Fatou Bomm BENSOUA and ensuring that she is actually elected Prosecutor of the International Criminal Court;

**DESIROUS** of adopting a common position for the candidature of Mrs. Fatou Bomm BENSOUA and ensuring that she is actually elected Prosecutor of the International Criminal Court;

**HEREBY RECOMMENDS** that the Authority of Heads of State and government adopt the Decision annexed to this document, supporting the candidature of Mrs. Fatou Bomm BENSOUA for election as Prosecutor at the International Criminal Court (ICC).

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**



**DECISION C/AHSG.5/08/11 ON SUPPORT FOR THE  
CANDIDATURE OF MRS FATOU BOMM BENSOU DA FOR  
ELECTION AS PROSECUTOR AT THE INTERNATIONAL  
CRIMINAL COURT (ICC)**

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

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

**MINDFUL OF** Decision A/DEC.2/07/10 of 2 July 2010 adopting the Rules of Procedure of the Authority of Heads of State and Government;

**MINDFUL** of Article 13 paragraph 3 of the Rules of Procedure of the Authority of Heads of State and Government, which provides in Article 13 Paragraph 3 that in-between two sessions, the Chairman shall exercise the powers of the Authority and act on its behalf;

**RECALLING** that at the Thirty-Ninth Ordinary Session of Authority held in Abuja from 23 to 24 March 2011, the Authority of Heads of State and Government renewed the tenure of the Federal Republic of Nigeria as Chair of the ECOWAS Authority of Heads of State and Government until 31 December 2011;

**CONSIDERING** that the Republic of The Gambia is seeking the other Member States' support for the candidature of a Gambian national, Mrs. Fatou Bomm BENSOU DA for election as Prosecutor at the International Criminal Court;

**CONSIDERING** that Mrs. Fatou BENSOU DA possesses the requisite qualifications, experience and skills to enable her acquit herself creditably of the responsibilities that may be assigned her as Prosecutor of the International Criminal Court;



- 2 -

**NOTING** that the ECOWAS Commission has been informed only of the candidature of Mrs. Fatou BENSOUA for the election referred to above, and that the Republic of The Gambia is the only Member State seeking the other Member States' support for its candidate;

**DETERMINED** to support candidatures of the most deserving ECOWAS citizens for recruitment into International Organisations which are considered of utmost interest to the West African region;

**DESIROUS** of adopting a common position for the candidature of Mrs. Fatou Bomm BENSOUA and ensuring that she is actually elected Prosecutor of the International Criminal Court;

**UPON RECOMMENDATION** by the Sixty-Sixth Ordinary Session of the Council of Ministers held in Abuja from 17 to 18 August 2011;

### **HEREBY DECIDES**

#### **ARTICLE 1**

1. ECOWAS Member States hereby support the candidature of Mrs. Fatou Bomm BENSOUA for election as Prosecutor at the International Criminal Court.
2. The competent authorities of the Member States shall take the appropriate measures to ensure that they vote for Mrs. Fatou BENSOUA at the election referred to in paragraph 1 of this Article.

#### **ARTICLE 2**

The competent authorities of the ECOWAS Member States and the President of the ECOWAS Commission shall appeal to the other sub-regions to ensure the attainment of the purpose of this Decision.





- 3 -

**ARTICLE 3**

This Decision shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Authority. It shall also be published by each Member State in its Official Gazette within the 30) thirty-day timeframe after notifying the Commission thereof.

DONE AT ABUJA, THIS 22ND DAY OF AUGUST 2011

.....  
H.E. GOODLUCK EBELE JONATHAN (GCFR)

FOR THE AUTHORITY,  
THE CHAIRMAN



**SIXTY-SIXTH ORDINARY SESSION  
OF THE COUNCIL OF MINISTERS**

Abuja, 17 - 19 August 2011

**RECOMMENDATION C/REC.9/08/11 SUPPORTING THE  
CANDIDATURE OF THE TOGOLESE REPUBLIC FOR THE  
POST OF NON-PERMANENT MEMBER IN THE UNITED  
NATIONS SECURITY COUNCIL**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Decision A/DEC.2/07/10 of 2<sup>nd</sup> July 2010 adopting the Rules of Procedure of the Authority of Heads of State and Government;

**MINDFUL** of Article 13 paragraph 3 of the Rules of Procedure of the Authority of Heads of State and Government which provides that, in between two sessions, the Chairman of the Authority shall perform the duties of the Authority and take decisions on its behalf;

**RECALLING** that at its 39<sup>th</sup> Ordinary Session held in Abuja on 23 and 24 March 2011, the Heads of State and Government renewed the mandate of the Federal Republic of Nigeria as Chairman of the Authority of Heads of State and Government until 31st December 2011;

**CONSIDERING** that the Togolese Republic has sought the support of other Member States for its election as non-permanent member of the United Nations Security Council;

**NOTING** that the ECOWAS Commission has been informed only of the candidature of the Togolese Republic for the above-mentioned position and that the Togolese Republic is the only Member State seeking the other Member States' support of for its candidature;

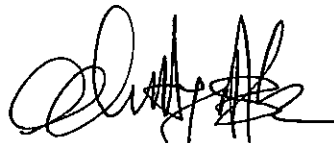
**DETERMINED** to support the candidatures of Member States of the Community for positions in international organisations which are considered of utmost interest to the West African region;

**DESIROUS** of adopting a common position on support to the candidature of the Togolese Republic and ensuring her election as non-permanent Member of the United Nations Security Council;

**ON THE RECOMMENDATION** of the Sixty-sixth Session of the Council of Ministers held in Abuja from 17 to 19 August 2011

**HEREBY RECOMMENDS** that the Authority of Heads of State and government adopt the Decision annexed to this document, supporting the candidature of the Togolese Republic for the post of Non-Permanent Member in the United Nations Security Council

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

**CHAIRMAN**

**FOR COUNCIL**



**DECISION C/AHSG.6/08/11 SUPPORTING THE CANDIDATURE  
OF THE TOGOLESE REPUBLIC FOR THE POST OF NON-  
PERMANENT MEMBER IN THE UNITED NATIONS SECURITY  
COUNCIL**

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

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

**MINDFUL** of Decision A/DEC.2/07/10 of 2<sup>nd</sup> July 2010 adopting the Rules of Procedure of the Authority of Heads of State and Government;

**MINDFUL** of Article 13 paragraph 3 of the Rules of Procedure of the Authority of Heads of State and Government which provides that, in between two sessions, the Chairman of the Authority shall perform the duties of the Authority and take decisions on its behalf;

**RECALLING** that at its 39<sup>th</sup> Ordinary Session held in Abuja on 23 and 24 March 2011, the Heads of State and Government renewed the mandate of the Federal Republic of Nigeria as Chairman of the Authority of Heads of State and Government until 31st December 2011;

**CONSIDERING** that the Togolese Republic has sought the support of other Member States for its election as non-permanent member of the United Nations Security Council;

**NOTING** that the ECOWAS Commission has been informed only of the candidature of the Togolese Republic for the above-mentioned position and that the Togolese Republic is the only Member State seeking the other Member States' support of for its candidature;



- 2 -

**DETERMINED** to support the candidatures of Member States of the Community for positions in international organisations which are considered of utmost interest to the West African region;

**DESIROUS** of adopting a common position on support to the candidature of the Togolese Republic and ensuring her election as non-permanent Member of the United Nations Security Council;

**ON THE RECOMMENDATION** by the Sixty-sixth Session of the Council of Ministers held in Abuja from 17 to 19 August 2011

### **HEREBY DECIDES**

#### **ARTICLE 1**

1. ECOWAS Member States hereby support the candidature of the Togolese Republic as non-Permanent Member of the United Nations Security Council;
2. The competent authorities of the Member States shall take appropriate measures to ensure that they vote for the Togolese Republic at the election to the position referred to in paragraph 1 of this Article.

#### **ARTICLE 2**

The competent authorities of ECOWAS Member States and the President of the ECOWAS Commission shall appeal to the other sub-regions to undertake measures to ensure the attainment of the purpose of this Decision.



- 3 -

**ARTICLE 3**

This Decision shall be published by the President of the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Authority. It shall also be published by each Member State in its National Gazette within thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 22<sup>ND</sup> DAY OF AUGUST 2011

.....  
H.E. GOODLUCK EBELE JONATHAN (GCFR)

CHAIRMAN

FOR THE AUTHORITY



## **Sixty-Sixth Ordinary Session of the Council of Ministers**

Abuja 17 – 19 August 2011

### **RECOMMENDATION C/REC.10/ 08/11 RELATING TO SUPPORT FOR THE CANDIDATURE OF MR MOHAMMED BELLO ADOKE FOR RE-ELECTION TO THE INTERNATIONAL LAW COMMISSION OF THE UNITED NATIONS**

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

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

**CONSIDERING** that the Federal Republic of Nigeria is seeking the support of the other Member States, for the candidature of a Nigerian national, Mr Mohammed Bello ADOKE, for re-election to the United Nations International Law Commission;

**CONSIDERING** that **Mr Mohammed Bello ADOKE** possesses the requisite qualifications, experience and skills to enable him acquit himself creditably of the responsibilities that may be assigned him within the United Nations International Law Commission;

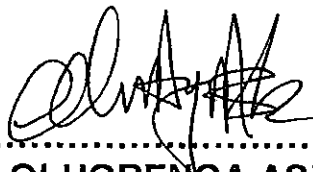
**NOTING** that Mr Mohammed Bello ADOKE whose candidature to the above-mentioned position has been notified to the ECOWAS Commission, and that the Federal Republic of Nigeria seeks the support of the other Member States for its candidate;

**DETERMINED** to support the candidatures of the most deserving ECOWAS citizens for recruitment to International Organisations which present a crucial interest to the West African region;

**DESIROUS** of adopting a common position on support for the candidacy of Mr Mohammed Bello ADOKE as a means of facilitating his re-election to the United Nations International Law Commission;

**HEREBY RECOMMENDS** that the Authority of Heads of State and government adopt the Decision annexed to this document, on support for the candidature of Mr Mohammed Bello ADOKE for re-election to the United Nations International Law Commission.

**DONE AT ABUJA, THIS 19<sup>TH</sup> DAY OF AUGUST 2011**



.....  
**H.E. OLUGBENGA ASHIRU**

CHAIRMAN

FOR COUNCIL





**Fortieth Ordinary Session of the Authority of  
Heads of State and Government**

Abuja, 17 – 19 August 2011

**DECISION C/AHSG.7/08/11 RELATING TO SUPPORT FOR THE  
CANDIDACY OF MOHAMMED BELLO ADOKE ON HIS RE-  
ELECTION TO THE UNITED NATIONS INTERNATIONAL LAW  
COMMISSION**

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

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

**CONSIDERING** that the Federal Republic of Nigeria is seeking the other Member States' support for the candidature of its national, Mr Mohammed Bello ADOKE, for re-election to the United Nations International Law Commission;

**MINDFUL** of the fact that Mr Mohammed Bello ADOKE has the requisite qualifications, experience and competence to acquit himself creditably of the responsibilities that may be entrusted him within the United Nations International Law Commission;

**NOTING** that Mr Mohammed Bello ADOKE whose candidature to the above-mentioned position has been notified to the ECOWAS Commission, and that the Federal Republic of Nigeria seeks the support of the other Member States for its candidate;

**DETERMINED** to support the candidatures of the most deserving Community citizens for recruitment to international organizations that have an essential bearing for the West African region;



- 2 -

**DESIROUS** of adopting a common position to support the candidacy of Mr Mohammed Bello ADOKE as a means of facilitating his effective re-election to the United Nations International Law Commission;

**ON THE RECOMMENDATION** of the Sixty-sixth Session of the Council of Ministers held in Abuja from 17 to 19 August 2011;

**HEREBY DECIDES**

**ARTICLE 1**

1. ECOWAS Member States hereby agree to support the candidature of Mr. Mohammed Bello ADOKE who at the forthcoming elections to the United Nations International Law Commission
2. The relevant authorities of the Member States shall take necessary measures to ensure that they vote for Mr Mohammed Bello ADOKE at the election referred to in paragraph 1 of this Article.

**ARTICLE 2**

The Competent Authorities of the ECOWAS Member States and the President of the ECOWAS Commission shall dialogue with States in other regions to ensure the attainment of the goal of this Decision.



- 3 -

**ARTICLE 3**

This Decision shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Authority of Heads of State and Government, as well as by each Member State in its Official Gazette within the stipulated timeframe after notification by the Commission thereof.

**DONE AT ABUJA THIS 19<sup>TH</sup> DAY OF AUGUST 2011**

**THE PRESIDENT**

.....  
**HIS EXCELLENCY GOODLUCK EBELE JONATHAN**

**CHAIRMAN  
FOR THE AUTHORITY**



**Mini-Summit of ECOWAS Heads of State and Government Of  
Burkina Faso, Côte d'Ivoire, Liberia, Ghana, Nigeria and  
Senegal**

**Abuja, 10 September 2011**

**Final Communiqué**

1. The Heads of State of Burkina Faso, Cote d'Ivoire, Ghana, Liberia, Nigeria and Senegal met in a Mini-Summit in Abuja, Federal Republic of Nigeria on 10 September 2011 under the auspices of H.E. Goodluck Ebele Jonathan, GCFR, Chairman of the Authority, to review the security situation in Cote d'Ivoire and Liberia.
2. They expressed deep concern with the security situation along the corridor between the two Member States and within Liberia, characterised by criminal activities of non-state armed groups, by the presence and circulation of small arms and light weapons (SALW), and by the plight of refugees, returnees and internally-displaced persons (IDPs).
3. Having reviewed the potential impact of the situation on the forth-coming elections in Liberia, particularly in the light of the tensions generated recently, and the probability of the armed groups being used to perpetrate violence and disrupt the elections;

## The Mini-Summit:

- i. Commended the role being played by the United Nations Missions to stabilise the security situation in Cote d'Ivoire and Liberia;
- ii. Urged the United Nations to intensify joint UNOCI-UNMIL monitoring and control of the common border zone between the two countries. To that end, requested the UN to provide additional technical assistance to the peace-keeping Missions.
- iii. Resolved to continue to work closely with the UN in line with the UNSC Resolution 2000 (2011), with a view to creating the requisite environment for the conduct of peaceful, free, fair and credible elections on 11 October 2011.

4. In the light of the foregoing, the Heads of State instructed the President of the ECOWAS Commission to convene a meeting of the Chiefs of Defence Staff (CDS) and Chiefs of Police of the six Member States in Monrovia on Tuesday, 13 September, 2011 to assess the security threats in the area, and particularly to the electoral process in Liberia, and to make recommendations. They further instructed him to follow up this meeting with a meeting of the CDSs of the fifteen Member States to finalize the recommendations.

5. The Heads of State tasked representatives of the Mini-Summit to meet with the UN Secretary-General, H.E. Ban Ki Moon, with a view to urging greater UN security efforts in the region, as well as expressing the desire of the Mini-Summit for greater ECOWAS-UN cooperation, in this regard.

6. With regard to the forth-coming elections in Liberia, the Mini-Summit emphasized to all the stakeholders in Liberia that it is determined to ensure peaceful, free, fair and transparent elections in that country. To that end, it appealed to them to cooperate in achieving the objective by putting the interest of Liberia above sectional considerations.

7. The Heads of State reiterated that ECOWAS would not tolerate any acts of incitement and provocation during the electoral process, or refusals of the

outcomes of free and fair elections. In this respect, they declared zero tolerance for any attempt to oppose the verdict of the ballot box.

8. The Heads of State instructed the President of the ECOWAS Commission to deploy a Special Envoy to Liberia to cover the period of the elections. They equally authorized him to lead a joint ECOWAS-UNOWA Mission to Liberia to interact with all the stakeholders, with a view to ensuring a peaceful and credible electoral process.

9. With regard to the Humanitarian Situation, the Mini-Summit Instructed the President of the Commission to intensify ECOWAS efforts, in collaboration with the relevant UN Agencies, at mobilising assistance for the refugees and IDPs along the common border and facilitating the return and resettlement of refugees and IDPs.

10. The Heads of State expressed deep appreciation to H.E. Goodluck Eble Jonathan, Chairman of the Authority and the Government and People of the Federal Republic of Nigeria for the warm welcome accorded them and the facilities put at their disposal for their successful deliberations.

**Done at Abuja this 10<sup>th</sup> day of September 2011**

**The Heads of State**