

ECONOMIC COMMUNITY OF  
WEST AFRICAN STATES



COMMUNAUTÉ ECONOMIQUE  
DES ETATS DE L'AFRIQUE  
DE L'OUEST

ECW/CM LIV/12/Rev.3

**Fifty-fourth Ordinary Session of the ECOWAS  
Council of Ministers**

**Abuja, 23 June, 2005**

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**FINAL REPORT**

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**Executive Secretariat  
Abuja, June 2005**

## **I. INTRODUCTION**

1. The fifty-fourth Ordinary Session of the ECOWAS Council of Ministers took place at the Executive Secretariat, Abuja, on 23 June, 2005.

2. The following member states were represented:

- Republic of Benin
- Burkina Faso
- Republic of Côte d'Ivoire
- Republic of The Gambia
- Republic of Ghana
- Republic of Guinea
- Republic of Liberia
- Republic of Mali
- Republic of Niger
- Federal Republic of Nigeria
- Republic of Senegal
- Sierra Leone
- Togolese Republic.

3. The following ECOWAS institutions and specialized agencies were also represented:

- The ECOWAS Parliament
- The ECOWAS Court of Justice
- The ECOWAS Bank for Investment and Development (EBID)
- The West African Health Organization (WAHO)
- The ECOWAS Gender Development Centre
- The Inter-Governmental Action Group against Money Laundering (GIABA).

4. A list of participants is attached to this report.

## **II. OPENING SESSION**

5. In his address to the fifty-fourth ordinary session of the Council of Ministers, Dr. Mohamed Ibn Chambas, ECOWAS Executive Secretary, first welcomed delegates and stressed that their attendance at various ECOWAS events on a regular basis was a significant contribution to the success of the regional integration process. He expressed his gratitude to President Olusegun Obasanjo, the Government and people of the Federal Republic of Nigeria, for their unflinching support to ECOWAS.

6. He then thanked the current Chairman, His Excellency Mamadou Tandja, and Integration in Africa and the Chairperson of the Council of Ministers, Mrs. Aichatou Mindaoudou, for their unrelenting support to ECOWAS.

7. Lastly, concluding his address, he appealed to the members of the Council of Ministers to discuss in detail strategies that would accelerate the regional integration process.

8. Taking the floor, H.E. Senator Lawan Guba, Nigeria Minister for Cooperation and Integration in Africa, welcomed all the participants to the meeting and expressed the hope that significant proposals would be made by everyone with a view to arriving at appropriate decisions. Wishing them successful deliberations, he requested the delegates to take advantage of their stay to discover Abuja.

9. Taking the floor in her turn, Mrs. Aichatou Mindaoudou, Minister of Foreign Affairs, Cooperation and African Integration, Chairperson of the Council of Ministers, stated that the meeting was taking place at a crucial time since it offered an opportunity for a mid-term review of the implementation of the directives given at the last summit of Heads of State and Government, particularly concerning the institutional reforms of ECOWAS. After this statement, she declared the fifty-fourth ordinary session of the ECOWAS Council of Ministers officially open.

### **III. ELECTION OF BUREAU**

10. The bureau of the meeting was elected as follows:

- Chairman : Republic of Niger
- Rapporteurs: Burkina Faso  
Federal Republic of Nigeria.

### **IV. ADOPTION OF AGENDA**

11. The draft agenda for the meeting presented by the Executive Secretariat was amended and adopted as follows:

- (i) Opening Ceremony
  - > Opening remarks by:
    - the ECOWAS Executive Secretary
    - the host Minister
    - the Chairperson of the Council.
- (ii) Election of bureau

- (iii) Adoption of agenda and work programme
- (iv) Consideration of the Executive Secretary's Interim Report
- (v) Consideration of the 2004 Final Report of the Financial Controller
- (vi) Consideration of the report of the 33<sup>rd</sup> meeting of the Administration and Finance Commission
- (vii) Consideration of the ratification status of the ECOWAS revised Treaty, Protocols and Conventions
- (viii) Consideration of terms of reference for the establishment of an Audit Committee
- (ix) Consideration of terms of reference for the recruitment of External Auditors for ECOWAS Institutions
- (x) Consideration of the report of the Human Resources, Information, Social and Cultural Affairs Commission
- (xi) Consideration of the report of the Food and Agriculture Commission
- (xii) Consideration of the report for the 3<sup>rd</sup> meeting of the Ad-hoc Ministerial Committee of the Inter-Governmental Action Group against Money Laundering in Africa (GIABA)
- (xiii) Consideration of Common Air Transport Economic Regulations for West and Central Africa
- (xiv) Closed Door Session
- (xv) Any Other Business
- (xvi) Adoption of Report
- (xvii) Closing Session.

## V. OUTCOME OF DELIBERATIONS

### Item iv: Consideration of the Executive Secretary's Interim Report

12. The Executive Secretary, Dr. Mohamed Ibn Chambas, presented his Interim Report for 2005 which reviewed the West African economic situation and the implementation of the Community Work Programme.

13. The Interim Report gave an account of progress made on the implementation of the Community Work Programme since the publication of the 2004 Annual Report, and particularly, since the beginning of this year. The report indicated that the current Community Work Programme is shaped by three imperatives: deepening of the regional integration process; regional approach to NEPAD implementation in West Africa; and facilitation of the West African focus on poverty reduction. The account covered the 30<sup>th</sup> anniversary celebration, economic integration programmes, regional peace and security, and administrative and financial matters.

14. The Executive Secretary stated that, with regard to the implementation of regional integration programmes, it was taking much longer for Member States to make the necessary transition to designing and implementing national development programmes within the regional frameworks provided by the available ECOWAS initiatives. He stressed that getting Member States to incorporate the regional approach into the national agenda is a joint responsibility that ECOWAS officials share with those officials and persons in Member States who are directly in charge of ECOWAS affairs. He therefore, pointed out in the interim report some of the areas where, individually or collectively, there was need to take additional measures to achieve better performance on the regional integration agenda.

15. Council expressed its appreciation to the Executive Secretary for the high quality of his Interim Report. During the ensuing discussion of the issues raised in the report, Council made the following observations and decisions:

- the Executive Secretary's Annual Report should give a detailed account of the prevailing economic situation, including the issues of inflation and indebtedness. In particular, it should elaborate on the debt relief package to be discussed at the G8 summit at Gleneagles, Scotland, in July 2005. The report should also indicate the relief obtained by ECOWAS Member States and the conditions that the beneficiary countries would have to fulfill;
- the Executive Secretariat should present to the next session of Council the status of harmonization of the basic legal texts of the Community Institutions, for which an ad hoc committee was established;
- the Executive Secretary should present a report on the status of West Africa-EU negotiation of an economic partnership agreement. The report should include specific measures being taken to enable West Africa to enhance its competitiveness and upgrade its production base in order to face the challenge of opening the regional market to European goods under the free trade arrangement. Council enjoined all Member States to ensure their

effective representation at the next negotiation session in Dakar, on 17<sup>th</sup> July 2005;

- Council noted with concern the very limited size of the UN Observer Mission in Côte d'Ivoire (UNOCI) and the recent incidence of conflicts in the areas under UNOCI supervision. Council directed the Executive Secretary to pursue with the UN Secretary General the possible expansion of the UN mission for greater effectiveness.

**Item v: Consideration of the 2004 Final Report of the Financial Controller**

16. The Financial Controller, Mrs. Nellie Taylor, presented her 2004 final report on the financial and budgetary situation of four of the Community Institutions, namely: the Executive Secretariat, the Community Parliament, the Court of Justice, and the West African Health Organisation.

17. The Financial Controller recalled the income and expenditure budgets for 2004 and gave an update on the status of implementation of the budgets, which reveals as follows:

- Implementation of the income budget:
  - 138% of budgeted income for 2004 or 69.2 million UA was achieved, 95.4% of which came from the Community levy. This represents almost a doubling of the 2003 income of 38.4 million UA;
  - recovery of arrears of contribution was very poor and fell below estimates;
  - donor assistance was not included in the budget estimate of the Executive Secretariat;
  - donor grants and assistance amounting to 2.7 million UA were received at the Secretariat while new agreements for grants totalling 38.8 million UA were signed during the year 2004;
  - grants managed by ECOWAS increased by 22%, rising from 2.4 million to 2.9 million UA;
  - the Unit at the Secretariat responsible for managing external assistance should be strengthened;
  - a text regulating the use of the Peace Fund should be adopted.

- Implementation of the Community levy
  - forecasts of likely collections were exceeded by 45% while the amounts lodged exceeded the budget by 56.5%;
  - levy collections registered by 13 Member States amounted to 70 million UA, of which 64 million UA was actually deposited into the Community accounts;
  - budget execution was slow, at about 46% of the proceeds deposited into the Community accounts;
  - Liberia did not apply the Community levy;
  - Cape Verde did not transfer any of the proceeds collected;
  - Six (6) Member States experienced problems in making lodgements into the Community levy account;
  - Nigeria did not lift the restrictions imposed on access to the Community levy account;
  - three (3) Member States did not apply the Community levy to petroleum products;
  - five (5) Member States generally complied with the Protocol relating to the Community levy;
  - bank statements were neither received regularly nor on time;
  - difficulties still exist in converting certain national currencies.

- Implementation of the expenditure budget

- the expenditure budget of 30.2 million UA recorded a 60% implementation rate, as against 53% of the 19.5 million UA expenditure budget voted in 2003;
- the administrative budget amounting to 21.1 million UA recorded an implementation rate of 70% as against 77% in 2003;
- the programmes budget of 9.2 million UA recorded an implementation rate of 30% as against 35% in 2003;
- the Executive Secretariat's programmes accounted for 40% of the total expenditure, while WAHO programmes accounted for 35%;

- the Secretariat programmes were not implemented on the basis of priorities;
- programme activities were not properly planned;
- support services of the Secretariat were weak and administrative procedures tedious;
- personnel costs took the largest share of the budget, representing 42% of total operating costs;
- WAHO and the Court of Justice overshot their budget through virements undertaken in violation of the ECOWAS procedures;
- weaknesses were observed in the financial control of the session expenses of the Parliament.

- Budget management and control

- a joint committee was set up in March 2004 to manage Community levy proceeds;
- proceeds from the Community levy are shared quarterly among the Institutions;
- quarterly budget forecasts and budgetary control statements are neither submitted regularly nor on time;
- budget preparation should be better coordinated among the Community Institutions;
- there is a lack of clear vision at the Secretariat on strategy and priorities;
- the budgetary procedure is weak;
- the omission of donor-funded programmes in the budget of the Executive Secretariat made it difficult to make a comprehensive assessment of its performance;
- the reliability and integrity of the budgetary control statements need to be enhanced;
- there is no provision on how to treat votes not committed by the Institutions.

- Staffing situation

- the rate of increase in staff roll rose from 12% in 2003 to 30% in 2004;
- the recruitment of permanent staff needs to be examined with a view to adopting a policy thereon;
- external resources could be used to carry out certain tasks, in order to reduce personnel cost;
- neither the Parliament nor the Court of Justice has an approved organisation chart;
- there is no clear separation of functions between the Assembly of the Parliament and its Secretariat;
- the grading of positions at the WAHO is not in conformity with the scheme of service;
- there is need to strengthen the staff roll in the Internal Audit Departments and in the office of the Financial Controller.

- Financial and accounting management

- a review of the financial regulations and the accounting procedures is in progress;
- the Tenders Code is often not applied properly;
- a training programme in respect of the Tenders Code has been scheduled for early 2005;
- accounting books are not up-dated within the prescribed deadline;
- bank reconciliations are not up to date at the Executive Secretariat;
- financial statements and reports are not submitted as and when due;
- the accounting system is still manual, except at the Executive Secretariat;
- cash management is weak.

18. Concluding her presentation, the Financial Controller made the following key observations and recommendations:

- 2004 saw a great improvement in the income of the Community and in financial and accounting management;
- however, efforts still need to be made, notably in the following areas:
  - application of the Protocol relating to the Community levy;
  - payment of contribution arrears by Member States;
  - priority in the utilisation of resources;
  - management of cash and Community levy accounts;
  - computerisation of the accounting system;
  - staff records;
  - the accounting system;
  - management of grants and donor assistance;
  - the Financial Regulation and Manual of Accounting Procedures which need to be reviewed.

19. Council thanked the Financial Controller and congratulated her on the quality of her report. In view of the seriousness of some of the issues raised, Council decided to consider the report in closed session - (see paragraph 49 below).

**Item vi : Consideration of the report of the thirty-third meeting of the Administration and Finance Commission**

20. The report of the Administration and Finance Commission (AFC) addressed the following issues:

- status report on the application of the Community Levy and the draft harmonized procedures for the assessment, collection and lodgement of the Community Levy.
- Draft Headquarters Agreement between the kingdom of Belgium and the ECOWAS.
- Restructuring of the Executive Secretariat and the establishment of five permanent representations in the Member States.
- Report of the meeting of the Heads of ECOWAS National Units.

21. Following lengthy deliberations, Council commended the clarity and precision of the report of the AFC which was adopted with the following observations and recommendations:

- (i) Council approved the draft Headquarters Agreement between ECOWAS and the Kingdom of Belgium and authorized the Executive Secretary to sign the agreement and ensure its judicious implementation;

- (ii) Council retained two scenarios of a nine-member and a fifteen-member Commission for the Executive Secretariat and requested the Executive Secretary to assess the financial and technical implications of the two scenarios for submission to the Authority of Heads of State and Government for consideration. In the meantime, Council members were urged to give their Presidents detailed briefing regarding the discussions on this issue;
- (iii) Whichever transformation scenario is finally selected, Council agreed that efforts should be made to ensure that the Commission's budgetary ratio for overhead costs vis-à-vis programmes does not exceed 50%.
- (iv) the establishment of permanent representations in Member States should be deferred until the completion of the on-going comprehensive restructuring of the management of the Executive Secretariat and other institutions. However, the criteria for the selection of the first set of five member states recommended to host the representations should be clearly defined and evaluated.
- (v) Council re-affirmed its support for the concept of "border – country" and regretted that the Community had not accorded it adequate attention all this time. The concept should be developed to transform our borders into shared areas of development rather than conflict.

**Item vii**      **Consideration of the ratification status of the ECOWAS revised Treaty, Protocols and Conventions**

22. The Executive Secretariat presented a memorandum on the status of ratification of the ECOWAS revised Treaty, Protocols and Conventions as at 30<sup>th</sup> May, 2005. The memorandum highlighted the protocols and conventions that are yet to enter into force and those that entered into force temporarily upon signature pending ratification.

23. Council took note of the information contained in the memorandum and urged all Member States to expedite action on their outstanding obligation regarding the ratification of these ECOWAS legal texts.

**Item viii:**      **Consideration of terms of reference for the establishment of an Audit Committee**

24. The memorandum was considered at the closed session – (see paragraph 47 below).

**Item ix :      Consideration of terms of reference for the recruitment of External Auditors for ECOWAS Institutions**

25. The Executive Secretariat pointed out in its memorandum that the term of appointment of the present Community External Auditor would be expiring on 26 February, 2006, and proposed a procedure, based on a set of criteria, for appointing a new firm.

26. The selection procedure recommended by the Executive Secretariat is the "Least cost Method", that is, the selection of the firm with the lowest cost which has also met the minimum technical score of 75 points. The memorandum also outlined the requisite qualifications and experience.

27. This procedure involves advertisements and pre-selection of between three and six suitable candidates. These candidates then present technical and financial proposals which are evaluated for a final selection.

28. Council adopted the proposed selection procedure after deliberations and authorized the Executive Secretariat to set in motion this new process for the recruitment of a new External Auditor.

**Item xi:      Consideration of the Report of the Food and Agriculture Commission**

29. The Ministerial Commission on Food and Agriculture considered and endorsed the Plan of Action (2006 – 2010) submitted by the Executive Secretariat to ensure the immediate implementation of the ECOWAS Agricultural Policy (ECOWAP) which was adopted in Accra under Authority decision A/DEC.11/01/05 of 19 January 2005. The key priority under the Plan of Action is to enhance agricultural productivity and competitiveness. This is to be achieved through the promotion of the regional market and improvement of access to the international market through the implementation of cross-cutting actions, and the setting up of a regional steering and coordinating mechanism.

30. The cost of the plan of action for the period is assessed at \$843 million which is broken down on an annual basis as follows: \$153 million (2006), \$192 million (2007); \$230 million (2008), \$153 million (2009) and \$115 million (2010). In view of the huge amount involved, a donors' conference would be organised in October 2005 to mobilise the required resources. Meanwhile, it is planned that an information and sensitisation campaign on ECOWAP will be launched in July in all Member States as well as in the international community. This campaign will consist of printing and distribution of the Policy Document, fact sheets and publicity materials on ECOWAP.

31. Council directed that the documents should be circulated to Member States within the shortest possible time for their comments to facilitate their adoption at the next session.

**Item xii : Consideration of the report for the 3<sup>rd</sup> meeting of the Ad-hoc Ministerial Committee of the Inter-Governmental Action Group against Money Laundering in Africa (GIABA)**

32. This report which was presented by Mrs Obla V. Ojeka-Eje, Administrative Secretary of GIABA, dwelt, among other issues, on the following:

- Status of the implementation of the Plan of Action Against Money Laundering in Africa;
- Enactment of anti-money laundering laws in Member States;
- GIABA training seminar for evaluators;
- Request for a supplementary budget of UA460,368 for July – December, 2005;

33. Council adopted this report after deliberations and directed the Executive Secretariat to assist GIABA in justifying the sum of UA150,000 allocated to the institution in the 2005 budget. Thereafter, the Executive Secretary and the Financial Controller should look into the requirements of GIABA up to the extent of the justification.

34. Council also directed the Executive Secretariat to make the necessary Accounting Officer available to GIABA.

**Item xiii : Consideration of Common Air Transport Economic Regulations for West and Central Africa**

35. Council deferred the consideration of the document until its next session due to the non-availability of the document.

**Item xiv : Closed door session**

36. Council was informed of a civil action filed by the Parliament in the Community Court of Justice to declare invalid a Council Regulation C/REG.18/01/05 and other acts of the Executive Secretary that were informed by the Regulation. After a detailed examination of the report submitted by the Executive Secretary on this matter, Council declared that there was a need to establish a distinction between the powers of a national Parliament and those of the Parliament of a regional integration organization such as ECOWAS. Council also pointed out the need for Community Institutions to ensure strict conformity of their Rules of Procedures with the provisions of the ECOWAS revised Treaty, Protocols, Conventions, Decisions and Regulations, avoiding any edicts which would contradict these texts.

37. Council deplored the confrontational attitude underlying the legal action brought by the Parliament, pointing out that it could be prejudicial to the Community.

38. Council therefore charged its Chairperson, Mrs. Aichatou MINDAOU DOU, with the responsibility of bringing the matter to the attention of the Chairman of Authority.

39. Council also requested the chairperson to call on the President of the ECOWAS Court of Justice to suspend hearing of the suit pending the decision of the current Chairman of the Authority on the final outcome of these matters.

40. Council examined the report of the Financial Controller of the ECOWAS Institutions, and after lengthy debate, directed the Executive Secretary to set up a limited 4-member Audit Committee, comprising, on the recommendation of the Executive Secretary, Benin, Nigeria, Senegal and Sierra Leone.

41. Council requested the Executive Secretariat to draw up suitable manuals of procedure for the ECOWAS Institutions to help improve their administrative and financial management.

42. Finally, Council directed the Financial Controller to prepare a paper enumerating the conclusions and recommendations contained in her report, which she would transmit to the Executive Secretary for implementation.

**Item xv : Any Other Business**

• **Staff recruitment at the Gender Development Centre**

43. The Council of Ministers was informed that the Executive Secretariat had begun recruiting staff for the Dakar-based Gender Development Centre through a competitive process open to all ECOWAS Member States. It was indicated that this procedure could affect the position of the former WAWA officials who have been managing the centre since its inception.

44. Council took note of the information, and encouraged the affected officials to submit their applications.

• **Famine Situation in Burkina Faso, Mali and Niger**

45. At the instance of Côte d'Ivoire, the Council of Ministers endorsed the principle of providing Community assistance to Burkina Faso, Mali and Niger, the three ECOWAS Member States affected by drought and the locust invasion. To this end, Council recommended that the Chairman of the Authority should consult with his peers to determine the appropriate size and the mechanism for extending this ECOWAS emergency aid, which is to be financed through the Community Levy.

- **ECOWAS Youth Centre**

46. The Council of Ministers was informed that Burkina Faso would provide the ECOWAS Youth Centre in July 2005 with an office building.

- **Agendas of Council Meetings**

47. The Council of Ministers requested that, in order to facilitate its future deliberations, the Executive Secretariat should classify the agenda of Council meetings into:

- items on which decisions should be taken;
- items on which opinions are required;
- items for information purposes only.

- **Concrete actions in favour of Integration**

48. Council decided that, pursuant to its previous resolution, each Council member would present at future sessions a report on a concrete action personally taken with a view to consolidating the regional integration process.

**Item xvi : Adoption of Report**

49. The report was provisionally adopted by the Chairperson of the Council of Ministers.

**Item xvii : Closing Session**

50. The Chairperson of Council, Mrs. Aïchatou Mindaoudou, expressed her sincere appreciation to her colleagues for their very constructive contributions during the deliberations. She requested the Executive Secretary to ensure that the various directives were carried out on schedule so that firm proposals could be presented to the next session of Council.

**DONE AT ABUJA, THIS 23<sup>RD</sup> DAY OF JUNE 2005**

**MRS. AÏCHATOU MINDAOU DOU**  
Chairperson  
For Council.



**Fifty-fourth Ordinary Session of the ECOWAS  
Council of Ministers**

**Abuja, 23 June, 2005**

**VOTE OF THANKS**

Participants at the Fifty-fourth Ordinary Session of the ECOWAS Council of Ministers held in Abuja, Federal Republic of Nigeria, on 23 June, 2005, express their profound gratitude to His Excellency, President Olusegun Obasanjo, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria and to the Government and People of Nigeria for the warm welcome accorded them and for the excellent facilities placed at their disposal to ensure the success of their deliberations.

**DONE AT ABUJA, THIS 23<sup>RD</sup> DAY OF JUNE, 2005**

**THE MEETING.**



**Fifty-fourth Session of the Council of Ministers**

Abuja, 23<sup>rd</sup> June 2005

**REGULATION C/REG.1/06/05 ADOPTING THE TERMS  
OF REFERENCE FOR THE RECRUITMENT OF AN EXTERNAL  
AUDITOR FOR ECOWAS AND ITS INSTITUTIONS**

THE COUNCIL OF MINISTERS;

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

**MINDFUL** of Article 75 of the said Treaty relating to the appointment of External Auditors to the Community;

**CONSIDERING** that the tenure of the firm of Coopers and Lybrand appointed as External Auditors to the Community pursuant to Article 75 of the ECOWAS Treaty expires on 26 February 2006 after having been renewed for a third term;

**AWARE** of the urgent need for a posteriori monitoring of the utilization and management of proceeds from the Community Levy by all the institutions;

**DESIROUS**, therefore, of appointing External Auditors for the aforementioned purpose, pursuant to clearly defined terms of reference;

**ENACTS**

**ARTICLE 1**

The terms of reference for the appointment of External Auditors to the Community as attached in Annex to this Regulation are hereby adopted.

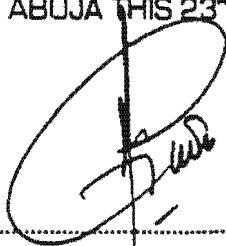
**ARTICLE 2**

The Executive Secretariat shall be responsible for organizing and overseeing the screening exercise for the appointment of the said External Auditors.

**ARTICLE 3**

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

DONE AT ABUJA THIS 23<sup>RD</sup> DAY OF JUNE 2005



.....  
**HON. AICHATOUMINDAODOU**  
CHAIRPERSON

FOR : THE COUNCIL



**Fifty-fourth Session of the Council of Ministers**  
Abuja, 23<sup>rd</sup> June 2005

**REGULATION C/REG.2/06/05 RELATING TO THE ADOPTION OF A  
PLAN OF ACTION 2005 – 2010 FOR THE IMPLEMENTATION OF THE ECOWAS  
AGRICULTURAL POLICY (ECOWAP) AND THE NEPAD/COMPREHENSIVE  
AFRICAN AGRICULTURAL DEVELOPMENT PROGRAMME  
(CAADP) IN WEST AFRICA**

**THE COUNCIL OF MINISTERS,**

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

**MINDFUL** of Decision A/Dec.01/01/05 of the Authority of Heads of State and Government adopting the ECOWAS Agricultural Policy (ECOWAP)

**MINDFUL** of the call on Member States within that Decision A/Dec.01/01/05 to harmonize their national agricultural policies with the regional policy, and to place emphasis on those aspects that depend on interventions at the national level;

**ALSO RECALLING** the invitation to other Regional integration or cooperation organizations to align their strategies, policies, and programs in the agricultural, food and natural resource management sectors with the guiding principles and priorities of the West African Agricultural Policy and all private sector Stakeholders and Socio-Professional organizations to actively take part in the implementation monitoring and evaluation of this policy;

**ALSO MINDFUL** of the directives to the Executive Secretariat, to define more precisely, a plan of action, the institutional structure, the financing system and lastly a monitoring system and lastly a monitoring and evaluation mechanism for the effective implementation of the Policy;

**DESIRING** to adopt a Plan of Action in this regard;

**ON THE RECOMMENDATION** of the meeting of the Ministerial Commission on Agriculture and Food held in Accra, Ghana, on 3<sup>rd</sup> May 2005;

## ENACTS

### ARTICLE 1

The attached Plan of Action 2005 - 2010 for the implementation of the ECOWAS Agricultural Policy (ECOWAP), the Millennium Development Goals (MDG) and the NEPAD Comprehensive African Agricultural Development Program (CAADP) in West Africa is hereby adopted.

### ARTICLE 2

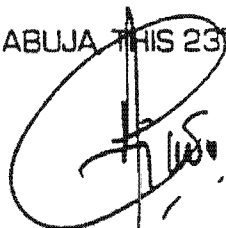
The Executive Secretariat shall in facilitating and coordinating implementation of the Plan of Action undertake the following measures:-

- ensure coherence between the ECOWAP, NEPAD/CAADP and Millennium Development Goals (MDG) on one hand and between ECOWAP and the national agricultural policies, on the other hand;
- update the inventory of all on-going programs and projects and associated costs for the various components of the plan of action;
- input the ECOWAP plan of actions within the framework of NEPAD/CAAD implementation in West Africa;
- define qualitative and quantitative indicators for the various intervention programs of the ECOWAP plan of actions;
- engage the various stakeholders in the agricultural sector in consultations of the Common External Tariff for their concerns to be taken on board;
- sensitize all stakeholders on the adopted ECOWAP and the Plan of Actions and
- give more consideration to artisanal fisheries and forestry;

### ARTICLE 3

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

DONE AT ABUJA THIS 23<sup>rd</sup> DAY OF JUNE 2005



.....  
**HON. AICHATOUMINDAODOU**  
**CHAIRPERSON**

**FOR: THE COUNCIL**



## **Fifty-fourth Session of the Council of Ministers**

Abuja, 23<sup>rd</sup> June 2005

### **REGULATION C/REG.3/06/05 APPROVING THE HEADQUARTERS AGREEMENT BETWEEN THE KINGDOM OF BELGIUM AND ECOWAS AND AUTHORISING THE EXECUTIVE SECRETARY TO SIGN THE AGREEMENT**

THE COUNCIL OF MINISTERS,

**MINDFUL** of Article 2 of the ECOWAS Treaty signed in Cotonou on 24 July 1993, which reaffirms the establishment of the Economic Community of West African States;

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

**MINDFUL** of Decision A/DEC.12/D1/03 dated 31 January 2003 establishing an ECOWAS Liaison Office in Brussels;

**RECALLING** the direct and closer working relations that now exist between the regional organisations and institutions involved in the ACP/EU cooperation and which are based in Brussels, namely the European Commission, the Committee of Ambassadors, the ACP Secretariat, the Centre for the Development of Industries (CDI), and the Technical Centre for Agricultural and Rural Cooperation (TCA);

**CONSIDERING** that ECOWAS is frequently involved in negotiations taking place in Brussels;

**CONSIDERING** the Headquarters Agreement between the Kingdom of Belgium and ECOWAS, which defines the privileges and immunities which will enable the Bureau to function smoothly and allow the staff of the Bureau to carry out their mission effectively;

**ON THE RECOMMENDATION** of the thirty-third meeting of the Administration and Finance Commission held at Abuja, from 20<sup>th</sup> to 22<sup>nd</sup> June 2005;

**ENACTS**

**ARTICLE 1**

The Headquarters Agreement between the Kingdom of Belgium and the Economic Community of West African States annexed to this Regulation is hereby approved.

**ARTICLE 2**

The Executive Secretary is hereby authorised to sign the Headquarters Agreement referred to in Article 1 above.

**ARTICLE 3**

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

DONE AT ABUJA, THIS 23<sup>RD</sup> DAY OF JUNE 2005

  
.....  
**HON. AICHATOUMINDAODOU**  
CHAIRPERSON

FOR: THE COUNCIL

**(DRAFT)**

**HEADQUARTERS AGREEMENT**  
**BETWEEN**  
**THE KINGDOM OF BELGIUM**  
**AND**  
**THE ECONOMIC COMMUNITY**  
**OF WEST AFRICAN STATES**

The Kingdom of Belgium, hereinafter referred to as "Belgium",  
and

The Economic Community of West African States, hereinafter referred to as "the  
ECOWAS";

Having regard to the ECOWAS Treaty, signed on 24 July 1993;

Responding to the desire of the ECOWAS to establish an ECOWAS Liaison Office in  
Belgium, hereinafter referred to as "the Office" ;

Wishing to conclude an agreement to determine the privileges and immunities  
necessary for the functioning of the Office and for the successful accomplishment of the  
mission of its staff;

Have agreed as follows :

**CHAPTER I**

**PERSONALITY, PRIVILEGES AND IMMUNITIES  
OF THE LIAISON OFFICE OF THE ECONOMIC COMMUNITY  
OF WEST AFRICAN STATES**

**Article 1**

The Office shall have international legal personality and capacity.

**Article 2**

The properties and assets of the ECOWAS used for the exercising of the official  
functions of the Office shall enjoy legal immunity except where expressly renounced by  
the ECOWAS.

**Article 3**

1. The properties and assets of the ECOWAS used for the exercising of the official  
functions of the Office may not be subject to any form of requisition, confiscation,  
sequestration nor to any other form of seizure or constraint.

2. Should any form of expropriation be necessary, all appropriate action will be taken to prevent the exercising of the functions of the Office being impeded in any way. In this case Belgium will give its assistance to enable relocation of the Office.

#### **Article 4**

The archives of the Office, and, in a general way, all documents of the ECOWAS or those held by it or by one of its staff members shall be inviolable.

#### **Article 5**

1. The premises used exclusively for the exercising of the functions of the Office are inviolable. Permission of the ECOWAS shall be required for access to its premises.
2. This permission, however, shall be assumed in case of emergencies requiring prompt protective action.
3. Belgium shall take all appropriate measures to prevent invasion or damage to the Office premises, to prevent the peace of the ECOWAS being disturbed or its dignity being diminished in any way.

#### **Article 6**

1. Without prejudice to the international provisions and to the relevant provisions of the European Community the Office may hold currency of any kind and operate accounts in all currencies insofar as necessary for the execution of operations corresponding to its aim.
2. Belgium undertakes to grant the ECOWAS all authorisations necessary to freely transfer, according to the modalities provided for in the applicable national regulations and international agreements, funds necessary for the setting up and operation of the Office.

#### **Article 7**

1. The Office, its properties, its incomes and other goods shall be exempt from all direct taxes.
2. No exemption from direct taxes shall be granted for incomes of the ECOWAS which originate from an industrial or commercial activity exercised by the ECOWAS or by the Office or by one of its members for the ECOWAS or the Office or a member of the ECOWAS.

#### **Article 8**

When the Office makes substantial purchases of movable or immovable goods or has substantial services performed that are strictly necessary for the exercising of its official activities and where the price includes indirect taxes or VAT, appropriate measures shall be taken whenever possible with a view to the remission or reimbursement of the amount of these taxes.

### **Article 9**

The Office shall be exempt of all indirect taxes regarding goods imported, acquired or exported by it or in its name for its official use.

### **Article 10**

Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and the application of legal and regulatory provisions regarding public order, security, health or morals, the Office may import all goods and publications destined for its official use.

### **Article 11**

The Office shall be exempt from all indirect taxes regarding the official publications that it receives or sends abroad.

### **Article 12**

The goods belonging to the ECOWAS cannot be disposed of in Belgium except under conditions provided by Belgian laws and regulations.

### **Article 13**

The Office shall not be exempt from taxes and duties that are, in fact, no more than charges for public utility services.

### **Article 14**

Freedom of communication for its official purposes shall be guaranteed to the Office. Its official correspondence shall be inviolable.

### **Article 15**

Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and the application of laws and regulations, the conditions and procedures for the application of Articles 7, 8, 9, 10, 11 and 12 and the fiscal exemptions resulting from article 17.1 a) shall be determined by the Minister of Finance of the Belgian Government.

## **CHAPTER II**

### **LEGAL POSITION OF STAFF MEMBERS**

#### **Article 16**

The Head of the Office and his/her assistant shall enjoy the immunities, privileges and facilities granted to the members of the diplomatic personnel of diplomatic missions.

Their spouse and their dependent children, living under the same roof, shall enjoy the privileges granted to the spouses and to the minor children of the diplomatic personnel.

#### Article 17

1. All officials and other servants of the Office shall enjoy:
  - a) exemption from all taxes on salaries, emoluments and indemnities paid to them by the ECOWAS, from the date on which their incomes are subject to taxation for the benefit of the ECOWAS, subject to recognition by Belgium of this internal taxation system; Belgium reserves for itself the right to take into account the said salaries, emoluments and indemnities for calculating the amount of tax to be levied on the taxable income originating from other sources;
  - b) the facilities accorded to officials of international organisations in respect of currency or exchange regulations.
  
2. All officials and other servants of the Office shall enjoy:
  - a) legal immunity for acts performed in their official capacity, including words written or spoken; such immunity shall apply even after they have left the service;
  - b) inviolability of all official papers and documents.
  
3. All officials and other servants of the Office, as well as their legal spouse and their dependent children, living under the same roof, shall enjoy exemption from measures restricting immigration and from aliens registration formalities. This exemption shall be given in accordance with Belgian legislation on the matter.
  
4. The Office shall notify the Protocol Service of the Federal Public Service Foreign Affairs of the arrival and final departure of its staff members and shall also provide the following specific information about all its officials and other servants:
  - a) surname and first name
  - b) place and date of birth
  - c) sex
  - d) nationality
  - e) permanent residence (town, street, number)
  - f) civil status
  - g) composition of the family
  - h) the social security scheme chosen by the staff member

The Protocol Service of the Federal Public Service Foreign Affairs shall be notified, within fifteen days, of any changes to the above-mentioned data.

#### Article 18

The provisions of article 17.1 a) shall not apply to pensions and annuities paid by the ECOWAS to its former officials and servants in Belgium or to their successors nor to salaries, emoluments and indemnities paid by the ECOWAS or by the Office to its servants engaged for a period of less than one year or who do not occupy a permanent position at the ECOWAS considering the mission and the statutory regulations of that Organization.

### Article 19

1. Without prejudice to the obligations arising for Belgium from the treaties concerning the European Union and to the application of laws and regulations, the officials and other servants of the Office, except the persons referred to in Article 16, shall enjoy the right, during a period of twelve months following their first taking up their duties in Belgium, to import or purchase, in exemption of import duties and value added tax (VAT), furniture and a motor vehicle for their personal use.
2. The Minister for Finance of the Belgian Government shall determine the limits and conditions under which this Article applies.

### Article 20

Belgium shall not be bound to extend to its own nationals or to permanent residents the advantages, privileges and immunities granted under this Agreement, except for those provided for in Article 17.1 a) and 17.2 of this Agreement.

### Article 21

For the exercising of their official functions within the ECOWAS, the officials and other servants of the Office shall not be subject to Belgian legislation on employment of foreign workers and on the exercising of professional self-employed activities by foreigners.

### Article 22

The Office shall issue, before the 1st of March of each year, to all beneficiaries a form specifying, besides their names and addresses, the amount of the salaries, emoluments and indemnities, pensions or annuities paid to them by the ECOWAS during the course of the previous year.

Regarding salaries, emoluments and indemnities liable to taxation for the profit of the ECOWAS, this form shall also mention the amount of this tax.

Besides, the ECOWAS shall send before the same date a duplicate of this form directly to the competent Belgian Fiscal Administration.

### Article 23

1. The officials and other servants of the Office who are not Belgian nationals or who are not permanently residing in Belgium and are not exercising in Belgium any other gainful activity except that required by their functions, can choose to be covered by the social security schemes applicable to the officials and other servants of the ECOWAS under the rules provided for by those schemes. This right of option must be exercised by the official or servant of the Office within fifteen days of his first taking up his duties, and must be notified, also within fifteen days of his first taking up his duties, in accordance with Article 17.4.

2. The ECOWAS will ensure coverage by the Belgian social security system of its Belgian officials and other servants or permanent residents, as well as of its officials and other servants who have not opted for coverage by the social protection schemes provided by the ECOWAS itself.
3. The ECOWAS undertakes to guarantee its officials and other servants posted in Belgium who are covered by its own social security schemes, as well as their legal spouse and their dependent children, living under the same roof, referred to in Article 17.3, advantages equivalent to those provided by the Belgian social security system.
4. Servants engaged by the Office who do not occupy a permanent position at the ECOWAS considering the mission and the statutory regulations of that Organization will be covered by the Belgian social security system.
5. Belgium can obtain from the ECOWAS the repayment of costs incurred for any aid having a social character it may have to provide to ECOWAS officials and other servants posted to the Office who are covered by the social security schemes applicable to ECOWAS officials and other servants.

### CHAPTER III

#### GENERAL PROVISIONS

##### Article 24

The privileges and immunities are granted to the officials and other servants of the Office only in the interest of the Office and not for their personal advantage. The Head of the Office must waive all immunity whenever the immunity would impede the course of justice and can be waived without prejudicing the proper functioning of the Office.

##### Article 25

Without prejudice to the rights conferred upon the ECOWAS and the officials and other servants of the Office by this Agreement, Belgium reserves the right to take all necessary precautions in the interest of its security.

##### Article 26

1. The persons referred to in Chapter II, Articles 16 and 17 shall not enjoy any legal immunity regarding motor traffic offences or damages caused by a motor vehicle.
2. The ECOWAS and the officials and other servants of the Office shall comply with all obligations imposed by Belgian legislation concerning civil liability insurance for the use of any motor vehicle.

##### Article 27

The ECOWAS and all officials and other servants of the Office shall co-operate at all times with the appropriate Belgian authorities to facilitate the proper administration of justice, to ensure observation of police regulations and to prevent the occurrence of any abuse in connection with the immunities and privileges provided for in this Agreement.

#### **Article 28**

The ECOWAS and all officials and other servants of the Office shall comply with Belgian laws and regulations and with judgments rendered against them.

#### **Article 29**

Belgium shall have no international responsibility whatsoever for the activities of the ECOWAS on its territory as regards the acts or omissions of the ECOWAS or of the officials and other servants of the Office acting or failing to act in the exercise of their functions.

#### **Article 30**

1. Any difference of views regarding the application or interpretation of this Agreement, which cannot be resolved through direct negotiations between the parties, may be submitted, by one of the parties, to an arbitral tribunal composed of three members.
2. The Belgian Government and the ECOWAS shall each appoint one arbitrator.
3. The members so appointed shall choose their President.
4. In case of disagreement on the choice of the President, the President shall be appointed by the President of the International Court of Justice at the request of the members of the arbitral tribunal.
5. The dispute shall be brought to the arbitral tribunal upon application of either party.
6. The arbitral tribunal shall determine its own procedure.

### **CHAPTER IV**

#### **Final Provisions**

#### **Article 31**

Both parties shall notify each other of the completion of the internal procedures required for the entry into force of this Agreement.

This Agreement can be revised at the request of one of the parties.

IN WITNESS WHEREOF, the Representatives of the Kingdom of Belgium and the Economic Community of West African States have signed this Agreement.

DONE at Brussels, on....., in triplicate, in the French, Dutch and English languages, the three texts being equally authentic.

For the Government of the Kingdom of Belgium:

For the Economic Community of West African States:  
Dr Mohamed IBN CHAMBAS  
Secrétaire exécutif



## **Fifty – fourth Session of the Council of Ministers**

Abuja 23<sup>rd</sup> June 2005

### **REGULATION C/REG.4/06/05 RELATING TO THE MISSION, ROLE AND FUNCTIONS OF ECOWAS NATIONAL UNITS**

#### **THE COUNCIL OF MINISTERS;**

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

**MINDFUL** of Recommendation C/REC.1/11/82 dated 17<sup>th</sup> November 1982 establishing national units for the Coordination and monitoring of ECOWAS activities in the Member States and their establishment thereon;

**MINDFUL** of Decision A/DEC.3/12/90 dated 13<sup>th</sup> December 1990 upgrading the Status of ECOWAS National Units in the Member States;

**MINDFUL** of Decision A/DEC.5/01/05 dated 19 January 2005 relating to the establishment of National Focal Points for ECOWAS/NEPAD Programmes;

**RECOGNIZING** that the role of ECOWAS National Unit assumes added importance with the deepening of the regional integration process, the focus on the implementation of ECOWAS programmes in member States, the increased participation of West African Countries in the NEPAD initiative as well as the proposed establishment of ECOWAS Representation in Member States;

**IN VIEW** of the wide range of activities to be undertaken by National Units and the numerous points of contacts to be maintained in the course of facilitating successful Regional integration;

**AWARE** of the need to clearly define the mandates of these ECOWAS National Units to enable them bring about at the national level, active participation of Member States in the various regional decision-making process of ECOWAS as well as in the implementation of adopted regional decisions and instruments;

**DESIROUS** to this end, to set out the mission, role and functions of the ECOWAS National Units;

**ON THE RECOMMENDATION** of the Thirty-third meeting of the Administration and Finance Commission held from 20<sup>th</sup> to 22<sup>nd</sup> June 2005;

**ENACTS**

**ARTICLE 1**

The mission of an ECOWAS National Unit is to ensure the maximum participation and contribution of the Member State to the regional integration and development process to enable the country derive optimum benefit from its ECOWAS membership.

**ARTICLE 2**

The roles and functions of the ECOWAS National unit set out in the attached annex to this Regulation are hereby adopted.

**ARTICLE 3**

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

DONE AT ABUJA THIS 23<sup>rd</sup> DAY OF JUNE 2005



.....  
**HON. AICHATOUMINDAODOU**  
**CHAIRPERSON**

**FOR: THE COUNCIL**

**ON THE RECOMMENDATION** of the Thirty-third meeting of the Administration and Finance Commission held from 20<sup>th</sup> to 22<sup>nd</sup> June 2005;

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**HON. AICHATOUMINDAODOU**  
**CHAIRPERSON**

**FOR: THE COUNCIL**

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**CHAIRPERSON**

**FOR: THE COUNCIL**

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**CHAIRPERSON**

**FOR: THE COUNCIL**

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**HON. AICHATOUMINDAODOU.**  
CHAIRPERSON

FOR: THE COUNCIL

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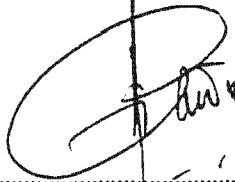
  
.....  
**HON. AICHATOUMINDAODOU**  
**CHAIRPERSON**

**FOR: THE COUNCIL**

**RECOMMENDS**

TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT to adopt the attached Decision on the Granting of Observer Status within the Institutions of ECOWAS, to the Congress of Cultural Actors in West Africa (CCAWA/CACAO).

DONE AT ABUJA, THIS 23<sup>rd</sup> DAY OF JUNE 2005

A handwritten signature in black ink, appearing to be 'A. Mindaoudou', written over a vertical line that extends from the text above.

---

**HON. AICHATOU MINDAOUDOU**  
CHAIRPERSON

FOR THE COUNCIL

**ON THE RECOMMENDATION** of the Thirty-third meeting of the Administration and Finance Commission held from 20<sup>th</sup> to 22<sup>nd</sup> June 2005;

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DONE AT ABUJA THIS 23<sup>rd</sup> DAY OF JUNE 2005



.....  
**HON. AICHATOUMINDAODOU**  
**CHAIRPERSON**

**FOR: THE COUNCIL**

**DECIDES**

**ARTICLE 1**

The Congress of Cultural Actors in West Africa (CCAWA/CACAO) is hereby granted, within the institutions of Economic Community of West African States (ECOWAS), the status of observer.

**ARTICLE 2**

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

DONE AT NIAMEY THIS ..... DAY OF DECEMBER 2005

.....  
**H.E. MAMADOU TANDJA**  
CHAIRMAN

FOR THE AUTHORITY

**ON THE RECOMMENDATION** of the Thirty-third meeting of the Administration and Finance Commission held from 20<sup>th</sup> to 22<sup>nd</sup> June 2005;

**ENACTS**

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DONE AT ABUJA THIS 23<sup>rd</sup> DAY OF JUNE 2005

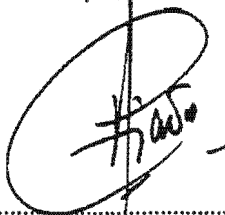
  
.....  
**HON. AICHATOUMINDAODOU**  
**CHAIRPERSON**

**FOR: THE COUNCIL**

**RECOMMENDS**

TO THE AUTHORITY OF HEADS OF STATES AND GOVERNMENT to adopt the attached draft Decision Relating to the Granting of Observer Status within the Institutions of the Community, to the West African Museums Programme (WAMP).

DONE AT ABUJA, THIS 23<sup>rd</sup> DAY OF JUNE 2005



**HON. AICHATOU MINDAOUDOU**

CHAIRPERSON

FOR: THE COUNCIL

**Twenty-ninth Session of the Authority of Heads  
of State and Government**

Niamey ..... December 2005

(DRAFT)

**DECISION A/DEC. /12/05 RELATING TO THE GRANTING  
OF OBSERVER STATUS WITHIN THE INSTITUTIONS OF THE  
COMMUNITY, TO THE WEST AFRICAN MUSEUMS  
PROGRAMME (WAMP)**

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

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

**MINDFUL** of Article 61 of the said Treaty which enjoins Member States to cooperate with a view to mobilizing the various sections of the population and ensuring their effective integration and involvement in the social development of the region;

**MINDFUL** of the need to encourage the promotion of all forms of cultural exchanges between Member States as provided by Article 62 of the ECOWAS Treaty;

**MINDFUL** of the Protocol A/P1/7/87 on the Cultural Framework Agreement for ECOWAS;

**RECOGNISING** the West African Museums Programme (WAMP) as an organization that amongst other things, helps to strengthen the professional Museum network in West Africa and promotes links with the International Museums related network.

**DESIRING** to encourage and work with any reputable organization that would positively contribute to the preservation and enrichment of the African Cultural heritage

**ON THE RECOMMENDATION** of the fifty-fourth Session of the Council of Ministers held in Abuja on 23<sup>rd</sup> June 2005.

**DECIDES**

**ARTICLE 1**

The West African Museums Programme [WAMP] is hereby granted within the Institutions of the Economic Community of West African States [ECOWAS] the status of observer in category ".

**ARTICLE 2**

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

DONE AT NIAMEY, THIS ..... DAY OF DECEMBER 2005

.....  
**H.E. MAMADOU TANDJA**

CHAIRMAN

FOR THE AUTHORITY