

COMISSÃO DA CEDEAO

ECOWAS COMMISSION



COMMISSION DE LA CEDEAO

Original: French

ECW/CMLXIII/15

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

Abuja, 20 November 2009

FINAL REPORT

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Abuja, November 2009

I. INTRODUCTION

1. The sixty-third ordinary session of the ECOWAS Council of Ministers was held at the ECOWAS Conference Centre in Abuja on 20 November 2009.

2. The following Member States were represented:

- Republic of Benin
- Burkina Faso
- Republic of Cape Verde
- Republic of Cote d'Ivoire
- The Republic of The Gambia
- Republic of Ghana
- Republic of Guinea Bissau
- Republic of Liberia
- Republic of Mali
- Federal Republic of Nigeria
- Republic of Senegal
- Republic of Sierra Leone
- Togolese Republic

3. The following invited ECOWAS institutions, specialised agencies and sister organisations were also represented:

- The ECOWAS Parliament
- The Community Court of Justice
- The ECOWAS Bank for Investment and Development (EBID)
- The West African Health Organisation (WAHO)
- The Intergovernmental Action Group Against Money Laundering in West Africa (GIABA)
- The ECOWAS Gender Development Centre
- The West African Monetary Agency (WAMA)
- The West African Monetary Institute (WAMI).

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

II. OPENING CEREMONY

- Opening Statement by the Chairman of the ECOWAS Council of Ministers

5. In his opening statement, the Minister of Foreign Affairs of the Federal Republic of Nigeria, and Chairman of the ECOWAS Council of Ministers, Chief Ojo Maduekwe, CFR, extended a warm welcome to all participants at the meeting.



6. The Honourable Minister expressed his conviction that the major challenges confronting the region, including the crises in the sectors of food, energy and international finance, underscore the need to re-energise the integration process in the region. The distinguished Chairman of Council then proceeded to highlight some of the important Community programmes in this regard.

7. Referring to the creation of a Customs Union, the Chairman of Council declared it to be a priority undertaking, since it would ensure the operationalisation of the free trade zone through the introduction of a Common External Tariff which would eliminate obstacles to the free movement of persons and goods and remove non-tariff barriers. The distinguished Chairman expressed a wish to see work on the construction of adjacent border posts take off in 2010.

8. On the subject of the Economic Partnership Agreement, the Chairman of Council noted with satisfaction the progress made by the negotiators of the region, particularly with regard to their having obtained the firm commitment of the European Union to finance the EPA for Development Programme (EPADP).

9. With regard to the creation of a second monetary zone, he declared that every effort must be made to ensure the realisation of the second currency the "ECO" by 2015 at the very latest, and the ECOWAS Common Currency by 2020, in accordance with the road map adopted by the Convergence Council. The Chairman of Council then proceeded to enumerate the achievements of the region in the sectors of Energy and Agriculture.

10. Addressing the issue of the enormous challenge posed to the region by climate change, the Chairman of Council also expressed the hope that all Member States would be active participants at the international conference on climate change holding in Copenhagen in December 2009.

11. Speaking on the subject of security in the region, the Chairman of Council expressed sadness at the suspension of a second Member State, the Republic of Niger from ECOWAS, following the recent unconstitutional political events in that country.

12. Finally in declaring open the sixty-third Ordinary Session of the Council of Ministers, the Chairman of Council extended his warmest congratulations to the President of the ECOWAS Commission, Dr Mohamed Ibn Chambas, on his election to the position of Secretary-General of the ACP. The distinguished Chairman also commended the President of the Commission and his colleagues on a job well done, and extended to the members of the Council, his best wishes for the success of their deliberations.

• Statement by the President of the ECOWAS Commission

13. In his welcome statement, the President of the ECOWAS Commission, Dr. Mohamed Ibn Chambas, first of all expressed his sincere thanks to the Chairman of Council for his kind



words and the warm congratulations extended to him on his election to the position of Secretary-General of the ACP.

14. The President of the Commission then expressed his sincere appreciation to the members of Council for having spared the time to attend this statutory meeting dedicated to the consideration of the major Community programmes and budgets of the different ECOWAS institutions for the 2010 financial year.

15. The President explained that the 63rd Ordinary Session was of particular importance to the Community, since it was taking place in the aftermath of the global economic crisis whose consequences for the economies of the region necessitated, to an even greater degree than usual, the deepening of the regional integration process through the adoption of coordinated and coherent response strategies.

16. Referring to the activities carried out in 2009, the President informed the meeting that the Commission had, during the course of the year, and in compliance with the guidelines laid down by the Heads of State and Government, focused its actions on the consolidation of the West African Common Market, and the adoption of the macroeconomic convergence criteria. The Commission had also initiated measures in response to the challenges of the region's Poverty Reduction Strategy, with an emphasis on the formulation and implementation of sectoral policies in this regard.

17. The President stated that most importantly, the Commission had, with the support of its Member States, launched initiatives designed to entrench and consolidate peace, democracy and good governance in the region.

18. The President of the Commission however drew the attention of the members of Council to the fact that despite the commendable performance of the institution in the different sectors of the ECOWAS regional agenda, there remained an overwhelming need to build on the achievements of the integration process, and join hands in an effort to bring about better regional economic governance.

19. The President of the Commission, having enumerated the different items on the meeting agenda, including the consideration of the Reports of the Audit Committee and the Financial Controller, and consideration of the draft budgets of the Community institutions for the 2010 financial year, expressed the certainty that these items would be considered by Council in a spirit of solidarity and abnegation.

20. Concluding his statement, the President of the ECOWAS Commission extended his best wishes to the Council of Ministers for the success of their deliberations.



Official Entry Into Force Ceremony of the ECOWAS Convention on Small Arms and Light Weapons

21. To mark the entry into force of the ECOWAS Convention on Small Arms and light weapons as a result of its ratification by a ninth country, namely, the Republic of Benin, the instrument of ratification was officially received by the President of the ECOWAS Commission from the Deputy Director in the Office of the Minister of Foreign Affairs of Benin, representing the Minister of Foreign Affairs of the Republic of Benin and presented to the Chairman of Council.

22. The Chairman of Council and the President of the Commission each expressed their satisfaction at this development, and called on all Member States which are yet to do so, to ratify the Convention without delay.

Item 2: Election of Bureau and Adoption of Draft Agenda and Work Programme

• Election of Bureau

23. The Bureau of the meeting was elected as follows:

- Chairman - Federal Republic of Nigeria
- Rapporteurs - Republic of Cape Verde
- Republic of Cote d'Ivoire
- Republic of Ghana

• Adoption of Agenda and Work Programme

24. The agenda was adopted as follows:

1. Opening ceremony

- Opening Statement by the Host Minister, Chairman of the Council of Ministers
- Statement by the President of the ECOWAS Commission
- Official Entry into Force ceremony of the ECOWAS Convention on Small Arms and Light Weapons from the Republic of Benin

2. Election of Bureau

- Adoption of the draft agenda and work programme

Items for Decision

3. Consideration of the 2009 Annual Report of the President of the ECOWAS Commission and Report on the status of execution of Tasks Assigned to Community Institutions

4. Consideration of the 2009 Interim Report of the Financial Controller
5. Consideration of the Report of the Audit Committee
6. Consideration of the Report of the Sixth Meeting of the Administration and Finance Committee
7. Consideration of the agenda of the Thirty-seventh Ordinary Session of the Authority of ECOWAS Heads of State and Government
8. Consideration of the memorandum on the ECOWAS Logistics Facility in Freetown, Sierra Leone.

Items for Adoption

9. Consideration of the Final Report of the meeting of Attorneys-General and Ministers of Justice
10. Consideration of the Memorandum on the 8th meeting of the ECOWAS Ministers of Telecommunications and ICT
11. Consideration of the Memorandum on the Report of the 3rd Conference of ECOWAS Ministers of Culture
12. Consideration of the Reports of the 10th Assembly of Health Ministers and 1st Extraordinary Assembly of Health Ministers
13. Consideration of the memorandum on the draft Regulation adopting Guidelines for the Preparation of a Report on the ECOWAS Multilateral Surveillance Mechanism

Items for Information

14. Memorandum on the Report of the 2nd ECOWAS Business Forum
15. Memorandum on the Report of the Road Map for the ECOWAS Single Currency Programme
16. Memorandum on the Progress Report on the EPA Negotiations
17. Any Other Business
18. Adoption of Report
19. Closing Session



IV. OUTCOME OF DELIBERATIONS

25. The presentations on Items 3, 4 and 5 of the agenda, namely, the 2009 Report of the President of the Commission, the Status Report on execution of Tasks Assigned, the 2009 Interim Report of the Financial Controller and the Report of the Audit Committee, were made to the Council of Ministers without intermission.

ITEMS FOR DECISION

item 3: Consideration of the 2009 Annual Report of the President of the Commission and of the Status Report on Tasks Assigned to the Community Institutions

26. The 2009 Report of the President of the Commission, Dr. Mohamed Ibn Chambas presents a status report on the economic performance of the West African region, and a progress report on the implementation of Community work programmes.

27. In his introduction, the President underscores the fact that 2009 was characterised by the sequels of the international financial and economic crisis which profoundly destabilised the global economy, and plunged it into a slump unequalled since the Great Depression of 1929.

28. An examination of the performance of the West African economy reveals that despite its low level of integration into the global economy, the financial crisis nonetheless spread very rapidly across the region. Economic growth rate in the region dropped sharply over the last three years, sliding from 5.6% in 2007 to 4.7% and 4.4% in 2008 and 2009 respectively. However, as the result of a more conducive economic climate and the expected recovery in the developed world, growth rate in West Africa is also expected to improve appreciably, rising to 4.7% in 2010. Even though regional performance in 2009 remains far below the minimum 7% necessary for the attainment of the Millennium Development Goals, it is still well above the continental economic growth rate of 3%, and global growth rate of 0.5%.

29. With regard to the implementation status of Community programmes, the Report records progress achieved since the beginning of 2009, covering socio-economic integration programmes, regional peace and security, as well as administrative and financial matters. The most important actions undertaken in these sectors are:

- In the trade sector, negotiations on the Economic Partnership Agreement (EPA);
- With regard to the creation of a common market, the adoption of the 35% 5th band, as a preliminary to the introduction of the Common External Tariff;
- In the agricultural sector, organisation of an international conference on the financing of a regional agricultural policy (ECOWAP/CAADP) which will provide a lasting solution to the problem of providing for the food needs of the West African peoples.

30 With regard to the creation of an enabling business environment, the Report advocated proper management of security and peace issues, promotion of the private sector, and the achievement of free movement within the ECOWAS region.

31. In the specific area of the negotiation of an economic partnership agreement (EPA) with the European Union, a number of joint negotiation meetings and meetings of the Regional Preparatory Task Force were organised at the technical level and at the level of Chief Negotiators in 2009.

32. Similarly in the Member States, a number of meetings were organised with a view, firstly, to pursuing necessary consultations with the stakeholders as to the positions to be adopted during the negotiations, and secondly, to update the Ministerial Monitoring Committee on progress made with regard to the negotiations.

33. Significant progress was also achieved with regard to the introduction of the ECOWAS Common External Tariff (CET), following the adoption of the 35% 5th band, as well as the adoption of a road map for the creation of a single currency by the Convergence Council at its meeting held on 25 May 2009.

34. In addition, the Report highlights progress made in the sectors of agriculture, energy, infrastructure, and in the areas of peace and security.

35. At the conclusion of his presentation, Council commended the President of the Commission for the quality of his report.

36. The presentation of the President's Report was followed by the report on the implementation status of tasks assigned to the Community institutions by the Council of Ministers.

Item 4: Consideration of the 2009 Interim Report of the Financial Controller

37. The 2009 Interim Report covers the period from 10 January to 30 June 2009, and concerns those Community institutions which were allocated funds obtained from the Community levy and other sources, by the Council of Ministers, for the 2009 budget year. The total budget approved by the Council of Ministers for the 2009 budget year was UA 165,934,114, of which UA 136, 579, 787 was funded from the Community levy, while UA 2,068,000 was from arrears of contributions, UA 3,750,000 from surpluses from previous years, UA 22,707,958 from donors, and UA 828,369 from miscellaneous sources. It was expected that eighty-six percent (86%) of the funding for the budget would be obtained from the Community levy, and 14% from donor funds.

38. The report indicates that midway through the year total income recorded was UA 81,644,722, or 49% of budgeted income for the year. Of the total income received during this period, the Community levy accounted for UA 71,822,474 or 88% of total income, which



amount represented 53% of the Community levy budget. Arrears of contributions received from three Member States during the period under consideration stood at UA 1,068,471, while surplus funds from previous years stood at UA 3,750,000, donor grants at UA 4,397,892, and miscellaneous income at UA 605,885. The level of income realised for the period from the different sources was satisfactory, with the exception of donor income, which recorded a low budget implementation level, at 19%.

39. With regard to budget implementation, UA 46,348,611, or 28% of the budget for the year, was committed during the period under review. Overall performance was slightly above average. However, performance according to institution ranged from 26% to 47%. Administrative expenditure stood at UA 24,353,955, while programme expenditure was UA 17,463,554, and other expenditure, UA 4,531,102. Implementation rate of the administration budget was higher at 37%, than that of the programme budget at 21%. Administrative expenditure was 14% lower than the 56% forecast. Budget implementation levels remain below expected levels despite the different remedial measures taken management to improve programme implementation.

40 With regard to human resource management, there was a net increase of forty-nine new staff members as at 30 June 2009. Twenty-six of the new arrivals were recruited into the international professional staff category. There was an observable improvement in recruitment during this period, with better geographical spread and gender balance.

41. The following are the recommendations contained in the final part of the Financial Controller's report:

- i. The ECOWAS Commission, WAHO, and GIABA should conduct an evaluation of all factors affecting programme implementation and make proposals that will lead to improvements in programme implementation;
- ii. For effective take-off of the implementation of the revised Financial Regulations, it is recommended that training on the new Regulations and Manual of Accounting Procedures for key staff involved in the process be carried out under the direction of the Commission before the end of the year;
- iii. The ECOWAS Commission is urged to provide the required resources and structure to drive the process of achieving consolidated accounts and implementing IPSAS in 2010 and 2011;
- iv. The ECOWAS Commission, in consultation with banks within the region should come up with measures that will minimise the carrying of huge sums of cash across borders for the implementation of its activities; and
- v. All institutions that have not yet opened separate interest-bearing bank accounts for lodgement of separation allowances for staff should do so without further

delay to ensure the security and availability of funds when staff members leave the service of the Institution.

Item 5: Consideration of the Report of the Audit Committee

42. The report of the Audit Committee was presented by Mr. Assani Mohamed on behalf of Alhaji Ibrahim Hassan Dankwambo, Accountant General of the Federal Republic of Nigeria and Chairman of the Audit Committee.

43. The report covered the implementation status of the tasks assigned to the various institutions of the community and the audit of the recruitment process of the ECOWAS Commission as directed by Council.

44. In the discussions which followed the presentation of the 2009 Report of the President of the Commission, the 2009 Interim Report of the Financial Controller and the Report of the Audit Committee, the Council of Ministers took note of the high quality of the reports. The reports were adopted while the Council took the following decisions:

- The Commission needs to take urgent steps to end the movement of physical cash across the borders of Member States. A report must be made at the next session of Council on the measures taken to stop this unacceptable practice;
- The ECOWAS Commission must present to the next session of Council, a financial statement on the surplus funds received from the Community Levy and make proposals on how these funds will be invested;
- The Commission is to provide an explanation on the poor capacity of ECOWAS Institutions to absorb their budgets. Realistic proposals are to be made to the Council on how to permanently resolve this recurrent problem.
- Council directed that all the recommendations of the Financial Controller should be formulated into decisions to be signed by the Chairman of the Council.

Item 6: Consideration of the report of the Sixth Meeting of the Administration and Finance Committee

45. This report was presented by Mr Felix Yusufu Pwoli who had presided over the meeting and focused on the following points discussed during the meeting:

- Implementation status of tasks assigned to the Commission,
- Implementation status of the Community Levy Protocol,

- 2009 Interim Report of the Financial Controller on the Budgetary and Financial situation of ECOWAS Institutions,
- Consideration of the Memorandum on Recruiting additional Staff for the office of the Financial Controller,
- Consideration of the Memorandum on Financing the Education Fund from the Community Levy,
- Consideration of the Memorandum on Financing the Employment and Labour Fund by the Community Levy,
- Consideration of the Memorandum on the review of salaries and allowances of Staff members of ECOWAS Institutions,
- Consideration of the 2010 draft budgets of ECOWAS Institutions

46. After discussions, the Council of Ministers adopted the report of the sixth session of the Administration and Finance Committee.

47. Given the recurrent nature of some of the recommendations in the different reports, Council stressed the need to press on with and speed up the on-going reform process aimed at ensuring greater efficiency of the structures and procedures of Community Institutions.

48. The Council of Ministers adopted the draft budgets of ECOWAS Institutions as recommended by the Administration and Finance. The said report is attached hereto as an annex.

49. The sources from which the budgets will be financed and the amounts allocated to each institution are presented in the table below:

TABLE 1: SUMMARY OF DRAFT 2010 INCOME BUDGETS OF THE COMMUNITY INSTITUTIONS

INCOME	PROPOSAL BY THE INSTITUTIONS	RECOMMENDED BY THE AFC	VARIATIONS	
	UA	UA	AMOUNTS	%
Community Levy	139 166 514	139 384 627	1 218 113	0.88%
Reserve funds	5 300 000	5 423 254	123 254	2%
Contribution arrears	1 400 000	1 400 000	0	0%
External funding	17 106 817	16 969 414	-137 403	-0.8%
Miscellaneous	435 423	449 572	14 149	3%
TOTAL	162 408 754	163 626 867	1 218 113	0.75%



TABLE 2: SUMMARY OF DRAFT 2010 EXPENDITURE BUDGETS OF THE INSTITUTIONS

EXPENDITURE BY INSTITUTION	PROPOSAL BY THE INSTITUTIONS	RECOMMENDED BY THE AFC	VARIATIONS	
	UA	UA	AMOUNTS	%
ECOWAS COMMISSION	121 916 091	123 147 027	1 230 936	1.00%
ECOWAS PARLIAMENT	10 977 148	10 977 148	0	0%
COMMUNITY COURT OF JUSTICE	10 231 242	10 231 242	0	0%
WEST AFRICAN HEALTH ORGANISATION (WAHO)	14 229 427	14 216 604	-12 823	-0.09%
GIABA	5 054 846	5 054 846	0	0%
TOTAL	162 408 754	163 626 867	1 218 113	0.75%

50. The ratios relating to the draft budget of the Institutions of the Community are as follows:

Administrative Cost	-	45%
Programme Cost	-	55%

Item 7: Consideration of the Draft Agenda of the Thirty-seventh Ordinary Session of the Authority of ECOWAS Heads of State and Government

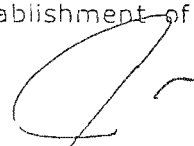
51. The Council of Ministers examined the draft agenda proposed by the Commission for the thirty-seventh ordinary session of the ECOWAS Authority of Heads of State and Government which is scheduled to take place in Abuja on 21 December 2009. After some amendment, it was agreed that the draft agenda should be submitted to the Authority for adoption. The draft agenda is attached to this report as an annex.

Item 8: Consideration of the Memorandum on the ECOWAS Logistics Facility in Freetown, Sierra Leone

52. The memorandum presented by the Commission recalled that the initial site provided by the Government of Sierra Leone for the ECOWAS Logistics Facility in Freetown was found unsuitable due to the following technical reasons:

- the inadequate length of the run way,
- inaccessibility of the runway by sea or rail
- and the local problem over land ownership generally in the Eastern part of Freetown.

53. Subsequently, ECOWAS requested the Government of Sierra Leone to offer a more suitable site that could meet the laid down criteria for the establishment of a Logistics



Facility and a new site has been identified adjacent to an open airfield of 17 acres of land following a joint technical assessment visit involving the ECOWAS Commission and the Government of Sierra Leone in August 2008, and accepted as the site for the establishment of the ECOWAS Logistics Facility.

54. It further recalled that at the 25th Meeting of the MSC in Ouagadougou, Burkina Faso, in December 2008, the MSC endorsed the sum of One Million Five Hundred Thousand US Dollars (\$1,500,000) from the ECOWAS Peace Fund as ECOWAS Contribution to the ECOWAS Logistics Facility project.

55. The memorandum concluded by requesting the Council of Ministers to consider and approve:

- a. the sum of One million, Five Hundred Thousand US Dollars (\$1,500,000) endorsed by the 25th Meeting of the MSC in Ouagadougou in December 2008, as ECOWAS Contribution to the ECOWAS Logistics Facility Project from the ECOWAS Peace Fund;
- b. an additional sum of Five Hundred Thousand US Dollars (\$500,000), for the construction of the ECOWAS Logistics facility in Freetown, Sierra Leone, making a total sum of two million US Dollars to be derived from the ECOWAS Peace Fund, to enable the construction work on the depot to commence.

56. After deliberations on the memorandum, the Council approved the sum of two million dollars (\$ 2,000,000) for the construction of the ECOWAS Logistics facility in Freetown, Sierra Leone to be financed from the ECOWAS Peace Fund.

ITEMS FOR ADOPTION

Item 9: Consideration of the Final Report of the Meeting of Attorneys-General and Ministers of Justice

57. The report of the Ministers of Justice meeting held in Abuja from 5-7 October was presented by Honourable Michael Kasse Aondoaka, the Minister of Justice and Attorney-General of the Federal Republic of Nigeria. The Meeting recommended to the Council of Ministers to adopt:

- the amendment and adoption of Article 9 of the Revised ECOWAS Treaty relating to the Legal regime of the Community;
- the new Rules of Procedure for the Authority of Heads of States and Government, the Council of Ministers, the ECOWAS Commission, the Administration and Finance Committee;

- the draft regulation on the criteria for selecting host countries for ECOWAS Institutions and Agencies.

58. After considering the report the Council adopted the recommendations and decided to establish a three-member ministerial committee comprising Nigeria as Chair, Cote d'Ivoire and Sierra Leone as members. The Committee was tasked with reviewing the Rules of Procedure to address concerns raised by some member States and build a consensus on them. They are to present their report to the next Summit of the Authority of Heads of State and Government.

Item 10: Consideration of Memorandum on the 8th Meeting of ECOWAS Ministers of Telecommunications and ICT

59. The Memorandum on the report of the 8th Meeting of ECOWAS Ministers of Telecommunications and ICT was presented by Honourable Abdourahim Agne, Minister of Telecommunications, ICT and Transport of the Republic of Senegal.

60. This Memorandum focussed on the outcomes and conclusions of the Eighth meeting of ECOWAS Ministers of Telecommunications and Information and Communication Technologies, which aimed at presenting regional development activities in the telecommunications sector in general and in particular, activities linked to the harmonisation of policies and the regulatory framework for Telecommunications and Information and Communication Technologies (ICTs). The overall objective is to put in place a common and liberalised telecoms market in West Africa and promote regional integration.

61. The Ministers recommended for Council to adopt the Supplementary Acts on electronic transactions and personal data protection as well as the Directive on cyber crime in order to create a conducive environment for internet users and popularise the use of ICT services within the sub-region and submit them for Authority's approval.

62. Council adopted the recommendations contained in the memorandum and agreed to forward it to the Authority of heads of State and Government for approval.

Item 11: Consideration of the Memorandum on the Report of the 3rd Conference of ECOWAS Ministers of Culture

63. The report of the 3rd Conference of ECOWAS Ministers of Culture held in Abidjan on 31st July 2009 was presented by the Chairman of that Conference, Senator Bello J. Garba, Honourable Minister of the Federal Ministry of Tourism, Culture and National Orientation of Nigeria.

64. Council adopted the recommendations of the report and added the following:



- that the creation of a regional radio and television channel to promote regional integration and specialized in promoting Community arts and culture should also include the promotion of sports.

Item 12: Consideration of the Reports of the 10th Assembly of Health Ministers and 1st Extraordinary Assembly of Health Ministers

65. The reports of the tenth Ordinary Assembly of ECOWAS Health Ministers and the first Extraordinary Assembly of ECOWAS Health Ministers were presented by Dr. (Mrs.) Ayo Folake, on behalf of the Honourable Minister of Health of the Federal Republic of Nigeria, and Chairman of the Assembly of ECOWAS Health Ministers.

66. The reports indicated that:

- maternal, new born, and child health indicators in ECOWAS Member States are the worst in the world. All ECOWAS Member States, except Cape Verde, are having difficulties meeting the health-related Millennium Development Goals (MDGs) targets;
- malaria remains the most common cause of morbidity and mortality in the region but progress is being made on the malaria-elimination initiative in the region in collaboration with Cuba and Venezuela.

67. The ECOWAS Assembly of Health Ministers recommended that:

- a Special Summit of the ECOWAS Heads of State be held to discuss maternal, newborn, and child health issues, and that this Special Summit should also involve the participation of the Ministers of Finance in ECOWAS Member States to underscore the Abuja Commitment of 15% allocation of their national budgets to the health sector, with 5% to Reproductive Health;
- a special fund be established to address some of the challenges of maternal, newborn, and child health in the sub-region.

68. After deliberation, Council adopted the report.



Item 13: Consideration of the Memorandum on the Draft Regulation Adopting Guidelines for the Preparation of Report on the ECOWAS Multilateral Surveillance Mechanism

69. The Commission presented a draft regulation adopting the guidelines for the preparation of reports on the ECOWAS Multilateral Surveillance Mechanism, which had earlier been examined by the ECOWAS Convergence Council in May 2009.

70. Council adopted the draft regulation after deliberations.

ITEMS FOR INFORMATION

Item 14: Memorandum on the Report of the 2nd ECOWAS Business Forum

71. Council took note of the memorandum presented.

Item 15: Memorandum on the Report on the Roadmap for the ECOWAS Single Currency Programme

72. Council took note of the memorandum presented.

Item 16: Memorandum on the Progress Report on the EPA Negotiations

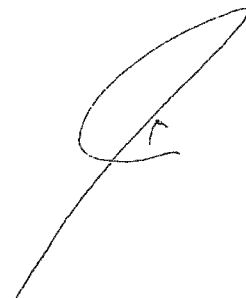
73. Council took note of the memorandum presented.

Item 17: Any other business

74. The Republic of The Gambia requested that in view of the fact that there will be only one more ordinary session of Council before the expiration of the tenure of the incumbent statutory appointees at the ECOWAS Commission, Council should direct the Commission to communicate the list of member States that are eligible to field candidates for the positions that will become vacant, in order to enable them commence the process of finding suitable nominees.

Item 18: Adoption of the Report

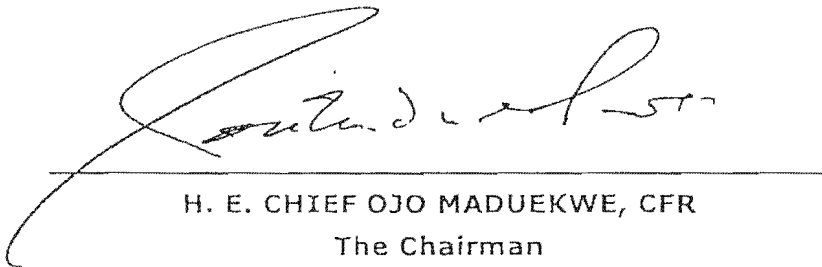
75. This report was adopted after amendments.

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Item 19: Closing Ceremony

76. In his closing remarks, the Chairman of the Council of Ministers expressed his deep appreciation to all the delegates for their trust and support during the meeting. He also expressed his appreciation to the staff of the Commission for their remarkable performance that facilitated their deliberations. Finally, he wished the delegates safe journey to their countries and declared the Sixty-third Ordinary Session of the Council of Ministers closed.

DONE AT ABUJA, THIS 20th DAY OF NOVEMBER 2009



H. E. CHIEF OJO MADUEKWE, CFR
The Chairman

For Council

COMUNIDADE DOS
ESTADOS
DA AFRICA DO OESTE

ECONOMIC COMMUNITY
OF WEST AFRICAN
STATES



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

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

Abuja, 20 November 2009

VOTE OF THANKS

The ECOWAS Council of Ministers, meeting in Abuja on 20 November 2009, wish to express their profound gratitude to His Excellency, Alhaji Umaru Musa Yar'adua GCFR, President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, and current Chairman of ECOWAS, to the Government and People of Nigeria, for the heart-warming welcome extended to them and the excellent facilities placed at their disposal to ensure the success of their deliberations.

DONE AT ABUJA, THIS 20th DAY OF NOVEMBER 2009

COUNCIL

A large, stylized handwritten signature in black ink, likely belonging to a member of the ECOWAS Council of Ministers.



**SIXTY THIRD ORDINARY SESSION OF THE
COUNCIL OF MINISTERS**

Abuja, 20th – 21st November 2009

**REGULATION C/REG.1/11/09 APPROVING THE WORK
PROGRAMME OF THE ECOWAS COMMISSION, FOR THE 2010
FINANCIAL YEAR**

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;

HAVING CONSIDERED the Work Programme of the ECOWAS Commission, for the 2010 Financial Year recommended by the sixth meeting of the Administration and Finance Committee held in Abuja, from 26th to 31st October 2009.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the ECOWAS Commission, during the 2010 Financial Year.

ARTICLE 2

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009


.....
H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN
FOR COUNCIL

ECONOMIC COMMUNITY OF
WEST AFRICAN STATES



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

**SIXTY THIRD ORDINARY SESSION OF THE
COUNCIL OF MINISTERS**

Abuja, 20th – 21st November 2009

**REGULATION C/REG.2/11/09 APPROVING THE WORK
PROGRAMME OF THE ECOWAS PARLIAMENT
FOR THE 2010 FINANCIAL YEAR**

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;

HAVING CONSIDERED the Work Programme of the ECOWAS Parliament for the 2010 Financial Year recommended by the sixth meeting of the Administration and Finance Committee held in Abuja, from 26th to 31st October 2009;

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the ECOWAS Parliament during the 2010 Financial Year.

ARTICLE 2

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009


.....
H.E. Chief Ojo MADUEKWE (CFR)
CHAIRMAN
FOR COUNCIL



SIXTY THIRD ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 20th – 21st November 2009

REGULATION C/REG.3/11/09 APPROVING THE WORK PROGRAMME OF THE COMMUNITY COURT OF JUSTICE FOR THE 2010 FINANCIAL YEAR

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;

HAVING CONSIDERED the Work Programme of the Community Court of Justice for the 2010 Financial Year recommended by the sixth meeting of the Administration and Finance Committee held in Abuja, from 26th to 31st October 2009.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the Community Court of Justice during the 2010 Financial Year.

ARTICLE 2

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009


.....
H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN
FOR COUNCIL



**SIXTY THIRD ORDINARY SESSION OF THE
COUNCIL OF MINISTERS**

Abuja, 20th – 21st November 2009

**REGULATION C/REG. 4/11/09 APPROVING THE WORK
PROGRAMME OF THE WEST AFRICAN HEALTH ORGANISATION
FOR THE 2010 FINANCIAL YEAR**

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;

HAVING CONSIDERED the Work Programme of the West African Health Organisation for the 2010 Financial Year recommended by the sixth meeting of the Administration and Finance Committee held in Abuja, from 26th to 31st October 2009;

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the West African Health Organisation during the 2010 Financial Year.

ARTICLE 2

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009


.....
H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN
FOR COUNCIL



**SIXTY THIRD ORDINARY SESSION OF THE
COUNCIL OF MINISTERS**

Abuja, 20th – 21st November 2009

**REGULATION C/REG.5/11/09 APPROVING THE WORK
PROGRAMME OF THE INTERGOVERNMENTAL ACTION GROUP
AGAINST MONEY LAUNDERING IN WEST AFRICA (GIABA)
FOR THE 2010 FINANCIAL YEAR**

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;

HAVING CONSIDERED the Work Programme of the Intergovernmental Action Group against Money Laundering in West Africa (GIABA) for the 2010 Financial Year recommended by the sixth meeting of the Administration and Finance Committee held in Abuja, from 26th to 31st October 2009;

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the Intergovernmental Action Group against Money Laundering in West Africa (GIABA) during the 2010 Financial Year.

ARTICLE 2

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009

A handwritten signature in black ink, appearing to read 'Ojo Maduekwe', is written over a dotted line.
H.E. Chief Ojo MADUEKWE (CFR)
CHAIRMAN
FOR COUNCIL

GUIDELINES FOR THE PREPARATION OF REPORTS ON ECOWAS MULTILATERAL SURVEILLANCE MECHANISM

INTRODUCTION

❖ Developments in the world economic environment

The interest in providing an overview of the international environment is to assess opportunities opened to the country as well as constraints that had adverse effect on the national economy.

At this level, an analysis on the following aspects is expected:

- i. An analysis of trends in world demand through world economic growth with special emphasis on major economies. The effect of world demand on the country's growth could be highlighted.
- ii. Inflationary trend across the world especially in major partner economies in order to assess inflation differentials;
- iii. A presentation of trends in prices of major commodities exported by the country ;
- iv. An analysis of developments in the international financial situation based on trends in interest rates and exchange rates of currencies of major partners.
- v. All other shocks and how they affect your country's economy

It is also worth noting at this point that the international environment is addressed comprehensively in the first part of the on ECOWAS Monetary Cooperation Programme (EMCP) Report. At the country level it is not necessary to dilate on generalities. It is advisable to present major economic and financial trends which directly affect the national economy. That is why the point on the country's export commodity prices is of particular interest.



**SIXTY THIRD ORDINARY SESSION OF THE
COUNCIL OF MINISTERS**

Abuja, 20th – 21st November 2009

**REGULATION C/REG.7/11/09 APPROVING THE WORK
PROGRAMME OF THE WATER RESOURCES INTEGRATED
MANAGEMENT CENTRE FOR THE 2010 FINANCIAL YEAR**

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;

HAVING CONSIDERED the Work Programme of the Water Resources Coordination Centre for the 2010 Financial Year recommended by the sixth meeting of the Administration and Finance Committee held in Abuja, from 26th to 31st October 2009;

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the Water Resources Integrated Management Centre during the 2010 Financial Year.

ARTICLE 2

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009


.....
H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN
FOR COUNCIL



**SIXTY THIRD ORDINARY SESSION OF THE
COUNCIL OF MINISTERS**

Abuja, 20th – 21st November 2009

**REGULATION C/REG.8/11/09 APPROVING THE WORK
PROGRAMME OF THE ECOWAS OFFICE IN BRUSSELS**

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;

HAVING CONSIDERED the Work Programme of the ECOWAS Office in Brussels for the 2010 Financial Year recommended by the sixth meeting of the Administration and Finance Committee held in Abuja, from 26th to 31st October 2009;

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the ECOWAS Office in Brussels during the 2010 Financial Year.

ARTICLE 2

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009


.....
H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN
FOR COUNCIL



**SIXTY THIRD ORDINARY SESSION OF THE
COUNCIL OF MINISTERS**

Abuja, 20th – 21st November 2009

**REGULATION C/REG.9 /11/09 APPROVING THE WORK PROGRAMME OF
THE ECOWAS YOUTH AND SPORTS DEVELOPMENT CENTRE FOR THE
2010 FINANCIAL YEAR**

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;

HAVING CONSIDERED the Work Programme of the Youth and Sports Development Centre for the 2010 financial year recommended by the sixth meeting of the Administration and Finance Committee held in Abuja, from 26th to 31st October 2009;

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the Youth and Sports Development Centre during the 2010 Financial Year.

ARTICLE 2

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009


.....
H.E. Chief Ojo MADUEKWE (CFR)
CHAIRMAN
FOR COUNCIL



SIXTY THIRD ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 20th – 21st November 2009

REGULATION C/REG.10 /11/09 APPROVING THE BUDGET OF THE ECOWAS COMMISSION, ITS AGENCIES, CENTRES AND OFFICES FOR THE 2010 FINANCIAL YEAR

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 provision of Article 17 of the said Treaty on the Establishment and the composition of the ECOWAS Commission;

MINDFUL of the provision of Article 72 of the Treaty relating to the Community levy;

MINDFUL of the provisions of Article 69 of the Treaty which relate to the budget of the Community Institutions;

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

HAVING CONSIDERED the budget of the ECOWAS Commission proposed by the sixth meeting of the Administration and Finance Committee, held in Abuja from 26th to 31st October 2009;

ENACTS

ARTICLE 1

The budget of the ECOWAS Commission, Agencies, Centres and Offices for the 2010 financial year, balanced in income and expenditure at the sum of one hundred and twenty three million one hundred and forty-seven thousand, and twenty seven Units of Account (123,147,027 UA) is hereby approved.

ARTICLE 2

The details of the budget mentioned in Article 1 of this Regulation is as follows:

- I. Commission: one hundred and twelve million, seven hundred and thirty four thousand, seven hundred and thirty-eight Units of Account **(112,734,738 UA)**
- II. Gender Centre: one million, nine hundred and fifty one thousand, one hundred and sixty six Units of Accounts **(1,951,166 UA.)**
- III. Water Resources Centre: one million, eight hundred and seventy one thousand, six hundred and sixty eight Units of Account **(1,871,668 UA.)**
- IV. Youth and Sports Centre: three million, thirty six thousand, seven hundred and seventy two Units of Account **(3,036,772 UA)**
- V. ECOWAS Office in Brussels: three hundred and sixty two thousand, nine hundred and twelve Units of Account **(362,912 UA)**
- VI. Office of the Financial Controller: one million, three hundred and nineteen thousand, nine hundred and seventy nine Units of Account **(1,319,979 UA)**
- VII. Office of the Chief internal Auditor: one million, eight hundred and sixty nine thousand, seven hundred and ninety two Units of Account **(1,869,792 UA);**

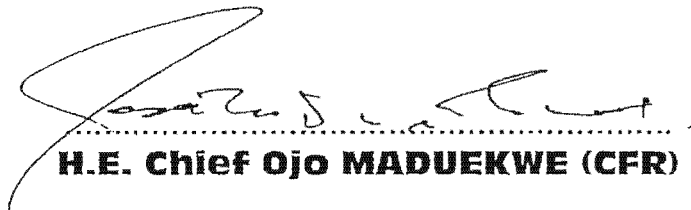
ARTICLE 3

1. An amount of one hundred million, nine hundred and three thousand, two hundred and fifty one Units of Account **(100,903,251 UA)** shall be derived from resources obtained from the Community Levy.
2. Another amount in the sum of five million Units of Account **(5,000,000 UA)** shall be derived from excess funds.
3. An amount in the sum of fifteen million, nine hundred and four thousand, six hundred and twenty seven Units of Account **(15,904,627 UA)** shall be derived from external sources.
4. Additional amounts in the sum of one million **Units** of Account **(1,000,000 UA)** shall be derived from arrears of contributions.
5. An amount of three hundred and thirty nine thousand, one hundred and forty nine Units of Account **(339,149 UA)** shall be derived from other sources.

ARTICLE 4

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009



H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN

FOR COUNCIL



SIXTY THIRD ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 20th – 21st November 2009

REGULATION C/REG.11/11/09 APPROVING THE BUDGET OF THE ECOWAS PARLIAMENT FOR THE 2010 FINANCIAL YEAR

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 13 of the said Treaty establishing the ECOWAS Parliament;

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

MINDFUL of Protocol A/P.2/8/94 and its amendments, defining the composition, functions, powers and organisation of the ECOWAS Parliament;

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

MINDFUL of the provisions of Article 69 of the ECOWAS Treaty which relate to the budget of the Community Institutions;

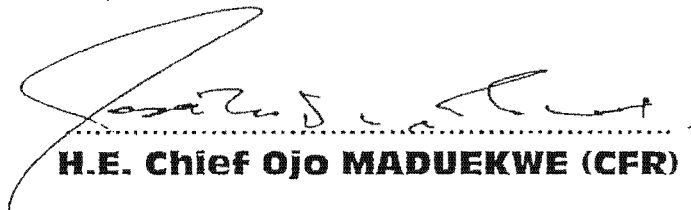
MINDFUL of the Regulation C/REG.5/05/09 of May 27, 2009 adopting the Financial Regulations of the Institutions of the Economic Community of West African States (ECOWAS);

HAVING CONSIDERED the budget of the ECOWAS Parliament recommended by the sixth meeting of the Administration and Finance Committee, held in Abuja from 26th to 31st October 2009;

ARTICLE 4

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009



H.E. Chief Ojo MADUEKWE (CFR)

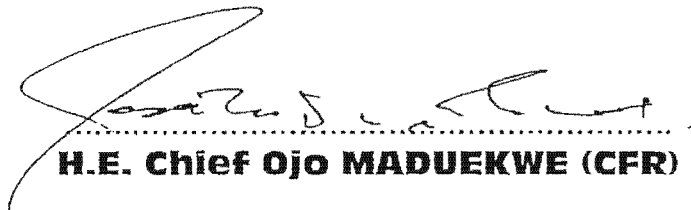
CHAIRMAN

FOR COUNCIL

ARTICLE 4

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009



H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN

FOR COUNCIL

ENACTS

ARTICLE 1

The budget of the Community Court of Justice for the 2010 financial year, balanced in income and expenditure at the sum of ten million, two hundred and thirty one thousand, two hundred and forty two Units of Account (**10,231,242 UA**) is hereby approved.

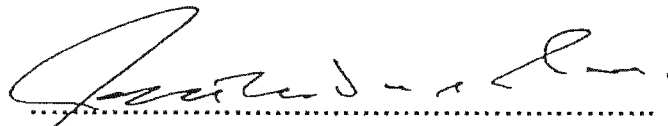
ARTICLE 2

1. An amount of nine million, six hundred and forty thousand, four hundred and ninety one units of Accounts (**9,640,491 UA**) shall be derived from resources obtained from the Community Levy.
2. Additional amounts in the sum of two hundred thousand Units of Accounts (**200,000 UA**) shall be derived from arrears of contributions.
3. Additional amount of seventeen thousand, nine hundred and fifty units of account (**17,950 UA**) shall be derived from other sources.
4. An amount in the sum of one hundred and ninety nine thousand, five hundred and forty seven units of Accounts (**199,547 UA**) shall be derived from external sources.
5. Another amount in the sum of one hundred and seventy three thousand, two hundred and fifty four units of Accounts (**173,254 UA**) from excess funds.

ARTICLE 3

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

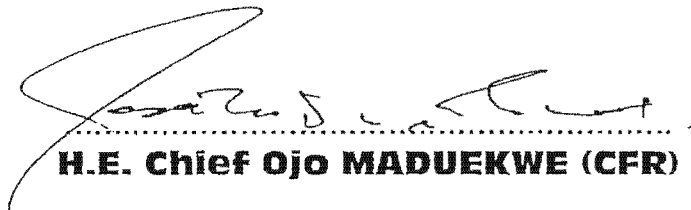
DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009


.....
H.E. Chief Ojo MADUEKWE (CFR)
CHAIRMAN
FOR COUNCIL

ARTICLE 4

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009



H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN

FOR COUNCIL

ARTICLE 1

The budget of the West African Health Organisation for the 2010 financial year, balanced in income and expenditure at the sum of fourteen million, two hundred and sixteen thousand, six hundred and four Units of Accounts (**14,216,604 UA**) is hereby approved.

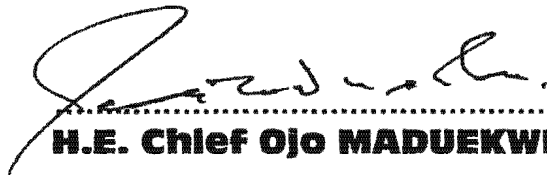
ARTICLE 2

1. An amount of thirteen million, four hundred and nine thousand, eight hundred and ninety one Units of Account (**13,409,891 UA**) shall be derived from resources obtained from the Community Levy.
2. Additional amount of seven hundred and eighty nine thousand, two hundred and forty Units of Account (**789,240 UA**) shall be derived from external sources.
3. Additional amounts in the sum of seventeen thousand, four hundred and seventy three Units of Account (**17,473 UA**) shall be derived from other sources.

ARTICLE 3

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009


.....
H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN
FOR COUNCIL



SIXTY THIRD ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 20th – 21st November 2009

REGULATION C/REG.14/11/09 APPROVING THE BUDGET OF THE INTERGOVERNMENTAL ACTION GROUP AGAINST MONEY LAUNDERING IN WEST AFRICA FOR THE 2010 FINANCIAL YEAR

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 69 of the said Treaty which relate to the budget of the Community Institutions;

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

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

MINDFUL of Decision A/DEC.9/12/99 establishing GIABA and the Revised Statutes of the Intergovernmental Action Group Money Laundering in West Africa.

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

HAVING CONSIDERED the budget of the Intergovernmental Action Group Against Money Laundering in West Africa recommended by the sixth meeting of the Administration and Finance Committee, held in Abuja from 26th to 31st October 2009.

ARTICLE 1

The budget of the Intergovernmental Action Group Against Money Laundering in West Africa for the 2010 financial year, balanced in income and expenditure at the sum of five million, fifty four thousand, eight hundred and forty six Units of Accounts **(5,054,846 UA)** is hereby approved.

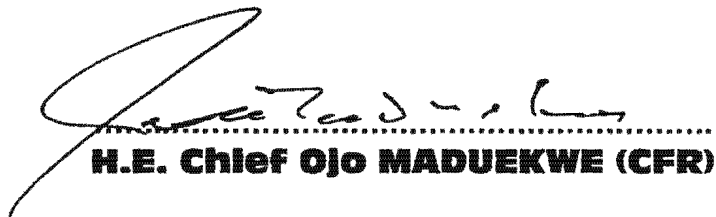
ARTICLE 2

1. An amount of four million, nine hundred and seventy eight thousand, eight hundred and forty six Units of Accounts **(4,978,846 UA)** shall be derived from resources obtained from the Community Levy.
2. Additional amounts in the sum of seventy six thousand Units of Accounts **(76,000 UA)** shall be derived from external sources.

ARTICLE 3

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009



.....
H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN
FOR COUNCIL



**SIXTY THIRD ORDINARY SESSION OF THE COUNCIL
OF MINISTERS**

Abuja, 20TH – 21ST NOVEMBER 2009

**REGULATION C/REG15/11/09 ESTABLISHING THE CRITERIA FOR
THE HOSTING OF INSTITUTIONS AND AGENCIES OF THE ECONOMIC
COMMUNITY OF WEST AFRICAN STATES (ECOWAS) BY MEMBER
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 6 of the said Treaty establishing Institutions of the Community;

MINDFUL of Article 5 of the ECOWAS Treaty obliging Member States to create favourable conditions for the attainment of the objectives of the Community and to honour their obligations under this Treaty and also to abide by the decisions and regulations of the Community;

Also **MINDFUL** of Article 88 of the ECOWAS Treaty which provides for the status, privileges and immunities of the Community Institutions and their officials in the territory of each Member State;

MINDFUL of the ECOWAS General Convention on Privileges and Immunities of 22nd April 1978 which also prescribes the right, privileges and immunities of the Community Institutions and their officials in host member States;

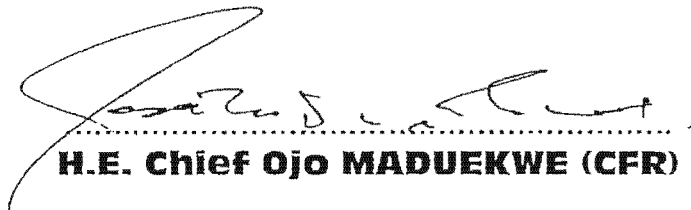
CONSIDERING the need to ensure that Community Institutions and Agencies wherever they are located, operate efficiently with the full cooperation of the host Member States;

ALSO CONSIDERING the need to ensure equitable geographical distribution of ECOWAS Institutions and Agencies in Member States;

ARTICLE 4

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009



H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN

FOR COUNCIL

Article 3:

A member State hosting or offering to host any of the Institutions or Agencies of ECOWAS should have ratified the ECOWAS General Convention on Privileges and Immunities of 1978, the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963.

Article 4:

Any Member State hosting an ECOWAS Institution or Agency should comply with the provisions of the Conventions stipulated in Article 3 of this Regulation as well as the provisions of the Headquarters Agreement concluded in line with the model adopted by the Community.

Article 5:

A member State hosting or offering to host an ECOWAS Institution or Agency should have faithfully been implementing the conditions relating to the Community Levy.

Article 6:

The Commission shall set up an independent team which shall undertake a fact-finding mission to member States offering to host Institutions and Agencies of ECOWAS to inspect the proposed site and submit a report to Council.

Article 7:

After consideration of all the member States' offers for hosting Community Institutions and Agencies, Council shall recommend to the Authority of Heads of State and Government the selection of a host country, taking account of criteria defined under this Regulation and the need for equitable and just distribution of the costs and benefits of economic cooperation and integration.

Article 8:

Council may recommend to the Authority of Heads of State and Government, the transfer of an ECOWAS Institution or Agency, in the event that the member State concerned is in breach of the agreed criteria or the Headquarters Agreement, or in the case of persistent conflict or instability, of natural or other disaster that have the effect of making the Institution or agency unable to function.

Article 9:

The present criteria shall be subject to periodic review by Council either on its own initiative or on the initiative of the ECOWAS Commission.

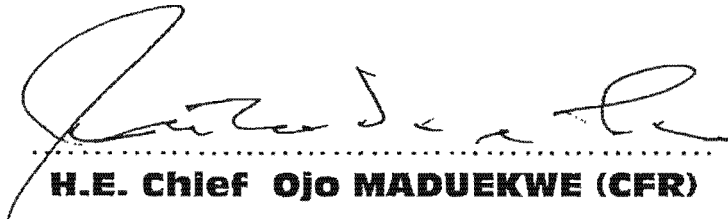
Article 10:

The Commission shall elaborate model Headquarters Agreement which it shall communicate along with a copy of this Regulation to all the member States.

Article 11:

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

DONE AT ABUJA THIS 21ST DAY OF NOVEMBER 2009



H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN

FOR COUNCIL

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



ECONOMIC COMMUNITY OF
WEST AFRICAN STATES

SIXTY-THIRD ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 20th -21st November 2009

REGULATION C/REG.16/11/09 ON THE CREATION, OBJECTIVES AND RESPONSIBILITIES OF A REGIONAL COPYRIGHT OBSERVATORY

THE COUNCIL OF MINISTERS,

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

MINDFUL of the provisions of Article 26 of the said Treaty relating to Industry which prescribes that Member States ensure in particular the development of cultural industries;

MINDFUL of the provisions of Article 62 of the said Treaty relating to cultural affairs which prescribe that Member States undertake to encourage the promotion by all means and in all forms, of cultural exchanges, develop and improve where necessary the structures and mechanisms for production in, the spread and use of cultural industries;

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

MINDFUL of Decision A/DEC.4/11/96 adopting the ECOWAS Cultural Development Programme;

MINDFUL of Decision A/DEC.6/01/03 adopting the NEPAD-CULTURE Action Plan;

CONSIDERING that in view of the scale of fraud and piracy in the area of artistic works in Africa in general and in West Africa in particular; it has become necessary to put in place a mechanism for the observation and monitoring of artworks in order to reduce the obstacles to the development of cultural industries;

CONVINCED that the setting up of this mechanism, represented concretely by the creation of a Regional Copyright Observatory, will contribute to strengthening the West African Network of Copyright Offices and reducing piracy and fraud in West Africa;

ALSO CONVINCED that the existence of a Regional Copyright Observatory will ensure that the rights of creators are better protected and also allow for the monitoring of changes in copyright protection in ECOWAS Member States.

KEEPING IN MIND the urgent need to genuinely engage at the regional level and in a coordinated fashion, in the fight against piracy, fraud and counterfeiting which today constitute factors discouraging artistic and cultural creativity ;

DESIROUS to contribute to put in place an Regional Copyright Observatory.

ON THE RECOMMENDATION of the third Conference of ECOWAS Ministers of Culture held in Abidjan, Cote d'Ivoire on 31st July 2009;

ENACTS

ARTICLE 1 CREATION

A Regional Copyright Observatory is hereby established by this Regulation.

ARTICLE 2 OBJECTIVES

The objectives of the Regional Copyright Observatory stated in Article 1 of this Regulation are to:

- 1) Monitor changes in copyright protection ;
- 2) Recommend measures to take in the area of legislation and application of laws on the copyright protection;
- 3) Provide advice to the ECOWAS Commission on the protection of the rights of creators;
- 4) Contribute to providing content for the website and the cultural data bank;
- 5) Carry out the fight against fraud in order to better protect the rights of creators.

ARTICLE 3 RESPONSIBILITIES

The responsibilities of the Observatory include to:

- 1) Coordinate the fight against fraud and piracy of artworks with a view to reducing the obstacles to the development of cultural industries;
- 2) Contribute to strengthening the West African Network of Copyright Offices ;
- 3) Contribute to harmonising Member States' laws, implementing the recommendations of the Conference of ECOWAS Ministers of Culture, especially by the creation of an ECOWAS hologram ;
- 4) Contribute to reducing the incidence of piracy and fraud within ECOWAS;

ARTICLE 4 HEADQUARTERS

The location of the headquarters of the Copyright Observatory shall be rotating based on the residence of the Coordinator.

ARTICLE 5 ORGANISATION AND FUNCTIONING

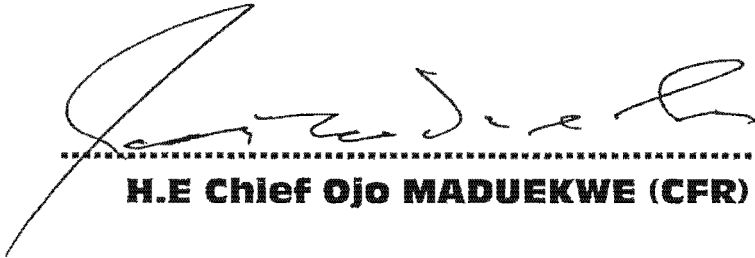
The organisation and functioning of the Regional Copyright Observatory shall be defined by an "enabling Rule" enacted by the President of the ECOWAS Commission.

ARTICLE 6 PUBLICATION

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

DONE AT ABUJA THIS 21ST DAY OF NOVEMBER 2009

FOR THE COUNCIL



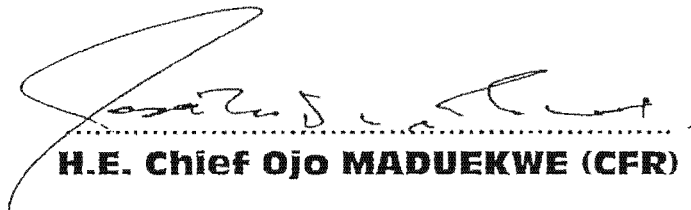
THE CHAIRMAN

FOR COUNCIL

ARTICLE 4

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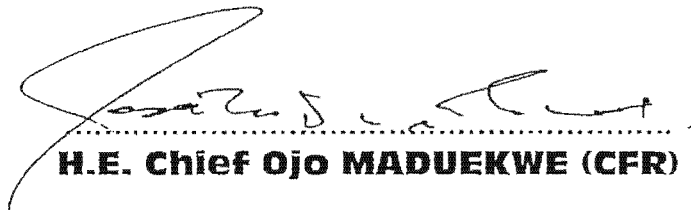
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FOR COUNCIL



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

Abuja, 20th - 21st November 2009

**REGULATION C/REG. 18/11/09 ADOPTING THE GUIDELINES FOR THE
PREPARATION OF REPORTS ON ECOWAS MULTILATERAL
SURVEILLANCE MECHANISM**

THE COUNCIL OF MINISTERS,

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

MINDFUL of Decision A/DEC.2/7/87 on the adoption of an ECOWAS monetary cooperation programme which envisages the creation of a single monetary zone within ECOWAS;

MINDFUL of Decision A/DEC.7/12/99 relating to the adoption of macroeconomic convergence criteria within the framework of the ECOWAS monetary cooperation programme;

MINDFUL of Decision A/DEC.17/12/01 creating a mechanism for the multilateral surveillance of Economic and Financial Policies of ECOWAS Member States;

CONSIDERING that the realization of the monetary and economic integration requires the effective establishment of a mechanism of multilateral surveillance within ECOWAS;

AWARE that the activities of the Mechanism are reflected in African economic and analytical and detailed reports;

NOTING that the reports of Member States are presented in various formats and this does not permit adequate monitoring of the activities of the mechanism;

DESIROUS to establish a harmonized framework for the presentation of the Reports on the Multilateral Surveillance of the financial and economic policies of ECOWAS Member States;

ON THE RECOMMENDATION of the Fifth Ordinary Session of the Convergence Council held in Abuja on 25 May 2009;

HEREBY ENACTS

Article 1:

The attached guidelines for the preparation of Reports on ECOWAS Multilateral Surveillance Mechanism are hereby adopted.

Article 2:

The Guidelines for the Preparation of the Reports on ECOWAS Multilateral Surveillance Mechanism shall form the basis of the multilateral surveillance report from the National Coordinating Committee in every ECOWAS Member State.

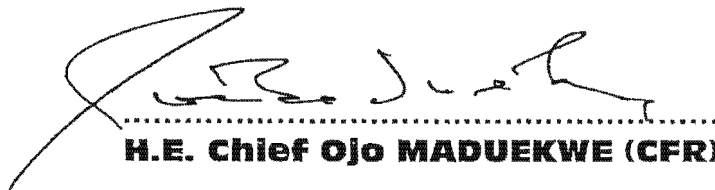
Article 3:

The National Coordinating Committees shall forward to the ECOWAS Commission quarterly, a report on the financial and economic situation on the basis of the convergence criteria in force.

Article 4:

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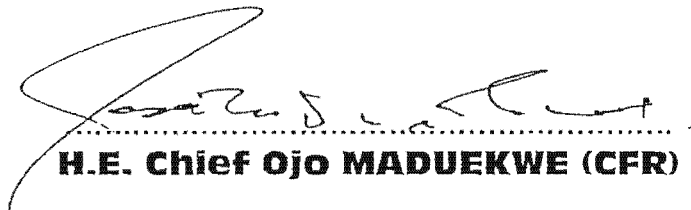
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❖ Major economic policy targets

A recall of the government's main targets helps to highlight whether concerns in terms of macroeconomic convergence are taken into account in the formulation of the country's economic policy, among others. At this stage, it is important to indicate government objectives in terms:

- Real GDP growth rate
- End of period inflation rate
- Budget deficit excluding grant /GDP
- Current account deficit in relation to GDP

With these four indicators, it is possible to have an idea about the government's ambitions on one hand, and its commitment to achieve convergence on the other.

❖ Major achievements or results achieved

At this level, the report must indicate whether the achievements are commensurate with the targets or not. Reasons for performance or counter performance should be provided in detailed in the first part.

1. ANALYSIS OF THE FINANCIAL AND ECONOMIC SITUATION

The analysis of the economic and financial situation must be addressed under the four key sectors of the economy:

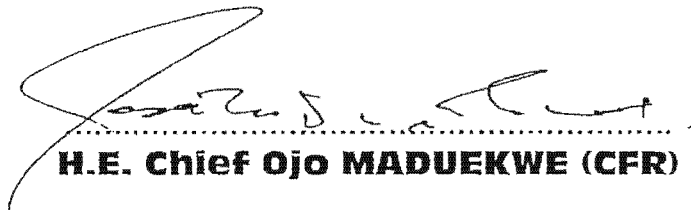
1.1 REAL SECTOR

The analysis of the real sector must be addressed through trends in the supply and demand of goods and services and must be based on national accounts and macroeconomic framework as well as price statistics.

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ENACTS

ARTICLE 1

The budget of the Community Court of Justice for the 2010 financial year, balanced in income and expenditure at the sum of ten million, two hundred and thirty one thousand, two hundred and forty two Units of Account (**10,231,242 UA**) is hereby approved.

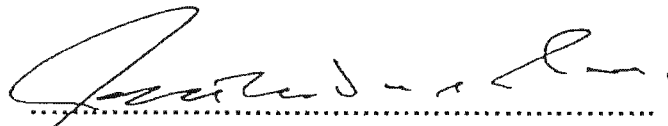
ARTICLE 2

1. An amount of nine million, six hundred and forty thousand, four hundred and ninety one units of Accounts (**9,640,491 UA**) shall be derived from resources obtained from the Community Levy.
2. Additional amounts in the sum of two hundred thousand Units of Accounts (**200,000 UA**) shall be derived from arrears of contributions.
3. Additional amount of seventeen thousand, nine hundred and fifty units of account (**17,950 UA**) shall be derived from other sources.
4. An amount in the sum of one hundred and ninety nine thousand, five hundred and forty seven units of Accounts (**199,547 UA**) shall be derived from external sources.
5. Another amount in the sum of one hundred and seventy three thousand, two hundred and fifty four units of Accounts (**173,254 UA**) from excess funds.

ARTICLE 3

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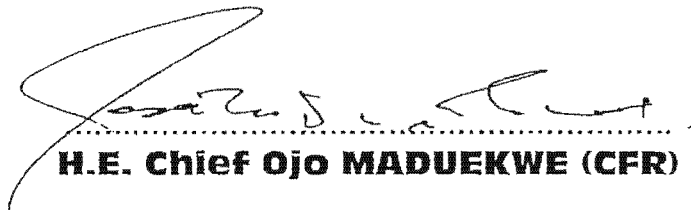
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1.3.1 Decisions on monetary policy

The report should mention decisions taken by monetary authorities during the period under review. The report should highlight important decisions relating to interest rates, mandatory reserve rate, etc or the organization of the money market such as the introduction of a new instrument or a decision to limit advances to the Government.

1.3.2 Trends in monetary aggregates

The descriptive analysis of trends in monetary aggregates is of little interest if it does not take into account the explanatory factors. Thus, the report should indicate whether external assets are influenced by the nature of prevailing monetary and budget policies, balance of payments orientation or the country's capacity to mobilize external resources. Regarding internal credit, it should assess the financial needs of companies which depends on the nature of fiscal policy

The report must decompose M2 aggregate into cash in circulation and demand deposits order to have an idea about economic operators' preference for cash or not. It must also be interested in long term deposits that help to determine the capacity to finance investments. The share of foreign exchange deposits is also important as it will help assess the preference between the local currency and foreign currency.

The report must review liquidity ratios in the economy ($m2/GDP$) or the velocity of money circulation in order to assess the stability of money demand.

1.4 EXTERNAL SECTOR

In a globalized economy, the analysis of economic and financial relations between a country and the rest of the world is of particular importance.

In this section, the report must analyse the various components of the balance of payments, especially external trade.

1.4.1 External Trade

With regard to external trade, the analyst must tackle the merchandise trade through trends in exports and imports.

The analysis of imports and exports must take into account the volume and value as well as related prices and structure for each product as well as the direction of trade. The report must touch on the level of balance of trade and its trends. Basic data meant for the analyses must be derived from EUROTRACE statistics.

1.4.2 Analysis of other components of the balance of payments

The analyses of other balances must begin with non factor services which depend to a large extent on trends in external trade and infrastructure available in the country in terms of insurance and transportation.

Concerning the net income, it will deal with trends in factor services especially interest on debt, and net transfers of revenue.

As far as transfers are concerned, they will be addressed on the basis of the beneficiary entity (public or private). Under private transfers, it is important to indicate the magnitude of remittances.

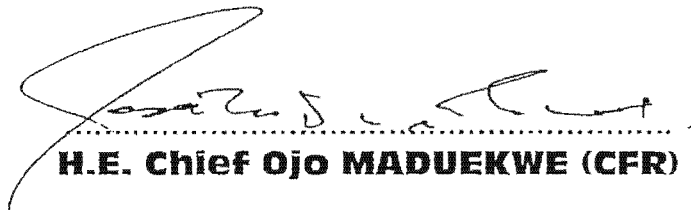
To conclude on current operations, the analysis must review trends in the current balance excluding or including public transfers.

In the analysis of the capital account and financial operations, the report must dwell particularly on trends in foreign direct investments. Trends in FDI could be explained by developments in the business environment (legal and regulatory framework, business opportunities, privatisation programmes, internal monetary conditions, macroeconomic framework viability and good political and economic governance). The balance of

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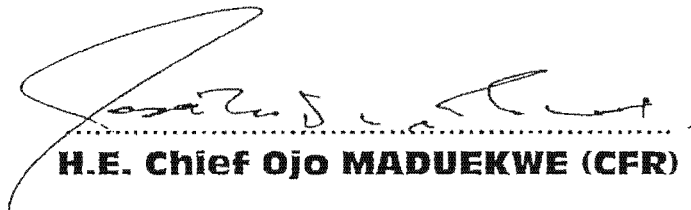
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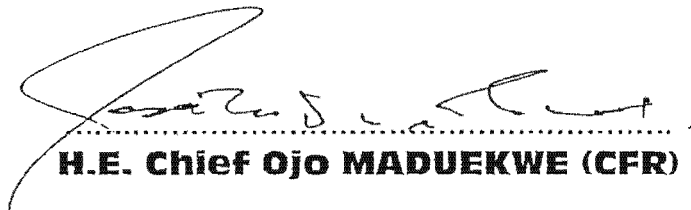
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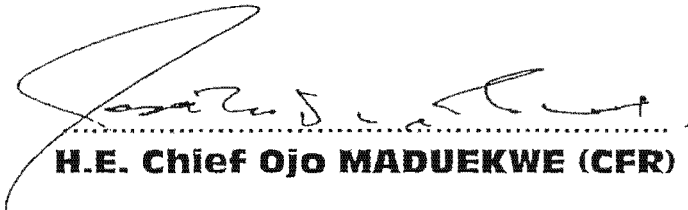
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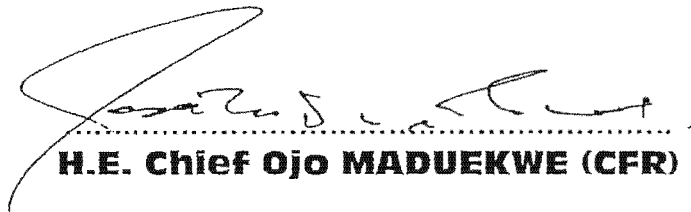
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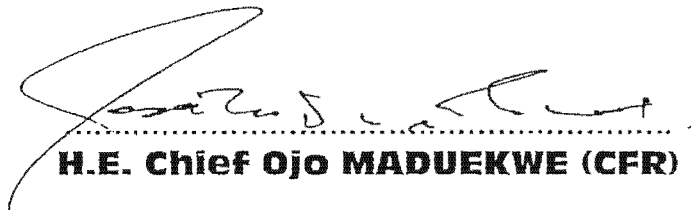
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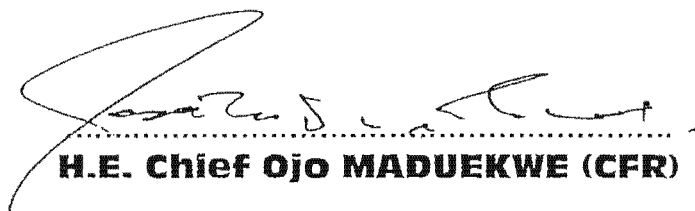
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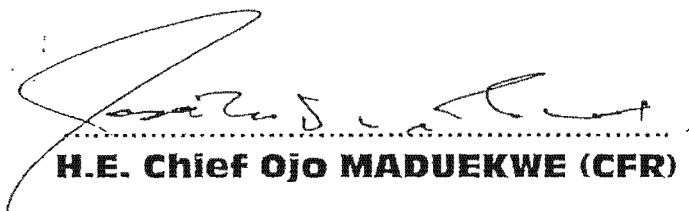
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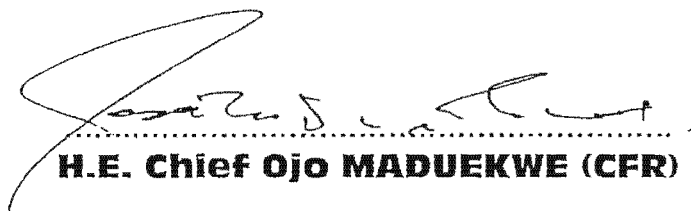
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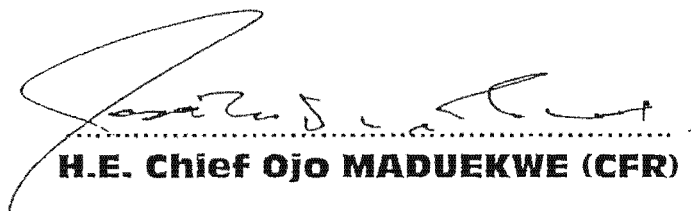
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Article 12:

Types of processing to be executed after authorization

The following shall be subject to authorisation from the data protection authority:

- 1) Processing of personal data relating to genetic data and health research;
- 2) Processing of personal data relating to offences, sentences, or security measures;
- 3) Processing of personal data for the purpose of combining files, as defined under Article 37 of this Supplementary Act;
- 4) Processing relating to a national identification number or any such other identification;
- 5) Processing of personal data that includes biometric data;
- 6) Processing of personal data for reasons of public interest, in particular for historical, statistical or scientific purposes.

Article 13:

Referral to the protection Authority

Application may be submitted to the data protection Authority by any individual acting on his own behalf, through his lawyer or by any other duly-authorized individual or legal entity.

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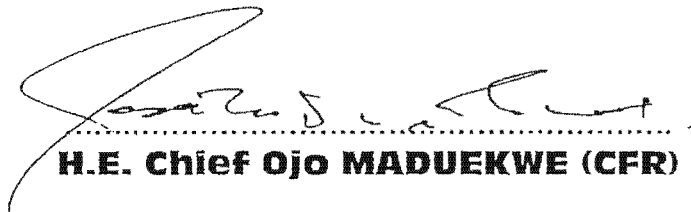
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Article 19:
Responsibilities

1) The Data Protection Authority shall ensure that ICTs do not constitute a threat to public liberties and privacy. To this end, it shall:

- a) inform data subjects and data controllers of their rights and obligations.
- b) respond to all requests for an opinion relating to processing of personal data.
- c) inform data subjects and data controllers of their rights and obligations.
- d) authorize the processing of files in a certain number of cases, in particular sensitive files.
- e) examine the prerequisite conditions for implementing personal data processing
- f) receive claims, petitions, and complaints relating to processing of personal data and inform plaintiffs of action taken on such matters.
- g) immediately inform the judicial authority of certain types of offences of which it may gain knowledge.
- h) carry out verifications of any processing of personal data, using sworn officials.
- i) impose administrative and financial sanctions on data controllers;
- j) update a register of personal data processing and make it available to the public;
- k) advise individuals and bodies who process personal data or who carry out trials and experiments;
- l) authorize transborder transfers of personal data;
- m) make suggestions as to the simplification and improvement of the legislative and regulatory framework governing data processing;
- n) set up mechanisms for cooperation with personal data protection authorities of third countries;
- o) participate in international negotiations concerning the protection of personal data.
- p) draft an activity report according to a well defined schedule, for submission to the President of the Republic or the Speaker of the National Assembly, the Prime Minister, or the Minister of Justice.
- q) In compliance with the provisions in force in the ECOWAS Member States, sworn agents may be called upon to participate in carrying out verification missions.

2) The data protection Authority may issue the following notices:

- a) a warning to a data controller who does not comply with the obligations enshrined in this Supplementary Act;
- b) A formal demand to desist from the violations within a time stipulated by the Authority.

3) In case of emergency, when processing and use of personal data leads to a violation of rights and liberties, the Data Protection Authority, after a hearing *inter partes*, may decide:

- a) To suspend the processing;

- b) To block certain personal data processed;
- c) To temporarily or permanently prohibit any processing that is contrary to the provisions of this Supplementary Act.

**Article 20:
Sanctions**

Where the data processor does not conform with the formal notice addressed to him, the protection Authority may, after procedures *inter partes*, take the following sanctions against him:

- 1) provisional withdrawal of the authorization granted;
- 2) definitive withdrawal of the authorization; and
- 3) a fine.

**Article 21:
Appeal**

The sanctions and decisions of the Data Protection Authority may be subject to appeal.

**Article 22:
Budget**

The data protection Authority shall receive a budget allocation from government to enable it carry out its missions.

**CHAPTER V:
PRINCIPLES GUIDING THE PROCESSING OF PERSONAL DATA**

**Article 23:
Principle of consent and legitimacy**

- 1) Processing of personal data shall be considered legitimate where the data subject has given his consent.
- 2) Nonetheless, the requirement for consent may be waived when the processing is necessary:
 - a) in order to comply with a legal obligation that is binding upon the data controller;
 - b) for the implementation of a public interest mission or relevant to the exercise of public authority that is vested in the data controller or the third party to whom the data is disclosed;
 - c) for the performance of a contract to which the data subject is a party or for the application of pre-contractual measures adopted at his request;
 - d) for safeguarding the interests or rights and fundamental liberties of the data subject.

Article 24:
Principle of legality and fairness

The collection, recording, processing, storage, and transmission of personal data must be carried out in a legal, fair, and non-fraudulent manner.

Article 25:
Principle of purpose, relevance and preservation

1) Personal data shall be obtained for specified, explicit, and lawful purposes and shall not be further processed in any manner incompatible with such purposes.

2) It shall be adequate and relevant in relation to the purposes for which it is collected and further processed.

3) It shall be kept for a period which shall not exceed the period required for the purposes for which they were obtained or processed.

4) Beyond the required period, data may only be kept with a view to responding specifically to processing for historical, statistical, and research purposes, in line with existing legal provisions.

Article 26:
Principle of accuracy

Personal data obtained shall be accurate and, where necessary, kept up to date. All reasonable measures shall be undertaken to ensure that data that is inaccurate and incomplete in relation to the purposes for which it is obtained and further processed shall be erased or rectified.

Article 27:
Principle of transparency

The principle of transparency implies that the data controller is obliged to provide information about the processing of personal data.

Article 28:
Principle of confidentiality and security

Personal data shall be processed confidentially and shall be protected, in particular when processing includes transmission of data on a network.

**Article 29:
Principle of choice of data processor**

Where processing is carried out on behalf of a data controller, the latter must choose a data processor providing sufficient guarantees. It is the responsibility of the data controller as well as the data processor to ensure compliance with the security measures defined in this Supplementary Act.

**Article 30:
Specific principles**

Within the ECOWAS space, it is prohibited to obtain and process data that reveals the racial, ethnic or regional origin, parentage, political opinions, religious or philosophical beliefs, trade union membership, sexual life, genetic data or more generally data on the state of health of a data subject.

**Article 31:
Exceptions**

The prohibition stipulated under (Article 30) shall not apply in the following instances:

- 1) processing of personal data relating to data manifestly made public by the data subject;
- 2) the data subject has given his written consent, on whatever medium, to such processing, and in line with texts in force;
- 3) processing of personal data is necessary to protect the vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent;
- 4) processing, in particular of genetic data, is necessary for establishing, exercising or defending a legal right;
- 5) where legal proceedings or a criminal investigation is underway;
- 6) processing of personal data is necessary for reasons of public interest, in particular for historical, statistical or scientific purposes;
- 7) for the performance of a contract to which the data subject is a party or for the application of pre-contractual measures adopted at the request of the data subject prior to entering into a contract;
- 8) the processing is necessary for compliance with any legal or regulatory obligation to which the data controller is subject;
- 9) the processing is necessary for the implementation of a public interest mission or is carried out by a public authority or is assigned by a public authority to the data controller or to a third party to whom the data is disclosed;
- 10) the processing is carried out in the course of its legitimate activities by a foundation, an association or any other non-profit making body that exists for political, philosophical, religious, mutual benefit or trade union purposes. Nevertheless, such processing shall relate only to members of such a body or individuals who have regular

contact with it in connection with its purpose and shall not involve disclosure of personal data to third parties without the consent of the persons concerned.

Article 32:

Case of personal data processing carried out for purposes of journalism, research, artistic or literary expression

Processing of personal data that is carried out for the purposes of journalism, research, artistic or literary expression shall be allowed when such processing is executed solely for the purposes of literary and artistic expression; or in the exercise of the professional activity of journalist or researcher, in compliance with the ethical rules of these professions.

Article 33:

Application of the provisions of the law relating to the print media or the audiovisual and criminal law sector

The provisions of this Supplementary Act shall not preclude the enforcement of legal provisions relating to the written or audiovisual press and the criminal code, which stipulate the conditions for exercising the right to response and prevent, limit, redress and, where necessary, punish infringements of privacy and the reputation of individuals.

Article 34:

Prohibition of direct prospecting

Within the ECOWAS space, direct prospecting by whatever means of communication, using personal data in any form of an individual who has not stated his prior consent to receiving such prospecting shall be prohibited.

Article 35:

Basis of a Court decision

- 1) No court decision implying an assessment of the behaviour of an individual shall be based on the processing by automatic means of personal data for the purpose of evaluating certain aspects of their personality
- 2) No decision that has legal effect on an individual shall be based solely on processing by automatic means of personal data for the purpose of defining the profile of the subject or evaluating certain aspects of their personality.

Article 36:

Transfer of personal data to a non-member ECOWAS country

- 1) The data controller shall transfer personal data to a non-member ECOWAS country only where such a country provides an adequate level of protection for privacy, freedoms and the fundamental rights of individuals in relation to the processing or possible processing of such data.
- 2) The data controller shall inform the Data Protection Authority prior to any transfer of personal data to such a third country.

Article 37:

Networking files containing personal data

Networking of files as described under Article 12 of this Supplementary Act shall enable attainment of legal or statutory objectives that hold a legitimate interest for data controllers. It shall not lead to discrimination nor prejudice the rights, liberties and guarantees of data subjects, nor be accompanied by appropriate security measures, and must take into account the relevance of the data being combined.

CHAPTER VI:

RIGHTS OF THE INDIVIDUAL WHOSE PERSONAL DATA ARE THE SUBJECT OF PROCESSING

Article 38:

Right to information

The data controller shall provide the individual whose personal data is being processed with the following information, no later than at the time of collection of the data and irrespective of the means and media:

- 1) his identity and, where applicable, the identity of his representative;
- 2) the defined purpose(s) for which the data is to be processed;
- 3) the categories of data involved;
- 4) the recipient or recipients to whom the data is likely to be disclosed;
- 5) the ability to request removal from the file;
- 6) the existence of a right of access to data concerning him, and to rectification of such data;
- 7) the period of preservation of the processed data;
- 8) the possibility of any transfer of data to a third country.

Article 39:

Right of access

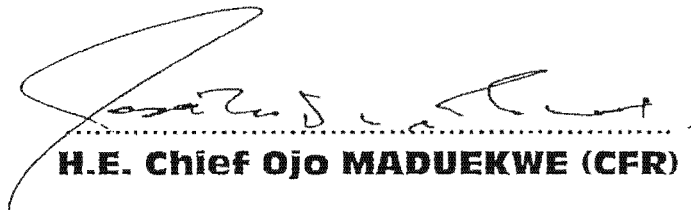
Any individual whose personal data is the subject of processing may request from the data controller by way of questions:

- 1) information enabling them to be informed of and contest such processing;

ARTICLE 4

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009



H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN

FOR COUNCIL

Article 44:
Obligations of Preservation

Personal data shall be kept for a period of time set by a regulatory text and only for the purposes for which they were obtained.

Article 45:
Obligations of Durability

- 1) The data controller shall take all the necessary measures to ensure that the personal data processed can be utilised, no matter the technical medium.
- 2) He shall particularly ensure that technological development does not constitute an obstacle to such utilisation.

CHAPTER VIII:
FINAL PROVISIONS

Article 46:
Amendment and review

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

2) All amendment and revision proposals shall be submitted to the ECOWAS Commission for onward communication to the Member States no more than thirty (30) days after reception. The Council of Ministers shall examine the amendment and revision proposals on expiry of a period of three (3) months granted the Member States to enter their observations.

3) The amendments and revisions shall be adopted by the Council of Ministers and shall be submitted to the Authority of Heads of State and Government for approval and signature. The said amendments and revisions shall come into force in conformity with the provisions of Article 48 of this Supplementary Act.

Article 47:
Publication

1) This Supplementary Act shall be published by the Commission in the Official Journal of the Community within thirty (30) days of signature by the Authority of Heads of State and Government. It shall equally be published by each Member State in its national Gazette thirty (30) days after notification by the Commission.

**Article 48:
Entry into force**

This Supplementary Act shall enter into force upon publication in the Official Journal of the Community and in the Official Gazette of each Member State. This Supplementary Act shall be annexed to the ECOWAS Treaty of which it shall be an integral part.

**Article 49:
Depositary authority**

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies of this Supplementary Act to all the Member States and shall register it with the African Union, the United Nations Organisation and all other regional and international organizations cooperating with ECOWAS and such organisations as the Council may determine by virtue of Articles 83, 84 and 85 of the Revised ECOWAS Treaty.

DONE ATABUJA ON 21st December 2009

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

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**SIXTY THIRD ORDINARY SESSION OF THE
COUNCIL OF MINISTERS**

ABUJA, 20TH – 21ST NOVEMBER 2009

**RECOMMENDATION C/REC.2/11/09 RELATING TO THE
ELECTRONIC TRANSACTIONS WITHIN ECOWAS**

THE COUNCIL OF MINISTERS,

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

MINDFUL of the Supplementary Protocol A/SP.1/06/06 establishing the amendment of the said Treaty;

MINDFUL of Article 27 of the said Treaty on Science and Technology;

MINDFUL of the provisions of Articles 32 and 33 of the said Treaty in the areas of Communications and Telecommunications;

MINDFUL of Article 50 of the said Treaty relating to Trade promotion;

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

MINDFUL of 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 Technologies sector;

CONSIDERING that, with the development of computer networking the number of electronic transactions is on a constant rise; that, as an indication, electronic transactions bear on the production, promotion, sale, distribution of products, services and trade through electronic communication including, distance interrogation, invoice despatching.

CONSIDERING that the volume of electronic transactions is currently, relatively low within ECOWAS, but its potential growth is undeniable;

CONSIDERING that the main impediments to the development of e-transactions are linked to inadequate regulation on the legal recognition of data messages, recognition of electronic signature subject to the regulation of the systems of payment within space, the absence of specific legal rules to protect consumers, intellectual property, personal data and information systems and lack of legislation peculiar to electronic transactions;

CONSIDERING that these impediments to the development of e-transactions are linked to the application of electronic techniques to trade, services and administrative acts; to the conclusive elements introduced by digital techniques including time-stamping, certification, to the rules applicable to the means and services of encryption; to the supervision of on-line advertisements; and to the absence of appropriate fiscal and customs legislations on e- transactions;

CONVINCED that this observation justifies the establishment of a normative appropriate framework to deal with the legal, cultural, economic and social environment of the West African zone;

DESIROUS of adopting this Supplementary Act on electronic transactions within ECOWAS, with a view to ensuring the necessary security and legal framework for the emergence of reliable electronic transaction in the sub-region;

AFTER the opinion of the ECOWAS Parliament dated 23 May 2009;

RECOMMENDS to the Authority of Heads of State and Government to adopt the attached draft supplementary Act relating to the Electronic transactions within ECOWAS.

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009



.....
H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN
FOR COUNCIL

**THIRTY-SEVENTH SESSION OF THE AUTHORITY OF
HEADS OF STATE AND GOVERNMENT**

Abuja, 21st December 2009

**SUPPLEMENTARY ACT A/SA..../12/09 ON ELECTRONIC
TRANSACTIONS WITHIN ECOWAS**

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as revised on the establishment of the Authority of Heads of State and Government and defining its membership and functions;

MINDFUL of the Supplementary Protocol A/SP.1/06/06 establishing the amendment of the said Treaty;

MINDFUL of Article 27 of the said Treaty on Science and Technology; and

MINDFUL of the provisions of Articles 32 and 33 of the said Treaty in the areas of Communications and Telecommunications;

MINDFUL of Article 50 of the said Treaty relating to Trade promotion;

MINDFUL of Article 57 of the ECOWAS Treaty as revised on judicial and legal cooperation which prescribes that Member States undertake to promote judicial cooperation with a view to harmonising judicial and legal systems;

MINDFUL of 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 Technologies sector;

CONSIDERING that, with the development of computer networking the number of electronic transactions is on a constant rise; that, as an indication, electronic transactions bear on the production, promotion, sale, distribution of products, services and trade through electronic communication including distance interrogation, invoice despatching;

CONSIDERING that the volume of electronic transactions is currently relatively low within ECOWAS, but its potential growth is undeniable;

CONSIDERING that the main impediments to the development of e-transactions are linked to inadequate regulation on the legal recognition of data messages, recognition of electronic signature subject to the regulation of the systems of payment within space, the absence of specific legal rules to protect consumers, intellectual property, personal data and information systems and lack of legislation peculiar to electronic transactions;

CONSIDERING that these impediments to the development of e-transactions are equally linked to the application of electronic techniques to trade, services and administrative acts; to the conclusive elements introduced by digital techniques including (time-stamping, certification, to the rules applicable to the means and services of encryption; to the supervision of on-line advertisements; and to the absence of appropriate fiscal and customs legislations on e- transactions;

CONVINCED that this observation justifies the establishment of a normative appropriate framework to deal with the legal, cultural, economic and social environment of the West African zone;

DESIROUS of adopting this Supplementary Act on electronic transactions within ECOWAS, with a view to ensuring the necessary security and legal framework for the emergence of reliable electronic transaction in the sub-region;

AFTER THE OPINION of the ECOWAS Parliament dated 23 May 2009;

ON THE RECOMMENDATION of the Sixty-third Ordinary Session of the Council of Ministers held at Abuja on the 20th and 21st November 2009;

HEREBY AGREE AS FOLLOWS:

CHAPTER I
GENERAL PROVISIONS

Article One:

Definitions

For the purposes of this Supplementary Act, the expressions below shall be defined as follows:

Certification: the formal recognition that the assessed product or system is able to protect up to a level specified by a certified body;

Encryption: any technique that consists of transforming digital data into an unintelligible format using cryptology methods;

Electronic communication means making available through a process of electronic or electromagnetic means, signs, signals, written documents, images, sounds or messages of any kind;

Secret conventions: the unpublished keys that are required in order to use a cryptology means or service for encryption and decryption operations.

Electronic mail: any message in the form of text, voice, sound or image, which is dispatched by a public communication network and stored on a network server or in the recipient's terminal until such time as the latter recovers it;

Cryptology: the science of protecting and ensuring security of information, in particular for purposes of confidentiality, authentication, integrity, and non-repudiation;

Electronic data interchange (EDI): the electronic transfer from computer to computer of information using an agreed standard to structure the information;

PRINT: List of letters of characters, figures or other signs or symbols that have intelligible meaning irrespective of the medium and modality of transmission

Information: any element of knowledge that is likely to be represented by conventions to be used, preserved, processed or disclosed. Information may be expressed in written, visual, sound, digital or other forms;

Data message: information generated, sent, received or stored by electronic, optical or similar means including, but not limited to, electronic data interchange (EDI), electronic mail, telegram, telex or telecopy;

Direct prospecting: any message aimed at promoting, directly or indirectly, goods, services or the image of a person selling goods or providing services.

Electronic Signature: Any data emanating from the use of a reliable data procedure or identification procedure which guarantees its link with the act that it is attached to.

Document: A document is the result of a series of letters, characters, figures or any other signs and symbols that hold intelligible significance, whatever their medium or modes of transmission

Article 2: Scope

This Supplementary Act aims at establishing a harmonized framework for the regulation of electronic transactions within the ECOWAS zone.

Its shall apply notably to all transactions whatever their nature and which take the form of electronic messages.

Article 3: Exclusions

The following areas shall be excluded from the scope of this Supplementary Act:

- 1) Legally-authorized gambling, even in the form of bets and lotteries;
- 2) legal representation and assistance services;
- 3) activities carried out by notary publics in application of legislations in force.

CHAPTER II: ELECTRONIC COMMERCE

Article 4:

Access to information

Without prejudice to the other obligations regarding disclosure provided for under existing legislative and regulatory texts in force in the ECOWAS member countries, any

natural person or legal entity carrying out an activity within the scope of applications of this Supplementary Act shall provide all those to whom supply of goods and services is addressed with easy, direct, and permanent access using an open standard to the following information;

- 1) first name and surname, in the case of a natural person, and the corporate name, in the case of a legal entity;
- 2) The full geographical address where the natural person/legal entity is established, the e-mail address, as well as the telephone number of the business;
- 3) If the natural person/legal entity is subject to formalities for registering businesses or a national registry of businesses and association, such registration number, its corporate capital, and the address of its/his corporate headquarters;
- 4) Whether natural person/legal entity is subject to value added tax, the corresponding tax identification number;
- 5) Where the activity is subject to a system of authorisation, the name and address of the body that issued the authorisation;
- 6) Where the natural person/legal entity is a member of a regulated profession, reference to the applicable professional rules, the professional title, the ECOWAS member country where such title was issued, as well as the name of the professional order or body with which the natural person/legal entity is registered.

Article 5: Indication of price

Any natural person or legal entity carrying out the activity defined within the scope of applications of this Supplementary Act shall, even in the absence of a contract, as long as they make reference to a price, indicate such price in a clear and unambiguous manner, and in particular where taxes and cost of delivery are included.

Article 6:

Contractual liabilities of the electronic supplier of goods and services

- 1) Any natural person or legal entity that carries out the activity described under the first paragraph of within the scope of applications of this Supplementary Act shall be liable by rights vis-à-vis the contracting party for the proper fulfilment of the obligations arising from the contract, whether he is responsible for fulfilling such obligations himself or through a service provider, without prejudice to his right to seek redress from the latter.

- 2) Nevertheless, all or part of this liability may be waived if the natural person or legal entity is able to provide evidence that the non fulfilment or poor fulfilment of the contract is attributable either to the contracting party or to a situation beyond its control.

**Article 7:
Applicable law**

1) The activities defined within the scope of applications of this Supplementary Act shall be subject to the law of member countries of the ECOWAS region on whose territory the person carrying out the activity is established.

2) This provision is without prejudice to the freedom of the parties in choosing the laws that shall apply in their transactions. However, in case the parties fail to choose, the law to be applied shall be the law of current residence of the consumer when it is not against his interest.

**CHAPTER III:
ELECTRONIC ADVERTISING**

**Article 8:
Identification of the advertisement**

Any advertising in whatever form, which is accessible through an online communication service, shall clearly be identifiable as such. It shall clearly identify the individual or legal entity on whose behalf the advertising is being conducted.

**Article 9:
Identification of price**

Advertisements and in particular promotional offers such as discounts, premiums or gifts, as well as promotional contests or games that are dispatched by electronic mail must be clearly and unequivocally identifiable in the subject of the mail immediately upon reception by the addressee, or if this is technically impossible, in the body of the message.

**Article 10:
Identification and accessibility of the offer**

Where promotional offers, contests and games are offered by electronic means, the conditions for enjoying such offers, as well as those for participating in such contests or games shall be clearly indicated and easily accessible.

**Article 11:
Prohibition of direct prospecting**

Within the ECOWAS space, it is prohibited to carry out direct prospecting by sending out a message by means of a call processor, fax machine or electronic mail, or any other electronic communication means using the contact information, in whatever form, of an individual who has not given his prior consent to receive direct prospecting by such means

**Article 12:
Exceptions**

Notwithstanding the provisions of the preceding Article, direct prospecting is authorised where:

- 1) the recipient's contact information was obtained directly from him;
- 2) the direct prospecting relates to comparable products and services provided by the same individual or legal entity.

**Article 13:
Obligation to indicate contacts**

Within the ECOWAS space, messages sent by electronic means for purposes of direct prospecting shall contain the valid contact information by which the recipient may effectively request for such communications to cease, with no additional cost other than those linked to the transmission of such a request.

**Article 14:
Prohibition of identity dissimulation**

Within the ECOWAS space, it is also prohibited to dissimulate the identity of the individual on behalf of whom the communication is being sent out and to indicate a subject that is not related to the proposed delivery or service.

CHAPTER IV:

ELECTRONIC CONTRACT CONCLUSION

Article 15: Electronic contract negotiation

Electronic means may be used to disclose the contract conditions or information relating to goods and services.

Article 16: Transmission of contract information by electronic means

Information requested with a view to entering into a contract or information that is sent in the course of performance of the contract may be transmitted by electronic means where the recipient has accepted the use of such means.

Article 17: Transmission of information to a professional

Information meant for a professional in an electronic transaction may be sent to him by electronic mail if he has communicated his professional electronic address.

Article 18: Provision of contract conditions by supplier

A supplier who offers in a professional capacity, by electronic means, to supply goods and services shall provide the applicable contract conditions in a manner that makes it possible to record and reproduce them. The offer shall include:

- 1) the various steps to be followed to execute the contract by electronic means;
- 2) the technical means by which the user, prior to concluding the contract, may identify errors made in entering data and correct such errors;
- 3) the languages proposed for concluding the contract;
- 4) where a record of the contract is retained, the modalities of such recording by the initiator of the offer, and the conditions of access to the recorded contract;

- 5) the means of consulting, by electronic means, the professional and commercial rules to which the initiator of the offer intends to subject himself, where applicable.

Article 19:

Condition of contract validity through electronic means

For the contract to be validly concluded, the recipient of the offer shall have the right of reviewing the details of his order, and in particular the price, before confirming the order, thus notifying his acceptance.

Article 20:

Acknowledgement of receipt

- 1) The initiator of the offer should acknowledge receipt of the order thus sent without any unjustified delay, and by electronic means.
- 2) The order, confirmation of acceptance of the offer, and the acknowledgment of receipt shall be considered as having been received when the parties to whom they are addressed are able to have access to them.

Article 21:

Exemptions

Exemptions may be made to the provisions of Articles 20 and 21 of this Supplementary Act for agreements concluded between professionals.

Article 22:

Freedom of choice of electronic means

In the absence of any legal provisions to the contrary, no individual shall be compelled to commit himself legally through electronic means.

Article 23:

Electronic preservation of documents

Where a document is required to be legally binding, it may be drafted and preserved in electronic form in conditions that it can be properly identified and the integrity of the originator is guaranteed.

**Article 24:
Exceptions**

Exception shall be made to the provisions of Article 23 of this Supplementary Act for the following:

- 1) Private agreements relating to family law and inheritance;
- 2) Private agreements relating to personal or real, civil or commercial securities, except where these are entered into by an individual for the requirements of his profession

**Article 25:
Registered letter sent by electronic means**

A registered letter may be sent by electronic means on condition that the mail be forwarded by a third party according to a procedure that makes it possible to identify such third party, designate the sender, guarantee the identity of the addressee, and establish if the letter was submitted or not to the addressee.

**Article 26:
Submission of a document**

Submission of a document in electronic form shall be considered effective when the addressee, after having read it, acknowledges receipt of the document.

**Article 27:
Respect of particular conditions of a document through electronic means**

Where a hard copy is subject to particular conditions of legibility and presentation, the electronic document shall also comply with similar requirements.

**Article 28:
Requirement for the despatch of several copies**

The requirement to send several copies of a document shall be deemed to have been met in the electronic form if the document can be printed by the addressee.

**Article 29:
Electronic document accepted for invoicing**

An electronic document shall be accepted for invoicing in the same manner as a hard copy, as long as the authenticity of the origin of data contained therein and the integrity of their content can be guaranteed.

**Article 30:
Electronic document accepted as proof**

An electronic document shall be accepted as proof in like manner as a hard copy and shall have the same evidential weight as the latter, subject to the possibility of duly identifying the person from whom it emanates, and to the document being drafted and recorded in conditions that guarantee its integrity.

**Article 31:
Proof of existence of an obligation**

Any individual who supplies goods and services by electronic means and who seeks to demand the fulfilment of an obligation should prove the existence of such obligation, and where he seeks to exonerate himself, should prove that the obligation is non-existent or inoperative.

**Article 32:
Determination of proof**

Where the legal provisions of Member States have not set other principles, and in the absence of valid agreements between the parties, the magistrate shall settle conflicts of documentary proof by determining by all means which title is most plausible, irrespective of the medium.

**Article 33:
Evidential weight of documents established by electronic means**

- 1) A copy or any other reproduction of documents established by electronic means shall have the same evidentiary weight as the document itself when it is certified as accurate by bodies approved by a government authority.
- 2) Where applicable, such certification shall lead to the issuance of a certificate of compliance.

**CHAPTER V:
SECURITY OF ELECTRONIC TRANSACTIONS**

**Article 34:
Electronic signature**

- 1) Electronic signature consists of the use of a reliable identification process guaranteeing its link with the document to which it is attached. It shall be accepted in electronic transactions.

2) The process shall be presumed reliable when the electronic signature is created, until evidence is shown to the contrary.

**Article 35:
Conditions of acceptance of electronic signature**

An electronic signature created by a secure arrangement that the signatory can maintain under his exclusive control, which is based on a digital certificate, shall be accepted as a signature in like manner as a handwritten signature.

**CHAPTER VI:
OTHER PROVISIONS**

**Article 36
Other Specific texts**

Activities relating to recording, archiving, authentication and certification are governed by appropriate specific texts.

**Article 37
Sanctions**

The Member State shall define the appropriate sanction relative to violation of Article 11, 13 and 14 of this Supplementary Act.

**CHAPTER VII:
FINAL PROVISIONS**

**Article 38:
Amendment and review**

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

2) All amendment and revision proposals shall be submitted to the ECOWAS Commission for onward communication to the Member States not more than thirty (30) days after reception. The Council of Ministers shall examine the amendment and revision proposals on expiry of a period of three (3) months granted the Member States to enter their observations.

3) The amendment and revision shall be adopted by the Council of Ministers and submitted to the Authority of Heads of State and Government for approval and

signature. The amendments and revisions shall enter into force, in conformity with the provisions of Article 40 of this Supplementary Act.

**Article 39:
Publication**

This Supplementary Act shall be published by the Commission in the Community Official Journal within thirty (30) days of the date of signature by the Authority of Heads of State and Government. It shall equally be published by each Member State in its national Gazette thirty (30) days after notification by the Commission.

**Article 40:
Entry into force**

This Supplementary Act shall enter into force once it is published in the Community's Official Journal and in the Official Gazette of each Member State. This Supplementary Act shall be annexed to the ECOWAS Treaty of which it shall be an integral part.

**Article 41:
Depository authority**

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies of this Supplementary Act to all the Member States and shall register it with the African Union, the United Nations Organisation and all other regional and international organizations cooperating with ECOWAS and such organisations as the Council may determine by virtue of Articles 83, 84 and 85 of the Revised ECOWAS Treaty.

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 21ST DAY OF DECEMBER 2009

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

ENACTS

ARTICLE 1

The budget of the Community Court of Justice for the 2010 financial year, balanced in income and expenditure at the sum of ten million, two hundred and thirty one thousand, two hundred and forty two Units of Account (**10,231,242 UA**) is hereby approved.

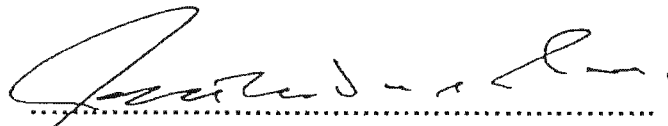
ARTICLE 2

1. An amount of nine million, six hundred and forty thousand, four hundred and ninety one units of Accounts (**9,640,491 UA**) shall be derived from resources obtained from the Community Levy.
2. Additional amounts in the sum of two hundred thousand Units of Accounts (**200,000 UA**) shall be derived from arrears of contributions.
3. Additional amount of seventeen thousand, nine hundred and fifty units of account (**17,950 UA**) shall be derived from other sources.
4. An amount in the sum of one hundred and ninety nine thousand, five hundred and forty seven units of Accounts (**199,547 UA**) shall be derived from external sources.
5. Another amount in the sum of one hundred and seventy three thousand, two hundred and fifty four units of Accounts (**173,254 UA**) from excess funds.

ARITICLE 3

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

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009


.....
H.E. Chief Ojo MADUEKWE (CFR)
CHAIRMAN
FOR COUNCIL

monitoring of accomplishment of its objectives and requests to third States, partners and the international community;

AWARE of the need to endow the Authority of Heads of State and Government with genuinely appropriate legal Acts that take cognizance of the diverse areas that fall under its purview;

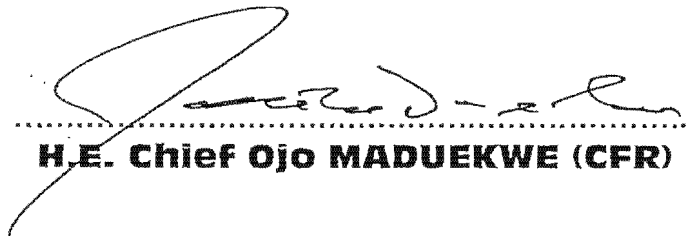
DESIROUS of improving the legal regime of Acts of the Community currently in force;

ON THE PROPOSAL of the meeting of Ministers of Justice of Member States held in Abuja from 5th to 7th October 2009;

ON THE RECOMMENDATION of the Sixty-third Ordinary Session of the Council of Ministers held in Abuja from 20 to 21st November 2009;

RECOMMENDS to the Authority of Heads of State and Government to adopt the attached draft Supplementary Act relating to the amendment of New Article 9 of the ECOWAS Treaty as amended by Supplementary Protocol A/SP1/06/06

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2009



.....
H.E. Chief Ojo MADUEKWE (CFR)

CHAIRMAN
FOR COUNCIL

**THIRTY SEVENTH ORDINARY SESSION OF THE AUTHORITY OF
HEADS OF STATE AND GOVERNMENT**

Abuja, 21st December 2008

**SUPPLEMENTARY ACT A/SA..../12/09 AMENDING NEW ARTICLE 9 OF THE
ECOWAS TREATY AS AMENDED BY SUPPLEMENTARY PROTOCOL
A/SP1/06/06**

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the Treaty of the Economic Community of West African States (ECOWAS) as amended, establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Supplementary Protocol A/SP1/06/06 amending the Revised Treaty, and in particular the new Article 9 of the Treaty as amended by Article 2 of the said Supplementary Protocol;

CONSIDERING that, in accordance with new Article 9 of the Treaty, the Authority shall enact Supplementary Acts to complement the Treaty and the said Acts shall be annexed thereto;

ALSO CONSIDERING that the legal regime of Acts of the Community thus instituted does not still allow the Authority to enact Acts that are truly appropriate, given its diverse areas of competence;

NOTING that the Supplementary Acts that complement the Treaty and are thereto annexed, cannot be used to address issues falling under the purview of the Authority of Heads of State and Government, such as appointments to

certain posts, oversight of the functioning of the Institutions of the Community, monitoring of accomplishment of its objectives and requests to third States, partners and the international community;

AWARE of the need to endow the Authority of Heads of State and Government with genuinely appropriate legal Acts that take cognizance of the diverse areas that fall under its purview;

DESIROUS of improving the legal regime of Acts of the Community currently in force;

ON THE RECOMMENDATION of the meeting of Ministers of Justice of Member States held from 5th to 7th October 2009;

ON THE RECOMMENDATION of the Sixty-third Ordinary Session of the Council of Ministers held in Abuja from 20 to 21st November 2009;

HEREBY AGREE AS FOLLOWS:

ARTICLE 1: AMENDMENT OF NEW ARTICLE 9 OF THE TREATY

The provisions of new Article 9 of the Treaty as amended by Supplementary Protocol A/SP1/06/06 are hereby abrogated and replaced by new provisions as follows:

New Article 9:

Legal Regime of Acts of the Community

1. The Acts of the Community shall comprise Supplementary Acts, Regulations, Directives, Decisions, Declarations, Enabling Rules Recommendations and Opinions ;

2. For the purposes of their respective missions:

(a) the Authority shall adopt Supplementary Acts, issue Directives make Decisions, Declarations and formulate Recommendations;

(b) the Council shall enact Regulations, issue Directives, adopt Decisions or formulate Recommendations and Opinions;

(c) the Commission shall adopt "Enabling Rules" for execution of Acts of the Authority and the Council and make Recommendations and render Opinions.

3. Supplementary Acts are Acts which complement the Treaty and are annexed thereto. It is incumbent on Member States and the Institutions of the Community to abide by the Supplementary Acts, subject to the provisions of Article 15 of the Treaty.

4. Regulations are Acts with general application enacted by the Council of Ministers. The provisions of Regulations shall be binding in their entirety and shall be directly applicable in Member States. They shall have binding force on the Institutions of the Community.

5. Directives are Acts through which the Authority or the Council set for Member States the objectives to be attained, leaving to each and every one of them the liberty to decide on the ways and means to attain the said objectives. Directives are binding on Member States.

6. Decisions are Acts that have individual effect and are directed to those for whom they are meant under the said Acts. Decisions may also be taken within the framework of monitoring the functioning of the Community Institutions or the realisation of the ECOWAS objectives. Decisions are also binding.

7. Enabling Rules shall have the same legal force as the Acts of Council, implementation of which the said Rules were enacted.

8. Declarations are Acts by which the Authority demonstrates its commitment or takes a position on a specific subject. A Declaration may be followed by actions to be mandatorily undertaken by Member States.

9. Recommendations are Acts through which proposals are made to the recipients to adopt a particular position or to take an action.

10. Opinions are Acts through which opinions or views are expressed on any subject.

11. Opinions and Recommendations are not binding.

12. Except otherwise indicated in the Treaty and its subsequent Acts, Acts of the Community shall be adopted by unanimous decision, by consensus or by two-third majority.

ARTICLE 2: SAVING CLAUSE

Notwithstanding the provisions of the present Supplementary Act, all previous Acts adopted by the Authority shall remain valid and applicable in their entirety.

ARTICLE 3: AMENDMENT AND REVIEW

1. Any Member State, the Council of Ministers and the ECOWAS Commission may submit proposals for amendment or review of the present Supplementary Act.
2. Proposals not emanating from the ECOWAS Commission shall be submitted to it. The Commission shall transmit all the proposals to Member States not later than thirty (30) days after receipt thereof. The Authority shall examine the proposals for amendment or review upon the expiry of the three (3) months time limit accorded to Member States.
3. Amendments or reviews shall be adopted by the Authority in accordance with the provisions of Article 9 of the ECOWAS Treaty. They shall enter into force upon publication in the Official Journal of the Community.

ARTICLE 4: PUBLICATION

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

ARTICLE 5: ENTRY INTO FORCE

1. This Supplementary Act shall enter into force upon its publication. Member States therefore undertake to commence implementing its provisions upon its entry into force.
2. This Supplementary Act shall be annexed to the ECOWAS Treaty of which it constitutes an integral part.

ARTICLE 6: DEPOSITARY AUTHORITY

This Supplementary Act shall be deposited at the Commission which shall transmit certified copies thereof to all Member States and register same with the African Union, the United Nations and such other organizations as may be decided by Council.

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

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

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2009