ECONOMIC COMMUNITY
OF WEST AFRICAN STATES

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

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Sixth Extraordinary Session of the Council of Ministers

Abuja, 27 - 28 August 2002

FINAL REPORT

EXECUTIVE SECRETARIAT
AUGUST 2002

I. INTRODUCTION

1. The Sixth Extraordinary Session of the ECOWAS Council of Ministers was held at the Conference Hall of the ECOWAS Executive Secretariat, Abuja, on 27 and 28 August 2002.

2. The following Member States were represented:

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

The full list of participants is annexed to this report.

II. OPENING CEREMONY

3. The Honourable Minister of Cooperation and Integration in Africa, Chief (Dr.) Bimbola Ogunkelu, welcomed the Honourable members to the sixth Extraordinary session of Council on behalf of President Olusegun Obasanjo of the Federal Republic of Nigeria. He recalled that the present extraordinary session had to be convened because of the inconclusive nature of the previous session held in April 2002.

4. Although the Minister noted that there had been some improvement in the finances of the Executive Secretariat following the implementation of the protocol on the Community Levy, he appealed to those Member-States which

were yet to implement the protocol to do so in order to avail the Executive Secretariat of adequate funds for the implementation of Community integration programmes. He urged the management of the Secretariat to ensure a more rational utilisation of available resources as well as the provision of adequate working tools to guarantee maximum results from the restructuring programme.

5. The Honourable Minister commended the Ad-hoc Ministerial Committees on the restructuring of the ECOWAS Fund and the Executive Secretariat for the diligent execution of their assignments and urged the Council to critically examine their recommendations and take such decisions as would improve the overall efficiency of the two institutions for the development of the sub-region. In particular, he urged his colleagues to empower the Executive Secretariat to fill established vacancies, taking due cognizance of the need for fair geographical distribution of posts among the Member States and for gender sensitivity.

6. While calling on his colleagues to ensure that the institutional framework for the take-off of the ECOWAS Bank for Investment and Development was approved at this session, he urged the management and staff of the two oldest institutions to ensure improved performance so as to realise the objectives of the restructuring exercise. The Minister concluded his welcome address by calling for objectivity in the deliberations and decisions to make for effective transformation of the Community Institutions.

7. In his own welcome address, the Executive Secretary of the Economic Community of West African States, Dr. Mohamed Ibn Chambas expressed the optimism that the consideration of the various issues contained in the draft agenda would go a long way in consolidating the gains already made in the transformation of the ECOWAS Community.

8. While introducing the items listed on the draft agenda, the Executive Secretary pointed out that not only had many of the posts approved in the 1999 organogramme remained unfilled, but also the Executive Secretariat required additional hands to cope with its new and expanding responsibilities, particularly as the focal-point for the implementation of NEPAD in West Africa. The Executive Secretary explained that the table attached to the report of the Fifth Meeting of the Ad-Hoc Ministerial Committee on the Restructuring of the Executive Secretariat had been designed to shed more light on the dire staffing situation of the Executive Secretariat. He appealed to Council to lift the

embargo on recruitment to enable the Secretariat fill the many existing vacancies in order to cope with expanding integration programmes.

9. Referring to the restructuring of the ECOWAS Fund, the Executive Secretary remarked that tremendous efforts had been invested in the execution of the programme. He added that proposals were being placed before Council for the completion of the exercise.

10. The Executive Secretary concluded his address by reminding Council of the Community's new responsibilities as NEPAD's focal-point in West Africa within the context of the African Union and urged the various organs of the Community to provide for the wherewithal required to discharge its responsibilities.

III. ELECTION OF BUREAU

11. In the absence of the Senegalese Minister responsible for Relations with Parliament, Mr. Mamadou Diop Decroix, who was still en route to the meeting to represent the Chairman of Council who was unable to attend the meeting, the Minister of Cooperation and Integration in Africa of the Federal Republic of Nigeria, Chief (Dr.) Bimbola Ogunkelu, was designated Chairman of the session. The following bureau was therefore elected :

Chairman	:	Federal Republic of Nigeria
Rapporteurs:		Republic of Niger
		Republic of Sierra Leone.

IV. ADOPTION OF AGENDA

12. The following agenda was adopted :

(i) Opening session (Welcome addresses by the host country and the Executive Secretary, election of bureau, adoption of agenda and work programme);

(ii) Consideration of the Report of the Meeting of Ministers of Justice.

(a) Rules of Procedure of the Community Court of Justice;

(b) Proposed Amendment to the Protocol Establishing the Community Court of Justice;

(iii) Consideration of the Report of the Fifth Meeting of the Ad-hoc Ministerial Committee on the Restructuring of the ECOWAS Executive Secretariat;

(iv) Consideration of the Report of the Sixth Meeting of the Ad-hoc Ministerial Committee on the Selection and Evaluation of Statutory Appointees;

(v) Consideration of the Report of the Ad-hoc Ministerial Committee on the Restructuring of the ECOWAS Fund; and

(vi) Any other business.

Item 2: <u>Consideration of the Report of the Ministers of Justice</u>

(a) Rules of Procedure of the Community Court of Justice

13. Honourable Musa Elayo Abdullahi, Minister of State for Justice representing the Attorney-General and Minister of Justice of the Federal Republic of Nigeria, presented the conclusions of the meeting of the Ministers of Justice.

14. The main thrust of the report which was the Draft Rules of Procedure of the Court, was presented for the consideration and approval of Council. Following deliberations, Council unanimously adopted the report and approved the Rules of the Court.

(b) Proposed Amendment to the Protocol Establishing the Community Court of Justice

15. With respect to the proposed amendments of the Protocol establishing the Community Court of Justice, Council noted that the proposals had been transmitted by the Executive Secretary to Member States for their observations in accordance with the relevant provisions of the Protocol.

Item 3: Consideration of the Report of the Fifth Meeting of the Ad Hoc Ministerial Committee on the Restructuring of the ECOWAS Executive Secretariat

16. The Minister of Planning and Economic Affairs of the Republic of Liberia Honourable Mrs. Amelia Ward, in her capacity as Chairperson of the Fifth Meeting of the Ad Hoc Ministerial Committee on Restructuring held from 1 to 2 August 2002, presented to Council the Committee's report.

17. The report carried the following recommendations for consideration by Council:

- That the embargo on recruitment be lifted to enable the Secretariat fill vacant posts in accordance with the 1999 organograme which makes provision for 35 posts. The details of these posts are annexed to the report.

- That the Secretariat be authorised to recruit 50 additional staff under the 2003 budget, in order to endow it with the human resources needed to carry out its new assignments and provided the relevant revised organogramme was granted prior approval by Council.

- That all permanent posts presently occupied by temporary professional staff be declared vacant and therefore open to competition; and that temporary staff are entitled to vie for the posts on equal terms with nationals of all the Member States.

- That temporary staff in General Services and Auxiliary posts who have been in those posts for longer than the regulatory period of two years must have their situations regularised by the Secretariat as soon as possible.

18. With reference to special cases, the Committee also recommended as follows:

- In the case of Mr. Frank Ofei, the post of Director of Economic Policy, which he presently occupies, should be declared vacant and advertised in the Member States. However, it was strongly recommended that the Secretariat should recruit Mr. Ofei as a consultant in view of his competence and proven experience.

- In the case of Mr. Amadou Mangane, of Mauritanian nationality, the Executive Secretariat was instructed, based on the provisions of the Staff Regulations, to terminate his appointment, since his country is no longer a member of the Community.

- In the case of Mr. Abdoul Diallo, it was decided that he should be retained and redeployed in line with his qualifications, as recommended by the Secretariat.

- With regard to the Community Computer Centre, the Ministers commended the decision of the Secretariat to transfer the core staff to Abuja where its capacities would be utilised to the full. The Ministers added that adequate funding should be made available to the Centre, so that it would be able to perform expanded duties including full computerisation of the Secretariat in order to contribute to the increase of staff productivity and accountability. To that end, the Republic of Cabo Verde offered to share its experience in this field with the Secretariat. It was also decided that the training centre should remain in Lome.

19. Furthermore, the Committee recommended that the Secretariat, in the process of recruitment, should take into account the principle of fair geographical distribution and gender equality without sacrificing competence.

20. The poor representation of Portuguese speaking-countries was also highlighted and the Secretariat requested to redress this situation in subsequent recruitment exercises.

21. Finally, the Committee recommended that measures be taken to more clearly define the relations between the Secretariat and the new financial institutions of the Community, on account of the restructuring exercise.

22. Following relevant discussions, Council decided as follows:

- That the embargo on recruitment be lifted to enable the Secretariat fill vacant posts in accordance with the 1999 organogramme (and modified by the Forty-eighth session of the Council of Ministers) which makes provision for 36 posts.

- That the Secretariat is authorised to make budgetary provision for 49 additional staff under the 2003 budget, provided the relevant revised organogramme of the Executive Secretariat is granted prior approval by Council.

- All permanent posts presently occupied by temporary professional staff are to be declared vacant, and therefore open to competition. The temporary staff are entitled to vie for the posts with nationals of all the Member States.

- That temporary staff in General Services and Auxiliary posts who have been in those posts for longer than the regulatory period of two years, must have their situation regularised by the Secretariat as soon as possible, following a case by case review.

- Referring to these recruitments, Council decided that the Secretariat should take proper account of the principle of fair geographical distribution and gender equality, without sacrificing competence.

- In that connection, Council also decided that the Secretariat should appropriately redress the poor representation of Portuguese-speaking countries.

- Also, Council decided that at least two month's notice should be given all publications of vacancies in Member States.

23. With reference to the special cases, Council decided as follows:

- In the case of Mr. Frank Ofei, the Secretariat should provide the next Council meeting with a comprehensive brief on the exact situation of this officer to enable Council take the appropriate decision on him.

- In the case of Mr. Amadou Mangane, a Mauritanian national of the Secretariat, his appointment was to be terminated since his country is no longer a member of the Community, in consonance with the provisions of the Staff Regulations.

- Mr. Abdoul Diallo was to be retained and redeployed in line with his qualifications as recommended by the Secretariat.

- Council also endorsed the recommendation by the Ad Hoc Ministerial Committee commending the decision of the Executive Secretariat to transfer the Community Computer Centre core staff to Abuja as well as relevant measures to enhance its capacity.

- Council also agreed that the Training Centre should remain in Lome, Togo.

24. Finally, Council decided that the necessary measures be taken to more clearly define the relations between the Executive Secretariat and the new financial institutions of the Community on account of the restructuring exercise.

Item 4: <u>Consideration of the Report of the Sixth Meeting of the Ad-Hoc Ministerial Committee on the Selection and Evaluation of Statutory Appointees</u>

25. The Ad-Hoc Ministerial Committee on the Selection and Evaluation of Statutory Appointees met in Abuja on 26 August 2002, to conduct interviews and select a suitable candidate for the post of Financial Controller. The Republic of The Gambia to which the Authority of Heads of State and Government allocated the post, had earlier nominated three candidates for consideration.

26. In the report of the Ad-hoc Committee presented by the Secretary of State in charge of Economic Reform of the Republic of Niger, the candidates recorded the following collated scores, in order of merit:

1st	-	Mr. Momodou Yandeh Malleh Sallah	-	87.91 points
2nd	-	Mr. Abdoulaie Badara Cham	-	67.5 points
3rd	-	Mr. Solomon David Njie	-	54.62 points.

27. The Committee therefore recommended the appointment of Mr. Momodou Yandeh Malleh Sallah to the post of Financial Controller of ECOWAS Institutions.

28. Following the consideration of the report, Council approved the appointment of Mr. Momodou Yandeh Malleh Sallah as the Financial Controller of the Community.

29. In his reaction, the Honourable Minister of Trade, Industry and Employment of the Republic of The Gambia expressed appreciation to his colleagues who participated in the selection process and to Council for the offer to his compatriot.

Item 5: <u>Consideration of the Report of the Ad Hoc Ministerial Committee on Enhancement of the Financial Resources of the ECOWAS Fund</u>

30. The Chairman of the Ad Hoc Ministerial Committee on enhancement of the financial resources of the ECOWAS Fund, Honourable Arzake Hamida presented the final report of their twenty-first meeting. The Committee, in its report, presented the following recommendations:

- the authorisation of the President of EBID to carry out, in collaboration with the two Managing Directors, staff redeployment on the basis of the Ernst and Young report, and in line with the organisational charts of DFC, approved by the Council of Ministers, and taking into account the following parameters:
  - redeployment must be carried out on a horizontal basis;
  - filling of vacant posts and internal promotions should be on competitive basis;
  - the matching of competence and job profile in line with the objectives assigned to the institutions;
  - all recruitments must be authorized by the new Boards of Directors;
  - Member States must be informed of vacancies arising as a result of the redeployment exercise.

- approval of the new Staff evaluation system proposed by the Consultant.

- approval of the guarantee by each new institution, the financial benefits of each member of personnel at the time of redeployment.

31. The Committee further recommended to the Council of Ministers to :

- urge Member States to subscribe their shares in the authorised capital of EBID;

- take appropriate measures to enable EBID subscribe the entire capital of the subsidiaries, including the holding of shares allocated to financial partners;

- authorise the President of EBID, in collaboration with the Managing Directors of the subsidiaries, to take steps to ensure the immediate take-off of the new institutions, and upon the ratification of the protocols, take the necessary measures to ensure effective commencement of activities, especially;

  - the redeployment of staff to the new institutions within three months;

  - the publicising of vacancies arising thereof.

- the authorisation of EBID to pay-up the first tranche of the called-up capital of the subsidiaries from the resources available after the transformation, taking into account the outstanding commitments of the Fund.

32. The Committee instructed EBID to prepare a comprehensive report on the activities undertaken by the Ad-Hoc Ministerial Committee on the Enhancement of the Financial Resources of the Fund since its inception and submit it to the Council of Ministers.

33. After extensive deliberations on the various issues presented in the report, the Council of Ministers adopted the report of the Ad-Hoc Ministerial Committee and specifically:

- invited Member States who have not yet done so, to ratify as quickly as possible, the protocols relating to the transformation of the ECOWAS Fund;

- urged Member States to subscribe without delay to their shares in the authorised capital of EBID;

- authorized the President of the ECOWAS Bank for Investment and Development, in collaboration with the Managing Directors of the subsidiaries, to take steps to ensure immediate take-off of the new institutions and upon entry into force of the protocol, take necessary measures to ensure effective commencement of activities, especially:

  - the redeployment of staff to the new institutions within three months from the date of adoption of this report;

  - the publicising of vacancies arising thereof in Member States;

  - the guarantee of the years of service, leave and financial benefits of staff of the ECOWAS Fund in the institutions to which they are to be redeployed within the framework of the transformation.

- authorised EBID, taking into account the outstanding commitments of the ECOWAS Fund, to pay up the first tranche of the called-up capital of the subsidiaries, including the holding in trust of shares allocated to non - regional financial partners from the resources available after the transformation;

- instructed the Ad Hoc Ministerial Committee on the Enhancement of the Financial Resources of the Fund to prepare and submit to the next session of Council a comprehensive report on its activities since its inception.

Item 6: <u>Any Other Business</u>

34. Responding to an enquiry from the Honourable Minister from the Republic of The Gambia as to how ad-hoc committees were constituted and what their life-spans

were, it was explained that just as the name implied, ad-hoc committees were usually appointed for specific assignments of an ad-hoc nature, and that such committees wound up as soon as their assignments were completed.

35. A Council member sought to know how the Financial Controller would operate following the establishment of more institutions in the Community. The Executive Secretary explained that the Financial Controller would oversee the finances of such ECOWAS institutions as the Executive Secretariat, the Parliament, the Community Court of Justice and the West African Health Organisation. According to him, the ECOWAS Bank for Investment and Development would not fall within the purview of the Financial Controller in view of its new structure.

36. Council was informed that the Republic of Senegal was organising a summit on Child Welfare and Protection on 8 October 2002, while the Republic of Mali was hosting a meeting of experts on the 15 September 2002. The Executive Secretariat was invited to participate in the preparation of the meeting. The Executive Secretariat also disclosed that a meeting between UEMOA and ECOWAS on trade negotiations had been scheduled to hold at Cotonou, Republic of Benin from 9 - 11 September 2002, while the NEPAD Private Sector meeting had equally been scheduled for 11 - 13 September 2002, in Ouagadougou.

37. There was an observation that the Work Programme at meetings should be observed and both Council and the Secretariat took note of that and undertook to respect the lunch break at future Council Sessions.

38. Council took note of a document on the status of contributions by Member States distributed by the Executive Secretariat and urged those Member States in arrears of contributions to make every effort to meet their financial obligations to the Community.

39. The new President of the ECOWAS Bank for Investment and Development (EBID), Mr. Christian N. Adovelande, who was attending a Council session for the first time, thanked the Ministers for the confidence reposed in him by the appointment. He assured Council that he and his management team had the vision of turning the new bank into the first development finance and investment institution in West Africa. According to him, they perceived their mission as that of making contributions that would transform West Africa into a highly

developed and integrated region. The President stated that to be able to do this they needed the support of all Member-States of the Community. He appealed to Members that were yet to do so to ratify the Protocol. He concluded by appealing to all Member States to pay up their shares as this was a prerequisite for securing the shares of the non-regional Members.

40. Following a request from the Executive Secretariat on the need to fully align the staff designations in the table attached (as reported at the Fifth Meeting of the Ad Hoc Ministerial Committee on Restructuring of the Executive Secretariat) with the 1999 organogramme, Council directed the Executive Secretariat to make the necessary corrections subject to endorsement by the Chairman and Rapporteurs of the Fifth meeting of the Ad Hoc Ministerial Committee.

V. ADOPTION OF REPORT

41. This report was adopted.

VI. CLOSING CEREMONY

42. In his closing remarks, the Chairman expressed satisfaction that Council had been able to achieve its set targets by exhaustively discussing all agenda items and taking the appropriate decisions thereon. He congratulated the Ad Hoc Ministerial Committee on Restructuring of the Executive Secretariat for having made Council's work easier with the groundwork done. He also thanked the members of the Ad Hoc Ministerial Committee on Selection and Evaluation of Statutory Appointees for having fulfilled their mandate with the appointment of a Financial Controller which marked the final phase of the recruitment of Statutory Appointees.

43. Against this background, the Chairman was of the view that with the decisions taken by Council at its Sixth Extraordinary Session, ECOWAS Institutions would be better poised to deliver more efficiently on their set goals and targets. He assured the meeting that Council would continue to collaborate closely with the Institutions to further facilitate their work and ensure that the right thing was done.

44. He again reiterated the need for Member States to make timely payments of their financial contributions to enable the ECOWAS Institutions serve the Community better.

45. Finally, he thanked Honourable Members of Council for their very effective participation at the sixth session which has enabled ECOWAS to take another bold step towards the future and wished them all safe journey back to their various countries and stations.

DONE AT ABUJA THIS 28TH DAY OF AUGUST 2002

CHIEF (DR.) BIMBOLA OGUNKELU
CHAIRMAN
FOR COUNCIL

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

Sixth Extraordinary Session of the Council of Ministers
Abuja, 27 - 28 August, 2002

Regulation C/REG.1/8/02 Transferring the Core Staff of the Community Computer Centre to the Executive Secretariat.

The Council of Ministers,

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

MINDFUL of Decision C/DEC.2/6/86 establishing the ECOWAS Community Computer Centre

CONSIDERING the great need for the Executive Secretariat to computerise its services;

AWARE of the important role being played by the Community Computer Centre and its ability to provide appropriate solutions to problems relating to the computerisation of the Executive Secretariat;

CONVINCED that the presence in Abuja of the core staff of the Community Computer Centre will greatly contribute to resolve the problems the Executive Secretariat is facing with regard to the computerisation of its services;

ON THE RECOMMENDATION of the fifth meeting of the Ministerial Ad Hoc Committee on the restructuring of the Executive Secretariat held in Abuja on 1 and 2 August 2002;

ENACTS

Article 1

1. The core staff of the Community Computer Centre, Lome, are hereby transferred to the Executive Secretariat in Abuja.

2. The Executive Secretary shall inform the Chairman of the Council of Ministers of any problems he may encounter in the implementation of this regulation.

Article 2

The Executive Secretariat shall include the cost of the transfer referred to in Article 1 of this Regulation in its 2003 budget which it shall submit to the Administration and Finance Commission for consideration, with a view to making appropriate recommendations thereon to the forty-ninth session of the Council of Ministers.

Article 3

The staff of the Training Division shall remain in Lome.

Article 4

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

DONE AT ABUJA THIS 28TH DAY OF AUGUST 2002

Chief (Dr.) Bimbola Ogunkelu

Chairman
For Council

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

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

Sixth Extraordinary Session of the Council of Ministers

Abuja, 27 - 28 August 2002

Regulation C/REG.2/8/02 Authorising the Appointment of Permanent Professional Staff to the Executive Secretariat

The Council of Ministers,

Mindful of articles 10, 11 and 12 of the Treaty establishing the Council of Ministers and defining its composition and functions;

Mindful of Regulation C/REG.9/12/99 approving the restructuring of the Executive Secretariat;

Mindful of Regulation C/REG.20/12/99 abolishing quota posts within the ECOWAS institutions;

Mindful of Regulation C/REG.1/4/02 on the strengthening of the internal organisation of the Executive Secretariat;

Considering that several of the posts declared vacant at the Executive Secretariat for various reasons have not been filled to date;

Considering the need to effect the restructuring of the Executive Secretariat and thereby upgrade its organisational structure;

Conscious of the fact that the challenges of globalisation and the new responsibilities assigned to the Executive Secretariat in its capacity as coordinating and monitoring organ for the New Partnership for Africa's Development (NEPAD) have considerably increased its workload;

Desirous of endowing the Executive Secretariat with the requisite means for the fulfilment of its mission and the enhancement of its performance, and therefore providing it with a sufficient number of qualified and competent staff for this purpose;
On the Recommendation of the fifth meeting of the ad hoc ministerial meeting on the restructuring of the Executive Secretariat held in Abuja, on 1 and 2 August 2002:

ENACTS

Article 1

1. The Executive Secretariat is hereby authorised to recruit thirty six permanent senior officials to fill the vacant posts designated in the 1999 organogramme, and to deploy these staff as indicated in the table attached to this Regulation.

Article 2

The Executive Secretariat shall make provision in its draft budget for the year 2003, for funds to meet the financial obligations arising in connection with the recruitment of forty nine (49) new professional staff.

Article 3

1. When appointing these staff members, the Executive Secretary shall verify that each candidate possesses the stipulated qualifications, proven skills and necessary experience.

2. The Executive Secretary shall also take due account of the need for an equitable geographical distribution of posts among all the Member States, and for a gender sensitive approach.

Article 4

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

Done at Abuja,
This 28th day of August, 2002.

Chief (Dr) Bimbola Ogunkelu

Chairman
for Council

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

Sixth extraordinary session of the Council of Ministers
Abuja, 27 - 28 August, 2002

Regulation C/REG.3.8.02 Regularising the Administrative Situation of Certain Temporary Staff in General Services and Auxiliary Posts

The Council of Ministers,

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

MINDFUL of Article 13 (c) of the ECOWAS Staff Rules and Regulations which stipulates that an appointment shall be considered to be temporary where the period of employment does not exceed 6 months, which may renewed three (3) times, each renewal not exceeding six (6) months;

NOTING that certain temporary staff in General Services and Auxiliary posts have been in these posts for longer than the regulatory period of two years stipulated in the Staff Rules and Regulations referred to above;

AWARE that the services rendered by the personnel concerned are essential for the smooth running of the Executive Secretariat;

DESIROUS of regularising the administrative situation of the staff concerned;

ON THE RECOMMENDATION of the fifth meeting of the Ad Hoc Ministerial Committee on the restructuring of the Executive Secretariat held in Abuja on 1 and 2 August 2002;

ENACTS

Article 1

The Executive Secretariat shall offer permanent appointments to the temporary staff in General Services and Auxiliary posts who, as at the date of this Regulation, have spent at least two years at these posts.

Article 2

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

DONE AT ABUJA THIS 28TH DAY OF AUGUST 2002

Chief (Dr.) Bimbola Ogunkelu

Chairman
For Council

Communauté Economique des Etats
de l'Afrique de l'Ouest

Economic Community
of West African States

Sixth Extra-Ordinary Session of the Council of Ministers
Abuja, 27 - 28 August, 2002

Regulation C/REG.4/8/02 Approving the Rules of Procedure of the Community Court of Justice

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

Mindful of Articles 6 and 15 of the Treaty establishing the Community Court of Justice as an ECOWAS institution;

Mindful of Protocol A/P.1/7/91 defining the Status, composition, powers; procedure and other issues concerning the Community Court of Justice;

Desiring to ensure that the Community Court of Justice is endowed with Rules of Procedure that will enable it to function effectively as an international court within the West African sub-region.

Recalling Article 32 of the above-mentioned Protocol A/P.1/7/91 which provides that the Rules of Procedure of the Community Court shall be approved by Council.

ENACTS

Article 1

The attached Rules of Procedure of the Community Court of Justice are hereby approved.

Article 2

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

Done at Abuja, this 28th day of August 2002

Chief (Dr) Bimbola OGUNKELU

Chairman
For Council

COURT OF JUSTICE OF THE COMMUNITY

(THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES)

RULES OF THE COURT OF JUSTICE OF ECONOMIC COMMUNITY OF WEST AFRICAN STATES

Effective Date 2002

Rules of the Court of Justice
of the Economic Community of West African States.

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INTERPRETATION

Article 1

In these Rules:

"Treaty" means the Revised Treaty of the Economic Community of West African States and includes protocol and conventions and annexure;

"Authority" means the Authority of Heads of State and Government of the Community established by Article 7 of the Treaty.

"Chairman of the Authority " means the current Chairman of the Authority of Heads of State and Government of the Community, elected in accordance with the provisions of Article 8.2 of the Treaty;

"Community" means the Economic Community of West African States referred to under Article 2 of the Treaty;

"Court of Justice" means the Court of Justice of the Community established under Article 15 of the Treaty ;

"Member State or Member States " means Member State or Member States of the Community;

"Council " means the Council of Ministers of the Community established by Article 10 of the Treaty;

"Parliament " means the community parliament established under Article 13 of the Treaty;

"Executive Secretariat" means the Executive Secretariat established under Article 17 of the Treaty;

"Protocol" means the Protocol relating to the Court of Justice of the Community;

"Executive Secretary" means the Executive Secretary of the Community appointed under Article 18.1 of the Treaty;

"Court" means the Community Court of Justice (C.C.J) established by Article 15 of the Treaty;

"Member of the Court" or "Members of the Court" means a person or persons appointed as Judge or Judges in accordance with the provisions of Article 3 of the Protocol;

"Judge" or "Judges" or "Justice" means Members of the Community Court of Justice;

Judge – Rapporteur means a Judge nominated by the President to summarize or give a report on a case or issue.

TITLE I

ORGANISATION OF THE COURT

Chapter I

JUDGES

Article 2

The term of office of a Judge shall begin on the date laid down in his instrument of appointment. In the absence of any provisions regarding the date, the term shall begin on the date of the instrument.

Article 3

1. Before taking up his duties, a Judge shall before assuming his appointment take the following oath before the Chairman of the Authority:

"I.. Solemnly swear (declare) that I will perform my duties and exercise my powers as member of the Court honorably, faithfully, impartially and conscientiously"

2. Immediately after taking the oath, a Judge shall sign the declaration.

Article 4

1. When the Court is called upon to decide whether a member no longer fulfils the requisite conditions or no longer meets the obligations arising from his office, the President shall invite the Judge in the presence of the other judges to make representations to the Court, in closed session and in the absence of the Chief Registrar. Article 4.7 of the Protocol shall apply.

2. Where it involves the President, the Vice President shall preside.

Article 5

1. Judges shall rank equally in precedence according to their seniority

in the Court. Where there is equal seniority in office, precedence shall be determined by age. Retiring Judges who are reappointed shall retain their former precedence.

Chapter II

PRESIDENCY AND COMPOSITION OF THE COURT

Article 6

1. The Members of the Court shall be appointed by the Authority and selected from the list of persons nominated by Member States; no Member State shall nominate more than two persons. The President and the Vice President of the Court shall take precedence before all other Members.

2. If the office of the President of the Court falls vacant before the normal date of expiry thereof, the Court shall elect by consensus a successor for the remainder of the term.

3. Failure to reach a consensus the election shall be by secret ballot. If a Judge obtains an absolute majority he shall be elected. If no Judge obtains an absolute majority, a second ballot shall be held and the Judge obtaining the most votes shall be elected. Where two or more Judges obtain an equal number of votes, the oldest serving Judge shall be deemed elected.

Article 4

The President is responsible for the administration of the Court; and he presides at hearings and deliberations.

Article 5

1. When the President of the Court is absent or prevented from attending or when the office of the President is vacant, the functions of the President shall be exercised by the Vice President according to the order of precedence laid down in Article 5 of these Rules.

2. If the President and Vice President are prevented from attending or their posts are vacant at the same time, the functions of the President and Vice President shall be exercised by one of the other Judges according to the order of precedence laid down in Article 5 of these Rules.

Chapter III

REGISTRY

Section 1: The Chief Registrar and the Registrars

Article 9

Article 13

1. There shall be kept in the Registry, under the control of the Chief Registrar, a register initialed by the President, in which all pleadings and supporting documents shall be entered in the order in which they are lodged.
2. When a document has been registered, the Chief Registrar shall make a note to that effect on the original and, if a party so requests, on any copy submitted for the purpose.
3. Entries in the register and the notes provided for in the preceding paragraph shall be authentic.
4. Rules for keeping the register shall be prescribed by the Instructions to the Chief Registrar referred to in Article 12 of these Rules.
5. Persons having an interest may consult the Chief Registrar at the Registry and may obtain copies or extracts on payment of a charge on a scale fixed by the Court on a proposal from the Chief Registrar.

   The parties to a case may on payment of the appropriate charge also obtain copies of pleadings and authenticated copies of judgments and orders.
6. Notice shall be given in the *Official Journal of the Community of the* date registration of an application initiating proceedings, the names and addresses of the parties, the subject-matter of the proceedings, the form of order sought by the applicant and a summary of the pleas in law and of the main supporting arguments.

Article 14

1. The Chief Registrar shall be responsible, under the authority of the President, for the acceptance, transmission and custody of documents and for effecting service as provided for by these Rules.
2. The Chief Registrar shall assist the Court, the President and the Judges in all their official functions.

Article 15

The Chief Registrar shall have custody of the seals. He shall be responsible for the records and be in charge of the publications of the Court.

Article 16

Except as otherwise provided in these Rules, the Chief Registrar shall attend the sittings of the Court.

Section 2: Other Departments

Article 17

1. The officials and other servants of the Court shall be appointed in accordance with the provisions of the Staff Regulations.
2. Before taking up his duties, an official shall take the following oath before the Court:

"I swear (declare) that I will perform loyally, discreetly and conscientiously the duties assigned to me by the Court of Justice of the Economic Community of West African States"

Article 18

The organization of the departments of the Court shall be laid down, and may be modified, by the Court on a proposal from the Chief Registrar.

Article 19

The Court shall set up a translating service staffed by experts with adequate legal training and a thorough knowledge of several official languages of the Court in accordance with Article 37(2) of the Treaty.

Article 20

1. The Chief Registrar shall be responsible, under the Authority of the President, for the administration of the Court.
2. The financial and Accounts management of the Court shall be carried out by the Management Accountant under the Authority of the President.

Chapter IV

THE WORKING OF THE COURT

Article 21

1. The dates and times of the sessions of the Court shall be fixed by the President in accordance with Article 27 of the Protocol.

2. The Court may choose to hold one or more sessions in a place other than that in which the Court has its seat in accordance with Article 26 (2) of the Protocol.

Article 22

1 Where, by reason of a Judge being absent or prevented from attending, there is an even number of Judges, the most junior Judge within the meaning of Article 5 of these Rules shall abstain from taking part in the deliberations, unless he is the Judge – Rapporteur. In that case the judge immediately senior to him shall abstain from taking part in the deliberation.

2. If after the Court has been convened it is found that the quorum referred to in Article 14 (2) of the Protocol has not been attained, the President shall adjourn the sitting until there is a quorum.

3. The sitting of the Court shall comprise of an uneven number of its members.

4. The sitting of the Court shall be public. The Court may however sit in camera at the request of one of the parties or for reasons, which only the Court may determine.

Article 23

1. The Court shall deliberate in closed session.

2. Only those Judges who were present at the oral proceedings, shall take part in the deliberations.

3. Where one of its members who was present at the oral proceedings is absent, the Court nevertheless shall continue its hearing provided that its parties to disputes so agree in accordance with Article 27(4) (b) of the Protocol.

4. Every Judge taking part in the deliberations shall state his opinion and the reasons for it.

5 .Any Judge may require that any questions be formulated in the language of his choice and communicated in writing to the Court before being put to the vote.

6. The conclusions reached by the majority of the Judges after final discussion shall determine the decision of the Court. Votes shall be cast in reverse order to the order of precedence laid down in Article 5 of these Rules.

7 . In case of divergent opinions the subject in order of question or interpretation shall be decided by votes.

8. Where the deliberations of the Court concern questions of its own administration, it shall be put to vote. The Chief Registrar shall be present, unless the Court decides to the contrary.

Article 24

1. Subject to any special decision of the Court, its vacations shall be as follows:

a) from 18 December to 10 January,

b) 4 days before Easter to 4 days after Easter,

c) From 15 July to 15 September.

2. The holidays of the Court shall include Sallah holidays, public holidays and ECOWAS public holiday.

3. During the vacations, the functions of the President shall be exercised at the Place where the Court has its seat by the President himself or the Vice President or any other Judge designated in that respect.

4. Where necessary, the President may convene the Judges during the vacations.

5. The Court shall observe the official holidays of the place where it has its seat.

6. The Court may, in proper circumstances, grant leave of absence to any Judge

Chapter V

LANGUAGES

Article 25

1. The official languages of the Court shall be the languages of the Community in accordance with Article 87 (2) of the Treaty.

2. The language of a case shall be chosen by the applicant, except that:
Where the defendant is a Member State the language of the case shall be the official language of that State; where that State has more than one official language, the applicant may choose between them.

3 The language of the case shall in particular be used in the written and oral pleadings of the parties and in supporting documents, and also in the minutes and decisions of the Court. Any supporting documents expressed in another language must be accompanied by a translation into the language of the case.

4 In the case of lengthy documents, translations may be confined to extracts. However, the Court may, of its own motion or at the request of a party, at any time call for a complete or fuller translation.

5 Where a witness or expert states that he is unable adequately to express himself in one of the languages referred to in paragraph (1) of this Article, the Court may authorize him to give his evidence in another language.

6. The Court may in conducting oral proceedings, use one of the languages referred to in paragraph 1 of this Article other than the language of the case.

Article 26

1. The Chief Registrar shall, at the request of any Judge, or of a party, arrange for anything said or written in the course of the proceedings before the Court to be translated into the languages in Article 25(1).

2. Publications of the Court shall be issued in the languages referred to in Article 25(1) of these Rules.

Article 27

The texts of documents drawn up in the language of the Court or in any other language authorized by the Court pursuant to Article 25(1) of these Rules shall be authentic.

Chapter VI

RIGHTS AND OBLIGATIONS OF AGENTS, ADVISERS AND LAWYERS

Article 28

1. Agents, advisers and lawyers appearing before the Court or before any judicial authority to which the Court has addressed letters rogatory, shall enjoy immunity in respect of words spoken or written by them concerning the case or the parties.

2. Agents, advisers and lawyers shall enjoy the following further privileges and

Facilities:

(a) Papers and documents relating to the proceedings shall be exempt from both search and seizure; in the event of a dispute the customs officials or police may seal those papers and documents; they shall then be immediately forwarded to the Court for inspection in the presence of the Chief Registrar and of the person concerned;

(b) Agents, advisers and lawyers shall be entitled to travel in the course of duty without hindrance.

(3) The lawyer acting for a party must lodge at the Registry a certificate that he is authorized to practice before a Court of a member State or of another State, which is a party to the Treaty.

Article 29

In order to qualify for the privileges, immunities and facilities specified in Article 28, persons entitled to them should furnish proof of their status as follows:

(a) Agents shall produce an official document issued by the party for whom they act, and shall forward without delay a copy thereof to the Chief Registrar.

(b) Advisers and lawyers shall produce a certificate signed by the Chief Registrar. The validity of this certificate shall be limited to a specified period, which may be extended or curtailed according to the length of the proceedings.

Article 30

1. The privileges, immunities and facilities specified in Article 28 of these Rules are granted exclusively in the interests of the proper conduct of proceedings.

2. The Court may waive the immunity where it considers that the proper conduct of proceedings will not be hindered thereby.

Article 31

1. Any adviser or lawyer whose conduct towards the Court or a Judge is incompatible with the dignity of the Court, or who uses his rights for purposes other than those for which they were granted, may at any time be excluded from the proceedings by an order of the Court. The person concerned shall be given an opportunity to defend himself. The order shall have immediate effect.

Where an adviser or lawyer is excluded from the proceedings, the proceedings shall be suspended for a period fixed by the President in order to allow the party concerned to appoint another adviser or lawyer.

3. Decisions taken under this Article may be rescinded.

TITLE 11

PROCEDURE

Chapter 1

WRITTEN PROCEDURE

Article 32

1. The original of every pleading must be signed by the party's agent or lawyer.

The original, accompanied by all annexes referred to therein, shall be lodged together with five copies for the Court and a copy for every other party to the proceedings. The party lodging them in accordance with Article 11 of the Protocol shall certify copies.

2. Institutions shall in addition produce, within time limits laid down by the Court, translations of all pleadings into the other languages provided for by Article 25(1) of these Rules.

3. All pleadings shall bear a date. In the reckoning of time limits for taking steps in proceedings, only the date of lodgment at the Registry shall be taken into account.

4. To every pleading there shall be annexed a file containing the documents relied on in support of it, together with a schedule listing them.

5. Where in view of the length of a document only extracts from it are annexed to the pleading, the whole document or a full copy of it shall be lodged at the Registry.

6. Without prejudice to the provisions of paragraphs 1 to 5, the date on which a copy of the signed original of a pleading, including the schedule of documents referred to in paragraph 4, is received at the Registry by telefax or other technical means of communication available to the Court shall be deemed to be the date of lodgment for the purposes of compliance with the time-limits for taking steps in proceedings, provided that the signed original of the pleading, accompanied by

the annexes and copies referred to in the second subparagraph of paragraph 1 above, is lodged at the Registry no later than ten days thereafter.

Article 33

1. An application of the kind referred to in Article 11 of the Protocol shall state:

(a) the name and address of the applicant;

(b) the designation of the party against whom the application is made;

(c) the subject-matter of the proceedings and a summary of the pleas in law on which the application is based;

(d) the form of order sought by the applicant;

(e) where appropriate, the nature of any evidence offered in support.

2. For the purpose of the proceedings, the application shall state an address for service in the place where the Court has its seat and the name of the person who is authorized and has expressed willingness to accept service.

3. In addition to, or instead of, specifying an address for service as referred to in the first subparagraph, the application may state that the lawyer or agent agrees that service is to be effected on him by telefax or other technical means of communication.

4. If the application does not comply with the requirements referred to in the first and second subparagraphs, all service on the party concerned for the purpose of the proceedings shall be effected, for so long as the defect has not been cured, by registered letter addressed to the agent or lawyer of that party. By way of derogation from Article 77(1), service shall then be deemed to be duly effected by the lodging of the registered letter at the post office of the place where the Court has its seat.

5. The application shall be accompanied, where appropriate, by the documents Specified in the first paragraph of Article 15 of the protocol.

6. If the application does not comply with the requirements set out in paragraphs 1 to 4 of this Article, the Chief Registrar shall prescribe a period not more than thirty days within which the applicant is to comply with them whether by putting the application itself in order or by producing any of the above-mentioned documents.

If the applicant fails to put the application in order or to produce the required documents within the time prescribed, the Court shall, after hearing the party, decide whether the non-compliance with these conditions renders the application formally inadmissible.

Article 34

The application shall be served on the defendant. In a case where Article 33 (6) applies, service shall be affected as soon as the application has been put in order.

Article 35

1. Within one month after service on him of the application, the defendant shall lodge a defense, stating:

(a) the name and address of the defendant;

(b) The arguments of fact and law relied on;

(c) the form of order sought by the defendant;

(d) the nature of any evidence offered by him.

The provisions of Article 32 of these Rules shall apply to the defense.

2. The time limit laid down in paragraph 1 of this Article may be extended by the President on a reasoned application by the defendant.

Article 36

1. The application initiating the proceedings and the defense may be supplemented by a reply to be filed within one month from the date of receipt of the defence and by a rejoinder by the defendant within one month from the date of the receipt of the reply by the applicant.

2. The time limits laid down in paragraph 1 of this Article may be extended by the President

Article 37

1. In reply or rejoinder a party may offer further evidence. The party must, however, give reasons for the delay in offering it.

2. No new plea in law may be introduced in the course of proceedings unless it is based on matters of law or of fact which come to light in the course of the procedure.

3. If in the course of the procedure one of the parties puts forward a new plea in law which is so based, the President may, even after the expiry of the normal procedural time-limits, acting on a report of the Judge - Rappoteur and after hearing the parties, allow the other party time to answer on that plea.

4. The decision on the admissibility of the plea shall be reserved for the final judgment.

Article 38

1. The Court may, at any time, after hearing the parties, order that two or more cases concerning the same subject matter shall, on account of the connection between them, be joined for the purposes of the written or oral procedure or of the final judgment.

2. The cases may subsequently be disjoined.

Article 39

1. The President shall fix a date on which the Judge Rappoteur is to present his preliminary report to the Court, either

(a) After the rejoinder has been lodged, or

(b) Where no reply or no rejoinder has been lodged within the time limit fixed in Accordance with Article 59 of these rules, or

(c) Where the party concerned has waived his right to lodge a reply or rejoinder, or

(d) Where the expedited procedure referred to in Article 59 is to be applied, when the President fixes a date for the hearing.

2. The preliminary report shall contain recommendations as to whether a preparatory inquiry or any other preparatory step should be undertaken It shall also contain a relief, if any, as to the possible omission of the oral part of the procedure as provided for in Article 53. of these rules.

3. The Court shall decide, what action to take upon the recommendations of the Judge – Rappoteur.

Article 40

1. Without prejudice to any special provisions laid down in these Rules, the procedure before the Court shall also include an oral part. However, after the pleadings referred to in Article 32 - 39 as the case may be, have been lodged, the Court, acting on the application of a party setting out the reasons for which he wishes to be heard, may decide otherwise.
2. The application shall be submitted within a period of one month from notification to the party of the close of the written procedure. The President may extend that period.

Chapter II

PREPARATORY INQUIRIES AND OTHER PREPARATORY MEASURES

Section 1 : Measures of inquiry

Article 41

1. The Court shall decide the measures of inquiry that it considers appropriate. Before the Court decides on the measures of inquiry the parties shall be heard.
2. Without prejudice to Article 16 of the protocol the following measures of inquiry may be adopted:

(a) The personal appearance of the parties;

(b) A request for information and production of documents;

(c) Oral testimony;

(d) The commissioning of an expert's report;

(e) An inspection of the place or thing in question.

3. The measures of inquiry that the Court has ordered shall be conducted by the Court itself. The Court and parties shall take part in the measures of inquiry.
4. Evidence may be submitted in rebuttal and previous evidence may be amplified.

Article 42

The parties shall be entitled to attend the measures of inquiry.

Section 2: The summoning and examination of witnesses and experts

Article 43

1. The Court may, either of its own motion or on application by a party, order that witnesses prove certain facts. The order of the Court shall set out the facts to be established.
2. The Court may summon a witness of its own motion or on application by a party to attend.
3. An application by a party for the examination of a witness shall state precisely about what facts and for what reasons the witness should be examined.
4. The witness shall be summoned by an order of the Court containing the following information:

(a) The surname, forenames, description and address of the witness;

b) An indication of the facts about which the witness is to be examined;

(c) Where appropriate, particulars of the arrangements made by the Court for Reimbursement of expenses incurred by the witness, and of the penalties, which may be imposed on defaulting witnesses.

5. The order shall be served on the parties and the witnesses.
6. The Court may make the summoning of a witness for whose examination a party has applied conditional upon the deposit with the Registry of the Court of a sum sufficient to cover the taxed costs thereof; the Court shall fix the amount of the payment. The Registry shall advance the funds necessary in connection with the examination of any witness summoned by the Court of its own motion.
7. After the identity of the witness has been established, the President shall inform him that he will be required to vouch the truth of his evidence in the manner laid down in these Rules.
8. The witness shall give his evidence to the Court, the parties having been given notice to attend. After the witness has given his main evidence the President may, at the request of a party or of his own motion, put questions to him.
9. The other Judges may do likewise. Subject to the control of the President, the representatives of the parties may put questions to witnesses.
10. Before giving his evidence, the witness shall take the following oath:

"I swear or declare that I will speak the truth, the whole truth and nothing but the truth."

11. The Chief Registrar shall draw up minutes in which the evidence of each witness is reproduced.

(i) The minutes shall be signed by the President and by the Chief Registrar. Before the minutes are thus signed, witnesses must be given an opportunity to check the content of the minutes and to sign them. The minutes shall constitute an official record.

(ii) Proceedings may be recorded by any modern technological means.

Article 44

1. Witnesses who have been duly summoned shall obey the summons and attend for examination.
2. If a witness who has been duly summoned fails to appear before the Court, the Court may impose upon him a pecuniary penalty not exceeding UA 1 000, and may order that a further summons be served on the witness at his own expense.
3. The same penalty may be imposed upon a witness who, without good reason, refuses to give evidence or to take the oath or where appropriate to make a solemn affirmation equivalent thereto.
4. If the witness proffers a valid excuse to the Court, the pecuniary penalty imposed on him may be cancelled. The pecuniary penalty imposed may be reduced at the request of the witness where he establishes that it is disproportionate to his income.

Article 45

1. The Court may order that an expert's report be obtained. The order appointing the expert shall define his task and set a time limit within which he is to make his report.
2. The expert shall receive a copy of the order, together with all the documents necessary for carrying out his task. He shall be under the supervision of the Judge - Rapporteur, who may be present during his investigation and who shall be kept informed of his progress in carrying out his task.

3. The Court may request the parties or one of them to lodge security for the costs of the expert's report.

4. At the request of the expert, the Court may order the examination of witnesses. Their examination shall be carried out in accordance with Article 43 of these Rules.

5. The expert may give his opinion only on points, which have been expressly referred to him.

6. After the expert has made his report, the Court may order that he be examined, the parties having been given notice to attend.

7. Subject to the control of the President, questions may be put to the expert by the representatives of the parties.

8. Before carrying out his task, the expert shall take the following oath in written form or before the Court:

"I swear or declare that I shall conscientiously and impartially carry out my task".

Article 46

1. If one of the parties objects to a witness or to an expert on the ground that he is not a competent or proper person to act as witness or expert or for any other reason, or if a witness or expert refuses to give evidence or, to take the oath or to make a solemn affirmation equivalent thereto, the matter shall be resolved by the Court.

2. An objection to a witness or to an expert shall be raised within two weeks after service of the order summoning the witness or appointing the expert; the statement of objection must set out the grounds of objection and indicate the nature of any evidence offered.

Article 47

Witnesses and Experts summoned by the Court shall be entitled to reimbursement of their travel and subsistence expenses. The Registry of the Court may make a payment to them towards these expenses in advance.

Article 48

The Court may, on application by a party or of its own motion, issue letters rogatory for the examination of witnesses or experts.

Article 49

1. The Chief Registrar shall draw up minutes of every hearing. The minutes shall be signed by the President and by the Chief Registrar and shall constitute an official record.
2. The parties may inspect the minutes and any expert's report at the Registry and obtain copies at their own expense.

Section 3 Closure of the preparatory inquiry

Article 50

1. Unless the Court prescribes a period within which the parties may lodge written observations, the President shall fix the date for the opening of the oral procedure after the preparatory inquiry has been completed.
2. Where a period had been prescribed for the lodging of written observations, the President shall fix the date for the opening of the oral procedure after that period has expired.

Section 4: Preparatory Measures

Article 51

The Court may request the parties to submit within a specified period all such information relating to the facts, and all such documents or other
Particulars, as they may consider relevant. The information and/or documents provided shall be communicated to the other parties.

CHAPTER III

ORAL PROCEDURE

Article 52

1. Subject to the priority of decisions provided for in these Rules, the Court shall deal with the cases before it in the order in which the preparatory inquiries in them have been completed. Where the preparatory inquiries in several cases are completed simultaneously, the order in which they are to be dealt with shall be determined by the dates of entry in the register of the applications initiating them respectively.

2. The President may in special circumstances order that a case be given priority over others. The President may in special circumstances, after hearing the parties, either on his own initiative or at the request of one of the parties, defer a case to be dealt with at a later date. On a joint application by the parties the President may order that a case be deferred.

Article 53

1. The proceedings shall be opened and directed by the President, who shall be responsible for the proper conduct of the hearing.

2. The oral proceedings in cases heard *in camera* shall not be published.

Article 54

1. The President may in the course of the hearing put questions to the agents, advisers or lawyers of the parties.

2. The other Judges may do likewise.

Article 55

A party may address the Court only through his agent, adviser or lawyer.

Article 56

After the conclusion by the parties, the President shall declare the oral procedure closed.

Article 57

1. The Court may at any time, in accordance with these rules, after hearing the parties, order any measure of inquiry to be taken or that a previous inquiry be repeated or expanded.
2. The Court may direct the Judge - Rappoteur to carry out the measures so ordered.

Article 58

The Court may order the reopening of the oral procedure.

Chapter IV

EXPEDITED PROCEDURES

Article 59

1. On application by the applicant or the defendant, the President may exceptionally decide, on the basis of the facts before him and after hearing the other party, that a case is to be determined pursuant to an expedited procedure derogating from the provisions of these Rules, where the particular urgency of the case requires the Court shall give its ruling with the minimum of delay.

2. An application for a case to be decided under an expedited procedure shall be made by a separate document lodged at the same time as the application initiating the proceedings or the defense, as the case may be.
3. Under the expedited procedure, the originating application and the defense may be supplemented by a reply and a rejoinder only if the President considers this to be necessary.
4. An intervener may lodge a statement in intervention only if the President considers this to be necessary.
5. Once the defense has been lodged or, if the decision to adjudicate under an Expedited procedure is not made until after that pleading has been lodged, once that decision has been taken, the President shall fix a date for the hearing, which shall be communicated forthwith to the parties.
6. He may postpone the date of the hearing where the organization of measures of inquiry or of other preparatory measures so requires.

7. Without prejudice to rules, the parties may supplement their arguments and offer further evidence in the course of the oral procedure. They must, however, give reasons for the delay in offering such further evidence.

8. The Court shall give its ruling after hearing the parties.

Chapter V

JUDGMENTS

Article 60

The judgment shall contain:

1. a statement that it is the judgment of the Court,
2. the date of its delivery,
3. the names of the President and of the Judges taking part in it,
4. the name of the parties,
5. the name of the Chief Registrar,
6. the description of the parties,
7. the names of the agents, advisers and lawyers of the parties,
8. a statement of the forms of order sought by the parties,
9. a statement that the parties have been heard,
10. a summary of the facts,
11. the grounds for the decision.
12. the operative part of the judgment, including the decision as to costs.

Article 61

1. The judgment shall be delivered in open court.
2. The parties shall be given notice to attend to hear it.
3. The original of the judgment, signed by the President, and by the Judges who took part in the deliberations and by the Chief Registrar, shall be sealed and deposited at the Registry.
4. The parties shall be served with certified copies of the judgment.
5. The Chief Registrar shall record on the original of the judgment the date on which it was delivered.

Article 62

The judgment shall be binding from the date of its delivery.

Article 63

1. Without prejudice to the provisions relating to the interpretation of judgments the Court may, of its own motion or on application by a party made within one month after the delivery of a judgment, rectify clerical mistakes, errors in calculation and obvious slips in it.
2. The parties whom the Chief Registrar shall duly notify may lodge written observations within a time prescribed by the President.
3. The original of the rectification order shall be annexed to the original of the rectified judgment. A note of this order shall be made in the margin of the original of the rectified judgment.

Article 64

1. Where the Court omits to give a decision on a specific head of claim or on costs, any party may within a month after service of the judgment apply to the Court to supplement its judgment.
2. The application shall be served on the opposite party who has one month within which to lodge written observations. The time limit laid down in paragraphs 1 and 2 of this Article may be extended by the President on a reasoned application by the party.
3. After these observations have been lodged, the Court shall decide both on the admissibility and on the substance of the application.

Article 65

The Chief Registrar shall arrange for the publication of reports of cases before the Court.

Chapter VI

COSTS

Article 66

1. A decision as to costs shall be given in the final judgment or in the order, which closes the proceedings.

2. The unsuccessful party shall be ordered to pay the costs if they have been applied for in the successful party's pleadings.

3. Where there are several unsuccessful parties the Court shall decide how the costs are to be shared.

4. Where each party succeeds on some and fails on other heads, or where the Circumstances are exceptional; the Court may order that the costs be shared or that the parties bear their own costs.

5. The Court may order a party, even if successful, to pay costs which the Court considers that party to have unreasonably or vexatious caused the opposite party to incur.

6. The Member States and institutions which intervene in the proceedings shall bear their own costs.

7. The Court may order an intervener other than those mentioned in the preceding subparagraphs to bear his own costs.

8. A party who discontinues or withdraws from proceedings shall be ordered to pay the costs if they have been applied for in the other party's observations on the discontinuance.

9. However, upon application by the party who discontinues or withdraws from proceedings, the costs shall be borne by the other party if this appears justified by the conduct of that party.

10. Where the parties have come to an agreement on costs, the decision as to costs shall be in accordance with that agreement.

11. If costs are not claimed, the parties shall bear their own costs.

12. Where a case does not proceed to judgment the costs shall be in the discretion of the Court.

Article 67

Costs necessarily incurred by a party in executing a judgment or order of the Court shall be refunded by the opposite party on the scale in force in the State where the execution takes place.

Article 68

Proceedings before the Court shall be free of charge, except that:

(a) Where a party has caused the Court to incur avoidable costs the Court may, after hearing the parties, order that party to refund them;

(b) Where copying or translation work is carried out at the request of a party, the cost shall, in so far as the Chief Registrar considers it excessive, be paid for by that party on the scale of charges referred to in Article 13(5) of these Rules.

Article 69

Without prejudice to the preceding Article, the following shall be regarded as recoverable costs:

(a) Sums payable to witnesses and experts under Article 47 of these Rules;

b) Expenses necessarily incurred by the parties for the purpose of the proceedings, in particular the travel and subsistence expenses and the remuneration of agents, advisers or lawyers.

Article 70

1. If there is a dispute concerning the costs to be recovered, the Court shall, on application by the party concerned and after hearing the opposite party , make an order.
2. The parties may, for the purposes of enforcement, apply for an authenticated copy of the order.

Article 71

1. Sums due from the Registry of the Court shall be paid in the currency of the country where the Court has its seat.
2. At the request of the person entitled to any sum, it shall be paid in the currency of the country where the expenses to be refunded were incurred or where the steps in respect of which payment is due were taken.
3. Other debtors shall make payment in the currency of their country of origin.
4. Conversions of currency shall be made at the official rates of exchange ruling on the day of payment in the country where the Court has its seat.

Chapter VII

DISCONTINUANCE

Article 72

If, before the Court has given its decision, the parties reach a settlement of their dispute and intimate to the Court the abandonment of their claims, the

President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 66(8), having regard to any proposals made by the parties on the matter.

Article 73

If the applicant informs the Court in writing that he wishes to discontinue the proceedings, the President shall order the case to be removed from the register and shall give a decision as to costs in accordance with Article 66(8) of these Rules.

Chapter VIII

SERVICE

Article 74

1. Where these Rules require that a document be served on a person, the Chief Registrar shall ensure that service is effected at that person's address for service either by the dispatch of a copy of the document by registered post with a form for acknowledgement of receipt or by personal delivery of the copy against a receipt.
2. The Chief Registrar shall prepare and certify the copies of documents to be served, save where the parties themselves supply the copies in accordance with Article 32(1) of these Rules.
3. Where, in accordance with the second subparagraph of Article 33(3), the addressee has agreed that service is to be effected on him by telefax or other technical means of communication, any procedural document other than a judgment or order of the Court may be served by the transmission of a copy of the document by such means.

4. Where, for technical reasons or on account of the nature or length of the document, such transmission is impossible or impracticable, the document shall be served, if the addressee has failed to state an address for service, at his address in accordance with the procedures laid down in paragraph 1 of this article.

5. The addressee shall be so advised by telefax or other technical means of communication.

6. Service shall then be deemed to have been effected on the addressee by registered post on the tenth day following the lodging of the registered letter at the post office of the place where the Court has its seat, unless it is shown by the acknowledgement of receipt that the letter was received on a different date or the addressee informs the Chief Registrar, within three weeks of being advised by telefax or other technical means of communication, that the document to be served has not reached him.

Chapter VII

Article 75

TIME-LIMITS

1. Any period of time prescribed by the Community Treaty or , the Court or these Rules for the taking of any procedural step shall be reckoned as follows:

(a) where a period expressed in days, weeks, months or years is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;

(b) a period expressed in weeks, months or in years shall end with the expiry of Whichever day in the last week, month or year is the same day of the week, or falls on the same date, as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months or in years, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;

(c) Where a period is expressed in months and days, it shall first be reckoned in whole months, then in days;

(d) Periods shall include official holidays, Sundays and Saturdays;

(e) Periods shall not be suspended during the judicial vacations.

2. If the period would otherwise end on a Saturday, Sunday or an official holiday, it shall be extended until the end of the first following working day.

A list of official holidays drawn up by the Court shall be published in the *Official Journal of the Community.*

Article 76

1. Where the period of time allowed for initiating proceedings against a measure Adopted by an institution runs from the publication of that measure, that period shall be calculated, for the purposes of Article 75(1)(a), from the end of the 14th day after publication thereof in the *Official Journal of the Community.*

2. The prescribed time limits shall be extended on account of distance by a single period of ten days.

Article 77

1. Any time-limit prescribed pursuant to these Rules may be extended by whoever prescribed it.

2. The President may delegate to the Vice President power of signature for the purpose of fixing time limits which, pursuant to these Rules, it falls to them to prescribe or of extending such time-limits

Chapter X

STAY OF PROCEEDINGS

Article 78

1. The proceedings may be stayed:

(a) in all cases, by decision of the President adopted after hearing the parties And, save in the case of references for a preliminary ruling.

(b) The proceedings may be resumed by order or decision, following the same procedure.

(c) The orders or decisions referred to in this paragraph shall be served on the parties.

2. The stay of proceedings shall take effect on the date indicated in the order or Decision of stay or, in the absence of such indication, on the date of that order or decision.

3. While proceedings are stayed time shall cease to run for the purposes of prescribed time limits for all parties.

4. Where the order or decision of stay does not fix the length of stay, it shall end on the date indicated in the order or decision of resumption or, in the absence of such indication, on the date of the order or decision of resumption.

5. From the date of resumption time shall begin to run afresh for the purposes of the time limits.

TITLE III

SPECIAL FORMS OF PROCEDURE

Chapter I

SUSPENSION OF OPERATION OR ENFORCEMENT AND OTHER INTERIM MEASURES

Article 79

1. An application under Article 20 of the Protocol shall state the subject-matter of the proceedings, the circumstances giving rise to urgency and the pleas of fact and law establishing a prima facie case for the interim measures applied for.

2. The application shall be made by a separate document and in accordance with the provisions of Articles 32 and 33 of these Rules.

Article 80

1. The application shall be served on the opposite party, and the President shall Prescribe a short period within which that party may submit written or oral observations.

2. The President may order a preparatory inquiry.

Article 81

1. The President shall refer the application to the Court within 48 hours

2. If the President is absent or prevented from attending, Article 8 of these Rules shall apply. Where the application is referred to it, the Court shall postpone all other cases, and shall give a decision after hearing the parties. Article 80 shall apply.

Article 82

1. The decision on the application shall take the form of a reasoned order. The order shall be served on the parties forthwith.

2. The execution of the order may be made conditional on the lodging by the Applicant of security, of an amount and nature to be fixed in the light of the circumstances.

3. Unless the order fixes the date on which the interim measure is to lapse, the measure shall lapse when final judgment is delivered.

4. The order shall have only an interim effect, and shall be without prejudice to the decision of the Court on the substance of the case.

Article 83

On application by a party, the order may at any time be varied or cancelled on account of a change in circumstances.

Article 84

Rejection of an application for an interim measure shall not bar the party who made it from making a further application on the basis of new facts.

Article 85

The provisions of this Chapter shall apply to applications to suspend the execution of a decision of the Court or of any measure adopted by another institution, submitted pursuant to these rules. The order granting the application shall fix, where appropriate, a date on which the interim measure is to lapse.

Article 86

1. The President shall give his decision in the form of an order. Article 82 of these Rules shall apply.

2. If the President is absent or prevented from attending, Article 8 of these rules shall apply.

Chapter II

PRELIMINARY PROCEDURE

Article 87

1. A party applying to the Court for a decision on a preliminary objection or other preliminary plea not going to the substance of the case shall make the application by a separate document.
2. The application must state the pleas of fact and law relied on and the form of order sought by the applicant and any supporting documents must be annexed to it.
3. As soon as the application has been lodged, the President shall prescribe a period within which the opposite party may lodge a document containing a statement of the form of order sought by that party and its pleas in law.
4. Unless the Court decides otherwise, the remainder of the proceedings shall be oral.
5. The Court shall, after hearing the parties decide on the application or reserve its decision for the final judgment. If the Court refuses the application or reserves its decision, the President shall prescribe new time limits for the further steps in the proceedings.

Article 88

1. Where it is clear that the Court has no jurisdiction to take cognizance of an action or where the action is manifestly inadmissible, the Court may, by reasoned order, after hearing the parties and without taking further steps in the proceedings, give a decision.
2. The Court may at any time of its own motion consider whether there exists any absolute bar to proceeding with a case or declare, after hearing the parties, that the action has become devoid of purpose and that there is no need to adjudicate on it; it shall give its decision in accordance with Article 87(4) and (5) of these Rules.

Chapter III

INTERVENTION

Article 89

1. An application to intervene must be made within six weeks of the publication of the notice referred to in Article 13(6) of these Rules.

   The application shall contain:

(a) the description of the case;

(b) the description of the parties;

(c) the name and address of the intervener;

(d) the intervener's address for service at the place where the Court has its seat;

(e) the form of order sought, by one or more of the parties, in support of which the intervener is applying for leave to intervene;

(f) a statement of the circumstances establishing the right to intervene, where the Application is submitted pursuant to Article 21 of the protocol. The intervener shall be represented in accordance with Article 12 of the protocol. Articles 32 and 33 of these rules shall apply.

2. The application shall be served on the parties.

   The President shall give the parties an opportunity to submit their written or oral observations before deciding on the application.

   The President shall refer the application to the Court.

3. If the court allows the intervention, the intervener shall receive a copy of every document served on the parties. The court may, however, on application by one of the parties, omit secret or confidential documents.

4. The intervener must accept the case as he finds it at the time of his intervention.

5. The President shall prescribe a period within which the intervener may submit a statement in intervention. The statement in intervention shall contain:

(a) a statement of the form of order sought by the intervener in support of or opposing, in whole or in part, the form of order sought by one of the parties;

(b) the pleas in law and arguments relied on by the intervener;

(c) Where appropriate, the nature of any evidence offered.

6. After the statement in intervention has been lodged, the President shall, where Necessary, prescribe a time limit within which the parties may reply to that statement.

7. Consideration may be given to an application to intervene, which is made after the expiry of the period prescribed in paragraph 1 but before the decision to open the oral procedure provided for in Article 40(1). In that event, if the President allows the intervention, the intervener may, on the basis of the Report for the Hearing communicated to him, submit his observations during the oral procedure, if that procedure takes place.

Chapter IV

JUDGMENTS BY DEFAULT AND APPLICATIONS TO SET THEM ASIDE

Article 90

1. If a defendant on whom an application initiating proceedings has been duly served fails to lodge a defense to the application in the proper form within the time prescribed, the applicant may apply for judgment by default.
2. The application shall be served on the defendant.
3. The Court may decide to open the oral procedure on the application.
4. Before giving judgment by default the Court shall, after considering the circumstances of the case consider

(a) Whether the application initiating proceedings is admissible,

(b) Whether the appropriate formalities have been complied with, and

(c) Whether the application appears well founded.

5. The Court may order a preparatory inquiry.
6. A judgment by default shall be enforceable.
7. The Court may, however, grant a stay of execution until the Court has given its decision on any application under paragraph 8 to set aside the judgment, or it may make execution subject to the provision of security of an amount and nature to be fixed in the light of the circumstances. This security shall be released if no such application is made or if the application fails.

8. Application may be made to set aside a judgment by default.

9. The application to set aside the judgment must be made within one month from the date of service of the judgment and must be lodged in the form prescribed by Articles 32and 33 of these Rules.

10. After the application has been served, the President shall prescribe a period within which the other party may submit his written observations.

11. The proceedings shall be conducted in accordance with Article 40 of these Rules.

12. The Court shall decide by way of a judgment which may not be set aside. The Original of this judgment shall be annexed to the original of the judgment by default.

13. A note of the judgment on the application to set aside shall be made in the margin of the original of the judgment by default.

Chapter V

EXCEPTIONAL REVIEW PROCEDURES

Section 1 : Third-party proceedings

Article 91

1. Articles 32 and 33 of these Rules shall apply to an application initiating third-party proceedings. In addition such an application shall:

(a) Specify the judgment contested;

(b) State how that judgment is prejudicial to the rights of the third party;

(c) Indicate the reasons for which the third party was unable to take part in the original case.

2. The application must be made against all the parties to the original case.

3. Where the judgment has been published in the *Official Journal of the community*. The application must be lodged within two months of the publication.

4. The Court may, on application by the third party, order a stay of execution of the judgment.

5. The provisions of Title III, Chapter I, of these Rules shall apply.

6. The contested judgment shall be varied on the points on which the submissions of the third party are upheld.

7. The original of the judgment in the third-party proceedings shall be annexed to the original of the contested judgment. A note of the judgment in the third-party proceedings shall be made in the margin of the original of the contested judgment.

Section 2 : Revision

Article 92

An application for revision of a judgment shall be made within three months of the date on which the facts on which the application is based came to the applicant's knowledge.

Article 93

1. Articles 32 and 33 of these Rules shall apply to an application for revision.
2. In addition such an application shall:
(a) Specify the judgment contested;
(b) Indicate the points on which the judgment is contested;
(c) set out the facts on which the application is based;
(d) Indicate the nature of the evidence to show that there are facts justifying revision of the judgment, and that the time limit laid down in Article 92 has been observed.
3. The application must be made against all parties to the case in which the contested judgment was given.

Article 94

1. Without prejudice to its decision on the substance, the Court, in closed session, shall, after hearing the parties and having regard to the written observations of the parties, give in the form of a judgment its decision on the admissibility of the application.
2. If the Court finds the application admissible, it shall proceed to consider the Substance of the application and shall give its decision in the form of a judgment in accordance with these Rules.
3. The original of the revising judgment shall be annexed to the original of the

Judgment revised. A note of the revising judgment shall be made in the margin of the original of the judgment revised.

Chapter VI

INTERPRETATION OF JUDGMENTS

Article 95

1. An application for interpretation of a judgment under Article 23 of the Protocol shall be made in accordance with Articles 32 and 33 of these Rules. In addition it shall specify:

(a) The judgment in question;

(b) The passages of which interpretation is sought.

2. The application must be made against all the parties to the case in which the judgment was given.

3. The Court shall give its decision in the form of a judgment after having given the parties an opportunity to submit their observations and after hearing the parties. .

4. The original of the interpreting judgment shall be annexed to the original of the judgment interpreted.

5. A note of the interpreting judgment shall be made in the margin of the original of the judgment interpreted.

Chapter VII

OPINIONS

Article 96

1. Any request by any of the institutions of the Community, for an Opinion pursuant to Articles 10 of the Protocol shall be served on the Chief Registrar, who shall immediately inform member states, notifying them of the time limit fixed by the President for receipt of their written observations or for hearing their Oral declarations.

2. The request for advisory opinion as contained in paragraph 1 of Article 10 shall be made in writing.

3. The request shall contain a statement of the question upon which the advisory opinion is required.

4. The statement shall be accompanied by all relevant documents likely to throw light upon the question.

5. The Court shall give the advisory opinion in public.

6. In the exercise of its advisory function, the Court shall be governed by the provisions of the Protocol, which applied in contentious cases where the Court recognizes them to be applicable.

Article 97

1. As soon as the request for an Advisory Opinion has been lodged, the President shall designate a judge to act as Rapporteur

2. The Court sitting in closed session shall, after hearing the Judge give its decision.

3. The Opinion shall be delivered in accordance with the provisions of Article 10 of the Protocol..

4. The Opinion, signed by the President, by the Judges who took part in the Deliberations and by the Chief Registrar, shall be served on the Institution concerned.

TITLE IV

Chapter I

MISCELLANEOUS PROVISIONS

Article 98

The President shall instruct any person who is required to take an oath before the Court, as witness or expert, to tell the truth or to carry out his task conscientiously and impartially, as the case may be, and shall warn him of the criminal liability provided for in his national law in the event of any breach of this duty.

Article 99

Subject to the provisions of the protocol and after consultation, the Court shall adopt supplementary rules concerning its practice in relation to:

(a) Letters rogatory;

(b) Reports of perjury by witnesses or experts.

Article 100

The Court may issue practice directions relating in particulars to the preparation and conduct of the hearings before it and to the lodging of written statements of case or written observations.

Article 101

These Rules, which are authentic in the languages mentioned in Article 87 of the Treaty shall be published in the official journal of Community and shall become valid soon after their publication.

Communauté Economique des Etats
de l'Afrique de l'Ouest

Economic Community
of West African States

Sixth Extra-Ordinary Session of the Council of Ministers
Abuja, 27 - 28 August, 2002

Regulation C/REG.5/8/02 Appointing the Financial Controller of the Institutions of the Community

The Council of Ministers,

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

Mindful of the provisions of the Financial Regulations and Manual of Accounting Procedure of the Institutions of the Community;

Mindful of Decision A/DEC.4/12/01 relating to the reinstatement of the post of the Financial Controller of the institutions of the Community;

Mindful also of Decision A/DEC.3/7/91 on the selection and evaluation of the performance of statutory Appointees of the institutions of the Community;

Mindful of Decision A/DEC.21/12/01 allocating the position of Financial Controller to the Republic of The Gambia;

On the recommendation of the sixth meeting of the Ad Hoc Ministerial Committee on the Selection and Evaluation of Statutory Appointees held in Abuja on 26th August 2002;

ENACTS

Article 1

Mr Momodou Yandeh Malleh SALLAH is hereby appointed the Financial Controller of the Institutions of the Community for a period of four (4) years with effect from the date he assumes duty.

Article 2

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

Done at Abuja, this 28th day of August 2002

Chief (Dr) Bimbola OGUNKELU

Chairman
For Council

Communauté Economique des Etats
de l'Afrique de l'Ouest

Economic Community
of West African States

Sixth Extra-Ordinary Session of the Council of Ministers
Abuja, 27 - 28 August, 2002

REGULATION NO. C/REG.6/8/02 RELATING TO THE TAKE-OFF OF THE ECOWAS BANK FOR INVESTMENT AND DEVELOPMENT (EBID) AND ITS SUBSIDIARIES

THE COUNCIL OF MINISTERS,

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

MINDFUL of Decisions A/DEC. 2/6/88 and A/DEC. 10/6/89 of the Authority of Heads of State and Government relating to the study on the restructuring of the ECOWAS Fund and establishing the ad hoc Ministerial Committee on the Enhancement of the Financial Resources of the ECOWAS Fund,

MINDFUL of Decision A/DEC. /4/12/99 of the Authority relating to the transformation of the ECOWAS Fund into a regional holding company with two subsidiaries;

MINDFUL of Regulations C/REG. 2/4/02 appointing the President of the ECOWAS Bank for Investment and Development (EBID), C/RE. 6/12/00 appointing the Deputy Managing Director of the ECOWAS Regional Investment Bank (ERIB) and C/REG. 7/12/00 appointing the Managing Director of the ECOWAS Regional Development Fund (ERDF);

AWARE of the need to ensure the take-off of the activities of EBID and its subsidiaries;

HAVING CONSIDERED the report of the 21st meeting of the ad hoc Ministerial Committee on the Enhancement of the Financial Resources of the ECOWAS Fund;

ENACTS

Article 1

Pending the entry into force of Protocols A/P1/12/01 amending the ECOWAS Treaty and A/P2/12/01 relating to EBID, the President is hereby authorised to ensure the take-off of EBID and its subsidiaries and render them operational in collaboration with the Managing Director of the ERDF and the Managing Director of ERIB.

Article 2.

In line with the objective set in Article 1 above, EBID shall subscribe fully to the capital of the subsidiaries, including the holding of shares allocated to non-regional financial partners, and pay up the first tranche of the called-up capital from available resources, taking into account the commitments of the ECOWAS Fund.

Article 3

a) The President of EBID, in collaboration with the Managing Director of ERDF, and the Managing Director of ERIB, shall redeploy the staff of the ECOWAS Fund within EBID, ERDF and ERIB.

b) Member States shall be informed of vacancies arising from the redeployment exercise at least two months prior to the deadline for submission of applications. Such vacancies shall be widely publicised in the press of the Member States.

c) The rights of the staff of the ECOWAS Fund, years of service, leave and financial benefits shall be transferred to and guaranteed at the institutions to which they are posted.

d) The redeployment of staff shall be carried out within three months upon signature of this regulation.

Article 4

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

DONE AT ABUJA THIS 28TH DAY OF AUGUST, 2002.

Chief (Dr) BIMBOLA OGUNKELU

CHAIRMAN
FOR COUNCIL

Communauté Economique des Etats
de l'Afrique de l'Ouest

Economic Community
of West African States

Sixth Extra-Ordinary Session of the Council of Ministers
Abuja, 27 - 28 August, 2002

RESOLUTION C/RES 1/8/02 RELATING TO THE SUBSCRIPTION AND PAYMENT OF THE CAPITAL OF THE ECOWAS BANK FOR INVESTMENT AND DEVELOPMENT AND ITS SUBSIDIARIES.

THE COUNCIL OF MINISTERS,

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

MINDFUL of Decisions A/DEC. 2/6/88 and A/DEC. 10/6/89 of the Authority of Heads of State and Government relating to the study on the restructuring of the Fund and establishing the ad hoc Ministerial Committee on the Enhancement of the Financial Resources of the ECOWAS Fund;

MINDFUL of Decision A/DEC. 4/12/99 of the Authority relating to the transformation of the ECOWAS Fund into a Regional Holding Company with two subsidiaries;

AWARE of the need to endow EBID and its subsidiaries with the resources necessary for the execution of their Community development financing plan;

HAVING CONSIDERED the report of the 21st meeting of the ad hoc Ministerial Committee on the Enhancement of the Financial Resources of the ECOWAS Fund,

REQUESTS Member States to subscribe their share in the authorised capital of EBID without delay.

URGES Member States in accordance with Decision A/DEC.13/12/01 relating to the first tranche of the called-up capital of EBID, to pay up their shares in the called-up capital.

"I swear or declare that I will speak the truth, the whole truth and nothing but the truth."

11. The Chief Registrar shall draw up minutes in which the evidence of each witness is reproduced.

(i) The minutes shall be signed by the President and by the Chief Registrar. Before the minutes are thus signed, witnesses must be given an opportunity to check the content of the minutes and to sign them. The minutes shall constitute an official record.

(ii) Proceedings may be recorded by any modern technological means.

Article 44

1. Witnesses who have been duly summoned shall obey the summons and attend for examination.
2. If a witness who has been duly summoned fails to appear before the Court, the Court may impose upon him a pecuniary penalty not exceeding UA 1 000, and may order that a further summons be served on the witness at his own expense.
3. The same penalty may be imposed upon a witness who, without good reason, refuses to give evidence or to take the oath or where appropriate to make a solemn affirmation equivalent thereto.
4. If the witness proffers a valid excuse to the Court, the pecuniary penalty imposed on him may be cancelled. The pecuniary penalty imposed may be reduced at the request of the witness where he establishes that it is disproportionate to his income.

Article 45

1. The Court may order that an expert's report be obtained. The order appointing the expert shall define his task and set a time limit within which he is to make his report.
2. The expert shall receive a copy of the order, together with all the documents necessary for carrying out his task. He shall be under the supervision of the Judge - Rapporteur, who may be present during his investigation and who shall be kept informed of his progress in carrying out his task.

ECONOMIC COMMUNITY OF
WEST AFRICAN STATES

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

Annex/Annexe 1

SIXTH EXTRA-ORDINARY SESSION OF THE ECOWAS COUNCIL OF MINISTERS

SIXIEME SESSION EXTRAORDINAIRE DU CONSEIL DES MINISTRES DE LA CEDEAO

ABUJA, 27-28 AUGUST / ABUJA 27-28 août 2002

SYR

ECONOMIC COMMUNITY
OF WEST AFRICAN STATES

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

Sixth Extraordinary Session of the Council of Ministers

Abuja, 27 - 28 August 2002

VOTE OF THANKS

Participants at the Sixth Extraordinary Session of the Council of Ministers held in Abuja, Federal Republic of Nigeria from 27 to 28 August 2002, expressed their profound gratitude to His Excellency, Chief Olusegun Obasanjo, President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, and to the Government and people of Nigeria for the warm welcome accorded them and for the excellent facilities made available to them to ensure the success of their deliberations.

COUNCIL

Economic Community
of West African States

Communauté Economique des
Etats de l'Afrique de l'Ouest

SIXTH EXTRAORDINARY SESSION OF COUNCIL OF MINISTERS
Abuja, 27 - 28 August, 2002

SIXIEME REUNION EXTRAORDINAIRE DU CONSEIL DES MINISTRES
Abuja, 27 - 28 Août 2002

LIST OF PARTICIPANTS
LISTE DES PARTICIPANTS

Executive Secretariat/Secrétariat Exécutif
Abuja, 27 - 28 August/Août 2002

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