

UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH  
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# **Cooperating for Peace in West Africa: An Agenda for the 21st Century**

Edited by Anatole Ayissi

Preface by H. E. Olusegun Obasanjo,  
President of the Federal Republic of  
Nigeria



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in West Africa**  
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Anatole AYISSI



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United Nations Institute for Disarmament Research  
Geneva, Switzerland

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## PREFACE

### **Integration Vision for the 21<sup>st</sup> Century**

H.E. Olusegun Obasanjo

President of the Federal Republic of Nigeria

Very early in the life of the Economic Community of West African States (ECOWAS), it was appreciated that no meaningful cooperation, let alone integration, could take place within the sub-region without peace and security. Hence the Protocol on Non-Aggression and the Protocol relating to Mutual Assistance on Defense that were incorporated into the ECOWAS Treaty in 1978 and 1981 respectively. Unfortunately, this did not prevent internal dissension, conflict and violence that would later adversely affect the entire sub-region. Following this general climate of endemic instability, the ECOWAS Cease-Fire Monitoring Group (ECOMOG) was established as an *ad hoc* sub-regional response to our peacekeeping and conflict management challenges. But because there had been no firm basis in the form of an institutionalized peacekeeping mechanism, ECOMOG badly fell short of its ideals in many ways.

The time has come for us to draw the lessons, both good and bad, from the ECOMOG experience and move on to establish a firm basis for a peacekeeping force that can perform effectively on the principle of collective security.

Our primary concern in this exercise is to ensure that we lay the necessary foundation for peace, security and political stability as a prerequisite for sub-regional cooperation, integration and economic prosperity.

In 1975, our founding fathers set out in the Treaty that established ECOWAS an economic integration program aimed at achieving a robust and dynamic economic community. These programs were revised alongside the Treaty of 1993 in order to make the integration process more responsive to the development and security needs of the Community. One of our basic targets in our vision of a renewed ECOWAS remains the attainment of a genuine and efficient sub-regional

peace and security system as a solid platform for sustainable economic prosperity.

As we stand at the threshold of a new millennium, we are facing a unique opportunity to reflect on the achievements and failures of our Community, with a view to refocusing our efforts on facilitating and advancing sub-regional peace and security building and consolidation. We recognize the modest achievements made so far, but we still have a long way to go.

One of the determinant stumbling blocks on the way of the Community towards economic integration and sustainable and fairly shared social development is the proliferation of armed conflict among our people. It is a self-evident truth that the current situation of endemic instability in this part of Africa has hampered our efforts towards a more prosperous ECOWAS.

After twenty-five years of establishing ECOWAS we should by now be speaking peace and prosperity, harmony and cooperation among ourselves. Unfortunately, this remains an elusive dream to come true. If we are to be taken seriously, we must aim to produce a different story in twenty-years time. We must begin today and now to move away from all divisive tendencies. We must resolve to enter the new century with full commitment to establishing a viable ECOWAS that will be a major plank for progress, peace, security and development in our sub-region.

Given our strong commitment to the vision and objectives of ECOWAS, we urgently need to initiate strategies aimed at accelerating the process of regional economic integration and peace consolidation.

I wish to propose that the Community should adopt a two-track policy in the implementation of all agreed economic integration and peacebuilding programs. This is to say: when three or more member states are ready and set to implement a particular programme, they should be allowed and encouraged to do so. Such a lead will be regarded as fast track. Others on a relatively slower track may then join later.

*Nigeria intends to join the fast track in a number of programs.*

As far as conflict management and collective security are specifically concerned, Nigeria is prepared to continue its committed role in ensuring regional peace and security. I wish to stress the importance of the establishment in December 1999 of an ECOWAS' Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. Together with the 1978 Protocol on Non-Aggression and the 1981 Protocol relating to Mutual Assistance on Defense, the Mechanism constitutes the backbone of the collective security ambition of the new ECOWAS. All we need now is to commit ourselves to the effective functioning of the Mechanism so as to once and for all put in place a permanent machinery for ensuring lasting peace and stability, which are *sine qua non* for growth and development.

I wish to point out here that economic integration as well as cooperation for peace and security have been left too much in the hands of governments. Far too little has been done to involve the private sector and civil society, which constitute the groups that could be said to have the most powerful transborder interests. Without a regional parliament, the people have been left out of the equation. We should aim to establish a full-fledged West African Parliament in the year 2001. It is gratifying to note that progress is being made towards the attainment of this objective. For a successful takeoff, Nigeria is willing to provide the initial physical structures and facilities.

Another major challenge we have to face is economic scarcity. Mass poverty is a major cause of conflict and violence in Africa. It is a great scourge that we need to tackle in all its ramifications. It is sad to note that in spite of all our efforts to reduce the level of poverty within our sub-region, the largest proportion of our population still remain poor. The majority of our populations are still illiterate, with limited access to social services. Our infrastructural facilities and services are still fragile and insufficient. Access to essential requirements of life such as clean water, basic healthcare and housing is still not guaranteed.

To address this serious issue of mass poverty, we need to develop a more pragmatic strategy to promote overall growth of our economies. We must emphasize both *people-centered development* and *people-centered security*. We must mobilize our human and material resources more

effectively so as to boost both prosperity and security. It is by so doing that we can assure ourselves the great promise of a bright future.

To move forward with these new ambitions we should complete the on-going restructuring of the ECOWAS Secretariat and sister institutions. It is therefore imperative for us to address the issue of restructuring our subregional institutions and the appointment of Statutory Officers. ECOWAS must enhance its peacekeeping and peacebuilding institutional capacity. We need to encourage the selection of the very best in West Africa to work in our common institutions.

Our efforts at economic integration and peacebuilding should be taken with greater zeal and determination. We must deal with the overwhelming economic and security survival priorities that have reduced the capabilities of Member States to participate in sub-regional and regional integration projects and initiatives. We must explore fully the peculiar resource endowments of each Member State and remove the impediments that limit intra-African economic and security cooperation. Above all, we absolutely have to improve our inadequate social and economic infrastructure to enhance communication and cohesion among Member States.

West Africa can be great if we are fully committed to make it great. To this effect, we must rededicate ourselves to the pursuance of pragmatic changes that are capable of improving the lot of our people, with the support and cooperation of the international community. I am convinced that a robust, harmonious and integrated Community will make for enhanced prosperity and progress, peace and security for our people and eliminate internal tension and dissension.

As we enter the new millennium, let us resolve to take control of the destiny of the peoples of West Africa who have been historically linked over many centuries. Let our single purpose be the actualization of every potential and prospect for a progressive Community in which peace reigns and every citizen can expect to live a decent life in adequate security.

## FOREWORD

The last two decades have witnessed a growing determination in the efforts of the Economic Community of West African States (ECOWAS) to consolidate the institutional capacity of the organization to prevent violence and manage crises. From the signing of a Non-Aggression Pact in 1978 to the establishment of a Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security in 1999, ECOWAS Member states have endowed their organization with a rich and promising legal framework for conflict management. These efforts could be taken for as an inspiration for the rest of the African continent struggling to extricate itself from a seemingly endless cycle of endemic violence. For that reason, they deserve to be widely known and concretely encouraged.

This UNIDIR collection of ECOWAS legal instruments for peace and security aims at making ECOWAS' endeavors better known, and supported, by the rest of the international community. It is our wish that all those interested in the making and the future of peace and security in West Africa, notably, academics, researchers, students, diplomats, military and civilian experts in preventive diplomacy, would find in this compendium a useful tool for their work and a faithful companion in their quest for a better knowledge of what is being done in terms of institutional peacebuilding in the Western part of the African continent.

Patricia Lewis  
Director  
UNIDIR



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Perhaps the pleasure of publishing this compendium would not have been so complete had our devoted Administrative Assistant, Isabelle Roger, not demonstrated such an astute ability to manage my multiple (and often so complicated!) trips to Africa.

His Excellency Olusegun Obasanjo, President of the Federal Republic of Nigeria wrote the preface. His statement is a testimony to the importance and the (innovative) meaning the Head of State of Nigeria gives to peace and security in West Africa in the 21<sup>st</sup> century. UNIDIR is deeply honored by this preface. We express our gratitude to the Permanent Representation of the Republic of Nigeria to the United Nations Office at Geneva for having been our diligent and efficient link with the Presidency of Nigeria. We notably thank H.E. Ambassador Ayewoh and the Senior Counselor Felix Idigbe.

Being the result of a human undertaking, this compendium is by definition not flawless. I share its qualities and merits with the above-mentioned friends and colleagues. But the responsibility for eventual (and inevitable) flaws and other imperfections are mine and mine alone.

Anatole Ayissi  
Geneva  
February 2001

**PART I**

**Introduction**



*In the history of Nations, generations have made their mark through their acumen in appreciating critical turning points and, with determination and creativity, seizing the moment. A new and better life will be achieved only if we shed the temptation to proceed casually along the road—only if we fully take the opportunities that beckon.*

**Nelson Mandela**



## KEEPING PEACE IN POST-COLD WAR AFRICA: "THE BONFIRE OF THE VANITIES"?

*Conflict in Africa poses a major challenge to United Nations efforts designed to ensure global peace, prosperity and human rights for all.*

**Kofi Annan<sup>1</sup>**

### A Contrasting Image: Death and Despair Versus Life and Hope

For Africa, the end of the Cold War was a moment of ambiguity and contrast, a time of both deepening crises and heightening hopes essentially characterized by two diverging trends:

- On the one hand, we had a *trend of death and despair*, which was marked by an important inflation of spots of violence all over the continent: "in 1996 alone, 14 of the 53 countries of Africa were afflicted by armed conflicts, accounting for more than half of all war-related deaths worldwide and resulting in more than 8 million refugees, returnees and displaced persons."<sup>2</sup> For many Africans, the post-Cold War great expectations of peace and security blew up<sup>3</sup> at the very moment, the rest of the world was celebrating the dislocation of the Berlin Wall and the collapse of the Iron Curtain.<sup>4</sup>
- On the other hand, there was an equally prominent *trend of life and hope*. At the global policy level, with the end of the East-West struggle for world hegemony, peacekeeping and peacebuilding took on "new prominence as tasks for the United Nations".<sup>5</sup> Boosted by the new window of (peace) opportunities open to the "new world unburdened by superpower confrontation",<sup>6</sup> the international community in general, and the United Nations in particular, engaged in a major effort to tackle the scourge of mass violence in the continent. In Somalia, Rwanda, and other African "hells on earth",<sup>7</sup> thousands of soldiers of peace were sent and billions of dollars spent with the objective to "make peace" and "restore hope".<sup>8</sup>

Unfortunately, these endeavors would remain relatively powerless.<sup>9</sup> Despite a genuine political will and diplomatic commitment, peace was

not rebuilt and hope was never fully restored.<sup>10</sup> On the contrary, the African universe of armed violence became “the bonfire of the vanities”<sup>11</sup> for the international community. In Somalia for instance, the great show of force by American Marines was sunk into a flood of blood and tears. In Rwanda, despite the presence of UN peacekeepers, erupted one of the last great human tragedies of the 20<sup>th</sup> century: within a few weeks, hundreds of thousands of people were savagely slaughtered on the abominable altar of ethnic hatred.<sup>12</sup> In Angola, Sierra Leone or the Democratic Republic of Congo, experience continues to show that despite an indisputable *general* security in a world released from the global threat of a nuclear “Armageddon”<sup>13</sup>, the “real world order”<sup>14</sup> remains deeply fragmented in terms of sustainable peace and constructive security. This ambivalence in the nature of the post-Cold War World peace system is very well expressed by the UN secretary General, Kofi Annan, when he observes that: “while there have been some important successes for the international community... peace in many parts of the world remains precarious. Moreover, peace processes in several regions ... show a distressing tendency to unravel.”<sup>15</sup>

In as much as the African continent is concerned, in this new world of global peace and fragmented security, “conflict in Africa poses a major challenge to United Nations efforts designed to ensure global peace, prosperity and human rights for all.”<sup>16</sup>

### **Complex Emergencies and Downsized Peace Operations**

The metamorphosis of African armed conflicts into “complex emergencies” transformed peace operations in the continent into highly perilous adventures to be engaged in.<sup>17</sup> One of the outcomes of this was the emergence of a new policy of downsizing African peace-support operations. Consequently, the exuberant “euphoria of the post-Cold War era of peacekeeping”<sup>18</sup> was succeeded by a dark period of vanishing hopes and betrayed expectations. In 1994 for instance (the “golden age” of post-Cold War UN peace support operations), with over 80,000 troops from 77 countries scattered worldwide for a budget of 3.4 billions US dollars, 70% of deployments were in Africa. By way of contrast, five years later, in 1998, sixteen UN peace operations were going on in the world; only four of these were taking place in Africa.<sup>19</sup> The growing reluctance of troop contributors to “expose their soldiers to unreasonable risks”,<sup>20</sup> as

well as the “general unwillingness to become involved in operations costly in blood or resources”,<sup>21</sup> explain this drastic shift. The ghosts of Mogadishu (Somalia), where eighteen American Marines (among many other victims) were killed in October 1993 and the nightmares of Kigali (Rwanda), where ten Belgian Blue Helmets were to be executed a few months later, continued to haunt an international community increasingly terrified by African armed confrontations with no viable exit option.

### **Preventive Diplomacy: Lost and Powerless**

This combination of (1) the end of the Cold War, (2) the (global) rising expectations for peace and (3) the (regional) diving of Africa into the abyss of escalating mass violence has never been understood by the *traditional* diplomacy of crisis management and peacekeeping. This organic incapacity to understand the emerging challenges explains the unfortunate disenchantment with Africa. Since the situation could not be understood, there was no reason for peacekeepers to remain engaged in a place transformed into a graveyard for well-established certainties. As a consequence, assistance, support, commitment and engagement for peace in Africa dramatically declined at the very moment they were badly needed.

Some of the determinant actors in the international system strengthened this downsizing trend by making declarations that could be taken—and were actually taken—for “paradigms” for a new theory of UN peacekeeping operations. Such was the case for US President, Bill Clinton, when, in his address to the United Nations General Assembly in October 1993, he declared that “the United Nations must learn to say “no” to peacekeeping operations that were not feasible.”<sup>22</sup> Other less notorious voices simply urged the international community to “retreat from Africa”<sup>23</sup>—which was considered to be a “curse and hopeless” land.

The “retreat now” advocacy and the “say-no” diplomacy notwithstanding, the African tragic reality kept on yelling at the universal human consciousness: something needed to be done. People, innocent men, women and children were trapped in an awful web of hysteric violence. A human life, being a human life—being it “curse” or not—, there was no *sustainable moral ground* from which the international community could *reasonably* justify the so-called “necessity” for “retreat”

from Africa. In fact, the truth was that the “retreat” would have never taken place without the international community denying or renouncing its own humanity. As stated by Kofi Annan, “in those [African] conflicts the main aim, increasingly, is the destruction not just of armies but of civilians and entire ethnic groups. *Preventing such wars is no longer a matter of defending States or protecting allies. It is a matter of defending humanity itself.*”<sup>24</sup>

Despite the absolute sense of urgency however, the traditional diplomacy of peacekeeping remained paralyzed both by its structural impotence and the unprecedented scope of violence escalation.<sup>25</sup> Little or nothing was done beyond managing humanitarian disasters. Facing the endless stalemate, the only thing the international community could do was to remind Africa, repeatedly, this well-known self-evident truth: there is no peace without a local genuine will for peace.<sup>26</sup>

Another action was to call for the “enhancement of African peacekeeping capacity”.<sup>27</sup> If foreigners were no longer willing to die in African “hells on earth”, the majority of Africans were to give whatever it might require to bring back peace in their trouble land. These committed Africans however, needed to be properly trained and adequately equipped. And in this, the international community had to assist and support them. One point most agreed upon was that the international community had the “responsibility to help build Africa’s capacity to help itself, in peacekeeping as in other areas”.<sup>28</sup>

## **WEST AFRICA STRUGGLE FOR SURVIVAL**

Many Africans received most of these pathetic messages as warning signs, which in fact had to be understood as wake-up calls. Obviously, if the post-Cold War international arena was not yet a “New World Order”, it undoubtedly looked like a different era for the world. And Africans had to make their way in this different and not too friendly macrocosm. In terms of security, humanity, peace and development, Africans needed to think anew. They had to act innovative. This was not only a political imperative. It was not simply a moral obligation. It was, first and foremost, a matter of survival.<sup>29</sup>

After the shock provoked by the deep feeling of what most Africans felt as (post-Cold War) "neglect" and "abandonment",<sup>30</sup> people throughout the continent started striving hard to take their peace and security destiny into their own hands.<sup>31</sup> To this respect, West Africa appears as one of the most determined and most innovating subregion.

### **The Making of a New ECOWAS**

#### *The Declaration of Political Principles*

Early in the 1990s, West African leaders understood that the world, now a presumably "global village", was heading towards a new dawn and a radically different direction in which the fragmentation of the notion and the reality of security appeared to be one of the key parameters shaping the ongoing transition towards a "new order". On July 6, 1991, an ECOWAS policy of renewed commitment was officially launched in Abuja (Nigeria). On that day, the sixteen Member-states of ECOWAS, "deeply conscious of the rapidly changing international political and economic landscape", adopted a *Declaration of Political Principles*. In this document, the West African leaders, "upholding the ideals of the Treaty establishing ECOWAS", reaffirmed "the objective of promoting better relations among [themselves] by ensuring a stable and secure political environment in which [their] peoples can live in freedom under the law and in true and lasting peace, free from any threat to or attempt against their security." They stressed on their determination "to concert [their] efforts to promote democracy... political pluralism and respect for fundamental human rights", as well as peaceful settlement of disputes among members.

#### *A Realistic Adjustment of the Treaty*

Two years later, in 1993, West African leaders made a substantial step further towards their taking into consideration of the dramatic changes happening at the international system. Much more than change itself, what mattered most was what to do with change and how to survive in it. Since survival in the "New World Order" appeared to be, perhaps more than ever, a matter of the fittest, if ECOWAS had to survive, it had first and foremost to correctly "fit" in the new international environment. This concern gave birth to what President Obasanjo calls

a “new ECOWAS”: The Community had to come to life anew, for the old ECOWAS could not stand the powerful shocks from the new challenges ahead.

#### Security First

ECOWAS security adjustment program started in 1993, when the organization’s members, “conscious of the over-riding need to encourage, foster and accelerate the economic and social development of [their] States in order to improve the living standards of [their] peoples” decided to engage in a new “determined and concerted policy of self-reliance”. Aware of the fact that the world outside Africa was changing and there was an imperative need to “adapt to the changes on the international scene”, they decided to update the Treaty of ECOWAS. This decision was the first step towards their “concerted effort” and “collective political will”<sup>32</sup> aiming at creating “favorable conditions for the attainment of the objectives of the Community”. Besides, West African decision-makers pledged “to take all necessary measures to harmonize their strategies and policies, and to refrain from any action that may hinder the attainment of the said objectives”.<sup>33</sup>

In this new strategy for survival, peace, security and human rights matters were mainstreamed, while economic preoccupations remained high on the agenda. The basic aim of the Community—the promotion and consolidation of “co-operation and integration, leading to the establishment of an economic union”—remained unchanged and was re-emphasized.<sup>34</sup> But lessons learned from the new international context led to the conclusion that economic matters could no longer claim any kind of monopolistic position in the global calendar of the Community. Peace and security imperatives were greatly—and happily—in (peaceful and complimentary) “competition” with economic necessities. The centrality of humanity in peace, security and development priorities, as well as the overlapping nature of these priorities were recognized and taken into consideration.

This new ECOWAS’ pragmatism would later find a concrete ground in a new *development paradigm* the Community calls “Security First”. As explained by Tore Rose, one of the determinant actors in the conceptualization of this paradigm in the subregion, “Security First”

stresses the “obvious linkage between security and development”. It is a strategy “based on a proportional and integrated approach encompassing development and security”. It refers to the obvious fact that without security in the civilian life there can be no serious and sustainable development; and conversely, that without serious and sustainable development, there will be insecurity or worse.<sup>35</sup> President Obasanjo sums up the whole new dynamic with one expression: “people-centered development”.<sup>36</sup>

#### Mainstreaming Peace

The following brief comparative analysis of the substance of the 1975-founding Treaty on the one hand and the new orientations and priorities of the 1993-revised Treaty on the other, gives an idea on how innovative is the new regional dynamics towards sustainable peace in West Africa.

The 1975 founding Treaty (signed in Lagos, Nigeria, on 28 May), contains fourteen chapters and sixty-five articles. The 1993 revised Treaty (signed Cotonou, Benin, on 24 July) embodies twenty-two chapters and ninety-three articles. While economic issues were the main—one might as well say the “exclusive”—focus of the “old ECOWAS”, the reasonable inflation of chapters and articles in the new Treaty is mostly due to the fact that peace and security issues have become one of the key pillars of West African States cooperative efforts. This is obvious at least on two levels: (1) the principles and (2) the areas of cooperation of the renewed Community.

1. ***New Fundamental Principles.*** While in the 1975 Treaty, Chapter I dealing with the principles of cooperation is all about economic and trade matters, in the 1993-revised Treaty, ten of the eleven fundamental principles adopted are directly or indirectly related to peace, security and confidence building.<sup>37</sup>

#### **ECOWAS Fundamental Principles of Cooperation**

**REVISED TREATY OF ECOWAS**  
**Article 4: Fundamental Principles**

1. Equality and inter-dependence of Member States
2. Solidarity and collective self-reliance
3. Inter-State co-operation, harmonization of policies and integration of programs
4. Non-aggression between Member States
5. Maintenance of regional peace, stability and security through the promotion and strengthening of good neighborliness
6. Peaceful settlement of disputes among Member States, active Co-operation between neighboring countries and promotion of a peaceful environment as a prerequisite for economic development
7. Recognition promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights
8. Accountability, economic and social justice and popular participation in development
9. Recognition and observance of the rules and principles of the Community
10. Promotion and consolidation of a democratic system of governance in each Member State as envisaged by the Declaration of Political Principles adopted in Abuja on 6 July, 1991
11. Equitable and just distribution of the costs and benefits of economic co-operation and integration

In article 56 of the revised Treaty for instance, the Heads of State and Government consider political cooperation as an enabling ground for effective and efficient economic integration. They consequently (re) proclaim their faith in "the Protocol on Non-Aggression the Protocol on Mutual Assistance on Defense, the Community Declaration of Political Principles and the African Charter on Human and Peoples' Rights". These three texts are considered to be important confidence and security building instruments.

2. **Areas of Cooperation.** The 1975 Treaty establishes three main areas of cooperation respectively dealing with industry, trade and cultural issues. The 1993 Treaty, in addition to these traditional fields, institutionalizes a totally new sphere of action, which deals with "Political, Judicial and Legal Affairs, Regional Security and Immigration" issues. This is a major innovation, for nothing in the old Treaty was statutory in charge of peace and security matters. These were considered to be extremely sensitive issues coming within the exclusive competence of state sovereignty.

#### *Towards Human Security*

One of the determinant moments of these various peace efforts was the formal expression of the political will of West African leaders to curb the proliferation of small arms and light weapons in the region. On 31 October 1998, ECOWAS' sixteen Heads of State and Government, "considering the fact that the proliferation of light weapons constitutes a destabilizing factor for ECOWAS Member States and a threat to the peace and security of [their] people ... solemnly declare[d] a Moratorium on the Importation, Exportation and Manufacture of Light Weapons in ECOWAS Member States". The Moratorium, which is established for a renewable period of three years, took effect the next day, 1 November 1998. Such a regional preventive diplomacy mechanism, desirable ten years ago has now become indispensable, since the anarchic proliferation of small arms and light weapons greatly contributes to the escalation of violence and human tragedies in West Africa. The ongoing massive proliferation of these tools of death is perhaps the greatest security challenge people from this part of the world will have to face for the coming one or two decades.<sup>38</sup>

In December 1999, ECOWAS' Members "aware of the compelling need to encourage and promote actions to support the effective application of the Moratorium", and "convinced that observance of the Moratorium can best be achieved through transparency and concerted effort", reached the conclusion that "the establishment of a Code of Conduct is required for this purpose". This Code of Conduct was actually adopted by the 22<sup>nd</sup> Ordinary Summit of the Authority of Heads of State and Government of the Economic community of West African States in December 1999, in Lomé. Its objective is "to promote and ensure

coordination of concrete measures for effective implementation of the Moratorium at national level”.

The Code of Conduct applies to the importation, exportation and manufacture of light weapons. On the other hand, “import, export and manufacture of components and ammunition for the light weapons ... shall also be subject to strict control in accordance with the spirit of the Moratorium.”

One of the important innovations of the West African Code of Conduct on small arms is that it recommends the establishment of National Commissions in order to promote and ensure coordination of concrete measures for effective implementation of the Moratorium at respective national levels. Article 4 of the Code of Conduct states that each National Commission has to be made up of representatives of the political authorities on the one hand, and representatives of the Civil Society on the other.

On December 10, 1999, the ECOWAS Authority of Head of States adopted a *Decision Establishing National Commissions for the Control of the Proliferation and Illicit Circulation of Light Weapons*.<sup>39</sup> The Authority “noting that any measures taken towards the effective and efficient application of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons can be effectively applied, monitored and evaluated only with the genuine involvement of Member States” and “convinced that the establishment of an appropriate institutional framework in Member States will encourage their further involvement in the application of the moratorium”, decided to establish “in each Member State a National Commission for the control of the proliferation and illicit circulation of light weapons.”

According to the Decision, each “National Commission shall be composed of representatives of the Ministries of Defense, Internal Affairs and Security, Justice, and Foreign Affairs”, and “shall assist the relevant government authorities in the design, elaboration and implementation of national policies on the control of the proliferation and illicit circulation of light weapons.”

Each National Commissions is expected to fulfill the following functions:

- (a) Evolve effective strategies aimed at controlling the proliferation of light weapons and their illicit circulation;
- (b) Undertake studies, in collaboration with the appropriate technical departments, and participate in efforts to find ways to successfully control the proliferation and illicit circulation of light weapons;
- (c) Provide advisory opinions and make suggestions or proposals to the appropriate government authorities;
- (d) Support and coordinate the activities of the various government agencies involved in the effort to control light weapons proliferation;
- (e) Initiate and promote measures to educate the populace and heighten their awareness of the dangers attendant on the proliferation and illicit circulation of light weapons;
- (f) Collect information on the importation, exportation and manufacture of light weapons, and transmit such data to the ECOWAS Executive Secretary through the headquarters of the zonal observation bureaus;
- (g) Process requests for exemptions received from individuals wishing to purchase arms listed in Category 1, 2 and 3A in the technical specifications of light weapons and munitions covered by the moratorium, and make recommendations to the Executive Secretary through the intermediary of the headquarters of the relevant zonal bureau;
- (h) Mobilize resources from bilateral and multilateral institutions for the running of the national commissions, without prejudice to any material or financial resources that each Member State may provide for the same purpose;
- (i) Initiate and develop exchange of information and experience with other national commissions;
- (j) Maintain technical cooperation ties with relevant institutions and organizations;
- (k) Assist in the implementation of decisions relating to the control of the proliferation and illicit circulation of light weapons.

Another important instrument contributing to a better implementation of the Moratorium is the Program for Coordination and Assistance for Security and Development (PCASED).<sup>40</sup>

PCASED is “a regional project of the United Nations Development Program (UNDP) operating within the framework of the United Nations Regional Center for Peace and Disarmament in Africa”. PCASED is “conceived as a program which aims to build peace in support of activities that will promote a secure and stable climate for socio-economic development”. Its overall aim is “to assist in the attainment of the security and development objectives of the Moratorium on the importation, exportation and manufacture of light weapons within ECOWAS and to facilitate the adoption of similar measures in other sub-regions of Africa”.<sup>41</sup>

PCASED has nine “priority areas:”

1. Establishing a culture of peace;
2. Training programs for military, security and police forces;
3. Enhancing weapons controls at border posts;
4. Establishment of a database and regional arms register;
5. Collection and destruction of surplus and unauthorized weapons;
6. Facilitating dialogue with producer suppliers;
7. Review and harmonization of national legislation and administrative procedures;
8. Mobilizing resources for PCASED objectives and activities;
9. Enlarging membership of the Moratorium.

Within this global endeavor to frame a new vision for ECOWAS, one of the most preoccupying human, as well as humanitarian, tragedies of the moment, of which West Africa is one of the most affected regions of the world, drew specific attention from West African decision makers. This refers to what our ordinary language happens to be abusively calling child soldiers.<sup>42</sup> At their March 1999 meeting in Bamako, the Ministers of Foreign Affairs of ECOWAS, “aware that the proliferation of light weapons creates a fertile environment for the emergence of child soldiers in the sub-region”, and “greatly preoccupied by the increasingly frequent use of children as soldiers by various armed groups in the sub-region”, condemned “strongly the conscription of children into armed groups anywhere on the territory of the community in particular, on the African continent”. Consequently, they:

- “call[ed] on member states to take necessary measure to disband all groups using children as fighters;
- appeal[ed] to all armed groups which use child soldiers to demobilize such children immediately and return them to the appropriate public institutions for reintegration into society; [and]
- urge[d] the governments of member states, international and non-governmental organizations, civil society and women’s associations to coordinate their efforts with a view to adopting appropriate coercive measures to arrest this phenomenon”.

### **ECOWAS NEW VISION FOR THE 21<sup>ST</sup> CENTURY**

Another important step towards sustainable cooperative security in West Africa was taken December 1999 at the 22<sup>nd</sup> Ordinary Summit of the Authority of Heads of States and Government of the ECOWAS. In an outstanding address to the Summit, the President of Nigeria, Olusegun Obasanjo, shared with his colleagues and people of West Africa what he refers to as his “vision of a new ECOWAS”.<sup>43</sup> President Obasanjo emphasized that ECOWAS continues to be “a Community which has remained reasonably peaceful and politically stable” thanks to the determination of its members to find peaceful “lasting solutions to problems which could have torn the Community apart”. Obasanjo praised this “spirit of consultation and dialogue” and expressed the wish that it will keep on prevailing for a better resolution of future problems.

On the same tone and same occasion, ECOWAS Executive Secretary General, Lansana Kouyate, recalled some of the main concerns on the ECOWAS 21<sup>st</sup> century security agenda. In his Annual Report, he mentioned that “Africa’s economical and social development has been held back by conflicts that have inflicted death, injury, hunger, homelessness and family break-up of the innocent; and deprived some of the poorest of our people of the chance of decent standards of security, housing, health, education and economic prosperity. Furthermore, the aftermath of conflict has left a legacy of weapons and ammunition to fuel crime and lawlessness, which is depriving Africa of the stability it needs for economic and social development”. Concluding his Report, the Executive Secretary declared, “we must rid ourselves of these tools of destruction and poverty”.

Determined to make their new vision a reality, ECOWAS members, which have been thinking since 1994 on “the practical modalities on the establishment of a sub-regional peacekeeping mechanism in West Africa”, adopted a *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*. The Protocol is considered to be an “imperative necessity”, which aims at creating the “conditions that would allow West Africa to promptly react in situations of crisis” and limit the huge human toll paid to non-promptly managed crises.

Within the Mechanism is established a *Security and Mediation Council*. The Council “shall comprise nine (9) Member States of which seven (7) shall be elected by the Authority [of ECOWAS Head of State]. The other two (2) members shall be the current chairman and the immediate past chairman of the Authority, each of whom shall have an automatic right to membership of the Mediation and Security Council”. Council’s Members serve for two (2) years renewable. The Council “shall take decisions on issues of peace and security in the sub-region on behalf of the Authority.”

In as much as its areas of competence are taken into consideration, the Council shall:

- Decide on all matters relating to peace and security;
- Decide and implement all policies for conflict prevention, management and resolution, peace-keeping and security;
- Authorize all forms of intervention and decide particularly on the deployment of political and military missions;
- Approve mandates and terms of reference for such missions;
- Review the mandates and terms of reference periodically, on the basis of evolving situations;
- On the recommendation of the Executive Secretary, appoint the Special Representative of the Executive Secretary and the Force Commander.

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### Preventive Diplomacy in ECOWAS

#### ECOWAS ROAD MAP FOR PREVENTIVE DIPLOMACY

1. Treaty of ECOWAS, Chapter X: "Cooperation in Political, Judicial and Legal Affairs, Regional Security and Immigration" (23 July 1993)
2. Protocol on Non-Aggression (22 April 1978)
3. Protocol Relating to Mutual Assistance on Defense (29 May 1981)
4. Declaration of Political Principles (6 July 1991)
5. Convention on Mutual Assistance in Criminal Matters (29 July 1992)
6. Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa (31 October 1998)
7. Plan of Action for the Implementation of the Program for Coordination and Assistance for Security and Development (PCASED) (1998)
8. Code of Conduct for the Implementation of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa (10 December 1999)
9. Decision Establishing National Commissions for the Control of the Proliferation and Illicit Circulation of Light Weapons (10 December 1999)
10. Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (10 December 1999)
11. The Security and Mediation Council (10 December 1999)
12. Declaration by ECOWAS Ministers of Foreign Affairs on Child Soldiers (24 March 1999)

#### CONCLUDING REMARKS

West Africa is currently perceived both as (1) a land of endless armed violence and seemingly intractable conflicts and (2) a universe of new opportunities for peace. Efforts to seize these opportunities are mainly symbolized by the current determination of ECOWAS people to find

viable solutions to their security challenges. Perhaps, the best expression of this ambiguous moment of co-existing hope and despair is given by these words from Julien Gardner, in his novel *No Easy Victories*:

*Our prospects never looked brighter, and the problems never looked tougher.*

In such a context, the most precious assets West African people actually need are: (1) the will to survive and (2) the determination to move forward to the right direction. For, as this great symbol of African dreams and hopes, Nelson Mandela reminds us,

*In the history of Nations, generations have made their mark through their acumen in appreciating critical turning points and, with determination and creativity, seizing the moment. A new and better life will be achieved only if we shed the temptation to proceed casually along the road—only if we fully take the opportunities that beckon.*

Today's West Africa, as the whole of the African continent, awkwardly stands at a "critical turning point". It is imperative that the moment be seized "with determination and creativity". This looks very much like what West African people try to do in their endeavors to transform their environment into a into "a working peace system".<sup>44</sup>

## Notes and References

<sup>1</sup>: Kofi Annan, "The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa", Report of the Secretary-General, UN document A/52/871-S/1998/318, p. 3.

<sup>2</sup>: *Ibid.*

<sup>3</sup>: See Birger Heldt, Peter Wallensteen and Kjell-Ake Nordquist, "Major Armed Conflicts in 1991", in *SIPRI Yearbook 1992. World Armaments and Disarmament* (Oxford: Oxford University Press, 1992), pp. 417-456; Ramses Amer et al. "Major Armed Conflicts", *SIPRI Yearbook 1992. World Armaments and Disarmament* (Oxford: Oxford University Press, 1993), pp. 81-130, precisely an informative table on the "Regional Distribution of Conflict Locations with at Least One Major Armed Conflict, 1989-1992", p. 86; The International Institute for Strategic Studies, "Africa. The Arc of Conflicts", in *Strategic Survey 1996/97* (London: The International Institute for Strategic Studies, 1997).

<sup>4</sup>: Celebrating the end of the Cold War at their meeting in Paris in November 1990, the 53 OSCE members declared that "the era of confrontation and division... has ended" and proclaimed the dawn of "a new era of democracy, peace and unity." See OSCE, "Charter of Paris for a new Europe", Paris, November 1990.

<sup>5</sup>: Nat J. Colletta and Michelle L. Cullen, *Violent Conflict and the Transformation of Social Capital* (Washington, D.C.: The World Bank, 2000), p. 3.

<sup>6</sup>: *U.S. Department of State Dispatch Supplement*, volume 5, number 2, February 1994.

<sup>7</sup>: "Hell on Earth. Racing Against Death in Rwanda", *Newsweek*, 1 August 1994; "There Are No Devils Left in Hell", *Time*, May 1994; "This is the Beginning of the Final Days. This Is Apocalypse", *Time*, 1 August 1994; "The Gems of War. How Illicit Diamonds Finance Africa's Bloodiest Conflicts", *Newsweek*, 10 July 2000. Philippe Leymarie, "Une Afrique appauvrie dans la spirale des conflits", *Monde Diplomatique*, collection

"Manière de voir", No. 25, pp. 21-25; "Anger Still Fires the Hell that Was Sierra Leone", *The New York Times*, 31 March 2000; The International Institute for Strategic Studies, "Africa. The Arc of Conflicts", in *Strategic Survey 1996/97* (London: The International Institute for Strategic Studies, 1997). On the same topic, see also Robert Kaplan, *The Ends of the Earth. A Journey at the Dawn of the 21<sup>st</sup> Century* (New York: Random House, 1996), notably the first part of the book: "West Africa: Back to the Dawn?"

<sup>8</sup>. The United Nations Department of Information, *The Blue Helmets. A Review of United Nations Peace-Keeping* (New York: United Nations, 1996).

<sup>9</sup>. Eric G. Berman and Katie E. Sams, *Peacekeeping in Africa: Capabilities and Culpabilities* (New York and Geneva: United Nations/UNIDIR, 2000). Stanley Hoffmann, *World Disorders. Troubled Peace in the Post-Cold War* (New York: Rowman and Littlefield, 1998).

<sup>10</sup>. W. Andy Knight, "Restore Hope-Loose Credibility: The United Nations Intervention in Somalia", in Henry F. Carey and Edward Newman (eds.), *The United Nations and Human Security: Mediating Post-Westphalian International Relations* (London: Macmillan Press, forthcoming, 2001); Olara Otunnu, *Keeping the Peace in the Post-Cold War Era*, Report to the Trilateral Commission (New York: Trilateral Commission, 1993).

<sup>11</sup>. *The Bonfire of the Vanities* is the title of a novel published in 1987, by Tom Wolfe.

<sup>12</sup>. African Rights, *Rwanda: Death, Despair and Defiance* (London: African Rights, 1995).

<sup>13</sup>. Expression once used by General Douglas MacArthur, as quoted in Benjamin B. Ferencz and Ken Keyes, Jr., *PlanetHood* (Coos, OR: Love Line Books, 1991), p. xx.

<sup>14</sup>. M. Singer and A. Wildavski, *The Real World Order. Zones of Peace/Zones of Turmoil* (New York: Chatham House, 1993).

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<sup>15</sup> Kofi Annan, *Partnership for Global Community* (New York: United Nations, 1998), p. 7. On theoretical and doctrinal issues on the post-Cold War peace and security system, see: Barry Buzan, "New Patterns of Global Security in the Twenty-First Century", *International Affairs* 67(3), July 1991, pp. 431-451; Adam Roberts, "A New Age in International Relations?", *International Affairs* 67(3), July 1991, pp. 509-525; Ken Booth, "Security in Anarchy: Utopian Realism in Theory and Practice", *International Affairs* 67(3), July 1991, pp. 527-545; Richard Wyn Jones, *Security, Strategy, and Critical Theory* (Boulder, Co.: Lynne Rienner, 1999); Buzan, Barry, "Rethinking Security after the Cold War", in *Cooperation and Conflict*, 32(1) March 1997, pp. 5-28; Barry Buzan, *People, States and Fear: an Agenda for International Security Studies in the Post-Cold War Era* (New York: Harvester Wheatsheaf, 1991); Barry Buzan, *Security: a New Framework for Analysis* (Boulder, Co.: Lynne Rienner, 1998); Stanley Hoffmann, *World Disorders. Troubled Peace in the Post-Cold War* (New York: Rowman and Littlefield, 1998); Pierre Hassner, "Beyond the Three Traditions: The Philosophy of War and Peace in Historical Perspective", *International Affairs*, 70(4), October 1994.

<sup>16</sup> Kofi Annan, "The Causes of Conflict...", *op. cit.*, p. 3.

<sup>17</sup> Jakkie Cilliers and Greg Mills (eds.), *From Peacekeeping to Complex Emergencies* (Pretoria: South African Institute of International Affairs and Institute for Security Studies, 1999); Abiodun Alao, John Mackinlay and Funmi Olonisakin, *Peacekeepers, Politicians and Warlords* (Tokyo: United Nations University, 1999).

<sup>18</sup> Jakkie Cilliers and Greg Mills (eds.), *op. cit.*, p. 1.

<sup>19</sup> See "1948-1998: 50 Years of United Nations Peacekeeping Operations", in <http://www.un.org/Depts/dpko>.

<sup>20</sup> "Discussion of Lessons Learned from UNAMIR", <http://www.un.org/Depts/dpko/lessons/rwandisc.htm>, p. 4.

<sup>21</sup> *Id.*, p. 2.

<sup>22</sup> *Ibid.*

<sup>23</sup> On this topic, see the interesting article published by Margaret Michaels, "Retreat from Africa", in *Foreign Affairs*, 72(1).

<sup>24</sup> Kofi Annan, "The Causes of Conflict", *op. cit.*, p. 3.

<sup>25</sup> William Shawcross, *Deliver Us from Evil. Warlords and Peacekeepers in a World of Endless Conflict* (London: Bloomsbury, 2000).

<sup>26</sup> See UN document S/RES/954 (1994) of 4 November 1994; S/RES/912 (1994) of 21 April 1994.

<sup>27</sup> "Enhancement of African Peacekeeping Capacity", Report of the Secretary-General, UN document S/1999/171. See also the "Final Communiqué of the Denver Summit of the Eight", Denver (Colorado), 29 June 1997. A whole section of this document, paragraphs 54-66, is devoted to "Africa: Partnership for Development". In this section, the G8 notably declares: "we express our support for long-term efforts to promote rapidly deployable African peacekeeping capacities." Another important document on this topic is Guido Lenzi et Alvaro Vasconcelos, *WEU's Role in Crisis Management and Conflict Resolution in Sub-Saharan Africa* (Paris: Institut d'Études de Sécurité de l'Union de l'Europe Occidentale, série "Chaillot Papers", No. 22, December 1995).

<sup>28</sup> Kofi A. Annan, "Conflict in Africa", *High-Level Symposium on Conflict in Africa*, Tokyo, 10 September 1996.

<sup>29</sup> See Daniel Volman, "Africa and the New World Order", *The Journal of Modern African Studies*, 31(1), 1993, pp. 1-30; Michael Chege, "Remembering Africa", *Foreign Affairs*, 71(1), February 1992, pp. 146-163; Stephen Wright, "Africa in the Post-Cold War World", *TransAfrica Forum*, Summer 1992, pp. 25-37.

<sup>30</sup> On this note, see the Secretary General of the Organization of African Unity, Dr. Salim Ahmed Salim, "Les priorités de l'Afrique ne sont plus les mêmes qu'à la création de l'OUA", *Le Messager* (Yaoundé, Cameroon), No. 536, 22 August 1996, pp. 6-7.

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<sup>31</sup> The European Platform for Conflict Prevention, *Searching for Peace in Africa: An Overview of Conflict Prevention and Management Activities* (Utrecht, NL: The European Platform for Conflict Prevention, 1999); Dharam Ghai (ed.), *Renewing Social and Economic Progress in Africa* (Geneva/London/New York: UNRISD/Macmillan Press/St. Martin's Press, 2000); Virginia Gamba, "Dynamics of Regional Initiatives for the Control of Small Arms Proliferation and the Combating of the Illicit Trade in Arms", Paper presented at the International Consultation on the Illicit Proliferation, Circulation and Trafficking on Small Arms and Light Weapons, Addis-Ababa, 22-23 June 2000.

<sup>32</sup> All the quotations in this paragraph are from the Preamble of the revised Treaty.

<sup>33</sup> Article 5, revised Charter.

<sup>34</sup> Article 3, revised Charter.

<sup>35</sup> Tore Rose, "The Program for Coordination and Assistance for Security and Development in West Africa (PCASED)", in Sverre Lodgaard and Carsten F. Ronnfeldt (eds.), *Moratorium on Light Weapons in West Africa* (Oslo: NISAT/NUPI, 1999), p. 41-45, p. 41.

<sup>36</sup> Address to the 22<sup>nd</sup> Ordinary Summit of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS): Lomé, Togo, 9 December 1999.

<sup>37</sup> Article 4, revised Charter.

<sup>38</sup> On the issue of small arms and light weapons proliferation, see UNIDIR, "Small Arms Control: The Need for Coordination", *Disarmament Forum*, 2/2000; Brian Wood and Johan Peleman, *The Arms Fixers. Controlling the Brokers and Shipping Agents* (Oslo: PRIO/NISAT/BASIC, 1999); Lora Lumpe (ed.), *Running Guns. The Global Black Market in Small Arms* (Oslo: PRIO, 2000).

<sup>39</sup> ECOWAS document A/DEC /12/99, 10 December 1999.

<sup>40</sup> Jackie Seck, *West Africa Small Arms Moratorium. High-Level Consultations on the Modalities for the Implementation of PCASED* (Geneva: United Nations/UNIDIR, 2000).

<sup>41</sup> *Program for Coordination and Assistance for Security and Development (PCASED)*, Report of the Director Ivor Richard Fung, Third Advisory Group Meeting, 26-27 June 2000, Bamako, Mali.

<sup>42</sup> Personally, we prefer the term “child fighter” or “child combatant”, since in normal conditions, a child is not a soldier and a soldier would never be a child.

<sup>43</sup> Olusegun Obasanjo, “Integration Vision for the 21<sup>st</sup> Century”, Address to the 22<sup>nd</sup> Ordinary Summit of the Authority of Heads of State and Government of the Economic community of West African States (ECOWAS), Lomé, Togo, 9 December 1999.

<sup>44</sup> We borrow this expression from David Mitrany: *A Working Peace System; an Argument for the Functional Development of International Organization* (London: The Royal Institute of International Affairs, 1943).

**PART II**

**Documents**



**Document 1****TREATY OF ECOWAS****CHAPTER X****CO-OPERATION IN POLITICAL, JUDICIAL  
AND LEGAL AFFAIRS, REGIONAL SECURITY  
AND IMMIGRATION****Article 56  
Political Affairs**

1. In pursuit of the integration objectives of the Community, Member States undertake to cooperate on political matters, and in particular, to take appropriate measures to ensure effective application of the provisions of this Treaty.
2. The signatory States to the Protocol on Non-Aggression the Protocol on Mutual Assistance on Defense, the Community Declaration of Political Principles and the African Charter on Human and Peoples' Rights agree to co-operate for the purpose of realizing the objectives of these instruments.

**Article 57  
Judicial and Legal Matters**

1. Member States undertake to co-operate in judicial and legal matters with a view to harmonizing their judicial and legal systems.
2. The modalities for the implementation of this arrangement shall be the subject matter of a Protocol.

**Article 58**  
**Regional Security**

1. Member States undertake to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region.
  
2. In pursuit of these objectives, Member States undertake to cooperate with the Community in establishing and strengthening appropriate mechanisms for the timely prevention and resolution of intra-State and inter-State conflicts, paying particular regard to the need to:
  - (a) maintain periodic and regular consultations between national border administration authorities;
  - (b) establish local or national joint commissions to examine any problems encountered in relations between neighbouring States;
  - (c) encourage exchanges and cooperation between communities, townships and administrative regions;
  - (d) organize meetings between relevant ministries on various aspects of inter-State relations;
  - (e) employ where appropriate, good offices, conciliation, meditation and other methods of peaceful settlement of disputes;
  - (f) establish a regional peace and security observation system and peace-keeping forces where appropriate;
  - (g) provide, where necessary and at the request of Member States, assistance to Member States for the observation of democratic elections.
  
3. The detailed provisions governing political cooperation, regional peace and stability shall be defined in the relevant Protocols.

**Document 2****PROTOCOL ON NON-AGGRESSION**

THE HIGH CONTRACTING PARTIES;

CONSIDERING that the Economic Community of West African States, (hereinafter referred to as the "Community"), set up by virtue of the Treaty of May 28, 1975, cannot attain its objectives save in an atmosphere of peace and harmonious understanding among the Member States of the Community;

RECALLING Article 2 (4) of the United Nations Charter which provides that all Member States shall refrain, in their international relations, from the threat or use of force against the territorial integrity or independence of any State, or any other manner inconsistent with the purposes of the United Nations;

RECALLING Article 3 (3) of the Charter of the Organisation of African Unity which provides for the respect of the sovereignty and territorial integrity of each State and its inalienable right to independent existence;

RECALLING the Resolution of the Summit Meeting of Heads of States and Government of the Community held in Lomé on 5 November, 1976 regarding the signing of an Annexed Protocol on non-recourse to force by Member States of the Community;

AGREE AS FOLLOWS:

**Article 1**

Member States shall, in their relations with one another, refrain from the threat or use of force or aggression or from employing any other means inconsistent with the Charters of the United Nations and the Organisation of African Unity against the territorial integrity of political independence of other Member States.

**Article 2**

Each Member State shall refrain, from committing, encouraging or condoning acts of subversion, hostility or aggression against the territorial integrity or political independence of the other Member States.

**Article 3**

Each Member State shall undertake to prevent foreigners resident on its territory from committing the acts referred to in Article 2 above against the sovereignty and territorial integrity of other Member States.

**Article 4**

Each Member State shall undertake to prevent non-resident foreigners from using its territory as a base for committing the acts referred to in Article 2 above against the sovereignty and territorial integrity of Member States.

**Article 5**

1. Member States pledge to respond to all peaceful means in the settlement of disputes arising among themselves.
2. Any dispute which cannot be settled peacefully among Member States shall be referred to a Committee of the Authority. In the event of failure of settlement by the aforementioned Committee, the dispute shall finally go to the Authority.
3. The composition and the mandate of the Committee referred to in the preceding paragraph shall be decided upon by the Authority.

**Article 6**

1. This Protocol shall come into effect provisionally on signature by the Heads of State and Government, and definitively on ratification by at least seven signatory States, in conformity with constitutional regulations of each Member State.

2. This Protocol, as well as all the Instruments of Ratification, shall be deposited with the Executive Secretariat who shall transmit certified true copies of this Protocol to all Member States informing them of the dates on which the Instruments of Ratification have been deposited. The Protocol shall be registered with the Organisation of African Unity, the United Nations Organisation and any other Organisations approved by the Authority.

3. Any Member State may accede to this Protocol and the instrument of accession shall be deposited with the Executive Secretariat.

4. This Protocol shall be annexed to and form an integral part of the Treaty.

IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS PROTOCOL.

Done at Lagos this 22nd of April 1978, in single original in the English and French languages, both texts being equally authentic.

.....  
H.E. Colonel Mathieu KEREKOU  
President of the Republic of  
Benin

.....  
H.E. Mr. Felix HOUPHOUET-  
BOIGNY  
President of the Republic of  
Ivory Coast

.....  
H.E. Mr. Aristides PEREIRA  
President of the Republic of  
Cape Verde

.....  
H.E. Dr. William R. TOLBERT,  
Jr.  
President of the Republic of  
Liberia

.....  
Mr. Ismael TOURE  
Minister of the Economy and  
Finance for and on behalf of the  
Head of State and Commander-  
in-Chief of the People's  
Revolutionary Armed Forces of  
the Republic of Guinea,  
President Ahmed Sekou TOURE

.....  
Mr. Founেকে KEITA  
Minister of Finance and  
Commerce of the Republic of  
Mali, for and on behalf of the  
Chairman of the Military  
Committee of National  
Liberation, President of the  
Republic of Mali

.....  
H.E. Major General George Yaw  
BOAKYE  
for and on behalf of the Head of  
State and Chairman of the  
Supreme Military Council of the  
Republic of Ghana

.....  
H.E. Mr. Moktar Ould  
DADDAH  
President of the Islamic Republic  
of Mauritania

.....  
H.E. Alhaji Sir Dauda K.  
JAWARA  
President of the Republic of  
Gambia

.....  
Intendant Militaire Moussa  
TONDI  
Minister of Finance, for and on  
behalf of the Supreme Military  
Council of the Republic of Niger

.....  
H.E. Mr. Luiz CABRAL  
President of the Republic of  
Guinea-Bissau

.....  
H.E. Lt. General Olusegun  
OBASANJO  
Head of the Federal Military  
Government, Commander-in-  
Chief of the Armed Forces of the  
Republic of Nigeria

.....  
H.E. Mr. Leopold Sedar  
SENGHOR  
President of the Republic of  
Senegal

.....  
H.E. General Gnassingbe  
EYADEMA  
President of the Republic of  
Togo

.....  
H.E. Dr. Siaka STEVENS  
President of the Republic of  
Sierra Leone

.....  
H.E. General A. Sangoule  
LAMIZANA  
President of the Republic of  
Upper Volta



**Document 3****PROTOCOL RELATING TO  
MUTUAL ASSISTANCE ON DEFENCE****PREAMBLE**

THE GOVERNMENTS OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES;

RECALLING Article 2 of the United Nations Charter which calls upon all Member States to refrain in their international relations from resorting to the use of threats or force either against the territorial integrity or the independence of all States in any manner that is incompatible with the aims of the United Nations or from interfering in the internal affairs of other States;

RECALLING Article 3 of the Charter of the Organisation of African Unity which calls upon Member States to respect the sovereignty and territorial integrity of each State and its inalienable right to an independent existence;

MINDFUL of the Treaty setting up the Economic Community of West African States;

RECALLING the Protocol on Non-Aggression signed in Lagos on 22<sup>nd</sup> April 1978 in accordance with which Member States resolved not to use force as a means of settling their disputes;

CONVINCED that economic progress cannot be achieved unless the conditions for the necessary security are ensured in all Member States of the Community;

CONSIDERING that Member States belong to the same geographical area;

CONSCIOUS of the serious continuous threats of aggression on the African continent in general and their own countries in particular;

CONSCIOUS of the serious risks that the presence of foreign military bases on the African continent may constitute as support forces to external aggression;

FIRMLY RESOLVE to safeguard and consolidate the independence and the sovereignty of Member States against foreign intervention;

CONSCIOUS of the fact that external defence of their states depends entirely on each sovereign state, and that such a defence will be more effective with the coordination and pooling together of the means of mutual assistance provided by respective Member States within the framework of this Protocol;

DESIROUS of maintaining the ties of friendship existing amongst Member States and of strengthening their cooperation in all fields on the basis of equality, mutual interests and respects;

HAVE AGREED AS FOLLOWS:

## **CHAPTER I DEFINITIONS**

### **Article 1**

Within the context of this Protocol,

**“Treaty”** means the Treaty of the Economic Community of West African States;

**“Community”** means the Economic Community of West African States;

**“Authority”** means the Authority of Heads of State and Government as defined in Article 5 of the Treaty;

**“Member State”** or **“Member States”** means a Member State or Member States of the Community;

**“Executive Secretary”** means Executive Secretary of the Community as defined in Article 8 of the Treaty;

**“Aggression”** means the use of armed force by any State against the sovereignty and territorial integrity or political independence of another State or by any other manner incompatible with the Charter of the United Nations and OAU;

**“Assistance on Defence”** means all military aid (material, technical and personnel).

## **CHAPTER II OBJECTIVES**

### **Article 2**

Member States declare and accept that any armed threat or aggression directed against any Member State shall constitute a threat or aggression against the entire Community.

### **Article 3**

Member States resolve to give mutual aid and assistance for defence against any armed threat or aggression.

### **Article 4**

Member States shall also take appropriate measures such as specified in Articles 17 and 18 of the present Protocol in the following circumstances:

- (a) in case of armed conflict between two or several Member States if the settlement procedure by peaceful means as indicated in Article 5 of the Non-Aggression Protocol mentioned in the Preamble proves ineffective;
- (b) in case of internal armed conflict within any Member State engineered and supported actively from outside likely to endanger the security and peace in the entire Community. In this case the Authority shall appreciate and decide on this

situation in full collaboration with the Authority of the Member State or States concerned.

### **CHAPTER III INSTITUTIONS**

#### **Article 5**

The institutions for the implementation of the Protocol shall be:

- The Authority;
- The Defense Council;
- The Defense Commission.

#### **SECTION I: THE AUTHORITY**

#### **Article 6**

1. The Authority on the occasion of the annual ordinary meeting of ECOWAS shall examine general problems concerning peace and security of the Community.
2. The Authority may also hold extraordinary sessions on defence matters where circumstances so require.
3. The Authority shall decide on the expediency of military action and entrust its execution to the Force Commander of the Allied Forces of the Community (AAFC).
4. Decisions taken by the Authority shall be immediately enforceable on Member States.

#### **SECTION II: THE DEFENCE COUNCIL**

#### **Article 7**

1. A Defense Council of the Community shall be established by the Authority.

2. It shall consist of Ministers of Defense and Foreign Affairs of Member States. However, in cases of crisis, the Defense Council shall be chaired by the current Chairman of the Authority and it shall be enlarged to include any other Minister from Member States according to the circumstances. The Executive Secretary and the Deputy Executive Secretary in charge of military matters shall be in attendance at meetings of the Council.

#### **Article 8**

1. The Defense Council shall meet on the convocation by its Chairman to prepare the items of the Agenda of Sessions of the Authority dealing with defence matters.

2. In an emergency, the Defense Council shall examine the situation, the strategy to be adopted and the means of intervention to be used.

#### **Article 9**

In case of armed intervention, the Defense Council assisted by the Defense Commission shall supervise with the authority of the State or States concerned, all measures to be taken by the Force Commander and ensure that all necessary means for the intervention are made available to him. The actions of the Force Commander shall be subject to competent political authority of the Member State or States concerned.

#### **Article 10**

At the end of the operation, the Defense Council shall write a factual report to be addressed to the Authority.

### **SECTION III: THE DEFENSE COMMISSION**

#### **Article 11**

1. A Defence Commission shall be established by the Authority and shall consist of a Chief of Staff from each Member State.

2. The Defence Commission shall be responsible for examining the technical aspect of defence matters.

3. The Defence Commission shall establish its Rules of Procedure especially in respect of the convening of its meetings, the conduct of the business and the implementation of duties as assigned to it by the Defence Council.

#### **CHAPTER IV ADMINISTRATION**

##### **Article 12**

1. The Defence Council shall appoint a Deputy Executive Secretary (Military) at the Executive Secretariat for a period of four years renewable only once.

2. The Deputy Executive Secretary (Military) shall be a senior serving military officer.

3. He shall be in charge of the administration and follow-up of the decisions taken by the Authority and in accordance with the present Protocol and under the authority of the Executive Secretary.

4. He shall update plans for the movement of troops and logistics and initiate joint exercises as provided for in paragraph 3 of Article 13 below.

5. He shall be assisted in the discharge of his functions by the necessary staff members and personnel as determined by the Defense Council.

6. He shall prepare and manage the military budget of the Secretariat.

7. He shall study and make proposals to the Executive Secretariat in respect of all matters relating to personnel and equipment within his jurisdiction.

**CHAPTER V**  
**MODALITIES OF INTERVENTION AND ASSISTANCE**

**Article 13**

1. All Member States agree to place at the disposal of the Community, earmarked units from the existing National Armed Forces in case of any armed intervention.
2. These Units shall be referred to as the Allied Armed Forces of the Community (AAFC).
3. In order to better realise the objectives set forth in this Protocol, the Member States may organise, from time to time, as may be approved by the Authority, joint military exercises among two or more earmarked Units of the AAFC.

**Article 14**

The Allied Forces of the Community shall be under the command of the Forces Commander appointed by the Authority on the proposal of the Defense Council. He shall be entrusted with powers that are conferred upon him by the Authority. He together with the Chief of Defense staff of the assisted country, shall be the joint Chief of Defense Staff of the Allied Armed Forces and shall be responsible for the implementation of armed intervention and assistance as decided by the Authority. He shall have at his disposal all necessary means of defence.

**Article 15**

1. Intervention by AAFC shall in all cases be justified by the legitimate defence of the territories of the Community.
2. It shall therefore be carried out in accordance with the mechanism described in Articles 16, 17 and 18 below.

**Article 16**

When an external armed threat or aggression is directed against a Member State of the Community, the Head of State of that country shall

send a written request for assistance to the current Chairman of the Authority of ECOWAS, with copies to other Members. This request shall mean that the Authority is duly notified and that the AAFC are placed under a state of emergency. The Authority shall decide in accordance with the emergency procedure as stipulated in Article 6 above.

#### **Article 17**

When there is a conflict between two Member States of the Community, the Authority shall meet urgently and take appropriate action for mediation. If need be, the Authority shall decide only to interpose the AAFC between the troops engaged in the conflict.

#### **Article 18**

1. In the case where an internal conflict in a Member State of the Community is actively maintained and sustained from outside, the provisions of Articles 6, 9 and 16 of this Protocol shall apply.
2. Community forces shall not intervene if the conflict remains purely internal.

### **CHAPTER VI SPECIAL PROVISIONS**

#### **Article 19**

The implementation of this Protocol shall be supplemented by additional Protocols.

#### **Article 20**

1. Undertakings devolving from the provisions of this Protocol shall not be interpreted as being against the spirit of the Conventions or Agreements binding one Member State to another third State or States; provided such Conventions and Agreements are not in conflict with the spirit of this Defense Assistance.

2. Nonetheless, a Defense Agreement concluded with some other State shall be denounced by the Member State concerned as soon as such other State shall have been identified by the Authority as an aggressor against a Member State.

3. Member States shall undertake to end the presence of foreign military bases within their national territories as soon as the Community is in the position to meet their requirements in matters relating to defence.

## **CHAPTER VII GENERAL AND FINAL PROVISIONS**

### **Article 21**

1. Any Member State which accedes to the Treaty automatically accedes to this Protocol and to the Protocol of Non-Aggression signed in Lagos on the 22<sup>nd</sup> April, 1978.

2. On the other hand, any Member State signatory to this present Protocol and having ratified it, or having acceded to it, becomes party to the above-mentioned Non-Aggression Pact.

### **Article 22**

1. Any Member State may submit proposals for the amendment or revision of this Protocol.

2. Any such proposals shall be submitted to the Executive Secretary who shall communicate them to other Member States not later than thirty days after the receipt of such proposals. Amendments or revisions shall be considered by the Authority after Member States have been given one month's notice thereof.

### **Article 23**

1. Any Member State wishing to withdraw from the Protocol shall give to the Executive Secretary one year's written notice. At the end of this

period of one year, if such notice is not withdrawn, such a State shall cease to be a party to the Protocol.

2. During the period of one year referred to in the preceding paragraph, such a Member State shall nevertheless observe the provisions of this Protocol and shall remain liable for the discharge of its obligations under this Protocol.

#### **Article 24**

1. This Protocol shall enter into force provisionally at the signing by the Heads of State and Government, and definitively after ratification by not less than seven (7) signatories, in accordance with the Constitutional Law of each Member State.

2. This Protocol, as well as all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposits of the instruments of ratification and shall register it with the Organisation of African Unity (OAU), as well as the United Nations (UN) and any other organisation as the Authority shall decide.

3. The Present Protocol shall be annexed to and shall form an integral part of the Treaty.

IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THE PRESENT PROTOCOL.

Done at Freetown this 29<sup>th</sup> day of May 1981, in single original in the English and French languages, both texts being equally authentic.

.....  
H.E. Colonel Mathieu KERKOU  
President of the Peoples'  
Republic of Benin

.....  
H.E. Pedro PERES  
Prime Minister, for and on  
behalf of the President of the  
Republic of Cape Verde

.....  
H.E. Abdoulaye KONE  
Minister of Economy and  
Finance, for and on behalf of  
the President of the Republic of  
Ivory Coast

.....  
H.E. Dr. Momodou S. K.  
MANNEH  
Minister of Economic Planning  
and Industrial Development, for  
and on behalf of the President  
of the Republic of Gambia

.....  
H.E. Dr. Hilla LIMANN  
President of the Republic of  
Ghana

.....  
H.E. Ahmed Sekou TOURE  
President of the Peoples'  
Revolutionary Republic of  
Guinea

.....  
H.E. Commandant Joao  
Bernado VIERA  
President of the Republic of  
Guinea Bissau

.....  
H.E. Lt. Colonel Felix  
TIEMTARUBOUM  
Minister of Foreign Affairs and  
Cooperation, for and on behalf  
of the Head of State of the  
Republic of Upper Volta

.....  
H.E. Master Sergeant Samuel K.  
DOE  
Chairman, Peoples' Redemption  
Council and Head of State of  
the Republic of Liberia

.....  
H.E. M. Drissa KEITA  
Minister of Finance and  
Commerce, for and on behalf of  
the President of the Republic of  
Mali

.....  
H.E. M. Mohamed Khouna  
OULD HAIDALLA  
Chairman of the Military  
Council for National  
Redemption, Head of State of  
the Islamic Republic of  
Mauritania

.....  
H.E. Hamid ALGABID  
Minister of Commerce, for and  
on behalf of the Supreme  
Military Council of the Republic  
of Niger

.....  
H.E. Alhaji Shehu SHAGARI  
President of the Federal  
Republic of Nigeria

.....  
H.E. Abdou DIOUF  
President of the Republic of  
Senegal

.....  
H.E. Dr. Siaka STEVENS  
President of the Republic of  
Sierra Leone

.....  
H.E. General Gnassingbe  
EYADEMA  
President of the Republic of  
Togo

**Document 4****DECLARATION OF POLITICAL PRINCIPLES  
OF THE ECONOMIC COMMUNITY  
OF WEST AFRICAN STATES**

WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS);

MEETING in Authority in Abuja, Federal Republic of Nigeria on 4, 5 and 6 July 1991;

COMMITTED to the imperative of upholding the ideals of the Treaty establishing ECOWAS;

DETERMINED to realise the aims and objectives of ECOWAS especially the integration of the countries of our sub-region through the harmonisation of our national economic, social and political policies;

REAFFIRMING the objective of promoting better relations among ourselves by ensuring a stable and secure political environment in which our peoples can live in freedom under the law and in true and lasting peace, free from any threat to or attempt against their security, in which we can pursue a speedy and effective realisation of the objectives of ECOWAS;

DETERMINED to concert our efforts to promote democracy in the sub-region on the basis of political pluralism and respect for fundamental human rights as embodied in the universally-recognized international instruments on human rights and in the African Charter on Human and Peoples Rights;

DEEPLY CONSCIOUS of the rapidly changing international political and economic landscape in favour of a resurgence of economic regionalism which imposes on the Members of ECOWAS a special awareness of the need to intensify and strengthen their own integration efforts and to resist

all forms of foreign interference aimed at undermining their solidarity and integration efforts;

DETERMINED, therefore, to consult among ourselves more regularly and harmonize our approaches to and strategies for dealing with all international economic issues with a view to adopting common policies and enhancing our international negotiating positions;

HEREBY DECLARE our full adherence to the following principles in order to enhance the prospects of advancing our economic cooperation and integration in a political environment of peace, security and stability:

1. We reaffirm the provisions of the Protocol on Non-Aggression adopted on 22 April 1978 and our commitment to securing peace and maintaining stability in the ECOWAS sub-region by promoting increasingly better relations among ourselves, strengthening good neighbourliness and ensuring conditions in which our peoples can live in freedom under the law and in true and lasting peace, free from any threat to or against their security;
2. We reaffirm our determination to refrain in our mutual relations, as well as in our international relations in general, from any threat or use of force, directly or indirectly, against the territorial integrity or political independence of any Member State;
3. We reaffirm also our determination to settle all disputes among ourselves by peaceful means in such a manner as not to endanger the peace, security and stability of our sub-region;
4. We will respect human rights and fundamental freedom in all their plenitude including in particular freedom of thought, conscience, association, religion or belief for all our peoples without distinction as to race, sex, language or creed;
5. We will promote and encourage the full enjoyment by all our peoples of their fundamental human rights, especially their political, economic, social, cultural and other rights inherent in the dignity of the human person and essential to his free and progressive development,

6. We believe in the liberty of the individual and in his inalienable right to participate by means of free and democratic processes in the framing of the society in which he lives. We will therefore strive to encourage and promote, in each of our countries, political pluralism and those representative institutions and guarantees for personal safety and freedom under the law that are our common heritage;

7. We reaffirm our determination to speak with one voice under the aegis of ECOWAS on all international issues which touch and concern the vital interests of our development and prosperity. We will therefore resist any attempt by forces outside our sub-region to undermine the expression of our collective will and determination;

8. We re-dedicate ourselves and reaffirm our collective determination to take all necessary measures to ensure the speedy and effective realisation of the aims and objectives enshrined in the ECOWAS Treaty and related instruments and to fulfil in good faith all our obligations under them.

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

Done at Abuja this 6th day of July, in single original in English and French, both texts being equally authentic.

.....  
H.E. Mr. Nicephore Dieudonné  
SOGLO  
President of the Republic of  
Benin

.....  
H.E. Alhaji Dawda K. JAWARA  
President of the Republic of  
Gambia

.....  
Hon. Mr. Frederic A. KORSAGA  
Minister of Finance and  
Planning, for and on behalf of  
the President of Faso, Head of  
Government

.....  
Hon. Alhaji Mahama IDDRISU  
Member of the Provisional  
National Defence Council  
(PNDC) of the Republic of  
Ghana, for and on behalf of the  
Head of State of the Republic of  
Ghana

.....  
H.E. Carlos Wahanon de  
Carvalho VEIGA  
Prime Minister and Minister of  
Defence, for and on behalf of  
the President of the Republic of  
Cape Verde

.....  
H.E. General Lansana CONTE  
Chairman of the Transitional  
Council for Nations Recovery of  
the Republic of Guinea

.....  
Hon. Mr. Essy AMARA  
Minister of Foreign Affairs, for  
and on behalf of the President  
of the Republic of Ivory Coast

.....  
H.E. General Joao Bernardo  
VIEIRA  
President of the Republic of  
Guinea Bissau

.....  
H.E. Prof. Amos C. SAWYER  
President of the Interim  
Government of National Unity  
of Liberia

.....  
H.E. General Ibrahim Badamasi  
BABANGIDA  
President, Commander-in-Chief  
of the Armed Forces of the  
Federal Republic of Nigeria

.....  
H.E. Lt. Col. Amadou Toumani  
TOURE  
Chairman of the Peoples'  
Redemption Transitional  
Committee, Head of State of the  
Republic of Mali

.....  
H.E. Mr. Abdou DIOUF  
President of the Republic of  
Senegal

.....  
Hon. Sidi Mohamed Ould  
BOUBACAR  
Minister of Finance, for and on  
behalf of the President of the  
Islamic Republic of Mauritania

.....  
H.E. General Joseph Saidu  
MOMOH  
President of the Republic of  
Sierra Leone

.....  
H.E. Mr. Mahamidou ALIOU  
Prime Minister, for and on  
behalf of the President of the  
Republic of Niger

.....  
Hon. Mr. Yagninin  
BITOKOTIPOU  
Minister of Justice, for and on  
behalf of the President of the  
Togolese Republic



**Document 5****CONVENTION ON MUTUAL ASSISTANCE  
IN CRIMINAL MATTERS****PREAMBLE**

THE GOVERNMENTS OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES;

CONSIDERING that the main objective of the Community is to achieve integration in all fields of activity of its Member States;

BELIEVING that the adoption of common rules in the field of mutual assistance in criminal matters will contribute to this aim by furthering the development of integration;

DESIROUS of extending to each other the widest mutual legal assistance to combat offences of all kinds particularly of serious crimes, as an effective way of dealing with the complex aspects and serious consequences of criminality in all its forms and new dimensions;

AWARE of the interest in the proper administration of justice while conscious of the need to respect human dignity and to assure the orderly pursuit of criminal proceedings among the Member States, thus reinforcing mutual assistance in criminal matters;

HAVE AGREED AS FOLLOWS:

**CHAPTER I  
DEFINITIONS****Article 1**

For the purpose of this Convention, the following definitions shall apply:

**“Treaty”** means the Treaty of the Economic Community of West African States;

**“Community”** means the Economic Community of West African States, created by Article 1 of the Treaty;

**“Sanctions”** means all penalties or measures incurred or pronounced as a result of a criminal offence;

**“Proceeds of crime”** means any property suspected, or found by a court, to be property directly or indirectly derived or realized as a result of the commission of an offence or to represent the value of property and other benefits from the commission of an offence.

## **CHAPTER II MUTUAL ASSISTANCE**

### **Article 2 Scope of Application**

1. Member States undertake to afford to each other, in accordance with the provisions of this Convention, the widest measure of mutual assistance in proceedings or investigations in respect of offences the punishments of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting Member State.
2. Mutual assistance in the provisions of this Convention applies to:
  - (a) taking evidence or statements from persons;
  - (b) assisting in assuring the availability of detained persons or others to give evidence or assist in investigations;
  - (c) effecting service or judicial documents;
  - (d) executing searches and seizures;
  - (e) forfeitures and confiscations of the proceeds of crime;
  - (f) examining objects and sites;
  - (g) providing information and evidentiary items;
  - (h) providing original or certified copies of relevant documents and records, including bank, financial, corporate or business records.

3. The Convention does not apply to:
  - (a) the arrest or detention of any person with a view to the extradition of that person;
  - (b) the enforcement in the requested Member State of criminal judgements imposed in the requesting Member State except to the extent permitted by the laws of the requested Member State;
  - (c) the transfer of persons in custody to serve sentences.

### **Article 3 Competent Authority**

Request for mutual assistance shall be made or received by the competent authority in a Member State.

### **Article 4 Refusal of Assistance**

1. Assistance may be refused if:
  - (a) the requested Member State is of the opinion that the request, if granted, would prejudice its sovereignty, security and public order;
  - (b) the offence is regarded by the requested Member State as being of a political nature;
  - (c) there are substantial grounds for believing that the request for assistance has been made for the purpose of prosecuting a person on account of that person's race, sex, religion, nationality, ethnic origin or political opinions, or that that person's position may be prejudiced for any of those reasons;
  - (d) the request relates to an offence that is subject to investigation or prosecution in the requested Member State or the prosecution of which in the requesting Member State would be incompatible with the requested Member State's law on double jeopardy;
  - (e) the assistance requested requires the requested Member State to carry out compulsory measures that would be contrary to its laws and practice had the offence been subject of investigation or prosecution under its own jurisdiction;

- (f) the request is in respect of offences related to military law which do not constitute offences under ordinary criminal law.
2. Assistance shall not be refused solely on the grounds of secrecy of banks and of similar financial institutions.
  3. The requested Member State may postpone the execution of the request if its immediate execution would interfere with an ongoing investigation or prosecution in the territory of the requested Member State.
  4. Before refusing a request or postponing its execution, the requested Member State shall consider whether assistance may be granted subject to certain conditions. If the requested Member State accepts assistance subject to these conditions, it shall comply with them.
  5. Reasons shall be given for any refusal or postponement of mutual assistance.

#### **Article 5** **Contents of Requests**

1. Request for assistance shall be made in writing and shall include:
  - (a) the name of the competent authority coordinating the investigation or court proceedings to which the request relates;
  - (b) the purpose of the request and a brief description of the assistance sought;
  - (c) a description of the facts alleged to constitute the offence and a statement or text of the relevant laws, except in cases of a request for service of documents;
  - (d) the identity, nationality and address of the person to be served, where necessary;
  - (e) the reasons for and details of any particular procedure or requirement that the requesting Member State wishes to be followed, including a statement as to whether sworn or affirmed evidence or statements are required;
  - (f) specifications of any time-limit within which compliance with the request is desired;

(g) such other information as is necessary for the proper execution of the request.

2. Request, supporting documents and other communications made pursuant to this Convention shall be written in one or the other of the official languages of the Community or in another language acceptable to the requested Member State.

3. If the requested Member State considers that the information contained in the request is not sufficient to enable the request to be dealt with, it may request additional information.

#### **Article 6** **Execution of Requests**

1. Requests for assistance shall be carried out promptly, in the manner provided for by the laws and practice of the requested Member State. To the extent consistent with its laws and practice, the requested Member State shall carry out the request in the manner specified by the requesting Member State.

2. At the request of the requesting Member State, the requested Member State shall state the date and place of execution of the demand. Officials and interested persons may be present if the requested Member State consents.

#### **Article 7** **Return of the Material to the Requested Member State**

Any property, as well as original records or documents, handed over to the requesting Member State under this Convention shall be returned to the requested Member State as soon as possible unless the latter waives its right of return thereof.

**Article 8**  
**Limitation on Use**

The requesting Member State shall not, without the consent of the requested Member State use or transfer information or evidence provided by the requested Member State for investigation or proceedings other than those stated in the request. However, in cases where the charge is altered, the material provided may be used in so far as the offence, as charged, is an offence in respect of which mutual assistance may be provided under this Convention.

**Article 9**  
**Protection of Confidentiality**

Upon request:

(a) the requested Member State shall do its utmost to keep confidential the request for assistance, its contents and supporting documents as well as the fact of granting such assistance. If the request cannot be executed without breaching confidentiality, the requested Member State shall so inform the requesting Member State which shall then determine whether the request should be executed notwithstanding;

(b) the requesting Member State shall keep confidential evidence and information provided by the requested Member State, except to the extent that such evidence and information is needed for the investigation and proceedings described in the request.

**Article 10**  
**Service of Documents and Decisions**

1. The requested Member State shall effect service or writs and records of judicial verdicts which are transmitted to it for this purpose by the requesting Member State.

2. Service may be effected by simple transmission of the writ or record to the person to be served. If the requesting Member State expressly so requests, service shall be effected by the requested Member State in the

manner so provided for the service of analogous documents under its own laws or in the special manner consistent with such laws.

3. Proof of service shall be given by means of a receipt dated and signed by the person served or by means of a declaration made by the requested Member State that service has been effected and stating the form and date of such service. One or the other of these documents shall be sent immediately to the requesting Member State. The requested Member State shall, if the requesting Member State so requests, state whether service has been effected in accordance with the law of the requested Member State. If service cannot be effected, the reasons shall be communicated immediately by the requested Member State to the requesting Member State.

4. A request to effect service of summonses shall be made to a requested Member State not less than 60 days before the date on which the appearance of a person is required. In urgent cases, the requested Member State may reduce the time requirement.

#### **Article 11 Obtaining of Evidence**

1. The requested Member State shall, in conformity with its laws and upon request take the sworn or affirmed testimony or otherwise obtain statements of persons or require them to provide items of evidence for transmission to the requesting Member State.

2. Upon request of the requesting Member State, the parties to the relevant proceedings in the requesting Member State, their legal representatives and representatives of the requesting Member State may, subject to the laws and procedures of the requested Member State, be present at the proceedings.

#### **Article 12 Right or Obligation to Decline to Give Evidence**

1. A person who is requested to give evidence may decline where either:

- (a) the laws of the requested Member State permit or require that person to decline to give evidence in similar circumstances in proceedings originating in the requested Member State; or
- (b) the laws of the requesting Member State permit or require that person to decline to give evidence in similar circumstances in proceedings originating in the requesting Member State.

2. If a person claims that there is a right or obligation to decline to give evidence under the laws of the other Member State, the Member State where that person is present shall, with respect thereto, rely on a certificate of a competent authority of the other Member State as evidence of the existence or non-existence of that right or obligation.

**Article 13**  
**Availability of Persons in Custody to Give Evidence**  
**or to Assist in Investigations**

1. At the request of the requesting Member State, and if the requested Member State agrees and its laws permit, a person in custody in the territory of the requested Member State may, subject to his or her consent, be temporarily transferred to the territory of the requesting Member State to give evidence or to assist in the investigation.

2. While the person transferred is required to be held in custody under the laws of the requested Member State, the requesting Member State shall hold that person in custody and shall return that person in custody to the requested Member State at the conclusion of the matter in relation to which transfer was sought or at such earlier time as the person's presence is no longer required.

3. Where the requested Member State advises the requesting Member State that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be dealt with in accordance with Article 14 of this Convention.

**Article 14**  
**Availability of Other Person to Give Evidence**  
**or Assist in Investigations**

1. The requesting Member State may request the assistance of the request Member State in inviting a person:
  - (a) to appear in proceedings in relations to a criminal matter in the requesting Member State unless that person is the person charged; or
  - (b) to assist in the investigations in relation to a criminal matter in the requesting Member State.
2. The requested Member State shall invite the person to appear as a witness or expert in proceedings or to assist in the investigations. Where appropriate, the requested Member State shall satisfy itself that necessary measures have been taken for the person's safety.
3. The request or the summons shall indicate the approximate allowances and the travel and subsistence expenses payable by the requesting Member State. This amount shall be determined by the two Member States concerned.
4. Upon request, the requested Member State may grant the person an advance, which shall be refunded by the requesting Member State.

**Article 15**  
**Safe Conduct**

1. Subject to paragraph 2 of this Article, where a person is in the requesting Member State pursuant to a request made under Article 13 or 14:
  - (a) that person shall not be detained, prosecuted, punished or subjected to any other restriction of personal liberty in the requesting Member State in respect of any acts or omissions or convictions that preceded the person's departure from the requested Member State;

(b) that person shall not, without that person's consent, be required to give evidence in any proceedings or to assist in any investigation other than the proceeding or investigation to which the request relates.

2. Paragraph 1 of this Article shall cease to apply if that person, being free to leave, has not left the territory of the requesting Member State within a period of 15 consecutive days, or any longer period otherwise agreed on by the Member States, after that person has been officially told or notified that his or her presence is no longer required or, having left, has voluntarily returned.

3. A person who does not consent to a request pursuant to Article 13 or accept an invitation pursuant to Article 14 shall not, even if summons contains a notice of penalty, be subjected to any punishment or measure or restraint, unless subsequently he voluntarily enters the territory of the requested Member State and is there again duly summoned.

#### **Article 16**

##### **Provision of Public Available Documents and Other Records**

1. The requested Member State shall provide copies of documents or records in so far as they are open to public access as part of a public register or otherwise, or in so far as they are available for purchase or inspection by the public.

2. The requested Member State may provide copies of any other document or record under the same conditions as such document or record may be provided by its own enforcement and judicial authorities.

#### **Article 17**

##### **Search and Seizure**

The requested Member State shall, in so far as its law permits, carry out requests for search and seizure and delivery of any material to the requesting Member State for evidential purposes, provided that the rights of *bona fide* third parties are protected.

**CHAPTER III**  
**FORFEITURE OR CONFISCATION OF PROCEEDS OF CRIME**

**Article 18**  
**Request for Forfeiture or Confiscation**

The requested Member State shall, upon request, endeavour to ascertain whether any proceeds of the crime alleged are located within its jurisdiction and shall notify the requesting Member State of the result of its enquiries. In making the request, the requesting Member State shall notify the requested Member State of the basis of its belief that such proceeds of crime may be located within its jurisdiction.

**Article 19**  
**Investigations for Forfeiture or Confiscation**

1. In pursuance of a request made under Article 18 of this Convention, the requested Member State shall endeavour to trace assets, investigate financial dealings, and obtain other information or evidence that may help to secure the recovery of proceeds of crime.
2. Where, pursuant to Article 18 of this Convention, suspected proceeds of crime are found, the requested Member State shall upon request take such measures as are permitted by its laws to prevent any dealing in, transfer or disposal of, those suspected proceeds of crime, pending a final determination in respect of those proceeds by a court of the requesting Member State.

**Article 20**  
**Effects of the Decision on Forfeiture or Confiscation**

1. The requested Member State shall, to the extent permitted by its law, give effect to or permit enforcement of a final order forfeiting or confiscating the proceeds of crime made by a court of the requesting Member State or take other appropriate action to secure the proceeds following a request by the requesting Member State.
2. The Member State shall ensure that the rights of *bona fide* third parties and victims shall be respected.

**CHAPTER IV**  
**TRANSFER OF PROCEEDINGS IN CRIMINAL MATTERS**

**Article 21**  
**Scope of Application**

1. When a person is suspected of having committed an offence under the laws of a State, that State may, if the interests of the proper administration of justice so require, request another Member State to take proceedings in respect to this offence.
2. For the purposes of applying this Convention, the Member State shall take the necessary legislative measures to ensure that a request of the requesting Member State to take proceedings shall allow the requested Member State to exercise the necessary jurisdiction.

**Article 22**  
**Channel of Communications**

The request, supporting documents and subsequent communications shall be transmitted to the competent authority in conformity with the provisions of Article 3 of this Convention.

**Article 23**  
**Contents of Requests**

1. The request to take proceedings shall be made in writing and shall contain or be accompanied by documents containing the following information:
  - (a) the authority presenting the request;
  - (b) a description of the act for which transfer of proceedings is being requested, including the specific time and place of the offence;
  - (c) a statement on the results of investigations which substantiate the suspicion of an offence;
  - (d) the legal provisions of the requesting Member State on the basis of which the act is considered to be an offence;
  - (e) a reasonably exact statement of the identity, nationality and residence of the suspected person.

2. Request, supporting documents and other communications made pursuant to this Convention shall be written in one or the other of the official languages of the Community or in another language acceptable to the requested Member State.

3. If the requested Member State considers that the information contained in the request is not sufficient to enable the request to be dealt with, it may request additional information.

#### **Article 24** **Decision of the Request**

The competent authorities of the requested Member State shall examine what actions to take on the request to take proceedings in order to comply, as fully as possible, with the request under their own laws, and shall promptly communicate their decision to the requesting Member State.

#### **Article 25** **Dual Criminality**

A request to take proceedings can be complied with if only the act on which the request is based would be an offence if committed in the territory of the requested Member State.

#### **Article 26** **Grounds for Refusal**

If the requested Member State refuses acceptance of a request for transfer of proceedings, it shall communicate the reasons for refusal to the requesting Member State. Acceptance may be refused if:

(a) the suspected person is not a national of or ordinary resident of the requested Member State;

(b) the act is an offence under military law, which is not also an offence under ordinary criminal law;

(c) the offence is regarded by the requested Member State as being of a political nature.

**Article 27**  
**The Position of the Suspected Person**

1. The suspected person may express to either Member State his or her interest in the transfer of the proceedings. Similarly, such interest may be expressed by the legal representative or close relatives of the suspected person.

2. Before a request for transfer of proceedings is made, the requesting Member State shall, if practicable, allow the suspected person to present his or her views on the alleged offence and the intended transfer, unless that person has absconded or otherwise obstructed the course of the justice.

**Article 28**  
**The Rights of the Victim**

The requesting Member State and the requested Member State shall ensure in the transfer of proceedings that the rights of the victim of the offence, in particular his or her right to restitution or compensation, shall not be affected as a result of the transfer. If a settlement of the claim of the victim has not been reached before the transfer, the requested Member State shall permit the representation of the claim in the transferred proceedings, if its laws provide for such a possibility. In the event of the death of the victim, these provisions shall apply to his or her dependent accordingly.

**Article 29**  
**Effects of the Transfer of Proceedings**  
**on the Requesting Member State (*non bis in idem*)**

Upon acceptance by the requested Member State of the request to take proceedings against the suspected person, the requesting Member State shall provisionally discontinue prosecution, except necessary investigation, including judicial assistance to the requested Party, until the requested Member State informs the requesting Member State that the

case has been finally disposed of. From that date on, the requesting Member State shall definitely refrain from further prosecution of the same offence.

**Article 30**  
**Effects of the Transfer of Proceedings**  
**on the Requested Member State**

1. The proceedings transferred upon agreement shall be governed by the laws of the requested Member State. When charging the suspected person under its laws, the requested Member State make necessary adjustment with respect to particular elements in the legal description of the offence. Where the competence of the requested Member State is based on the provision set forth in paragraph 2 of Article 23, the sanction pronounced in that Member State shall not be more severe than that provided by laws of the requesting Member State.

2. As far as compatible with the laws of the requested Member State, any act with a view to proceedings or procedural requirements performed in the requesting Member State in accordance with its law shall have the same validity in the requested Member State as if the act had been performed in or by the authorities of that Member State.

3. The requested Member State shall inform the requesting Member State of the decision taken as a result of the proceedings. To this end, a copy of the final decision shall be transmitted to the requesting Member State.

**Article 31**  
**Provisional Measures**

When the requesting Member State announces its intention to transmit a request for transfer of proceedings, the requested Member State may, upon a specific request made for this purpose by the requesting Member State, apply all such provisional measures, including provisional detention and seizure, as could be applied under its own laws if the offence in respect of which transfer of proceedings is requested had been committed in its territory.

**Article 32**  
**The Plurality of Criminal Proceedings**

When criminal proceedings are pending in two or more Member States against the same suspected person in respect of the same offence, the Member States concerned shall consult to decide which of them alone should continue proceedings. An agreement reached thereupon shall have the consequences of a request for transfer of proceedings.

**CHAPTER V**  
**VALIDATION AND COSTS**

**Article 33**  
**Authentication and Certification of Documents**

A request under this Convention and the supporting documents thereto, as well as the documents and other materials supplied in response to such a request shall not require certification or authentication.

**Article 34**  
**Costs of Executing Requests**

The ordinary costs of executing a request shall be borne by the requested Member State, unless otherwise determined by the Parties. If expenses of a substantial or extraordinary nature are or will be required to execute the request, the Parties shall consult in advance to determine the terms and conditions under which the request shall be executed, as well as the manner in which the costs shall be borne.

**CHAPTER VI**  
**FINAL PROVISIONS**

**Article 35**  
**Arrangements**

1. The present Convention repeals all preceding Treaties, Conventions or Agreements concluded between two or several Member States on mutual legal assistance in areas specified in Article 2 paragraph 2 and Article 23 of this Convention.
2. The Member States may conclude bilateral or multilateral Agreements with one another on the matter dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

**Article 36**  
**Accession**

1. After entry into force of this Convention, the Council of Ministers may invite, by unanimous decision, any State not a member of the Community to accede to this Convention.
2. When a non-Member State of the Community request to be invited to accede to this Convention, it shall submit this request to the Executive Secretary.
3. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with Executive Secretary.

**Article 37**  
**Amendment and Review**

1. Any Member State may submit proposals for the amendment or review of this Convention.

2. All proposals shall be submitted to the Executive Secretary, who shall forward them to Member States within thirty (30) days upon receipt. Proposed amendments or reviews shall be considered by the Authority upon expiration of the thirty (30) days notice given to Member States.

**Article 38**  
**Deposit and Entry into Force**

1. This Convention shall enter into force provisionally upon signature by Heads of State and Government of Member States and definitively upon ratification by at least seven (7) Member States, in conformity with the constitutional provisions of each Member State.

2. This Convention and all the instruments of ratification shall be deposited with the Executive Secretariat which shall forward certified true copies to all Member States, notify them of the dates of deposit of the instruments of ratification and register this Convention with the Organisation of African Unity, the United Nations and any other organisation determined by the Council.

IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE [ECONOMIC] COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS CONVENTION.

Done in Dakar this 29th day of July 1992, in a single original in the English and French languages, both texts being equally authentic.

.....  
H.E. Mr. Nicephore Dieudonné  
SOGLO  
President of the Republic of  
Benin

.....  
H.E. Blaise COMPAORE  
President of Faso, Head of  
Government  
Burkina Faso

.....  
H.E. Carlos WAHANON DE  
CARVALHO VEIGA  
Prime Minister of the Republic  
of Cape Verde

.....  
H.E. Felix HOUPHOUET-  
BOIGNY  
President of the Republic of  
Ivory Coast

.....  
H.E. Alhaji Sir DAWDA  
KAIRABA JAWARA  
President of the Republic of the  
Gambia

.....  
Lt. General Arnold QUAINOO  
Member of the Provisional  
National Defence Council, for  
and on behalf of the Head of  
State of the Republic of Ghana

.....  
H.E. General Lansana CONTE  
Head of State  
President of the Republic of  
Guinea

.....  
Honourable Luis SANCA  
Minister of Trade and Tourism,  
for and on behalf of he  
President of the Council of State  
of the Republic of Guinea Bissau

.....  
H.E. Dr. Amos Claudius  
SAWYER  
President of the Interim  
Government of National Unity  
of Liberia

.....  
H.E. Alpha Oumar KONARE  
President of the Republic of  
Mali

.....  
Honourable Ahmed OULD  
ZEIN  
Minister, Secretary-General in  
the Office of the President, for  
and on behalf of the Head of  
State of the Islamic Republic of  
Mauritania

.....  
Honourable Amadou CHEIFOU  
Prime Minister, Head of  
Government of the Republic of  
Niger

.....  
H.E. General Ibrahim  
BADAMASI BABANGIDA  
President, Commander-in-Chief  
of the Armed Forces of the  
Federal Republic of Nigeria

.....  
H.E. Abdou DIOUF  
President of the Republic of  
Senegal

.....  
H.E. Captain Valentine E. M.  
STRASSER  
Chairman, Supreme Council of  
State of the National Provisional  
Ruling Council and Head of  
State of the Republic of Sierra  
Leone

.....  
Honourable Kwassivi Elias  
KPETIGO  
Minister of Finance and  
Economy, for and on behalf of  
the Prime Minister, Head of  
Transitional Government of the  
Togolese Republic

**Document 6****DECLARATION OF A MORATORIUM ON  
IMPORTATION, EXPORTATION AND MANUFACTURE  
OF LIGHT WEAPONS IN WEST AFRICA**

WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS);

CONSIDERING the principles and objectives embodied in the revised ECOWAS Treaty, the Charter of the Organisation of African Unity, and the United Nations Charter;

CONSIDERING the fact that the proliferation of light weapons constitutes a destabilizing factor for ECOWAS Member States and a threat to the peace and security of our people;

CONSIDERING the resolutions of the United Nations conference on conflict prevention, disarmament and development held in Bamako in November 1996;

CONSIDERING the directives of the fourth extraordinary session of the ECOWAS Authority of Heads of State and Government which took place in Lomé, on 17 December 1997, relating to the establishment of a sub-regional mechanism for conflict prevention, management, resolution, peacekeeping and security;

CONSIDERING the recommendations of the meeting of ECOWAS Ministers of Foreign Affairs, Defense, Internal Affairs and Security held in Yamoussoukro on 11 and 12 March 1998;

CONSIDERING the reaffirmation of the commitment made by the ECOWAS Member States at the Oslo Conference held on 1 and 2 April 1998, and the declared support of the international community for the proposal to place a moratorium on light weapons in West Africa;

CONSIDERING the repeated encouragement of the United Nations for disarmament in West Africa as stipulated in the relevant Resolutions of the 50<sup>th</sup>, 51<sup>st</sup> and 52<sup>nd</sup> Sessions of the General Assembly;

CONSIDERING the outcomes of the meetings of Ministers of Defense, Internal Affairs and Security and of Ministers of Foreign Affairs held in Banjul on 23 and 24 July 1998, and in Abuja on 26 to 29 October 1998 respectively, endorsed by us in Abuja on 31 October 1998;

CONSIDERING the unqualified approval demonstrated by Members States of the Wassenaar Arrangement and other arms manufacturers for a Moratorium on Light Weapons in West Africa;

HEREBY SOLEMNLY DECLARE A MORATORIUM ON THE IMPORTATION, EXPORTATION AND MANUFACTURE OF LIGHT WEAPONS IN ECOWAS MEMBER STATES WHICH SHALL TAKE EFFECT FROM THE FIRST DAY OF NOVEMBER 1998 FOR A RENEWABLE PERIOD OF THREE (3) YEARS.

DIRECT the ECOWAS Executive Secretary, in collaboration with the United Nations system, to convene a meeting of Ministers of Foreign Affairs and of experts to launch the operational framework for the associated measures of the Moratorium under the Programme for Coordination and Assistance for Security and Development (PCASED);

SEEKING TO ENSURE the success of the Moratorium;

HEREBY SOLICIT the assistance of the Organisation of African Unity, the United Nations and the international community in implementing the Programme for Coordination and Assistance for Security and Development (PCASED);

DIRECT the Executive Secretary, in collaboration with PCASED, to convene a meeting of Ministers of Foreign Affairs to assess and evaluate the Moratorium at the end of the initial three-year period.

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IN FAITH WHEREOF, WE THE HEADS OF STATE AND GOVERNMENT  
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE  
SIGNED THIS DECLARATION.

Done at Abuja, this 31<sup>st</sup> Day of October 1998, in single original in the  
English and French languages, both texts being equally authentic.

.....  
H.E. Mathieu KEREKOU  
President of the Republic of  
Benin

.....  
Honourable Ablasse  
OUEDRAOGO  
Minister of Foreign Affairs, for  
and on behalf of the President  
of Faso

.....  
Honourable Carlos WAHANON  
DE CARVALHO VEIGA  
Prime Minister of the Republic  
of Cape Verde

.....  
H.E. Henri Konan BEDIE  
President of the Republic of  
Ivory Coast

.....  
H.E. Colonel Yahya A.J.J.  
JAMMEH  
President of the Republic of the  
Gambia

.....  
H.E. (Rtd) Flt.-Lt Jerry John  
RAWLINGS  
President of the Republic of  
Ghana

.....  
H.E. General Lansana CONTE  
President of the Republic of  
Guinea

.....  
H.E. Joao Bernardo VIEIRA  
President of the Republic of  
Guinea Bissau

.....  
H.E. Charles TAYLOR  
President of the Republic of  
Liberia

.....  
H.E. Alpha Oumar KONARE  
President of the Republic of  
Mali

.....  
H.E. Mohamed A. Ould MOINE  
Ambassador, for and on behalf  
of the President of the Islamic  
Republic of Mauritania

.....  
H.E. Ibrahim Maïnassara BARE  
President of the Republic of  
Niger

.....  
H.E. General Abdulsalami  
ABUBAKAR  
Head of State, Commander-in-  
Chief of the Armed Forces of the  
Federal Republic of Nigeria

.....  
H.E. Abdou DIOUF  
President of the Republic of  
Senegal

.....  
H.E. Alhaji Ahmad Tejan  
KABBAH  
President of the Republic of  
Sierra Leone

.....  
H.E. Gnassingbe EYADEMA  
President of the Togolese  
Republic

**Document 7****PLAN OF ACTION FOR THE IMPLEMENTATION OF  
THE PROGRAMME FOR COORDINATION  
AND ASSISTANCE FOR SECURITY AND DEVELOPMENT  
(PCASED)****INTRODUCTION**

The uncontrolled accumulation and proliferation of small arms is a major threat to subregional security. Apart from causing destruction of lives and serious human rights violations, the phenomenon undermines developments efforts. The diffusion of light weapons also fuels conflicts in Africa, engendering increased criminality and banditry, and the emergence of the child soldier.

To curb small arms proliferation, the member States of the Economic Community of West African States (ECOWAS) declared on 1 November 1998 a Moratorium on the import, export and manufacture of light weapons in their region. The Moratorium covers an initial period of three years which may be extended. The Programme for Coordination and Assistance for Security and Development (PCASED) has been put in place as a support to the Moratorium.

**OBJECTIVES AND PRIORITY AREAS OF PCASED**

PCASED has been conceived as a programme which aims to build peace in support of activities that will promote a secure and stable climate for socio-economic development.

In the execution of its activities, PCASED will seek the active collaboration of inter-governmental and Civil Society organisations, in particular women's organisations.

In the exercise of its functions, PCASED will benefit from the guidance and technical support of an advisory group consisting of recognized regional and other international experts serving in their personal capacity.

Over an initial five-year period, PCASED will support a series of activities in priority areas such as:

#### **Priority Areas**

- Establishing a culture of peace;
- Training programmes for military, security and police forces;
- Enhancing weapons controls at border posts;
- Establishment of a database and regional arms register;
- Collection and destruction of surplus and unauthorized weapons;
- Facilitating dialogue with producer suppliers;
- Review and harmonization of national legislation and administrative procedures;
- Mobilizing resources for PCASED objectives and activities;
- Enlarging membership of the Moratorium.

#### **I. ESTABLISHING A CULTURE OF PEACE**

If sustainable peace is to be achieved in the subregion, appropriate programmes must be put in place to counter the growing culture of violence—which is buttressed by the proliferation of light weapons. In this connection, member States, ECOWAS Executive Secretariat, PCASED and the United Nations Regional Centre for Peace and Disarmament in Africa, with assistance from their multilateral and bilateral partners, will endeavour to:

- forge a peace culture in the region through community education programmes and advocacy campaigns whereby local constituencies would acquire knowledge about, and develop the requisite norms against, the possession and accumulation of this class of weapons;
- assist in developing appropriate peace education material for pertinent segments of society such as students, law and order forces, and ordinary citizenry so that a critical mass of public awareness can be developed on the direct and indirect consequences of the accumulation, proliferation and use of small arms;

- assist in capacity-building for peace through seminars and workshops focussing on the issues of light weapons and sustainable development so as to enhance policy-making and public awareness of the challenges involved;
- develop youth initiatives on the problems of small arms and the potential hazards of the child soldier;
- conduct seminars on civil-military relations that would focus on the military's role in an emerging democratic political culture.

It will be necessary to develop formal and informal education programmes in respect of these activities.

The formal approach will include devising and teaching appropriate peace education curricula in secondary and higher education institutions; and organizing workshops, roundtables discussions and training programmes for students, policy-makers and the citizenry.

The non-formal approaches include sensitization campaigns using the media and electronic means, sponsoring intra-Community relations.

To successfully carry out these activities, member States, the ECOWAS Executive Secretariat, PCASED, and the United Nations Regional Centre for Peace and Disarmament in Africa will seek the active collaboration of intergovernmental and Civil Society organisations, and women's organisations.

The programme should be commenced as soon as possible, given the length of time it will take a true culture of peace to gain a foothold.

## **II. TRAINING PROGRAMMES FOR MILITARY, SECURITY AND POLICE FORCES**

Effective light weapons control requires strengthening the present structure and improving the capacity of the military, security and police forces through training and improved access to modern arms control methods.

PCASED, in partnership with the ECOWAS Executive Secretariat and with assistance from the relevant partners will assist in:

- training military, security and police forces in modern techniques of effective control of arms and ammunition as well as enforcement of pertinent laws;
- developing joint training programmes for military, security and police forces as well as border guards;
- training national trainers on the small proliferation question.

To this end, the Executive Secretariat, PCASED and the United Nations Regional Centre for Peace and Disarmament in Africa will:

- develop a curriculum that will include:
  - (i) general information on the diffusion problem including legal and human rights issues; and
  - (ii) modern techniques of maintenance of law and order; methods of collecting small arms, dealing with drug trafficking and cross-border crimes, effective ways of maintaining national weapons arsenals; demobilization, disarmament and reintegration of combatants into Civil Society, etc.;
- seek financial and technical assistance from partners.

Training of military, security and police forces should be a continuous activity and should commence within the shortest possible time.

### **III. ENHANCING WEAPONS CONTROLS AT BORDER POSTS**

Light weapons are easy to conceal and this fact, coupled with the prevalence of porous borders and inadequate government control, works to frustrate arms control efforts.

PCASED shall, in collaboration with the ECOWAS Executive Secretariat, and with the support of bilateral and multilateral partners, assist member States in:

- controlling frontiers so that the diffusion problem, particularly illicit flows (smuggling), might be stemmed;
- enhancing and/or developing an effective capacity to “police” arms transfers and flows;

- developing a system for detecting and apprehending illicit transborder flows;
- putting in place an effective legal and regulatory regime at identifiable points of entry or exit for light weapons;
- conducting relevant studies on borders and related political and security issues (in particular, light weapons) in the region to understand the nature and gravity of the diffusion problem, and weapons flow routes so that relevant policy prescriptions may be formulated;
- organizing training sessions for border/customs officials on such issues as: monitoring end-user certificates, complying with arms embargo and sharing information; and the use of various border control technology;
- seeking donor country assistance in providing up-to-date technology to assist border control efforts.

PCASED will seek assistance from intergovernmental and non-governmental organisations with proven expertise in this domain, and which have traditionally cooperated in the identification of groups and individuals engaged in illicit trafficking of weapons and ammunition.

Activities which target improved arms controls at borders will commence as soon as possible and will continue for the entire length of the project.

#### **IV. ESTABLISHING A REGIONAL LIGHT WEAPONS DATABASE AND REGISTER**

The diffusion problem is also accentuated by the ineffective registration and licensing systems and by the absence of national filing systems.

To remedy these inadequacies, PCASED and the United Nations Regional Centre for Peace and Disarmament in Africa, in collaboration with ECOWAS Executive Secretariat, will assist member States in:

- strengthening and/or establishing national filing systems/registries on weapons flows so as to contribute to a timely identification and prevention of excessive and destabilizing accumulations, as well as facilitate research and policy development;
- creating a Light Weapons Information Management (LWIM) system; that is, a database reflecting compilation of national filing systems

that would not only facilitate research on the issue but also promote transparency and safeguard weapons from loss especially through theft or corruption, in particular at weapons storage facilities; and

- improving record-keeping and intelligence-gathering as well as creating a transparency regime in light weapons procurement that would facilitate information exchange and promote confidence-building while respecting the rights and obligations of member States of a regional cooperative security system.

PCASED will, at the national level:

- assist national governments in setting up and or enhancing their national filing systems especially for captured illegal weapons that would have been taken out of circulation, and ultimately destroyed;
- assist governments to better organize national holdings and storage facilities;
- facilitate access by Civil Society and national commissions to information on the movement of light weapons;
- compile information on small arms proliferation issues and on potential policies and solutions for combatting this scourge;
- organize in collaboration with the United Nations Regional Centre for Peace and Disarmament in Africa a workshop to define the operational modalities for a database and arms register.

The cooperation of relevant intergovernmental and non-governmental organisations will be sought.

Activities relating to the establishment of a database and a regional light weapons register will begin immediately and will continue even after the lifespan of PCASED.

#### **V. COLLECTION AND DESTRUCTION OF SURPLUS AND UNAUTHORIZED WEAPONS**

For there to be enduring peace and security in the subregion, all surplus weapons must be retrieved and destroyed. Such surpluses are generally made up of the excess from national armouries, and arms collected from peacekeeping missions or as a result of peace accords. They are thus not needed for national security or law and order.

Consequently, PCASED and ECOWAS efforts in this area will consist in support action to member States:

- in establishing a more secure environment which would facilitate post-conflict reconstruction by mopping up excess weapons in member States through comprehensive voluntary weapons collections programmes (VWCP);
- to ensure reduction of flows by encouraging destruction of surplus weapons.

PCASED will assist member States in:

- designing and implementing VWCP such as amnesties and in-kind incentives;
- developing and implementing sensitization and persuasion programmes in the local media (radio, TV, press);
- developing and encouraging inexpensive methods of weapons destruction;
- working with peacekeeping operations to design effective strategies for the control of arms during the peace process following an intra- or inter-state conflict;
- engaging Civil Society in arms collection efforts.

Activities to collect and destroy surplus and unauthorized light weapons shall commence immediately and should yield significant results during the initial three years of the Moratorium.

#### **VI. FACILITATING DIALOGUE WITH PROCEDURES AND SUPPLIERS (WASSENAAR ARRANGEMENT AND OTHERS)**

Close collaboration from arms producers and suppliers is a major determinant of success in the effort to control light weapons diffusion.

To ensure that ECOWAS producers respect the provisions of the Moratorium, PCASED and the Executive Secretariat will seek to:

- sensitize producers and suppliers of light weapons and ammunition, and evolve with them common export control strategies; in particular by encouraging them to check the activities of brokering agents so

that the latter would provide relevant and critical information pertaining to financial and transportation arrangements in weapons transactions;

- jointly develop codes of conduct that ensure transparency in the arms trade and the flows of weapons;
- encourage producers and suppliers to establish a database on weapons transfers, and to mark light weapons at the time of manufacture for ease of tracing.

These are attainable goals if PCASED, the ECOWAS Executive Secretariat, and Civil Society organisations:

- encourage dialogue between producers/suppliers and between them and buyers;
- liaise with the Wassenaar Arrangement and others who are engaged in discussions about promoting supplier restraints.

In addition, PCASED, the ECOWAS Executive Secretariat, and Civil Society will endeavour to ensure the adoption by producer suppliers of codes of conduct on the arms trade that will address international arms brokering, end-use, monitoring and licensed production.

Thus, PCASED, the ECOWAS Executive Secretariat and Civil Society organisations will:

- continue the dialogue with the Wassenaar Arrangement; and other arms suppliers;
- join efforts with the European Union and other regional organisations to establish politically-binding, common arms export controls.

These activities should be embarked upon immediately and should continue throughout the duration of PCASED.

## **VII. REVISING NATIONAL LEGISLATION AND ADMINISTRATIVE PROCEDURES**

The effective application of the Moratorium is contingent on the existence of an adequate system of national laws, regulations and administrative procedures that will permit effective control of the import, export and manufacture of light weapons.

Members States will, with assistance from PCASED, the Executive Secretariat and multilateral and bilateral partners:

- review, update and harmonize national legislation and regulations on light weapons bearing on civilian possession, use and transfer;
- apply legal instruments, such as export and import permits and end-user certificates;
- harmonize different national legislation with a view to developing a regional convention on light weapons that would relate to the control and reduction as well as humanitarian law issues;
- set up or strengthen National Commissions that would develop strategies and policies relating to small arms diffusion, and coordinate the relevant technical services. Member States shall transmit to the ECOWAS Executive Secretariat and PCASED the names and addresses of members of their national commissions thus established.

In order to meet the above objectives, PCASED shall:

- initiate a comprehensive study of the legislative and regulatory instruments relative to light weapons in the subregion;
- organize, in conjunction with the ECOWAS Executive Secretariat and bilateral and multilateral partners, workshops and training sessions on legislative drafting and harmonizations;
- work with the ECOWAS Executive Secretariat on the adoption of a regional convention to regulate arms flows within ECOWAS.

Member States can draw inspiration from similar initiatives such as:

- the Declaration of Principles in the context of firearms control and trans-national organized crime (ECOSOC);
- the “European Union Programme on Preventing and Combatting Illicit Trafficking in Conventional Arms (1997);
- the OAS “Inter-American Convention Against the Illicit Manufacturing and Trafficking in Firearms, Ammunition, Explosives and other Related Materials (1997);
- the 1997 Ottawa “Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction”.

Activities relative to the review and harmonization of national laws and administrative procedures should commence without delay and should be a continuous process throughout the lifespan of project.

#### **VIII. MOBILIZING RESOURCES FOR PCASED OBJECTIVES AND ACTIVITIES**

For PCASED to succeed, it must be assured of adequate and constant financial, moral and political support.

Member States and their bilateral and multilateral partners, along with the ECOWAS Executive Secretariat, PCASED and the United Nations Regional Centre for Peace and Disarmament in Africa shall endeavour to mobilize the necessary resources to:

- sustain the PCASED activities as presently defined; and
- provide a foundation for sustaining this light weapons diffusion control initiative beyond the initial lifespan of PCASED.

Continued resource mobilization will be carried out through an active awareness and public relations campaign designed to publicize PCASED's achievements and needs.

Bilateral and multilateral assistance will be sought to enable work to begin on this important aspect without delay.

#### **IX. ENLARGING MEMBERSHIP OF THE MORATORIUM**

The Moratorium regime will enjoy even greater success with an enlarged membership of African States.

Other African countries are therefore encouraged to adhere to the Moratorium or to embark on similar initiatives.

The United Nations Regional Centre for Peace and Development in Africa will support OAU and ECOWAS efforts by providing non-ECOWAS African member States with regular information on the evolution of the Moratorium and involving them in its activities.

The Centre will initiate immediate action in this direction by establishing cooperation ties with other African subregional organisations.

**Table of Activities**

| Activities  | Responsibilities   | Expected Sponsors                                |
|---|--|--|
| Establishing a culture of peace<br>(Long-term process to be started as soon as possible)  | Member States<br>OAU<br>United Nations<br>Regional Centre for Peace and Disarmament in Africa<br>ECOWAS Executive Secretariat<br>Civil Society and women's organisations | Cooperation with other subregional organisations |
| Training programmes for military, security and police forces<br>(Permanent activities to be carried out throughout the duration of PCASED)        | Member States<br>PCASED<br>ECOWAS Executive Secretariat  | Bilateral and multilateral cooperation           |
| Enhancing weapons controls at border posts<br>(Activities to be carried out throughout the duration of PCASED. To be started as soon as possible) | Member States<br>PCASED  | Bilateral and multilateral cooperation           |

| Activities  | Responsibilities   | Expected Sponsors                      |
|---|--|--|
| Establishment of a database and regional arms register<br>(Permanent activities to be carried out throughout the duration of PCASED. To be started immediately)                       | Member States<br>PCASED<br>United Nations<br>Regional Centre for Peace and Disarmament in Africa   | Bilateral and multilateral cooperation |
| Collection and destruction of surplus and unauthorized weapons<br>(Activities to be started immediately. Results expected during the duration of the three-year Moratorium)           | Member States<br>PCASED<br>ECOWAS Executive Secretariat<br>Civil Society and women's organisations | Bilateral and multilateral cooperation |
| Facilitating dialogue with producers and suppliers (Wassenaar Arrangements and others)<br>(Activities to be carried out throughout the duration of PCASED. To be started immediately) | Member States<br>PCASED<br>ECOWAS Executive Secretariat  | Bilateral and multilateral cooperation |

| Activities   | Responsibilities   | Expected Sponsors  |
|--|--|--|
| Review and harmonization of national legislation and administrative procedures<br>(Activities to be carried out throughout the duration of the project. To be started immediately) | Member States<br>ECOWAS Executive Secretariat<br>PCASED  | Bilateral and multilateral cooperation                     |
| Mobilizing resources for PCASED objectives and activities<br>(Activities to be carried out throughout the duration of PCASED)  | Member States<br>ECOWAS Executive Secretariat<br>United Nations Regional Centre for Peace and Disarmament in Africa        | Bilateral and multilateral cooperation                     |
| Enlarging membership of the Moratorium<br>(Activities to be carried out throughout the duration of PCASED)   | Member States<br>ECOWAS Executive Secretariat<br>OAU<br>United Nations Regional Centre for Peace and Disarmament in Africa | Cooperation with other subregional organisations in Africa |

**Document 8****CODE OF CONDUCT FOR THE IMPLEMENTATION  
OF THE MORATORIUM ON THE IMPORTATION,  
EXPORTATION AND MANUFACTURE  
OF LIGHT WEAPONS**

WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS);

REAFFIRMING our Declaration of 31 October 1998 of a Moratorium on the importation, exportation and manufacture of light weapons for a period of three years renewable, effective from 1 November 1998;

RECALLING AHG/DEC.137(XXXV) on the proliferation, illegal circulation and traffic of light weapons adopted by the 35<sup>th</sup> Ordinary Session of the OAU Conference of Heads of State and Government held in Algiers, Algeria in July 1999;

AWARE of the compelling need to encourage and promote actions to support the effective application of the Moratorium;

CONVINCED that observance of the Moratorium can best be achieved through transparency and concerted effort, and that the establishment of a Code of Conduct is required for this purpose;

HAVE HEREBY AGREED AS FOLLOWS:

**Article 1  
Binding Nature of the Code of Conduct**

The ECOWAS member States shall abide by this Code of Conduct in order to implement the Moratorium signed in Abuja, Nigeria on October 31 1998.

**Article 2**  
**Scope of Moratorium**

The Moratorium shall apply to the import, export and manufacture of light weapons as defined in Annex I to this Code of Conduct.

**Article 3**  
**Ammunition and Components**

Import, export and manufacture of components and ammunition for the light weapons defined in Annex I shall also be subject to strict control in accordance with the spirit of the Moratorium. References to weapons or arms in this Code of Conduct shall be deemed to include ammunition and components.

**INSTITUTIONAL ARRANGEMENTS**

**Article 4**  
**Member States**

In order to promote and ensure coordination of concrete measures for effective implementation of the Moratorium at national level, member States shall establish National Commissions, made up of representatives of the relevant authorities and Civil Society. The ECOWAS Executive Secretariat shall prepare guidelines to assist the member States in the establishment of their National Commissions.

**Article 5**  
**ECOWAS Executive Secretariat**

1. Structures, staff and procedures shall be established within the ECOWAS Secretariat in order to:

- (a) assist Member States' implementation of the Moratorium;
- (b) monitor compliance;
- (c) report progress to the Authority of ECOWAS Heads of State and Government at regular intervals.

2. Such structures and procedures may include:

- (a) the initial establishment of four Zonal Observation Bureaux;
- (b) missions to member States to ascertain that existing national arms production is brought to a halt in conformity with the spirit of the Moratorium;
- (c) obtaining external funding and technical assistance to support Moratorium-related activities.

#### **ADMINISTRATIVE MECHANISMS**

##### **Article 6 Information Exchange**

In order to increase transparency, member States shall provide the ECOWAS Executive Secretariat an annual report on the ordering or procurement of weapons, components and ammunition covered by the Moratorium, both from national and international sources. The ECOWAS Secretariat with the assistance of PCASED shall develop an arms register as a confidence-building measure, with the intention of developing an electronic database of all legitimate stocks of weapons, ammunition and components covered by the Moratorium. Member States shall provide all necessary information to the arms register and database. The Executive Secretary shall include all this information in his annual report to the Heads of States and Government.

##### **Article 7 Harmonization of Legislation and Administrative Measures**

Member States shall harmonize and adopt the regulatory and administrative measures necessary for exercising control of cross-border transactions with regard to light weapons, components and ammunition relating to them. They shall train the law and order, immigration, licensing, customs, water resources and forestry officials required to put such regulatory and administrative measures into effect. The ECOWAS Secretariat will provide the necessary assistance that members States may require for this purpose. The ECOWAS Secretariat shall in this regard, request appropriate assistance of PCASED.

**Article 8**  
**Peace Operations Weapons Register**

At the beginning of international peace operations within and outside the ECOWAS zone, all dedicated light weapons and ammunition shall be declared to the ECOWAS Secretariat so as to enable their effective control as well as removal upon completion of the operation.

**Article 9**  
**Exemptions**

1. Member States may seek an exemption from the Moratorium in order to meet legitimate national security needs or international peace operations requirements. Such requests for exemptions shall be forwarded to the Executive Secretariat, which shall assess them against criteria developed with the technical assistance of PCASED.

2. The Executive Secretariat shall circulate the request to member States. Provided there are no objections, the Executive Secretariat shall issue a certificate confirming member States' assent. The document shall accompany the export licence application, together with other documentation on end-use as required by arms-exporting states. Should a member State object, the request for exemption shall be referred to the ECOWAS Mediation and Security Council.

3. Exemptions may be granted to permit individual ownership of a single weapon in categories 1, 2 and 3A of Annex 1 for hunting or sporting purposes. Applications for such exemptions shall be processed by National Commissions and *recommended* to the ECOWAS Executive Secretariat for approval. The Executive Secretariat, with the technical support of PCASED shall develop and issue guidelines to National Commissions on the exemptions procedure.

**Article 10**  
**Visitor Certificates**

Member States shall introduce arrangements requiring visitors to apply in advance if they wish to bring arms covered by the Moratorium into any ECOWAS territory, and to declare such arms on entry. If entry is

approved, the competent authorities shall issue visitors with an entry certificate on arrival, and an exit certificate on departure. A register shall be kept of all such certificates.

#### **OPERATIONAL ASPECTS**

##### **Article 11 Intra- and Inter-State Cooperation**

The ECOWAS Executive Secretariat with the assistance of PCASED and in partnership with National Commissions, shall develop procedures for inter-state cooperation between customs, law and order, and all other relevant officials involved in monitoring and implementing the Moratorium; and shall submit them for approval by member States. The Executive Secretariat shall also, with the assistance of PCASED and in collaboration with member States, develop guidelines for intra-State cooperation between these officials. The Executive Secretariat shall facilitate and obtain assistance for the training of officials in intra- and inter-state cooperation.

##### **Article 12 Enhancing Border Controls**

The Executive Secretariat, in conjunction with member States and with the assistance of PCASED, will develop more effective border control mechanisms, including improved equipment, and training and cooperation of customs and other border officials.

##### **Article 13 Collection and Destruction of Surplus Weapons**

Member States shall in collaboration with the Executive Secretariat, PCASED and other relevant international organisations, carry out a systematic collection, registration and destruction of all weapons, ammunition and components covered by the Moratorium that are surplus to national security requirements, were under illegal possession or collected in the context of peace accords or upon completion of international peace operations.

## **PROMOTION AND EXPANSION**

### **Article 14 Public Relations and Outreach**

The Executive Secretariat shall, in collaboration with member States, and PCASED, develop and implement an Information Strategy in support of the Moratorium, incorporating and building on the activities already underway. The strategy will enhance understanding of and support for the Moratorium within the ECOWAS region, throughout Africa, and among international organisations and potential external funding partners.

### **Article 15 Resource Mobilization**

The Executive Secretariat, in partnership with PCASED, will develop and implement a Resource Mobilization Strategy, in order to secure long term financial support for the Moratorium, and to enhance transparency and good financial management of resources.

### **Article 16 Dialogue with Suppliers and Producers**

The Executive Secretariat and individual member States shall engage in dialogue with national and international arms producers and suppliers as well as relevant international organisations, in order to secure their support for and adherence to the spirit and the letter of the Moratorium. PCASED shall assist in this effort.

### **Article 17 Expansion of Moratorium**

Participation in the Moratorium regime may be extended to other interested African States. The ECOWAS Executive Secretary shall take all necessary measures to encourage other OAU member States to adopt the Moratorium and shall work with the United Nations Regional Centre for Peace and Disarmament in Africa to facilitate this.

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IN FAITH WHEREOF WE THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS CODE OF CONDUCT IN THREE ORIGINALS IN ENGLISH, FRENCH AND PORTUGUESE, ALL TEXTS BEING EQUALLY AUTHENTIC.

Done at Lome, this 10<sup>th</sup> December 1999.

.....  
H.E. Mathieu KEREKOU  
President of the Republic of  
Benin

.....  
H.E. Blaise COMPAORE  
President of FASO  
Chairman, Council of Ministers  
of Burkina Faso

.....  
Hon. Alexandre Dias  
MONTEIRO  
Minister of Commerce, Industry  
and Energy  
For and on behalf of the  
President of Cabo Verde

.....  
H.E. Henri Konan BEDIE  
President of the Republic of  
Côte d'Ivoire

.....  
H.E. Mrs Isatou NJIE-SAIDY  
Vice-President,  
Secretary of State for Health,  
Labour, Social Welfare and  
Women's Affairs  
For and on behalf of the  
President of the Republic of  
Gambia

.....  
H.E. Flt.-Lt. Jerry John  
RAWLINGS  
President of the Republic of  
Ghana

.....  
Hon. Zainoul Abidine  
SANOUSSI  
Minister of Foreign Affairs in the  
President's Office  
For and on behalf of the  
President of the Republic of  
Guinea

.....  
Hon. José Pereira BATISTA  
Minister of Foreign Affairs and  
International Cooperation  
For and on behalf of the  
President of the Republic of  
Guinea-Bissau

.....  
Hon. Enoch DOGOLEAH  
Vice-President  
For and on behalf of the  
President of the Republic of  
Liberia

.....  
H.E. Alpha Oumar KONARÉ  
President of the Republic of  
Mali

.....  
Hon. Sidi Mohamed Ould  
BOUBACAR  
Minister, Secretary-General at  
the Presidency  
For and on behalf of the  
President of the Islamic  
Republic of Mauritania

.....  
H.E. Squadron Leader Daouda  
Malam WANKE  
President of the Council for  
National Reconciliation, Head of  
State of the Republic of Niger

.....  
H.E. Olusegun OBASANJO  
President, Commander-in-Chief  
of the Armed Forces of the  
Federal Republic of Nigeria

.....  
H.E. Abdou DIOUF  
President of the Republic of  
Senegal

.....  
H.E. Ahmad Tejan KABBAH  
President of the Republic of  
Sierra Leone

.....  
H.E. Gnassingbé EYADEMA  
President of the Togolese  
Republic

ANNEXES TO THE CODE OF CONDUCT

Annex 1: Light Weapons and Small Arms Technical Specifications

| Category     | Weapon  | Undersized | Medium/Normal  | Oversized | Special Munitions   |
|--------------|---|------------|----------------|-----------|---------------------|
| <b>I</b>     | <b>Pistol</b><br>Revolver   | ≤ 32 cal   | .38 to .40 cal | ≥ 41      | Hollow point teflon |
|              |   | ≤ 6 mm     | 7 to 9 mm      | ≥ 10 mm   | Liquid-filled       |
|              | Semi-automatic  | ≤ 32 cal   | .38 to .40 cal | ≥ 41      | Hollow point teflon |
|              |   | ≤ 6 mm     | 7 to 9 mm      | ≥ 10 mm   | Liquid-filled       |
| <b>II</b>    | <b>Shotgun</b><br>Single/bolt/pump<br>Semi-automatic                                  | ≥ 10 gage  | 16 to 12 gage  | ≤ 20 gage | Flechette           |
|              |   | ≥ 10 gage  | 16 to 12 gage  | ≤ 20 gage | Flechette           |
|              |   | ≤ 5 mm     | 5.1 to 8 mm    | ≥ 9 mm    |                     |
| <b>III A</b> | <b>Rifle (non-military)</b>   | ≤ 5 mm     | 5.1 to 8 mm    | ≥ 9 mm    |                     |
| <b>III B</b> | <b>Rifle (Military)</b><br>Single/bolt/pump<br>Semi-automatic<br>Automatic<br>Special | ≤ 5 mm     | 5.1 to 8 mm    | ≥ 9 mm    |                     |
|              |   | ≤ 5 mm     | 5.1 to 8 mm    | ≥ 9 mm    |                     |
|              |   | ≤ 5 mm     | 5.1 to 8 mm    | ≥ 9 mm    |                     |
|              |   | ≤ 5 mm     | 5.1 to 8 mm    | ≥ 9 mm    | Grenade             |

| Category | Weapon   | Undersized               | Medium/Normal                             | Oversized                                | Special Munitions                                      |
|----------|--|--------------------------|---|--|--|
| IV       | <b>Sub-machine gun</b>   | ≤ 32 cal<br>≤ 6 mm       | .38 to .40 cal<br>7 to 9 mm               | ≥ 41<br>≥ 10 mm                          | Hollow point teflon<br>Liquid-filled                   |
| V        | <b>Machine gun</b><br>Light Weight<br>General Purpose<br>Heavy<br>Auto Cannons                     | ≤ 5 mm<br>≤ 5 mm         | 5.54 to 8 mm<br>5.54 to 8 mm              | ≥ 9 mm<br>≥ 9 mm<br>12 to 16 mm          | Grenade  |
| VI       | <b>Anti-tank mortars,<br/>Howitzers</b><br>Portable - 1 man<br>Portable - 1 crew<br>Automatic-crew | < 30 mm<br>60 mm<br>< 30 | 30 to 40 mm<br>61 to 84 mm<br>30 to 40 mm | ≥ 17 mm<br>≥ 41 mm<br>≥ 85 mm<br>≥ 41 mm | Explosive<br>Flechette<br>White phosphorous<br>Grenade |
| VII      | <b>Landmines</b>   | < 200 g                  | 200 g to 1,4 kg                           | ≥ 1,5 kg                                 |  |

Annex 2: Light Weapons and Small Arms Category Description

| Category     | Weapon                      | Description  |
|--------------|-----------------------------|--|
| <b>I</b>     | <b>Pistol</b>               | Firearm designed to be held and fired with one hand  |
|              | Revolver                    | Pistol using a revolving cylinder with several cartridge chambers  |
|              | Semi-automatic              | Pistol using gas energy to feed cartridges from a magazine into a chamber  |
| <b>II</b>    | <b>Shotgun</b>              | Firearm that shoots ammunition through a smooth bore   |
|              | Single/bolt/pump            | Shotgun using mechanical action to chamber cartridges  |
|              | Semi-automatic              | Shotgun using gas energy to chamber cartridges   |
| <b>III A</b> | <b>Rifle (Non-Military)</b> | For Sporting and hunting purposes  |
| <b>III B</b> | <b>Rifle (Military)</b>     | Firearm with a rifled bore, designed to be used with two hands fired from shoulder and using very high-velocity cartridges |
|              | Single/bolt/pump            | Rifle using mechanical energy to chamber the next cartridge  |
|              | Semi-automatic              | Rifle using gas energy to chamber cartridges from a magazine single chamber  |
|              | Automatic                   | Rifle that fires more than one cartridge when triggered, normally with a selector switch for operation in this mode        |
| <b>IV</b>    | <b>Sub-machine gun</b>      | Full or semi automatic firearm which fires pistol ammunition, and requires two hands to hold                               |

| Category | Weapon  | Description   |
|----------|---|---|
| V        | <p><b>Machine gun</b></p> <p>Light Weight<br/>General Purpose</p> <p>Heavy</p> <p>Auto Cannons</p>                    | <p>Pneumatic, automatic firearm fitted with a carbine barrel which uses carbine bullets or bullets or even heavier caliber</p> <p>One-man machine gun usually fired from bipod legs using magazine belted cartridges</p> <p>Two or more men, crew-served machine gun fired from a big tripod, usually using belted cartridges</p> <p>Two or more men, crew-served machine gun fired from a trip vehicle mount using belted cartridges</p> <p>Two or more men, crew-served machine gun fired from a vehicle ground mount</p> |
| VI       | <p><b>Anti-tank mortars,<br/>Howitzers</b></p> <p>Portable - 1 man</p> <p>Portable - Crew</p> <p>Automatic - Crew</p> | <p>Weapon firing projectiles which use chemical energy to explode shrapnel</p> <p>One-shot or semi automatic explosive launcher carried and fired by a single person</p> <p>One-shot explosive launcher transported by vehicle or by its crew</p> <p>Semi or fully automatic explosive launcher transported by vehicle or by its crew</p>   |
| VII      | <b>Landmines</b>  | High explosive device placed on or beneath the soil, that is designed to explode either on contact or in near proximity by a person or vehicle  |

Annex 3: Some Common Names and Models

| Category     | Weapon                             | Undersize | Medium                        | Oversize      |
|--------------|------------------------------------|-----------|-------------------------------|---------------|
| <b>I</b>     | <b>Pistol</b>                      |           |                               |               |
|              | Revolver                           |           |                               |               |
| <b>II</b>    | Semi-automatic                     |           | Beretta, Browning, Tokarev    | Colt          |
|              | <b>Shotgun</b>                     |           | Uzu/Sten/MP6                  |               |
|              | Single/bolt/pump<br>Semi-automatic |           | RS200/MOD12<br>SPAS/MOD1100   | MAG10         |
| <b>III</b>   | <b>Rifle</b>                       |           |                               |               |
| <b>III A</b> | Single/bolt/pump                   |           | Sport/Hunting                 | Sport/Hunting |
| <b>III B</b> | Semi-automatic                     |           | AK47/AKM/FN FAL/M16           |               |
|              | Automatic<br>Special               |           | AK47/AKM/FN FAL/M16<br>Sniper |               |
| <b>IV</b>    | <b>Sub-machine gun</b>             |           |                               |               |

| Category | Weapon                          | Undersize | Medium        | Oversize                             |
|----------|---------------------------------|-----------|---------------|--------------------------------------|
| V        | Machine gun                     |           |               |                                      |
|          | Light                           |           | RPK/BREN/SAW  |                                      |
|          | General Purpose                 |           | M60/MC34/SC43 |                                      |
|          | Heavy                           |           |               | M2/Dsh K-38                          |
| VI       | Auto Cannons                    |           |               | M242/ZSU                             |
|          | Anti-tank mortars,<br>Howitzers |           |               |                                      |
|          | Portable - 1 man                |           | M79/M203      | RPC/Rifle, Grenade, Recoilless Rifle |
|          | Portable - Crew                 | Mortar    | Mortar        | Mortar/Howitzer                      |
| VII      | Automatic - Crew                |           | MK19/ACS17    |                                      |
|          | Landmines                       |           |               |                                      |

**Document 9****DECISION ESTABLISHING NATIONAL COMMISSIONS  
FOR THE CONTROL OF THE PROLIFERATION AND  
ILLICIT CIRCULATION OF LIGHT WEAPONS**

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT;

MINDFUL OF Article 7, 8 and 9 of the revised Treaty establishing the Authority and defining its composition and functions;

MINDFUL OF the Declaration of a Moratorium on the importation, exportation and manufacture of light weapons, dated 31 October 1998;

NOTING that any measures taken towards the effective and efficient application of the Moratorium on the importation, exportation and manufacture of light weapons can be effectively applied, monitored and evaluated only with the genuine involvement of Member States;

CONVINCED that the establishment of an appropriate institutional framework in Member States will encourage their further involvement in the application of the moratorium;

DESIRING, in consequence, to establish a Commission in each Member State to control the proliferation and illicit circulation of light weapons;

ON THE RECOMMENDATION of the forty-fifth session of the Council of Ministers held in Lomé from 5 to 7 December 1999;

DECIDES:

**Article 1**

There is hereby established in each Member State a national commission for the control of the proliferation and illicit circulation of light weapons.

### **Article 2**

The national commissions shall be composed of representatives of the Ministries of Defense, Internal Affairs and Security, Justice, and Foreign Affairs.

### **Article 3**

1. The national commissions for the control of the proliferation and illicit circulation of light weapons shall assist the relevant government authorities in the design, elaboration and implementation of national policies on the control of the proliferation and illicit circulation of light weapons.

2. Their functions shall be:

- (a) to evolve effective strategies aimed at controlling the proliferation of light weapons and their illicit circulation;
- (b) to undertake studies, in collaboration with the appropriate technical departments, and participate in efforts to find ways to successfully control the proliferation and illicit circulation of light weapons;
- (c) provide advisory opinion and make suggestions or proposals to the appropriate government authorities;
- (d) support and coordinate the activities of the various government agencies involved in the effort to control light weapons proliferation;
- (e) initiate and promote measures to educate the populace and heighten their awareness of the dangers attendant on the proliferation and illicit circulation of light weapons;
- (f) collate information on the importation, exportation and manufacture of light weapons, and transmit such data to the ECOWAS Executive Secretary through the headquarters of the zonal observation bureaux;
- (g) process requests for exemptions received from individuals wishing to purchase arms listed in Category 1, 2 and 3A in the technical specifications of light weapons and munitions covered by the Moratorium, and make recommendations to the

- Executive Secretary through the intermediary of the headquarters of the relevant zonal bureau;
- (h) mobilize resources from bilateral and multilateral institutions for the running of the national commissions, without prejudice to any material or financial resources that each Member State may provide for the same purpose;
  - (i) initiate and develop exchange of information and experience with the other national commissions;
  - (j) maintain technical cooperation ties with relevant institutions and organisations;
  - (k) assist in the implementation of decisions relating to the control of the proliferation and illicit circulation of light weapons.

#### **Article 4**

Each Member State shall determine the rules of operation of its national commission established pursuant to this decision.

#### **Article 5**

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

Done at Lomé this 10<sup>th</sup> day of December 1999.

H.E. Gnassingbe EYADEMA, Chairman  
For the Authority [of Heads of State and Government of ECOWAS]



**Document 10****PROTOCOL RELATING TO THE MECHANISM FOR  
CONFLICT PREVENTION, MANAGEMENT,  
RESOLUTION, PEACEKEEPING AND SECURITY****PREAMBLE**

WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS);

MINDFUL OF the ECOWAS Revised Treaty signed in Cotonou on 23 July 1993 notably its Article 58;

MINDFUL OF the relevant provisions of the Charter of the Organisation of African Unity (OAU);

MINDFUL OF the United Nations Charter, with particular reference to its Chapters VI, VII and VIII;

MINDFUL OF the provisions of Protocols A/P1/5/79, A/SP2/7/85, A/SP1/7/86, A/SP1/6/88, A/SP2/5/90 relating to the free movement of persons, the right of residence and establishment;

RECALLING the Protocol on Non-Aggression signed in Lagos on 22 April 1978 and the Protocol on Mutual Assistance in Defense signed in Freetown on 29 May 1981, notably our resolve to give mutual aid and assistance for defence against any armed threat or aggression on a Member State;

CONSIDERING the Framework Agreement of the Protocol on Non-Aggression and Assistance in Defence (ANAD) signed in Abidjan on 9 June 1977;

CONSIDERING also the Protocol on the enforcement of the above-mentioned Framework Agreement signed in Dakar on 14 December 1981, as well as the subsequent Protocols;

REAFFIRMING our commitment to the ECOWAS Declaration of Political Principles adopted in Abuja on 6 July 1991, on freedom, people's rights and democratization;

RECALLING the relevant provisions of the ECOWAS Conventions on Mutual Assistance in Criminal Matters and on Extradition, signed in Dakar on 29 July 1992 and in Abuja on 6 August 1994, respectively;

RECALLING also the Cairo Declaration of 29 June 1993 on the establishment of a Mechanism for Conflict Prevention, Management and Resolution in Africa adopted by the 29<sup>th</sup> Session of the OAU Conference of Heads of State and Government;

CONCERNED about the proliferation of conflicts, which constitute a threat to the peace and security in the African continent, and undermines our efforts to improve the living standards of our peoples;

CONVINCED of the need to develop effective policies that will alleviate the suffering of the civil population, especially women and children, and, restore life to normalcy after conflicts or natural disasters, and desirous of making further efforts in the humanitarian sphere;

CONSCIOUS of the fact that good governance, the rule of law and sustainable development are essential for peace and conflict prevention;

RECALLING the Declaration of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons, adopted by the 21<sup>st</sup> Session of the Authority of Heads of State and Government of ECOWAS, held in Abuja on 30 and 31 October 1998;

RECALLING also the conclusions of the meeting of ECOWAS Ministers of Foreign Affairs on the effective implementation of PCASED, held in Bamako on 24 March 1999;

CONVINCED that cross-border crimes, the proliferation of small arms and all illicit trafficking contribute to the development of insecurity and instability and jeopardize the economic and social development of the sub-region;

AWARE that these phenomena constitute serious social and economic problems which can only be resolved within the framework of increased and well-coordinated multilateral cooperation;

RECOGNIZING the need to make the relevant treaties and protocols more adequate, effective and pragmatic;

DESIRING to consolidate our achievements in the resolution of conflicts through the ECOWAS Cease-fire Monitoring Group (ECOMOG);

RECALLING our Decision A/DEC.11/10/98 adopted in Abuja on 31 October 1998, relating to the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;

DESIROUS to establish an operational structure for the implementation of the said Decision;

HEREBY AGREE ON THE FOLLOWING:

#### DEFINITIONS

For the purposes of this Protocol:

“**Treaty**” means the revised Treaty of the Economic Community of West African States (ECOWAS) signed in Cotonou on 24 July 1993;

“**Community**” means the Economic Community of West African States referred to under Article 2 of the Treaty;

“**Authority**” means the Authority of Heads of State and Government of the Economic Community of West African States established by Article 7 of the Treaty;

**“Mediation and Security Council”** means the Mediation and Security Council as defined by Article 8 of this Protocol;

**“Defense and Security Commission”** means the Defense and Security Commission as defined in article 18 of this Protocol;

**“Executive Secretary”** means the ECOWAS Executive Secretary appointed in accordance with Article 18 of the Treaty;

**“Council of Elders”** means the Council of Elders as defined in Article 20 of this Protocol;

**“Meeting of Ambassadors”** means the meeting of Ambassadors as defined by Article 14 of this Protocol;

**“Special Representative”** means the Special Representative as defined by Article 32 of this Protocol;

**“Deputy Executive Secretary”** means the Deputy Executive Secretary in charge of Political Affairs, Defense and Security as referred to in Article 16 of this Protocol;

**“Institution”** means any of the structures provided for under Article 4 of this Protocol;

**“Organ”** means any of the structures provided for under Article 17 of this Protocol;

**“Observation and Monitoring Centre”** means the Regional Peace and Security Monitoring Centre as provided for under Article 58 of the Treaty and referred to in Article 23 of this Protocol;

**“ECOMOG”** means the ECOWAS Cease-fire Monitoring Group which constitutes the Community’s intervention force as defined in Article 21 of this Protocol;

**“Force Commander”** means the Force Commander appointed in accordance with the provisions of Article 33 of this Protocol;

**“Trans-border crime”** refers to all crimes organized or perpetrated by individuals, organisations or networks of local and/or foreign criminals operating beyond the national boundaries of a Member State, or acting in complicity with associates based in one or several States adjoining the country where the crimes are actually committed or having any connection with any Member State;

**“Member State in crisis”** refers both to a Member State experiencing an armed conflict as well as a Member State facing serious and persisting problems or situations of extreme tension which, if left unchecked, could lead to serious humanitarian disaster or threaten peace and security in the sub-region or in any Member State affected by the overthrow or attempted overthrow of a democratically elected government.

## **CHAPTER I ESTABLISHMENT, PRINCIPLES AND OBJECTIVES OF THE MECHANISM**

### **Article 1 Establishment**

There is hereby established within the Economic Community of West African States (ECOWAS), a mechanism for collective security and peace to be known as “Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security”.

### **Article 2 Principles**

Member States reaffirm their commitment to the principles contained in the Charters of the United Nations Organisation (UNO) and the Organisation of African Unity (OAU) and to the Universal Declaration of Human Rights, as well as to the African Charter on Human and People’s Rights, particularly the following fundamental principles:

- (a) that economic and social development and the security of peoples and States are inextricably linked;

- (b) promotion and reinforcement of the free movement of persons, the right of residence and establishment which contribute to the reinforcement of good neighborliness;
- (c) promotion and consolidation of a democratic government as well as democratic institutions in each Member State;
- (d) protection of fundamental human rights and freedoms and the rules of international humanitarian laws;
- (e) equality of sovereign States;
- (f) territorial integrity and political independence of Member States.

### **Article 3 Objectives of the Mechanism**

The objectives of the Mechanism shall be as follows:

- (a) prevent, manage and resolve internal and inter-State conflicts under the conditions provided in Paragraph 46 of the Framework of the Mechanism ratified as per Decision A/DEC.11/10/98 of 31 October 1998;
- (b) implement the relevant provisions of Article 58 of the Revised Treaty;
- (c) implement the relevant provisions of the Protocols on Non-Aggression, Mutual Assistance in Defense, Free Movement of Persons, the Right of Residence and Establishment;
- (d) strengthen cooperation in the areas of conflict prevention, early-warning, peace-keeping operations, the control of cross-border crime, international terrorism and proliferation of small arms and anti-personnel mines;
- (e) maintain and consolidate peace, security and stability within the Community;

- (f) establish institutions and formulate policies that would allow for the organisation and coordination of humanitarian relief missions;
- (g) promote close cooperation between Member States in the areas of preventive diplomacy and peace-keeping;
- (h) constitute and deploy a civilian and military force to maintain or restore peace within the sub-region, whenever the need arises;
- (i) set up an appropriate framework for the rational and equitable management of natural resources shared by neighbouring Member States which may be causes of frequent inter-State conflicts;
- (j) protect the environment and take steps to restore the degraded environment to its natural state;
- (k) safeguard the cultural heritage of Member States;
- (l) formulate and implement policies on anti-corruption, money-laundering and illegal circulation of small arms.

## **CHAPTER II**

### **INSTITUTIONS OF THE MECHANISM**

#### **Article 4**

#### **Institutions**

The institutions of the Mechanism shall be:

- (a) the Authority;
- (b) the Mediation and Security Council;
- (c) the Executive Secretariat;
- (d) any other institution as may be established by the Authority.

**Article 5**  
**Composition and Meetings of the Authority**

1. The Authority is composed of Heads of State and Government of Member States as stipulated in Paragraph 1, Article 7 of the Revised Treaty.
2. The Authority shall meet as often as necessary.

**Article 6**  
**Functions**

1. The Authority shall be the Mechanism's highest decision-making body.
2. It shall have powers to act on all matters concerning conflict prevention, management and resolution, peace-keeping, security, humanitarian support, peacebuilding, control of cross-border crime, proliferation of small arms, as well as all other matters covered by the provisions of this Mechanism.

**Article 7**  
**Delegation of Powers**

Without prejudice to its wide-ranging powers as provided under Article 9 of the Treaty and in Article 6 above, the Authority hereby mandates the Mediation and Security Council to take, on its behalf, appropriate decisions for the implementation of the provisions of this Mechanism.

**Article 8**  
**Composition of the Mediation and Security Council**

1. The Mediation and Security Council shall comprise nine (9) Member States of which seven (7) shall be elected by the Authority. The other two (2) members shall be the current chairman and the immediate past chairman of the Authority, each of whom shall have an automatic right to membership of the Mediation and Security Council.

2. The elected Members of the Mediation and Security Council shall serve for two (2) years renewable.

### **Article 9 Quorum and Decisions**

1. The meeting of the Mediation and Security Council shall be properly constituted when at least two-thirds of its Members are present.
2. Decisions of the Mediation and Security Council shall be taken by a two-thirds majority vote of Members present.

### **Article 10 Functions**

1. The Mediation and Security Council shall take decisions on issues of peace and security in the sub-region on behalf of the Authority. It shall also implement all the provisions of this Protocol.
2. Pursuant to the provisions of Article 7 of this Protocol and Paragraph 1 above, the Mediation and Security Council shall:
  - (a) decide on all matters relating to peace and security;
  - (b) decide and implement all policies for conflict prevention, management and resolution, peace-keeping and security;
  - (c) authorize all forms of intervention and decide particularly on the deployment of political and military missions;
  - (d) approve mandates and terms of reference for such missions;
  - (e) review the mandates and terms of reference periodically, on the basis of evolving situations;
  - (f) on the recommendation of the Executive Secretary, appoint the Special Representative of the Executive Secretary and the Force Commander.

**Article 11**  
**Meetings of the Mediation and Security Council**

1. Deliberations of the Mediation and Security Council shall be held at three (3) levels: Heads of State and Government, Ministerial and Ambassadorial levels.
2. All meetings of the Mediation and Security Council shall be presided over by the Member State elected as the current Chairman of the Authority.

**Article 12**  
**Meeting at the Level of Heads of State and Government**

1. The Heads of State and Government of the Mediation and Security Council shall meet at least twice a year in ordinary sessions. Extraordinary Sessions may be convened by the Chairman when the need arises or at the request of a simple majority of the Members of the Council.
2. The Heads of State and Government of the Mediation and Security Council shall take final decisions on all issues under their authority and competence, including field missions and approve the terms of reference, for such missions.

**Article 13**  
**Meeting at the Ministerial Level**

1. The Ministers of Foreign Affairs, Defense, Internal Affairs and Security of the Mediation and Security Council shall meet at least once every three (3) months to review the general political and security situation in the sub-region. They may also meet when the need arises.
2. The recommendations emanating from the Ministerial meetings shall be submitted to the member Heads of State and Government of the Mediation and Security Council.

**Article 14**  
**Meeting at the Ambassadorial Level**

1. ECOWAS Member States shall accredit Ambassadors as permanent representatives to the ECOWAS Executive Secretariat. These Ambassadors may also be those accredited to the Federal Republic of Nigeria.
2. The Ambassadors of Member States of the Mediation and Security Council shall meet once a month to review issues relating to sub-regional peace and security. They may also meet when the need arises.
3. All reports and recommendations of meetings of the Ambassadors shall be forwarded by the Executive Secretary to all Member States of the Mediation and Security Council and to the Member States concerned. The Reports shall also be submitted for consideration by the meeting of Ministers of the Mediation and Security Council.

**Article 15**  
**Role and Functions of the Executive Secretary**

1. The Executive Secretary shall have the power to initiate actions for conflict prevention, management, resolution, peacekeeping and security in the sub-region. Such actions may include fact-finding, mediation, facilitation, negotiation and reconciliation of parties in conflict.
2. The role of the Executive Secretary shall include the following:
  - (a) recommend the appointment of the Special Representative and the Force Commander for approval by the Mediation and Security Council;
  - (b) appoint members of the Council of Elders;
  - (c) have responsibility for political, administrative and operational activities and provide logistic support for the mission;
  - (d) prepare periodic reports on activities of the Mechanism for the Mediation and Security Council and Member States;
  - (e) deploy fact-finding and mediation missions, on the basis of his/her assessment of the existing situation;

- (f) convene, in consultation with the Chairman of the Authority, all meetings of the Mediation and Security Council, the Council of Elders, and the Defence and Security Commission;
- (g) Implement all decisions of the Mediation and Security Council.

3. The ECOWAS Secretariat shall service the Mediation and Security Council and the Defense and Security Commission.

4. In implementing the provisions of this Mechanism, the Executive Secretary shall be assisted by the Deputy Executive Secretary in charge of Political Affairs, Defense and Security.

#### **Article 16** **The Deputy Executive Secretary**

1. Under the direction of the Executive Secretary, the Deputy Executive Secretary in charge of Political Affairs, Defense and Security shall initiate and undertake all activities relating to the implementation of the Mechanism.

2. The office of the Deputy Executive Secretary for Political Affairs, Defense and Security shall be headed by a statutory officer appointed in accordance with Paragraph 4 (a), Article 18 of the Treaty. He shall have under his supervision appropriate departments, divisions and sections, as may be necessary, including:

- (a) the Department of Political Affairs;
- (b) the Department of Humanitarian Affairs;
- (c) the Department of Defense and Security;
- (d) the Observation and Monitoring Centre; and
- (e) such other departments as may be established by the Council of Ministers on the recommendation of the Mediation and Security Council.

#### **CHAPTER III** **SUPPORTING ORGANS AND INSTITUTIONS OF THE MECHANISM**

In carrying out their missions, the Institutions stipulated in Article 4 shall be assisted by the organs enumerated in Article 17 of this Protocol.

### **Article 17**

#### **Organs**

The following organs are hereby established to assist the Mediation and Security Council:

1. The Defense and Security Commission;
2. The Council of Elders;
3. ECOWAS Cease-Fire Monitoring Group (ECOMOG).

### **Article 18**

#### **Composition of the Defense and Security Commission**

The following representatives from Member States shall constitute the Defense and Security Commission:

- (a) Chiefs of Defense Staff or equivalent;
- (b) Officers responsible for Internal Affairs and Security;
- (c) Experts of the Ministry of Foreign Affairs;
- (d) Depending on the agenda, Heads of any of the following services may be invited:
  - (i) immigration;
  - (ii) customs;
  - (iii) drug/narcotic agencies;
  - (iv) border guards; and
  - (v) civil protection force.

### **Article 19**

#### **Functions**

1. The Defense and Security Commission shall examine all technical and administrative issues and assess logistical requirements for peacekeeping operations. It shall assist the Mediation and Security Council in:

- (a) formulating the mandate of the Peace-keeping Force;
- (b) defining the terms of reference for the Force;
- (c) appointing the Force Commander;
- (d) determining the composition of the contingents.

2. The Defense and Security Commission shall meet once every quarter and when necessary. The Commission shall examine reports from the Observation and Monitoring Centres and make recommendations to the Mediation and Security Council.

**Article 20**  
**Composition and Mandate of the Council of Elders**

1. The Executive Secretary shall compile annually, a list of eminent personalities who, on behalf of ECOWAS, can use their good offices and experience to play the role of mediators, conciliators and facilitators. The list shall comprise eminent persons from various segments of society, including women, political, traditional and religious leaders. The list shall be approved by the Mediation and Security Council at the level of Heads of State and Government.

2. These personalities shall be requested by the Executive Secretary or the Mediation and Security Council, whenever the need arises, to deal with a given conflict situation.

3. Whenever the circumstances require, the Executive Secretary shall assemble eminent personalities from the approved list who shall now constitute the Council of Elders.

4. The composition and mandate of the Council of Elders shall be defined by the Executive Secretary on the basis of the missions to be carried out.

5. Members of the Council of Elders selected to deal with a given situation shall report to the Executive Secretary.

6. The Executive Secretary shall report to the Mediation and Security Council on the initiatives taken in conformity with the provisions of Paragraphs 2 and 3 of this Article.

7. Members of the Council of Elders shall be neutral, impartial and objective in carrying out their mission.

**Article 21**  
**Composition of ECOMOG**

The ECOWAS Cease-fire Monitoring Group (ECOMOG) is a structure composed of several Stand-by multi-purpose modules (civilian and military) in their countries of origin and ready for immediate deployment.

**Article 22**  
**Role of ECOMOG**

ECOMOG is charged, among others, with the following missions:

- (a) observation and monitoring;
- (b) peace-keeping and restoration of peace;
- (c) humanitarian intervention in support of humanitarian disaster;
- (d) enforcement of sanctions, including embargo;
- (e) preventive deployment;
- (f) peace-building, disarmament and demobilization;
- (g) policing activities, including the control of fraud and organized crime;
- (h) any other operations as may be mandated by the Mediation and Security Council.

**CHAPTER IV**  
**SUB-REGIONAL PEACE AND SECURITY OBSERVATION SYSTEM**  
**(EARLY WARNING)**

A sub-regional peace and security observation system known as the Early Warning System or "The System" is hereby established for the purposes of conflict prevention and in accordance with Article 58 of the Revised Treaty. The System shall consist of:

- (a) an Observation and Monitoring Centre located at the Secretariat;
- (b) observation and Monitoring Zones within the sub-region.

**Article 23**  
**Observation and Monitoring Centre**

1. The Observation and Monitoring Centre shall be responsible for data collection and analyses and preparation of reports for the use of the Executive Secretariat.
2. The Centre shall collaborate with the United Nations Organisation, the Organisation of African Unity, research centres and all other relevant international, regional and sub-regional organisations.

**Article 24**  
**Observation and Monitoring Zones**

1. Member States shall be divided into zones on the basis of proximity, ease of communication and efficiency. Each zone shall be identified by number and each shall have a zonal headquarters. The following four (4) Observation and Monitoring Zones are hereby created:

| <b>Zones</b> | <b>Countries</b>   | <b>Zonal Capital</b> |
|--------------|--|----------------------|
| 1            | Cape Verde<br>The Gambia<br>Guinea-Bissau<br>Mauritania<br>Senegal | Banjul               |
| 2            | Burkina Faso<br>Côte d'Ivoire<br>Mali<br>Niger                     | Ouagadougou          |
| 3            | Ghana<br>Guinea<br>Liberia<br>Sierra Leone                         | Monrovia             |
| 4            | Benin<br>Nigeria<br>Togo   | Cotonou              |

2. The zoning provided for in Paragraph 1 above may be altered, if necessary, by the Authority of Heads of State and Government.
3. Each zonal headquarters shall be provided with an office and placed under the authority of the Executive Secretary, through the office of the Deputy Executive Secretariat.
4. Member States hereby undertake to guarantee the freedom of operations of the zonal headquarters in accordance with the privileges, immunities and security to property, assets and staff of the bureaux as provided by the ECOWAS General Convention on Privileges and Immunities and the Headquarters Agreement.
5. The Zonal Bureaux shall maintain working relations with the host country and local and international institutions.
6. The Zonal Bureaux shall, on a state by state and day-to-day basis, collect data on indicators that impact on the peace and security of the zone and the sub-region.
7. The Zonal Headquarters shall process the data collected and prepare a report which they shall send to the Observation and Monitoring Centre. Accordingly, each of the Zonal Headquarters shall be directly linked by appropriate communication means to the Observation and Monitoring Centre.

**CHAPTER V**  
**APPLICATION OF THE MECHANISM**

**Article 25**  
**Conditions for Application**

The Mechanism shall be applied in any of the following circumstances:

- (a) in cases of aggression or conflict in any Member State or threat thereof;
- (b) in case of conflict between two or several Member States;
- (c) in case of internal conflict:

- (i) that threatens to trigger a humanitarian disaster; or
  - (ii) that poses a serious threat to peace and security in the sub-region;
- (d) in event of serious and massive violation of human rights and the rule of law;
- (e) in the event of an overthrow or attempted overthrow of a democratically elected government;
- (f) Any other situation as may be decided by the Mediation and Security Council.

**Article 26**  
**Authority to Initiate**

The Mechanism shall be put into effect by any of the following:

- (a) upon the decision of the Authority;
- (b) upon the decision of the Mediation and Security Council;
- (c) at the request of a Member State;
- (d) on the initiative of the Executive Secretary;
- (e) at request of the Organisation of African Unity or the United Nations.

**Article 27**  
**Procedure**

The Mechanism shall be applied according to any of the following procedures:

- (a) the Executive Secretary shall inform Member States of the Mediation and Security Council and, in consultation with the Chairman, take all necessary and urgent measures;
- (b) the Mediation and Security Council shall consider several options and decide on the most appropriate course of action to take in terms of intervention. Such options may include recourse to the Council of Elders, the dispatch of fact-finding missions, political and mediation missions or intervention by ECOMOG;

- (c) the Mediation and Security Council shall issue a mandate authorising the Executive Secretary to set up a mission and define its terms of reference;
- (d) where necessary, the Mediation and Security Council shall appoint the principal officers, such as the Special Representative of the Executive Secretary and the ECOMOG Force Commander;
- (e) the Chairman of the Mediation and Security Council shall submit a report on the situation to the Organisation of African Unity and the United Nations;
- (f) the Executive Secretariat shall mobilize all the resources required for the operations.

**CHAPTER VI  
CONFLICT MANAGEMENT**

**Article 28  
Composite Stand-by Units**

1. Member States hereby agree to make available to ECOMOG units adequate resources for the army, air force, navy, gendarmerie, police and all other military, paramilitary or civil formations necessary for the accomplishment of the mission.
2. Each Member State shall provide ECOMOG with a unit the size of which shall be determined after consultation with each Member State.
3. The strengths of these units shall be reviewed according to the situation on the ground.

**Article 29  
Mandate of the Force and Missions of Deployed Units**

Whenever the force is deployed, the strength, mandates and missions of the units shall vary according to the evolving situation on the ground.

### **Article 30**

#### **Training and Preparation of the Composite Stand-by Units**

1. The Executive Secretary, through the departments concerned and, in consultation with Member States, shall contribute to the training of civilian and military personnel that shall be part of the stand-by units in various fields, particularly in international humanitarian law and human rights.
2. In this regard, he shall:
  - (a) support the development of common training programs and instruction manuals for national schools and training centres;
  - (b) organize training and proficiency courses for personnel of the units in the regional centres in Côte d'Ivoire and Ghana;
  - (c) work towards the integration of these centres into sub-regional centres for the implementation of this Mechanism;
  - (d) take the necessary measures for the organisation of periodic staff and commanders' exercises and joint operations.

### **Article 31**

#### **Observation Missions**

1. Unarmed civilian and military personnel provided by Member States may be deployed alone or in conjunction with armed personnel. They shall, inter alia, supervise and monitor cease-fires, disarmament, demobilization, elections, respect for human rights, humanitarian activities and investigate any complaints or claims brought to their notice. They shall undertake such other activities under the terms of reference as determined by the Mediation and Security Council.
2. The Observer Missions shall report on their activities and findings to the Executive Secretary.

### **Article 32**

#### **Appointment and Functions of the Special Representative**

1. On the recommendation of the Executive Secretary the Mediation and Security Council shall appoint a Special Representative for each Operation undertaken by ECOMOG.

2. The principal role and functions of the Special Representative shall include the following:

- (a) serve as the Chief of the Mission and shall be responsible for the political orientation of the mission;
- (b) direct peace-keeping activities and initiate political and diplomatic negotiations with the parties, neighbouring States and other Governments involved in conflict resolution;
- (c) brief troop-contributing States and other States on the situation and operations of the mission as and when required;
- (d) coordinate activities of the sub-regional and international organisations, including NGOs involved in humanitarian relief and peace-building activities in the mission area. Where necessary, he shall be assisted by a Deputy responsible for humanitarian affairs;
- (e) maintain constant contact with and submit regular reports to the Executive Secretary.

### **Article 33**

#### **Appointment and Functions of the ECOMOG Force Commander**

1. On the recommendation of the Executive Secretary an ECOMOG Force Commander shall be appointed by the Mediation and Security Council and in consultation with the Defence and Security Commission for each operation.

2. The role and functions of the ECOMOG Force Commander shall include the following:

- (a) he shall be responsible for the efficiency of operational, administrative and logistical plans of the mission;
- (b) he shall issue instructions to contingent commanders for all operational activities;
- (c) he shall ensure the security of personnel and materiel of humanitarian organisations in the mission area;
- (d) the ECOMOG Force Commander is accountable to the Executive Secretary, through the Special Representative.

**Article 34**  
**The Chain of Command**

1. The Special Representative shall report directly to the Executive Secretary;
2. The Force Commander shall report to the Executive Secretary through his Special Representative;
3. All Contingent Commanders shall report directly to the Force Commander;
4. All Civil Units shall report directly to the Special Representative.

**Article 35**  
**Role of Member States**

In addition to their responsibilities as stipulated by the Treaty and this Protocol:

- (a) each Member State shall immediately, upon request, release Stand-by Units with the necessary equipment and material;
- (b) Member States hereby undertake to fully cooperate with ECOWAS in carrying out the mandates of this Protocol, including all forms of assistance and support required for the Mechanism, especially as regards the free movement of ECOMOG within their territories.

**CHAPTER VII**  
**FINANCING OF THE MECHANISM**

**Article 36**  
**Funding**

1. The Executive Secretariat shall make provision in its annual budget, for funds to finance activities of the Mechanism. As soon as the Protocol governing conditions for application of the Community Levy enters into force, a percentage of the said Levy shall be earmarked for these activities.

2. Special requests for funds shall be made to the United Nations and other international agencies.

3. Funds for operations may also be raised from the OAU, voluntary contributions and grants from bilateral and multilateral sources.

#### **Article 37 Pre-Financing**

1. The States contributing contingents may be invited to bear the cost of operations during the first three (3) months.

2. ECOWAS shall refund the expenditure incurred by the States within a maximum period of six (6) months and then proceed to finance the operations.

#### **Article 38 Logistical Support**

The Organisation of logistics, including troop transport, shall be determined by the Executive Secretariat in consultation with the host country and the States contributing troops.

#### **Article 39 Remuneration and Service Conditions**

The remuneration and conditions of service of the personnel shall be determined by the Council of Ministers on the recommendation of the Mediation and Security Council.

### **CHAPTER VIII HUMANITARIAN ASSISTANCE**

ECOWAS shall take active part in coordinating and conducting humanitarian assistance.

**Article 40**  
**Responsibilities of ECOWAS**

1. ECOWAS shall intervene to alleviate the suffering of the populations and restore life to normalcy in the event of crises, conflict and disaster.
2. In this regard, ECOWAS shall develop its own capacity to efficiently undertake humanitarian actions for the purposes of conflict prevention and management.
3. Where the environment of a Member State is gravely devastated, appropriate steps shall be taken to rehabilitate it.
4. ECOWAS shall recognize, encourage and support the role of women in its initiatives for conflict prevention, management, resolution, peacekeeping and security.

**Article 41**  
**Cooperation with Other Organisations**

1. ECOWAS shall cooperate with the following institutions and organisations:
  - (a) national, regional NGOs and religious organisations;
  - (b) Organisation of African Unity, the United Nations and its agencies;
  - (c) other international organisations intervening in the humanitarian sector.
2. The ECOMOG unit shall be adequately equipped to undertake humanitarian activities in their mission area under the control of the Special Representative of the Executive Secretary.
3. ECOMOG shall provide assistance to all national, regional and international agencies, particularly on security issues.
4. When necessary, ECOMOG shall coordinate the activities of humanitarian agencies in the field.

**CHAPTER IX**  
**PEACE-BUILDING**

The Community hereby adopts a graduated strategy for building peace which shall be implemented as a continuum.

**Article 42**  
**ECOWAS Institutional Capacity for Peace-Building**

1. To stem social and political upheavals, ECOWAS shall be involved in the preparation, organisation and supervision of elections in Member States. ECOWAS shall also monitor and actively support the development of democratic institutions of Member States.
2. ECOWAS shall endeavour to assist Member States emerging from conflicts to increase their capacity for national, social, economic and cultural reconstruction.
3. In this regard, all ECOWAS financial institutions shall develop policies to facilitate funding for reintegration and reconstruction programs.

**Article 43**  
**Peace-Building During Hostilities**

In zones of relative peace, priority shall be accorded to implementation of policies designed to reduce degradation of social and economic conditions arising from conflicts.

**Article 44**  
**Peace-building at the End of Hostilities**

To assist Member States that have been adversely affected by violent conflicts, ECOWAS shall undertake the following activities:

- (a) consolidation of the peace that has been negotiated;
- (b) establishment of conditions for the political, social and economic reconstruction of the society and governmental institutions;

- (c) implementation of disarmament, demobilization and reintegration programs including those for child soldiers;
- (d) resettlement and reintegration of refugees and internally displaced persons;
- (e) assistance to vulnerable persons, including children, the elderly, women and other traumatized groups in the society.

**Article 45**  
**Restoration of Political Authority**

In situations where the authority of government is absent or has been seriously eroded, ECOWAS shall support processes towards the restoration of political authority. Such support may include the preparation, organisation, monitoring and management of the electoral process, with the cooperation of relevant regional and international organisations. The restoration of political authority shall be undertaken at the same time as the development of respect for human rights, enhancement of the rule of law and the judiciary.

**CHAPTER X**  
**SUB-REGIONAL SECURITY**

**Article 46**  
**Control of Trans-Border Crime**

1. In order to facilitate the control of transborder crime, ECOWAS shall promote close cooperation among the security services of Member States.
2. The security services of Member States shall assist one another and ensure proper coordination for the apprehension of criminals.
3. Member States shall establish specialized departments within their ministries of Justice, Defense and Security with trained personnel and communication equipment for coordination and centralization of cooperation matters in particular, mutual assistance in criminal matters, and extradition requests.

4. Member States shall supply the Executive Secretariat with documents setting out the details of criminal procedures in their countries. The information provided by Member States shall include a summary of the criminal process, from beginning to end, and shall outline what is needed for each State to grant a request for mutual assistance, extradition or the restraint or forfeiture of proceeds of crime. Member States shall also provide all the contract particulars for their national units and exchange information concerning any other relevant authorities and provide updated lists of the said units. The information shall be translated and circulated by the ECOWAS Secretariat to all the specialized units (Central authorities) established to handle requests and other related matters that may arise in the course of implementation.

5. With a view to strengthening national legal instruments on mutual legal assistance and extradition and making them more functional and efficient, all Member States shall harmonize their domestic law in accordance with the relevant ECOWAS Conventions on Mutual Assistance in Criminal Matters and Extradition. Member States undertake to adopt a convention to incriminate and make punishable the most commonly committed crimes in the sub-region.

6. Member States shall keep statistics, in particular, on the number of mutual legal assistance and extradition requests received and sent, as well as results obtained. There shall also be periodic meetings of the specialized departments of the Ministries of Justice, Defense and Security and the Interpol National Central Bureaux for the purpose of exchanging information on past or on-going cases and on measures aimed at improving cooperation.

7. Member States shall develop simplified restitution procedures for vehicles and other stolen objects seized by the requested State.

8. The judicial and police authorities of ECOWAS Member States shall consider the red notices published by the ICPO-Interpol at the request of an ECOWAS Member State as valid requests for provisional arrest for the purpose of Article 22 of the ECOWAS Convention on Extradition.

9. Member States shall establish a special fund for detected proceeds of crime. This fund can be used for preventive and criminal justice

response to, inter alia, trans-border crime and drug trafficking. Member States shall also give consideration to the establishment of confiscated asset management offices, where required.

10. Legislation on forfeiture of proceeds of crime in Member State shall be applicable to all crimes.

11. ECOWAS shall establish a Crime Prevention and Criminal Justice Centre (ECPCJC) to serve as focal point for mutual legal assistance. The Centre shall be part of the Legal Department within ECOWAS. This ECPCJC shall assist in linking up ECOWAS Member States to non-ECOWAS Member States in Mutual Assistance Matters. It shall also serve as a supervisory power to ensure that countries implement conventions they sign.

#### **Article 47 Coordination of Policies**

The Executive Secretary shall be responsible for the coordination and implementation of all decisions relating to sub-regional security.

#### **Article 48 Anti-Corruption Measures**

To eradicate corruption within their territories and in the sub-region, ECOWAS and its Member States shall promote transparency, accountability and good governance.

#### **Article 49 Measures against Money Laundering**

The ECOWAS Secretariat and Member States shall adopt strategies for combatting the problem of money laundering, by extending the scope of offences, enabling the confiscation of laundered proceeds and illicit funds and easing bank secrecy laws within and outside the sub-region.

**Article 50**  
**Control of the Proliferation of Small Arms**

While taking into account the legitimate national defence and security needs, and those of international peace-keeping operations, ECOWAS shall establish effective measures to:

- (a) control the importation, exportation, manufacture and eradicate the flow of small arms;
- (b) register and control the movement and use of legitimate arms stock;
- (c) detect, collect and destroy all illicit weapons;
- (d) encourage Member States to collect and destroy all surplus weapons.

**Article 51**  
**Preventive Measures against the Illegal Circulation of Small Arms**

1. ECOWAS shall take all the necessary measures to combat illicit trafficking and circulation of small arms. These measures shall include:

- (a) developing a culture of peace;
- (b) training for military, security and police forces;
- (c) enhance weapons control at border posts;
- (d) establishment of a database and regional arms register;
- (e) collection and destruction of surplus and illegal weapons;
- (f) facilitating dialogue with producers and suppliers;
- (g) reviewing and harmonizing national legislation and administrative procedures;
- (h) mobilizing resources.

2. ECOWAS shall strengthen its institutional and operational capabilities and those of its Member States for the effective implementation of the measures mentioned in Paragraph 1 above.

3. The Executive Secretariat's Department of Political Affairs, Defence and Security shall coordinate and monitor implementation of all programs and activities and shall analyse information from the zonal headquarters.

4. In order to promote and ensure coordination of concrete measures at national level, Member States shall, in accordance with guidelines adopted by ECOWAS, establish national commissions made up of representatives of the relevant authorities and the civil society.
5. At the beginning of any ECOMOG peacekeeping operations, all dedicated light weapons and ammunition shall be declared to the Executive Secretariat so as to ensure their effective control as well as removal upon completion of the operations.
6. All weapons collected during any disarmament exercise shall be destroyed.

**CHAPTER XI**  
**COOPERATION WITH THE ORGANISATION OF AFRICAN UNITY,**  
**UNITED NATIONS AND OTHER INTERNATIONAL ORGANISATIONS**

**Article 52**  
**Cooperation**

1. In pursuit of its objectives, ECOWAS shall cooperate with the Organisation of African Unity (OAU), the United Nations Organisation (UNO) and other relevant international organisations.
2. In the implementation of this Mechanism, ECOWAS shall fully cooperate with the OAU Mechanism for Conflict Prevention, Management and Resolution.
3. In accordance with Chapters VII and VIII of the United Nations Charter, ECOWAS shall inform the United Nations of any military intervention undertaken in pursuit of the objectives of this Mechanism.

**CHAPTER XII**  
**SPECIAL PROVISIONS**

**Article 53**  
**Abrogation**

1. The provisions of this Protocol shall replace all the provisions of the ECOWAS Protocol relating to Mutual Assistance in Defense signed on 29 May 1981, which are in conflict with the spirit of this Protocol.
2. The provisions of the Protocol on Non-Aggression signed on 22 April 1978, which are incompatible with those of the present Protocol are hereby declared null and void.
3. Undertakings devolving from the provisions of this Protocol shall not be interpreted as being against the spirit of Conventions or Agreements between one Member State and a third State; provided such Conventions and Agreements are consistent with the spirit of this Protocol, otherwise, such provisions are null and void.

**Article 54**  
**Rationalization of Subregional Institutions**

1. ECOWAS shall take necessary measures to rationalize all mechanisms, institutions and organs of the sub-region, having similar aims and objectives with this Mechanism.
2. To this end, ANAD may be transformed into a specialized agency of ECOWAS.

**CHAPTER XIII**  
**GENERAL AND FINAL PROVISIONS**

**Article 55**  
**Amendments**

1. Any Member State may submit proposals for the amendment or revision of this Protocol.

2. Any such proposals shall be submitted to the Executive Secretary who shall notify other Member States not later than thirty days after the receipt of such proposals. Amendments or revisions shall not be considered by the Authority unless Member States shall have been given at least one month's notice thereof.

3. Amendments or revisions shall be adopted by the Authority.

#### **Article 56 Withdrawal**

1. Any Member State wishing to withdraw from this Protocol shall give a one-year written notice to the Executive Secretary who shall inform Member States thereof. At the end of this period of one year, if such notice is not withdrawn, such a State shall cease to be a party to the Protocol.

2. During the period of one year referred to in the preceding paragraph, such a Member State shall nevertheless continue to observe the provisions of this Protocol and discharge its obligations thereunder.

#### **Article 57 Entry into Force**

1. This Protocol shall enter into force provisionally upon signature by Heads of State and Government. Accordingly, signatory Member States and the Executive Secretariat hereby undertake to start implementing all provisions of this Mechanism upon signature.

2. This Protocol shall definitely enter into force upon ratification by at least nine (9) signatory States in accordance with the constitutional procedures of each Member State.

#### **Article 58 Depository Authority**

This Protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposit of instruments of

ratification by the Member States and shall register it with the Organisation of African Unity (OAU), as well as the United Nations (UN) and any other organisation as may be decided by the Council.

IN FAITH THEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS PROTOCOL.

Done at Lomé, this 10<sup>th</sup> day of December 1999.

In single original in the English, French and Portuguese languages, all texts being equally authentic.

.....  
H.E. Mathieu KEREKOU  
President of the Republic of  
Benin

.....  
H.E. Blaise COMPAORE  
President of FASO  
Chairman, Council of Ministers  
of Burkina Faso

.....  
Hon. Alexandre Dias  
MONTEIRO  
Minister of Commerce, Industry  
and Energy, for and on behalf of  
the President of Cabo Verde

.....  
H.E. Henri Konan BEDIE  
President of the Republic of  
Côte d'Ivoire

.....  
H.E. Mrs Isatou NJIE-SAIDY  
Vice-President, Secretary of  
State for Health, Labour, Social  
Welfare and Women's Affairs,  
for and on behalf of the  
President of the Republic of  
Gambia

.....  
H.E. Flt.-Lt. Jerry John  
RAWLINGS  
President of the Republic of  
Ghana

.....  
Hon. Zainoul Abidine  
SANOUSSI  
Minister of Foreign Affairs in the  
President's Office, for and on  
behalf of the President of the  
Republic of Guinea

.....  
Hon. José Pereira BATISTA  
Minister of Foreign Affairs and  
International Cooperation, for  
and on behalf of the President  
of the Republic of Guinea-  
Bissau

.....  
Hon. Enoch DOGOLEAH  
Vice-President, for and on  
behalf of the President of the  
Republic of Liberia

.....  
H.E. Alpha Oumar KONARÉ  
President of the Republic of  
Mali

.....  
Hon. Sidi Mohamed Ould  
BOUBACAR  
Minister, Secretary-General at  
the Presidency, for and on  
behalf of the President of the  
Islamic Republic of Mauritania

.....  
H.E. Squadron Leader Daouda  
Malam WANKE  
President of the Council for  
National Reconciliation, Head of  
State of the Republic of Niger

.....  
H.E. Olusegun OBASANJO  
President, Commander-in-Chief  
of the Armed Forces of the  
Federal Republic of Nigeria

.....  
H.E. Abdou DIOUF  
President of the Republic of  
Senegal

.....  
H.E. Ahmad Tejan KABBAH  
President of the Republic of  
Sierra Leone

.....  
H.E. Gnassingbé EYADEMA  
President of the Togolese  
Republic

**Document 11**

## THE SECURITY AND MEDIATION COUNCIL

*Excerpts of the Final Communiqué of the 22<sup>nd</sup> Session of the Authority of Heads of State and Government of ECOWAS held in Lomé (Togo), 9-10 December 1999.*

Heads of State reiterated their resolve to establish the mechanism for conflict prevention, management and resolution, peace and security for increased cooperation in this area. They therefore approved the relevant draft protocol and designated the following as Member States of the Security and Mediation Council envisaged in the Mechanism:

- Benin
- Côte d'Ivoire
- Gambia
- Ghana
- Guinea
- Liberia
- Mali (Chairman)
- Nigeria
- Senegal
- Togo

Heads of State and Government stated the need for vigorous action against the proliferation and illegal circulation of light weapons, and against transborder crime, particularly drug trafficking and money laundering. They therefore adopted a protocol relating to the mechanism [for conflict prevention, management and resolution, peace and security] and the decisions relating to the control of money laundering.

Heads of State and Government called on all Member States which are expected to host the *zonal observation bureaux*, namely, Benin, Burkina Faso, the Gambia and Liberia, to take all necessary measures to ensure that the zonal bureaux become operational as soon as possible.

Heads of State and Government expressed their gratitude to the European Union for the financial assistance granted to ECOWAS for the

establishment of the Mechanism for Conflict Prevention, Management, Resolution and Peacekeeping.

With regard to the establishment of a Council of Elders, the Authority called on Member States to communicate the list of persons who could be appointed as members to the Executive Secretariat by 31 January 2000, to enable the effective establishment of the Council.

Done at Lomé this 10<sup>th</sup> of December 1999.

**Document 12****DECLARATION BY ECOWAS MINISTERS OF FOREIGN AFFAIRS ON CHILD SOLDIERS**

THE MINISTERS OF FOREIGN AFFAIRS OF ECOWAS;

AWARE that the proliferation of light weapons creates a fertile environment for the emergence of child soldiers in the sub-region;

GREATLY preoccupied by the increasingly frequent use of children as soldiers by various armed groups in the sub-region;

DEPLORING the violence to which such children are generally subjected when forcibly conscripted into these groups;

AWARE of the trauma suffered by these child soldiers and of its inherently grave consequences for themselves, for their families and for the nation;

CONSIDERING that the conscription of these children into illegal armed groups denies them access to education, training and culture and prevents them from being useful to their countries;

AWARE also that children, as nation-builders, are the guarantors of the future;

CONCERNED therefore for their physical, moral and intellectual wellbeing and desiring to provide them with the protection which they deserve;

CONSIDERING that all ECOWAS member states have acceded to the United Nations declaration on the rights of the child;

CONSIDERING the relevant OAU resolutions on the protection of the African child and the provisions of the African charter on the welfare and rights of the child;

CONDEMN STRONGLY the conscription of children into armed groups anywhere on the territory of the community in particular, on the African continent, and all over the world;

CALL on Member States to take necessary measure to disband all groups using children as fighters;

APPEAL to all armed groups which use child soldiers to demobilize such children immediately and return them to the appropriate public institutions for reintegration into society;

URGE the governments of Member States, international and non-governmental organisations, civil society and women's associations to coordinate their efforts with a view to adopting appropriate coercive measures to arrest this phenomenon.

Done at Bamako, 24th day of March 1999.