

**SUPPLEMENTARY PROTOCOL A/SP.3/06/06
AMENDING PROTOCOL A/P.2/8/94 RELATING TO
THE COMMUNITY PARLIAMENT**

HIGH CONTRACTING PARTIES,

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

MINDFUL of Articles 6 and 13 of the said Treaty relating to the Institutions of the Community and the establishment of the Community Parliament respectively;

MINDFUL of Protocol A/P.2/8/94 relating to the Community Parliament;

MINDFUL of Decision A/DEC.6/01/06 adopted by the twenty ninth session of the Authority of Heads of State and Government relating to modalities for the effective implementation of Article 6 of Protocol A/P.2/8/94 relating to the Community Parliament;

MINDFUL of Regulation C/REG.20/01/05, giving directives for the restructuring of the Community Parliament to permit its effective participation in the ECOWAS decision-making process and to create the necessary synergy and cooperation between it, the Parliament of Member States and the Institutions of the Community, with a view to complementing efforts at accelerating the process of integration;

RECALLING that the above mentioned directives were aimed at establishing a restructured Parliament with a distinct Political arm and an administrative wing adequately staffed by competent professional and administrative personnel that will provide the necessary administrative services for the work of the members of the Parliament;

DESIROUS of enhancing the performance of the Community Parliament and progressively transforming its mandate from advisory to co-decision, upon the election of its members by direct universal suffrage;

DESIROUS of establishing greater harmony between the activities of the Parliament and Community Programmes;

DESIROUS of amending relevant provisions of

Protocol A/P.2/8/94 relating to the Community Parliament to achieve the above stated objectives.

HEREBY AGREE AS FOLLOWS:

ARTICLE 1

All references to "*Executive Secretariat*" and "*Executive Secretary*" in Protocol A/P.2/8/94 are hereby deleted and substituted respectively with "*Commission*" and "*President*".

ARTICLE 2

The following terms shall be added to those enumerated in Article 1 of Protocol A/P.2/8/94 and shall be defined as follows:

"*Protocol*" means Protocol A/P.2/8/94 and its amendments as contained in this Supplementary Protocol amending Protocol A/P.2/8/94 relating to the Community Parliament and other amendments as may be made from time to time; "

"*Conference of Bureaux*" means the Conference of Bureaux referred to under Article 16 of this Supplementary Protocol;

"*Committee of Selection*" means the Committee constituted at the beginning of any legislature by the Plenary to assist the Bureau in composing members of each Standing Committee;

"*Standing Committees of Parliament*" means Parliamentary Committees established to reflect the areas of competence covered by the ECOWAS Technical Commissions established by the ECOWAS Treaty;

"*The Secretariat of the Parliament*" means the General Secretariat of Parliament referred to under Article 16 of this Supplementary Protocol;

"*Secretary General*" means the officer appointed in accordance with Article 16 of this Supplementary Protocol;

ARTICLE 3

Articles 3, 4, 6, 7-2(1), 14-1(3), 14-1 (b), 14-1(c); 15, 16, 19 and 21 are deleted and replaced as follows:

New Article 3**Designation**

The House of Representatives of the Peoples of the Community shall be designated:

"ECOWAS PARLIAMENT"**New Article 4****The Life of the Legislature**

The life span of the Legislature shall be four (4) years from the date of its inauguration by the Chairman of the Authority;

Article 7 - New Paragraph 2 (1)**Terms of Office**

"Representatives shall be elected for a period of four (4) years from the day of swearing-in. Their mandate shall, without any exception, end on the last day of the legislature."

New Article 14 - Paragraph 1(a)

The first Session of each new legislature shall be convened by the current Chairman of the Authority upon the recommendation of the President of the Commission.

New Article 14 - Paragraph 1(b)

The President of the Commission shall, three (3) months prior to the end of each legislature request Member States to elect their Parliamentarians to the Community Parliament in accordance with Article 15(6) of this Protocol.

New Article 14 - Paragraph 1(c)

The President of the Commission shall, upon receiving the names of at least three-quarter of the Members of Parliament forwarded by the States, inform the Chairman of Authority accordingly who shall take necessary measures to convene the Parliament.

New Article 15**ELECTION OF THE SPEAKER**

1. The Speaker is elected for the life of the Legislature.

2. The position of Speaker shall be allocated to Member States by the Authority in line with an established rotational System based on an alphabetical order of States.
3. All Members of Parliament from the Member State to which the position has been allocated shall be eligible to contest the position.
4. The modalities for the election of the Speaker shall be as defined in the Rules of Procedure of the Parliament.

FUNCTIONS OF THE SPEAKER

4. The Speaker shall:
 - a) Preside over all proceedings of Plenary, Bureau and Conference of Bureaux and in his absence, a Deputy Speaker in the order of their precedence takes over.
 - b) Be the Chief authorizing officer of the budget of the Parliament and may designate financial management to the Secretary General in line with the financial regulations of the Community. However, at the expiration of the life of the legislature, the outgoing Speaker loses his powers as the Chief Authorizing Officer of the Parliament. Notwithstanding the provisions of articles 7-2(1) above, the Speaker continues to carry out ceremonial duties until the election of a new Speaker.
 - c) Open, suspend or close the sitting of Parliament.
 - d) Determine the admissibility or otherwise of papers brought to the Parliament.
 - e) Follow up on the implementation of the decisions of the Bureau and Parliament.
 - f) Represent Parliament in relations with other ECOWAS Institutions and third parties.
 - g) Appoint, on the recommendation of the Secretary-General, locally recruited personnel in conformity with the ECOWAS Staff Regulations.

- h) Perform any other duties incidental to these functions. (Political, diplomatic, protocol and ceremonial).
5. For the duration of the transitional period of the Parliament and pending election of its Representatives by direct universal suffrage, the Speaker shall not be resident at the Seat of Parliament.
6. ECOWAS Parliamentarians shall be elected by the national assemblies of Member States and their names shall be communicated to the President of the Commission at least one month before the end of the legislature to ensure the timely installation of the next legislature.

New Article 16

STRUCTURE OF THE PARLIAMENT

1. The Parliament shall have political and administrative wings.
2. The structures of the political wing are as follows:
 - The Plenary
 - The Bureau of Parliament
 - The Conference of Bureaux

A. The Plenary

The Plenary shall be the highest body and its decisions shall be binding on other structures of the Parliament. As an advisory Parliament, the Plenary adopts all Resolutions of Parliament which are to be forwarded to the decision-making bodies of the Community. The Plenary shall however be guided by the provisions of the Treaty and all other legal text of general application to Community Institutions.

B. The Bureau

1. The Bureau shall be the governing organ of the Parliament. Its decisions shall be in conformity with the provisions of the Treaty and all other legal texts of general application to Community Institutions.
2. The Bureau shall comprise the Speaker, the first Deputy Speaker, the Second Deputy Speaker, the Third Deputy Speaker and the Fourth Deputy Speaker.

3. The tenure of all Deputy Speakers shall be the same as the Speaker, and their elections shall be conducted in accordance with the Rules of Procedure of the Parliament.
4. In the absence of the Speaker the Deputy Speakers shall preside in their order of precedence.

B.1 Functions of the Bureau

The Bureau shall have the following functions:

- a) Determine with the Conference of Committees Bureaux and the Speaker, the draft agenda and all programmes or business of the session, taking into account the approved Community programmes.
- b) Authorize meetings, hearings, fact finding and study tours of Committees away from the headquarters.
- c) Determine, with the assistance of the Selection Committee, the composition of the Standing Committees. In carrying out this assignment, due regard shall be given to linguistic, gender balance and nationality.
- d) Subject to the provisions of the Treaty regarding the mandate of the Council, the Bureau shall:
 - i. Maintain at all times a structure that clearly enhances the synergy between the political and the administrative wings of Parliament
 - ii. Issue general guidelines and policy directions for the management and administration of the affairs and facilities of the Parliament and its organs, in accordance with Community rules.
 - iii. Regulate the procedures relating to the internal organization of the Parliament and its organs in accordance with Community rules.
 - iv. Be responsible for prescribing guidelines for the annual budgets within the limits set out by the President of the Commission.

- v. Consider the draft budget and present it to the appropriate committee.
- vi. Appoint the Secretary-General and the Directors and approve the appointment of professional staff on the recommendation of the relevant Advisory Committee on recruitment.
- vii. Undertake any other function as may be prescribed by the Plenary and consistent with Community texts.

C. The Conference of Committees' Bureaux

1. The Conference of Committees' Bureaux shall be composed of the Speaker, Chairmen or Deputy Chairmen and the Rapporteur of each of the Standing Committees.
2. The Conference shall:
 - a. be the organ of Parliament that shall represent all committees collectively.
 - b. work with the Bureau of the Parliament to prepare the draft annual work-plan of the Parliament taking into account the priority Community programs and work-plans of other Community Institutions. The Speaker shall be the convener and the Chairman of all such joint-Committees.
 - c. collaborate with the Bureau to organize the work-plans of the Standing Committees in accordance with the Rules of Procedure and the terms of reference of the Committees.
 - d. work in close collaboration with National and other Regional Parliaments.
 - e. be chaired by the Speaker who shall convene all meetings of the said conference.

D. The General Secretariat

1. There is hereby established a General Secretariat of Parliament.
2. The administrative wing of the Parliament shall comprise The General

Secretariat of the Parliament headed by the Secretary General who will be assisted by Directors. The position of the Secretary-General shall be of the professional category.

3. The recruitment of the Secretary General, and the Directors shall be guided by the Staff Regulations of the Community:
4. The appointment of other categories of Staff shall also be in accordance with the laid down procedure of the Community.
5. The Secretary-General is the head of the administration of the Parliament, under the authority of the Speaker, and his or her functions shall be defined in a Council Regulation.
6. At the expiration of the life of each legislature and before the inauguration of a new legislature and consequent election of a Speaker, the Secretary-General shall continue to carry out the day-to-day administration of Parliament.

New Article 19

RULES OF PROCEDURE

The Parliament shall adopt its own Rules of Procedure which shall conform to the Treaty and all other legal texts of general application to Community Institutions.

New Article 21

1. Any Member State, the Parliament and other Institutions of the Community may submit proposals for the amendment or revision of the Protocol.
2. Any such proposal shall be submitted to the President of the Commission who shall notify other Member States thereof not later than thirty (30) days after the receipt of such proposal. Amendments or revisions shall not be considered by the Authority unless Member States shall be given at least three months notice thereof.
3. Such amendments shall be examined by the Authority in accordance with the provisions of Article 9 of the Treaty.

ARTICLE 4

Article 6 of Protocol A/P.2/8/94 relating to the Parliament of the Community is reformulated as follows:

1. The Parliament may consider any matter concerning the Community, in particular issues relating to Human Rights and Fundamental Freedoms and make recommendations to the Institutions and Organs of the Community.
2. The powers of the ECOWAS Parliament shall be progressively enhanced from advisory to co-decision making and subsequently to a law making role in areas to be defined by the Authority.
3. Pending the election of the Parliamentarians by direct universal suffrage, the Parliament may be consulted for its opinion on matters concerning the Community. The opinion of the Parliament shall be sought in the following areas:
 - a) interconnection of the communications links between Member States so as to make free movement of persons and goods effective;
 - b) interconnection of telecommunications systems to form an effective Community network with the maximum possible number of extensions to the rural areas to make them more accessible;
 - c) interconnection of energy networks;
 - d) increased cooperation in the area of radio, television and other media links within the Community and between the Community and the rest of the world, development of national communications systems to form an integrated, effective Community System with its own programmes;
 - e) public health policies for the Community;
 - f) common educational policy through harmonization of existing Systems and specialization of existing universities; adjustment of education within the Community to international standards;

- g) youth and sports;
- h) scientific and technological research;
- i) Community policy on environment;
- j) Treaty review;
- k) Community citizenship;
- l) Social integration;
- m) Respect for human rights and fundamental freedoms in all their plenitude.

ARTICLE 5

In view of the creation of a new Article 4 of Protocol A/P.2/8/94 by the provisions contained herein, the old Article 4 is therefore renumbered Article 5 with all subsequent Articles being numbered thereafter serially.

ARTICLE 6

All provisions of Protocol A/P.2/8/94 contrary to the provisions herein contained are hereby abrogated.

ARTICLE 7

1. This Supplementary Protocol shall come into force provisionally upon its signature by the Heads of States and Government. Consequently, signatory Member States, Parliament and the Commission undertake to commence implementation of its provisions.
2. This Supplementary Protocol shall come into force definitively upon its ratification by at least nine (9) signatory States, in accordance with the Constitution of each Member State.

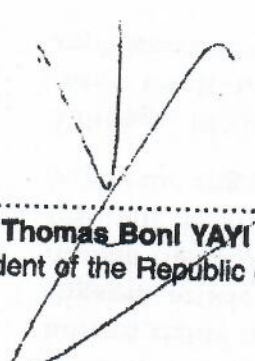
ARTICLE 8

This Supplementary Protocol and all its instruments of ratification shall be deposited at the Commission which shall transmit certified copies of this Supplementary Protocol to all Member States, notify them of the date of deposit of the instruments of ratification and register this Supplementary Protocol with the African Union, United Nations Organisation and any other organization as may be declared by Council.

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

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

DONE AT ABUJA,
THIS 14TH DAY OF JUNE, 2006

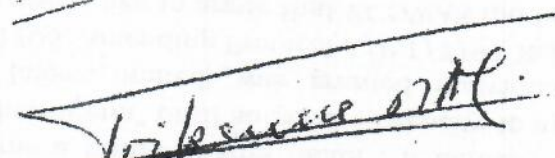


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H. E. Thomas Boni YAYI
President of the Republic of **BENIN**

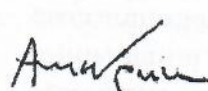


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H. E. Blaise COMPAORE
Chairman of the Council of Ministers
President of **FASO**

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Republic of **CAPE VERDE**




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S. E. DR. ALBERT MABRI TOIKEUSSE
Minister for African Integration
Representing the President of the
Republic of **CÔTE D'IVOIRE**



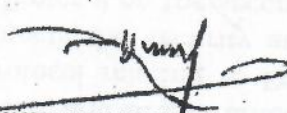
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H. E. ALIEU NGUM
Minister of Trade, Industry and Employment,
Representing the President of the
Republic of The **GAMBIA**



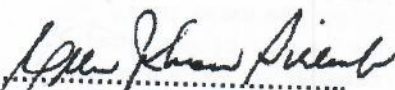
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H. E. John Agyekum KUFUOR
President of the Republic of **GHANA**



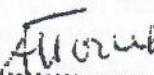
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H. E. Fatoumata Kaba SIDIBE
Minister for International Cooperation
Representing the President of the
Republic of **GUINEA**



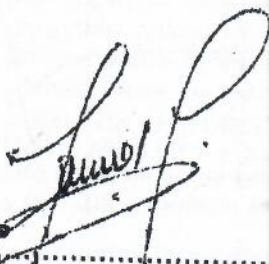
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H. E. DE SOUSA - RUI DIA
Minister, Presidency of Council of
Ministers on Social Communication
and Affairs
Representing the President of the
Republic of **GUINEE BISSAU**



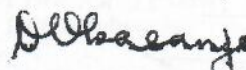
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H. E. ELLEN JOHNSON-SIRLEAF
President of the Republic of **LIBERIA**



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H. E. Amadou Toumani TOURE
President of the Republic of **MALI**



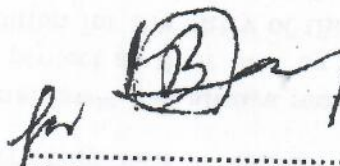
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H. E. Mamadou TANDJA
President of the Republic of **NIGER**



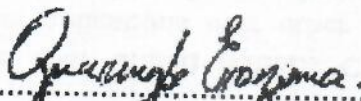
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H. E. Olusegun OBASANJO, GCFR
President and Commander-in-Chief
of the Armed Forces of the Federal
Republic of **NIGERIA**



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H. E. ABDOU AZIZ SOW
Minister for NEPAD, Economic
Integration in Africa and Good
Governance Policy
Representing the President of the
Republic of **SENEGAL**



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H. E. Alh. (Dr.) Ahmad Tejan KABBAH
President of the Republic of
SIERRA LEONE



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H. E. Faure Essozimna GNASSINGBE
President of the **TOGOLESE** Republic