

Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace– Keeping and Security (1999)

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 Organization 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 Defence 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 democratisation; 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 29th 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 21st 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 jeopardise 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 co-ordinated multilateral co-operation; Recognising 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; 'Defence and Security Commission' means the Defence 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, Defence 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 organised 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, Peace- keeping 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 Organization 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 neighbourliness;

- . (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 Defence, Free Movement of Persons, the Right of Residence and Establishment;
- . (d) strengthen co-operation in the areas of conflict prevention, early-warning, peacekeeping 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 co-operation between Member States in the areas of preventive diplomacy and peacekeeping;
- . (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: • The Authority; • The Mediation and Security Council; • The Executive Secretariat; • Any other institution as may be established by the Authority.

Article 5: Composition and Meetings of the Authority

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

Article 6: Functions

The Authority shall be the Mechanism's highest decision-making body. It shall have powers to act on all matters concerning conflict prevention, management and resolution, peacekeeping, 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

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

Article 9: Quorum and Decisions

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

Article 10: Functions

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. 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, peacekeeping and security;
- . (c) authorise 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

Deliberations of the Mediation and Security Council shall be held at three (3) levels: Heads of State and Government, Ministerial and Ambassadorial levels. 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

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. 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

The Ministers of Foreign Affairs, Defence, Internal Affairs and Security of the Mediation 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. 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

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. The Ambassadors of Member States of the Mediation and Security Council shall meet once a month to review issues relating to subregional peace and security. They may also meet when the need arises. 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

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. 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.

The ECOWAS Secretariat shall service the Mediation and Security Council and the Defence and Security Commission. In implementing the provisions of this Mechanism, the Executive Secretary shall be assisted by the Deputy Executive Secretary in charge of Political Affairs, Defence 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, Defence 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, Defence 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 Defence 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 of the 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: • The Defence and Security Commission; • The Council of Elders; • ECOWAS Cease-fire Monitoring Group (ECOMOG).

Article 18: Composition of the Defence and Security Commission

The following representatives from Member States shall constitute the Defence and Security Commission: (a) Chiefs of Defence 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; (e) Immigration; (f) Customs; (g) Drug/Narcotic Agencies; (h) Border Guards; and (i) Civil Protection Force.

Article 19: Functions

The Defence 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 peacekeeping Force; (b) defining the terms of reference for the Force; (c) appointing the Force Commander; (d) determining the composition of the Contingents. The Defence 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

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 the Heads of State and Government.

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.

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

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

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) Peacekeeping and restoration of peace; (c) Humanitarian intervention in support of humanitarian disaster; (d) Enforcement of sanctions, including embargo; (e) Preventive deployment; (f) Peacebuilding, disarmament and demobilisation; (g) Policing activities, including the control of fraud and organised crime; (h) Any other operations as may be mandated by the Mediation and Security Council.

Chapter IV: Subregional Peace and Security Observation System (Early Warning)

A subregional 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) Observation and Monitoring Centre located at the Secretariat; (b) Observation and Monitoring Zones within the sub-region.

Article 23: Observation and Monitoring Centre

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

Article 24: Observation and Monitoring Zones

Member States shall be divided into zones on the basis of proximity, ease of communication and efficiency. Each zone shall be identified by a number and each shall have a zonal headquarters. The following four (4) Observation and Monitoring Zones are hereby created: ZONE NO, COUNTRIES AND ZONAL CAPITALS Zone 1 serving Cape Verde, The Gambia, Guinea-Bissau, Mauritania and Senegal will have its headquarters in Banjul; Zone 2 serving Burkina Faso, Cote d'Ivoire, Mali and Niger will have its headquarters in Ouagadougou; Zone 3 serving Ghana, Guinea, Liberia and Sierra Leone will have its headquarters in Monrovia; and Zone 4 serving Benin, Nigeria and Togo will have its headquarters in Cotonou.

The zoning provided for in paragraph 1 above may be altered, if necessary, by the

Authority of Heads of State and Government. 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 Secretary.

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.

The Zonal Bureau shall maintain working relations with the host country and local and international institutions. 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.

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:

- . In cases of aggression or conflict in any Member State or threat thereof;
- . In case of conflict between two or several Member States;
- . In case of internal conflict:
 - . (a) that threatens to trigger a humanitarian disaster, or
 - . (b) that poses a serious threat to peace and security in the sub-region;

In event of serious and massive violation of human rights and the rule of law. In the event of an overthrow or attempted overthrow of a democratically elected government; 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 Organization of African Unity or the United Nations.

Article 27: Procedure

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

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;

The Mediation and Security Council shall issue a mandate authorising the Executive Secretary to set up a mission and define its terms of reference; 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.

The Chairman of the Mediation and Security Council shall submit a report on the situation to the Organization of African Unity and the United Nations; The Executive Secretariat shall mobilise all the resources required for the operations.

Chapter VI: Conflict Management

Article 28: Composite Stand-by Units

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. Each Member State shall provide ECOMOG with a unit the size of which shall be determined after consultation with each Member State. The strengths of these units shall be reviewed according to the situation on the ground.

Article 29: Mandates 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

The Executive Secretary, through the departments concerned and, in consultation with Member States, shall contribute to the in 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. In this regard, he shall:

- . (a) support the development of common training programmes and instruction manuals for national schools and training centres;
- . (b) organise 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 subregional 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

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, de-mobilisation, 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.

The Observer Missions shall report on their activities and findings to the Executive Secretary.

Article 32: Appointment and Functions of the Special Representative

On the recommendation of the Executive Secretary the Mediation and Security Council shall appoint a Special Representative for each Operation undertaken by ECOMOG. 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 peacekeeping 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) Co-ordinate activities of the subregional 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

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. 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 material 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

The Special Representative shall report directly to the Executive Secretary. The Force Commander shall report to the Executive Secretary through his Special Representative. All Contingent Commanders shall report directly to the Force Commander. 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: Each Member State shall immediately, upon request, release Stand-by Units with the necessary equipment and material;

Member States hereby undertake to fully co-operate 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

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.

Special requests for funds shall be made to the United Nations and other international agencies. Funds for operations may also be raised from the OAU, voluntary contributions and grants from bilateral and multilateral sources.

Article 37: Pre-Financing

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

ECOWAS shall intervene to alleviate the suffering of the populations and restore life to normalcy in the event of crises, conflict and disaster. In this regard, ECOWAS shall develop own capacity to efficiently undertake humanitarian actions for the purposes of conflict prevention and management.

Where the environment of a Member State is gravely devastated, appropriate steps shall be taken to rehabilitate it. ECOWAS shall recognise, encourage and support the role of women in its initiatives for conflict prevention, management, resolution,

peacekeeping and security.

Article 41: Co-operation with Other Organisations

ECOWAS shall co-operate with the following institutions and organisations: (a) national, regional NGOs and religious organisations; (b) Organization of African Unity, the United Nations and its agencies; (c) other international organisations intervening in the humanitarian sector. 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. ECOMOG shall provide assistance to all national, regional and international agencies, particularly on security issues. When necessary, ECOMOG shall co-ordinate the activities of humanitarian agencies in the field.

Chapter IX: Peacebuilding

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

Article 42: ECOWAS Institutional Capacity for Peacebuilding

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.

ECOWAS shall endeavour to assist Member States emerging from conflicts to increase their capacity for national, social, economic and cultural reconstruction. In this regard, all ECOWAS financial institutions shall develop policies to facilitate funding for reintegration and reconstruction programmes.

Article 43: Peacebuilding 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: Peacebuilding 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, demobilisation and reintegration programmes 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 traumatised 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 co-operation 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: Subregional Security

Article 46: Control of Trans–Border Crime

In order to facilitate the control of trans-border crime, ECOWAS shall promote close co-operation among the security services of Member States. The security services of Member States shall assist one another and ensure proper coordination for the apprehension of criminals.

Member States shall establish specialised departments within their ministries of Justice, Defence and Security with trained personnel and communication equipment for coordination and centralisation of co-operation matters in particular, mutual assistance in criminal matters, and extradition requests. 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 specialised units (Central authorities) established to handle requests and other related matters that may arise in the course of implementation.

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 harmonise 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. 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 specialised departments of the Ministries of Justice, Defence 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 co-operation. Member States shall develop simplified restitution procedures for vehicles and other stolen objects seized by the requested State.

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.

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.

Legislation on forfeiture of proceeds of crime in Member State shall be applicable to all crimes. ECOWAS shall establish a Crime Prevention and Criminal Justice Centre (ECPCJS) 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 subregional 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 combating 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 peacekeeping 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

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 harmonising national legislation and administrative procedures; (h) mobilising resources.

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. The Executive Secretariat's Department of Political Affairs, Defence and Security shall co-ordinate and monitor implementation of all programmes and activities and shall analyse information from the zonal headquarters. 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. 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. All weapons collected during any disarmament exercise shall be destroyed.

Chapter XI: Co-operation with the Organization of African Unity, United Nations and other International Organisations

Article 52: Co-operation

In pursuit of its objectives, ECOWAS shall co-operate with the Organization of African Unity (OAU), the United Nations Organisation (UNO) and other relevant international organisations. In the implementation of this Mechanism, ECOWAS shall fully co-operate with the OAU Mechanism for Conflict Prevention, Management and Resolution.

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

The provisions of this Protocol shall replace all the provisions of the ECOWAS Protocol relating to Mutual Assistance in Defence signed on 29 May 1981, which are in conflict with the spirit of this Protocol. 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.

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: Rationalisation of Subregional Institutions

ECOWAS shall take necessary measures to rationalise all mechanisms, institutions and organs of the sub-region, having similar aims and objectives with this Mechanism. To this end, ANAD may be transformed into a specialised agency of ECOWAS.

Chapter XIII: General and Final Provisions

Article 55: Amendments

Any Member State may submit proposals for the amendment or revision of this Protocol. 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. Amendments or revisions shall be adopted by the Authority.

Article 56: Withdrawal

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.

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

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.

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 Organization of African Unity (OAU), as well as the United Nations (UN) and any other organisation as may be decided by the Council.