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**PROTOCOL A/P.2/7/87 ON THE ESTABLISHMENT OF  
A WEST AFRICAN HEALTH ORGANISATION**

## PREAMBLE

### THE GOVERNMENTS OF MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES:

**CONSIDERING** that health is an important aspect of socio-economic development;

**RECOGNISING** that diseases know no boundaries and unequal development in different countries in the promotion of health and control of disease pose a common problem;

**CONSCIOUS** of the usefulness of creating a single West African Health Organisation as a means for the effective mobilisation of all human, material and financial resources available within the sub-region for solving health problems;

**RECALLING** its Decision A/DEC.6/5/83 relating to the rationalisation of co-operation efforts in the West African sub-region and its importance in the sub-regional integration process;

**NOTING** Decision C/DEC.1/11/84 of its Council of Ministers relating to the creation of a single health institution in West Africa and approving the merger of the West African Health Community (WAHC) and the *Organisation de Coordination et de Cooperation pour La Lutte Contre les Grandes Endemies (OCCGE)* as a specialised institution of ECOWAS;

**CONVINCED** that a single West African Health Organisation will be more effective in tackling health problems as well as have a much wider coverage;

### HAVE AGREED AS FOLLOWS:

## ARTICLE I

### Definitions

In this PROTOCOL:

**"TREATY"** means the Treaty of the Economic Community of West African States signed in Lagos on 28<sup>th</sup> May, 1975;

**"COMMUNITY"** means the Economic Community of West African States established by Article 1 of the Treaty;

**"MEMBER STATE" or "MEMBER STATES"** means a Member State or Member States of the Community;

**"AUTHORITY"** means the Authority of Heads of State and Government of the Community

established by Article 5 of the Treaty;

"**COUNCIL**" means the Council of Ministers of the Community established by Article 6 of the Treaty;

"**EXECUTIVE SECRETARY**" means the Executive Secretary of the Community appointed under Article 8 of the Treaty;

"**HEALTH ORGANISATION**" means the West African Health Organisation;

"**THE ASSEMBLY**" means the Assembly of the Ministers of Health of Member States;

"**CHAIRMAN**" means the Chairman of the Assembly;

"**DIRECTOR-GENERAL**" means the Director-General of the Health Organisation.

## **ARTICLE II**

- 1 The West African Health Community (WAHC) and the Organisation de Co-ordination et de Co-operation pour la Lutte contre les Grandes Endemies (OCCGE) are hereby merged into a single health organisation in the sub-region.
- 2 There is hereby established a single health organisation in the sub-region to be known as THE WEST AFRICAN HEALTH ORGANISATION.
- 3 The members of the Organisation hereby established shall be the Member States of ECOWAS which constituted the former WAHC and OCGGE plus Guinea, Guinea-Bissau and Cape Verde.
- 4 The West African Health Organisation shall be a specialised Institution of the Economic Community of West African States (ECOWAS).

## **ARTICLE III**

### **Objectives and Functions**

- 1 The objectives of West African Health Organisation (hereinafter called "the Health Organisation") shall be the attainment of the highest possible standard and protection of health of the peoples in the sub-region through the harmonisation of the policies of Member States, pooling of resources, co-operation with one another and with others for a collective and strategic combat against the health problems of the sub-region.
- 2 In order to achieve the objectives set out in paragraph 1 of this Article, the functions of the health Organisation shall be:
  - (a) to study and promote research on the major endemic diseases of the sub-

- region and undertake activities aimed at eradicating or controlling them;
- (b) to promote the training of post graduate health professionals and where necessary sponsor the training of undergraduates as well;
  - (c) to serve as a forum for collecting and disseminating technical, epidemiological, research, training and other types of relevant health information among Member States;
  - (d) to assist in the setting up of technical information centres in the Member States;
  - (e) to promote and harmonise the establishment of the production of vaccines, manufacture of drugs, and quality control laboratories in the sub-region;
  - (f) to encourage co-operation in combating and eradicating drug abuse and drug dependence in the sub-region;
  - (g) to promote exchange of manpower and health technology among Member States;
  - (h) to advise Member States on the health aspects of all development projects, if requested;
  - (i) to assist in strengthening the Health Services and infrastructure of Member States where necessary;
  - (j) to give active support to Member States in solving health problems in times of natural disasters or emergencies;
  - (k) to collaborate with international, regional and sub-regional organisations with a view to solving health problems in the sub-region;
  - (l) to promote co-operation among scientific and professional groups which contribute to the advancement of health;
  - (m) to propose conventions, agreements and regulations and make recommendations with respect to sub-regional health matters and to perform such duties as may be assigned thereby to the Organisation and are consistent with its objectives;
  - (n) generally to take all necessary action to attain the objectives of the Health Organisation.

#### **ARTICLE IV**

##### **Organs of the Health Organisation**

The functions of the Health Organisation shall be carried out by:

- (a) The Assembly of Ministers of Health

- (b) The Committee of Experts
- (c) General Directorate

## **ARTICLE V**

### **The Assembly of Ministers of Health**

#### **Establishment and Composition**

- 1 There is hereby established the Assembly of Ministers of Health (hereinafter called "the Assembly").
- 2 The Assembly shall be composed of the Ministers of Health in the Governments of the Member States.
- 3 The Assembly shall meet in ordinary session once a year and such meeting shall precede the annual meeting of the Authority.
- 4 Extraordinary meetings of the Assembly may be convened if the Assembly so determines or if requested by a simple majority of the Member States.
- 5 The Assembly shall elect its Chairman from among its members in rotation according to an order to be determined by the Assembly.
- 6 The Assembly shall adopt its own rules of procedures.
- 7 The ordinary and extraordinary meetings of the Assembly shall be held at the Headquarters of the Health Organisation or at such other place as may be determined by the Assembly.
- 8 The presence of all Ministers of Health or their duly accredited representatives is obligatory at all meetings of the Assembly.
- 9 The Decisions of the Assembly shall be by consensus.

## **ARTICLE VI**

### **Functions**

The functions of the Assembly shall be:

- (a) to determine the general policies of the Health Organisation;
- (b) to approve the programme of work of the Health Organisation;

- (c) to consider and adopt the budget of the Health Organisation and make recommendations to the Council for its approval;
- (d) to consider and approve the audited account for the past year submitted to it by the Director-General through the Committee of Experts;
- (e) to decide on matters submitted to it by the Director-General through the Committee of Experts and any such other committees that the Assembly may establish;
- (f) to monitor technical projects and achievements;
- (g) to approve the annual report submitted to it by the Director-General on the activities of the Health Organisation during the previous year;
- (h) to determine from time to time the composition of the Committee of Experts;
- (i) to recommend to the Council the candidate to be appointed the Director-General of the Health Organisation;
- (j) to establish such technical Committees as it may consider desirable for the work of the Health Organisation;
- (k) to consider directives or recommendations bearing on health made by the Authority and report to it the steps taken by the Health Organisation to give effect to such directives or recommendations;
- (l) to approve the staff regulations of the Health Organisation;
- (m) to take any other appropriate decisions as may promote or further the attainment of the objectives of the Health Organisation.

## **ARTICLE VII**

The Assembly shall make recommendations to Member States with respect to any matter within the competence of the Health Organisation.

## **ARTICLE VIII**

### **Committee of Experts**

#### **Establishment, Composition and Functions**

- 1 There is hereby established the Committee of Experts of the Health Organisation.
- 2 The Committee shall consist of one health Expert from each Member State assisted by advisers as may be necessary.
- 3 The Committee shall assist the Assembly in the principal areas of activities of the



- Health Organisation and make appropriate recommendations to it.
- 4 The Committee shall act in an advisory capacity to the Assembly.
  - 5 The Committee shall meet in ordinary session once a year.
  - 6 The Committee shall meet in extra-ordinary session when necessary.

## **ARTICLE IX**

### **The General Directorate of the Health Organisation**

- 1 There shall be established a General Directorate of the Health Organisation which shall be headed by a Director-General who holds a medical degree and possesses post-graduate qualification with adequate and relevant experience.
- 2 The Director General shall be appointed by the Council on the recommendation of the Assembly to serve in such office for a term of four years only.
- 3 The Director-General shall be the chief technical, administrative and financial officer of the Health Organisation.
- 4 The Director-General shall be assisted by a Deputy Director-General who holds a medical degree and possesses a post-graduate qualification with adequate and relevant experience. He shall be appointed by the Council on the recommendation of the Assembly.
- 5 The Director-General shall be the ex-official Secretary of the Assembly, of all Committees of the Health Organisation and of conferences convened by it. He may delegate these functions.
- 6 The Director-General shall prepare each year the programme of work and the budget estimates of the Health Organisation.
- 7 The Director-General shall be responsible for carrying out the directives, decisions and instructions of the Assembly, the Council and the Authority which have a bearing on health.
- 8 The Director-General shall appoint the officials and other staff of the Health Organisation in accordance with the staff regulations established by the Assembly.
- 9 In appointing officers to offices in the Health Organisation, due regard shall be had, subject to the paramount importance of securing the highest standards of efficiency and technical competence, to the desirability of maintaining an equitable distribution of appointments to such posts among the citizens of the Member States.
- 10 The conditions of service of the staff of the Health Organisation shall conform as far as possible with those of other Institutions of the Community.

- 11 The responsibilities of the Director-General and other officials and staff of the Health Organisation shall be exclusively international in character and in the discharge of their duties shall not seek or receive instructions from any Government or from any authority external to the Community. They shall refrain from any action which might reflect on their position as international officials. Each Member State of the Community on its part undertakes to respect the exclusively international character of the Director-General and other officials of the Health Organisation and not to seek to influence them in the discharge of their duties.
- 12 Subject to the provisions of paragraphs 9 and 10 of the Treaty, the Director-General shall be responsible for the day-to-day administration of the Health Organisation.

## **ARTICLE X**

### **The Technical and Specialised Divisions of the Health Organisation**

- 1 There shall be established technical and specialised Division in the General Directorate of the Health Organisation including:
  - (i) Division of Health Manpower Development;
  - (ii) Division of Health Research and Disease Control;
  - (iii) Division of Technical Assistance;
  - (iv) Division of Health Management and Information.
- 2 The Assembly may establish other Divisions as it deems necessary.
- 3 These Divisions shall respectively be under the authority of the Director-General. They shall ensure the co-ordination of activities and the results obtained from different operational units under which shall be constituted respectively of the institutes, the centre and the Antennae of the former OCCGE and the specialised agencies of the former West African Health Community (WAHC).
- 4 The operational units shall be responsible for effecting activities and the task corresponding to the different functions which will ensure the attainment of the stated objectives of the Health Organisation.

## **ARTICLE XI**

### **Headquarters**

The headquarters of the Health Organisation shall be determined by the Authority.

## **ARTICLE XII**

### **Budget**

- 1 There shall be established a budget for the Health Organisation.
- 2 It is hereby created an Administration and Finance Committee of the Health Organisation. The Administration and Finance Committee shall consider the budget and submit to the Health Assembly who shall, after review, adopt the budget and submit the same to the Council for approval.
- 3 Resources of the budget shall be derived from annual contributions by Member States and such other sources as may be approved by the Council.
- 3 The formula for contribution by each Member State and the regulation laid down for the payment of contributions are due from Member States as provided for in Articles 2 and 3 of the Protocol Relating to the contributions by Member States to the Budget of the Community shall apply to the budget of the Health Organisation.

## **ARTICLE XIII**

### **Financial Regulations**

The Health Organisation shall adopt the financial regulations approved by the Council and used in other Institutions of the Community.

## **ARTICLE XIV**

Upon the coming into force of this Protocol in accordance with its provisions the Health Organisation shall take over the respective assets and liabilities of the former OCCGE and West African Health Community (WAHC).

## **ARTICLE XV**

### **Relations with other International Organisations and Agencies**

- 1 The Health Organisation shall establish relations and co-operate closely with such

other international Organisations as may be desirable. Any formal agreement entered into with such Organisations shall be subject to approval by the Assembly.

- 2 Where the competent authorities of an international Organisation or Agency are desirous of vesting the Health Organisation with the undertaking of certain activities on their behalf, the Director-General may, subject to the approval of the Assembly, enter into a mutually agreed arrangement for this purpose.

## **ARTICLE XVI**

### **Status, Privileges and Immunities**

- 1 The Health Organisation, as an International Organisation, shall enjoy legal personality.
- 2 The Health Organisation shall have in the territory of each Member State:
  - (a) the legal capacity required for the performance of its functions under this Protocol;
  - (b) power to acquire, hold or dispose of movable or immovable property.
- 3 In the exercise of its legal personality under this Article, the Health Organisation shall be represented by the Director-General.
- 4 The Member States of the Community shall grant in their territories such privileges and immunities to the officials and property of the Health Organisation as is consistent with the normal practice of international organisations.

## **ARTICLE XVII**

### **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 Director-General who shall communicate them to other Member States not later than thirty (30) days after the receipt of such proposals. Amendments or revisions shall be considered by the Authority after Member States have been given thirty (30) days written notice thereof.

## ARTICLE XVIII

### Entry into Force

- 1 This Protocol shall enter into force provisionally upon signature by the Authority of Heads of State and Government and definitively upon ratification by at least seven (7) signatory States in accordance with the constitutional procedures applicable for each signatory State.
- 2 This Protocol and all the instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of this Protocol to all Member States informing them of dates on which instruments of Ratification have been deposited. This Protocol shall be registered with the Organisation of African Unity, the United Nations Organisation and such Organisations as the Heads of State and Government of ECOWAS shall determine.
- 3 This 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 THIS PROTOCOL**

**DONE AT ABUJA THIS 9<sup>TH</sup> DAY OF JULY, 1987 IN SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES BOTH TEXTS BEING EQUALLY AUTHENTIC**

*Signed*

**H.E. COLONEL MATHIEU KEREKOU**  
*President of People's Republic of BENIN*

*Signed*

**H.E. CAPTAIN THOMAS SANKARA**  
*Chairman of the National  
Revolutionary Council  
President of FASO*

*Signed*

**H.E. MR. ARISTIDES PEREIRA**  
*President of the Republic of  
CAPE VERDE*

*Signed*

**H.E. MR. FELIX HOUPHOUET  
BOIGNY**  
*President of the Republic of  
COTE D'IVOIRE*

*Signed*

**H.E. ALHAJI SIR DAUDA K. JAWARA**  
*President of the Republic of GAMBIA*

*Signed*

**HON. MAJOR KERFALLA CAMARA**  
*Permanent Secretary, Military Committee for National Recovery for and on behalf of the President of the Republic of GUINEA*

*Signed*

**HON. MRS. AMELIA WARD**  
*Deputy Minister, for and on behalf of the President of the Republic of LIBERIA*

*Signed*

**HON. DIA-EL-HADJ ABDERRAHMANE**  
*Member of the Military Committee for National Salvation, Minister of Commerce and Transport, for and on behalf of the Chairman of the Military Committee for Salvation, Head of State, President of the Islamic Republic of MAURITANIA*

*Signed*

**H.E. MAJOR GENERAL IBRAHIM BADAMASI BABANGIDA**  
*President, Commander-in-Chief of the Armed Forces of the Federal Republic of NIGERIA*

*Signed*

**HON. SALIA JUSU-SHERIF**  
*2<sup>nd</sup> Vice President, for and on behalf of the President of the Republic of SIERRA LEONE*

*Signed*

**HON. ALHAJI MAHAMA IDDRISU**  
*Member PNDC and Minister of Defence for and on behalf of the Head of State of the Republic of GHANA*

*Signed*

**HON. MR. CARLOS CORREIA**  
*Member of the Political Bureau of the PIAGC, member of the State Department Responsible for Rural Development and Fisheries, for and on behalf of the President of the Republic of GUINEA BISSAU*

*Signed*

**H.E. GENERAL MOUSSA TRAORE**  
*President of the Republic of MALI*

*Signed*

**HON. MR. HAMID ALGABID**  
*Prime Minister, for and on behalf of the President of the Republic of NIGER*

*Signed*

**HON. MR. ABDOURAHMANE TOURE**  
*Minister of Trade, for and on behalf of the President of the Republic of SENEGAL*

*Signed*

**H.E. GENERAL GNASSINGBE EYADEMA**  
*President of the TOGOLESE REPUBLIC*