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THE HIGH CONTRACTING PARTIES

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

MINDFUL of Regulation C/REG.15/01/03 establishing the Ad Hoc Ministerial Committee on the Harmonization of the Community Legislative Texts, and Article 2 defining the committee’s terms of reference;

CONSIDERING that the procedure prescribed by Protocol A/P2/7/87 of 9 July, 1987 for the adoption of the budget of the West African Health Organization is inconsistent with the procedure prescribed for all the ECOWAS Institutions by Article 69 of the revised Treaty adopted on 24 July, 1993 and currently in force;

CONSIDERING that Article 84 of the Final Report of the Forty-ninth Session of the Council of Ministers requests the Executive Secretariat to take necessary measures to amend Article XII of the Protocol establishing the West African Health Organization to conform to Article 69 of the Treaty relating to the adoption of the budgets of the Community Institutions;

CONSIDERING that the Fiftieth Session of the Council of Ministers approved the recommendations of the Ad Hoc Ministerial Committee on the Harmonization of the Community Texts and decided that the draft budgets and all issues with financial implications for the Community Institutions should be approved on the recommendation of the Administration and Finance Commission and in accordance with Article 69, paragraphs 3 and 4 of the revised Treaty;

CONSIDERING that Articles VI-c, VI-I, IX-8, X 1-2 and XII of Protocol A/P2/7/87 relating to the adoption of the Staff Rules and Regulations of the West African Health Organization, and to the approval of the organogram of this institution are inconsistent with the relevant provisions of Article 10-3 (f) of the revised Treaty and that there is need to amend them to conform to them;

CONSIDERING the report of the Fifty-fourth Session of the Council of Ministers on the draft Protocol amending Article XII of Protocol A/P2/7/87 on the establishment of a West African Health Organization;

AGREE AS FOLLOWS:

ARTICLE 1

Articles VI-c, VI-I, IX-8, X 1-2 and XII of Protocol A/P2/7/87 on the establishment of a West African Health Organization are hereby abrogated and replaced with the following new provisions:
NEW ARTICLE IX-8

The Director-General shall appoint the officials and other staff of the West African Health Organization, in accordance with the provisions of the ECOWAS Principles of Staff employment and Staff Regulations of the Community Institutions.

NEW ARTICLE X 1-2

1. The following specialized technical divisions are hereby created within the General Directorate of WAHO:
   
i) Division of Human Resource Development;
   
ii) Division of Research and Health Management Information Systems;
   
iii) Division of Primary Health Care and Disease Control;
   
iv) Division of Planning and Technical Assistance,

2. The Council of Ministers may, on the recommendation of the Assembly, create other divisions within the General Directorate.

NEW ARTICLE XII: BUDGET

1 There shall be a budget for the West African Health Organisation.

2 A draft budget for each year previously considered by the Assembly of Health Ministers shall be proposed by the Director-General of the West African Health Organisation.

3 The Administration and Finance Commission shall consider the draft budget of the West African Health Organization, as well as all issues with financial implications for the organization. It shall consider all issues relating in particular to the administrative organization and management of the staff of the West African Health Organization.

4 The budget of the West African Health Organization shall be approved by the Council of Ministers on the recommendation of the Administration and Finance Commission.

ARTICLE 2

ENTRY INTO FORCE

1. This Protocol shall enter into force provisionally upon signature by Heads of State and Government. Accordingly, signatory Member States hereby undertake to start
implementing all provisions of this Protocol upon signature.

2. This Protocol shall enter into force definitively upon ratification by at least nine (9) signatory States in accordance with the constitutional procedures of each Member State.

ARTICLE 3

DEPOSITORY AUTHORITY

This Supplementary Protocol and all the instruments of ratification shall be deposited with the Executive Secretariat, which shall transmit certified true copies of this Supplementary Protocol to all Member States, informing them of the dates on which the instruments of ratification have been deposited. This Supplementary Protocol shall be registered with the African Union, the United Nations Organization and with any organization that the Council may determine.


DONE AT NIAMEY, THIS 12TH DAY OF JANUARY 2006

H.E. Hon. Fredric DOHOU
Minister of Communications and Promotion of New Technologies Representing H. E. President of the Republic of BENIN

H.E. Raou Vieira BARBOSA
Ambassador of Cape Verde in Senegal Representing H.E. the President of the Republic of CAPE VERDE

H.E. Alieu M. NGUM
Minister of Trade, Industry and Employment Representing H.E. the President of THE GAMBIA

H.E. Youssouf QUEDRAOGO
Senior Minister, Minister of Foreign Affairs and Regional Cooperation Representing H.E. The President of BURKINA FASO

H.E. Youssouf BAKAYOKO
Minister of foreign Affairs Representing H.E. The President of the Republic of COTE D’IVOIRE

H. E. Nana AKUFO-ADDO
Minister of Foreign Affairs Representing H.E. The President of the Republic of GHANA
signed
H.E. Cellou Dalein DIALLO
Prime Minister, of the Republic of GUINEA

Signed
H. E. Joao Bernado VIEIRA
President of the Republic of GUINEA-BISSAU

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

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

Signed
Hon. Abdou Aziz SOW
Minister of NEPAD, of African Economic Integration and of Policy of Good Governance Representing H. E. The President of SENEGAL

Signed
Hon. Mohammed B. DARAMY
Minister of Development and Economic Planning, Representing H.E. the President of the Republic of SIERRA LEONE.

Signed
H.E. Charles GYUDE BRYANT
Chairman of the Transitional Government of LIBERIA

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

S.E. Faure Ezzionma GNASSINGBE
The President of the TOGOLESE Republic