

Economic Community of West African States, African Regional Bodies

Revised Constitution of the West African Police Chiefs Committee (WAPCCO)

Legislation as at 23 December 2004

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Economic Community of West African States

Revised Constitution of the West African Police Chiefs Committee (WAPCCO)

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PREAMBLE

CONSIDERING the Interpol General Secretariat's Circulars DII.RCB/BR.AFR/249 of 11th May 1995 and DII.RCB/BR.AFR/96/469 of 18th January 1996 relating to the establishment of Interpol Sub-Regional Committees in Africa;

CONSIDERING the resolutions adopted by the 1st meeting of West African Police Chiefs Held on 20th and 21st March 1997 in Abuja, Nigeria;

CONSIDERING the resolutions adopted by the 2nd meeting of the West African Police Chiefs Committee held from 18th to 22nd June 1998 in Ouagadougou, Burkina Faso;

CONSIDERING the willingness expressed by the Interpol General Secretariat and by the Executive Secretariat of the Economic Community of West African States [ECOWAS] to harmonise their action programmes in the field of police co-operation and the fight against crime in West Africa;

CONSIDERING the need to create within West Africa a police co-operation area and to strengthen the fight against transnational crime;

CONVINCED of the need for such a co-operation framework;

THE CHIEFS OF POLICE OF THE FOLLOWING WEST AFRICAN STATES:

- Republic of Benin,
- Burkina Faso,
- Republic of Cape Verde,
- Republic of Côte d'Ivoire,
- Republic of Gambia,
- Republic of Ghana,
- Republic of Guinea,
- Republic of Guinea-Bissau,
- Republic of Liberia,
- Republic of Mali,
- Republic of Niger,
- Federal Republic of Nigeria,
- Republic of Senegal,
- Republic of Sierra Leone,
- Togolese Republic

HEREBY **ADOPT** the following:

Chapter I Establishment, aims and principles of co-operation

Article 1 – Creation

- (1). The Contracting Parties hereby establish the West African Police Chiefs Committee (WAPCCO) hereinafter referred to as "the Committee".
- (2). WAPCCO is a specialized institution of the Economic Community of West African States (ECOWAS) and a consultative body for regional police cooperation for an indefinite period of time and with no permanent Headquarters.
- (3). The members of the WAPCCO are Chiefs of Police of the Member States of Africa cited in the preamble.

Article 2 – Aims and missions

1. The aims of the West African Police Chiefs Committee (WAPCCO) shall be to;
 - a) Improve co-operation between the police forces of West African States;
 - b) Increase effectiveness in crime prevention and countering cross-border crime in the sub-region.
2. With a view to achieving those aims, the WAPCCO's missions are to:
 - a) Define a sub-regional strategy for combating crime;
 - b) Identify the emergence of new forms of crime insofar as there are real indications of the scale and serious nature of the crime or the presence of an organized criminal structure in at least three (3) West African countries;
 - c) Co-ordinate co-operation activities for combating crime throughout West Africa;
 - d) Periodically inform national and sub--regional authorities responsible for security matters about the crime situation and about planned action programmes to combat crime.

Article 3 – Principles of co-operation

Co-operation between police forces of the countries in the sub-region within the WAPCCO framework shall be based on the following principles:

1. Respect of the national sovereignty of Members' States;
2. Equality between the national police forces of the States concerned;
3. Co-operation limited to ordinary law crimes;
4. Mutual advantages for all Members;
5. Respect for human rights;
6. Non-discrimination and flexible working methods;
7. Respect for any rules on international police co-operation matters likely to promote the aims and objectives of the WAPCCO;
8. Co-operation based on mutual respect and goodwill.

Chapter II **Structure and organisation**

Article 4 – Chairman and Vice-Chairman

- (1). The position of Chairman and the Vice Chairman of the Committee shall be open to all Chiefs of Police of West African countries, be they founding members or subsequent members.
- (2). The Police Chief of the host country shall be the Chairman of the Committee for a period of one (1)
- (3). He shall be assisted by a Vice Chairman who shall be elected among the members of by two-third majority for a term of office for one (1) year renewable, except the committee decides otherwise.
- (4). Members shall be called upon to stand for election as Chairman and Vice-Chairman. The candidate obtaining the largest number of votes for the post considered shall be elected.
- (5). During his term of office, the Chairman of the Committee shall be answerable to the Forum of Ministers responsible for police matters with regard to the implementation of regional directives to combat crime.
- (6). For routine administrative work the Chairman shall appoint one or more officials from his Executive Office to perform secretarial duties in conjunction with the Committee's Permanent Secretariat for the duration of his term of office.
- (7). If the Chairman is temporarily unable to fulfil his duties, the Vice-Chairman shall stand in for him. The Chairman or the Vice-Chairman shall notify the other members of the Committee of the interim.
- (8). If the position of Chairman becomes vacant, the new Chief of Police of the country of origin of the Chairman shall take over the presidency for the remainder of the term of office: The Chief of Police shall inform members of the Committee, Sub-Committees, the Committee's Secretariat and the Forum of Ministers of the new situation as soon as possible.
- (9). The procedure referred to in paragraph (8) above applies if the position of Vice-Chairman of the Committee becomes vacant.

Article 5 – The Committee

1. The terms; of office of Committee members is indefinite, except for the cases provided for in Article 14(2) and Article 15(1,a) and 15(1,b).
2. The Chairman shall convene an ordinary session of the Committee once a year unless it is decided otherwise.
3. However, extraordinary sessions may also be held when necessary.
4. The arrangements for convening and organizing the Committee sessions, choosing the host country and the composition of delegations shall be defined in the Committee's Rules of Procedure.

Article 6 – Technical organs

1. The WAPCCO shall be assisted by technical bodies. These are:
 - Two (2) standing technical Sub-Committees, the Sub-Committee on Harmonisation of Legislation and the Sub-Committee on Training and Co-ordination of Operational Activities;
 - A Permanent Secretariat

2. There shall be no limit on the number of bodies within the WAPCCO depending on co-operation requirements, the Committee may decide to set up other subsidiary bodies to assist it in fulfilling its missions as defined in Article 2 (2) of the present Constitution.

Article 7 – Sub-committee on harmonisation of legislation

1. The Sub-Committee on Harmonisation of Legislation shall be mainly composed of Police officials and possibly representatives from other national enforcement services appointed by the countries concerned. The subcommittee shall be placed under the authority of a co-ordinator elected from among the Subcommittee members for a period of one (1) year. Each country shall be represented on the Sub-Committee by one (1) official or several officials.
2. The Sub-Committee shall be responsible for, *inter alia*:
 - a) Questions relating to the implementation of the West African Police Co-operation Agreement;
 - b) Questions relating to the harmonisation of legislation with regard to the Specific types of crime affecting West Africa;
 - c) Monitoring and implementing recommendations made by the Committee and resolutions adopted by the Interpol General Assembly which concern international police co-operation;
 - d) Monitoring the implementation of service standards by West African NCBs.
 - e) Collecting and circulating information relating to the legal and practical conditions applying to co-operation missions and investigations carried out between West African police forces;

Article 8 – Sub-committee on Training and Co-ordination of Operational Police Activities

1. The Sub-Committee on Training and Co-ordination of Operational Police Activities shall be mainly composed of police officials and possibly representatives from other national law enforcement services appointed by the countries concerned. The Sub-Committee shall be placed under the authority of a co-ordinator elected from among the subcommittee members for a period of one (1) year. Each country shall be represented on the Sub-committee by one (1) official or several officials.
2. The Sub-Committee shall be responsible for, *inter alia*:
 - a) Training and harmonisation teaching programmes in the sub-region's police colleges;
 - b) Prompting international police co-operation at West African national police colleges and possibly Gendarmerie colleges;
 - c) Documenting, planning organising and supervising joint or simultaneous police operations against particular forms of crime.

Article 9 – Sub-Committee reporting

The Technical Sub-Committees referred to in Articles 5 and 6 shall report to the Chairman of the Committee at least twice yearly and as often as necessary through the Permanent Secretariat.

Article 10 – Permanent Secretariat

In addition to its Interpol status, the Interpol Sub-Regional Bureau (SRB) for West and Central Africa shall be designated as the Permanent Secretariat of the West African Police Chiefs Committee.

Article 11 – Aims and object of the Permanent Secretariat

In conformity with Article 10, the Permanent Secretariat, in conjunction with the technical Sub-Committees, shall be responsible for the following at West African level:

1. Analysing and assessing police information concerning the sub-region of West Africa;
2. Studying and providing regular reports on international crime in the sub-region;
3. Guaranteeing the exchange of information during large-scale investigative missions or specific joint operations organized in the sub-region;
4. Becoming involved in organizing regional and international meetings and conferences on crime in the sub-region;
5. Identifying new requirements and studying and making proposals for improving international police co-operation in the sub-region;
6. Coordinating Interpol activities with those of other international organisations in areas of mutual concern within the sub-region;
7. Developing initiative and encouraging practices likely to strengthen cooperation within the framework provided by the WAPCCO;
8. Such a framework shall not constitute an obstacle to bilateral agreements between countries whose nationals are members of the Committee.

Article 12 – Right to vote

Each member shall have the right to vote and shall have one vote.

Article 13 – Adoption of resolutions

1. The quorum required shall be half the number of the Committee members present plus one;
2. An absolute majority of the members shall be required for the approval of the resolutions pertaining to the adoption or amendment of the present Constitution as provided for in Article 17, and the adoption or amendment of the Rules of Procedure of the Committee, as provided for in Article 27.
3. All other resolutions must be adopted by a two-third majority of the Committee members present.

Chapter III

Membership of WAPCCO and loss of the right of membership

Article 14 – Membership of WAPCCO

- (1). Membership of the WAPCCO shall be open *ex-officio* to chiefs of Police of those West African countries, which are signatories to the present constitution or accede to
- (2). The right to join and be a member of WAPCCO shall be linked to the position of the Chief of Police. If a Committee member no longer holds that position, the right will be transferred to the new Chief of Police.

Article 15 – Loss of the right of membership

- (1). The right of membership shall be forfeited by any WAPCCO member who:
 - (a) Decides to resign from the committee
 - (b) No longer holds the position of national Chief of police, as referred to in Article 14 (2).
- (2). Letters of resignation shall be addressed to the Chairman or Vice Chairman who will inform other members immediately. The Committee shall take note of the decision of the resigning member.

Chapter IV Settlement of disputes

Article 16 – Procedure for settlement of disputes

1. Disputes linked to the functioning of the WAPCCO between Committee members or their respective police forces shall, irrespective of the reasons for the dispute, be settled within the WAPCCO through negotiation.
2. Negotiations to end a dispute shall be led by at least two (2) Committee members appointed for this purpose by the Chairman.
3. Should the Committee members thus appointed to lead negotiations fail to settle a dispute, they shall inform the Chairman who may intervene in person.
4. Should the Chairman himself be involved in a dispute, the next most senior member will appoint at least two members to settle the dispute.

Chapter V Final provisions

Article 17 – Amendment and entry into force

1. The present Constitution may be amended whenever necessary. Amendments may be proposed by any member and should be addressed to the Chairman of the WAPCCO through the Permanent Secretariat.
2. The present Constitution shall abrogate the resolution founding the WAPCCO which was adopted at the first meeting of West African Police Chiefs, held in Abuja in 1997.
3. The present Constitution shall enter into force when it is adopted and signed by the Members of WAPCCO.
4. The Executive Secretariat of ECOWAS is the depository for the present Constitution.

Done in Abuja, this 23rd day September of the year 2004, in three (3) originals in English, French and Portuguese languages, all texts being equally authentic.