

Economic Community of West African States, African Regional Bodies

## Regulation REG.28/12/06 Establishing National Monitoring Structures on Free Movement of Person on the Highways and at the Borders with ECOWAS Region

Legislation as at 19 December 2006

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Economic Community of West African States

## **Regulation REG.28/12/06 Establishing National Monitoring Structures on Free Movement of Person on the Highways and at the Borders with ECOWAS Region**

*Published in official journal 50 on 1 January 2007*

**Commenced in full**

*[This is the version of this document as it was at 19 December 2006 to 31 December 2006.]*

### **The Council of Ministers,**

MINDFUL of Articles 10,11, and 12 of the ECOWAS Treaty as amended in June 2006 establishing the Council of Ministers and defining its composition and functions,

MINDFUL of Article 59 of the Treaty committing Member States to take measures to ensure that community citizens fully enjoy their rights in the area of free movement within ECOWAS;

MINDFUL of Protocol A/P1/5/79 of 29 May 1979 on free movement of persons, right to residence and establishment;

MINDFUL of Decision A/DEC.2/7/85 of 6 July 1985 establishing an ECOWAS Travel Certificate

MINDFUL of Decision A/DEC. 1/5/2000 adopting the ECOWAS Passport

MINDFUL of the Final Communiqué of the twentyseventh session of the Authority of Heads of State and Government deploring the existence of numerous roadblocks which impede free movement of persons, the right of residence and establishment;

NOTING that harassments still exist on the highways and at the borders, in spite of the 30 years of awareness raising campaigns directed at border security agents and the citizenry;

CONSIDERING that fact-finding missions undertaken along the highways and at the borders of Member States have confirmed that the protocols on free movement of persons are not effectively implemented;

WISHING to address the concerns of Community citizens and to promote trade and investments in the sub-region;

DESIROUS therefore of creating monitoring structures on free movement of persons on the highways and at the borders of crucial importance in ECOWAS, as well as the coordination bureau with a view to attaining the objective of free movement of persons;

ON THE RECOMMENDATION of the meeting of Heads of Immigration Services of Member States held in Abuja, 26 - 27 October, 2006;

HAVING CONSIDERED the report relating to the sensitization mission on free movement of persons and good, undertaken in the Member States in November and December 2006 by the representative of the Chairperson of Council.

### **ENACTS**

#### **Article 1 – Establishment of units: Pilot phase**

- Member States shall establish Monitoring Units on free movement of persons at the border posts.
- A two-year pilot programme (2007 and 2009) covering the Lagos-Cotonou-Lomé-Accra-Abidjan-Ouagadougou-Bamako-Conakry corridors is hereby adopted.

## **Article 2 – Composition**

The monitoring units on free movement of persons shall comprise the following:

- Three (3) civil society representatives
- Three (3) private sector representatives
- National Members of the ECOWAS Parliament
- A government Lawyer
- One (1) representative of the ECOWAS National Unit

## **Article 3 – Mission**

The monitoring units on free movement of persons shall:

- compile a list of all ECOWAS basic texts on free movement of persons, right to residence and establishment and make them available to people from all walks of life;
- Popularize among police officers, gendarmes, customs and immigration officers and judicial officers, orders, decrees, laws, protocols and all other instruments relating to free movement of persons;
- determine the type of checks carried out;
- identify existing forms of harassment;
- note, denounce and prepare reports on breaches to free movement and expose those responsible so that appropriate sanctions can be imposed on them;
- monitor the application of sanctions;
- nominate for reward the best security agents who respect the right of citizens in the area of free movement
- plan and organize at border posts public awareness programmes on rights and duties relating to free movement of persons, right to residence and establishment;

## **Article 4 – Monitoring and application of sanctions**

The monitoring units on free movement of persons shall ensure the application of the sanctions imposed and report to the Commissioner for Trade, Customs and Free Movement of Persons who shall inform the Council of Ministers and the Authority of Heads of State and Government.

## **Article 5 – Establishment of a coordination bureau**

To enable the pilot units located along the Cotonou-Lomé-Accra-Abidjan, Ouagadougou-Bamako-Conakry corridors to effectively pursue their objective, a co-ordination bureau for the pilot units is hereby established.

## **Article 6 – Objectives of the coordination bureau**

The coordination bureau shall:

- ensure that the pilot units strictly comply with their terms of reference;
- carry out periodic evaluation of the performance of the pilot units;
- provide basic training for the members of the pilot units on the community law on free movement of persons, right to residence and establishment;

- provide pilot units with documentation or and other tool necessary for the realization of their activities;
- prepare consultative meetings to enable the various units to exchange good practices so as to identify problems and find solutions to them.

### **Article 7 – Resources of the pilot units and the coordination bureau**

The Commission shall provide the pilot units and the coordination bureau with human, financial and material resources to enable them to attain their objectives.

### **Article 8 – Extension of the units**

At the end of the 2007-2009 pilot phase, and after evaluation of progress, the Council of Ministers shall replicate the monitoring units on the free movement of persons at other major borders.

### **Article 9**

This Regulation shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall also be published within the same time frame in the National *Gazette* of each Member State.

Done at Ouagadougou, this 19th day of December, 2006

Hon. Aichatou Mindaoudou,

Chairperson, for the council.