

Economic Community of West African States, African Regional Bodies

Protocol A/P2/8/94 Relating to the Community Parliament

Legislation as at 6 August 1994

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Protocol A/P2/8/94 Relating to the Community Parliament
 Contents

Article 1 – Definitions 1

Article 2 – Structure 2

 Paragraph 1. 2

 Paragraph 2. 2

Article 3 – Designation 2

Article 4 – Seat of the Parliament 2

Article 5 – Composition 2

Article 6 – Competence 3

 Paragraph 1. 3

 Paragraph 2. 3

 Subparagraph (a) 3

 Subparagraph (b) 3

 Subparagraph (c) 3

 Subparagraph (d) 3

 Subparagraph (e) 3

 Subparagraph (f) 3

 Subparagraph (g) 3

 Subparagraph (h) 3

 Subparagraph (i) 3

 Subparagraph (j) 3

 Subparagraph (k) 3

 Subparagraph (l) 3

 Subparagraph (m) 3

Article 7 – Election, terms of office and vacancies 3

 Paragraph 1. – Election 3

 Subparagraph (i) 3

 Subparagraph (ii) 3

 Subparagraph (iii) 4

 Subparagraph (iv) 4

 Subparagraph (v) 4

 Paragraph 2. – Terms of office 4

 Subparagraph (i) 4

 Subparagraph (ii) 4

 Paragraph 3. – Vacancies 4

Article 8 – Written decalaration	4
Paragraph 1.	4
Article 9 – Immunity	4
Paragraph 1.	4
Paragraph 2.	4
Paragraph 3.	4
Paragraph 4.	4
Article 10 – Allowance	4
Article 11 – Voting	4
Paragraph 1.	4
Paragraph 2.	4
Article 12 – Incompatibility	5
Article 13 – Sessions of the Parliament	5
Paragraph 1. – Ordinary Sessions	5
Subparagraph (a)	5
Subparagraph (b)	5
Paragraph 2. – Extraordinary Sessions	5
Subparagraph (a)	5
Subparagraph (b)	5
Paragraph 3.	5
Article 14 – First Session	5
Paragraph 1. – Convening of Parliament	5
Subparagraph (a)	5
Subparagraph (b)	5
Subparagraph (c)	5
Paragraph 2. – First meeting	5
Subparagraph (a)	5
Subparagraph (b)	5
Subparagraph (c)	6
Subparagraph (d)	6
Subparagraph (e)	6
Subparagraph (f)	6
Subparagraph (g)	6
Subparagraph (h)	6
Subparagraph (i)	6

Article 15 – The Speaker	6
Article 16 – Bureau	6
Paragraph 1. – Composition	6
Subparagraph (a)	6
Subparagraph (b)	6
Paragraph 2. – Order of precedence	6
Article 17 – Public attendance	6
Article 18 – Budget of the Parliament	6
Paragraph 1.	6
Paragraph 2.	6
Article 19 – Rules of Procedure	6
Article 20 – Official languages	7
Article 21 – Amendments	7
Paragraph 1.	7
Paragraph 2.	7
Paragraph 3.	7
Article 22 – Entry into force	7
Paragraph 1.	7
Paragraph 2.	7
Paragraph 3.	7

Economic Community of West African States

Protocol A/P2/8/94 Relating to the Community Parliament

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Commenced

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The High Contracting Parties

MINDFUL of Article 7 of the Revised Treaty of the Economic Community of West African States establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of the provisions of Article 6 Paragraph 1 and of Article 13 of the Revised Treaty relating to the establishment of the Community Parliament;

AWARE that the integration of Member States into a viable regional community requires, for the settlement of issues, the will of Member States to take all necessary measures for the success of such an enterprise;

CONVINCED that the Community Parliament as a forum for dialogue, consultation and consensus for representatives of the peoples of the Community, can effectively promote integration;

RECALLING the ECOWAS Declaration of Political Principles adopted by the Authority of Heads of State and Government at its fourteenth ordinary session held in Abuja from 4 to 6 July, 1991;

DESIROUS of concluding a Protocol defining the structure, composition, competence, and other matters relating to the Community Parliament;

HEREBY AGREE AS FOLLOWS:

Article 1 – Definitions

In this Protocol, the following expressions shall have the meanings assigned to them hereunder:

"**Authority**" means Authority of Heads of State and Government of the Community referred to under Article 7 of the Revised Treaty;

"**Bureau**" means officers of the Parliament elected into a body in accordance with Articles 14 and 18 of this Protocol;

"**Chairman of the Authority**" means the current Chairman of the Authority of Heads of State and Government of the Economic Community of West African States;

"**Community**" means the Economic Community of West African States referred to under Article 2 of the Revised Treaty;

"**Community Citizen**" or "Community Citizens" means any person who is a national of a Member State in accordance with the conditions stipulated in Protocol A/P3/5/82 relating to the defining of Community Citizens;

"**Council**" means the Council of Ministers of the Community referred to under Article 10 of the Revised Treaty;

"**Executive Secretary**" means the Executive Secretary of the Community appointed in accordance with Article 18 of the Revised Treaty;

"**Executive Secretariat**" means the Executive Secretariat referred to under Article 17 of the Revised Treaty;

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

"**Member of Parliament**" or "Members of Parliament" means one or more representatives elected in accordance with Article 7 of this Protocol;

"Parliament" means the Community Parliament established in accordance with Article 13 of the Revised Treaty;

"Representative" or "Representatives" is the title of a member or members of the Community Parliament;

"Speaker" means the member of the Community Parliament elected to conduct its business in accordance with Article 15 of this Protocol;

"Treaty" means the Revised Treaty of the Economic Community of West African States signed in Cotonou on 24 July, 1993 and includes Protocols and Conventions relating thereto.

Article 2 – Structure

1. The Parliament shall be the Assembly of the peoples of the Community.
2. Members of the Parliament shall be deemed to represent all the peoples of the Community. They shall be known as "Representatives".

Article 3 – Designation

The House of Representatives of the Peoples of the Community shall be designated;

- "Community Parliament"

Article 4 – Seat of the Parliament

The Seat of the Parliament shall be determined by the Authority.

Article 5 – Composition

The Parliament shall be composed of one hundred and twenty (120) seats.

Each Member State shall have a guaranteed minimum of five (5) seats.

The remaining forty (40) seats shall be shared on the basis of population.

Representation for each Member State shall be as follows:

- Benin - five (5) seats
- Burkina Faso - six (6) seats
- Cape Verde - five (5) seats
- Cote d'Ivoire - seven (7) seats
- Gambia - five (5) seats
- Ghana - eight (8) seats
- Guinea - six (6) seats
- Guinea Bissau - five (5) seats
- Liberia - five (5) seats
- Mali - six (6) seats
- Mauritania - five (5) seats
- Niger - six (6) seats
- Nigeria - thirty-five (35) seats

- Senegal - six (6) seats
- Sierra Leone - five (5) seats
- Togo - five (5) seats

Whenever necessary, the number and distribution of seats shall be reviewed by the Authority on its own initiative or on the recommendation of the Parliament.

Article 6 – Competence

1. The Parliament may consider any matter concerning the Community, in particular issues relating to Human Rights and Fundamental Freedoms and make recommendations to the Institutions and Organs of the Community.
2. The Parliament may be consulted for its opinion on matters concerning the Community.

The opinion of the Parliament shall be sought in the following areas;

- (a) interconnection of the communications links between Member States so as to make free movement of persons and goods effective;
- (b) interconnection of telecommunications systems to form an effective Community network with the maximum possible number of extensions to the rural areas to make them more accessible;
- (c) interconnection of energy networks;
- (d) increased cooperation in the area of radio, television and other media links within the Community and between the Community and the rest of the world, development of national communications systems to form an integrated, effective Community system with its own programmes;
- (e) public health policies for the Community;
- (f) common educational policy through harmonisation of existing systems and specialisation of existing universities; adjustment of education within the Community to international standards;
- (g) youth and sports;
- (h) scientific and technological research;
- (i) Community policy on environment;
- (j) Treaty review;
- (k) Community citizenship;
- (l) social integration;
- (m) respect for human rights and fundamental freedoms in all their plenitude.

Article 7 – Election, terms of office and vacancies

1. Election

- (i) Representatives and their alternates shall be elected by direct universal suffrage by citizens of Member States;
- (ii) Pending the time Members of Parliament are elected by direct universal suffrage, the National Assemblies of Member States or their equivalent institutions or organs shall elect such Members from amongst themselves.

The duration of the transitional period shall be determined by the Authority.

- (iii) The Executive Secretary shall be notified of the election of Representatives and their alternates;
- (iv) Representatives and their alternates shall be eligible for re-election;
- (v) Parliament shall verify the credentials of its Members.

2. Terms of office

- (i) Representatives shall be elected for a period of five years from the day of swearing-in. Their mandate shall, without any exception, end on the last day of the legislature.
- (ii) For the duration of the transition period Representatives who are not re-elected at the national level shall remain in office until the new Representatives from their respective Member States take up their positions.

3. Vacancies

Any vacant seat shall be filled by the first nonelected candidate registered on the same list containing the name of the out-going Member of Parliament.

Article 8 – Written declaration

1. Members of the Community Parliament shall, before assuming duty, sign the following written declaration: "I declare on my honour that I will faithfully serve the interest of the peoples of the Community and that I will not submit to any direct or indirect pressure from any Member State or group".

This declaration which shall be (in writing and) signed by every Representative shall be recorded in the proceedings of the Parliament and may be referred to as and when necessary.

Article 9 – Immunity

1. Representatives shall enjoy Parliamentary immunity in all the Member States of the Community. Therefore, no Representative may be prosecuted, summoned, arrested, detained or sentenced on account of opinions expressed or vote cast by him in the exercise of his duty.
2. While Parliament is in session, and except in case of flagrante delicto, no Member can be prosecuted or arrested for criminal or penal action without clearance from the Parliament.
3. While Parliament is on recess, and except in a case of flagrante delicto, duly established, suits or confirmed sentence, no Member of Parliament can be prosecuted or arrested without clearance from the Bureau of the Parliament.
4. The Parliament can, through a two-thirds majority vote, request from the competent authority the suspension of a detention order on or a suit against a Member of Parliament.

Article 10 – Allowance

Representatives shall be paid a parliamentary allowance which shall be fixed by the Authority.

Article 11 – Voting

1. Members of Parliament shall vote personally and on their own conviction. They shall not be bound by any instructions or mandate.
2. The Rules of Procedure of the Parliament shall exceptionally authorize the delegation of vote. Where this is done, no one shall be allowed to be delegated for more than one mandate.

Article 12 – Incompatibility

The post of the Member of the Community Parliament shall not be held concurrently with the following:

- members of government, the constitutional council, the supreme court of a Member State;
- members of Courts and Tribunals of the Member States;
- judge, lawyers or registrar in the Community Court of Justice and the Community Court of Arbitration;
- member of any institution created in application of the Revised Treaty, to administer the Community's funds or a permanent task directly connected with a serving officer in the ECOWAS Institutions, or any other post in an International Organisation;
- all other civil and public servants in Member States.

Article 13 – Sessions of the Parliament

1. Ordinary Sessions

- (a) Sessions shall cover a maximum period of three months during which the Parliament shall sit. Parliament shall meet at least twice a year in Ordinary Session. Sessions shall be convened by the Bureau, subject to the provisions of Article 14 of this Protocol.
- (b) Conduct of Ordinary Sessions of Parliament shall be governed by the Rules of Procedure.

2. Extraordinary Sessions

- (a) Parliament may also meet in Extra-ordinary Session to discuss a specific agenda:
 - either at the initiative of the current Chairman of the Authority;
 - or at the express request in writing of an absolute majority of Members addressed to the Speaker.
- (b) Conduct of Extra-ordinary Session of Parliament shall be governed by the Rules of Procedure. These sessions shall end once the agenda is exhausted.

3. The Executive Secretary shall attend or ensure that he is represented at all meetings of Parliament.

Article 14 – First Session

1. Convening of Parliament

- (a) The first meeting of the Parliament shall be convened by the current Chairman of Authority upon the recommendations of the Executive Secretary.
- (b) The Executive Secretary shall, upon the entry into force of the Revised Treaty establishing the Parliament, request Member States to take action in accordance with Article 7 of this Protocol.
- (c) The Executive Secretary shall, upon receiving the names of at least three quarters of the Members of Parliament forwarded by the States convene the constituent meeting of the Parliament upon consultations with the current Chairman of Authority.

2. First meeting

- (a) The first meeting of the Parliament shall be chaired by the oldest Member. The youngest Member shall act as Secretary.
- (b) The Chairman of the meeting shall instruct that a roll-call of the meeting be taken.

- (c) The Chairman of the meeting shall call on the Parliament to elect its Speaker.
- (d) Nominations shall be called for in plenary session and voting shall take place by secret ballot.
- (e) The Speaker of Parliament shall be elected by a two-thirds majority of Members of Parliament at the first round of voting, by an absolute majority of voting Members at the following rounds at which only the two candidates who obtained the highest number of votes can be presented.
- (f) The Speaker shall be elected for the life of the Parliament.
- (g) The Chairman of the meeting shall thereafter call on the elected member to take his seat as the Speaker and preside over the deliberations.
- (h) Parliament shall adopt its rules of procedure by a two-thirds majority.
- (i) The Speaker shall then initiate the election of other officers of the Bureau.

Article 15 – The Speaker

The Speaker shall direct the business of the Parliament and its organs. He presides over meetings and conducts the debates in accordance with the provisions of the Rules of Procedure.

Article 16 – Bureau

1. Composition

- (a) The Bureau shall comprise a Speaker, Deputy Speakers, Treasurers and Parliamentary Secretaries. The number of Deputy Speakers, Treasurers and Parliamentary Secretaries shall be determined in accordance with the Rules of Procedure. The General Secretary shall be nominated by the Speaker after consultation with the Bureau.
- (b) With the exception of the Speaker, members of the Bureau shall be elected for a period of one year. They shall be eligible for re-election.

2. Order of precedence

The order of precedence for Members of the Bureau shall be determined in accordance with the Rules of Procedure.

Article 17 – Public attendance

Debates in the Parliament shall be open to the public unless otherwise directed by the Speaker. Verbatim reports of the proceedings shall be published in the Official Journal of the Community. Summary reports of the proceedings shall also be published in the National *Gazette* of each Member State.

Article 18 – Budget of the Parliament

- 1. Parliament shall have financial autonomy.
- 2. The preparation and execution of its budget shall be in accordance with the Financial Regulations and Manual of Accounting Procedure of the Community.

Article 19 – Rules of Procedure

All matters not provided for in this Protocol shall be determined by the Rules of Procedure.

Article 20 – Official languages

The official and working languages of the Parliament shall be those specified in the ECOWAS Treaty.

Article 21 – Amendments

1. Any Member State or the Speaker may, after consultation with the Bureau, submit proposals for amendment of this Protocol.
2. All proposals shall be transmitted to the Executive Secretary who shall forward them to the Member States and the Speaker within forty-five (45) days of receipt.
3. Such amendments shall be examined by the Authority on the expiration of forty-five (45) days notice given to Member States.

Article 22 – Entry into force

1. This Protocol shall enter into force upon ratification by at least nine (9) signatory States in accordance with the constitutional regulations in force in each signatory State.
2. This Protocol and all its instruments of ratification shall be deposited with the Executive Secretariat of the Community which shall transmit certified true copies of the Protocol to all Member States, notify them of the date of deposit of the instruments of ratification and register the Protocol with the Organisation of African Unity, the United Nations and any other Organisation which may be determined by Council.
3. This Protocol is annexed to the Treaty and shall form an integral part thereof.

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 6th day of August, 1994.

In single original in English, French and Portuguese languages, all texts being equally authentic.