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• THIRTY FIRST SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT
19TH JANUARY 2007. OUAGADOUGOU, BURKINA FASO

• FIFTY-SEVENTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS
18TH-19TH DECEMBER 2006. OUAGADOUGOU, BURKINA FASO

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OF THE THIRTY-FIRST SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT, 19TH JANUARY 2007, OUAGADOUGOU, BURKINA FASO	

SUPPLEMENTARY ACT A/SA.1/01/07 ON THE HARMONIZATION OF POLICIES AND OF THE REGULATORY FRAMEWORK FOR THE INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) SECTOR

THE HIGH CONTRACTING PARTIES;

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

MINDFUL of Article 33 of the said Treaty, which provides that Member States shall, in the area of telecommunications, develop, modernize, coordinate and standardize their national telecommunication networks in order to provide reliable interconnection among Member States, and shall coordinate their efforts with a view to mobilizing national and international financial resources through participation of the private sector in the provision of telecommunication services;

MINDFUL of Decision A/DEC.14/01/05 on the adoption of a regional telecommunication policy and development of GSM regional roaming in the ECOWAS Member States;

MINDFUL of Decision A/DEC.11/12/94 on the establishment of an ECOWAS technical advisory committee on telecommunication regulation;

CONSIDERING that the Community has resolutely embarked upon a process of liberalizing telecommunication services and infrastructures by 2007;

CONSIDERING that this liberalization process is giving rise to flourishing markets calling for a framework that is conducive and attractive to investment;

DESIROUS of adopting a harmonized information and communication technology (ICT) policy framework in the West African sub region;

ON THE PROPOSAL of the meeting of Ministers in Charge of Telecommunication held in Abuja on 11th May 2006;

ON THE RECOMMENDATION of the fifty-seventh session of the Council of Ministers held in Ouagadougou from 18 to 19 December 2006.

AGREE AS FOLLOWS:

**CHAPTER 1:
DEFINITIONS, OBJECTIVES AND SCOPE**

**Article I:
Definitions**

1. For the purposes of this Supplementary Act, the following definitions shall apply:

Authorization: Administrative Act (individual license, concession contract or general authorization) which grants a set of rights and obligations to an entity and grants the entity the right to establish and exploit telecommunication networks or offer telecommunication services.

Allocation (of a frequency band): Entry in the Table of Frequency allocations of a given frequency band for the purpose of its use by one or more terrestrial or space radiocommunication services or the radio astronomy service under specified conditions. This term shall also be applied to the frequency band concerned.

ARTAO: West Africa Telecommunications Regulators Assembly (WATRA)

Assignment (of a radio frequency or radio frequency channel): Authorization given by an administration for a radio station to use a radio frequency or radio frequency channel under specified conditions.

National Regulatory Authority: the agency, or one of several agencies, to which a Member State has given responsibility for performing any of the regulatory functions referred to in this Supplementary Act.

Authority: as defined in Article 7 of the ECOWAS Treaty.

Council: the Council of Ministers as established pursuant to Article 10 of the ECOWAS Treaty.

Consumer: a natural person who uses or requests a publicly accessible telecommunication service for non-business purposes.

Supplementary Acts: Specific Supplementary Acts relating to interconnection, legal Regime applicable to network operators and service providers, numbering, spectrum management, and universal service.

Telecommunication equipment: equipment, including hardware and software, used to provide telecommunication services.

Terminal equipment: any equipment intended to be connected, directly or indirectly, to a termination point of a telecommunication network for purposes of the transmission, processing or receipt of information. This does not include equipment for accessing radio or television broadcasting services intended for the public which are transmitted over the air, by cable or by other means of communication, except where such equipment can also be used to access telecommunication services.

Member State: a State Party to the ECOWAS Treaty, as provided for in the preamble thereto.

Essential requirements: requirements necessary to guarantee the following, in the general interest:

- the safety of users and of personnel operating telecommunication networks;
- the protection of networks, and particularly the protection of exchanges of control and management information pertaining to networks;
- the interoperability of networks, services and terminal and the protection of data;
- where applicable, the proper and efficient utilization of the radio spectrum;
- environmental protection, town planning and regional development issues.

Service provider: any natural or legal person that provides a telecommunication service to the public.

Provision of a telecommunication network: the setting up, operating, overseeing or making available of a telecommunication network.

Information and communication enterprise: any entity:

- a) that executes a commercial agreement or
- b) that is engaged in a business activity having a connection to information and communication technologies.

Information: signs, signals, writing, images, sounds or information of any other kind which

make up the content transmitted by means of communication processes including telecommunication processes.

Installation: any equipment, apparatus, cable, radio or optical system, item of infrastructure or technical device that may be of use to information and communication technologies, or any other operation directly related thereto.

Interoperability of networks and terminal equipment: the ability of equipment to function, first, with the network, and, second, with other terminal equipment that can be used to access the same service.

License: the administrative document (including individual license, concession class license) permitting the operation of a network or the provision of communication services or the use of the radio-frequency spectrum.

Message: communication of any kind in the form of words, sound, data, text, visual image, signal or code, or in any other form or combination of forms.

Minister or ministry: except where otherwise stated, the minister or ministry in charge of information and communication technologies within the government of the ECOWAS Member State.

Operator: any juridical person operating a telecommunication network that is open to the public, or providing a telecommunication service to the public.

Legal person: a legal entity consisting of a natural person, society, association, joint venture, trust or corporation.

Radio-communication: any emission, broadcasting, transmission or reception of radio waves specifically for telecommunication purposes.

Broadcast: any radio-communication whose emissions are intended to be received by the public.

Telecommunication network: any installation or group of installations that provides for the transmission or routing of telecommunication signals, and for the exchange of control and management information relating thereto, between the network's termination points.

Commission: the Commission of ECOWAS.

Telecommunication service: the service, usually provided on a fee-paying basis, which consists wholly or primarily of transmitting or routing signals over telecommunication networks, or a combination of those functions, including transmission services over networks used for broadcasting, but which excludes services consisting of providing content with the aid of telecommunication networks or services or of exercising editorial responsibility with respect to such content.

Information and communication services: services that involve the use of information and communication technologies, including telecommunication services.

Information and communication technologies (ICTs): technologies used to gather, store, use and send information, including technologies that involve the use of computers or any communication system, including any telecommunication system.

Telecommunication: any transmission, emission or reception of signs, signals, writing, images, sounds or information of any kind by wire, by optical means, by radio, or by any other electromagnetic system.

Treaty: the ECOWAS Treaty, as revised on 24 July 1993 and in June 2006.

UEMOA: the West African Economic and Monetary Union (WAEMU).

User: any natural or juridical person that uses or requests a telecommunication service that is open to the public.

End user: a user that does not provide public telecommunication networks or publicly accessible telecommunication services.

- Any terms contained in this Supplementary Act that are not defined in paragraph 1 above shall have the meanings given to them in the Treaty.

Article 2:

Objectives, scope and periodic review

- The aim of this Supplementary Act is to establish a harmonized framework for information and communication technology (ICT) policy and regulation. It establishes the responsibilities of Member States and their

respective national regulatory authorities by setting out the central principles of ICT policy and regulatory guidelines. It is supplemented by five further Supplementary Acts dealing with specific aspects of the ICT sector and focusing on the telecommunication sector in particular. It establishes a series of procedures aimed at assuring the harmonized application of the regulatory framework throughout ECOWAS.

- The provisions of this Supplementary Act shall not apply to regulations in the area of broadcasting policy and content.
- The provisions of this Supplementary Act and other Supplementary Acts will be re-examined periodically, with a view to determining whether they need to be amended to take account of new developments in the area of ICTs and/or ICT markets.

CHAPTER II: GUIDELINES FOR A POLICY FOR INFORMATION AND COMMUNICATION TECHNOLOGIES

Article 3:

Development and scope of ICT policy

- The Member States shall ensure that, in developing and defining their national ICT policies, they take into account all social, economic, legal and policy information so as to set up a suitable policy and realistic objectives.
- To this end, the Member States shall refrain from including an excessive number of items and sectors in the scope of the policy, and from the outset focus the national ICT policy on the industry itself.

Article 4:

Importance of a clear policy

The Member States shall ensure that a clear ICT policy is put in place, by identifying objectives, which will be translated into policy, and then into legal rules of a legislative or regulatory nature, to be applied by the regulatory body.

Article 5:

Objectives of ICT policy

- The Member States shall ensure that the national ICT policy has the following objectives:

- a) creation of an environment that is propitious to the sustainable dissemination and development of ICTs;
- b) establishment of a strong, stable and competitive ICT industry in the country and the region, respectively;
- c) growth in existing services and in the range of new services and installations that are available;
- d) provision of affordable, broadly available, top-quality services;
- e) access to ICTs, by application of the principle of technology neutrality throughout the territory of the Member States;
- f) development and institution of appropriate policies and programs for universal access, with, for example, some of the key actions which can help in the further development of a national information infrastructure and the achievement of universal access objectives: provision of broadband capacity, availability of services at affordable costs, availability of services at affordable costs, provision of standards to address reliability and redundancy issues, ensuring adequate capacity to provide service on demand, accessibility of services by the large majority of consumers, facilitating the delivery of a wide range of value-added services, facilitating the chance to access information;
- g) attracting investment in the sector;
- h) encouraging innovation, development and utilization of new technologies;
- i) optimization of countries' limited resources, such as the radio spectrum and numbering space;
- j) promoting information sharing, transparency and accountability, and reducing bureaucracy within and between organizations, and towards the public at large;
- k) attaining a specified minimum level of information technology resources for educational institutions and government agencies;
- l) development of expertise, in the individual countries and within the region, in setting up and managing ICTs;
- m) promotion and increase of ICT use by providing individuals and organizations with a minimum level of ICT knowledge and high-quality training;
- n) assistance in understanding information technology, its development and its cross-disciplinary impact;
- o) promotion of local content development.

Article 6:

Governance principles for the ICT sector

In order to adopt an acceptable and sustainable ICT policy for the entire Community, the Member States shall ensure that the authorities responsible for defining and developing such a policy take the necessary steps to ensure good governance in the sector, by means of the following.

- a) Promotion of stakeholder awareness, by:
 - promoting stakeholder participation and constitution-building throughout society;
 - introducing internet at the earliest possible stage in school programs.
- b) Ensuring broad-based stakeholder participation and planning, by:
 - promoting ICTs through workshops, seminars, media events and pilot projects to show the practical benefits of ICTs;
 - cultivating ICT champions.
- c) Political buy-in and championing on a local and national level, by:
 - ensuring communication between interested parties, such as the regulator, ministries, operators, the private sector, NGOs, beneficiaries;
 - ensuring participation and buy in at the local level;
 - ensuring that ICT policy is tailored to the realities of the market, by analyzing the situation in advance and involving local players in the process.
- d) Coordination with other policies/priorities by focusing on the objectives of ICT policy without ignoring the synergy between sectors.
- e) Relevance and usefulness of policy and projects, by
 - aiming for innovation;

- defining targets, such as internet to municipalities, broadband to rural areas, etc.
 - f) Transparent decision-making procedures, by
 - adopting transparent decision-making and rule-making procedures relating to ICT policy and regulation;
 - consulting the public so as to ensure a transparent rule-making and decision-making process.
 - g) Sustainability of projects, by
 - ensuring adequate training;
 - taking account of realities in the technologies introduced through ICT initiatives;
 - having appropriate timing.
 - h) The regional and international framework, thanks to the policy of coordination with other initiatives in the region and globally.
- a) develop and review ICT policies consistent with the purposes of the present Supplementary Act;
 - b) be responsible for matters of international telecommunications affecting the country;
 - c) propose a policy related to the provision of universal service and submit it to the Government for approval;
 - d) follow up the implementation of this policy for the purpose of expanding the scope of coverage of ICT services, both horizontally and vertically, in such a way as to meet the requirements of economic and social development in the country, and draw up plans that encourage investment, on a competitive basis, in the ICT sectors.

**CHAPTER III:
INSTITUTIONAL FRAMEWORK
FOR THE ICT SECTOR**

**Article 7:
Cooperation at the level
of the institutional framework**

The Member States shall ensure that sufficient attention is paid to the institutional framework governing ICT policies, by ensuring that cooperation is set up between the various bodies responsible for the sector, so as to make administration of sector activities efficient.

**Article 8:
Allocation of tasks**

The Member States shall ensure that the responsibilities and terms of reference of each member of the institutional framework are clearly defined so as to avoid any uncertainty regarding the allocation of tasks. To this end, the allocation of tasks must be reflected in national regulations that apply to the ICT sector, so that the relations between the different entities can be determined, along with the credibility of the members in the performance of their tasks.

**Article 9:
ICT policy function**

The Member States shall ensure that the national ICT policy performs the following functions, which fall within the remit of the responsible Minister:

**Article 10:
Regulatory guidelines**

1. The Member States shall ensure that ICT regulations set for the manner in which the national ICT policy is to be applied, and in particular:
 - a) by defining the basic regulatory principles (for example the right to access) and processes (for example, licensing);
 - b) by providing the statutory foundation and mandate for the sector's institutions (for example, consultative and regulatory bodies);
 - c) by specifying the regimes under which the regulator operates and which define its functions and degree of independence, and also detail the legal principles that lead to the implementation of policy and policy objectives, such as tariff structures and universal access programs.
2. The Member States shall ensure that regulatory functions for the sector are performed by the national regulatory authorities in an independent, proportionate, impartial and transparent manner with a view to achieving the following objectives:
 - a) Adoption of the principle that regulation should be technology-neutral, and therefore a prohibition against granting unjustified advantage to any particular technology.

- b) Gradual creation of an open and competitive market for telecommunication networks and services, with:
- full respect for the interests of users, as regards choice, price, quality and returns;
 - prevention of any distortion and restriction of competition in the telecommunication sector, with due allowance for ongoing transitional regimes;
 - encouragement of rational investment in the infrastructure;
 - efficiency in the allocation and assignment of limited resources.
- c) Development of the interior market:
- by watching over the transition of the Member States towards the elimination of barriers;
 - by facilitating the installation and development of trans-national networks and interoperability of services within ECOWAS;
 - by ensuring that, in similar circumstances, there is no discrimination in the treatment accorded to operators and providers of telecommunication services, with due allowance for ongoing transitional regimes;
 - by letting the information society develop within ECOWAS: with the growth of the telecommunication infrastructures, provide support for content services, including broadcasting content.
- d) Support the interests of the population and the struggle against poverty within ECOWAS:
- by supporting the construction of universal access to telecommunication services in accordance with the terms of the Supplementary Act on universal access/service;
 - ensuring a high level of protection of personal data and privacy;
 - requiring transparency of tariffs and conditions for using telecommunications services, addressing the needs of specific social groups, such as low-income groups, people living in isolated rural areas, and disabled persons.

CHAPTER IV: NATIONAL REGULATORY AUTHORITIES

Article 11:

Status, independence transparency of the national regulatory authorities

1. The Member States shall ensure that the national regulatory authorities exercise their powers in an impartial and transparent manner.
2. Member States shall guarantee the independence of the national regulatory authorities with respect to the political authorities and all organizations providing telecommunications networks, equipment or services, or otherwise active in the sector, by ensuring that the former are legally distinct from and functionally independent of the latter.
3. Those Member States that retain ownership or control of companies that provide telecommunication networks or services shall ensure complete and effective separation of the regulatory function from the activities associated with ownership or control.
4. The Member States shall take the necessary steps to guarantee the following:
 - a) clear, precise terms of reference for the national regulatory authorities and decision-making bodies;
 - b) clear, transparent internal procedures for the national regulatory authorities, including:
 - decision-making procedures for the decision-making bodies of the national regulatory authorities,
 - decision-sharing among the deliberative bodies,
 - incompatibility of the functions of the members of decision-making bodies with any other activity in the sector,
 - prohibition on staff members taking on any other paid work or holding any direct or indirect interest in any company in the sector,
 - staff recruiting and nomination of leadership on the basis of a transparent procedure by which candidates are invited to apply on the strength of relevant experience in the ICT domain and demonstrated professional qualifications,
 - establishment of a fixed

remuneration scheme for the members of the decision-making bodies,

- prohibition on members being re-appointed more than once,
 - protection of members against dismissal except in the case of demonstrated grave misconduct;
- c) the creation of transparency mechanisms and the distribution of procedures for consultation with the sector players, giving interested parties an opportunity to bring forward their observations on proposed measures within a reasonable time-frame, as well as creation of a central information desk to give access to all of the ongoing consultation exercises and publish the results of public consultations, except in specifically described cases where confidentiality is an issue;
- d) creation of provisions to ensure that these tasks are only performed by duly sworn persons;
- e) publication of an annual report of activities.
- f) the publication of all decisions of regulatory authority in the Official Journal of the Member State concerned or in an official regulatory authority publication or by any other relevant means.

Article 12:

The resources of the national regulatory authorities

- 1 The Member States undertake to do what is necessary to give the national regulatory authorities the financial and human resources they need to perform their tasks in an impartial, autonomous and transparent manner.
- 2 The Member States undertake to give preference to self-financing schemes for the national regulatory authorities, and to provide for all or a portion of the operator contributions, fees and other financial compensation paid by the operators to be allocated to their work in this sector. In any event, the funding systems for the national regulatory authorities must not have the effect of restoring the influence and the interests of organizations that were supposed to be kept at arm's length through the separation of the regulatory and operating functions.

Article 13:

Areas of activity of the national regulatory authorities

- 1 The Member States shall inform the Commission of the Community of the existence of any national regulatory authorities charged with the application of the present Supplementary Act, the implementation measures relating thereto, and their respective responsibilities, taking care to avoid overlapping tasks.
- 2 The Member States shall publish the tasks to be performed by the national regulatory authorities in a readily accessible form, particularly in cases where different bodies have been entrusted with those tasks.
- 3 The Member States shall ensure that the following regulatory tasks are performed by the respective national regulatory authorities:
 - a) developing, at the request of the relevant government authority or at the initiative of the national agency, proposals to:
 - adapt the legal, economic and security framework in which ICT activities take place, such as draft laws, decrees and ministerial directives relating to the regime of activities for the different operators active in the ICT sector, and
 - ensure effective competition, with technology-neutral regulation wherever possible;
 - b) processing license applications, preparing and carrying out licensing procedures by competitive bidding, and preparing and updating, in consultation with the other ministerial bodies involved, the texts for the licensing terms of reference that lay down the rights and obligations of public telecommunication network operators;
 - c) accepting the preliminary files for telecommunication activities requiring authorization. The national regulatory authorities must deliver authorization and prepare the associated documents, including the terms and conditions for authorization;
 - d) delivering registration and verification certificates, for all those activities of

- operators and service providers that are subject to a requirement for declaration;
- e) delivering mandatory specifications and approvals for terminal equipment and verifying conformity;
- f) monitoring compliance with existing regulations and terms of licenses, authorizations and declarations granted in the ICT sector. To this end, the national regulatory authorities will receive and study all information and documentation required from the operators of telecommunication networks and services under the terms of their licenses and terms of reference, and request any additional information that may be needed;
- g) monitoring the ICT industry under economic and technical aspects, in accordance with normal practice and internationally recognized protocol, taking into account technology convergence in the ICT domain;
- h) fostering and protecting effective competition and a fair and efficient market between the organizations involved in the ICT industry in their respective countries, duly taking into account the public interest and preventing distortion and restriction of competition in the ICT sector;
- i) establishing, for operators, performance standards relating to the provision of ICT services, and monitoring compliance with those standards;
- j) conducting monitoring, and submitting reports to the responsible Minister, on information relating to the sector, such as the performance of the public operators, the quality of consumer services, and consumer satisfaction, measured according to existing international codes of practice;
- k) dealing with all questions relating to the protection of the interests of consumers, which includes setting up a suitable system for receiving consumer complaints, the conduct of investigations, concerning ICT services, and submission of such complaints to the appropriate agency, where required;
- l) the fulfilment, by the public operators, of their obligations as promulgated, so as to ensure that adequate, high-quality, affordable services meeting the various needs of the consumers are being delivered;
- m) elaborating and, if necessary, revising the accounting requirements and tariff principles to be used by operators and service providers;
- n) regulating the protection and security of data;
- o) security and quality of every ICT service, and, to that end, determining the technical standards for those services and the connection of user equipment to communication networks;
- p) managing and assigning spectrum, and monitoring usage conditions;
- q) allocating numbering resources and managing the numbering plan;
- r) examining and monitoring the implementation of interconnection and network access conditions, in accordance with the terms of the Supplementary Act on access and interconnection in respect of ICT sector networks and services;
- s) implementing the policy for the development of universal service, in accordance with the terms of the Supplementary Act on universal access/service and network performance obligations;
- t) implementing the tariff policy applicable to telecommunication services;
- u) authorizing or regulating the registration, administration and management of domain names in the country, and providing a structured mechanism for their management;
- v) monitoring the development of new information and communication technologies and developing measures to stimulate and facilitate investment in the ICT sector;
- w) encouraging regional ICT connectivity and trade in services.

4. In those cases in which the granting of licenses or authorizations is entrusted to a body separate from the national regulatory authorities, the Member States shall make the necessary legal and regulatory provisions to charge those authorities with investigating applications and providing detailed opinions prior to the granting of such authorization.

**Article 14:
Provision of information**

Member States shall ensure that organizations providing telecommunication networks and services provide all the information, including financial information, necessary for national regulatory authorities to ensure conformity with the provisions of, or decisions made in accordance with this Supplementary Act or the specific Supplementary Act. Said organizations shall provide such information promptly on request, respecting the deadlines and providing the level of detail required by the national regulatory authority. The information requested by the national regulatory authorities shall be proportionate to the performance of that task, and those authorities shall give the reasons justifying the request for information. The principle of business secrecy is not applicable to national regulatory authorities. Nevertheless, such entities must respect the confidentiality of all information received.'

**Article 15:
Monitoring and sanctioning powers**

1. The Member States undertake to invest the necessary powers in their national regulatory authorities to apply sanctions and monitor the activities of the sector, including:
 - a) mandatory approvals and specifications, and the conditions for equipment usage;
 - b) terms and conditions for limited resources;
 - c) compliance with the obligations incumbent on operators and providers of telecommunication services, in accordance with the applicable regime, in particular those of operators and service providers in a dominant position.
2. Member States undertake to make the legal and regulatory arrangements needed to endow the national regulatory authorities with the power to impose sanctions. This power will include:

- a) the possibility of requiring the modification of unfair provisions in user agreements or conventions governing interconnection or access to the network of operators;
- b) fining operators and service providers who infringe against telecommunication sector legislation to compel them to meet their obligations;
- c) imposing penalties against operators and service providers who fail to comply with the obligations incumbent on them in the exercise of their activity;
- d) revoking, suspending, or proposing the revocation or suspension of authorization in cases where the operator or telecommunication service provider is guilty of an infringement and fails to remedy the situation within a reasonable time after being duly notified by the national regulatory authority.

3. The Member States shall satisfy themselves that the national regulatory authorities exercise the powers with which they have been endowed in a proportionate manner, respecting the principle of adversarial process, and in accordance with transparent, objective and non-discriminatory procedures.

**Article 16:
Settlement of disputes**

1. Without prejudice to any action that the ECOWAS institutions or one or more Member States may bring in application of the Treaty, the Member States shall ensure that all telecommunication operators and service providers are able to have recourse to the responsible national regulatory authority in the event of any dispute relating to:
 - a) any violation by a telecommunication operator or service provider of any legal or regulatory provisions governing telecommunication or of any contractual terms;
 - b) any denial of interconnection or capacity or infrastructure leasing that is not in accordance with the conditions stipulated in the applicable texts and to any disagreement relating to the application or interpretation of reference interconnection offers or interconnection agreements;

- c) the conditions under which an operator is granted or denied occupancy rights within the public persons domain, or rights-of-way over private property for the purposes of setting up and operating a telecommunication network;
- d) the exercise of special or exclusive rights by an entity active in the sector.
2. The Member States shall also ensure that every user is able to have recourse to the national regulatory authority in the event of any dispute relating to:
- a) a violation, by a telecommunication operator or service provider, of its terms of reference or other such document containing the conditions of its authorization or declaration;
- b) the legal basis of any provision of a standard consumer subscription contract.
3. The Member States shall ensure that the national regulatory authorities put in place transparent, non-discriminatory procedures for dispute settlement. In particular, they shall ensure that the national regulatory authorities
- a) make rulings within a reasonable period of time;
- b) respect the principle of adversarial process and the rights of the defense, by giving the parties an opportunity to present their observations;
- c) duly substantiate their decisions;
- d) make their decisions public in accordance with the conditions and within the limitations foreseen under national law.
4. The Member States shall further take those measures that are needed to ensure that, in the event of an imminent serious violation of any regulation governing the telecommunication sector, the national regulatory authorities shall be empowered to impose staying measures after the parties have been heard, particularly in order to protect the continuity of operation of networks and services.
5. The Member States shall ensure that the procedure established above is applicable in the event of a dispute between parties based in two different Member States.
6. Any party may refer the matter under dispute to either of the national regulatory authorities concerned. The national regulatory authorities will coordinate their efforts so as to resolve the dispute in a manner consistent with the guiding principles of the above regulation.
7. In the absence of a reaction from the authority in question, or of coordination between the authorities, and in order to arrive at a solution, any party may refer the matter to the Commission of ECOWAS, by addressing a copy of the referral to each of the parties and national regulatory authorities concerned. The Commission of ECOWAS will take all necessary steps to achieve settlement of the dispute in question by the responsible national authorities within a reasonable time frame.

**Article 17:
Right of appeal**

1. The Member States shall take the necessary measures to ensure that mechanisms exist at the national level to allow any person concerned to appeal against any decision of the national regulatory authority before a judicial authority that is independent of the parties involved, the government, and the national regulatory authority in question.
2. The appeal body must be in a position to examine not only the procedure which led to the decision of the national regulatory authority being taken, but also the facts of the case. Pending the results of the appeal, the decision of the national regulatory authority shall be enforced, unless a stay of execution is obtained.
3. If the appeal body is not a judicial body, then its decisions must be justified in writing, and examined in the last instance by the national judiciary.

**Article 18:
Cooperation between
national regulatory authorities**

1. The Member States shall promulgate procedures for cooperation and consultation between the national regulatory authority or authorities responsible for regulating the ICT sector, the national authorities responsible for applying competition law, and those responsible for applying the law relating to the protection of consumer rights, on subjects of common interest.

2. The Member States shall ensure that the missions of those authorities do not overlap, and undertake to promote the exchange of information between said authorities, by ensuring that such correspondence remains confidential.

CHAPTER V: FINAL PROVISIONS

Article 19: Time-frames for transposition

1. Member States shall take all necessary steps to adapt their national sectoral legislation to this Supplementary Act not later than two years following the date of its entry into force. They shall inform the Commission of those steps immediately.
2. The legal texts agreed to shall contain a reference to this Supplementary Act or shall have such a reference attached to them when they are officially published.
3. When, based on this Supplementary Act, national regulatory authorities take decisions that are liable to have an impact on exchanges between Member States and on the establishment of the common market, they shall ensure that the measures and substantiating arguments are communicated to the Commission one month prior to their implementation.

Article 20: Implementation

1. When, based on this Supplementary Act, national regulatory authorities take decisions which are expected to have an impact on exchanges between Member States and on the establishment of the single market, including:
 - a) the implementation of the tariff policy applicable to telecommunication services;
 - b) the implementation of the universal service development policy;
 - c) interconnection;
 - d) measures to authorize the establishment, operation and/or provision of telecommunication services open to the public,

Member States shall ensure that the measures in question and substantiating arguments are

communicated to the Commission one month prior to their implementation.

2. The national regulatory authority shall take into consideration the observations of the Commission.
3. The measures shall take effect one month after the date on which they were communicated, unless the Commission informs the national regulatory authority that they are incompatible with this Supplementary Act.
4. Under exceptional circumstances, where the national regulatory authority considers it urgent to take action to safeguard competition and protect users' interests, it may adopt proportionate measures immediately, applicable for a limited period only. Those measures shall be communicated without delay to the Commission for comment.
5. When Member States adopt transposition measures for this Supplementary Act, they shall ensure that the planned measures along with substantiating arguments are communicated to the Commission one month prior to implementation of the measures.
6. Member States shall take into consideration the remarks of the Commission. The measures shall take effect one month after the date on which they were communicated, unless the Commission informs the Member States that the measures proposed are incompatible with this Supplementary Act.
7. Member States shall communicate to the Commission any provisions of domestic law which they adopt in the field governed by this Supplementary Act.

Article 21: Information report

Member States shall, no later than six months following the date of entry into force of this Supplementary Act, communicate to the Commission the steps taken or which are in the course of approval or implementation for the purpose of implementing this Supplementary Act.

Article 22: Publication

This Supplementary Act shall be published by the Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of Authority. It shall also be published by

each Member State in its National Gazette within the same time frame.

2. This Supplementary Act is annexed to the ECOWAS Treaty of which it is an integral part.

**Article 23:
Entry into force**

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory States and ECOWAS Institutions pledge to commence the implementation of its provisions on its entry into force.

**Article 24:
Depository authority**

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all the Member States and shall register it with the African Union, the United Nations and such other organisations as Council may determine.

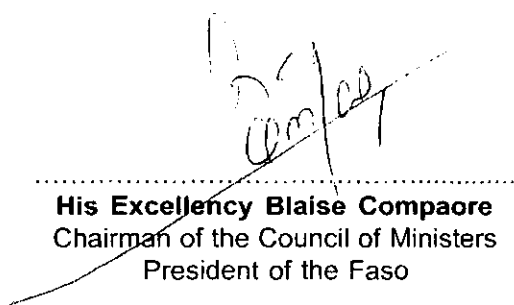
IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES, HAVE SIGNED THIS SUPPLEMENTARY ACT

DONE AT OUAGADOUGOU, THIS 19TH DAY OF JANUARY 2007

**IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC.**

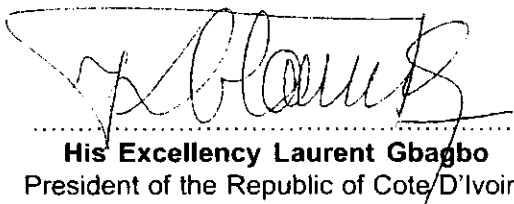


.....
His Excellency Thomas Boni Yayi
President of the Republic of Benin



.....
His Excellency Blaise Compaore
Chairman of the Council of Ministers
President of the Faso

.....
President of the Republic of Cabo Verde



.....
His Excellency Laurent Gbagbo
President of the Republic of Cote D'Ivoire

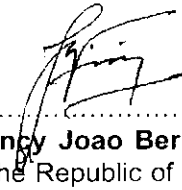
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President of the Republic of The Gambia



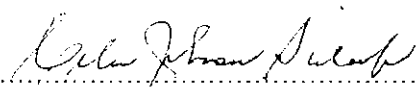
.....
His Excellency John A. Kufuor
President of the Republic of Ghana



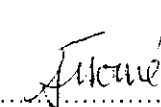
Hon. Sidibe Fatoumata KABA
Minister of International Cooperation
For and on behalf of the President
of the Republic of Guinea



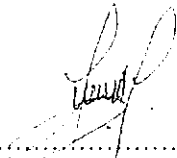
His Excellency Joao Bernardo Vieira
President of the Republic of Guinea Bissau



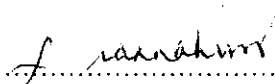
Her Excellency Ellen Johnson-Sirleaf
President of the Republic of Liberia



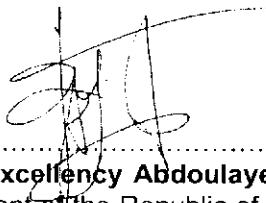
His Excellency Toumani Toure
President of the Republic of Mali



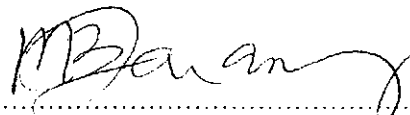
His Excellency Mamadou Tandja
President of the Republic of Niger



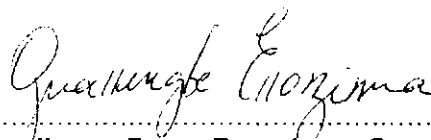
His Excellency Olusegun Obasanjo
President, Commander in Chief of the Armed
Forces of the Federal Republic of Nigeria



His Excellency Abdoulaye Wade
President of the Republic of Senegal



Hon. Mohammed Daramy
Minister of Development and Economic
Planning, for and on behalf of the President
of the Republic of Sierra Leone



His Excellency Faure Essozimna Gnassingbe
President of the Togolese Republic

ANNEX

ELEMENTS TO CONSIDER IN DEFINING LEGISLATION ON ICT

The following model lists the points that are generally covered in a framework law on telecommunications or ICT.

In French-speaking countries, those points are presented as basic principles, which are then developed in detail in the corresponding decrees or other implementing legislation. In the common law system, the framework law normally contains detailed provisions, with the regulator establishing further rules and regulations as required.

Comments and recommendations are included in the main articles.

PART I : PREAMBLE

- 1) Short title
- 2) Objectives of the legislation
- 3) Definitions

Recommendation: Use internationally-recognized references and/or definitions such as those used in official ITU texts (e.g. the Radio Regulations).

PART II : FUNCTIONS OF THE MINISTER

- 4) Functions of the minister

Recommendation: The responsibilities and mandate of each player must be clearly defined so as to avoid any misunderstandings or duplication of effort.

PART III : ESTABLISHMENT AND FUNCTIONS OF THE NATIONAL REGULATORY AUTHORITY

Recommendation: Be clear and precise in regard to the responsibilities and mandate of the regulatory body, since this will enable the latter to maintain its independence, particularly vis-à-vis the political establishment. Comment: In French-speaking countries, the detailed development of these points generally takes the form of separate decrees or other regulatory texts. The points to be covered are listed below.

- 5) Establishment of the national regulatory authority
- 6) Functions of the national regulatory authority
- 7) Powers of the national regulatory authority
- 8) Composition of the national regulatory authority
- 9) Dismissal of a member
- 10) Vacation of office of the national regulatory authority
- 11) Meetings of the national regulatory authority

Recommendation: Procedural matters may be dealt with in a separate annex or decree, as the case may be.

- 12) Remuneration of members
- 13) Independence of the national regulatory authority

PART IV : MANAGEMENT AND STAFF OF THE NATIONAL REGULATORY AUTHORITY

Recommendation: Procedural matters may be dealt with in a separate annex or decree, as the case may be.

- 14) Appointment of the management
- 15) Powers and functions of the executive director/ director-general
- 16) Provisions relating to other staff
- 17) Protection of staff

PART V : FINANCIAL AND ASSOCIATED PROVISIONS

Recommendation: These are essential to the independence of the regulatory body and must be drawn up with care.

- 18) Funds of the national regulatory authority
- 19) Annual accounts
- 20) Audit and control
- 21) Financial year

**PART VI :
LICENSES AND FREQUENCY
AUTHORIZATIONS**

Recommendation: Procedural matters may be dealt with in a separate annex or decree, as the case may be (e.g. in French-speaking countries).

- 22) Licensing regime
- 23) Special licenses
- 24) General authorization regime
- 25) Declaration regime
- 26) Free entry
- 27) Requirements for obtaining a frequency authorization
- 28) Obligations associated with frequency authorizations
- 29) Conditions associated with a frequency authorization
- 30) Obligations incumbent on all telecommunication network operators and telecommunication service providers
- 31) Authorization to operate in territorial waters or airspace
- 32) Procedures for the amendment, suspension and termination of licenses and authorizations
- 33) Procedures for the amendment, suspension and termination of frequency authorizations
- 34) Procedures for the renewal of licenses and authorizations
- 35) Procedures for the renewal of frequency authorizations

**PART VII :
INTERCONNECTION AND ACCESS TO
FACILITIES**

Recommendation: Procedural matters may be dealt with in a separate annex or decree, as the case may be. The principles must appear in the basic legislation.

- 35) Interconnection
- 36) Access to facilities
- 36 bis) Dispute Resolution

**PART VIII :
UNIVERSAL ACCESS/SERVICE AND
PRICES**

Recommendation: Procedural matters may be dealt with in a separate annex or decree, as the case may be. The principles must appear in the basic legislation.

- 37) Universal service
- 38) Prices

**PART IX :
SPECTRUM MANAGEMENT, NUMBERING AND
INTERNET GOVERNANCE**

Recommendation: Procedural matters may be dealt with in a separate annex or decree, as the case may be. The principles must appear in the basic legislation.

- 39) Principles of spectrum management.
- 40) Allocation of frequency bands.
- 41) Exercise of spectrum management functions.
- 42) Monitoring.
- 43) Harmful interference.
- 44) Space segment.
- 45) Numbering plan.
- 46) Internet Governance.

**PART X :
TERMINAL EQUIPMENT AND TECHNICAL
STANDARDS**

Recommendation: Procedural matters may be dealt with in a separate annex or decree, as the case may be. The principles must appear in the basic legislation.

- 47) Terminal equipment.
- 48) Standards.

**PART XI :
TESTING AND INSPECTION**

- 49) Power to request information
- 50) Pre-installation testing
- 51) Standards for testing
- 52) Entry, search and inspection
- 53) Magistrate may issue a warrant

**PART XII :
ENFORCEMENT OF THE LAW, INVESTIGATION
AND INSPECTION**

Recommendations: *Ensure that the ICT legislation provides the national regulatory authority with the necessary power, independence and authority to be able to gather the information and acquire the human and financial resources it needs (whether through the State budget or its own self-financing) in order to implement, impartially, swiftly and transparently, the will of the legislature. Ensure that the legislation uses clear and unambiguous language to describe the competencies of the national regulatory authority and, where relevant, of other government agencies. To the extent possible, promulgate laws governing the new technologies. Give greater powers to the national regulatory authorities such as to enable them to adapt to changes in the sector. Establish an authority for service providers not holding a license (e.g. internet service providers).*

- 54) Annual report on the activities of licensees.
- 55) Investigation of complaints.
- 56) Power to conduct inquiries.
- 57) Report on investigations.
- 58) Responsibility for remedying infringements of license conditions.
- 59) Appointment of inspectors.
- 60) Powers of an inspector.
- 61) Search warrant.

**PART XIII :
FAIR COMPETITION AND EQUALITY OF
TREATMENT**

Recommendation: *This is a key factor in the regulatory context and should be clearly defined such that the regulator has the appropriate mandate and instruments to impose and accompany such a framework.*

- 62) The national regulatory authority must encourage fair competition.
- 63) Prohibition of acts of unfair competition.
- 64) Exceptions to fair competition.
- 65) Breach of fair competition.
- 66) Non-denial of service.
- 67) Equality of treatment.
- 68) Interconnection of network facilities.

**PART XIV:
INFRINGEMENTS**

Recommendation: *Ensure that the ICT law or legislation provides the regulatory authority with a wide range of sanctions to cover minor, moderately serious and serious infringements.*

- 69) Infringements and sanctions in the case of persons not holding a license.
- 70) Interception and disclosure of messages.
- 71) Interception of government communications.
- 72) Transmission of false distress signals, etc.
- 73) Infringements relating to radiocommunications.
- 74) Protection of telecommunication facilities.
- 75) False warning.
- 76) Prosecution under other laws.
- 77) Action for damages.
- 78) General sanctions.

**PART XV:
ROADWORKS AND ACCESS TO LAND**

- 79) Roadworks.
- 80) Repairs and restoration.
- 81) Access to land for inspection and maintenance.
- 82) Installation of facilities on private land or in private buildings.

**PART XVI:
MISCELLANEOUS**

For example:

- Transitional provisions.
- Emergency provisions.

ANNEXES

For example:

- Meetings of the national regulatory authority.

SUPPLEMENTARY ACT A/SA.2/01/07 ON ACCESS AND INTERCONNECTION IN RESPECT OF ICT SECTOR NETWORKS AND SERVICES

THE HIGH CONTRACTING PARTIES,

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

MINDFUL of Article 33 of the said treaty, which provides that Member States shall, in the area of telecommunications, develop, modernize, coordinate and standardize their national telecommunication networks in order to provide reliable interconnection among Member States, and shall coordinate their efforts with a view to mobilizing national and international financial resources through participation of the private sector in the provision of telecommunication services;

MINDFUL of Decision A/DEC. 14/01/05 on the adoption of a regional policy on telecommunication and the development of GSM regional roaming in the ECOWAS Member States;

MINDFUL of Decision A/DEC. 11/12/94 on the establishment of an ECOWAS technical advisory committee on telecommunication regulation;

MINDFUL of Decision A/DEC. 12/12/94 on tariff-setting and telephone traffic in the area of telecommunications;

IN VIEW of Regulation C/REG. 2/12/99 on implementation of the INTELCOM II program;

MINDFUL of Decision A/DEC. 16/5/82 on the telecommunication program of ECOWAS;

CONSIDERING that the direct interconnection of modern telecommunication systems between Member States is a prerequisite for sub regional economic integration;

CONSIDERING that the Community has resolutely embarked upon a process of liberalizing telecommunication services and infrastructures by 2007;

CONSIDERING that this liberalization process is giving rise to flourishing markets calling for a framework that is conducive and attractive to investment;

DESIROUS of adopting a regime of access to and interconnection of networks and services within the information and communication technology (ICT) sector in the West Africa sub region in order to foster competition for the benefit of operators and users in that sector;

ON THE PROPOSAL of the Meeting of Ministers In Charge of Telecommunication held in Abuja on 11th May 2006;

ON THE RECOMMENDATION of the fifty-seventh session of the Council of Ministers held in Ouagadougou from 18 to 19 December 2006.

AGREE AS FOLLOWS

CHAPTER I: DEFINITIONS, OBJECTIVES AND SCOPE

Article 1: Definitions

1. For the purposes of this Supplementary Act, the definitions contained in Supplementary Act A/SA1/01/07 shall apply.
2. The following additional definitions shall also apply:

Access: a facility offered by one operator of a public telecommunication network to enable another operator of a public telecommunication network or a service provider to access its resources, particularly its physical infrastructure.

Interconnection: a hardware and software linkage between public communication networks used by the same company or by a different company, to enable the users of one company to communicate with other users of the same company or with the users of another company, or to access services provided by another company. The services may be provided by the parties concerned or by other parties having access to the network. Interconnection is a particular type of access implemented between operators of public networks.

Interconnection switch: the first switch of the public telecommunication network that receives and routes telecommunication traffic to the interconnection point.

Interoperability of networks and terminal equipment: the ability of equipment to

function, first, with the network, and, second, with other terminal equipment that can be used to access the same service.

Number portability: the possibility, on the part of the user, to use the same subscriber number regardless of the operator with whom the user is subscribed, even in cases where the user changes operator.

Unbundling of the local loop: a facility, which also includes associated facilities, in particular co-location, provided by one public telecommunication network operator to enable another to access all elements of the first operator's local loop in order to serve its subscribers directly.

Carrier selection: a mechanism that permits a user to choose from among a number of authorized public telecommunication network operators or authorized telecommunication service providers to route some or all of that user's calls.

Physical co-location: a facility offered by a public telecommunication network operator which consists of making infrastructure, including premises, available to other operators for installing and, if applicable, operating their equipment, especially for purposes of interconnection.

Provision of interconnection: a facility provided by one public telecommunication network operator to another or to a public telecommunication service provider which permits all users to communicate freely regardless of the networks to which they are connected or the services that they use.

National roaming: a form of active infrastructure sharing that permits the subscribers of a mobile operator (i.e. a mobile operator that possesses infrastructure, in contrast to a mobile virtual network operator) to have indirect access to the network and services offered by another mobile operator providing such roaming within an area not covered by the nominal network of those subscribers.

Operator having significant market power (dominant operator): a company which, either on its own or in conjunction with other companies, holds a position equivalent to a dominant position: that is, a company which

has a significant capacity to act in a manner independent of its competitors, its customers and ultimately consumers.

**Article 2:
Objectives and scope**

- 1 This Supplementary Act forms part of the framework for harmonizing the regulation of the ICT sector in the Community.
- 2 The objective of this Supplementary Act is to establish an accessible, transparent and equitable regulatory framework in regard to network and service access and interconnection in the area of ICTs. It aims to build durable competition by guaranteeing the interoperability of networks and services. It lays out the objectives assigned to the national regulatory authorities, and the rights and obligations of operators and companies wishing to establish interconnection and/or access to their networks.

**CHAPTER II
GENERAL REGULATORY FRAMEWORK FOR
ACCESS AND INTERCONNECTION**

**Article 3:
Non-discrimination principle**

1. Member States shall ensure that the general regulatory framework for access and interconnection incorporates the general community regulation principles foreseen for the establishment of the West African Common Market, including non-discrimination between companies established in different States.
2. According to the non-discrimination obligations, operators shall, inter alia, apply equivalent conditions in equivalent areas, and shall provide services and information to other parties under the same conditions and with the same quality as for their own services or those of their subsidiaries or partners.

**Article 4:
Interconnection and competitive ICT market**

Member States shall ensure that their national regulations on interconnection and access respect the principles of free and fair competition; accordingly, the regulations shall be conducive to elimination of obstacles to new operators entering the market. The regulations must rather be such as to increase the choice and quality of services available to consumers while allowing the regulator

to ensure that the legal and contractual rules applicable to access and interconnection are applied effectively.

**Article 5:
Content of national regulations**

Member States shall ensure that their national regulations offer solutions to the difficulties encountered in implementing interconnection, including the following problems and challenges:

- a) compatibility of services and networks;
- b) publication of reference interconnect offer (RIO);
- c) existence of guidelines for the negotiation of interconnection contracts;
- d) contract transparency;
- e) absence of discrimination between operators in granting access to interconnection services;
- f) level, structure and basis for calculating interconnection charges;
- g) interconnection quality;
- h) unbundling of network elements;
- i) availability of rapid, independent procedures for resolving disputes, and the means for enforcing the rules;
- j) possibility of consulting market players in order to reach a decision on a given regulatory or supervisory problem.

**Article 6:
Harmonization of cost calculation methods**

1. National regulatory authorities shall cooperate and coordinate their activities for the purpose of establishing and regularly updating a complete and harmonized methodology for calculating interconnection costs.
2. The aforementioned methodology shall establish in detail:
 - a) relevant costs to be taken into account;
 - b) structure of cost calculation model;
 - c) basic data to be incorporated in the model;
 - d) cost of capital return assessment method;
 - e) interpretation of results of model.

**CHAPTER III:
Access to infrastructure**

**Article 7:
Network interconnection**

1. The operators of public telecommunication networks shall accede, in objective, transparent and non-discriminatory conditions, to the requests for interconnection from other duly authorized public network operators.
2. The request for interconnection shall not be refused if it is reasonable in terms of the requesting party's requirements on one hand and the operator's capacity to meet it on the other. Any refusal to interconnect shall be substantiated and notified to the requesting party and to the national regulatory authority.
3. Companies obtaining information from other companies prior to, during or following the access or interconnection agreement negotiation process shall use that information solely for the purposes foreseen when it was communicated and shall always respect the confidentiality of information transmitted or retained. Any information received shall not be communicated to other parties, in particular other services, subsidiaries or partners for which they could constitute a competitive advantage.

**Article 8:
Access to points of interconnection**

1. Member States shall ensure that any reference interconnect offer on the part of operators includes a list of the subscriber-serving exchanges that are not available for interconnection for valid technical or security reasons, along with the provisional timing to open such subscriber exchanges to interconnection.
2. However, where the forwarding of expected operator traffic to or from subscribers connected to exchanges on the list mentioned in point 1 above is justified, Member States shall ensure that the operator is required, at the request of the national regulatory authority, to establish a transitional offer for that exchange.
3. Such a transitional offer shall allow the requesting operator to define a fee schedule that reflects the costs which, in the absence

of technical access restrictions, would have been incurred for switching communications to or from, first, the subscribers connected to that exchange, and second, the subscribers who would have been accessible without the need for routing through a higher-echelon exchange.

CHAPTER IV: COMPETITION

Article 9: Carrier selection

1. Member States shall ensure that carrier selection is introduced in the call-by-call form, as a minimum, from the very beginning of competition in order to establish effective competition and allow consumers to choose their local-loop operator freely and have access to the services of an alternative operator. This selection possibility must be offered by all dominant operators. The dominant operator must be invited to undertake the technical changes that are necessary to adapt its automatic exchanges so as to be able to offer call-by-call selection in the initial phase; this service must be included in the reference interconnect offer.
2. Member States shall ensure that the national regulatory authority is authorized to assign prefixes to operators who fall within the category of carriers and is authorized to take decisions on:
 - a) type of carrier selection;
 - b) operators eligible to act as carriers;
 - c) operators subject to the obligation to offer carrier selection;
 - d) types of calls carried;
 - e) problems involved in carrier selection such as invoicing and calling line identification;
 - f) unfair competition issues such as "slamming".

Article 10: Infrastructure sharing

1. Member States shall ensure that the national regulatory authorities encourage infrastructure sharing. The authorities must ensure that sharing between the operators of public telecommunication networks takes place

under conditions of fairness, non-discrimination and equality of access. Thus, the regulatory authority, in consultation with other players, must be encouraged to elaborate a procedure for handling relations between the operators of public networks in the matter of the conditions and the sharing of infrastructure, in particular lead-times and access to the information needed to put it into place.

2. National Regulatory Authorities shall encourage infrastructure sharing between incumbents and new entrants concerning in particular posts, ducts and elevated points to be made available mutually on a commercial basis, in particular where there is limited access to such resources through natural or structural obstacles.
3. National regulatory authorities shall encourage access to alternative infrastructure on the basis of commercial negotiations, in order to foster and entrench competition as rapidly as possible. They must ensure that such access is provided under conditions of fairness, non-discrimination and equality of access. The revision of ICT regulations within the Community must foresee provisions on access to alternative infrastructure. Accordingly, the status of companies providing access to alternative infrastructure should be changed to include this service.

Article 11: Number portability

1. Member States shall ensure that the national regulatory authority conducts market studies to assess consumers' portability needs and identify what categories of consumer are likely to request such a service.
2. Where a need has been clearly identified, the regulations must be amended to allow consumers to keep their telephone number when they change operators. Member States shall ensure that dialogue takes place between the market players and the national regulatory authority, given that portability is relatively difficult to put into practice, particularly its technical and tariff aspects, and consultation is necessary; and that the numbering plan is also revised so as to adapt it to the requirements of number portability.

**Article 12:
National roaming**

1. Member States shall ensure that the national regulatory authority sees that existing operators offer national roaming to requesting operators, at an affordable price, wherever it is technically possible to do so. However, national roaming must in no event replace the coverage obligations undertaken in the framework of mobile service licensing by new entrants.
2. Member States shall ensure that the national roaming contract is freely negotiated between the operators on a bilateral basis and that the operators provide consumers with relevant information about national roaming tariffs.
3. The national regulatory authority shall ensure that national roaming offers are fair and non-discriminatory.
4. The national regulatory authority shall publish specific national roaming guidelines to help establish tariff and technical conditions and provide information on national roaming contracts, in consultation with the market players.

**Article 13:
International roaming**

Member States shall ensure that the national regulatory authorities are in position to:

- a) ensure the widest possible compatibility between mobile systems in terms of roaming, and take it into consideration when awarding mobile licenses in the region;
- b) study roaming prices charged in the region;
- c) consult with the players concerned with a view to arriving at reasonable tariffs to allow the greatest possible number of roaming users in the region to utilize the networks under the best price and quality conditions;
- d) identify operators engaged in applying prohibitive prices;
- e) consult with the national competition authority, where one exists;
- f) allow prepaid subscribers to use roaming at reasonable tariffs;
- g) inform customers about roaming charges in a clear, detailed and transparent manner;

- h) draw the necessary conclusions from international practice.

**Article 14:
Fixed-to-Mobile Call Termination**

Member States shall ensure that the national regulatory authorities examine:

- a) interconnection and call termination charges on mobile and fixed networks;
- b) charges and tariff structures, retail and interconnection prices and the sharing of revenues between originating and terminating operators for fixed-to-mobile calls;
- c) possible adjustments to the tariff structures of retail and interconnection prices;
- d) the relevance of the interconnection market;
- e) the relevance of the mobile termination market;
- f) the identification of dominant operators in these markets and implementation of the necessary measures to promote smooth development of the telecommunication market and the process of liberalization of the fixed network in particular.

**Article 15:
Evolution of the regulatory framework to
promote the development of the internet**

Member States must ensure that:

- a) through unbundling, alternative operators are able to offer "triple play" type services (high-speed internet, voice and television);
- b) all the alternative operators' equipment necessary for the implementation of local loop access can be co-located;
- c) national regulatory authorities encourage activities which will promote development of the wholesale market and hence rapid expansion of the internet in Member States;
- d) prior to the liberalization of fixed services, the national regulatory authorities negotiate with the incumbent operators on the inclusion of standard offers, namely: flat-rate access, access via non-geographical free phone numbers, access via non-geographical paying numbers.

CHAPTER V
Interconnection agreements

Article 16:

Legal regime of interconnection agreement

1. Interconnection shall be the subject of a private law agreement, commonly called the interconnection contract, between the two parties in question. The agreement shall specify, subject to the applicable legislation and regulations, the technical and financial conditions pertaining to the interconnection. Upon signature, it shall be communicated to the national regulatory authority.
2. When indispensable in order to guarantee fair competition, non-discrimination between operators and the interoperability of networks and services, the national regulatory authority may request the parties to modify the interconnection agreement.
3. In case of a request for modification, the regulatory authority shall send the parties concerned its requests for modification, duly substantiated. The parties concerned shall have a period of one (1) month, as from the date of the request for modification, to amend the interconnection agreement.
4. The national regulatory authority may, either automatically or at the request of one of the parties, set a deadline for signature of the agreement, after which they must intervene to bring the negotiations to a conclusion so that negotiations do not become a barrier to the entry of new operators.
5. Operators which so request must be allowed to consult, in the offices of the national regulatory authorities, in the manner that the latter shall decide and respecting normal business confidentiality, the interconnection contracts concluded by operators.
6. Where the national regulatory authority considers it urgent to take action to safeguard competition and protect users' interests, it may request that interconnection between the two networks be provided immediately, pending conclusion of the agreement.

Article 17:
Content

The interconnection agreements shall specify, inter alia:

- a) the date of entry into force, duration and arrangements for the modification, termination and renewal of the agreement;
- b) arrangements for the establishment of interconnection and the planning of subsequent deployment, level of quality of service guaranteed by each network and coordination measures for monitoring quality of service and fault identification and clearance;
- c) a description of the services provided by each party;
- d) arrangements for measuring traffic and setting fees for services, billing and settlement procedures. In the absence of an RIO or for services not appearing in the RIO, the applicable tariffs shall appear in annex to the agreement;
- e) notification procedures and the contact details of the authorized representatives of each party for each field of competence;
- f) rules for compensation in the case of failure by one of the parties;
- g) dispute settlement procedures with mention, in the case of failure of negotiations between the parties, of mandatory recourse to the national regulatory authority.

Article 18:

Verification by the national regulatory authority

1. The national regulatory authority shall ensure that:
 - a) the agreement complies with the applicable regulatory and legal texts, in particular those provisions relating to interconnection and the terms of reference of operators;
 - b) the provisions of the agreement contain no discriminatory measures liable to advantage or disadvantage one of the parties vis-à-vis other operators or service providers. For the purpose, the agreement shall be compared with other agreements involving at least one of the parties.

2. Where the national regulatory authority has not formulated a request for modification within three (3) months as from receipt of the interconnection agreement, requests for modification shall cover only those amendments aimed at guaranteeing that each party receive no worse treatment in terms of non-discrimination as compared to those offered in more recent agreements signed by the other party.

**CHAPTER VI:
OBLIGATIONS OF OPERATORS POSSESSING
SIGNIFICANT POWER ON A RELEVANT
MARKET**

**Article 19:
Identification of relevant markets and of
significant market power on a relevant
market**

1. Member States shall ensure that the national regulatory authorities determine the relevant markets by:
 - a) collecting information about each identified market so as to measure the extent of dominance;
 - b) consulting the concerned telecommunication market players regarding market relevance for the purpose of analyzing those markets;
 - c) seeking the advice of the competition authority, where one exists;
 - d) defining the criteria to measure the dominance;
 - e) consulting with the concerned telecommunication market players about obligations to be imposed on dominant operators for each relevant market.
2. Member States shall ensure that the ECOWAS Commission publishes:
 - a) decisions adapted to the individual cases of the countries in question;
 - b) guidelines for market analysis and assessment of market power;
 - c) a recommendation on relevant markets in products and services in the telecommunication sector that can be regulated ex ante.

3. The authority shall analyze the markets in order to determine whether they are competitive or not and then draw the necessary conclusions in terms of regulatory obligations: if the analysis shows the market to be competitive, the authority shall abolish any existing obligations; otherwise, it shall identify the dominant operator(s) as defined by competition law and impose appropriate regulatory obligations.

**Article 20:
Cost accounting obligation**

1. The national regulatory authorities of Member States shall as soon as possible require operators with significant market power to set up cost accounting for the purposes of regulation. The establishment of such accounting must begin as of the adoption of this Supplementary Act and be completed by 2009 at the latest, in order to adequately prepare for the opening of the market for fixed communication. Cost accounting must show separate accounts, in accordance with international best practices. It is further recommended that costs relating to regulated and non-regulated activities be kept separate.
2. Accounting must be by activity (activity-based costing – ABC).
3. The cost accounting system must be audited annually by an independent body appointed by the National Regulatory Authority, the costs of the audit to be borne by the operator with significant market power. It must allow the national regulatory authority to publish a cost nomenclature prior to submission of the RIO for approval.
4. Pending the implementation of cost accounting by 2009, the interconnection rates must be calculated on the basis of the following recommendations:
 - a) using a regional benchmark;
 - b) using an existing cost calculation tool;
 - c) for Member States which have audited cost accounting, a top-down model based on forward-looking historical costs may be used initially (e.g. for three years) before moving to a model based on long-run incremental costs (LRIC), thereby giving the dominant operator an incentive for greater efficiency;

- d) for setting the appropriate rate of return based on the cost of capital, it is recommended that market data be used;
- e) for calculating the cost of equity, use of the hybrid capital asset pricing model (CAPM) is recommended, incorporating the country risk and correction coefficient R.

Article 21:

Reference interconnect offer

1. National regulatory authorities shall publish a clear and transparent procedure governing approval of the reference interconnect offer (RIO) of operators possessing significant market power.
2. National regulatory authorities shall be entitled to request the operator with significant market power to add or modify the services set out in their offers, when such additions or modifications are justified for compliance with the principles of non-discrimination and cost-orientation of interconnection.
3. The offers must be as detailed as possible in order to facilitate and smooth interconnection contract negotiations.
4. The operator with significant market power is required to publish annually an RIO, reflecting its price list and the technical services offered. The offer must contain at least the following services:
 - a) services for the routing of switched traffic (call termination and origination);
 - b) leased lines;
 - c) interconnection links;
 - d) supplementary services and implementation arrangements therefore;
 - e) description of all points of interconnection and conditions of access thereto, for the purposes of physical co-location;
 - f) comprehensive description of proposed interconnection interfaces, including the signaling protocol and possibly the encryption methods used for the interfaces;

- g) technical and tariff conditions governing the selection of carrier and portability.

5. Transparency obligations in line with international best practices, may be imposed by the national regulatory authorities.

6. As soon as the fixed network services have been opened up to competition, the RIOs of operators with significant market power must also include the following services;

- a) third-party billing services;
- b) at the request of the national regulatory authority, an alternative co-location offer if physical co-location is proven to be technically unfeasible;
- c) as needed, the technical and financial conditions governing access to the operator's resources, in particular those relating to unbundling of the local loop, with a view to offering telecommunication services.

Article 22:

Publication of a reference interconnect offer

The reference interconnect offers approved by the national regulatory authority shall be made available on the dominant operators' websites and shall be accessible by a web link available on the national regulatory authority's website.

Article 23:

Relevant cost orientation

1. Dominant operators shall respect the principle of relevant cost orientation, i.e. the costs of network components or the management structures of the operator effectively involved in the provision of interconnection.
2. The relevant costs shall include:
 - a) general network costs, i.e. costs relating to network components used by the operator both for services for its own customers and for interconnection services;
 - b) costs specific to interconnection services, i.e. costs directly incurred solely by those services.

3. Non-relevant costs shall include costs specific to services other than interconnection.
4. Relevant costs must take account of long-term economic efficiency, in particular, the investments required for network renewal and expansion with a view to sustained quality of service. These costs shall incorporate the cost of return on capital invested.

Article 24:

Monitoring of interconnection tariffs

1. Dominant operators shall attach to the draft reference interconnect offer submitted to the national regulatory authority a detailed presentation justifying the main tariffs proposed. Once the harmonized method for calculating interconnection costs has been adopted, operators shall use it in order to provide the requested justification.
2. The national regulatory authority shall ensure that the methods and data used are valid. As required, it shall request the operator to adjust its calculations to rectify errors identified.
3. Should an operator fail to provide the justifications required, the national regulatory authority may in the operator's stead evaluate the costs based on the information available to it.
4. National regulatory authorities shall ensure that tariff setting for access and interconnection in so far as the dominant operators are concerned is cost-oriented and, as appropriate, that the fees payable by consumers are not dissuasive.

Article 25:

Communication of information to the national regulatory authority

1. Dominant operators are required to communicate to the national regulatory authority, at least once a year, the basic information required for checking the calculation of interconnection costs. The national regulatory authority shall prepare and communicate to operators a detailed list of that information. It shall update the list regularly, taking account inter alia of steps taken to harmonize the calculation methods.
2. Dominant operators are required to allow the duly authorized staff or agents of the national regulatory authority to have access to their

installations and information system in order to check the validity of the information received.

3. The national regulatory authority is bound to respect the confidentiality of non-public information to which it has access within the framework of auditing the interconnection costs.

Article 26:

Local loop unbundling

Member States shall ensure that, in the regulatory text:

- a) new entrants are authorized to access the local loop on the basis of a pre-established schedule;
- b) new entrants commit, in their respective proposals, to install some minimum infrastructure capacity, whereas dominant operators commit to provide access to copper pairs to the new entrant as well as the possibility of co-location on its premises in order to facilitate unbundling;
- c) the unbundling offer including the list of services offered at the request of the national regulatory authority shall be approved by the latter;
- d) the national regulatory authority shall be obliged to ensure, on one hand, that the new entrant has access to the information needed for unbundling purposes and, on the other, that information related to unbundling is exchanged electronically between dominant operators and competitors; a schedule for unbundling shall be established with a view to liberalization of fixed communications, privileging unbundling with shared line access initially;
- e) recommendations shall be provided on use of the "scissors test" in order to compare retail prices and unbundling prices in order to eliminate any anti-competitive practices by the dominant operators.

Article 27:

Co-location

1. Member States shall ensure that there is an obligation for dominant operators to provide

co-location and that a co-location offer, presenting no barrier to the entry of competitors, is included in the reference interconnect offer for network interconnection and in the unbundling offer for unbundling.

2. Member States shall ensure that:

- a) where physical co-location is impossible for some valid reason such as lack of space, an alternative co-location offer must be made by the dominant operators;
- b) the national regulatory authority shall have a map of self-contained routing switches that are open to interconnection and are available for competitors' co-location: to this end, a working group composed of the national regulatory authority, the incumbent operator and alternative operators shall, in a fully transparent fashion, examine the problems of co-location and propose different solutions in order to solve problems that might arise. The industry could be involved in the work of this group so as to bring its technical expertise to bear.

3. The national regulatory authority shall work in advance on problems relating to access to premises, uninterrupted power, cooling and patch cables.

4. The national regulatory authority shall prevent the creation of any entry barriers inherent to co-location and provide solutions to conflicts relating to it as rapidly as possible.

5. The national regulatory authority shall establish a decision on the minimal set of conditions that must be fulfilled in any co-location offer, following consultation with the operators of public telecommunication networks. These conditions may lead to the specification, in every co-location offer, of the following:

- a) information on co-location sites;
- b) precise location of the operator's sites suitable for co-location;
- c) publication or notification of an updated list of sites;
- d) indications as to the availability of

alternative solutions in the event that physical space for co-location is not available;

- e) information on what types of co-location are available, and on the availability of electric systems and cooling equipment on the sites, as well as the rules governing sublease of the co-location premises;
- f) indications on the time required to conduct feasibility studies for any co-location request;
- g) information on equipment characteristics and any restrictions on equipment that can be accepted for co-location;
- h) measures that operators offering co-location must take to ensure the security of their premises and to identify and resolve problems;
- i) conditions under which competing operator personnel may enter the premises;
- j) conditions under which competing operators and the regulator may inspect a site where physical co-location is impossible, or a site where co-location has been refused on the grounds of lack of capacity.

CHAPTER VII SETTLEMENT OF DISPUTES

Article 28: Obligations of National Regulatory Authorities

Member States shall ensure that the national regulatory authorities:

- a) publish a referral procedure complying with that described in Article 29 below, enabling market players to bring disputes before the national regulatory authority in accordance with a clear and transparent procedure;
- b) ensure that the committee responsible for taking decisions is impartial, and comprises people recognized for their competence and appointed *intuitu personae*;
- c) set a maximum time-frame for the settlement of disputes;

- d) provide for the possibility of the authority initiating a referral action itself, and the possibility of injunction against an operator in the event of serious problems requiring urgent solution;
- e) cooperate as widely as possible, and establish a group for exchanging experience via the internet and a database of past disputes and their solutions.

Article 29:

Dispute resolution procedures

1. Disputes relating to refusal to interconnect, interconnection agreements and conditions of access are brought before the national regulatory authority.
2. The national regulatory authority shall render a decision within a period of three months, after having invited parties to present their remarks. That period may nevertheless be extended to six months when additional investigations and expert opinions are required. The decision shall be substantiated, and shall specify the equitable conditions, both technical and financial, under which the interconnection is to be effected. Matters remaining in dispute shall be brought before the competent jurisdictions.
3. In the case of serious and blatant breach of the rules governing the telecommunication sector, the national regulatory authority may, after inviting the parties to submit their remarks, order appropriate provisional measures to be taken to ensure the continued functioning of networks and services.

CHAPTER VIII: FINAL PROVISIONS

Article 30:

Time-frames for transposition

1. Member States shall take all necessary steps to adapt their national sectoral legislation to this Supplementary Act no later than two years following the date of its entry into force. They shall inform the Commission of those steps immediately.
2. The legal texts agreed to shall contain a reference to this Supplementary Act or shall have such a reference attached to them when they are officially published.

Article 31: Implementation

1. When, based on this Supplementary Act, national regulatory authorities take decisions that are liable to have an impact on exchanges between Member States and on the establishment of the common market, and concern interconnection and access to the resources of public telecommunication network operators, they shall ensure that the measures and substantiating arguments are communicated to the Commission one month prior to their implementation.
2. The national regulatory authority shall take into consideration the observations of the Commission.
3. The measures shall take effect one month after the date on which they were communicated, unless the Commission informs the national regulatory authority that they are incompatible with this Supplementary Act.
4. Under exceptional circumstances, where the national regulatory authority considers it urgent to take action to safeguard competition and protect users' interests, it may adopt proportionate measures immediately, applicable for a limited period only. Those measures shall be communicated without delay to the Commission for observations.
5. When Member States adopt transposition measures for this Supplementary Act, they shall ensure that the planned measures along with substantiating arguments are communicated to the Commission one month prior to implementation of the measures.
6. Member States shall take into consideration the observations of the Commission. The measures shall take effect one month after the date on which they were communicated, unless the Commission informs the Member States that the measures proposed are incompatible with this Supplementary Act.
7. Member States shall communicate to the Commission any provisions of domestic law which they adopt in the field governed by this Supplementary Act.

**Article 32:
Information report**

Member States shall, no later than six months following the date of entry into force of this Supplementary Act, communicate to the Commission the steps taken or which are in the course of approval or implementation for the purpose of implementing this Supplementary Act.

**Article 33:
Publication**

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

**Article 34:
Entry into force**

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory States and ECOWAS Institutions pledge to commence the implementation of its provisions on its entry into force.
2. This Supplementary Act is annexed to the ECOWAS Treaty of which it is an integral part.

**Article 35:
Depository authority**

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all the Member States and shall register it with the African Union, the United Nations and such other organisations as Council may determine.

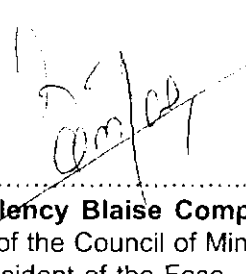
IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES, HAVE SIGNED THIS SUPPLEMENTARY ACT

DONE AT OUAGADOUGOU, THIS 19TH DAY OF JANUARY 2007

IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC.

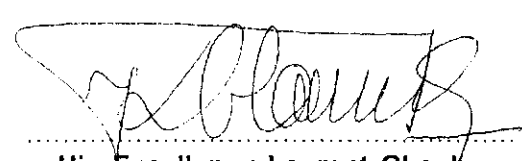


.....
His Excellency Thomas Boni Yayi
President of the Republic of Benin



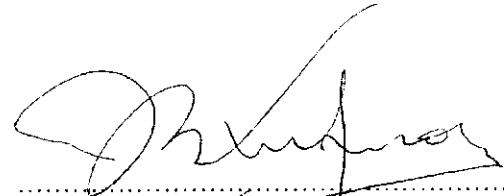
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Chairman of the Council of Ministers
President of the Faso

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President of the Republic of Cabo Verde



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His Excellency Laurent Gbagbo
President of the Republic of Cote D'Ivoire

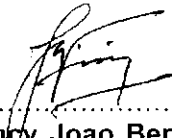
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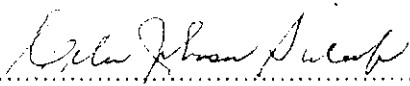
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President of the Republic of Ghana



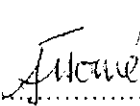
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Hon. Sidibe Fatoumata KABA
Minister of International Cooperation
For and on behalf of the President
of the Republic of Guinea



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His Excellency Joao Bernardo Vieira
President of the Republic of Guinea Bissau



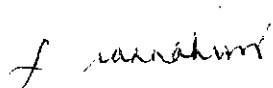
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Her Excellency Ellen Johnson-Sirleaf
President of the Republic of Liberia



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His Excellency Toumani Toure
President of the Republic of Mali



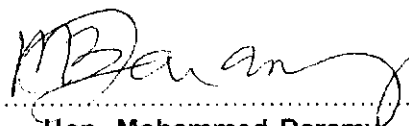
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His Excellency Mamadou Tandja
President of the Republic of Niger



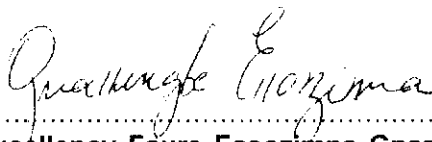
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His Excellency Olusegun Obasanjo
President, Commander in Chief of the Armed
Forces of the Federal Republic of Nigeria



.....
His Excellency Abdoulaye Wade
President of the Republic of Senegal



.....
Hon. Mohammed Daramy
Minister of Development and Economic
Planning, for and on behalf of the President
of the Republic of Sierra Leone



.....
His Excellency Faure Essozimna Gnassingbe
President of the Togolese Republic

**SUPPLEMENTARY ACT A/SA.3/01/07 ON THE
LEGAL REGIME APPLICABLE TO NETWORK
OPERATORS AND SERVICE PROVIDERS**

THE HIGH CONTRACTING PARTIES,

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

MINDFUL of Article 33 of the said treaty, which provides that Member States shall, in the area of telecommunications, develop, modernize, coordinate and standardize their national telecommunication networks in order to provide reliable interconnection among Member States, and shall coordinate their efforts with a view to mobilizing national and international financial resources through participation of the private sector in the provision of telecommunication services;

MINDFUL of Decision A/DEC. 14/01/05 on the adoption of a regional telecommunication policy and development of GSM regional roaming in the ECOWAS Member States;

MINDFUL of Decision A/DEC. 11/12/94 on the establishment of an ECOWAS technical advisory committee on telecommunication regulation;

CONSIDERING that the Community has resolutely embarked upon a process of liberalizing telecommunication services and infrastructures by 2007;

NOTING that this liberalization process is giving rise to flourishing markets and that this calls for the opening up of access to new ICT operators through the granting of licenses or authorizations for the establishment and/or operation of networks or frequencies;

DESIROUS of adopting harmonized regulations in regard to the procedures for the granting of such licenses or authorizations within the Member States, based on the rules of free competition in conformity with international legislation in the area of ICT;

ON THE PROPOSAL of the Meeting of Ministers In Charge of Telecommunication held in Abuja on 11th May 2006;

ON THE RECOMMENDATION of the fifty-seventh session of the Council of Ministers held in Ouagadougou from 18 to 19.

AGREE AS FOLLOWS

**CHAPTER I:
DEFINITIONS, OBJECTIVES AND SCOPE**

**Article 1:
Definitions**

1. For the purposes of this Supplementary Act, the definitions contained in Supplementary Act A/SA1/01/07 shall apply.
2. The following additional definitions shall also apply:

Subscriber: a person who receives and pays for a communication service over a given period of time pursuant to an agreement in accordance with terms established by the service provider, with the approval of the national regulatory authority.

Authorization: Administrative Act (individual license, concession contract or general authorization) which grants a set of rights and obligations to an entity and grants the entity the right to establish and exploit telecommunication networks or offer telecommunication services.

Individual License : an authorization which is granted to a legal entity by a national regulatory authority and which grants such entity specific rights or imposes specific obligations which are in addition to the rights and obligations attached to general authorizations or class licenses and which obligates the company in question to obtain an explicit decision from the national regulatory authority before exercising rights deriving from such document and to communicate information about the service concerned.

General authorization: a general authorization or class license granted by a national regulatory authority to any legal entity meeting the applicable conditions appended thereto and which obligates the company in question to obtain an explicit decision from the national regulatory authority before exercising rights deriving from such document and to communicate information about the service concerned as necessary to assure proper compliance with the applicable conditions appended thereto in accordance with current regulations;

Declaration: act of registration of telecommunications activities with the National Regulatory Authority by a network operator or service provider which does not require the company to obtain an explicit decision from the National Regulatory Authority prior to commencing the operation of the network or provision of the service.

Exclusive rights: rights granted by a Member State to a single company by means of a legislative, regulatory or administrative provision which reserves for that company the right to provide a telecommunication service or engage in a telecommunication activity within a specific territory.

Special rights : rights granted by a Member State by means of a legislative, regulatory or administrative provision, which attribute to one or more company an advantage or an entitlement to provide a telecommunication service or engage in a telecommunication activity on the basis of criteria that are not objective, proportionate and non-discriminatory.

Independent network: a telecommunication network reserved for private or shared use. In principle, it cannot be connected to a network that is open to the public.

Whether an independent network is for private or shared use is determined as follows:

- for private use, if it is reserved for internal use by the natural or juridical person that established it;
- for shared use, if it is reserved for use by several natural or juridical persons organized into one or more closed user groups, with a view to exchanging internal communications within a single group.

Internal network: an independent network established entirely on a single property, without making use of the public domain, including spectrum resources, or third party property.

Public telecommunication network: telecommunication networks established and/or operated for the purpose of providing public telecommunication services.

Resale: the act of reselling public

telecommunication services or traffic (resale to the end user of minutes purchased by a provider at wholesale prices from another service provider).

Article 2: Objectives and scope

1. This Supplementary Act forms part of the framework for harmonizing and regulating the ICT sector in the Community. It aims to harmonize the legal regimes that apply to the activity carried on by telecommunication network operators and service providers, and to lay down procedures for issuing licenses, authorizations and declarations and the conditions applicable to the different regimes.
2. The transposition of this Supplementary Act into domestic law shall not affect specific regulatory provisions adopted by Member States, particularly in regard to the legal basis for the essential requirements and other imperatives of public order.

CHAPTER II: BASIC PRINCIPLES

Article 3: Opening up to competition

1. Member States are required to promote, in all countries of the Community, free competition, thereby opening the market to new entrants, at the latest by 31 December 2006.
2. In order to allow all countries to follow regional trends, transition periods foreseen by certain Member States shall be limited to 31st December 2007.

Article 4: Competitive framework

1. Member States shall promote infrastructure-based competition.
2. In the initial stages of competition, Member States shall ensure, by means of the licensing approach, that service-based competition does not dissuade new entrants from deploying their own infrastructure.

Article 5: Technology and service neutrality

1. Member States shall promote technology and service neutrality so as to be able to

accommodate convergence and new technologies.

2. Member States shall refrain from imposing limitations of the service offered over a given network except in the case of the protection of public order or moral standards.
3. In order to take account of technological developments, the licensing regime shall include provisions to facilitate the review of license conditions when technological advance has an impact on ongoing operation.

CHAPTER III: PRINCIPLES GOVERNING ICT MARKET ENTRY

Article 6: General principles

1. Member States shall define and apply licensing and general authorization mechanisms that facilitate market entry and allow the progressive dismantlement of obstacles to competition and to the development of new services.
2. Convergence between different telecommunication networks and services and their technologies requires a licensing framework which covers comparable services whatever the technology used.
3. Member States shall ensure that the telecommunication services and/or networks can be provided either without authorization or based on a general authorization complemented, as appropriate, by rights and obligations requiring the individual evaluation of candidacies and involving one or several individual licenses.
4. Any condition imposed with regard to the operation of telecommunication networks or the provision of telecommunication services must be non-discriminatory, proportionate, transparent and must be justified in relation to the targeted network or service.

Article 7: Conditions for market entry

1. Member States shall ensure that their legal framework contains four levels of regulatory intervention allowing ICT market entry:
 - a) individual license;

- b) general authorization or class license;
- c) open entry, which may in some cases require registration, notification or declaration with the National Regulatory Authority.

2. Different telecommunication networks and services shall be categorized according to the structure adopted:

- a) An individual license shall be required in the following cases:
 - for the operation or provision of public telecommunication networks or the public voice telephony service;
 - for the use of scarce resources (radio frequencies and numbering). The issue of licenses/authorizations for the use of frequencies and numbers shall be dealt with in the corresponding decisions;
 - if the government of a particular country, for reasons of public policy, determines that the service shall be offered in a certain way (e.g. measures concerning public order, public security or public health).
- b) A general authorization is required in the following case:
 - the operation or provision of private networks.
- c) Entry is open subject to compliance with the applicable legislative and regulatory provisions, in the following cases:
 - internal networks;
 - radio installations exclusively composed of low-power, low-range equipment categorized as decided by the national regulatory authorities.

For the following activities where entry is open, a declaration is required:

- the provision of value-added services;
- the provision of the internet service;
- resellers.

Article 8: Sector development and provisional conditions

1. In order to promote the development of the ICT sector in the region and to allow more

choice to consumers, ECOWAS Member States may decide that certain activities, services or networks should be exempted from the obligation to hold a license and be subject to the authorization, declaration or even the open entry regime. The aim of such a provision is to give flexibility to the Member States in order to promote the establishment of networks and the provision of services in the region.

2. Without prejudice to § 1 above, where the provision of a telecommunication service is not yet covered by a license or general authorization and where that service and/or network cannot be provided without a license or authorization, Member States shall, no later than six weeks after having received a request, either adopt provisional conditions allowing the company to commence providing the service, or shall deny the request, providing the company concerned with the reasons for their decision. Member States shall then adopt, as soon as possible, definitive conditions governing the issue of a license for the service or network, or agree that the service or network be provided without authorization, or provide the reasons for their refusal to do either.
3. Member States shall decide on an appropriate procedure for the submission, to a body independent from the national regulatory authority, of appeals against the refusal to adopt provisional or definitive conditions, and against the denial of requests or refusal to agree that the service be provided without authorization.

Article 9:

Limitation of barriers to market entry

1. Member States shall ensure that they impose no barriers that are not in conformity with regulations on the number of operators or service providers in the ICT market.
2. Member States shall refrain from granting licenses with exclusivity or special rights, except when mandated by the country's policy or legislation, when dictated by the unavailability of necessary resources, or other relevant reasons.

Article 10:

Public availability of market entry criteria

1. Where a license or general authorization is required, Member States shall ensure that the

information is published in such a way as to make it readily available to interested parties. The official journals of the Member States and the Official Journal of the Community, as the case may be, shall refer to the publication of such information.

2. Member States shall ensure that the following information is published and made available to the public:
 - a) all criteria for the issue of licenses, general authorizations and declarations;
 - b) the period of time normally required to reach a decision concerning a request for a license or general authorization;
 - c) the terms and conditions governing activities subject to individual licenses, general authorizations, declarations or open entry.

Article 11:

Public consultations

In order to ensure fairness and transparency in the licensing and authorization process, Member States shall consult with industry, the public and other stakeholders.

Article 12:

Reasons for denial

Member States shall ensure that procedures are introduced whereby all the reasons for the denial of any license or general authorization are made known to the applicant upon request.

CHAPTER IV:

PROCEDURES FOR GRANTING INDIVIDUAL LICENSES

Article 13:

Procedures for granting individual licenses

1. When a Member State intends to grant individual licenses:
 - a) it shall grant the licenses according to open, non-discriminatory and transparent procedures, and, for the purpose, all candidates shall be subject to the same procedures unless there is an objective reason for subjecting them to different treatment;
 - b) it shall establish reasonable time-frames; inter alia, it shall inform the applicant of

its decision as soon as possible, and at the latest six weeks following receipt of the request. In the provisions they adopt for implementation of this Supplementary Act, Member States may extend this period up to four months in objectively justified cases specifically defined in the aforementioned provisions. In the particular case of call for tender procedures, Member States may extend the period by a maximum of four additional months. These periods must be established without prejudice to any applicable international agreement related to the international coordination of frequencies and satellites.

2. The following information may be required in order to prove that a request for an individual license meets the conditions imposed by the relevant provisions of this Supplementary Act:
 - a) Legal information, including a description of the candidate, the legal form of the company, proof of its registration by the competent commercial jurisdiction (e.g. commercial registry, articles of incorporation and bylaws), a list and description of existing licenses in which the applicant has at least 10% participation, as well as the legal confirmation of the compliance of existing operators' licenses. Individuals shall be required to show that they are registered as a corporate body. On the other hand, commercial partnerships may be required to show by means of a statement accompanied by a certificate from the relevant competent body that they are legally established and that their contract of partnership includes the establishment of networks or the provision of telecommunication services.
 - b) Financial information, including audited financial statements, annual reports, a detailed description of financial backing.
 - c) Economic information, including a model of service contract/declaration of compliance with model service contract to be drafted and published by the national regulatory authority as well as annual reports and a description and proof of financial backing. Applicants must also submit proof of the applicant's telecommunication operating and management expertise. Applicants shall be required to provide detailed information concerning inter alia market forecasting, evidence of their experience and of their technical and management ability to realize the project proposed, and appropriate documentation. Applicants shall also be required to show that the key staff proposed for the project is adequate and has the required experience and know-how to implement the project; applicants shall submit appropriate documentation in this regard.
 - d) Technical information, including coverage plans and indicators, planning and development of the system including connection, numbering and addressing issues and proposed quality of service.
3. Without prejudice to Article 14 of this Supplementary Act, any company providing the information that may be required from it to prove that it meets the conditions established and published by Member States in conformity with the relevant provisions of this Supplementary Act shall qualify to obtain an individual license. If a company seeking to obtain an individual license fails to provide such information, the national regulatory authority may refuse to grant the individual license.
4. Applicants whose authorization or license has been suspended or revoked, even outside the country concerned, shall not be authorized to request a license.
5. Member States that refuse to grant an individual license, or that withdraw, modify or suspend one, shall communicate to the ECOWAS Commission and to the company concerned the reasons for their decision. Member States shall establish an appropriate procedure allowing appeals against such refusal, withdrawal, modification or suspension of a license to be brought before an institution that is independent from the national regulatory authority.
6. Licenses shall be issued to the applicant personally. Transfer to third parties, if applicable, shall be done only with the prior consent of the national regulatory authority. However, a license obtained through

competition or tender procedures shall not be transferable, unless the applicant has declared in advance his intention to set up a company entirely owned by him to operate the licensed activities.

Article 14:

Limitation on number of individual licenses

1. Member States shall be able to limit the number of individual licenses, for any category of telecommunication service and for the establishment and/or operation of telecommunication infrastructure, only to the extent required to guarantee the efficient use of the radio-frequency spectrum or for the time required to allow sufficient numbers to be allocated.
2. Where a Member State intends to limit the number of individual licenses granted in conformity with § 1:
 - a) it shall give due consideration to the necessity to maximize advantages for users and facilitate the development of competition;
 - b) it shall give interested parties the opportunity to express their opinion on any planned limitation;
 - c) it shall publish its decision to limit the number of individual licenses as well as the justification of such a decision;
 - d) it shall regularly re-examine the limit imposed;
 - e) it shall launch a public tender for the issue of licenses.
3. Member States shall grant individual licenses on the basis of objective, non-discriminatory, transparent, proportionate and detailed selection criteria. In any selection, they shall take due account of the necessity to facilitate the development of competition and maximize advantages for users.
4. Member States shall ensure that information concerning the aforementioned criteria are published in advance in such a way as to be readily available. The official journal of the Member State concerned shall refer to the publication of such information.

5. When a Member State determines, at its own initiative or further to a request from a company, upon this Supplementary Act's entry into force or subsequently, that the number of licenses can be increased, it shall take the necessary actions and launch a call for tender for additional licenses.

Article 15:

Call for tender for individual licenses

1. For each call for tender for the purpose of proposing the establishment and/or operation of a specific telecommunication service or network under the individual license regime, the administration shall establish in terms of reference:
 - a) the conditions for the establishment of the network;
 - b) the conditions for the provision of the service;
 - c) the coverage area of the service and implementation schedule;
 - d) the radio frequencies and blocks of numbers allocated along with the conditions of access to elevated points belonging to the public domain;
 - e) the minimum professional and technical qualifications along with the financial guarantees required of applicants;
 - f) the conditions for operating the service, including those relating to the provision of universal service and the principle of equality of treatment of users;
 - g) arrangements for payment of the fee referred to in Article 16 below;
 - h) arrangements for payment of the financial consideration referred to in Article 16;
 - i) the duration of the license's validity and conditions for its renewal.
2. The call for tender shall establish the conditions of access and interconnection to public telecommunication networks and possibly also the conditions for leasing components of those networks as required for the establishment of the new network or for provision of the service covered by the call

for tender. In that case, the license carries with it the right to access to interconnection or the leasing required.

3. The bid shall be awarded to the applicant whose offer is deemed to be the best vis-à-vis all stipulations in the terms of reference.
4. Award of the bid shall be published in a public report.

Article 16:

Individual license charges and fees

1. Without prejudice to the cost of the authorization or financial contributions, including those relating to the provision of universal service pursuant to Supplementary Act A/SA.../01/07, Member States shall ensure that the charges and fees imposed on service providers and operators as part of the license and authorization procedures are for the sole purpose of covering the administrative costs incurred in the authorization, management, control and implementation of scarce resources and costs of regulating the telecommunication sector. The charges applicable to an individual license shall be in proportion to the volume of work required and shall be published in an appropriate and sufficiently detailed form to make the information readily available.
2. Notwithstanding paragraph 1, in the case of scarce resources Member States may authorize their national regulatory authorities to charge fees in order to cater for the need to ensure optimum utilization of such resources. Such fees shall be non-discriminatory and shall take account in particular of the need to promote the development of innovative services and competition.

CHAPTER V:

PROCEDURES APPLICABLE TO GENERAL AUTHORIZATIONS

Article 17:

Procedures applicable to the general authorization regime

1. Without prejudice to the provisions of Chapter IV, Member States shall not prevent a company that provides the necessary information and the required proof that the applicant meets the conditions imposed, satisfying the conditions applicable to a general authorization in conformity with the provisions of Chapter VI, from providing the telecommunication networks and/or service concerned.
2. Operators applying for an authorization shall be required to notify the national regulatory authority before providing the intended service in order to ensure compliance with any applicable conditions of operation. In such instance, they may be required to wait for a reasonable and defined period of time before starting to provide the services covered by the authorization.
3. Applicants whose authorization or license has been suspended or revoked, even outside the country concerned, shall not be qualified to request an authorization.
4. The information required for general authorization shall include:
 - a) legal and financial information, including a description of the applicant, the legal form of the company, proof of its registration by the competent commercial jurisdiction (e.g. commercial registry, articles of incorporation and bylaws), a model of service contract/declaration of compliance with model service contract to be drafted and published by the national regulatory authority as well as annual reports and a description of financial backing. Individuals shall be required to show that they are registered as corporate entities. Commercial partnerships, however, may be required to show by means of a statement accompanied by a certificate from the relevant competent body that they are legally established and that their contract of partnership includes the business of providing telecommunication services;
 - b) technical information: entities shall be required to inform the relevant authorities of Member States of the services they intend to introduce and to provide the information that shows that they can fulfill the terms and conditions applicable to the licensable activity, namely:
 - detailed description of the service proposed;
 - technical project stating the equipment to be used including

proof of type approval of own equipment to be used;

- indication of the entity and a description of the facilities proposed on the infrastructure of other network operators for the service proposed.
5. National regulatory authorities reserve the right to request additional information.

**Article 18:
Charges applicable to general
authorization procedures**

1. Without prejudice to the financial contributions, including those related to the provision of universal service in conformity with the Supplementary Act on universal access/universal service, Member States shall ensure that the charges imposed on companies as part of authorization procedures are for the sole purpose of covering the administrative costs incurred in issuance, management, control and implementation under the general authorization regime.
2. These charges shall be sufficiently detailed and published in a form that makes them readily available.

**CHAPTER VI:
PROCEDURES APPLICABLE TO
DECLARATIONS**

**Article 19:
General principles**

1. Any natural person or legal entity may freely offer the resale of telecommunication services, the commercial operation of value-added services and the provision of internet services but is required to submit a declaration of the offer of such service with the National Regulatory Authority.
2. The national regulatory authority shall acknowledge receipt of the declaration in the interest of ensuring that the proposed service conforms with the existing regulatory framework.
3. Without prejudice to right to impose sanctions, if the provision of the service subject to a declaration proves to undermine public order or security or is contrary to moral standards and decency, the competent authorities may prohibit the provision of such services.

**Article 20:
Information required**

1. A declaration of intention to open a service shall contain the following information:
 - the arrangements for opening the service;
 - geographical coverage;
 - conditions of access;
 - the kind of services offered;
 - the rates to be charged to users.
2. For non-facilities-based resellers, Member States may also require a description of the services (minutes), as well as a description of the ways in which resale will be effected (distribution channels) and the geographical area where the services will be resold in order to ensure consumer protection.
3. In the case of pre-paid calling card resellers, Member States may require the deposit of a certain sum as a guarantee in order to minimize fraud in the provision of the pre-paid card service.
4. Any change made to the initial conditions of the declaration, with the exception of changes to the rates charged, shall be brought to the attention of the national regulatory authority concerned one month prior to the intended date of implementation.
5. In the case of transfer, the reseller or provider of the value-added service is required to inform the national regulatory authority concerned of the change no later than 30 days following the date of the transfer, and to deposit with the national regulatory authority a declaration of intention to open a service as referred to in paragraph 1 above.

**CHAPTER VII:
CONDITIONS APPLICABLE TO
LICENSES AND GENERAL AUTHORIZATIONS**

**Article 21:
Principles**

1. All conditions applicable to a license or authorization must be compatible with the rules of competition of the ECOWAS Treaty.
2. All holders of a telecommunication license or authorization will have a set of basic rights and these rights shall be applicable to all operators holding a license or authorization, regardless of whether they are service-based or

network-based operators. However, the ability of license or authorization holders to avail themselves of those rights may be conditional upon their being able to meet physical or technical requirements.

3. The conditions applicable to individual licenses or general authorizations issued to telecommunication service providers and operators are set forth in the annex to this Supplementary Act.
4. All conditions applicable to an individual license or general authorization must comply with the principle of proportionality and compatibility with the rules of competition of the Treaty. Member States shall ensure that license targets to further universal service goals do not discourage competition.

**Article 22:
Types of conditions**

1. Certain conditions which will be contained in licenses shall be applicable only if the license holder is in a dominant position on a market further to a decision taken by the national regulatory authority as provided for by the ECOWAS Supplementary Act on interconnection. Where the national regulatory authority intends to make a finding of dominance, there is a statutory consultation process to be followed.
2. Where operators wish to have access to scarce resources such as frequency spectrum, numbers or land, the national regulatory authority shall retain the right to put in place additional conditions including, but not limited to, the requirement to participate in specific application procedures or competitive selection processes. In addition, those conditions that relate to scarce resources should be activated where an operator gains access to such resources. The national regulatory authority shall consult separately in relation to the allocation of scarce resources where appropriate.
3. Conditions regarding the regulation of the activities of a dominant operator shall not, in principle, apply to new entrants. Such conditions shall apply only where it is determined, after appropriate market analysis by the national regulatory authority that a licensee is in fact in a dominant position as provided for by the Supplementary Act on interconnection.

4. Certain operators holding licenses or authorizations shall only be subject to conditions linked to quality of service and customer relations. Nevertheless, certain conditions relating to universal service, in particular including emergency calls, directory services and public pay phones, may be applicable. The national regulatory authorities shall retain the ability to designate an operator(s) other than the incumbent as having a universal service obligation in the future.
5. Any holder of a license or authorization shall make appropriate provisions to take into consideration the needs of disabled people.

**Article 23:
Publication of conditions**

Member States shall ensure that the conditions are published in order to ensure that the information is readily available to interested parties.

**Article 24:
Modification of conditions**

1. The conditions of an individual license and of a general authorization shall be considered fixed at the time the license or authorization is officially delivered.
2. Member States shall be able to modify the conditions of an individual license or general authorization in objectively justified cases and in a proportionate manner. If it becomes necessary to modify the conditions of an individual license or general authorization, the Member State shall give the holder of the license or authorization reasonable advance notice of any modifications before they are implemented.
3. In this regard, States shall notify their intentions to the President of the ECOWAS Commission.

**Article 25:
Reviewing, terminating and revoking
licenses or general authorizations**

1. When the holder of a license or authorization fails to comply with a condition attached to the license or authorization, the national regulatory authority may, in accordance with termination clauses, withdraw, amend or suspend the license or authorization or impose specific measures aimed at ensuring compliance.

2. The national regulatory authority shall, at the same time, give the entity a reasonable opportunity to state its view on the application of the aforementioned measures and, except in the case of repeated breaches by the entity, the entity shall have the opportunity, within a defined period of time, to remedy the breach. If the breach is remedied, the national regulatory authority shall, within a defined period of time, annul or modify its decision and state the reasons therefore. If the breach is not remedied, the national regulatory authority shall, within a defined period of time after its initial intervention, confirm its decision and state the reasons for its decision. The decision shall be communicated to the entity within one week.

**Article 26:
Enforcement**

1. The conditions of licenses and authorizations must be enforceable and clear on the rights and obligations of the holder.
2. The national regulatory authority shall undertake, when deemed necessary, reasonable and appropriate methods to enforce the terms and conditions of the holder's activities.
3. Each license and authorization shall include provisions to facilitate enforcement processes and access, when deemed necessary, to the license or authorization holder's documents, provided that privacy and confidentiality are respected.
4. A license or authorization shall require the national regulatory authority to give the holder notice of any suspected or alleged breaches that come to the attention of the authority and allow a reasonable time for the holder to investigate and take corrective action, if appropriate.
5. The holder of a license or authorization shall be provided with the opportunity to present his views before changes to the terms of the license agreement take effect.

**Article 27:
Sanctions**

1. Where conditions are not respected, sanctions may be imposed, including:
 - fines;

- restriction of the scope and/or the duration of the license;
- suspension;
- withdrawal.

2. Where one of the sanctions mentioned above is imposed, it will be widely communicated amongst ECOWAS Member States.

**Article 28:
Dispute settlement**

1. All disputes must be handled according to national legislation.
2. Parties may however submit their case to the judicial entity of ECOWAS or to any other competent judicial authority.

**CHAPTER VIII:
NETWORK DEPLOYMENT AND PROVISION
OF SERVICES THROUGHOUT ECOWAS**

**Article 29:
Harmonization of procedures**

Member States shall strive to define and adopt common classifications of telecommunication networks and services as well as common licensing procedures.

**Article 30:
Provision of services between
Member States**

Member States shall, in the formulation and application of their respective licensing regimes, facilitate the provision of telecommunication services between Member States or in different Member States of the Region. Accordingly, and in order to facilitate the establishment of regional networks or networks between several countries of the Region, Member States shall ensure that national regulatory authorities coordinate to the extent possible their procedures so that a company wishing to provide a telecommunication service or establish and/or operate a telecommunication network need only to complete one service provision request which it can subsequently submit in various Member States.

**CHAPTER IX:
FINAL PROVISIONS**

**Article 31:
Existing licenses, authorizations
and declarations**

1. On the date of implementation of this Supplementary Act at the latest, Member States shall adapt existing licenses, authorizations and declarations to the provisions of this Supplementary Act.
2. Where the application of paragraph 1 of this article results in a restriction of the rights or an increase in the obligations of a company subject to the regime of the license, authorization or declaration, the Member State may extend the validity of those rights and obligations by a maximum of nine (9) months as from the date of implementation of this Supplementary Act.
3. A Member State may request a temporary extension of a condition linked to an authorization or declaration in force prior to the date of entry into force of this Supplementary Act, if it can show that suppression of that condition creates excessive difficulties for the companies benefiting from it and if it is not possible for those companies to negotiate new agreements under reasonable commercial conditions before the date of implementation of this Supplementary Act.
4. Member States' requests for extension shall be brought before the Commission which shall examine them in the light of the specific situation of each Member State and the companies concerned.
5. Based on the aforementioned analysis, the Commission shall reach a decision and may accept or deny the request. In the case of a request being accepted, the Commission shall decide the scope and duration of the extension to be granted. Its decision shall be communicated to the Member State concerned within the six months following receipt of the request for extension.

**Article 32:
Time-frames for transposition**

1. Member States shall take all necessary steps to adapt their national sectoral legislation to this Supplementary Act no later than two years

following the date of its entry into force. They shall inform the Commission of those steps immediately.

2. The legal texts agreed to shall contain a reference to this Supplementary Act or shall have such a reference attached to them when they are officially published.

**Article 33:
Implementation**

1. When, based on this Supplementary Act, national regulatory authorities take decisions that:
 - a) are liable to have an impact on exchanges between Member States and on the establishment of the single market;
 - b) concern arrangements for the allocation of licenses or authorizations for the purpose of establishing, operating and/or providing telecommunication services open to the public,

the Member States shall ensure that the measures and substantiating arguments are communicated to the Commission one month prior to their implementation.

2. The national regulatory authority shall take into consideration the observations of the Commission.
3. The measures shall take effect one month after the date on which they were communicated, unless the Commission informs the national regulatory authority that they are incompatible with this Supplementary Act.
4. Under exceptional circumstances, where the national regulatory authority considers it urgent to take action to safeguard competition and protect users' interests, it may adopt proportionate measures immediately, applicable for a limited period only. Those measures shall be communicated without delay to the Commission for comment.
5. When Member States adopt transposition measures for this Supplementary Act, they shall ensure that the planned measures along with substantiating arguments are communicated to the Commission one month prior to implementation of the measures.
6. Member States shall take into consideration the observations of the Commission. The

measures shall take effect one month after the date on which they were communicated, unless the Commission informs the Member States that the measures proposed are incompatible with this Supplementary Act.

7. Member States shall communicate to the Commission any provisions of domestic law which they adopt in the field governed by this Supplementary Act.

**Article 34:
Information report**

Member States shall, no later than six months following the date of entry into force of this Supplementary Act communicate to the Commission the steps taken or which are in the course of approval or implementation for the purpose of implementing this Supplementary Act.

**Article 35:
Publication**

This Supplementary Act shall be published by the Commission in the Official Journal of the Community

within thirty (30) days of its signature by the Chairman of Authority. It shall also be published by each Member State in its National Gazette within the same time frame.

**Article 36:
Entry into force**

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory States and ECOWAS Institutions pledge to commence the implementation of its provisions on its entry into force.
2. This Supplementary Act is annexed to the ECOWAS Treaty of which it is an integral part.

**Article 37:
Depository authority**

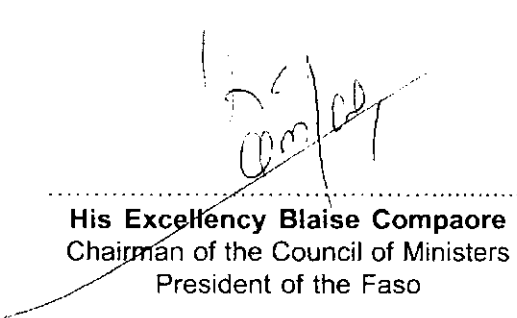
This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all the Member States and shall register it with the African Union, the United Nations and such other organisations as Council may determine.

IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES, HAVE SIGNED THIS SUPPLEMENTARY ACT

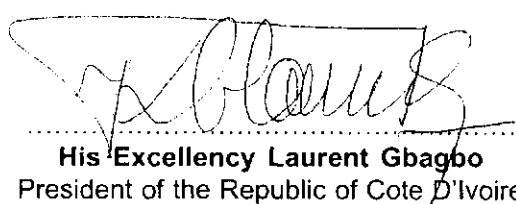
DONE AT OUAGADOUGOU, THIS 19TH DAY OF JANUARY 2007

**IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC.**

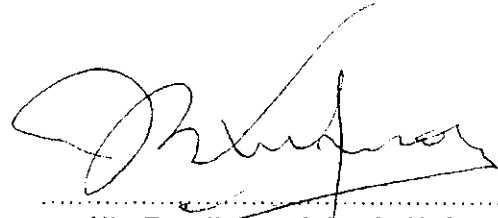

.....
His Excellency Thomas Boni Yayi
President of the Republic of Benin


.....
His Excellency Blaise Compaore
Chairman of the Council of Ministers
President of the Faso

.....
President of the Republic of Cabo Verde


.....
His Excellency Laurent Gbagbo
President of the Republic of Cote D'Ivoire

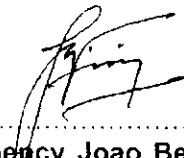
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President of the Republic of The Gambia



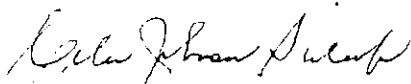
.....
His Excellency John A. Kufuor
President of the Republic of Ghana



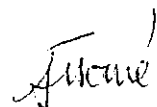
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Hon. Sidibe Fatoumata KABA
Minister of International Cooperation
For and on behalf of the President
of the Republic of Guinea



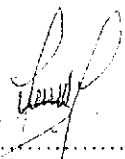
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His Excellency Joao Bernardo Vieira
President of the Republic of Guinea Bissau



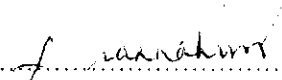
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Her Excellency Ellen Johnson-Sirleaf
President of the Republic of Liberia



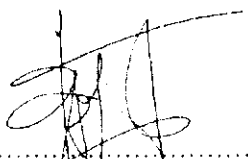
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His Excellency Toumani Toure
President of the Republic of Mali



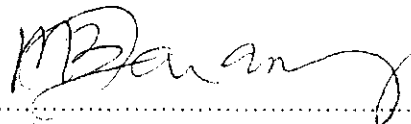
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His Excellency Mamadou Tandja
President of the Republic of Niger



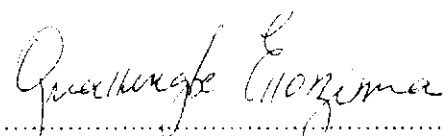
.....
His Excellency Olusegun Obasanjo
President, Commander in Chief of the Armed
Forces of the Federal Republic of Nigeria



.....
His Excellency Abdoulaye Wade
President of the Republic of Senegal



.....
Hon. Mohammed Daramy
Minister of Development and Economic
Planning, for and on behalf of the President
of the Republic of Sierra Leone



.....
His Excellency Faure Essozimna Gnassingbe
President of the Togolese Republic

ANNEX

This annex sets out the list of conditions which may be attached to individual licenses and general authorizations.

Conditions that may be attached to authorizations, where justified and with due respect for the principle of proportionality:

1. Conditions aimed at ensuring compliance with the relevant essential requirements.
2. Conditions relating to the provision of information reasonably requested with a view to verifying compliance with applicable conditions and for statistical purposes.
3. Accessibility to end users of numbers in the national numbering plan, including conditions in line with the Supplementary Act on universal service and numbering.
4. Administrative charges pursuant to Articles 16 and 18 of this Supplementary Act.
5. Conditions relating to the protection of users and subscribers, particularly in regard to:
 - a) prior national regulatory authority approval of the standard contract concluded with subscribers;
 - b) detailed and accurate invoicing;
 - c) the availability of a dispute resolution procedure;
 - d) the publication of service access conditions, including tariffs, quality and availability, and adequate notification whenever such conditions are amended.
6. ICT-sector-specific rules concerning personal data and privacy protection.
7. ICT-sector-specific rules and conditions relating to consumer protection.
8. Restrictions in regard to the transmission of illegal content and of harmful content relating to television broadcasting activities.
9. Conditions aimed at preventing anti-competitive behaviour in telecommunication

markets, and in particular measures designed to ensure that tariffs are not discriminatory and do not distort competition.

10. Financial contribution to universal service provision in accordance with community legislation.
11. Communication of information contained in customer database for the purpose of providing universal directory services.
12. Provision of emergency services.
13. Special arrangements for users with disabilities.
14. Conditions pertaining to the access obligations applicable to companies providing ICT networks or services and network interconnection and service interoperability, in accordance with the Supplementary Act on interconnection and the obligations deriving from community legislation.
15. Facilitating legal interception by competent national authorities.
16. Terms of use during major disasters to ensure communications between emergency services, the authorities and public broadcasting services.
17. Measures aimed at limiting exposure of the public to electromagnetic fields generated by telecommunication networks, in accordance with community legislation.
18. Access obligations applicable to companies providing ICT networks or services, in accordance with the Supplementary Act on interconnection.

Specific conditions that may be attached to individual licenses, where justified and with due respect for the principle of proportionality:

1. Special conditions relating to the allocation of numbering rights, including:
 - Designation of the service for which the number is used, including any requirements in regard to the provision of that service.

- Effective and efficient use of numbers, in accordance with the Decision on numbering.
 - Requirements in regard to number portability, in accordance with the Decision on interconnection.
 - Obligation to provide subscribers listed in public directories with information for the purposes of the Supplementary Act on universal service.
 - Transfer of usage rights at the initiative of the rights-holder, and conditions applicable to such transfer.
 - Charges for usage rights.
 - Obligations under relevant international agreements relating to number usage.
2. Special conditions relating to the use and effective management of radio frequencies, including:
- Designation of the service or type of network or technology for which spectrum rights have been granted, including, where applicable, exclusive use of a frequency for the transmission of content or specific audiovisual services.
 - Effective and efficient use of frequencies, including, where appropriate, requirements in regard to coverage.
 - Technical and operational conditions necessary to avoid harmful interference and limit exposure of the public to electromagnetic fields, where such conditions differ from those laid down in the general authorization.
 - Transfer of usage rights at the initiative of the rights-holder, and conditions applicable to such transfer.
 - Charges for usage rights.
 - Commitments made during the competitive or comparative selection process by the company having obtained usage rights.
 - Obligations under relevant international agreements relating to frequency usage.
3. Specific requirements in regard to environmental, town planning and regional development considerations, in particular conditions relating to the granting of access to public or private property and to the collocation or sharing of facilities.
4. Maximum duration, which must not be unreasonably short, in order, among other things, to ensure the effective use of the radio frequencies or numbers in question or grant access to public or private property, the foregoing being without prejudice to any other provisions relating to the withdrawal or suspension of licenses.
5. Compliance with universal service obligations, in accordance with the Supplementary Act on universal service and the Supplementary Act on interconnection.
6. Conditions applicable to operators with market power, as notified by Member States pursuant to the Supplementary Act on interconnection, intended to ensure interconnection or the monitoring of market power.
7. Requirements in regard to the quality, availability and permanence of the service or network, with particular reference to the candidate's financial and technical capacities and administrative competencies, and conditions establishing a minimum period of operation and including, where appropriate, and in accordance with community legislation, the obligation to provide publicly accessible telecommunication services and public telecommunication networks.
- This list of conditions is without prejudice:
- to any other legal condition not specific to the telecommunication sector and
 - to measures taken by ECOWAS Member States pursuant to public interest requirements recognized by the treaty and under national legislation and regulations, and relating in particular to public morality, public safety and security, including criminal investigations, and public order.

SUPPLEMENTARY ACT A/SA.4/01/07 ON NUMBERING PLAN MANAGEMENT

THE HIGH CONTRACTING PARTIES,

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

MINDFUL of Article 33 of the said treaty, which provides that Member States shall, in the area of telecommunications, develop, modernize, coordinate and standardize their national telecommunication networks in order to provide reliable interconnection among Member States, and shall coordinate their efforts with a view to mobilizing national and international financial resources through participation of the private sector in the provision of telecommunication services;

MINDFUL of Decision A/DEC. 14/01/05 on the adoption of a regional telecommunication policy and development of GSM regional roaming in the ECOWAS Member States;

MINDFUL of Decision A/DEC. 11/12/94 on the establishment of an ECOWAS technical advisory committee on telecommunication regulation;

MINDFUL of Decision A/DEC. 12/12/94 on tariff-setting and telephone traffic in the area of telecommunications;

MINDFUL of Decision A/DEC. 16/5/82 on the telecommunication program of ECOWAS;

CONSIDERING that the direct interconnection of modern telecommunication systems between Member States is a prerequisite for sub regional economic integration;

CONSIDERING that the Community has resolutely embarked upon a process of liberalizing telecommunication services and infrastructures by 2007;

CONSIDERING that this liberalization process is giving rise to flourishing markets calling for a framework that is conducive and attractive to investment;

NOTING that the strong growth in the number of users of ICT services is liable to lead to a serious shortfall in numbering resources;

WISHING, THEREFORE, to elaborate sub regional regulations in regard to optimum administration of the numbering plan in the use of ICT services;

ON THE PROPOSAL of the Meeting of Ministers In Charge of Telecommunication held in Abuja on 11th May 2006;

ON THE RECOMMENDATION of the fifty-seventh session of the Council of Ministers held in Ouagadougou from 18 to 19 December 2006.

AGREE AS FOLLOWS

CHAPTER I: DEFINITIONS, OBJECTIVES AND SCOPE

Article 1: Definitions

1. For the purposes of this Supplementary Act, the definitions contained in Supplementary Act A/SA.1/01/07 shall apply.
2. The following additional definitions shall also apply:

Distribution: the making available, pursuant to contractual clauses, of a number or a series of numbers to end users by the holder of an allocated resource.

Telecommunication operator: any legal entity that operates a telecommunication network open to the public, or any person that provides a telecommunication service.

Allocation: a decision by the national regulatory authority, following its examination of the corresponding application, to grant a telecommunication network operator the right to use the designated resource for its own account or for the account of its customers in accordance with the utilization terms specified below or referred to in the allocation decision.

Number: a series of digits that uniquely identifies a public network termination point. The number contains the necessary information for routing the call to that termination point. The number may be in a national format or an international format. The international format is known as the international public telecommunication number, consisting of the country code and subsequent digits.

Geographic number : a number in the national numbering plan in which part of the

digital structure has a geographic significance used to route calls to the physical location of the network termination point (NTP).

Non-geographic number : a number in the national numbering plan which is not a geographic number. These are primarily mobile numbers, free phone numbers and premium-rate numbers.

National numbering plan: the resource consisting of all numbers that can be used to identify the fixed or mobile termination points of telephone networks and services, to route calls and to access internal resources from the networks. A national numbering plan is a segment of the international numbering plan (E164). It establishes procedures and conditions for reserving and allocating numbering resources.

Network termination point (NTP): the physical point at which a subscriber accesses a public communication network. In the case of networks that use switching and routing, the NTP is identified by a specific network address that can be linked to the subscriber's name or number.

Reservation: a decision by the national regulatory authority, following its examination of the corresponding application, to grant a telecommunication network operator an option with respect to a numbering resource for a specified period of time.

Article 2: Objectives and scope

1. The purpose of this Supplementary Act is to harmonize procedures for the management of numbering and of numbering plans within the ECOWAS zone.
2. This Supplementary Act lays down the rules of a harmonized approach by the Member States for the use and allocation of call numbers so as to guarantee free competition and open the market to new operators. These rules concern in particular the establishment and management of a numbering plan, the implementation of a procedure for requesting the issuance of numbers and for withdrawing them, the planning of the direct allocation of numbers for end users, and the determination of charges for numbering, as well as roaming, portability, migration, rates, competition and harmonization.

CHAPTER II: GENERAL PRINCIPLES FOR MANAGING THE NUMBERING PLAN

Article 3: General principles for numbering

1. The Member States shall ensure that the national regulatory authorities have control over the assignment of all the national numbering resources and the management of the national numbering plans.
2. The national regulatory authority may decide to delegate administrative responsibility for the numbering plan. In that case, it must ensure that the rules for allocating, reserving and using numbers are strictly adhered to. The Member States shall ensure that an annual audit of the body having administrative responsibility for the plan is conducted by the national regulatory authority.
3. The Member States shall ensure that adequate numbers and numbering series are reserved in the numbering plans for all telecommunication services accessible to the public.
4. The principal elements defined in the preceding paragraph must be public, available from the national regulatory authorities on request, and published in an official, transparent manner. In the interests of national security, the numbering capacity reserved for police and defense purposes need not be made public.
5. The procedure for allocating numbering capacity shall be followed in a transparent, non-discriminatory manner, in accordance with objective criteria and following the principles, respectively, of reservation, allocation and withdrawal.
6. The Member States must ensure proper utilization of the prefixes, numbers, number blocks and codes that are allocated. These shall not be protected by industrial or intellectual property rights, nor shall they be transferred without the agreement of the national regulatory authority.
7. The Member States must ensure that the administration of the numbering plan allows for the publication of directories of numbers and access to directory inquiry services.

8. The Member States shall ensure that numbering plans and the associated procedures are implemented in a way that protects equality of treatment to all providers of telecommunication services available to the public. In particular, they shall ensure that companies to which a range of numbers is allocated do not engage in any discrimination against other telecommunication service providers as regards the sequences of numbers used to provide access to their services.
2. The numbers and blocks of numbers may not become the property of the applicants, or of the end-users. They may not be protected by means of industrial or intellectual property rights. They are allocated following reservation by the national regulatory authority for a limited duration of time, corresponding to the operational lifetime of the service or application. When an applicant gives up operation of its telecommunication service, for which numbering capacity has been allocated, that capacity can be allocated to a new assignee on condition that the latter is authorized to operate the service and that a declaration to this effect has previously been submitted to the national regulatory authority.

**Article 4:
Essential principles for
managing the numbering plan**

1. The Member States shall ensure that the management of their numbering plans respects the following essential points.
- i) The plan must be long-term and balanced.
 - ii) The plan must take into account the need for short numbers and reserved special numbers for emergency, directory, operator, and user assistance services, and ensure that prefixes and numbers or number blocks are allocated to public telecommunication operators, under objective, transparent and non-discriminatory conditions.
 - iii) The plan must take into account the opinion of operators, users and the national regulatory authority.
 - iv) The plan must include a coherent, clear and published strategy.
 - v) The plan should take into account applicable international standards, in particular regarding access to international service, as well as the needs of neighbours, whether on the same continent or elsewhere in the world.
 - vi) The plan must not be anti-competitive for telecommunication operators.
 - vii) The plan must not be anti-competitive for users.
 - viii) The plan must be compatible with sound appropriate management practice.
 - ix) The plan must be open-ended and allow sufficient margins to meet any unexpected needs.
3. Information about the reservation, allocation and withdrawal of numbering capacity is public, and must be provided by the national regulatory authority on demand.

**Article 5:
General methods for
managing the numbering plan**

Member States shall put in place in the long term the following methods to harmonize management of numbering plans at the regional level.

- a) Use of common databases for the assignment of numbers.
- b) Adoption of a harmonized emergency codes for the region.
- b) Promotion of appropriate number portability.
- d) Assigning lower initial digits to fixed lines, and reserving the higher ones to mobile.
- e) Allocation of number blocks against a fee.
- f) Planning for direct allocation to end users.
- g) Number assignment using geographical, network or service codes.
- h) Allowing for migration to a closed plan.

**Article 6:
Cooperation and harmonization of
numbering resources**

1. Member States shall support the harmonization of numbering resources within ECOWAS wherever necessary to foster the development of services within the ECOWAS zone.

2. Member States shall ensure that their national numbering plans make it possible, subject to technical and economic feasibility, for users located in other ECOWAS Member States to have access to non-geographical numbers that are accessible throughout their national territory.
3. In order to ensure overall interoperability of services, the ECOWAS Member States shall, where appropriate, coordinate their positions within the international organizations and authorities in which decisions concerning issues related to numbering, naming and addressing for communication networks and services are taken.
 - a) a clear list of the type and amount of numbering capacity desired;
 - b) a detailed description of
 - a) the services and applications that use the numbering capacity,
 - b) technical network elements and their interrelationship,
 - c) routing principles to be implemented,
 - d) future numbering capacity needs,
 - e) charging principles, if the applicant considers it useful,
 - f) principles the applicant intends to follow in allocating the routing capacity obtained for the end-users,
 - c) the applicant must demonstrate that it has no viable technical or commercial alternative to operating its services and applications with the requested numbering capacity;
 - d) changes over time, for the information provided in point 2.2 above;
 - e) the applicant must demonstrate that it has complied with the provisions of the present Supplementary Act.

**CHAPTER III:
FURTHER PRINCIPLES FOR
MANAGING THE NUMBERING PLAN**

**Article 7:
Reservation mechanisms**

1. The national regulatory authority shall examine all applications to reserve numbering capacities that meet the following conditions:
 - a) the application must be addressed to the national regulatory authority by registered letter or by any other legally recognized means, and must be dated and signed by, or on behalf of, the applicant wishing to operate the numbering capacity;
 - b) the applicant, who must be a natural person or legal entity, must provide details of position and credentials;
 - c) the application must give the name and complete address of the applicant, along with the business address in the ECOWAS country in question;
 - d) processing fees to cover the costs for processing the application must be paid in advance;
 - e) the application must contain all the information specified in the section following below.
2. To allow the national regulatory authority to process the application in accordance with the criteria in §3 below, the applicant must provide, free of charge, the following information, which will be considered as confidential:
 - 1) sound management of numbering capacity, a finite resource;
 - 2) the need for sufficient numbering capacity to meet future needs;
 - 3) the work needed to achieve optimum compatibility between the numbering plans of different applicants;
 - 4) existing reservations;
 - 5) potential for satisfying developments in the ECOWAS zone and internationally;
 - 6) potential for satisfying the relevant international agreements, recommendations and standards;
 - 7) technical limitations and concrete implementation;

- 8) impact on the numbering plans of other applicants;
 - 9) fees, if any;
 - 10) routing questions;
 - 11) issues relating to tariffing principles;
 - 12) geographical issues;
 - 13) possible alternatives;
 - 14) end-user interests, including ease of use;
 - 15) specific needs of emergency services;
 - 16) commercial impact.
4. Numbering capacity may not be reserved for applicants unless the provisions of the present Supplementary Act are met.
 5. If the national regulatory authority approves a given application, then the numbering capacity is reserved. Therefore, numbering capacity may only be allocated to the initial applicant, and for the purposes specified in the application. The date on which the application becomes official is also considered as the date of reservation. A reservation may be cancelled by the applicant. A reservation shall automatically expire one year after the date of reservation, if no effective allocation or extension, pursuant to §7, has taken place in that time.
 6. If two or more applicants request the same numbering capacity, the first to file a valid application will have priority. If more than one valid application is filed on a given day for the same numbering capacity, the national regulatory authority shall organize mediation to allocate primary rights, secondary rights, tertiary rights and so on.
 7. A reservation may be renewed each year by submitting a valid new application at least one month before it expires. If the extension is accepted, then the original reservation date is maintained as the official reservation date.
 8. The national regulatory authority must notify the applicant of its decision no later than two months after receipt of the application.
 9. If the national regulatory authority considers that the application is incomplete, or wishes to have additional information or explanations, it must inform the applicant. The deadline for the national regulatory authority mentioned in the previous paragraph shall be extended by the length of time that the applicant needs to modify the application. Such an extension shall not exceed one month. If, at the end of this time, the applicant has not modified the application, it shall be annulled.
 10. If the national regulatory authority refuses to grant a reservation, it must provide reasons. There is no entitlement to be reimbursed in the event of a refusal.
 11. Any changes to the information provided pursuant to the present article shall be communicated to the national regulatory authority in good time.

**ARTICLE 8:
Allocation Mechanisms**

1. The national regulatory authority shall, under objective, transparent and non-discriminatory conditions, assign prefixes and numbers, or number blocks, to operators who have made an application, against a fee stipulated in the regulations to cover the costs of managing the numbering plan and controlling its utilization.
2. The national regulatory authority may select the type of mechanism to be used to allocate numbers: by block, case by case, or by auction. The authority may set aside special numbers, or blocks or ranges of numbers, upon request from the operators, against annual fees to cover the costs of managing the numbering plan and controlling its utilization.
3. Certain categories of numbers may be subject to a special allocation procedure in order to ensure that operators have access to the numbering resources in a transparent, objective and non-discriminatory manner. Thus, the national regulatory authority may:
 - make a resource allocation;
 - make a temporary resource allocation;
 - make an allocation covering only a portion of the resources requested;
 - refuse to make a resource allocation.
4. The national regulatory authority shall allocate to operators, under the same conditions, the codes used for routing communications.

5. The decision on allocation shall specify the applicable conditions. The decision binds the holder of the allocation to observe all of the conditions for utilization of the allocated resource.
6. In all cases, number allocations must be technology-neutral, non-discriminatory, and compatible with number portability.

**Article 9:
Deadlines**

1. Numbering capacity is only allocated if, during the reservation period, numbering capacity is in fact put into service for the declared purpose. The date on which it is put into service must be communicated to the national regulatory authority at least 30 days in advance. The allocation of numbering capacity remains valid only for as long as all of the following conditions are respected:
 - a) the allocated numbering capacity is used exclusively for the purposes indicated in the initial application;
 - b) sub-allocation to end-users is controlled by the original applicant;
 - c) annual fees are paid pursuant to the provisions of Article 10 of the present Supplementary Act;
 - d) the applicant maintains statistics on the percentage of allocated capacity that is being used, and periodically provides them to the national regulatory authority in accordance with rules which it has established.
2. Applications for numbering capacity for six months or less shall be treated as having lower priority, and may not be extended. The annual fee described in Article 10 below is therefore to be reduced by one half.
3. While numbers are in principle allocated on a long-term basis, they may be changed or withdrawn for operational reasons.

**Article 10:
Reservation fees and allocation fees**

1. Member States shall determine the size of processing fees charged for the reservation of numbering capacity pursuant to Article 7 of the present Supplementary Act, depending on the type of numbering requested, in a transparent and non-discriminatory manner, according to objective and published criteria.

2. Member States shall determine the annual fees for allocation of numbering capacity pursuant to Article 8 of the present Supplementary Act, depending on the type of numbering requested, in a transparent and non-discriminatory manner, according to objective and published criteria. If the numbering capacity is allocated in portions, the annual fee shall be reduced proportionately.
3. Member States shall set a deadline for the payment of the fees mentioned in paragraph 2 above in the year for which they are due. For the year in which the numbering capacity is allocated, fees shall be reduced to the same proportion as the number of complete months that remain in the calendar year on the date the allocation is made, and shall be paid within 30 days of that date.
4. Member States shall fix the penalty charged for overdue fees. The level of penalty is to be calculated on the basis of the number of days payment is overdue.
5. The sizes of the fees mentioned in the present decision shall be adjusted annually.
6. The withdrawal of numbering capacity that was previously reserved or allocated does not entail any entitlement to any indemnity or reimbursement of some or all of the fees mentioned in the present Supplementary Act.

**Article 11:
Delegation to outside operators**

1. In some cases, the holder of a numbering resource may entrust an outside operator with the distribution of that resource to the final customer or customers. In such cases, a distinction is made between the operator holding the allocation for the resource and the delegated outside operator who distributes the resource to the end-clients.
2. An outside operator may only be involved in this way if the following conditions are met:
 - the delegated operator must have declared to the national regulatory authority the activity that is necessary for operation of the resource in question;
 - the operator holding the allocation must have notified the national regulatory authority by A/R registered mail, about the resource or resources to be put at the disposition of the delegated operator, along with a description of the service that is to be provided via said resource or

resources. Such notification must have been done before any legal provisions on delegation come into force between the operator holding the allocation and the delegated operator.

3. In the case of resources allocated by block, delegation may involve the entire resource or an entire portion thereof.
4. The operator holding the allocation remains responsible for compliance with all obligations associated with the allocation of the resource.
5. In addition, the operators involved in delegation must guarantee portability for the end-users.

Article 12: Transfer

1. Application for an allocated resource to be transferred must be submitted to the national regulatory authority by the final beneficiary of allocation, observing the form and the conditions stipulated in Article 7 and accompanied by the signed concurrence of the original operator holding the allocation.
2. The decision to allocate a resource to a new holder is studied and taken under the conditions stipulated in Article 8.

Article 13: Revocation and withdrawal of an allocation decision

1. An allocation decision may be revoked or withdrawn in the cases stipulated in §§2-4 below.
2. If revocation takes place at the request of the holder, the latter must inform the national regulatory authority by A/R registered letter, accompanied by a copy of the request for cancellation of the resource in the networks of other operators, of the fact that the service will be discontinued and the holder wishes to free the corresponding numbering resource. The resource will stop being subject to fees as of the day this letter is received. At that time, the holder is to be notified of the revocation of the decision to allocate the resource in question.
3. If resources are not used in a manner that conforms to the conditions of their allocation and utilization, or if a significant part of the resource remain unused, the national regulatory authority may withdraw the numbers.

4. A resource for which revocation or withdrawal has been pronounced becomes free again, but it may not be reallocated until at least six months have expired, except if it is requested by the former allocation holder. If the resource has been withdrawn for reason of unsatisfactory utilization, pursuant to §3 above, the resource may not be allocated again until at least six months have expired, regardless of the applicant.

Article 14: Time-frames for transposition

1. Member States shall take all necessary steps to adapt their national sectoral legislation to this Supplementary Act no later than two years following the date of its entry into force. They shall inform the Commission of those steps immediately.
2. The legal texts agreed to shall contain a reference to this Supplementary Act or shall have such a reference attached to them when they are officially published.

Article 15: Implementation

1. When, based on this Supplementary Act, national regulatory authorities take decisions that are liable to have an impact on exchanges between Member States and on the establishment of the single market, and:
 - a) concern the implementation of the tariff policy applicable to telecommunication services;
 - b) concern the implementation of the universal service development policy;
 - c) concern interconnection;
 - d) relate to the arrangements for authorizing the establishment, operation and/or provision of telecommunication services open to the public,

Member States shall ensure that the measures and substantiating arguments are communicated to the Commission one month prior to their implementation.

2. The national regulatory authority shall take into consideration the observations of the Commission.
3. The measures shall take effect one month after the date on which they were communicated, unless the Commission informs the national regulatory authority that they are incompatible with this Supplementary Act.

4. Under exceptional circumstances, where the national regulatory authority considers it urgent to take action to safeguard competition and protect users' interests, it may adopt proportionate measures immediately, applicable for a limited period only. Those measures shall be communicated without delay to the Commission for comment.
5. When Member States adopt transposition measures for this Supplementary Act, they shall ensure that the planned measures along with substantiating arguments are communicated to the Commission one month prior to implementation of the measures.
6. Member States shall take into consideration the observations of the Commission. The measures shall take effect one month after the date on which they were communicated, unless the Commission informs the Member States that the measures proposed are incompatible with this Supplementary Act.
7. Member States shall communicate to the Commission any provisions of domestic law which they adopt in the field governed by this Supplementary Act.

**Article 16:
Information report**

Member States shall, no later than six months following the date of entry into force of this Supplementary Act, communicate to the

Commission the steps taken or which are in the course of approval or implementation for the purpose of implementing this Supplementary Act.

**Article 17:
Publication**

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

**Article 18:
Entry into force**

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory States and ECOWAS Institutions pledge to commence the implementation of its provisions on its entry into force.
2. This Supplementary Act is annexed to the ECOWAS Treaty of which it is an integral part.

**Article 19:
Depositary authority**

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all the Member States and shall register it with the African Union, the United Nations and such other organisations as Council may determine.

**IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC
COMMUNITY OF WEST AFRICAN STATES, HAVE SIGNED THIS SUPPLEMENTARY ACT**

DONE AT OUAGADOUGOU, THIS 19TH DAY OF JANUARY 2007

**IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC.**

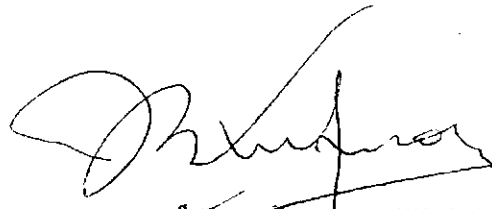
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President of the Republic of Benin

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His Excellency Blaise Compaore
Chairman of the Council of Ministers
President of the Faso

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President of the Republic of Cabo Verde

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His Excellency Laurent Gbagbo
President of the Republic of Cote D'Ivoire

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President of the Republic of The Gambia



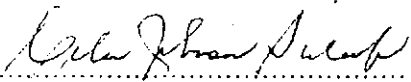
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President of the Republic of Ghana



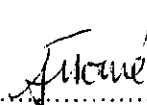
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Hon. Sidibe Fatoumata KABA
Minister of International Cooperation
For and on behalf of the President
of the Republic of Guinea



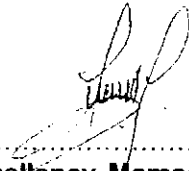
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His Excellency Joao Bernardo Vieira
President of the Republic of Guinea Bissau



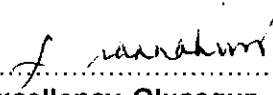
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Her Excellency Ellen Johnson-Sirleaf
President of the Republic of Liberia



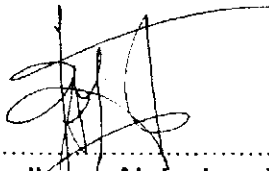
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His Excellency Toumani Toure
President of the Republic of Mali



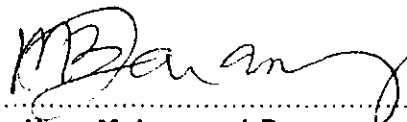
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His Excellency Mamadou Tandja
President of the Republic of Niger



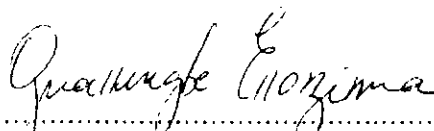
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His Excellency Olusegun Obasanjo
President, Commander in Chief of the Armed
Forces of the Federal Republic of Nigeria



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His Excellency Abdoulaye Wade
President of the Republic of Senegal



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Hon. Mohammed Daramy
Minister of Development and Economic
Planning, for and on behalf of the President
of the Republic of Sierra Leone



.....
His Excellency Faure Essozimna Gnassingbe
President of the Togolese Republic

SUPPLEMENTARY ACT A/SA.5/01/07 ON THE MANAGEMENT OF THE RADIO-FREQUENCY SPECTRUM

THE HIGH CONTRACTING PARTIES,

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

MINDFUL of Article 33 of the said treaty, which provides that Member States shall, in the area of telecommunications, develop, modernize, coordinate and standardize their national telecommunication networks in order to provide reliable interconnection among Member States, and shall coordinate their efforts with a view to mobilizing national and international financial resources through participation of the private sector in the provision of telecommunication services;

MINDFUL of Decision A/DEC.14/01/05 on the adoption of a regional telecommunication policy and development of GSM regional roaming in the ECOWAS Member States;

MINDFUL of Decision A/DEC.11/12/94 on the establishment of an ECOWAS technical advisory committee on telecommunication regulation;

MINDFUL of Decision A/DEC.12/12/94 on tariff-setting and telephone traffic in the area of telecommunications;

IN VIEW of Decision A/DEC.16/5/82 on the telecommunication program of ECOWAS;

CONSIDERING that the direct interconnection of modern telecommunication systems between Member States is a prerequisite for sub regional economic integration;

CONSIDERING that the Community has resolutely embarked upon a process of liberalizing telecommunication services and infrastructures by 2007;

CONSIDERING that this liberalization process is giving rise to flourishing markets calling for a framework that is conducive and attractive to investment;

NOTING that the strong growth in the number of users of ICT services is liable to lead to a serious shortfall in numbering resources;

WISHING, THEREFORE, to elaborate sub regional regulations in regard to optimum management of the radio-frequency spectrum;

ON THE PROPOSAL of the Meeting of Ministers in Charge of Telecommunication held in Abuja on 11th May 2006

ON THE RECOMMENDATION of the fifty-seventh session of the Council of Ministers held in Ouagadougou from 18 to 19 December, 2007.

AGREE AS FOLLOWS

CHAPTER I: DEFINITIONS, OBJECTIVES AND SCOPE

Article 1: Definitions

1. For the purposes of this Supplementary Act, the definitions contained in Supplementary Acts A/SA.1/01/07 shall apply.
2. The following additional definitions shall also apply:
radio frequencies or radio-frequency spectrum: frequencies or spectrum of electromagnetic waves propagated naturally in the 3 kHz to 300 GHz band, used for the transmission and reception of telecommunication signals.

frequency-spectrum management: all administrative and technical actions, taken as a whole, aimed at ensuring a rational use of the radio-frequency spectrum by users.

Article 2: Objectives and scope

1. The purpose of this Supplementary Act is to harmonize procedures for the management of the radio-frequency spectrum by ECOWAS Member States.
2. This Supplementary Act aims to establish a framework of guidelines and legal provisions within ECOWAS to assure policy coordination and, where applicable, the harmonization of conditions with respect to the availability and efficient use of the radio spectrum necessary for the establishment and functioning of the domestic ICT market in the ECOWAS zone.
3. To that end, this Supplementary Act establishes procedures with a view to the following:

- a) to facilitate the defining of policies in regard to strategic planning and harmonization of the use of the radio spectrum in the ECOWAS zone, taking into account in particular the economic, security, health, public-interest, freedom-of-expression, cultural, scientific, social and technical aspects of Community policy, as well as the different interests of communities of radio-spectrum users, with a view to optimizing the use of the radio spectrum and eliminating harmful interference;
- b) to assure the effective implementation of the radio-spectrum policy within ECOWAS, and, in particular, to establish a general methodology for assuring the harmonization of conditions relating to the availability and effective utilization of the radio spectrum;
- c) to assure the coordinated and timely dissemination of information on the allocation, availability and utilization of the radio spectrum within ECOWAS.

Article 3:

Objectives of radio-frequency spectrum management

1. The Member States shall assure coordinated management of the radio-frequency spectrum within the ECOWAS zone, on the basis of the following objectives:
 - a) economic efficiency: ensuring that the allocation of frequencies to users, having regard to the uses, results, on the market, in higher value being derived from the resource; ensuring that there is a swift, flexible response to changing markets and technologies, with new services being accommodated as they become technically and commercially viable; and minimizing transaction costs, barriers to entry and any other constraints on efficient economic activity;
 - b) technical efficiency: assuring intensive use of limited spectrum, and adherence to technical limitations based on interference considerations; and promoting the development and introduction of new spectrum-saving technologies where the cost of such technologies is justified by the value of the spectrum saved.

- c) general policy: ensuring that it is consistent with overall government policy; safeguarding certain areas of spectrum use for the efficient functioning of national defense, emergency services and other public services; and ensuring that any change in spectrum use in an ECOWAS Member State always remains consistent with Member States' international and regional obligations.

CHAPTER II: GENERAL PRINCIPLES

Article 4:

Definition of a common framework for spectrum management in the ECOWAS zone

Member States shall define a common framework for economically efficient spectrum management with a view to meeting the objective of liberalizing the ICT market within ECOWAS.

Article 5:

Principles of efficient spectrum management

Member States shall ensure that all classes of user are encouraged to make optimum use of the spectrum they occupy.

Article 6:

Spectrum pricing

1. Member States shall adopt a frequency pricing system in cases where demand is greater than supply and neither frequency auctioning nor frequency trading are used. Determination of the price calculation method, which is generally based on spectrum opportunity costs, may also take account of any objectives defined by the State.
2. Member States shall ensure that in the majority of frequency bands where demand is greater than supply, they follow the principle of a positive price for spectrum access where there are other potential uses for a given block of spectrum, i.e. where the opportunity cost is greater than zero. Where demand does not exceed supply, the price may be equal to the administrative costs or to a value consistent with government policy.

**Article 7:
Auctions**

Where demand is greater than supply, Member States shall make preferential use of auctions as a means of assigning major spectrum licenses to competing applicants, in the interests of ensuring transparency, objectivity and impartiality in the transfer (or assignment) process.

**Article 8:
Service restrictions**

Member States shall ensure that spectrum management bodies in the ECOWAS countries make every effort to keep license conditions to the minimum necessary for efficient spectrum use. To this end, existing licenses should be amended to remove restrictions not needed for reasons of international coordination or interference management, and new licenses should be issued with as few restrictions as possible.

**Article 9:
Generic licenses for spectrum use**

In the interests of greater flexibility and as an aid to economic development, Member States may adopt a system of generic licenses for frequency usage within certain frequency ranges.

**Article 10:
Conformity with the global and regional
regulatory framework**

Member States shall manage spectrum in ways that promote flexibility while respecting the ITU international allocations.

**CHAPTER III:
PRINCIPLES OF SPECTRUM MANAGEMENT**

**Article 11:
Coordinating spectrum management across
civil and governmental**

1. Member States shall establish a framework which permits the effective coordination of all spectrum use, at the national, regional and international levels.
2. Member States shall promote the merging of separate regulatory bodies dealing with spectrum use in the broadcasting and telecommunication spheres.
3. Where government requirements for a particular frequency band are zero or negligible, such spectrum may be permanently reallocated to civil uses, following a definitive renunciation by the government.

**Article 12:
Role of national regulatory authorities**

In the interests of having a management regime that embraces the principle of technological neutrality, Member States shall ensure that radio spectrum management powers are vested in the national regulatory authority overseeing telecommunications by giving that entity a mandate covering ICT in the broadest sense.

**Article 13:
Radio spectrum coordination committee**

1. Member States shall ensure that, in those countries of the ECOWAS zone that manage the radio spectrum according to the multi-jurisdictional model, an inter-departmental committee is established with the following rules of operation:
 - a) The committee shall in the first instance establish a policy agenda and guidelines for regulations.
 - b) The committee shall comprise members of key government agencies involved in spectrum management, as well as key non-governmental stakeholders.
 - c) Official records shall be kept of meetings of the committee and be made public, except where this may compromise national security interests.
 - d) Government representatives on the committee shall be appointed by a high-level member of government for a period not exceeding five years, renewable only once. They shall elect a chairman amongst themselves, who shall remain in that function for a period not exceeding two years.
2. Member States which establish such a committee shall ensure that it also includes members from the civil society, chosen from a list of applicants drawn up pursuant to an open public selection process. Their committee memberships shall not exceed three years.
3. The committee shall not exceed 12 persons, including the Chairman.
4. Member States shall ensure that the committee is required to publish an annual report, to be communicated to the government and published on the committee's website. The committee shall also publish all its work and all other relevant material, subject to a confidentiality clause, on a dedicated website. The website of each participating

governmental committee member's department should contain a link to the committee's website.

5. Two members of each national committee shall be nominated to sit on a regional committee comprising members from all the ECOWAS countries. The regional committee shall meet once a year, in one of the countries of the region, to discuss matters of international relevance in the context of spectrum management and matters of mutual interest.

**Article 14:
Regional Spectrum Management
Coordination Committee**

1. Member States shall establish a special ECOWAS committee comprising the spectrum management bodies of each ECOWAS Member State, with the task of defining a common approach to spectrum management.
2. The committee shall examine the spectrum assignments and allocations of the ECOWAS countries and recommend a harmonized policy for promoting broadband wireless access service provision across the region. The committee shall report its findings by the end of June 2007.

**CHAPTER IV:
HARMONIZATION OF DOCUMENTATION AND
MONITORING AT REGIONAL LEVEL**

**Article 15:
Common framework for documenting and
monitoring spectrum use**

Member States shall establish, possibly under the auspices of ECOWAS, a common methodology for documenting and monitoring spectrum, sharing as necessary the costs of developing a software tool for that purpose. Member States shall likewise promote the establishment, under the auspices of ECOWAS, of a forum bringing together those responsible for spectrum management for the purpose of:

- a) exchanging information and experiences to foster the harmonization of spectrum management rules;
- b) preparing common positions to be presented to regional, then global bodies;
- c) pooling existing expertise.

**Article 16:
Common framework for a public database
and establishment of a national allocation
table to enable interference management**

Member States shall:

- a) establish a common framework for developing a public database of technical and locational information about radio communication systems;
- b) in the near future, provide the data necessary to define a common template for the establishment of a national frequency table in each country.

**CHAPTER V:
FINAL PROVISIONS**

**Article 17:
Time-frames for transposition**

1. Member States shall take all necessary steps to adapt their national sectoral legislation to this Supplementary Act no later than two years following the date of its entry into force. They shall inform the ECOWAS Commission of those steps immediately.
2. The legal texts agreed to shall contain a reference to this Supplementary Act or shall have such a reference attached to them when they are officially published.

**Article 18:
Implementation**

1. When, based on this Supplementary Act, national regulatory authorities take decisions that are liable to have an impact on exchanges between Member States and on the establishment of the single market; and
 - a) concern the implementation of the tariff policy applicable to telecommunication services;
 - b) concern the implementation of the universal service development policy;
 - c) concern interconnection;
 - d) relate to the arrangements for authorizing the establishment, operation and/or provision of telecommunication services open to the public,

Member States shall ensure that the measures and substantiating arguments are communicated to the Commission of ECOWAS one month prior to their implementation.

2. The national regulatory authority shall take into consideration the observations of the Commission.
3. The measures shall take effect one month after the date on which they were communicated, unless the Commission informs the national regulatory authority that they are incompatible with this Supplementary Act.
4. Under exceptional circumstances, where the national regulatory authority considers it urgent to take action to safeguard competition and protect users' interests, it may adopt proportionate measures immediately, applicable for a limited period only. Those measures shall be communicated without delay to the Commission for comment.
5. When Member States adopt transposition measures for this Supplementary Act, they shall ensure that the planned measures along with substantiating arguments are communicated to the ECOWAS Commission one month prior to implementation of the measures.
6. Member States shall take into consideration the observations of the Commission. The measures shall take effect one month after the date on which they were communicated, unless the Commission informs the Member States that the measures proposed are incompatible with this Supplementary Act.
7. Member States shall communicate to the Commission any provisions of domestic law which they adopt in the field governed by this Supplementary Act.

**Article 19:
Information report**

Member States shall, no later than six months following the date of entry into force of this Supplementary Act, communicate to the Commission the steps taken or which are in the course of approval or implementation for the purpose of implementing this Supplementary Act.

**Article 20:
Publication**

This Supplementary Act shall be published by the Executive Secretariat in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of Authority. It shall also be published by each Member State in its National Gazette within the same time frame.

**Article 21:
Entry into force**

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory States and ECOWAS Institutions pledge to commence the implementation of its provisions on its entry into force.
2. This Supplementary Act is annexed to the ECOWAS Treaty of which it is an integral part.

**Article 22:
Depositary Authority**

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all the Member States and shall register it with the African Union, the United Nations and such other organisations as Council may determine.

**IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC
COMMUNITY OF WEST AFRICAN STATES, HAVE SIGNED THIS SUPPLEMENTARY ACT**

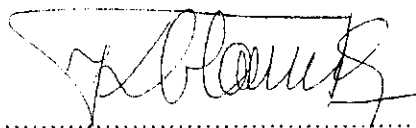
DONE AT OUAGADOUGOU, THIS 19TH DAY OF JANUARY 2007

**IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE (3)
TEXTS BEING EQUALLY AUTHENTIC.**

.....
His Excellency Thomas Boni Yayi
President of the Republic of Benin

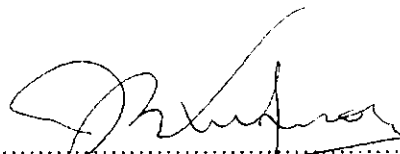
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His Excellency Blaise Compaore
Chairman of the Council of Ministers
President of the Faso

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President of the Republic of Cabo Verde



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His Excellency Laurent Gbagbo
President of the Republic of Cote D'Ivoire

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President of the Republic of The Gambia



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His Excellency John A. Kufuor
President of the Republic of Ghana



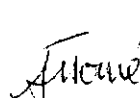
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Hon. Sidibe Fatoumata KABA
Minister of International Cooperation
For and on behalf of the President
of the Republic of Guinea



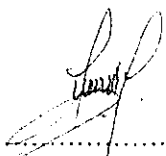
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His Excellency Joao Bernardo Vieira
President of the Republic of Guinea Bissau



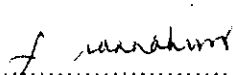
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Her Excellency Ellen Johnson-Sirleaf
President of the Republic of Liberia



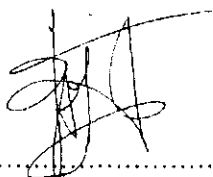
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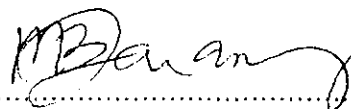
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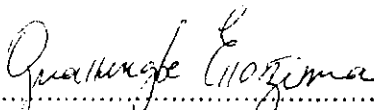
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Hon. Mohammed Daramy
Minister of Development and Economic
Planning, for and on behalf of the President
of the Republic of Sierra Leone



.....
His Excellency Faure Essozimna Gnassingbe
President of the Togolese Republic

SUPPLEMENTARY ACT A/SA.6/01/07 ON UNIVERSAL ACCESS/SERVICE

THE HIGH CONTRACTING PARTIES

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

MINDFUL of Article 33 of the said treaty, which provides that Member States shall, in the area of telecommunications, develop, modernize, coordinate and standardize their national telecommunication networks in order to provide reliable interconnection among Member States, and shall coordinate their efforts with a view to mobilizing national and international financial resources through participation of the private sector in the provision of telecommunication services;

MINDFUL of Decision A/DEC. 14/01/05 on the adoption of a regional telecommunication policy and development of GSM regional roaming in the ECOWAS Member States;

MINDFUL of Decision A/DEC. 11/12/94 on the establishment of an ECOWAS technical advisory committee on telecommunication regulation;

MINDFUL of Decision A/DEC. 12/12/94 on tariff-setting and telephone traffic in the area of telecommunications;

MINDFUL of Decision A/DEC. 16/5/82 on the telecommunication program of ECOWAS;

CONSIDERING that the direct interconnection of modern telecommunication systems between Member States is a prerequisite for sub regional economic integration;

NOTING that the Community has resolutely embarked upon a process of liberalizing telecommunication services and infrastructures by 2007;

CONSIDERING that this liberalization process is giving rise to flourishing markets calling for a framework that is conducive and attractive to investment;

AWARE of the need to provide all of the Community's populations, regardless of geographic location, with a minimum set of high-quality and affordable telecommunication services;

RECOGNIZING that the concept of universal service is bound to evolve as a result of technological progress, market developments and user requirements;

WISHING to achieve, as rapidly as possible, the digital opening-up of the Member States;

ON THE PROPOSAL of the meeting of the Ministers in Charge of Telecommunication held in Abuja on 11th May 2006

ON THE RECOMMENDATION of the fifty-seventh session of the Council of Ministers held in Ouagadougou from 18 to 19 December 2006;

AGREE AS FOLLOWS

CHAPTER I: DEFINITIONS, OBJECTIVES AND SCOPE

Article 1: Definitions

1. For the purposes of this Supplementary Act, the definitions contained in Supplementary Act A/SA.1/01/07 shall apply.
2. The following additional definitions shall also apply:

Universal access/service: access to a basic group of services as defined in this Supplementary Act, within the territory of the Member States of ECOWAS, for all citizens, regardless of their geographic location, at affordable rates.

Public payphone: a telephone station made available to the public, for use against payment in the form of coins and/or credit or debit cards and/or prepayment cards, including cards used with numbering codes.

Public telephone network: a telecommunication network used to provide publicly accessible telephone services. Between network termination points, it permits the transmission not only of voice communication but also of other forms of communication such as facsimile and data transmission.

Publicly accessible telephone service: service made available to the public to enable people to make and receive domestic and

international calls, and to access emergency services by dialing one or more numbers established for that purpose in national or international numbering plans. It may also include the provision of one or more of the following services, where applicable: operator assistance; telephone and/or directory information; public payphones; other specialized services; special services for disabled persons or persons having specific social needs; and non-geographic services.

**Article 2:
Objectives and scope**

1. The purpose of this Supplementary Act is to harmonize conditions so as to enable all citizens to connect to communication networks accessible to everyone at affordable rates.
2. This Supplementary Act lays down the rules applicable to universal access/service within the countries of the ECOWAS zone, and sets out in particular the role of Member States in establishing and implementing rules in the following areas:
 - a) creating a regulatory and policy environment favorable to universal access/service;
 - b) designing and identifying regulatory reform measures;
 - c) promoting innovative regulatory policies;
 - d) assuring access to information and communication infrastructures;
 - e) providing subsidies for financing and managing universal access/service policy;
 - f) assuring cooperation in the provision of service;
 - g) assuring the oversight and review of policies;
 - h) establishing an obligation to put emergency services in place.

**CHAPTER II:
ROLE OF THE AUTHORITIES**

**Article 3:
Creation of a regulatory and policy
environment conducive to universal
access/service**

Member States shall take all necessary measures in order:

- a) at the highest possible political level, to identify ICT as a tool for socio-economic development, designating to that end a national focal point such as a ministry, government department or well-known individual to champion the cause of ICT development;
- b) to establish national regulatory authorities and provide them with the means to play a key role in implementing universal access policies, first by addressing the market efficiency gap (letting the market deliver universal access/service), and then by tackling the true access gap;
- c) to make national regulatory authorities responsible for implementing policies geared towards the provision of services that are of the highest possible quality, reliable and affordable, and which satisfy the needs of users both present and future;
- d) to develop their communications frameworks through telecommunication sector, institutional and legislative reform in line with international best practices but with due regard for local requirements;
- e) to include, in the definition of universal access/service policies, all citizens and elements of the population regardless of ethnic origin, socio-economic level or geographic location.

**Article 4:
Designing policies and determining
regulatory reform measures**

1. Member States shall take all necessary measures in order to:
 - a) formulate a national policy that identifies

- appropriate and realistic universal access/service objectives which take into account the differences between universal access (public access to ICTs) and universal service (private or household access to ICTs);
- b) as frequently as possible, conduct public consultations with stakeholders to identify their needs and modify universal access/service policies, regulations and practices accordingly;
- c) design universal access/service policies, regulations and practices to create incentives for the private sector to extend universal access to communications services;
- d) use a multi-pronged approach to addressing universal access/service challenges and opportunities, relying on complementary strategies to meet the targets that have been set;
- e) establish a fair and transparent telecommunication regulatory framework that promotes universal access to ICTs while allowing the market to address universal access/service to the greatest extent possible, intervening only where the market has failed or seems likely to do so. This entails:
- i) promoting technologically neutral licensing practices enabling service providers to use the most cost-effective technology to provide services for end users;
 - ii) adopting a transparent and non-discriminatory interconnection framework in which interconnection rates are linked to costs;
 - iii) reducing regulatory burdens to lower the costs of providing services to end users;
 - iv) promoting competition in the provision of a full range of ICT services to increase access, affordability, availability and use of ICTs.
- 2 Where it is necessary for regulators and policymakers to intervene to facilitate the delivery of universal access/service:
- a) public access strategies should be explored in addition to private universal service strategies;
 - b) both pay and play strategies should be employed, but where possible operators should be encouraged to invest in rural, remote and low-income populations and areas;
 - c) countries can use regulatory reform as the first step in achieving universal access, recognizing that further steps may be necessary to achieve ubiquitous access to ICTs, e.g. in rural areas or for users with special needs;
 - d) appropriate licensing schemes for rural service providers could be set up to meet the needs of unserved and underserved areas.

Article 5:

Promoting innovative regulatory policies

Member States shall:

- a) promote access to low-cost broadband interconnectivity from the local level to the international level, involving government authorities, companies and non-governmental organizations;
- b) adopt regulatory frameworks that support applications such as e-education and e-government;
- c) adopt policies aimed at increasing access to the internet and broadband services, based on their own market structure, such that the policies reflect diversity in culture, language and social interests;
- d) ensure that national regulatory authorities work with stakeholders to expand broadband coverage and use through multi-stakeholder partnerships, in parallel to government initiatives to promote financially sustainable programs, particularly with a view to bridging the market gap that may exist in some countries;
- e) adopt regulatory regimes that facilitate the use of all transport media, whether wire line, power line, cable, wireless or any other new technology;

- f) ensure that national regulatory authorities put forward initiatives for encouraging public access to broadband and internet services in schools, libraries and other community centers;
- g) ensure that national regulatory authorities implement harmonized spectrum allocations consistent with the ITU radio communication conference process and each country's national interest.

**CHAPTER III:
ACCESS TO INFORMATION AND
COMMUNICATION INFRASTRUCTURES**

**Article 6:
General principles**

With a view to facilitating access to information and communication infrastructures, Member States shall:

- a) within a competitive framework, foster the introduction of innovative services using new technologies at an affordable level of pricing;
- b) promote affordable ICT equipment, which could include national manufacturing of ICT equipment, reduced customs tariffs and duties and end-user loans to make ICT equipment more affordable;
- c) develop a full range of public access options, including the creation of public telecenters and multipurpose community centers;
- d) develop local projects and input, including content that is useful for local populations, thereby increasing their relevance and hence their long-term financial sustainability;
- e) institute education and training programs to encourage the use of ICTs and their impact on local people, thereby increasing the long-term financial sustainability of ICT projects.

**Article 7:
Availability of universal access/service**

Without prejudice to more generous domestic measures, Member States shall commit themselves to taking the necessary steps to ensure that, as a minimum, the entire population within their territories have access to the services listed in this chapter, regardless of their geographic location and at affordable prices.

Article 8:

Provision of the telecommunication service

Member States shall ensure that requests for connection to a telecommunication network are satisfied by at least one operator and may, if necessary, designate one or more operators to that effect, such that all parts of the national territory are covered. The connection provided must be such as to enable the user to make domestic and international calls, send and receive voice messages and fax and data transmissions, and connect to the internet with an adequate transfer rate.

Article 9:

**Directories and telephone
information services**

1. Member States shall ensure that:
 - a) a directory, which may be printed or electronic or both, containing the credentials of all subscribers, including their fixed and mobile telephone numbers, is made available to users in a form approved by the national regulatory authority;
 - b) at least one telephone information service covering all listed subscribers is available to all users, including users of public telephone booths;
 - c) companies providing the above services apply the principles of non-discrimination to the processing and presentation of information provided to them by operators.
2. Member States shall undertake to give effect to these provisions with all due respect for the applicable legal and regulatory provisions in force in regard to personal data and privacy protection. In particular, where subscribers expressly so request, their information shall not be included in any directory.

**Article 10:
Emergency services**

Member States shall ensure that emergency calls can be made free of charge from any fixed or mobile telephone, including telephone booths.

**Article 11:
Public access and public payphones**

1. In order, among other things, to enable users

not subscribed to the telephone service to have access thereto, Member States undertake to ensure that public payphones are installed, under reasonable conditions, in terms of quantity and geographic distribution.

2. Without prejudice to more generous domestic legislation, Member States shall ensure that national regulatory authorities are in a position to impose schedules for the deployment of public payphones, with the aim of having at least one public payphone in each locality numbering 500 inhabitants or more by 31 December 2010. ECOWAS will monitor the implementation of this measure on an annual basis.

**Article 12:
Specific measures in favour of
certain social groups**

Where the need exists, Member States shall take specific measures to ensure that users with disabilities or special social needs have equivalent and affordable access to publicly available telephone services, including emergency and directory services at an affordable price.

**Article 13:
Reviewing the scope of
universal access/service**

1. With a view to monitoring and reviewing policies, Member States must, on the one hand, adopt measurable targets for improving connectivity and access to ICT use, which can be based on distance, population density or length of time needed to have access to ICTs, and, on the other hand, hold periodic reviews of universal access/service policies, regulations and practices in order to adapt to the evolving nature of ICT services and end-user needs.
2. Member States shall periodically review the scope of the universal service, in particular with a view to making proposals for its modification or redefinition. The first such review shall be held not later than two years following the date of entry into force of this Supplementary Act, and thereafter a review shall be held every three years.
3. The review shall take account of social, economic and technological developments, and shall have particular regard to data

mobility and transfer rates for the technologies most widely used by the majority of subscribers. Member States shall inform the Commission of any changes.

**Article 14:
Mandatory additional services**

ECOWAS Member States may decide to make additional services accessible to the public, within their national territory, beyond those services that already come under the heading of universal service obligations as defined in this chapter.

**CHAPTER IV:
IMPLEMENTATION AND MANAGEMENT OF
UNIVERSAL ACCESS/SERVICE**

**Article 15:
Cooperation and management of
universal access/service**

Cooperation in this area must be explored on several levels:

- a) between the private sector and communities, so that where possible the market can deliver universal access/service;
- b) between communities, government and the private sector, to ensure that the access gap is dealt with in a manner that is relevant to communities;
- c) within government, to reap the full benefits of ICTs, beyond infrastructure and technology, and extending to health, education, agriculture and other sectors.

**Article 16:
Arrangements for implementation**

1. Member States shall determine the most effective and appropriate approach for ensuring the implementation of universal service, with due respect for the principles of objectivity, transparency, non-discrimination and proportionality. They shall endeavour to keep market distortions to a minimum, particularly where they take the form of service provision at rates or under conditions which differ from those normally prevailing in a commercial operation, while protecting the public interest.
2. To these ends, Member States may, where

necessary, designate one or more companies to ensure the provision of universal service, as defined in Articles 7, 8, 9 and 10, such that all parts of the territory can be covered. Member States may designate companies or different groups of companies to provide different components of universal access/service and/or to cover different parts of the national territory.

3. Where Member States designate companies to fulfill universal service obligations over all or part of the national territory, they shall do so through a mechanism that is effective, objective, transparent and non-discriminatory, and which does not exclude any company a priori.

**Article 17:
Quality of the service provided by
designated companies**

1. Member States shall ensure that the companies entrusted with the task of providing users with the services referred to in Articles 7, 8, 9 and 10 of this Supplementary Act provide the national regulatory authority with a regular account of their activities and results achieved in that regard.
2. National regulatory authorities shall establish performance objectives for companies assuming universal service obligations pursuant to Articles 7, 8, 9 and 10 of this Supplementary Act, in accordance with the procedures described in the present article.
3. Pursuant to the Supplementary Act on the harmonization of regimes applicable to telecommunication network operators and service providers, individual licenses may specify results to be achieved for the provision of universal access/service.
4. An entity's persistent failure to achieve the performance objectives and quality levels specified for the implementation of Article 3 of this Supplementary Act may entail the application of sanctions by the national regulatory authority.
5. National regulatory authorities are entitled to require independent verification of an operator's performance of the obligations incumbent upon it pursuant to Articles 7, 8, 9 and 10 of this Supplementary Act.

**CHAPTER V:
FINANCING AND MANAGEMENT OF THE
UNIVERSAL ACCESS POLICY**

Article 18:

Level and structure of prices

1. National regulatory authorities shall ensure that the universal service is provided to everyone at affordable rates. They may, at the request of the minister in charge of the sector, require companies designated pursuant to Article 14 to make available to low-income or special-needs users prices, options or schemes that differ from those normally prevailing in a commercial operation, particularly with a view to ensuring universal service.
2. The conditions under which such facilities are granted must be proportional, transparent and non-discriminatory, and publicly promulgated.

Article 19:

Calculating the cost of universal service

1. To assist national regulatory authorities in determining whether provision of the universal service places an unjustified burden on the companies designated as providers, Member States undertake to provide for the adoption of a method for calculating the costs of the universal service, based on net costs.
2. The net cost corresponds to the difference between the investment and operational costs associated with provision of the universal service and the relevant revenues. Relevant revenues are the direct and indirect revenues generated by the universal service.
3. The net cost of any special price-scheme offers made by an operator to certain categories of subscribers to ensure their access to the universal service shall be deducted from that operator's contribution to the universal service fund.
4. The calculation of the net cost of the universal service obligations shall be submitted for auditing by an entity that is unconnected with the body responsible for managing the fund. The result of the net cost calculation and the audit conclusions shall be made publicly available.

**Article 20:
Funding of universal access/service**

1. Funding and subsidies must be targeted, and are to be determined and delivered in a manner that is transparent, non-discriminatory, inexpensive and competitively neutral.
2. Subsidies can be provided using several means, including:
 - a) a universal service fund, which should be developed as a mechanism within a broader market-oriented approach to achieving universal access;
 - b) universal service funds can be financed by a broad range of market players, managed by neutral bodies such as regulators, and be used to kick-start public access projects that meet the needs of the local community;
 - c) governments may also consider a full range of other financing mechanisms;
 - d) competitive minimum subsidy auctions could be used, as an option, to reduce the amount of financing necessary for public access projects financed by a universal service fund;
 - e) public access projects can be designed to achieve long-term financial self-sustainability, especially where consideration is given to innovative low-cost technologies.

**CHAPTER VI:
FINAL PROVISIONS**

**Article 21:
Time-frames for transposition**

1. Member States shall take all necessary steps to adapt their national sectoral legislation to this Supplementary Act no later than two years following the date of its entry into force. They shall inform the Commission of those steps immediately.
2. The legal texts agreed to shall contain a reference to this Supplementary Act or shall have such a reference attached to them when they are officially published.

**Article 22:
Implementation**

1. When, based on this Supplementary Act, national regulatory authorities take decisions that are liable to have an impact on exchanges between Member States and on the establishment of the common market and concern implementation of the universal service development policy, Member States shall ensure that the measures and substantiating arguments are communicated to the Commission one month prior to their implementation.
2. The national regulatory authority shall take into consideration the observations of the Commission.
3. The measures shall take effect one month after the date on which they were communicated, unless the Commission informs the national regulatory authority that they are incompatible with this Supplementary Act.
4. Under exceptional circumstances, where the national regulatory authority considers it urgent to take action to safeguard competition and protect users' interests, it may adopt proportionate measures immediately, applicable for a limited period only. Those measures shall be communicated without delay to the Commission for comment.
5. When Member States adopt transposition measures for this Supplementary Act, they shall ensure that the planned measures along with substantiating arguments are communicated to the Commission one month prior to implementation of the measures.
6. Member States shall take into consideration the observations of the Commission. The measures shall take effect one month after the date on which they were communicated, unless the Commission informs the Member States that the measures proposed are incompatible with this Supplementary Act.
7. Member States shall communicate to the Commission any provisions of domestic law which they adopt in the field governed by this Supplementary Act.

**Article 23:
Information report**

Member States shall, no later than six months following the date of entry into force of this Supplementary Act, communicate to the Commission the steps taken or which are in the course of approval or implementation for the purpose of implementing this Supplementary Act.

**Article 24:
Publication**

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

**Article 25:
Entry into force**

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory States and ECOWAS Institutions pledge to commence the implementation of its provisions on its entry into force.
2. This Supplementary Act is annexed to the ECOWAS Treaty of which it is an integral part.

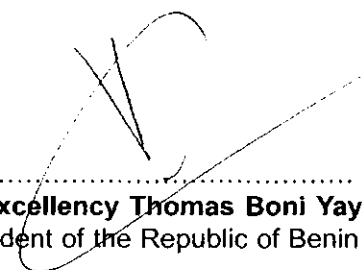
**Article 26:
Depositary Authority**

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all the Member States and shall register it with the African Union, the United Nations and such other organisations as Council may determine.

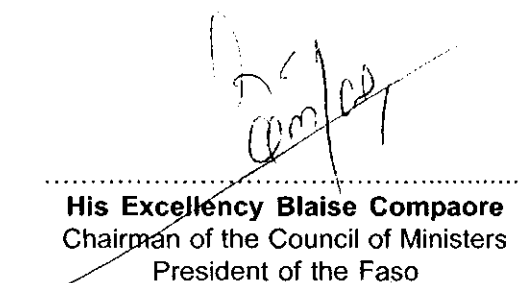
IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES, HAVE SIGNED THIS SUPPLEMENTARY ACT

DONE AT OUAGADOUGOU, THIS 19TH DAY OF JANUARY 2007

IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC.

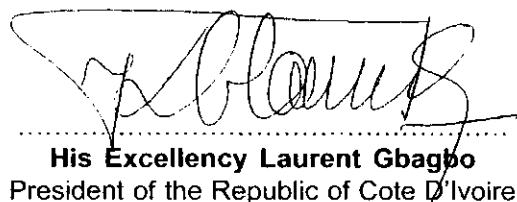


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His Excellency Thomas Boni Yayi
President of the Republic of Benin



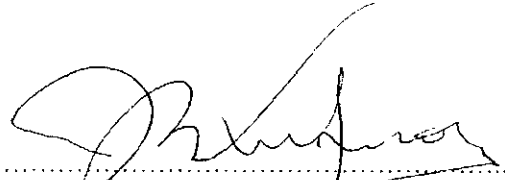
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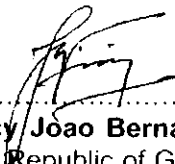



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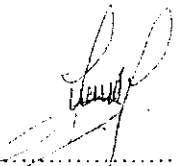

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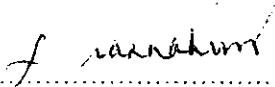

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Minister of International Cooperation
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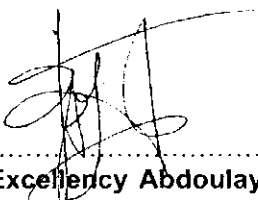

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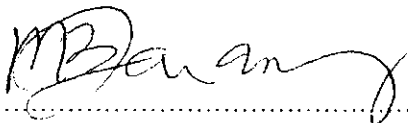

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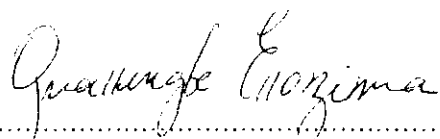

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SUPPLEMENTARY ACT A/SA.7/01/07 RELATING TO THE ADOPTION OF THE AMENDED VERSION OF THE ECOWAS ANTHEM AND THE HARMONIZED LYRICS IN THE FRENCH AND ENGLISH LANGUAGES

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended establishing the Authority of Heads of States and Government and defining its composition and functions;

MINDFUL of Decision A/DEC.2/5/2000 adopting the ECOWAS Anthem;

MINDFUL of the recommendation of the 55th Session of the Council of Ministers held in Niamey in January 2005 requesting the Executive Secretariat (Commission) to harmonize the French & English lyrics of the ECOWAS Anthem;

ON THE PROPOSAL of the meetings of the Panel of Experts in literature, Music, and linguistics, which took place in Dakar and Abuja from 2nd to 5th August 2006 and 31st September to 1st October, 2006 respectively, relating to the harmonization of the English and French Lyrics of the ECOWAS anthem.

ALSO ON THE RECOMMENDATION of the Council of Ministers held in Ouagadougou 18 and 19 December, 2006.

AGREE AS FOLLOWS:

ARTICLE 1

The amended version of the ECOWAS anthem is

hereby adopted. The musical scores are attached as annex 1 to this Supplementary Act.

ARTICLE 2

The harmonized French and English lyrics of the anthem are also hereby adopted and attached as annex 2 to this Supplementary Act.

ARTICLE 3

This Supplementary Act shall be published by the Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of Authority. It shall also be published by each Member State in its Official Gazette within the same time frame.

ARTICLE 4

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory Member States and the Institutions of ECOWAS undertake to commence the implementation of its provisions on its entry into force,
2. This Supplementary Act is annexed to the ECOWAS Treaty of which it is an integral part.

ARTICLE 5

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all Member States and shall register it with the African Union, the United Nations and such other organizations as Council may determine.

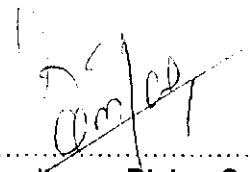
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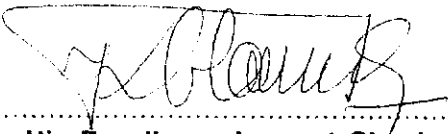
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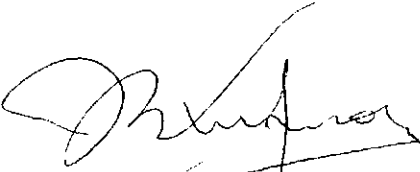

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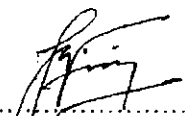
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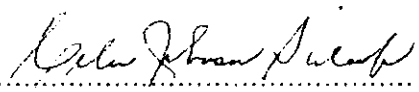

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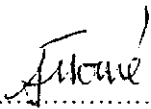
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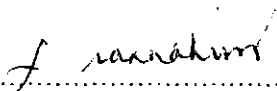

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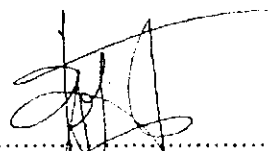

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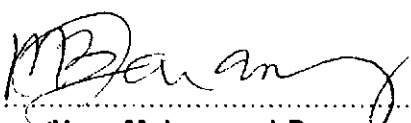

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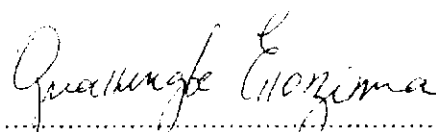

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His Excellency Faure Essozimha Gnassingbe
President of the Togolese Republic

ECOWAS ANTHEM

1.

*West African States, of historic solidarity,
Come, unite and built a buoyant Economic Community!
Free from the bondage of the past,
Rich, strong our new bond ever shall last!
It is no mystery,
We will make history.
From the ocean, to rain forests and the Savannahs;
Working hand in hand,
Each and every land,
We shall progress happily in ECOWAS§*

2.

*Peace and unity and social justice everywhere,
Cultural integration and liberty we declare!
Together, with our resources and might,
We will keep our health, wealth and future all bright!
It is no mystery,
We have made history.
From the sea shores to the desert, through the Savannahs:
Each and every land,
All will, hand in hand,
Ever progress happily in ECOWAS!*

SUPPLEMENTARY ACT A/SA.8/01/07 ADOPTING THE ECOWAS POLICY ON DISASTER REDUCTION

THE HIGH CONTRACTING PARTIES,

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

MINDFUL of Article 29 of the said Treaty relating to the environment, which commits member States to cooperate in the event of natural disasters, adopt policies, strategies and programmes at national and regional levels and establish appropriate institutions to protect and enhance the environment;

MINDFUL of Article 3, paragraphs (f) and (j) of the Protocol relating to the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping and Security, which set for ECOWAS the objective, among others, of creating implementing institutions for appropriate policies capable of facilitating the coordination of humanitarian and rescue missions as well as adopting environmental protection and rehabilitation measures;

RECALLING the achievements of the International Decade for Natural Disaster Reduction (1990 – 2000);

RECALLING further the Yokohama International Strategy for Disaster reduction (ISDR) launched in 2000;

RECALLING also the "Hyogo Framework of Action 2005 – 2015", which defines the orientations and the five measures for expanding and deepening local and/or international actions for minimising disaster risks;

TAKING ACCOUNT of the regional initiatives of the African Union in collaboration with the NEPAD Secretariat, which led to the formulation of an African strategy for disaster risk reduction (the African Strategy) with the support of the Secretariat of the United Nations International Strategy for Disaster Reduction and the African Development Bank;

TAKING FURTHER ACCOUNT of the recommendations of the 10th African Ministerial

Meeting on the environment, which led to the endorsement of the "African Strategy";

BEARING IN MIND the recommendations of the African Union Summit held in 2004, which prescribed the formulation of a programme of action for the implementation of the 2005 – 2010 "African Strategy";

CONSIDERING that the operational mandate granted ECOWAS by Article 29 afore-said, empowers it to integrate disaster risk reduction into its sub-regional disaster risk reduction programme and into its sub-regional programme for the reduction of poverty and the promotion of security and sustainable development;

NOTING that in that regard, ECOWAS adopted disaster risk reduction as one of its operational themes and consequently took part in appraisal meetings and seminars on disaster risk reduction organised by the UN/ISDR;

CONSIDERING that the fifty-first session of the Council of Ministers held in Accra in 2003 instituted a technical committee, which it charged with defining a mechanism for disaster management and formulating a policy for the reduction of such disasters;

DETERMINED to provide the sub-region with a disaster reduction policy;

UPON THE RECOMMENDATION of the fifty-seventh session of the Council of Ministers, held in Ouagadougou from 18 to 19 December 2006;

AGREE AS FOLLOWS:

ARTICLE 1

The ECOWAS Policy on Disaster Reduction, attached hereto, is hereby adopted.

ARTICLE 2

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

ARTICLE 3

- 1. This Supplementary Act shall enter into force upon its publication. Consequently, member signatory States and ECOWAS Institutions pledge to commence the implementation of its provisions on its entry into force.
- 2. This Supplementary Act shall be attached as an annex to the ECOWAS Treaty of which it is an integral part.

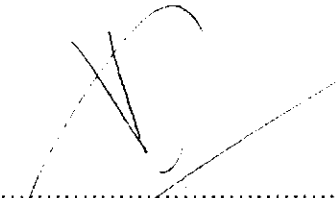
ARTICLE 4

This Supplementary Act shall be deposited with the Commission, which shall submit certified true copies thereof to all the Member States, and shall register the Supplementary Act with the African Union, the United Nations Organisation and with any organisation as may be determined by Council.

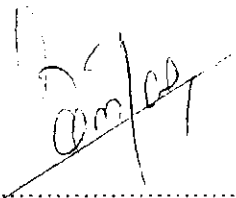
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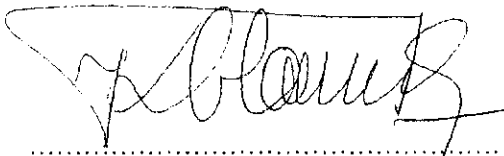


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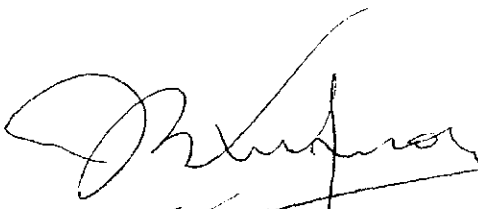
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Annexe

**Thirty-first Ordinary Summit of the
Authority of Heads of State and Government**

**ECOWAS POLICY FOR
DISASTER RISK REDUCTION**

**ECOWAS COMMISSION,
OUAGADOUGOU, THIS 19TH DAY OF JANUARY 2007**

- ABBREVIATIONS AND ACRONYMS

ACMAD	African Centre of Meteorological Applications for Development
AMCEN	African Ministerial Conference on the Environment
AU	The African Union
DES-PADS	Deputy Executive Secretary - Political Affairs, Defence and Security
DM	Disaster Management
DHA	Department of Humanitarian Affairs
DMOs	Disaster Management Organisation
ECOMOG	ECOWAS Ceasefire Monitoring Group
EERT ECOWAS	Emergency Response Team
EPF ECOWAS	Peace Fund
IACPs	Inter Agency Contingency Plans
ECOWAP	ECOWAS Agricultural Policy
ECOWAS	Economic Community of West African States
HFA	Hyogo Framework for Action
HIV/AIDS	Human Immuno Virus/Acquired Immune Deficiency Syndrome
IDPs	International Development Partners
ISDR	International Strategy for Disaster Reduction
NEPAD	New Partnership for African Development
OCHA	Office for the Coordination of Humanitarian Affairs
OMC	Observation and Monitoring Centre
PADEP	Peace and Development Programme
PRSPs	Poverty Reduction Strategy Papers
SEAF	Special Emergency Assistance Fund
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNICEF	United Nations International Children Educational Fund
UNHCR	United Nations High Commission for Refugees
UN/ISDR	United Nations Inter-Agency Secretariat of ISDR
WSSD	World Summit on Sustainable Development

EXECUTIVE SUMMARY

In general, disasters triggered by natural hazard event have increased in occurrence and severity in the sub-region, particularly the Sahelian zone, since the last three decades. Furthermore, disasters and conflict are linked and are mutually reinforcing. Consequently, the increasing interest of ECOWAS in disaster risk reduction has mainly been driven by efforts to fulfil its peace and security mandate, including the management of humanitarian outcomes of conflicts. The focused attention on disaster issues culminated in the establishment of disaster reduction as an operational theme. The ECOWAS Council of Ministers 51st Session in December 2003 in Accra established a Technical Committee on Disaster Management to recommend ways to operationalize a disaster prevention and reduction capacity.

This Policy document is presented in two parts. Part I provides the background to the Policy in an

introduction, a summary of reviews of disaster management practise and capacities in West Africa, including key challenges, and, justification for the policy for disaster risk reduction for West Africa. Part II covers the policy vision, statement, objectives, scope and principles, in addition to the focus areas, strategies and priorities for action under the policy.

The key principles of the policy include: (a) playing a catalytic role in enhancing self-protection by people and communities, (b) providing material, financial and other emergency management assistance to member states, and (c) adopting multi-stakeholder participatory approaches that are gender and cultural sensitive.

The objectives of the Policy are to:

- advocate for and raising awareness on disaster risk reduction
- integrate disaster risk reduction into development policies, planning and programmes.
- develop and strengthen institutions, mechanisms and capacities to build resilience to hazards
- incorporate risk reduction approaches in emergency preparedness, rehabilitation and recovery

- enhance the contribution of the disaster reduction to peace and security of the sub-region.

The Policy focuses on reducing disaster risk through development interventions by looking at reducing risk as a development challenge. Hence, the recommendations cover actions in sustainable development aimed at strengthening the sub-region capacity for disaster risk management. The Policy addresses disasters triggered by natural hazards that may be exacerbated by conflict but will not contain explicit interventions on conflicts.

Priorities for actions under the Policy include:

- supporting development and sub-regional networking of national platforms for disaster reduction
- promoting expansion of the various early warning system in operation and facilitating their coordination and harmonisation
- supporting public awareness and advocacy of disaster reduction
- integrating disaster risk reduction principles in the harmonisation programme and Agriculture Policy of ECOWAS and in national development policies
- developing sub-regional disaster response capability based on the ECOWAS Standby Force and the ECOWAS Emergency Response Team (EERT)

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1. Introduction

Disasters arise from the interaction of hazard with vulnerability. In West Africa, several natural hazards constitute disaster threats. These include geological events (such as earthquakes), hydro meteorological phenomena (such as flood, drought and windstorms) and biological factors (such as disease epidemics). Due to the high vulnerability of individuals and communities, the occurrence of these natural hazards often results in disasters that destroy life, property and the environment and undermine West Africa's development. Disasters also jeopardise achievement of the Millennium Development Goals and slow down the process towards sustainable development. However, efforts are underway at all levels to address the problem.

At the international level, the International Decade for Natural Disaster Reduction (1990 - 1999), Yokohama Strategy for a Safer World and the International Strategy for Disaster Reduction (ISDR) launched in 2000 focused global attention on the need to address the issue of disaster reduction. The 2000 World Summit on Sustainable Development (WSSD) addressed disaster reduction as a key issue of sustainable development. Consequently, the Hyogo Framework for Action 2005 - 2015 provides strategic directions and set five areas of priority for further expanding, deepening and strengthening local, national, regional and international actions to reduce disaster risks.

At the regional level, the African Union has, together with the NEPAD Secretariat, developed the African Regional Strategy for Disaster (the African strategy), with the support of the UN Inter-agency Secretariat of ISDR (UN/ISDR), in cooperation with the United Nations Development Programme (UNDP) and the African Development Bank. The Strategy was endorsed by the 10th Meeting of Africa Ministerial Conference on the Environment (AMCEN) and was favourably noted by the 2004 African Union Summit which called for the formulation of the Programme of Action for the Implementation of the Africa Strategy (2005-2010). Implementation of the strategy rests at the sub-regional and national levels.

The organization mandate and programme mix of ECOWAS allow its Secretariat to coordinate the development of a sub-regional strategy and programme that integrates disaster risk reduction into the sub-regional poverty reduction, security and sustainable development agenda. Articles 22 and 29 of the Revised Treaty of ECOWAS provided for cooperation by members to strengthen existing institutions to manage natural calamities, provide food aid in the event of serious food shortage and to establish early warning systems. The Protocol

Relating to the Mechanism for conflict Prevention, Management, Resolution, Peacekeeping and Security mandated the development of effective policies that will help alleviate the suffering of the population and restore life to normalcy after complex humanitarian emergency and disasters.

Consequently, over the last couple of years, ECOWAS has increasingly focused its attention on disaster issues culminating in the establishment of disaster risk reduction as an operational theme. The Secretariat participated in reviews of disaster risk reduction by the UN/ISDR in 2002, for the Africa Strategy in 2003 and in some workshops. Then, the ECOWAS Council of Ministers 51st Session in December 2003 in Accra established a Technical committee on Disaster Management to recommend ways to operationalize a disaster prevention and reduction capacity. A meeting of the Committee in March 2005 outlined the scope of the ECOWAS mechanism for disaster management into this Policy.

2. Review of disaster reduction and management in West Africa; status and major challenges

2.1. The disaster problem in West Africa

Disasters triggered by natural events have increased in occurrence and severity in the sub-region, particularly the Sahelian zone, since the last decades. However, both the incidence of droughts and the number of people affected have declined. Other significant hazards include diseasesⁱⁱ, pest (particularly locust invasions), deforestation, forest degradation, flooding, sea erosion, sea level rise, coastal wetlands degradation, invasive alien species, and wildland fire. Lower and more variable rainfall levels during the last three to four decades have contributed to worsening desertification, food security, natural resource degradation and coastal vulnerability. Climate change factors are likely to worsen drought conditions and coastal erosion, change vegetation patterns, and increase tidal waves and storm surges. Large-scale seismic activity is rare but active fault areas experience earthquake swarms involving minor tremors. Other hazards include transportation, industrial and chemical accidents and technological systems failure.

The extent of vulnerability to hazards determines the extent of the impact of disasters. Vulnerability to natural hazards in the sub-region will likely worsen due to several factors, including the high poverty level, negative population and demographic trends, development generated factors, such as inadequate public investment to maintain and enhance resilience, fragile environment, conflict, and HIV/AIDS.

2.2. Status and major challenges of disaster reduction in West Africa

Recent reviewsⁱⁱⁱ done by the UN/ISDR have identified gaps in five areas of disaster risk reduction in West Africa.

2.2.1. Prioritizing disaster risk management and developing institutional base

Status: National authorities recognize the need to develop and strengthen institutions required to build resilience to hazards. Consequently, political commitment to disaster risk reduction is increasing in the sub-region. Countries are establishing and developing national platforms for promoting disaster risk reduction in the context development, including Mali, Nigeria and Senegal. The effort in developing the ECOWAS disaster management mechanism with a financing facility is further evidence of this. However, many countries are yet to develop national policies, legislation, or plan for disaster risk reduction. Some countries recognize grassroots disaster volunteers^{iv} and community level structures of civil protection organizations, but national policies and plans have not explicitly focused on either risk reduction or strengthening local coping strategies.

Major challenges: the major challenge is to how to make disaster risk reduction a priority development concern, including strengthening the capacity of the ECOWAS Secretariat to support disaster risk reduction in the sub-region.

2.2.2. Developing and strengthening disaster risk assessment and early warning

Status: Disaster risk assessment is weak in the sub-region: data collection on hazards, particularly small-scale hazards and impacts is not common or systematized, risk indexing is yet to begin, risk maps are generally unavailable and land use capacity maps do not indicate natural hazard risks. Early warning systems covering food security, drought and climatic factors operate in the sub-region^v. However, mechanisms for warnings on desertification and other major hazards are largely undeveloped or are limited to risk surveillance and monitoring. The emerging ECOWAS Peace and Security Observation and Monitoring System is yet to be integrated in disaster early warning systems. National early warning institutions are weakening but improved networking and partnering arrangement with external partners have helped to alleviate the constraint of weak data collection and analysis capabilities. The capacities of several sub-regional institutions^{vi} that provide vital services for risk assessment and early warning need to be strengthened and their output made more people-centered.

Major challenges: (a) promoting the practice of hazard and vulnerability assessment, monitoring and early warning; (b) strengthening all elements of famine and food security early warning systems in operation in the sub-region and harmonizing the various systems; (c) monitoring desertification and climate impacts.

2.2.3. Enhancing use of knowledge and innovation to reduce disaster risks

Status: National information systems are not geared towards generating, analyzing and disseminating information on disasters. There does not exist a sub-regional disaster information clearing house. On the demand side, the capacity within disaster management organizations (DMOs) to analyze available data is often weak. Some countries have made public information more easily available through press pluralism that bodes well for disaster mitigation and response but public access to disaster information is generally inadequate.

ACMAD initiated an innovative approach to disseminating weather information to farmers in the Sahel through solar rechargeable radios but expansion is hampered by the relatively high cost of the radios. Education and training systems do not incorporate instruction in disaster risk reduction while research and analysis on risk behaviours in the sub-region is relatively lacking. Various means are utilized to create public awareness of disaster risk reduction, including official events and the media but the language and mode of media presentations are often not people-centered.

Major challenges: (a) expanding and enhancing generation and dissemination of disaster risk information (b) integrating disaster risk reduction informal and informal education, (c) enhancing research and innovation in disaster management.

2.2.4. Reducing development risk factors

Status: Rain-dependent agrarian and primary-commodity based economies and poverty contribute to the high vulnerability to natural hazards in the sub-region. Countries have pursued pro-poor growth policies but some policies have not enhanced the resilience status of the sub-region while food insecurity persists. The ECOWAP Agriculture Policy (ECOWAS) is aimed at sustainable food security and poverty reduction partly by reducing famine and other disasters triggered by natural hazards through interventions in early warning, hazard management, post-conflict food crises and other areas. National disaster management frameworks also emphasize food security as a requirement for disaster risk reduction through several interventions^{vii}. To further manage

natural hazards and environmental degradation, countries have implemented interventions to protect and better safeguard the natural capital base but many factors, including lack of effective legislation, hamper compliance.

National authorities have developed policies to regulate and ensure integrated land resource use but physical planning and economic planning are not integrated. Consequently, the regulatory framework for land use planning and physical development is weak while compliance with settlement planning and development policies, controls, and standards is low. This is partly because national disaster management policies do not clearly aim to integrate disaster risk reduction in national development policies, planning and implementation processes. Also, many national poverty reduction strategies do not directly link with disaster risk reduction.

Major challenges: These include: (a) improving the design and enforcement of public regulations on physical development; (b) meeting food security challenges with existing drought and desertification management programmes; (c) addressing regional, trans-boundary and emerging risks, such as crop pest infestation, migratory livestock herding, and invasive alien species; (d) coordination and ensuring complementarities between disaster risk reduction and conflict management; (e) expand public-private partnerships; (f) enhance and expand measure for social protection.

2.2.5. Strengthening preparedness and response

Status: preparedness planning involves contingency planning, early warning and evacuation. Countries have developed national contingency and evacuation plans but the quality varies^{xxx}. Also, countries are unable to rehearse contingency plus^{ix}. Several countries, including Benin, Burkina Faso, Cote d'Ivoire, Ghana, Guinea Bissau, Mali, Niger and Togo have competed Inter Agency contingency Plans (IACPs) with OCHA, UNHCR, UNICEF and other agencies of the United Nations system to coordinate the assistance of development agencies to national response efforts but the institutional and physical infrastructure for emergency management remains limited. For example, most countries lack central facilities for coordination, command and control response interventions in emergencies. The recent development of a mission control centre for emergency management by Nigeria offers an example of good practice. Early warning systems contribute positively to emergency preparation and response in the sub-region but the integration of early warning into emergency management planning

is limited and, disaster management information systems do not adequately distinguish between localized crises and acute emergency situations.

Developing partners provide humanitarian assistance in times of disasters but are increasingly focusing their assistance on long-term development while the ability of countries in the sub-region to adequately finance disaster response requirements is limited. Logistics problems persist in the management of emergency assistance, targeting commodity distribution can be inadequate, and there are sometimes imbalances between the mix of food and non-food assistance. However increasingly innovative approaches to emergency response linking relief to development are emerging, including cash-for relief, instead of food, small-scale water harvesting, integration of food, health and functional education programmes.

Major challenges: (a) enhancing the capacity for sub-regional emergency response and contingency planning; (b) integrating early warning into disaster management; (c) harmonizing national emergency systems; (d) strengthening interaction between disaster managers and development practitioners; (e) developing voluntarism in emergency managements.

3. Justification for a policy disaster reduction in West Africa

There are several reasons for designing and implementing a common policy for disaster reduction in West Africa, including the following:

- a) Increasing disasters in the sub-region, due partly to increasing vulnerability and emerging hazards, can only be addressed effectively through disaster reduction interventions at both national and sub-regional levels.
- b) There is growing recognition that globally investment in disaster reduction saves far more expenditures on response.
- c) Resources spent on responding to disasters that recur frequently need to be reallocated to development interventions that help reduce the risk of future disasters.
- d) There is the need to utilize post-disasters recover and reconstruction opportunities to reduce disaster risks through risk-sensitive development interventions.
- e) There is a global move towards balancing disaster response with disaster reduction in managing disasters.
- f) Disaster reduction is a development challenge

that should be addressed through development interventions that help prevent and reduce disaster risk.

- g) Countries in the sub-region are developing frameworks for disasters risk reduction; there is the need for a sub-regional policy framework to support national efforts in this direction.
- h) ECOWAS has increasingly focused its attention on disaster issues in accordance with the Revised Treaty; it requires a policy framework for disaster reduction to guide its actions in moving forward.
- i) The policy fulfils mandatory requirements of ECOWAS under the Revised Treaty and the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, peace-keeping and Security.
- j) Regional Economic Communities are required to design disaster reduction policies and programmes under the Africa Strategy for disaster Risk Reduction.

4. The ECOWAS Policy for Disaster Risk Reduction

4.1. Vision

The vision of the Policy is a sub-region of resilient countries and communities in which natural hazards do not negatively impact development and where development processes do not lead to accumulation of disaster risks from natural hazards.

4.2. Policy statement

The policy for disaster reduction of ECOWAS is to facilitate sustainable integration and development of West Africa states through promoting and supporting effective disaster risk management that helps create safer and resilient communities and countries in social, economic and environmental terms.

4.3. Objectives

The objectives of the ECOWAS Policy for Disaster Risk Reduction Policy are to:

- Advocate for and raise awareness on disaster risk reduction
- Integration disaster risk reduction into development policies, planning and programmes
- Development and strengthen institutions, mechanism and capacities to build resilience to hazards

- Incorporate risk reduction approaches in emergency preparedness, rehabilitation and recovery interventions
- Enhance the contribution of disaster reduction to peace, security and sustainable development of the sub-region.

4.4 Scope of the Policy

This document presents the ECOWAS policy framework for disaster risk reduction in the sub-region. The policy would focus on areas of importance to the West African situation under the guidance of the Hyogo Framework for Action.

The Policy focuses on reducing disaster risks through development interventions. Hence, the Policy would look at reducing disaster risks as a development challenge. Recommendation under the Policy would not narrowly focus on disaster management, but cover actions in sustainable development aimed at strengthening the sub-regional capacity for disaster risk management.

Issues of conflict and their humanitarian implications are at the centre of ECOWAS interventions currently and are providing the impetus for developing sub-regional capacities in disaster risk reduction. There exists a two-way relationship between disasters and conflicts: not only do conflicts affect disaster outcomes but type, onset and intensity of conflicts are also influenced by environmental factors and circumstances. Because both natural and conflict disaster situations result in humanitarian crises that undermine individual, country, regional and ecosystem security, both will be addressed in a complementary manner under the peace and security mechanism of ECOWAS. Thus, the Policy will address disasters triggered by natural hazards exacerbated by conflict but will not contain explicit interventions on conflicts, except in areas of collaboration under the EPF Peace and Development Programme (PADEP). Furthermore, achieving the objectives of the Policy will contribute to reduction of conflict.

The Policy is not a detailed prescription or blueprint for national action but it is an expression of agreed principles, objectives, priorities and institutional aspects of developing effective, efficient and sustainable disaster risk management in the sub-region. Consequently, the Policy would not contain details on operational matters or detail descriptions of components of priority actions. The latter would be covered in two follow-on documents:

- (a) The Mechanism for Disaster Reduction, and
- (b) The Programme of Action for the Implementation of the ECOWAS Policy and Mechanism for Disaster Reduction.

4.5. Principles of the Policy

The Policy will be guided by the following principles:

- 1) Recognizing that effective disaster reduction involves empowering people and local communities to act to protect their lives, property and the environment, ECOWAS will play a catalytic role in enhancing self-protection by promoting adoption of effective coping capacities at the national and local level.
- 2) Mindful of the inter-connectedness of livelihood, technological, political and other threats and hazards, ECOWAS will adopt a multi-hazard approach that addresses small recurrent and localized disasters and large infrequent disasters triggered by natural, technological and other threats.
- 3) In the event that the capabilities and resources of member states are unable to cope with impending, occurring or past disasters, ECOWAS will provide material, financial and other emergency management assistance to member states upon their request to develop emergency preparedness and response activities.
- 4) Aware of the need to utilize existing disaster management capabilities, ECOWAS will address disaster issues by supporting and supplementing local, national and international capacities and efforts in disaster reduction and management.
- 5) Recognizing that the effects of emergencies last after the physical manifestation of hazards end, and recognizing that risk reduction as a key objective of rehabilitation and recovery in policy and in practice, ECOWAS will adopt a continuum, long approach involving the simultaneous delivery of relief, rehabilitation and development services.
- 6) Aware that disaster reduction is not a stand-alone sector but that it requires integrating capacities across stakeholders, ECOWAS will adopt multi-stakeholder participatory approaches, including community and volunteer participation, in designing and implementing programmes and activities under the Policy.
- 7) The Policy will also pay attention to the gender perspective and the cultural diversity of the sub-region.
- 8) The development and implementation of programmes under the Policy will emphasize cost-sharing by all partners.
- 9) To ensure effectiveness of sub-regional disaster management, the Policy will promote support partnerships at three levels:
 - (a) Between different role players, including civil society, within countries,
 - (b) Among member states, and
 - (c) Between countries, ECOWAS and the international community.
- 10) Recognizing the need to ensure sustainability of interventions under the Policy, the Technical Committee and member states will agree on what conditions will trigger the ECOWAS assistance under the Policy and the terms which member nations can access that assistance.

Issues to consider will include: (a) eligibility criteria (b) the quantum of support to be provided under each access, (c) number of times a country can access support under the facility, (d) expected cost-sharing and other complementary inputs by accessing countries.

5. Policy focus areas, strategies and priority actions

The policy comprises five areas of focus and associated strategies and priority actions as follow:

5.1 Focus area 1: Enhancing disaster reduction by making it a development priority with the requisite institutional capacities

Strategy 5.1.1:

Making disaster risk reduction a priority in ECOWAS requires incorporating disaster risk reduction principles in the development agenda and programmes of the Community. To emphasize priority status of disaster reduction in the agenda of ECOWAS, the Authority of the Heads of State and Government will take a Decision to adopt the policy. To further demonstrate strong and committed leadership, the Authority will dedicate a portion of the ECOWAS Peace Fund to financing the Policy and facilitate co-financing of the Policy by all stakeholders.

Priority of Action:

- Promote integration of DRR into the ECOWAS development agenda and programmes, including agreeing a Programme of Action for the Implementation of the Policy.

Strategy 5.1.2:

Committed leadership empowers those at risk to achieve protection from disaster impacts by

discharging its governance responsibilities. A major responsibility is the development of conducive institutional conditions for disaster risk reduction. The Policy will contribute to the development of national framework for disaster risk reduction by promoting the establishment or strengthening of national platforms for disaster risk reduction.

Priorities for Action:

- Support creation, strengthening and sub-regional networking of national platforms for disaster reduction with strong policy, legislation and resource base, and, community and volunteer participation.

Strategy 5.1.3:

Disaster risk reduction systems can play significant catalytic roles in enhancing self-protection by safeguarding and strengthening local coping mechanisms, capacities and institutions. This requires that local survival strategies inform national and sub-regional disaster assistance interventions. The Policy proposes to facilitate strengthening of sub-regional capacity for disaster reduction, including through increased use of local consultants and service providers in the sub-region.

Priorities for Action:

- Develop and strengthen special sub-regional institutions for disaster risk management services
- Develop database on and strengthen disaster risk management capacity, including local expert capacity and coping strategies, in the sub-region, particularly as part of the ECOWAS Emergency Response Team (EERT), and in Africa.

Strategy 5.1.4:

ECOWAS recognizes that it can best meet its responsibilities in humanitarian assistance if it builds the internal capacity to support disaster risk reduction. The Policy will, consequently, focus on progressively enhancing the capacity of the Executive Secretariat in disaster risk reduction, including through institutional structuring, human resource development and technical assistance. A major component of this capacity is a mechanism for concerted sub-regional action to support efforts to reduce disasters in the long run and meet emergency needs in the immediate aftermath of disasters.

Priorities for Action:

- Develop disaster risk reduction capacity of the ECOWAS Secretariat, including creation of a sub-regional Mechanism for Disaster Risk Reduction with a financing facility

5.2. Focus Area 2: Reducing disasters by improving identification, assessment, monitoring and early warning of risks

Strategy 5.2.1:

West Africa is best with a multitude of hazards and threats; consequently, the risk setting changes frequently. Therefore, reducing disasters effectively requires a multiple risk approach underpinned by comprehensive and continuous monitoring of hazard and vulnerability threats. Such a monitoring system has to foster understanding of disaster risk trends and be useful for normal development planning and for disaster early warning during times of crises. It should also contribute to learning, adaptation and accountability. The Policy will support the development of standard risk assessment and monitoring instruments based on participatory approaches for the sub-region. It will also achieve this by coordinating agreement on a common set of risk data collection formats and analysis methodologies, indicators and presentation guidelines.

Priorities for Action;

- Promote the understanding and practice of risk identification and assessment, including through development and supporting use of guidelines, standard procedures, operational manuals, handbooks, maps, training modules and similar tools;

Strategy 5.2.2:

The policy will also support strengthening of the technological capacities for risk data collection, storage and exchange. In addition, it will develop the seasonal climate outlook forums scheme as a useful model for seasonal forecasting of climate-related hazards, and, strengthen sub-regional disaster management service institutions.

Priorities for Action:

- support strengthening hazard monitoring capacities, particularly:
- disaster risk information capacity, including national statistical records, collection and management
- development of systems of indicators of disaster risk and vulnerability at national and sub-regional levels
- the technological base (equipment and systems) for risk surveillance and monitoring
- regional disaster management service institutions;

Strategy 5.2.3:

For risk reduction to be effective, improved risk knowledge and strengthened technical monitoring need to feed into people-centered systems*. This will ensure timely and accurate dissemination of informative et comprehensible warnings and other information on all hazards targeted at those at risk. This depends on strengthening the institutional base of warnings. Consequently, the policy will facilitate balanced and coordinated development of the major international drought and food security warning systems in operation in the sub-region, emphasizing the dissemination and preparedness elements. The policy will also support interventions to directly link risk assessment process and early warning systems, and, to develop risk databases, including indicators of complex humanitarian emergencies.

Priorities for Action:

- promote understanding of the concept of and requirements for early warning, involving risks knowledge, technical monitoring and warning service, dissemination and preparedness;
- promote expansion of the scope of hazards coverage, timeliness of warnings, accessibility to people of various early warning systems in operation and facilitating their coordination and harmonization.
- develop gender-sensitive disaster and humanitarian indicators for integration in the early warning system of the ECOWAS Observation and Monitoring Centre (OMC) and in the PADEP.

5.3 Focus Area 3; Building safe and resilient societies by enhancing the use of knowledge**Strategy 5.3.1:**

The policy believes that disasters can be substantially reduced if people are well informed, guided and motivated to develop a culture of disaster prevention and resilience through improved access to knowledge, information and communication on disaster risk reduction. This requires the development and strengthening of capacities to transform risk information and knowledge (from education, training and tradition) into sound disaster risk reduction judgment and action at all levels. The policy will adopt various approaches to help enhance public awareness of disaster reduction including: (a) supporting increased interactions between disaster managers and the public through the media, (b) promoting integration of disaster education in formal and non-formal education systems, and, (c) disseminating good practices.

Priorities for Action:

- support public awareness and advocacy of disaster reduction

Strategy 5.3.2:

To further help enhance access to information and expand information dissemination, the Policy will support a pilot regional disaster risk reduction information service based on networking of national information services and the general strengthening of public communication mechanism.

The policy will promote public-private partnerships that increase the availability and adaptive use of modern information and communication technologies, including space technology and geographical information system, for disaster reduction. These partnerships will stress the integration of these modern technologies with local and traditional modes.

Priorities for Action:

- develop and strengthen disaster information systems and networks, including development of pilot sub-regional disaster information
- develop disaster education, training, research and technology programmes

Strategy 5.3.3:

To enhance research and innovation in disaster reduction, support for the development of training programmes in disaster reduction will be tied to the strengthening of sub-regional disaster service institutions under the policy. Priority issues to research include: the risk, implications of development interventions, cost-benefit of disaster risk reduction interventions, development constraints to disaster risk reduction, prospects for risk sharing instruments as disaster management tools, and climate change effect in West Africa.

Priorities for Action:

- support programmes to monitor and review national progress in disaster risk management, including undertaking and publishing sub-regional and national baseline assessments

5.4 Focus Area 4: Reducing underlying risk factors by addressing priority development concerns through disaster reduction interventions**Strategy 5.4.1:**

Reducing risk factors require mainstreaming disaster risk reduction in development policies, planning and implementation. This should start with a fundamental attitudinal change: both development and disaster communities need to recognize that disaster risk reduction is a development challenge. Meeting this challenge depends on promoting risk-

sensitive development and development-oriented risk reduction. Towards this end, Policy interventions in Focus Area 3 above to enhance dialogue and collaboration between disaster management practitioners, and development policy makers and planners will directly contribute to mainstreaming disaster risk reduction in development.

Priorities for Action:

- Integrate disaster risk reduction principles in the economic and financial policy harmonizing programme of ECOWAS and national development policies

Strategy 5.4.2:

In addition, the Policy will promote the integration of disaster reduction in national sustainable development strategies, as the PRSP and UNDAF. Also, the Policy will be coordinated with the ECOWAS to facilitate achievement of food security, stable agricultural incomes and integrated land and water management. Given the very strong linkages between the environment, vulnerability and poverty in Africa, the Policy will encourage the integrated and sustainable use and management of environment and natural resources, including management of effects of climate variability and change.

Priorities for Action:

- promote integration of disaster reduction in the implementation of the ECOWAS Agriculture policy, emphasizing gender aspects, to ensure food security for resilience
- support integration of disaster reduction strategies with climate adaptation, particularly drought management and desertification control
- facilitate sustainable ecosystems and environmental management

Strategy 5.4.3:

The Policy will emphasize disaster risk reduction through interventions to address sources of vulnerability including the major health challenges in the sub-region. Epidemics of malaria and communicable diseases such as HIV/AIDS, cholera and cerebrospinal meningitis (CSM) either constitute, or predispose people to, disaster. Also, disaster from natural hazards can create favourable environmental and other conditions for disease epidemic. Consequently, the Policy will support mainstreaming disaster risk reduction in health interventions and promote utilization of the health and human resources development programmes of ECOWAS to address the complex factors driving these health challenges in the sub-region.

Priorities for Action:

- support mainstreaming of disaster risk reduction into health sector development interventions.

Strategy 5.4.4:

It is essential that physical planning integrates socio-economic and spatial planning to promote sustainable land use. Settlement development, critical infrastructure protection, and public safety. The Policy will encourage national authorities to strengthen regulatory interventions, provide incentive to those who apply such measures, and, show the way through demonstration of good practice. In addition, the policy will work with construction of professional associations to promote increased compliance by their members with these standards and codes while encouraging the private sector and other role players to ensure universal compliance.

Priorities for Action:

- collaborate with appropriate authorities and groups to enhance public regulation on land use, physical development and infrastructure protection

Strategy 5.4.5:

Financial tools endow individuals and communities with the financial wherewithal to strengthen their prevention and coping capabilities. The Policy will encourage initiatives that promote effective financial intermediation to widen access to affordable financing, and risk spreading and transfer, such as through micro-finance and insurance schemes.

Priorities for Action:

- support identification of viable financial instruments for disaster risk reduction

5.5 Focus Area 5: Improving effectiveness of response through stronger disaster preparedness

Strategy 5.5.1:

Enhancing response through more effective preparedness requires developing strong and efficient response preparedness with disaster risk reduction focus. Disaster management can be strengthened and re-oriented towards the disaster risk reduction approach by ensuring complementarities between disaster mitigation and disaster response. The Policy will linkage between hazard risk management, response capability and long-term recovery by supporting measures to strengthen preparedness for effective response. Ensuring this linkage also requires integration of disaster risk reduction into post-disaster relief, rehabilitation and reconstruction processes through risk-reducing interventions during the response phase.

Priorities for Action:

- support strengthening of national disaster response capacities and their re-orientation towards a disaster risk management focus
- develop programmes for information sharing and cooperation between disaster managers and the development community

Strategy 5.5.2

Minimizing the divergence between emergency management and development requires adequate and prompt financing of post-disaster development activities. Integrating emergency management and development also depends on local capacity of national disaster authorities to manage comprehensive recovery programme involving rehabilitation and reconstruction with international assistance. The Policy will adopt and encourage strategies that develop response capacity and balance immediate emergency needs with measures to bridge the relief-rehabilitation gap. A key ECOWAS tool for fostering post-disaster development is the Peace and Development Programme (PADEP) of the ECOWAS Peace Fund (EPF).

The policy will promote integrated post-disaster development by supporting implementation of gender-sensitive interventions under or linked to PADEP, particularly those that promote economic recovery of local economies in post-emergency periods. The Policy will also strengthen the process of developing zonal bureaus for emergency monitoring by implementing recovery and rehabilitation interventions through the bureaus.

Priorities for Action:

- enhance sub-regional contingency planning through preparation of a Sub-regional Emergency Management Plan that links the disaster mechanism to relevant programmes such as the OMC and PADEP.

Strategy 5.5.3:

The ability of member States to respond effectively to disasters depends on their internal response capabilities, both civil and non-civilian, and the ability to rapidly deploy such response mechanisms in emergencies before external assistance arrives. A crucial component of this internal response capacity is the complement of trained civilian experts, including volunteers, in relevant multi-disciplinary fields of humanitarian assistance management who are located in situ in member States and are available for rapid deployment, either alone or together with security and agencies, in times of emergencies. Thus a key strategy will be to nurture the spirit of volunteerism, particularly from civil society at community levels, and to support development of effective civilian-military

cooperation in emergency management. The existence of such capability in member States will facilitate sub-regional coordination of emergency response interventions.

A key tool for achieving these objectives is the planned ECOWAS Emergency Response Team (EERT) which will constitute civil deployment along emergency and peacekeeping missions. The EERT will be used to develop capabilities of first responders to emergencies (such as the fire, police, military and medical services) at the national level. The EERT will also provide the basis for national emergency planning and for coordinating sub-regional response, particularly to managing cross-border emergencies.

Consequently, the Policy will promote development of the EERT and its integration in the both disaster emergency and peace support operations of ECOWAS.

Priorities for Action:

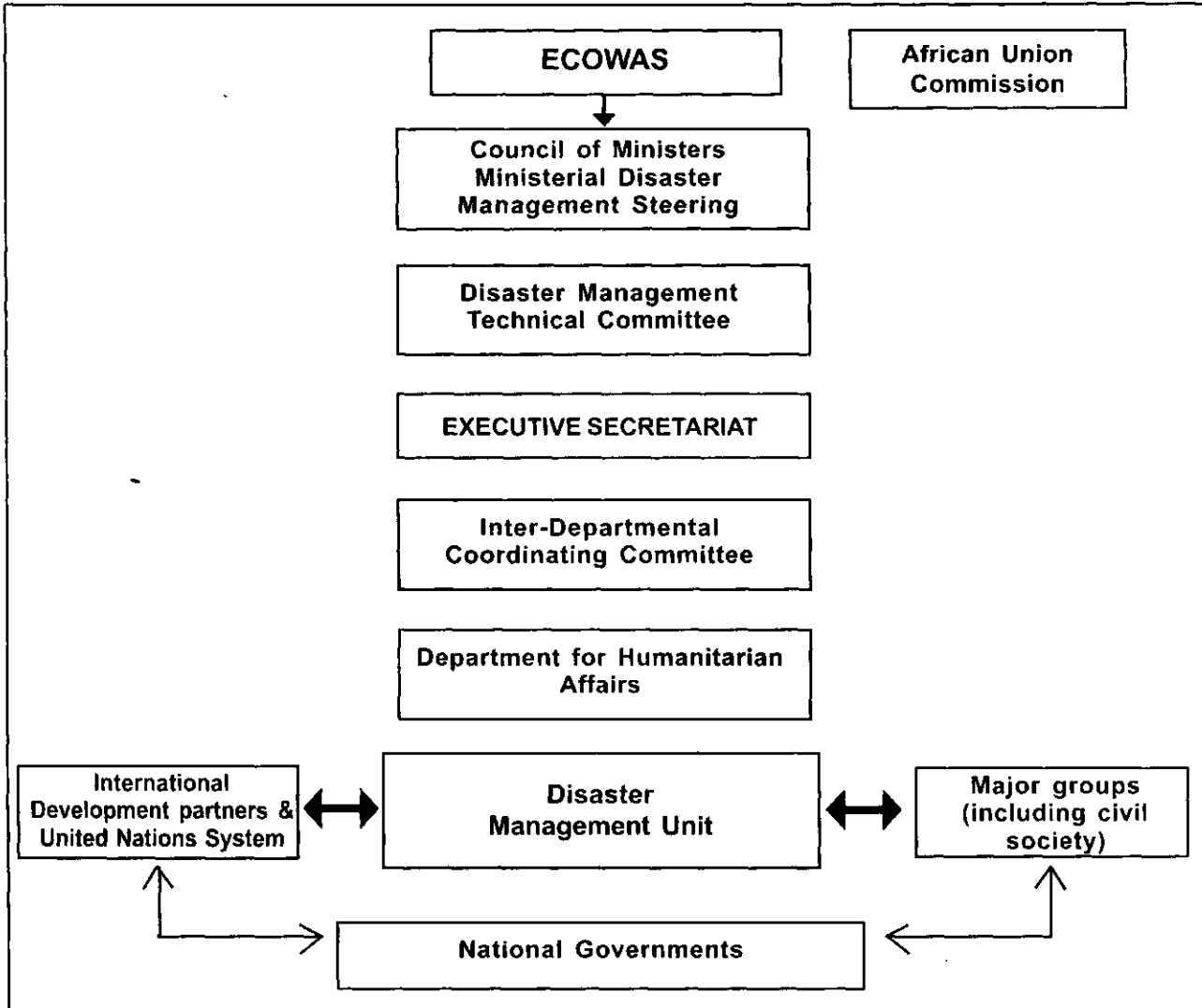
- develop sub-regional disaster response capability, including the EERT, as part of the sub-regional mechanism for disaster management
- coordinate and support review and rehearsal of sub-regional preparedness and contingency plans for major hazards

6. Operational arrangements for implementing the Policy**6.1. Implementing structures****6.1.1. Existing institutions and structures**

Various institutional actors have key roles to play in implementing the Policy. These are:

- ECOWAS Council of ministers
- ECOWAS Disaster Management Technical Committee
- ECOWAS Executive Secretariat
- National Governments
- Major groups, including civil society, private sector and the scientific community
- African Union Commission
- National Governments, including National Platform for Disaster Risk and national chapters of the ECOWAS Emergency Response Team
- United Nations System
- International Development partners

Figure 1: Organogram of structures for implementing the ECOWAS Policy for Disaster Risk Reduction



6.1.2. Proposed new structures

All the above institutions and structures already exist but, to ensure effective management of the Policy, three new structures will be created within ECOWAS. These are as follows:

- a) A committee of ECOWAS Council of Ministers to be called the Ministerial Disaster Management Steering committee;
- b) An Inter-Departmental Coordinating committee within the ECOWAS Secretariat to be composed of Directors of the Departments of Humanitarian Affairs, Defence and Security, Observation and Monitoring Center (OMC), Political Affairs, Agriculture and Environment, and Human Resource Development. The Committee will be coordinated out of the office of the Deputy Executive Secretary for Political Affairs, Defence and Security (DES-PADS);
- c) A Disaster Management Unit within the Humanitarian Affairs Department of the ECOWAS Secretariat.

The links between all these structures is shown in an organogram in figure 1.

6.2 Implementation responsibilities and functions

The respective responsibilities of the key structures in implementing the Policy are as follows:

6.2.1. ECOWAS

6.2.2. ECOWAS Ministerial Disaster Management Steering Committee

- a) Provide overall oversight of the Policy.
- b) Act on behalf of and report to the Council of ministers.

Reduction

6.2.3. ECOWAS Disaster Management Technical Committee

- a) Provide technical oversight of the Policy;
- b) Provide consultations platform for the review of the Policy;
- c) Report to the Council of Ministers.

6.2.4. ECOWAS Executive Secretariat

- a) Coordinate the implementation of the Policy within ECOWAS, between ECOWAS and member states and between ECOWAS and other Regional Economic Communities (RECs), the African Union Commission and International Development partners;
- b) Provide guidance on implementation of the Policy to states;

- c) Coordinate states initiatives under the Policy at the sub-regional level;
- d) Facilitate provision of vital sub-regional information services for disaster risk reduction, such as early warning and research that support disaster management;
- e) Facilitate and coordinate sub-regional financial resource mobilization to supplement national efforts;
- f) Facilitate, support and coordinate sub-regional capacity development initiatives under the Policy;
- g) Development of sub-regional and national indicators and prepare period reporting on progress towards achieving the Africa Regional Strategy for the Disaster Risk Reduction objectives to assist countries measure their progress towards achieving Millennium Development Goals (MDGs).

These responsibilities of the Executive Secretariat will be met through the functions of the Inter Departmental Coordinating Committee and the Disaster Management Unit as indicated below.

6.2.5. Inter-Departmental Coordinating Committee

- a) Coordinate operational programmes of ECOWAS Departments that bear on disaster reduction particularly those of Agriculture and Environment, Human Development, Infrastructure and Industry, Defence and Security, and, OMC;
- b) Provide management oversight of ECOWAS response actions under the Policy during regional disasters and national disasters with sub-regional impacts;
- c) Recommend initiation of sub-regional emergency management procedures during emergencies to the Executive Secretary;
- d) Promote incorporation of disaster risk reduction approaches in ECOWAS programmes;
- e) Report to the Deputy Executive Secretary for Political Affairs, Defence and Security (DES-PADS).

6.2.6. Disaster Management Unit

- a) Facilitate incorporation of disaster risk reduction approaches in ongoing thematic ECOWAS programmes;
- b) Provide secretarial and other support services to the inter-Department Coordinating Committee;
- c) Support coordination and harmonization of national disaster risk reduction practices and

- capacities based on a framework for inter-country cooperation in disaster operations;
- d) Initiate and coordinate financial resource mobilization to support activities under the Policy;
 - e) Support capacity building at the national level in disaster risk reduction and management;
 - f) Operate as a central point of call for emergency assistance to states in the sub-region;
 - g) Process requests from member states for emergency assistance under the Policy for review by the Inter-Department Coordination committee;
 - h) Coordinate multi-country disaster assistance requests to international development partners in cases of multi-country disasters or national disasters with sub-regional impact;
 - i) Undertake joint risk assessment and disaster management information in the sub-region;
 - j) Operate as a clearing house of disaster management information in the sub-region;
 - k) Manage sub-regional monitoring of disaster reduction interventions at country level.

6.2.7. National Governments

- a) Exercise primary responsibility for implementing the Policy at national and community levels;
- b) Create conducive environment for disaster reduction interventions all local and national levels;
- c) Provide strategic guidance to major groups and partners in implementing disaster reduction initiatives;
- d) Monitor implementation of the Policy at local and national levels.

6.2.8. Major Groups

- a) Participate in developing the Policy;
- b) Partner governments to design and implement disaster risk reduction initiatives at local, national and sub-regional levels.

6.2.9. The African Union (AU) commission

- a) Provide guidance on sub-regional implementation of regional initiatives in disaster risk reduction;
- b) Coordinate implementation of the Policy with the ARSDRR, other sub-regional strategies and international frameworks;

- c) Facilitate and manage ECOWAS access to financing under the Special Emergency Assistance Fund (SEAF) for sub-regional emergencies;
- d) Coordinate sub-regional impact into regional reporting on progress in achieving the ARSDRR and HFA objectives.

6.2.10. International development partners

- a) Provide assistance and resources for sub-regional initiatives;
- b) Encourage increased commitment from national leaders for disaster risk reduction;
- c) Advocate for support for sub-regional disaster reduction programmes at international level;
- d) Support integrated and coordinated disaster reduction by harmonizing their assistance for disaster management at the country level.

6.2.11. The United nations and its programmes and specialized agencies

- a) Incorporate the Policy in country development assistance programming;
- b) Provide assistance and resources for sub-regional initiatives in disaster reduction;
- c) Develop global and regional indicators and prepare periodic reporting on progress towards achieving the Hyogo Framework objectives to assist countries and ECOWAS measures their progress.

7.0. Financing the Policy

7.1. Sources of financing

Experience has shown that inadequate financial resources undermine the efficient and sustainable operation of disaster management mechanism, particularly during emergencies. Consequently, the Policy establishes a disaster management window under the ECOWAS Peace Fund to provide core financial resources for implementing its programmes and activities. Thus, the fund would serve as a principal source of financing the Policy and as seed funding to attract donor support.

Other sources of financing the Policy will include complementary co-financing of related areas, such as conflict monitoring, desertification and, agriculture and new funding from states, development partners and the private sector. Regarding major groups, the Policy will encourage innovative approaches that allow citizen contribution to risk reduction services. These

include participatory approaches that promote inter-group partnerships implementing the Policy at the national and community levels.

7.2. Resource mobilization and partnership issues

The Policy will pursue an active strategy of resource mobilization and partnerships with role players, particularly the private sector, civil society and international development partners (IDPs). Priority areas for action will include the organization of a forum for IDPs, as part of the process of finalizing the Policy. This Forum will agree on a financing framework for the Policy and reporting arrangements between the ECOWAS Secretariat and IDPs on partner resources. Partnership principles and arrangements for North-South and South-South, as well as intra-ECOWAS cooperation.

8.0 Monitoring and review

Disaster risk reduction policy-making needs to be evidence-based.

Effective tracking of movement towards disaster reduction objectives at community, national and sub-regional levels and beyond depends on monitoring information on disaster risks.

8.1. Institutional responsibilities

The ECOWAS Secretariat, acting through the Disaster Management Unit, is responsible for devising sub-regional indicators for national authorities to report on. These indicators will represent milestones in implementing the Policy and in achieving agreed outcomes and impacts. The Secretariat will report on progress towards achieving the Policy and the objectives of the Africa Regional Strategy for Disaster Risk Reduction to member countries and development partners.

National governments will have primary responsibility for monitoring the Policy at the country level, using participatory approaches. Sub-regional disaster management service institutions will provide scientific and specialized data and information to facilitate identification, assessment and monitoring of hazards.

8.2. Monitoring indicators

At the sub-regional level, several indicators will be utilized to monitor the implementation outcomes, and impact of disaster reduction interventions under the Policy, including the following:

- Adoption of the Policy and its Programme of Action by the Council of Ministers.

- Number of countries with national platforms for disaster risk reduction.
- Availability of financing for emergency assistance under the ECOWAS Peace Fund.
- Number of counties undertaking risk mapping
- Number of countries operating early warning system.
- Extent of public awareness of early warning.
- Number of countries introducing disaster management as part of school curricula.
- Number of research programmes in disaster risk management in sub-regional institutions.
- Number of countries including disaster reduction included in Poverty Reduction Strategy Papers (PRSPs) or other development strategy frameworks.
- Adoption of disaster safe principles by professional associations of engineers.
- Adoption of guidelines for mainstreaming disaster risk reduction in development by national disaster management authorities and major groups.
- Number of countries revising their emergency management plan to include disaster risk reduction principles.
- Number of countries instituting EERT structures.

8.3. Sources of monitoring information

Existing national statistical systems and relevant international database will provide the means to verify evidence on movement towards meeting disaster reduction objectives monitoring formats and protocols to be agreed will be consistent with the Hyogo Framework for Action and feed into monitoring requirements of the African Regional Strategy.

8.4. Country progress reporting arrangements

Countries will report periodically to ECOWAS on progress in implementing the Policy. The Disaster Management Unit and states will agree the scope and frequency of reporting, reporting formats, feedback arrangements and validation procedures.

8.5. Policy review process

It is important that the experience gained from monitoring should inform the management of the Policy through effective learning from monitoring. This would lead to effective review of the Policy. The Policy will be reviewed every five years within established ECOWAS procedures for reviewing its policies.

West Africa accounted for 15 percent of cumulative disaster events in Africa 1975 and 2002 but the number of disasters in the sub-region rose by 94 percent from the 1970s to the 1990s. Already 154 disasters have occurred during the first five years of this decade, compared to 136 during the past two decades.

"Epidemics accounted for 40% of disasters in the sub-region during 1975 to 2003, compared to 20% by flood and drought, and cause most human fatalities and debilitation. However, the most pervasive disasters in terms of the numbers of people affected and disruption to livelihood support systems are those due to flood, drought and famine.

"These include: (1) the global review of the International Strategy for Disaster Reduction Risk (ISDR) in 2002; (2) sub-regional review of early warning for the Second International Early warning Conference in 2003; (3) review of disaster risk management in Africa for developing the Africa Regional Strategy for Disaster Risk Reduction in 2003; (4) national reporting by some ECOWAS countries for the World conference on Disaster Reduction in 2005.

"Volunteers are persons and institutions that chose to assist in providing disaster management services, are registered in a volunteer's register and trained to be part of emergency management teams at the local levels. Legal frameworks need to cover developing the capacity, command structures, activation and deployment, indemnity and compensation of the volunteers. Major international drought and food security warning systems in the Sub-region are the Famine Early Warning System Information Network (FEWSNET). Food insecurity and Vulnerability Information and Mapping Systems (FIVIMS). Global Information and Early Warning System on Food and Agriculture (OIEWS).

Vulnerability Analysis and Mapping (VAM) and the Early Warning and Agricultural production Forecast Project (AP3A) of CUSS.

"These include the Africa Centre for Meteorological Applications to Development (AGRHYMET), and the Regional Remote Sensing Centre (CRTO), Centre de Suivi Ecologique (CSE) in Senegal, and the Centre for Remote Sensing and Geographical Information Systems (CERGIS).

These include as support for small-holder production, minimization of on-farm risks, land and environmental resource conservation, community productive capacity development, early warning to ensure safety of food stocks. Vulnerability assessment for planning mitigating interventions and relief interventions.

^{viii} in terms of coverage of key response interventions scope of national and hazard coverage, integration of sectoral contingency plans, coordination of various role players in emergencies and incorporation of risk-reduction practices in relief assistance.

^{ix} Simulation pays off in enhancing response. The authorities the Gambia simulated a transportation disaster in 1999 that revealed critical issues, including: confusion among the actors as to their roles, inadequate materials for response, long-lead time in assembling members of tasks forces, inadequate recognition of the key role of local people, and inadequate public awareness and readiness. When the Jola boat disaster occurred in the Senegal a neighbouring country soon after, the lessons of the simulation became incalculable in shaping the Gambia's response to the disaster.

^xEarly warning systems should comprise four components for: (a) hazard detection, observation and forecasting, (b) warning formulation, (c) warning dissemination (d) response to warnings.

SUPPLEMENTARY ACT A/SA.9/01/07 AMENDING ARTICLES 1, 3, 6, AND 21 OF THE REVISED TREATY

THE HIGH CONTRACTING PARTIES,

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

MINDFUL of Decision A/DEC.4/12/99 transforming the ECOWAS Fund into a Regional Holding Company;

MINDFUL of new Article 21 of the ECOWAS Treaty establishing the ECOWAS Bank for Investment and Development (EBID) and its subsidiaries, namely, the ECOWAS Regional Investment Bank (ERIB) and the ECOWAS Regional Development Fund (ERDF);

MINDFUL of new Article 1 of the ECOWAS Treaty defining EBID, ERIB and ERDF;

MINDFUL of Article 3, new paragraph 2(n), of the ECOWAS Treaty making the establishment of EBID, ERIB and ERDF a first step towards the realisation of the objectives of the Community;

MINDFUL of Article 6, new paragraph 1(g), of the ECOWAS Treaty making EBID, ERIB and ERDF Community institutions;

MINDFUL of Decision A/DEC.16/01/06 transforming the Executive Secretariat of ECOWAS into Commission;

MINDFUL the Supplementary Protocol A/SP1/06/06 amending the revised Treaty;

MINDFUL of Decision A/DEC.3/06/06 reorganising the ECOWAS Bank for Investment and Development Group;

CONSIDERING that the realisation of the objectives of EBID requires that the institution's current organisational structure be modified;

CONVINCED that a reorganised EBID that brings its management under one umbrella and enhances the centralisation of its activities can minimise its operational costs and render its management structures more efficient;

DESIROUS of ensuring that the provisions of Protocols A/P1/12/01 amending Articles 1, 3, 6 and 21 of the revised Treaty and A/P2/12/01 relating to the ECOWAS Bank for Investment and Development are consistent with the provisions on the reorganisation of EBID as prescribed in Decision A/DEC.3/06/06;

AGREE AS FOLLOWS:

ARTICLE 1:

Protocols A/P1/12/01 amending Articles 1, 3, 6 and 21 of the Revised Treaty and A/P2/12/01 relating to the ECOWAS Bank for Investment and Development are hereby repealed.

ARTICLE 2:

Articles 1, 3 paragraph 2(n), 6, paragraph 1(g) and 21 of the ECOWAS Revised Treaty are amended as follows:

New Article 1:

For the purpose of this Treaty:

1. "Arbitration Tribunal" shall mean the Arbitration Tribunal of the Community established under Article 16 of this Treaty;
2. "Authority" shall mean the Authority of Heads of State and Government of the Community established under Article 7 of this Treaty;
3. "Chairman of the Authority" shall mean the current Chairman of the Authority of Heads of State and Government of the Community, elected in accordance with the provisions of Article 8(2) of this Treaty;
4. "Council" shall mean the Council of Ministers of the Community established under Article 10 of this Treaty;
5. "Commission" shall mean the Specialised Technical Commissions established under new Article 22 of this Treaty;
6. "Community" shall mean the Economic Community of West African States referred to under Article 2 of this Treaty;
7. "Community citizen or citizens" shall mean any national(s) of Member States who satisfy the conditions stipulated in the protocol defining Community citizenship;

8. "Court of Justice" shall mean the Court of Justice of the Community established under Article 15 of this Treaty;
9. "Import duties" shall mean customs duties and taxes of equivalent effect, levied on goods by virtue of their importation;
10. "President of the Commission" shall mean the President of the Commission appointed in accordance with the provisions of new Article 18 of this Treaty;
11. "Economic and Social Council" shall mean the Economic and Social Council established under Article 14 of this Treaty;
12. "Commission" shall mean the Commission established under new Article 17 of this Treaty;
13. "Commissioners" shall mean the Commissioners appointed in accordance with the provisions of new Article 18 of this Treaty;
14. "Export duties" shall mean all customs duties and taxes of equivalent effect levied on goods by virtue of their exportation;
15. "EBID" shall mean ECOWAS Bank for Investment and Development established under new Article 21 of the Treaty;
16. "Member State" or "Member States" shall mean a Member State or Member States of the Community as defined under Article 2, paragraph 2;
17. "Non-tariff barriers" shall mean barriers which hamper trade and which are caused by obstacles other than fiscal obstacles;
18. "Community Parliament" shall mean the Parliament established under Article 13 of this Treaty;
19. "Protocol" shall mean an instrument of implementation of the Treaty having the same legal force as the latter;
20. "Region" shall mean the geographical zone known as West Africa as defined by Resolution CM/RES.464 (XXVI) of the OAU Council of Ministers;
21. "Third country" shall mean any State other than a Member State;
22. "Treaty" shall mean this Treaty;
23. "Statutory Appointees" shall mean the President of the Commission, the Commissioners, the President of ECOWAS Bank for Investment and Development, the Judges of the Community Court of Justice, the Director-General of the West African Health Organisation (WAHO), the Deputy Director-General of WAHO, the Administrative Secretary of the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), the Deputy Administrative Secretary of GIABA, the Financial Controller and any other high official of the Community appointed by the Authority or Council;
24. "Board of Governors", the EBID Board of Governors composed of regional and non-regional members. Regional members shall comprise Ministers of Finance or Ministers of Regional Integration. Regional members shall consist of one full-fledged member and one alternate member. Each Member State shall appoint its full-fledged and alternate members and notify the EBID President thereof. Non-Regional members shall consist of representatives of all other economic blocs appointed for this purpose by each member.

New Article 3 paragraph 2(n):

The establishment of the ECOWAS Bank for Investment and Development.

New Article 6 – paragraph 1 (g):

The ECOWAS Bank for Investment and Development and all the subsidiaries which the Board of Governors may subsequently establish;

New Article 21:

1. An ECOWAS Bank for Investment and Development (EBID) is hereby established.
2. EBID shall be governed by Articles of Association adopted by its Board of Governors.
3. All activities previously assigned to EBID, as well as those of ECOWAS Regional Investment Bank (ERIB) and ECOWAS Regional Development Fund (ERDF) are absorbed by ECOWAS Bank for Investment and Development. EBID is hereby substituted for

these entities in respect of their rights and obligations.

- 4. In the protocols, decisions, resolutions and other Community instruments adopted since 1975, the terms "ECOWAS Fund for Cooperation, Compensation and Development" and "ECOWAS Bank for Investment and Development and its subsidiaries" are hereby replaced with the term "ECOWAS Bank for Investment and Development".

ARTICLE 3:

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

ARTICLE 4:

- 1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory Member States and the Institutions of ECOWAS undertake to commence the implementation of its provisions on its entry into force.
- 2. This Supplementary Act is annexed to the ECOWAS Treaty of which it is an integral part.

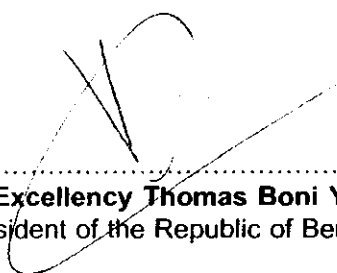
ARTICLE 5:

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all Member States and shall register it with the African Union, the United Nations and such other organisations as Council may determine.

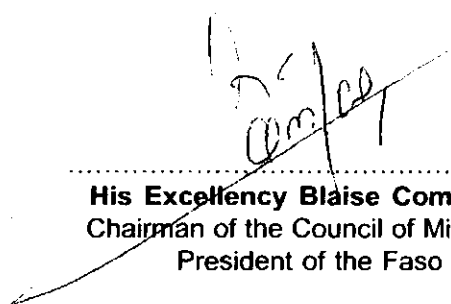
IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES, HAVE SIGNED THIS SUPPLEMENTARY ACT

DONE AT OUAGADOUGOU, THIS 19TH DAY OF JANUARY 2007

IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC.




.....
His Excellency Thomas Boni Yayi
 President of the Republic of Benin



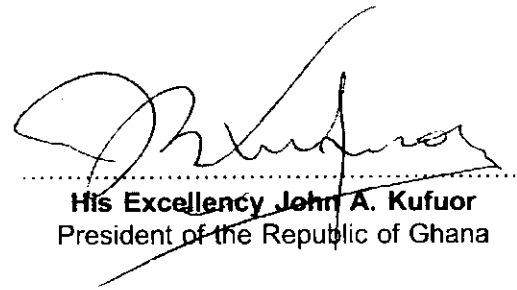
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His Excellency Blaise Compaore
 Chairman of the Council of Ministers
 President of the Faso


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 President of the Republic of Cabo Verde




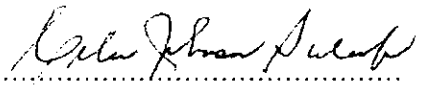
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His Excellency Laurent Gbagbo
 President of the Republic of Cote D'Ivoire

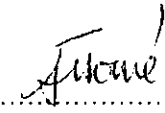
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President of the Republic of The Gambia



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His Excellency John A. Kufuor
President of the Republic of Ghana

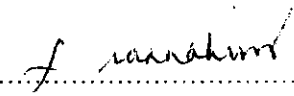

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Hon. Sidibe Fatoumata KABA
Minister of International Cooperation
For and on behalf of the President
of the Republic of Guinea

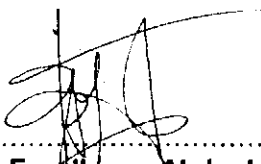

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His Excellency Joao Bernardo Vieira
President of the Republic of Guinea Bissau

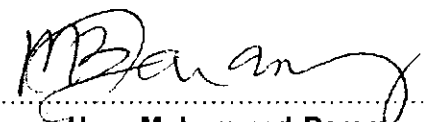

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Her Excellency Ellen Johnson-Sirleaf
President of the Republic of Liberia

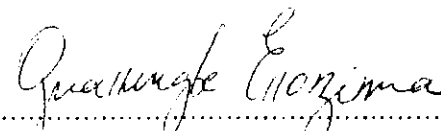

.....
His Excellency Toumani Toure
President of the Republic of Mali


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His Excellency Mamadou Tandja
President of the Republic of Niger


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His Excellency Olusegun Obasanjo
President, Commander in Chief of the Armed
Forces of the Federal Republic of Nigeria


.....
His Excellency Abdoulaye Wade
President of the Republic of Senegal


.....
Hon. Mohammed Daramy
Minister of Development and Economic
Planning, for and on behalf of the President
of the Republic of Sierra Leone


.....
His Excellency Faure Essozimna Gnassingbe
President of the Togolese Republic

SUPPLEMENTARY ACT A/SA.10/01/07 RELATING TO THE ADOPTION OF SELECTION CRITERIA FOR DETERMINING MEMBERSHIP OF ECOWAS MEMBER STATES ON THE AFRICAN UNION PEACE AND SECURITY COUNCIL

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended in June establishing the Authority of Heads of States and Government and defining its composition and function;

MINDFUL of Articles 41 and 52 of the ECOWAS Protocol relating to the Mechanism on Conflict Prevention Management Resolution Peacekeeping and Security of 1999 which mandates ECOWAS cooperation with other International Organizations and with the African Union Mechanism for Conflict Prevention, Management and Resolution;

RECOGNIZING the primary responsibility of the African Union for the maintenance of peace and security within the African Continent;

CONSIDERING the Protocol establishing the African Union Peace and Security Council adopted in Durban, South Africa on 9th July 2002;

HAVING noted that four (4) seats has been allocated to the West African Sub-Region by the African Union on its Peace and Security Council;

MINDFUL of the need to ensure ECOWAS membership on the African Union Peace and Security Council thereby ensuring West African involvement in the decision-making process at the level of that Council;

DESIROUS therefore of adopting a formula to be applied in determining ECOWAS membership on the African Union Peace and Security Council;

ON THE RECOMMENDATION of the meeting of the Mediation and Security Council which held in Ouagadougou on 20th December 2006.

AGREE AS FOLLOWS:

ARTICLE 1

The selection criteria for determining membership of ECOWAS Member States on the African Union Peace and Security Council to encumber the four (4) Seats allocated to West Africa is hereby adopted as follows:

- Appointment of the Member State holding the chairmanship of ECOWAS in the year when appointment is due;
- Appointment of two (2) other Member States on a rotational basis in alphabetical order for the seats reserved for ECOWAS within the Council;
- Appointment of Nigeria to occupy the fourth seat on a permanent basis ;
- re-enlisting; at the bottom of the list during the selection process, Member States that have already occupied seats.

ARTICLE 2

This selection criteria shall be applied by the Mediation and Security Council at the Ministerial level, in determining ECOWAS representation at the African Union Peace and Security Council.

ARTICLE 3

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

ARTICLE 4

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory States and ECOWAS Institutions pledge to commence the implementation of its provisions on its entry into force.
2. This Supplementary Act is annexed to the ECOWAS Treaty of which it is an integral part.

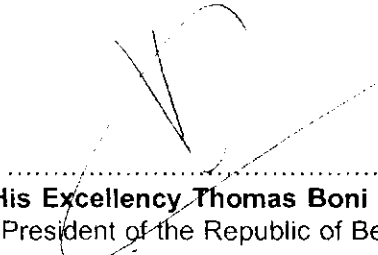
ARTICLE 5

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all the Member States and shall register it with the African Union, the United Nations and such other organisations as Council may determine.

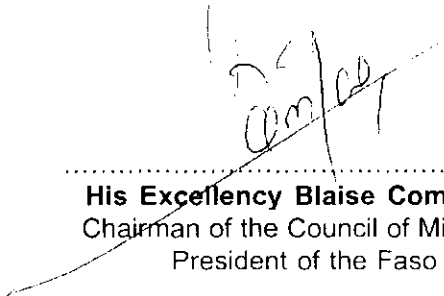
IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES, HAVE SIGNED THIS SUPPLEMENTARY ACT

DONE AT OUAGADOUGOU, THIS 19TH DAY OF JANUARY 2007

IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC.

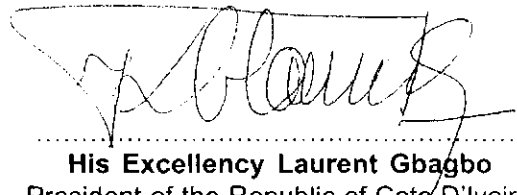


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His Excellency Thomas Boni Yayi
President of the Republic of Benin



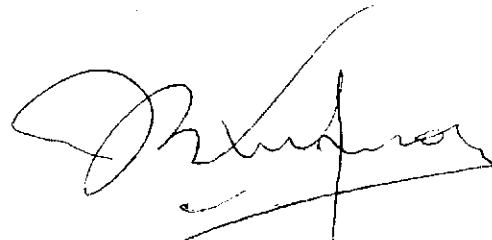
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President of the Republic of Cabo Verde




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President of the Republic of The Gambia



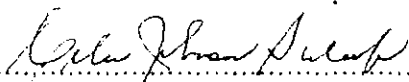
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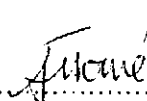
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For and on behalf of the President
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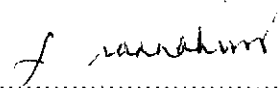
Her Excellency Ellen Johnson-Sirleaf
President of the Republic of Liberia



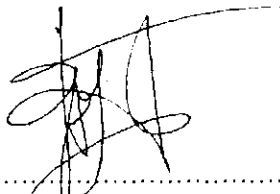
His Excellency Toumani Toure
President of the Republic of Mali



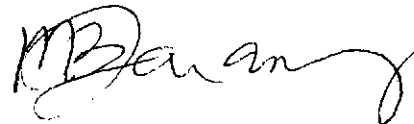
His Excellency Mamadou Tandja
President of the Republic of Niger



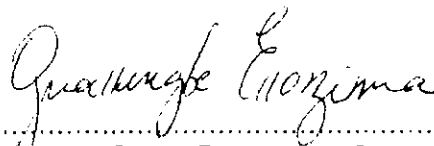
His Excellency Olusegun Obasanjo
President, Commander in Chief of the Armed
Forces of the Federal Republic of Nigeria



His Excellency Abdoulaye Wade
President of the Republic of Senegal



Hon. Mohammed Daramy
Minister of Development and Economic
Planning, for and on behalf of the President
of the Republic of Sierra Leone



His Excellency Faure Essozimna Gnassingbe
President of the Togolese Republic

**SUPPLEMENTARY ACT A/SA.11/01/07
CHANGING THE NAME "COUNCIL OF ELDERS"
IN THE ENGLISH VERSION OF THE 1999
PROTOCOL RELATING TO THE MECHANISM
FOR CONFLICT PREVENTION AND EXTENDING
THE TENURE OF THE SAID COUNCIL FROM ONE
TO THREE YEARS**

THE HIGH CONTRACTING PARTIES,

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

MINDFUL of Article 19 (3c) of the said Treaty under which sectoral meetings shall be convened by the President of the Commission with a view to examining sectoral issues which promote the achievement of the objectives of the Community;

MINDFUL of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, adopted in Lome on 10 December 1999;

MINDFUL of Articles 15 and 20 of the said Protocol relating, on the one hand, to the functions of the President of the Commission, and on the other, to the composition and mandate of the Council of Elders;

MINDFUL of Decision A/DEC. 26/01/06 approving the appointment of new members of the Council of Elders;

CONCERNED about the various conflicts that still affect a number of States of the sub-region;

CONSIDERING that the conciliation, mediation and facilitation roles of the Council members call for proven experience, wisdom and talent on the part of such members;

CONSIDERING that the aforementioned qualities are not necessarily reflected in the concept used in the English version of the 1999 Protocol relating to the Mechanism for Conflict Prevention;

CONSIDERING the satisfactory manner in which the appointed mediators accomplish their mission;

NOTING, however, that the brevity of the tenure of the Council of Elders, which is one year, makes it impossible for the Council members to carry through their activities, notwithstanding their satisfactory performances;

CONVINCED that a longer tenure will ensure effective accomplishment of their missions;

WISHING to adopt a more appropriate title for the Council of Elders in the English version of the 1999 Protocol relating to the Mechanism for Conflict Prevention and to extend its tenure to three (3) years;

On the RECOMMENDATION of the meeting of the Mediation and Security Council, held in Ouagadougou on 20th December 2006;

AGREE AS FOLLOWS:

Article 1:

In the English version of the 1999 Protocol relating to the Mechanism for Conflict Prevention, the ECOWAS Council of Elders shall henceforth assume the title "Council of the Wise."

Article 2:

The tenure of the ECOWAS Council of the Wise is hereby extended from one (1) to three (3) years.

Article 3:

This Supplementary Act shall be published by the Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Authority.

It shall also be published within the same time frame by each Member State in its National Gazette.

Article 3:

1. This Supplementary Act shall enter into force upon publication. Consequently, the signatory Member States and Institutions of ECOWAS undertake to start implementing its provisions upon its entry into force.
2. This Supplementary Act is annexed to the ECOWAS Treaty of which it forms an integral part.

Article 4:

This Supplementary Act shall be deposited with the Commission, which shall transmit certified true copies thereof to all Member States and shall register it with the African Union, the United Nations Organisation and such other organisations as the Council of Ministers may determine.

IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS), HAVE SIGNED THIS SUPPLEMENTARY ACT.

DONE AT OUAGADOUGOU, THIS 19TH DAY OF JANUARY 2007

IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL TEXTS BEING EQUALLY AUTHENTIC.

.....
His Excellency Thomas Boni Yayi
President of the Republic of Benin

.....
His Excellency Blaise Compaore
Chairman of the Council of Ministers
President of the Faso

.....
President of the Republic of Cabo Verde

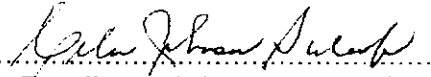
.....
His Excellency Laurent Gbagbo
President of the Republic of Cote D'Ivoire

.....
President of the Republic of The Gambia

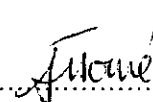
.....
His Excellency John A. Kufuor
President of the Republic of Ghana

.....
Hon. Sidibe Fatoumata KABA
Minister of International Cooperation
For and on behalf of the President
of the Republic of Guinea

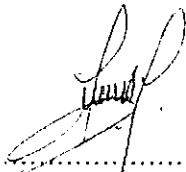
.....
His Excellency Joao Bernardo Vieira
President of the Republic of Guinea Bissau



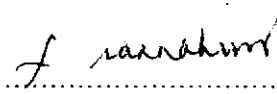
Her Excellency Ellen Johnson-Sirleaf
President of the Republic of Liberia



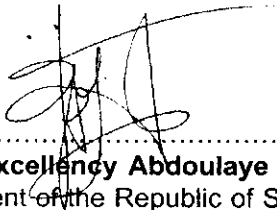
His Excellency Toumani Toure
President of the Republic of Mali



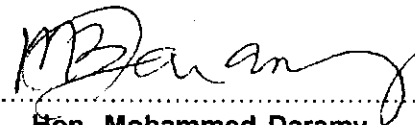
His Excellency Mamadou Tandja
President of the Republic of Niger



His Excellency Olusegun Obasanjo
President, Commander in Chief of the Armed
Forces of the Federal Republic of Nigeria



His Excellency Abdoulaye Wade
President of the Republic of Senegal



Hon. Mohammed Daramy
Minister of Development and Economic
Planning, for and on behalf of the President
of the Republic of Sierra Leone



His Excellency Faure Essozimna Gnassingbe
President of the Togolese Republic

**SUPPLEMENTARY ACT A/SA.12/01/07
ESTABLISHING THE SUB-REGIONAL
MECHANISM FOR COORDINATION OF BIRD FLU
ERADICATION AND CONTROL IN WEST AFRICA**

THE HIGH CONTRACTING PARTIES,

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

MINDFUL of Article 25 of the Treaty relating to Agricultural Development and Food Security;

MINDFUL of Decision /DEC. 11/01/05 adopting the ECOWAS Agricultural Policy;

MINDFUL of the recommendations made at international and regional meetings on bird flu, particularly those of Nairobi of September 2005, Geneva of November 2005, Brazzaville, Beijing and Bamako of January 2006 and Ouagadougou of February 2006;

APPRECIATING the initiatives and support of development partners to the efforts being made by Member States to map out and implement concerted and coordinated strategies with a view to effectively eradicating and controlling bird flu;

TAKING into account the Dakar Declaration adopted at the ministerial meeting on bird flu eradication and control, held in Dakar (Senegal) on 22 and 23 February 2006;

UPON THE PROPOSAL of the meeting of Ministers in charge of Animal Husbandry, Health and Integration from ECOWAS Member States, the Islamic Republic of Mauritania, Cameroon and Chad, held in Abuja on 12 May 2006, and

ON THE RECOMMENDATION of the fifty-seventh session of the Council of Ministers, held in Ouagadougou on 18 and 19 December 2006;

AGREE AS FOLLOWS:

ARTICLE 1

A sub-regional mechanism for coordinating bird flu eradication and control in ECOWAS Member States is hereby established.

The objectives, the organization, the tasks, the financing and operating modalities of the

mechanism are outlined in the annexes attached to this Supplementary Act.

ARTICLE 2

The ECOWAS Commission shall ensure the effective implementation of this Supplementary Act and in particular provide support for the establishment of the mechanism's organs, namely, the Ministerial Steering Committee and the Technical Secretariat.

ARTICLE 3

Member States shall support and facilitate solidarity and partnership activities undertaken within the framework of the sub-regional mechanism.

ARTICLE 4

1. The Commission shall undertake necessary cooperation missions to the relevant authorities of ECOWAS border countries, with a view to ensuring the effective implementation of the sub-regional mechanism referred to in Article 1 of this Supplementary Act.
2. The Commission shall, in conjunction with donor agencies, on the one hand, take necessary measures with a view to establishing, as a matter of urgency, a fund to facilitate effective control of bird flu, and, with development partners, on the other, in order to secure their support for the implementation of the Sub-regional Mechanism for Coordination of Bird Flu Eradication and Control.

ARTICLE 5

This Supplementary Act shall be published by the Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Authority.

It shall also be published within the same time frame by each Member State in its National Gazette.

ARTICLE 6

1. This Supplementary Act shall enter into force upon publication. Consequently, Signatory Member States and the Institutions of ECOWAS undertake to start implementing its provisions upon its entry into force.
2. This Supplementary Act shall be annexed to the ECOWAS Treaty of which it shall form an integral part.

ARTICLE 7

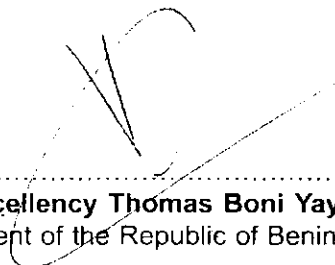
This Supplementary Act shall be deposited with the Commission, which shall transmit certified true

copies of this Act to all Member States and shall register it with the African Union, the United Nations Organization and any organization that the Council of Ministers may determine.

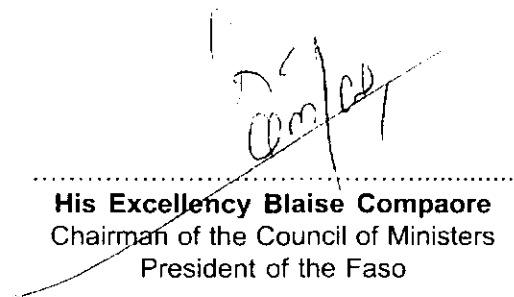
IN FAITH WHEREOF, WE, HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS SUPPLEMENTARY ACT.

DONE AT OUGADOUGOU, THIS 19TH DAY OF JANUARY 2007.

IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, THE THREE (3) TEXTS BEING EQUALLY AUTHENTIC.

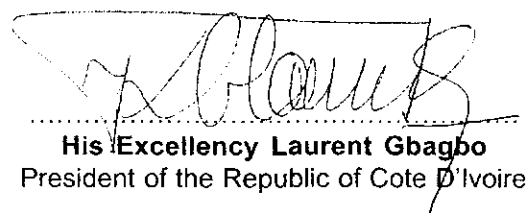


.....
His Excellency Thomas Boni Yayi
President of the Republic of Benin



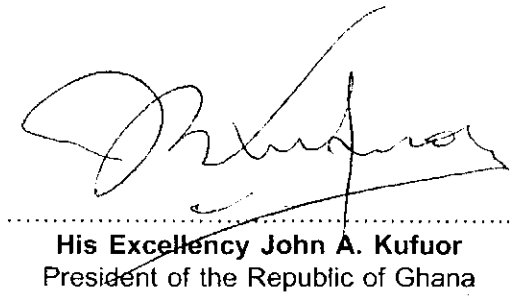
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Minister of International Cooperation
For and on behalf of the President
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His Excellency Joao Bernardo Vieira
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His Excellency Toumani Toure
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His Excellency Mamadou Tandja
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President, Commander in Chief of the Armed
Forces of the Federal Republic of Nigeria

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Hon. Mohammed Daramy
Minister of Development and Economic
Planning, for and on behalf of the President
of the Republic of Sierra Leone

His Excellency Faure Essozimna Gnassingbe
President of the Togolese Republic

REGULATION C/REG.1/12/06 APPROVING THE BUDGET OF THE ECOWAS COMMISSION FOR THE 2007 FINANCIAL YEAR

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 the provisions of Article 69 of the ECOWAS Treaty which relate to the budget of the Community Institutions;

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95 of 13th December 1995;

HAVING CONSIDERED the budget of the ECOWAS Commission proposed by the thirty-sixth meeting of the Administration and Finance Commission, held in Abuja from 22 to 27 November 2006 and in Ouagadougou on 15 and 16 December 2006;

ENACTS

ARTICLE 1

The budget of the ECOWAS Commission for the 2007 financial year, balanced in income and expenditure at the sum of seventy million, seventy seven thousand three hundred and seventy six units of account (70,077,376 UA) is hereby approved.

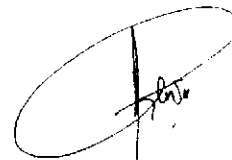
ARTICLE 2

1. An amount of sixty one million five hundred and fifty two thousand two hundred and eighty eight units of account (61,552,288 UA) shall be derived from resources obtained from the Community Levy.
2. An amount of six million two hundred and sixty two thousand, eighty one Units of Account (6,262,081 UA) shall be derived from external funding.
3. An amount in the sum of two million, three thousand, two hundred and seventy-one Units of Account (2,003,271 UA) shall be derived from arrears of contributions.
4. An amount in the sum of two hundred and fifty nine thousand seven hundred and thirty six Units of Account (259,736 UA) shall be derived from other sources.

ARTICLE 3

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL**

REGULATION C/REG.2/12/06 APPROVING THE BUDGET OF THE COMMUNITY PARLIAMENT FOR THE 2007 FINANCIAL YEAR

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 13 of the ECOWAS Treaty establishing the Community Parliament;

MINDFUL of Protocol A/P.2/8/94 defining the composition, functions, powers and organisation of the Community Parliament;

MINDFUL of the provisions of Article 69 of the ECOWAS Treaty which relate to the budget of the Community Institutions;

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of

ECOWAS amended by Regulation C/REG.2/12/95 of 13th December 1995;

HAVING CONSIDERED the budget of the Community Parliament proposed by the thirty-sixth meeting of the Administration and Finance Commission, held in Abuja from 22 to 27 November 2006 and in Ouagadougou on 15 and 16 December 2006:

ENACTS

ARTICLE 1

The budget of the Community Parliament for the 2007 financial year, balanced in income and expenditure at the sum of seven million eight hundred and seventeen thousand and thirty seven Units of Account (7,817,037 UA) is hereby approved.

ARTICLE 2

1. An amount of six million eight hundred and forty seven thousand and thirty seven Units of Account (6,847,037 UA) shall be derived from resources obtained from the Community Levy.
2. An amount in the sum of six hundred thousand Units of Account (600,000 UA) shall be derived from excess funds.
3. A sum of two hundred and fifty thousand Units of Account (250,000 UA) shall be derived from arrears of contributions.
4. An amount of one hundred and twenty thousand units of account (120,000 UA) shall be derived from other sources.

ARTICLE 3

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL**

REGULATION C/REG.3/12/06 APPROVING THE BUDGET OF THE COMMUNITY COURT OF JUSTICE FOR THE 2007 FINANCIAL YEAR

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 15 of the ECOWAS Treaty establishing the Community Court of Justice;

MINDFUL of Protocol A/P. 1/7/91 defining the composition, functions, powers and organisation of the Community Court of Justice;

MINDFUL of the provisions of Article 69 of the ECOWAS Treaty which relate to the budget of the Community Institutions;

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95 of 13th December 1995;

HAVING CONSIDERED the budget of the Community Court of Justice proposed by the thirty-sixth meeting of the Administration and Finance Commission, held in Abuja from 22 to 27 November 2006 and in Ouagadougou on 15 and 16 December 2006;

ENACTS

ARTICLE 1

The budget of the Community Court of Justice for the 2007 financial year, balanced in income and expenditure at the sum of six million two hundred and ninety four thousand seven hundred and seventy five Units of Account (6,294,775 UA) is hereby approved.

ARTICLE 2

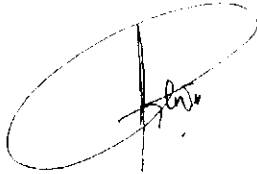
1. An amount of six million one hundred and twenty seven thousand, one hundred and ninety nine Units of Account (6,127,199 UA) shall be derived from resources obtained from the Community Levy.
2. An amount in the sum of one hundred thousand Units of Account (100,000 UA) shall be derived from arrears of contributions.

3. An amount of sixty seven thousand five hundred and seventy six units of account (67,576 UA) shall be derived from other sources.

ARTICLE 3

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL**

REGULATION C/REG.4/12/06 APPROVING THE BUDGET OF THE WEST AFRICAN HEALTH ORGANISATION (WAHO) FOR THE 2007 FINANCIAL YEAR

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 Protocol A/P. 2/7/87 relating to the creation of the West African Health Organisation (WAHO);

MINDFUL of the provisions of Article 69 of the

ECOWAS Treaty which relate to the budgets of the Community Institutions;

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95 of 13th December 1995;

HAVING CONSIDERED the budget of the West African Health Organisation proposed by the thirty-sixth meeting of the Administration and Finance Commission, held in Abuja from 22 to 27 November 2006 and in Ouagadougou on 15 and 16 December 2006;

ENACTS

ARTICLE 1

The budget of the West African Health Organisation for the 2007 financial year, balanced in income and expenditure at the sum of seven million five hundred and thirty one thousand three hundred and twenty eight Units of Account (7,531,328 UA) is hereby approved.

ARTICLE 2

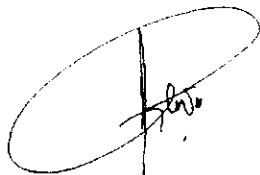
1. An amount of three million three hundred and ninety five thousand five hundred and forty eight Units of Account (3,395,548 UA) shall be derived from resources obtained from the Community Levy.
2. An amount of two million five hundred thousand Units of Account (2,500,000 UA) shall be derived from excess funds.
3. An amount of one million three hundred and sixty seven thousand eight hundred and ninety eight Units of Account (1,367,898 UA) shall be derived from external funding.
4. An amount in the sum of one hundred and sixty seven thousand eight hundred and eighty two Units of Account (167,882 UA) shall be derived from other sources.
5. An amount in the sum of one hundred thousand Units of Account (100,000 UA) shall be derived from arrears of contributions.

ARTICLE 3

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL**

**REGULATION C/REG.5/12/06 APPROVING THE
BUDGET OF THE INTERGOVERNMENTAL
ACTION GROUP AGAINST MONEY
LAUNDERING IN WEST AFRICA FOR THE 2007
FINANCIAL YEAR**

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 the provisions of Article 69 of the ECOWAS Treaty which relate to the budget of the Community Institutions;

MINDFUL of Decision A/DEC.9/12/99 establishing GIABA and the Revised Statutes of the Intergovernmental Action Group Money Laundering in West Africa.

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95 of 13th December 1995;

HAVING CONSIDERED the budget of the Intergovernmental Action Group Against Money Laundering in West Africa proposed by the thirty-sixth meeting of the Administration and Finance Commission, held in Abuja from 22 to 27 November 2006 and in Ouagadougou on 15 and 16 December 2006;

ENACTS

ARTICLE 1

The budget of the Intergovernmental Action Group Against Money Laundering in West Africa for the 2007 financial year, balanced in income and expenditure at the sum of three million three hundred and ninety eight thousand six hundred and seventy two Units of Account (3,398,672 UA) is hereby approved.

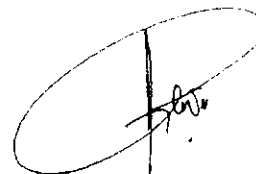
ARTICLE 2

1. An amount of one million seven hundred and ninety three thousand three hundred and seventy seven Units of Account (1,793,377 UA) shall be derived from resources obtained from the Community Levy.
2. An amount in the sum of one million five hundred and ninety seven thousand and seventy five Units of Account (1,597,075 UA) shall be derived from external funding.
3. An amount in the sum of eight thousand two hundred and twenty Units of Account (8,220 UA) shall be derived from other sources.

ARTICLE 3

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL**

REGULATION C/REG.6/12/06 APPROVING THE AUDITED FINANCIAL STATEMENTS OF THE EXECUTIVE SECRETARIAT FOR THE 2004 FINANCIAL YEAR

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 75 of the said Treaty relating to the appointment of the External Auditor of the Institutions of the Community;

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95 of 13th December 1995;

HAVING EXAMINED the report of the External Auditors on the Financial Statements of the Executive Secretariat for 2004 Financial Year;

ON THE RECOMMENDATION of the sixth meeting of the Audit Committee held in Dakar, 16-17 October, 2006;

ENACTS

ARTICLE 1

The Audited Statements of the ECOWAS Commission for the 2004 financial year are hereby adopted.

ARTICLE 2

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. AÏCHATOU MINDAODOU,
CHAIRPERSON,
FOR THE COUNCIL**

REGULATION C/REG.7/12/06 APPROVING THE AUDITED FINANCIAL STATEMENTS OF THE COMMUNITY COURT OF JUSTICE FOR THE 2004 FINANCIAL YEAR

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 75 of the said Treaty relating to the appointment of the External Auditor of the Institutions of the Community;

MINDFUL of the Financial Regulations and Manual of Accounting Procedures of the Institutions of ECOWAS amended by Regulation C/REG.2/12/95 of 13th December 1995;

HAVING EXAMINED the report of the External Auditors on the Financial Statements of the Community Court of Justice for 2004 Financial Year;

ON THE RECOMMENDATION of the sixth meeting of the Audit Committee held in Dakar, 16-17 October, 2006;

ENACTS

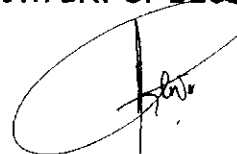
ARTICLE 1

The Audited Statements of the Community Court of Justice for the 2004 financial year are hereby adopted.

ARTICLE 2

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. AÏCHATOU MINDAODOU,
CHAIRPERSON,
FOR THE COUNCIL**

REGULATION C/REG.8/12/06 ADOPTION OF A RATE FOR THE DAILY SUBSISTENCE ALLOWANCE AND TRAVEL FARES FOR EMINENT PERSONS ON OFFICIAL MISSION FOR THE COMMUNITY INSTITUTIONS

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 Regulation C/REG. 15/01/05 relating to the adoption of revised rates for the daily subsistence allowance for staff and other ECOWAS representatives on mission for the Community institutions;

CONSIDERING that the Regulation referred to above has not made any provision for daily subsistence allowance rates for eminent persons undertaking official missions for the Community institutions at the expense of the said institutions;

CONSIDERING that the success of some activities requires the services of eminent persons and, in view of the need to dispatch them on mission for the Community institutions;

CONSIDERING that, on account of the prominent roles they played, the precedence conferred on them by their status and the privileges generally granted them, eminent persons are in a category that is superior to the highest category of persons for which daily subsistence allowance rates have been provided in the Regulation referred to above;

DESIROUS of fixing a rate for the daily subsistence allowance as well as travel fares applicable to eminent persons on official mission for the Community institutions;

ON THE RECOMMENDATION of the thirty-sixth meeting of the Administration and Finance Committee, held in Abuja from 22 to 27 November 2006 and in Ouagadougou on 15 and 16 December 2006;

ENACTS

ARTICLE 1

1. The rate for daily subsistence allowance applicable to former Presidents/Heads of State

and former Prime Ministers is seven hundred United States dollars (US\$700).

2. A lump sum of one thousand United States dollars (US\$1,000) shall also be paid to them whilst on mission for the Community.

ARTICLE 2

The former Speakers/President (Senate and House of Representatives), former Vice Presidents and the former Chief Justices of Supreme Courts of Member States shall be paid a daily subsistence allowance of five hundred United States dollars (US\$500).

ARTICLE 3

The eminent persons refer to in articles 1 and 2 of this Regulation shall travel first class.

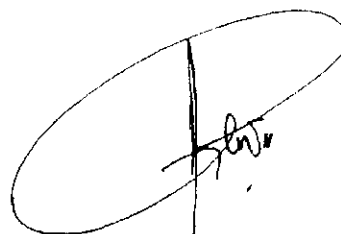
ARTICLE 4

The rates indicated under Articles 1 & 2 of this Regulation shall be applied irrespective of the area where such missions are conducted.

ARTICLE 5

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL**

REGULATION C/REG.9/12/06 CREATING A SALARY SCALE AND OTHER EMOLUMENTS FOR PROFESSIONAL STAFF GRADE D2

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 69 of the said Treaty relating to the budget of the Institutions of the Community;

MINDFUL of Decision C/DEC 2/11/89 relating to the adoption of a salary scale with elongated grade levels for staff of the Community;

MINDFUL of Regulation C/REG./12/01/05 increasing the salaries of staff members of the Institutions of the Community;

CONSIDERING that the restructuring of some Institutions of the Community and the transformation of the Executive Secretariat into a Commission led to the creation of a new Professional Staff category of Director D2 with 10 grade levels;

CONSIDERING that Staff in the proposed D2 category operate as administrative heads of their institutions and discharge managerial functions;

CONSIDERING the need to fix a salary scale and determine the benefits attached to this category;

UPON THE RECOMMENDATION of the thirty-sixth session of the Administration and Finance Commission, held in Abuja from 22 to 27 November 2006 and in Ouagadougou on 15 and 16 December 2006;

ENACTS

ARTICLE 1

The salary scale, expressed in Units of Account, in respect of the professional Staff category D2 with 10 grade levels is fixed as follows:

	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
D2	38814	39808	40803	41798	42801	43871	44964	46077	47137	48222

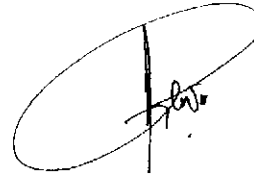
ARTICLE 2

An Officer in category D2 shall be entitled to an official vehicle and driver and free telephone service at his/her residence up to a ceiling of one hundred and seventy dollars (\$170) a month.

ARTICLE 3

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL**

REGULATION C/REG. 10/12/06 RELATING TO PAYMENT OF COMPENSATORY HOUSING ALLOWANCE TO THE PROFESSIONAL STAFF OF THE COMMUNITY

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 69 of the Treaty relating to the budgets of the Community Institutions;

MINDFUL of Article 32(a) of the ECOWAS Staff Regulations of 2005 relating to housing allowances for the professional staff members of the Community Institutions;

CONSIDERING that the Community has to provide residential accommodation for staff members in Member States where ECOWAS Institutions and Agencies are located;

ON THE RECOMMENDATION of the thirty-sixth session of the Administration and Finance Commission, held in Abuja from 22 to 27 November 2006 and in Ouagadougou on 15 and 16 December 2006;

ENACTS

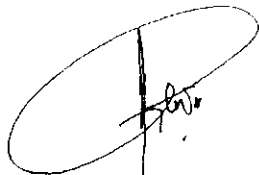
ARTICLE 1

1. Compensatory housing allowances, calculated on the basis of current costs of rented property in the duty stations of staff of the Community are hereby granted for staff to whom residential accommodation is not provided for.
2. The approved housing allowances are as follows:
 - a) **Abuja:**
 - Professional staff UA 9,194
 - Directors UA 13,520
 - b) **Cotonou, Lome, Qyagadougou and Bobo-Dioulasso:**
 - Professional staff UA 4,436
 - Directors UA 6,971
 - c) **Dakar:**
 - Professional staff UA 7,605
 - Directors UA 10,140
 - d) **Banjul:**
 - Professional staff UA 4,869
 - Directors UA 6,261

ARTICLE 2

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL**

REGULATION C/REG.11/12/06 APPROVING A BUDGETARY ALLOCATION FOR THE MANAGEMENT OF THE ECOWAS LOGISTICS DEPOT IN SIERRA LEONE

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 function;

MINDFUL of Article 58 of the ECOWAS Treaty relating to Regional Security;

MINDFUL of Decision A/DEC.17/01/05 establishing the ECOWAS Logistics Depots in Mali and Sierra Leone;

RECALLING that the Government of Sierra Leone has granted to ECOWAS, the Hastings Airfield Complex in Freetown for use as the ECOWAS Logistics Depot for stocking and maintaining ECOWAS peace support equipment and supplies;

ALSO RECALLING the Headquarters Agreement for the logistics Depot between ECOWAS and the Government of Sierra Leone of 9th January 2006 which was later amended on 29th August 2006;

AWARE of the donation of a large supply of Peace Support equipment by the Government of the United States of America to ECOWAS which will be transferred from the USA Murray Town Depot in Freetown to the Hastings Airfield Complex;

DESIROUS of providing counterpart funding for the management of the depot in Sierra Leone;

ON THE RECOMMENDATION of the Thirty sixth Meeting of Administration and Finance Commission which held in Abuja from 22 - 27 November 2006 and in Ouagadougou on 15 and 16 December 2006;

ENACTS

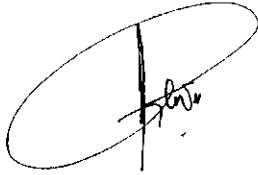
ARTICLE 1

1. A lump sum of one million, one hundred and thirty one thousand nine hundred United States dollars (\$1,131,900:00) is hereby approved as ECOWAS counterpart funding for the management of the logistics depot in Sierra Leone.
2. The amount stated in paragraph 1 of this article which will be sourced from the ECOWAS Peace Fund shall represent the 2007 budgetary allocation for the said depot.

ARTICLE 2

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL**

**REGULATION C/REG. 12/12/06 FORMALLY
ESTABLISHING A COMMUNITY LEVY
MANAGEMENT COMMITTEE AT THE ECOWAS
COMMISSION**

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 72 of the ECOWAS Treaty introducing a Community Levy to generate revenue for financing the activities of the Community;

MINDFUL of Protocol A/P1/7/96 on the conditions governing the application of the Community Levy;

MINDFUL of Regulation C/Reg. 1/9/03 as amended by C/Reg.9/07/04 adopting measures to facilitate and accelerate effective implementation of the Community Levy;

ACKNOWLEDGING THAT compliance with the Community Levy requirements by Member States has improved considerably;

DESIRING however to improve on the existing mechanism for the collection and disbursement of the proceeds of the Levy;

ON THE RECOMMENDATION of the Thirty-Sixth Meeting of the Administration and Finance Committee which was held in Abuja, from 22 - 27 November 2007 and in Ouagadougou on 15 and 16 December 2006;

ENACTS**ARTICLE 1**

A Community Levy Management Committee is hereby formally established at the ECOWAS Commission.

ARTICLE 2

Members of the Community Levy Management Committee are as follows:

1. The Vice President - **Chairman**
2. The Financial Controller - **Member**
3. The Commissioner for Administration & Finance - **Member**
4. The Commissioner for Trade & Customs, Industry, mines, free movement of persons & goods - **Member**
5. Heads of ECOWAS Institutions - **Members**

ARTICLE 3

The functions of the Committee shall include:

- taking measures to ensure full implementation of the provisions of the Protocol on the Conditions for the Application of the Community levy;
- recommending political measures to address the difficulties encountered by Member States in the application of the Community levy;
- allocating the proceeds of the Community levy;
- making proposals for the allocation of sectoral and structural funds;
- taking necessary performance-enhancing measures;

- exploring avenues for the funding of the Community and
- preparing the annual report.

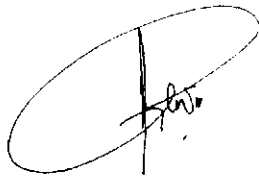
ARTICLE 4

1. A sub-committee shall support the Community Levy Management Committee in its work and shall be composed of one representative each from the departments of Audit, Trade and Customs and Finance;
2. The sub-committee referred to in paragraph 1 shall carry out monitoring missions in Member States in collaboration with the ECOWAS National Units and the National Committees for the Management of the Community Levy, based on terms of reference to be defined by the Community Levy Management Committee;
3. The Sub-committee shall prepare an annual report on behalf of the Community Levy Management Committee which will endorse it for submission to the Council of Ministers through the Administration and Finance Committee.

ARTICLE 5

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

REGULATION C/REG.13/12/06 ALLOCATING A LUMP SUM GRANT FOR LOCAL SUPPORT SERVICES FOR THE OFFICE OF THE SPEAKER OF THE COMMUNITY PARLIAMENT IN THE HOME STATE

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Supplementary Protocol A/SP1/06/06 amending the ECOWAS Treaty;

MINDFUL of Supplementary Protocol A/SP3/06/06 amending Protocol A/P2/8/94 relating to the Community Parliament;

RECALLING especially Article 15 of Protocol A/P2/8/94 which provides for a non-residency status for the Speaker at the Headquarters of the Community parliament;

AWARE that the Speaker of the Parliament is responsible for giving the necessary orientations, providing leadership and guaranteeing the efficient conduct of the affairs of the Parliament, even while being outside the headquarters of the Community Parliament;

ASLO AWARE that to achieve the above mentioned activities, the Speaker will operate mostly from this home State;

DESIRING therefore, to grant the Speaker, resources for local support services to maintain an office;

UPON THE RECOMMENDATION of the thirty-sixth session of the Administration and Finance Commission, held in Abuja from 22 to 27 November 2006.

ENACTS

ARTICLE 1

A monthly lump sum allowance of two thousand US dollars (US\$2000) is hereby granted for local support services for the office of the Speaker of the Community Parliament in his home State.

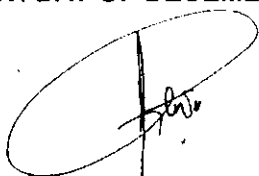
ARTICLE 2

The monthly lump sum allowance shall be paid to the Speaker of the Parliament during his tenure for the purpose indicated in Article 1 of this Regulation.

ARTICLE 3

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

**REGULATION C/REG.14/12/06 GRANTING A
RESPONSIBILITY ALLOWANCE TO THE VICE
PRESIDENT OF THE ECOWAS COMMISSION**

THE COUNCIL OF MINISTERS,

MINDFUL of articles 10, 11, and 12 of the ECOWAS Treaty as amended in June 2006 establishing their composition and functions,

MINDFUL of Decision A/DEC. 16/01/06 transforming the Executive Secretariat into a Commission and establishing the positions of the President, the Vice President and Seven (7) other Commissioners for the Commission.

MINDFUL of the Supplementary Protocol A/SP.1/06/06 Amending the Revised ECOWAS Treaty which re-affirms the creation of the above stated statutory positions within the Commission.

CONSIDERING the responsibilities attached to the position of Vice President.

HAVING noted the special benefits provided for Statutory Appointees under Article 28(b) of the ECOWAS Staff Regulations of 2005.

DESIRING to provide the Vice President with additional benefits in order to ensure that he/she discharges the responsibilities allotted to the position efficiently

ON THE RECOMMENDATION of the Thirty-Sixth meeting of the Administration and Finance Commission held in Abuja from 22 - 27 November 2006 and in Ouagadougou from the 15 - 16 December 2006.

ENACTS**ARTICLE 1**

The Vice President of the ECOWAS Commission is hereby granted an additional benefit in the form of a responsibility allowance to facilitate a more efficient discharge of the responsibilities attached to the position.

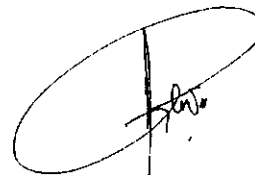
ARTICLE 2

5% of the basic salary of the Vice President shall be paid to him/her as responsibility allowance.

ARTICLE 3

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

**REGULATION C/REG. 15/12/06 ADOPTING AN
ECOWAS INTERNAL AUDIT CHARTER**

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 the Decision C/DE.2/11/91 of the Council of Ministers on the adoption of the Scheme of Service for the Staff of the Institutions of Community which established the position of Internal Auditors for Community Institutions;

RECOGNISING that the purpose of internal auditing is to assist ECOWAS Institutions attain their objective through the provision of independent, objective assurance and consulting services designed to add value and improve the institutions' operations and programme administration;

DESIROUS of adopting guidelines that govern the internal audit function in ECOWAS Institutions;

ON THE RECOMMENDATION of the Third Meeting of the ECOWAS Audit Committee which took place in Abuja, 23-25 February 2006;

ENACTS

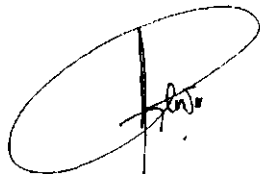
ARTICLE 1

An ECOWAS Internal Audit Charter is hereby adopted as attached.

ARTICLE 2

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

**THIRD MEETING OF THE AUDIT COMMITTEE
EXECUTIVE SECRETARIAT, ABUJA**

23 - 25 FEBRUARY, 2006

ECOWAS INTERNAL AUDIT CHARTER

ECOWAS INTERNAL AUDIT CHARTER

1.0. Purpose

1.1. This Charter formally defines the mission, scope and responsibilities, independence, and authority of the internal audit function in ECOWAS Institutions.

2.0. Mission

2.1. The mission of internal audit is to assist ECOWAS Institutions to achieve their objectives by providing independent, objective assurance and consulting services designed to add value and improve the organisation's operations and programme administration.

3.0. Scope and responsibilities

3.1. The general scope of audit coverage is organization-wide and no function, activity, or unit of ECOWAS institutions or related organisation is exempt from audit and review. No officer or staff member or contractor of ECOWAS may interfere with or prohibit internal auditors from examining any organisational records or interviewing any employee or contractor that the internal auditors believe is necessary to carry out their duties.

3.2. Internal audit shall prepare audit reports for submission to the Audit Committee and the Head of Institution on the extent to which operations and programme administration are in conformity with Community texts, provisions and procedures, and assure that the controls, risk management and governance processes and procedures in force at the Institution are effective, efficient and are cost effective. It shall assist managers to realise the objectives set for the organisation and improve performance by providing relevant and appropriate information, analyses, evaluation reports and recommendations. To this effect Internal Audit Office shall:

3.2.1. In consultation with the Head of ECOWAS Institutions develop a medium-term audit plan covering all the activities undertaken by the institution taking into account significant risks the institution is facing to be submitted for approval by the Audit Committee.

3.2.2. In consultation with the Head of ECOWAS Institutions prepare a flexible annual audit plan and programme using an appropriate risk-based methodology, including any risks or control concerns

identified by management, indicating missions to be undertaken and the objectives and scope of such missions to be submitted for approval by the Audit Committee.

3.2.3. Give adequate notice to the Head of ECOWAS Institutions prior to the commencement of an audit assignment. An entrance conference will be held which will discuss the objectives and scope of the audit assignment taking into account the views and concerns of the HOI in determining the audit objectives, resources and timeframe. In addition to regular communication with the official in charge of the activities audited during the course of the audit assignment, an audit exit conference will be held for the purpose of discussing the audit findings and recommendations. A final report shall be sent to the management for their comments on the audit findings and recommendations reflecting, where necessary, the comments received and corrective measures taken and feedback on the plans for implementation of agreed recommendations.

3.2.4. Examine and evaluate the adequacy and effectiveness of internal controls and risk management processes.

3.2.5. Audit and report on the administration of ECOWAS operations and programmes, including the performance of services by outside contractors and consultants. The internal audits will also include the identification of opportunities for cost reduction and performance improvement. Such activities of the Internal Auditors will also include giving assurance that operations and programmes are managed in a reasonable, responsive and consistent manner, and utilise integrated, cost effective, secure and competent service standards.

3.2.6. Evaluate management plans for action and their implementation, designed to correct reported conditions, for satisfactory resolution of audit findings. If the action for resolution is considered unsatisfactory, the Internal Auditors will seek further discussions with the HOI to achieve a satisfactory resolution. In exceptional cases, the Internal Auditors may report the matter to the Audit Committee.

3.2.7. Review and follow up, from time to time, on the implementation of audit recommendations of previous audits conducted.

3.2.8. Respond to any specific requests for special audits by the HOI and the Audit Committee.

3.2.9. Submit an annual report to the Audit Committee. The report will include a summary of the main conclusions and recommendations formulated at the end of audit engagement and changes to the annual internal audit plan, including appropriate justifications for such changes. The report will also highlight the efficiency and effectiveness of the institutions' internal control, risk management and governance Systems, and evaluate the situation of the staff of the office of Internal Audit.

3.2.10. Ensure that the activities of the Internal Audit Office are in conformity with professional internal audit standards.

3.2.11. Work in close collaboration with external auditors to ensure that the institutions get the best audit services at reasonable cost.

3.3. Internal Auditors may also offer consultancy services at management request. In this role, however, it is important for management to understand that the internal auditor only offers advice and does not undertake the task on behalf of, or as a substitute for, management.

Acceptance by management of the advice offered by the internal auditor does not transfer or reduce management's accountability for their own areas of responsibility. Conversely, management's retention of accountability does not allow the internal auditor to be any less diligent in exercising due professional care in developing the advice which they will offer. The consultancy role may include:

3.3.1. Facilitating management activities. This may include advice in "emergency situations" and serving as facilitators for workshop to brainstorm risks, controls and governance issues to inspire and provoke management into effective identification and analysis of - these issues.

3.3.2. Undertaking an educational role. Internal Auditors may be asked to support management by imparting appropriate risk and control skills and techniques so that managers are better equipped to undertake their own role effectively. This provides long term added value by improving skills in risk and control issues.

3.3.3. Offering specific advice on particular risk and control issues (including areas of development of new Systems or redevelopment of existing Systems). This may be at any level of the organisation, ranging from the corporate risk register and strategic governance System to detailed control of particular and low level risks relating to specific individual activities.

3.4. The consultancy service offered by internal audit is inextricably linked to the assurance role.

3.5. The Internal Audit Office shall develop and maintain a quality assurance programme designed to achieve compliance with internal auditing standards. The programme shall provide assurance that the internal auditing activity adds value and improves the organisation's operations and program administration. The quality assurance programme shall be monitored to determine its effectiveness. This shall be done through internal assessments and independent reviews.

3.6. Internal assessments shall include ongoing monitoring and periodic reviews. The internal audit office

shall be evaluated at least once every three years by a qualified, independent, outside reviewer, using appropriate guidelines to be determined by the Audit Committee and standards promulgated by the Institute of Internal Auditors and modified to take into account the needs of ECOWAS. At the completion of the quality assessments and reviews, the results shall be communicated to the Council of Ministers, through the Audit Committee.

4.0. Independence

4.1. The Internal Audit Office is headed by the Chief Audit Executive who reports to the Council of Ministers through the Audit Committee. This level of reporting allows the Internal Audit Office to accomplish its responsibilities, and ensure that the independence and objectivity of internal auditors is not impaired. Internal Auditors in performing their work shall not;

4.1.1. Have direct authority or responsibility for any of the activities reviewed.

4.1.2. Develop and install administrative and financial procedures, prepare records, or make management decisions or engage in any other activity that could be reasonably construed to compromise their independence or impair their objectivity.

4.1.3. Evaluate staff, with the exception of staff of the Internal Audit Office.

4.1.4. Take or implement decisions on risk management or account for it.

5.0. Authority

5.1. Authority is granted for full, free, and unrestricted access to any and all of ECOWAS records, physical properties, and personnel relevant to any function under review. All employees are requested to assist Internal Auditing in fulfilling their staff function. Internal Auditing shall also have free and unrestricted access to the Head of ECOWAS Institutions, the Audit Committee and the Chairman of Council of Ministers.

5.2. Documents and information given to Internal Auditing during a periodic review will be handled in the same prudent and confidential manner as by those employees normally accountable for them.

6.0. Amendment

6.1. Any proposed amendments to this Charter shall be approved by the Council of Ministers upon the recommendation of the Audit Committee.

Chairman ECOWAS Council of Ministers

REGULATION C/REG. 16/11/06 APPOINTING MR. JEAN DE DIEU SOMDA AS THE VICE PRESIDENT OF THE ECOWAS COMMISSION

THE COUNCIL OF MINISTERS,

MINDFUL of Articles, 10, 11 and 12 of the ECOWAS Treaty (as amended) establishing the Council of Ministers and defining its composition and function;

MINDFUL of Article 2 of the Supplementary Protocol A/SP.1/06./06 amending articles 17 and 18 of the ECOWAS Revised Treaty of 1993 and which provides for the appointment of nine (9) Commissioners for the ECOWAS Commission and the procedure for appointing them;

MINDFUL of Decision A/DEC. 16/01/06 transforming the Executive Secretariat into a Commission;

MINDFUL of Decision A/DEC.5/06/06 allocating to Member States the positions of Commissioners within the ECOWAS Commission;

BEARING IN MIND that the position of Vice President was allocated to Burkina Faso;

RECALLING Regulation C/REG.1/06/06 approving the Organizational Structure of the Commission and determining the technical Areas/Departments to be supervised by each Commissioner;

ALSO RECALLING Decision A/DEC.3/7/91 relating to the Selection and Evaluation of the Performance of Statutory Appointees of the Community;

ON THE RECOMMENDATION of the Tenth Meeting of the Ad-hoc Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees held in Accra from 13th - 17th November, 2006.

ENACTS

ARTICLE 1

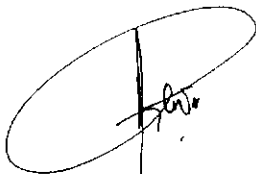
Mr. Jean de Dieu Somda is hereby appointed as the Vice- President of the ECOWAS Commission for a non-renewable term of four (4) years with effect from the date he assumes duty.

ARTICLE 2

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

**REGULATION C/REG.17/11/06 APPOINTING DR.
(MRS.) ADAOHA C. OKWUOSA AS THE
COMMISSIONER FOR ADMINISTRATION AND
FINANCE OF THE ECOWAS COMMISSION**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles, 10, 11 and 12 of the ECOWAS Treaty (as amended) establishing the Council of Ministers and defining its composition and function;

MINDFUL of Article 2 of the Supplementary Protocol A/SP.1/06./06 amending articles 17 and 18 of the ECOWAS Revised Treaty of 1993 and which provides for the appointment of nine (9) Commissioners for the ECOWAS Commission and the procedure for appointing them;

MINDFUL of Decision A/DEC. 16/01/06 transforming the Executive Secretariat into a Commission;

MINDFUL of Decision A/DEC.5/06/06 allocating to Member States the positions of Commissioners within the ECOWAS Commission;

BEARING IN MIND that the position of Commissioner for Administration and Finance was allocated to the Federal Republic of Nigeria;

RECALLING Regulation C/REG. 1/06/06 approving the Organizational Structure of the Commission and determining the technical Areas/Departments to be supervised by each Commissioner;

ALSO RECALLING Decision A/DEC.3/7/91 relating to the Selection and Evaluation of the Performance of Statutory Appointees of the Community;

ON THE RECOMMENDATION of the Tenth Meeting of the Ad-hoc Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees held in Accra from 13th - 17th November, 2006.

ENACTS

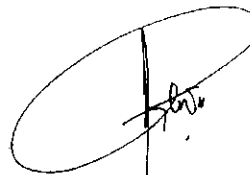
ARTICLE 1

Dr. (Mrs.) Adaoha C. Okwuosa is hereby appointed as the **Commissioner for Administration and Finance of the ECOWAS Commission** for a non-renewable term of four (4) years with effect from the date she assumes duty.

ARTICLE 2

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

REGULATION C/REG. 18/11/06 APPOINTING MR. OUSSEINI SALIFOU AS THE COMMISSIONER FOR AGRICULTURE, ENVIRONMENT & WATER RESOURCES OF THE ECOWAS COMMISSION

THE COUNCIL OF MINISTERS,

MINDFUL of Articles, 10, 11 and 12 of the ECOWAS Treaty (as amended) establishing the Council of Ministers and defining its composition and function;

MINDFUL of Article 2 of the Supplementary Protocol A/SP.1/06./06 amending articles 17 and 18 of the ECOWAS Revised Treaty of 1993 and which provides for the appointment of nine (9) Commissioners for the ECOWAS Commission and the procedure for appointing them;

MINDFUL of Decision A/DEC. 16/01/06 transforming the Executive Secretariat into a Commission;

MINDFUL of Decision A/DEC.5/06/06 allocating to Member States the positions of the Commissioners within the ECOWAS Commission;

BEARING IN MIND that the position of Commissioner for Agriculture, Environment & Water Resources was allocated to the Republic of Niger;

RECALLING Regulation C/REG.1/06/06 approving the Organizational Structure of the Commission and determining the technical Areas/Departments to be supervised by each Commissioner;

ALSO RECALLING Decision A/DEC.3/7/91 relating to the Selection and Evaluation of the Performance of Statutory Appointees of the Community;

ON THE RECOMMENDATION of the Tenth Meeting of the Ad-hoc Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees held in Accra from 13th - 17th November, 2006.

ENACTS

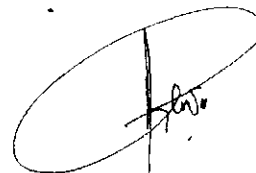
ARTICLE 1

Mr. Ousseini Salifou is hereby appointed as the **Commissioner for Agriculture, Environment and Water Resources of the ECOWAS Commission** for a non-renewable term of four (4) years with effect from the date he assumes duty.

ARTICLE 2

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

REGULATION C/REG. 19/11/06 APPOINTING MR. COMLA KADJE AS THE COMMISSIONER FOR INFRASTRUCTURE OF THE ECOWAS COMMISSION

THE COUNCIL OF MINISTERS,

MINDFUL of Articles, 10, 11 and 12 of the ECOWAS Treaty (as amended) establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Article 2 of the Supplementary Protocol A/SP.1/06./06 amending articles 17 and 18 of the ECOWAS Revised Treaty of 1993 and which provides for the appointment of nine (9) Commissioners for the ECOWAS Commission and the procedure for appointing them;

MINDFUL of Decision A/DEC. 16/01/06 transforming the Executive Secretariat into a Commission;

MINDFUL of Decision A/DEC.5/06/06 allocating to Member States the positions of Commissioners within the ECOWAS Commission;

BEARING IN MIND that the position of Commissioner for Infrastructure was allocated to the Republic of Togo;

RECALLING Regulation C/REG.1/06/06 approving the Organizational Structure of the Commission and determining the technical Areas/Departments to be supervised by each Commissioner;

ALSO RECALLING Decision A/DEC.3/7/91 relating to the Selection and Evaluation of the Performance of Statutory Appointees of the Community;

ON THE RECOMMENDATION of the Tenth Meeting of the Ad-hoc Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees held in Accra from 13th - 17th November, 2006.

ENACTS

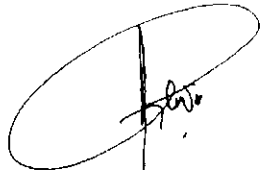
ARTICLE 1

Mr. Comla Kadje is hereby appointed as the **Commissioner for Infrastructure of the ECOWAS Commission** for a non-renewable term of four (4) years with effect from the date he assumes duty.

ARTICLE 2

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. AÏCHATOU MINDAODOU,
CHAIRPERSON,
FOR THE COUNCIL.**

REGULATION C/REG.20/11/06 APPOINTING MR. MOHAMMED DARAMY AS THE COMMISSIONER FOR TRADE, CUSTOMS, INDUSTRY, MINES AND FREE MOVEMENT OF PERSONS AND GOODS OF THE ECOWAS COMMISSION

THE COUNCIL OF MINISTERS,

MINDFUL of Articles, 10, 11 and 12 of the ECOWAS Treaty (as amended) establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Article 2 of the Supplementary Protocol A/SP.1/06./06 amending articles 17 and 18 of the ECOWAS Revised Treaty of 1993 and which provides for the appointment of nine (9) Commissioners for the ECOWAS Commission and the procedure for appointing them;

MINDFUL of Decision A/DEC.16/01/06 transforming the Executive Secretariat into a Commission;

MINDFUL of Decision A/DEC.5/06/06 allocating to Member States the positions of Commissioners within the ECOWAS Commission;

BEARING IN MIND that the position of Commissioner for Trade, Customs, Industry, Mines and Free Movement of Persons and Goods was allocated to the Republic of Sierra Leone;

RECALLING Regulation C/REG.1/06/06 approving the Organizational Structure of the Commission and determining the technical Areas/Departments to be supervised by each Commissioner;

ALSO RECALLING Decision A/DEC.3/7/91 relating to the Selection and Evaluation of the Performance of Statutory Appointees of the Community;

ON THE RECOMMENDATION of the Tenth Meeting of the Ad-hoc Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees held in Accra from 13th - 17th November, 2006.

ENACTS

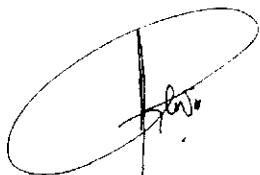
ARTICLE 1

Mr. Mohammed Daramy is hereby appointed as the **Commissioner for Trade, Customs, Industry, Mines and Free Movement of Persons and Goods of the ECOWAS Commission** for a non-renewable term of four (4) years with effect from the date he assumes duty.

ARTICLE 2

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

**REGULATION C/REG.21/11/06 APPOINTING DR.
LAMBERT N'GALADJO BAMBA AS THE
COMMISSIONER FOR MACROECONOMIC
POLICY OF THE ECOWAS COMMISSION**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles, 10, 11 and 12 of the ECOWAS Treaty (as amended) establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Article 2 of the Supplementary Protocol A/SP.1/06./06 amending articles 17 and 18 of the ECOWAS Revised Treaty of 1993 and which provides for the appointment of nine (9) Commissioners for the ECOWAS Commission and the procedure for appointing them;

MINDFUL of Decision A/DEC.16/01/06 transforming the Executive Secretariat into a Commission;

MINDFUL of Decision A/DEC.5/06/06 allocating to Member States the positions of Commissioners within the ECOWAS Commission;

BEARING IN MIND that the position of Commissioner for Macroeconomic Policy was allocated to the Republic of Cote d'Ivoire;

RECALLING Regulation C/REG.1/06/06 approving the Organizational Structure of the Commission and determining the technical Areas/Departments to be supervised by each Commissioner;

ALSO RECALLING Decision A/DEC.3/7/91 relating to the Selection and Evaluation of the Performance of Statutory Appointees of the Community;

ON THE RECOMMENDATION of the Eleventh Meeting of the Ad-hoc Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees held in Ouagadougou on 19th December, 2006.

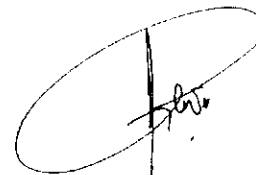
ENACTS**ARTICLE 1**

Dr. Lambert N'galadjo Bamba is hereby appointed as the *Commissioner for Macroeconomic Policy of the ECOWAS Commission* for a non-renewable term of four (4) years with effect from the date he assumes duty.

ARTICLE 2

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

REGULATION REG.22/12/06 ON THE ADOPTION OF A CODE OF CONDUCT FOR INTERNAL AUDITORS OF COMMUNITY INSTITUTIONS

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 their composition and functions;

RECOGNISING the need to promote a culture of ethical conduct among internal auditors in Community Institutions;

HAVING NOTED that internal auditing is an independent, objective assurance and consulting activity that helps an organisation accomplish its objectives by bringing a systematic disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes;

DESIRING therefore to adopt a code of conduct for internal Auditors that would enable them discharge the function of internal auditing which will in turn add value and improve the operations of Community Institutions;

ON THE RECOMMENDATION of the Third meeting of the Audit Committee which held in Abuja 23 - 25 February 2006.

ENACTS

ARTICLE 1

A Code of conduct applicable to all internal Auditors working in Institutions of ECOWAS is hereby adopted as attached.

ARTICLE 2

The Code defines and prescribes conduct expected of the internal auditors as well as fundamental principles governing the professional practice of internal auditing.

ARTICLE 3

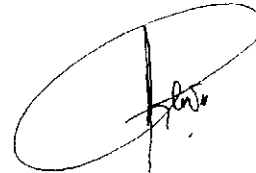
1. Any contravention of the Code of Conduct shall be reported to the Audit Committee which shall make appropriate recommendations to the Council of Ministers,

2. Appropriate disciplinary measures may be imposed in accordance with existing Community Regulations.

ARTICLE 4

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

CODE OF CONDUCT FOR ECOWAS INTERNAL AUDITORS

THIRD MEETING OF THE AUDIT COMMITTEE EXECUTIVE SECRETARIAT, ABUJA

FEBRUARY 2006

Introduction

The Code of Conduct has been prepared with the aim of promoting a culture of ethical conduct among internal auditors in ECOWAS institutions.

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes.

ECOWAS needs to adopt a Code of Conduct for internal auditors because only such a code can provide an objective assurance on risk management, control and governance processes.

The Code of Conduct goes beyond the definition of the internal audit function and extends to the following two essential components:

1. Fundamental Principles governing the professional practice of internal auditing;
2. Rules of Conduct that describe the behaviour expected of internal auditors. The Principles can assist in the application of the fundamental Principles and are aimed at promoting an ethical culture in the professional practice of internal auditing.

The Code of Conduct and the other two reference documents, namely the Internal Audit Charter and the Internal Audit Guidelines, spell out rules governing the conduct of internal auditors in ECOWAS Institutions.

Scope of application and compulsory nature of the Code of Ethics

The ECOWAS Code of Conduct applies to internal auditors working in the Community institutions. Any contravention of the Code of Conduct will be evaluated and treated in accordance with existing regulations by competent authorities such as the Audit Committee and the Council of Ministers. The fact that a particular form of behaviour is not specifically mentioned in the Code of Conduct will

not make it less unacceptable or less honourable. Any contravention of the code will attract appropriate disciplinary action.

Internal Auditors in ECOWAS institutions are expected to apply and uphold the following principles and rules:

1.0. INTEGRITY

PRINCIPLES

The integrity of internal auditors establishes trust and thus provides the basis for reliance on their judgement.

RULES

Internal auditors:

- 1.1. Shall perform their work with honesty, diligence, and objectivity.
- 1.2. Shall observe the law and make disclosures expected by the law and the profession.
- 1.3. Shall not knowingly be a party to any illegal activity, or engage in acts that are discreditable to ECOWAS institutions;
- 1.4. Shall respect and contribute to the legitimate and ethical objectives of ECOWAS institutions;
- 1.5. Shall behave in such a way that their integrity and good name will never be in doubt.

2.0 OBJECTIVITY

PRINCIPLES

Internal auditors exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined.

RULES

Internal auditors:

- 2.1. Shall not participate in any activity or relationship that may impair or be presumed to impair the impartiality of their judgement.
- 2.2. Shall not accept anything that may impair or be presumed to impair their professional judgement.
- 2.3. Shall disclose all material facts known to them that, if not disclosed, may distort the reporting on audit activities undertaken.
- 2.4. Shall conduct their investigations without

any bias. In their conclusions, they should display a high sense of objectivity, neutrality and honesty.

- 2.5 Shall make a balanced assessment of all the relevant circumstances and shall not be unduly influenced by their own interests or by others in forming judgments.

3.0 CONFIDENTIALITY

PRINCIPLES

Internal auditors shall not disclose any information, facts or acts known to them in the course of their professional duties.

RULES

Internal auditors

- 3.1. Shall be prudent in the use and protection of information acquired in the course of their duties.
- 3.2. Shall not use information for any personal gain or in any manner that would be contrary to the legal provisions or jeopardize the ethical objectives of ECOWAS institutions.
- 3.3. Shall not reveal the content of audit reports to third parties, with the exception of those parts of the reports used by other professionals who are equally bound to protect professional secrets.
- 3.4. Shall respect the value and ownership of information they receive and do not disclose information without appropriate authority unless there is a legal or professional obligation to do so.

4.0. COMPETENCY

PRINCIPLES

Internal auditors shall engage only in those services for which they have the necessary knowledge, skill and experience.

- 4.1. Shall engage only in those services for which they have the necessary knowledge, skill and experience.
- 4.2. Shall perform internal auditing services in accordance with the standards for the Professional Practice of Internal Auditing.
- 4.3. Shall continually improve their proficiency and effectiveness and quality of their services.

- 4.4. Shall have sufficient knowledge to identify the indicators of fraud but are not expected to have the expertise of persons whose primary responsibility is detecting and investigating fraud. Where any irregularity or fraud is detected, the internal auditors shall inform their supervisory authorities immediately and examine with the authorities the best ways and means of conducting investigations with the necessary tact and discretion.

- 4.5 Shall, upon production of necessary evidence and after consultation with their supervisory authorities, refuse to participate in an audit exercise for which they lack the necessary competence or required resources, a situation that may impair the credibility of the results of the exercise.

5.0. INDEPENDENCE PRINCIPLES

The laws, regulations, and code of ethics require internal auditors to maintain and be seen to maintain their independence which is one of the fundamental basis for the reliability of their opinion.

RULES

Internal auditors:

- 5.1 Shall be honest and sincere in the performance of their functions. They shall ensure fairness and not allow any bias or preconceived ideas to impair their independence. They shall remain neutral and their operations shall be free of any influence, actual or perceived, which may be considered, no matter the facts of the situation, as incompatible with the principles of integrity and objectivity.
- 5.2 Shall be free to establish their audit plan and work programme, define the scope of their intervention, prepare and communicate the results of their audit activity.
- 5.3 Shall ensure that the collaborators and third parties assisting them in their work observe the principles of independence.
- 5.4 Shall be able to act independently so as to maintain their integrity and objectivity. They shall also avoid any act that may be interpreted as impairments to their independence and objectivity.

6. DUE PROFESSIONAL CARE

PRINCIPLES

In the course of their professional duties, Internal Auditors should perform their work with professional care.

RULES

Internal auditors:

- 6.1. Shall apply the professional care and skill expected of a reasonably prudent and competent internal auditor. Due professional care does not apply infallibility.
- 6.2. Shall exercise due professional care by considering the:
 - expectations of the audited, including the nature, schedule and communication of the results of the audit;
 - extent of work needed to achieve the objectives of the audit activity;
 - complexity, materiality, or significance of matters to which assurance procedures are applied during each audit exercise;
 - adequacy and effectiveness of risk management, control and governance processes;
 - probability of significant errors, irregularities, and non-compliance.
- 6.1. Shall, in exercising due professional care, consider the use of computer-assisted audit tools and other data analysis techniques.

7. PERFORMANCE STANDARD

PRINCIPLES

Internal auditors should apply professional care and skill so as to ensure that the quality of each audit meets professional standards.

RULES

Internal auditors:

- 7.1. Shall, with the assistance of the relevant authorities, ensure that all the conditions for the success of their missions are met.

- 7.2. Shall apply appropriate techniques and seek to obtain all relevant information pertaining to the operations of the units being audited, with a view to ensuring the quality of their work.

- 7.3. Shall develop and maintain a quality assurance and improvement programme that covers all aspects of the internal audit activity and continuously monitors its effectiveness. This programme shall include periodic internal and external quality assessments and ongoing internal monitoring. Each part of the programme shall be designed to help the internal auditing activity add value and improve ECOWAS operations and to provide assurance that the internal audit activity is in conformity with the international standards and the present Code of Ethics.

8. CONFLICT OF INTERESTS

PRINCIPLES

Internal auditors must avoid being placed in situations which might create conflicts of interest.

RULES

Internal auditors:

- 8.1. Shall refrain from assessing specific operations for which they were previously responsible.
- 8.2. Shall not audit the activities of persons with whom they have close relations. Close relations as defined in Article 14 (a) of ECOWAS Staff Regulation.
- 8.3. Shall not audit the activities of institutions or agencies where they may come across situations that might create conflicts of interest.
- 8.4. Shall not participate in activities or enter into relations that might create conflicts of interest with ECOWAS institutions.
- 8.5. Shall refuse any mission which their conscience tells them might create conflicts of interest, thereby impairing their independence, integrity and objectivity.

9. AUDIT TECHNIQUE AND INFORMATION TECHNOLOGY

PRINCIPLES

Internal auditors should be able to gather, analyse, and communicate information relating to the activity

or process being audited using audit techniques based on appropriate new information and communication technologies (NICTs).

RULES

Internal auditors:

- 9.1. Shall have knowledge of key information technology risks and controls and available technology-based audit techniques to perform their assigned work. However, not all internal auditors are expected to have the expertise of an internal auditor whose primary responsibility is computer auditing or information Systems auditing.
- 9.2. Shall use appropriate new information and communication technologies in the performance of their duties.

10. PREPARATION AND DISSEMINATION OF REPORTS

PRINCIPLES

The internal auditor must prepare a report on any audit activity undertaken. All reports must comply with the format adopted by ECOWAS and hard or electronic copies should be communicated to the appropriate parties.

RULES

Internal auditors:

- 10.1 Shall submit written reports to the supervisory authorities and or auditee; highlighting their findings which should reflect the observations made by the officials in charge of the sectors audited from whom comments would have been received.
- 10.2 Shall prepare their reports using the format adopted by ECOWAS, sign the reports and communicate them in the form required.
- 10.3 Shall include in their report the comments of the management of the audited entity.
- 10.4 Shall have the obligation to follow up regularly the implementation of the recommendations they make.
- 10.5 Shall include in their report the objectives, scope, findings, conclusion and recommendations that result from the works they did.

REGULATION C/REG.23/12/06 ADOPTING THE FRAMEWORK FOR STRENGTHENING CAPACITY IN THE DEVELOPMENT AND INSTITUTIONALIZATION OF ENERGY STATISTICS IN THE ECOWAS REGION

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;

CONVINCED of the importance of statistical information in the development and integration of the West African region;

AWARE of the inadequacies of the national statistical systems with regard to the production of accurate and up-to-date energy statistics on Member States;

DESIROUS of putting in place a regional mechanism for the harmonious development of energy statistics in the region which would ensure the efficient collection, analysis, compilation and dissemination of energy data at both national and regional levels;

CONSIDERING the conclusions of the experts group meeting on energy statistics held in Abuja from 7 to 9 August 2006;

ON THE RECOMMENDATION of the meeting of the Commission on Trade, Customs, Taxation, Statistics, Money and Payments, held in Abuja on 13 and 14 November 2006.

ENACTS

ARTICLE 1

The framework for strengthening capacity in the development and institutionalization of energy statistics in the ECOWAS region is hereby adopted and attached as an annex which is an integral part of this Regulation.

ARTICLE 2

The objective of the framework is to strengthen the capacity to develop and institutionalize the production of energy statistics at the regional level and in the national statistical systems of the Member States, within the context of the National Strategies for the Development of Statistics (NSDS), in order to build a sound base of energy statistics.

ARTICLE 3

The Regional Committee on energy and environment statistics shall amongst other duties, monitor the development of energy statistics at both the national and regional levels.

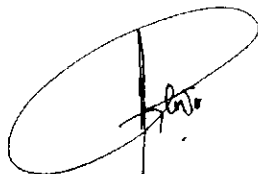
ARTICLE 4

The Commission shall take appropriate measures to implement the framework, in close collaboration with Member States and the other sub-regional organisations.

ARTICLE 5

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

**REGULATION C/REG.24/12/06 ADOPTING THE
FRAMEWORK FOR STRENGTHENING
CAPACITY IN THE DEVELOPMENT AND
INSTITUTIONALIZATION OF ENVIRONMENT
STATISTICS IN THE ECOWAS REGION**

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;

CONVINCED of the importance of statistical information in the development and integration of the West African region;

AWARE of the inadequacies of the existing national statistical systems with regard to the production of accurate and up-to-date environment statistics on Member States;

DESIROUS of putting in place a regional mechanism for the harmonious development of environment statistics in the region which would ensure the efficient collection, analysis, compilation and dissemination of environment data at both national and regional levels;

CONSIDERING the conclusions of the experts group meeting on environment statistics held in Abuja from 7 to 9 August 2006;

ON THE RECOMMENDATION of the meeting of the Commission on Trade, Customs, Taxation, Statistics, Money and Payments, held in Abuja on 13 and 14 November 2006;

ENACTS**ARTICLE 1**

The framework for strengthening capacity in the development and institutionalization of environment statistics in the ECOWAS region is hereby adopted and attached as an integral part of this Regulation.

ARTICLE 2

The objective of the framework is to strengthen capacity and institutionalize the production of environment statistics at the regional level and in the national statistical systems of the Member States, within the context of the National Strategies for the Development of Statistics (NSDS), in order to build a sound base of environment statistics.

ARTICLE 3

A Regional Committee on energy and environment statistics is hereby established to monitor the development of energy and environment statistics.

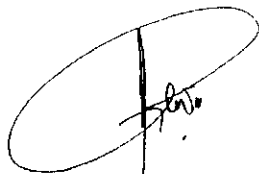
ARTICLE 4

The Commission shall take appropriate measures to implement the framework, in close collaboration with Member States and the other sub-regional organisations.

ARTICLE 5

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

**REGULATION C/REG.25/12/06 ESTABLISHING A
REGIONAL COMMITTEE ON POVERTY
STATISTICS AND MILLENNIUM DEVELOPMENT
GOALS INDICATORS OF THE ECOWAS REGION**

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;

CONVINCED of the importance of statistical information in the development and integration of the West African region;

AWARE of the inadequacies of the national statistical systems with regard to the production of accurate and up-to-date poverty statistics and Millennium Development Goals Indicators in Member States;

DESIROUS of putting in place a regional mechanism for the harmonious development of poverty statistics and Millennium Development Goals Indicators in the region which would ensure the efficient collection, analysis, compilation and dissemination of data at national and regional levels;

CONSIDERING the conclusions of the experts group meeting on ECOWAS Poverty Profile held in Abuja on 10 and 11 August 2006;

ON THE RECOMMENDATION of the meeting of the Commission on Trade, Customs, Taxation, Statistics, Money and Payments, held in Abuja on 13 and 14 November 2006

ENACTS**ARTICLE 1**

A Regional Committee is hereby established to monitor the development of poverty statistics and Millennium Development Goals indicators.

ARTICLE 2

The objective of the Committee is to strengthen the capacity to develop and institutionalize the production of poverty statistics and Millennium Development Goals indicators at the regional level and in the national statistical systems of the Member States, within the context of the National Strategies for the Development of Statistics (NSDS), in order to build a sound base of poverty statistics.

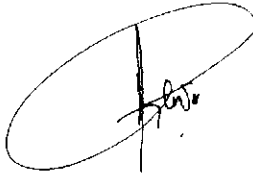
ARTICLE 3

The Commission shall take appropriate measures to ensure the effective functioning of the Committee, in close collaboration with Member States and the other sub-regional organisations.

ARTICLE 4

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. AÏCHATOU MINDAOU DOU,
CHAIRPERSON,
FOR THE COUNCIL.**

**REGULATION C/REG.26/12/06 RELATING TO THE
RESTRUCTURING OF THE INTERNAL AUDIT
FUNCTION IN COMMUNITY INSTITUTIONS AND
THE ESTABLISHMENT OF THE POSITION/
OFFICE OF THE CHIEF INTERNAL AUDITOR OF
THE COMMUNITY**

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 the Decision A/DEC.2/11/91 on the adoption of the Scheme of service of Staff of the Institutions of the Community establishing the position of Internal Auditor for all Institutions;

MINDFUL of Decision A/DEC.15/01/06 relating to the establishment of an Audit Committee for ECOWAS to assist the Council of Ministers discharge its function of maintaining good financial control principles in the Community;

MINDFUL of the need to assist ECOWAS Institutions improve on budget management, funds control and institutional management thereby promoting transparency, accountability and probity in the overall management of the resources of the Community;

ALSO CONSIDERING the need to separate the control functions from those of Internal Audit to ensure the independence and objectivity of Internal Auditors;

DESIRING therefore to achieve the above stated objectives by restructuring the Internal Audit function within Community Institutions, strengthen the Internal Audit function and ensure compliance of internal control with ECOWAS Protocols, Supplementary Acts, Regulations, Decisions and Directives of the ECOWAS Authority of Heads of State and Government and the Council of Ministers;

ON THE RECOMMENDATION of the Sixth Meeting of the Audit Committee which was held in Dakar from 16-17 October 2006;

ENACTS**ARTICLE 1**

The position of Chief Internal Auditor is hereby established at a D1 Professional Category to manage the Internal Audit functions of all Community Institutions.

ARTICLE 2

The Chief Internal Auditor shall be located within the ECOWAS Commission and will report to the Council of Ministers through the ECOWAS Audit Committee.

ARTICLE 3

The President of the Commission shall appoint staff of the Office of the Chief Internal Auditor in accordance with the ECOWAS Staff Regulations. This staff shall subsequently be appropriately deployed by the Chief Internal Auditor. The Chief Internal Auditor shall manage the budget of his/her office. The Internal Auditor shall report to the Chief Internal Auditor.

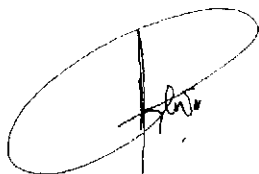
ARTICLE 4

The attached organisation chart indicating the structure for Financial Control and the Internal Audit is hereby adopted.

ARTICLE 5

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. AÏCHATOU MINDAOUDOU,
CHAIRPERSON,
FOR THE COUNCIL.**

**REGULATION C/REG.27/12/06 RELATING TO THE
RE-ORGANISATION OF THE OFFICE OF THE
FINANCIAL CONTROLLER OF THE COMMUNITY
INSTITUTIONS**

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 the Decision A/DEC.4/12/2001 reinstating the post of the Financial Controller of the Community;

MINDFUL of the provisions of the Financial Regulations and Manual of Accounting Procedures of the Institutions of the Community of 1989 as amended, establishing the functions of the Financial Controller;

MINDFUL of the need to assist ECOWAS Institutions improve on budget management, funds control and institutional management thereby promoting transparency, accountability and probity in the overall management of the resources of the Community;

ALSO CONSIDERING the need to separate the control functions from those of Internal Audit to ensure the independence and objectivity of Internal Auditors;

DESIRING therefore to achieve the above stated objectives by re-organising this office and through such re-organisation, also strengthen the performance of their duty of the Financial Controller and ensure compliance of internal controls with ECOWAS Protocols, Supplementary Acts, Regulations, Decisions and Directives of the ECOWAS Authority of Heads of State and Government and the Council of Ministers;

ON THE RECOMMENDATION of the Sixth Meeting of the Audit Committee which was held in Dakar from 16-17 October 2006;

ENACTS**ARTICLE 1**

The Financial Controller shall be responsible for all the financial control functions within Community Institutions.

ARTICLE 2

The Financial controller shall continue to report to the Council of Ministers and also avail the Administration and Finance Commission with information relating to the budget and financial status of the Community.

ARTICLE 3

The office of the Financial Controller shall be located at the Commission. The Financial Controller shall manage the budget of his/her office.

ARTICLE 4

The President of the Commission shall appoint staff of the office of the Financial Controller in

accordance with the ECOWAS Staff Regulations, and this staff shall subsequently be appropriately deployed by the Financial Controller. The Staff shall report directly to the Financial Controller.

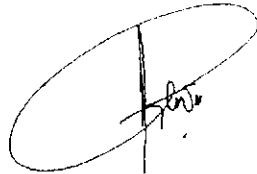
ARTICLE 5

The attached organisation chart indicating the structure for the Offices of the Financial Controller and the Internal Auditor is hereby adopted.

ARTICLE 6

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. AÏCHATOU MINDAODOU,
CHAIRPERSON,
FOR THE COUNCIL.**

REGULATION REG.28/12/06 ESTABLISHING NATIONAL MONITORING STRUCTURES ON FREE MOVEMENT OF PERSONS ON THE HIGHWAYS AND AT THE BORDERS WITH ECOWAS REGION

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 twenty-seventh 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-Lome-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, degrees, 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-Lome-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.

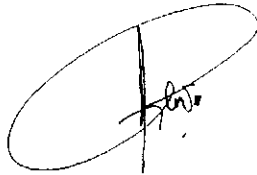
ARTICLE 8: EXTENSION OF THE UNITS

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. AÏCHATOU MINDAOU DOU,
CHAIRPERSON,
FOR THE COUNCIL.**

**REGULATION C/REG.29/12/06 AUTHORISING
THE EXECUTIVE SECRETARY TO TERMINATE
THE APPOINTMENT OF MRS. TOKUNBO LIJADU-
OYEMADE, FORMER DIRECTOR OF
ADMINISTRATION, AND TO REPLACE HER WITH
A NIGERIAN NATIONAL**

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;

CONSIDERING that dismissal of an officer of the Community is an administrative affair and that the procedure and appeals are provided for in the Staff Rules and Regulations of the institutions of the Community;

NOTING that the memorandum of the staff representatives is very critical of the former Director of Administration;

RECALLING, however, the willingness of Council to give a human face to the resolution of the issue relating to the dismissal of Mrs. Tokunbo Lijadu-Oyemade, and noting the initiatives already taken in this direction by the ECOWAS Executive Secretary;

CONSIDERING the need to put an end to the issue relating to the dismissal of Mrs. Tokunbo Lijadu-Oyemade, which has dragged on for three (3) years;

DESIROUS of providing the Institutions of the Community with highly qualified, competent staff, committed to the duties and obligations as prescribed by the Staff Regulations of the Institutions of the Community;

REAFFIRMING its commitment to abolish the quota system with regard to the appointment of professional staff;

DESIROUS however of maintaining the current equitable geographical distribution of professional staff posts among all the Member States;

ENACTS

ARTICLE 1

1. The Executive Secretary is hereby authorised to terminate the appointment of Mrs. Tokunbo

Lijadu-Oyemade, former Director of Administration of the ECOWAS Executive Secretariat.

2. The afore-mentioned officer shall be paid the benefits due her.

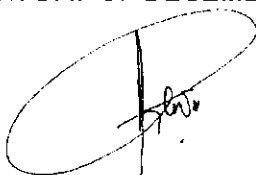
ARTICLE 2

As an exceptional measure, the recruitment of a Nigerian national is hereby authorised to fill the vacancy created by the dismissal of Mrs. Tokunbo Lijadu-Oyemade.

ARTICLE 3

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. AÏCHATOU MINDAOU DOU,
CHAIRPERSON,
FOR THE COUNCIL.**

REGULATION C/REG.30/12/06 ADOPTING THE GIABA STRATEGIC ACTION PLAN

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the E COWAS Revised Treaty as amended in June 2006, establishing the Council of Ministers and defining its compositions and functions;

MINDFUL of Decision A/DEC.9/12/99 relating to the establishment of GIABA;

MINDFUL of the Revised Statutes of GIABA expanding its mandate to the fight against the financing of terrorism;

CONSIDERING that the fifty-fifth Session of the Council of Ministers, held in Niamey adopted a biennial strategic action plan for GIABA;

NOTING that the meeting of Experts, held from 20 to 21 November 2006, evaluated the said action plan and proposed a triennial (2007 - 2008 - 2009) strategic action plan for GIABA activities;

AWARE of the need for GIABA to fully carry out its operational activities;

DESIROUS of providing this Institution with a Strategic Action Plan;

UPON THE RECOMMANDATION of the meeting of Experts, held in Niamey from 20 to 21 November, 2006;

ENACTS

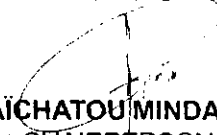
ARTICLE 1

The GIABA Strategic Action Plan 2007 - 2008 - 2009 is hereby adopted.

ARTICLE 2

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. AÏCHATOU MINDAOU DOU,
CHAIRPERSON,
FOR THE COUNCIL.**

FINAL COMMUNIQUE

THIRTY-FIRST SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Ouagadougou, 19 January 2007

INTRODUCTION

The thirty-first ordinary session of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) was held in Ouagadougou, Burkina Faso, on 19 January 2007 under the chairmanship of His Excellency, Mamadou Tandja, President of the Republic of Niger and current Chairman of ECOWAS.

The following Heads of State and Government or their duly accredited representatives attended the meeting:

- His Excellency Thomas Boni Yayi, President of the Republic of Benin;
- His Excellency Blaise Compaoré, President of Burkina Faso;
- His Excellency Laurent Gbagbo, President of the Republic of Côte d'Ivoire;
- His Excellency John Agyekum Kufuor, President of the Republic of Ghana;
- His Excellency Jao Bernado Viera, President of the Republic of Guinea Bissau;
- Her Excellency Ellen Johnson Sirleaf, President of the Republic of Liberia;
- His Excellency Amadou Toumani Touré, President of the Republic of Mali;
- His Excellency Mamadou Tandja, President of the Republic of Niger;
- His Excellency, Chief Olusegun Obasanjo, President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria;
- His Excellency Maître Abdoulaye Wade, President of the Republic of Senegal;
- His Excellency, Faure Essozimna Gnassingbe, President of the Togolese Republic;
- Honourable Mrs Fatoumata Sidibé Kaba, Minister of International Cooperation, Representing the President of the Republic of Guinea;

- Honourable Alhaji Mohammed Daramy, Minister of Development and Economic Planning, Representing the President of the Republic of Sierra Leone;
- The Prime Minister of the Republic of Côte d'Ivoire, His Excellency Charles Konan Banny participated in this session.

The following personalities also attended the thirty-first session as observers:

- Mr. Ahmedou Ould Abdallah, Representative of the Secretary-General of the United Nations Organisation
- His Excellency Rodolphe Adadah, Minister of Foreign Affairs and Francophonie of the Republic of Congo, representing the President of the African Union
- Mr Soumaïla Cissé, President of the UEMOA Commission
- Mr. Justin Baro, Acting Governor of the BCEAO
- Mr Ablassé Ouédraogo Representing the ADB President
- And several members of the diplomatic corps, representatives of regional and international institutions.

OPENING CEREMONY

The opening ceremony was marked by the welcome statement of H.E. Blaise Compaore, President of Burkina Faso, the opening address of His Excellency, Mamadou Tandja, President of the Republic of Niger, and current Chairman of ECOWAS and the UEMOA, the congratulatory speech of the Heads of State and Government, delivered by His Excellency Chief Olusegun Obasanjo, President of the Federal Republic of Nigeria and Her Excellency Mrs Ellen Johnson-Sirleaf, the address of the President of the ECOWAS Commission, Dr. Mohamed Ibn Chambas, as well as the messages of the Chairman of the Authority of Heads of State and Government of the African Union and the United Nations Secretary-General.

The Authority adopted these addresses as working documents of the summit. The Heads of State and Government reaffirmed their commitment to the development of the national economies of West Africa through the regional approach by making ECOWAS an effective instrument for promoting the integration process.

TRANSFORMATION OF THE ECOWAS COMMISSION INTO A COMMISSION AND RESTRUCTURING OF ECOWAS INSTITUTIONS

The Authority commended the transformation of the ECOWAS Commission into a Commission as well as the restructuring of the ECOWAS Institutions aimed at making the Institutions more efficient, with a view to enabling them fully play their role in the integration and development process of the region and to better adapt to the international environment.

They urged the in-coming Chairman of ECOWAS to convene a meeting of ECOWAS Ministers of Finance and of the new Commissioners to set clear priority areas for the Commission that will give impetus to an action-oriented focus on a few sectors such as energy, transport, information and communication technology as well as trade facilitation.

THE ECOWAS COMMISSION

The Authority took note of the nomination of the following Commissioners by the Council of Ministers:

- Vice Président,
Jean de Dieu SOMDA - (Burkina Faso)
- Commissioner for Administration and Finance,
Dr. (Mrs.) Adaoha C. OKWUOSA - (Nigeria)
- Commissioner for Trade, Customs, Industry and Free Movement of Persons,
Mr. Mohamed Daramy - (Sierra Leone)
- Commissioner for Agriculture, Environment and Water Resources,
Ouseini Salifou - (Niger)
- Commissioner for Infrastructure,
Comla Kadje - (Togo)
- Commissioner for Macro-economic Policy,
Lambert N'galadjo Bamba - (Côte d'Ivoire)
- Commissioner for Political Affairs, Peace and Security,
Col. Mahamane Toure - (Mali)

The Authority took note of the acceptance of the Republic of Senegal to present three candidates for selection to the post of Commissioner for Human Development and Gender.

ECOWAS BANK FOR INVESTMENT AND DEVELOPMENT (EBID)

Following the restructuring of EBID, the Authority

adopted a Supplementary Protocol relating to the amendment of Articles 1, 3, 6 and 21 of the revised Treaty as recommended by the Council of Ministers, to turn EBID into a single management structure with two windows (for concessional and private sector operations).

ECOWAS PROGRAMMES

The Authority adopted the 2006 ECOWAS Annual Report presented by the President of the ECOWAS Commission, the reports of the two sessions of the Council of Ministers and of the meeting of the ECOWAS Mediation and Security Council (at ministerial level). The reports focused on the ECOWAS regional integration and cooperation programmes, institutional issues as well as regional peace and security.

REGIONAL POVERTY REDUCTION STRATEGY

The Authority expressed serious concern over the slow progress toward the achievement of the Millennium Development Goals (MDGs) by 2015. The Heads of State and Government urged all Member States to improve upon economic governance through the adoption of appropriate macro-economic policies and enhanced structural reforms that will generate the level of economic growth required for attaining the MDGs, especially the halving of the incidence of poverty in the region by 2015.

The Authority welcomed the collaboration the ECOWAS Commission has established with the UEMOA Commission and the World Bank for the formulation of a regional approach to complement national poverty reduction programmes. All Member States were invited to take the regional dimension of poverty into account in their national PRSPs.

EXTERNAL INDEBTEDNESS AND WEST AFRICAN DEVELOPMENT

The Authority stressed that the high external indebtedness of ECOWAS countries hinders development efforts and the achievement of the Millennium Development Goals (MDGs).

The Authority however expressed satisfaction at the commitments made by the development partners to cancel the external debts of many developing countries including some ECOWAS countries. It invited the West African development partners to extend these measures taken under the highly indebted poor countries (HIPC) and the multilateral debt relief initiatives (MDRI), to all ECOWAS countries, while making eligibility conditions less stringent.

MONETARY COOPERATION PROGRAMME

The Authority stressed the need to deepen macro-economic convergence and to enhance the performance of Member States to give greater credibility to the second monetary zone and the ECOWAS single currency. In this regard, it urged all the Member States to redouble efforts to comply with the macro-economic convergence criteria through strict budgetary discipline and structural reforms aimed at expanding the production base.

FREE MOVEMENT OF PERSONS

The Authority expressed concern over the numerous obstacles still existing along West African highways and at the borders of ECOWAS Member States, which lead to undue delays in administrative formalities and extortion of travellers. The Authority congratulated Burkina Faso on the removal of all unofficial check points along its international highways. It urged all the other Member States to emulate this measure in order to eliminate obstacles to the free movement of travellers.

Desiring to enable ordinary citizens of ECOWAS take full advantage of their membership of the Community, the Authority urged Member States to take all necessary measures to implement the Protocol on Free Movement of Persons, the Right of Residence and Establishment.

The Authority expressed satisfaction at the decision of the Council of Ministers to establish pilot units for the free movement of persons along the Lagos-Cotonou, Lomé-Accra, Abidjan-Ouagadougou and Bamako-Conakry axes, create a central coordination and monitoring bureau, grant an incentive allowance to the best security officers at border posts and apply severe sanctions on erring officers.

ECOWAS PASSPORT

The Heads of State and Government praised the Republics of Benin, Guinea and Senegal for effectively putting into circulation the ECOWAS Passport which confers Community citizenship on the peoples of the region. They urged the other Member States to take the necessary measures to print and put into circulation, this important travel document, without further delay.

INTERNATIONAL MIGRATION

The Authority recognised that the issue of migration had become a major pre-occupation for the West

Africa region, particularly since it involves youths, the most active members of a country, and also because ECOWAS countries are the main source of transit for migration from Africa to Europe.

The Authority further agreed that while the security dimensions of the migration phenomenon do not have easy solutions, urgent attention must be given to the development dimension in order to resolve the problem of poverty which encourages emigration. It was decided that one of the regional strategies would be the establishment of an adequate fund to meet the development needs of Member States, and a better facilitation of the transfer of the savings of migrants.

WEST AFRICA – E. U. ECONOMIC PARTNERSHIP AGREEMENT (EPA)

The Authority stressed that the EPA currently being negotiated between West Africa and the European Commission should help to achieve the objective of reducing poverty. In this regard, the agreement must take into account the development dimension, notably in building supply capacities, improving the competitiveness and up-grading of West African economies.

Concerning the end of the 2007 deadline for the signing of the agreement, the Heads of State and Government urged the negotiators to be flexible in their approach, with a view to concluding an EPA that serves the interests of the peoples of West Africa.

MULTILATERAL TRADE NEGOTIATIONS

The Authority deplored the fact that the suspension of the Doha round led to the reluctance of the World Trade Organisation (WTO) to take into account some of the concerns of the West Africa region, notably the cotton issue.

The Authority underscored the importance of an efficient multilateral trade regime founded on fair, equitable and transparent rules. It therefore urged all the members of the WTO to translate into action their declared commitment towards the successful completion of the on-going negotiations, in line with the mandate of the Doha development round.

The Authority also invited the development partners to go beyond the commitments made in Hong Kong in order to eliminate all domestic subsidies on agriculture, notably cotton.

The Heads of State and Government particularly

insisted on the need to make the different promised support measures available and to find a lasting solution to the cotton issue.

BIRD FLU

In order to prevent an avian influenza epidemic, the Authority expressed satisfaction at the establishment of a regional structure for the prevention and control of bird flu in West Africa. The Authority invited development partners to support the implementation of the regional strategic plan for the prevention and control of avian influenza. It thanks the ADB for the measures taken in respect of the domiciliation of the emergency fund established for that purpose.

INFRASTRUCTURE

Taking into consideration the importance of infrastructure in the integration and development of West African economies, the Authority directed the ECOWAS Commission to accord priority to the development of this sector, especially the completion of the remaining portions of the international highways, the interconnection of rail networks with a standard gauge, as well as the development of the telecommunications and energy sectors. The Authority urged all Member States to create an enabling environment for infrastructural development and policy harmonisation in these sectors.

Telecommunication

The Authority adopted a regional telecommunications policy and a regulatory framework covering specific aspects of the sector such as interconnection to ICT and services networks, licensing regimes and management of the radio frequency spectrum.

ECOWAS Energy Programme

The Authority expressed its concern over the impact of the increase in the price of petroleum products on non oil-producing Member States. It invited the ECOWAS Commission to make proposals to assist the Member States involved to reduce the cost of petroleum products.

The Authority took note and expressed satisfaction at the remarkable progress made in the construction of the West African gas pipeline, the first phase of which extends from Lagos to Accra, passing through Benin and Togo. It further requested the ECOWAS Commission and Member

States to explore the possibility of extending the West African Gas Pipeline to all ECOWAS Member States.

The Authority further noted with satisfaction the breakthroughs recorded in the establishment of the ECOWAS Power Pool system, which is charged with linking the electricity grids of the member countries with a view to eliminating the energy deficits within the region.

The Authority directed the ECOWAS Commission to harmonise national policies and to establish a regional regulatory body.

The Authority also invited the Member States that had not ratified the ECOWAS protocol on energy to do so as soon as possible.

INFORMATION SOCIETY

Desiring to reduce the digital divide between developed countries and ECOWAS countries in the field of ICT, the Authority adopted a declaration on the Information Society. In that regard, it stressed that access to information, information sharing, and the creation of knowledge contribute significantly to enhancing economic, social and cultural development thereby enabling ECOWAS Member States to meet their development goals and objectives, including the Millennium Development Goals (MDGs).

REGIONAL PEACE AND SECURITY

A. Countries in conflict

Cote d'Ivoire

The Authority expressed deep concern over the persistent crisis in Cote d'Ivoire. The Heads of State and Government stressed the need to find a lasting solution to the crisis, based on the immediate concomitant launching of a programme of citizen identification and disarming armed groups in order to create the necessary conditions for the organisation of credible elections by October 2007. They called upon all Ivorian Political forces to cooperate in the implementation of UNSC Resolution 1721 (2006).

They welcomed the initiative of President Gbagbo for dialogue with Ministre d'Etat Guillaume Soro and called upon the Chairman of ECOWAS to facilitate the dialogue to give momentum to the peace process.

In addition, it decided in consultation with the African Union, to send a high-level delegation to permanent members of the UN Security Council with a view to exploring the ways and means of ensuring diligent application of Resolution 1721, depending on the outcome of the dialogue.

The Authority called upon the UNSC to visit Côte d'Ivoire to add impetus to the peace process.

B. POST CONFLICT COUNTRIES

Liberia

The Authority expressed delight with the extension of the mandate of the UN Mission in Liberia (UNMIL) up to the end of March 2007, and hoped that the gradual withdrawal of UN troops would be possible in the near future with the improved security situation and considerable progress in security sector reforms.

The Authority further lauded the lifting of UN sanctions on logging in Liberia and encouraged the government of that country to press on with the improvement of the monitoring system for diamond exploitation in order to facilitate the lifting of sanctions on this strategic resource.

The Authority expressed satisfaction with the interest shown by the European Union, following the request made by ECOWAS for a selective lifting of the UN travel embargo imposed on certain personalities, aimed at revitalizing the national reconciliation process in Liberia.

Guinea Bissau

The Authority took note of the establishment in New York on 21 September 2006, of the International Contact Group on Guinea Bissau as well as the round table held on 7 and 8 November 2006, which served as a forum for discussing medium and long-term prospects and mobilizing resources needed to achieve the objectives of reconstruction and development.

The Authority also invited development partners to support Guinea Bissau in its economic recovery efforts, while encouraging the government of Guinea Bissau to be steadfast in the pursuit of its economic and security sector reforms.

Sierra Leone

The Authority welcomed the role the integrated UN Office (UNIOSIL) is playing for the stability of the

country, particularly as regards the democratization process. The Authority also underscored the importance of presidential and legislative elections scheduled to be held in Sierra Leone in July 2007, the first to be held without the presence of a UN military contingent. The Heads of State and Government underlined the importance of all parties respecting democratic rules and freedom of movement and expression during the election campaign.

The Authority further expressed satisfaction that Sierra Leone had been accepted as one of the countries to benefit from the UN Peace Building Commissions Programmes.

Guinea

The Heads of State and Government expressed concern about the deepening crisis in Guinea. They called on the in-coming Chairman to dispatch a delegation to Guinea for consultation with all political stakeholders with a view to encouraging the use of dialogue and non-violent means to resolve their differences.

Togo

The Heads of State and Government expressed satisfaction at the success of the inter-Togolese dialogue and called upon the international community to support the effort of Togo to hold legislative elections in 2007 and the economic programme of the Government.

C. CONSOLIDATION OF DEMOCRACY

The Heads of State and Government noted that several presidential and legislative elections would be held in some Member States in 2007, and called for the respect of the ECOWAS protocol on democracy and good governance in ensuring the holding of credible and transparent elections.

D. MECHANISM FOR CONFLICT PREVENTION, RESOLUTION, PEACEKEEPING AND SECURITY

Aware of the fact that effective implementation of the Protocol relating to the Mechanism can advance the cause of peace in the sub-region, the Authority urged the countries that have not yet done so, to ratify the protocol.

E. COUNCIL OF ELDERS

The Authority took decisions on the duration of the

tenure, the tasks assigned to and the appointment of members of the Council of Elders, in order to make this structure operational.

CRITERIA FOR SELECTING ECOWAS MEMBER STATES TO THE MEMBERSHIP OF THE PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION

The Authority set criteria for the selection of ECOWAS Member States as members of the African Union Peace and Security Council.

UNITED NATIONS SECURITY COUNCIL

The Authority requested Member States to provide active support to the candidature of Burkina Faso as a non-permanent member of the United Nations Security Council for 2008-2009.

The Authority expressed appreciation to the Republic of Ghana for the manner in which it had carried out its mandate as a member of the United Nations Security Council, to the satisfaction of all the members of the Community.

INTERNATIONAL COOPERATION

The Authority expressed its gratitude to all the ECOWAS development partners for their support to the consolidation of peace, security and regional integration in West Africa.

ELECTION OF THE NEW CHAIRMAN OF AUTHORITY

The Heads of State and Government elected His Excellency Blaise Compaore, President of Faso, as Chairman of the Authority of ECOWAS Heads of State and Government for a term of one year.

DATE AND VENUE OF THE NEXT SUMMIT

The next ordinary session of the Authority will be held on the second Friday of June 2007 in Abuja, Nigeria.

TRIBUTE TO PRESIDENT TANDJA

The Heads of State and Government expressed their sincere thanks to His Excellency President Mamadou Tandja, President of the Republic of Niger, for his leadership role in the promotion of regional peace and security and in the deepening of the ECOWAS integration and development process. They lauded the contribution of President

Tandja to regional integration and the furtherance of the ideals of democracy.

TRIBUTE TO PRESIDENT OLUSEGUN OBASANJO

The Authority expressed its deep gratitude and paid glowing tribute to His Excellency, Chief Olusegun Obasanjo, President and Commander-In-Chief of the Armed Forces of the Federal Republic of Nigeria, on the eve of his exit as Head of State of Nigeria. The Heads of State and Government commended the invaluable role played by President Obasanjo in the strengthening of the integration process, peace and security in West Africa. President Obasanjo is personally and unreservedly committed to the building of stability and prosperity in Africa in general and in West Africa in particular.

TRIBUTE TO MR KOFI ANNAN

The Authority also paid special tribute to Mr. Kofi Annan, out-going United Nations Secretary-General, for his achievements at the helm of the international organization and for his positive contribution to the consolidation of peace and security in the world and in our sub-region in particular.

VOTE OF THANKS

The Heads of State and Government expressed their gratitude to His Excellency Blaise Compaore, President of Faso and Chairman-elect of ECOWAS, for the generous hospitality extended to them during their stay in Ouagadougou. They specially thanked him for the vision outlined in his acceptance speech, for moving the integration of West Africa forward. The Authority wished the Burkinabe people happiness and prosperity.

The Authority expressed its gratitude to all the Heads of State and Government who are taking part in the ECOWAS peace initiatives aimed at finding an acceptable and lasting solution to the conflicts in the region.

THE AUTHORITY