



**ECOWAS PROTOCOLS,
CONVENTIONS &
SUPPLEMENTARY ACTS
ON NATURAL RESOURCES, LABOUR,
AGRICULTURE, AND SOCIAL
SECURITY POLICY**

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**ECOWAS PROTOCOLS
AND SUPPLEMENTARY ACTS
ON LABOUR, SOCIAL SECURITY,
AGRICULTURE AND
NATURAL RESOURCES**

(Vol. 4)

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THIS VOLUME CONTAINS THE FOLLOWING:

1. **Supplementary Act A/SA.5/12/08**
Adopting the West African Water Resources Policy.
2. **Supplementary Act A/SA.2/06/09**
Adopting a Labour and Employment Policy for the Economic Community of West African States and a Five-Year Action Plan for its Implementation.
3. **Supplementary Act A/SA.1/07/10**
On the Creation of a Tripartite Social Dialogue Forum within ECOWAS.
4. **Supplementary Act A/SA.16/02/12**
Adopting the ECOWAS Mineral Development Policy (EMDP) and its Implementation Matrix.
5. **Supplementary Act A/SA.20/02/12**
Transforming the Regional Animal Health Centre in Bamako into a Specialized Centre for the Community.
6. **Supplementary Act A/SA.2/02/13**
Establishing the Regional Food Security Reserve in the ECOWAS Region.
7. **Supplementary Act SA.5/07/13**
Relating to the General Convention on Social Security of Member States of ECOWAS.

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FOREWORD

In the nearly forty years of its existence, the Economic Community of West African States (ECOWAS) has become a standard flag bearer and a model in Regional Economic integration on the continent of Africa and beyond. ECOWAS was established, on the 28th of May, 1975 by 15 Member states. The ECOWAS founding fathers showed great foresight and courage in overlooking the obvious but minor differences in the post-colonial structures and politics of its Member States. They worked with single-mindedness and with one accord to lay the structures which, has become an international reference point in not just an economic union, but platform for socio-cultural, political fusion and interchange of practices and ideas.

ECOWAS has today become a huge regional investment of fifteen (15) Member States to harness the abundant human and natural resources in the region, by transforming same, into viable developmental projects and programs for the welfare and security of its people. However, the formation, growth and development of ECOWAS was a complex and painstaking process that passed through various phases and stages.

The first stage started with the creation of the legal framework which found expressions in the various landmark Treaties, Protocols, Conventions and Supplementary Acts, presently numbering over 130 Community acts. The second stage witnessed the building of ECOWAS institutional structures like the ECOWAS Commission, ECOWAS Parliament and the ECOWAS Court of Justice amongst many others. During this stage, many of the key institutions of ECOWAS were re-structured, strengthened and empowered for effectiveness.

The third stage resulted in the formulation of numerous people-centered programs and projects along viable and beneficial sectoral lines like the ECOWAS Common Agricultural Policy (ECOWAP), the ECOWAS Common Industrial Policy, the ECOWAS Common Investment Market Initiative, the ECOWAS Trade Liberalization Scheme (ETLS) and Common External Tariff), the ECO-AIR and ECOMARINE, the Common ECOWAS Passport and Visa initiative, ECOWAS Biometric identity card, energy policy and others too numerous to mention here. These programs and projects underpin ECOWAS regional integration processes. Presently, ECOWAS is in the full implementation stage of these programs and projects - a stage where respective Member States based on their specific needs partner with relevant institutions of ECOWAS and international partners, and on the basis of country-specific needs, to implement projects and programs that will benefit its people.

In our capacity as the coordinating Ministry and focal point of ECOWAS matters in Nigeria, the Ministry of Foreign Affairs has worked methodically over the years to enlighten and sensitize Nigerians on these developmental but rich history of ECOWAS, with the aim of enabling Nigerians participate as well as reap from our collective investments in ECOWAS. Thus, in 2006, the defunct Ministry of Cooperation and Integration in Africa became the first Ministry in charge of Regional Integration in the Member States to collate, compile and publish all the Treaty, Protocols, Conventions and Supplementary Acts of ECOWAS in one volume.

This publication soon became a handy resource material for Ministries, Departments, Agencies of Government, students, researchers and ECOWAS Desk Implementation Officers. The Interest exhibited by Nigerians to access the publication necessitated a review and update of the publication by the Ministry of Foreign Affairs between 2006-2010 upon the assumption of all the responsibilities of the defunct Ministry of Cooperation and Integration in Africa.

From the awareness created by the Ministry many Nigerians, professionals, students and stakeholders of different sectors are now interested in utilizing this publication. These ECOWAS Legal Instruments has now evolved into concrete developmental strategies for Nigeria and Nigerian end-users. It is for this reason that my Ministry has decided to streamline the publication into relevant subject and program areas along the lines of the established ECOWAS programmes and projects. Accordingly, while previous publications focused mainly on general themes and the specific programme areas and projects which the legal instruments seek to actualize. This compilation is therefore meant to provide a programme specific tooling device which will enable Nigerian stakeholders easily locate and understand the internal structures, institutions, programs and projects of ECOWAS.

Through this publication, the Nigerian stakeholders will have little difficulty in identifying and accessing the many untapped facilities, resources and rich potentialities which ECOWAS provides.

I strongly believe that the publication will assist Nigerians to develop a regional competitive edge, by providing a fair share of the ECOWAS wealth and resources, leading ultimately to entrepreneurship, job creation sustainable growth. Our work in this regard will not end with this thematic publication, as the publication will signal the beginning of a programmed plan of which ultimately aims to enabling Nigerians to be well informed about ECOWAS programmes and projects in all the six geo-political zones of the country.



Dr. Nuruddeen Muhammad
Hon. Minister of State II For Foreign Affairs.

PREFACE

In its continuing determination to enlighten Nigerian citizens and encourage stakeholders' participation in ECOWAS developmental projects and programs, the Ministry of Foreign Affairs have decided to serialize and publish all, the key ECOWAS Legal Instruments into distinctive program areas and subject-related volumes. The serialization entails thematic classification and publication of all the ECOWAS Treaty, Protocols, Conventions and Supplementary Acts into different subject-related heads or sectoral themes along the lines of existing institutional programs, projects and policies of the ECOWAS. This approach is intended to simplify and enhance citizen's understanding of ECOWAS legal instruments and optimize stakeholders' utilization of ECOWAS facilities and its many untapped resources.

To achieve this set objective, the Ministry constituted a publication and editorial team which was mandated to identify and classify all the key Legal Instruments of the ECOWAS into distinctive subject heads and sectoral themes. In carrying out this assignment, the classification method adopted by the publication and editorial team is not arbitrary. The team took into consideration the subject matter(s) of each legal instrument vis-a-vis all the existing and established institutional programs, projects and policies of ECOWAS. Each subject head or themes constitute a volume of the publication, while each volume covers a range of program-specific as well as program-related subject matter which are not mutually exclusive. Following this procedure, the editorial team classified all the legal instruments into 10 distinctive subject heads, covering subjects, institutions and programs such as administration, agriculture, trade and industry, transportation, energy, banking and finance, security and governance, education, health, judiciary and the parliament.

Each of the 10-Volume publication is appropriately titled to reflect its contents and subject matter. These thematic publications will therefore be a handy material for program implementation officers who may need to work on specific policies or programs and other sectoral projects of the ECOWAS. It will also be very useful to Nigerian citizens, ECOWAS stakeholders and end-users' who often get confused in the sheer number and volume of existing ECOWAS Treaty, Protocols, Conventions and Supplementary Acts, presently numbering over 130 Legal Instruments. It is worth explaining here that these key Legal Instruments which comprises the Treaty, Protocols, Conventions and Supplementary Acts generally constitute the applicable laws of the ECOWAS. They are products of key biannual contractual decisions of the ECOWAS Heads of State and Government which are published in volumes of the ECOWAS Journals after its biannual summits from 1975 to date.

Volume One of these publications is titled *The Treaty of the Economic Community of West African States and its Administrative and Supplementary Acts*. The volume comprises some of the foundation legal instruments which set the context for the formation and establishment of ECOWAS. This include the 1975 landmark Treaty of ECOWAS which is the first Treaty signed by the founding fathers of ECOWAS - along with all its subsequent revisions and amendments. Although the 1975 Treaty of ECOWAS was wholly revised and amended in 1993, its provisions remain relevant in tracing the authority and sources of most ECOWAS institutions, programs, projects as well as numerous Community Protocols, Conventions and Supplementary Acts. The volume also covers wide-ranging administrative and institutional provisions relating to ECOWAS citizenship, privileges and immunities as well as technical and specialized institutions of the Community. Volume one therefore captures the early history and gives insight into some of the primary institutions of the Community, including early administrative arrangements and structures that transformed ECOWAS to what it has become today.

Volume Two covers some of the key Community legal instruments which form the core of the economic integration agenda of the ECOWAS. Aply titled ***ECOWAS Protocols on Trade, Customs, Industry and Commerce***, the volume comprises some of the earliest as well as the most recent policy documents which underpin the Community aspirations for an industrial and infrastructural growth, inspired by a competitive intra-community trade. These legal instruments helped in the consolidation of the ECOWAS free trade area through implementation of the ECOWAS Trade Liberalization Scheme (ETLS) as well as the adoption of Common External Tariff (CET).

Volume Three is titled ***ECOWAS Protocols on Free Movement of Persons, Immigration, Road Transportation, Motor Vehicle Insurance and Aviation***. It encompasses all ECOWAS programs, projects and policies which aim to eliminate all internal borders through the harmonization of the immigration laws of Members States with the ultimate objective of creating a single community space where citizens can move, settle and trade freely in any country without let or hindrance. The volume also contains the flagship Protocol of the Community relating to the Free Movement of Persons covering all its three key components and phases, namely the Right to Free Movement, the Right of Residence and the Right of Establishment within the ECOWAS sphere.

Volume Four covers key priority policy and program areas of the ECOWAS which relates to the social security of its citizenry. Titled ***ECOWAS Protocols on Labour, Social Security, Natural Resources and Agriculture*** the volume comprises Protocols and Supplementary Acts which underpins ECOWAS determination to address the chronic food security challenges in the region, encourage job creation, implement a robust labour and employment policy and management of water resources.

The **Fifth Volume** of the publication encompasses threshold legal instruments relating to ***Security***, Non-aggression, and Mutual Assistance on ***Defence***, Mutual Assistance in Criminal Matters, ***Extradition***, and Strategy for Combating Terrorism, Small Arms and Light Weapons, ***Fight against Corruption***, Mechanism for Conflict Prevention, and Sanctions Against erring Member States and ***Democracy and Good Governance***. The subject matters of these legal instruments combine to provide a twin platform for both the peace and security structures of the Community as well as the constitutional convergence principles which are based on shared values of democracy, freedom of association and speech, popular participation, free market and democratic control of the armed forces.

Volume Six comprises a long list of legal instruments which drive Community policies and projects in the emerging sectors of the ***Information and Communication Technology, Telecommunications as well as the rapidly growing energy sector***. *Prominent on this list are the Protocols on Energy, the West African Power Pool, Electronic Transactions within ECOWAS, Personal Data Protection, Regional Electricity Regulatory Authority, the Management of the Radio-Frequency Spectrum, Legal Regime Applicable to Network Operators and Service Providers as well as the Protocol on the Harmonization of Policies and Regulatory Framework for the Information and Communication Technology among others.*

Volume Seven is titled ***Protocols and Supplementary Acts on Education, Science and Technology, Youth, Sports and Cultural Affairs***. It contains legal instruments which prepares the ECOWAS Member States and its citizenry for the certain challenges it faces in the future. The volume covers developmental Protocols on Education and Training, sports, the regional Policy on Science, Technology and Innovation, the Youth and Child Policies with their respective strategic plans of action, the ECOWAS Research Policy as well as its cultural framework agreement amongst others.

The **Eight Volume** of the publication is titled ***Protocols and Supplementary Acts on the Community Court of Justice and the ECOWAS Parliament***. In the context of true democracy and principles of separation of powers, this volume provide a governance balance in that it comprises two principal legal instruments (namely, the 1991 Protocol on the 'Community Court of Justice and the 1994 Protocol relating to the Community Parliament) which complemented the executive powers being exercised by the ECOWAS Heads of State and Government through the ECOWAS Commission.

Volume Nine is titled ***Protocols and Supplementary Acts on Banking and Investment, the Budget of the Community, Community Levy, Taxation and Monetary Matters***. The volume incorporates legal instruments that underlie ECOWAS determination to achieve a financial and monetary union which will lead ultimately to the creation of the ECOWAS single currency '*the Eco*' by year 2020. This will be achieved through a combination of sound macroeconomic policies, strict banking policy supervision , fiscal and budgetary transparency, good corporate governance and the application of the principles of best practices.

The **final volume** of these compilations relates to a subject matter of current significance to the region and the world at large. Titled ***Protocols and Supplementary Acts on Health, Environment and Humanitarian Policies***, the volume encompasses sign-post legal instruments which deals with the health and environmental concerns of the Community as well as the humanitarian policy responses to address them. Faced with numerous environmental challenges, vulnerability to climate change and the spread of life-threatening diseases, this volume highlights the growing importance of health and environment issues and the need for a robust but targeted regional policy and institutional framework to contain it.

In order to facilitate easy references to its contents, each volume of these compilations has been conveniently divided into different parts with appropriate sub-titles to reflect the contents of each part. Thus, each part covers a program-specific legal instrument(s) with all its relevant supplementary enactments, revisions, amendments and policy documents wherever appropriate. Although each part covers a program-specific subject matter, none should be used or read in isolation, but with reference to other interrelated subject matter(s), program(s) and policies that are covered in other parts or volumes of the 10-volume publications.

These 10-volume compilations accordingly represent a conscious effort and an attempt by the Ministry of Foreign Affairs to systematically codify all ECOWAS Legal Instruments in a way that will simplify and bring the knowledge of ECOWAS to the door steps of our people. It is hoped that this aspiration is realized and that the citizen is effectively mobilized in the building and development of ECOWAS and its people.



Ambassador Martin Ihoeghian Uhomobhi
Permanent Secretary, Ministry of Foreign Affairs.

January, 2015

ACKNOWLEDGEMENT

The decision to compile and publish the ECOWAS Treaty, Conventions, Protocols and Supplementary Acts in ten distinctive volumes in line with established ECOWAS Programmes and Sectoral Projects was approved by the Honourable Minister of State II, Ministry of Foreign Affairs. The thematic nature of the publications invariably necessitated a team work of various professionals, departments, individuals and entities in the collation, classification and the production of the Ten (10) Volume Publications.

Appreciations are extended to Ambassador Ali Ocheni, Head ECOWAS National Unit; Ambassador Ahmed Bala, Director Office of the Honourable Minister of State II, Nura Umar, Special Assistant to the Honourable Ministers of State II, Mr. O.O. Orevba, Director ECOWAS Division, Mr. Ahmed Bashir, Mrs. Maria Ngozi Okonkwo, Mrs. Josephine Onyia-Okwuba and Mrs. Blessing Ekefre.

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The technical, typesetting and printing of the work was handled by Thonimartins Limited under the guide and direction of Messrs. Anthony Oshoke, Bar. Joseph Oshoke, Felicia Ozemoya and Hamza Isede. To them all, we say thank you.

PART I

SUPPLEMENTARY ACTS ON NATURAL RESOURCES POLICY

CHAPTER ONE

**SUPPLEMENTARY ACT A/SA.5/12/08
ADOPTING THE WEST AFRICAN WATER
RESOURCES POLICY**

THE HIGH CONTRACTING PARTIES,

MINDFUL of articles 7, 8 and 9 of ECOWAS Treaty as amended relating to the establishment, of the Authority of Heads of States and Government and defining its composition and functions;

MINDFUL of Articles 29 and 31 of the said Treaty, relating respectively to the environment and natural resources;

MINDFUL of the Additional Protocol A/SP.1/06/06 of 14 June 2006, amending the ECOWAS Treaty;

MINDFUL of the Decision A/DEC.12/12/00 of 16 December 2000 adopting the Regional Action Plan for Integrated Water Resources Management in West Africa (RAPIWRMIWA) ;

MINDFUL of the Decision A/DEC.5/12/01 of 21 December 2001 establishing the Permanent Framework for Coordination and Monitoring of Integrated Water Resources Management in West Africa;

MINDFUL of the Decision A/DEC.6/12/2001 of 21 December 2001 amending Decision A/DEC.12/12/00 of 16 December 2000 on the adoption of a Regional Action Plan for integrated water resources management;

MINDFUL of the Decision A/DEC.4/01/06 of 12 January 2006 Adopting the Statutes of the Permanent Framework for Coordination and Monitoring Integrated Water Resources Management in West Africa and the Rules of Procedure of its organs;

MINDFUL of the Declaration of Ouagadougou adopted the 5 March 1998, by the West African Conference on integrated water resources management exhorting States of the region to notably promote harmonization of their policies and legislations concerning water;

RECALLING the Vision of ECOWAS for the development of the Community;

RECALLING EQUALLY the West Africa Vision for Water, Life and Environment for 2025 adopted the 2nd March 2000;

RECALLING AGAIN the commitment taken by the Members States of the region for the promotion of integrated water resources management, notably for the achievement of the Millennium Development Goals (MDG);

TAKING INTO ACCOUNT the participative approach which characterised the development of the West Africa water policy and the regional consensus;

TAKING ALSO INTO ACCOUNT the Resolution of the 2nd Session of the Ministerial Follow-up Committee meeting of IWRM in West Africa, the 15 November 2007, related to the adoption of the West Africa Water Resources Policy, "WAWRP";

CONSIDERING the importance of water for socio-economic and cultural development of the ECOWAS Member States;

NOTING that effects of climate change are already occurring in West Africa by a reduction of rainfalls and an increase of floods and drought;

RECOGNISING that West African region, despite considerable water resources, suffers from chronic deficits, because of uneven distribution of rainfall and flows in time and space, low allocation of potential resources and the sectoral management of existing resources;

CONSCIOUS OF the strong water resources interdependence of ECOWAS Member States;

DETERMINED TO ADOPT a common stand on the problem relating to water resources in West Africa;

DESIROUS to establish a common stand on the problem relating to water resources in West Africa.

ON THE PROPOSAL of the 2nd Session of the Ministerial Follow-up Committee meeting of IWRM in West Africa;

HAVING CONSIDERED the opinion of the Parliament;

ON RECOMMENDATION of the sixty-first session of the Council of Ministers held in Ouagadougou from 27 to 29 November 2008;

AGREED AS FOLLOWS:

**CHAPTER 1:
ADOPTION OF WATER RESOURCES POLICY**

Article 1:

There is hereby adopted a West Africa Water Policy which objectives, guiding principles, and strategic planning and modalities of implementation are specified in the present Supplementary Act.

**CHAPTER 2:
SCOPE OF IMPLEMENTATION AND OBJECTIVES**

Article 2:

The West Africa Water Policy covers all means and activities intended for knowledge, governance, preservation, mobilisation and use of water resources.

It is notably about:

- Activities in relation with knowledge of the resource and its usages,
- Activities in relation with governance of the water resource,
- Activities 'upstream' having impact on the distribution in the space and duration and/or the quality of the resource with an objective of patrimonial management,
- Activities 'downstream' using water in processes of transformation having, objective of socio-economic or environmental promotion.

Article 3:

The general objective of the regional water policy is to contribute to poverty reduction and sustainable development by advising the Community and its Member States on water resources management, reconciling economic development, social equity and environmental protection.

Article 4:

The West African Water Policy specific objectives are:

- to foster the development of Community guidelines in terms of water management,
- to support the harmonization and integration of national and regional water related policies,
- to encourage Governments to develop frameworks for water management nationality and in trans-boundary basins in West Africa by taking into account economic development, social equity and environmental protection.

CHAPTER 3: GUIDING PRINCIPLES

ARTICLE 5:

The West African Water policy respect the following guidelines:

- equitable and reasonable sharing of international surface and underground water resources, a principle according to which each country is entitled to an equitable and reasonable share of water resources to achieve the greatest benefit with the least disadvantages to other countries;
- precaution, a principle according to which the absence of scientific proof should not lead a decision-maker to defer the adoption of measures aimed at preventing a potential health or environmental risk;
- prevention, a principle according to which preventive measures must be taken in all human activities, because the presence of a minor risk or damage to the environment should not be allowed;
- information and notice of intent, a principle according to which all activities likely to generate damage to human and animal health and on the environment must be notified to the government and brought to the attention of the public;
- repair or polluter - pays principle, a principle according to which anybody or institution responsible for an incidence of pollution must pay for or repair the damage caused or likely to be caused to the environment;
- user-pays, a principle according to which users and recipients participate in the funding of the water sector;
- effective governance in water resources management, a principle according to which all the actors must be involved and empowered in the development and implementation of water resources for balanced management;
- gender equality, principle according to which the interests and contributions of women, men and vulnerable people in the society are taken into account in the formulation of policies, capacity development, planning, and implementation of programmes and overall investments in the water sector;
- subsidiarity, principle according to which the Community, shall deal with issues and programmes that cannot be treated more effectively at the trans-boundary basin, national or local levels;
- complementarity, principle which aims, from the perspective of regional integration, at best of exploit the complementarities of economies of Member States based on the current or potential comparative advantages;
- solidarity, principle which aims to ensure the political and social cohesion, within the Community through support to the most disadvantaged people and areas, in order to remove disparities;
- Progressiveness in the implementation of measures, to take into account the situation and specific interests of each State;
- partnership, which aims to finding complementarities and synergies with national or intergovernmental organizations, NGOs and associations working in the field of water resources;
- cooperation, principle which aims at developing relationship between States, basins, organizations, and regional organizations, in order to ensure an integrated and peaceful water resources management;

- hydrographic basins or aquifers systems management, a principle according to which the basin or the aquifer is the appropriate framework for planning, developing, managing and protecting water resources.

CHAPTER 4: HARMONISATION OF WATER POLICIES

Article 6:

The West African Water Policy, in its preparation as well as its implementation, takes into account the activities of the various actors and institutions in the region responsible for the management of water, land and related resources.

Article 7:

- i The West African Water resources policy is within a coherent framework with the other common and sectoral policies of the Community.
- ii. The member States commit to put in place coherent policies to ensure the achievement of the West African water policy objectives as a necessary complement to Community intervention.

CHAPTER 5: STRATEGIES INTERVENTION AXES

Article 8:

In view of achieving the objectives defined at Articles 3 and 4 above, the West African Water Policy is implemented in accordance with the following 3 strategic axes of intervention.

8.1. To reform water governance

Water governance refers to the system of rules and institutions which govern the management and use of water resources.

Reform of water governance aims at the development of the current system founded on a sector-wide approach towards an integrated management system that takes into account all the relevant factors and associating all the actors concerned for an equitable sharing and a balanced, ecologically rational and sustainable use of water resources.

The implementation of this intervention area centres around the following lines of intervention: set up an enabling legal and institutional framework, build instruments of economic governance, promote the participation of the private sector, develop water information and knowledge, promote research and capacity building, and support of environmental management programmes.

8.1.1 To set up an enabling legal and institutional framework

The objective is to promote gradual development of Community legislation on water in West Africa and undertake legal and institutional reforms in Member States and basins organizations.

As part of this, the Community shall:

- prepare water related regulatory Community texts,
- prepare regional norms and standards,
- support the processes of legal and institutional reforms as regards water resources management at the country level,

- support the processes of integrated water resources management in countries,
- support the popularization and implementation of water related texts.

8.1.2 To build instruments of economic governance

Effective water governance implies that users are accountable for the use and deterioration of water according to the polluter-pays and user pays approach.

When the user pays principle ("full cost recovery" or "full cost pricing") is applied, water is sold without subsidies and users pay all the production, distribution and sanitation costs. Implementation of this principle by the majority of users is desirable to support an effective resource management but this should come only if special provisions are made to protect the minority of users who cannot afford the considerable increase in water prices that the implementation of user-pays principle involves.

The Community recommends the application of the polluter-pays and user-pays principle and the development of economic tools such as royalties for water use.

8.1.3 To promote the participation of the private sector and civil society

The Community recommends the creation of an enabling environment for the participation of the private sector, to allow initiatives of the private sector, NGOs and civil society organizations, to supplement the efforts of governments in order to achieve a better service delivery to all the users in the water sector.

8.1.4 To Develop water information and knowledge

We need to improve knowledge about surface and groundwater resources as well as the different water sectors demands. The data gathering networks are deteriorating and this affects the quality and availability of data.

There is a great quantity and diversity of data, information, knowledge and expertise directly or indirectly connected to water and aquatic ecosystems in West Africa. These data are generated by various governmental and non-governmental stakeholders. The scattered nature of the data does not support their availability, nor their use. It is thus necessary to gather and make the information and data accessible to all the water users. This availability of information is essential within the context of integrated water resources management.

To implement this line of intervention, the Community shall:

- encourage countries to develop and maintain water data gathering networks and to maintain them,
- encourage countries to promote knowledge about the resource and the global change impact on the evolution and availability of the West Africa water resources,
- set up a regional water observatory in West Africa in order to promote experience and information sharing,
- support the establishment or strengthening of national water information management systems.

8.1.5 To foster research and build capacities

Applied research and technology development to provide sufficient knowledge on water related issues are necessary to help decision-making.

To make IWRM a success and to implement sustainable and participatory strategies for water resources management, capacities will have to be built within the stakeholders' groups including women. This should include training at the technical and managerial levels.

The Community shall elaborate a regional IWRM capacity building strategy and support research efforts and capacity building in West Africa.

8.1.6 To ensure consideration of environmental dimension

Aquatic and riparian ecosystems as well as wetlands are recognised for their ecological richness and productivity, their bio-diversity and their purification properties. They are subjected to multiple forms of economic exploitation and pleasure activities, which sometimes generate significant stress on these environments.

For a perennial use of rivers and water bodies taking into account the different water uses and in order to guaranty the health of aquatic ecosystems, the environment capacity must be respected. Moreover, actions must be taken in order to protect or restore littoral, rivers and water bodies, their floodplains, and in general the wetlands.

The Community recommends the protection of aquatic ecosystems.

Water quality is of essential concern in West Africa particularly for public health issues and aquatic ecosystems preservation. Waste water disposal without treatment in the seas, rivers and water bodies, have a negative impact on aquatic life and the whole ecosystem. This calls for the respect of norms by all the users.

The Community shall elaborate standards about surface and groundwater quality, liquid disposals, and recommends the development of protection areas for waterholes, rivers and water bodies.

8.2 To Promote Investments in the water sector

Poverty reduction and the promotion of socio-economic development in the region require investments in water infrastructure, which need enormous appropriation of funds to meet the demands of the various sectors.

To meet the needs of the many users requires strong coordination and close linkages with all the policies and strategies of the sectors in order to develop as much as possible, multipurpose infrastructure.

The Community will see to the realization of impact studies and monitor their recommendations. The Community will foster a close collaboration between and among all the sectors, in particular water supply, rural development, energy, health and environment.

Community action in the various sectors is proposed as follows:

- Drinking water and sanitation: The Community makes sure that countries draw up objectives in relation to the Millennium Development Goals and progress towards achieving these objectives. It supports countries in their search for financing to realize the infrastructure needed to improve people access to drinking water and sanitation;
- Water and food security: The Community identifies centres of production for irrigated agriculture and contributes to the development of these centres; Infrastructure programmes are developed in connection with agricultural policies at the regional and national level. The Community will encourage private investments in support of countries to create, maintain and renew storage and irrigation infrastructure. The Community will also support the building of hydraulic infrastructure for fishing and breeding activities development;

- Hydro-electricity: Hydroelectricity is a clean and renewable energy source. The Community will promote the development of multi-purpose works (hydroelectricity generation, agricultural water, water supply and sanitation) especially those that are common to several States. The Community will identify sites to be developed at the regional level in the energy sector consistent with the energy and environment policies at the regional and national levels.
- River transport - tourism: The Community shall identify rivers and lakes with a high potential for transport and tourism and support countries to ensure their development;
- Mitigation of environmental risks (floods, droughts, pollution, degradation of ecosystems, sand silting). The Community shall support the construction of protection infrastructure and the implementation of risk mitigation measures. It supports the States in the management of invasive aquatic weeds.

8.3 To promote regional co-operation and integration

The objective in this area is to build good relations between countries, basin organisations and regional organisations in order to ensure a collaborative, integrated, sustainable and peaceful water resources management system in West Africa.

Thus the Community shall create an enabling environment to promote collaborative trans-boundary water resources management, to promote co-operation and resource mobilization, to promote crisis and conflicts resolution and prevention mechanisms, to ensure monitoring of international commitments and to promote building and operation of common infrastructure.

8.3.1. To promote collaborative cross border water management

Shared water resources can be at the root of conflicts among several countries. In this regard, it is always difficult for countries to reconcile demands of national sovereignty with those of solidarity especially for strategic natural resources. On the contrary however, shared water resources can be a factor of co-operation and peace if they are managed collaboratively by the various countries. Indeed, reasonable and equitable use of shared water resources by each country preserves the legitimate right of other users and therefore peace at the regional level. More so, common exploitation of shared water resources contributes to the optimization of resources and reinforces solidarity between countries depending on the same resource.

The Community recommends the establishment of trans-boundary basin organizations that will deal with underground water by developing dialogues.

Existing basin organizations should improve and expand their institutional arrangements to include effective management of groundwater resources

It recommends the development of common projects and activities that integrate social, economic and environmental considerations.

8.3.2. To Promote conflict and crisis prevention and resolution mechanisms

The Community shall set up conflict prevention and resolution mechanisms with respect to the use of shared water resources.

It shall recommend the integration of water issues in the prevention of humanitarian crisis, in particular:

- establishment of water reserves to avoid crisis,
- development of crisis management plans,
- definition and monitoring indicators (early warning).

8.3.3. To ensure monitoring of implementation of international commitments

The Community supports the ratification and implementation of water related Conventions, Treaties, Agreements and Protocols.

It reinforces the participation of West Africa in international debates on water:

- support for the participation of countries,
- setting up a mechanism to promote regional consensus building,
- taking joint positions,
- building capacities on international agreements.

CHAPTER 6: ACTORS AND ROLES

Article 9:

Actors involved in the implementation of the regional policy are as follows:

- ECOWAS, UEMOA, CILLS,
- National and local governments,
- Trans-boundary basin organizations,
- Public (intergovernmental organizations), and private partners, NGOs, training and research organizations,
- Technical and financial partners,
- Users (users associations, producers' organizations) .

Article 10:

The institutional framework of implementation, monitoring and evaluation of the regional policy shall be based on an ECOWAS -UEMOA-CILSS coordination. ECOWAS will be the process leader.

Article 11:

ECOWAS, with UEMOA and CILSS shall define an action plan for the implementation of this policy, in particular through the updating of the Regional Action Plan for Integrated Water Resources Management.

Article 12:

National and local governments shall ensure implementation, monitoring and evaluation of the policy at national and local levels.

Article 13:

Cross-border basin organizations shall ensure implementation, monitoring and evaluation of the policy in their respective basins.

Article 14:

Public and private partners, NGOs, training and research organizations shall take part within their respective competences in the implementation of the policy.

Article 15:

Users shall be consulted and involved through suitable mechanisms in the implementation of the policy.

**CHAPTER 7:
FINANCING SOURCES**

Article 17:

The main funding sources of the west Africa Water Policy are as follows:

17.1 Research of the ECOWAS UEMOA CILSS and member countries

The ECOWAS shall liaise with member countries to allocate financial resources for water in their national budgets, in particular by associating with Members of Parliament.

The ECOWAS shall encourage countries to authorize basin agencies to contract loans directly and to guarantee these loans, in particular through the ECOWAS Bank of Investment and Development (EBID) and the West African Development Bank (WADB).

Funding mechanisms set up as part of regional and sub-regional cooperation will be mobilized, in particular facilities offered by the African Water Facility of the African Development Bank (ADB) and the West African Development Bank (WADB); under consideration as part of implementation of the New partnership for Africa's development (NEPAD).

A Water Facility could be put in place within EBID.

17.2 Resources from private sector and civil society

The ECOWAS, in collaboration with the UEMOA and the CILSS, shall create an enabling environment to foster the participation of the private sector.

17.3 Resource from users

The ECOWAS, in collaboration with UEMOA and CILSS, shall encourage the implementation of user-pays, polluter-pays principle, water cost recovery, and the consideration of cost of maintenance for water infrastructure.

17.4 Foreign resource

ECOWAS, in collaboration with UEMOA and CILSS, shall support countries in external fundraising and fund mobilization.

The community shall build the capacities of studies and project formulation that could have support from:

- International donor agencies,
- UN agencies.

**CHAPTER 8:
MONITORING THE IMPLEMENTATION OF THE WATER RESOURCES POLICY**

Article 18:

ECOWAS in collaboration with UEMOA and CILSS shall set up tools for monitoring and evaluation for the implementation of the regional water policy through the bodies of the Permanent framework of coordination and monitoring.

Article 19:

Monitoring and evaluation will be supervised by the PFCM Ministerial Follow-up Committee, which meets periodically to review progress made in the implementation of the regional policy and institute necessary reforms.

Article 20:

The Commission shall support a joint programme (ECOWAS, UEMOA, CILSS) for defining a shortlist of indicators to be used for monitoring the implementation of the regional water policy.

Article 21:

ECOWAS in collaboration with UEMOA and CILSS will undertake monitoring of the technical and financial implementation of the Community programmes and projects in the field of water in collaboration with countries, basin agencies and intergovernmental organizations.

Article 22:

Impact studies in specific fields will be carried out in order to make sure that actions taken as part of the regional water policy have a meaningful impact for the people and regional integration.

**CHAPTER 9:
FINAL PROVISIONS**

Article 23:

The member States and Institutions of the Community shall take any necessary measure to ensure the effective implementation of the present Supplementary Act.

Article 24:

This Supplementary Act shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Heads of State and Government. It shall also be published within the same time in the Official Gazette of each Member State after notification by the Commission.

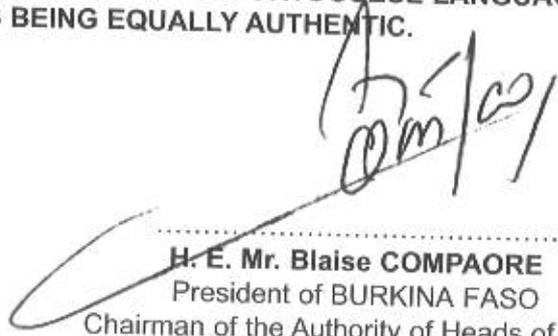
IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES,
HAVE SIGNED THIS SUPPLEMENTARY ACT

DONE AT ABUJA, THIS 19 DAY OF DECEMBER, 2008

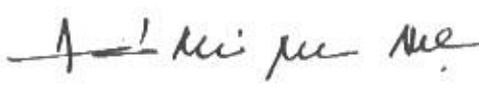
IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC.



.....
H. E. Dr. Thomas Boni YAYI
President of the Republic of BENIN



.....
H. E. Mr. Blaise COMPAORE
President of BURKINA FASO
Chairman of the Authority of Heads of State
and Government

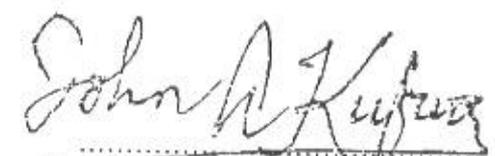


.....
H.E. Mr Jose Maria PEREIRA NEVES
Prime Minister, for and on behalf of the
President of the Republic of CAP VERDE

.....
H. E. Mr. Laurent GBAGBO
President of the Republic of CÔTE D'IVOIRE



.....
H. E. Prof. Alhaji Yahya JAMMEH
President of the Republic of tTHE GAMBIA

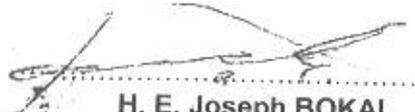


.....
H. E. Mr. John Agyekum KUFUOR
President of the Republic of GHANA



.....
Dr Amed Tidiane SOUARE
Prime Minister, for and on behalf of the
President of the Republic of GUINEA

.....
H.E. Gen. Joao Bernardo VIERA
President of the Republic of GUINEA BISSAU

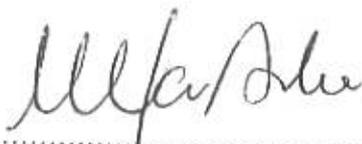


.....
H. E. Joseph BOKAI
Vice President, for and on behalf of the
President of the Republic of LIBERIA

.....
H. E. Mr. Amadou Toumani TOURE
President of the Republic of Mali



.....
H. E. M. Seini OUMAROU
Prime Minister, For and on behalf of the
President of the Republic of NIGER



.....
H. E. Alhaji Umar Musa YAR'ADUA GCFR,
President, Commander-in-Chief
of the Armed Forces of the Federal Republic
of NIGERIA



.....
H. E. M. Abdou Aziz SOW
Minister of Information, Relation with the
Institutions and NEPAD and Spokesman of the
Government for and on behalf of the
President of the Republic of SENEGAL



.....
H. E. Mr. Earnest Bai KOROMA
President of the Republic of SIERRA LEONE



.....
H. E. Mr. Faure Essozimna GNASSINGBE
President of the TOGOLESE Republic

CHAPTER TWO

**SUPPLEMENTARY ACT A/SP.16/02/12
ADOPTING THE ECOWAS MINERAL DEVELOPMENT
POLICY (EMDP) AND ITS IMPLEMENTATION MATRIX**

THE HIGH CONTRACTING PARTIES,

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

MINDFUL of Article 31 of the ECOWAS Revised Treaty signed in Cotonou on 24 July 1993 that prescribes that Member States shall harmonize and coordinate their policies and programmes in the field of natural resources and also coordinate their programmes for development and utilization of mineral and water resources;

MINDFUL of Regulation C/REG.3/5/09 relating to the development of Mineral Resources and the organization of the mining sector within ECOWAS;

MINDFUL of Directive C/DIR.3/5/09 relating to the Harmonization of Guiding Principles and Policies in the Mining Sector, enjoining Member States to take the required measures for the implementation of the said Directive and of its Action Plan by 1st July 2014;

MINDFUL of Supplementary Protocol AP/SP1/12/01 of 21 December 2001 on Democracy and Good Governance which prescribes the principles of good political, economic and social governance;

MINDFUL also of ECOWAS Protocol A/P1/5/79 of May 1979 on Free Movement of People and Goods;

MINDFUL of Supplementary Act A/SA4/12/08 relating to ECOWAS ENVIRONMENT Policy;

CONSCIOUS of the need to promote a Mineral sector environment conducive to sustainable macroeconomic development and thus ensure a balance between incentives to investors and protection of the income base and resources of Member States;

AWARE of the need to acquire basic geological and mineral information through a systematic programme;

ACKNOWLEDGING the importance and specific needs of Artisanal and Small Scale Mining;

RECOGNIZING the need for Member States to develop, manage and promote their mineral resources so as to maximize the benefits of mineral revenue that accrue from mineral exploration;

RECOGNIZING also the need to promote the participation of national private sector and public private partnership in the mineral sector which encourage the acquisition of skills and increase professional opportunities for Member States citizens;

CONVINCED that in order to ensure the effective implementation of an ECOWAS Mineral Development Policy, it is imperative to attach a coherent and realistic Implementation Matrix that will ensure the development of capacity building programme in Member States;

AWARE of the need to protect and preserve the environment, the health and safety of mining Communities from the negative impacts of mineral development operations, especially in mineral rich areas;

DESIROUS of adopting a harmonized institutional legal and regulatory framework in the mineral sector which is modern, transparent, accessible, competitive and in line with international best practice;

ON THE PROPOSAL of the third Meeting of ECOWAS Ministers in charge of Mineral Resource Development held in Accra on 3rd June, 2011;

ON THE RECOMMENDATION of the sixty-sixth Ordinary Session of the Council of Ministers held in Abuja from 17 to 19 August 2011;

AGREE AS FOLLOWS

Article 1:

By this Supplementary Act, the ECOWAS Mineral Development Policy and its Implementation Matrix are hereby adopted.

Article 2:

The general vision of the ECOWAS Mineral Development Policy shall be to promote the harnessing of mineral resource capital, facilitate sustainable economic growth and integrated socioeconomic development in the region.

Article 3:

The overall objective of the ECOWAS Mineral Development Policy shall be to promote the development of an efficient mineral sector in the region by improving geological and mineral information, regulating and developing Artisanal and Small Scale Mining and ensuring the mainstreaming of Mineral Operators Corporate Social Responsibility in local development plans of Mineral Communities.

Article 4:

Member States shall ensure the harmonization of the national mineral policies with the ECOWAS Mineral Development Policy referred to in Article 1 of this Supplementary Act.

Article 5:

The ECOWAS Commission shall take necessary measures to diligently implement the ECOWAS Mineral Development Policy and its Implementation Matrix.

Article 6:

This Supplementary Act shall be published by the ECOWAS Commission in the official journal of the Community within thirty (30) days after its signature.

It shall also be published by each Member State in its official Gazette thirty (30) days after its notification by the Commission.

Article 7:

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory Member States undertake to commence the implementation of its provision on its entry into force.
2. This Supplementary Act shall be attached as an annex to the ECOWAS Treaty of which it forms an integral part.

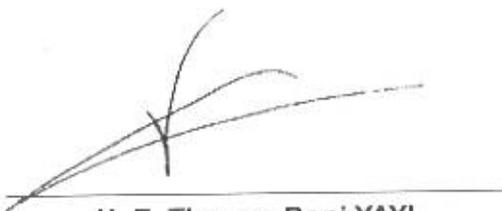
Article 8:

This Supplementary Act shall be deposited with the Commission which shall submit 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.

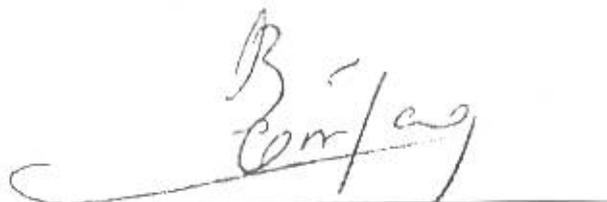
IN WITNESS WHEREOF, WE, HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICA, HAVE SIGNED THIS SUPPLEMENTARY ACT.

DONE AT ABUJA THIS 17th DAY OF FEBRUARY, 2012

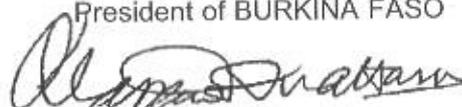
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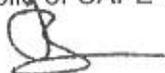
H. E. Thomas Boni YAYI
President of the Republic of Benin



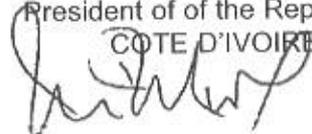
H. E. Blaise COMPAORE
President of BURKINA FASO



H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of CAPE VERDE



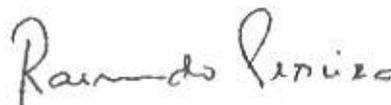
H. E. Alassane OUATTARA
President of of the Republic of
COTE D'IVOIRE



H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the
President of the Republic of THE GAMBIA



H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional
Integration, for and on behalf of the
President of the Republic of GHANA



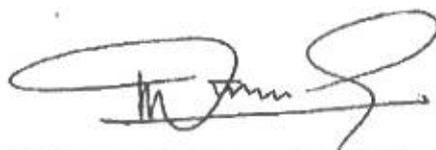
H.E. Alpha CONDE
President of the Republic of
GUINEA



H.E. Raimundo PEREIRA
Interim President of the Republic of
GUINEA BISSAU



H.E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic Liberia



H. E. Badara Aliou MACALOU
Minister of African Integration and
Maliens Abroad, for and on behalf of the
President of the Republic of Mali

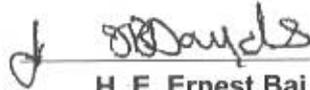


H.E. Issoufou MAHAMADOU
President of the Republic of NIGER

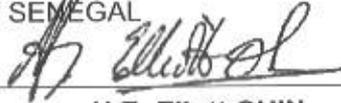
H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of NIGERIA,
Chairman of the Authority of Heads of State
and Government of ECOWAS



H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet
to the Minister of Foreign Affairs,
for and on behalf of the
President of the Republic of SENEGAL



H. E. Ernest Bai KOROMA
President of the Republic of SIERRA LEONE



H.E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic.

**ECOWAS
MINERAL DEVELOPMENT POLICY (EMDP)**

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CHAPTER 1 - BACKGROUND

Article 1.1: Definitions

The definitions for the key terms used in this Policy are same as was adopted for ECOWAS Directive C/DIR.3/5/09 and are as outlined hereunder:

1. Artisanal and Small-scale Mining Operations means mining operations over an area of land in accordance with criteria of size, production, area, capital investment, depth of operation limitation, equipment allowed and/or local participation prescribed by legislation in member states.
2. Civil Society Organization means any organized non-public sect or organization or grouping.
3. Community means the Economic Community of West African States referred to under Article 2 of the ECOWAS Revised Treaty.
4. Activities means all scientific studies carried out on the ground either directly or remotely for the purpose of identifying among others, mineral resources.
5. Localization means all activities that aim to increase local procurement of goods and services, training, technology transfer and development of local entrepreneurship, designed towards the eventual replacement of expatriate personnel with personnel of a Member State.
6. Mine when used as a noun, mean s a place, excavation or workings, where an operation connected with mining is carried on together with all buildings, premises; erections and appliances belonging or appertaining to it above and below the ground for purposes of winning, treating or preparing minerals, obtaining or extracting a mineral or metal by a mode or method or for the purpose of dressing mineral ore, and includes a quarry where building minerals are mined.
7. Mine when used as a verb, means intentionally to win minerals, and includes an operation, including prospecting directly or indirectly necessary for mining or incidental to mining and 'mining' shall be construed accordingly.
8. Mineral means a substance in liquid or solid form that occurs naturally in or on earth, including on or under the seabed, formed by or subject to geological processes including but not limited to industrial minerals and petroleum.
9. Mineral Operations means reconnaissance, prospecting, mining, or related activities, including reclamation and post-mine monitoring, for or of minerals.
10. Mineral Right means licenses, permit s, leases and other authorizations granted by member States to individuals or corporate bodies including their agents or subcontractors for the purpose of exploring for, processing or mining of minerals.
11. Mining Operations means all operations carried out in the exercise of rights conferred by a license or authorization to exploit mineral.
12. Prospect mea ns to search for a mineral and include reconnaissance and operations to determine the extent of economic value of a mineral deposit.
13. Reconnaissance means the search for minerals by geophysical, geochemical and Photo-geological surveys or other remote sensing techniques and surface geology in connection with it including collection of necessary environmental data.

14. State Agencies means bodies or institutions set up by Member States with a specific mandate and includes Quasi or Parastatal Bodies.
15. Water Bodies or Water Resources means all water flowing over the surface of the ground or contained in or flowing from any river, spring, stream or natural lake or part of a swamp, in or beneath a watercourse and includes all underground water contained in an aquifer.

Article 1.2: Vision

Harness mineral resource capital to facilitate sustain able economic growth a d integrated socio-economic development in the region.

1. This **EMDP Vision** is in line with the ECOWAS Vision which states:
To create a borderless, peaceful) prosperous and cohesive region, built on good Governance, and where people have the capacity to access and harness its enormous resources through the creation of opportunities for sustainable development and environmental preservation.
2. This **EMDP vision** is also in line with:
 - a. The African Mining Vision 2050 adopted in Addis Ababa, Ethiopia on February 2009.
 - b. The Yaoundé Declaration adopted on 22 November 2002 by the United Nations Economic Commission for Africa (ECA) concerning the good Practices to be implemented in the Artisanal and Small-scale Mining Sector.
 - e. The Durban Declaration of 22 November 1997 on the sub-regional and regional cooperation for the development and efficient utilization of mineral and energy resources in Africa.

Article 1.3: Objectives

1. The **Main Objective** of this ECOWAS Mineral Development Policy (EMDP) is to promote the development of on efficient Mineral Sector in the region.
2. The Specific Objectives of this Policy are to facilitate, and/or:
 - a. Improvement of geological and mineral information at the national and region al level;
 - b. Optimize the value chain, especially through processing/value addition of the extracted minerals, to derive the maximum benefit within the context of a clearly defined Local Content Policy;
 - c. Regulation and development of Artisanal and Small-scale Mining;
 - d. Improvement and harmonization of the institutional, Legislative and regulatory frameworks both at the national and regional levels;
 - e. Enhancement of effective environmental protection and Strategic Environmental Assessment (SEA) of mineral activities;
 - f. Promote continuous enhancement of human resources and appropriate technological capabilities both at national and regional levels;
 - g. Promote sustainable and integrated development of local communities and mainstream Mineral Operators Corporate Social responsibility in local development plans;
 - h. Advocate the creation and implementation of a Regional Minerals Market and Stock Exchange with substantive local level participation;
 - i. Promote a mineral sector environment conducive to sustainable macroeconomic development and ensure a balance between the incentives to attract investors and the need to protect the income base and resources of Member States;
 - j. Promote respect for human rights in all mineral development activities.

Article 1.4: Guiding Principles

1. This Policy is guided by the objectives set out in the ECOWAS Directive on the Harmonization of Guiding Principles and Policies in the Mining Sector (ECOWAS Directive C/DIR.3/ 5/09).
2. Towards achieving the Objectives of this Policy, Member States have undertaken and are complying with the adopted ECOWAS Directive.

Article 1.5: Some Challenges Facing the West Africa Minerals Sector

Besides constraints linked to the capital intensive nature of developing minerals, some other challenges are identified for the development of the sector, namely:

- a. Remoteness of mining sites with lack of basic facilities.
- b. Low level of involvement of local and other Community economic operators in locally produced goods and services.
- c. Low level of integrated value addition at the national and Community level.
- d. Low level of geological mapping and diversified mineral prospecting, exploration and exploitation in the Community.
- e. Lack of access to adequate funds to enable Local Operators participation in the Mineral Industry.
- f. Lack of appropriate and/or functional institutions in some Member States.
- g. Inadequate human resource capacity for regulatory structures in the Mineral Sector especially, in the area of negotiating complex agreements and ensuring compliance.
- h. Inadequate local skilled labour for mineral operations.
- i. Inability to properly organize and regulate Artisanal and Small-scale Mining.
- j. Conflict of Mineral Rights with Land Title Deeds.
- k. Low level of transparency and access to information.
- l. Perception of corruption in the Mineral Sector.

CHAPTER 2 - MAJOR AREAS AND PROGRAMMES

To address the constraints outlined in Article 1.5, and others, and to promote the development of the Mineral Sector, the EMOP is centered on the following Strategic Areas and Programmes.

Article 2.1: Improvement of Geological and Mineral Information

1. There is a need for a systematic programme for acquiring basic geological information in the Community. Currently, geological and mineral information has largely been acquired through international cooperation agreements and the private sector, and has not been consistent. There is therefore the need for direct budgetary allocation from Member States to support the generation of geological and mineral information on a sustained basis at the national level.
2. To improve geological and mineral information, Member States undertake to:
 - a. Facilitate the coordination and exchange of information between agencies in charge of geological and mineral development, through the creation of a network among these agencies and other specialized institutions.
 - b. Encourage the participation of the national and regional private sector in mineral prospecting and exploration operations.

- c. Establish a Mineral Development Fund from mineral royalty paid to Government for acquiring geological and mineral information, prospecting and exploration, research and development, capacity building of the mineral institutions, etc.
- d. Enhance the technical support for the collection, management, and dissemination of geological information, the inventory of mineral resources as well as the installation of quality laboratories for the analysis and evaluation of minerals.
- e. Encourage the development of technological research, the design of innovating techniques and technology exchange and transfer in the Mineral Sector.
- f. Build and strengthen partnerships among the private sector, the Universities and professional training institutions, and mineral-related government institutions.
- g. Limit the time to grant a mineral right to prospective investors to within ninety (90) days upon the submission of application;
- h. Limit the time to commence exploration after the granting of mineral rights to the start of exploration activities to up to one hundred and eighty days (180) days to encourage exploration activities.
- i. Hold periodic regional meetings through training sessions, workshops, discussions, conferences and fora, to promote the development of geological and mineral information.

Article 2.2: Improvement and Management of Mineral Revenues

In order to maximize the benefits of mineral exploitation, Member States undertake to:

- a. Promote and develop value addition for all mineral products.
- b. Promote the diversification of the mineral exploitation and the structures necessary for value addition.
- c. Facilitate the linkages with other sectors of the economy at the local, national and regional levels.
- d. Improve fiscal systems to ensure fairness, and that the interests of Member States and Investors are adequately catered for.
- e. Adopt the principle of Resource Rent Tax in the fiscal regimes of Member States.
- f. Ensure a transparent and effective mineral revenue collection and equitable distribution of these revenues between local and national authorities for local and national development.

Article 2.3: Local Content Policy of Mineral Operations

In order to promote notional private entrepreneurship and professional opportunities for Community citizens; Member States undertake to:

- a. Promote the participation of national private sector and public private partnerships in the Mineral Sector.
- b. Facilitate access to funding for local participation in mineral projects in the Community.
- c. Promote the pooling of local investment funds for access by local mineral operators.
- d. Promote the development of national expertise and the participation of Community experts in the development of the mineral sector.
- e. Promote the adoption of procurement policies by mineral operators that give preference to goods and services produced in Member States that meet, efficiency and safety standards in the Mineral Sector.

- f. Give preference to Community citizens who meet the skills requirements and professional standards in recruitment and promote continuous improvement for further advancement and professional opportunities.

Article 2.4: Building Institutional, Human, Technical and Financial Capacities

Member States will develop actions and programs aimed at:

- a. Modernizing mineral agencies for better efficiency and good governance in the Mineral Sector.
- b. Building institutional, technical, human and financial capacities of agencies in-charge of the development of the Mineral Sector, particularly in the area of monitoring and evaluation.
- c. Promoting the understanding and application of global mineral-market principles and technology developments in order to improve the regulation of mineral activities.
- d. Promoting the development of collaborations within specialized research and training institutions in the Community, Centres of Excellence in geosciences, and Operator training schools.
- e. Promoting the continuous development of curriculum for the training of technical staff of mineral agencies in evolving mineral technologies and administrative practices.
- f. Promoting interest in mineral development programs and courses, funding of universities and other training institutions.
- g. Promoting the development and transfer of innovative technologies through research, and sharing of technologies between operators in the mineral sector and other sectors of the economy.
- h. Promoting Community-wide resource mobilization policy for the development of the Mineral Sector.

Article 2.5: Improvement of the Institutional, Legal and Regulatory Frameworks

Member States undertake to:

- a. Promote the establishment of a 'One-Stop Shop' for mineral investments and an efficient, harmonized and regularly updated Cadastre system to ensure transparent administration of mineral titles.
- b. Promote the harmonization of intra-State Legislations applicable to the mineral sector for consistency.
- c. Encourage free flow of information on the Mineral Sector for institutional good governance and access by the public and other stakeholders.
- d. Promote the signing-on to Transparency Initiatives such as the Extractive Industries Transparency Initiative (EITI), Kimberley Process, and others.

Article 2.6: Sustainable Development and Corporate Social Responsibility

1. Aware of the necessity to develop mineral resources while protecting and preserving the environment, both for current and future generations, Member States undertake to:
 - a. Strengthen the policy, legislative and regulatory framework of the environment in the mineral sector and ensure its effective and efficient enforcement.
 - b. Encourage an integrated approach to the needs and management of the mineral industry and the impacts of mineral development operations on the environment and take measures to prevent and/ or mitigate the negative effects of mineral development operations in mineral-rich areas.

- c. Identify and establish through mapping, where mineral development operations will have irreversible damage on the ecosystem and declare them as Non-mineral Development Areas.
 - d. Encourage the setting up, on a case-by- case basis, of Reclamation and Rehabilitation Bonds (in an escrow account in the host country) to ensure that rehabilitation obligations which are not honoured are made good.
 - e. Encourage the creation of a Mineral Development Fund to facilitate the development of the Mineral Sector.
 - f. Encourage mineral development operators to establish a Community Development Fund from which Corporate Social Responsibilities (CSR) Activities would be financed.
 - g. Develop and apply an environmental manual of good practices to promote the sustainable development of the mineral sector.
 - h. Encourage the carrying out of Strategic Environmental Assessment and improve Environmental Management and Social Impact Assessment methods.
 - i. Develop harmonized processes for the management of metallurgical and Mining wastes and effluents;
2. Aware of the negative social impacts on mineral communities Member States shall endeavor to:
- a. Ensure respect for human rights and local community rights throughout the cycle of mineral activities.
 - b. Improve environment, health and safety management for workers and communities affected by mineral activities.
 - c. Promote the mainstreaming into local legislations, adequate relief measures for affected local communities with their active participation.
 - d. Strengthen multi-stakeholder consultations in all aspects of mineral activities to improve the synergy among them.

Article 2.7: Development of Infrastructure for Improved Access to Mineral Sites

Aware of the importance of facilities for the development of the Mineral Sector and the reduction of investment costs, Member States:

- a. Will promote and facilitate the development of basic facilities necessary for the development of all aspects of economic activities.
- b. Will create a suit able environment and relevant incentives for mineral sector operators to be involved in the development of basic facilities necessary for the development of mineral communities.
- c. Encourage the common use and maintenance of the facilities.

Article 2.8: Development of Artisanal and Small-scale Mining

Member States undertake to:

- a. Improve Artisanal and Small-scale Mining activities through specific institutional and legislative frameworks.
- b. Encourage the formation of cooperatives in the ASM sub-sector.
- c. Encourage technical and financial assistance programs for the benefit of Artisanal and Small-scale Mining activities
- d. Strengthen professional organizations for information sharing and technical capacity enhancements for the ASM sub-sector.

- e. Develop training curricula and good practices relevant to the social context and supported by technology transfers.
- f. Promote the harmonious co-existence between Large-scale Mineral Operators and ASM operators.
- g. Encourage the establishment of a coordinate system of licensed Mineral Buying Centres /Agencies in the Community.

Article 2.9: Strengthening Regional Cooperation in the Mineral Sector

1. Considering that a coordinated and integrated regional approach is necessary for the successful implementation of the ECOWAS Mineral Development Policy, Member States will strengthen regional inter-state cooperation in all aspects and at all levels in the Mineral Sector.
2. For this purpose, Member States shall undertake to:
 - a. Promote the harmonization of their Mineral Development Codes and Mineral Acts.
 - b. Develop Regional Geological Maps.
 - c. Develop a Regional Cadastre System .
 - d. Develop a Trans-border Mineral Development Regulatory Framework.
 - e. Promote Regional Spatial Development Corridors.
 - f. Develop a Community market for mineral products.
 - g. Promote linkages in the mineral development value chain.
 - h. Encourage the production of mineral products that meet international quality standards.
 - i. Adopt the use of internationally accepted nomenclature in the collection, publication and dissemination of geological and mineral data.
 - j. Establish a Regional Observatory for the Mineral Sector.
 - k. Establish the ECOWAS Mineral & Oil Forum (ECOMOF) as a framework for periodic meetings and exchanges among stakeholders.

CHAPTER 3 - EXPECTED OUTCOMES, MONITORING & EVALUATION

Article 3.1: Expected Outcomes

The implementation of the ECOWAS Mineral Development Policy (EMDP) will contribute in turning the mineral sector into a powerful and dynamic leveraging tool for diversified economic growth and sustainable, integrated development of Member States in the Community to have:

- a. Created conducive environment for mineral investments in the Community.
- b. Developed reliable geo-scientific and socio-economic data in the Community.
- c. Established linkages between the Mineral Sector and other Sectors of Member States' economies.
- d. Established local industries that have the capacity to participate in the activities of the Mineral Sector.
- e. Improved institutional, human and technical capacities of Member States.
- f. Strengthened good governance practices in the Mineral Sector.
- g. Improved consultations among Mineral Sector stakeholders.
- h. Harmonized national and regional legislative and regulatory frameworks.

- i. Advocated the creation of a Regional Minerals Market and Stock Exchange with substantive local level participation.
- j. Improved regional cooperation within the mineral sector.
- k. Built required facilities for mineral activities.
- l. Developed sustainable Artisanal and Small-scale Mining Sector.
- m. Ensured local communities are mainstreamed into mineral development governance.
- n. Ensured compliance with Environmental Regulations of mineral exploitation.

Article 3.2: Monitoring & Evaluation of EMDP Implementation

1. Member States and the Institutions of ECOWAS undertake to immediately commence the implementation of the ECOWAS Mineral Development policy, upon the entry into force of its Supplementary Act.
2. The Member States, ECOWAS Commission, and the Council of Ministers, each in its capacity and through its relevant organs/agencies shall be in charge of the implementation, monitoring and evaluation of the ECOWAS Mineral Development Policy.

CHAPTER 4
IMPLEMENTATION MATRIX - ECOWAS MINERAL DEVELOPMENT POLICY

Objective	Programme	Activities	Expected Outcomes	Key Indicators	Indicative Time Frame	Key Actors	Indicative Cost (US\$)	Funding Sources
1. Improve geological and mineral information	1. Geological and Mineral Information Programme	1.1 Baseline study on geoscientific data	Developed reliable geoscientific and socio-economic data in the Community.	1.1 Availability of Baseline Study Report	2012 - 2013	ECOWAS Commission		ECOWAS Commission
		1.2 Intensify research activities on mineral deposits		1.2 Existing number of projects on research activities	2013 onwards	Member States Development Partners, Private Sector, Research Institutions	Member States, Private Sector	
		1.3 Build geological and mineral databases on GIS platforms for its management		1.3 Availability of a reliable database	By Dec. 2016	Member States, Development Partners	Member States Development Partners	
2. Maximize the benefits of mineral exploitation.	2. Mineral Revenues Management Programme	1.4 Develop a computerized mineral cadastre system	Established transparent and efficient mineral revenue administration	1.4 Mineral Cadastre System operational in Member States	By Dec. 2016	Member States Development Partners		Member States, Development Partners
		2.1 Assess possibility of setting up in-country processing units.		2.1 Availability of Assessment Study Report	By Dec. 2013	Member States	Member States	
		2.2 Promote diversified mineral production		2.2 Number of new mineral production initiated by Member States	From 2012	Member States, ECOWAS Commission	Member States, ECOWAS Commission	
		2.3 Promote integrated in-country or regional mineral value addition		2.3 Number of minerals with value addition produced	From 2012	Member States, ECOWAS Commission		Member States, Mineral Operators, Development Partners, ECOWAS Commission

N.B: "Expected outcome" not numbered applies to the whole "Objective"

Objective	Programme	Activities	Expected Outcomes	Key Indicators	Indicative Time Frame	Key Actors	Indicative Cost (US\$)	Funding Sources
		2.4 Promote the establishment of local private sector in the upstream, downstream and sidestream linkages with other sectors of the economy	2.4 Established linkages in the mineral value chain	2.4 Number of local enterprises of the private sector involved in the upstream, downstream and sidestream linkages in the mineral sector and with other sectors of the economy	From 2012	Member States, ECOWAS Commission		Member States, Mineral Operators, Development Partners, ECOWAS Commission
		2.5 Promote transparency and sustainable management of mineral resources		2.5 Number of new Member States signing on to Transparency Initiatives	From 2012	Member States, ECOWAS Commission, Development Partners		Member States, ECOWAS Commission, Development Partners
		2.6 Promote effective mineral revenue collection and its equitable distribution for local and national development		2.6.1 Availability of information relating to improved revenue collection. 2.6.2 Availability of information relating to the equitable distribution of the revenue collected.	From 2012	Member States, ECOWAS Commission, Development Partners, Mineral Operators		Member States, ECOWAS Commission, Development Partners, Mineral Operators
				2.6.3 Number of local facilities (infrastructures) built from revenues resulting from mineral activities				
		3.1 Promote local entrepreneurship and develop local expertise in the production of mineral industry services and inputs		3.1 Number of national private sector enterprises and experts participating in the production of mineral industry services and inputs with comparable quality and efficiency in Member States	From 2013	Member States, Private Sector		Member States, Private Sector, Development Partners

N.B: "Expected outcome" not numbered applies to the whole "Objective"

Objective	Programme	Activities	Expected Outcomes	Key Indicators	Indicative Time Frame	Key Actors	Indicative Cost (US\$)	Funding Sources	
3. Promote national private entrepreneurship and professional opportunities for Community citizens.		3.2 Promote the establishment of relevant funding mechanisms	Enhanced local participation in the Mineral Sector	3.2 Number and type of funding mechanisms available for access by local mineral operators	From 2013	Member States, Private Sector, Development Partners ECOWAS Commission		Member States, Private Sector, Development Partners	
		3.3 Promote partnerships among companies in the mineral sector		3.3 Number of Partnerships established in the Mineral Sector of Member States	From 2013	Private Sector, Member States, ECOWAS Commission		Private Sector, Member States	
	3. Local Content in Mineral Operations Programme		3.4 Promote involvement of local companies in procurement of goods and services in the mineral sector		3.4 Proportion of non-energy & labour related operating expenditure traceable to local enterprises and expertise	From 2013	Private Sector, Member States, ECOWAS Commission		Member States, Private Sector
			3.5 Promote the preference of qualified Community citizens in recruitments.		3.5 Number of qualified Community citizens recruited in the mineral sector in compaed to the preceding years	From 2012	Member States, Private Sector, ECOWAS Commission		ECOWAS Commission, Member States, Private Sector
			3.6 Promote the preference of procurement of goods and services of Community origin with comparable quality and efficiency		3.6 Number of goods and services of Community origin procured	From 2012	ECOWAS Commission, Member States, Private Sector		ECOWAS Commission, Member States, Private Sector
			4.1 Promote the development of curricula for training of personnel for the Mineral Agencies		4.1 Number of people trained	From 2013	Member States		Member States, Development Partner, ECOWAS Commission

N.B. "Expected outcome" not numbered applies to the whole "Objective"

Objective	Programme	Activities	Expected Outcomes	Key Indicators	Indicative Time Frame	Key Actors	Indicative Cost (US\$)	Funding Sources
4. Develop institutional, human, technical, and financial capacities.	4. Capacity Enhancement Programme	4.2 Promote the acquisition of modern and appropriate technologies	Improved institutional, human, technical and financial capacities in the Mineral Sector.	4.2 Number of Member States' Agencies that have acquired modern and appropriate technologies	From 2014	Member States, Development Partners, ECOWAS Commission		Member States, Development Partner, Private Sector
		4.3 Encourage the creation or establishment of a Mineral Development Fund		4.3 A Mineral Development Fund established in Member States	By 2015	Member States, ECOWAS Commission		Member States
		4.4 Promote the development of partnerships within the Private Sector, research and training institutions.		4.4 Number of Partnership Agreements implemented	From 2013	Member States, Private Sector		Member States, ECOWAS Commission
		4.5 Promote the establishment of modern multi-element Analytical Laboratories for minerals.		4.5 Number of functional Laboratories available	From 2012	Private Sector, Member States		Private Sector, Member States
		5.1 Establish a 'One-Stop Shop' for mineral investment in Member States		5.1 'One Stop Shop' for mineral investment established in Member State.	By Dec. 2014	Member States		Member States
5. Improve institutional, legal and regulatory frameworks	5. Institutional, Legal & Regulatory Frameworks Programme	5.2 Promote Transparency in mineral activities.	Strengthened national and regional legislative and regulatory frameworks.	5.2 Number of States in compliance with a subscribed Transparency Initiative	From 2012	Member States		Member States, ECOWAS Commission, Private Sector, Development Partners
		5.3 Promote multistakeholder consultation mechanisms in all aspects of mineral activities.		5.3 Number of multistakeholder consultation mechanisms in Member States	From 2012	Member States, Private Sector, Civil Society Organization.		Member States, ECOWAS Commission, Private Sector, Non-Governmental Organizations, Philantropists
		5.4 Promote the harmonization of intra-state legislation applicable to the Mineral Sector.		5.4 Harmonized intra-state mineral sector related legislations	By Dec. 2016	Member States, Private Sector		Member States

N.B: "Expected outcome" not numbered applies to the whole "Objective"

Objective	Programme	Activities	Expected Outcomes	Key Indicators	Indicative Time Frame	Key Actors	Indicative Cost (US\$)	Funding Sources
6. Ensure environmental and socio-economic sustainability	6. Sustainable Development and Corporate Social Responsibility Programme	6.1 Promote adequate relief measures for affected local communities.	Local community issues mainstreamed into mineral development governance.	6.1 Mainstreaming into national Member States legislation of measures protecting affected interests of local communities	From 2012	Member States Private Operators		Member States
		6.2 Promote the setting up of a Reclamation and Reclamation Bond.	6.2 Reclamation & Rehabilitation Bonds established in Member States.	6.2 Rehabilitation & Reclamation Bond established by Member States	By 2015	Member States Private Operators		Private Operator
		6.3 Promote the establishment of Community Development Funds by Companies operating in Member States	6.3 Community Development Fund established by Mineral Operators in Member States.	6.3.1 Number of Mineral Operators who have established a Community Development Fund.	From 2012	Member States, Private Operators		Private Operator
				6.3.2 Number of community development projects implemented.				
				6.4 Promote the use of National Environmental Manual of Procedures that integrate the provisions of the ECOWAS Environmental Policy.	6.4 Applied best practices in environmental management by stakeholders.	6.4 National Environmental Manual of Procedures are available.	From 2013	Member States
		6.5 Promote Corporate Social Responsibility (CSR) throughout the cycle of mineral activities		6.5 The trend in expenditure as revealed by a Company's Annual Reports	From 2012	Private Operators Member States		Private Operators

N.B: "Expected outcome" not numbered applies to the whole "Objective"

Objective	Programme	Activities	Expected Outcomes	Key Indicators	Indicative Time Frame	Key Actors	Indicative Cost (US\$)	Funding Sources
7. Promote integrated infrastructure development	7. Infrastructure Development Programme	7.1 Promote the development of basic infrastructure for the development of mineral sites	7.1 Basic infrastructure for development of mineral sites established.	7.1 Availability of basic infrastructure in mineral sites.	From 2012	Member States Private Private Sector		Member States Private Sector, Development Partners
		8.1 Formulate specific institutional and legislative frameworks for Artisanal and Small-scale Mining.		8.1 Availability of institutional and legislative frameworks for ASM Sector.	By Dec, 2014	Member States		Member States Development Partners
8. Promote the development of Artisanal & Small-scale Mining (ASM)	8. Artisanal & Small-scale Mining Programme	8.2 Promote the setting up of technical and financial assistance programs for Artisanal and Small-scale Mining	Developed sustainable Artisanal and Small-scale Mining sector.	8.2 Number of technical and financial assistance programs in place.	From 2012	Member States		Member States Development Partners
		8.3 Encourage the formation of cooperatives in the ASM Sector		8.3 Number of cooperatives in place.	From 2012	Member States		Member States Development Partners
		8.4 Strengthen trade/vocational organizations for information sharing and technical capacity enhancements for the ASM Sector		8.4 Number of capacity programs organized.	From 2013	Member States		Member States Development Partners
		8.5 Promote the development of training curricula and good practices for the ASM Sector		8.5.1 Availability of training curricula.	From 2012	Member States		Member States Development Partners
				8.5.2 Number of participants trained				

N.B: "Expected outcome" not numbered applies to the whole "Objective"

Objective	Programme	Activities	Expected Outcomes	Key Indicators	Indicative Time Frame	Key Actors	Indicative Cost (US\$)	Funding Sources
9. Strengthen intra- and inter regional cooperation.	9. Regional Cooperation Programme	9.1 Formulate ECOWAS Supplementary Act on Mineral Development (Code)	9.1 Adopted ECOWAS Mineral Development Supplementary Act (Code).	9.1 Supplementary Act available	By Dec. 2014	Member States ECOWAS Commission		ECOWAS Commission
		9.2 Formulate a Trans-border Mineral Development Regulatory Framework		9.2 Trans-border Mineral Development Regulatory Framework available	By Dec. 2014	Member States ECOWAS Commission		ECOWAS Commission
		9.3 Promote the AU Regional Spatial Development Corridors in West Africa	9.3 Developed Regional Spatial Development Corridors.	9.3.1 Number of coordination meetings on Spatial Development Corridors.	From 2012	Member States ECOWAS Commission		ECOWAS Commission, Member States
				9.3.2 Level of functionality of Spatial Development Corridors		Member States ECOWAS Commission		
		9.4 Promote linkages in the mineral development value chain		9.4.1 Number of entrepreneurs from the various sectors of the economy involved in the mineral sector	From 2012	Member States ECOWAS Commission		Member States Private Sector, ECOWAS Commission, Development Partners
				9.4.2 The contribution to GDP in absolute USD terms.				
		9.5 Develop Regional Geological Maps	Improved Regional Geological Coverage	9.5 Availability of Regional Geological Maps	From 2012	Member States Development Partners,		ECOWAS Commission Member States, Development Partners

N.B: "Expected outcome" not numbered applies to the whole "Objective"

Objective	Programme	Activities	Expected Outcomes	Key Indicators	Indicative Time Frame	Key Actors	Indicative Cost (US\$)	Funding Sources
		9.6 Develop a Regional Cadastre System		9.6 Level of functionality of Regional Cadastre System	By 2015	Member States Development Partners, ECOWAS Commission		ECOWAS Commission Member States, Development Partners
		9.7 Promote the development of a Community Market for mineral products	Developed Regional structures for the Mineral Sector.	9.7 Level of functionality of Regional Minerals Market	From 2012	ECOWAS Commission Member States, Private Sector		ECOWAS Commission Member States, Development Partners
		9.8 Establish a Regional Observatory for the Mineral Sector		9.8 Level of functionality of Regional Observatory	By 2015	ECOWAS Commission Member States, Private Sector, Civil Society Organizations, External Institutions		ECOWAS Commission Member States, Development Partners
		9.9 Operationalize ECOWAS Mineral & Oil Forum (ECOMOF)		9.9 Number of Forums organized	Nov. 2012	ECOWAS Commission Member States, Private Sector		ECOWAS Commission Member States, Private Sector

N.B: "Expected outcome" not numbered applies to the whole "Objective"

PART II

SUPPLEMENTARY ACTS ON LABOUR AND EMPLOYMENT POLICY

CHAPTER ONE

**SUPPLEMENTARY ACT A/SA.2/06/09
ADOPTING A LABOUR AND EMPLOYMENT POLICY FOR
THE ECONOMIC COMMUNITY OF WEST AFRICAN
STATES AND A FIVE-YEAR ACTION PLAN FOR ITS
IMPLEMENTATION**

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 Articles 3, 4, 5, 22, 23, 57, 59, 60, 61, 63 and 64 of the said Treaty;

CONSIDERING the importance of the role of labour and employment in the West African States' economy and their impact on other sectors of activity;

AWARE of the need to re-energise the development of the West African region, and to this end, reverse negative developmental trends/indicators such as poverty, the breakdown of the educational system, conflicts and insufficient housing;

CONVINCED that there is a need within the region, for a strong partnership between governments, trade unions, employers' associations, non-governmental organisations (NGOs), the civil society and inter-governmental organisations (IGOs);

CONSIDERING the pivotal role of labour, employment and social security issues in human development;

RECOGNISING the need to reinforce social dialogue and tripartism within the framework of the ECOWAS integration process;

CONVINCED that the focus of a labour policy should be the needs of the people, and that it should be based on an integrated system involving social partners at every stage of its preparation, formulation and implementation;

CONSIDERING that there must be dignity in labour;

RECALLING the obligations of international law incumbent upon the ECOWAS Member States by virtue of their membership of the International Labour Organisation (ILO);

FULLY AWARE of the problems arising from poverty, unemployment, migration and forced displacement of persons, human trafficking, child labour, the absence of appropriate training and capacity building programmes, disparities in revenue, and inadequate security and health measures in the workplace;

ANXIOUS to enlighten the general public and sensitise the ECOWAS citizens on the need to combat xenophobia and ethnicity; to promote democracy, good governance and transparency, and reactivate the informal sector with a view to achieving the sustainable development of the ECOWAS Member States;

DESIROUS of adopting a regional labour and employment policy;

ON THE RECOMMENDATION of the sixty-second session of the Council of Ministers, held in Abuja, from 26 to 27 May, 2009;

HEREBY DECIDES:

ARTICLE 1:

There is hereby adopted the Economic Community of West African States labour and employment policy designated ECOWALP and a five year strategic plan of action both of which are attached herewith.

ARTICLE 2:

The Member States shall harmonise their national labour policies with the regional policy referred to in Article 1 of this Supplementary Act.

ARTICLE 3:

The ECOWAS Commission shall take all necessary measures to ensure the prompt operationalisation of the West African labour and employment policy.

ARTICLE 4:

1. This Supplementary Act shall be published in the Official Journal of the Community by the Commission within thirty (30) days upon its signature by the Chairman of the Authority of Heads of State and Government.
2. It shall also be published by each Member State in its National Gazette within the same timeframe, after notification by the Commission.

ARTICLE 5:

1. This Supplementary Act shall enter into force upon publication. Therefore, the signatory Member States and the ECOWAS institutions shall undertake to commence implementation of 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 6:

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

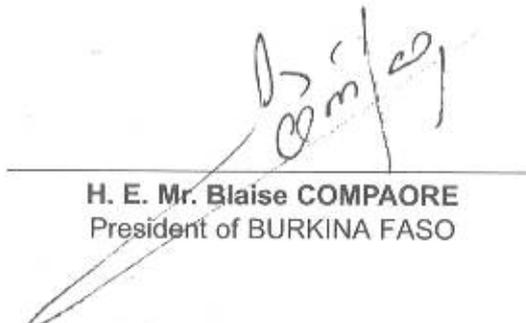
**IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES,
HAVE SIGNED THIS SUPPLEMENTARY ACT.**

DONE AT ABUJA, THIS 22ND DAY OF JUNE, 2009

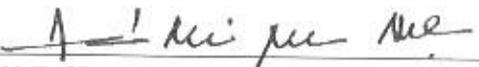
**IN A SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL THREE TEXTS BEING EQUALLY AUTHENTIC.**

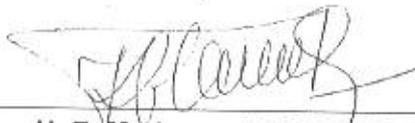


H. E. Dr. Thomas Boni YAYI
President of the Republic of BENIN



H. E. Mr. Blaise COMPAORE
President of BURKINA FASO


H. E. Mr Jose Maria PEREIRA NEVES
Prime Minister, Head of Government
of the Republic of CAPE VERDE

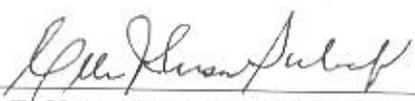

H. E. Mr. Laurent GBAGBO
President of the Republic of CÔTE D'IVOIRE


H. E. Mrs. Aja Isatou NJIE-SAIDY
Vice President of the Republic of the Gambia,
For and on behalf of the President of
THE GAMBIA

H. E. Prof. John Evans ATTA-MILLS
President of the Republic of GHANA

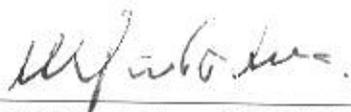
Republic of Guinea


H.E. Dr Raimundo PEREIRA
President of the Republic of GUINEA BISSAU

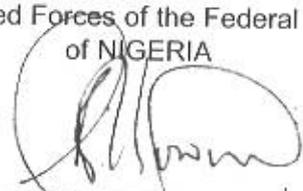

H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of LIBERIA

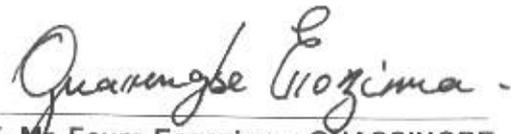

H. E. Mr. Amadou Toumani TRAORE
President of the Republic of Mali

H. E. M. Seini OUMAROU
Prime Minister of the Republic of Niger,
For and on behalf of the President of
the Republic of NIGER


H. E. Alhaji Umar Musa YAR'ADUA GCFR,
Chairman of the Authority of Heads of State
and Government of ECOWAS
President, Commander-in-Chief
of the Armed Forces of the Federal Republic
of NIGERIA


H. E. M. Abdoulaye WADE
President of the Republic of SENEGAL


H. E. Mr. Ernest Bai KOROMA
President of the Republic of SIERRA LEONE


H. E. Mr. Faure Essozimna GNASSINGBE
President of the TOGOLESE Republic

**ECOWAS LABOUR
AND
EMPLOYMENT POLICY**

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1. Context

The current global meltdown with its attendant job losses makes it more than ever that labour/workplace issues must be brought to the fore and addressed. The rate of job losses around the globe is a source of concern to all especially policy makers and social partners. For developing economies like the Member States of the Economic Community of West African States (ECOWAS), aside from job losses at home, there is the added concern of the possibility of repatriation back home of citizens of the ECOWAS countries who migrated abroad, got jobs but have now lost same due to the global crunch. Aside from this concern, there is the added concern of the loss of pension/social security savings all traceable to the global financial meltdown. The crash in the value of stocks presupposes that investments of pension/social security funds in the stock market stand the risk of depreciating.

At the global level, the International Labour Organization (ILO) notes that demographic projections suggest that nearly 90 million net new jobs would be needed over the period 2009 - 2010 to absorb new entrants in the labour market and avoid prolonged jobs gap. The ILO then called for a "Global Jobs Pact" to forestall a "prolonged and severe" jobs crisis that would lead to a massive increase in unemployment and working poverty; and so suggested the implementation of a coherent and coordinated job-oriented recovery strategy, based on sustainable enterprises. So far stimulus packages lean heavily toward financial bailouts and tax cuts instead of job creation and social protection. In any event, stimulus measures taken to curb the global meltdown involve only limited social dialogue with employers and unions and lack of coordination across countries. Involving social partners will no doubt help improve the design of the measures and help restore confidence.

There is no gainsaying, therefore, that labour, as one of the factors of production, together with social security issues, is central to human development. The need to develop the ECOWAS region through the harmonization and adoption of common labour standards, which shall be applicable to all Member States account for the adoption of this labor policy. This means that in the development of the West African sub-region, a strong partnership between Governments, Trade Unions, Employers' Organizations and Non-Governmental Organizations is required. To achieve this end, a Labour Policy for the Economic Community of West African States (ECOWAS) is imperative.

Articles 60 on Human Resources and 61 on Social Affairs in the Revised Treaty of ECOWAS enjoins Member States to undertake to co-operate in the full development and utilization of their human resources by taking measures to strengthen co-operation among themselves in the fields of education, training and employment; and to harmonize and co-ordinate their policies and programmes in these areas; to consolidate their existing training institutions, improve the efficacy of their educational systems, encourage exchanges between schools and universities, establish equivalences of academic, professional and technical qualifications, encourage literacy, promote the teaching and practice of the official languages of the Community, and establish regional centres of excellence in various disciplines; and to encourage the exchange of skilled manpower between Member States. Additionally, Member States are enjoined to cooperate with a view to mobilizing the various sections of the population and ensuring their effective integration and involvement in the social development of the region by encouraging the exchange of experiences and information on literary, professional training and employments; by harmonizing the labour laws and social security legislation; by promoting women and youth organisations and associations as a means of ensuring mass involvement in the activities of the community; by encouraging and strengthening cooperation amongst themselves in health matters; and by promoting and enhancing the practice of sports with a view to bringing together the youths of the region and ensuring their balanced development.

Early attempts, upon which the present policy had been built, had been made by the Conference of Ministers of Labour and ECOWAS Experts of Labour to fashion out the ECOWAS Labour Policy. The Conference of Ministers of Labour held in Abuja, Nigeria on September 21, 2005 adopted the report of the meeting of Experts of Labour, which held in Abuja from September 19 to 20, 2005 and recommended the ECOWAS priority programmes on labour matters. The Conference then enjoined the ECOWAS Executive Secretariat to convene a stakeholders' forum to review and approve the

proposed framework of the priority programmes and also enjoined the 'commissioning of a study on issues involved in the formulation of a labour policy for ECOWAS Region' leading to the preparation of this policy.

The ECOWAS labour policy should, therefore, define the principles and objectives related to labour and the workplace, and should constitute an instrument for harmonizing and integrating targeted objectives, via diverse strategies and programmes, of Member States.

The ECOWAS Labour Policy accords with the implementation of the Basic Needs Development Policy, the ILO Global Employment Agenda (GEA) and the United Nations Millennium Development Goals (MDGs).

2. Vision

The West African labour policy is set for all workplaces within the region where labour standards are comparable to any in the world and in which Member States and social partners (governments, employers, workers and non-governmental organizations) cooperate/collaborate in ensuring that these labour standards are implemented so as to enhance the development of the region.

3. Challenges for the labour policy

A policy document is often proposed, designed and adopted to meet the imperatives of certain concerns or challenges within a given system or body polity. In the present case, the concerns are exacerbated by a number of factors chief amongst which is the absence of adequate data to assess national labour regimes in all ramifications.

A second concern is the failure of all the ECOWAS Member States to ratify and then codify as domestic legislation all the eight core conventions of the ILO.

A third concern is the half-hearted implementation of the obligations imposed by the ILO on its Member States including some ECOWAS Member States who are also members of the ILO. The concerns here relate, for instance, to compliance with reporting obligations either in terms of late reporting or lack of reporting; for if ECOWAS Member States are found wanting in this regard at the ILO level, then there is no assurance that it will not be a similar problem at the regional level.

Fourthly, there are the concerns of poverty; unemployment; migration and forced displacement of persons; trafficking in persons; child labour; lack of adequate training and capacity building programmes; equality between men and women in employment; the need to promote social dialogue and tripartism in Member States; strengthening of the Organization of Trade Unions of West Africa (OTUWA) for effective trade unionism in the region; dissemination and ratification of ECOWAS protocols, particularly the General Convention on Social Security; public enlightenment and education to ECOWAS citizens on the problems of xenophobia, ethnicity, etc; disparities in income; occupational safety and health in the workplace; cooperation between the United Nations High Commission for Refugees (UNHCR), ECOWAS and Member States in conflict and post-conflict zones in the area of durable solutions in terms of repatriation, reintegration, rehabilitation and reconstruction; promotion of democracy, good governance and transparency; revitalization of the informal sector for sustainable development through relevant training, skills development and curriculum design; establishment of a database on labour matters; and greater participation of employers and trade union organisations in ECOWAS regional integration.

Lastly, there are the added concerns of outdated labour laws and policies; weak labour institutions; poor collective bargaining structures; the debt overhang; food security; poor formulation and implementation of effective policy at the workplace regarding the Human Immuno-deficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS); inadequate protection of vulnerable groups; poor occupational health and safety measures; strengthening employers and their organisations in the face of globalization, the global meltdown, unfair competition from the informal sector, etc; rigid

labour disputes prevention and resolution institutions; inadequate social security provisions; and poor social dialogue given the inequality of social partnership in the formation and implementation of policies.

4. Coverage of ECOWAS Labour Policy

The West Africa labour policy covers, in conformity with the Revised ECOWAS Treaty, all the citizens of, and the workplaces in, the region.

5. Objectives

The overall objective sought by the ECOWAS Labour Policy is the full development and utilization of human resources and in particular the development, harmonization, coordination, utilization and implementation of common policies and programmes as to stimulate economic growth and development through full, productive, continuous and freely chosen employment; equal treatment at the workplace; eradication of child labour; promotion of occupational health and safety; protection of workers/employment; social dialogue; dispute prevention and resolution; capacity building; strengthening unionism; labour market information; labour migration; poverty alleviation; social security amongst others for the development of the region.

More elaborately, the ECOWAS Labour Policy seeks to address the following: the qualification gap where the aim is to resolve the mismatch between the skills of the unemployed and employers' requirements (the principle of employability); the adaptability gap where the aim is to resolve the restrictions on companies' abilities to exploit employment opportunities (the adaptability principle); the job creation gap where the aim is to resolve bureaucratic, tax-related and other barriers to increased job creation (the principle of entrepreneurship); and the gender gap where the aim is to increase employment levels for not just women but all persons suffering one disadvantage or the other (the equal treatment principle).

These four cardinal principles can be rephrased as the following guidelines: pro-active, preventive policies for unemployed and inactive persons; job creation and 'entrepreneurship'; greater adaptability and mobility on the labour market; developing human capital and lifelong learning; increased offers of work and people remaining longer on the labour market, e.g. to increase labour supply and promote active ageing; gender equality; efforts to counter labour market discrimination; creating situations in which it pays to work; converting the informal economy into formal economy; and efforts to counter national employment disparities.

6. Guiding Principles

The ECOWAS Labour Policy seeks to cover the following priority areas to which Member States are committed to.

6.1. Principle of subsidiarity

The first principle that must guide the implementation of an ECOWAS regional Labour and Employment Policy is that of subsidiarity, which defines and justifies added value and respective roles of each of the following types of stakeholders:

- Regional and international stakeholders (ECOWAS Commission, ILO, regional umbrella organizations) that intervene only in areas where national action has proved inadequate or ineffective; and
- National stakeholders constituted by State representatives, workers and employers, civil society, etc

6.2 Labour Market Regulation and Employment Conditions for Formal and Informal Sectors.

The ECOWAS shall promote the comprehensive harmonization of labour market regulations in the region, the promotion of adherence to fundamental and basic standards, and the provision of legislation for both the formal and informal sectors. In this regard, ECOWAS shall provide general guidelines for harmonizing and setting out of specific areas for substantive reform throughout the ECOWAS region. Member States shall then update all labour laws and policies taking into account the public international obligations of the ECOWAS Member States; pass legislation statutes which encode basic working conditions; harmonize national statutes in order to establish similar labour regulatory standards in the region; provide for consultative tripartite decision making when determining wages taking into account the needs of workers and their families, the cost of living, social security benefits, and the relative living standards of other social groups; strengthen all labour institutions and collective bargaining structures; and promote research into and development of labour policies and regulation.

6.3 Establishment of Data Bank on Labour Market Information.

Member States shall provide relevant and real time information on labor matters; harmonize data collection processes on labour matters; and promote the sharing of information amongst labour stakeholders. The ECOWAS and Member States shall respectively establish regional and national data bases consistent with international labour standards.

6.4 Full Employment.

Member States are enjoined to provide full, productive, continuous and freely chosen employment where citizens are attracted to enter and stay in employment. While there is no universal indicator of full employment, Member States must strive at increasing the full employment of the citizens and preventing long-term unemployment. The cardinal principle must be creating more and better jobs for all with the following as the critical issues: promoting dignity of labour; promoting lifelong work; enhancing employment opportunities for young people; eradicating child labour; eradication of trafficking in persons for labour exploitation; eradicating gender gaps in employment and pay; reconciliation of work, childcare and private life; and encouragement of workers to stay longer in employment and employers to keep them longer. The following objectives may be pursued when implementing the full employment policy: expansion of wage employment; promotion of productive self-employment in urban and rural areas by making the non-formal sectors more modern, productive and dynamic; removal of bottlenecks, which impede the expansion of wage employment and self-employment activities; promotion of the economic participation of vulnerable segments of the labour force such as women, the youth, the disabled, the retrenched, etc; promotion of the development of improved entrepreneurship capacities and human resource development; promotion of the use of appropriate technology and skills to enhance productivity; reduction of poverty; promotion of human resource development through education and training; and ensuring an integrated and coordinated approach to employment promotion and economic management and economic development.

Promotion of full, productive and freely chosen employment accords with human dignity (as an employed person would be fully integrated into the society); it ensures economic growth and social inclusion by creating employment opportunities for all; and with proper education, training and non-discriminatory labour markets, it ensures that the full potential of the skillful individual would be tapped to ensure maximum individual, social and economic development.

6.5 Employability.

Member States shall promote the principle of freedom of choice regarding employment in that while the individual should be allowed the freedom to choose his or her trade or profession, the employer should not similarly be coerced into hiring a particular person. Governments are, therefore, enjoined to provide conducive measures such as tax incentives, subsidies, etc, which encourage the employment of people, while at the same time prohibiting employers from discriminating against

certain categories of persons when recruiting on the grounds of sex, race, ethnicity, colour, religion, national extraction, social origin, HIV/AIDS status, and political opinion. Governments may, however, take necessary measures for the recruitment of women and the disabled who have historically been discriminated against.

Member States are enjoined to invest in, develop and implement comprehensive and coordinated policies and programmes of vocational guidance and training throughout the working lives of workers. Investing in human capital is a variant of entrepreneurship where the emphasis is on equipping people with the necessary skills required in the present fast changing knowledge-based economy. The rationale is that thereby employment and social integration would be enhanced; and because it is indispensable, it increases productivity, competitiveness and innovation. In this regard, education and training should not stop with the attainment of adulthood but should be carried on throughout a citizen's life.

The ECOWAS shall with all stakeholders, therefore, put in place life-long learning strategies. Education generates citizenship and social integration and prevents social exclusion. It is, therefore, a priority for active and inactive citizens alike. The challenge is two-fold: raising and better adapting education to labour market needs, as well as helping to up-skill people throughout the entire lifecycle. In this regard, life-long learning has the advantage of enhancing people's opportunities in their present jobs as well as providing them with a 'second chance/opportunity' to re-launch a new career. Shared goals shall, therefore, be identified given the diversity of national education and training systems.

6.6 *Promote Labour Migration and Integration.*

The ECOWAS shall promote the rights of migrant workers; the elimination of trafficking in persons; creation of a conducive environment for migrants particularly those in Diaspora in the development of their country; encourage bilateral and multilateral cooperation on labour migration; encourage geographic and occupational mobility; and foster full economic integration. The policy options available here include -

6.7 *Promotion of Employment Opportunities for Young People.*

The ECOWAS shall promote employment opportunities for the youth. In this regard, the ECOWAS shall involve the youths in planning and promotion of programmes that lead to their gainful employment; and promote and channel youth energies into productive use. Member States shall, therefore, develop career guidance and training systems that link the worlds of work and education, facilitate the reforms of primary, secondary and tertiary education to meet employment needs, adopt measures to smoothen the transition from school to work for the youth, establish advisory services for the youth in terms of job prospects for those furthering their education and for those leaving formal schooling altogether, and establish functional public employment services.

6.8 *Child Labour.*

The ECOWAS shall adopt measures necessary for the eradication of child labour; for encouraging child development and education; for discouraging the employment of children; and encourage tripartite assessment of child labour issues as they relate to labour matters.

6.9 *Trafficking in Persons.*

The ECOWAS shall adopt measures necessary for the eradication of trafficking in persons for labour exploitation including the establishment of a tripartite mechanism for the assessment of trafficking issues as they relate to labour matters.

6.10 Adaptability.

Member States are enjoined to promote the balancing of the flexibility required by enterprises to progress and employment security needed by workers in order to get the best from them. In this regard, the focus is on the quality of work in a changing work environment, preventing health and safety risks at work, anticipating and managing restructuring in businesses, informing and consulting workers on change, promoting geographical and occupational mobility, and promoting green technology and decent work with the need to develop a new sustainable development consensus to mobilize investment to address climate change, generate green jobs and build a better and fairer world.

The social partners in Member States shall, therefore, negotiate and implement at all appropriate levels agreements needed to modernize the organisation of work, including flexible working arrangements, with the aim of making the undertakings productive and competitive, achieving the required balance between flexibility and security, and increasing the quality of jobs. Ensuring employment security is not about finding a job for life, but it is about people remaining and progressing in the labour market. Issues of part-time and temporary employment shall, therefore, be considered and appropriately provided for according to existing legislation in each Member State and in countries where such legislation does not exist, the legislation should be made.

The ECOWAS by protocols or directives and through social dialogue shall provide for the right balance of the adaptability needed in an increasingly global economy with the minimum standards for workers' protection. The ECOWAS shall assist Member States to tackle the negative effects of restructuring. Measures such as up-skilling and re-skilling of employees, employment subsidies in new jobs, job placements, vocational information, career advice and individual action plans may equally be adopted in the reorientation of workers affected by restructuring. Restructuring is synonymous with social decline and heavy job losses; rather it should be made to provide opportunities to develop new skills, and encourage economic and social progress.

The ECOWAS shall promote dialogue between employers and workers in the nature of representation, information and consultation within a company as a constituent element of corporate governance. Workers shall be informed and consulted in cases of collective redundancies and transfers of undertakings. Companies active in more than one ECOWAS State are enjoined to set up Work Councils for ensuing trans-national dialogue between workers and management.

The ECOWAS shall encourage the movement of workers within ECOWAS Member States either by the movement to a different Member State or changing jobs. This encourages the acquisition of new skills and experience. ECOWAS citizens shall be entitled to equal access to jobs within the region. The geographic and occupational mobility that would ensue will promote labour market efficiency. The challenges posed to this policy include the differences in language, culture, education, work ethic, tax and health systems, etc within the region. ECOWAS shall adopt policies that allow workers to move without detriment to, say, their social security benefits, and shall adapt education and training systems more effectively within the region.

The emergence of new forms of work organisation, such as outsourcing and contracting out, which has contributed to the emergence of economically dependent work (otherwise called quasi-subordinate work), will be looked into with a view to laying down appropriate legal rules to determine the rights, privileges and obligations of this category of work organisation.

6.11 Entrepreneurship.

Member States are enjoined to promote self-employment through small and medium-sized enterprises so as to increase employment rates, enhancing competitiveness and fostering the services economy. The ECOWAS shall adopt measures necessary for entrepreneurship such as the reduction of tax burden and fiscal pressures on labour costs, cutting administrative paperwork, easing credit especially interest rates, easy access to the factors of production, easy access to land

to investors, grant of loans to the unemployed to start their own businesses and for companies to hire unemployed people, etc. Entrepreneurship is not tied to low employment or high unemployment. It can be geared towards achieving certain desired objectives e.g. the protection of vulnerable groups as where it is used for the youth, women and men and the aged as a means of increasing income protection for this potentially vulnerable group.

6.12 Equal Opportunities at the Workplace.

Member States are enjoined to promote the following trilogy at the workplace: promoting equality between men and women; combating discrimination; and integrating people with disabilities. In this regard, anti-discrimination and stigmatisation legislative provisions and gender mainstreaming issues must be addressed by all Member States so that equal opportunities, equal pay and equal access are guaranteed to all citizens and implemented. Concrete steps are to be taken by Member States to ensure the implementation in practice of equality issues in the following areas relating to employment and work: pay, access to employment, professional training, social security, leave, reconciliation of work and private life, tackling sexual harassment, eliminating violence against women and women trafficking, integrating victims of violence back into the labour market, raising awareness of equality issues among men, tackling disabilities, etc.

Action plans for women shall be put in place to disseminate information on legal matters concerning equal treatment; and also to promote management training and the development of lifelong learning on an equal opportunities basis, especially for women in rural areas.

6.13 Establishing Adequate, Financially Viable and Modern Social Security Pension Systems.

Member States are enjoined to provide income security and financial autonomy for especially the disadvantaged groups. The policy here is to cater for citizens, especially women, who generally have inadequate pensions because of their limited labour market involvement and so cannot acquire sufficient pension rights of their own. In instituting a social security pension scheme, the aim must be to achieve the three criteria of economic and financial affordability, individual equity and social efficiency. This done, awareness of the scheme must be promoted to ensure the success of the social security pension scheme. There is no gainsaying that increased employment of particularly older workers is clearly a cardinal key to tackling the pensions challenge. Member States are further enjoined to enact provisions that permit spouses to benefit from social security funds of a deceased spouse.

6.14 Occupational Safety and Health in the Workplace.

Member States are enjoined to promote occupational health and safety measures in the workplace and provide cross-border healthcare for all especially regarding the scourge of HIV/AIDS, malaria and infectious diseases. The general coordination of the different healthcare systems of the region shall remain the responsibility of the ECOWAS Secretariat. Responsibility for organizing national healthcare systems, however, lies with nation states. All citizens who move across borders within the ECOWAS region shall have access to healthcare anywhere within the region. The overall objective of the healthcare policies of the national governments must incorporate the need for effective occupational health and safety policies at the workplace as well as a HIV/AIDS policy as it relates to the workplace and along lines sanctioned by the ILO. Whether at national or regional levels, lack of money should not be a bar to citizens getting the medical care that they need. This should be achievable either through the public provision of healthcare or through comprehensive insurance. In particular, the vulnerable groups such as the elderly and the poor should be given particular attention.

6.15 HIV/AIDS Policy at the Workplace.

The HIV/AIDS policy at the workplace shall encompass the following policy components in Member States:

- a. Education, awareness and prevention. This shall deal with joint development of information, education and prevention programmes by employers and workers.

- b. Job access. This shall deal with prohibition of direct or indirect pre-employment test for HIV. Normal medical tests are, however, permitted for fitness for work but should not include HIV test.
- c. Workplace testing and confidentiality. This prohibits compulsory workplace testing. Voluntary testing is permitted upon an informed consent of the worker, by qualified person in a health facility, after pre- and post-testing counseling. Legal right to confidentiality about a worker's HIV status and medical records shall be guaranteed. Disclosure of a worker's information shall be subject to his or her consent.
- d. Job status. HIV status shall not be a factor in job status, promotion or transfer.
- e. HIV testing and training. This prohibits compulsory HIV testing for training.
- f. Managing illness and job security. This prohibits the dismissal or retrenchment of a worker on the basis of his or her HIV status. The worker shall be reasonably accommodated.
- g. Occupational benefits. Occupational benefits should be non-discriminatory. There shall be confidentiality of information on a worker's medical status by benefit schemes.
- h. Risk management, first aid and compensation. Appropriate precautionary measures shall be put in place to reduce risk of infection. Compensation for HIV infection shall follow the standard procedures and workers shall get standard compensation benefits.
- i. Protection against victimization. There shall be protection from stigmatization and discrimination by co-workers, employers or clients. Disciplinary action shall be taken against a worker who refuses to work with a worker who is HIV positive.
- j. Grievance handling. Standard procedures shall apply to HIV related grievances. Confidentiality on a worker's HIV status shall be upheld during the proceedings.
- k. Information. Collection, compilation and analysis of data on HIV/AIDS for monitoring and planning of an effective response shall be encouraged.

6.16 Eradicating Poverty and Tackling Social Exclusion.

Member States are enjoined to adopt the decent work agenda, reduce unemployment and alleviate poverty, and promote social cohesion all with a view to establishing a fair society for all. The need to build a more inclusive ECOWAS region, if the goals of better jobs and greater social cohesion are to be attained, cannot be over-emphasised. Research has shown that countries that spend more on collective social protection have some of the lowest poverty rates in addition to higher GDP per capita and higher employment rates as is the case with the Scandinavian countries. The ECOWAS shall provide a framework for national strategy development as well as policy coordination between Member States in the region on issues relating to poverty and social exclusion with actors such as Non-Governmental Organisations (NGOs), social partners and local and regional authorities participating in the process. National policies through National Action Plans to curb poverty and social exclusion shall be developed to cover a number of key policy priorities such as fighting poverty among children given the high poverty risk children face. The need for this is essentially to break the cycle of inter-generational perpetuation of poverty, and to check exuberance and social ills on the part of the youth. A clear consensus must be reached about the key challenges that may be faced here, which include the following: making labour markets truly inclusive; ensuring adequate and effective social protection and good quality services; improving education, training and housing; overcoming discrimination and increasing the integration of people with disabilities, ethnic minorities and immigrants; and eradication of poverty especially child poverty by breaking the vicious circle of intergenerational inheritance. In other words, there will be the need to continue the process of mainstreaming basic development programmes within the ECOWAS region where concrete and focused priorities with clear targets that can be monitored and evaluated are agreed upon.

6.17 Promotion of Social Dialogue and Tripartism.

Member States are enjoined to promote representativeness and inclusiveness in order to prevent/reduce/resolve conflicts, achieve participatory/industrial democracy and harmony in the workplace. The effectiveness of the labour policy envisaged for the ECOWAS would be dependent on the nature of social dialogue that goes on in particularly the workplace. The social partners possess unique experience and specialised knowledge of the realities of the workplace and so are vital to modernizing work organisation, achieving higher growth and employment. In content, social dialogue incorporates the three fundamental issues of freedom of association, collective bargaining, and dispute prevention and resolution. One noticeable impact of the breakdown of social dialogue is the prevalence of strikes and other forms of industrial actions within the ECOWAS region. The general response to this by national governments is the imposition of restrictions on the right to strike, a fact adversely commented on by the Committee of Experts on the Application of Conventions and Recommendations (CEACR). The ECOWAS shall, therefore, streamline the applicable policies as they relate to the observance of the principles relating to freedom of association, the right to collective bargaining and the labour dispute resolution processes. In particular, the ECOWAS shall determine whether within the structure of the labour disputes resolution processes within the region, the ECOWAS Court of Justice should have a place and play a role especially knowing that integration within the region will come with its brand of labour disputes with wider international implications. ECOWAS Member States are enjoined to strengthen social dialogue structures where they exist and to establish them where they do not exist.

7. Special cases

Labour Responses in Conflict and Post-conflict Situations.

The scars of conflicts within the ECOWAS region demands a special focus on labour issues that may arise as a result. In this regard the focus is at re-establishing conditions for people to earn an income and rebuild their livelihoods; providing an employment-focused response for reconstruction, reintegration and rehabilitation purposes; promoting the creation of productive and remunerative employment and decent work; and tailoring the employment programme for sustainable development. Labour response regarding conflict and post-conflict situations must be guided by seven principles namely: quantity as well as quality of work generated, which should be decent work and promote rights of workers, productive and remunerative employment, safety, social dialogue, etc; prioritizing local resources in terms of maximizing the utilisation of local assets including people, skills, knowledge and natural resources; a focus on immediate productivity improvements and on attracting the private sector to invest; harmonising support to vulnerable groups with the goals of reconciliation, through promotion of a communal based response; ensuring that employment will be central to social and economic policy with all policies and programmes scrutinized for their employment impact; gradual approach to private sector led growth with the public sector in the role of enabler; and building up key institutions for a well functioning labour market.

8. Operational Framework

The ECOWAS will need to intervene in the following manner if the labour policy is to be operational.

8.1 Regional Harmonisation.

This policy thrust is hinged at promoting regional integration; providing common labour standards applicable throughout the region; and encouraging uniform development across the region. It is essential that ways and means of ensuring the observance and hence efficacy of all the labour policies applicable within the ECOWAS region are put in place. In this regard, an instrument is needed to support the ECOWAS Member States to move towards agreed objectives and to exchange best practice in the areas of employment, social protection and social inclusion. In this regard, the aim is to help the ECOWAS Member States to progressively develop their own policies in terms of: (1) fixing guidelines combined with specific timetables for achieving the goals which they set in the

short, medium and long terms; (2) establishing, where appropriate, quantitative and qualitative indicators and benchmarks against the best in the world and tailored to the needs of different Member States and sectors as a means of comparing best practice; (3) translating the guidelines into national and regional policies by setting specific targets and adopting measures, taking into account national and regional differences; (4) periodic monitoring, evaluation and peer review organised as mutual learning processes.

8.2 *Coordination and Monitoring of the Labour Policies.*

Each of the guiding principles regarding the ECOWAS Labour Policy will require further elaboration in the nature of an ECOWAS Protocol or Directive where details of the guiding principle shall be laid down. The efforts in this regard must be the product of social dialogue by the social partners at the regional level comprising of representatives government, employers and labour, (and where necessary representatives of non-governmental organizations). The same shall be the case at national levels where there are issues to be addressed at that level.

8.3 *Funding: An ECOWAS Labour and Employment Fund.*

The achievement of all the policies highlighted above requires substantial funding at both national and the ECOWAS regional levels. For the implementation of the Labour Policy, The ECOWAS Commission should put in place a financial mechanism especially, a "Labour and Employment Fund". This fund could be similar to the European Social Fund (ESF). This means that the contribution of the ECOWAS will be at two levels: the provision of policy instruments in the nature of protocols or directives issued now and then; and the provision of financial instruments designed to strengthen economic and social cohesion. The ECOWAS Fund will, therefore, be the main financial tool through which the ECOWAS strategic employment and social policy aims are translated into action. The fund will support the policies of Member States to achieve full employment, quality and productivity at work and to promote social inclusion and reduce national, regional and local employment disparities. It is also expected that the fund will act as a catalyst for change by pioneering cross cutting policies such as gender equality, active ageing and the integration of immigrants, and also support the sharing of good practices and exchange of experiences amongst the Member States. Partnership with employers' organisations, trade unions, NGOs and other stakeholders will, therefore, be a central principle regarding the fund given that it will need to support those actions that would be relevant to the needs of employers and workers. The major challenge towards attaining the objectives of the fund would be the availability of resources, which incidentally are limited. Here, the ECOWAS must strategise as to sourcing for funds from all sources within the Member States including governments, the private sector, and from outside the region especially from regional bodies such as the EU and international bodies such as the ILO.

9. *Areas of Intervention*

Interventions to attain the objectives of the ECOWAS Labour Policy fall along the following five major areas:

9.1 *Labour Standards.*

The intervention needed would include the following:

- a) Support to Member States for the ratification and implementation of the core Conventions, the priority Conventions and those relating to labour administration and employment.
- b) Reconciling work and family life, where the efforts are to create a balanced family and work life.
- c) The eradication of child labour.
- d) The eradication of trafficking in persons for labour exploitation.
- e) The promotion of equal opportunities in labour matters.

9.2 Employment.

The interventions needed here would include the following:

- a) Provision of full, productive, continuous and freely chosen employment, where the efforts are the creation of more and better jobs.
- b) Labour market regulation and employment conditions for formal and informal sectors of the economy.
- c) Establishment of data bank on labour market information with particular reference to the provision of relevant and real time information on labor matters.
- d) Promotion of dignity of labour.
- e) Promotion of lifecycle approach to work by encouraging the contribution of people of all ages in the world of employment.
- f) Promotion of employment opportunities for young people.
- h) Promotion of employment security and enterprise adaptability and competitiveness.
- i) Anticipating change by and managing restructuring of enterprises affected by economic and technological changes.
- j) Promotion of green jobs and decent work.
- k) Promotion of self-employment in the nature of small and medium enterprises.
- l) Investing in human capital by promoting career development, occupational guidance, and technical and vocational training.
- m) Eradicating poverty and tackling social exclusion by adopting measures that reduce unemployment.
- n) Labour responses in conflict and post-conflict situations by re-establishing conditions for people to earn an income and rebuild their livelihoods; and providing an employment-focused response in conflict and post-conflict situations.

9.3 Social Protection.

The interventions needed here would include the following:

- a) Working Conditions by promoting equitable working and living conditions.
- b) Promotion of lifecycle approach to work by encouraging social partners and companies to invest in and harness the full potential of workers during their entire working lives.
- c) Prevention of health and safety risks at work by ensuring healthy and safe workplaces.
- d) Provision of adequate, financially viable and modern social security systems.
- e) Access to healthcare by promoting universal access to healthcare; in particular, cross-border health care.
- f) Promotion of a HIV/AIDS policy as a workplace issue.
- g) Promotion of programmes to protect workers against infectious diseases and malaria.
- h) Eradicating poverty and tackling social exclusion by adopting and implementing the ECOWAS Regional Poverty Reduction Strategy/Programmes.

9.4 Social Dialogue.

The interventions needed here would include the following:

- a) Work etiquette and responsibility by the promotion of professionalism in the workplace.
- b) Working conditions, by promoting equitable working and living conditions through the harmonization and encoding of basic working conditions.
- c) Anticipating change and managing restructuring with social dialogue adopted in all matters pertaining to business restructuring.
- d) Promotion of green technology and decent work by promoting social dialogue amongst enterprises affected by transitions.
- e) Promotion of social dialogue and tripartism by promoting representativeness and inclusiveness in order to achieve participatory/industrial democracy and harmony in the workplace.
- f) Dispute prevention and conflict management by promoting regional consistency and harmony in dispute prevention and resolution mechanisms.
- g) Labour responses in conflict and post-conflict situations by promoting social dialogue; strengthening labour administration; and labour market governance through capacity building.

9.5 Regional Integration.

The interventions needed here would include the following:

- a) Promote labour migration and integration.
- b) Establishment of an ECOWAS Labour and Employment Fund to finance the implementation of the labour policy.
- c) Regional harmonisation, coordination and monitoring of the labour and employment policies.

10. Implementation

The ECOWAS Labour Policy involves the Community and all Member States. It communicates a regional consensus on the goals assigned to the workplace and the dimensions of the labour policy and priority areas that Member States are committed to. Its implementation rests on the twin approaches of formulation of regional development programmes, and the adoption and implementation of common rules and regulations. This implies that consultation and coordination among the different stakeholders and social partners so that labour choices and concerns are addressed as part of the policies and plans for regional integration.

In order to effectively implement the ECOWAS Labour Policy, the following conditions will be required:

1. A strong political will and all inputs emanating from the Governments, ECOWAS, Employers and Employees, which will make it possible to boost and support the implementation of the labour policy actions at the national and regional levels.
2. A very wide information and sensitization of all stakeholders at all levels on the orientation, objectives and intervention areas of ECOWAS Labour Policy in order to facilitate the acceptance of the West African people and to promote its implementation.
3. Member States shall be expected to report the implementation of this Labour Policy in the manner as may be laid by the ECOWAS Commission.

**STRATEGIC PLAN OF ACTION
FOR THE ECOWAS LABOUR POLICY**

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
Promotion of International Norms	<p>1. Support for the ratification and implementation of fundamental conventions, priority conventions and those relating to ILO labour administration and employment.</p> <p>2. Reconcile work and family life</p>	<p>1. Comply with public international law obligations of the ECOWAS Member State</p> <p>1. Create equality of opportunity and treatment in employment and occupation between men and women with family responsibilities for work and profession.</p> <p>2. Guarantee equality of chances and treatment in employment and occupation between men on the one hand, and women, with family responsibilities on the other hand, and those who do not have them to meet the combined challenges of gender inequality, low employment rates and demographic ageing</p>	<p>1. All Member States to ratify and domesticate the legal international texts relating to labour and employment, especially the fundamental ILO Conventions</p> <p>1. Discourage through legislation and codes of practice direct and indirect discrimination on the basis of marital status or family responsibilities.</p> <p>2. Promote non-discriminatory access to training for all.</p> <p>3. Promote flexibility by encouraging innovative and adaptable forms of work organization, e.g. where feasible, permitting workers to work from home</p> <p>4. Adoption of non-discriminatory social security and fiscal measures that accommodate all workers.</p> <p>5. Provision of accessible and affordable child care facilities during work time.</p> <p>Organize campaigns against stereotyping that views issues of reconciling work and family life as a women's issue.</p> <p>Encourage attitudinal change on the part of the men to enable them take on more family responsibilities at the domestic front.</p>		2009 - 2010
3. Child Labour C138 and 182	3. Child Labour C138 and 182	<p>1. Eradication of child labour and child trafficking.</p> <p>2. Encouraging child development and education.</p> <p>3. Discouraging the employment of children</p>	<p>1. Drafting an ECOWAS Directive on child protection.</p> <p>2. Harmonization of state policies in terms of the following: linking the school leaving age to the minimum age for admission into employment ; prohibition of hazardous forms of child labour and dangerous work for the young. And enforcement of legislation on child labour.</p> <p>3. Strengthening the exchange of information on child labour amongst the member States.</p>		2009 - 2010

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
		4. Tripartite assessment of child labour issues as they relate to labour matters.	4. Member States should implement interventions to prevent child labour and provide social protection for vulnerable and working children. 5. Continuous campaign against child labour using the multi-media approach. 6. Member States should implement Universal Basic Education.		2009 - 2010
	4. Trafficking in Persons	Eradication of trafficking in persons for labour exploitation	Member States should implement the ECOWAS Policy on the fight against human trafficking as well as the Convention of ILO especially Convention 105.		2009 - 2014
	5. Promote gender equality, empower women and ensure equal opportunities in labour matters.	1. Promote equality of opportunity and treatment between men and women. 2. Promote gender mainstreaming in labour programmes.	1. Provision of national policy and/or legislation against discrimination 2. Removal of discriminatory laws and practices. 3. Provision of support in the form of education and training, credit and extension services to women. 4. Provision of social and economic infrastructure that can release women from the cultural burden of housework, child rearing and general caring for members of households, including those afflicted with HIV/AIDS. 5. Ensure gender mainstreaming in all labour programmes whether at a regional or national level. 6. Update and improve the implementation of all policies affecting vulnerable groups. Particular attention should be lent to the following quality issues: pay, access to employment, professional training, social security, leave, reconciliation of work and private life, sexual harassment, violence against women, women trafficking, integration of victims of violence back into the labour market etc		2009 - 2014
2. Promotion of decent work	1. Creation of decent jobs for men and women	1. Create and better quality work 2. Guarantee an integrated and concerted approach to work promotion and economic management and development	1. Adopt a draft ECOWAS policy as employment policy 2. Adopt a development policy based on fundamental needs. 3. Provide fiscal incentives and national subsidies to encourage employment. 4. Identify time-bound targeted and conditional incentives with a view to promoting a labour-intensive production. Ensure the ratification of Convention n°160 on work statistics		2009 - 2011

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
			<ol style="list-style-type: none"> 5. Promote the adoption of alternative arrangements regarding property and production such as cooperatives, and promote capital arrangements that use labour-intensive methods of production. 6. Undertake a reallocation of public expenditure and a redefinition of priorities in favour of targeted projects and programmes. 7. Verify the suitable nature of work of the large sectors of activity with a view to evaluating the financial viability of job creation. 8. Create a Job promotion Fund to be replenished with annual national and regional budgets. 9. Facilitate access to credit for disadvantaged persons and communities thanks to a financial institutional reform, lowering of interest rates and/or recourse to specific heritage and/or investment. 10. Promote the creation of micro enterprises in urban and rural areas. 11. Ensuring that special groups (the youth, women handicapped persons and dismissed persons) find productive employment. 12. Developing infrastructures (especially in the energy sector) indispensable for the survival of independent work in the form of small and medium-sized enterprises. 		2009 - 2010
2. Regulation of the Labour Market		<ol style="list-style-type: none"> 1. Harmonize the regulation of the labour market 2. Promote adherence to fundamental norms. 	<ol style="list-style-type: none"> 1. ECOWAS should provide the general guidelines for the harmonization and clarify the specific areas that should be reformed in the whole region 2. Taking due account of the obligations incumbent upon the ECOWAS Member States by virtue of their adherence to international public law. 3. Strengthen all Labour institutions 4. Promote research and development of labour policies and regulations. 		2009 - 2011
3. Creation and management of a data base on work statistics including technical and vocational training at		<ol style="list-style-type: none"> 1. Harmonize data-collection procedures on work statistics and professional training 	<ol style="list-style-type: none"> 1. ECOWAS Member States to ratify Convention N° 160 on Statistics of Employment. 2. ECOWAS Member States to sensitize and advocate political and economic decision makers, social partners and civil society, on the importance, the necessity and 		2009-2013

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
	national and regional levels	<ol style="list-style-type: none"> 2 Offer relevant information in quantity and quality in real time on labour issues and professional training. 3. Promote information sharing between the stakeholders (producers and users of work statistics and professional training). 	<p>urgency to improve production analysis and dissemination of employment statistics and professional training.</p> <ol style="list-style-type: none"> 3. Reorganize and reinforce the information system on employment market, conforming to the standards of ILO 4. Establish a mechanism for the regular collection of data to increase the production in quantity and quality of work statistics and professional training. 5. Establish regional and national data bases in keeping with international norm on labour statistics. 6. Vitalize statistical coordination and strengthen cooperation and partnership with the private sector, sub-regional organizations and development partners. 7. Promote analysis publication and dissemination of labour and technical training statistics. 		
	4. Promotion of dignity of labour	<ol style="list-style-type: none"> 1. Promote employment as a source of value and dignity to man. 2. Promote professionalism 	<p>Implement in full the decent work agenda espoused by the ILO.</p> <ol style="list-style-type: none"> 2. Embark on massive campaigns throughout the ECOWAS region on the dignity of labour. 3. Promote excellence in the working environment 4. Launch campaigns with the general public to let them understand the need of professionalism at work. 5. Conceive and ensure respect of codes of conduct at the workplace. 6. Ensure continuous training of workers on the highest standards of work etiquette 		2009-2013
	5. Promotion of the lifecycle approach to work	<ol style="list-style-type: none"> 1. Encourage the contribution of people of all ages in the world of employment 	<ol style="list-style-type: none"> 1. Laying down the minimal standards to improve working conditions and check discrimination. 2. Social partners and companies should invest in and harness the full potential of the worker 3. Retraining and proactive programmes for re-entry into employment or self-employment 		2009-2013

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
		<p>2. Harnessing the full potential of older workers so as to sustain growth and employment, depending on sector needs.</p> <p>3. Reduction of the rate of dependency between the retired and the active, and hence contribute to the sustainability of pension schemes.</p>	<p>4. Establish a supervisory and sensitization of workers near retirement</p> <p>5. Provide financial assistance</p>		2009 - 2013
	6. Promotion of employment opportunities for young people	<p>1. Involve youths in planning and promotion of programmes that lead to their gainful employment.</p> <p>2. Promote and channel the youth energies into productive use</p> <p>3. To facilitate entry of youth into employment.</p>	<p>1. Develop career guidance and training systems that link the worlds of work and education and lead to gainful employment.</p> <p>2. Facilitate reforms of primary, secondary and tertiary education to meet employment needs.</p> <p>3. Adopt measures to smoothen the transition from school to work for the youth.</p> <p>4. Establishment of advisory services for the youth in terms of job prospects for those furthering their education and for those leaving formal schooling altogether.</p> <p>5. Establishment of functional public employment services.</p>		2009 - 2013
	7. People with disabilities	Facilitate the entry into productive employment of people with disabilities.	<p>1. ECOWAS to adopt regional guidelines for the treatment for the disabled in labour matters.</p> <p>2. Promotion of equal treatment of the disabled and amending laws accordingly.</p> <p>3. Provision of appropriate training, facilities and equipment</p> <p>4. Enhancing access to support in the various promotional programmes contained in an employment strategy</p> <p>5. Increase consultation with organizations representing the interests of vulnerable groups in order to identify crisis areas for the purpose of effective handling</p> <p>Conduct periodic studies to determine the effectiveness of policies pertaining to the vulnerable groups.</p>		
	8. Promotion of employment security	1. To balance the competitive pressures of business	1. Adopt and implement the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and		2009 - 2013

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
	and enterprise adaptability and competitiveness	<ul style="list-style-type: none"> with economic security for workers. 2. Creating more and better jobs. 3. Achieving higher productivity. 4. Achieving greater social cohesion 5. Modernizing the organization of work 	<p><i>Social Policy</i> as amended at the 279th session of November 2000.</p> <ul style="list-style-type: none"> 2. Social partners to be involved in the design and introduction of measure (at all levels) aimed at increasing the availability of both the labour force and business. 3. Incentives to be given to encourage employers to invest in training and capacity building. 4. ECOWAS Member States to ratify an implement ILO c.158 and on termination of employment. 5. Workers at all times to be informed and consulted on changes in business. 6. Measures to ensure quality in work to be put in place such as modernizing social protection systems, adopting flexible working hours, improving access to training and encouraging life-long learning. 7. Promotion of training, prevention of health and safety risks at work, anticipating and managing restructuring, and provision of social security. 		
	9. Anticipating change and managing restructuring	<ul style="list-style-type: none"> 1. Promote enterprises affected by economic change and encourage them to anticipate change. 	<ul style="list-style-type: none"> 1. Draft of an ECOWAS Directive on labour responses in cases of business restructuring 2. Social dialogue to be adopted in all matters pertaining to business restructuring. 3. Companies operating in more than one ECOWAS state should ensure trans-national dialogue between the workers and management. 4. ECOWAS to establish a Fund from which Member States can be assisted to tackle the negative effects of restructuring. 5. Adopt upgrade and recycle measures for the management of structuring. 6. Employment subsidies, job placements, vocational information and career advice to be adopted in tackling restructuring. 		2009 - 2014
	10. Promotion of green technology and decent work	<ul style="list-style-type: none"> 1. Promote green jobs. 2. Promote new technologies to go hand in hand with sound transition management. 	<ul style="list-style-type: none"> 1. Organize tripartite round tables on the implementation of the Kyoto Protocol on environmental degradation and climate change. 2. Develop a new sustainable development consensus to mobilize investment to address climate change generate green jobs and build a better and a fair world. 		2009 - 2013

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
		<p>3. Promote social dialogue amongst those affected by transitions.</p>	<p>3. Promote creation of green jobs.</p>		
	11. Promotion of entrepreneurship	Promote self employment	<p>1. Promote the establishment of small and medium enterprises through the adoption of measures such as reduction of tax burden and fiscal pressures on labour costs, cutting administrative paper work and easing credit 2. Social partners to give advice and information to entrepreneurs.3. Vulnerable groups to be targeted regarding any entrepreneurship. 4. To create easy access to land 5. Pursue the realization of inter-Community infrastructures to reduce the costs of factors of production. 6. Encourage the creation of joint ventures.</p>		2009 - 2013
	12. Promotion of sustainable ventures	<p>1. Promote competitive SMEs by removing internal and external obstacles to their development. 2. Establish an operational capacity building programme for directors and potential project</p>	<p>1. Take measures to remove impediments to competitiveness - access to information - institutional and regulatory framework meeting SME requirement- improving quality productivity - transport and communication infrastructures - access to credit - Support for access to research and development - access to new technologies - prepare and implement within ECOWAS an in the States an SME and SMI development support programme 2. Design a specific capacity building programme for companies in distress. 3. Design an accompanying and coaching programme for an enhanced enterprise consolidation. 4. Support the implementation of existing capacity building programmes for potential projects.</p>		
	13. Investing in human capital.	Promote career development, occupational guidance, and technical and vocational training	<p>1. National governments to entrench as part of workers' rights the right to be trained and retrained. 2. ECOWAS and Member States to adopt and put in place life-long learning measures. Adapting education to labour market needs.</p>		2009 - 2014

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME
	14. Eradication of Poverty and tackling exclusion	<ol style="list-style-type: none"> 1. Reduce unemployment and eradicate poverty 2. Promote social cohesion 	<ol style="list-style-type: none"> 1. ECOWAS to provide the framework for national strategy development as well as policy coordination between the Member States with stakeholders such as NGOs, social partners and local and regional authorities participating in the process. 2. This ECOWAS framework should concentrate on these themes: the facilitation of participation in employment and access by all to resources, rights, goods and services; prevention of risk of exclusion; helping the most vulnerable; and the mobilization of all relevant bodies. 3. Particular attention by Member States should be given to fighting poverty among children so as to break the cycle of intergenerational perpetuation of poverty 4. Develop regional and national projects for universal access to education and professional training. 		2007 - 2012
	15. Employment as a solution to conflict and post-conflict situations	<ol style="list-style-type: none"> 1. Meet the conditions for people to earn income and rebuild their means of subsistence 2. Provide for reaction to work based conflict and post conflict situations. 3. Promote the creation of productive and remunerative employment and decent work 4. Adapt the employment programme to the imperative of sustainable development. 	<ol style="list-style-type: none"> 1. Establish measures for the promotion of employment such as the stimulation of investment in public works. 2. Encourage skills training 3. Facilitate the transition towards formal training and the promotion of the informal economy and stimulate the sector of small and medium enterprises and cooperatives. 4. Compile employment statistics and information on the labour market and their analysis. It is indispensable to have appropriate reliable, consistent and updated statistics and policies on the labour market. 5. Promote social dialogue, strengthen work and labour market administration through capacity building. 6. Improve social welfare and the management of labour migration. 7. Incorporate strategies HIV/AIDS in the global framework of economic revival and in the programme for decent work. 8. Incorporate strategies to combat child trafficking in the global framework of the programme for decent work. 9. Promote local economic development in the area of the relocation and reinstallation of economic revival. 10. Evaluate all policies and programmes carefully in the light of their impact on the job situation. 		2009 - 2013

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
3. Promote social welfare for all.	1. Promote and consolidate security and health at the workplace.	<ol style="list-style-type: none"> 1. Improve the quality of life. 2. Increase productivity 3. Respect the environment 	<ol style="list-style-type: none"> 1. Prepare an ECOWAS Directive on security and health at work place. 2. Translate the provisions of the ECOWAS Directive at national level, especially through the adoption of: <ul style="list-style-type: none"> - a national policy on security and health at work place. - a health security code at the work place - a code of ethics for security professionals and work at the work place. 3. Develop and implement programmes for training in security and health at the work place for social partners. 4. Help establish structures for the technical control of working conditions and environment. Medical inspections of the workplace. 5. Launch information and awareness campaigns for workers and the general public. 6. Sensitize and train workers on how to protect themselves against contagious diseases, especially tuberculosis, avian flu and malaria. 7. Member States should domesticate and implement the Plan of Action adopted at the third extraordinary session of the African Union on unemployment and poverty reduction. 		
	2. Protection of workers against contagious diseases and malaria.	<ol style="list-style-type: none"> 1. Introduction of measures to combat contagious diseases at the work place 2. Promote social cohesion. 3. Extend social welfare to the under-privileged and those excluded from the classic social security scheme. 			
	3. Implement an adequate financially viable and modern social security system	<ol style="list-style-type: none"> 1. Provide for a high degree of income security and financial autonomy 2. Extension of social security. 	<ol style="list-style-type: none"> 1. Promote the creation of new forms of social security such as mutual benefit associations. 2. Provide for catering for migrant workers in the social security scheme 		

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
	4. Viable and sustainable social security systems	<ol style="list-style-type: none"> 1. Provide for a high degree of income security and financial autonomy 2. Extension of social security. 	<ol style="list-style-type: none"> 1. The Member States should, through legislation, to implement the ECOWAS General Convention on Social Security. 2. Improve on the governance of pension schemes at all levels. 3. Tripartite participation in the governance of pension schemes 4. Create awareness across the region of the social security pension scheme put in place. 5. Training of social partners in work security and occupational health. 6. Promotion of mutual health benefit associations 7. Extend Social Welfare to the populace that does not have any. 		
	5. Access to healthcare	Promotion of Universal access to health care.	<ol style="list-style-type: none"> 1. All Member States should be encouraged to establish National Health Insurance Schemes. 2. ECOWAS to harmonize National Health Insurance Schemes to accommodate migrant workers 3. ECOWAS to lay down the general principles for cross-border healthcare and the general coordination of the different healthcare systems of the Member States within the region. 		
	6. HIV/AIDS Policy at the work place	<ol style="list-style-type: none"> 1. Promote the non-discrimination of people living with HIV/AIDS. 2. Prevent occupational risk of HIV/AIDS. Treat HIV/AIDS at the workplace just as any other disease. 	<ol style="list-style-type: none"> 1. Drafting of an ECOWAS Directive/Code of practice on HIV/AIDS along the lines sanctioned by international instruments, especially ILO Directives on the workplace 2. Member States to develop tripartite and multi-sectoral national codes of practice on HIV/AIDS and reflect them in the law 3. Mechanisms for monitoring compliance at the workplace of the HIV/AIDS code of conduct and legislation within individual countries should be put in place. ECOWAS Member States to implement the 12 Guidelines laid down in the International Guidelines on HIV/AIDS as adopted by the Second International Consultation and set out in Annex 1 to the Secretary-General's report to the Commission on Human rights in document E/CN.4/1997/37. 		

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
4. Promotion of social dialogue and tripartism	1. Promote social dialogue and tripartism	Promote representativeness and inclusiveness to achieve industrial democracy and harmony in the workplace	<ol style="list-style-type: none"> 1. Draft of an ECOWAS Directive on social dialogue and tripartism. 2. ECOWAS to establish a Tripartite Social Dialogue Forum for Growth and Employment with the mandate to develop economic and social policies for growth and development within the region. 3. Establishment and maintenance of tripartite institution within nation states in addition to cooperation with the tripartite constituents on all labour issues. 4. National and regional Unions to be strengthened and encouraged to establish linkages with development partners. 5. ECOWAS to streamline / harmonize the applicable principles as to freedom of association, collective bargaining and dispute prevention and resolution. 		
	2. Promote collective bargaining for all working conditions	1. Promote equitable leaving and working conditions.			
	3. Build the capacities of labour authorities	<ol style="list-style-type: none"> 1. Strengthen the staff position of the labour and Employment authorities. 2. Improve the skills of staff of labour authorities through an appropriate initial and continuing training suited to the labour market. 3. Increase the means of action of the of labour and Employment authorities. 4. Improve coordination within the labour administration system. 5. Create modern governance and management tools to manage access to the results 6. Establish a system for the evaluation of labour and Employment authorities 	<ol style="list-style-type: none"> 1. Support the Member States in the ratification and application of the priority conventions (81, 122, 144) of Convention 150 on labour administration and conventions on security at the workplace (C 155, 161, 167) 2. Draft and implement a regional programme for training work inspectors and labour service staff 3. Conduct advocacy with the Member States to increase the budgets of the Ministries of Labour, Employment and Social security 4. Create permanent consultation and coordination frameworks between all the structures of the labour administration system 5. Use the ILO TOOLKIT at national and regional level 6. Elaborate a methodological guide of work inspection and a practical guide to health and security at the workplace. 		

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
	4. Building of the capacities of social partners (employers and workers)	<ol style="list-style-type: none"> 1. Train a sub-regional pool of experts from employers and employees unions in dialogue social and technical dialogue on collective bargaining within ECOWAS 2. Build the organizational capacities of OTAQ, and FOPAO 	<ol style="list-style-type: none"> 1. Promote the negotiation of collective bargaining of sub regional framework agreements 2. Institute the convening of ECOWAS Social Partners Conference to periodically approve the implementation of the sub regional employment and labour policy. 3. Strengthen social partners participation in all trade and economic negotiations within ECOWAS 		
	5. Conflict prevention and resolution.	<ol style="list-style-type: none"> 1. Regional consistency and harmony in dispute prevention and resolution mechanisms. 2. Well-designed processes to ensure effective outcomes using speed, simplicity, fairness, user-friendliness, cost and transparency as benchmarks. 3. Guided law and practice in order to promote dispute prevention 	<ol style="list-style-type: none"> 1. Draft of an ECOWAS Directive on dispute prevention and resolution within the region. 2. Development of a tripartite task force to develop the appropriate legal frameworks and institutional machinery that could constitute the dispute prevention and resolution system within the region. 3. Dispute resolution processes should be harmonized across the region, bearing in mind national capabilities. 4. Pre-emptive interventions by conciliators in sectors with high incidence of conflicts to encourage self-regulation through the voluntary adoption of measures to reduce the number of disputes. 5. Use collective bargaining mechanisms as a response to conflict prevention and resolution in view of encouraging auto regulation in the volunteer adoption measures in order to reduce the number of conflicts. 6. Use collective negotiation mechanisms such as response to prevention and to rules of conflict. 		
5. Promotion of regional integration.	1. Promotion of manpower migration and integration	<ol style="list-style-type: none"> 1. Promote the rights of migrant workers. 2. Create an enabling environment for migrants, particularly those in the diaspora, to enable them contribute to the development of their country. 	<ol style="list-style-type: none"> 1. Draft an ECOWAS Directive on labour migration and integration in conformity with ILO Conventions 97 and 143. 2. Amend the national legislation to ensure, within the region, equal access of to work for ECOWAS citizens. 3. Establish measures to enable workers to change address without running the risk of losing their retiring benefits. 4. Take measures to facilitate family reunions of all migrant workers legally residing on the territory of one of the countries in the region. 		

PRIORITY PROGRAMMES	STRATEGIC AXES	OBJECTIVES	RECOMMENDED ACTIONS	EXPECTED RESULTS	TIMEFRAME 2007 - 2012
		<p>3. Promote bilateral and multilateral cooperation between the ECOWAS Member States on labour migration.</p> <p>4. Encourage geographic and professional mobility. Promote full economic integration within the ECOWAS region</p>	<p>5. Promote the human rights of migrant workers no matter their status.</p> <p>6. Create a methodological and equitable process for labour migration in the country of origin or destination country</p> <p>7. Promote social integration and the inclusion of migrant workers in the respect of their cultural diversity.</p> <p>8. Prevent discrimination against migrant workers.</p> <p>9. Create a favourable investment climate for persons in the diaspora.</p> <p>10. Launch common programmes to update the ECOWAS Protocol on Free Movement of Persons, Goods and Services.</p>		
2. Creation of an ECOWAS Employment and Labour Fund.		<p>1. Financing the ECOWAS employment and labour policy</p> <p>2. Developing and building the capacities of public and private agencies and social partners and NGOs responsible for the implementation and management of employment policies</p>	<p>1. ECOWAS should propose financial instruments for applying the labour and employment policy.</p> <p>2. The fund will be replenished by Community levies on a yearly basis</p> <p>3. The support of international lenders and the private sector should be sought for the fund.</p>		2008 - 2010
3. Harmonization, coordination and regional evaluation of labour and employment policies		<p>1. Promote regional integration.</p> <p>2. Propose common labour norms applicable in the entire region.</p> <p>3. Encourage balanced development in the whole region.</p>	<p>1. Establish a regional tripartite coordinating and monitoring mechanism as the regional equivalent of the national labour councils.</p> <p>2. Harmonize employment policies on other sector policies existing at regional level such as the Protocol on free movement of persons, the one on trade, the HIV/AIDS Programme etc.</p> <p>3. Bearing the cost of the unforeseen effects of the special strategies for the promotion of employment and work.</p>		

CHAPTER TWO

SUPPLEMENTARY ACT A/SA.1/07/10 ON THE CREATION OF A TRIPARTITE SOCIAL DIALOGUE FORUM WITHIN ECOWAS

THE HIGH CONTRACTING PARTIES,

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

MINDFUL of Supplementary Act A/SA.2/06/09 of 22 June 2009 adopting the ECOWAS Labour and Employment Policy as well as the Five Year Strategic Action Plan for implementing the Policy;

RECALLING that the promotion of tripartite social dialogue constitutes one of the guiding principles of the ECOWAS Labour and Employment Policy and one of the priority programmes of the Strategic Action Plan implementing the said policy;

REAFFIRMING the need to strengthen and promote tripartite social dialogue in the framework of regional integration, in order to resolve the complex and difficult problems of labour and employment, ensure sustainable social peace and prevent intra-State conflicts;

BEARING IN MIND Regulation C/REG.6/05/09 of 27 May 2009 endorsing the organisation of tripartite meeting on Labour and Employment;

NOTING that one of the priority programmes of the Strategic Action Plan for the Labour and Employment Policy aims at promoting representativeness, with a view to achieving participative democracy and harmony in work places, at the regional level;

DESIRING to facilitate the attainment of the aforementioned objective and to this end, create the appropriate framework;

HEREBY AGREE AS FOLLOWS:

ARTICLE 1:

A tripartite social dialogue forum within ECOWAS is hereby created.

ARTICLE 2:

1. The President of the Commission shall convene tripartite meetings which bring together representatives of Member States, Employers' organisations and Trade Unions. These meetings shall consider issues relating to labour and employment, with a view to achieving the objectives of the ECOWAS labour and employment policy and implementing the Action Plan of the said policy.
2. Representatives of Civil Society Organisations, non-Governmental Organisations and inter-Governmental Organisations may participate in the tripartite meetings.

ARTICLE 3:

This Supplementary Act shall repeal all previous contrary provisions.

ARTICLE 4:

This Supplementary Act shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the President of the Authority. It shall also be published by each Member State in its National Gazette within thirty (30) days after its notification by the Commission.

ARTICLE 5:

This Supplementary Act is an integral part of the ECOWAS Treaty and shall be attached as an annex to the said Treaty.

ARTICLE 6:

This Supplementary Act shall be deposited with the Commission which shall forward 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 SANTA MARIA (SAL ISLAND) THIS 2ND DAY OF JULY 2010

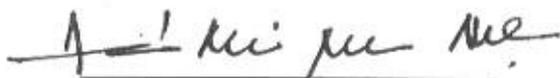
**IN SINGLE ORIGINAL IN ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC.**



H. E. Jean-Marie EHOUZOU
For and on behalf of the
President of the Republic of Benin
Head of State, Head of Government



H. E. Mr. Blaise COMPAORE
President of Faso



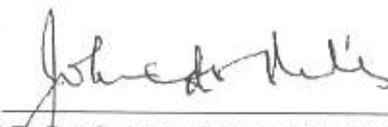
H.E. Jose Maria PEREIRA NEVES
Prime Minister of the Republic of
Cape Verde



H.E. Laurant GBAGBO
President of the Republic of Côte d'Ivoire



H.E. Aja Dr. Isatou Njie SAIDY
Vice President of the Republic of the Gambia
For and on behalf of the President of the
Republic of the Gambia



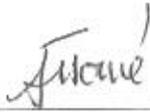
H.E. Prof. John Evans Atta MILLS
President of the Republic of Ghana



H.E. Malam Bacai SANHA
President of the Republic of Guinea Bissau



H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia



H.E. Amodou Toumani TOURE
President of the Republic of Mali



H. E. Dr. Goodluck Ebele Johnathan
President of the Federal Republic of
Nigeria and Commander-In-Chief of the
Armed Forces of the Federal Republic of
Nigeria, Chairman of Authority of Heads of
State and Government of ECOWAS



H. E. Maitre ABDOULAYE WADE
President of the Republic of Senegal



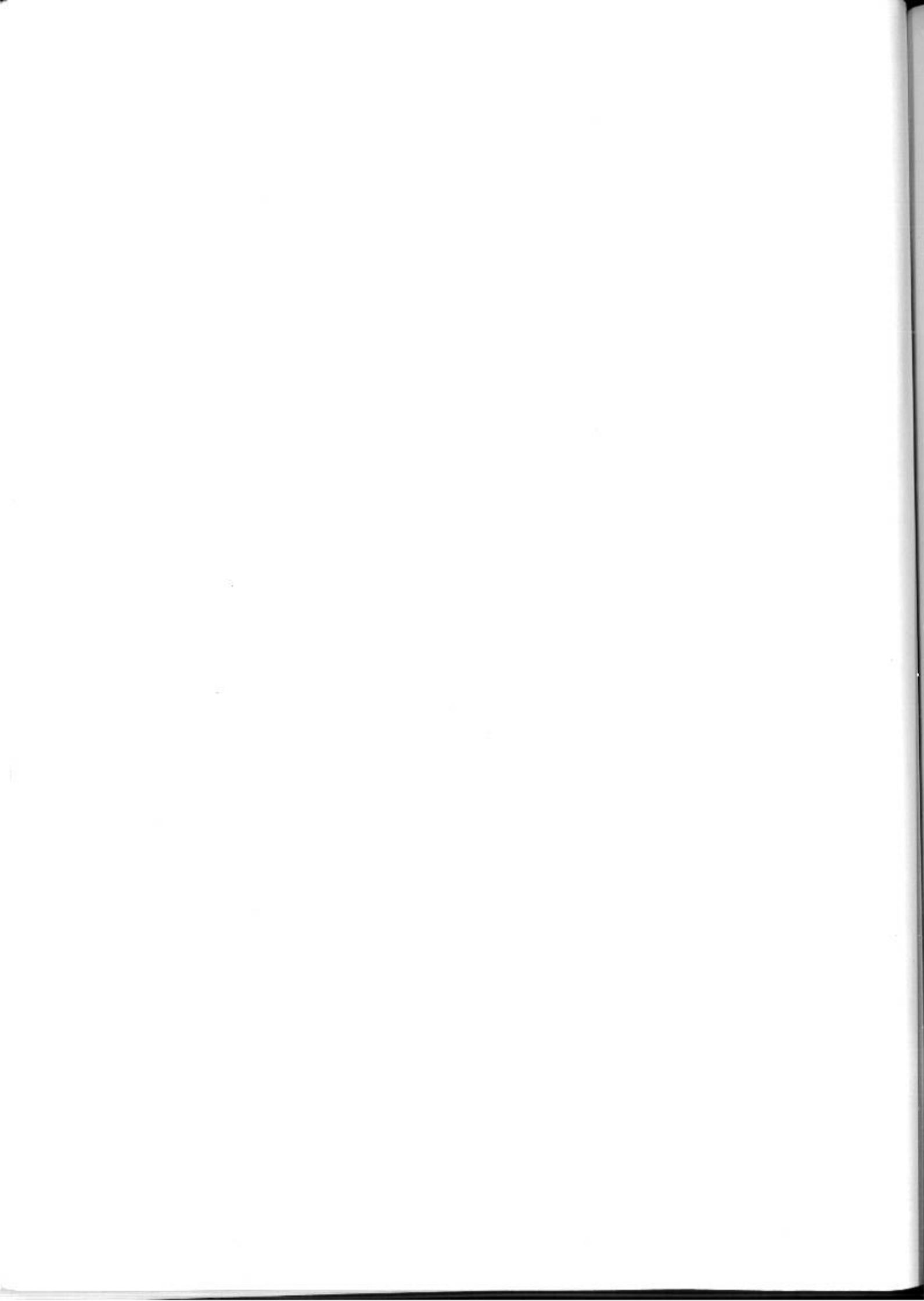
H. E. Ernest Bai KOROMA, GCRSL
President of the Republic of Sierra Leone



H. E. Koffi ESAW
For and on behalf of the President of the Togolese Republic

PART III

SUPPLEMENTARY ACTS ON AGRICULTURE



CHAPTER ONE

**SUPPLEMENTARY ACT A/SA. 20/02/12
TRANSFORMING THE REGIONAL ANIMAL HEALTH
CENTRE IN BAMAKO INTO A SPECIALIZED CENTRE FOR
THE COMMUNITY**

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 the provisions of Article 88 of the said ECOWAS Treaty;

MINDFUL of the General Convention on the Privileges and Immunities of the Economic Community of West African States signed in 22 April 1978 in Lagos;

MINDFUL of Article 25 of the said ECOWAS Treaty on Agricultural Development and Food Security;
MINDFUL of Decision A/DEC.11/01/05 adopting the ECOWAS Agricultural Policy;

RECALLING the guiding principles of the 2007-2020 ECOWAS Agricultural Strategic Plan which is the ideal matrix for integrating the Member States' livestock policies as well as those of the ten-year programme for combating avian influenza and transboundary diseases, as part of the fight against animal diseases;

BEARING IN MIND that the spread of transboundary animal diseases, including zoonoses, is of concern to all ECOWAS Member States;

AWARE THAT the effectiveness of the fight against the diseases requires coordinated support for the development of national and regional strategies;

NOTING that the Animal Health Centre in Bamako, with which ECOWAS has signed various partnership agreements in the area of Animal Health, has satisfactorily carried out the missions assigned to it, which has led to significant progress in the implementation of Agricultural, Livestock and Rural Development Programmes in the sub-region;

AWARE of the pertinent needs expressed by the Community in that regard;

RECOGNIZING the need, in the light of the Recommendation of the Beijing Conference of January 2006, to set up this structure as a Regional Animal Health Centre (RAHC) aimed at providing a strategy coordination and harmonization framework to monitor and evaluate interventions for combating avian influenza and transboundary animal diseases in West Africa;

WELCOMING, without reservation, the Government of Mali's offer to allocate some offices to the Regional Animal Health Centre within the same premises as those allocated to the OIE Regional Representation for Africa and provide additional offices and equipment on the basis of the needs expressed;

DESIROUS of transforming the Bamako Animal Health Centre into a Specialized Centre for the Community;

ON THE RECOMMENDATION of the Sixty-sixth Ordinary Session of the ECOWAS Council of Ministers held in Abuja, Nigeria on 16-17 August 2011.

HEREBY AGREE AS FOLLOWS:

ARTICLE 1: Transformation into a Specialized Centre

1. By this Supplementary Act, the Regional Animal Health Centre in Bamako is hereby transformed into an ECOWAS Specialized Community Centre on Animal issues.
2. The Regional Animal Health Centre shall be established in Bamako.

3. The President of the ECOWAS Commission shall sign the Headquarters Agreement with the relevant Malian Authorities as soon as possible.

ARTICLE 2: Supervision - Objectives and Missions of the RAHC

1. The Regional Animal Health Centre "RAHC" shall be under the administrative and technical supervision of the ECOWAS Commission.
2. The aim of the Regional Animal Health Centre (RAHC) shall be to provide a framework for the coordination and harmonization of the monitoring and evaluation strategies of interventions for combating avian influenza and transboundary animal diseases in West Africa, through the implementation of the 2007-2020 ECOWAS Agricultural Strategic Plan.
3. In that regard, the mandate of the Regional Animal Health Centre (RAHC) shall be to:
 - i. coordinate the national animal health policies of the ECOWAS region;
 - ii. support the design of national and regional strategies combating trans boundary animal diseases, including zoonoses, in the ECOWAS region;
 - iii. monitor the sub-regional mechanism for preventing and combating avian influenza in close partnership with the AU/IBAR;
 - iv. improve the animal health notification system in consonance with OIE standards and the WAHIS system
 - v. strengthen poultry and avifauna epidemiological monitoring by setting up epidemio-surveillance networks;
 - vi. inform the ECOWAS Member States about the local and regional situation, as well as the risk of outbreak and/or spread of the avian influenza and transboundary animal diseases;
 - vii. build the capacities of diagnostic laboratories and monitor regional laboratory networks;
 - viii. harmonize national emergency plans for the control of avian influenza and other trans-boundary and zoonotic animal diseases;
 - ix. monitor and assess the application of the control measures (slaughtering, vaccination campaigns);
 - x. information, communication and sensitization of the people and groups of breeders in the ECOWAS region;
 - xi. strengthen the socio-economic networks of the cattle-meat sector;
 - xii. conduct a feasibility study of national and regional investment programmes.
 - xiii. identify the weak points in veterinary services that require legislative and regulatory measures and, subsequently, after the PVS evaluations conducted by OIE in collaboration with ECOWAS, FAO and Donors, help seek the relevant investments to improve their efficacy and sustainability;
 - xiv. Support the national good governance policies of veterinary services by gradually harmonizing them with OIE standards;
 - xv. Build capacity through training seminars and workshops for Veterinary Services Directors, their staff (focal points), and breeders associations, private veterinary officers on OIE standards and best practices (prevention of health risks arising from the trade in animals and foodstuffs of animal origin);
 - xvi. Harmonize policies on the registration (national and/or regional) and control of vaccines, veterinary medicines while laying stress on the quality of veterinary products used for animal health;
 - xvii. Mobilize resources for the Ten-Year Regional Programme for combating Avian Influenza and trans-boundary and emerging diseases in West Africa.

ARTICLE 3: Institutional Framework of the Centre

1. The Centre shall be a specialized ECOWAS technical animal health structure responsible for executing tasks relating to the implementation of the ECOWAS Livestock Policy.
2. The Centre shall be under the supervision of the Commissioner for Agriculture, Environment and Water Resources, acting by delegation from the President of the ECOWAS Commission.

ARTICLE 4: Miscellaneous Provisions

1. The areas of intervention, the rules on the governance, the administration and financing of the Agency, its relationship with the other ECOWAS agriculture and livestock operational structures, the criteria and types of operation, the processing of financing dossiers and the recruitment of the staff of the Agency, shall be in conformity with the relevant ECOWAS regulatory texts.
2. The Centre's operational Rules shall be adopted by the Council of Ministers upon proposal by the ECOWAS Commission.

ARTICLE 5: Entry into Force

This Supplementary Act shall enter into force upon its publication. Consequently, signatory Member States undertake to commence the implementation of its provisions once it comes into force.

ARTICLE 6: Publication

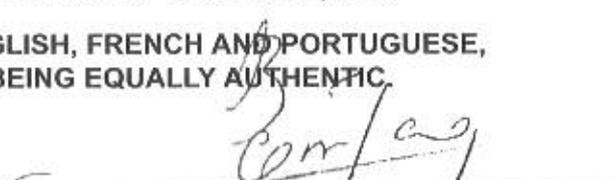
This Supplementary Act, which shall enter into force upon its signature, shall be published by the ECOWAS Commission in the Community Official Journal within thirty (30) days of its publication. It shall also be published by each Member State in its Gazette within the same time-frame as that specified above, after its notification by the Commission.

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

DONE AT ABUJA THIS 17TH DAY OF FEBRUARY, 2012

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

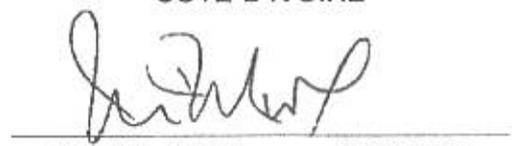

H. E. Thomas Boni YAYI
President of the Republic of Benin


H. E. Blaise COMPAORE
President of BURKINA FASO

H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of CAPE VERDE


H. E. Alassane OUATTARA
President of of the Republic of
COTE D'IVOIRE


H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the
President of the Republic of THE GAMBIA


H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional
Integration, for and on behalf of the
President of the Republic of GHANA

P/O mff

H.E. Alpha CONDE
President of the Republic of
GUINEA

Ellen Johnson-Sirleaf

H.E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic Liberia

Issoufou Mahamadou

H.E. Issoufou MAHAMADOU
President of the Republic of NIGER

Mamadou Ndiaye

H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet
to the Minister of Foreign Affairs,
for and on behalf of the
President of the Republic of SENEGAL

Raimundo Pereira

H.E. Raimundo PEREIRA
Interim President of the Republic of
GUINEA BISSAU

Badara Aliou Macalou

H. E. Badara Aliou MACALOU
Minister of African Integration and
Maliens Abroad, for and on behalf of the
President of the Republic of Mali

Goodluck Ebele Jonathan

H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of NIGERIA,
Chairman of the Authority of Heads of State
and Government of ECOWAS

Ernest Bai Koroma

H. E. Ernest Bai KOROMA
President of the Republic of SIERRA LEONE

CHAPTER TWO

**SUPPLEMENTARY ACT SA.2/02/13
ESTABLISHING THE REGIONAL FOOD SECURITY
RESERVE IN THE ECOWAS REGION**

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 Regulation C/REG.21/11/10 harmonising the structural framework and operational regulations relating to food, plant and animal health safety in the ECOWAS region;

MINDFUL of Decision A/DEC.11/01/05 adopting an Agricultural Policy for the Economic Community of West African States;

MINDFUL of Decision C/DEC.1/5/81 relating to the components, including eradication of hunger, popularisation of some seed varieties and animal species, financing of research programmes and projects in agricultural products, storage and processing of agricultural products;

MINDFUL of Decision C/DEC.1/05/83 relating to the short and mediumterm Programme for the Implementation of the Regional Agricultural Development Strategy;

MINDFUL of Regulation C/REG.1/08/11 establishing the ECOWAS Food and Agriculture Agency;

CONSIDERING the strategic role of the agricultural sector in Member States' economies through the supply of food for the populations and poverty eradication in the rural areas;

CONVINCED of the need to promote sustainable, more productive and competitive agriculture in Member States to ensure food security and improve the living standards of the farmers;

ACKNOWLEDGING that the climate hazards, locust invasions, economic or structural crises as well as volatility of prices of agricultural products or inputs are factors that seriously undermine the agricultural sector and do not facilitate the realisation of food security, which is one of the objectives of the ECOWAS Agricultural Policy in the event of food crisis;

AWARE of the need to put in place protective measures against such hazards and the related structural events that may impede the effective establishment of a food reserve in the ECOWAS region;

DESIROUS of establishing the ECOWAS Regional Food Security Reserve with a view to mitigating, within acceptable levels, the effects relating to the ECOWAS Region's food security;

ON THE RECOMMENDATION of the meeting of the ECOWAS Ministers of Agriculture, Environment and Water Resources held in Abidjan on 27 September, 2012;

ENACTS:

Article 1: ESTABLISHMENT

This Supplementary Act hereby establishes the ECOWAS Regional Food Security Reserve.

Article 2: GOVERNANCE RULES

The rules governing the management, functioning and use of the Regional food security reserve shall be defined in a Regulation of the Council of Ministers.

Article 3: FINANCING ARRANGEMENT

Funds for establishing the Regional Food Security Reserve shall be derived from resources of the Community Levy. The ECOWAS Commission shall also mobilise resources from external partners.

Article 4: PUBLICATION

1. This Supplementary Act shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature. It shall also be published by each Member State in its National Gazette within the same timeframe after notification by the Commission.
2. This Supplementary Act shall be attached as an annex to the ECOWAS Treaty to which it shall be an integral part.

Article 5: ENTRY INTO FORCE

1. This Supplementary Act shall enter into force upon publication. Consequently, signatory Member States shall embark on the implementation of its provisions once it enters into force.

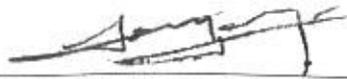
Article 6: DEPOSITORY AUTHORITY

This Supplementary Act shall be deposited at the Commission, which shall transmit certified copies thereof to all Member States and register same with the African Union (AU), the United Nations and such other Organisations as may be decided by the Council.

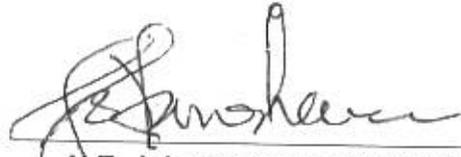
**IN FAITH WHEREOF, WE,
THE HEADS OF STATE AND GOVERNMENT OF THE
ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS
SUPPLEMENTARY ACT.**

DONE AT YAMOUSSOUKRO, THIS 28TH DAY OF FEBRUARY, 2013

**IN A SINGLE VERSION IN, ENGLISH, FRENCH AND PORTUGUESE,
ALL LANGUAGES BEING EQUALLY AUTHENTIC.**



**H. E. Sheikh Prof, Alhaji Dr.
Yahya A.J.J. JAMMEH**
President of the Republic of THE GAMBIA



H.E. John Dramani MAHAMA
President of the Republic of GHANA

H.E. Alpha CONDE
President of the Republic of
GUINEA



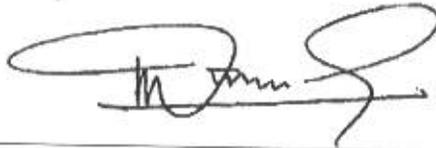
H.E. Manusi Serife NHAMADJO
Interim President of the
Republic of GUINEA BISSAU



H.E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic LIBERIA



H. E. Prof Dioncounda TRAORE
Interim President of the
Republic of MALI



H.E. Mahamadou ISSOUFOU
President of the Republic of NIGER

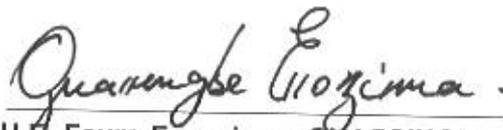


H. E. Dr. Goodluck Ebele JONATHAN, GCFR
President, Commander-in-Chief,
of the Armed Forces of the
Federal Republic of NIGERIA,

H.E. Macky SALL
President of the Republic of SENEGAL



H. E. Ernest Bai KOROMA
President of the Republic of SIERRA LEONE



H.E. Faure Essozimna GNASSINGBE
President of the Togolese Republic.

PART IV

GENERAL CONVENTION ON SOCIAL SECURITY POLICY

CHAPTER ONE

**SUPPLEMENTARY ACT A/SA.5/07/13
RELATING TO THE GENERAL CONVENTION ON SOCIAL
SECURITY OF MEMBER STATES OF ECOWAS**

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 3 of the said Treaty defining the aims and objectives of the Community;

MINDFUL of Chapter XI of the ECOWAS Treaty which contains provisions that underscore Member States obligations to co-operate in social, cultural and development issues and to harmonize and co-ordinate their policies and programmes in these areas;

RECALLING in particular Articles 60(2)(a) and 61(2)(b) under Chapter XI of the Treaty on co-operation in the area of employment and for the harmonisation of Labour and Social Security Legislations of Member States;

MINDFUL of Supplementary Act A/SA.2/05/09 adopting a Labour and Employment Policy for ECOWAS;

CONSIDERING that the Member States undertake to cooperate with a view to mobilising the various sections of their populations to ensure their effective integration and contribution to the development of the region;

RECALLING the objectives of the International Labour Organization on Equal Treatment, (1962, (N° 118) and on the Preservation of Social security Rights, (1982 (N° 157), aimed at the effective realisation of equal treatment for migrant workers and the preservation of their social security rights;

RECALLING the Abuja Treaty and its Protocol on Free Movement of Persons, the Right of Residence and establishment;

RECALLING the African Union Migration Policy Framework for Africa (Banjul 2006), particularly its sections on migrant workforce and regional integration;

REALISING that greater benefit would be derived from the ECOWAS Free Movement Protocols if a General Convention on Social Security was adopted for the Community;

CONSIDERING therefore the need to coordinate the social security programmes of Member States of ECOWAS;

REALISING that the implementation of the Protocol on the Free Movement of Persons, Right of Residence and Establishment may be achieved through the adoption of a General Convention on Social Security;

DESIROUS of restructuring the Social security Systems of Member States;

ON THE PROPOSAL of the meeting of ECOWAS Ministers in charge of work, labour and social affairs, which held on 7 December 2012 in Dakar;

AFTER the opinion of the Community Parliament;

ON THE RECOMMENDATION of the Seventieth Session of the Council of Ministers that held on 20th and 21st June 2013 in Abidjan;

HEREBY AGREE AS FOLLOWS:

**TITLE 1:
GENERAL PROVISIONS AND SCOPE OF APPLICATION**

Article 1: Definitions

For the application of this Convention:

"Authority" means the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) established under Article 7 of the ECOWAS Treaty of 1993 as amended;

"Council of Ministers" means the Council of Ministers of ECOWAS established under Article 9 of the Treaty of the ECOWAS;

"President of the Commission" means the President of the Commission of the Economic Community of West African States;

"Convention" means this General Convention on Social Security for ECOWAS Member States established by this Supplementary Act;

"Contracting Party" means any Member State of the Economic Community of West African States which is signatory to this Convention and has deposited its instruments of ratification in keeping with the provisions of sub-paragraph 1 of Article 55, or any other State that has acceded to this Convention in keeping with Article 56;

"Territory of a Contracting Party" means the national territory of each Contracting Party;

"National of a Contracting Party" means any person with the nationality of that Contracting Party;

"Legislation" means any laws, regulations and statutory provisions in force at the time of signature of this Convention or which may subsequently enter into force in the territory of each Contracting Party, and which relate to the social security legislations set out in Article 2;

"Competent Authority" means the minister, ministers or the corresponding authority responsible for social security institutions in the territory of each Contracting Party;

"Committee" means the Joint Committee of Social Security Experts referred to in Article 44;

"Institution" means the authority or body responsible for enforcing all or part of the social security legislation of each Contracting Party;

“Competent State” means the Contracting Party in whose territory the competent institution is situated;

“Residence” means ordinary residence;

“Temporary Residence” means a temporary stay;

“Institution of the Place of Residence” and “institution of the place of temporary residence” mean the institution empowered to provide benefits at the place of residence and at the place of temporary residence, according to the legislation of the contacting party which this institution applies or, where such an institution does not exist, the institution designated by the competent authority of the Contracting Party concerned;

“Employed Person” means any person considered as a worker under the legislation of the Contracting Party concerned;

“Migrant Workers” means individuals who are going to undertake, are undertaking, or have undertaken any remunerated activity in any country other than their country of citizenship.

“Refugee” has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951, and in Article 1 paragraph 2, of the Protocol relating to the Status of Refugees of 31 January 1967, without geographical limitation, as the above instruments were supplemented by the Convention of the Organisation of African Unity governing the African aspect of the status of refugees, signed in Addis Ababa on 10 September 1969;

“Stateless Person” has the meaning assigned to it in Article 1 of the Convention relating to Status of Stateless Persons, signed in New York on 28 September 1954;

“Members of the Family” means persons defined or recognised as such by the legislation applied by the institution responsible for paying benefits;

“Survivors” means persons defined or recognised as such legislation under which benefits are awarded;

“Periods of Insurance” means periods of contribution or insurance recognised as defined by the legislation under which they were completed, and such other periods as are recognized by that legislation as equivalent to periods of insurance;

“Periods of Employment” and “periods of professional activity” means the periods defined or recognised as such by the legislation under which they were completed, and such other periods regarded as equivalent to periods of employment or of professional activity;

“Benefits” means all benefits in kind and in cash provided for in the situation under consideration as well as:

- i) in the case of benefits in kind, those aimed at preventing any eventuality arising from security, functional readaptation and professional re-education :
- ii) In the case of cash benefits, all elements charged to public funds and other increases, benefit up-rating, or supplementary allowances, and other benefits that may be used to sustain or improve earning capacity, capital benefits that may be paid in lieu of pensions or allowances and, where necessary, payments made as refund of contributions.

“Family Benefits” means any benefits in kind or in cash, including family allowances, to offset family maintenance costs with the exception of pensions or benefit increases provided for the family members of the beneficiaries of these pensions or benefits;

"Family Allowances" means regular cash benefits granted according to the number and age of children;

"Accident at Work" is an accident which arises out of or in the course of work involving an employee or any person working in any capacity or in any location for one or more employers, with or without any fault on his part;

"Commuting Accident" is an accident occurring on the habitual route, in either direction, between the place of work and the worker's principal residence and vice versa, inasmuch as the journey has not been interrupted or the path diverted for a personal reason;

"Occupational Diseases" refers to diseases included in the table of occupational diseases and diseases recognised as such by the social security legislation in force and includes:

- i. Morbid manifestations of acute or chronic intoxication of a worker regularly exposed to some toxic agents;
- ii. Microbial or parasitic infections that may be contracted because of the work.

"Of a Non-contributory Nature" applies to allowances, the grant of which neither depends on direct financial contribution of protected persons or their employer, nor on a professional course, as well as on regimes that grant such allowances exclusively.

"Voluntary Insurance" means the authority granted to the employee who ceases to fulfil the conditions of compulsory liability to the social security scheme so as to keep his membership and enjoy the services of the social security institution, provided that the employer and employee's contributions are paid as per the set deadlines.

"Optional Continued Insurance" means the authority granted to a self-employed person and insured with a social security scheme to subscribe to a compulsory workers' social security scheme and maintain his previously acquired rights at the time of termination of a self-employed business activity.

"Unemployment Benefits" means benefits temporarily paid in the event of suspension of earnings due to impossibility for the insured employee to gain a new employment.

Article 2 : Material scope of application

1. This Convention shall apply to all legislations governing the branches of social security regarding:
 - a) Disability benefits;
 - b) Old age benefits;
 - c) Survivors' benefits;
 - d) Occupational diseases and work-related accidents;
 - e) Family benefits;
 - f) Maternity benefits;
 - g) Health care and Sickness benefits;
 - h) Unemployment Benefits.
2. This Convention shall apply to the general and special compulsory regimes of a contributory nature of the Contracting Parties, including employers' contributions and provident fund schemes in respect of the benefits referred to in the preceding paragraph. Bilateral or multilateral agreements between two or more contracting parties shall determine, whenever practicable, the conditions under which the Convention shall be applied to the provident schemes or funds instituted by collective agreements rendered compulsory by governments.

3. This Convention shall also apply to all legislations that codify, supplement or amend the social security legislation in force on the date of ratification of this Convention in the territory of each Contracting Party.
4. The application of this Convention shall be extended to all social security schemes that shall be ultimately established under the legislation of each Contracting Party.

Article 3: Annex on the scope of this Convention

1. Annex I to this Convention specifies, in respect of each Contracting Party, the social security legislation and schemes referred to in Article 2.
2. Each contracting party shall give notice, in accordance with the provisions of Article 55 (1), of any amendment to be made to Annex I to this Convention as a result of the adoption of a new legislation. Such notice shall be given within three months of the date of publication of such legislation.

Article 4 : Persons covered

The provisions of this Convention shall be applicable to workers who are, or have been, subject to the legislation of one or more of the Contracting Parties and who are nationals of one of the Contracting Parties, or refugees or stateless persons who have acquired social security rights in the territory of a Contracting Party and are resident in the territory of a Contracting Party and are nationals of a Contracting Party, as well as members of their family and their survivors.

This Convention shall not apply to career diplomatic or consular staff including officials working in diplomatic circles.

Article 5: Social security Conventions replaced by this Convention

1. This Convention shall replace, in respect of persons to whom it is applicable, any social security Conventions concluded previously between the contracting parties.
2. Notwithstanding the provisions of the previous paragraph, two or more Contracting Parties may maintain in force any bilateral or multilateral convention on social security previously signed by the contracting parties, insofar as they are more advantageous than this Convention.

Article 6: Equal treatment

Persons who residing in the territory of a Contracting Party and to whom this Convention is applicable shall have the same rights and obligations under the legislation of every Contracting Party as the nationals of the latter party.

The provisions of paragraph 1 of this Article shall not adversely affect the provisions of the legislation of any Contracting Party regarding the interested parties' participation in the administration or competent jurisdictions on social security.

Article 7: Admission to voluntary insurance

Where the legislation of a Contracting Party makes the admission to voluntary insurance conditional upon the completion of periods of insurance, the institution applying that legislation shall, to that end and for the purpose of aggregating the period, take account of the periods of insurance completed under the legislation of any other Contracting Party, as if they were periods of insurance completed under the legislation of the first party.

Article 8:

Removal of territorial restrictions, and impact on the reimbursement of contributions

- 1) Invalidity, old-age or survivors', maternity, sickness, unemployment cash benefits, pensions in respect of occupational accidents or diseases, and family benefits, payable under the

legislation of one or more of the Contracting Parties shall not be liable to any reduction, modification, suspension, removal or forfeiture by reason of the fact that the employed person, his family members or his survivors are resident in the territory of a Contracting Party other than that in which the institution liable for payment is situated.

- 2) The Contracting Parties shall settle, through bilateral or multilateral agreements, the payments of the benefits referred to in the preceding paragraph which are due to persons admitted to benefit from the provisions of this Convention, when such persons reside in the territory of a State that is a non-Contracting Party.
- 3) Where the legislation of a Contracting Party makes the reimbursement of employee contributions conditional upon the person concerned having ceased to be subject to compulsory insurance, that condition shall not be regarded as fulfilled insofar as that employee is subject to compulsory insurance under the legislation of any other Contracting Party.

Article 9: Uprating of benefits

The rules for an upward review or increase in benefits envisaged in the legislation of a Contracting Party shall be applicable to benefits payable under such legislation to nationals of any Contracting Party in accordance with the provisions of this Convention.

Article 10: Non-cumulation of benefits

- 1) Only in the case of invalidity, old-age, survivors or occupational disease benefits that are paid by the institutions of two or more of the Contracting Parties in conformity with the provisions of Article 17 or Article 33(b) shall this Convention confer or maintain the right to several benefits of the same nature or to several benefits relating to the same period of compulsory insurance
- 2) Provisions in the legislation of a Contracting Party for the reduction, suspension or removal of benefits where there is undue plurality with other benefits or other income, or because the person otherwise entitled is in an occupational activity, shall apply also to a beneficiary even in respect of benefits acquired under the legislation of another Contracting Party or of income obtained or occupational activity undertaken in the territory of another Contracting Party. However, in applying this rule, no account shall be taken of benefits of the same nature awarded in respect of invalidity, old-age, survivors or occupational disease by the institutions of two or more Contracting Parties in accordance with the provisions of Article 17 or of Article 33(b).

TITLE II - PROVISIONS GOVERNING THE APPLICABLE LEGISLATION

Article 11: General rules

- 1) Employed persons shall be subject to the legislation of one Contracting Party only. That legislation shall be determined in accordance with the rules set out in the following paragraphs of this Article.
- 2) Workers employed in the territory of a Contracting Party shall be subject to the legislation of that party, even if they are resident in the territory of another Contracting Party or if the company or the employer that employs them has its headquarters, or resides, in the territory of another Contracting Party.

These provisions shall apply to members of the service staff of diplomatic missions or consular posts and to persons employed in *the* private service of officials of such missions or posts, without prejudice to the provisions of Article 4(2).

- 3) Staff of one of the Contracting Parties as well as persons treated as such shall be subject to the legislation of the administration of the Contracting Party that employs them.

- 4) Employed persons who ply their occupational activity on board a ship flying the flag of a Contracting Party shall be subject to the legislation of that party.

Article 12: Exceptions

1. The following exceptions or particularities shall apply to the rule laid down in Article 11(2):
- (a)(i) Persons employed in the territory of a Contracting Party by an undertaking which is their regular employer, who are sent by that undertaking to work for it in the territory of another Contracting Party, shall remain subject to the legislation of the country in whose territory the undertaking has its headquarters, insofar as the expected duration of the work does not exceed six months, and they are not sent to replace other employed persons that have ended the period of their secondment;
 - (ii) If the work to be carried out continues because of unforeseeable circumstances for a period longer than originally intended and exceeding six months, the legislation of the first party shall remain applicable until the work is completed, subject to the agreement of the competent institution of the second Party;
 - (b)(i) International transport workers working in the territory of two or more Contracting Parties as rail or flight personnel for an undertaking which carries out, on behalf of others or for his own account, transport services for passengers or goods by rail, road, air or inland waterway, shall be subject to the legislation of the Contracting Party in whose territory the undertaking has its headquarters;
 - ii) However, if they are employed by a branch or permanent representation which the said undertaking has in the territory of a Contracting Party other than the party in whose territory it has its headquarters, they shall be subject to the legislation of the Contracting Party in whose territory the branch or permanent representation is located.
 - iii) If they are employed mainly in the territory of the Contracting Party where they are resident, they shall be subject to the legislation of that party, even if the undertaking, which employs them, has neither its registered office nor a branch or permanent representation in that territory.
 - i) Salaried workers other than those in international transport who normally ply their occupation in the territory of two or more Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory they reside if their occupation is carried out partly in that territory or if they are employed by several undertakings or by several employers having their registered offices or their places of residence in the territory of different Contracting Parties.
 - ii) In the other cases, they shall be subject to the legislation of the Contracting Party in whose territory the undertaking that employs them has its registered office or is domiciled; this legislation is applicable to them as if they carry on the territory of that Party.
- (2). The rule dealt with in 11(4), shall comprise the following exceptions:
- (i) Workers employed by an undertaking they normally work in, either on the territory of a Contracting Party or on board a ship flying the flag of a Contracting Party, which are detached by that undertaking to carry out work on its behalf on board a ship flying the flag of another Contracting Party, shall remain subject to the legislation of the first Party subject to the conditions set out in subparagraph a) of this article;
 - (ii) Workers normally carrying out their activity in the territorial waters or in the port of a Contracting Party, on a ship flying the flag of another Contracting Party, without belonging to the crew of that ship, shall be subject to the legislation of the first Party;
 - (iii) Employees working on board a ship flying the flag of a Contracting Party, who are paid for the work by an undertaking or a person with headquarters of place of work on the territory of another Contracting Party, shall be submitted to the legislation of the last

Party where they have their residence on the territory; the undertaking or the person who pays the remuneration shall be considered as the employer for the application of the said legislation.

- (3). Where by virtue of paragraphs 1 and 2 of this Article, an employee is subject to the legislation of a Contracting Party on whose territory he does not engage in occupational activity, that legislation shall be applicable to him as if he plied an occupational activity in the territory of that party.

Article 13: Rules applicable to voluntary or optional continued insurance

1. The provisions of Articles 11 and 12 shall not apply to voluntary or continued voluntary or optional continued insurance. In that case, the employee shall maintain the freedom of becoming affiliated to a legislation of his choice.
2. Where the application of the legislations of two or more contracting parties would result in affiliation to a compulsory insurance scheme and at the same time, permit membership of one or more voluntary insurance schemes, the person concerned shall be admitted solely to the compulsory insurance scheme. However, in case of old age, incapacity and death, the provisions of the legislation of any Contracting Party enabling the cumulation of affiliation to continued voluntary or compulsory insurance shall not be infringed upon.
3. Where the application of the legislations of two or more Contracting Parties has the effect of permitting the admission to two or more continued voluntary or compulsory insurance schemes, the person may not be admitted to the continued voluntary or compulsory insurance scheme of the legislation of the Contracting Party to which it was last submitted.

Article 14: Exceptions to Articles 11 to 13

The competent authorities of the contracting parties may by mutual agreement make exceptions to the provisions of Article 11 and 13 in favour of the persons in question.

TITLE III.

SPECIAL PROVISIONS GOVERNING THE VARIOUS CATEGORIES OF BENEFITS

CHAPTER 1.

INVALIDITY, OLD-AGE AND SURVIVORS' BENEFIT

Section 1. Common Provisions

Article 15: Principle of coordination

Where an employed person has been subject successively or alternatively to the legislations of two or more Contracting Parties, the employee or his beneficiaries shall benefit from benefits in conformity with the provisions set out in this article.

Article 16: Aggregation of periods of insurance

Where the legislation of a Contracting Party makes the acquisition or maintenance of entitlement to benefits conditional upon the completion of periods of insurance, the institution that applies that legislation shall, to that end and for the purpose of aggregation, take account of the periods of insurance completed under the legislation of any other Contracting Party, as if they were periods completed under the legislation of the first party.

Article 17: Time proportional allocation

1. The institution of each Contracting Party to whose legislation the employee concerned has been subject, shall determine in accordance with the legislation it applies, whether the person concerned satisfies the conditions for entitlement to benefits, having regard, where appropriate, to the provisions of Article 16(1).

2. If the person concerned satisfies those conditions, the said institution shall calculate the theoretical amount of the benefit he could claim if all the periods of insurance completed under the legislation of the contracting parties concerned and taken into account in accordance with the provisions of Article 16(1) had been completed exclusively under the legislation it applies.
3. However, in the case of benefits, the amount of which does not depend on the duration of the periods of insurance completed, that amount shall be considered the theoretical amount referred to in the preceding paragraph.
4. The said institution shall subsequently fix the actual amount of the benefit payable by it to the person concerned, on the basis of the theoretical amount calculated in accordance with the provisions of paragraph 2(3) of this Article, as appropriate, in proportion to the duration of the periods of insurance completed before the eventuality arose, under the legislation which it applies, to the total of the periods of insurance completed before the eventuality arose under the legislation of all the contracting parties concerned.
5. Where the legislation of a Contracting Party provides that the amount of benefit or certain parts thereof shall be proportional to the periods of insurance completed, or be calculated on the basis of retirement points, the competent institution of that party may calculate those benefits or parts thereof directly, solely on the basis of the periods completed under the legislation it applies, notwithstanding the provisions of paragraphs (2) and (4) of this Article.

Article 18: Basis for the calculation of benefits, and consideration of family members

1. For the calculation of the theoretical amount referred to in Article 17, paragraph 2 of this Convention, the following provisions shall apply:
 - (a) where the legislation of a Contracting Party provides that benefits shall be calculated on the basis of average earnings, or on the ratio between the gross earning of the person in question and the average of the gross earning of all the insured during the periods of insurance; such average earnings shall be determined by the competent institution of that party, or of the gross earning paid to the person in question solely during those periods;
 - (b) where the legislation of a Contracting Party provides that benefits shall be calculated on the basis of the amount of earnings or contributions, the earnings or contributions to be taken into account by the competent institution of that party, in respect of periods completed under the legislation of other contracting parties, shall be determined on the basis of the average earnings or contributions relating to the periods completed under the legislation of the first-mentioned party.
 - (c) where the legislation of a Contracting Party provides that the benefits shall be calculated on fixed earnings or a fixed amount, the earnings or the amount to be taken into consideration by the competent institution of that party in respect of periods completed under the legislation of other contracting parties, shall be equal to the fixed earnings or fixed amount corresponding to the periods completed under the legislation of the first party;
 - (d) if the legislation of a Contracting Party is not the last legislation to which the employed person has been subject and where, according to that legislation, the earnings to be taken into account shall be those received during a specified period prior to the date on which the pension becomes payable.
 - (i) the date on which the employee ceased to be subject to that legislation shall be considered for this purpose to be the date on which the pension becomes payable;
 - (ii) the earnings shall be adjusted according to the percentages and on the basis of the deadlines fixed by the said legislation for the adjustment of the minimum salary, where that legislation does not provide for the re adjustment of such

earnings; However, only the previous earnings at the beginning of a period equal to that used in calculating the average earnings shall be adjusted, but completed as from the date of pension admissibility.

2. Where the legislation of a Contracting Party provides that the amount of benefits shall vary with the number of members of the family, the competent institution of that party shall also take account of the members of the family resident in the territory of another Contracting Party, as if they were resident in the territory of the first party.

Article 19: Periods of less than one year insurance

1. Notwithstanding the provisions of Article 17, where the total duration of the periods of insurance completed under the legislation of a Contracting Party is less than one year and where, taking only those periods into account, no entitlement to benefits exists under that legislation, the institution of the said party shall not be bound to grant benefits in respect of such periods.
2. The periods referred to in the preceding paragraph shall be taken into account by the institution of each of the other Contracting Parties concerned, for the purpose of the application of the provisions of Article 17, with the exception of those of paragraph 4 thereof.
3. However, where the application of paragraph 1 of this Article would have the effect of relieving all the institutions concerned of the obligation to award benefits, the benefits shall be awarded exclusively under the legislation of the last Contracting Party whose conditions are fulfilled by the person concerned, regard being had to the provisions of article 16, as if all the periods referred to in paragraph 1 of this Article had been completed under the legislation of that party.

Article 20: benefits becoming payable successively

1. If the person in question does not, at a given time, satisfy the conditions required by all the legislations of the Contracting Parties concerned, regard being had to the provisions of Article 16, but satisfies the conditions of the legislation of only one or more of them, the following provisions shall apply:
 - (a) The amount of the benefits payable shall be calculated in accordance with the provisions of Article 17(2) to (5) as the case may be, by each of the competent institutions applying a legislation whose conditions are fulfilled;
 - (b) However,
 - (i) If the person in question satisfies the conditions of at least two legislations without any need to include periods of insurance completed under the legislations whose conditions are not fulfilled, such periods shall not be taken into account for the purpose of applying the provisions of Article 17(2) to (4);
 - (ii) If the person in question satisfies the conditions of one legislation only, without any need to invoke the provisions of Article 16, the amount of the benefits payable shall be calculated solely in accordance with the provisions of the legislation whose conditions are fulfilled, taking account of periods completed under that legislation.
2. Benefits awarded under one or more of the legislation concerned in the case referred to in the preceding paragraph shall be recalculated ex officio, in accordance with the provisions of Article 17(2) to (5) as the case may be, as and when the conditions prescribed by one or more of the other legislations are fulfilled, regard being had, where appropriate, to the provisions of Article 16.

Article 21: proportional supplement

1. Where the amount of the benefits a person would be entitled to claim under the legislation of a Contracting Party, disregarding the provisions of Articles 16 to 20, is greater than the total

benefits payable in accordance with those provisions, the competent institution of that party shall pay a supplement equal to the difference between the two amounts, and shall bear the total cost thereof.

2. Where the application of the provisions of the preceding paragraph would have the effect of entitling the person concerned to supplements from the institutions of two or more contracting parties, he shall receive exclusively the largest complement, and the cost of that complement shall be apportioned among the competent institutions of the contracting parties, concerned according to the ratio between the amount of the supplement which each of them would have to pay if it alone had been concerned and the amount of the combined supplement which all those institutions would have had to pay.
3. The supplement referred to in the preceding paragraphs of this Article shall be regarded as a component of the benefits provided by the institution liable for payment. Its amount shall be determined once and for all, except where it may be necessary to apply the provisions of Article 20(2).

Section 2. - Special provisions on invalidity benefits

Article 22: Recognition of decisions concerning the degrees of invalidity

Decisions recognizing the degree of invalidity of the claimant taken by the institution of a Contracting Party shall be binding on the institution of any other Contracting Party.

Article 23: Aggravation of invalidity

1. In the event of an aggravation if any invalidity for which an employee is receiving benefit under the legislation of one Contracting Party only, the following provisions shall apply:
 - (a) if the person concerned has not been subject to the legislation of another party since he began to receive benefit, the competent institution of the party shall be bound to take the aggravation into account when awarding benefit, in accordance with the provisions of the legislation which it applies;
 - (b) if the person concerned has become subject to the legislation of one or more other contracting parties since he began to receive benefit, the aggravation shall be taken into account when awarding benefit in accordance with the provisions of Article 16 to 21;
 - (c) in the case referred to in the preceding subparagraph, the date on which the aggravation was demonstrated shall be regarded as the date on which the contingency arose;
 - (d) if, in the case referred to in subparagraph (b) of this paragraph, the person concerned is not entitled to benefit from the institution of the first party, the competent shall, considering the aggravation, be bound to awarding the benefits in accordance with the provisions of the legislation which it applies.
2. In the event of aggravation of any invalidity for which an employed person is receiving benefit under the legislation of two or more contracting parties, the aggravation shall be taken into account, when awarding benefit, in accordance with the provisions of Article 16 to 21. The provision of subparagraph (c) of the preceding paragraph shall apply *mutatis mutandis*.

Article 24: Resumed payment of benefit after suspension or suppression

1. Where, after the suspension of benefits, payment thereof is to be resumed, this shall be done by the institution or institutions which were liable for payment of the benefits at the time of their suspension, without prejudice to the provisions of Article 25.
2. Where, after the suppression of benefits, the state of health of the person concerned justifies the award of further benefits, such benefits shall be awarded in accordance with the provisions of Article 16 to 21.

Article 25: conversion of invalidity benefit into old-age benefit

1. Invalidity benefit shall, where appropriate, be converted into old-age benefit, on conditions prescribed by the legislation under which they have been awarded and in accordance with the provisions of Articles 16 to 21.
2. Where, in the case referred to in Article 20, a recipient of invalidity benefit payable under the legislation of one or more contracting parties becomes entitled to old-age benefit as provided for under article 20, any institution liable for the payment of invalidity benefit shall continue to pay the recipient the benefit to which he is entitled under the legislation which it applies until such time as the provisions of the preceding paragraph become applicable in respect of that institution.

**CHAPTER II.
BENEFITS IN RESPECT OF OCCUPATION INJURIES AND DISEASES**

Article 26: Derogations from the principle of territoriality

An occupational accident on the territory of a Contracting Party other than the competent State shall be regarded as having occurred in the territory of the competent State.

An accident that occurs on the way to work on the territory of a Contracting Party other than the competent shall be regarded as having occurred on the territory of the competent authority.

1. Employees residing on the territory of a Contracting Party other than the competent state, who are victims of a work accident or professional illness, shall benefit on that territory:
 - (a) from benefits in kind at the expense of the competent institution by the institution at the place of residence, according to the provisions of the legislation being applied by the latter institution, as if they were affiliated thereto ;
 - (b) from benefits in cash at the expense of competent institution in accordance with the provisions of the legislation it applies, as if they reside on the territory of the competent State. However, after agreement between the competent institution and the institution of the place of residence, the benefits in cash may equally be awarded through the intermediary of the latter institution on behalf of the competent institution.
2. Where the employees referred to under this article reside on the territory of the competent state, they shall be accorded the benefits in accordance with the provisions of that state's legislation as if they reside on its territory, even if they were accorded the benefits before the beginning of their stay.
3. Where the employees referred to in this article transfer their residence to the territory of the competent state, they shall be accorded the benefits in accordance with the legislation of that state even if they were accorded the benefits before the transfer of their residence, subject to the prior agreement of the competent institution.

**Article 27: Provision of short-term benefits in the
case of residence or stay outside the territory of the competent State**

1. Victims of an occupational accident or of an occupational disease:
 - (a) who is resident in the territory of a Contracting Party other than the competent State or
 - (b) who, having become entitled to benefits payable by the competent institution, is authorised by that institution to return to the territory of a Contracting Party other than the competent State where he is resident, or to transfer his residence to the territory of a Contracting Party other than the competent State or
 - (c) who is authorised by the competent institution to go to the territory of a Contracting Party other than the competent state in order to receive the treatment required by his condition, shall receive:

- (i) benefits in kind provided at the expense of the competent institution by the institution of the place of residence or temporary residence, in accordance with the provisions of the legislation applied by the latter institution, as if he were affiliated to it;
- (ii) cash benefits, paid by the competent institution, in accordance with the provisions of the legislation which it applies, as if he were in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence or temporary residence, cash benefits may be paid through the latter institution on behalf of the competent institution.

2.

- (a) The authorisation referred to in subparagraph (c) of the preceding paragraph may be refused only if the move might prejudice the health or the course of medical treatment of the person concerned.
- (b) The authorisation referred to in subparagraph (b) of the preceding paragraph shall not be refused when the requisite treatment cannot be given in the territory of the Contracting Party in which the person concerned resides.

Article 28: Prior authorisation for the supply of major benefits in kind

In the cases referred to in paragraph 1 of Article 27, the competent authorities of the contracting parties may agree to make the supply of prosthetic appliances, major aids and other major benefits in kind by the institution of the place of residence or temporary residence conditional upon the prior authorisation of the competent institution.

Article 29: Cost of transport of the injured person or his body

1. Where the legislation of the competent State provides for the payment of the cost of transporting the injured person to his place of residence or to hospital, the cost of transport to the corresponding place in the territory of another Contracting Party where he is resident shall be borne by the competent institution, in accordance with the provisions of the legislation which it applies, provided that it has given prior authorisation for the said transport, due account being taken of the reasons justifying it.
2. Where the legislation of the competent State provides for the payment of the cost of transporting the body of a deceased injured person to the place of burial, the cost of transport to the corresponding place in the territory of another Contracting Party where the deceased was resident shall be borne by the competent institution, in accordance with the provisions of the legislation which it applies.

Article 30: Assessment of incapacity in the event of successive injury

Where the legislation of a Contracting Party provides that previous occupational injuries or diseases shall be taken into consideration in order to assess the degree of incapacity, the competent institution of that Contracting Party shall also take into consideration, to this end, the occupational injuries and diseases which have previously been recognised as such under the legislation of any other Contracting Party, as if they had occurred under the legislation which it applies.

Article 31: Calculation of cash benefits

1. Where the legislation of a Contracting Party provides that the calculation of cash benefits shall be based on average earnings, the competent institution of that party shall determine those average earnings exclusively on the basis of the earnings recorded during the periods completed under the said legislation.
2. Where the legislation of a Contracting Party provides that the amount of cash benefits shall vary with the number of members of the family, the competent institution of that party shall take account also of members of the family resident in the territory of another Contracting Party, as if they were resident in the territory of the first party.

Article 32:

Exposure to the risk of occupational disease under the legislation of several contracting parties

1. If an employed person contracts an occupational disease after having been engaged in an occupation likely to cause that disease under the legislation of two or more contracting parties, the benefit for which he or his survivors may be entitled shall be awarded exclusively under the legislation of the last of the said parties, the conditions of which they fulfil, regard being had, where applicable, to the provisions of paragraph 2, 3 and 4 of this Article.
2. Where the legislation of a Contracting Party makes the right to benefit for occupational diseases conditional upon the disease in question being diagnosed within a specified period after the termination of the last occupation liable to cause such a disease, the competent institution of that party, when ascertaining the time at which the occupation in question was engaged in shall, to the extent necessary, take account of any occupation of the same kind engaged in under the legislation of any other Contracting Party, as if it had been engaged in under the legislation of the first party.
3. Where the legislation of a Contracting Party makes entitlement to benefit for occupational diseases conditional upon an occupation liable to cause the disease in question having been pursued for a specific period, the competent institution of that party shall, to the extent necessary, take account, for the purpose of adding periods together, of periods during which such an occupation was followed in the territory of any other Contracting Party.
4. Where the legislation of a Contracting Party makes the right to benefit for occupational diseases conditional upon the disease in question being first diagnosed in its territory, that condition shall be deemed to have been fulfilled if this disease was first diagnosed in the territory of another Contracting Party.

Article 33:

Aggravation of an occupational disease for which benefit has been awarded

Where an employed person, having contracted an occupational disease has received or is receiving compensation from the institution of a Contracting Party and in the event of an aggravation of his condition claims benefit from the institution of another Contracting Party, the following provisions shall apply:

1. where the employed person...

2. The refund referred to in the preceding section shall be made by the competent institution, at rates to be determined on the basis of the tariffs in force in the territory of the Contracting Party where the institution of the place of residence or temporary residence is situated.
3. The contracting parties may agree that there shall be no refunds between the institutions in their jurisdiction.

CHAPTER III FAMILY AND MATERNITY BENEFITS

Article 35: *Taking account of periods of insurance or employment for the acquisition of benefit entitlement*

Where the legislation of a Contracting Party makes the acquisition of entitlement to family and maternity benefits conditional upon the completion of periods of insurance or employment, the institution which applies that legislation shall, to that end, for the purpose of adding periods together, take account of periods of insurance or employment completed under the legislation of any other Contracting Party, as if they were periods completed under the legislation of the first party.

Article 36: *Provision of maternity benefit in the case of residence or temporary residence outside the competent State*

Employed women who are resident or temporarily resident in the territory of a Contracting Party other than the competent state shall receive daily maternity benefits in the territory of that party. These benefits shall be paid by the competent institution in accordance with the legislation which it applies, as if the persons concerned were resident or temporarily resident in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence, the benefits may be paid through the latter institution on behalf of the competent institution; in this case, the mother of the child shall receive the medical services provide under the legislation of the Contracting Party in the territory of which the persons concerned are resident.

Article 37: *Provision of family benefits in respect of members of the family who are resident outside the competent State*

1. Employed persons who are subject to the legislation of a Contracting Party shall receive, in respect of the members of their family who are resident in the territory of another Contracting Party, the family benefits provided under the legislation of the first party, as if these members of the family were resident in the territory of that party.
2. Where the legislation of a Contracting Party provides that entitlement to family benefits shall be maintained for persons receiving a pension, for retired persons and for the surviving spouses or for unemployed persons, the provisions of the preceding paragraph shall apply *mutatis mutandis*.
3. Where an employed person satisfies the condition for entitlement to benefit prescribed by the legislation of the competent State, regard being had, where appropriate, to the provisions of Article 35, the members of his family who are resident in the territory of a Contracting Party other than the competent State shall receive the health and welfare services provided by the institution of the place of residence, in accordance with the provisions of the legislation which it applies, as if the employed person were affiliated to that institution.

CHAPTER IV: HEALTHCARE AND SICKNESS BENEFITS

Article 38 : Derogation from the principle of territoriality

Persons satisfying the conditions required by the legislation of the competent State to be entitled to sickness benefits considering, if need be, the provisions of Article 16, and

- (a) whose condition immediately requires benefits during their stay on the territory of a Contracting Party other than the competent State or;
- (b) who, after admission to benefits payable by the competent institution, shall be authorized by that institution to return to the territory of a Contracting Party other than the competent State where they reside, or to transfer their residence to the territory of a Contracting Party other than the competent State, or
- (c) who are authorized by the competent authority to move to the territory of a Contracting Party other than the competent State, to be given the appropriate care for their condition,

Shall benefit:

- from benefits in kind, services to be borne by the competent authority by the competent institution of the place of temporary residence or residence, in accordance with the provisions of the legislation the latter applies, as if those persons were affiliated there; within the limit of the fixed period, if need be, by the legislation of the competent State,
- from benefits in cash borne by the competent institution in accordance with the provisions of the legislation applied by the latter, as if those persons were on the territory of the competent State.

However, after agreement between the competent institution and the institution of the place of stay or residence, the benefits in cash may equally be paid by the intermediary of that last institution on behalf of the competent institution.

Article 39 : Prior authorization

The authorization referred to in Article 38(b) may be rejected only where the movement of the person concerned health is such as would comprise his state of health or the delivery of medical treatment.

The authorization referred to in Article 38(c) may not be rejected when the care in question may not be dispensed to the person in question in the territory of the Contracting Party where he resides.

Article 40: Cover for family members

The provisions of Articles 38 and 39 shall be applicable by analogy to the family members with regard to the enjoyment of benefits in kind.

CHAPTER V UNEMPLOYMENT INSURANCE BENEFITS

Article 41 Provisions relating to the granting of unemployment benefits

Unemployed persons who meet the conditions required by the legislation of a Contracting Party in order to qualify for unemployment benefits after completing their insurance periods and who transfer their residence to the territory of a Contracting Party, shall also be expected to satisfy de facto the conditions prescribed by the legislation of the second party to qualify for the benefits, provided they apply to the institution of their new place of residence within thirty days of their transfer of residence.

The benefits shall be provided by the institution of the place of residence in accordance with the provisions of the legislation which this institution administers at the expense of the competent institution of the first party.

**TITLE IV.
PROVISIONS CONCERNING THE MAINTENANCE OF RIGHTS
BETWEEN PROVIDENT FUNDS INSTITUTIONS AND PROVIDENT FUNDS**

**Article 42:
Successive affiliation to a provident fund and to another
provident fund or a pensions institution**

1. Where an employed person ceases to be subject to the legislation of a Contracting Party under which he has been registered with a provident fund, before the occurrence of a contingency entitling him to obtain the payment of the amount credited to his account, he may, upon request, either withdraw the total amount payable or have it transferred to the institution to which he is affiliated in the territory of the Contracting Party to whose legislation he has now become subject.
2. If the institution is itself a provident fund, the amount transferred shall be credited to the account opened by this institution in the name of the person concerned.
3. If the institution referred to in paragraph 1 of this Article is competent in respect of persons, the amount transferred shall be paid to the institution concerned in order to enable the person concerned to buy back periods for the purpose of acquiring or improving his rights to benefits under the legislation applied by this institution. The method of buying back periods shall be determined according to appropriate actuarial criteria either in accordance with the provisions of that legislation or by mutual agreement between the contracting parties concerned.

**Article 43:
Case of successive affiliation to a pension institution and to a provident fund**

Where an employed person ceases to be subject to the legislation of a Contracting Party under which he had been affiliated to a pension scheme in order to move to the territory of another Contracting Party under whose legislation he is registered with a provident fund, before having acquired the right to a pension under the legislation of the first party, the pension rights in course of acquisition of this employed person for himself and his survivors shall be maintained until the conditions required for the receipt of the pension are satisfied. Failing this, the amount of the contributions paid by this employed person or on his behalf shall be transferred to the provident fund under conditions fixed by mutual agreement between the parties concerned.

**TITLE V.
COMMITTEE OF EXPERTS ON SOCIAL SECURITY**

Article 44: Composition of the Committee

1. A Committee of Experts on Social security shall be set up by the ECOWAS Commission.
2. The Committee shall comprise two representatives of each Contracting Party, including the National Director responsible for Social Security and a representative of institutions that operate national compulsory social security schemes. Where there are several national institutions responsible for the management of compulsory contributory social security schemes, the ECOWAS Commission shall invite the heads of these institutions to meetings of the Committee of Experts.

3. The Committee shall receive technical assistance from the International Labour Office and from any other technical partner.

Article 45: Tasks of the Committee

1. The Committee shall handle all administrative matters and questions of interpretation arising from the provisions of this Convention and from the Administrative arrangement referred to in Article 63, without prejudice to the right of the authorities, institutions and the persons concerned to have recourse to the procedures and tribunals provided for by the legislation of the Contracting Party.
2. Models of certificates, statements, declarations, claims and other documents required for the application of the Convention and the Arrangement referred to in Article 63 shall be prepared by the Committee.
3. The Committee, at the request of the competent authorities of any Contracting Party, shall assemble information on the provisions of the legislations to which this Convention applies.
4. The Committee shall prepare leaflets for the purpose of informing the persons concerned of their rights and of the administrative formalities with which they must comply in order to secure them.
5. The Committee shall foster and develop cooperation between the contracting parties in the field of social security in the interest of migrants and the members of their family.
6. The Committee shall put forward proposals for the review of this Convention and of the administrative arrangement referred to in Article 63.

TITLE VI. MISCELLANEOUS PROVISIONS

Article 46: Mutual administrative assistance

1. The competent authorities of the contracting parties shall communicate to each other:
 - (a) all information regarding measures taken by them for the application of this Convention;
 - (b) all information regarding their legislations and subsequent changes in those legislations;
 - (c) all statistical information regarding the beneficiaries and the amount of benefit provided under this Convention.
2. For the purpose of applying this Convention, the authorities and institutions of the Contracting Parties shall assist one another as if it were a matter of applying their own legislation. In principle, the administrative assistance provided by the said authorities and institutions to one another shall be free of charge. However, the competent authorities of the contracting parties may agree to reimburse certain expenses.
3. For the purpose of applying this Convention the authorities and institutions of the contracting parties may communicate directly with one another and with the beneficiaries concerned or their representatives.

Article 47: Tax exemption or tax reduction

Any exemption from, or reduction of, taxes, stamp duty, legal dues or registration fees provided for in the legislation of one Contracting Party in connection with certificates or documents required to be produced for the purposes of the legislation of that party shall be extended to similar certificates and documents to be produced for the purposes of the legislation of another Contracting Party or of this Convention.

Article 48 Claims, declarations and appeals

1. Where a claimant is resident in the territory of a Contracting Party other than the competent State, he may present his claim validity to the institution of his place of residence, which shall forward it to the institution or the institutions referred to in the claim.
2. Any claim, declaration or appeal that should have been submitted under the legislation of a Contracting Party within a specified time to an authority, institution or jurisdiction of that party shall be admissible if it is submitted within that time-limit to an authority, institution or jurisdiction of another Contracting Party; in such event the authority, institution or jurisdiction receiving the claim, declaration or appeal shall forward it to the authority, institution or jurisdiction of the first party, either directly or through the competent authorities of the contracting parties concerned.
The date on which any claim, declaration or appeal was submitted to an authority, institution or jurisdiction of the second party shall be deemed to be the date of its submission to the competent authority, institution or jurisdiction.

Article 49: Medical examination

Medical examinations prescribed by the legislation of one Contracting Party may be carried out at the request of the institution which applies that legislation in the territory of another Contracting Party by the institution of the place of temporary residence or residence. In such event, they shall be deemed to have been carried out in the territory of the first party.

Article 50 Financial transfers and payment currencies

1. Where, under this Convention, the institution of a Contracting Party is liable to pay cash benefits to a beneficiary who is in the territory of another Contracting Party, its liability shall be expressed in the currency of the first party. That institution shall validly discharge its liability in the currency of the second party, using any appropriate method of payment.
2. Where, under this Convention, the institution of a Contracting Party is liable to pay sums in refund of benefits provided by the institution of another Contracting Party, its liability shall be expressed in the currency of the second party. The first institution may validly discharge its liability in that currency, unless the contracting parties concerned have agreed on other settlement arrangements.
3. Transfers of funds, which result from the application of this Convention, shall be made in accordance with the relevant agreements in force between the contracting parties concerned at the date of transfer.

Failing such agreement the arrangements for making such transfers shall be agreed between the said parties.

Article 51: Recovery of contributions

1. The recovery of contributions and fines due to the institution of a Contracting Party may be affected in the territory of another Contracting Party in accordance with the administrative procedure, and subject to the guarantees and privileges applicable to the recovery of contributions and fines due to a corresponding institution of the latter party.
2. The application of the provisions of the preceding paragraph between the contracting parties shall be conditional upon the conclusion agreements between the said parties. Such agreements shall also deal with the legal procedure for the recovery of sums due to the competent institutions of the contracting parties.

Article 52: Recourse against third parties

1. Where a person is receiving benefits under the legislation of a Contracting Party in respect of an injury sustained in the territory of another Contracting Party, the rights of the institution liable to pay benefits against the third party liable to pay damages shall be regulated in the following manner:
 - (a) Where the paying institution under the legislation applicable to it, is substituted for the beneficiary in any rights which he may have against the third party, such substitution shall be recognised by every other Contracting Party;
 - (b) Where the said institution has a direct right against the third party, such right shall be recognised by every other Contracting Party.
2. The rules governing the liabilities of employers or their agents in the case of occupational injuries or accidents on the way to or from work that occur in the territory of the Contracting Party other than the competent State shall be determined according to the legislation the competent institution of the said State applies.

Article 53: Disputes between contracting parties

1. Any dispute arising between two or more contracting parties as to the interpretation or application of this convention shall first be subject to negotiations between the parties to the dispute.
2. Where the dispute cannot be resolved through negotiations, the parties to the dispute shall jointly, appoint an arbitration body composed of 3 signatory States. The decision of this arbitration body shall be binding on the parties to the dispute.
3. If one of the parties to the dispute considers that there is an issue likely to affect all the contracting parties, the parties to the dispute shall jointly, or in default, individually submit such issue to the Committee of Experts on social security which shall give its opinion on the matter to the appropriate authorities in the States signatory to this Convention.

Article 54: Annexes

1. The annexes referred to in Articles 3 (1) and 5(2), paragraph 2, as well as any subsequent amendments made to them shall be an integral part of this Convention.
2. Any amendment to the annexes referred to in the preceding paragraph shall be considered as adopted if, within the three months following the notification provided for in Article 60, no Contracting Party has notified its opposition to the Director-General of the International Labour Office.

TITLE VII. TRANSITIONAL AND FINAL PROVISIONS

Article 55: Transitional provisions following the coming into force of the Convention

This Convention does not confer any right in respect of a period prior to its coming into force.

However,

1. All periods of insurance and employment completed under the legislation of a Contracting Party before the date on which this Convention enters into force shall be taken into account for the purpose of determining rights arising from this Convention. The same applies to any affiliation under the legislation of a contraction party.
2. Rights may arise under this Convention even in respect of a contingency which arose before its coming into force.

3. Any benefit which has not been awarded or which has been suspended on account of the nationality of the person concerned or his residence in the territory of any Contracting Party other than that in which the institution liable to provide the benefits is situated shall, at the request of the person concerned, be awarded or resumed as from the date on which this Convention enters into force, unless the right previously assessed has given rise to the payment of a lump sum.
4. Where the request referred to in the preceding paragraph is submitted within two years of the date on which this Convention enters into force, the rights arising in accordance with the provisions of the Convention shall be acquired as from that date, and those provisions of the legislation of any Contracting Party which concern the loss or rights or the extinction of rights by lapse of time shall not be raised against the person concerned.
5. Where the request referred to in paragraph 4 is submitted more than two years after the date on which this Convention enters into force, such rights as have not lapsed or have not been extinguished by lapse of time, shall be acquired only with reference to the date on which the request was submitted, unless more favourable provisions exist in the legislation of the Contracting Party concerned.

Article 56: Entry into Force

1. The Supplementary Act adopting the General Convention on Social Security for ECOWAS member States shall enter into force upon signature and publication. Consequently, signatory Member States shall embark on the implementation of the Convention once it enters into force.
2. This Supplementary Act shall be attached as an annex to the ECOWAS Treaty to which it shall be an integral part.

Article 57: Accession

1. After the entry into force of this Convention, the Authority may, by unanimous decision, invite any non-Community Member-State to accede to this Supplementary Act.
2. In respect of States acceding to it, the Supplementary Act shall enter into force for these States on the date of receipt of their Instruments of Accession by the President of the ECOWAS Commission.

Article 58: Duration of validity and denunciation

1. This Supplementary Act shall remain in force indefinitely.
2. Any Contracting Party may, in so far as it is concerned, denounce this Supplementary Act after it has been in force for five years by a notification addressed to the President of the Commission.
3. Such denunciation shall take effect six months after the date of receipt of the notification by the President of the Commission.

Article 59: Transitional provisions in case of denunciation of the Convention

1. In the event of denunciation of this Supplementary Act, all rights acquired under the provisions of the Convention shall be maintained.
2. Rights in the process of acquisition in respect of periods before the date on which the denunciation takes effect shall not lapse as a result of the denunciation; their subsequent continued recognition shall be determined by agreement or, failing such agreement, by the legislation, which the institution concerned, applies.

Article 60: Depository Authority/ Notifications

1. This Supplementary Act and all Instruments of Accession shall be deposited at the ECOWAS Commission. The notifications referred to in Articles 3(2) and 5(3) shall be addressed to the President of the Commission.
2. The President of the Commission shall, within two months, notify the contracting parties, the signatory state, the United Nations, the African Union and the Director-General of the International Labour Office as well as such other Organisation as may be decided by Council of:
 - a) the date of entry into force of this Supplementary Act Convention in accordance with the provisions of Article 56(1);
 - b) any notification of denunciation received in accordance with the provisions of Article 58(2);
 - c) any notification received by virtue of the provisions of paragraph 1 of this Article.

Article 61:

Transmission of Certified Copy to the AU, UN and other International Organisations

As soon as this Supplementary Act initially comes into force, the President of the Commission to the African Union Commission shall communicate a certified copy of the Convention, United Nations and any other International Organisation as may be designated by the Council of Ministers.

Article 62: Agreement between contracting parties

1. Two or more Contracting Parties may, if need be, conclude with each other social security agreements based on the principles of this Convention.
2. Each Contracting Party shall, in consonance with the provisions of Article 56(1), give notice of any agreement it may conclude by virtue of the preceding paragraph, as well as any subsequent modification or denunciation of such convention. The notification shall be made within a period of three months beginning from the entry into force of the said convention or its modification, or of the effect of its denunciation.
3. The provisions of this Convention shall not jeopardize the obligations arising from any Convention whatsoever adopted by the International Labour Conference and ratified by the Contracting Parties.

Article 63: Administrative arrangements

1. The procedures for the application of this Convention shall be laid down in an Administrative Arrangement concluded between the Contracting Parties.
2. The Administrative Arrangement referred to in paragraph 1 of this Article shall be adopted by a Regulation of the Council of Ministers which authority shall have power to amend the Administrative Arrangement when necessary.

Note: APPENDIX LEGISLATIONS AND SCHEMES

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

DONE AT ABUJA, THIS 18TH DAY OF JULY, 2013

**IN ONE ORIGINAL COPY, IN ENGLISH, FRENCH AND PORTUGUESE
THE THREE TEXTS BEING EQUALLY AUTHENTIC.**

H. E. Thomas Boni YAYI
President of the Republic of BENIN

H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of CAPE VERDE

H. E. Isatou NJIE SAIDY
Vice-President of The Gambia, for and on
behalf of the President of the Republic

H.E. Alpha CONDE
President of the Republic of
GUINEA

H.E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic LIBERIA

H.E. Mahamadou ISSOUFOU
President of the Republic of NIGER

H. E. Mankeur NDIAYE
Minister of Foreign Affairs and
Senegalese in Diaspora, For and on
behalf of the president of the Republic

H. E. Elliott OHIN
Senior Minister of Foreign Affairs and Cooperation
For and on behalf of the President of the Togolese Republic

H. E. Blaise COMPAORE
President of BURKINA FASO

H. E. Alassane OUATTARA
President of of the Republic of
COTE D'IVOIRE

H.E. John Dramani MAHAMA
President of the Republic of GHANA

H.E. Manusi Serifo NHAMADJO
Interim President of the
Republic of GUINEA BISSAU

H. E. Prof Dioncounda TRAORE
Interim President of the
Republic of MALI

H. E. Dr. Goodluck Ebele JONATHAN, GCFR
President, Commander-in-Chief,
of the Armed Forces of the
Federal Republic of NIGERIA,

H. E. Ernest Bai KOROMA
President of the Republic of SIERRA LEONE

**ADMINISTRATIVE ARRANGEMENT FOR THE
APPLICATION OF THE GENERAL CONVENTION ON
SOCIAL SECURITY BY MEMBER STATES OF THE
ECONOMIC COMMUNITY OF WEST AFRICAN STATES**

TITLE I - GENERAL PROVISIONS

Article 1: Definitions

For the purpose of this Administrative Arrangement:

- (a) the term "Convention" means the General Convention on Social Security of the Member States of the Economic Community of West African States (ECOWAS);
- (b) the term "Arrangement" means the Administrative,-Arrangement for the application of the Convention;
- (c) the term "investigating institution" means the institution of any contracting party before which apprised of an application for the payment of the benefits of the his beneficiaries;
- (d) the term "main breadwinner", means the spouse who primarily provides food and care for the family members.
- (e) the terms defined in Article 1 of the Convention have the meanings ascribed to them in this Article.

Article 2: Communication with and between institutions

Any institution of a Contracting Party, and any person residing or staying in the territory of a Contracting Party, may directly contact the institution of another Contracting Party for the application of the convention of this Arrangement.

Article 3: Annexes

1. Annex 1 mentions the competent authority or authorities of each Contracting Party.
2. Annex 2 names the competent institutions of each Contracting Party.
3. Annex 3 mentions the institutions designated by the competent authorities by virtue of the provisions of Article 9(3) of this Arrangement

Article 4:

Other arrangements between the Contracting Parties

Two or more Contracting Parties may mutually lay down special procedures for application not at variance with the provisions of this Arrangement.

Article 5: Provisions replaced by this Arrangement

This Arrangement replaces the administrative arrangements for the application of social security conventions replaced with the Convention.

TITLE II:

APPLICATION OF THE GENERAL PROVISIONS OF THE CONVENTION

Application of Article 10 of the Convention

Article 6: Non-cumulation of benefits

When the recipient of a benefit payable under the legislation of a Contracting Party is equally entitled to benefit under the legislation of another or, many other Contracting Parties, the following rules shall apply:

- (a) Where they are benefits other than disability, old age and survivor benefits paid in conformity with the provisions of Article 17 of the Convention:
 - (i) In case the application of the provisions of Article 10(2) of the Convention would entail the concomitant reduction of the benefits, the amount of the suspension

or removal to be made under each of the legislations under which these benefits are due, shall be divided by the number of benefits subject to reduction to which the beneficiary is entitled.

In case the application of the provisions of Article 10(2) of the Convention would entail the suspension or concomitant removal of the benefits, the amount of the suspension or removal to be made by virtue of each of the legislations under which the benefits are due shall be divided by the number of benefits subject to the suspension or removal to which the beneficiary is entitled.

- (b) Regarding disability, old age or survivors benefits paid in accordance with Article 17 of the Convention by the institution of a Contracting Party, that institution shall take into account benefits or income that can give rise to reduction, suspension or withdrawal of the benefit to which it is entitled, not for calculating the theoretical amount referred to in of Article 17(2) and (3) of the Convention, but exclusively for the reduction, suspension or discontinuance of the amount referred to in Article 17(5). However, these benefits or incomes shall only be counted as a fraction of their amount, determined in proportion to the duration of the periods completed in accordance with Article 17(4) of the Convention;
- (c) For the enforcement of Article 10(2) of the Convention, the competent institutions concerned shall, upon request-, exchange all relevant information;
- (d) For the enforcement of Article 10(2) of the Convention, the prevailing exchange rate to be taken into consideration shall be the rate valid on the first day of the month in which the last payment operation or, where necessary, the effective exchange rate on the first day of the month of the new calculation of the pension or the pension or the annuity.

Enforcement of Article 11 of the Convention

Article 7: Aggregation of benefits

Where, over the same period, two or more persons are entitled to family benefits under the legislation of two or more Contracting Parties with respect to the same members of the family, the Contracting Party to whose legislation the family's main breadwinner is subject shall be deemed to be the only competent State.

Enforcement of Article 13 of the Convention

Article 8: Admission to voluntary insurance

In order to benefit from the provisions of Article 13 of the Convention, the person concerned shall present to the institution of the Contracting Party concerned a statement relating to the insurance periods completed under the legislation of any other Contracting Party. This statement shall be tendered on the request of the concerned person or the institutions in which the accomplished the required period of time.

TITLE III

IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION RELATING TO THE APPLICABLE LEGISLATION

Application of Article 12(1) of the Convention

Article 9: Formalities in the case of an employee detached abroad

- 1) In case of the secondment of an employee worker covered by Article 12(1)a, of the Convention, the institution designated by the competent authority of the Contracting Party whose legislation is applicable shall issue the worker on request, if the requisite conditions are met a certificate of such detachment abroad stating that he is still subject to that legislation. The agreement for extension of such detachment abroad shall be requested by the employer.

- 2) Where, by virtue of Article 12(3) of the Convention, the legislation of a contracting party is applicable to an employee whose employer is resident outside the territory of the said party the legislation to determine the liable institution shall be applied as if the worker were employed at his place of residence within the said territory.

TITLE IV. AGGREGATION OF PERIODS OF INSURANCE

Application of Articles 7, 16 and 35 of the Convention

Article 10: Rules on period aggregation

- (1) In the cases referred to in Article 7, Article 16 and Article 35 of the Convention periods of insurance shall be added together in accordance with the following rules:
- (a) to the periods of insurance completed under the legislation of the Contracting Party shall be added the periods of insurance completed under the legislation of any other contracting Party, inasmuch as it is necessary to resort to it to supplement the periods of insurance accomplished under the legislation of the first Contracting Party, for the acquisition, maintenance or recovery of entitlement to benefit, on condition that the periods do not overlap. In the case of invalidity, old age, or survivors' benefits to be paid by the institutions of two or more Contracting Parties in accordance with the provisions of Article 17 of the Convention, each of the institutions concerned shall separately add together all the periods of insurance completed by the person concerned under the legislation of all the Contracting Parties to which he has been subject;
 - (b) where a period of compulsory insurance completed in accordance with the legislation of one Contracting Party coincides with a period of voluntary insurance completed under the legislation of another Contracting Party, only the first shall be taken into account;
 - (c) where an actual period of insurance completed under the legislation of one Contracting Party coincides with a period likened to an actual period of insurance under the legislation of another Contracting Party, only the first shall be taken into account;
 - (d) any period likened to an actual period of insurance under the legislation of two or more Contracting Parties shall be taken into account only by the institution of that Contracting Party to whose legislation the insured person was last compulsorily subject prior to the said period; where the insured person has not been compulsorily subject to the legislation of one of those Parties prior to the said period, that period shall be taken into account by the institution of that Contracting Party to whose legislation he was first compulsorily subject after the period in question;
 - (e) where the time at which certain periods of insurance were completed under the legislation of a Contracting Party cannot be determined with precision, it shall be presumed that the periods do not overlap with periods completed under the legislation of another Contracting Party, and shall be taken into account as may be necessary;
 - (f) where, according to the legislation of one Contracting Party, certain periods of insurance are taken into account only if they have been completed within a specified time, the institution which applies this legislation shall take into account only periods completed under the legislation of another Contracting Party as have been completed within the same specified time.
- (2) Where the periods of insurance completed under the legislation of a contracting party are expressed in units which differ from those which used by another contracting party, the necessary conversion for purposes of aggregation shall be carried out under the following rules:
- a) Where the insured is comes under the 6-day week system:

- i. one day shall be the equivalent of 6 hours and 40 minutes and vice versa;
 - ii. 6 days shall be the equivalent of one week, and vice versa;
 - iii. 26 days shall be the equivalent of one month and vice versa;
 - iv. 3 months or 13 weeks or 78 days shall be the equivalent of a quarter and vice versa;
 - v. for the conversion of weeks to months and vice versa, weeks and months shall be converted into days;
 - vi. the application of the above rules may yield a total of more than 312 days or 52 weeks or 12 months or 4 quarters for all periods completed within a calendar year.
- b) Where the insured comes under the 5-day week system:
- i. one day shall be the equivalent of 8 hours, and vice versa;
 - ii. 5 days shall be the equivalent of one week, and vice versa;
 - iii. 22 days shall be the equivalent of one month, and vice versa;
 - iv. 3 months or 13 weeks or 66 days shall be the equivalent of one quarter, and vice versa;
 - v. the application of the above rules may not have the effect of yielding a total of more than 264 days or 52 weeks or 12 months or 4 quarters for all periods completed within a calendar year.
- (3) Where, by virtue of paragraph 1(b) of this Article, periods of voluntary insurance in respect of invalidity, old age or survivors' completed under the legislation of a Contracting Party are not taken into account when aggregating periods, the contributions relating to such periods shall be considered as being used to improve the benefits due under the said legislation. Where the legislation provides for complementary insurance, the said contributions shall be considered in calculating the benefits due under such insurance.

**TITLE V.
APPLICATION OF SPECIAL PROVISIONS OF THE
CONVENTION GOVERNING THE VARIOUS CATEGORIES OF BENEFITS**

**CHAPTER 1.
INVALIDITY, OLD-AGE AND SURVIVORS BENEFIT**

Application of Articles 15 to 25 of the Convention

Section 1. Submission and Examination of Benefit Claims

Article 11: Submission of claims

- (1) In order to receive the old-age, invalidity and survivors' benefits provided for in Articles 17 to 21 of the Convention, the claimant shall submit a claim to the institution of his place of residence in the manner prescribed by the legislation that institution applies. If the claimant has not been subject to that legislation, the "institution of the place of residence shall transmit the claim to the institution of the Contracting Party to whose legislation the claimant or the deceased person was last subject, indicating the date on which the claim was submitted. That date shall then be considered as the date of submission of the claim to the last-mentioned institution.
- (2.) If the claimant resides in the territory of a Contracting Party to whose legislation he or the deceased person has not been subject, he may submit his claim to the institution of the Contracting Party to whose legislation he or the deceased person was last subject.

**Article 12:
Forms and procedure for the submission of claims**

The submission of the claims referred to in Article 32 of this Agreement shall be subject to the following rules:

- (a) the claim shall be accompanied with the requisite supporting documents and shall be submitted on the forms prescribed:
 - (i) either by the legislation of the Contracting Party in whose territory the claimant resides, in the case referred to in Article 11 (1)1;
 - (ii) or by the legislation of the Contracting Party to which the applicant was last subject, in the case referred to in Article 11 (2).
- (b) the accuracy of the information provided by the claimant shall be substantiated by official documents attached to the claim, or corroborated by the authorities of the Contracting Party in whose territory he resides;
- (c) the claimant shall indicate, as far as possible, either the old-age, invalidity or survivors insurance institution or institutions of each of the Contracting Parties to whose legislation the worker has been subject, or the employer or employers by whom he has been employed in the territory of any Contracting Party, and submit any certificates of employment that may be in his possession.

Article 13: Determination of the degree of invalidity

In determining the degree of invalidity, the institution of a Contracting Party shall take account of all the medical and administrative information assembled by the institutions of any other Contracting Party. However, each institution shall retain the right to have the claimant examined by a doctor of its choice at its own expense, except where the provisions of Article 22 of the Convention apply.

Article 14: Examination of claims

- (1) Claims shall be examined by the institution to which they have been submitted or to which they have been transmitted, as the case may be, as provided for in Article 11 of this Agreement. This institution shall be known as the "the examining institution".
- (2) The examining institution shall immediately advise all the institutions concerned so that the claims may be examined by them simultaneously and without delay.

Article 15: Form to be used for the examination of claims

- (1) In examining claims, the examining institution shall use a form setting out the details and recapitulation of the periods of insurance completed by the employee under the legislation of all the Contracting Parties concerned.
- (2) The transmission of this form to the institution of any other Contracting Party shall take the place of the transmission of supporting documents.

Article 16: Procedure to be followed by the examining institution

- (1) The examining institution shall enter on the form referred to in Article 15(1) of this Arrangement, the periods of insurance competed under its own legislation, and shall return a copy of the form to the invalidity, old-age or survivors' insurance institution of each Contracting Party to whose legislation the worker has been subject, attaching any employment certificates produced by the claimant.

- (2) If only one other institution is involved, that institution shall complete the form sent to it in accordance with the provisions of the preceding paragraph by indicating the insurance period completed under the legislation it applies. It shall then determine the entitlement under the legislation, having regard to the provisions of the Article 17 of the Convention, and shall state on the form the theoretical and the actual amounts of the benefit, calculated in accordance with the provisions of Article 17 (2), (3), (4) or (5), of the Convention as well as, where appropriate, the amount of any benefit that could be claimed, without applying the provisions of Articles 16 to 20 of the Convention, solely for the periods completed under the legislation it applies. The form, which should also contain information concerning the appeals procedure including time limits, shall then be returned to the examining institution.
- (3) If there are two or more other institutions involved, each institution shall complete the form submitted to it in accordance with the provisions of paragraph 1 of this Article, indicating the periods of insurance or residence completed under the legislation it applies, and return the form to the examining institution. That institution shall send the completed form to the other institutions involved, each of which shall determine entitlement under the legislation it applies in accordance with the provisions of Article 16 of the Convention and indicate on the form the theoretical and actual amounts of any benefit calculated in accordance with the provision of Article 17(2), (3), (4) or (5), of the Convention as well as, where appropriate, the amount of any benefit which could be claimed, without applying the provisions of Articles 16 to 20 of the Convention, solely for the periods completed under the legislation it applies. The form, which should also contain information concerning appeals procedure, including time-limits, shall then be returned to the examining institution.
- (4) When the examining institution has received all the information referred to in paragraphs 2 or 3 of this Article, it shall determine the entitlement under the legislation it applies, having regard to the provisions of Article 16 of the Convention, and shall calculate the theoretical and actual amounts of the benefit, in accordance with the provisions of Article 17 (2), (3), (4) or (5) of the Convention as well as, where appropriate, the amount of any benefit which could be claimed without applying the provisions of Articles 17 to 20 of the Convention, solely for the periods completed under the legislation it applies,
- (5) Should the examining institution, upon receiving the information referred to in paragraphs 2 or 3 of this Article, find it is necessary to apply the provisions of Article 19 (2) or (3), or Article 21(1) of the Convention, it shall so inform the other institutions concerned.

Article 17:

Payment of benefits on a provisional basis

- (1) If the examining institution finds that the claimant is entitled to benefit under the legislation it applies, without reference to the periods of insurance completed under the legislation of the other Contracting Parties to which the worker has been subject, it shall make an immediate payment of this benefit on a provisional basis.
- (2) Each institution which, in accordance with the provisions of Article 17(5), of the Convention, may calculate directly the benefit or partial benefit due to the claimant shall pay him such benefit immediately. If an institution other than the examining institution pays benefit directly to the claimant, it shall immediately inform the examining institution accordingly and retain any arrears due having regard to the application of the provisions of paragraph 7 of this Article, in favour of any institution which may have paid in excess of the amount due.
- (3) Where the examining institution pays benefit under paragraph 1 of this Article, it shall deduct from the amount of such benefit the amount of benefit paid by any other institution in accordance with the preceding paragraph, as soon as it knows the amount in question.
- (4) Where, in the examination of a request one of the institutions concerned other than the examining institution, observes that the claimant is entitled to benefits under the legislation

it applies, without the need to resort to periods of insurance accomplished under the legislations of the other Contracting Parties to which the claimant has been subjected it shall immediately inform the examining institution, which shall immediately pay the amount of the benefits to the beneficiary, provisionally, on behalf of the first institution, without prejudice where necessary, of the provisions of paragraphs 2 and 3 of this article.

- (5) Where the examining institution should pay the benefits by virtue of paragraphs 1 and 4 of this article, it shall pay only the highest amount of benefits, without prejudice where necessary, of the provisions of paragraphs 2 and 3 of this article.
- (6) In case the examining institution does not pay the benefits by virtue of paragraphs 1 2 or 4 of this article and in cases that can lead to delay, it should pay the person in question a retrievable advance the amount of which will be determined in keeping with the provisions of paragraphs 1 to 4 of article 17 of the Convention.
- (7) During the final settlement of the request for benefits, the examining institution and the other interested institutions shall adjust the accounts as regards the amount of any provisional benefit paid corresponding to "the provisional benefits paid and the advances made in keeping with paragraphs 1, 3, 4, 5 and 6 of this article. Sums overpaid by the said institutions may be deducted from the amount of benefits they are required to pay to the person concerned.

Article 18: Notification of the proportional supplement

- (1) In the case referred to in Article 21(2) of the Convention, the examining institution shall calculate the final amount of the supplement which each institution concerned has to pay and advise them accordingly.
- (2) For the purpose of applying the provisions of Article 21 of the Convention, amounts expressed in different national currencies shall be converted at the official rate of exchange prevailing on the first day of the month in which the final payment of the benefit due is made.

Article 19: Special case of recalculation of benefits

For the purpose of applying the provisions of Article 21(2) of the Convention, the provisions of Articles 16 to 19 of the Agreement shall apply with all the necessary differences having been considered.

Article 20: Notification of decisions by the institutions involved

- (1) Each of the institutions concerned shall advise the claimant of the decision regarding his claim for benefit as soon as that decision can be taken as final, after consultation with the examining institution. Each institution shall at the same time advise the examining institution. Any decision shall indicate that it relates only to part of the total benefit that may be due, and shall also contain information concerning the appeals procedure, including time-limits, prescribed by the legislation concerned.
- (2) After the benefit claim has been finally settled, the examining institution shall recapitulate and forward to the claimant all the decisions taken by the institutions concerned.

Article 21: Employment record

In order to expedite the settlement of benefit claims, the following rules shall be observed"

- (a) where a person, formerly subject to the legislation of one or more Contracting Parties, is subject to the legislation of another Contracting Party, the competent institution of the latter Party shall apply to the institution of the other Contracting Party or Parties for all relevant information, particularly regarding the institutions to which the interested party has been affiliated and, where necessary, his registration numbers;

- (b) at the request of the person concerned or of the institution to which he is affiliated, the institutions concerned shall begin, to the extent possible, to reconstitute his case-history as from one year prior to the date on which he will reach pensionable age.

Section 2. - Administrative and Medical supervision

Article 22: Administrative and Medical supervision

- (1) If a recipient of:
- (a) an invalidity benefit;
 - (b) an old-age benefit awarded subject to means testing;
 - (c) a survivor's benefit awarded on grounds of invalidity;
 - (d) a benefit awarded provided that the means of the beneficiary do not exceed the prescribed limit;

Stays or resides in the territory of a Contracting Party other than the competent State, administrative and medical supervision shall be exercised at the request of the competent institution by the institution of the place of stay or residence, in accordance with the rules laid down by the legislation which the latter institution applies. However, the competent institution shall maintain the faculty of having the recipient examined by a doctor of its choice at its own expense.

- (2.) If following the supervision referred to in the preceding paragraph reveals that the beneficiary is employed or has means in excess of the prescribed limit, the institution of the place of stay or residence shall report to the competent institution which requested the supervision. The report shall contain the information requested and shall state in particular the nature of the employment, the amount of the earnings or other income received by the beneficiary during the last full quarters and the normal remuneration paid in the same area to a worker in the occupational category to which the person concerned belonged in the occupation he followed before he became an invalid, over a reference period to be determined by the competent institution. Where applicable, a medical opinion as to the state of health of the person concerned shall also be given.

Article 23: Resumption of the provision of benefits after suspension

If, after suspension of the benefit he had been receiving, a person re-qualifies for benefit while residing in the territory of a Contracting Party other than the competent State the institutions concerned shall exchange all the information necessary to enable the payment of benefit to be resumed.

Section 3 - Payment of Benefits

Article 24: Method of payment

Where the paying institution of a Contracting Party does not pay benefit directly to beneficiaries residing in the territory of another Contracting Party, such benefit shall be paid at the competent institution's request by the institution of the place of residence, in accordance with the procedures laid down in Articles 25 to 28 of this Arrangement. Where the paying institution pays benefit directly to such beneficiaries it shall so notify the institution of the place of residence.

Article 25: Notification to the paying agency

The institution responsible for paying benefit shall forward to the institution of the place of residence - hereinafter called the "paying agency" - a statement in duplicate setting out the benefit due; this statement must reach the said agency at least twenty days before the date on which the benefit is payable.

Article 26: Payment of arrears into the account of the paying agency

- (1) Ten days before the date on which the benefit is payable, the paying institution shall remit, in the currency of the Contracting Party in whose territory it is situated, the amount of the benefit due as shown on the statement referred to in Article 25 of this Arrangement. Payment shall be made through the National Bank or a similar establishment in the name of the competent authority of the Contracting Party. The payment through another bank of that Contracting Party to the account opened in the name of the National Bank or in the name of another bank of the Contracting Party in the territory in which the paying agency is situated, to the latter's order. The payment shall be the last instalment. The paying institution shall simultaneously address a payment notice to the paying agency.
- (2) The bank or a similar establishment into which the amount has been transferred shall credit the paying agency with the equivalent amount in the currency of the Contracting Party in whose territory that agency is situated.
- (3) The name and headquarters of the banks referred to in paragraph 1 of the Article are mentioned in Annex 3.

Article 27: Payment of arrears by the paying agency

- (1) The arrears mentioned in the statement referred to in Article 25 of this Agreement shall be paid to the beneficiary by the paying agency on behalf of the paying institution in accordance with the procedure prescribed by the legislation the paying agency applies.
- (2) The sum payable to the beneficiary shall be converted into the currency of the Contracting Party in whose territory he resides, at the rate of exchange at which, in accordance with the provisions of Article 26 of this Agreement, it was credited to the paying agency.
- (3) Once the paying agency or any other agency it may designate becomes aware of any matter justifying the suspension or removal of benefits, it shall cease payment. This shall also be done when the beneficiary transfers his residence to the territory of a Contracting Party other than that in which the paying agency is situated.
- (4) The paying agency shall advise the institution responsible for payment of any reason for non-payment and inform it of the date of any event justifying such action.

Article 28: Settlement of accounts

- (1) The payment referred to in Article 27(1), of this Arrangement shall be cleared at the end of each payment period in order to determine the amounts actually paid to the beneficiaries or their legally-appointed representatives and the amounts outstanding.
- (2) The total amount of the actual payments expressed in figures and in words in the currency of the Contracting Party in whose territory the institution responsible for payment is situated, shall be stated as agreeing with the payments effected by the paying agency and this statement shall be counter-signed by the latter's representative.
- (3) The paying agency shall vouch for the fact that the payments shown are in order.
- (4) Any difference between the amounts paid by the responsible institution, as expressed in the currency of the Contracting Party on whose territory it is situated, and the value, expressed in the same currency, of payments vouched for by the paying agency, shall be entered against subsequent sums due to be paid by the said responsible institution.

Article 29: Notification of transfer of residence

When the recipient of benefits payable under the legislation of one or more Contracting Parties transfers his residence from the territory of one Contracting Party to that of another Contracting Party, he shall notify the competent institution or institutions responsible for the payment of such benefit and also, where appropriate, the paying agency.

**CHAPTER II:
BENEFITS REGARDING ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES**

Section 1: General Provisions

Application of Article 27 of the Convention

Article 30:

Benefits in kind in case of residence abroad:

- (1) In order to receive the benefits in kind provided for in Article 27(1) a, of the Convention the employee shall submit to the institution of the place of residence a certificate certifying his entitlement to such benefits. This certificate shall be issued by the competent institution at the employee's request on the basis of information provided where appropriate by the employer. The competent institution shall address copy of the attestation to the institution of the place of residence. In addition, where the legislation of the competent state so provides, the worker shall submit to the institution of the place of residence an acknowledgement of the notification of his occupational injury or disease.
- (2) The certificate referred to in the preceding paragraph shall be valid until such time as the institution of the place of residence receives notice of its cancellation.
- (3) For any claim for benefits in kind the employee shall submit the supporting documents normally required for the grant of benefits in kind under the legislation of the Contracting Party in whose territory he resides.
- (4) In the event of hospitalisation, the institution of the place of residence shall notify the competent institution, as soon as this information becomes available, of the date of entry, the probable duration of hospitalisation, and the date of discharge.
- (5) The worker shall advise the institution of his place of residence of any change in his circumstances which might affect his entitlement to benefits in kind, in particular of any cessation or change of employment or occupational activity, or any change in his residence or stay. The competent institution shall likewise inform the institution of the place of residence when a worker's entitlement to benefit ceases. The institution of the place of residence may at any time request the competent institution to supply any information relating to the employee's entitlement to benefit.
- (6) In case of stay outside the territory of the competent State (Article 27(1) b) and (c), the provisions of the preceding paragraphs shall apply *mutatis mutandis*, being understood that the institution of the place of stay is regarded as the institution of the place of residence.

Article 31:

Benefits in kind in case of stay abroad:

- (1) In order to receive benefits in kind, the seconded worker referred to in Article 12(1) of the Convention shall submit to the institution of his place of temporary residence the certificate prescribed in Article 9 of this Agreement. When he has submitted this certificate he shall be presumed to have satisfied the conditions for entitlement to benefits in kind.
- (2) In order to receive benefits in kind, the worker referred to in Article 12(1)b, of the Convention, employed in the territory of a Contracting Party other than the competent State shall submit as promptly as possible to the institution of the place of temporary residence a statement issued by the employer or his agent within the two preceding calendar months. The statement shall indicate the date on which he began to work for that employer, and the name and

address of the competent institution. When he has produced the above-mentioned statement he shall be presumed to have satisfied the conditions for entitlement to benefits in kind. If he is unable to apply to the institution of the place of temporary residence before commencing medical treatment he shall nevertheless receive such treatment on presentation of the said statement as if he were insured with that institution.

- (3) The institution of the place of temporary residence shall apply without delay to the competent institution to ascertain whether the worker referred to in paragraph 1 or 2 of this Article as the case may be, satisfies the conditions for entitlement to benefits in kind. The institution of the place of temporary residence shall provide the aid benefits until a reply has been received from the competent institution, but for not longer than thirty days.
- (4) The competent institution shall reply to the institution of the place of temporary residence within ten days of receiving that institution's enquiry. If the reply is in the affirmative the competent institution shall indicate the maximum period, if any, during which the benefits in kind may be provided under the legislation which it applies, and the institution on the place of temporary residence shall continue to provide the said benefits.
- (5) Instead of the certificate or statement referred to respectively in paragraphs 1 and 2 of this Article, the worker may submit to the institution of the place of temporary residence the certificate referred to in Article 30(1) of this Agreement. In that case, the provisions of the preceding paragraphs of this Article shall not apply.
- (6) The provisions of Article 30(4) of this Agreement shall apply *mutatis mutandis*.

Article 32:

Cash benefits in case of residence abroad:

- (1) In order to receive the cash benefits other than pensions provided for in Article 27(1) a(ii) of the Convention, the worker shall apply to the institution of his place of residence promptly becoming incapable of work, and submit as possible after, a certificate of incapacity for work issued by the doctor attending him. He shall also submit any other documents required by the legislation of the competent State, according to the type of benefit claimed.
- (2) The institution of the place of residence shall immediately transmit to the competent institution the documents referred to in the preceding paragraphs of this Article, indicating at the same time the probable duration of incapacity for work.
- (3) As soon as possible, the institution of the place of residence shall undertake a medical examination of the worker and make the necessary administrative enquiries regarding his case as if the said worker were insured by it, and shall notify the competent institution without delay of the findings. The competent institution may, if it so desires, have the worker concerned examined by a doctor of its choice at its own expense. Where this institution decides to refuse benefit on the grounds that the worker has failed to comply with the rules relating to the investigation of his case it shall notify him of this decision, and at the same time send a copy of the decision to the institution of the place of residence.
- (4) Termination of incapacity for work shall be notified without delay to the worker by the competent institution. When this latter institution itself decides that the worker is again capable of work, it shall notify him of its decision and at the same time send a copy of the decision to the institution of the place of residence.
- (5) Where, in the same case, two different dates are set by the institution of the place of residence and by the competent institution for the termination of incapacity for work the date set by the competent institution shall apply.

- (6) When the worker resumes work, he shall notify the competent institution.
- (7) The competent institution shall pay cash benefits by any appropriate means and shall advise the institution of the place of residence of such payments. Where benefit is paid by the institution of the place of residence on behalf of the competent institution, the competent institution shall inform the worker of his entitlement in the manner prescribed by the legislation which it applies and shall also advise him of the institution charged with paying the benefits. It shall at the time inform the institution of the place of residence of the amount of benefits payable the dates of payment, and the maximum period for which it is payable under, the legislation of the competent State. The amount of benefit Payable by the institution of the place of residence shall be converted at the official rate of exchange prevailing on the first day of the month in which benefit is paid.

Article 33:

Cash benefits in case of stay abroad:

- (1) In order to receive cash benefits other than pensions provided for in Article 27(1)b(ii), of the Convention, the employee shall apply to the institution of his place of temporary residence as promptly as possible after becoming incapable of work, and submit a certificate of incapacity for work issued by the doctor attending him, if so-required by the legislation applied by the competent institution or by the institution of the place of temporary residence. He shall also indicate his address in the country of temporary residence and the name and address of the competent institution.
- (2) The institution of the place of temporary residence shall without delay transmit to the competent institution the certificate referred to in the preceding paragraph of this Article indicating in particular the probable duration of incapacity for work.
- (3) Workers other than seconded workers referred to in Article 12(1)a of the Convention, whose state of health is found by medical examination to be such as not to prevent them from returning to the territory of the Contracting Party where they reside shall immediately be notified to this effect by the institution of the place of temporary residence, which shall also send a copy of the notification to the competent institution.
- (4) In addition, the provisions of Article 32(3) to (7) of this Agreement shall apply with the necessary differences having been considered.

- (4) The competent institution shall notify the institution of the place of residence, or the institution of the place of temporary residence, as the case may be, of the date of recovery of the worker or of the stabilisation of his condition and also, if relevant, of any decision regarding an award of a pension.

Article 35: Disputes concerning the occupational nature of the accident or disease

- (1) If, in a case covered by Articles 27(1) of the Convention the competent institution questions whether the legislation relating to occupational injuries or diseases is applicable, it shall immediately inform the institution of the place of residence or the institution of the place of temporary residence which suspends the provision-of benefits in kind.
- (2) When a final decision of the question has been reached, the competent institution shall immediately notify the institution of the place of residence or the institution of the place of temporary residence which has provided the benefit in kind. If it is an occupational accident or disease, the latter institution shall resume the provision of the benefits in kind.

Application of Article 30 of the Convention

Article 36: Assessment of the degree of incapacity

- (1). To enable the degree of incapacity to be assessed, for the purpose of Article 30 of the Convention, the worker shall provide the competent institution of the Contracting Party to whose legislation he was subject when the occupational injury or disease occurred with full information concerning any previous occupational injuries or diseases he suffered while subject to the legislation of any other Contracting Party, whatever the degree of incapacity caused by such previous occupational injuries or diseases.
- (2). The competent institution may apply to any other institution previously competent fo whatever information it considers necessary.

Application of Article 32 of the Convention

Article 37: Exposure to the risk of an occupational disease in several States

- (1) In the case covered by Article 32(1) of the Convention, the declaration notifying an occupational disease shall be sent either to the institution competent in respect of occupational disease, of the Contracting Party under whose legislation the worker was last engaged in an occupation liable to cause the disease under consideration, or to the institution of the place of residence, which shall transmit the declaration to the first-mentioned institution.
- (2) If the institution receiving the declaration considers that an occupation liable to cause the disease in question was last followed under the legislation of another Contracting Party, it shall transmit the declaration and the accompanying documents to the corresponding institution of that Party and inform at the same time the person concerned.
- (3) If the institution of the Contracting Party under whose legislation the worker was last engaged in an occupation liable to cause the disease in question finds that he or his survivors fail to satisfy the conditions of that legislation, taking into account the provisions of Article 32(2), (3) and (4) of the Convention, the institution in question:
 - (a) shall immediately transmit to the institution of the Contracting Party under whose legislation the worker was previously engaged in an occupation liable to cause the disease in question the declaration and all accompanying documents, including the findings and reports of medical examinations carried out by the former institution, together with a copy of the decision referred to in the following subparagraph;
 - (b) shall, at the same time, inform the person concerned of its decision stating the grounds on which benefit is refused, the procedure and time-limits for appeal, and the date on

which the records of the case were transmitted to the institution referred to in the preceding subparagraph.

- (4) If necessary, the case shall be referred back, following the same procedure, to the corresponding institution of the Contracting Party under whose legislation the worker was first engaged in an occupation liable to cause the disease in question.

Article 38: Appeal against a decision to reject a claim

- (1) If an appeal is made against rejection of a claim by the institution of one of the Contracting Parties under whose legislation the worker was engaged in an occupation liable to cause the disease under consideration, that institution shall inform the institution to which the declaration, if any, was transmitted, in accordance with the procedure in Article 37(3) of this Agreement, and subsequently inform it of the final decision taken.
- (2) Where entitlement to benefit is established under the legislation applied by the institution to which the declaration was transmitted in accordance with the procedure prescribed in Article 37(3) of this Agreement, account being taken of the provisions of Article 33(2), (3) and (4) of the Convention, that institution shall make advance payments to the person concerned, the amounts being determined in consultation with the institution against whose decision the appeal was lodged. If, following the appeal, the latter institution is obliged to provide benefits, it shall refund to the former institution the advance payments made, deducting an equivalent amount from the benefit payable to the person concerned.

Application of Article 33 of the Convention

Article 39: Aggravation of an occupational disease

In case the referred to in Article 33 of the Convention, the employee shall provide the institution of the Contracting Party from which he claims benefit with full information on any benefits previously received by him in respect of the occupational disease in question and on any occupations he has followed since the award of these benefits. The institution may request such information as it considers necessary from any other previously competent institution.

Section 2. Submission and Examination of Pension Claims

Section 3. Administrative and Medical Supervision

Article 41:

Administrative and medical supervision

If the recipient of a pension temporarily resides or resides in the territory of a Contracting Party other than the competent State, administrative and medical supervision and also such medical examinations as are necessary for the revision of pensions shall be carried out at the request of the competent institution by the institution of the place of temporary residence or residence in accordance with the rules laid down in the legislation which the latter institution applies. However, the competent institution may have the recipient examined by a doctor of its choice at its own expense.

Section 4. Payment of Pensions

Article 42: *Payment of pensions*

Pensions payable by the institution of a Contracting Party to claimants residing in the territory of another Contracting Party shall be paid in accordance with the provisions of Articles 24 to 29 of this Arrangement.

CHAPTER III. FAMILY AND MATERNITY BENEFITS

Application of Article 35 of the Convention

Article 43: *Adding together of periods*

1. In order to benefit from the provisions of Article 35 of the Convention, the person concerned shall submit to the competent institution a certificate setting out the periods of insurance or employment accomplished under the legislation of the Contracting Party to which he was previously last subject, and he shall supply any additional information required under the legislation applied by that institution.
2. The certificate referred to in the preceding paragraph shall be issued, at the request of the person concerned, by the institution competent in relation to family and maternity benefits of the Contracting Party to whose legislation he was previously last subject. If the person concerned does not submit such a certificate, the competent institution shall apply to that institution for it.
3. Where it is necessary to take into account periods of insurance or employment, completed under the legislation of any other Contracting Party in order to satisfy the conditions prescribed by the legislation of the competent State, the provisions of the preceding paragraphs of this Article shall apply *mutatis mutandis*.

Application of Article 36 of the Convention

Article 44:

Maternity benefits in the case of residence or stay abroad

1. In order to receive the daily maternity benefits provided for in Article 36 of the Convention, the salaried worker shall apply to the institution of the place of residence or stay as promptly as possible after termination of work, and submit a certificate to the effect that she has ceased to work, issued by the employer as well as any other documents required by the legislation of the competent State.
2. The institution of the place of residence or stay shall immediately transmit to the competent institution the documents referred to in the preceding paragraph of this Article.

3. The competent institution shall pay the daily maternity benefits by any appropriate means, for example by international money order, and shall advise the institution of the place of residence of such payments.

Application of Article 37 of the Convention

Article 45:

Family benefits in the case of residence abroad

1. In order to benefit from the provisions of Article 37 of the Convention, the person concerned shall apply to the competent institution, if necessary through his employer.
2. In support of his claim the worker concerned shall submit a certificate as to his family status issued by the competent registration authorities in the territory of the Contracting Party in which the members of that worker's family reside, if such certificate is normally issued by abovementioned authorities: and if not, by the institution designated by the competent authority of that Contracting Party. This certificate shall be renewed annually.
3. The employee concerned shall also, where appropriate and at the request of the competent institution, provide information identifying the person to whom family benefits are to be paid in the territory of the Contracting Party where the members of that worker's family reside.
4. The employee concerned shall inform the competent institution, if necessary through his employer, of any change in the circumstances of his members of family which might affect his entitlement to family benefits, and in particular of any change of residence and any alteration in the number of members of family in respect of whom family benefits are payable.

Article 46:

Special procedures for the payment of family allowances

1. If the person concerned has been employed during any calendar month in the territory of two Contracting Parties, the family benefits he may claim shall be paid for the whole month by the institution which was competent at the beginning of this month in accordance with the legislation it applies.
2. If the institution of one Contracting Party has paid family benefits for a month, and they should have been paid by the institution of another Contracting Party, the incorrect payments of benefits shall be adjusted between the two institutions.

CHAPTER IV:

MEDICAL CARE AND SICKNESS BENEFITS

Application of Articles 38 to 40 of the Convention

Article 47:

Report of a disease occurring outside the territory of the competent state

1. Where the disease occurs in the territory of a Contracting Party other than the competent State, the incidence shall be reported in accordance with the provisions of the legislation of the competent State, without prejudice to any existing legal provisions in the Contracting Party where the disease occurred, the application of which is mandatory for such a case.

The report shall be forwarded to the competent institution and a copy thereof to the institution in the place of residence.

2. The institution of the Contracting Party in whose territory the disease occurred shall forward in duplicate to the competent institution, the medical certificates issued in that territory, and, at the request of the latter institution, all relevant information.

Article 48:
Conditions for granting benefits in kind

1. In order for the worker and his family to receive benefits in kind, he shall submit to the institution of his place of residence, a certificate of coverage issued by the competent institution.
2. The certificate shall indicate among other details, his medical insurance references as well as the name and address of the competent institution. The employee, on production of this certificate, shall be deemed to have satisfied the conditions for entitlement to benefits in kind. Where he is unable to apply to the institution of the place of temporary residence before receiving medical treatment, he shall receive such benefits as if he were affiliated to the institution.
3. The institution of the place of temporary residence shall without delay request the competent institution to confirm whether the worker referred to in paragraph 1 of this Article satisfies the conditions for entitlement to benefits in kind. Pending the receipt of the reply from the competent institution, provided that this period shall not exceed 30 days, the institution shall provide these benefits to the worker.
4. The competent institution shall forward its reply to the institution of the place of temporary residence within ten (10) days of receiving that institution's enquiry. Where the reply is in the affirmative, the competent institution shall indicate the maximum period, if any, during which the worker may receive benefits under the applicable legislation, and the institution of the place of temporary residence shall continue to provide the aforementioned benefits.

The provisions of Article 50 of this Arrangement shall apply in the event of a negative reply.

Article 49: Conditions for granting benefits in cash

1. In order to receive daily allowance, the worker shall, upon becoming incapable to work and as soon as possible, apply to the institution of the place of temporary residence. He shall submit a certificate of incapacity for work issued by his personal doctor and indicate his address in his country of temporary residence as well as the name and address of the competent institution.
2. The institution of the place of temporary residence shall immediately forward to the competent institution, the document referred to in the preceding paragraph, indicating among other details, the probable duration of the incapacity for work.
3. The institution shall by any appropriate means, pay the daily allowances and shall inform the institution of the place of residence thereof.

Article 50: Coverage of family members in the event of illness

1. In order to receive benefits in respect of diseases for members of his family, the worker shall present a certificate indicating the members of his family residing in the territory of a contracting party other than the competent State. This certificate shall be issued by the institution of their place of residence.
2. The certificate referred to in the preceding paragraph shall be valid for a period of twelve (12) months with effect from the date of its issuance. In the case of a renewal, its validity shall be with effect from the date of renewal. The person concerned shall immediately notify the competent institution of any amendment to the certificate, and such modification shall take effect on the date prescribed by the legislation being applied by the competent institution.
3. In addition to the certificate referred to in paragraph 1 of this Article, the competent institution may require the person concerned to produce recent birth, death or marriage certificates of members of his family residing in the territory of a Contracting Party other than the competent State, where such documents are normally issued by the authorities of that party.

**CHAPTER V.
UNEMPLOYMENT/SOCIAL BENEFITS**

Implementation of Article 41 of the Convention

Article 51:

To claim unemployment/social benefits in the host country, the applicant shall, upon submitting his/her claim to the relevant Institution, present proof of his/her unemployment status and that he/she was subject to the legislation of the contracting party governing payment of benefits applied for.

Article 52:

Any unemployed person who wishes to claim for unemployment/social benefits in conformity with the legislation of one contracting party, and who wishes to change his/her residence to the territory of another contracting party, shall meet the requisite conditions laid down in the legislation of the second party in order to qualify for unemployment/social benefits, provided that he/she submits his/her claim to the Institution of his/her new place of residence within thirty (30) days after the change of residence. The Institution of the new place of residence shall pay unemployment/social benefits in conformity with provisions of the legislation of this Institution, at the expense of the competent Institution of the first party.

Article 53:

Where the legislation of the Institution of the place of residence provides for maximum duration for the payment of unemployment/social benefits, this Institution may take into account, where necessary, the period during which the Institution of the other contracting party has paid unemployment/social benefits, after the last confirmation of entitlement to unemployment/social benefits.

Article 54:

Where the legislation of one contracting party provides that calculation of unemployment/social benefits shall be based on the amount of benefits previously paid, the Institution applying this legislation shall exclusively consider benefits paid to the claimant or his/her last activity in the territory of the other party or, the equivalence of the amount usually paid in the place of residence for an activity similar to his/her last activity in the territory of another contracting party.

Article 55:

Where the legislation of one contracting party provides that unemployment/social benefits shall vary with the number of members in the applicant's family, the institution shall apply this legislation by equally taking into account members of the family residing in the territory of another contracting party as if they were residing in the territory of the first party.

Article 56:

Implementation of provisions of Articles 51 to 55 by two contracting parties may be the subject of a bilateral agreement between the parties.

The agreement referred to in the paragraph above shall specifically indicate:

- a. the categories of persons subject to Articles 51 to 55;
- b. the period during which the Institution of one contracting party shall pay unemployment/social benefits, on behalf of another contracting party;
- c. the terms governing repayment of unemployment/social benefits paid by the institution of one contracting party, at the expense of the institution of another contracting party.

TITLE VI.
MISCELLANEOUS PROVISIONS

Article 57:

Mutual administrative assistance in case of payment of benefits

The institution of the person who has received benefits that were not payable to him, shall cooperate with the institution of any other Contracting Party which has paid such benefits should the latter institution seek recovery from the beneficiary in *question*

Article 58:

Mutual assistance in case of overpayment - recovery of excess payments

If the institution of a Contracting Party has paid to a beneficiary a sum in excess of his entitlement, that institution may request the institution of any other Contracting Party responsible for payment of benefits of the same kind to that person to deduct the amount overpaid from the payment it is making to him. The latter institution shall withhold that amount to the extent to which such a deduction is permissible under the legislation it applies, as if the overpayment had been made by it, and transfer the amount so withheld to the creditor institution.

Article 59:

Recovery of advances

If the institution of a Contracting Party has made an advance payment of benefits, *the* institution may request the institution of any other Contracting Party paying benefits of the same nature for the beneficiary of the advance to deduct the amount of the advance from the payments due to him for the same period. The latter institution shall transfer the amount to the creditor institution.

Article 60:

Reimbursement of benefits in kind duly served.

1. If entitlement to benefits is not recognised by the institution stated to be the competent one, the cost of the benefits in kind provided by the institution of the place of temporary residence under *the* presumption in Article 31(2) of this Agreement shall be refunded by the institution stated to be the competent one.
2. Expenses incurred by the Institution of the place of residence as benefits in kind paid by virtue of the provisions of paragraph 35 of this Arrangement while the person concerned is not entitled to benefits, shall be refunded by the competent institution.
3. If an institution has refunded benefits incorrectly paid, in accordance with the provisions of paragraphs 1 or 2 of this Article, it shall remain the creditor of the recipient for the amount of the benefit incorrectly paid.

Article 61:

Disputes concerning the applicable legislation or the liable institution

In the event of a dispute between the institution or competent authorities of two or more Contracting Parties concerning either the legislation applicable under Title II of the Convention of the institution which is to provide benefit, the person who would have been able to claim benefit in the absence of such a dispute shall provisionally receive the benefit prescribed by the legislation which the institution of the place of residence applies or, where the person concerned does not reside in the territory of one of the Contracting Parties concerned, by the legislation of the Contracting Party to which he was previously last subject. After settlement of the dispute, the cost of the benefits paid provisionally shall be borne by the institution declared as liable to pay the benefits.

Article 62:
Enquiries in the territory of another Contracting Party

If, in order to apply its national legislation, or the Convention, in specific cases, the competent institution of a Contracting Party considers it necessary to conduct an enquiry in the territory of another Contracting Party, it may appoint an investigator for the purpose, subject to the agreement of the competent authorities of the two Parties concerned. The competent authority of the Contracting Party in whose territory the enquiry is to take place shall give every assistance to the investigator and appoint a person to assist him in consulting the records and all other documents relevant of the case.

Article 63: Notifications

Any agreements concluded under Article 28, Article 34(3), Article 42(3) and Article 61 of the Convention, or under Article 4 of this Agreement, shall be communicated to the President of the ECOWAS Commission within two months of the date of their entry into force.

Article 64: Annexes to the Arrangement

1. The Annexes referred to in Article 3 of this Arrangement shall be an integral part thereof.
2. Any amendment of the Annexes to *this* Agreement shall be notified by the Contracting Party concerned to the President of the ECOWAS Commission.

TITLE VII.
APPLICATION OF THE ADMINISTRATIVE ARRANGEMENTS

Article 65:
Application to ECOWAS Member State

Application of this Administrative Arrangement shall be deemed to commence from the entry into force of the Supplementary Act A/SA.../06/13 adopting the Convention on Social Security. It shall have the same duration as the said Supplementary Act.

Article 66: Application to Non-Member States

In respect of non-member States who have acceded to the Supplementary Act A/SA.../06/13 adopting the Convention on Social Security, the Administrative Arrangement shall automatically be deemed to be applicable to them on *the* date of entry into force of the said Supplementary Act for each of these States.

ANNEX 1
Article, subparagraph 7 of the Convention and
Article 3, paragraph 1 of the Arrangement

Competent Authorities

BENIN	The Minister responsible for Social Security,	Cotonou
BURKINA FASO	"	Ouagadougou
CAPE VERDE	"	Praia
COTE D'IVOIRE	"	Abidjan
THE GAMBIA	"	Banjul
GHANA	"	Accra
GUINEA	"	Conakry
GUINEA BISSAU	"	Bissau
LIBERIA	"	Monrovia
MALI	"	Bamako
NIGER	"	Niamey
NIGERIA	"	Abuja
SENEGAL	"	Dakar
SIERRA LEONE	"	Freetown
TOGO	"	Lome

ANNEX 2
Article 3, subparagraph 1, of the Convention and
Article 3, paragraph 2, of the Arrangement

BENIN	<p style="text-align: center;">Competent Institutions and Benefits</p> <p>La Caisse Nationale de Securite Sociale</p> <ul style="list-style-type: none">- Family benefits and maternity benefits- Work-related accidents and occupational diseases- Old age benefits, Disability benefits and Survivors' benefits.
BURKINA FASO	<p>La Caisse Nationale de Securite Sociale</p> <ul style="list-style-type: none">- Family benefits;- Old age benefits- Maternity benefits- Occupational risks
CAPE VERDE	<p>L'Institut d'Assurance et de Securite Sociale</p> <ul style="list-style-type: none">- For old age, invalidity and survivors' benefits- Benefits in respect of occupational injuries and diseases- Family benefits: <p>Le Service National de Sante</p> <ul style="list-style-type: none">- Prestations de maladies et de maternite
COTE D'IVOIRE	<p>La Caisse Nationale de Prevoyance Sociale</p> <ul style="list-style-type: none">- Family benefits and maternity benefits- Work-related accidents and occupational diseases- Old age benefits, Disability benefits and Survivors' benefits.
THE GAMBIA	<p>Social Security and Housing Finance Corporation</p> <ul style="list-style-type: none">- For old age, invalidity and survivors' benefit, work related accidents, Occupational diseases and unemployment benefits; <p>The individual Employer</p> <ul style="list-style-type: none">- For benefits in respect of occupational injuries and diseases;
GHANA	<p>Social Security and National Insurance Trust</p> <ul style="list-style-type: none">- For old age, invalidity and survivors' benefits: Social <p>Individual Employer</p> <ul style="list-style-type: none">- For benefits in respect of occupational injuries and diseases, sickness and maternity benefits:
GUINEA	<p>La Caisse Nationale de Securite Sociale;</p> <ul style="list-style-type: none">- Family and maternity benefits- Work-related accidents, occupational diseases- Old age benefits. Disability benefits and Survivors' benefits.
GUINEA BISSAU	<p>Instituto Nacional de Seguranca Social (INSS)</p> <ul style="list-style-type: none">- Old age benefits, Disability benefits and Survivors' benefits.- Work-related accidents, occupational diseases- Family and maternity benefits

LIBERIA	<p>National Social Security Welfare Corporation</p> <ul style="list-style-type: none"> - Occupational diseases - Work-related accidents - Old age benefits - Disability benefits - Survivors' benefits.
MALI	<p>Institut National de Prevoyance Sociale</p> <ul style="list-style-type: none"> - Family benefits; - Prevention and compensation of work-related accidents, occupational diseases - Old age benefits, Disability benefits and Survivors' benefits <p>Caisse Nationale d'Assurance Maladie (CANAM)</p> <ul style="list-style-type: none"> - Healthcare benefits.
NIGER	<p>Caisse Nationale de Securite Sociale</p> <ul style="list-style-type: none"> - Family benefits; - Work-related accidents and occupational diseases Pensions
NIGERIA	<p>National Social Insurance Trust Fund, National Pension Commission</p> <ul style="list-style-type: none"> - For old age, invalidity and survivors' benefits, sickness and maternity benefits: <p>National Provident Fund.</p> <ul style="list-style-type: none"> - For benefits in respect of occupational injuries and diseases:
SENEGAL	<p>Institution de Prevoyance-Retraite du Senegal</p> <ul style="list-style-type: none"> - For old age, invalidity and survivors' benefits <p>Caisse de Securite Sociale</p> <ul style="list-style-type: none"> - For benefits in respect of occupational injuries and diseases, family and maternity benefits <p>Institutions de Prevoyance Maladie</p> <ul style="list-style-type: none"> - Occupational diseases
SIERRA LEONE	<p>National Social Security and Insurance Trust (NASSIT)</p> <ul style="list-style-type: none"> - For old age benefits - Invalidity benefits - Survivors' benefits <p>Ministry of Labour and Social Security/ Individual Employer</p> <ul style="list-style-type: none"> - For benefits in respect of occupational injuries and diseases
TOGO	<p>Caisse Nationale de Securite Sociale</p> <ul style="list-style-type: none"> - Family and Maternity benefits - Work-related accidents and occupational diseases - For old age, invalidity and survivors' benefits <p>Institut National d'Assurance Maladie Obligatoire</p> <ul style="list-style-type: none"> - Healthcare benefits <p>Caisse des Retraites du Togo</p> <ul style="list-style-type: none"> - For old Age, invalidity benefits; - Family Benefits.

ANNEX 3

Article 3 of the Arrangement

Institutions designated by the competent authorities as responsible for issuing a certificate of temporary employment abroad

BENIN	Benin Social Security Office
BURKINA FASO	National Social Security Fund
CAPE VERDE	Institute of Insurance and Social Security
COTE D'IVOIRE	National Social Insurance Fund
GAMBIA	Social Security and Housing Finance Corporation
GHANA	Social Security and National Insurance Trust Ministry of Labour
GUINEA	National Social Security Fund
GUINEA BISSAU	National Institute of Insurance and Social Security
LIBERIA	National Social Security and Welfare Corporation Ministry of Labour
MALI	National Social Insurance Institute
NIGER	National Social Security Fund
NIGERIA	National Social Insurance Trust Fund Ministry of Labour and Productivity
SENEGAL	Social Security Fund, Ministry of Labour
SIERRA LEONE	The individual employer - Ministry of Labour
TOGO	National Social Security Fund - Ministry of Labour

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President of the Republic of BENIN

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Prime Minister and Head of the Government,
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Vice-President of The Gambia, for and on
behalf of the President of the Republic

H.E. Alpha CONDE
President of the Republic of
GUINEA

H.E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic LIBERIA

H.E. Mahamadou ISSOUFOU
President of the Republic of NIGER

H. E. Mankeur NDIAYE
Minister of Foreign Affairs and
Senegalese in Diaspora, For and on
behalf of the president of the Republic

H. E. Elliott OHIN
Senior Minister of Foreign Affairs and Cooperation
For and on behalf of the President of the Togolese Republic

H. E. Blaise COMPAORE
President of BURKINA FASO

H. E. Alassane OUATTARA
President of of the Republic of
COTE D'IVOIRE

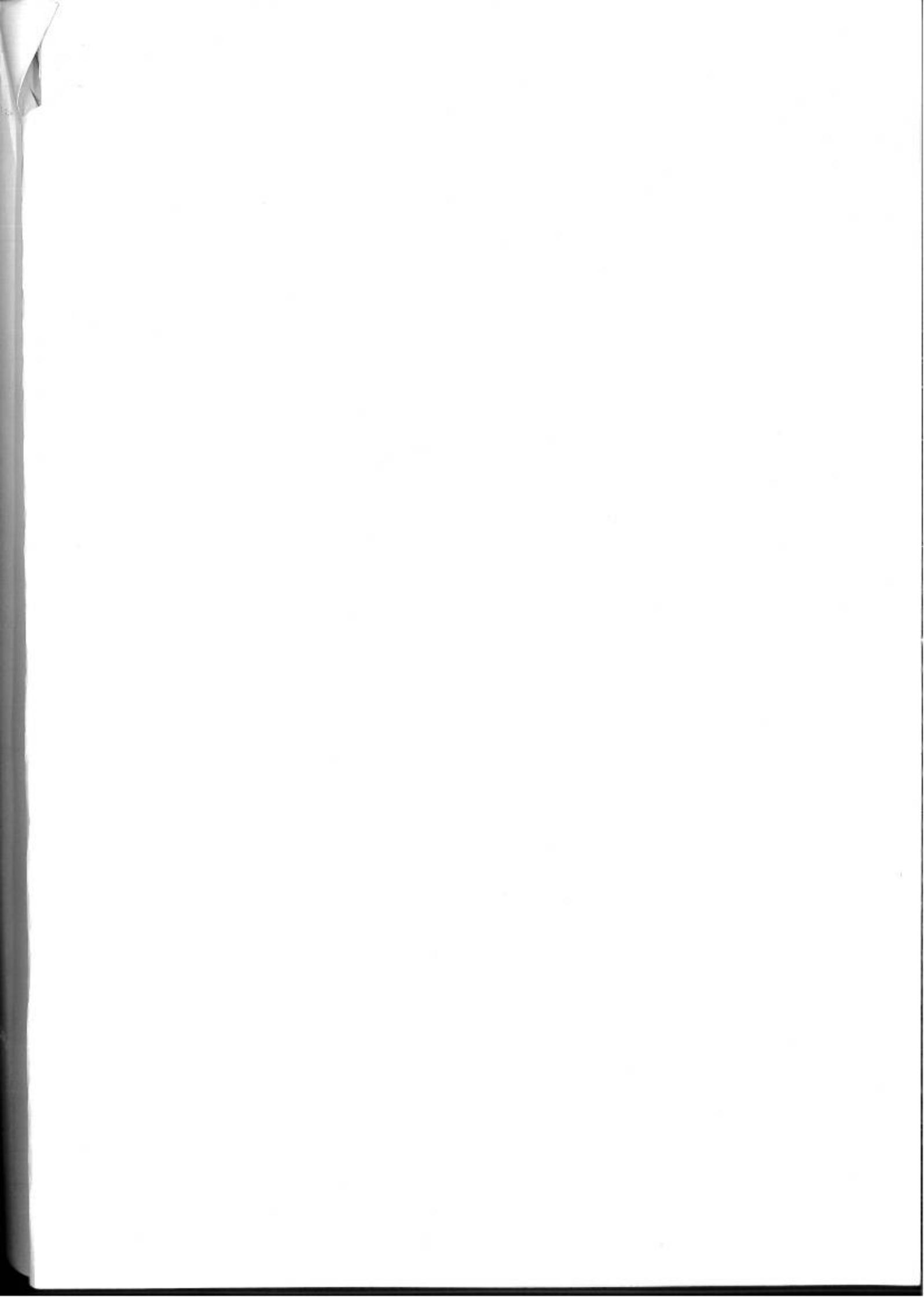
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