

Economic Community of West African States, African Regional Bodies

Supplementary Act A/SA.3/01/08 Adopting the West African Power Pool (WAPP) Transmission Line Implementation Strategy Act 1-3 of 2008

Legislation as at 18 January 2008

FRBR URI: /akn/aa-ecowas/act/2008/1-3/eng@2008-01-18

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PDF created on 23 August 2023 at 13:53.

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Supplementary Act A/SA.3/01/08 Adopting the West African Power Pool (WAPP) Transmission Line Implementation Strategy

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Economic Community of West African States

Supplementary Act A/SA.3/01/08 Adopting the West African Power Pool (WAPP) Transmission Line Implementation Strategy Act 1-3 of 2008

Published in official journal 52 on 1 January 2008

Commenced in full on 18 January 2008

[This is the version of this document at 18 January 2008.]

The High Contracting Parties,

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

MINDFUL of Decision A/DEC.3/5/82 of the Authority of Heads of State and Government on the ECOWAS Energy Policy;

MINDFUL of Decision A/DEC.5/12/99 of the 22nd Session of the Authority of Heads of State and Government held in Lome on 10 December 1999 relating to the establishment of a West African Power Pool (WAPP);

MINDFUL of Decision 18/01/06 of the 29th Session of the Authority of Heads of State and Government held in Niamey on 12 January 2006 relating to the organization and operation of WAPP;

MINDFUL of Decision A/DEC.20/01/06 of the 29th Session of the Authority of Heads of State and Government held in Niamey on 12 January 2006 granting the WAPP General Secretariat the status of specialized ECOWAS institution;

CONSIDERING that the WAPP priority projects constitute an energy trade cooperative mechanism for the integration of national electric power grids in a unified regional electricity market for ensuring, in the medium and long-term, the supply of stable and dependable electric power to West African citizens at affordable rates;

OBSERVING that the energy trade between Ghana, Cote d'Ivoire and Nigeria requires high capacity transmission interconnection from Cote d'Ivoire through Togo/Benin to Nigeria, known as the Coastal Transmission Backbone (CTB);

CONSIDERING that the ECOWAS Revised Master plan for the Generation and Transmission of Electric power adopted at the 28th Session of the Authority of ECOWAS Heads of State and Government held in Accra on 19 January 2005, through Decision /DEC.7/01/05, identified the 330 kV CTB as being indispensable and critical to the development of the WAPP.

NOTING that the WAPP General Secretariat, the Volta River Authority of Ghana (VRA), the Power Holding Company of Nigeria (PHCN), and the Community Electrique du Benin (CEB) of Togo/Benin intend to undertake a project that will comprise the construction of a 330 kV transmission line from the Volta in Ghana through Mome Hagou in Togo, up to Sakete in Benin, as a component of the CTB to facilitate the energy trade among the Member States of the West Africa sub-region;

AWARE of the need to implement the project in the most favourable conditions, and having regard to the increasing cooperation between electricity companies in the realization of the projects, the VRA, CEB, and PHCN, through a Memorandum of Understanding, agreed to determine the most advantageous ways and means of implementing the 330-kV Volta - Mome - Hagou - Sakete Interconnection Project and, on that basis, agreed to sign Energy Trade Agreements to take advantage of it;

CONSIDERING that the WAPP has undertaken a fast-track study and recommended the implementation of the CTB through a special purpose company in the framework of a public/private partnership

CONSIDERING that the WAPP has received assistance from the Public Private Infrastructure Advisory Facility (PPIAF) to develop a template for WAPP Transmission Line Implementation Strategy comprising Special Purpose Companies in the framework of public/private partnerships;

CONSIDERING that the WAPP General Assembly, by Decision WAPP/19/DEC.26/10/07 of 26 October 2007, adopted the concept of implementing WAPP Transmission Line Projects through a special purpose company in the form of public/private partnerships, if necessary, as a WAPP Transmission Line implementation Strategy;

RECALLING that the WAPP General Assembly, by Decision WAPP/19/DEC.26/10/07 of 26 October 2007, requested the ECOWAS Energy Ministers meeting to adopt the WAPP Transmission Line Implementation Strategy for submission to the Council of Ministers and subsequent adoption by the Authority of Heads of State and Government;

ON THE RECOMMENDATION of the Fifty-ninth (59th) Session of the ECOWAS Council of Ministers, held in Ouagadougou on 14 and 15 December 2007;

HEREBY AGREE AS FOLLOWS:

Article 1

The WAPP Transmission Line Implementation Strategy, as well as the concept of specific purpose company in the form of public/private partnerships with a view to expanding the possibilities of financing these lines, is hereby adopted.

Article 2

WAPP members shall take all necessary measures to ensure the implementation of the WAPP Transmission Line Implementation Strategy.

Article 3

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 Authority. It shall also be published within the same time-frame in the *National Gazette* of each Member State.

Article 4

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

Article 5

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

IN WITNESS WHEREOF WE, Heads of State and Government of the Economic Community of West African States, have signed this Supplementary Act

Done at Ouagadougou, this 18th day of January 2008

In single original in the English, French and Portuguese languages, the three texts being equally authentic