

Economic Community of West African States, African Regional Bodies

## Supplementary Act A/SP.16/02/12 Adopting the ECOWAS Mineral Development Policy (EMDP) and its Implementation Matrix Act 2-SP16 of 2012

Legislation as at 17 February 2012

FRBR URI: /akn/aa-ecowas/act/2012/2-sp16/eng@2012-02-17

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PDF created on 23 August 2023 at 14:36.

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Supplementary Act A/SP.16/02/12 Adopting the ECOWAS Mineral Development Policy (EMDP) and its Implementation Matrix

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Economic Community of West African States

## **Supplementary Act A/SP.16/02/12 Adopting the ECOWAS Mineral Development Policy (EMDP) and its Implementation Matrix Act 2-SP16 of 2012**

*Published in official journal 60 on 17 February 2012*

**Commenced in full**

*[This is the version of this document at 17 February 2012.]*

### **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 01 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 3<sup>rd</sup> 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 socio-economic 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 17<sup>th</sup> day of February 2012

In single original in the English, French and Portuguese languages, all three (3) texts being equally authentic