

**FORTIETH ORDINARY SESSION OF THE AUTHORITY
OF HEADS OF STATE AND GOVERNMENT**

Abuja, ... 2011

**SUPPLEMENTARY ACT A/SP.3/08/11 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 Treaty as amended, establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 31 of the said ECOWAS 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 encourages the acquisition of skills and increases 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 17th to 19th 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, THE HEADS OF STATE AND
GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST
AFRICA, HAVE SIGNED THIS SUPPLEMENTARY ACT.**

DONE AT ABUJA THIS 19TH DAY OF AUGUST 2011

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