

Communauté Economique

Des

Etats de l'Afrique de l'Ouest



Economic Community

Of

West African States

CREATING THE ENABLING ENVIRONMENT WITHIN THE ECOWAS REGION

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Introduction

- Background to the Legal Texts adopted by the 8th Meeting of ECOWAS Minister's on ICT and Telecommunications.
- Supplementary Act on Electronic Transactions
- Supplementary Act on Personal Data Protection
- Directive on Fighting Cybercrime
- Conclusion



BACKGROUND

ECOWAS Treaty


- The need to promote co-operation and integration in order to establish an economic union to raise living standards, maintain economic stability and foster good relations among Member States for the overall development of the African Continent.
- Specifically promoting the creation of an enabling environment to achieve socio-economic development.

ECOWAS Treaty

- The Member States therefore undertook to take all necessary measures to ensure the enactment and dissemination of legislative and statutory texts as may be necessary for the implementation of the provisions of the Treaty.
- Chapter V & VII of the Treaty charged Member States to ensure among other things the development industries and priority sectors such as ICT by the adoption of necessary legal texts & policies for the sector.

Supplementary Act A/SA.1/01/07

- Supplementary Act on the Harmonization of policies and of the Regulatory Framework for the ICT Sector.
- The aim of the Act is to establish a harmonized policy & regulation for the ICT industry.
- Supplemented by further texts such as the three (3) texts adopted by the Minister's Meeting.
- This Act establishes a number of procedures aimed at assuring the harmonized application of the regulatory framework through out the region.



**SUPPLEMENTARY ACT
ON ELECTRONIC
TRANSACTIONS WITHIN
ECOWAS**

What informed this text?

- Volume of electronic transactions is relatively low within the ECOWAS Region.
- Impediments to the development of electronic transactions due to inadequate regulation.
- The need to adopt a text within the Region with a view to ensuring the necessary security and legal framework for the emergence of reliable electronic transactions in the region.

The Act in Brief

- Recognizes the conduct of electronic transactions within the ECOWAS space.
- Makes rules to regulate activities around electronic transactions.
- It deals with issues such as contractual liabilities surrounding electronic transactions, electronic advertising and security of such transactions.



**SUPPLEMENTARY ACT ON
GUIDELINES ON PERSONAL
DATA PROTECTION WITHIN
ECOWAS**

What informed this text?

- The increase in the use of ICT tools in general and the Internet in particular.
- The protection of personal data is a challenge within the region.
- ECOWAS region could not remain isolated from the protection of personal data which is a global problem.
- Legislation of personal data becomes an indispensable tool for ensuring the protection of fundamental rights and liberties of persons.
- The need to adopt this text with a view to filling the “legal vacuum” by establishing a mechanism to combat violations of personal data.

The Act in Brief

- Supplementary Act is to deal with violations affecting personal data.
- The Act looks at the legal framework for personal data protection, requirement and principles for processing personal data as well as institutional framework for the protection of personal data.



DIRECTIVE ON FIGHTING CYBER CRIME WITHIN ECOWAS

What informed this text?

- The Increase in the use of ICT tools especially the internet for fraudulent acts.
- International Initiatives relating to fighting cyber crime.
- Cyber crime is a new domain that requires definition of specific offences.
- The need for penal offences to effectively fight cyber crime and ensure cyber security within the region.

The Directive in Brief

- Why Directive? The absence of a harmonized sub-regional penal framework.
- The Directive deals with offences specifically related to ICT, incorporating traditional offences into ICT offences and sanctions for such offences.

Conclusion

- Impact of these acts in the ECOWAS region.
- Value to multi-stakeholders.
- Adapting national Laws to the Supplementary Acts.



Thank You!