



SUPPORT TO THE PROMOTION OF THE BUSINESS LAW HARMONISATION IN WEST AFRICA

STUDY REPORT





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FEDERATION OF WEST AFRICA CHAMBERS OF COMMERCE AND INDUSTRY

FECCIAO PROFIL

La Fédération des Chambres de Commerce et d'Industrie de l'Afrique de l'Ouest (FECCIAO) a été créée dans les années 1970 par les Présidents des Chambres de Commerce et d'Industrie de la région Ouest Africaine dans le but de permettre au monde des affaires de la région de se faire entendre et de disposer d'un outil pour favoriser le développement et réduire la pauvreté.

La FECCIAO défend les intérêts du Secteur Privé de la région de la CEDEAO pour:

- Une plus grande implication du secteur privé dans les prises de décisions politiques.
- Une amélioration du climat des affaires pour le développement d'investissement privé.
- Un Partenariat public-privé pour la réalisation des projets et plus particulièrement des projets régionaux couvrant plus d'un pays membre de la CEDEAO, tels que les routes, les chemins de fer, etc.
- Un Dialogue public-privé institutionnalisé
- Une Bonne Gouvernance d'Entreprise

La FECCIAO est également engagée à travers ses actions de renforcements de capacités de ses membres par l'organisation de séminaires, d'ateliers et dispose de diverses plateformes permettant aux membres d'échanger des idées et de partager leurs expériences.

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FEWACCI PROFILE

The Federation of West Africa Chambers of Commerce and Industry (FEWACCI) was created in the 1970s by the Presidents of Chambers of Commerce of the West African Region with the aim of enabling the region's business community to be heard and to have a tool to promote development and reduce poverty.

FEWACCI defends the interests of the Private Sector in the ECOWAS region for:

- Greater involvement of the Private Sector in political decision-making.
- Improvement of the business climate for the development of private investment.
- a public-private partnership for the realization of projects and more particularly regional projects covering more than one ECOWAS member country, such as roads, railways, etc.
- An institutionalized Public-Private Dialogue.
- Good Corporate Governance

FEWACCI is also committed through its capacity building actions for its members through the organization of seminars, workshops and has various platforms allowing members to exchange ideas and to share their experiences.

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GENERAL CONTEXT

ECOWAS and UEMOA mandate: Create common markets based on the free movement of people, goods, services, capital and the right of establishment

Crucial role of the private sector to achieve rapid economic growth and development

Significant progress:

- Free trade zone with the ECOWAS trade liberalization scheme
- ECOWAS Common External Tariff
- Investment code, customs code, protocol on free movement of people, etc.
- Construction and modernization of infrastructure: transport, energy, communication
- Achievement of a common investment market under way
- Engagement in trade agreements, mainly AfCFTA

However, persistence of challenges

- Low level of intra-community trade: around 12%
- Weak doing business environment: ECOWAS economies ranked in the bottom 100 out of the 190 economies in the world (World Bank's Doing Business 2020 report)

Key Obstacles

- Obstruction of trading across borders
- Weak access to finance and unsuitable payment system
- Difficult enforcing contracts conditions
- Inefficient market development
- Protectionism and non compliance with the intellectual property rules
- Poor infrastructure
- Weak legal business environment

Different Legal And Regulatory Regimes In West Africa

- Nine (9) French-speaking member states (Benin, Burkina, Cote d'Ivoire, Guinea, Guinea Bissau, Mali, Niger, Senegal, Togo) operate within the framework of OHADA
- Six (6) member states (Cap Verde, Gambia, Ghana, Liberia, Nigeria, Sierra Leone) apply different regimes according to the principles of English Common Law

OBJECTIVES AND RESULTS OF THE INTERVENTION

Overall objective: Align the various ECOWAS business regulatory regimes in a harmonized regulatory environment that ensures the security and predictability of business transactions in a single economic space

Specific objective: Assist FEWACCI in the promotion and implementation of the ECOWAS business law harmonisation process in targeted priority sectors, with the inclusive involvement of the private sector

Result 1: Study on the harmonisation of business law in the ECOWAS region with the participation of the private sector and proposal of an action plan for the involvement of the private sector in the harmonisation efforts

Result 2: Preparation of draft harmonised acts and advocacy for the harmonisation of business Law

Result 3: Roadmap for coordination and monitoring

Result 4: External communication on the study and the Public Private Dialogue on the harmonisation of business law

State of Play of the Business Harmonisation Process in West Africa

Preparation between 2006-2015 by the ECOWAS Commission, with the support of TA, of :

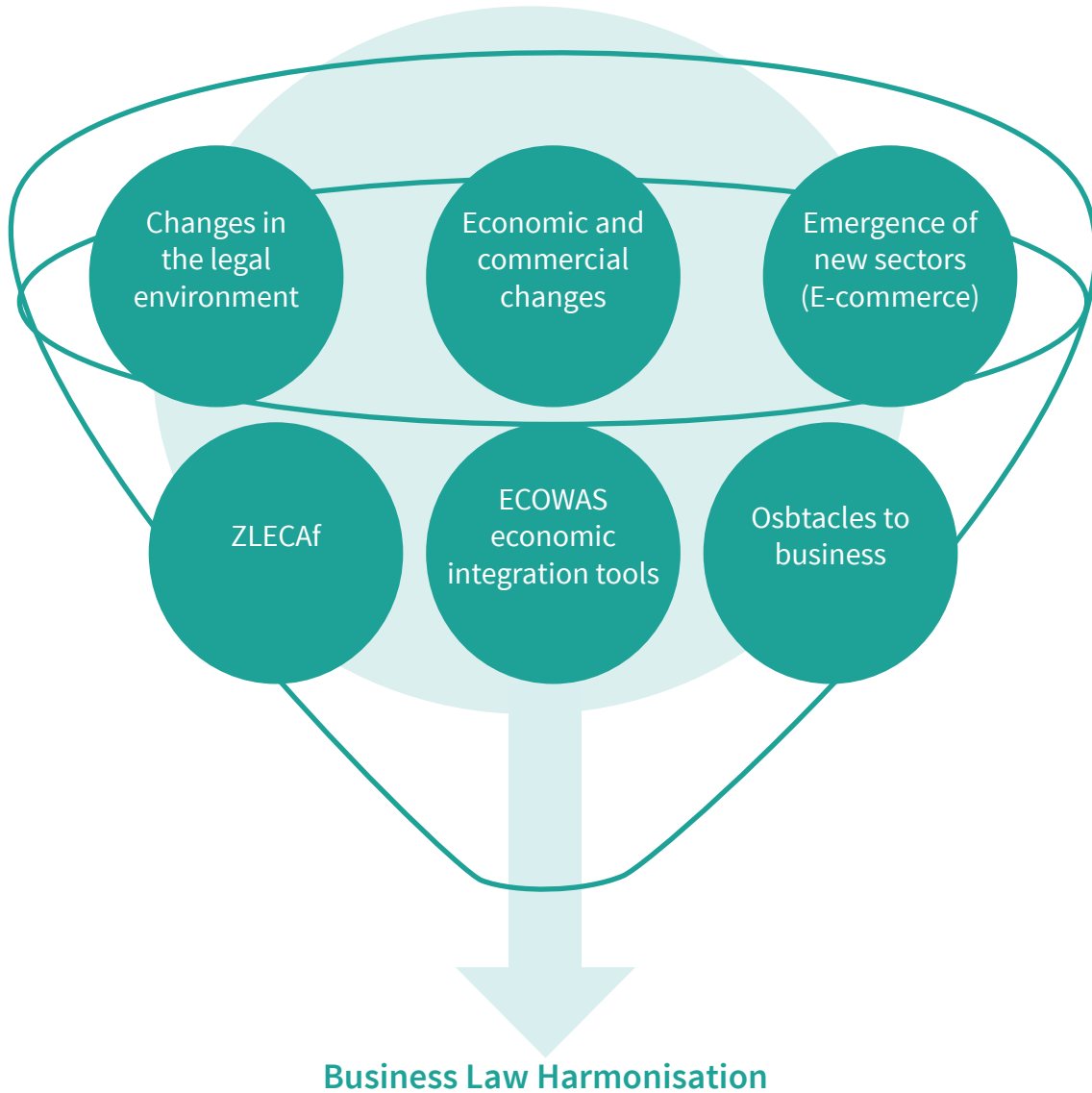
- reports containing summaries of the business laws of the five non-OHADA States in ECOWAS
- charts identifying similarities and dissimilarities of the business laws of the OHADA States with the OHADA regime
- draft supplementary acts covering a number of areas

Challenges that arose

- Some stakeholders preferred that where there were differences between the provisions of the OHADA and non-OHADA regimes, harmonisation could be effected through the adoption of the OHADA rules
- Others did not agree with this approach and proposed approaches that would not be seen to be a wholesale adoption of the OHADA rules
OHADA regime also applied to other African countries
- Any changes to the OHADA provisions within the ECOWAS space would result in conflicting commitments for OHADA countries in ECOWAS under the harmonised ECOWAS regime and the OHADA regime

The process has been on hold since 2015

CONTEXTUAL ELEMENTS TO TAKE INTO ACCOUNT



Recommendations/Strategy To Promote The Business Law Harmonization Process In Ecowas Region

Vision and Objectives Of The Strategy

Vision

“Make business law harmonization a lever to carry out ambitious reforms and use the uniform legal provisions to promote value chains and improve the level of trade at regional and continental level with a view to inclusive growth for the well-being of the West African population ”

Objectives of the Strategy

- Ensure the involvement of the private sector in the business law harmonisation process
- Reduce obstacles to doing business and improve the performance of ECOWAS economies
- Facilitate advocacy for the mobilization of all stakeholders, including the private sector and the political levels
- Contribute to the implementation of commitments made by ECOWAS States for improving business
- Promote the reforms necessary for the implementation of the AfCTA to enable the private sector to benefit from the Agreement
- Provide a framework for continuous dialogue on business on improving the legal environment for business

Axes of the Strategy

Axis 1: Governance of the harmonization of business law

Axis 2: Support the identification, drafting and adoption of supplementary acts to improve business regulation

Axis 3: Improving the technical capacities of private sector actors on business law harmonisation

Axis 4: Monitoring the implementation of the Uniform Acts

Axis 5: Strengthening the appropriation of the business law harmonisation process through improved communication strategy

Thematic Areas for Drafting Harmonisation Acts

Many areas to respond adequately to the needs of the private sector

- Customs documentation and procedures; Border policing and security operations
- Financing and credit facilities; Payment systems; banking and insurance
- Electronic commerce
- Technical and quality standards; Hire purchase and conditional purchase
- General commercial law; contracts for the sale of goods
- Dispute resolution mechanisms; competition; investment law
- Carriage of goods by road, rail, sea and air; company law
- Accounting standards; employment / labour law; intellectual property law

Would be impractical to harmonise all these areas at once given the limited human and financial resources available

Proposal from the mission based on the assessment of needs and priorities:

- Begin with two draft acts on company law and e-commerce, and
- Work on additional draft acts on an incremental basis in the future

Company Law

ECOWAS nationals who seek to establish in another ECOWAS country must comply with the laws of the host state on registration and operation of businesses

The lack of a common approach in the ECOWAS region in the area of company law poses a challenge to the right of establishment

A harmonized regional instrument on company law would respond to the needs of the private sector and facilitate the implementation of the relevant ECOWAS protocols

E-Commerce

E-commerce has many advantages

- Eliminates traditional barriers to trade and provides opportunities including the reduction of transaction costs, delivery of goods and services remotely and money payment and transfer solutions such as mobile banking
- E-commerce platforms enables sellers to reach more customers who also benefit from the greater options and increased convenience of accessing and comparing more products from a broader range of firms

Harmonized regional rules on e-commerce would enable greater access to financial services and facilitate cross-border trade

The legal landscape on Company law

Baseline: Draft ECOWAS Supplementary Act on Company Law developed in 2008

The Experts of this mission used as a baseline the draft Supplementary Act on Company Law prepared for ECOWAS in 2007

The Draft Supplementary Act set out the basic principles of company law including:

- Formation of companies
- Registration of companies
- Meetings and proceedings of companies
- Duties and powers of management including the board of directors
- Liabilities of companies
- Principles of corporate governance
- Winding up of companies

Regional: ECOWAS

Since 2007, ECOWAS has adopted protocols, rules and regulations relevant to company law:

The Supplementary Protocol on the Right of Residence and Establishment

- Guarantees the rights to settle or establish in another ECOWAS Member State, have access to economic activities and set up and manage companies under the same conditions as nationals of the host Member State.

The Supplementary Act on Competition Rules:

- Prohibits agreements and practices that restrict competition in the market

The ECOWAS Investment Code:

- Investments are subject to the laws and regulations of the Host State
- The benefits of the Code would apply to any investment by the investor in any Member State which is duly approved by the Host State

Regional: OHADA regime

Since 2007 OHADA has adopted the following Uniform Acts related to company law

The Uniform Act of Cooperatives:

- provides rules covering the formation and operations of cooperatives, liability of officers and the dissolution and liquidation of cooperatives

The Uniform Act on Insolvency:

- replaces the previous uniform act adopted in 1998
- it creates a conciliation procedure for companies which face difficulties but are not yet insolvent
- provides a simplified bankruptcy proceedings for small companies
- creates new mandatory deadlines in order to speed up proceedings

National Laws

The most significant national legislation to be adopted in the region since 2007 is Nigeria's Companies and Allied Matters Act of 2020 (CAMA 2020).

The substantive changes effected by CAMA 2020 are as follows:

- A single person can form and incorporate a private company
- A foreign company intending to carry on business in Nigeria without fulfilling the requirement of the law regarding incorporation in-country can file an application for an exemption directly to the Minister of Trade
- Penalties will be imposed on an exempted foreign company that fails to provide an annual report to the Commission
- New law provides rules on partnerships which are now recognized as separate legal entities
- Every public company must now have a minimum of three independent directors
- No person can be a director of more than five public companies at the same time
- All companies must keep a new register called a "Register of Director' Residential Addresses" which must contain the usual residential address of the company's directors.
- The compensation of managers of the company must now be disclosed to members of the company as part of the ordinary business to be transacted at the annual general meeting.
- Private companies can hold their annual general meetings electronically, but this does not apply to public companies who absent a special dispensation must continue to hold their general meetings physically.
- Every public company must display its audited accounts on its website
- Companies are now required to publish their list of unclaimed dividends in two national newspaper
- Two or more associations with similar aims and objects may merge under terms and conditions as the Corporate and Affairs Commission may prescribe by regulation.

Methodology Adopted for Proposed Draft Harmonised Act on Company Law

The Mission examined changes in the company law related rules in ECOWAS, the OHADA regime, and the non-OHADA countries.

With the exception of Nigeria's law, the changes under the ECOWAS instruments and the OHADA regime do not deviate significantly from the ECOWAS Draft Supplementary Act on Company Law.

Consistent with the strategy of the mission to propose draft harmonized acts that reflect the dynamism of the national and regional rules in ECOWAS, the Draft Supplementary Act has been revised to incorporate the new changes in CAMA 2020 that are found not to conflict with the existing rules of the OHADA regime.

The Legal Landscape on E-Commerce

Regional framework: ECOWAS

ECOWAS has developed two Supplementary Acts on e-transactions, and on personal data protection as well as a Directive on fighting cybercrime.

Supplementary Act on e-transactions (2010)

- requires Member States to outline a legal framework for the protection of personal data; sets standards for the processing of personal data; and clarifies the obligations of those responsible for personal data processing.

Directive on fighting cybercrime (2011)

- deals with the need to adapt the criminal law of ECOWAS Member States to address the phenomenon of cybercrime; defines offences that could be caused through the use of the Internet; and outlines the appropriate sanctions for those offences, based on the severity of the harm or injury caused.

Regional framework: UEMOA

UEMOA legal framework on e-commerce comprises 5 key legal texts:

- Regulation on payment methods within Member States of the West African Economic and Monetary Union (2002);
- Directive of the Central Bank of West African States (BCEAO) on the issuing of e-money and on electronic money institutions (2006);
- Directive on harmonization of control and regulation policies for the telecommunications sector (2006);
- Annex on the harmonization of regimes applicable to network operators and service providers (2006); and
- Directive on universal service and network performance obligations (2006).

Regional framework: OHADA

There is no specific Uniform Act in the OHADA regime that regulates e-commerce

National Laws

Electronic Transactions: About eight of ECOWAS States have adopted legislation related to the ECOWAS Supplementary Act on Electronic Transactions. The remaining countries have designed draft legislation, except for Guinea and Sierra Leone which have no laws on the subject.

Cybercrime: Four States have adopted laws on cybercrime while six have developed draft legislation

Data Protection: About ten majority of States have taken some steps towards the implementation of the Supplementary Act on Personal Data Protection. Six have legislation on data protection and another four have developed draft laws.

Consumer Protection: Six Member States have regulated the consumer protection area. Three have drafted laws that are yet to be adopted.

Methodology Adopted for Proposed Draft Harmonised Act on E-Commerce

Electronic transactions:

- ECOWAS instruments have not been uniformly transposed into national laws, are underenforced and do not take into consideration many of the emerging features of the digital ecosystem.
- Few of the national laws are informed by the results of the pioneering efforts of UNCITRAL with regard to the development of international instruments on e-commerce.
- There is need for a draft harmonized supplementary act that builds on the existing regional framework and incorporates relevant principles of the key UNCITRAL instruments:
 - UNCITRAL Model Law on Electronic Commerce, adopted in 1998
 - UNCITRAL MODEL Law on Electronic Signatures, adopted in 2001
- United Nations Convention on the Use of Electronic Communications in International Contracts These considerations have been taken into account in the drafting of the proposed harmonized act on e-commerce.

Payment Systems:

- A functioning payments system should be part of an e-commerce framework to facilitate regional trading.
- This would respond to the complaints by the private sector about difficulties with regard to access to funds or transfers of funds when transacting business in another ECOWAS Member States, including the costs of cross-border payments and money transfers.
- ECOWAS started work on a regional payments and settlement system in 2015. The work is on-going and no date has been set regarding the completion and finalization of a payment systems in the region.
- The mission has sought to respond to the void by incorporating relevant principles reflecting international best practice.
- The key instrument that has been used in developing the section on payments systems in the draft harmonised act on e-commerce is the EU Directive of 2015 on Payment Services in the Internal Market, Directive (EU) 2015

Key Elements of the EU Directive on Payment Systems

Increase competition by allowing participation also from non-banks

- Organizations that are neither banks or credit institutions could apply for an authorization as a payment institution if they met certain capital and risk management requirements.
- The application could be made in any EU country where they are established and they could then “passport” their payment services into all other EU member states without additional requirements.

Increase customer rights by

- requiring transparency from payment institutions, including provision of information on charges, exchange rates, and guarantees of faster payment (no later than the next day).
- providing for the rights and obligations of both payment service providers and users, including liability in case of unauthorized use of payment instruments and refunds on payments.

Each country is required to designate a “competent authority” to supervise the provider institutions and to monitor compliance with business conduct rules.

Coordination, Implementation and Monitoring of the Business Law Harmonization in ECOWAS Region

Technical Committee

Mission

- Facilitate and ensure the interface with stakeholders: Private sector, ECOWAS, Member States, etc.
- Develop and implement the annual work plan and budget for the harmonization of business law
- Monitor the implementation of the recommendations of the consultations, in particular the public-private dialogue platform
- Coordinate and organize the work of the thematic technical groups
- Mobilize actors for a synergy of action in the process of harmonization of business law
- Build the capacities of actors for optimal participation in the process
- Contribute to the resolution of differences that may arise during the process of harmonization of business law
- Implement the communication plan and organize advocacy
- Contribute to the mobilization of financial resources, including from development partners
- Approve draft act and transmit it to ECOWAS relevant bodies for adoption

Composition

- Chairman: Focal person of the public sector of the country which holds the presidency of ECOWAS
 - Focal point for the ECOWAS Commission: Directorate of Legal Affairs
 - Regional focal point for the private sector: Executive Directorate of FEWACCI
- Members:
- Technical Departments of ECOWAS, in particular the Directorate of the Private Sector,
 - Department of Trade, Department of Customs, Department of Free Movement, etc.
 - UEMOA Commission
 - Focal persons for the public sector: Ministries of justice in the ECOWAS member States
 - Focal persons for the private sector: Chambers of commerce and industry in the ECOWAS member States
- Relevant technical institutions of the private sector
- Members of the working groups (Consultants and experts from academia and legal practice, experts from the sector as needed (public agencies, companies), specialised institutions (OHADA, Court of Justice, AfCFTA))
- Any other stakeholders as appropriate

Adhoc Technical Working Groups

Mission

The key mission of the Adhoc Technical working group is to prepare the draft acts/decisions in its area. The draft acts will be submitted to the relevant ECOWAS bodies through the Technical Committee.

Composition

Co-Chairs: Directorate legal affairs ECOWAS and Relevant sectorial private sector associations
 Participants: Consultants and experts from academia and legal practice, experts from the sector (public agencies, companies), specialised institutions (OHADA, Court of Justice, AfCFTA).

National Focal Points

- Focal points from the public sector: Ministries of justice
- Focal points from the private sector: Chambers of commerce and industry
- Setting up of the focal persons network in order to create a partnership and exchanging experiences and good practices.

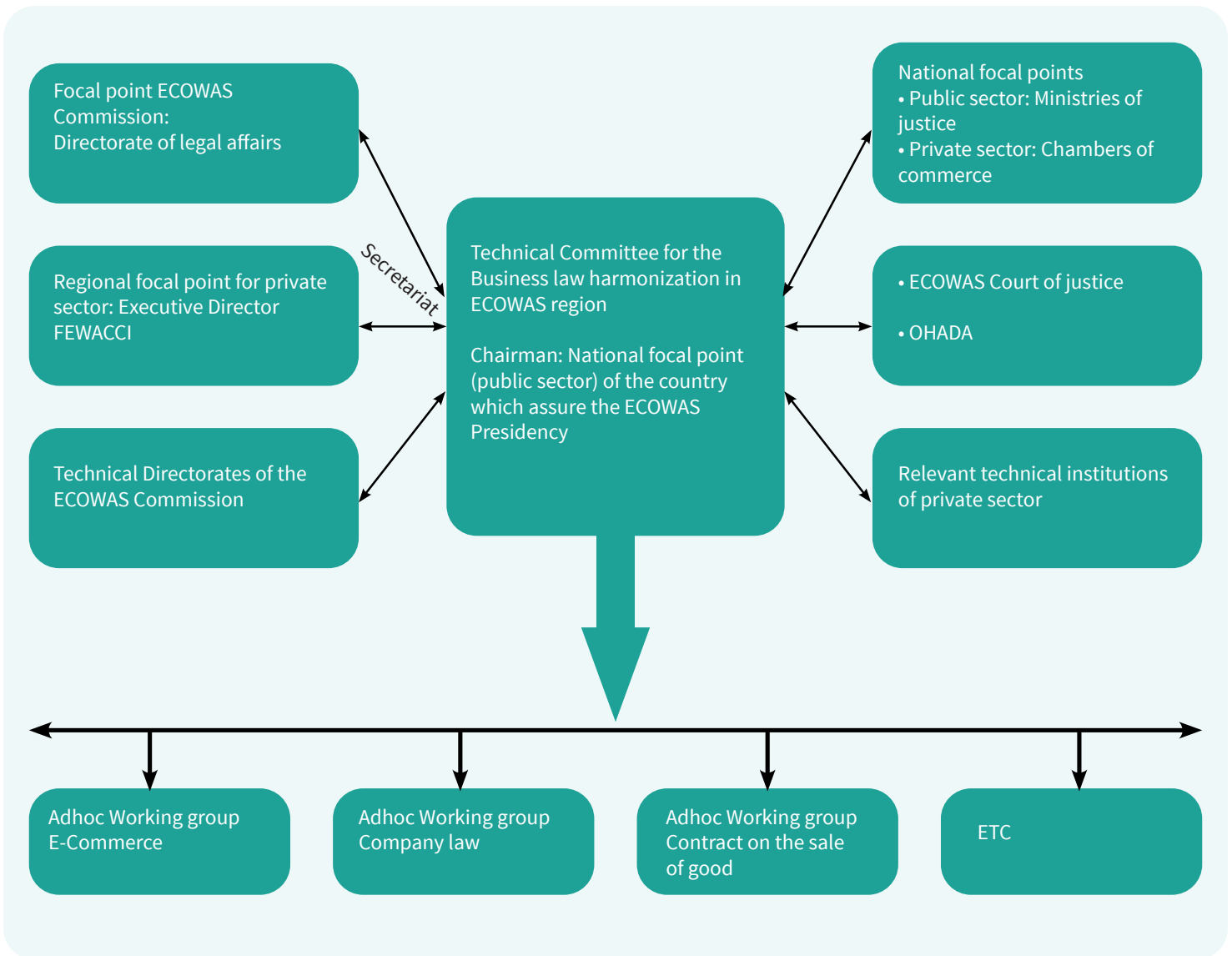
ECOWAS Court of Justice

- Current mission is to deal with disputes referred to it by Member States or the Authority where such disputes arise between the Member States or between one or more Member States and the institutions of the Community on the interpretation or application of the provisions of the Treaty
- Will work in complementarity with the OHADA Secretariat
- An option to ensure complementarity is to create a Special Tribunal to adjudicate disputes arising under the business laws harmonized in the ECOWAS space

Monitoring and Impact Indicators

- Indicators of achievement of results and impacts validated by the appropriate bodies and based on standardized and regularly compiled data
- Dashboards that will provide the status of implementation, identify the obstacles to the development of harmonized acts and their implementation, and made recommendation to improve the process
- Database to provide accurate information to the stakeholders

Coordination, Implementation and Monitoring of the Business Law Harmonization in ECOWAS Region



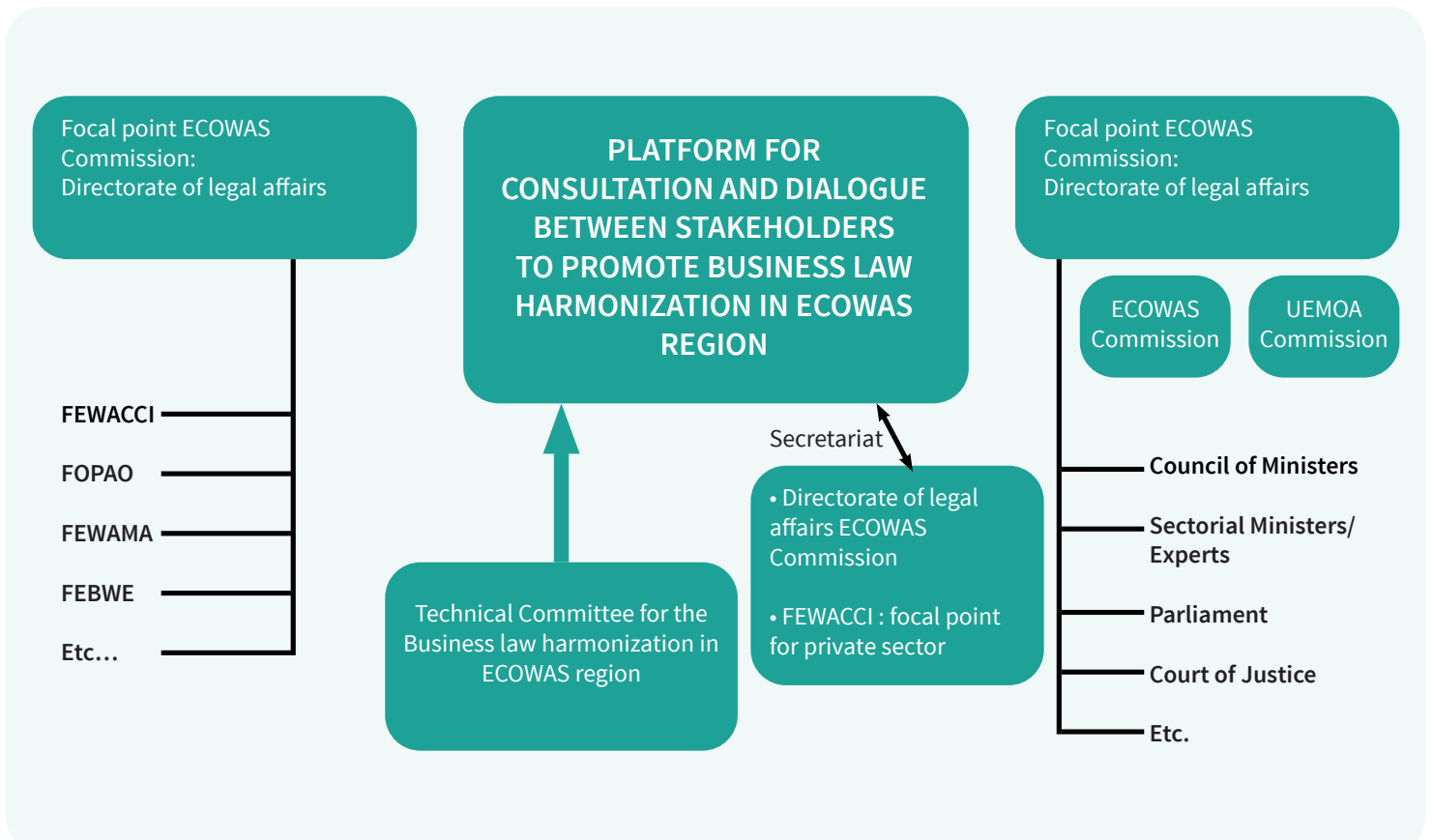
Platform of Public-Private Dialogue on the Business Law Harmonization in Ecowas Region

Mission

- Build mutual trust and bring together points of view on issues related to the harmonization of business law in the ECOWAS region
- Conduct joint analyzes of challenges and priorities in the field of harmonization of business law
- Provide guidance on policies and reforms in the area of business law that will create a more favorable environment for the development of the private sector
- Develop advocacy on business law harmonisation
- Approve reports submitted by the Technical Committee
- Review the implementation process and address any challenges

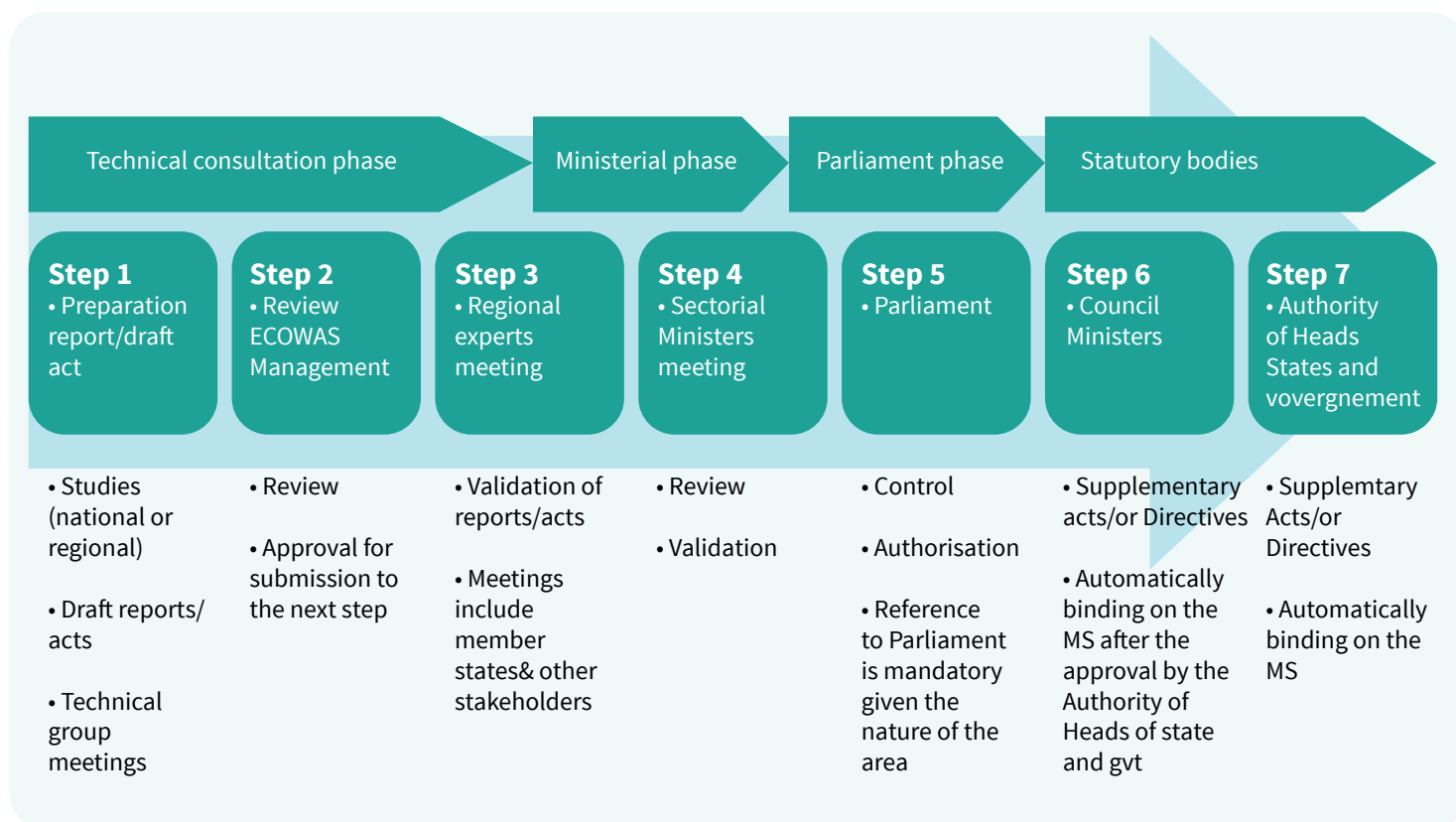
Composition

- Co-Chairs: Minister of justice and Head of a Regional Business Association (private sector apex when this become operational)
- Members:
 - ECOWAS bodies and related institutions: ECOWAS Commission, sectoral Ministers/ Experts, Council of Ministers, Parliament, Court of justice
 - Public bodies: sectoral Ministers and experts, public agencies
 - Private sector associations
 - UEMOA Commission
- Facilitators: Civil society, technical partners



Greater Involvement of Private Sector in the Decision-Making Process

Process of Decision/Regulation Adoption by ECOWAS



Step 1: Study phase at national / or regional level; consultations with the relevant stakeholders; follow up by a working group or a group of reference.

Recommendation: FEWACCI will ensure that the private sector is effectively consulted at the level of technical working groups.

Step 2: Depending on the importance of the topic, the management of the ECOWAS Commission may review the report and proposed acts and approve their submission for validation by the experts.

Recommendation: FEWACCI, which works in close collaboration with the ECOWAS Commission, will ensure through lobbying that the interests of the private sector are taken into account in the proposed acts.

Step 3: The reports and acts are submitted for validation by the experts of the Member States (Ministries or government institutions)

Recommendation: Participation of the private sector associations in the regional meeting or contribution to the national consultations in order to give its position, which will be taken by the representative of the country at the regional meeting.

Step 4: The meeting of experts is followed by that of sector ministers who must approve the reports and proposed acts.

Recommendation: Ensure the participation of FEWACCI top management to the ministerial meeting, at least as observer.

Step 5: Parliament is consulted and gives its opinion of non-authorization. Mandatory due to the nature of the area (adoption or review of the community Acts relating to economic and monetary, private sector and promotion of investments).

Recommendation: The parliament will verify, before giving its approval, whether the private sector has been consulted

Step 6 and 7: Adoption of acts by the Council of Ministers and the Authority of Heads of State and Government. For the acts to be directly binding on the member states, they must be adopted and signed by the Heads of State and Gvt.

Recommendation: Private sector is not formally a member of the statutory organs of ECOWAS. However, it could influence decisions through lobbying at the political level

Communication Strategy

Objectives

To increase awareness and ensure understanding of the relevance and impact of the business law harmonization among range of target audiences, including private sector and policy influencers through external communication

To ensure visibility of activities undertaken by FEWACCI to promote the business law harmonisation

Expected Results

- Greater interest, advocacy and engagement of the stakeholders in the business law harmonization
- Greater awareness of the role of the private sector in the business law harmonization process
- Broader contributions to business law harmonization
- More constructive deliberations leading to positive decisions and consensus
- Effective and efficient circulation of, access to information

Targeted Groups

- Public Sector: Ministries, Agencies
- ECOWAS and UEMOA officials across key institutions: Commissions, Parliaments, Courts of Justice, Statutory bodies, ECOWAS national Units
- Private Sector organizations: Chambers of Commerce, Employers, Associations, etc. and Companies
- Civil Society Organizations

- Media
- Academicians and researchers
- Relevant technical institutions: OHADA
- International influencers: African Commission on International Law (AUCIL), United Nations Commission on International Trade Law (UNCITRAL), International Institute for the Unification of Private Law (UNIDROIT), etc.

Key Messages

- The benefit for all stakeholders, the relevance to the AfCFTA, and show proof through good practices and key achievement in the area of legal integration in Africa and around the world.
- Business Law Harmonization has potential to improve the investment climate in the ECOWAS region.
- The private sector needs to be involved in business law harmonization processes for better-informed decision-making.
- The recommended PPD-Platform can be a solution for relevant stakeholders to meet regularly and work jointly on business law harmonization efforts.
- The private sector needs to be effectively involved and heard in the steps 1-5 of the ECOWAS decision making process.
- Harmonisation efforts of the business law should include areas where there are no existing or well developed national laws but where harmonisation through the adoption of common regional norms would facilitate trade, such as e-commerce.

Channels

- Media training/briefings to improve understanding of business law harmonization amongst a small group of journalists (broadcast and print/ online), and designed to build contacts
- Increased media engagement with national and regional media
- A business law harmonization website, liaison with relevant partners to ensure reciprocal links and, where appropriate, shared content; gradual increase in online feedback mechanisms to encourage dialogue with key audiences
- Social media
- Focus on meetings and briefings supported by e-updates via newsletters, trainings, etc.
- Increased policy influence through advocacy
- Database management system

Building Capacity of Actors

Recruit a long-term Technical Assistant whose mission and activities will be specified through the terms of reference

Mission

- Support the contribution of the private sector to the coordination, implementation and monitoring of the business law harmonisation in ECOWAS region, including Public-Private dialogue and the establishment of indicators, dashboards and data base
- Strengthen the capacity of the stakeholders
- Implement the communication strategies and plan

Training of the stakeholders

- Identify key gaps that exist in the current knowledge for the running of the business harmonization process
- Prepare, based on this assessment, training modules, customised to address identified gaps targeting key areas
- Deliver training through appropriate means and channels, including meetings, E-course/E-learning, as well as training of trainers approaches, giving practical advice, sharing experiences and best practices.

Sustainability

- Ensuring involvement of the private sector in the process.
- Establishment and effective functioning of a coordination and monitoring mechanism
- Ensuring leadership and ownership through the public-private dialogue mechanism and close collaboration between private sector and the ECOWAS Commission
- Ensuring multi-stakeholder participation and consultation: Foster a high degree of participation and engaging stakeholders from both public and private sector
- Avoiding duplication and maximizing on existing mechanism and instruments
- Adopting a long-term approach: support the promotion of law harmonization process
- Access to information through the development of a data base

Action Plan for the Implementation of the Business Law Harmonisation and the Implication of Private Sector

Axis 1: Governance of the Harmonisation of Business Law

Reference	Activities	Period
A.1.1	Presentation of the report and related documents to FEWACCI's governing bodies	From the end of the mission
A.1.2	Presentation of the report to the Management of the ECOWAS Commission to seek leadership engagement and ensure high-level ownership	After approval by FEWACCI's bodies
A.1.3	Preparation and signing of texts establishing the coordination and monitoring mechanism for the business law harmonization process in the ECOWAS region	Quarter 1 of implementation
A.1.4	Appointment of members of the technical committee for the harmonization of business law in the ECOWAS region	Quarter 2
A.1.5	Identification/confirmation of the national focal points	Quarter 2
A.1.6	Installation of the Technical Committee and launch of its activities	Quarter 2
A.1.7	Fundraising / mobilization for the implementation of activities	Quarter 3
A.1.8	Adoption of the work plan of the Technical Committee and priority area for harmonisation	Quarter 2
A.1.9	Recruitment of the FEWACCI Technical Assistant to support the harmonization of business law in the ECOWAS region	Upon financial resources mobilisation
A.1.10	Establishment of partnership with specialized institutions including OHADA	Quarter 3

Axis 2: Support to the identification, drafting and adoption of supplementary acts to improve business regulation

Reference	Activities	Period
A.2.1	Setting up of an ad hoc working group in the identified priority sector with the support of technical assistants, consultants and experts from academia and legal practice. This activity will focus preliminary on the Company Law and E-commerce which are the two priority sectors identified in this report.	Quarter 3
A.2.2	Development by the working groups of the initial drafts of the laws in identified priority sectors	Quarter 3
A.2.3	Review of the initial draft laws by the Technical Committee involving technical stakeholders: ECOWAS relevant departments, UEMOA representatives; private sector network; members of the working groups	Quarter 3
A.2.4	Consultations with ECOWAS member states on revisions to the initial draft laws as a result of the joint evaluation (private sector to participate)	Quarter 4
A.2.5	Sensitization of key decision makers on the content of the initial draft laws	Quarter 4
A.2.6	Advocacy and follow up by FEWACCI and the private sector network on each step of ECOWAS decision-making on business law harmonisation	Quarter 4
A.2.7	Finalization of the revised draft laws by the ECOWAS legal department to incorporate feedback	Quarter 4
A.2.8	Initiation by the ECOWAS legal department of the relevant processes in ECOWAS for the adoption of binding instruments	Quarter 5
A.2.9	Consultations with ECOWAS Parliament on the proposed draft laws (private sector to participate)	Quarter 5
A.2.10	Validation of proposed draft laws by the ECOWAS Council of Ministers (private sector to participate as may be required)	Quarter 6
A.2.11	Adoption of proposed draft laws by ECOWAS as binding instruments	Quarter 6

Axis 3: Improving the technical capacities of private sector actors on business law harmonisation

Reference	Activities	Period
A.3.1	Identification of knowledge gap on the harmonization of business law at the level of the private sector and other key stakeholders	Quarter 7
A.3.2	Developing training tools	Quarter 7
A.3.3	Delivering training and capacity building activities for key stakeholders, including the private sector	Quarter 7
A.3.4	Facilitating intra-regional and international exchange on good practices of Trade intelligence for West Africa	Quarter 8
A.3.5	Promoting training through E-course/E-learning, as well as Training of Trainers approaches	Quarter 8
A.3.6	Establishment in the short term of a directory of all legislative and regulatory acts related to business law and establishment in the medium term of a comprehensive information system in this area	Quarter 4 and Quarter 12

Axis 4: Monitoring the implementation of the uniform acts

Reference	Activities	Period
A4.1	Identification of monitoring indicators for the implementation of acts	Quarter 9
A.4.2	Establishment of a computerised database	Quarter 10
A.4.3	Development of data collection tools, guidelines and procedure manual, including quality control process	Quarter 10
A.4.4	Establishment of partnership with existing institutions for data collection	Quarter 11
A.4.5	Data gathering, analysis, development and update Dashboard, production and dissemination of reports	Quarter 11
A.4.6	Organization of meetings / events to present various reports to generate dialogues, advocacy, recommendations and decisions	Quarter 12

Axis 5: Strengthening the appropriation of the business law harmonisation through improved communication strategy

Reference	Activities	Period
A.5.1	Design and production of information tools	Quarter 1
A.5.2	Sensitization of the general public on the business law harmonisation	Quarter 2
A.5.3	Capacity building for journalists	Whole implementation period
A.5.4	Media coverage of events related to the harmonization of business law	Whole implementation period
A.5.5	Awareness raising with the private sector on business law harmonisation	Whole implementation period
A.5.6	Organisation of biannual dialogue between the private sector and public sector to review the implementation process and address any challenges	Biannual
A.5.7	Capacity building of civil society organizations or any other similar organizations in order to significantly improve their contributions to the observation of good governance practices and transparency in harmonized business law	Quarter 6
A.5.8	Development of cooperation with various networks and information platforms to support the harmonization of business law in West Africa	Quarter 6
A.5.9	Organization of advocacy by the private sector during high-level regional meetings	Quarter 6



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