



COMUNIDADE DOS ESTADOS DA
ÁFRICA DO OESTE

ECONOMIC COMMUNITY OF
WEST AFRICAN STATES

COMMUNAUTÉ ÉCONOMIQUE
DES ÉTATS DE L'AFRIQUE DE
L'OUEST

ORIGINAL: ENGLISH

MEETING OF THE PRESIDENTIAL AD HOC COMMITTEE ON THE ALLOCATION OF STATUTORY POSITIONS

Lungi, Freetown 21 June, 2011

FINAL REPORT

ECOWAS Commission
Lungi, Freetown June 2011

INTRODUCTION:

1. The Presidential Ad-hoc Committee on the allocation of statutory positions of the Community, established by the Thirty-Ninth Ordinary Session of the Authority of Heads of State and Government, met on 21 June, 2011 at the Presidential wing of the Lungi airport in Freetown, Sierra Leone.
2. This Committee, chaired by Sierra Leone also has Guinea Bissau, Liberia, Mali and Togo as members.
3. The Committee was set up to review the modalities for the allocation of statutory positions in ECOWAS Community Institutions on the basis of alphabetical order, transparency, equity and predictability and submit their findings to the next Summit for consideration.
4. The following Member States participated at the meeting.
 - a) The Republic of Guinea Bissau;
 - b) The Republic of Liberia;
 - c) The Republic of Mali;
 - d) The Republic of Sierra Leone.
 - e) The Togolese Republic
5. The list of participants at the meeting is attached as an annex to this report.

ITEM 1

Opening Session

6. The President of the Republic of Sierra Leone, His Excellency Dr. Ernest Bai Koroma, in his opening statement welcomed the members of the Committee to the meeting. He highlighted that the meeting is an indication of ECOWAS' significant efforts towards creating a more inclusive, effective and accountable organization. He recalled the task which had been assigned to the Committee by the Thirty-Ninth Ordinary Session of the Authority of Heads of State and Government, which essentially was to review the principles and modalities of the system of rotation, taking due account of alphabetical order, transparency, eligibility, and predictability in the allocation of statutory positions within the ECOWAS Community Institutions.

7. The Chairman emphasized the need to complete the assignment at this meeting and make proposals that would give all Member States a fair sense of belonging. He also urged members to work assiduously on the review of the said principles and make recommendations to the next Summit of the Authority which will be met with acclaim.
8. The Chairman thereafter declared the meeting open.

Adoption of Agenda and Draft Work Programme

9. The following agenda was adopted as amended
 1. **Opening Session**
 - a) Welcome Statement by the President of the Republic of Sierra Leone;
 - b) Adoption of Agenda and Work Programme.
 2. Reconsideration of the modalities of the system of rotation, taking due account of alphabetical order, transparency and predictability.
 3. Any Other Business
 4. Adoption of Report
 5. Closing Session

ITEM 2

Outcome of Deliberations

Reconsideration of Modalities of the System of Rotation, taking into Account of alphabetical order, transparency and predictability

10. In considering the above agenda item, the Committee agreed to review the guidelines initially recommended at the 9th Extra Ordinary Session of the Council Ministers held in Sal (Cape Verde) and which were presented to the Authority by the Ministerial Adhoc Committee at its thirty-ninth Summit of Authority of Heads of State and Government held in Abuja on 23rd to 24th March, 2011.
11. After considering and deliberating on the guidelines proposed by the 9th Extra Ordinary Session of the Council of Ministers, the Committee adopted them to serve as concrete recommendations on the Modalities for the allocation of Statutory positions in Community institutions.

Modalities for the allocation and rotation of Statutory Positions

Legal Criteria

12. These criteria are derived from the legal texts of the Community

a. Representation of Member States within the management cadre of Community Institutions shall be based on a transparent, equitable and predictable system of rotation adopted by the Authority (Article

18 paragraph 4 of new Supplementary Protocol A/SP.1/06/06 amending the Revised Treaty);

b. An equitable, transparent and predictable system of rotation for allocation of statutory positions in all Community Institutions taking into account the alphabetical order of Member States (Article 3 (4) Decision A/DEC.1/6/06);

c. On an exceptional basis, the Federal Republic of Nigeria shall maintain a permanent presence in the Commission but shall not encumber any particular position permanently (Article 3 (2) of Decision A/DEC.1/6/06);

d. No Member State shall encumber the same position twice consecutively (Article 3 (3) of Decision A/DEC.1/06/06);

e. A Member State shall not be allocated any statutory position if, at the time of allocation it fails to comply with the relevant provisions of the 2001 Supplementary Protocol A/SP1/12/01 on Democracy and Good Governance. These provisions relate to the following cases:

- a coup d'état occurs in the country;
- power is obtained through unconstitutional means;
- the country fails to comply with the Convergence criteria on democracy;

f. No statutory position shall be allocated to a Country where it fails to apply the texts governing the Community Levy (Article 2 (1) Decision A/DEC.1/06/06).

General Criteria

13. These criteria were derived from conventions and best practice

a. In the case of arbitration between several countries in the allocation of a given position, countries whose nationals have in the past occupied top statutory positions, frequently and/or in several Community institutions shall not receive priority;

- b. Priority shall be given in the allocation of positions to countries whose nationals have never or rarely occupied statutory positions, or have for a long time not done so;
- c. Language alternation for allocation of the positions of President, Vice-President, Heads and Deputy Heads of Institution of the Community;
- d. For the allocation of the position of the President of the Commission and Heads and Deputy Heads of other Institutions in a transparent, equitable and predictable manner;
 - no member State shall concurrently hold the position of Head of more than one Community Institution;
 - a member State shall not be allocated the position of Head of Institution where the headquarters of the given Institution is hosted by the said Member State;
- e. For the positions of Vice President and Commissioners:
 - In proposing countries for these positions, other statutory positions occupied by Member States shall be taken into account.
- f. For the position of Vice President of the Commission
 - The Vice President of the Commission shall not be from the same linguistic group as the President of the Commission.

Proposals for the allocation of the positions of President, Vice President and Commissioners of the ECOWAS Commission

Methodology

14. In considering Member States' eligibility for the allocation of the above positions, the Committee identified eligible Member States for nine Commissioner positions in the Commission taking into consideration all the legal and general criteria already agreed upon, and then propose two Member States from the list for the posts of President and Vice-President (according to Article 2 of Decision A/ DEC. 1/6/06 of 14 June 2006 relating to the establishment of the Commission of the Economic Community of West African States);

15. Eligible Member States were identified on the basis of the following principles:
- a) Member States that have never occupied any statutory post in the Commission:
 - o Benin,
 - o Cape Verde,
 - o The Gambia,
 - o Guinea-Bissau,
 - o Liberia;
 - b) Member States having a permanent post in the Commission:
 - o Nigeria
 - c) Member States with subsisting tenure at the Commission
 - o Senegal (expiring mid 2012)
 - d) Member States that have occupied positions at the Executive Secretariat/Commission but are currently not holding any Statutory positions in the Commission
 - o Guinea
 - e) Member States that have recently had sanctions imposed on them lifted;
 - o Cote D'Ivoire;
 - o Guinea;
 - o Niger.
16. In order to propose countries to fill the remaining Commissioner position the Committee agreed to arbitrate between Member States on the basis of alphabetical order and frequency of incumbency of Statutory positions within Community Institutions as shown in **Annex 1** attached to this report.
17. After the arbitration, the Committee agreed to strictly adhere to the legal requirements concerning compliance with the Community Levy Protocol and thereby considered Cape Verde, Guinea and Guinea Bissau ineligible. It then proposed the composition of the Commission as follows:
- o Benin,
 - o The Gambia,
 - o Liberia
 - o Mali
 - o Niger
 - o Nigeria
 - o Senegal
 - o Sierra Leone
 - o Togo

A. The position of President

18. All Anglophone countries were eliminated as ineligible going from the current incumbency of that position by Ghana;
19. Eligible countries based on linguistic criteria, alphabetical order and previous exposure to top statutory positions were identified as follows:
 - o Benin
 - o Mali
 - o Niger
 - o Senegal
 - o Togo
20. The 1st country on the alphabetical list, Benin, was considered eligible because it no longer heads the ECOWAS Bank for Investment and Development and has never occupied a statutory position at the Commission. Also by applying the criteria of alphabetical order and the infrequent encumbrance of statutory positions in the institutions of the Community, Benin was proposed for the post of President.

B. The position of Vice President

21. On the basis of the principle of linguistic alternation and considering the fact that a francophone country is currently Vice-President, all francophone countries were considered ineligible. Anglophone Member States were identified as eligible for linguistic reasons, resulting in the elimination of all Francophone countries.
22. The following Anglophone countries were therefore identified as eligible.
 - o The Gambia
 - o Liberia
 - o Nigeria
 - o Sierra Leone
23. In deciding the choice of a Member State for the allocation of this position, the Committee applied the principle of arbitration between Member States and took cognizance of criteria relating to alphabetical order and infrequent encumbrance of statutory positions in the institutions of the Community, Liberia was then recommended as Vice President on the basis of Annex 1.
24. Having proposed the nine (9) members of the Commission, the Committee recommended the allocation of the following specific portfolios to Member States:-

The Gambia	-	Commissioner, Infrastructure
Mali	-	Commissioner, Macro-Economic Policy
Niger	-	Commissioner, Trade, Customs, Industry, Mines and Free Movement
Nigeria	-	Commissioner, Political Affairs, Peace and Security
Senegal	-	Commissioner, Human Development & Gender

Sierra Leone	-	Commissioner, Administration & Finance
Togo	-	Commissioner Agriculture, Environment & Water Resources

Proposal for the allocation of the position of Financial Controller

25. In considering the choice of a Member State for the position of Financial Controller, the Committee agreed to propose Burkina Faso based on the principle of equitable distribution and alphabetical order in the rotation of posts.

Proposals for the allocation of the position of four (4) Judges of the Community Court of Justice

Nominations

26. After consideration of the information provided by the Commission, the Committee identified the following:
- a. Member States currently occupying the position of Judges:
 - o Benin;
 - o Cape Verde;
 - o Côte d'Ivoire;
 - o Ghana;
 - o Niger;
 - o Nigeria and;
 - o Togo.
 - b. Member States whose tenures are expected to expire in 2011 are:
 - o Ghana;
 - o Niger;
 - o Nigeria and;
 - o Togo.
 - c. Member States that have never held that position:
 - o The Gambia;
 - o Guinea;
 - o Guinea Bissau;
 - o Liberia and;
 - o Sierra Leone.
 - d. Member States from those listed under paragraph 27 (b) above were considered ineligible due to the fact that their tenures are expiring in 2011.
 - e. Liberia was considered ineligible as it currently occupies the position of Deputy Director General of the West African Health Organization (WAHO) and has been proposed for a Vice President position at the Commission;

- f. The Guinea and Guinea Bissau were proposed on the basis of balance and equity in the allocation of statutory positions, inspite of the community levy requirement.
- g. Ghana and Senegal were proposed for the two remaining positions of Judges at the Court, because Ghana was not proposed for a position at the Commission, whilst Senegal 's current tenure at the Commission expires in 2012

Proposals for the allocation of the position of Speaker of the ECOWAS Parliament

Nominations

- 27. Having been informed that the ECOWAS Parliament had agreed on a system of allocation that should be peculiar to the Parliament based on its democratic nature and its internal rules of procedure, the Committee agreed to follow the alphabetical order principle it adopted in 2006, which used Mali as a starting point of reference. The Committee therefore recommended that the position be allocated to Nigeria following Niger who had encumbered the position during the last Legislature.
- 28. The Committee noted that the process of allocation of Statutory positions is ongoing and going by the fact that the following statutory positions will fall vacant and will be allocated to Member States in 2012:-
 - o Commissioner , Human Development & Gender;
 - o Director-General, WAHO;
 - o Deputy Director-General, WAHO;
 - o Director-General, GIABA and;
 - o Deputy Director-General, GIABA.

Recommendations

- 29. During the deliberations some members of the Committee were of the view that the Authority should consider the option of enlarging the membership of the Commission to fifteen (15), as a means of improving performance and absorptive capacity and encouraging a sense of belonging.
- 30. The Committee also noted that serious considerations would have to be given to the cost implications for such expansion in view of the need to maintain an earlier Authority directive on programme to administrative ratio of 60 to 40 percent.
- 31. The Committee enjoined the Commission to put in place a mechanism that would assist Member States' payment of outstanding arrears of contributions to the Community.

Any other business

- 32. No issues were discussed under this item of the agenda.
- 33. The List of allocation of statutory positions is attached as Annex 2:

Adoption of Report

- 34. The Committee adopted this report after amendment

Closing Session

- 35. The Chairman of the Presidential Ad hoc Committee thanked his colleagues for the quality of contributions made during their deliberations and applauded the spirit of compromise and camaraderie that characterized the deliberations of the Committee.
- 36. The Chairman then declared the meeting of the Presidential Ad hoc Committee closed.

DONE AT LUNGI, SIERRA LEONE ON THE 21ST DAY OF JUNE, 2011



.....
His Excellency Dr. Ernest Bai KOROMA

CHAIRMAN FOR THE PRESIDENTIAL ADHOC COMMITTEE

**COMUNIDADE DOS ESTADOS DA
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**MEETING OF THE PRESIDENTIAL AD HOC COMMITTEE ON THE
ALLOCATION OF STATUTORY POSITIONS**

Lungi, 21st June, 2011

VOTE OF THANKS

The members of the Meeting of the Presidential Ad hoc Committee on the Allocation of Statutory Positions, in Lungi, on 21st June, 2011, wish to express their deep appreciation to His Excellency DR. ERNEST BAI KOROMA, President, Commander-in-Chief of the Armed Forces of the Republic of Sierra Leone, for the warm and brotherly welcome extended to them and for the excellent facilities made available to ensure the success of their deliberations.

DONE AT LUNGI, THIS 21st DAY OF JUNE, 2011

THE MEETING

ANNEX 1

**DETAILS OF FREQUENCY OF ENCUMBRANCE OF STATUTORY POSITIONS
BY MEMBER STATES IN COMMUNITY INSTITUTIONS**

- **Benin**
 - Tenure as **President (two tenures)** at the EBID just ended;
 - Presently has a **Judge** at the Court of Justice (2009 to 2013);
 - Has been **Deputy Managing Director (two tenures)** at EBID (1978 to 1985).
- **Burkina Faso**
 - Presently occupies the position of **Vice President** at the Commission (2007 to date);
 - Has been **Deputy Managing Director** of EBID (2001 to 2004);
 - Has been **Deputy Executive Secretary (two tenures)** at the then ECOWAS Secretariat (1985 to 1989 and 1989 to 1993).
- **Cape Verde**
 - Presently has a **Judge** at the Court of Justice (2009 to 2013);
- **Cote D'Ivoire**
 - Presently occupies the position of **Commissioner** at the Commission (2007 to date);
 - Presently has a **Judge** at the Community Court of Justice (2009 to 2012);
 - Has been **Deputy Managing Director (two tenures)** of EBID (1994 to 1998 and 2001 to 2004);
 - Has been **Executive Secretary (two tenures)** at the then ECOWAS Secretariat (1977 to 1981 and 1981 to 1985).
- **The Gambia**
 - Has just concluded **two tenures** as **Financial Controller** at the Commission (2002 to 2010);
 - Has been **Director-General (two tenures)** at WAHO (2001 to 2009);
 - Has been **Deputy Managing Director (two tenures)** at EBID (1985 to 1993);
- **Ghana**
 - Presently occupies the position of **President** at the Commission (2007 to date);
 - Presently has an outgoing **Judge** at the Community Court of Justice (2001 to date);
 - Has been **Executive Secretary** at the then ECOWAS Secretariat (2002 to 2006);
 - Has been **Deputy Managing Director** of EBID (1993 to 1997);
 - Has been **Deputy Executive Secretary (two tenures)** at the then ECOWAS Secretariat (1977 to 1981 and 1981 to 1985).
- **Guinea**
 - Has been **Executive Secretary (two tenures)** at the then ECOWAS Secretariat (1993 to 1997 and 1997 to 2002);
 - Has been **Deputy Executive Secretary (two tenures)** at the then ECOWAS Secretariat (1977 to 1981 and 1981 to 1985).

- **Guinea Bissau**
 - Presently occupies the position of **Director-General** at WAHO (2009 to 2013);
 - Has been **Deputy Executive Secretary** at the then ECOWAS Secretariat (1985 to 1989).
- **Liberia**
 - Presently occupies the position of **Deputy Director-General** at WAHO (2009 to 2013);
 - Has been **Managing Director** at EBID (1978 to 1985)
- **Mali**
 - Presently occupies the position of **Commissioner** at the Commission (2007 to date);
 - Has been **Deputy Executive Secretary** at the then ECOWAS Secretariat (2001 to 2006);
 - Has been **Deputy Director-General (two tenures)** of WAHO (2001 2005 and 2005 to 2009);
 - Has been a **Judge (two tenures)** at the Community Court of Justice (2001 to 2005 and 2005 to 2009);
- **Niger**
 - Presently occupies the position of **Commissioner** at the Commission (2007 to date);
 - Presently has an outgoing **Judge** at the Community Court of Justice (2001 to date);
 - Has been **Deputy Executive Secretary (two tenures)** at the then ECOWAS Secretariat (1993 to 1998 and 2001 to 2005);
 - Has been **Financial Controller (two tenures)** at the then ECOWAS Secretariat (1986 to 1989 and 1989 to 1993).
- **Nigeria**
 - Presently occupies the position of **Commissioner** at the Commission (2007 to date);
 - Has occupied **Director-General (two tenures)** at GIABA since 2005 to 2012;
 - Has been **Deputy Executive Secretary** at the then ECOWAS Secretariat (2001 to 2005);
 - Has been **Financial Controller** at the then ECOWAS Secretariat (1980 to 1985);
- **Senegal**
 - Presently occupies the position of **Commissioner** at the Commission (2008 to 2012);
 - Presently occupies the position of **Deputy Director-General** at GIABA (2008 to 2012);
 - Has been **Judge (two tenures)** at the Community Court of Justice (2001 to 2009);
 - Has been **Managing Director** at EBID (1985 to 1994)

- **Sierra Leone**
 - Presently occupies the position of **Commissioner** at the Commission (2007 to date);
 - Has been **Executive Secretary (two tenures)** at the then ECOWAS Secretariat (1985 to 1989 and 1989 to 2003).
 - Has been **Deputy Executive Secretary** at the then ECOWAS Secretariat (2001 to 2005);
- **Togo**
 - Presently occupies the position of **Commissioner** at the Commission (2007 to date);
 - Presently has an outgoing **Judge** at the Community Court of Justice (2001 to date).

Annex 2

Final Proposed Allocation of Statutory Positions in Community Institutions to Member States by the Presidential Adhoc Committee in Lungi

ECOWAS Commission

<u>Position</u>	<u>Member State</u>
President	Benin
Vice President	Liberia
Commissioner, Infrastructure	The Gambia
Commissioner, Macro-Economic Policy	Mali
Commissioner, Trade, Customs, Industry, Mines and Free Movement of Persons & Goods	Niger
Commissioner, Political Affairs, Peace and Security	Nigeria
Commissioner, Human Development & Gender	Senegal
Commissioner, Administration & Finance	Sierra Leone
Commissioner, Agriculture, Environment & Water Resources	Togo

<u>Position</u>	<u>Member State</u>
Financial Controller	Burkina Faso

ECOWAS Community Court of Justice

<u>Position</u>	<u>Member State</u>
Judge	Ghana
Judge	Guinea
Judge	Guinea Bissau
Judge	Senegal

ECOWAS Parliament

<u>Position</u>	<u>Member State</u>
Speaker	Nigeria