

ECONOMIC COMMUNITY OF
WEST AFRICAN STATES



COMMUNAUTE ECONOMIQUE
DES ETATS DE L'AFRIQUE
DE L'OUEST

**MEETINGS OF THE AD HOC MINISTERIAL COMMITTEE ON THE
ALLOCATION OF STATUTORY POSITIONS**

Abuja, 9 - 11 June 2010 and 21 - 22nd June 2010

REPORT

ECOWAS COMMISSION
ABUJA JUNE 2010

INTRODUCTION:

1. The Ad-hoc Ministerial Committee on the allocation of statutory positions held two (2) meetings in Abuja from 9 - 11 June 2010 and 21 - 22nd June 2010 both at the ECOWAS Commission. The Committee is made up of 3 member States, the Republics of Cape Verde and Côte d'Ivoire and the Federal Republic of Nigeria.
2. This three (3)-member Committee chaired by the Federal Republic of Nigeria was established by the Sixty fourth Ordinary Session of the Council of Ministers to make proposals that would guide the allocation, to Member States, of statutory positions within the Community Institutions as well as proposals for a rotational schedule to guide the selection of the Chairperson of the Authority.
3. The following two States were in attendance at the first meeting.
 - i) The Republic of Côte d'Ivoire;
 - ii) The Federal Republic of Nigeria.
4. All members of the Committee, the Republics of Cape Verde and Côte d'Ivoire as well as the Federal Republic of Nigeria attended the second and final meeting of the Committee.
5. The list of participants at the two (2) meetings is attached to this report.

ITEM 1

Opening Session

6. At its first meeting from the 9 - 11 June 2010, the President of the ECOWAS Commission, His Excellency Ambassador James Victor GBEHO in an opening statement welcomed members of the Committee to the meeting. He recalled the task which had been assigned to the Committee by the 64th Ordinary Session of the Council of Ministers which essentially was to define principles and modalities that would constitute permanent criteria for the allocation of statutory positions and develop a table of allocation to be considered at an Extraordinary Session of Council prior to the Summit of Heads of State and Government of 2nd July 2010.
7. The President appealed to the Committee members to tackle the assignment dispassionately in order to come up with recommendations that would stand the test of time.
8. The President went on to propose to the Committee, guidelines that may serve as a framework for carrying out its assignment.
9. Elements of the framework included:

- i) adherence to the Terms of Reference as provided by Council;
 - ii) the development of principles and modalities for allocation of statutory positions, taking account of existing principles in adopted legal texts as well as guidelines that are contained in the report of the 64th Council of Ministers;
 - iii) development of concrete allocation proposals;
 - iv) consultation with a cross section of Member States in order to test the **acceptability** or otherwise of the Committee's proposals;
 - v) a reconciliation of views expressed and positions adopted by member States in response to the Committee's proposals;
 - vi) the development of additional criteria that would form the basis for further negotiation in the event of serious divergencies in the positions of Member States.
10. The President also provided the Committee with other working documents such as, its Terms of Reference as given by Council, a synopsis of the guidelines discussed during the last Council session, a tabulated history of post distribution within Community Institutions, (Annex 3) and a clear table of Member States and existing Institutions on which proposals may be affixed.
11. The Honorable Minister of Foreign Affairs of the Federal Republic of Nigeria represented by Ambassador A A Abbas Under Secretary African Affairs of the Ministry of Foreign Affairs, the host and Chair of the meeting, welcomed the Committee to Abuja and affirmed the Committee's unequivocal commitment towards discharging the task given to it by Council in a fair and transparent manner.
12. Similar sentiments were expressed by the distinguished representative of Côte d'Ivoire.

Election of Bureau

13. In the absence of Cape Verde at its first meeting, the Committee delegated the task of Rapporteur to Côte d'Ivoire, as Council had mandated Nigeria to chair the meeting. Cape Verde and Côte d'Ivoire were the rapporteurs for the second meeting.

Adoption of Agenda (First meeting)

14. The following agenda was adopted:

A Opening Session

- i) Statement by the President of the ECOWAS Commission;

- ii. Welcome Statement by the Honourable Minister of State for Foreign Affairs of Nigeria (Chairman of the meeting);
- iii) Election of Bureau;
- iv) Adoption of Agenda and Work Programme.

B. Working Session

- i) Presentation and consideration of the Memorandum on Guidelines For Negotiations submitted by the ECOWAS Commission and adoption of a framework for discharging the mandate of the Committee;
- ii) Consideration and Adoption of a work schedule for the Ad-Hoc Ministerial Committee;
- iii) Review of the Process of allocation of Statutory Positions;
- iv) Make proposals for the allocation of the positions of President, Vice President and Commissioners of the ECOWAS Commission, and Financial Controller of the ECOWAS Institutions;
- v) Make proposals for the allocation of the position of four (4) Judges of the Community Court of Justice;
- vi) Make proposals for the allocation of the position of Speaker of the ECOWAS Parliament;
- vii) Consider and advise on the modalities for the rotation of the Chair of the Authority of Heads of State and Government.

ITEM 2

Working Session (Outcome of the first and second meeting)

15. All the agenda items as listed above were considered at the first meeting of the Committee and proposals were made. However at the 2nd meeting, the Committee reviewed all its deliberations and proposals in order to ensure full participation of Cape Verde in the development of these proposals.

Presentation and consideration of the Memorandum on Guidelines For Negotiations submitted by the ECOWAS Commission and adoption of a framework for discharging the mandate of the Committee

16. The Committee adopted the Memorandum on Guidelines for Negotiations which had been presented in great detail by the President of the Commission at the Opening Session.

17. The Committee agreed on the usefulness of consultations with Member States as part of the process of carrying out its assignment, noting however that such consultations may not be possible given the limited time it had for its work.

Consideration and adoption of work schedule

18. The Committee decided to have two (2) meetings to enable it carry out its assignment. It however urged the Commission to ensure transmission by e-mail of the final proposals of the Committee to Member States as soon as they were ready in advance of the Council of Ministers Meeting in Cape Verde.
19. The Committee expressed the hope that as directed by Council, an extraordinary meeting of Council should be convened on the 29th and 30th June, prior to the ECOWAS Summit, on July 2nd 2010, to allow time for consensus building and finalization of the documents.

Review of the process of allocation of Statutory Positions

20. While addressing this agenda item, the Committee considered Annex 2 titled "Major Principles of the Rotation of Statutory positions" provided by the Commission.
21. The Committee identified allocation principles and guidelines contained in existing Community legal texts on the one hand. and on the other, identified principles and guidelines recognized as conventional, conforming with "Best Practice", or those that take account of the various interests of Member States in a fair, transparent and equitable manner and would indeed facilitate allocation in a predictable manner.
22. Some of these guidelines were to serve as secondary criteria to be applied under circumstances where there might be a need to arbitrate.
23. Annex 2 was subsequently amended highlighting all principles defined and utilized by the Committee.

Major Principles for the allocation and rotation of Statutory Positions

24. Those contained in Legal texts of the Community are the following:
 - a) the alphabetical order of rotation of Member States is considered as the basic principle in defining modalities for the rotation of statutory positions (Article 3 (4) Decision A/DEC.1/6/06);
 - b) as a matter of exception, Nigeria shall permanently be represented in the management of the ECOWAS Commission - (Decision A/DEC.1/06/06);
 - c) 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 - (New Article 18 (4) of Supplementary Protocol *AISP.1/06/06* amending the Revised Treaty).

25. The Committee adopted the following principles most of which had been proposed by the Commission at the 64th Ordinary Session of the Council.

A. For the allocation of the position of the President of the Commission and Heads of other Institutions in a transparent, equitable and predictable manner:

- i) no member State shall concurrently hold the position of Head of more than one Community Institution;
- ii) 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;
- iii) with regard to the ECOWAS Commission, the country hosting the Commission, shall not be eligible to Head that Institution;
- iv) where a Member State is hosting the headquarters of more than one Institution, such a member State shall be eligible to head one of the Institutions.

B) For the allocation of all statutory positions, the Committee recognized and adopted guidelines contained in legal texts of the Community. The guidelines are as follows:

- i) 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 Supplementary Protocol *AISP1/12/01* on Democracy and Good Governance of 2001. The provisions relate to the following:
 - a) a coup d'etat occurs in the country;
 - b) power is obtained through unconstitutional means;
 - c) the country fails to comply with the Convergence criteria on democracy;
- ii) In addition, no allocation of statutory position will be made when the country fails to apply the texts governing the Community levy (Article 2 (1) Decision *AIDEC.1/06/06*).

C) For the positions of Vice President and Commissioners:

In proposing the countries, account shall be taken of other statutory positions already encumbered by Member States.

D) For the position of Vice President of the Commission:

The Vice President shall not be from the same linguistic group as the President of the Commission.

Secondary Criteria

26. In situations where there may arise the need for arbitration in order to allocate, the following may be used as secondary criteria:

- a) countries whose nationals have in the past occupied top statutory positions, frequently and/or in several Community Institutions, shall not be given priority if the Ad-hoc Ministerial Committee has to arbitrate between several countries in the allocation of a given position;
- b) countries whose nationals have never or rarely occupied statutory positions, or have for a long time not occupied them, shall be given priority in the allocation of positions;

27. These guiding principles are contained in Annex 1 attached to this report.

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

28. Always using the alphabetical order principle as a basic criterion, the Committee arrived at its proposals through a system of elimination of States rendered ineligible on the basis of the aforementioned criteria as follows.

A For the position of President

- i) All Anglophone countries were eliminated as ineligible going from the current incumbency of that position by Ghana;
- ii) the 1st country on the alphabetical list, Benin, was considered ineligible because it presently heads the EBID Institution with a tenure that expires in June 2011.
- iii) Burkina Faso was then proposed.

B. For the position of Vice President

- i) anglophone and lusophone States were identified as eligible for linguistic reasons, resulting in the elimination of all francophone States;

- ii) on the basis of alphabetical order Cape Verde as a lusophone State, was allocated the position of Vice President.

C) For the position of Commissioners

29. The Committee based its proposals on the following criteria, whilst also utilizing an agreed allocation process:

- i) application of adopted criteria contained in legal texts of the Community;
- ii) consideration of countries that were not currently occupying the position of Commissioner;
- iii) the alphabetical order; and
- iv) the process of Arbitration.

30. Justification for Countries considered ineligible:

Burkina Faso and Cape Verde

- i) Burkina Faso and Cape Verde have already been proposed to occupy the positions of President and Vice President respectively;

Guinea Bissau

- ii) Guinea Bissau has not been implementing the Community Levy requirements as prescribed

Guinea and Niger

- iii) Guinea and Niger are countries in transition and are thus not eligible.

31. Countries considered eligible

Benin, The Gambia and Liberia

- i) Benin, The Gambia and Liberia, which had never occupied the Commissioner positions in the Commission before were proposed for the Commissioner positions..

Cote d'Ivoire

- ii) Cote d'Ivoire was considered eligible on the basis of alphabetical order.

Mali (eligible)

- iii) one (1) out of the Commissioner positions was proposed based on an arbitration process between Ghana and Mali. The Arbitration was in favour of Mali since Ghana had encumbered the Presidency for eight consecutive years.

Nigeria and Senegal

- iv) Nigeria and Senegal were eligible as a result of the permanent representation of Nigeria at the Commission and Senegal's running mandate that ends 2012.

32. The following countries were thus proposed for Commissioner positions: Benin, Côte d'Ivoire, The Gambia, Liberia, Mali, Nigeria and Senegal.

Proposal for the allocation of the position of Financial Controller

33. Ghana was proposed for the post of Financial Controller on the basis of alphabetical order

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

34. After consideration of the proposals of the Commission contained in a memorandum, the Committee identified the following:

- i) States currently occupying the position of Judges: Benin, Cape Verde, Côte d'Ivoire, Ghana, Niger, Nigeria and Togo;
- ii) the countries whose tenures are expected to expire in 2011 are: Ghana, Niger, Nigeria and Togo;
- iii) countries that had never held that position: The Gambia, Guinea, Guinea Bissau, Liberia and Sierra Leone;
- iv) countries from those listed under paragraph 34 (iii) above considered ineligible on the basis of adopted criteria were Guinea, Guinea Bissau; Guinea because of non-compliance with the Protocol on Democracy and Good Governance, Guinea Bissau for its non-application of the Community Levy requirements;
- v) Liberia was considered ineligible because it had been proposed for the position of a Commissioner and currently occupies the position of Deputy Director General of the West African Health Organization (WAHO).
- vi) The Gambia and Sierra Leone listed under paragraph 34 (iii) above were proposed to occupy the positions of Judges;

35. In order to allocate the two (2) remaining positions in the Court. the Committee identified countries that had held the position of Judge in previous years to include: Burkina Faso, Ghana, Mali, Nigeria, Senegal and Togo and the following allocations were proposed:
- i) Toga was considered eligible because it had not been allocated any statutory position;
 - ii) Burkina Faso and Ghana were considered ineligible since they were proposed for the position of President of the Commission and Financial Controller of the Community Institutions.
36. For the last position of JUDGE, the Committee proposed arbitration between Mali and Nigeria. The Committee was however unable to conclude on the arbitration process and resolved to submit it to Council for final decision.
37. The Gambia, Sierra Leone and Togo were therefore proposed for the positions of three (3) Judges that would become vacant in February 2011, whilst the last position of JUDGE remained unallocated awaiting final arbitration between Mali and Nigeria.
38. In line with the adopted criteria, none of the States that head any of the Community Institutions can be elected as President of the Court.

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

39. The Committee recalled that during the last allocation of the position of Speaker in 2006, Parliament had benchmarked the selection at the time, on the basis of alphabetical order, with the point of reference starting from the country that occupied that position. which was Mali.
40. On the strength of this formula, Niger was allocated the position by the Authority in 2006. It therefore proposed that going by that system, Nigeria would be the next in line.

Proposal on the modalities for the rotation of the Chair of the Authority of Heads of State and government

41. The Committee considered the memorandum submitted by the Commission to the 64th Ordinary Session of the Council of Ministers on this subject which was not considered during that Council Session.
42. It recommended five (5) major principles as criteria for selection of a country that would chair as follows:
- i) the alphabetical order

- li) compliance with the relevant provisions as well as the convergence principles contained in the Supplementary Protocol on Democracy and Good Governance of 2001;;
 - Hi) compliance with the Community levy requirements;
 - iv) non exposure of countries to risks or situations that may hamper effective chairmanship e.g. proven political instability and a security profile that poses a threat to stability as well as the hosting of major elections such as presidential election in the year in question;
 - v) the country occupying the position of the Presidency of the Commission shall not be eligible to the office of the Chairperson of the Authority.
43. The Committee also adopted other principles relating to the right of a State to relinquish its turn on the basis of reasons that will be communicated to the President of the Commission and the right of a State after relinquishing to re-enter into the rotational cycle within a certain period. The governing modalities are contained in annex 4 attached to this report.
44. The Committee adopted a procedure for election of the Chairperson of the Authority. This procedure envisages the submission by the President of the Commission to the mid year Council, the status of the rotational cycle and any other relevant information that may be related to the adopted criteria which would assist Council in making recommendations to the next Summit of the Authority for its adoption. The procedure is also contained in annex 4.
45. Because of the political nature of the organization and the responsibilities inherent in the position of the Chair as spokesperson and image of the entire Region, the Committee was of the view that inspite of the rotational principles, the Authority should have the liberty of deciding on a Principal Representative that can, at each material period or tenure, advance any particular or identified interests of the region for that period.
46. The Committee was of the view that in order to allow for the exercise of discretionary power which rightly belongs to the Authority, Council may routinely submit a table of rotation and invite the Authority to select from among its peers after taking account of principles developed in paragraph 35 to 40 of this Report.
47. The Committee recommended the presentation of Annex 3 to the Authority as the Annex highlights the situation of each country in relation to the criteria proposed. The table offers the following countries as eligible for the position of Chair: The Gambia, Ghana, Mali, Senegal, Sierra Leone and Togo.

48. The Committee recommended that in the light of Article 2 (i) of Decision AIDEC.1/06/06 on application of Community levy requirements, sanctions related to their non implementation should be strictly applied.

Adoption of Report

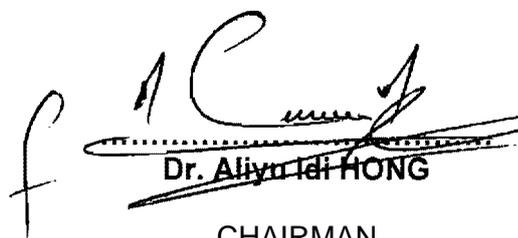
49. The Committee adopted its report with the following annexures which are attached to this report
- i) Annexure 1 Guiding Principles and modalities
 - ii) Annexure 2 - Distribution of Statutory Positions from January, February and March 2011
 - iii) Annexure 3 - Proposal on Rotation of the Office of the Chairperson for 2011.
 - iv) Annexure 4 - Modalities of the Rotational System for the Office of the Chairperson of the Authority

50. the Terms of Reference for the work of the Committee as given by the sixty fourth Ordinary Session of the Council of Ministers is also attached to the report as annex 5.

Closing Session

51. The Chairman of the Ad hoc ministerial Committee thanked his colleagues for the quality of contributions made and applauded the spirit of compromise that characterized the deliberations of the Committee. He thanked the Commission for facilities put at their disposal for the success of the meeting. He also appealed to the Commission to transmit the proposals of the Committee to Member States as quickly as possible to enable Member States consider these proposals well before the Extraordinary Session of Council in Sal, Cape Verde on the 29th and 30th June 2010.
52. The Chairman then declared the meeting of the Ad hoc ministerial Committee closed.

Done at Abuja on the 22nd day of June 2010


Dr. Aliyu Idi HONG
CHAIRMAN
FOR THE COMMITTEE

Annex 1:

Major Principles for the allocation and rotation of Statutory Positions

Those contained in Legal texts of the Community:

- 1) The alphabetical order of rotation of Member States is considered as the basic principle in defining modalities for the rotation of statutory positions (Article 3 (4) Decision AIDEC.1/6/06)
- 2) As a matter of exception, Nigeria shall permanently be represented in the management cadre of the ECOWAS Commission - (Decision AIDEC.1/06/06)
- 3) 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 - (New Article 18 (4) of Supplementary Protocol AISP.1/06/06 amending the Revised Treaty). Such principles include:
 - A) For the allocation of the position of the President of the Commission and Heads of other Institutions in an open equitable and predictable manner:
 - i) no member State shall concurrently hold the position of Head of more than one Community Institution;
 - ii) 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;
 - iii) with regard to the ECOWAS Commission, the country hosting the Commission, shall not be eligible to Head that Institution;
 - iv) where a Member State is hosting the headquarters of more than one Institution, such a member State shall be eligible to host one of the Institutions.
- 8) For the allocation of all statutory positions, the Committee recognized and adopted guidelines which were already contained as obligations within legal texts of the Community as follows:

- i. 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 Supplementary Protocol on Democracy and Good Governance, 2001. The provisions relate to the following:-
 - a. a coup d'etat occurs in the country;
 - b. power is obtained through unconstitutional means;
 - c. the country fails to comply with the Convergence criteria on democracy;
 - ii no allocation is made where the country fails to apply the texts governing the Community levy (Article 2-1 Decision AIDEC.1/06/06).
- C) For the positions of Vice President and Commissioners:
- In proposing the countries, account shall be taken of other statutory positions already encumbered by Member States.
- D) For the position of Vice President of the Commission
- The Vice President shall not be from the same linguistic group as the President of the Commission

4. Secondary Criteria

In situations where there may arise the need for arbitration in order to allocate, the following may be used as secondary criteria:

- a) countries whose nationals have in the past occupied top statutory positions, frequently and/or in several Community Institutions, shall not be given priority if the Ad-hoc Ministerial Committee has to arbitrate between several countries in the allocation of a given position;
- b) countries whose nationals have never or rarely occupied statutory positions, or have for along time not occupied these, shall be given priority in the allocation of positions;

Annexe 2/Annex 2

REPARTITION DES postes STATUTAIRES A PARTIR DU JANVIER, FEVRIER & MARS 2011
BASEE SUR LES MODALITES DE ROTATION PROPOSEES
DISTRIBUTION OF STATUTORY POSITIONS FROM JANUARY, FEBRUARY & MARCH 2011 BASED
ON THE PROPOSED MODALITIES OF ROTATION

ETATS MEMBRES/MEMBER STATES	COMMISSION	COUR DE JUSTICE/COURT OF JUSTICE	PARLEMENTI PARLIAMENT	BIDC/EBID	OOASIWAHO	GIABA	CF/FC	TOTAL
BENIN	Commissaire/ Commissioner	Juge/Judge		President (fin de mandat juin 2011) President (to leave June 2011)				3
BURKINA FASO	President							1
CAP VERT	Commissaire/ Commissioner	Juge/Judge						2
COTE D'IVOIRE	Commissaire/ Commissioner	Juge/Judge						2
THE GAMBIA	Commissaire/ Commissioner	Juge/Judge						2
GHANA							FC	1
GUINEE								
GUINEE BISSAU					DG (OOAS) (DGWAHO)			1
LIBERIA	Commissaire/ Commissioner				<i>DGA/IDDG</i>			2
MALI	Commissaire/ Commissioner							1
NIGER								
NIGERIA	Commissaire/ Commissioner		President/Speaker			DG		3
SENEGAL	Commissaire/ Commissioner					DGND.DG		2

SIERRA LEONE		Juge/Judge						1
TOGO		Juge/Judge						1
TOTAL								

*

One position of Judge remains unallocated as it is subject to an arbitration process/un poste de Juge n'a pas été attribue puisqu'il fait l'objet d'une procedure d'arbitrage

BIDC (Banque d'Investissement et de Developpement de la CEDEAO)
EBID (ECOWAS Bank of Investment and Development)

OOAS (Organisation Ouest Africaine de la Santa)
WAHO (West African Health Organisation)

GIABA (Groupe Intergouvernemental d'Action contre le Blanchiment d'Argent en Afrique de l'Ouest)
GIABA (Inter-Governmental Action Group for Money Laundering in West Africa)

CF (Contrôleur Financier)
FC (Financial Controller)

DG (Directeur **Général**)
OG (Director General)

DGA (Directeur **Général** Adjoint)
DOG (Deputy Director General)

Annexe 3/Annex 3

PROPOSALS ON THE ROTATION OF THE OFFICE OF THE CHAIRPERSON

- I. If the modalities relating to the rotation of the Office of Chairperson are adopted, the Member States would be presented as follows:

MEMBER STATES

BENIN	Presidential election scheduled for March 2011
BURKINA FASO	Proposed as President of the Commission. Held the position of Chair in 2007 and 2008.
CABOVERDE	Legislative elections January-February 2011 Presidential elections 2011
COTE D'IVOIRE	Presidential election likely to be held in 2010 Country in transition
THE GAMBIA	
GHANA	
GUINEE	Presidential election in June 2010 Country in transition

GUINEE BISSAU	Does not apply the texts governing the community levy Country in transition
LIBERIA	Presidential election in 2010
MALI	
NIGER	Presidential election will be announced soon Country in transition
NIGERIA	Current Chair Presidential Election in 2011
SENEGAL	
SIERRA LEONE	
TOGO	

11. The table mostly displays such criteria as the national situation which may prevent a State from carrying out its tenure effectively and in particular the organisation of major elections.

ANNEXE 4JANNEX 4

MODALITIES OF THE ROTATIONAL SYSTEM FOR THE OFFICE OF THE CHAIRPERSON OF THE AUTHORITY

1. Rotation by alphabetical order

- The alphabetical order shall be the one in which the Member States names are listed. In using the alphabetical order, the names of Countries in their official language must be taken into account.

2. Limits to alphabetical order rotation of Countries for the Office of the Chairperson of the Authority

The rotation of Countries for the office of the Chairperson of the Authority must take into consideration the interest of the Community.

- The Country which seeks to occupy the office of the Chairperson of the Authority shall respect convergence principles on democracy which are contained in the ECOWAS Protocol on Democracy and Good Governance, 2001.
- Community interest requires that the Country which desires the post of Chairperson of the Authority shall automatically lose its eligibility when it fails to fulfil its financial obligations and more particularly, to enforce the texts on the Community Levy.
- The country occupying the position of the Presidency of the Commission shall not be eligible for the office of the Chairperson of the Authority.

The rotation of Countries for the post of Chairperson of the Authority shall take into consideration the responsibilities linked to the office.

- The eligible Country for the post of Chairperson of the Authority must be constantly and completely available to the Community.

- The eligible Country for the post of Chairperson of the Authority must be in a position to give more attention and support than is normal to the Community during its term of office as Chairperson of the Authority.
- The eligible Country for the post of Chairperson of the Authority shall not be undergoing a situation in its territory, the management of which would prevent the Country from effectively serving its term as Chairperson. This risk may exist when:
 - a) The Country is experiencing proven political **instability** and its security situation gives cause for concern;
 - b) The election to the office of Chairperson of the Authority occurs during a major election year for the eligible country, that is, when this Country holds a key election such as presidential elections during the year in question.

Relinquishment by a Country of its turn in the Rotation

- Any Country eligible for the post of Chairperson of the Authority may relinquish its turn in the rotation. In this case, the concerned Country shall inform the Authority of the relinquishment as well as the time it would wish to re-enter the order of rotation. The Country shall declare its intentions through the President of the Commission six (6) months before the date of the session of the Authority where the election shall take place.
- The countries' reason for relinquishing their turn has to be stated in the letter to the President of the Commission six (6) months prior to expiration of the tenure of current Chair.

Re-entry by a Country into the Order of Rotation

- The Country which relinquishes its turn to serve as Chairperson of the Authority and which decides otherwise, shall notify the Authority through the President of the Commission, of its desire to re-enter the order of rotation six (6) months before the date of the session of the Authority where the election of the Chairperson of the Authority shall take place.

- The Country which decides to end its renunciation of its turn for the post of Chairperson of the Authority shall re-enter the order of rotation after the country providing the current Chair of the Authority.
- The Country which automatically loses its eligibility to Chair due to its failure to meet the following Community obligations:
 - ✓ Compliance with the convergence principles in the Protocol on Democracy and good governance;
 - ✓ Failure to pay financial contributions or enforce the texts of the Community levy.

and which can no longer be deemed wanting on any of these grounds, **shall** take its turn at the end of the rotation applied by alphabetical order to other Member States

Procedure for the election of the Chairperson of the Authority

- The President of the Commission shall submit a status of the Rotation to the office of the Chairperson of the Authority and any other relevant information related to the criteria adopted, for the consideration of the Council of Ministers by the middle of every year. The Council shall submit the status of Rotation to the session of the Authority during the same period.
- At its session following that of the Council which takes place at the middle of every year, the Authority shall elect the Country which shall occupy the office of the Chairperson of the Authority for the following year.

Annex 5:

Terms of Reference of the Ministerial ad hoc Committee

- I. The Ministerial ad hoc Committee will review the memorandum of the Commission on the allocation to Member States of the positions of President, Vice President, Commissioners on one hand, and on the other hand, the position of the President of ECOWAS Parliament

In view of the above, the Council of Ministers has defined the following terms of reference for the ad hoc Ministerial Committee:

- a) review the process of allocation of statutory positions to member States;
 - b) allocate the positions of President, Vice President and Commissioners of the ECOWAS Commission and that of Financial Controller of ECOWAS Institutions;
 - c) allocate the positions of four (4) judges of the Community Court of Justice;
 - d) allocate the position of Speaker of the ECOWAS Parliament;
 - e) consider and advise Council on the modalities for the rotation of the Chair of the Authority of ECOWAS Heads of State and Government.
11. The ministerial ad hoc Committee will submit its report during the extraordinary session of the Council of Ministers which the President of the Commission will convene at Sal, Cape Verde, two (2) days before the thirty-eighth ordinary session of the Authority of Heads of State and Government.

Communaute Economique
Des Etats De L'Afrique De L'ouest

COMMUNIDADE DOS ESTADOS
DA AFRICA DO OESTE

Economic Community of
West African States

**MEETINGS OF THE AD-HOC MINISTERIAL COMMITTEE
ON THE ALLOCATION OF STATUTORY POSITIONS**

Abuja, 9 - 11 June 2010 and 21 - 22 June 2010

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS

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