

Economic Community of West African States, African Regional Bodies

Supplementary Act A/SA.1/01/08 Allocating Three (3) Posts of Judge of the Community Court of Justice to Member States Act 1-1 of 2008

Legislation as at 18 January 2008

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Supplementary Act A/SA.1/01/08 Allocating Three (3) Posts of Judge of the Community Court of Justice to Member States

Contents

Article 1 1

Article 2 2

Article 3 2

Article 4 2

Article 5 2

 Paragraph 1. 2

 Paragraph 2. 2

Article 6 2

Economic Community of West African States

Supplementary Act A/SA.1/01/08 Allocating Three (3) Posts of Judge of the Community Court of Justice to Member States Act 1-1 of 2008

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[This is the version of this document at 18 January 2008.]

The High Contracting Parties,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Articles 6 and 15 of the said ECOWAS Treaty establishing the Community Court of Justice as an institution of the Community;

MINDFUL of Protocol A/P1/7/91 defining the status, composition, powers, procedures and other issues concerning the Community Court of Justice;

MINDFUL of Article 3 of the said Protocol relating to the composition of the Court and the appointment of judges;

MINDFUL of Article 4(1) of the Court's Protocol defining, among other things, the tenure of the judges, its renewal on the basis of eligibility for another period of five (5) years;

MINDFUL of Supplementary Protocol A/SP.2/06/06 amending Articles 3, 4 and 7 of the Protocol relating to the Community Court of Justice and which provides for a non-renewable four (4) year tenure for Judges of the Court;

MINDFUL of Decision A/DEC. 4/12/03 renewing the tenure of three (3) judges of the Community Court of Justice;

MINDFUL of Decision A/DEC. 02/06/06 establishing a Community Judicial Council;

CONSIDERING that the second tenure of three (3) judges of the Community Court of Justice expires on 29 January 2009;

RECALLING that the judges are now appointed on a competitive basis under the management of the Community Judicial Council, which, after interviewing candidates from countries to which the posts have been allocated, makes recommendations to the Authority of Heads of State and Government to appoint the judges;

CONSIDERING the need to commence henceforth, the procedure for appointing judges to replace the three (3) judges whose tenures expire on 29 January 2009, in order to avoid a vacuum and to ensure continuity in the functioning of the Community Court of Justice with all its judges;

WISHING, in this context, to allocate three (3) posts of judge of the Community Court of Justice to Member States;

AGREE AS FOLLOWS:

Article 1

A post of judge of the Community Court of Justice is hereby allocated to each of the following Member States:

- Republic of Benin
- Republic of Cape Verde
- Republic of Côte d'Ivoire

Article 2

The post of judge is allocated to each of the Member States referred to in Article 1 of this Supplementary Act for a non-renewable period of four (4) years with effect from the date of assumption of duty of each person appointed to this post.

Article 3

The judges that will fill the three posts of judge as allocated to the Member States referred to in Article 1 shall be selected from among candidates of these States and appointed in accordance with the procedures set out by the Decision establishing the Community Judicial Council and by the Rules of Procedure of the said Council.

Article 4

This Supplementary Act shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Authority. It shall also be published within the same time frame in the National *Gazette* of each Member State.

Article 5

1. This Supplementary Act shall enter into force upon publication. Consequently, signatory Member States and the ECOWAS Institutions undertake to start the implementation of its provisions upon its entry into force.
2. This Supplementary Act shall be annexed to the ECOWAS Treaty of which it shall form an integral part.

Article 6

This Supplementary Act shall be deposited with the Commission, which shall transmit certified true copies of this Act to all Member States and shall register this Act with the African Union, the United Nations Organization and such other organizations as Council may determine.

IN FAITH WHEREOF, WE, the Heads of State and Government of the Economic Community of West African States, have signed this supplementary Act.

Done at Ouagadougou, this 18th day of January, 2008

In single original in the English, French and Portuguese languages, all the three (3) texts being equally authentic.