

# How Nigeria is disenfranchised in staffing positions in ECOWAS

By Sotayo Olayinka

The Economic Community of West African States (ECOWAS) is an institution established to promote member states' trade, security, welfare, etc. Such benefits involve member states sharing responsibilities in funding, staffing, and management. However, it was discovered that Nigeria, as a major financier, has never tapped into all the benefits accruable to its participation and membership as a nation. Findings reveal that scheming against Nigeria is not only with Francophone countries. It's common with all the other countries and other Anglophones. Firstly, Nigeria, as a nation, has not been maximally benefiting from staffing at ECOWAS. From our discoveries, opportunities for recruitment are usually offered to other smaller countries, which in their capacities have never measured up to Nigeria's support that ECOWAS has been enjoying. Most often, staffing privileges are denied Nigerians who have headed units, departments, or even acted in the capacity of positions to be recruited for, and are suddenly eliminated after interviews for those respective positions, while smaller nations with meager financial contributions are offered the jobs. Information at our investigative disposal further shows that Nigerians with intellectual capacities are always disenfranchised when it comes to positioning and staffing at ECOWAS.



While Nigerian leaders who have been playing a "Big Brother" role to the West African community should not look away from these anomalies, it should be noted that accruable benefits should be harnessed in line with Nigeria's status in the community of member states. It is also crucial for Nigeria to redefine her membership with management and positioning as a major stakeholder in the West African body. Findings also show that scheming against Nigerian states is common with Francophone, Anglophone, and other countries when it comes to staffing. Institutions under the body like the ECOWAS Commission, Parliament, Court of Justice, and other Nigerian citizens are usually disenfranchised for promotion opportunities. Discoveries show instances of foreigners who, despite scoring far lower than intellectually qualified Nigerians during interviews, are given jobs for which they lack relevant knowledge or experience. When any victim approaches the permanent secretary, they are denied a hearing unless they hold a director position within the commission, leading one to wonder if only a director's voice can be heard. It was also discovered among staffing victims that they are treated as orphans in an institution where their country is a major stakeholder.

Statutory officers who are political appointees presented by their member States, Out of the Present 7 Statutory positions,

Nigeria has a commissioner in charge of Internal Services, He sits in meetings but does not have voting rights during staff interviews, Nigeria is at a disservice here. Nigerian should have more voices to harness and reap from their huge investments in ECOWAS. Hence, all statutory positions are always decided on by the council of ministers and are mandatorily made open to member states.

The Secretary General of ECOWAS parliament position is open now. Nigeria is urged to ensure that one of her citizens is scheduled for this office. It is disheartening to see some Anglophone countries joining Francophone countries to disenfranchise Nigeria and monopolize top offices within the commission. The attention of Mr. President is drawn to these issues for onward directives and actions from the Ministry of Foreign Affairs to ensure that the noted anomalies in staffing and the standing status of Nigeria as an outstanding stakeholder in the community of states at ECOWAS are constructively

addressed. Moving forward, Nigeria should begin to take her rightful position in ECOWAS as a nation that has heavily invested in the West African community states. Disenfranchised by other ECOWAS member countries. Staffing privileges denied to

Nigerians who have acted in positions advertised for several years are often disenfranchised when it comes to positioning and staffing at ECOWAS among other member states when it comes to staffing. The trend of disenfranchising Nigerians in promotion and recruitment opportunities obtains in all ECOWAS institutions, such as the Commission, Parliament, and the Court of Justice. Most times, the Nigerian mission (foreign affairs) barely understands or takes their time to understand. Often, the foreign affairs desk will insist on only staff members from the position of director to see the ministerial statutory officers (political appointees) include only one Nigerian commissioner who has no voting rights (not career officers). The position of Secretary General of ECOWAS Parliament is currently open. It is highly advisable for Nigeria to ask for this position with voting rights to compensate for the non voting-right commissioner it currently has. It is disheartening to join other countries. Nigeria could ask for the process to be halted and see how it can be returned back to its former or original statutory status. It should indicate interest in the position to back up the non-voting rights commissioner of internal services.

## ECOWAS Court orders Sierra Leone to repeal loitering laws violating human rights

The Economic Community of West African States (ECOWAS) Court of Justice, has ordered Sierra Leone to amend, modify, or repeal its laws on loitering in public places to comply with the country's obligations under Articles 1, 2, 3(1), and 12(1) of the African Charter on Human and Peoples' Rights. A Sierra Leonean NGO, Advocaid Ltd, had filed an application with the Court on 12 April 2022 challenging certain provisions of Sierra Leone's Public Order Act, Summary Conviction Offences Ordinance, and Criminal Procedure Act which authorize the police to arrest any person who is idle in a public place and cannot give a good account of himself or herself. The Applicant contended that maintaining and enforcing these laws violated the principles of non-discrimination, equality before the law, and freedom of movement, particularly concerning impoverished and marginalized people.

In the Judgement delivered by Justice Edward Asante Amoako, the Judge Rapporteur, the Court found that the loitering laws perpetuate discrimination against

economically disadvantaged individuals, violating the right to non-discrimination and equal protection under Articles 2 and 3(1) of the African Charter on Human and Peoples' Rights. Additionally, the laws impose unwarranted restrictions on freedom of movement, contrary to Article 12(1) of the African Charter. The Court also noted that vague terms in the loitering laws, such as "idle" and "disorderly," create opportunities for arbitrary enforcement and do not meet standards of legality, necessity, and proportionality in a democratic society. Accordingly, the ECOWAS Court ordered Sierra Leone to undertake legislative reforms to amend, modify, or repeal these loitering laws to comply with its human rights obligations under the African Charter. The Court further directed each party to bear its own costs in the suit. Also on the three-member panel were Honourable Justices Ricardo Cláudio Monteiro Gonçalves, presiding and Dupe Atoki, member.

## ECOWAS Court orders Togo to remedy violation of citizen's right to fair trial

The ECOWAS Court of Justice has ruled in favour of Mr. Kessei Menveinoyou, a Togolese citizen, finding that the Togolese Republic violated his right to a fair and timely appeal under Article 7(1) of the African Charter on Human and Peoples' Rights.

The Applicant, Mr. Kessei Menveinoyou, a driver residing in Lomé, submitted an employment dispute with the Togolese Ministry of Health to a Labour Court in Lomé in 2015. After an initial judgment by the Labour Court in favour of the Ministry, he filed an appeal in 2016. However, according to Mr. Menveinoyou, the Registrar of the Labour Court in Lomé neglected to transmit his appeal to the appropriate appellate court for hearing, resulting in an unreasonable delay of about eight years. He contended that this inaction contravened his fundamental right to have his appeal heard within a reasonable time. The Togolese Republic objected to the ECOWAS Court's jurisdiction, arguing that the matter fell within Togo's domestic legal framework. However, the Court dismissed this objection,

clarifying that it has jurisdiction over cases alleging violations of international human rights instruments binding on ECOWAS member states. In the judgment delivered by Justice Edward Amoako Asante, the Judge Rapporteur, the Court held that as a party to the African Charter, Togo has a legal obligation to uphold the right to fair trial for all its citizens. Therefore, the failure of the Togolese judicial authorities to transmit the Applicant's appeal to the relevant appellate court violated his right to a fair trial within a reasonable time. The Court ordered the Togolese Republic to pay Mr. Menveinoyou Five Million CFA Francs (5,000,000 CFA) in damages. It also directed the Respondent State to take the necessary legal or administrative steps to expedite the processing and hearing of the Applicant's appeal before the appropriate national court. The three-member panel of the Court were Honourable Justice Ricardo Cláudio Monteiro Gonçalves (presiding judge), Honorable Justice Gberi-Bè Ouattara (panel member), and Honorable Justice Edward Amoako Asante (judge rapporteur).