



IMPLEMENTATION OF THE ECOWAS GENERAL CONVENTION ON SOCIAL SECURITY

DRAFT - TERMS OF REFERENCE (ToR) OF THE COMMITTEE OF EXPERT

1. Introduction

This document outlines the purpose, responsibilities, membership and operating modalities of the Committee of Experts on Social Security (CESS). The document comes into effect upon validation by the Committee of Experts.

Established under the auspices of the ECOWAS Commission, the CESS is central to the implementation of the ECOWAS General Convention on Social Security and is an essential institution for the monitoring of the mentioned Convention, as described in its Articles 43 and 44.

2. Background

The ECOWAS General Convention of Social Security and its Administrative Arrangement was elaborated in 1993, the year of adoption of the Revised Treaty of ECOWAS, within the context of the renewal of interest in strengthening regional integration. The Council of Ministers of ECOWAS adopted the draft Convention and administrative arrangement in 2005 and sensitization and capacity-building activities were organized for Member States in that regard. However, the Instrument did not obtain the number of ratifications necessary for its entry into force;

Nearly twenty years after its adoption, contextual developments and new social security needs justify the need to review the Convention. Thus, largely inspired by the ILO Conventions, particularly Conventions 102 Minimum standards, 118 on equality of treatment (Social security) and 157 on Maintenance of Social Security Rights, the new version of the Convention and the Administrative Arrangement was adopted in December 2012 by the Ministers in charge of Labour and Social Security and by the Authority of the Heads of State and Government of ECOWAS as a Supplementary Act in 2013.

Some of the objective of the ECOWAS General Convention on Social Security are:

- i.) To provide social security for migrant workers residing or temporarily residing in the member states of the region as well as their family members and their survivors or dependents, and
- ii.) To promote the coordination of social security of states in West Africa in order to ensure the portability of social security rights of migrant workers.

Unfortunately, since the entry into force of the Convention, its implementation is yet to commence.

3. Establishment of the Committee of Experts

According to Article 44 of the Convention, a Committee of Experts on Social Security is to be established under the auspices of the ECOWAS Commission.

Based on the foregoing, the Committee of Experts on Social Security is established, to further strengthen and monitor the implementation of the Convention. The Committee will also provide

support to ECOWAS Member States (MS) and initiatives of the ECOWAS Commission to provide social security to migrant workers and their family members as well as their survivors or dependents.

4. Mandate

The Committee shall be responsible for dealing with administrative issues resulting from the implementation of the provisions of the Convention as well as establishing models of administrative documents. Furthermore, it will bring together all stakeholders, promote cooperation between them and sensitize migrant workers about their rights and how to enforce them.

5. Composition of the Committee (Article 43 of the Convention)

- The Committee shall consist of two representatives of each Contracting Party, including the National Director in charge of Social Security and a representative of the institutions that administer the National Compulsory Social Security Schemes;
- The Committee will receive technical assistance from the ILO and any other technical partners;
- The Committee of Experts will have a Chair and Co-chair which will be decided by the Committee.
- The Committee Chair and Co-Chair Position will be rotated every 2 years ;
- **Secretariat:** the Committee which is under the ECOWAS Commission should benefit from the support of the Directorate of Humanitarian and Social Affairs;

6. Responsibilities of the Committee (Article 44 of the Convention)

With support from the ECOWAS Commission, the Committee will perform the following specific functions:

- (1) The Committee shall deal with any administrative or interpretative matters arising from the provisions of this Convention and the Administrative Arrangement referred to in Article 63, without prejudice to the right of the authorities, institutions and persons concerned to resort to the procedures and jurisdiction provided for by the laws of the Contracting Parties;
- (2) The models of certificates, claims, declarations, applications and other documents necessary for the application of the Convention and the Administrative Arrangement referred to in Article 63 shall be drawn up by the Committee;
- (3) The Committee shall, at the request of the competent authorities of any Contracting Party, provide information on the provisions of the legislation to which this Convention applies;
- (4) The Committee may bring together interested persons with the intention of informing them of their rights and the administrative formalities they must fulfill in order to gain access to these rights;
- (5) The Committee shall promote and develop cooperation between the Contracting Parties in the field of social security for the benefit of migrants and members of their families, and;
- (6) The Committee shall submit proposals for the revision of this Convention and the Administrative Arrangement referred to in Article 63.
- (7) Produce an annual report on the implementation of the ECOWAS General Convention by Member States social security schemes;
- (8) Make recommendations for the improvement of the implementation of the ECOWAS General Convention on social security.

7. Working Arrangements

- The Committee will coordinate under the auspices of the ECOWAS Commission, on all issues related to the implementation of the ECOWAS General Convention on Social Security ;
- The Committee meetings will be held regularly, **at least once a year**, but in exceptional circumstances additional meetings can be convened with the purpose of reviewing the work of

the region on the implementation of the Committee work plan, capturing lessons learned, and reaching agreement on the annual work plan for the next year;

- An annual work plan will be developed with proposed contributions and key deliverables from the Committee based on which the Committee performance and relevance will be assessed;
- The annual work plan should be developed considering the proposed Committee interventions and priorities as well as emerging issues and initiatives at national, regional and global levels;
- The plan should include an indication of financial resources required for its implementation, if any, and propose the funding modality;
- The Committee adopts decisions by consensus. The Committee decisions will be final and not subject to appeal.

8. Quorum

A quorum in attendance will be the 3/5 of the members of the Committee.

9. Reporting to the ECOWAS Commission

- Minutes of the Committee meetings will be disseminated to all members and the ECOWAS Commission. Individual members are expected to brief their Heads of organizations of further details depending on particular activities and required levels of participation;
- The official record of the discussion and decisions adopted during Committee meetings shall be the Committee minutes. The minutes will be presented for Committee approval at each subsequent meeting, unless otherwise indicated by the Committee.
- The report and recommendations of the Committee will be presented at the committee meetings for adoption and submitted to ECOWAS Commission for information and required follow up. The report will include a financial summary as well as a description of the joint activities and results;
- The Committee chairpersons, may, in addition, provide an oral report during each ECOWAS Meeting of the Ministers in Charge of Labour and Employment, as when he considers necessary.