RULES OF PROCEDURE
GOVERNING THE ELECTION OF THE PRESIDENT
OF THE AFRICAN DEVELOPMENT BANK
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RULES OF PROCEDURE GOVERNING THE ELECTION OF THE PRESIDENT OF THE AFRICAN DEVELOPMENT BANK

ARTICLE 1
Timing of the Election

1. The election of the President shall be held during the Board of Governors' Annual Meeting closest to the end of the term of office of the serving President.

2. In the event of vacation of the post of President otherwise than by the legal expiry of his/her term, the Secretary-General shall immediately inform the Chairperson of the Board of Governors and the Board of Directors of the fact, if the vacating President himself/herself has not done so. The Chairperson shall by circular notice immediately inform the Board of Directors and all members of the Board of Governors of the vacation of the post.

3. The election of a successor shall be held during the Ordinary Annual Meeting or during an Extraordinary Meeting to be convened immediately following the declaration of vacation of the post.

4. Unless, for any reason, paragraph 3 of the present Article is inapplicable and a Meeting of the Board of Governors has to be held otherwise than according to the provisions of the said paragraph 3, the venue and date of the election of the President shall be fixed by the Board of Directors and communicated to members of the Board of Governors at least 45 working days before the date of the meeting during which the election shall be held.

5. Unless a successor President is elected in accordance with these Rules, the most senior Vice-President who is a national of a regional member country shall serve as Acting President and Legal Representative of the Bank.

6. In electing the President, the Board of Governors shall meet in closed session at which only Governors and Alternate Governors of the Bank as well as members of the Board of Directors and their Alternates shall be admitted. The President of the Bank, even if he/she is not seeking re-election, shall not attend any such closed session.

ARTICLE 2*
Steering Committee on Elections for the Presidency

1. The Steering Committee of the Board of Governors shall be the subsidiary body of the Board responsible for the general administration of the electoral process. It shall, with the authorization of the Board of Governors, adopt its own procedure for the invitation, deposit and verification of individual candidatures with the criteria of eligibility set forth under Article 36 of the Agreement Establishing the African Development Bank and the conditions of candidature set out under the present Rules.

* Rules of Procedure for the Election of the President as amended by the Board of Governors in Maputo on 15 May 2008. References in these Rules to a particular gender shall be applicable to the other gender.

** Amended by Resolution B/BG/97/07 adopted by the Board of Governors on 29 May 1997, and entered into force on 2 May 1998.
ARTICLE 3
Candidature

1. Every Candidate for the post of President of the Bank shall, before the deadline fixed for the deposit of candidatures, be presented by the Governor for the regional member country of which the candidate is a national and shall be seconded by one or more of the Governors for regional member countries.

2. The Steering Committee shall settle and publish the list of duly registered candidates who fully satisfy the conditions for the deposit of candidatures and communicate to Governors a detailed report giving particulars of such candidates not less than thirty (30) calendar days before the date fixed for the election. Such report shall state the name, the nationality of the candidate, the country of the Governor presenting the candidate and the name or names of the Governors who seconded each candidate.

ARTICLE 4
Statement of Voting Power

1. The voting power of each member country, which shall be used in the computation of votes, shall be determined by the Board of Directors as at close of business on the last working day in the month immediately preceding the month during which the election of the President shall be held. Only payments actually received by the Bank on account of subscriptions shall be taken into account in determining the voting powers.

2. The status of the voting powers referred to in the immediately preceding paragraph shall be circulated to Governors as early as possible upon the completion of registration for attendance at the Assembly at which the elections shall be held.

ARTICLE 5
Supervision of the Voting Operations

1. The Steering Committee shall be responsible for the control, supervision and programming of the entire electoral process from the time of the closure of the receipt of candidatures until the election ends with the proclamation of its final result.

2. The Steering Committee shall designate two Governors representing regional member countries and one Governor representing a non-regional member country to act as Returning Officers for purposes of the election. No Governor representing a member country which has presented or seconded a candidate shall be eligible to be designated as a returning officer.

3. Returning Officers shall, under the direction of the Chairperson of the Steering Committee:
   a. ensure the satisfactory conduct of the voting process;
   b. ascertain before each ballot, that the ballot box is empty;
   c. ensure that all ballot papers are removed from the ballot box after each ballot;
   d. ensure that the number of ballot papers removed from the ballot box does not exceed the number of member countries participating in the voting process;
   e. ensure that only valid ballot papers are counted;
   f. cancel all void ballot papers; and
4. Returning Officers shall be assisted by the Secretary General, the General Counsel and one or more staff members capable of properly computing the votes.

5. The Secretary General shall prepare a report on each ballot. He shall, prior to each ballot:
   a. announce the names of member countries which are not participating in the Meeting;
   b. by means of a roll-call, ascertain that each member country participating in the Meeting is represented in the conference room by a duly authorised voting delegate who shall be a Governor, a Temporary Governor, an Alternate Governor, duly registered as such;
   c. cause the conference room to be cleared of all unauthorised persons within the meaning of Article 1(4) of these Rules, and cause every access to the conference room to be guarded during the ballot;
   d. distribute the list of candidates showing the names of candidates in alphabetical order and their respective nationalities; and
   e. give out, in respect of that ballot, a single ballot paper to each voting delegate who shall sign the distribution register.

ARTICLE 6
Ballot Papers

1. The Ballot papers shall be in standard form; those intended for regional member countries shall be yellow and those intended for non-regional member countries shall be green.

2. Each ballot paper shall show, in the following order:
   a. in the top left hand corner, the year of the election followed by "BAD/ADB";
   b. in the middle, the following words printed in French and in English "JE VOTE POUR / I VOTE FOR". These words shall be followed by a blank in which the voting delegate shall insert the full name of the candidate of his choice; and
   c. in the bottom right hand corner, the voting power expressed as a percentage of the total voting power.

3. Each voting delegate shall use only one ballot paper in respect of each ballot.

4. Upon the name of a member country being called out, the voting delegate for that member country shall proceed to deposit his ballot paper in the ballot box.

ARTICLE 7
Ballot Paper Voidance Conditions

A ballot paper shall be deemed null and void if:
   a. it does not bear the name of a candidate appearing in the list of candidates communicated to Governors;
   b. it bears the names of more than one candidate even though one of the names has been erased or cancelled.
ARTICLE 8
Vote Computation and Results

1. The Chairperson of the Board of Governors shall declare each ballot closed immediately following the deposit into the ballot box of the voting paper by the last voting delegate on the list of voting member countries.

2. The Returning Officers shall compute the votes cast for each candidate as well as the number of abstentions and void ballot papers.

3. The number of votes cast in favour of each candidate shall be recorded on a form which shall:
   a. at the top, show the name of the candidate;
   b. below the name of the candidate, be divided in two columns in which shall be recorded the percentages of the votes polled, to the nearest two decimal figures;
   c. indicate:
      i. in the first column entitled "Total number of votes", the votes cast by regional and non-regional member countries; and
      ii. in the second column entitled "regional vote", the votes cast by regional member countries.

4. The Chairperson of the Board of Governors shall announce the results of each ballot indicating (a) the total percentage of votes cast in favour of each candidate by all member countries; on the one hand, and by regional member countries, on the other, and (b) where appropriate, the fact that a candidate has obtained the double majority required to be elected President of the Bank as stated in Article 8 of these Rules.

ARTICLE 9
Proclamation of Final Voting Results

1. In accordance with Article 36 of the Agreement establishing the African Development Bank, a candidate shall be elected President of the Bank if he/she obtains at least 50.01 per cent of the votes of regional member countries and at least 50.01 per cent of the votes of all member countries, regional and non-regional.

2. The Chairperson of the Board of Governors shall declare elected as President of the Bank the candidate who polled the requisite double majority votes. He/she shall then invite him/herself to present himself/herself to the Board of Governors in his capacity as the President-elect of the Bank.

3. If no candidate obtains the requisite double majority in the first ballot, further ballots shall be conducted until one of the candidates obtains the requisite double majority, provided that at the second or subsequent ballots, the candidate who received the lowest number of votes of member states in the preceding ballot shall be ineligible for further participation in the election as a candidate.

*** Amended by Resolution B/BG/97/07 adopted by the Board of Governors on 29 May 1997, and entered into force on 2 May 1998.
ARTICLE 10
Date of Assumption of Duty by the President-Elect

1. The President-elect shall officially assume duty on the date fixed by the Chairperson of the Board of Governors in close consultation with the Board of Directors, and in any event not later than three months from the first day of the month following the month during which he/she was elected.

2. Upon assumption of duty, the President-elect shall, in the presence of the Chairperson of the Board of Governors and before the Board of Directors, take the following oath:

"I ____________________________ (name), President of the Bank, solemnly declare and undertake before the Chairperson of the Board of Governors and before the members of the Board of Directors, that I will abide by the provisions of the Agreement establishing the African Development Bank, its By-Laws and Regulations and that I will discharge my duties and functions as laid down in those Laws and Regulations with loyalty, discretion and conscience; and will regulate my conduct as President, with the interest of the Bank only in view, in accordance with the provisions of Articles 37 and 38 of the Agreement establishing the African Development Bank. So help me God."

ARTICLE 11
Adjournment of the Election and Appointment of an Acting President

1. The Board of Governors may deliberate to decide whether or not to proceed with the voting if, after five ballots, no candidate has obtained the requisite double majority vote.

2. If the Board of Governors decides on the stoppage of the balloting, it shall declare the election to have failed. It shall, in that event, and on the recommendation of the Board of Directors, designate the outgoing President or a Vice-President who is a national of a regional member country to act as President for a term not exceeding twelve (12) months from the date on which the post of President becomes vacant without prejudice to the provisions of paragraph 3 below.

3. No outgoing President or Vice-President or any other person who has been presented as a candidate at the failed election, shall be eligible to be designated as Acting President.

ARTICLE 12
Adjudication of Electoral Disputes

Any disputes arising out of the voting operations shall be promptly referred to the Steering Committee of the Board of Governors which shall, prior to the closure of the Meeting request the Chairperson of the Board of Governors to adjourn the Meeting to enable the said dispute to be immediately settled before balloting resumes. The decision of the Steering Committee shall be final.
ARTICLE 13
Amendments

These Rules of Procedure may be amended or cancelled by the Board of Governors as and when the Board of Governors deems it necessary, but in any event not during the course of an election.

ARTICLE 14
Entry Into Force

The present Rules of Procedure shall come into force on the date of their adoption by the Board of Governors and shall supersede all previous provisions inconsistent therewith.