



COMMUNITY COURT OF JUSTICE, ECOWAS
SUMMARY OF ACTIVITIES FOR THE YEAR 2011

Introduction

The year 2011 marked the celebration of the tenth anniversary of the Court. It equally marked the beginning of a new decade for the Court, which has set out, its objectives, not only for the purposes of strengthening its judicial mandate, but to enhance its reputation and its presence in the hearts and minds of the inhabitants of the Member States of the Community, as well its accessibility. To that end, during the period under review, the Court of Justice of ECOWAS carried out a number of activities within the framework of its work programme: strengthening of judicial activities, efforts aimed at getting closer to the masses of the people, implementation of other traditional activities of the Court, and co-operation with similar institutions.

Judicial activity

This is the principal mandate of the Court. The judicial activity of the Court maintained the rate of last year, as a result of the constantly increasing number of applications being filed. During the period under review, the judicial activity of the Court was somewhat dense in terms of court hearings held, but very fruitful in terms of delivery of judgments. Thus, the Court held 49 court hearings and delivered 18 judgments, 11 of them being final judgments.

It must be noted that the programming of the court hearings was done in line with the policy of the Court, by arranging the cases in a continuous pattern for one to two weeks every month, so as to enable the parties economise their time and expenditure in relation to their travel to Abuja.

External court hearings

They increased in number this year, as a result of the objectives concerning sensitisation which were fixed for the decade, by virtue of the fact that they greatly contribute in making the Court known and in bringing the Court closer to the people. External court hearings have since become an effective tool for sensitisation. During the year under review, the Court held two external court hearings on 7 October 2011. Between 14 and 18 November 2011, the Court heard, on the

premises of the Supreme Court of Benin, 15 cases which were recorded on the cause list, making a total of 6 external court hearings.

Sensitisation activities

As indicated above, sensitisation missions are at the heart of the Court's projections for its second decade. They are so significant that the long-term interests of the Court will depend on them. Among the programmes carried out this year in connection with this objective, regarding sensitisation, one can mention among others, radio and television programmes, press conferences, the design and launching of the website.

Radio and television programme

The Court implemented its sensitisation programme through the instrumentality of the press and media, by organising radio and television programmes at Dakar from 26 to 28 September 2011, and a press conference, which saw the participation of about forty journalists representing twenty media houses. The other segment of the programme, which concerns The Gambia, may be held before the end of the year.

Other means of information

These have to do with press conferences, press releases, the website and publications.

Press conference

As a prelude to the festivities of the ten-year anniversary celebration, which were organised on 4 and 5 July 2011, the Court held a press briefing to take stock of the journey so far made and prospects for the second decade. The same activity was carried out in Accra during the international conference and at Porto Novo during the judicial retreat.

Press release

All the activities undertaken by the Court during the period under review, both at the seat of the Court and outside Abuja were reported by way of press releases, with the latter being re-utilised by the press of the States hosting the events. Information on key cases and judgments delivered by the Court were also disseminated through press releases.

Publications

In addition to the publication of the Court Bulletin and the Newsletter, the Court published its first Law Report, which is a compilation of the judgments and advisory opinions of the Court from its creation to 2009. The second volume of the Law Report, covering the judgments from 2009 till date, will soon be published. The Court equally published a documentary on the period from 2001 to 2011.

Website

It is for the purpose of making the Court much more known that sensitisation activities are organised every year by the Court. The website of the Court was conceived along the same lines. This site opens a big window onto the Court and especially onto the basic texts and the functioning mechanism of the Court. After the consultation phase in 2010, the Court advanced, this year, to the operational phase, with the launching of the website in June; still ongoing are the processes of updating and the feeding of all the domains of the website.

Other activities

These activities concerned the celebration of the 10 years of the Court, the Accra conference, the judicial retreat at Koroduma, the traditional opening ceremony of the Legal year (which was held outside the seat of Court for the first time), administrative activities, and relations of co-operation.

Celebration of 10 years

The celebration of the tenth anniversary of the Community Court of Justice, ECOWAS was held on 4 and 5 July 2011 at the ECOWAS Commission, at Abuja, in the Federal Republic of Nigeria, on the theme: “The Court of Justice of ECOWAS: assessment of ten years at the service of Community law and perspectives”.

The Court seized the opportunity to earmark a period of reflection on consolidation of its achievements, with a view to strengthening its mandate and operational resourcefulness. The celebration of the 10 years equally provided the opportunity for translating into reality the idea of creating a network of West African judges which would be a sort of forum for research on the judiciary and mutual exchange on exemplary modes of practice. This idea, which was largely shared and accepted by the participants and all the Member States, is following its natural course at the pilot-committee level, coordinated by the Court. The first meeting of the committee took place on 21, 22 and 23 November 2011 at Porto Novo.

International conference

This year, the Court organised an international conference in Accra at the beginning of the year to discuss strategies to be put in place to increase access of Community citizens to the Court, irrespective of the locations in which they may find themselves and regardless of the level of their resources.

Judicial retreat

The judicial retreat of this year, held at Koroduma in Nigeria, was organised with the vision of making the Court more accessible and improving upon its judicial functioning, through the adoption of internal measures in the form of practice directions at the Registry.

Under the theme “The Community Court of Justice, ECOWAS in its second decade”, the meeting, the third in a series, brought together the judges as well as the lawyers and legal professionals among the staff of the Court, for the purposes of equipping the Court with new working instruments, at the dawning of its second decade.

Thus, from 6 to 9 June 2011, the participants at the retreat discussed crucial issues of great interest to the Court, and examined the following: the draft practice directions, the strategic plan, modalities for the creation of sub-registries, mechanisms for setting up a legal aid scheme, and the degree of harmonisation of texts on the Court.

2011/2012 judicial retreat

The premises of the Supreme Court of Benin, at Porto Novo, were used as the grounds for hosting the proceedings of the inaugural court session for the 2011/2012 legal year of the Court of Justice of the Economic Community of West African States (ECOWAS), on Thursday, 6 October 2011. That was the first time an opening ceremony of the Legal Year was being held outside the seat of the Court, located in Abuja. The other Institutions took part in the event and commended it as beneficial and in step with Vision 2020.

Capacity building

It must be noted that emphasis was placed here on the lawyers and legal professionals among the staff of the Court. In that light, 17 staff members who are either lawyers or legal professionals participated in a training programme at Zaria, from 20 to 31 July 2011. Apart from the individual training sessions undertaken by other members of the P-Staff (professional staff), the greater portion of the G-Staff (general-service staff) went through capacity-building training programmes.

Finally, the Court has just embarked on an evaluation of the 2009/2010 training scheme and has set in motion of the 2011/2012 edition.

Budget and administration retreat and strategy

From 1 to 5 October 2011, the Court held its budget, administration and strategy retreat at Porto Novo. Like the other Community institutions, the Court outlined and adopted a strategic plan, with the objective of obtaining a device for previewing activities of the Court, taking into account the objectives of the Community and the human and material resources required for

accomplishing those tasks. This process was conducted with the support of the ECOWAS Commission and was designed after several work sessions, and today, the Court is happy about the state of progress of the exercise, which is in its final form, with the adoption of a strategy and a plan of action.

Besides, the Court pursued the implementation of its recruitment plan, with recruitment to the professional posts of translators and revisers. The execution of the last phase of the plan is still ongoing and in the not too distant future, the Court will move on to the short-listing and selection stages.

Bonds of co-operation

Outside the links of collaboration between the Court and the domestic courts of Member States, there is an opening up of this kind of co-operation to the regional and international organisations whose mandates are in the area of integration or human rights. Thus, the nascent bonds of co-operation between the ECOWAS Court and the Court of Justice of UEMOA, the African Court of Human and Peoples' Rights, and the Office of the United Nations High Commissioner of Human Rights in West Africa, do provide an illustration.

The working relations between the Court and organs of the UN culminated in fruitful exchanges during the conference of Dakar, on the role of the Court of Justice of ECOWAS in human rights protection and the prospects of co-operation with the Africa Bureau of the United Nations.

The Court also participated in a meeting organised by the African Court of Human and Peoples' Rights on the new partnership for strengthening the African Court of Human and Peoples' Rights, which took place in Malawi.

Visits

The Court received, among other dignitaries, at its seat, on 5 July 2011 at Abuja, a high delegation from the Judiciary, composed of the Presidents and Chief Judges of the Supreme Courts of the 15 Member States of ECOWAS, as well as judges from the regional courts of CEMAC, SADC, UEMOA and OHADA, just to mention but a few. The Court also had a working visit with a four-member delegation from the Court of Justice of the West African Economic and Monetary Union (UEMOA), led by its President, Mr. Ousmane Diakité, from 20 to 23 September 2011.

Conclusion

After ten (10) years of existence, functioning and the sharing of experience with other African, European and international Community courts, the Community Court of Justice of ECOWAS

can express joy over the journey so far, and it views this period of time with gladness for having emerged victorious over the challenge of establishing itself as a Regional/International Court. On its own part, at the dawn of its second decade of existence, the Community Court of Justice, ECOWAS will need to increase the number of its Members (Judges) to 11 or at least 9. Judges who have specialised in Business Law must also be included on the bench, considering that ECOWAS is in the process of evolving its own harmonised business law alongside the OHADA Law, which shares the same geographical space with our Community.

The Court would equally benefit a great deal by creating beside its principal framework, a Court of First Instance, instead of creating a Court of Appeal, as is being currently envisaged. Another urgent need will be the appointment of Commissioners or ECOWAS Agents to play the role of Advocates General who will be responsible for defending the laws of the Community.

Hon. Justice Awa Nana Daboya

President

Court of Justice of ECOWAS