



COMMUNITY COURT OF JUSTICE, ECOWAS



2004 ANNUAL REPORT

Hon. Justice H. N. Donli
President, Community Court of Justice, ECOWAS

ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)



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TABLE OF CONTENTS

INTRODUCTION	5
CHAPTER 1: THE COURT	9
Establishment	9
Competence	9
CHAPTER 2: ACTIVITIES OF THE COURT IN 2004	
Inaugural Sitting	11
Commissioning of the Court	11
Sensitization Missions	12
Sensitization Visit to Abidjan, Cote d'Ivoire	12
Sensitization Visit to Ouagadougou, Burkina Faso	12
Sensitization Visit to Cotonou, Benin Republic	13
Second sensitization mission to the Republic of Cote d'Ivoire	13
Seminar in Dakar, Senegal	15
Seminar in Abuja, Nigeria	16
Co-operation with other ECOWAS Institutions	17
External relations and Co-operation with Non-ECOWAS Institutions	18
Visits	20
CHAPTER 3: INTERNAL ORGANISATIONS AND STAFF TRAINING	
Offices and Departments	23
Training	24
Departmental Activities	25
Challenges	27
Gwarinpa residential quarters	28
Other Developmental activities	28
Vision	29
CONCLUSION	31



INTRODUCTION

1. It is with great joy and honour that I present the third in the series of annual reports for the Community Court of Justice (CCJ). I use this opportunity to thank the Community for making it possible for us to contribute our quota towards the integration process of our sub-region. I also want to use this medium to thank my colleague Judges for their co-operation and immense support that has made the year under review a successful one.

Election of new Bureau

2. The mandate of the first bureau of the Court expired on the 29th day of January 2004. By the terms of the Court's Protocol a new bureau was elected. The meeting held on the 29th January, 2004 to elect a new bureau passed off so peacefully in such a convivial atmosphere that the officers were elected without a vote. The officers elected to serve a three-year term were: Hon. Justice Hansine N. Donli, re-elected for a second term as President; Hon Justice Soumana D. Sidibe as Vice-President. The new bureau started executing their mandate as from the 30th of January 2004.
3. Recounting the Court's activities for the year 2002, there is no doubt the Court was in its formative year. That was the year the Federal Republic of Nigeria acquired an office complex for the Court. It was a bare building. The Judges had no accommodation then. This was followed in the year 2003 by what I can describe as a rapid growth for the Court in terms of infrastructural development. The office complex was partitioned into offices and furnished. Also houses were acquired for all the Judges and furnished too. Hence for the year 2003 I was able to state in the annual report that the Judges were in residence ready to commence work.

Courthouse

4. There was still no permanent Courtroom. So this year saw the completion of the conversion of an outhouse annexed to the main office complex into a

courthouse. It is a beautiful edifice by all standards and very well equipped too to serve the needs of an international Court. However, some translation equipment still needs to be installed there and this is projected to be completed in the year 2005.

Research

5. Mindful of the Court's important role in the integration process, it has embarked upon research into aspects of the community law. It has identified Article 57 of the Revised Treaty as a significant piece of legislation which, if fully implemented, will go a long way in ensuring integration. This Article provides that 'Member States undertake to co-operate in judicial and legal matters with a view to harmonizing their judicial systems.' The Court intends to liaise with the ECOWAS Secretariat and Parliament to set in motion the process of actualizing this important provision. We shall soon make proposals to that effect.

Staff recruitment

6. I am happy to announce that the Court was able to offer employment to professionals from all the three linguistic zones of the Community that is English, French and Portuguese. Besides the Court has staff from ten out of the fifteen member countries. It is a deliberate policy to employ staff from every member country when the Court's mandate is expanded, without of course sacrificing efficiency. The professional staff assumed duty in batches in view of accommodation problems. The last batch assumed duty in Abuja in December, 2004.

Staff involvement

7. As a responsible institution, the Court allows its staff to be involved in some decision-making. All views expressed are noted and acted upon where necessary. So from time to time the President and some Judges hold meetings with the staff to exchange ideas. One such meeting took place at the Court premises on the 9th of July 2004 to discuss the impact the various sensitization missions have had so far. The President and her Vice, together with the professional and some other staff members, went on a retreat to Cotonou to deliberate on pertinent issues affecting the Court. The annual budget was also drafted at this retreat. That took place between 28th July and 1st August 2004.

ECOWAS Day Celebration

8. For the second year in a row, the court played a very active part in the ECOWAS day celebration here in Abuja. A novelty football match was organized and played between the ECOWAS team and that of the Public Service team from the Federal Republic of Nigeria. The President of the Court captained the ECOWAS team. I am pleased to announce that the President-led team won the game and consequently the trophy at stake. The game demonstrated the spirit of brotherliness that exists between the institutions and their staff.

Awards and Honours

9. The women of Nigeria have recognized the achievements of the CCJ under the Presidency of one of their number, Justice Hansine N. Donli. For these achievements and what she attained in her professional career before the CCJ, the President of the court was inducted into the Nigeria Women Hall of Fame on 6th March 2004. The government of the Republic of Cote d'Ivoire also honoured the Court with awards for its achievements on 26th September 2004. The awards in Abidjan are detailed in paragraph 29 below.
10. There are proposals to expand the competence of the Court by allowing individuals and corporate bodies to have direct access to the Court. The Court will also be given power to hear human rights cases. These proposals have received the stamp of approval from the Council of Ministers at its meeting held in Abuja in July 2004. It is expected to pass its penultimate stage with approval by the Authority of Heads of State and Government. The last stage will be ratification by nine Member States for it to become law. We believe in view of their importance the remaining stages will be carried through without much problem.

Summary of Report

11. This year has seen progress, albeit slower than expected, in the Court's main function: judicial. In the year under review, two cases were filed at the Court of Justice. The official commissioning of the Court took place. And the 52nd session of the Council of Ministers recommended to the Authority of Heads of State and Government the approval of a Supplementary Protocol expanding the jurisdiction and competence of the Court.

12. The year also saw progress in the Court's efforts at sensitizing Community citizens about its very existence, functions, activities and programmes. A lot could have been achieved in this direction but for budgetary constraints.
13. The year also saw active collaboration with other ECOWAS Institutions especially Parliament and Executive Secretariat.
14. As regards our relations with non-ECOWAS Institutions, the year under review witnessed, perhaps, the greatest push and effort at co-operation with others, namely Open Society Initiative for West Africa (OSIWA), the European Union (EU) and UEMOA.
15. Internal administration saw a concrete effort at establishing operational departments within the Court set-up to ensure proper efficiency and effective administration. Information and Internal Audit departments have been added to the existing departments. These various departments are all required to report on their activities and programmes each year to the President of the Court.
16. Challenges. Inadequate funding is still a problem hindering the smooth operations of the Court especially in regard to its sensitization missions, staff training, housing, library and maintenance.
17. Other activities of the Court, including, but not limited to acquisition of professional staff housing and infrastructure development.
18. The Court's vision for the immediate future includes vigorously pursuing its sensitization programme and staff housing.

THE COURT

Establishment

19. The Court was established by virtue of Articles 6 and 15 of the Revised Treaty. It is the principal legal organ of the Community. The seat of the Court is Abuja, Nigeria. The Court is composed of seven independent Judges appointed from Member States.

Competence

20. This has been set out in Article 9 of the Revised Treaty. It provides:
- (1) The Court shall ensure the observance of law and the principles of equity in the interpretation and application of the provisions of the Treaty.
 - (2) The Court shall also be competent to deal with disputes referred to it, in accordance with the provisions of Article 76(2) of the Treaty, by Member States or between one or more Member States and the Institutions of the Community on the interpretation or application of the provisions of the Treaty.
 - (3) A Member State may, on behalf of its nationals institute proceedings against another Member State or Institution of the Community, relating to the interpretation and application of the provisions of the Treaty, after attempts to settle the dispute amicably have failed.
 - (4) The Court shall have any powers conferred upon it, specifically by the provisions of this Protocol.
21. It has been recognized that the limited competence of the Court is a hindrance to its effective growth. Indeed the full potential of the Court cannot be realized without an expanded mandate to interpret and apply community laws. But I can report with gladness that the process which

began in the year 2001, August, at the Judges' very first formal meeting in Lagos, is about to bear fruit, with the adoption of a proposal to enhance its competence by the Council of Ministers at its 52nd Session held in Abuja in July 2004. It is our cherished hope that this proposal will be approved by the Authority at its next Summit. It is also our hope that member countries will ratify the proposal in good time to enable the Court's expanded jurisdiction to become operational before the end of 2005.

22. Having regard to the limited nature of the Court's competence only two (2) cases were filed in 2004 before the Court and both were by private individuals. And as was to be expected, an objection was raised as to the plaintiff's capacity in the first case filed. The plaintiff in that case was a Nigeria national called Oladije Afolabi and he sued the Federal Republic of Nigeria. By the provisions of Article 9(2)(3) of the Protocol on the CCJ, no individual person has the right of direct access to the Court. With this limitation in view, the Court had no option but to uphold the objection without relish though, on 27th April 2004 when it delivered its first opinion. The second case which was also filed by an individual community citizen, a Nigerian, has not been heard because the other party, a Beninois, has not been served with the process. It is our belief that when the competence of the Court is expanded it will be in a position to handle a large number of cases.

ACTIVITIES OF THE COURT 2004

Inaugural Sitting

23. The Court's judicial function began in earnest this year. The Court held its inaugural sitting on 22nd January 2004. We are pleased at the level of interest shown by Member States in the work of the Court as exemplified by the presence of the following dignitaries at the Court's inaugural sitting:

- i) Speaker of ECOWAS Parliament - Prof. Nouhoum Ali Diallo.
- ii) The Deputy Senate President of Nigeria /Deputy Speaker of ECOWAS Parliament, Senator Ibrahim Mantu.
- iii) His Excellency Gen. (Rtd.) Joshua Hamidu, Ghana's High Commissioner to Nigeria.
- iv) His Excellency Ambassador Alioune Diagne of the Republic of Senegal.
- v) Hon. Victor Lar, Member Nigeria House of Representatives/ Member of ECOWAS Parliament.
- vi) Secretary General of ECOWAS Parliament Mrs. Halima Ahmed as well as representatives of ECOWAS Member States.

Commissioning of the Court

24. We are happy to report that the Court complex comprising offices and a Courthouse was formally commissioned by the Chairman of Council of Ministers, Dr. Konadu Apraku on 29th October 2004. This singular performance is a symbolic act in firmly putting the Court in place permanently. This was given wide publicity in Nigeria and Ghana, especially. The Court is now fully poised to take on any number of cases that may be filed should the proposed amendment be endorsed by the Authority and ratified by Member States.

Sensitization Missions

25. It has been realized that the Court is not known to many people in the Sub-region. And for the Court to be beneficial to the people for whom it was set up, it has to reach out to them, at least to let them know of its very existence, and also its competence and functions. Thus the Court considered sensitization as a very important factor in its quest to make its contribution known to as many people as it can possibly reach. Hence during the course of the year it undertook a number of sensitization missions to some Member States. The sensitization missions and programmes by the Court for the year is summed up here.

Sensitization visit to Abidjan, Cote d'Ivoire

26. The President Hon. Justice H.N. Donli, the vice President, Hon. Justice Soumana D. Sidibe and some members of staff of the Court visited Abidjan, Cote d'Ivoire from 21st to 23rd March 2004. During the visit the delegation met with heads of Institutions and Legal Experts. The Court delegation held a round table discussion with senior Ivorian officials including the Minister of Africa Integration Mr. Mel Eg Theodore and also the acting Director of Cabinet, as well as the Director General in-charge of Integration; the Technical Adviser in-charge of Diplomatic matters; the Director General in charge of Legal and Institutional matters; Director in charge of conflict prevention and the Assistant Director of Legislation and Community Institutions and other officials. Issues raised and discussed included decisions and advisory opinion of the Court, enforcement of the decisions of the Court and the status of member states to propose amendment to the Protocol of the Court.

Sensitization visit to Ouagadougou, Burkina Faso From 1st to 6th May 2004

27. A delegation of the Court led by its President went on mission to Ouagadougou, Burkina Faso. The aim of the mission was to create awareness of the existence of the Court and its activities. On this mission, the Court's delegates met with the Minister of Integration, the Minister of Justice, members of the Court of Justice of UEMOA, the Supreme Court and the Constitutional Court. An agreement was signed between the ECOWAS Court and UEMOA on establishing a relationship on partnership. A conference on the CCJ was held by the President and her delegation with

the postgraduate students of the Faculty of Law of the University of Ouagadougou. There was also a working session with the President of the Court of Cession, Court of Auditors and Council of State.

Sensitization visit to Cotonou, Benin Republic

28. A delegation of The Community Court of Justice, ECOWAS led by its President went to Cotonou, Benin Republic between 16th and 17th July 2004 for a working Session with the Directorate of Regional Integration, Ministry of Economy and Finance. In her address the President mentioned, inter alia, that the Court was encountering difficulties with the Community Levy System. The Delegation also briefed them on the workings of the Court.

Second Sensitization Mission to the Republic of Cote d'Ivoire

29. There was a second sensitization mission to the Republic of Cote d'Ivoire from 25th to 30th September 2004, this time at the invitation of the Ivorian President, His Excellency Laurent Gbagbo. The Ivorian President wanted the Court to give him a first hand information about its activities especially its role in the resolution of conflicts, maintenance of peace and integration in the sub-region.
30. The Court delegation took the opportunity to hold interactive sessions with Institutions, Legal bodies and Community citizens. Among issues discussed with the officials of Integration, including its Minister, were an overview of the Court, access to the Court, execution of the decisions of the Court, amended Protocol, free trade, relationship with national Courts and the Court's procedures.
31. The President of the Court and the delegation briefed the Ivorian President about the activities of the Court since its inception. In his response, the Ivorian President stressed the need for a formidable and efficient legal system to check the escalating conflict in the sub-region. He also said that strong democracies thrive on the Rule of Law.
32. Recognizing the role of the Court in the propagation of peace and Integration of the sub-region through law, President Gbagbo conferred National awards on the three Justices in the delegation. The President of CCJ, Hon. Justice H.N. Donli was conferred with award of Commander of

The Republic of Cote d'Ivoire, while the Vice President Hon. Justice Dirarou Sidibe and Hon. Justice Nana Awa Daboya were awarded Officers of Republic of Cote d'Ivoire. Receiving the award, Justice Donli expressed her appreciation and that of her colleagues, stating that the award will make the Court to be firm in discharging its responsibilities in the sub-region. While appreciating that the primary function of the Court is adjudication, she said what places the Court in the main stream of the integration process of ECOWAS is that, if Member States and community citizens have recourse to the Court for the interpretation of the Treaty and Protocols by way of its Advisory Opinion, a lot of conflicts in the sub-region would have been averted or greatly minimized.

33. Later in the night the awardees were presented with the awards at a special dinner in Hotel Ivoire by His Excellency Issouf Kone, Chancellor of National Awards of the Republic of Cote d'Ivoire.

SEMINARS

Seminar in Dakar, Senegal from 18th to 20th October 2004

34. This was to sensitize the general public about the Court. The theme for the seminar was "Consultative Forum on Protection of the Rights of ECOWAS Citizens by the CCJ". Various papers were presented by selected legal experts from across the sub-region and discussed at the forum. These are being put together by OSIWA and will be made public in due course. We are grateful to OSIWA for funding this seminar in its entirety.
35. The forum aimed to look generically at issues which affect the Legal Protection of Human Rights in West Africa, and substantively at four content issues namely:
- The Court of Justice and Human Rights Protection in West Africa.
 - A review of ECOWAS Treaties/Protocols on Human Rights.
 - Access to justice for ECOWAS citizens.
 - Collaboration and partnership building between the ECOWAS Secretariat, the Court of Justice, government institutions and civil society organizations in West Africa.

Among the papers presented are the following topics:

- a) The state of Human Rights in West Africa.
 - b) The legal protection of Human Rights within the framework of ECOWAS; possibilities provided by the CCJ ECOWAS.
 - c) Strategies for strengthening the CCJ.
36. This seminar was well attended by delegates from almost all the ECOWAS States as well as civil society groups from the sub region. Also in attendance were representatives from the West African Bar Association, African Commission on Human Rights, the West African Human Rights Group and others all of who made significant contributions to the forum.

37. The Delegation from the Court held fruitful discussions with the Senegalese Minister of Integration and African Co-operation and he also chaired the opening ceremony.
38. The delegation also had audience with the President of Senegal His Excellency Abdoulaye Wade who was briefed about the Court's activities since its inception. His Excellency assured the delegation of his country's support for the proposed amendment and charged his Minister of Justice and Human Rights to liaise with the Court. The Hon. Minister has since made contact with the President of the Court and is expected to visit the Court in January 2005.

Seminar in Abuja from 25th to 26th November 2004

39. This Seminar was funded by EU on the theme "Sensitization Conference on the Implementation of ECOWAS Laws". The seminar covered areas of law, human rights, economics, trade and finance. There were three sessions dealing with the following topics:
 - i) The rule of law in the West Africa Integration process.
 - ii) The economic and legal aspect of integration.
 - iii) Human Rights.
40. As many as seventeen papers were presented at the seminar amongst them are papers from the CCJ, ECOWAS Parliament, and ECOWAS Secretariat. The keynote address was delivered by the Chief Justice of the Federation of Nigeria, Hon Justice Mohammed Uwais on the topic 'The Judge and interpretation of Community Law.'
41. Significant to note is the fact that there were several students of International Law from two universities in Nigeria who attended this Abuja seminar. Their spokesperson was very grateful for the opportunity afforded them to learn about the process of integration at first hand. He lamented the fact that the people of the sub-region cannot communicate with each other. He urged other Ecowas institutions to organize similar programmes to sensitize people about the integration process. In particular he wanted some programmes to be organized under the auspices of the ECOWAS Secretariat for the youth and students of the sub-region. Even before this plea the Court had realized the need to involve the youth and students in its sensitization programmes, hence the discussions it had with students in Burkina Faso. The Court intends to make the youth and students a permanent feature in future sensitization missions.

42. It is also significant to note that for once the role of the private sector business community in the integration process was also highlighted. That community was duly represented by Dr. Tukur, President of the African Business Roundtable who also doubles as the Chairman of the NEPAD Business Group. He presented a paper on the role they play in the process of integration and how they are affected by community laws especially those relating to free movement of goods as well as tariff regimes.
43. For next year there are plans to organize similar activities and missions in some of the member countries not yet covered by the Court, subject to availability of funds.

Co-operation with other ECOWAS Institutions

44. The CCJ believes in harmonious co-existence between all institutions of the Community since it is the only way that the aims and objectives of the Treaty could be achieved. In other words the totality of the efforts of all ECOWAS Institutions is necessary to a realization of the Community's goals. That was why the President together with Hon Justice Anthony Benin and some members of staff of the Court paid a working visit to the ECOWAS Parliament and held fruitful discussions on issues of common concern with the Speaker Prof. Diallo and some members of staff of Parliament on 15th March 2004.
45. The President and members of CCJ also held similar discussion with staff of the Executive Secretariat and conferred with them in several areas. One of these was in relation to expansion of the Court's competence. Also the court participated in the consultative meeting on the implementation of NEPAD programmes held at the Secretariat from 29th to 30th June 2004. This collaboration in large measure facilitated the passage of the proposed amendment and the Court is grateful to the two institutions. In future the CCJ will endeavour to interact with other Institutions located outside Abuja.
46. In the same spirit of co-operation the Speaker of the ECOWAS Parliament Prof. Ali Nouhoum Diallo paid a courtesy visit to the Court on 8- January 2004 to familiarize himself with the workings of the Court and to identify himself with its development. This was followed by similar visit to the Court by the Executive Secretary of ECOWAS Dr. Chambas on 30th January 2004, followed by his deputy Mr. Seybou Gati on 4th February 2004.

47. The Court was also represented at the ECOWAS, NEPAD and World Bank summit in Accra between 19th and 20th March 2004 by its President and Vice President and a few members of staff. And so too did the Court take part in the 31st meeting of the Administration and Finance Commission of ECOWAS held in Abuja between 12th and 14th July 2004. It was also represented at the 52nd meeting of the ECOWAS Council of Ministers held in Abuja between 16th and 17th July 2004 during which the CCJ submitted a proposal for the amendment of portions of its Protocol, particularly to enhance its competence, which the Council approved.
48. This kind of co-operation also saw the Executive Secretariat liaising with the Court to organize the Abuja seminar and hosting it on their premises. The Secretariat and Parliament played a no mean part in this seminar with presentation of papers and even chairing some of the sessions. That spirit of co-operation and peaceful co-existence is good for the community.

External Relations and Co-operation with Non-ECOWAS Institutions

49. The CCJ has entered into very useful relationship with some non-ECOWAS Institutions, without in any way sacrificing its independence which the Revised Treaty guarantees. It is recognized that in this era of globalization, it is necessary to engage all groups that are likely to help the Institution to grow. In the course of the year the OSIWA entered into an agreement with the CCJ to assist the latter in some of its programmes. The first part of the agreement consisted of the total funding to the tune of US \$90,000.00 of the seminar held in Dakar between 20th and 22nd October 2004 as earlier mentioned. The second part of the agreement involves OSIWA purchasing computers and other relevant accessories for the Court to the tune of over US \$200,000.00, to supplement what the Court's own budget could secure.
50. Another institution the Court is collaborating with is the EU which funded the entire cost of the seminar held in Abuja between 25th and 26th November 2004.
51. The CCJ also maintained a good working relationship with the sister Regional Court, UEMOA, based in Ouagadougou. Thus exchanges took place between some Judges of the two Institutions during the sensitization mission in Burkina Faso. And as earlier mentioned, a partnership agreement was entered into with UEMOA. UEMOA also accepted the CCJ's invitation to attend the seminars at Dakar and Abuja. They attended and actually presented a paper at the Dakar forum. They could not honour the Abuja invitation due to their own prior engagement.



VISITS

52. In the course of the year, the CCJ paid visits to some personalities and institutions, and conversely it also received some individuals and institutional representatives to discuss the work of the Court. These visits are listed below as:

a) Visit of the President to the Embassy of Japan in Abuja.

The President paid a courtesy visit to the Embassy of Japan on the 14th January 2004. The purpose of the visit as explained by the President to the Ambassador Mr. Akira Matsui was to explore possible areas of co-operation between the Court and Japan. Assistance for equipment that would enhance the performance of the Court was also sought.

b) Visit of Executive Secretary, ECOWAS, Dr. Mohammed Ibn Chambas, to the Court on 30th January 2004.

c) Visit of Deputy Executive Secretary, ECOWAS, Mr. Gati Seybou to the Court on 4th February 2004.

d) Visit of the President to Embassy of Burkina Faso to hold discussions with Amb. Dramone Yemeogo on 12th February 2004.

e) Visit of the President to the High Commission of Ghana to meet High Commissioner Lt. General Joshua M. Hamidu (rtd.) on 12th February 2004.

f) Visit of the Togolese Minister of Social Affairs, Madame Sa'ayo Boyoti to the Court on the 18th February 2004.

g) Visit of the International Organisation for Migration (IOM) of the United Nations to the Court on 25th February 2004.

h) Visit of Ambassador of the Republic of Togo, Amb. Felix Sagbo, on 5th March 2004. The Ambassador stressed the need for Member States to encourage ECOWAS Institutions in order to ensure integration and

prosperity of the sub-region. The President thanked him and assured him of the Court's commitment to the integration process.

- i) Visit of Ambassador of Benin Republic - Amb. Benoit Adekambi to the Court on 5th March 2004. The Ambassador raised the issue of integration and also employment with the Court. The President assured the Ambassador that the Court's employment policy was based on geographical balance as far as practicable.
- j) Visit of Director of Communication, ECOWAS, Dr. Adrienne Diop on 5th March 2004. The Director congratulated the Court on its first sitting and the President on her re-election. The President urged the Director to use the machinery at their disposal to propagate the activities of the Court.
- k) Visit of the Board Chairman of Open Society for West Africa (OSIWA) Mr. Abdul Tejan-Cole on 11th March 2004. This visit was to explore areas of co-operation between the two Institutions.
- l) Visit of development Research Network Regional Integration Adviser Mr. Hoeten Berghe Karl on 15th March 2004. He was interested in the Court's role in implementing trade liberalization scheme for the sub-region.
- m) Visit of National Institute for Policy and Strategic Studies (NIPSS) participants on 13th May 2004. This group is researching into the ECOWAS Court, its establishment, challenges and prospects.
- n) Visit of A.B.U International Law School students on 8th June 2004 to show appreciation to the President for warmly receiving them when they visited the court last year.
- o) Visit of International Peace Academy of New York on 28th June 2004. This visit was led by Ambassador John Hirach and the aim was to seek partnership with the CCJ in its search for global peace and justice.
- p) Formal agreement was signed between CCJ and OSIWA on 28th June 2004 for a grant of over \$290,000.00.
- q) Visit of the Deputy Director of Regional Integration, Benin Republic on 9th July 2004.

- r) Second visit by the Benin Ambassador to Nigeria on 13th July 2004. This visit was to enable the Ambassador to be well briefed about the proposed amendments in order to garner support from his country.
- s) Visit of Permanent Secretary, Ministry of Co-operation and Integration in Africa of the Federal Republic of Nigeria, Dr. Etim Amba, on 14th July 2004. The visit discussed the completion of the Court's infrastructure including the Judges' quarters at Gwarinpa, and also how they could assist the Court in its sensitization programmes.
- t) Delegation from OSIWA led by its Director Dr. Nana Tanko and the West African Human Rights Forum visited the Court on 15th July 2004.
- u) The Court received the Director of OSIWA, Dr. Nana Tanko on 30th August 2004 to discuss a proposal to hold a joint sensitization workshop in Dakar.

INTERNAL ORGANISATION AND STAFF TRAINING

53. In order to achieve success in any organisation, there is the need for an efficient and functional administrative structure to be firmly put in place. This has not escaped the attention of the Court. For that reason, various offices and departments have been identified and established, each with a well-defined mandate to produce results by attaining the goals set for them.

Offices and Departments:

- i. Office of the President. This ensures co-ordination of the President's numerous activities.
- ii. Office of the Vice President. Performs similar functions for the Vice-President.
- iii. Office of the Judges. Each Judge is assigned a Confidential Secretary whose duties include overseeing day-to-day management of the Judge's office that includes the driver, security guard and domestic staff.
- iv. Office of the Chief Registrar including the Open Registry. The Chief Registrar serves as a link between the Office of the President and all other Departments. He also is in charge of the Court Registry.
- v. Administration Department. The duties of this outfit are set out below.
- vi. Protocol Department. Performs routine protocol duties both in and outside the Court.
- vii. Translation Department.
- viii. Research and Documentation Department. This Department does research work for the Court as directed by the Judges or on their own initiative.

- ix. Accounts Department.
- x. Information Department. Its role is highlighted below.
- xi. Audit Department. It's a comparatively new department which is steadily learning to stand on its feet.
- xii. Library.

And at the end of the year each office or department is required to submit a report of its activities, problems and successes/achievements to the President.

Training

54. The Court placed much emphasis on training of its staff to ensure efficiency and competency. The following training programmes took place within the year 2004.
- i) In July 2004 an Internal Audit staff was sent on a two-week training course to the Crown Agents Training Centre, in West Sussex, U.K. The training covered such areas as Modern Audit Principles and standards, risk management and controls assurance, pre-payment audit, project audit, fraud prevention and control and systems based auditing.
 - ii) Between the 31st May and June 3rd 2004 the Court sponsored the Administrative Officer Mr. Koye Olu-Ibukun to attend a workshop in Port Harcourt, Nigeria, organized for international public service directors and heads of personnel management.
 - iii) Five members of staff from the Administration department also attended the extra-ordinary meeting of ECOWAS experts on public service held in Abuja from the 5th to the 7th of July 2004.
 - iv) Two Secretaries and the President's Personal Assistant were also sponsored to attend a training course for special assistants and secretaries in Kuru, Plateau State in Nigeria.
 - v) The Chief Registrar attended a training course in the USA.
 - vi) An Assistant Accountant was also sponsored to attend a Public Accounting Training course in Lagos in August 2004.

- vii) The Court took part in both meetings on the computerization of ECOWAS institutions held in Abuja and Lome, Togo respectively. The aim of these meetings is to have a standard computerization network in the ECOWAS institutions with the help of CCC for guidelines and training of ECOWAS institutions on ECOPAY, ECOHRIS and ECOWAN to help the audit, accounts and administration departments.
- viii) Internal training too was considered important in order to make the staff versatile to work in other departments for which they were not initially appointed. That has been successful so far, thereby obviating the need to declare vacancies any time a particular department ran short of staff and needed immediate replacement. This strategy has worked well.

Departmental Activities

- 55.a) The Internal Audit department took off the ground this year with the appointment of an Audit Assistant and is making steady progress. The Chief of this Department, a Malian national, assumed office in December, 2004. This department has been engaged in, among other functions, pre-payment auditing, carrying out of open checks and physical inventories etc.
- b) The Accounts Department was provided with some computers in order to make the work a little easier and to enable it keep records properly. This has no doubt enhanced the work at that Department; thereby facilitating the work of the External Auditor too.
- c) The Information Department was firmly established with staff strength of four. This Department is playing a vital role in the Court's sensitization missions. It has also been involved in writing informative articles about the activities of the Court, some of which were published in member countries like Nigeria, Cote d'Ivoire, Benin Republic and Burkina Faso. In the coming year the Department intends to weave a network of partnerships in order to make the Court known to the people. It is expected to adopt a more vigorous approach in its outreach programmes in 2005.
- d) This year also saw significant improvement in the work of the Language Department. Two high capacity computers were installed there for use by the translators. It is expected that the Department will be further equipped in the coming year since it is 'sine qua non' in a multi lingual organization. It

is also expected that experts in the Portuguese language will be appointed to enable the CCJ to have the full complement of the official languages: English, French and Portuguese. There is the urgent need to translate the Court's Rules of Procedure into the Portuguese language too. This need became apparent at the Dakar seminar when representatives from Cape Verde and Guinea Bissau complained bitterly about their exclusion from the Court. But they accepted our explanation that moves are underway to get the translation done as soon as the Court appoints a Portuguese translator in the coming year, and also the fact that a professional staff from Guinea Bissau has been appointed. They were also pleased to see that the Court's letter-heads already bore the Portuguese language.

- e) For the same reason too, the Court intends to acquire legal materials in Portuguese to stock the Library, as well as more materials in English and French to augment what is already in stock at the Library which is yet to reach the standard required of an international Court. This requires capital inflow in view of high cost of legal literature, which the Community may not be able to fund alone. So we intend to approach OSIWA to fund the purchase of some books and equipment for the library under the next phase of our partnership agreement with them for the year 2005. Other well-meaning donors like the EU and the Commonwealth Secretariat in London will be contacted in the course of the year for assistance in the procurement of library materials.
- f) Apart from basic personnel matters like promotions, leave and welfare of the G and M staff who are in the vast majority of Court staff, the Administration Department has also been performing the following functions:
 - 1) Procurement; that is making purchases for the Court and Keeping records of same.
 - 2) Estate - taking care of the maintenance and cleaning of the Court complex and all equipment installed therein as well as maintenance of Judges' living quarters both at Gwarinpa and Maitama and also houses for the professional staff. During the year the department carried out maintenance works on the Court complex and also the President's residence. The Court believes in maintaining a strict culture of maintenance.

- 3) Transport- preservation and maintenance of Court vehicles and the drivers.
- 4) Security-they have been responsible for the co-ordination of the security system of the Court both at the Court house and at the Judges' residences.

In future there may be the need to place these three distinct positions under separate officers in order to bring more efficiency and professionalism to bear on their work. In the meantime the Administration Department is doing all it can to combine all these functions satisfactorily. Indeed in their own annual report, the drivers of the Court made a strong case for the appointment of a Transport officer who they believe will be able to co-ordinate their movements properly and check excesses especially in fuel consumption and ensure regular fuel supply even in times of scarcity as we experienced in recent past. In short, a Transport officer will better serve their interest and that of the Court in this field. Their suggestion is well noted since the court desires to remove wastage from the system in order to live within its budget.

- g) The Research Department has staff strength of only two lawyers and one secretary. In view of the key role it performs for the Court, there'll be the need to augment their strength in the very near future. This year they were instrumental in organizing the two seminars in Dakar and Abuja. They were also responsible for locating potential partners. These were in addition to their normal work of researching into laws for the Judges. They will be engaged more next year as the Court seeks to address the issue raised by Article 57 of the Revised Treaty as earlier stated.

Challenges

56. As reported earlier the competence of the Court is expected to be expanded with the approval given by the Council of Ministers. Many well-meaning personalities have expressed genuine fears about the influx of cases that the expanded mandate is likely to bring in its wake. We anticipated that even before we made the proposal. We stated at the Dakar forum that when necessary, the Court will constitute two separate panels at a time to hear cases on daily basis. That is a challenge we imposed upon ourselves.

Finance

57. This continues to be a source of worry in the sense that we are unable to fulfill our set goals especially in terms of reaching out to the people through our sensitization programmes. Our Library is not up-to-date. Indeed it lacks several vital books. Staff training is hampered. Research work suffers. Staff housing project has not taken even the first step: feasibility studies have yet to be conducted. Much as we appreciate what the Community has done and continues to do for the Court, like Oliver Twist, we shall continue to ask for more since a lot still needs to be done. We shall intensify the efforts aimed at recovering arrears of contribution from Member States some of which have been outstanding since 2002. We intend to supplement our budgetary provision for programmes through co-operation with organizations like OSIWA and EU who sponsored two seminars for the court in 2004.

Gwarinpa residential quarters

58. It appears certain that there are fundamental problems with the Judges' houses. The walls and paint on the ground floor of all the houses have peeled off or are in the process. There are serious plumbing problems which demand immediate rectification. Construction works on the social centre annexed to the quarters have stalled. A portion of the road leading up to the quarters is not tarred; it is literally unusable during the rainy season since it becomes muddy. I'll call upon the Government of the Federal Republic of Nigeria to complete the good work it began two years ago by completing the road and what remains of the quarters and rectify the problems in the houses since the Court does not have the means to do them. I use this opportunity to once again thank the Government of the Federal Republic of Nigeria for all it has done for the Court since its inception.

Other Developmental Activities

Courthouse

59. I have stated that the courthouse was completed this year and in fact it was ready for commissioning in February. This was the major infrastructural activity for the year. The other developmental programmes mentioned below also contributed in no small measure in enhancing the Court's work.

Computerization

60. The Court continued the process of computerization with the acquisition of new computers for some offices including Accounts and Language Departments. An Assistant Computer Analyst was appointed. A professional Computer expert from Ghana has assumed duty to take full control of the Court's computers and ensure networking in appropriate departments. A complete computer office is being set up with fax and internet facilities to facilitate the Court's work. The Court is urging the Executive Secretariat to complete the internet connectivity programme it embarked upon. The Court badly needs the internet services to enable it quickly access legal developments going on around the world.

Intercom connection

61. In the course of the year the Court was able to install intercom facility linking all the offices in the office complex. Communication has therefore been facilitated a great deal.

Vehicle acquisition

62. Two new vehicles were acquired for the Court, one for the use of security and the other a utility vehicle. When funds become available more vehicles will be acquired for use by departments like Accounts and Information that do a lot of errands outside the Court.

Telephone at Gwarinpa

63. It is rather unfortunate to recall that the Judges still do not have telephone service at their residence. The programme to provide the Gwarinpa quarters with the facility is on course and hopefully it will be completed by the end of the first half of next year. The long delay is due largely to the fact that it is a new area so it involves a massive connection to the entire area and partly due to insufficient funding.

Vision

64. With the expected expansion of the Court's competence, the Court's Judicial activity is likely to become vibrant. As explained earlier the Court has braced itself for the challenge.

65. As the principal legal organ of the Community, the Court intends to carry out research work into laws that promote or hinder the integration process and make appropriate recommendations. The Research Department will therefore be kept busy. Article 57 of the Revised Treaty will be the first to be tackled.
66. The Court will continue with its sensitization programme which is fast catching on with several people. It is intended to include groups that were identified in 2004. These include Youth and Student groups, private sector business groups as well as Traditional Authorities. These are recognized as useful partners to spread the Court's message.
67. The Court intends to complete the computerization programme and set up a computer centre with internet and fax facilities.
68. The staff housing project will be pursued as a matter of urgency in view of the high cost of renting accommodation for the professional staff which substantially eats into the Court's budget. Last year the Administration and Finance Commission approved a sum for feasibility studies to be carried out into the proposed project at Katampe. That money was given to the Executive Secretariat; but rather unfortunate to recall, it was not carried out.
69. The Court intends to have its Rules of Procedure into the Portuguese language. This we believe will help the Court as it embarks upon sensitization mission to the Portuguese speaking countries.

CONCLUSION

70. In this segment of the Annual Report, it is pertinent to set out I summation the activities of the Court as stated therein in the preceding paragraphs, for clarity. The Community Court of Justice is the principal judicial organ of the Economic Community of West African States (ECOWAS). It was created in 1991 under the Treaty of the Economic Community of West African States ECOWAS and further strengthened by the Revised Treaty of the Economic Community of West African States (ECOWAS) in 1993.
71. In Article 15 of the Revised Treaty, it is stated therein that the status, composition, powers, procedures and other issues concerning the Court of Justice shall be as set out in a Protocol relating thereto. The functions assigned to the Court shall be carried out independently of the Member States and the Institutions of the Community.
72. Its judgment shall be final and binding in the Member States, the Institutions, individuals and corporate bodies.
73. The function of the Court are to decide legal cases amongst Member States, Institutions, Corporate bodies and Individuals and to provide advisory opinions to the Institutions of the Community, on questions of law relating to the Interpretation and Application of the Treaties, Protocols, conventions of the Community. Formerly, Private organizations and individuals were debarred from instituting proceedings before the Court as ascribed in Article 9 (3) of the Protocol on the Community Court of Justice.
74. The Court has its Seat in Abuja, Nigeria and by Article 26 of the Protocol of the Court; the Court may decide to sit in the territory of another Member State. Article 26 provides that 1. The seat or the Court shall be fixed by the Authority. 2. However, where circumstances or facts of the case so demand, the Court may decide to sit in the territory of another Member State.'

75. By Article 27 (5) of the Protocol, the Court may form one or more chambers, composed of three or more Members, in the course of its course of its adjudicative process, when in its opinion, the nature of the Court's calendar demands so. Member States are inclusive in the institution that may require legal opinion on matters arising from the Revised Treaty or Protocols.
76. The Rules of Procedure of the Court allow disputes to be brought before it in the ways stated in Articles 32-42 and 52- 58 of the Rules of Procedure, namely, written Procedure and oral procedure respectively. The Court gives judgments and decisions by applying International law as derived from Treaties, Protocols and Article 38 of the Statutes of the International Court of Justice. It also enjoins the Court to apply the widespread practices accepted as law (Customs) and the general principles of law found in all Regional Courts of Repute. The Court may also refer to past judicial decisions and act on precedents from other Regional Courts particularly of Courts of similar jurisdictions.
77. The judgment of the Court as provided in Article 60 of the Rules shall contain the reasons and all the essentials of the judgment, including the decision. The judgment of the Court shall be binding on the Member States, the Institutions of the Community and on individuals and corporate bodies. Article 76 (2) of the Treaty of the Community provides that the Court of the Community has the final statement in respect of a dispute relating to the interpretation or the application of the provisions of this Treaty and Protocols and no appeal shall lie from its decisions.
78. The enforcement of its decision is as adumbrated in the Supplementary Protocol of the Court and other known International Law practices. All the Member States subscribed to the Revised Treaty of the Economic Community of West African States and compliance would pose no difficulty.
79. The Court is yet to give advisory opinions on legal questions requested from the Court by the Authority of the Heads of State and Government, Council of Ministers, Institutions, Member States of the Community. The Court may summon witnesses on its own accord or on application by a party to testify to prove certain facts. These witnesses may include experts and the experts may give opinion on the specific points.
80. The decision of the Court is given in a single written judgment, without concurring or dissenting opinions from other judges, and votes of individual

judges are not revealed. This procedure protects the Judges from attacks on individualistic actions or views.

81. Finally, the attitude of the Judges in handing decisions or Judgments after thorough consideration of issues and facts pertaining to each case and the reliance on Article 38 mentioned hereinbefore and International law and precedents would no doubt produce some innovative and thoughtful position of the law that would be recognised all over the World. This would accelerate peace through law in ECOWAS Region. However the Court would continue to tread with caution, the difficult or grey areas in the Supplementary Protocol in its application.
82. The Court would adopt a stance of cooperation between the people of the Sub-Region and the Stakeholders, for the benefit of the integration process in the Region.
83. Now to the analysis of the Annual Report under consideration, the two seminars and conference that were organised in conjunction with the Court brought out the importance of the Court in the Sub-Region.
84. The competence of the Court are provided by various provisions of the Revised Treaty, Protocol of the Court and the subject of other Protocols that affect the activities of the Citizens in the Sub-Region were considered in the two seminars and the need to expand the jurisdiction of the Court were pushed for approval.
85. The Court in conjunction with Open Society Initiative in West Africa (OSIWA) for the Dakar conference and in conjunction with European Union (EU) for the Abuja conference were the major sensitization activities undertaken apart from visiting and informing the principal actors in the integration process through the law in some parts of Community.
86. The Court's inauguration by the Chairman of the Council of Ministers was the climax of the conclusion of the activities of the Court for the year 2004. His acceptance to perform the task was appreciated by all well meaningful citizens of the Community and the media publicised the event to our satisfaction. We wish the Hon. Minister, Dr. Konadu Apraku, well and fruitful ventures in his office. Our gratitude on the pages of this Report cannot really show how indebted the Court was for the role he played in the growing of the Court. Nevertheless, we simply say, thank you. We are indeed

grateful that eminent personalities and various actors who shared the joy of the event with us tried and made despite our short comings. It was a giant stride in the development of the Community Court of Justice.

87. The profile of the Court will continue to rise as we increase our drive to reach out to the people in the sensitization program. We have visited Cote D'Ivoire, Burkina Faso, Benin and in the coming year the program will extend to Seme Border between Nigeria and Benin, Niger, Mali, The Gambia, and Cape Verde. There are obstacles that one can foresee but with time they may fease out and become non existant by the grace of God.
88. Our zeal and good will cannot be doubted and it is in that vain that the energy would be exerted to find better procedures for achievements and reaching out to our International Associates. The moves have began to yield dividends as our interactions with fonder intensifies. There are interactions with International bodies of semilar jurisdiction which would enable us exchange ideas towards building stronger legal ties for the benefit of our Region. Gradually the image of the Court would be projected in the right direction.
89. The participation of Judges in International Conferences and Seminars and the training of our Staff became our priority project for the year under reference The Court would encourage the Judges and staff to enlist in training programs that are made available. Next year will be better than the preceding years. In terms of adjudication in respect of matters concerning interpretation or application of Treaty, Conventions and Protocols, we expect the Judges to be very busy with the passing of the Supplementary Protocol. This Protocol relates to the expansion of the jurisdiction of the Court whereby amongst other things individuals can access the Court directly. Once the Protocol is approved by the Authority of the Heads of State, we expect the workload of the Court to be heavy.



