



COMMUNITY COURT OF JUSTICE, ECOWAS

2007

ANNUAL REPORT

HON. JUSTICE AMINATA MALLE - SANOGO

President, Community Court of Justice, ECOWAS

ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)



HON. JUSTICE AMINATA MALLE-SANO
President, ECOWAS Community Court of Justice

TABLE OF CONTENTS

Foreword	7
Introduction	11
CHAPTER 1: Organisational Framework of the Court	13
CHAPTER 2: Judicial Activities	15
(i) Competence and access to the Court.....	15
■ Advisory jurisdiction.....	15
■ Contentious jurisdiction.....	15
(ii) Amendments introduced by the Supplementary Protocol of 19 January 2005.....	16
1. Expansion in the powers of the Court.....	16
2. Widening of access to the Court.....	18
(iii) Legal year.....	19
(iv) Court sessions held at the seat of the Court in Abuja.....	20
(i) Late publication of applications in the Official Journal of the Community.....	20
(ii) Obstacles related to the translation of pleadings.....	21
(iii) Lack of appropriate equipment for transcribing proceedings during court sessions.....	21

(iv)	External court sessions.....	22
(v)	Court sessions report 2007.....	22
	List of Cases handled by the Court in 2007.....	23
CHAPTER III: Departments and Divisions of the Court and their Activities.....		27
A.	Units under judicial arm of Court.....	27
(i)	The Registry.....	27
(ii)	Recording Unit.....	28
(iii)	Research Division.....	29
B.	Administrative structure and activities.....	30
(i)	Administration general.....	30
(ii)	Administration and Finance.....	33
CHAPTER IV: Other Activities of the Court.....		35
(1)	Capacity building.....	35
(a)	Local training.....	35
(b)	External training.....	35
(2)	Sensitization campaign in Member States.....	36

(3)	International Conference.....	38
(4)	Inter-institutional co-operation.....	38
(5)	Co-operation with international organisations.....	40
(6)	Visits.....	42
(7)	Other notable activities by the President.....	44
	CHAPTER V: Prospects.....	47
	CONCLUSION.....	51



HONOURABLE JUDGES AND INVITED PERSONALITIES DURING THE OPENING CEREMONY OF THE 2007/2008 LEGAL YEAR.



DELEGATION OF THE COURT AT THE UNIVERSITY OF GUINEA BISSAU

YEAR 2007 ANNUAL REPORT OF THE COMMUNITY COURT OF JUSTICE, ECOWAS

FOREWORD

1. It is a great privilege and honour for me to present the 6th Annual Report of the Community Court of Justice, which is also the first, since I assumed office as the President of this illustrious Institution.
2. I would equally like to begin by expressing my sincere appreciation and deep gratitude to my colleague Judges who reposed their trust and confidence in me by unanimously electing me as President of this Court.
3. Next, I would like to seize the opportunity to renew my profound gratitude to the Malian authorities for having done me the honour of proposing my name to the Authority of Heads of State and Government, for appointment as Judge of the Community Court of Justice.
4. I am sincerely grateful to the authorities of the Federal Republic of Nigeria for all the facilities and enhanced conditions accorded the Court, thus enabling it to reach its goals as best as possible.
5. Finally, I would like to pay tribute to Hon. Justice Hansine N. Donli, my dear colleague, who had the honour and privilege of heading the Institution for six (6) consecutive years, from 2001 to 2007, and for contributing to make the Court known within the sub-regional Community.

Added to the foregoing marks of gratitude, I would like to express my indebtedness to Hon. Justices El-Mansour Tall and Dirarou Soumana Sidibé, both former Vice-Presidents of the Court, who

worked diligently beside Hon. Justice Donli to erect the Court of Justice onto the pedestal of an established court, and who also contributed to strengthen the capacities of the Court.

6. Like all new institutions, the Court of Justice has had to face numerous obstacles in order to assert itself as a true court in order to occupy, slowly but progressively, its full position within the framework of ECOWAS.
7. As the principal legal organ of the Economic Community of West African States (ECOWAS), the Community Court of Justice originally had the principal mandate of ensuring the observance of the law and of the principles of equity in the interpretation and application of the provisions of the Revised Treaty, and the Conventions and Protocols signed under the auspices of ECOWAS.
8. But from the time of adoption of the 19 January 2005 Supplementary Protocol, the Court has been endowed with very wide powers to enable it exercise control over the commitments made by the Member States.
9. From that date, its powers have been enlarged, among others, to include cases dealing with the legality of acts of the Community, disputes between officials of the Community, failure to fulfil obligations to the Community, cases of referral from the domestic courts, and in particular, matters relating to human rights violations in Member States.
10. Similarly, the widening of access to the Court has been extended to individuals and corporate bodies, which constitutes great hope for the Community.
11. It is also the task of the Court to give content, meaning and interpretation to concepts like *citizenship, free movement of persons and goods, democracy and good governance, rule of law*, etc.

The Court is therefore called upon to conceptualise, promote and develop a Community legal order in the sub-region.

12. That is why for two years, the Court has undertaken a vast sensitisation programme in Member States to inform the administrative and political authorities, legal professionals, economic operators, civil society organisations, lawyers, the masses, and the media, on its activities as well as on the Protocol relating to the free movement of persons, right of residence and establishment. Despite these significant improvements, this Protocol, which affects the citizen in his day-to-day life, does encounter difficulties in its practical implementation; still, today, several obstacles beset free movement in our sub-regional Community.
13. It is therefore incumbent upon all the ECOWAS Institutions, each in its own sphere of activity, to stand up to the challenges which confront the integration process of our sub-region. Equally, this urgently calls for inter-institutional co-operation, in our attempts to achieve the integration much desired and pursued by the Leaders of our States.
The Court intends to play its part towards the fulfilment of this noble ambition.
14. The present report revolves around activities of the Court, in both judicial and administrative terms, institutional co-operation, visits, and finally, prospects.

Hon. Justice Aminata Mallé-Sanogo
President
Community Court of Justice, ECOWAS
Abuja-Nigeria



PRESIDENT OF THE COURT AT THE UN SPECIAL COURT OF SIERRA LEONE

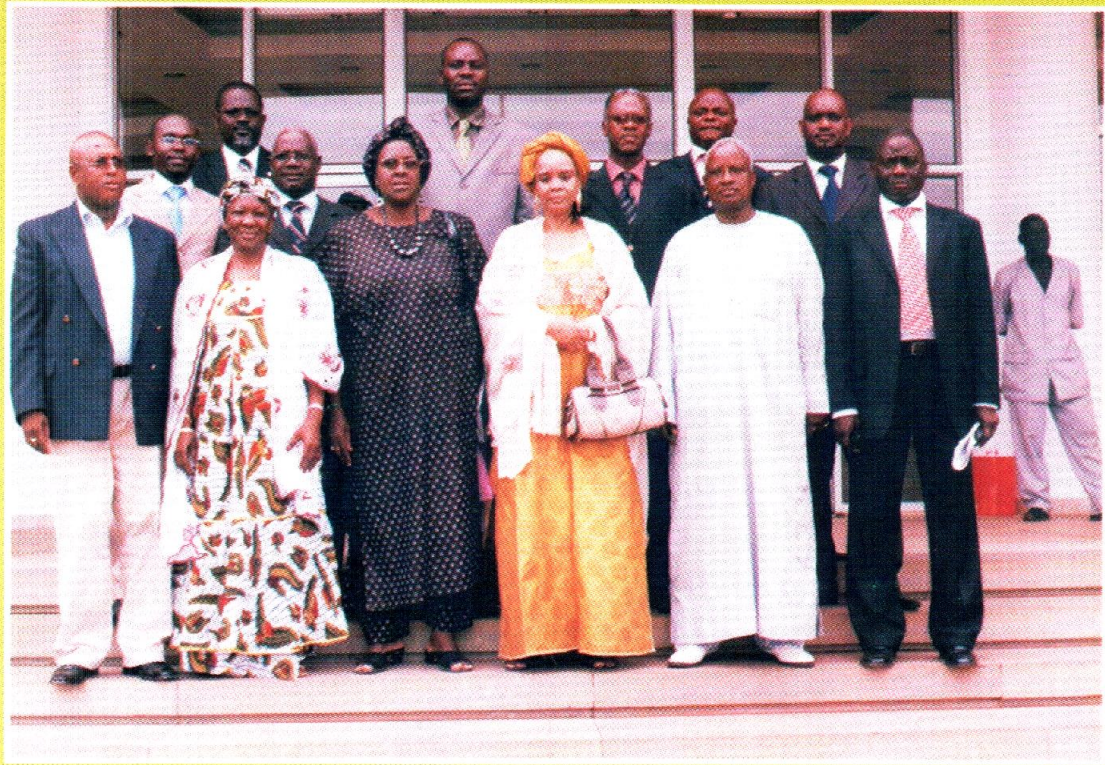


PRESIDENT OF THE COURT WITH THE SPEAKER OF ECOWAS PARLIAMENT

INTRODUCTION

1. The Community Court of Justice, principal legal organ of the Economic Community of West African States (ECOWAS), was established through the instrumentality of Article 15(1) of the Revised Treaty, consolidated by Protocol A/P.1/7/91 of 6 July 1991 and further reinforced by the Protocols of 19 January 2005 and 14 June 2006. It was put in place at the Twenty-Fourth Session of the Authority of Heads of State and Government of ECOWAS held at Bamako, in Mali, on 15 and 16 December 2000.
2. The Court is directed by a three-member Bureau headed by the President and assisted by the Vice-President and the oldest serving Judge. The current composition of the Bureau which was elected into office on 29 January 2007 to serve a two-year mandate is as follows:

President	Justice Aminata Mallé-Sanogo (Mali)
Vice-President	Justice Anthony Alfred Benin (Ghana)
Member of Bureau	Justice Barthélémy Toé (Burkina Faso)
3. The other Members of the Court are: Justice Hansine Napwaniyo Donli (Nigeria), Justice Awa Nana Daboya (Togo), Justice El-Mansour Tall (Senegal) and Justice Dirarou Soumana Sidibé (Niger).



DELEGATION OF THE COURT AT THE NATIONAL ASSEMBLY OF GUINEA BISSAU



VICE PRESIDENT OF THE COURT WITH STAFF MEMBERS DURING TRAINING SESSION ON LEGAL TERMINOLOGY

CHAPTER I

ORGANISATIONAL FRAMEWORK OF THE COURT

4. The status, composition, powers and procedure of the Court are defined by Protocol A/P.1/7/91 of 6 July 1991 and the two Supplementary Protocols of 19 January 2005 and 14 June 2006. These provisions are complemented by the 28 August 2002 Rules of the Court.
5. The independence of the Court is guaranteed by Article 15(3) of the Revised Treaty which reads "*The Court of Justice shall carry out the functions assigned to it independently of the Member States and the institutions of the Community*".

The Court has its own operational budget and its seat is located at Abuja, the capital city of the Federal Republic of Nigeria.

All the same, when circumstances or facts of the case so require, the Court may decide to sit in the territory of another Member State, in accordance with Article 26 of the 1991 Protocol.

This provision has already been applied by the Court; it enables the masses of the people to have first-hand knowledge of the working of the Court.



DELEGATION OF THE COURT DURING SENSITISATION MISSION IN GUINEA BISSAU

ACTIVITIES OF THE COURT

6. The Court has a dual role to play in its operational mechanism - judicial and administrative - and the President is charged with the overall responsibility of ensuring the success of both.

A. JUDICIAL ACTIVITIES

(i) Competence and Access to the Court

7. The Court equally has a double competence - contentious and advisory.

In terms of advisory jurisdiction, the Court may, at the request of the Authority, Council, one or more Member States, or the Executive Secretary (now President of the Commission), and any other Institution of the Community, express in an advisory capacity, a legal opinion on questions of interpretation of the Revised Treaty.

As regards contentious jurisdiction, the Court ensures the observance of the law and of the principles of equity in the interpretation and application of the provisions of the Revised Treaty.

Furthermore, the Court has jurisdiction to examine cases submitted to it in accordance with the provisions of Article 76 of the Revised Treaty.

8. Access to the Court was limited to Member States and Institutions of the Community, until the adoption of the Supplementary Protocol in January 2005.

This had a serious dissuasive effect on the Community citizens. Conscious of the role of the Community Court of Justice in assisting in the attainment of the objectives of the Community and to accelerating the process of integration, also convinced of the necessity of equipping the Court with the powers which may enable it to exercise control over the implementation of commitments of the Member States, the Twenty-Fourth Session of the Authority of Heads of State and Government held in Accra on 19 January 2005, adopted the said Supplementary Protocol.

9. Among others, the amendments introduced by the Supplementary Protocol widened the competence of the Court to cover human rights issues, and permit individuals and corporate bodies to gain direct access to the Court and also put in place the measures for enforcing Judgments of the Court.

The Court was also given the power to act as Arbitrator pending the establishment of the Arbitration Tribunal.

Consequently, the judicial activities of the Court have significantly increased.

(ii) Amendments introduced by the Supplementary Protocol of 19 January 2005

The said Supplementary Protocol has enhanced extension in the powers of the Community Court and opened up access to same Court as follows:

1. Expansion in the powers of the Court

The Court has competence to adjudicate on any dispute relating to the following:

- (a) The interpretation and application of the Treaty, Conventions and Protocols of the Community;

- (b) The interpretation and application of the regulations, directives, decisions and other subsidiary legal instruments adopted by ECOWAS;
- (c) The legality of regulations, directives, decisions and other subsidiary instruments adopted by ECOWAS;
- (d) The failure of Member States to honour their obligations under the Treaty, Conventions and Protocols, regulations, directives, or decisions of ECOWAS Member States;
- (e) The provisions of the Treaty, Conventions and Protocols, regulations, directives or decisions of ECOWAS Member States;
- (f) The Community and its officials;
- (g) The action for damages against a Community institution or an official of the Community for any action or omission in the exercise of official functions.

The Court shall have the power to determine any non-contractual liability of the Community and may order the Community to pay damages or make reparation for official acts or omissions of any Community officials in the performance of official duties or functions.

Any action by or against a Community Institution or any Member of the Community shall be statute barred after three (3) years from the date when the right of action arose.

The Court has jurisdiction to determine cases of violation of human rights that occur in any Member State.

Pending the establishment of the Arbitration Tribunal provided under Article 16 of the Treaty, the Court shall have power to act as arbitrator for the purpose of Article 16 of the Treaty.

The Court shall have jurisdiction over any matter provided for in an agreement where the parties provide that the Court shall settle disputes arising from the agreement.

The Court shall have all the powers conferred upon it by the provisions of this Protocol as well as any other powers that may be conferred by subsequent Protocols and Decisions of the Community.

The Authority of Heads of State and Government shall have the power to grant the Court the power to adjudicate on any specific dispute that it may refer to the Court other than those specified in this Article.

2. Widening of access to the Court

10. The new Article 10(c) of the Supplementary Protocol on the Court stipulates that:

Access to the Court is open to the following:

- (a) Member States, and unless otherwise provided for in a Protocol, the Executive Secretary, where an action is brought for failure by a Member State to fulfil an obligation;
- (b) Member States, the Council of Ministers and the Executive Secretary in proceeding for the determination of the legality of an action in relation to any Community text;
- (c) Individuals and corporate bodies in proceedings for the determination of an act or inaction of a Community official which violates the rights of the individuals or corporate bodies;

- (D) Individuals on application for relief for violation of their human rights; submission of application which shall;
- i) not be anonymous; nor
 - ii) be made whilst the same matter has been instituted before another International Court for adjudication;
- (e) Staff of the Community institution after the Staff Member has exhausted all appeal processes available to the officer under the ECOWAS Staff Regulations;
- (f) Where in any action before a court of a Member State, an issue arises as to the interpretation of a provision of the Treaty, or other Protocols or Regulations; the national court may on its own or at the request of any of the parties to the action refer the issue to the Court for interpretation.

- 11.** In other words, access to the Court is henceforth open to citizens (i.e. to individuals and corporate bodies) in respect of:
- Control of the legality of acts of the Community;
 - Disputes between the Community and its officials;
 - Reparation for official acts or omissions of any Community officials;
 - Cases of violation of human rights.

By the provision of Article 32(6) of the Rules of the Community Court of Justice, a party may file his pleading to the Registry by telefax or other technical means of communication available to the Court.

(iii) Legal year

- 12.** On 18th September 2007, the Court marked the opening of the 2007/2008 legal year at its seat in Abuja. At the occasion were, distinguished guests from various organisations including the

Minister of Justice of the Federal Republic of Nigeria, Ambassadors of the ECOWAS Member States and members of the diplomatic corps.

Also present were the heads of ECOWAS institutions, notably the President of ECOWAS Commission and Speaker of ECOWAS Parliament and the Presidents of West African and Benin Bar Associations.

The President of the Court, who presided over the occasion, gave a report of the Court's activities and projections for the year 2008.

(iv) Court sessions held in Abuja

- 13.** Between January 2007 and November 2007, **12** applications were lodged. These applications are in addition to those that were already pending, and they justify the **40** sessions held during this period.

The applications concerned various issues, for example: disputes regarding the Community and its officials; disputes relating to contractual obligations; determination of the legality of certain acts; and cases of Human Rights violations.

A total of **five (5) final judgments** were delivered, and **nine (9) interim decisions** were also given. The breakdown of these cases can be found on the pages below.

- 14.** It is worthy to mention that several problems do militate against the quick processing of cases pending before the Court; the most significant of them are:

(i) Late publication of applications in the Official Journal of the Community

The Court is mandated to cause every fresh application to be published in the Official Journal. The practical implementation of

This obligation is often impeded by the paucity of times the Journal is published. Hence, considerable time is lost between the date an application is filed and the date it is published in the Official Journal, thus rendering almost negligible any possible reactions from third parties.

To resolve this issue, the President of the Court, in consultation with the President of the Commission, designated the two Principal Research Officers to participate in activities leading to the publication of official documents of the Community in the Official Journal.

15. (ii) Obstacles related to the translation of pleadings

The Court is required to translate all documents filed into the other official languages for the benefit of the Judges and all other interested parties. This takes a considerable amount of time due to the small number of staff employed in the Language Services Division. The Court has had to resort to freelance translators to do some of the work at great cost.

The Court believes this Division needs to be seriously resourced, in terms of personnel as well as materially. There is therefore the urgent need for the Community to recruit a sufficient number of efficient translators.

16. (iii) Lack of appropriate equipment for transcribing proceedings during court sessions

This deficiency equally slows down the process since everything has to be recorded by hand. The Recording Unit is thereby seriously handicapped. The Court intends to equip this Unit next year to improve upon and speed up the court room processes.

(v) External court sessions

17. It is significant to note, that for the first time, the Court sat outside its seat in the exercise of the powers vested in it by Article 26(2) of Protocol A/P1/7/91. Two court sessions were held in Bamako, Mali in respect of Suit No. **ECW/CCJ/APP/05/06: Moussa Léo Kéïta v. The Republic of Mali**. Indeed, the Court is empowered under the provisions of Article 26 of the said Protocol to sit in the territory of another Member State, where circumstances or facts of the case so demand. Since the Supplementary Protocol of the Court has granted direct access to the Court to individuals, it has become necessary for the Court to reach out to Community citizens who are unfortunately unable to come to the seat of the Court to have their cases heard as a result of financial constraints.

(vi) Court sessions report 2007

The table below depicts cases filed before the Court in the year 2007.

LIST OF CASES HANDLED BY THE COURT IN 2007

S/No.	SUIT NO	PARTIES	STATUS OF THE CASE
1.	ECW/CCJ/APP/04/05	CHIEF FRANK UKOR VS 1. MR. RACHARD LALEYE 2. THE REPUBLIC OF BENIN	JUDGMENT DELIVERED ON 2 ND NOVEMBER 2007
2.	ECW/CCJ/APP/05/05	PROF. ETIM MOSES Vs 1. REPUBLIC OF THE GAMBIA 2. UNIVERSITY OF THE GAMBIA	JUDGMENT DELIVERED ON 29 TH OCTOBER, 2007
3.	ECW/CCJ/APP/01/06	ALHAJI HAMMANI TIDJANI Vs FEDERAL REPUBLIC OF NIGERIA & 4 ORS	JUDGMENT DELIVERED ON 28 TH JUNE, 2007
4.	ECW/CCJ/APP/02/06 ECW/CCJ/APP/03/06 (consolidated)	QUDUS G. FOLAMI PIYAHARA K. DIAMOUTENE Vs 1. COMMUNITY PARLIAMENT, ECOWAS 2. DIRECTOR OF ADM. & FINANCE, COMMUNITY PARLIAMENT	PART-HEARD
5.	ECW/CCJ/APP/05/06	MOUSSA LEO KEITA Vs REPUBLIC OF MALI	JUDGMENT DELIVERED ON 22 ND MARCH, 2007
6.	ECW/CCJ/APP/06/06	MRS. ALICE R. CHUKWUDOLUE & 7 ORS Vs. THE REPUBLIC OF THE SENEGAL	JUDGMENT DELIVERED ON 22 ND NOVEMBER 2007
7.	ECW/CCJ/APP/10/06	DJOTBAYI TALBIA & 14 ORS Vs FEDERAL REPUBLIC OF NIGERIA & 4 ORS	FOR JUDGMENT
8.	ECW/CCJ/APP/01/07	DR. EMMANUEL AKPO DR. MORENIKE AKPO Vs G77 SOUTH-SOUTH HEALTH CARE DELIVERY PROGRAMME & ANOTHER	PENDING
9.	ECW/CCJ/APP/02/07	MRS. TOKUNBO LIJADU-OYEMADE Vs. COUNCIL OF MINISTERS, ECOWAS & ORS	PENDING
10.	ECW/CCJ/APP/03/07	STAR CREST INVESTMENT LTD. Vs. EXECUTIVE SECRETARY OF ECOWAS & 4 ORS	PENDING
11.	ECW/CCJ/APP/04/07	CHIEF EBRIMAH MANNEH Vs. THE REPUBLIC OF THE GAMBIA	FOR JUDGMENT
13.	ECW/CCJ/APP/06/07	DJOTBAYI TALBIA & 14 ORS Vs FEDERAL REPUBLIC OF NIGERIA & 3 ORS	PENDING

14.	ECW/CCJ/APP/07/07	MOHAMMEDKAMEL WANSA TRADING AS D&M IMPEX MELBORNE ENTERPRISE AND VULGANOVAPHARMACY Vs 1. THE REPUBLIC OF SIERRA LEONE 2. ALHAJIDR. AHMED TEJAN KABBAH PRESIDENT OF THE REPUBLIC OF SIERRA LEONE	PENDING
15.	ECW/CCJ/APP/08/07	HADIJATU MANI KORAOU Vs. REPUBLIC OF NIGER	PENDING
16.	ECW/CCJ/APP/09/07	LINAS INTERNATIONAL NIGERIA Vs. THE AMBASSADOR OF MALI & 2 ORS	NEW CASE TRANSLATION UNCOMPLETED. NO DATE FIXED.
17.	ECW/CCJ/APP/10/07	FEMI FALANA & OTHER Vs REPUBLIC OF BENIN & 14 ORS	NEW CASE TRANSLATION UNCOMPLETED. NO DATE FIXED.
18.	ECW/CCJ/APP/11/07	MUSA SAIDYKHAN Vs. REPUBLIC OF THE GAMBIA	NEW CASE NO DATE FIXED
19.	ECW/CCJ/APP/12/07	THE REGD. TRUSTEES OF THE SOCIOECONOMIC AND ACCOUNTABILITY PROJECT (SERAP) Vs. THE FEDERAL REPUBLIC OF NIGERIA & ANOTHER	NEW CASE NO DATE FIXED

Cases filed in 2007	12
Cases pending from 2006	8
Total of cases in 2007	20

The breakdown is as follows:

- Final Judgments delivered	5
- Cases for final judgment	2
- Interim decisions	9
- Pending cases	9
- New cases: translation uncompleted; no date fixed	4



**PRESIDENT OF THE COURT WITH REPRESENTATIVES OF HUMAN RIGHTS DEFENCE
GROUPS IN GUINEA BISSAU**

DEPARTMENTS AND DIVISIONS OF THE COURT AND THEIR ACTIVITIES

A. UNITS UNDER JUDICIAL ARM OF COURT

18. There are some departments and divisions in the Court whose activities impact directly on the Court's judicial function. Notable among them are the Registry Department, Research and Documentation Department, Recording Unit and the Language Services Division.

(i) The Registry

19. The number of cases filed at the Registry of the Court has considerably increased since the adoption of the Supplementary Protocol, as a result of the latter granting the right of direct access to individuals and corporate bodies.

It is the nerve centre of the Court, and comprises the Chief Registrar, two Registrars, one Court Clerk, two Secretaries, Recorders and other supporting staff.

The key functions performed by the Registry Department include receiving, processing, transmitting, and serving all applications, pleadings and supporting documents.

The Department is also responsible for preparing the minutes of proceedings and for keeping custody of essential registers and Court processes. The Chief Registrar assists the Court, the President and Judges in the discharge of their official functions and keeps the seals of

the Court. He is responsible for the archives and takes care of the publications of the Court.

The Registry is in charge of the implementation of all jurisdictional activities of the Court.

In order to make it more effective, the Court will embark upon a total computerisation of the Registry Department in 2008.

20. In accordance with Article 100 of its Rules of Procedure, "*The Court may issue practice directions relating in particular to the preparation and conduct of the hearings before it and to the lodging of written statements of case or written observations.*" In this regard, the Court has set up a committee which has drafted such Practice Directions. The document is almost ready and will be published in the 2008 Official Journal of the Community, and will serve as a guide for lawyers and parties appearing in cases filed before the Court.

(ii) The Recording Unit

The Recording Unit is responsible for recording and transcribing verbatim reports of the minutes of proceedings, which serves as an important raw material for the production of the minutes of proceedings. The Court recorders record word for word (verbatim) every thing that is said during court sessions.

These verbatim reports are important court documents that are kept in the Court Registry.

In terms of equipment, the Recording Unit is facing a major challenge because it lacks good recording equipment.

Presently the Department is using three small reporters' tape-recorders.

For better performance, it is necessary to acquire a good recording and transcribing equipment that can record and transcribe in good time. It should also include a shorthand machine linked to a computer-aided transcription (CAT) system.

A stenograph or similar machine that can reach speeds of over 200 words per minute is also required. By this system, the report of the proceedings can be displayed on a large screen or in a network of computer monitors as the proceedings happen.

(iii) Research Division

- 22.** This division, composed of two Principal Research Officers in the Professional category and two in the General Service category, is responsible for all legal matters.

Its task is to carry out research in international law, comparative law, case law and doctrine, and submission of research findings to the Judges. The division is also consulted on all legal questions relating to the terms of employment of the staff of the Court. During the period under review, the division undertook studies on cases lodged at the Court, among which one may cite the following:

- Chief Frank Ukor V. Mr. Rachad Laleye;
- Mrs. Tokumbo Lijadu-Oyemade V. Executive Secretary, ECOWAS;
- Professor Etim Moses V. Republic of The Gambia and Another;
- Alhaji Hammani Tidjani V. Federal Republic of Nigeria and 4 ORS;
- Qudus Cibolahan Folami V. ECOWAS Parliament;
- Piyahara K. Diamountene V. Director of Administration and Finance, ECOWAS Parliament.

(iv) **The library**

23. The documentary base of the library is essentially made up of monographs, reference books, the *Official Journal*, and other publications of ECOWAS and of the Community Court of Justice, particularly, Activity Reports, Rules, Protocols, etc.

The Court has acquired several books covering various fields of International Law and Community Law. Certain books were acquired with the Court's own funds, among which **300** were in English, **346** in French and **34** in Portuguese, in the year under review.

At the same time, the Court received **1,205** reference books and **19** monographs in English and French from an NGO in the sub-region known as **OSIWA**, based at Dakar, Senegal.

B. ADMINISTRATIVE STRUCTURE AND ACTIVITIES

(i) **Administration - general**

24. In the year under review, the Court began to implement the restructuring programme as approved by Council. The key element of this programme is to separate the Judicial from the Administrative functions, to enable the Judges focus on their core judicial functions. In this respect, pending the appointment of a permanent Director of Finance and Administration by the Management Succession Committee, the President of the Commission, in consultation with the President of the Court, appointed an **Acting Director of Administration and Finance**, who assumed duty on **August 1, 2007**.

New professional staff members were also recruited in accordance with the approved Organogram. These were, seven (7) Personal Assistants to the Judges, a Revisor (P5), a Portuguese Translator (P4), a French Translator (P4), a Personnel Officer (P4), an Accountant (P3), and a Procurement Officer (P2). All these officers belong to the different member countries of the Community in line with the Court's avowed aim of giving appointments to citizens of every member state (if possible) to work with the Institution.

25. The administration of the Court is headed by the Acting Director of Finance and Administration, who is in charge of the day-to-day administration of the Court. The Administration Department is made up of the Accounts, Administration, Personnel, Information, Computer and Language Services Divisions.
26. The Accounts Division is headed by the Chief Accountant. The primary responsibility of this department is to ensure the effective and efficient utilization of the budget approved for the Court in accordance with the *Financial Regulations and Manual of Accounting* adopted by the Community. The computerisation of the Accounts Division was completed in the course of the year, thereby making it more effective.
27. The Administration Division is headed by the Administrative Officer. This department is in charge of daily activities that ensure the smooth running of the office with regards to security, procurement, transportation, stores, maintenance, and general administration. With the appointment of a professional in charge of procurement in October 2007, the Administrative Officer is no longer responsible for procurement.

28. The Personnel Division, headed by the Personnel Officer, is responsible *inter alia*, for collating staff records, updating the records as and when necessary; ensuring that staff are at their post unless when absent with the permission of the President and the provision of staff information to the Bureau of the Court when so demanded.
29. The Information Division plays the essential role of liaising between the Court and the external world. The important activities undertaken by this department include the preparation and dissemination of general information to Community citizens, institutions and the public about the Court, coordinating, monitoring and ensuring press, radio and television reportage of the activities of the Court, organizing press briefings and generally publicize the Court's activities.
30. The Computer Division is responsible for ensuring that the information technology needs of the Court are met. Among the essential duties of this department, one may cite the provision of internet access to staff at all times, the in-house maintenance of the computer systems including power stabilizers and uninterruptible power supply equipment, and updating the Court's website.
31. The Language Services Division plays a very important role in ensuring the translation and interpretation of written and oral communication between the Judges, staff of the Court and various stakeholders of the Community. This department is also responsible for translating court applications and processes into other official languages of the Community.

(ii) Administration and finance

- 32.** The budget approved for the Court for the 2007 financial year stood at **UA 6,294,775**. As at 31/10/07, **UA 4,129,482** had been implemented, representing **65.60%** of the total budget allocated.
- 33.** Upon assumption of duty, the Bureau of the Court consciously embarked upon a programme to improve upon the general administration of the Institution, through capacity-building and the rational and judicious management of its budget, in order not to put undue strain upon the resources of the Community.
- 34.** Thus, outstanding overdraft facility was cleared and stringent measures were put into force to ensure the Court lived within its budgetary allocation only, even though this created hardship at certain times of the year. Nonetheless no new overdraft was taken.
- 35.** In the year under review, the Court acquired a new office annex at Wuse II to take care of the increasing staff strength following the restructuring exercise.
- 36.** The Court also purchased seven new Mercedes Benz saloon cars for the use of its Statutory Appointees.
- 37.** A new 250 KVA generator was acquired for the head office to ensure uninterrupted power supply.
- 38.** The Court also effected all the insurance policies budgeted for, namely life as well as accident policies for all staff members, and comprehensive motor insurance policy for the new Mercedes cars.

39. All contributions to staff provident fund, Judges and staff separation allowances were all paid into appropriate investment accounts.
40. The Library was stocked with law books in English, French and Portuguese languages. This exercise of stocking the library adequately will continue in the coming year.
41. Maintenance of the Judges' residences at Gwarimpa puts the Budget under severe pressure as a result of the numerous faults and breakdowns reported on all the buildings. Indeed, since 2003, when the Judges occupied the residences, periodic repair works have been carried out on all these buildings during the rainy season. Expert opinion has confirmed that the buildings suffer from original structural defects, hence the urgent need to find a permanent solution before anything untoward occurs.

OTHER ACTIVITIES OF THE COURT

Other activities undertaken by the Court, but not the least of them, had to do with the following:

(1) CAPACITY BUILDING

(A) Local training

42. Apart from recruiting new professional staff, the Court embarked upon a programme of training, both locally and abroad, for some members of staff.

Thus, from **20 to 25 July 2007**, a training workshop on Legal Terminology was organised for the translators of the Court, and other relevant staff like bilingual secretaries with a resource person from Quebec, Canada. The training programme centred on the basics of Legal Translation and the technicalities involved; the training objective was to promote a better and efficient translation of the various legal documents of the Court.

(b) External training

43. The table below shows the Departments/Divisions, the number of staff, nature of training and places that some staff benefited from in the year under review.

Department	Total No.	Nature of Training Programme and Place
Language Services	2	-French Language and Law, Paris– FRANCE -Conference Interpretation Course, Cambridge, UK
Accounts	3	-Financial Management, Bloomington, USA -Accounting for non-accountants, London, UK
Computer	2	-Web Developer Training, London, UK -Web Editor, Lome, Togo
Personnel	1	-Fundamentals of Human Resources Management, New York, USA -Improving your Management Effectiveness, New York, USA
Audit Unit	1	Training in Auditing and Internal Control, Bamako, Mali

The Court intends to focus on local training as much as possible in order to cut down cost of training.

(2) SENSITIZATION CAMPAIGN IN MEMBER STATES

44. When it took off in 2001, like all new institutions, the Court was confronted with the problem of making itself known and gaining the confidence of the public. It therefore embarked on sensitisation programmes by organising visits to Member States in the entire sub-region.

Thus, in May and October 2007, sensitisation missions were carried out in Sierra Leone and Guinea-Bissau respectively. The Court

lauded the teaching of the subject 'Community Law' in the Faculty of Law of the University of Amilcar Cabral in Bissau. The Court has always advocated for the teaching of community law in law schools within Member States, as it will increase the knowledge of lawyers about Community law, enhance the practice of law in the Court, sensitize the populace and contribute to the overall integration of the sub-region.

A third mission planned for Cape Verde could not materialise. This will be re-scheduled as soon as the country is ready to receive the Court.

The missions are in line with a continuous process of sensitisation, the earlier editions of which had been conducted, between 2004 and 2006, in Cote d'Ivoire, Burkina Faso, Senegal, Benin-Nigeria border, Niger, Mali, and The Gambia.

These missions exposed the Court and brought it to the knowledge of the following: the political, judicial and administrative authorities of Member States, Community citizens, Bar Associations, the civil society, economic operators, the media, and other stake holders.

During the missions, particular emphasis was laid on the Protocols relating to the Free Movement of Persons, the Right to Residence and Establishment, and the ECOWAS Trade Liberalisation Scheme (ETLS), in order that the targeted audience would make full use of them.

These sensitisation missions provided the opportunity for the Court to inform its audience about the organisational framework, functioning mechanism and competence of the Court, while at the same time, assessing the huge expectations of the citizens, as regards justice at the Community level.

(3) INTERNATIONAL CONFERENCE

45. Between **12 and 14 November 2007**, at Abuja, the Court hosted an International Conference on the theme '*The Law in the Process of Integration in West Africa*' with the participation of representatives from the Ministries of Integration, the Bar Associations of the sub-region, Presidents of sub-regional courts, ECOWAS Institutions, particularly the ECOWAS Commission and the ECOWAS Parliament. Present also were members of the diplomatic corps accredited to ECOWAS.

The Commonwealth Secretariat and other NGOs also took part. Various aspects of Community Law were discussed by participants. The Court has taken note of all the recommendations contained in the Final Report adopted, in order to give them a follow-up.

(4) INTER-INSTITUTIONAL CO-OPERATION

46. The Bureau of the Court considered inter-institutional co-operation a key element in its mandate, having realised this was one effective way of achieving the objectives of the Community. Hence, the Court took all the necessary steps to ensure maximum co-operation with other Institutions, especially the Commission.
47. At the request of the Court, the President of the Commission released a seasoned staff of the Commission to act as Director of Administration and Finance, pending the appointment of a substantive Director. The President of the Commission again accepted the Court's request to include the two Principal Research Officers of the Court in the preparation of the Official Journal. Also at the request of the Court the President of the Commission sponsored some of the delegates that participated in the International Conference hosted by the Court on the theme "*The Law in the Process of Integration in West Africa*".

- 48.** On the occasion of the 32nd anniversary of ECOWAS Day, the President of the Court attended a press conference hosted by the President of the Commission on 25 May 2005 at the seat of the Commission in Abuja.

The Commission also assisted the Court in its sensitisation campaign by inviting it to participate in the Commission's own programme at Niamey, in the Republic of Niger. Besides, the Court received the Vice-President of the Commission responsible for Macro-Economic Policy of the Commission.

The Court also took part in the consideration of the draft rules for the Judicial Council, organised by the Commission in Abuja in September 2007.

Also the Court accepted a request from the Commission and sent two Professional Staff as part of the team that monitored the Presidential Elections in Senegal.

Besides, the Court participated in the Retreat organised by the Commission at Jos, in November 2007, upon the Commission's invitation.

- 49.** There has been good working relationship between the Court and the Financial Controller which has largely helped the Court to stay on course in its budget implementation.
- 50.** Apart from the Commission, the Court has also had fruitful relations with other sister ECOWAS institutions.
- 51.** Thus, at its first ordinary session, ECOWAS Parliament invited the Court to make a presentation on the role of the Court.

The President of the Court attended another session of the Parliament on 19 September, 2007.

At the beginning of the year, the Bureau of the Court received in audience the then Secretary-General of Parliament to discuss issues of mutual concern and interest.

52. The Bureau also received the Director-General of GIABA, where the Bureau was briefed in detail about the activities of GIABA.
53. Finally, the Court fully participated in all Community programmes, particularly, the AFC (Administration and Finance Commission) meeting in Abuja, the Audit Committee meetings in Abuja and Freetown, Sierra Leone, Council meeting in Ouagadougou in June 2007, as well as the Summit in Abuja.

(5) CO-OPERATION WITH INTERNATIONAL ORGANISATIONS

54. In the area of international co-operation, the Court did enhance its relations with its partners, among which, the **Ford Foundation, Konrad Adenauer Foundation, and OSIWA**. The Programme Officers of these institutions were received by the Court.
55. Thus, a Co-operation Agreement was signed between the Court and Ford Foundation; the latter pledged to help strengthen the operational capacity of the Court, particularly, in equipping the library, carrying out the computerization of the various Departments, and the training of the Staff. The Court has received the first instalment of funding from the Ford Foundation.
56. Upon the invitation of Konrad Adenauer Foundation, the President of the Court undertook a study tour in Germany with the Principal Research Officer of the Court, Dr. Daouda Fall. During the visit, consideration was given to partnership relationship between the Court and the Foundation.
57. OSIWA, on its part, sponsored some Court staff to attend various legal workshops in Ghana, Senegal and Sierra Leone.

In addition, OSIWA donated to the Court a large quantity of books and other materials for its Library, as well as ten (10) Dell desktop computers and five (5) Acer laptop computers, all with their printers, stabilisers and UPS (Uninterruptible Power Supply) equipment.

OSIWA also made available to the Court a VSAT connection, comprising a Dish, Modem, Switches and Access Points.

- 58.** The Court intends to strengthen its bonds of co-operation with the Commonwealth; the latter has pledged to give a complete set of the Commonwealth Law Reports to the Court, to augment the capacity of its library. At the invitation of the Commonwealth Secretariat, two Principal Research Officers of the Court undertook a trip to the Caribbean States in January this year to undergo legal training and to meet various legal professionals and jurists from the entire Commonwealth.
- 59.** A similar trip was made in July by the Vice-President and Chief Registrar to the Court of Justice of the European Communities, at Luxembourg, the International Court of Justice in The Hague, and to the British House of Lords in London.
- 60.** The building up of ties of co-operation was also extended to regional courts such as the Court of Justice of SADC. Members from the SADC Court undertook a tour of our Institution, in order to study our mode of operation.
- 61.** It is still in this vein that the Court intends to send its officers on study tours or training sessions in the various Institutions such as the Court of Justice of the European Communities, the Court of Justice of UEMOA, the Common Court of Justice and Arbitration of OHADA, and the African Court of Human and Peoples' Rights.

Such study tours and training sessions provide opportunities for the Court to be guided by the experience of other Institutions or legal systems, with a view to perfecting the functioning mechanism of our own Court.

62. A framework of co-operation with the European Union aimed at strengthening the capacity of the Court has been put in place with the assistance of international experts. The Court counts on the support of the ECOWAS Commission for the execution of this project.
63. The Court also undertook to widen the scope of its co-operation with international institutions like the **UNHCR (United Nations High Commission for Refugees)**, whose **Representative at Abuja** was received by the Bureau of the Court.

(6) VISITS

64. (i) During the period under review, the Court received quite a number of visitors:
 - (ii) On January 30th, 2007, the Ambassador of Mali accredited to ECOWAS and to the Federal Republic of Nigeria, H. E. Boubacar Karamoko Coulibaly, came to congratulate the then newly elected President of the Court and the other two members of the Bureau of the Court.
 - (iii) On February 2nd, 2007, a delegation of Diamond Bank called and congratulated the Honourable President of the Court, Justice Aminata Mallé-Sanogo, on her election to the headship of the Institution.
 - (iv) On February 9th, 2007, a delegation of ECOBANK met the Bureau of the Court for a discussion on how to improve the mutual business relationship between the Bank and the Court

Also discussed during the meeting was the increase in the rate of interest of the Institution's fixed deposit in the bank's books.

- (v)** On February 15th, 2007, the Director General of GIABA, Dr. Shehu visited the Court.
- (vi)** On that same day, the former Secretary General of ECOWAS Parliament, Mrs. Ahmed Halima paid a courtesy visit to the Court.
- (vii)** On 22 February 2007, a representative of Konrad Adenauer Foundation, Germany visited the Court to discuss possibilities of co-operation with the Court.
- (viii)** On 2 March 2007, the Court received officials from Ford Foundation, and a delegation from Crown Agent, London. The Ford Foundation's visit was positive since they agreed to extend a grant facility to the Court in the course of the year. The Crown Agents discussed various training programmes available for the Court to access.
- (ix)** On 22 March 2007, the Vice-President of the ECOWAS Commission, Jean de Dieu Somba and the Commissioner of Macro-Economic Policy was received by the Bureau of the Court to discuss matters of mutual concern and interest.
- (x)** On 4 May 2007, Director of Legal Affairs of the ECOWAS Commission accompanied by Mr. Ferdinand Aho of OHADA paid a courtesy visit to the Court.
- (xi)** On 17 of May 2007, the Court had a familiarisation working session with a delegation from OSIWA.
- (xii)** On 20 and 21 June 2007, a delegation from the Southern African Development Community (SADEC) was received by the Court for a study tour.

- (xiii) On 13 July 2007, the Country Representative of the United Nations High Commission for Refugees (UNHCR) paid a courtesy visit to the Court.
- (xiv) On 4 September 2007, the Court received in audience the Ambassador of the Republic of Guinea (Conakry) to ECOWAS.
- (xv) On 6 September 2007, Prof. Ludger Kuhnhardt, Head of the German Centre for European Integration Studies visited the Court.
- (xvi) On 13 September 2007, the Court received an official delegation from the Republic of Guinea Bissau.
- (xvii) On 26 September 2007, Mr. Francis Guenon, the Officer-in-Charge of ECOWAS at the French Embassy in Abuja, paid a familiarisation visit to the Court.

During these visits, the Court held information sessions for visitors, on the history, workings, jurisdiction and activities of the Court.

(7) OTHER NOTABLE ACTIVITIES BY THE PRESIDENT

- 65. (i) During the period covered by this report, the President of the Court, Justice Aminata Mallé-Sanogo, sequel to an invitation by OSIWA, travelled to Accra, Ghana from 2nd to 3rd April 2007 and delivered a paper on: *Access to Justice and Judiciary Assistance in ECOWAS*.
- (ii) It must be noted that from the time they assumed duty, the President of the Court, accompanied by the Vice-President, went on a working visit at Cotonou, Republic of Benin, to see to the possibilities of rectifying the Court's accounts with ECOBANK.

- (iii)** Another mission was also conducted by the President to the ALICO Company at Dubai for the purposes of subscription to a pension policy to the benefit of Staff of the Court as recommended under the ECOWAS Staff Regulations and applied by staff of the Community Institutions.
- (iv)** From 4 to 9 April 2007, the President went for an official visit to Mali during which she explained broadly to Malian authorities the jurisdiction, organizational framework and functioning mechanism of the Court.
- (v)** During the Court's first sensitization mission to Sierra Leone held from 14 to 18 April 2007, the President addressed the citizens on the relationship between the Community Court of Justice and the national courts and on the jurisdiction of the ECOWAS Court.
- 66. (vi)** At the 58th Session of ECOWAS Council of Ministers meeting held on 4 and 5 June 2007 in Ouagadougou, the President of the Court swore in Commissioners of the ECOWAS Commission.
- (vii)** On 15 June 2007, during the 32nd ECOWAS Heads of State and Government Summit in Abuja, the President of the Court swore in the President of the Commission.
- (viii)** In the same month, on 20 and 21 June 2007, the President addressed the members of the delegation of SADEC during their study tour to the Court and organised a dinner for them.
- 67. (ix)** At the seminar organised by the Court on Legal Terminology, held from 20 to 24 July 2007, the President explained the relevance of the seminar in the capacity building of Staff Members.
- 68. (x)** From 26 to 31 of August 2007, the President attended the conference of Nigeria Bar Association held in Illorin, Kwara

State and made a presentation on *Practice and Procedure at the Court of Justice ECOWAS*.

69. (xi) On 18 September 2007, at the opening of the Legal Year 2007/2008 of the Community Court of Justice, the President presented a report on the activities of the Court.
70. (xii) On 19 September 2007, at the opening ceremony of the Second Ordinary Session of the ECOWAS Parliament, the President made a presentation on the Court, which greatly attracted the attention of the Parliamentarians.

PROSPECTS

71. During the year 2008, the Court intends to apply various measures designed to bring great improvements into the quality of services it provides, particularly in the efficient processing of the applications lodged, the delivery of judgments within reasonable time-periods, and also in the methods of receiving and educating citizens and the general public. The furnishing of an annex building meant to receive part of the staff of the Court will be completed by the beginning of the year 2008, thus permitting the staff of the Institution to work in favourable conditions.
72. Currently, the building accommodating staff and equipment at the seat of the Court has become too cramped to take on the number of officers working in the Institution, comprising a workforce of 137 officers.
73. Besides, for the year 2008, 11 new recruitments of Professional Staff are envisaged, to reinforce the capacities of the Court much further. This therefore calls for the urgent need to provide the Court with a corresponding budgetary allocation during the 2008 financial year, to enable it attain its goals.
74. In judicial terms, the Court foresees the creation of an Arbitration Chamber within the Court, to enable it fulfil its functions of arbitration as provided for under Article 9 (5) of the Supplementary Protocol.



**PRESIDENT OF THE COURT WITH THE PRESIDENT OF ECOWAS
COMMISSION AND THE SPEAKER OF ECOWAS PARLIAMENT**

CONCLUSION

- 80.** The year which is drawing to a close has proved decisive for the survival and credibility of the Court. Indeed, in setting itself the difficult task of restoring sanity into the finances of the Court, and thereby consolidate the hopes and aspirations of each and every one, the Bureau of the Court had engaged itself on a course that was far from being victorious in advance. If it had not been for the determination, the spirit of self-sacrifice and the resolve to go the extra mile, on the part of Members of the Bureau, the body of Judges and the Staff members, and also the assistance from the Office of the Financial Controller, the support from the President of the Commission, as well as the wise counsel from Vice-President of the Commission, and the trust of sister ECOWAS Institutions, the Court would not have been able to realise the achievements identified in the present activity report.
- 81.** May I hereby express my heartfelt appreciation and profound gratitude to all those who, in diverse ways, encouraged and supported me to make this near-impossible task a possibility.
- 82.** In rounding up, I wish to state that I desire to see these achievements being built upon to a higher level, to enable the Institution acquire an enduring credibility.
- 83.** May the year which is ending bring further improvements in the ties of inter-institutional co-operation, which will no doubt enable each Institution to contribute decisively to our integration process.
- 84.** Finally, I wish that the New Year will fulfil our hopes to the brim and also grant excellent days ahead of our sub-regional Community.

Done at Abuja on 27 November 2007



THE SEAT OF THE COMMUNITY COURT OF JUSTICE, ECOWAS, AT ABUJA - NIGERIA.