

**COMMUNIQUE OF THE INTERNATIONAL CONFERENCE**  
**HOSTED BY THE ECOWAS COURT OF JUSTICE**  
**IN ACCRA, GHANA, 21st - 24th OCTOBER, 2019**

**1.0. Preamble**

In line with its annual programme of activities, the Community Court of Justice ECOWAS organised an international conference on the theme: « **Economic integration of West Africa: Challenges and Perspectives** », held from 21st to 24<sup>th</sup> October 2019 at Mensvic Grand Hôtel, East Legon, Accra, Republic of Ghana.

**General Objective**

The general objective of the International Conference was to critically appraise the legal aspects of the economic integration agenda of ECOWAS, the enabling legal environment, the community legal order, the challenges and prospects for the realization of the community objectives and the role of the ECOWAS Court of Justice in the integration process. It will also highlight the role and primacy of Member States as the primary stake holders in the integration process, the need for Member States to provide the necessary political will and fulfill their community obligations in order to drive the integration process. The conference will address the need for rule of law, promotion and protection of human rights, democracy and good governance and measures for conflict prevention and management in order to provide the enabling peaceful environment for economic development.

**Participants at the conference included:**

The President of the Republic of Ghana; The Chief Justice of Ghana; Hon. Chief Justices/Presidents of the Supreme Courts of some ECOWAS Member States or their representatives; Hon. Minister for Foreign Affairs and Regional Integration of Ghana; Honourable President of the Community Court of Justice; Honourable Judges of the ECOWAS Court of Justice; Representative of the President of ECOWAS Commission/Commissioner in charge of Macroeconomic Policies; Honourable Speaker of ECOWAS Parliament; Representative of the Honourable President of the Court of Justice of UEMOA; ; Representative of the Director General of EBID;; representing the President of ECOWAS Commission; Commissioner for Finance, ECOWAS Commission, Commissioner for Infrastructure, ECOWAS Commission, Auditor General of ECOWAS Institutions; Heads of ECOWAS National Offices; Special Representatives of the President of ECOWAS Commission in the Member States; Resource Persons; Directors ECOWAS Court and ECOWAS Commission and Staff; Members of the

Ghana Bar Association; academics; NGOs and the civil society organizations and the Press.

## **2.0 OPENING CEREMONY**

The high point of the opening ceremony was the opening statement made by His Excellency Nana Addo Dankwa Akufo-Addo, President of the Republic of Ghana.

The following statements were also made during the opening ceremony:

- Welcome speech by the President of the Community Court of Justice, Hon. Justice Edward Amoako Asante;
- Speech by the Hon. Speaker, ECOWAS Parliament, Honourable Moustapha Cissé Lô;
- Speech by Hon. Minister of Foreign Affairs and Regional Integration of Ghana, Her Excellency Shirley Ayokor Botchway;
- Speech by the President of ECOWAS Commission, His Excellency Jean-Claude Kassi BROU;
- Speech by Lady President of the Supreme Court of the Republic of Ghana, Hon. Justice Sophia Abena Boafoa Akuffo.

## **3.0 CONDUCT OF PROCEEDINGS**

The conference proceedings took place in seven plenaries, where participants followed presentations and engaged in constructive debates on the following seven (07) sub - themes:

- Free movement of persons, goods and services as an important factor for integration;
- Integration through the Law;
- The role of ECOWAS Court of Justice in the Integration Process;
- Rule of Law and Good Governance as Prime Factors for Economic Development;
- Legal Aspects of Economic Integration;
- ECOWAS Integration and Sub – Regional Stability; and
- Basic Infrastructure for Economic Integration.

## **4.0 RECOMMENDATIONS**

After three days of proceedings and fruitful debates, participants made and adopted the following recommendations:

i) *On the respect for the right to free movement, residency and establishment.*

1. Participants observed that the level of integration attained by UEMOA Member States, especially in the area of the harmonisation of their national legal instruments, that renders the right to free movement and establishment very effective, could serve as a source of inspiration for ECOWAS.
2. On the control measures at borders, especially between the Federal Republic of Nigeria and Republic of Benin on the one hand and the Republic of Benin, on the other, participants called upon Member States to respect their obligations, as regards free movement, residency and establishment within the borders of the Community, pursuant to the relevant provisions of Community Law. However, the exercise of such rights should not, in anyway, compromise the imperative of security, which constitutes a major concern for all Member States in the sub - region
3. Recognizing the imperative of ensuring security, participants recommended to Member States, especially those carrying out legitimate fight against terrorism and insecurity, to engage their neighbours, in a concerted effort that is likely to link Member States' obligation of ensuring security, to citizens' right to enjoying free movement within the territory of the Community. In this regard, participants recommended the setting up of a Joint Tripartite Border Surveillance Force between Benin Republic, the Republic of Niger and the Federal Republic of Nigeria to prevent, not only terrorist attacks and cross - border smuggling, but also the regrettable consequences of taking unilateral measures that could affect good neighbourliness between States.

ii) *On building a Community governed by rule of law and the role of the ECOWAS Court of Justice in the process of integration*

4. Participants called on Member States not to lose sight of the objectives of regional integration, which is to build, through free adherence by Member States and due respect for the constitutional rules of their countries, a Community governed by law that guarantees the respect for human rights, democracy and good governance.
5. In this regard, they noted with concern the current practice of manipulating National Constitutions for political gains. They recalled the principles of constitutional convergence as enshrined

in the Protocol on Democracy and Good Governance, and therefore recommended that their inviolability should be guaranteed and enshrined under ECOWAS Community Law, in order to prevent Member States from infringing upon it, by tampering with the constitution.

***On the organisation and functioning of the Court:***

6. Recalling the crucial role that the ECOWAS Court of Justice is called upon to play in the integration process, participants called for the strengthening of the Court not only in its organisational structure, but also, in the exercise of its jurisdiction, and the enforcement of its judgments by Member States. Consequently, participants recommended as follows:
- Restoration of the composition of the Court as prescribed in the initial Protocol on the Court, by increasing the number of the Hon. Judges of the Court from 5 to 7, as well as their tenure from 4 years non-renewable to 5 years renewable for another term of 5 years as prescribed in the initial Protocol on the Court and to restore the staggered nature of their tenure in order to avoid loss of institutional memory as was done when there was a complete renewal of the Court in 2014 and 2018, in order to ensure the preservation of the institutional memory of the Court and the continuation of its jurisprudence;
  - The institution of a Legal Aid Fund at the Court, to enable the most indigent litigants to bring cases before it;
  - The approval for an Appellate Chamber at the Court, in order to enable an aggrieved litigant to exercise a right of appeal which is a fundamental right;
  - The establishment of a framework for dialogue, collaboration and joint sessions on information sharing between the Community Court of Justice and the national courts of Member States, in order to ensure the effectiveness of the application of community law in the Member States, especially through the instrumentality of pre - trial referrals;
  - The need to increase sensitization sessions of the Court, in order to bring it closer to the litigants and community citizens at the grass roots, and to better make its workings and procedure known to the public; and

- The inclusion of Community Law and the Jurisprudence of the ECOWAS Court of Justice in the Teaching Programmes of Law Faculties and other Judicial or Legal Training Institutions, in the sub – region.

*iv) On the full exercise of the jurisdiction of the Court*

7. Participants noted with regret the unsatisfactory rate of enforcement of the judgments of the Court, the challenges in the implementation of the judgments of the Court and the difficulty in implementing the procedure for sanctions on erring Member States for failure to fulfil their obligations under ECOWAS Community Law, as only the President of ECOWAS Commission and Member States are the only entities empowered to initiate such procedure;
8. They recommended the granting of access to individuals and corporate bodies to initiate actions in respect of the failure by Member States to fulfil their community obligations to ECOWAS, particularly the failure of a Member State to implement the judgments of the ECOWAS Court of Justice and for the imposition of necessary sanctions in accordance with the provisions of Article 77 of the Revised ECOWAS Treaty, and the Supplementary Act on Sanctions against Member States that fail to fulfil their Obligations to ECOWAS, 2012.
9. Participants equally recommended that access should be granted to individuals and corporate bodies who are affected by the actions of any Community institution or organ that violates community law, to the ECOWAS Court of Justice for redress.

*v). On the enforcement of the judgments of the Court.*

10. Participants highly commended the decision of His Excellency Nana Dankwa Akufo - Addo for appointing the Attorney General and Minister of Justice of Ghana, as the National Authority for the enforcement of the ECOWAS Court's Judgments in Ghana. They enjoined other Member States that are yet to do so, to comply with the provisions of Article 24 of the Protocol on the Court.
11. Participants also requested the ECOWAS Court of Justice to draw – up a list of its judgments that are yet to be enforced, and forward a copy each to the President of ECOWAS Commission

and the Speaker of ECOWAS Parliament, to enable the former to carry out his responsibility as enshrined under the relevant ECOWAS Texts, and the latter to plead, within the organs of, and Parliamentary Networks, in favour of the enforcement of the judgments of the Court.

12. It was further recommended that the Court should be authorised to forward an Annual Report to either the ECOWAS Council of Ministers or the Summit of Heads of State and Government on its activities, especially on the state of enforcement of its judgments.
13. Participants also called on the Court to carry out a review of the mechanism of the enforcement of its judgments; and seek approval for the introduction into the national laws of Member States, appropriate provisions enabling the enforcement of the judgments of ECOWAS Court of Justice in Member States.

vi). *On the need to create opportunities for social and economic development within the Community.*

14. Participants noted, with indignation, the tragedy that the suicidal immigration towards other regions by young West Africans, constitutes for the West African region. Faced with immigration flux, participants recognised the need for ECOWAS Member States to promote good governance, at all levels, and to increase economic opportunities for the Community citizens, in order to create for the youths hope and perspectives on self - fulfillment in their own countries and within the Community landscape.
15. Conscious that neither free movement, nor economic development could be very effective, nor even possible in the absence of adequate infrastructure, participants recommended that Member States should double their efforts in order to avail the Community the necessary infrastructure for its integration, and its economic take - off.
16. Considering the exorbitant costs needed for the construction and maintenance of standard infrastructures, participants recommended that Member States should diversify the sources of financing, by exploring the possibility of allowing private investments, including public - private partnerships.
17. Having noted with satisfaction the important role played by EBID, in the realization of these infrastructures, participants recommended the strengthening of the capabilities of that

Community Institution, in order to give impetus to integration and intra - regional trade.

18. Recognising the great importance of a common currency for ECOWAS, participants commended the fully expressed determination of the leaders in the sub - region to create a common currency for ECOWAS, as from 2020. Consequently, they exhorted all Member States to respect fully the criteria for convergence, in order to allow for the rapid realisation of the West African Monetary and Economic Union.

**Done at Accra, this 24th day of October 2019**