



**COMMUNITY
COURT OF JUSTICE,
ECOWAS**

**2003
ANNUAL REPORT**

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Introduction

1. A year ago, I had the singular honour and privilege of presenting to the Community, the First Annual Report of the Community Court of Justice, ECOWAS. In that report, I outlined the history of the court, its members, competence and activities. I also identified the challenges facing the Court, the progress it had made at the material time and our vision for the future. There is no doubt that the Community Court of Justice is a very young institution, as it was only set up in 2001. As it is to be expected of such a young institution, the Community Court of Justice is still facing a lot of challenges. Notwithstanding the teething problems the Court has to contend with on a daily basis due to lack of basic infrastructure, I am happy to report that the Community Court of Justice has made some giant strides in the past one year, and that we are a proud member of the ECOWAS family.
2. The time has therefore come for us at the Community Court of Justice to render account of our stewardship in the past one year. I still consider it a rare privilege to have the honour of presenting to our Community, the Second Annual Report of the Community Court of Justice, ECOWAS. At this juncture, I wish to place on record, that whatever successes we have been able to achieve in the last one year was mainly due to the grace of the Almighty God, the support of the Authority of the Heads of State and Government, the Member States, the Council of Ministers, the host country, the Federal Republic of Nigeria, the Executive Secretary of ECOWAS and my colleagues my fellow Justices of the Court.
3. May I seize this opportunity to pay tribute to the Chairman of the Authority, His Excellency, Mr. John Agyekum Kufour, and the President of Ghana. I am also obliged to pay a very special tribute to

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His Excellency, Chief Olusegun Obasanjo, and the President of the

Federal Republic of Nigeria for his official and personal commitment to the welfare of the Court. I wish to place on record that the Federal

Republic of Nigeria has been a very gracious host, and fulfilled its obligations to the Court. Indeed, the co-operation of His Excellency, the President of the Federal Republic of Nigeria has been the cornerstone of our achievements. Permit me also to thank the Chairman of the ECOWAS Council of Ministers, Honourable Dr. Kofi Konadu Apraku. We are indebted to him for the interest he has shown in the Court and for finding time, despite his busy schedule, to visit the Court on the 9th day of April, 2003.

4. The task of running the Court was made a lot easier by the co-operation of my colleagues, my learned brothers, the fellow Justices of the Court namely: Honourable Justice Tall El Mansour (vice president) (Senegal), Honourable Justice Anthony Alfred Benin (Ghana), Honourable Justice Awa Daboya Nana (Togo), Honourable Justice Barthelemy Toe (Burkina Faso), Honourable Justice Suomana Dirarou Sidibe (Niger) and Honourable Justice Aminata Malle (Mali). I am sincerely humbled by the confidence they reposed in me by their support.
5. It is noteworthy that the residential quarters of the Judges at Gwarinpa, Abuja provided by the Federal Republic of Nigeria in fulfillment of her obligation to the Court, have now been furnished by the host country and the Court resources. I am therefore happy to report that the Honourable Judges of the Court have moved into their residential quarters, and have formerly assumed duty in Abuja. I am also delighted to report that the seat of Court comprising of the office building and courtroom, also provided by our host country, have now been partitioned and furnished. We therefore cannot over-emphasise our gratitude to the Federal Republic of Nigeria for living up to her responsibilities.
6. The Community Court of Justice takes pride in the fact that it

Ministers, the Rules of Procedure of the Court at its session from 22-23

August 2002. It is obvious that an important document of that

magnitude which regulates the proceedings of the Court must pass the scrutiny of a high powered Ministerial Council. It has been published

in English and French and is now available for sale to members of the public. We are happy to note that the said Rules of Court have been published in the ECOWAS OFFICIAL JOURNAL Vol. 41 of August 2003. We have also published the Community Court of Justice Information Manual volumes 1 and 2 in English and French. The first volume published in 2002 was revised in 2003. These publications as simple as they are contain comprehensive information about the Court and are recommended to members of the public.

7. Within the year under review, members of the Court undertook several missions in different parts of the world. The seminars and workshops were very beneficial, because apart from the international exposure, the knowledge gained from these missions cannot be quantified and would be relevant in the discharge of our judicial duties. Permit me to mention a few of these missions. I had the honour to chair one of the sessions on the linkage between the millennium development goals and human rights with the main theme "*Regional Consultative Meeting On Human Rights and Regional Integration in Africa*" in Ghana between 10th and 12th March 2003, under the auspices of Human Rights Commission in Geneva. I was furthermore a lead discussant in another session of analyzing the Rule of Law in Africa. The discussions focused on the competence of the National and Regional Judicial institutions and the challenges they face in addressing Human Rights issues. The outcome were gratifying and would no doubt assist the Court in channeling the observations made therein properly towards the growth of the Court. Another mission that brought out to bear in respect of the activities of the Court was the Colloquium in Kings College University of London, on the theme, 'International commercial Arbitration and African States,' where I also presented a paper on "*An overview of the Integration Efforts in ECOWAS*" on 5th June 2003. Justice Aminata Malle a dynamic member of the Court was on that mission and her supportive views were immensely positive in line

with the core factors of the paper. In May 2003 the Vice President of the Court, Justice El Mansour Tall represented the Court at Niamey in Niger Republic at the 33rd ordinary session of the African Commission for the Rights of Man and People.

8. The Community Court of Justice participated actively in several statutory meetings of ECOWAS in 2003. Some of these include the 49th Ordinary Session of ECOWAS Council of Ministers in Dakar, Senegal between 26th and 31st January, 2003, the Ad-Hoc Ministerial Committees on the harmonization of the Community Texts (Rules and Regulations of ECOWAS Institutions) in Accra, Ghana between 10th - 12th June, 2003, the Council of Ministers meeting at Abuja between 25th - 26th June, 2003, the Council of Ministers meeting Cotonou Benin 29 August to 2 September 2003, Meeting of the Commission on Political, Legal, and Judicial Affairs, Regional Security and Immigration Abuja 5 to 7 September 2003, and ECOWAS Gender and Regional Integration Forum and Stakeholders Consultative Meeting on 15-19 September, 2003, Abuja Nigeria. The Community Court of Justice ECOWAS proposes a Seminar on divergence of subjects relating to International Organizations and the applicable norms and laws albeit, Role of the Community Court of Justice ECOWAS in the integration process, Creation of stable Legal Environment - The Role of Community Court of Justice, ECOWAS, The Court of Justice as an Agent of Investment in the ECOWAS Sub Region, Justice Development and Peace - Relevance of the Community Court of Justice of Justice, ECOWAS, Human Rights and Integration in ECOWAS Sub Region, Issues for the Community Court of Justice, ECOWAS.
9. For the first time in the history of the Community Court of Justice, we celebrated the ECOWAS DAY on the 27th day of May 2003. It was an occasion for us at the Court to felicitate with citizens of the West African sub region and to pay tribute to the founding fathers of ECOWAS, for their wisdom and foresight in establishing the regional body as a vehicle for economic development, regional co-operation and integration. In marking the day, a press conference was held to present to our community our modest achievements, constraints and

vision. The Court also treated invited dignitaries to a luncheon. We were deeply honoured by the presence of eminent personalities; including the Chief Justice of Nigeria, Honourable Justice Mohammed Lawal Uwais, the Speaker of ECOWAS Parliament, His Excellency Professor Diallo, several ECOWAS Parliamentarians, Ambassadors and High Commissioners that graced the occasion.

10. In addition, the Community Court of Justice within the year under review, played host to several dignitaries who paid courtesy visits to the Court. I have earlier mentioned the visit of the Chairman of ECOWAS Council of Ministers, Honourable Dr. Kofi Konadu Apraku. We also received the Chief Judge of Delta State of Nigeria, Honourable Justice Roseline Bozimo. We also hosted the Danish Mission on the 23rd day of May, 2003, International Students Association of Ahmadu Bello University Zaria, Legal Experts who attended the meeting of the commission on Political, Legal, Judicial Affairs, Regional Security and Immigration Abuja. We are hopeful that the Danish Mission or other missions would grant some measure of aid to the Court in our effort to establish a befitting Library.
11. Despite the foregoing facts, it has not all been a bed of roses for the Court. There are several constraints that are militating against the effective operations of the Court. One major area of great concern to the Court is in respect of the jurisdiction of the Court.

The scope of the jurisdiction of the Court as provided for under Article 76.2 of the Revised Treaty and Articles 9 and 10 of the Protocol of the Court is unduly narrow or restrictive, as they do not give nationals of the member states direct access to the Court. Only member states and institutions of ECOWAS have access to the Court. In our view, lack of direct access to the Court by individuals, is a major impediment that is capable of incapacitating or crippling the Court. We therefore submitted a Memorandum to the Ad-hoc Ministerial Committee, seeking necessary approval of the council to amend the Protocol of the Court to grant direct access to individuals. On a happy note, the Ad-hoc Committee and the Council of Ministers have recommended the

expansion of the powers of the Court, in respect of the issue on direct access to the Court by individuals and the adoption of measures to ensure effective implementation of decisions of the Court.

12. The Community Court of Justice lacks a well-stocked library. It is trite that well-stocked Library complement the work of Judges in their specialized knowledge of the Law. If the definition of Library is anything to go by, the library provides not only books but tapes and newspapers and so on. Although budgetary provisions have been made for a library, the budgeted amount is grossly inadequate. The Court has an international status and requires a befitting library urgently, to enable it discharge its primary assignment effectively.

Notwithstanding the fact that the members of the Court are eminent jurists, the quality of the judgment and advisory opinion of the court will have a direct bearing with the quality of the court's library. It is expected, that the court should have a well stocked library that will be a center for research and learning in regional and international jurisprudence. In order to augment budgetary provisions, the court is reaching out to International Funders for necessary assistance in establishing a befitting library for the Court. We shall not relent in our effort to achieve the desired objective.

13. Although we have made some progress in the acquisition of basic office infrastructure, a lot still needs to be done. The Court is also mindful of the need to provide residential accommodation for its members of staff. As a duty station and the seat of the Court, Abuja has peculiar housing problems that the Court must deal with to secure accommodation for its staff. The Court is aware that the renting of accommodation will only constitute a temporary solution to a problem that requires a permanent solution. Effort is therefore being made to obtain the necessary approvals to construct a Housing Estate for some categories of staff. The Executive Secretary of the Economic Community of West African States has graciously assigned to the Court a parcel of land for the construction of four (4) blocks of flats for its professional staff from the un-utilised Land of the Executive Secretariat's Professional Staff Housing Estate at Katampe District, Abuja.

14. We have already placed on record our gratitude to the Federal Republic of Nigeria for her co-operation in the provision of an office complex and residential accommodation for the Judges. Since there was no courtroom in the office complex that was provided by the Federal Republic of Nigeria, we had to convert a bungalow within the complex that was initially used as an office block for the Judges into a Court Room. This required substantial structural changes. Although we now have a Court Room, it is obvious that the space area is inadequate. It is therefore desirable to expand the Court Room in the very near future to meet our requirements. We have also noted that the size of the office complex will be inadequate for the purposes of the Court in the long run when the Court is given wide coverage in all the fifteen Member States. The expansion of the office complex is therefore inevitable. We have taken necessary measures to bring these limitations to the attention of the Federal Republic of Nigeria.
15. At the inception of the Court, temporary members of staff were brought in to assist in the running of the Court. In 2003 we took necessary steps to employ permanent staff for the effective operations of the Court. We advertised in Member States for the vacant positions. After a thorough screening, short listing and interview, the Court would employ permanent staff. We were conscious of the need to have representation from Member States in filling the vacant positions. We believe that as time goes on the Community Court of Justice will employ the required permanent staff in all the categories.
16. Finance is an issue of great concern to the Community Court of Justice. Knowing fully well that sufficiency of finance depends on many variables or circumstances; it is obvious that the Court will not be in a position to meet its financial obligations if Member States failed to meet their financial obligations to the Court. We will continue to appeal to Member States to assist the Court by fulfilling their financial obligations, as and when due. We must also express the appreciation of the Court to the Member States that have been fulfilling their financial obligations to the Court.

17. Having succeeded in acquiring an office complex and putting in place, basic office infrastructure, and in acquiring residential accommodation for the Honourable Judges of the Court, in our quest to establish the seat of Court in Abuja Nigeria, we thought fit and proper to formally inaugurate the Court. All arrangements have been made for the formal inauguration of the Court by His Excellency, the Chairman of Authority of Heads of State and Government of ECOWAS, in the first quarter of 2004. The event would be witnessed by the Head of State of the Host Country, His Excellency, President Olusegun Obasanjo, of the Federal Republic of Nigeria. We intend to invite many other distinguished guests, including Ambassadors, High Commissioners, and Attorneys-General/Ministers of Justice, Foreign Affairs Ministers and Legal Experts from several Member States.
18. We are indeed delighted, that we made appreciable progress in the provision of basic office infrastructure and equipment in 2003. Having put in place the mechanism of employing the required staff and formally inaugurating the Court, arrangements are now in top gear for the commencement of proceedings before the Court. Necessary steps would also be taken by the Court to sensitize the citizens, staff and institutions of the Community on the need to follow due process.
19. We have no doubt that the establishment of the Community Court of Justice, has consolidated the institutional framework of ECOWAS. We are mindful of our role as the principal legal organ of the ECOWAS, which is basically to adjudicate on matters relating to the application and interpretation of the ECOWAS Treaty and the annexed protocols. The vision of the Court is a virile and independent legal organ of ECOWAS that will dispense justice without fear or favour. As the preamble of the Protocol of the Court says; "The essential role of the Community Court of Justice is to ensure the observance of law, equity and justice in the interpretation and application of the Treaty and Protocols and Conventions annexed thereto" which is in consonance with Article 9 of the Protocol. We intend to discharge this responsibility faithfully in the years ahead. May I reassure you, that the Community Court of Justice shares the dreams and aspirations of the founding

fathers of ECOWAS and will play an effective role in the integration process in West Africa.

20. This report contains three chapters. Chapter I relates to the Court; its establishment, competence, Members and office infrastructure. Chapter II focuses on the activities of the Court in 2003. Chapter III highlights administrative and financial issues.

Chapter 1

THE COURT

Establishment

21. The Community Court of Justice, ECOWAS was established pursuant to the provisions of Articles 6 and 15 of the Revised Treaty of the Economic Community of West African States. The Court is one of the institutions of ECOWAS and functions as the principal legal organ of the community. The independence of the Court is guaranteed as it is enjoined to carry out the functions assigned to it independently of the Member States and the Institutions of the Community. The judgments of the Court shall be binding on the Member States, the Institutions of the Community and on individuals and corporate bodies. Furthermore, the decision of the Court is final and is not subject to appeal. The status, composition, power and procedure of the Court are set out in the Protocol of the Court adopted in July 1991.

Competence and Rights of Access to the Court

22. The jurisdiction or competence of the Court is prescribed by the provisions of Articles 76 (2) of the Revised Treaty and Articles 9 and 10 of the Protocol of the Court.

The primary function of the Court is the interpretation and application of the ECOWAS Treaty and the Protocols and Conventions annexed thereto. The Court is further enjoined to ensure the observance of law and of the principles of equity in the interpretation and application of the provisions of the Treaty. The role of the Court as an institution for the administration of justice was adumbrated in the preamble of its Protocol in the following words: "*the essential role of the*

Community Court of Justice is to ensure the observance of law and justice in the interpretation and application of the Treaty and the Protocols and Convention annexed thereto..."

23. Under the provisions of Article 76 (1) of the Revised Treaty any dispute ~~regarding the interpretation or the application of the provisions of the~~ Treaty shall be amicably settled by the parties and it is only where this fails that either party or any other Member State or the Authority may under Article 76 (2) of the Treaty refer the dispute to the Court. Article 9 (2) of the Protocol further provides that the Court shall be competent to deal with disputes referred to it in accordance with the provisions of the Treaty by Member States or the authority when such disputes arise between the Member States or between one or more Member States and the institutions of the Community on the interpretation and application of the provisions of the Treaty.
24. Under Article 9 (3) of the Protocol 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.
25. The Authority of the Heads of State and Government, may under the provisions of Article 7 (3) (g) of the Revised Treaty, refer where it deems necessary any matter to the Court when it confirms that a Member State or Institution of the Community has failed to honour any of its obligations or an Institution of the Community has acted beyond the limits of its authority or has abused the powers conferred on it by the provisions of the Treaty, by a decision of the authority or a regulation of the Council.
26. Under Article 10 of its Protocol, the Court may, at the request of the Authority, Council, one or more Member States, or the Executive Secretary and any other Institution of the Community express in an

advisory capacity, a legal opinion on questions of the Treaty. The Authority of the Heads of State and Government may also under Article 7 (3) (h) of the Revised Treaty, requests the Court to give advisory opinion on any legal questions.

27. As I mentioned in my introduction above, we were concerned that the Revised Treaty and the Protocol of the Court did not give nationals of the Member States direct access to the Court. Under the provisions of the Revised Treaty and the Protocol of the Court, only Member States and Institutions of ECOWAS have direct access to the Court. The limited scope of the jurisdiction of the Court and the denial of access to the Court to individuals are grave and fundamental limitations to the rights of private individuals. For instance, the Revised Treaty guarantees the basic fundamental freedoms to citizens of ECOWAS. It recognizes the promotion and protection of human and people's rights in accordance with the provisions of the African Chapter on Human and People's Rights. Without direct access to the Court it would be impossible for the individuals to enforce these rights. Therefore the decision by Council to expand the powers of the Court and grant direct access to the Court to individuals is highly commendable.

Composition of the Court

28. The Protocol of the Court provides that the Court shall be composed of independent judges selected and appointed by the authority of Heads of State and Government from nationals of the Member States. It further provides that the Court shall consist of seven members, who shall elect a President and Vice President from among their number.
29. The members of the Court are highly experienced and distinguished judges. We are indeed fortunate to have a crop of judges who have outstanding legal careers, and have contributed immensely in their various countries to the legal profession.

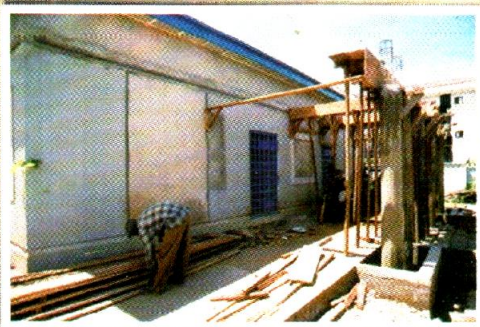
Reconstruction, Remodeling and furnishing of the Court Room

30. The partitioning of the office complex and the Court were necessary components of setting up an infrastructure that would stand the test of time and befitting of a Court of such magnitude. The initial contractual obligations had to go through adjustments in order to meet international standards. Whilst adjustments and additions were made within the building, the outer view must be structurally imposing with porches and pillars. These galloped the finance of the Court but the pain was of lesser effect because of the achievements recorded as a final result.

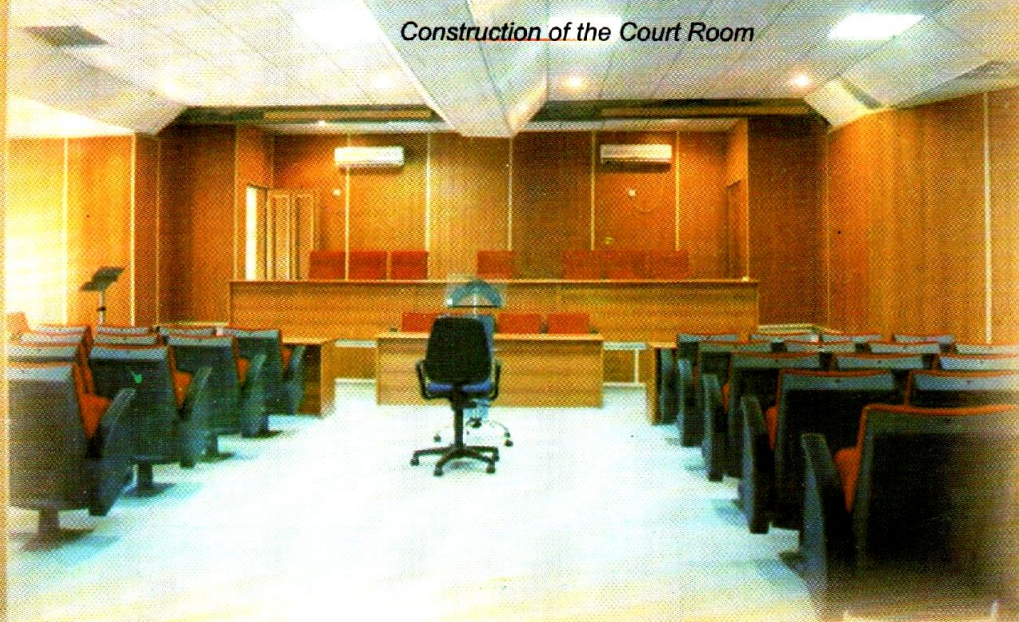
The architects left no stone unturned by making sure that they fulfilled the dream or vision of the Court through the architectural design and perfection of the final product. The photographs shown below are the fair concepts of the vision of the Court.



The Court Room (Exterior)

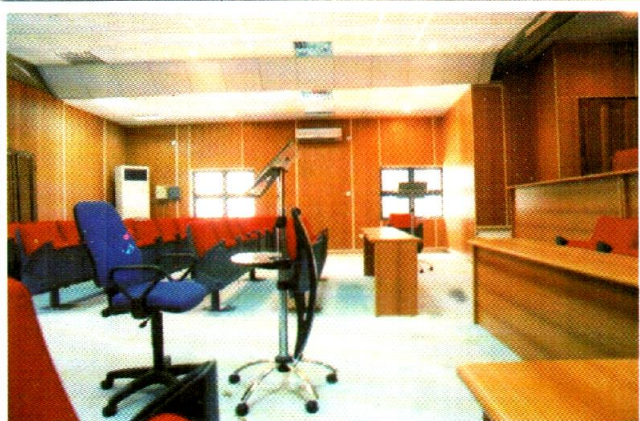


Construction of the Court Room





The Court Room





*The Office Complex,
Community Court of Justice, ECOWAS*



Reception Desk



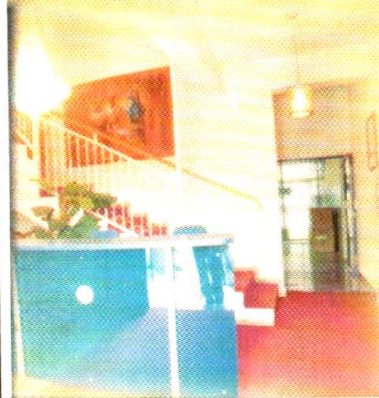
Conference Hall



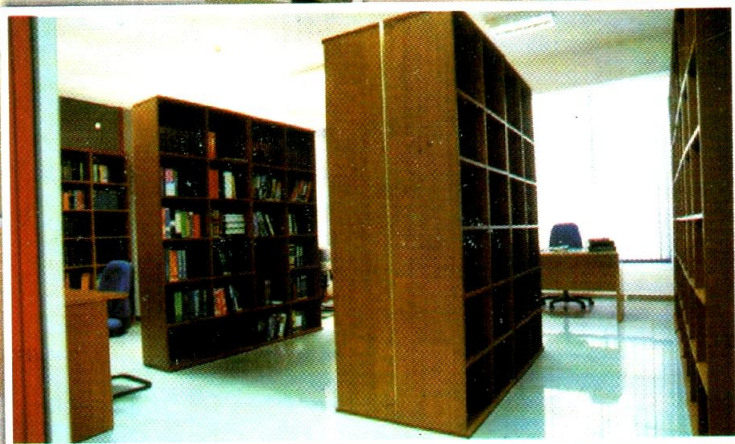
Back view of the Office Complex



The President's Office



Library



*Interior of the
Office Complex*



The Dining Section



The Vice Presidents Office

Chapter 11

ACTIVITIES OF THE COURT IN 2003

31. The year 2003 was an eventful year for the Community Court of Justice. We are happy to report that the Court consolidated its existence in 2003 and recorded substantial progress in the provision of basic infrastructure. It was a busy year for the Court. Some of the Judges of the Court went on Missions to some foreign countries, and attended ECOWAS statutory meetings within the sub-region. We also had the privilege of receiving several august visitors who paid courtesy calls on the Court. The Court also hosted several functions. The activities of the Court in 2003 are highlighted in the following paragraphs.

Visits

Visit of the Chairman, Council of Ministers

32. The Chairman of ECOWAS Council of Ministers, and Minister of Regional Co-operation and NEPAD, Ghana, Honourable Dr. Kofi Konadu Apraku visited the Court on the 9th day of April, 2003. The President of the Community Court of Justice, Honourable Justice H. N. Donli, in her welcome address highlighted the achievements of the Court and sought the assistance of the Council in finding solutions to the teething problems of the Court. The Honourable President conducted the Chairman of Council round the office complex, the temporary Court room and the permanent Court room under reconstruction. The President later hosted the Chairman of Council and invited dignitaries to a dinner at the Chopsticks Restaurant, Abuja.



The Chairman, ECOWAS Council of Ministers, Dr. Kofi Konadu Apraku, being conducted round the Office Complex by the President of the Community Court of Justice, ECOWAS Honourable Justice H.N.DONLI

The Chairman of Council expressed his appreciation for the achievements so far recorded by the Court and promised to look into the problems of the Court.

Visit of the Chief Judge of Delta State

33. The Chief Judge of Delta State of Nigeria, Honourable Justice Roseline Bozimo paid a courtesy call on the President of the Community Court of Justice, ECOWAS Honourable Justice H. N. Donli. The Honourable President of the Court welcomed the Chief Judge and her delegation to the Community Court of Justice and later conducted her round the office complex, the temporary Court room and the permanent Court room under construction.



The Chief Justice of Nigeria, Honourable Justice Mohammed Lawal Uwais, with the President of the Community Court of Justice, on a courtesy visit to the Court

Visit of the Chief Justice of Nigeria

34. The Chief Justice of Nigeria (CJN), Honourable Justice Mohammed Lawal Uwais paid a courtesy visit to the Court on the 27th day of May, 2003. It was on the occasion of the 2003 ECOWAS Day celebration by the Court. The Honourable President of the Court, Honourable Justice H.N. Donli, welcomed the Chief Justice of Nigeria to the Court. The President later in her chambers, introduced the CJN to some Judges of the Community Court of Justice that were present. Honourable Justice Mohammed Lawal Uwais CJN participated in the activities to mark the 2003 ECOWAS Day celebration by the Court.

Visit of the Danish Mission

35. Some members of the Danish Mission visited the Court on the 23rd day of May, 2003 in continuation of their tour of ECOWAS Institutions. The Honourable President of the Court, Honourable Justice H.N. Donli welcomed the delegates to the Court and later conducted them round the Court's library and the temporary Court.

The Honourable President sought the assistance of the Danish Mission in funding any of the projects of the Court; the establishment of a befitting library, computer and communication center or legal workshops and conferences. We are hopeful that the Mission would in due course render assistance to the Court.

Visit of the First ECOWAS Youth Forum delegates to the Court

36. The first ECOWAS Youth Forum was held at Abuja between 11th and 15th August, 2003.

It was an assembly of the Youth from ECOWAS Member States. Some delegates of the Youth Forum from Nigeria, Niger, Mali, Senegal, Togo and Burkina Faso visited the Court on 15th August, 2003. The Honourable President of the Community Court of Justice, Honourable Justice H.N. Donli welcomed the delegates to the Court and briefed them on the establishment composition and activities of the Court. The



Ministers of Justice of Member States and their representatives on a visit to the Community Court of Justice, ECOWAS after their deliberations

Honourable President conducted the delegates round the various departments and offices of the Court, the permanent Court room under re-construction and the premises of the seat of Court.

2003 ECOWAS DAY CELEBRATION

37. The Community Court of Justice, ECOWAS celebrated the 2003 ECOWAS Day on the 27th day of May, 2003. The main features of the event were the media briefing by the President of the Court, Honourable Justice H.N. Donli and the luncheon that was held for invited dignitaries. In the media briefing, the Honourable President noted that although the dreams of the founding fathers of ECOWAS have not been fully realised ECOWAS DAY is worth celebrating. It was for the Court, not just a fanfare but a day for stock taking, to pay tribute to the founding fathers of ECOWAS, and to present to the Community the achievements, constraints and vision of the Community Court of Justice. The Honourable President gave a detailed briefing on these issues at the end of which she fielded questions from Gentlemen of the Press. The event was witnessed by the Chief Justice of Nigeria, Honourable Justice Mohammed Lawal Uwais, the Speaker of ECOWAS Parliament, Honourable Professor Diallo, and some Honourable ECOWAS Parliamentarians, Justices of the Court, several Ambassadors and High Commissioners and many other distinguished guests. The guests were treated to a luncheon after the media briefing.

ADDRESS TO ECOWAS PARLIAMENT

38. The Honourable President of the Community Court of Justice, Honourable Justice H.N. Donli delivered a key note address to the ECOWAS Parliament on 30th May 2003. It was at the opening of the 2003 Parliamentary session. The Honourable President seized the opportunity to give a Status Report on the Court. She highlighted the

respect to the limited scope of the jurisdiction of the Court. She also drew attention to the problems preventing ECOWAS citizens from reaping the full benefits of the Protocol on free movement of persons

and goods, right of residence and establishment. She also touched on

Human Rights and the need to grant access to individuals to the Court to enforce their Human Rights guaranteed under the Treaty. The address was very well received by the parliamentarians.

Projects

Library

39. The setting up of a befitting library for the Court is an on-going project. It is crystal clear, that the importance of a standard library for the Court cannot be over-emphasised. We are aware of the need to establish a standard library, but have been constrained by inadequate funds. Although budgetary provisions were made in 2002 and 2003 budgets of the Court, the budgeted amounts are a far cry from what is needed. For instance, in the 2003 budget of the Court only the sum of UA 10,000 was approved for books. It is common knowledge that Law and reference books are very expensive. Such a paltry sum is like a drop in the ocean. We have however started to purchase relevant books with the limited resources available.

Recently, we purchased some from Britain and France. Our intention is to have a befitting library that will not only facilitate and enhance the discharge of our duties but that will be a source of pride to the sub region. We will continue to appeal to relevant authorities and international funders to assist the Court to achieve its aim.

Communication Centre

40. The Community Court of Justice has conceptualized the setting up of a computer and communication center.

It is a project the Court intends to execute subject to the availability of funds. The idea is to set up a well equipped computer and communications center, which is vital for the operations of the registry of the Court. The facilities to be provided include computers, telephone lines, fax machines, telex, Internet services, video cameras and machine, tape recorders and other recording equipment. Although budgetary provisions have been made, the budgeted amount is inadequate. The Court is therefore seeking necessary assistance to achieve this objective

Staff Housing Estate

41. The provision of residential accommodation for members of staff of the Community Court of Justice is of great concern to the Court. It is common knowledge that Abuja, our duty station and seat of Court, has peculiar housing problems. There is a shortage of suitable residential accommodation due to the high demand for residential accommodation in Abuja. Invariably rents for residential houses in Abuja are very high and are continually on the increase. The Community Court of Justice, ECOWAS has a duty under its staff regulations to provide residential accommodation for the permanent professional staff many of whom will be coming to Abuja from different Member States and will require accommodation in Abuja. The Court is however aware that the renting of accommodation will only constitute a temporary solution to a problem that requires a permanent solution. The Court is therefore proposing to build a Staff Housing Estate for its professional staff.
42. I am happy to report that the Executive Secretary of ECOWAS has graciously assigned to the Court a parcel of land from the un-



The President of the Court, Hon. Justice H. N. Donli, the Vice President, Hon. Justice Tall El Mansour and Hon. Justice Aminata Malle, inspecting the parcel of land assigned to the Court by the Executive Secretary of ECOWAS, Dr. Mohammed Ibn Chambas, for residential quarters at Katampe

utilised land at the Executive Secretariat's Professional Staff Housing Estate at Katampe District, Abuja. It is proposed as a first step, that the land will be used to construct four (4) blocks of flats for the professional staff of the Court. The overall objective of the Community Court of Justice is to find a permanent solution to the likely housing problem of its professional staff and for the locally recruited staff on terms that are compatible with the level of the housing allowances provided in the ECOWAS Staff Regulations. We have therefore presented a memorandum to Council through the Administration and Finance Commission, seeking approval; for the construction of the Estate, to engage a consultant to carry out a detailed feasibility study and to apply to the Government of the Federal Republic of Nigeria for an interest free loan to fund the project.

Missions

43. The members of the Court undertook several missions abroad which were relevant to their work as judicial officers. International Conferences were attended in Niger, United Kingdom, France, United States, and Brazil. The subject matter of these conferences and seminar are divers and cover International Law, conflict of Laws, International Arbitration, harmonization of inconsistency in international relations, the protection of human rights, Access to Justice and Human Rights, Gender Equality, the liability of non Community Nationals, holding Multinational Corporations Accountable for Human Rights violations and African Union and other institutions.

Statutory Meetings

44. The members of the Court attended statutory meetings in Accra Ghana related to the proposed amendment of various texts of the Protocols and the Revised Treaty of the Community and on the application of the Community Levy. Other Statutory meeting of the



The President, Honourable Justice H.N.DONLI, the Vice President, Honourable Justice Tall EL Mansour attending one of preceding meetings of the 2001 Summit in Dakar

Political, Legal and Judicial Affairs, Regional Security and Immigration Commission Abuja 5-7, 2003 and AD HOC Ministerial Committee Abuja 20 November 2003.

Inter-Institutional Relations

45. The President of the Court addressed the Honourable Parliamentarians of ECOWAS Parliament on the activities of the Court and related issues. The Parliamentarians earlier in the year felicitated with the Court in celebrating the Ecowas Day.

Inauguration of the Court

46. The inauguration of the Court was fixed tentatively for December 5, 2003 but up to the time the material of the Report was put in place there was no confirmation received. The Court has fully settled down to serious business with the filing of its first case. In accordance with the Rules of Procedure, the statement of the case was published in the ECOWAS Journal and sent to the member States.

Chapter 111

ADMINISTRATION AND FINANCE

ADMINISTRATION

47. The Community Court of Justice is one of the Institutions of ECOWAS and the Honourable President of the Court is the Head of this Institution. The administrative structure of the Court is governed by the ECOWAS Staff Rules and Regulations, the Protocol of the Court and the Rules of Procedure of the Community Court of Justice. By the provisions of Article 9 of the Staff Regulations, ECOWAS staff members are divided into two groups: Group I is the internationally recruited staff which comprises of the Statutory Appointees and the Professional Staff; while Group II is the Locally recruited staff which comprises of the General Service and Auxiliary staff categories. The pay and grading system, scheme of service, appointment and promotion mechanisms, and general welfare of the staff are consistent with what is applicable to the staff of the other ECOWAS Institutions in accordance with the provisions of the ECOWAS Staff Regulations.
48. The Honourable President of the Court, the Vice President and Judges of the Court are all Statutory Appointees. The Authority of the Heads of State and Government granted them the status of Statutory Appointees vide Decision A/DEC.3/12/01. By the said decision the salary of the President of the Court was equated to that of the President of ECOWAS Bank for Investment and Development (EBID) while the salaries of the Judges were equated to that of the Managing Director of EBID.
49. Under the Rules of Procedure of the Court, the President is responsible for the administration of the Court and presides at hearings and deliberations. The President and Vice President of the Court shall take precedence before all other Members. Judges shall rank equally in

precedence according to their seniority in the Court. Where there is equal seniority in office precedence shall be determined by age-Retiring. Judges who are re-appointed retain their former precedence. The sessions of the Court are to be convened by its President.

50. The Organizational Chart of the Community Court of Justice delineates the Court into various departments and shows the chain of command. The main departments are: the Office of the President, the Office of the Vice President, the Office of the Judges, the Chief Registrar's Office, the Administration Department, Finance Department and Internal Audit Department. The chain of command is from top to bottom, with the President at the top of the hierarchy, through the Vice President, the Judges, the Chief Registrar and heads of the various departments. Under the Staff Regulations, officers are answerable to their immediate superior with regard to the use of the powers, the execution of orders and the monitoring of duties assigned by them. They are fully responsible for the performance of their subordinates.

THE WORKING OF THE COURT

51. The dates and times of the sessions of the Court are fixed by the President. The quorum of the Court consists of the President and at least two other Judges. The sittings of the Court shall comprise of an uneven number of the members and the President presides over its sittings. The sitting of the Court shall be in public. It may however sit in camera at the request of one of the parties or for reasons, which only the Court may determine. Proceedings before the Court consist of written and oral parts. The Court deliberates in closed sessions. The conclusions reached by the majority of the Judges after final discussion shall determine the decision of the Court.

RECRUITMENT OF PERMANENT STAFF

52. At the inception of the Court in 2001 it was expedient for us to engage temporary staff to run the affairs of the Court. In January 2003 we advertised in the member states vacancies for permanent staff in the professional category. The Community Court of Justice received well over two thousand applications in response to the advertised vacancies, from various Member States. The Court then set up a Pre-Selection Committee headed by Honourable Justice Aminata Malle and

comprising only of Judges to screen the applications. The mandate of the Committee was to shortlist candidates for interview to fill the vacant positions in the Court. The summary of the applications received is as follows: For the position of Chief Registrar 150 applications were received. For the post of Administrative Officer we received 1087 applications while 357 applied for the position of Chief Protocol Officer. 52 applied for the post of Interpreter, 15 applied for the position of Translator, 15 also applied for the position of Research Assistant, 13 applied for the post of Personal Assistant while only 9 applied for the position of Computer Analyst. The Court received 10 applications for the position of Librarian, 128 applications for the post of Chief Auditor, 32 for the position of Chief Security Officer and 16 for the post of Recorder.

53. In the initial screening by the Pre-Selection Committee a sizeable number of the applications were rejected for either of the following reasons: Incomplete application, Lack of cognate professional experience, over age and lack of relevant qualification. In short listing candidates for the interview, the Committee also had due regard to nationalities of the Applicants in order to ensure a fair representation. The short listed candidates were interviewed by an Advisory Committee between 29th and 31st October 2003. In accordance with the decision of the Council of Ministers, the Executive Secretariat had 3 representatives in the Advisory Committee. I am happy to report that the successful candidates have been offered permanent employment by the Court.

FINANCIAL CONTRIBUTION BY MEMBER STATES

54. The budgets of the Community Court of Justice, ECOWAS (CCJ) are fully financed from contributions of member states. The Court has operated two budgets up to date, that of 2002 and 2003. The 2002 budget was financed from the contributions of member states to the tune of UA 1,442,490 (48.37%). The 2003 budget amounted to UA 3,042,982 and was programmed for financing from contributions of member states to the tune of UA 2,817,291 (92.58%) and from arrears of 2002 contribution of UA 200,000 (7.4%). As at 31st August 2003, the financing from contributions from member states for 2003 budget stood at 51.80%, this includes part of the year 2002 arrears. From the foregoing the need for the member states to urgently respond to their responsibilities to the court cannot be over emphasised.

I would like to commend the Member States for contributing fully and partially to the 2003 budget

2003 AND 2004 BUDGETS

55. The budget of the Court was made possible from the guidelines given to the institutions of the Community by the appropriate Organ of the Community. The fiscal year under consideration to wit 2003 has the sum of 3.9 million UA allotted to the Court of Justice. The Court has settled down to business at its Seat of Court, Abuja, Nigeria. The only expectation is that the appropriate Organ of the Community would allot a huge amount in its budget for the infrastructural projects that are necessary component at this starting point.

DRIVE FOR PAYMENT OF ARREARS OF CONTRIBUTIONS

56. The Community Court of Justice was compelled to initiate a drive for the recovery of the huge financial debt owed to the Court by some Member States in the form of arrears of contributions. Officers of the Court were dispatched to some Member States to recover the debt. It was discovered in some of the States that the name of the Court was missing in the list of ECOWAS Institutions that are to receive contributions. We are happy to report that the anomaly has been corrected and that the drive for debt recovery is beginning to yield result. We shall intensify our effort in this regard because the issue of finance is crucial, in the affairs of any Institution.

DRIVE FOR EXTERNAL AID

57. It would be extremely difficult for the Community Court of Justice to meet all its financial needs within the ambit of its budgetary provisions. In order to source sufficient funds to execute its high priority projects, like the setting up of a standard and befitting library, and a computer and communications centre, it has become imperative for the Court to seek external aid to realize its objective. We are therefore reaching out to some International fonder and organizations in this regard. We are hopeful that we may in the very near future be able to attract external aid for some of our projects. We are however conscious of the need to comply with the relevant ECOWAS Protocol on Co-operation Agreements.

Conclusion

58. There is no doubt that the Community Court of Justice, ECOWAS recorded some important achievements in the year 2003. We hope to sustain the pace of development in the years ahead. It is also our desire, that in subsequent years, our annual reports will pay attention to the essence of the Court and its primary assignment. That is the interpretation and application of the ECOWAS Treaty, its annexed Protocols and Conventions. Having successfully established the Court, the Member States and all ECOWAS Institutions must be reminded of the need to make the Court functional. Whenever necessary, Member States and ECOWAS Institutions should not shy away from approaching the Court for the Interpretation and application of the ECOWAS Treaty, Protocols and Conventions, or from seeking advisory opinion on legal issues. This is the only way we can develop our regional body of laws. A major obstacle to the filing of application before the Court was the limited scope of the jurisdiction of the Court. The lack of direct access to the Court by individuals and private corporate bodies was an impediment. We are therefore delighted that the Council of Ministers has given approval to expand the jurisdiction of the Court and to grant direct access to the Court to individuals. It is our hope that this effort will soon bear fruit, and that individuals can now prosecute cases of violation of Human Rights.
59. Having reconstructed, remodeled, and furnished our permanent Court room we are now ready to hear any application that might be filed before the Court. We are in the process of acquiring the necessary recording and translating equipment for the Court. We are still mindful of our plans to computerize our proceedings in order to implement the fast-track procedure in the dispensation of justice.
60. The Community Court of Justice has come a long way since 2001. We shall do our utmost in ensuring that the purpose of setting up the Community Court of Justice is realised. There is no doubt that ECOWAS has indeed provided the appropriate framework for regional integration. At the Community Court of Justice we share the dreams and aspirations of the founding fathers of ECOWAS. We wish to assure you all that the Community Court of Justice intends to play an effective role in the integration process of our sub region. More importantly, we intend to mould a Court that will be a source of pride to every citizen of West Africa, a Court where justice will not only be done, but seen to be done.



The Judges of the Community Court of Justice, ECOWAS in their Robes (new)