

**JUSTICE
EDWARD
AMOAKO
ASANTE**



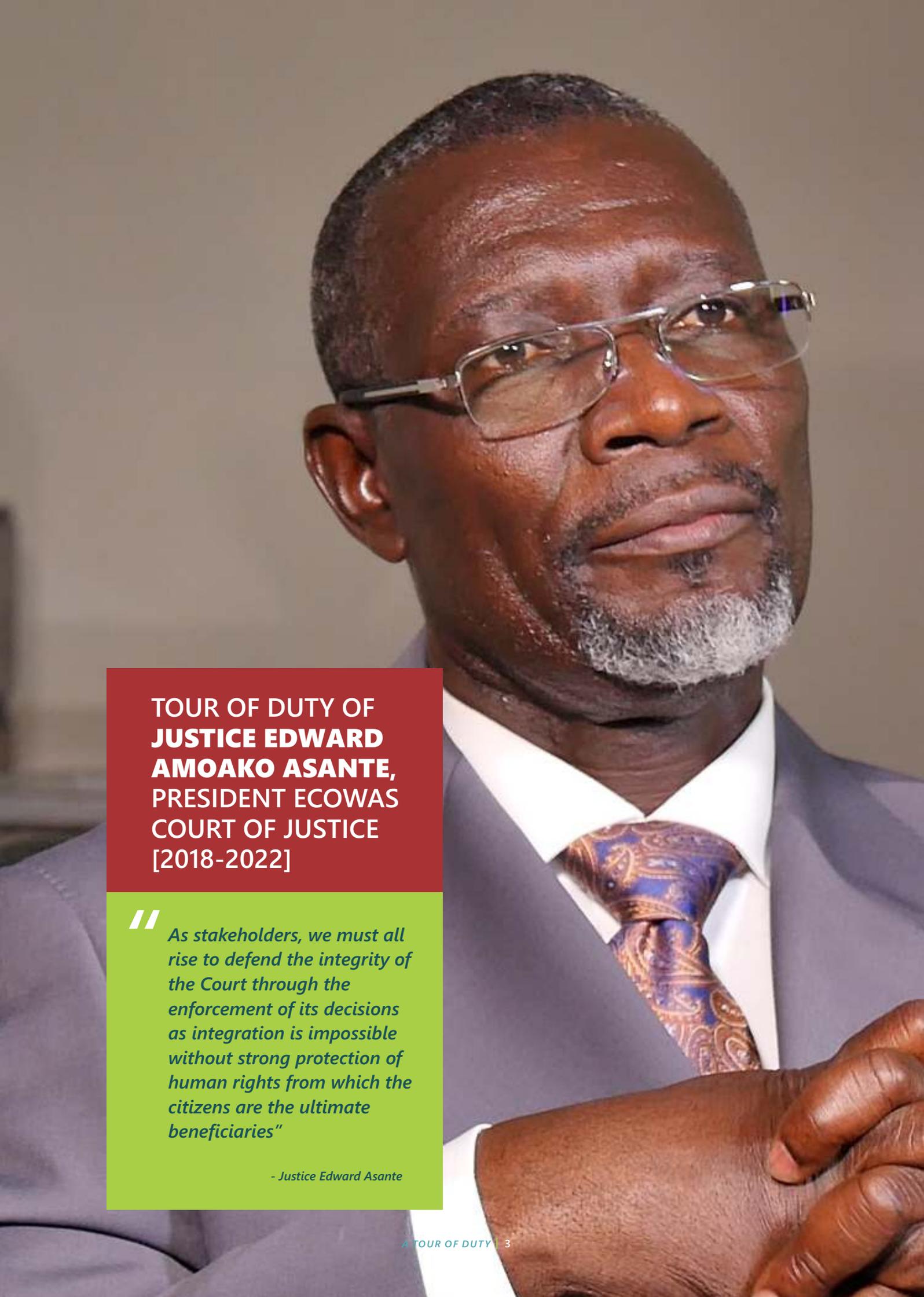
T O U R O F D U T Y



**A Stewardship
Account of the President,
ECOWAS Court Of Justice**





A close-up portrait of Justice Edward Asante, a Black man with short grey hair and a goatee, wearing glasses, a white shirt, a blue patterned tie, and a blue suit jacket. He is looking slightly to the right with a thoughtful expression. His hands are clasped in front of him.

**TOUR OF DUTY OF
JUSTICE EDWARD
AMOAKO ASANTE,
PRESIDENT ECOWAS
COURT OF JUSTICE
[2018-2022]**

“ *As stakeholders, we must all rise to defend the integrity of the Court through the enforcement of its decisions as integration is impossible without strong protection of human rights from which the citizens are the ultimate beneficiaries”*

- Justice Edward Asante

The Aperture

When Honourable Justice Edward Amoako Asante assumed office as the 6th President of the ECOWAS Court of Justice with territorial jurisdiction over the fifteen countries in West Africa in 2018, he inherited a court and judicial institution that had already earned global respect for its reputation as a bold and courageous court whose decisions had extended the frontiers of human rights in West Africa.

However, he also inherited a court whose capacity had been compromised by the ECOWAS institutional reforms of 2017 which reduced the number of judges from seven to five and their tenure to a single term of four years. All the previous judges were replaced by a new college of Judges led by Justice Asante. This meant that he was taking over an institution without institutional memory. He would have to define his own path in leading the principal legal organ of

the West African community. In a profession obsessed with precedents in character and law, he not only had to protect and sustain the Court's tradition, he had to create new precedents in giving effect to the court's vision of hearing cases expeditiously and delivering justice timeously.

At his inauguration in 2018 he recognised the 'onerous' challenges posed by the reduction in the number of judges, the rising number of cases and the delicate nature of the human rights mandate of the court which required effective collaboration of stakeholders.

In four years, Justice Asante has gone on to lead the transformation of the Court into a new age, profoundly changing the character of practice at the court, easing access to justice for the over 360 million people in West Africa and fostering a new face for the court in the form of a towering new office complex.



The Protagonist

Hön. Justice Edward Amoako Asante, jurist, scholar, human right advocate, was born sixty years ago in his hometown of Sefwi Wiawso, Western North region of Ghana, to Mr Emmanuel Yaw Asante and Madam Agnes Ababio.

He had his early education in that bustling agrarian town where he sat for and passed his General Certificate of Education, GCE, Ordinary level, before proceeding to the Mfantshipim School in Cape Coast for his Advanced Levels, which he aced within two years.

In 1986, the University of Ghana offered him admission into its Faculty of Law. He graduated in 1989 with a Bachelor of Laws Degree, LLB (HONS) and proceeded to the Ghana School of Law for his professional exams which he completed in June 1991. He was enrolled into the Ghana Bar as a bonafide lawyer on the 4th of October, 1991.

Young Asante commenced his one year pupillage immediately and for the next decade gained extensive experience practicing Law with a private law firm. In October 2002, he was appointed a circuit court judge.

As usual, he dedicated himself to this new phase of his professional life with courage and hardwork. In March 2008, after six years of sterling work, President John Agyekum Kuffour elevated him to the High Court and he was posted to the then Fast Track High Court in the city of Accra.

After five years of exemplary service as a High Court Judge in Accra, he was posted to the High Court in the Western Region in 2013 as the Supervising Judge of the region where he not

only managed his own court but also served as the administrator and manager of all the 34 courts and Judges in that area.

In 2018, the Government of Ghana nominated him to the ECOWAS Court of Justice. He was interviewed by the Judicial Council, excelled and was subsequently sworn in.

Upon assumption of duty, he was chosen by his colleagues in the college of Judges to serve as President of the Court for a term of two years. He was subsequently re-elected in 2020 for another term of two years which ended in July 2022.

Under the steady leadership of Justice Asante, the ECOWAS Court has sustained its reputation for courageous judgments which has contributed significantly to the development of human rights jurisprudence in the region.

He also led the profound transformation of the Court's processes with the introduction of a new practice direction and the Electronic Case Management System {ECMS} which have given the court a contemporary face and considerably eased access to justice at the court for the West African community.

The Authority of Heads of State and Governments recently made an exception to the amended general rule on the tenure of judges by extending his tenure and that of two other Judges.

A devoted Christian, Justice Asante is the Chancellor (lay administrator) of the Anglican Diocese of Sekondi in the western region.



He is also a member of the Ghana Bar Association, the Association of Magistrates and Judges of Ghana, the Commonwealth judges and Magistrates Association, and the World Jurists Association.

Over the years, he has attended, facilitated and served as a Resource Person at many international conferences, workshops, judicial

dialogues and seminars organized by UNESCO, the World Jurists Association, the International Law Institute, the Internet Governance Forum, the African Court, the International Court of Justice, and the International Criminal Court.

During his tenure, he was elevated to the Court of Appeal in Ghana. It was recognition back home of a son who had done well abroad.

His Path To Presidency

The Presidency of the ECOWAS Court is elective in nature as stipulated in its protocol. Sequel to their swearing in by the then Chairman of the Authority of Heads of State and Government of ECOWAS, President Faure Gnassingbe of Togo on 31st July 2018, the college of five judges assumed office on the 27th of August, 2018 and proceeded to elect a President. Justice Asante presented a compelling choice. At the age of 56, he was the youngest of the five judges. As a former chief judge in Ghana, he had oversight of 34 judges

and nearly 400 workers in the western region.

These were sterling credentials. He was elected by his colleagues "present and voting." for a term of two years. "They all voted for me" he says. Two years later in 2020, his colleagues re-elected him for another term of two years. It was a vote of confidence in his leadership.

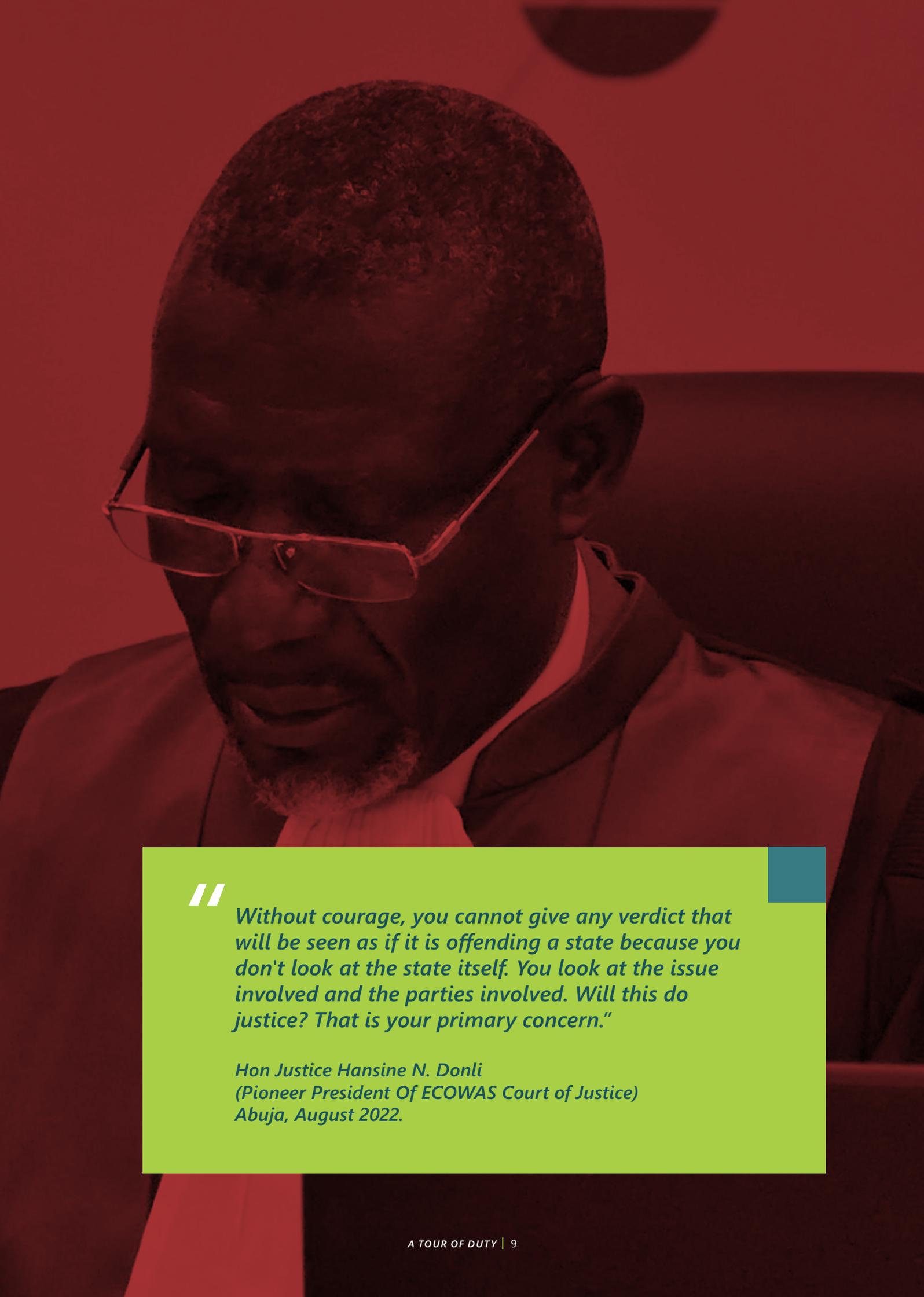
For four years, Justice Asante was given the privilege of leading the Community Court of Justice with the fifteen Member States of ECOWAS as its jurisdiction and by extension the over 360 million people that make up the West African community. How he exercised this mandate is the account of his stewardship.





I think the court has gone a long way. It has really re-assured the citizens of ECOWAS. It is one of the most successful courts that we have on the continent and the court that has really provided value addition to the community agenda"

*Jean Claude Kassi Brou,
President, ECOWAS Commission (2018-2022)
Lome, November 2021*



“

Without courage, you cannot give any verdict that will be seen as if it is offending a state because you don't look at the state itself. You look at the issue involved and the parties involved. Will this do justice? That is your primary concern.”

*Hon Justice Hansine N. Donli
(Pioneer President Of ECOWAS Court of Justice)
Abuja, August 2022.*

His Stewardship

The story of the President's tour of duty from 2018-2022 is therefore one in which a leader who values every cog in the wheel was able to harmonize interests and galvanize support to drive the wheel of justice to deliver substantially to a community of people seeking protection in a region where human rights across the broad spectrum is always under threat.

The core function of the court is therefore its judicial function. The ECOWAS court started out in 1991 as an interstate court and only Member States could file actions at the court; citizens were not vested with the competence to come before the court. The 2005 Supplementary Protocol famously changed its trajectory with the extension of the court's jurisdiction which included cladding it as a human rights court. Crucially, individuals were now conferred with the legal right to approach the Court directly to seek judicial redress for human rights violations by member states.

This opened up the flood gate of cases and they have poured in from all over the region. The increased visibility of the court has further increased the flood of cases. Under the tenure of Justice Asante, the court has had to contend with the highest number of cases in spite of the reduction in the number of judges from seven in previous epochs to five now.

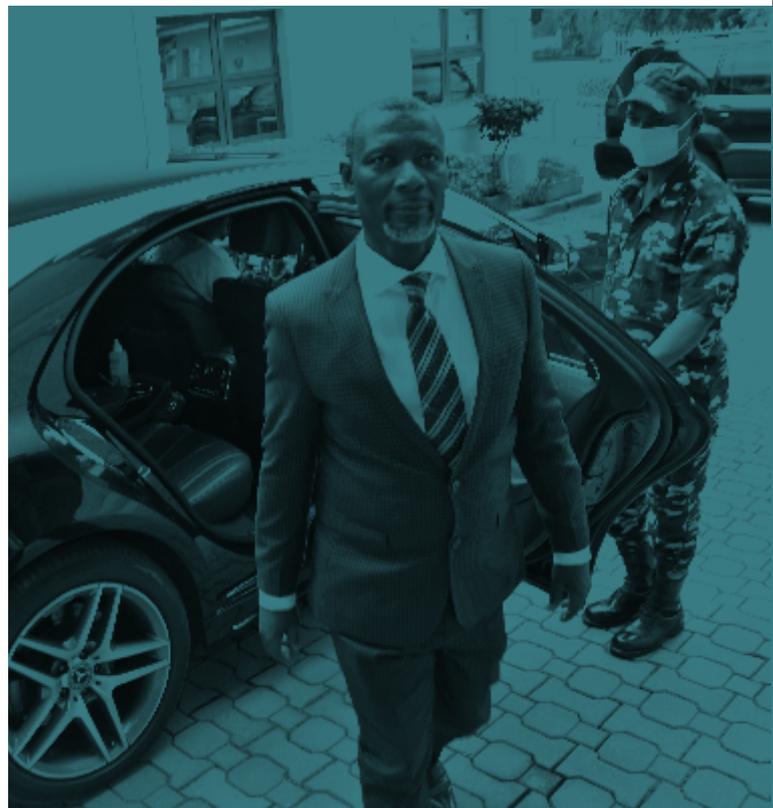
In fact in 2019, within one year of his leadership, the Community Court recorded the highest number of decisions since its inception in 2001. Its record of 48 decisions, comprising of 38 judgments and 10 rulings, were significantly higher than the 33 and the 23 decisions given in 2018 and 2017 respectively.

Hundreds of applicants from member states continue to bring their grievances over human rights violations before the ECOWAS Court of Justice. They range from the ordinary citizens to former Presidents. Former President Boni Yayi of the Republic of Benin in 2019 and Former President Charles Taylor of Liberia in 2021 both sought the intervention of the court for infringement of their human rights.

The cases of the former Presidents have been instructive as they attest to how integral the court has become to upholding respect for human rights in Member States.

The Judges under the inspiration of Justice Asante have been resilient in hearing the highest number of cases and delivering the highest number of judgments year on year.

They have also sustained the tradition of delivering courageous and well-reasoned judgments which have not only become precedents but attracted global acclaim.



The Judgments of the Court have been profound in law and have been cited across the region, continent and the World for creating new paradigms in upholding human rights.

In 2021, Columbia University in the United States of America honoured the Court with the "Global Freedom of Expression award". This was for the judgment of the court in Amnesty International Togo & 7 Ors V. The Togolese Republic over the shutting down of internet services in that country during anti-government protests in 2017.

The ECOWAS Court of Justice in its 2020 judgment directed the State of Togo to enact and implement laws, regulations and safeguards in order to meet its obligations with respect to the right of freedom of expression in accordance with international human rights instruments. The ECOWAS court in another judgment on the 14th of July 2022 in a consolidated suit filed by SERAP and others V. Nigeria also ruled as 'unlawful and inconsistent with the country's international obligations', the decision by the Federal Republic of Nigeria on 5th June 2021 to suspend the use of the micro blogging application Twitter in the country.

The Court held that the suspension violated the Applicants' rights to the enjoyment of freedom of expression, access to information and the media contrary to the provisions of Article 9 of the African Charter on Human and Peoples' Rights (ACHPR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

It therefore ordered Nigeria to ensure the unlawful suspension would not reoccur and to take necessary steps to amend its laws to be in conformity with the rights and freedoms enshrined in the ACHPR and ICCPR.

The Court President once explained the driving principle of his team of judges thus: "It is widely acknowledged that justice delayed is justice denied and we want citizens who approach the

Court to do so confident that justice will be delivered."

It is also in this light that Justice Asante led his team to take initiatives that have brought about a historic change in the practice direction of the court.

In 2019, as the corona virus pandemic grounded the World, the court could not sit for an extended period denying the West African community access to justice at the court.

The ECOWAS Court President challenged his ICT team to put in place appropriate technology to facilitate the introduction of virtual hearing at the court.

Justice Asante explains "Now, this technology came suddenly whether good or bad through COVID and it was very clear we could have zoom meetings. So the idea was that fine if we could do this, why don't we put the infrastructure in the court? And so we started gradually. We bought all the equipment that we needed for the court and even for the deliberation room, then the highway had been opened. We tested it and it was very efficient".

The Court was thus able to resume sitting in a virtual environment and dispense justice. The consequential effect was that it also changed the traditional practice of the court. Virtual hearings meant that physical presence in court was no longer mandatorily required for matters to be heard.

It is widely acknowledged that justice delayed is justice denied and we want citizens who approach the Court to do so confident that justice will be delivered."

***- Justice Edward Asante
President, ECOWAS Court Of Justice***



Applicants and their counsels who previously had to come to Abuja from their various countries in the region no longer needed to do so. This represented a holistic change in the practice of the court.

Justice Asante signed and issued a new practice direction on Electronic Case Management System and virtual court sessions in May 2020 which was integrated into the court's case management framework.

The Court also introduced the ELECTRONIC CASE MANAGEMENT SYSTEM [ECMS] in 2021 again leveraging on contemporary technology. It allows for electronic filing, service of documents, hearings, judgments and rulings.

The ECOWAS Court President captured its simplicity thus: "once you log on to the www.courtecowas.org website or registry@courtecowas.org, you just prepare your documents in the comfort of your room and send them, they come to the registry. It is filed because we don't take any money for filing of cases. You can even hire a lawyer just to prepare the documentation for you. If he does it, you are good to go as once you file it, it gets to us. The respondent will be served electronically. He also

responds and the matter is ready for hearing. You sit in the comfort of your house and log into the system. So somebody can file a case and get judgment without us seeing the person. It reduces their cost to the barest minimum."

Training programmes were designed for lawyers across the region to acquaint them with the new ECMS platform.

The combined effect of these is that applicants have been saved the huge cost previously associated with litigations at the court and access to the court has been significantly eased.

Providing a background to this, Justice Asante says "Violations of human rights by state actors is very rampant. Now the people who suffer, who are the victims are the very vulnerable, the indigent, they are very poor people. Now, if your court is based in Abuja alone, it's very difficult for them even to travel to Abuja, to have their matter heard, more so to even engage lawyers and agents to represent them in court."

The innovations have launched the court into the contemporary age. The ECOWAS court now holds hybrid sittings.

External Court Sessions

The Court also has a tradition of holding external court sessions in Member States which is driven by the recurring desire to bring the court close to the community and enable West African citizens see the court at work.

The 1991 protocol of the court also stipulates that "where circumstances or facts of the case so demand, the court may decide to sit in the territory of another member state."

In furtherance of this, Justice Asante led the full complement of the Court to sit in Abidjan, Cote d'Ivoire in 2021 and Accra, Ghana in 2022.

At the opening of the 11th External Court session in Accra, Ghana, Justice Asante said "such sessions enable the ECOWAS citizens to observe

the court in session, bring justice to the grassroots particularly for indigent applicants who could otherwise not afford the cost of approaching the court as well as enable the court to create awareness of its mandate, jurisdiction, practice and procedure in order to enable citizens take ownership of the Court."

The then Chairman of the Authority of ECOWAS Heads of States and Government, President Nana Akufo-Addo said " the ECOWAS Court of Justice is the guarantor of the ECOWAS Community norms—that must ensure the observance of law and justice in the interpretation and application of the ECOWAS Revised Treaty, Protocols, Conventions, and Supplementary Acts of the Community." adding that "the Court has a strategic role to play in its integration."

The External Court session also present opportunities to meet with the region's political leaders as well as the bar and bench in these countries to foster better understanding of the ECOWAS Court.



“ where circumstances or facts of the case so demand, the court may decide to sit in the territory of another member state.”

Sensitization

One of the priorities of the court has been the conduct of sensitization campaigns in Member States to create awareness across the region about the option it presents in the conflict mechanism spectrum.

The court engages with different segments of the society to explain its role, mandate, processes and the reliefs available to applicants.

Justice Asante says “since we came in 2018, it has been on my agenda that we undertake sensitization campaigns in at least three countries each year. Therefore, in 2019 we visited three countries. In 2020, we just started with the programme when the coronavirus pandemic forced us to suspend the campaign. When we go to these countries, we focus on the grassroots, the market women, pressure groups and interest groups that we meet to educate them. Let them know about the court, what the court does and the procedures for filing cases.”

The court was able to hold sensitization visits to Sierra Leone, Liberia, Senegal, Cape Verde as well as Enugu and Ilorin in Nigeria.

These campaigns have been complemented with outreaches which also enable the Court to clear up misconceptions about it especially among Judges in national jurisdictions about the role and powers of the ECOWAS Court.

The ECOWAS Court President says “So we try whenever we meet to let them know that we are doing the same work. We have our jurisdiction and they have theirs. Also we ask them to try to enforce our judgment which unfortunately the politicians, the executives and the parliaments have not fully imbibed.”

Justice Asante is introducing an initiative known as the West African Judges Association, WAJA, to further bridge any gap in the relationship with Judges in National jurisdictions. Under this initiative, judges from member countries will be invited to the headquarters of the Court in Abuja to familiarize themselves with the workings of the court.



International Conferences

The ECOWAS Court has also had a tradition of organizing major annual international conferences which focus on fundamental legal and regional themes that contribute to the development of community law.

Under the tenure of Justice Asante, the Court held three major international conferences which have also contributed substantially to elevating its visibility in the host countries and the region.

The 2019 international conference was held in Accra, Ghana from the 21st-24th of October 2019 with the theme "Economic Integration in West Africa: Challenges and Prospects."

As part of events to commemorate its 20th anniversary, the Court organized its 2021 international conference in Lome, Togo from the 22nd -25th of November 2021. The theme of the 2021 international conference was "Twenty years of ECOWAS Court of Justice: Achievements, Challenges and Prospects."

It brought together diverse segments of the West African community who celebrated the unique human rights mechanism of the ECOWAS Court of Justice and its contributions to human rights jurisprudence in the region through its judicial interventions.

The picturesque city of Praia, Cape Verde hosted the 2022 international conference from the 9th-

12th May, 2022. It had as its theme " ECOWAS INTEGRATION MODEL: THE LEGAL IMPLICATION OF REGIONALISM, SOVEREIGNTY AND SUPERNATIONALISM."

This represented a major initiative by the ECOWAS Court to spearhead critical reforms in the ECOWAS Integration project.

The Court's President, who has always been a courageous voice for reform in ECOWAS, told the conference "Noteworthy that since the establishment of 'ECOWAS' in 1975, it has adopted and implemented important legal texts, including the Protocol on the ECOWAS Trade Liberalization Scheme, the Protocol on the Free Movement of Persons, Residence and Establishment, the Protocol on Democracy and Good Governance among many others. We are however convinced that there are gaps in the legal framework of the ECOWAS INTEGRATION project, and it is absolutely necessary to focus attention on these legal issues with a view to strengthening the existing gap framework of the ECOWAS INTEGRATION project."

He added that "Though, ECOWAS remains a pacesetter among Regional Economic Communities (RECs) in Africa, there are several constraints that are militating against the attainment of the community objectives. One of the key constraints is the lack of functional Community Legal Order that highlights the legal relationship between Member States and ECOWAS institutions and between the ECOWAS court and the National courts of Member States."



Infrastructure

In terms of physical infrastructure, the greatest challenge confronting the Court has been the inadequacy of office space. Over the twenty years of its existence, the court has outgrown its inaugural headquarters complex which even with the addition of an annex, still proved inadequate for the increasing needs of the Court.

The Nigerian Government as the host government has the responsibility of providing accommodation for the court but spirited efforts made by successive Presidents did not yield the

desired result. This was part of the challenges handed over to Justice Asante on assumption of office.

This is one bridge he has been able to cross. Through extensive consultation, collaboration, and networks, the court has now secured a new towering headquarters complex in Gudu district of Abuja.

The four floors provide elaborate space for court rooms and the court's bureaucracy that were previously dispersed. It is a befitting complex that has enhanced the image and functionality of the institution.



“ Yes, the judgments of the ECOWAS Court of Justice have had impact on the citizens' life”

*Jose Pedro Sambu,
President of Supreme Court,
Guinea Bissau. Praia, May 2022.*

Staff Welfare

A spare, self-effacing man, his lordship wins people over by his candor, an easy accessibility that belies his position, and a willingness to cut through protocol. When he first arrived, the Office of the President was not accessible to everyone. There were particular days when people were allowed to see the President, but they could only do so through a cumbersome process.

"You had to see your head of division, who had to see his head of department, who would then see the Director of Administration and Finance, and if it is not resolved then they can come to me," he said ruefully.

It was both unwieldy and ineffective because as the President himself knew from past experience, certain bosses would suppress issues that may favour the staff, if they so desire. "I didn't want staff to go through this red-tapism," said the revered judge, "I had to break all that. So as I sit here now even office aides come and go."

This was consistent with his policy of openness a carryover from his previous life as a Chief Judge "Well, maybe the pedigree. I was a chief judge in my country...and then openness of the administration, I think, also brought it about... and then not lording it over anybody."

Openness has meant easier access to the President by all cadre of staff especially the general staff who have had their simple welfare issues quickly addressed.

Justice Asante also succeeded in getting permanent status for about twenty staff when ECOWAS decided to terminate its policy of hiring contract staff.

Knowing that an organization thrives on highly motivated staff, the President strove to lift the veil on some arcane regulations of ECOWAS in order to reward deserving staff.

The even tempered judge was baffled by the systemic obstacles he ran into in serial attempts to change the system. He is especially pained because some of these rules tend to ruin staff morale. "ECOWAS regulation for me, most of the text, are outmoded and it takes ages and huge efforts to have them changed. For instance, you couldn't reward qualified, hardworking staff with promotion, because of something called organogram.

"Certain people in certain positions cannot go beyond a certain level, however good they are. Their growth stops at P2. There is no progression beyond that, no salary increase, no matter how hard or long they continue to work. Drivers and some other staff may reach G3/10 but there they tarry, indefinitely. "These are very serious issues," said his lordship. "There are some who I feel should go up but if I look at the organogram - and everything must be in terms of the organogram - you look at it and you cannot do anything for them and it's so disheartening and therefore there is no incentive for certain people to work more.

These are some of the things that I think are very low points for me because I see them and feel these people must progress but there's nothing, your hands are tied."

Training for all cadre of staff continues to be a priority and it is on an annual basis in line with the organizational principles of ECOWAS.



Management Style

The man whose headship of the ECOWAS Court of Justice has spawned these successes is very self-effacing. He prefers sharing the work, and the perks. He prefers giving credit to colleagues and nurturing office staff.

Questions after questions elicited similar answers, that honour group contribution over his personal efforts. "The President is only one person," he said. "The Vice President and the other three judges, the five us, we are basically the management making all the top decisions together."

At the headquarters of the ECOWAS Court

tucked away at No 10 Dar-Es-Salaam Crescent, off Aminu Kano Crescent, Wuse 2 Abuja, the camaraderie between judges is evident. The President appeared to have a very cordial relationship with his peers. "I discussed everything with them," he explained. "When there were missions I sent some of them. I could not hijack all the missions though technically I was the one invited. They all went... individually to augment the administration."

As he rounded off his tenure as President, Justice Asante was asked about his management style and the secret of his success but, as usual, he was self-deprecating. He said it was all due to a collective effort, and the open door policy he instituted.





Partnerships

Justice Asante has maintained the independence of the court while sustaining its partnerships across the World with other judicial institutions

Historically, as a critical stakeholder in international law, the Court has always had a dynamic relationship with the African Court of Human Rights in Arusha, the European Court, the European Court of Human Rights and the International Court at the Hague as well as the Raoul Wallenberg Institute for human rights and humanitarian law.

The ECOWAS Court President has sustained these relationships and fostered close collaborations through several visits by Judges from the court as well as other functionaries of the court.

These strategic partnerships have facilitated free training in human rights and contributed to the professional development of Judges and other professional staff of the court.

The Court President also visited with Presidents of some ECOWAS Member States to apprise them of the workings of the Court and put issues concerning the court on the front-burner. These include the poor enforcement of the Court's judgments by member states which is denying applicants the benefit of their judgment and frustrating the course of Justice.

These high profile visits remain crucial to the work of the court.

The court also continues to engage with development partners.

Challenges

It would be unfair and inaccurate to paint a picture of bliss, even of ease, over Justice Asante's four years in office. Obviously, the most frustrating was with regulations governing ECOWAS staff.

The other matter that needs reform is the matter of the judges whose number had been cut from the original seven to five apparently to save costs. Unfortunately this happened at a time when the Court has gained popularity and the volume of cases had increased exponentially. "We need the minimum of seven that at least the court started with;" said the outgoing President. "We also need an appellate court. How are we going to get them? We have spoken to the President, spoken to the Chair, whoever is concerned ... They are talking about money you know but to run a court justice system is very expensive..."

Then there is the contract regime. The law effectively says before awarding jobs get three quotations and choose the lowest bidder. Simple. Except that more often the lowest bidder also means the lowest quality.

But beyond the effect of these laws on staff morale and purchases is the even more pernicious impact on the progress of the Court. The President discussed two of the more pressing ones.

"There are certain amendments that must be done to our procedures and our texts that has lingered for ages. We inherited them. The proposals had been made, new amendments proposed but the previous college of Judges couldn't do it. Now our four years have ended and we couldn't do it."

"So many things need to be reformed (but)...you

have to go through experts," said the ECOWAS Court President.

He also wants the Court's jurisdiction extended to cover the many issues of integration.

"ECOWAS has all these Protocols on the Free Movement of Persons, Right of Residence and Establishment, including the ECOWAS Trade Liberalisation Scheme[ETLS], but the Court does not have jurisdiction over some of these. Nigeria could close its borders and there is no clear path for people to seek the intervention of the Court on this clear violation of the people's right to free movement. Ghana could suddenly wake up and sack Nigerians, shutting off their businesses, violating all kinds of Community Protocols mainly the Free Movement of Persons, Right of Residence and Establishment and they have no place to go and get vindication."

Justice Asante is not one to shy away from challenges and has been resilient in his advocacy for reforms in ECOWAS. "So, the main thing is that the Court should be given jurisdiction at least on the issues of integration "Fine, they might deny the court criminal jurisdiction but not these other areas that support the integration process, because there cannot be integration without the court overseeing the nitty-gritty of the integration. So, this is one area they must look at and give us the jurisdiction to deal with."

Whether his lordship will have the opportunity to take on these matters remain to be seen as his tenure as President reaches its denouement and a new set of judges elect his successor. What is clear however, is that in the last four years, this preternaturally patient man, who reserves his combativeness for enemies of justice, has fought the good fight, and deserves his laurels.



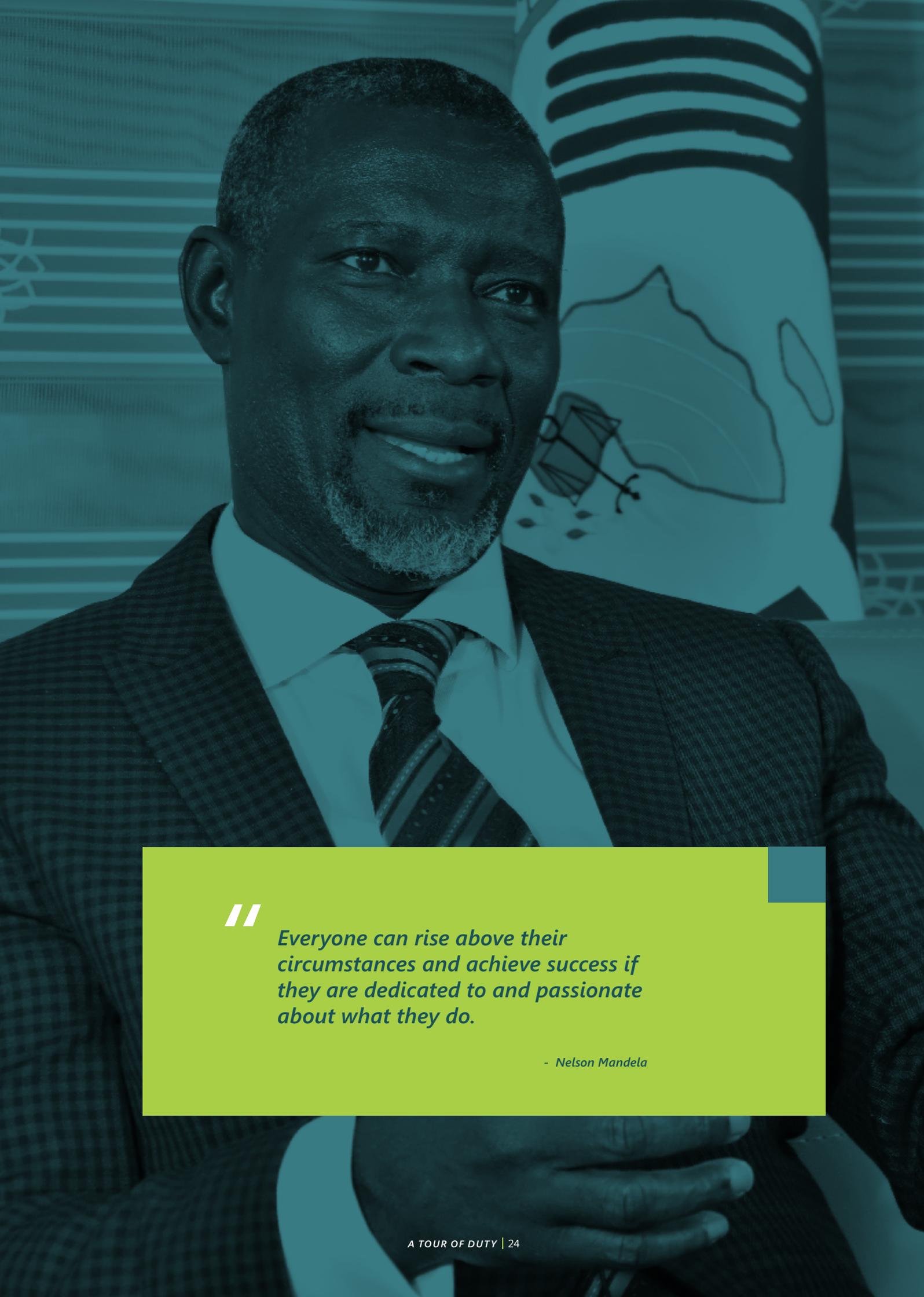
Final Ruling

At the 2022 annual conference of the African Bar Association on Monday, 8th August 2022 in Lilongwe, Republic of Malawi, the African Bar Association (ABA) decorated Justice Edward

Amoako Asante with the Medal of Merit in Leadership for outstanding leadership as President of the ECOWAS Court of Justice from 2018-2022.



Crucially, a 2005 amendment implied that you do not have to exhaust domestic remedies before approaching the ECOWAS Court, meaning that the fact that you didn't first go through your local court does not preclude your case from being heard by the Community Court. Suddenly, cases that would have lagged for years in domestic courts, are being timeously seen off by the ECOWAS Court of Justice.



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Everyone can rise above their circumstances and achieve success if they are dedicated to and passionate about what they do.

- Nelson Mandela

His Dialogues



Question: First of all when you were nominated into this court what flashed through your mind? Did you ask for the position? Did your country recognize you for a particular reason and decide to send you here?

Justice Asante: Ah, this is not recognition. Actually, countries are meant to bring three candidates for interview and therefore mine was, well the presidency had been told that Ghana had to bring a judge to the court and therefore they were looking for judges who could do the job I was contacted by one lawyer who was working at the presidency and he told me that the vacancy was available and therefore if I could apply. So I sent my CV just like the other two candidates. I do

not know how they were also brought in but then we were all brought in and invited to Lome, Togo for the interview by the Judicial council which we did and by God's grace I emerged the successor.

Question: At the time did it cross your mind that you would become President of this court?

Justice Asante: No not at all. I even didn't know there was going to be any Presidency until after the interview when I started talking to particularly Justice Anthony Benin who had worked here previously as a judge from Ghana. He was the one who informed me about Presidency, vice presidency.

Question: So how did you come about being elected? I mean your colleagues just saw you and liked you or there was something about it.

Justice Asante: Well you know since the idea was mooted. I was informed about it, I knew I could be the President because back home I was the supervising judge like in Nigeria the equivalent of a Chief Judge and therefore in charge of the Western North Region. I had 34 judges working under me and over 300-400 staff working under me. I was managing that aside my judicial duties as a judge. Therefore, I had a stint of managerial acumen in me and I thought I could manage the situation. Therefore, when we went for the swearing in that's when the lobbying started.

I saw a couple of judges trying to lobby but then because of language permutation, only two, three people could become President and therefore only three people could become President; Sierra Leone, Ghana and Cape Verde because for Cote d'Ivoire, the President of the commission was an Ivoirian and therefore he was out of contention.

Nigeria was also out of contention. Luckily Sierra Leone wanted another statutory position and therefore the President told the judge that he could not be the President and should not even compete for it. Therefore it was left to me and Cape Verde. Obviously we still kept lobbying and Cape Verde gave in to me. So by negotiation and consensus before we came to the deliberating room to have our election we had agreed that I would be the President and also for the record all five voted for me and also the Vice president also put in the slot and he was not challenged and therefore also won the slot.

Question: Okay, so what have been your challenges? What was your vision coming here as a judge?

Justice Asante: The vision was to help support

the human rights activities of the court because this court of ours has been very good and we followed the events of the court and we all had to contribute towards it. So, my vision was to make sure I become a very good judge to propagate the issue of human rights within the community because we needed to help and support our community citizens who were badly treated by most of the powers that be.

As for the challenges as you said, being a new judge, we had to have time to learn the jurisprudence and so many things, read so many cases, so many issues about the court and even compare with other international organizations that had the same aim but we still surmounted it. Within a very short time we made sure we had done the work.



So, my vision was to make sure I become a very good judge to propagate the issue of human rights within the community because we needed to help and support our community citizens who were badly treated by most of the powers that be”.



Question: Okay so what's the relationship between the President of the court and the other judges, is it some kind of collegiate affair? How do you manage the Court?

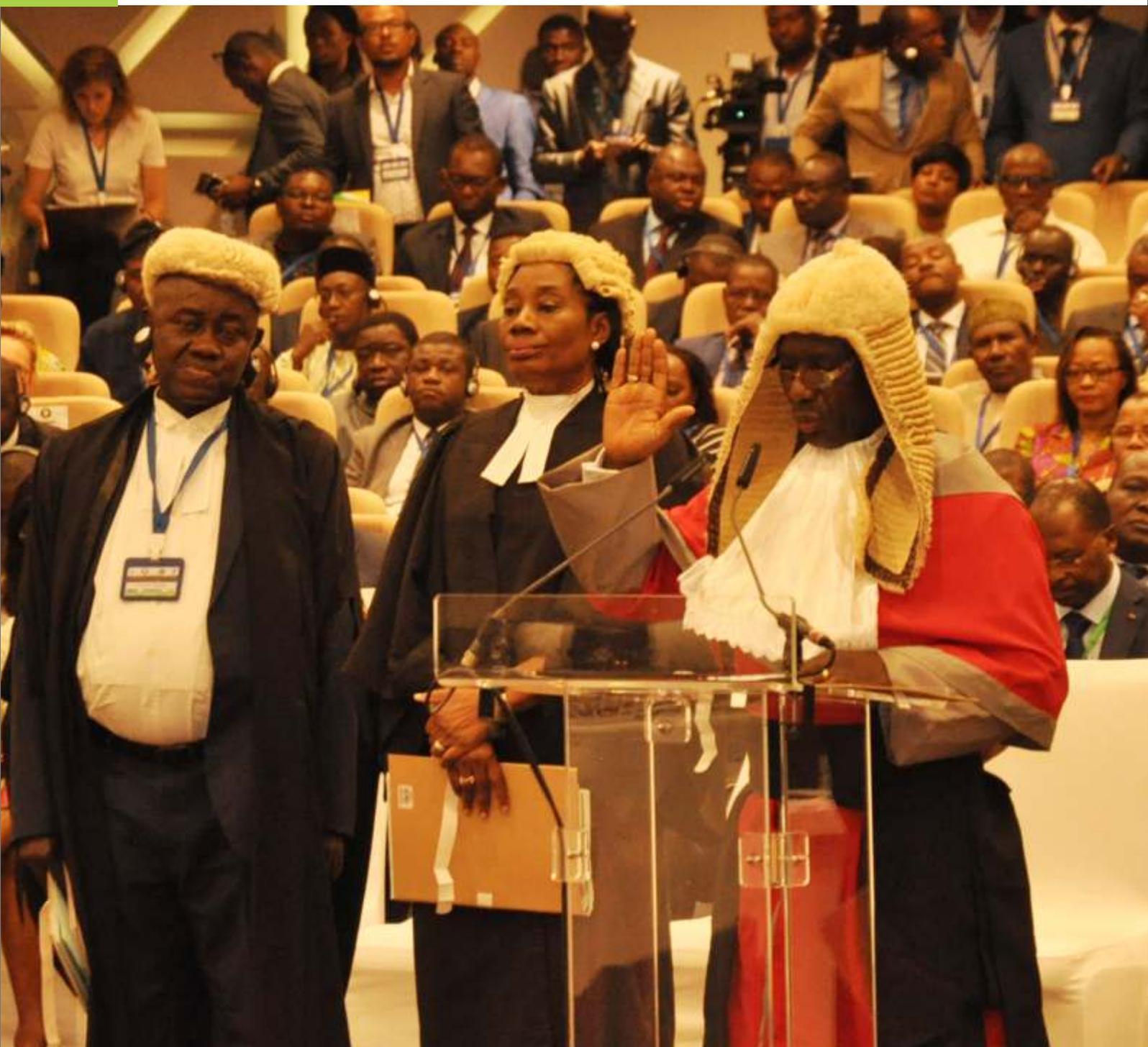
Justice Asante: Thank you very much. The Presidency is only one person. The vice president is also one person and that's it about the management of the court. The other three judges are also part of it but then the management is about the President and the Vice president but the five of us, we are basically the management making the top decisions. Normally you have to

be very cordial with them and I was very cordial with them and gave them their necessary respect. They also gave it to me, because I was the youngest of the five and I became the President. The oldest was about 65 then but then they accorded me the necessary respect that they needed to give me and so it was reciprocity. I respected their views we took major decision together, programmes that we would do together so that everybody will understand and know that this is what we were doing and that made the relationship a very good one up until now.

Question: But there must be something that you brought to the table for them to defer to you in spite of the fact that there was this difference in age because in Africa we all know what age is and also in the law profession there is also a question of seniority at the bar. So what was it that you brought to the table that was different?

Justice Asante: Emmm, maybe the pedigree. I was a high court judge when I came but then

looking at my pedigree, I was a Chief Judge in my country and then openness of the administration I think that is also what brought it about because I also discussed everything with them. When there were missions, I had to send some of them equally. I couldn't hijack all the missions; though I was the one invited but they all individually went on missions to augment the administration. Therefore these were some of the things that earned me the respect from my colleague judges.



Question: what specific principles defined your management style?

Justice Asante: I would say openness actually and then not lording over anybody. Even staff I remember clearly when I came they were talking about the inaccessibility of office of the President. There were only days that people could come to the President with issues and the people had to go through the bottom top approach. You had to see your head of division, he also had to see his head of department and see the Director, Administration and Finance and if it is not resolved before they came to me and I said no that I know from hindsight that certain bosses would suppress certain important issues that would be affecting staff. Therefore I opened up and anybody came in; particularly heads of division and even units. I remember security for instance. In the budget there was money for them to have their boots and their uniforms and for 2-3 years they said whenever they raised it, it was not done. I called the head myself he came I looked at it and instructed and now you can see that all of them are wearing their uniforms and their boots. The same thing happened to the drivers. There were certain facilities that needed to be given to them but for this the red tapeism and all that. I had to break all that, so for me as I sit here now even office aides come in. Sometime a couple of them came last week because there were certain promotion issues that they were not involved and I had to minute and let them in with the openness. I think that's the main thing yes.

Question: Okay this is all about your stewardship. I think at this moment lets have you reflect on the 4 years. As a judge you have an analytical mind. What have been accomplished within these 4 years?

Justice Asante: In these 4 years I think I have accomplished a lot even during the Covid-19 pandemic time. You will recall that we had to think fast and make sure the court didn't go on vacation because of the coronavirus pandemic.

So this electronic case management system was put in place so that parties seat in the comfort of their offices and file cases by just pushing them into the court system, we print them and make sure we also serve the other party and so nobody had to come here, that's has caught up with everybody. So we do zoom hearing and up to the judgment nobody flies to Abuja, nobody buys air ticket for their lawyers and themselves to come and give evidence. That is one major thing that has been done. Then also staff issues, there were lots of staff who were contract staff.

ECOWAS decided that it was not going to engage contract staff and therefore everybody had to be permanent and they were almost 20 staff and I have made sure all of them have been converted into permanent staff and the staff are actually very grateful for that. Then there are few other little issues there with the security and drivers' issues I spoke about basically I think we achieved a lot during the short period we have been here.



In these 4 years I think I have accomplished a lot even during the Covid-19 pandemic time. You will recall that we had to think fast and make sure the court didn't go on vacation because of the coronavirus pandemic.



"Though the ECOWAS Court of Justice has travelled some decades, the term of Justice Edward Amoako Asante as its President has seen very significant progress. Notably, the court has achieved considerable visibility as a West African institution promoting human rights and advancing democratic governance.

The cases that the Court has assumed jurisdiction over, despite the protestations sometimes of State parties, and the decisions of the Court, have provided comfort to ordinary West Africans that human rights and democratic

governance are indeed values that are being protected by supranational institutions.

As its President, Justice Edward Amoako Asante deserves credit for building on the efforts of his predecessors and positioning the Court as a bastion of justice, human rights and development. History will remember him fondly for his term in office."

Professor Philip Ebow Bondzi-Simpson
Emeritus Rector, Ghana Institute of Management and Public Administration;
Founding Dean, Faculty of Law, University of Cape Coast, Ghana.



Question: You know one thing you always spoke about is that the court is for the people of the region. So in this 4 years how were you able to walk that talk? In what practical ways did you make this court more accessible?

Justice Asante: Yes to a very large extent. In 2019 we decided that every year we would visit 4 countries and do sensitization with the people on the ground. So we started with Sierra Leone, we went to Liberia, we went to Cote d' Ivoire, we went to Guinea and we went to Senegal. So every year we had to go to 4 countries. We started and then covid came and we had to stop. Apart from that, there are the international conferences; we have

done three international conferences. A big one in Accra, big one in Lome and a big one in Cape Verde.

Cape Verde didn't know anything about the court. Now, I am telling you that now ECOWAS COURT is all over Cape Verde. Now people have even started applying for positions in the court you know. Then also the external court sessions; we tried to sit in one country in a year and we did it previously. We have also sat in Ghana, we sat in Abidjan and then this year we are obviously going to seat in another. So these are the things that make us touch base with the ordinary citizens.

Question: Judges are conservative people especially National judges and everybody has his own powers and they might sometime feel threatened by the ECOWAS COURT. How do you handle such situations?

Justice Asante: Yes that situation has been a big one. For instance, when we went to Liberia, we met Supreme Court Judges, High Court and all the judges. They were trying to assert themselves clearly that they were not working under the ECOWAS COURT OF JUSTICE. Our decisions are not binding on them and so many things, especially then there was a case filed by their dismissed Supreme court judge before us so they wanted to see our reaction to that. We told them that ECOWAS COURT OF JUSTICE was not an appellate court over their court.

We are not supervising their court and that we are only complementing each other. So we try whenever we meet them to let them know that we are doing the same work. We have our jurisdiction

and they have theirs. Also we are asking them to try to enforce our judgments which unfortunately the politicians, the executives and the parliament have not the laws therefore it's a bit difficult for them also to apply. Otherwise I think the cordiality is there.

When we went to Accra during the external session, they came and we had talks. There is also even something in our budget unfortunately very small for next year. There is an initiative by this court called WAJA (West African judges association) which from next year we intend to do. It is a programme where we invite judges from each of the member countries and try to seat down to jaw jaw and see how we can all together support the community. We are going to launch that and see what we can do even if it means inviting just five judges at various levels from each country for a start and eventually it will be a big one like the international bar association and so that's in the pipe line.





Question: I have seen you visiting with Presidents across the region and also going to the African court of human right and all that. What have you been telling the Presidents?

Justice Asante: Yes, these Presidents, a couple of them I have met. When we meet basically as you know it is about enforcement of our judgments and the non-enforcement of our judgment which we want enforced and the fact that they have to let their state actors know that once they trample upon the human right of their citizens be it property right or physical human right and they come to the court the court has no option but to declare and make sure that judgment is given against them. Therefore, aside from seeing to the enforcement of the judgment they should also try to get their security agents who are the main state actors for human rights violation to get to know that there should be decorum particularly within their own countries. It's clear when you read their

constitutions they all have copious human right provisions in them and therefore we try to encourage them to make sure they comply with them so that they will not fall foul of the law and have judgment against them from the ECOWAS Court of Justice. We also try to talk to them that the court is not antagonistic to them that we are doing our job which they themselves have entrusted to us to do. These are some of the things we try to discuss with them.

Question: Has President Nana Akufo-Addo been very supportive?

Justice Asante: Very very. You know just when I got the Presidency I spoke to him and in October that very year he appointed Ghana's focal authority for the enforcement of judgment against Ghana. Coincidentally, there has not been any judgment against Ghana but he supports us actually.



Justice E. A. Asante has added his name to the rich and growing history of the ECOWAS Court. Remarkably in my opinion, under his leadership the Court became bolder in its decisions finding ECOWAS member states in violation of human rights obligations. There has also been some sort of democratization in the Court's engagement with its stakeholders. The dynamic conferences of the Court since he assumed office are a testimony to this fact. Surely, Justice Asante has been an asset to this Court."

Professor Solomon Ebobrah
Former Dean, Faculty of Law, Niger Delta University,
Wilberforce Island, Nigeria

Question: There is the high profile nature of the judge, I am sure there are low points?

Justice Asante: Obviously when you try to do your best for staff and sometimes they disappoint you. When this new office was given to us graciously by Nigeria we had to fight. We had to go see people and they gave us the office. People were talking about the location in Gudu which gets you dis-illusioned because you know you are doing your best. The place is very big unlike here where we are hemmed in. There everybody would get enough space. There is enough space for all stores for things to be kept but staffs keep doing this to you but of course that is part of the vagaries of the job. Then also staff issues. Ecowas regulations for me most of them the text are out modeled and it takes ages and huge effort to have them changed. You know very hard working staff and you want to reward them and they qualify for promotion but then the law says their position is not on the organogram. For instance certain positions end at P2 and that's the end of it so if you get to P2/10 no prospect of any promotion at all.

Therefore salary increment is also stifled. These are very serious issues. So there's no progression. The person gets to a certain point. Drivers have to get to G3/10 and they are stuck. Other staff have to reach P3 and they are stuck. You see that staff is

very good he has a career to build and go ahead, so it brings dis-illusionment among the staff. There are some now who I feel should go up but if I look at the organogram and everything must be in terms of the organogram, you look at it and you cannot do anything for them and it's so disheartening and therefore there is no incentive for certain people to work more. These are some of the things that I think are very low point for me because I see them and feel this people must progress but there's nothing your hands are tired.

Question: Is there any means in which all of these could be discussed with those concerned?

Justice Asante: Yes, the avenues are there but ECOWAS is so conservative. This thing has to start from somewhere from the AFC to Council. There are certain amendments that must be done to our procedures and our text here. From ages, we came and met them, the proposals had been made, new amendments proposed. The previous college of Judges couldn't do it, our four years have ended and we couldn't do it. We have to go in through the commission and their legal experts to look at it before it is finalized and sent to council. It is so cumbersome and the procedure is not progressive. These are the issues I feel that are very bad and we need to look at.





Question: This speaks to your concern about reforms and dives back to even the conference in Praia, Cape Verde. So it seems as if there are reforms that need to take place. Kindly speak to that?

Justice Asante: Generally, the reforms so many of them. Staff issues, the staff regulations must be reformed for instance. They also wanted to buy something in this court; procurement they are so out modeled. By law, you have to get three quotations from some people and you know they always want the lowest. They go and buy some chairs here you seat on it and in two to three days it is gone because that is the lowest bidders and that is the one you need to buy. Meanwhile, the

quality one is there. So many things that need to be reformed. Look at the judges, we need more than five judges. Look at the volume of cases; we need the minimum of seven that at least they started with. We need an appellate court. How are we going to get them? We have spoken to the President, spoken to Chair, whoever but they do not care. They are talking about money you know but to run a court justice system is very expensive. It is a service provision but very expensive that you need to do. The appellate court would help to because just as you know as a lawyer, one level of judgment has to be tested. All these reforms have to be done but you talk and talk you do not get any savior so sometime you would just keep it within your corner.

Question: Will you consider securing the new headquarter as the crowning glory of your tour of office?

Justice Asante: Well that is one because we had to fight, my colleague judges actually we all did it together. I can't even take the glory alone. Talking about the online hearing that is also a high point. I give much of the glory to the judges and the outgoing Chief Registrar. We all fought together generally for it and we attained them.

Question: If you were to write your own judgment on your tenure after four years, what will you

write? In terms of percentages, accomplishments, generally. How will you sum it up?

Justice Asante: These 4 years have been very successful because looking at where we took the court from and the kind of things in terms of staff issues, in terms of judgment delivered, cases heard, in terms of improvement we have done to infrastructure, staff commitment and staff motivation. Actually, we give staff at the end of the year we try to support or recognize very good and hard-working staff so the motivation is there and I think generally it is well but we can still improve upon it as a human institution.



"I think the new practice direction that was released by the court has been very positive and I think it has enabled more access to justice because previously, to be a litigant before the court, you need to be able to afford the expense of travelling to the courts. With the new practice direction, you can appear from the comfort of your house, the comfort of your office. I think it has really brought the ECOWAS Court to the doorsteps of litigants"

Kimheng Tah
Deputy Director, Civil litigation & International law,
Attorney General's Chamber and Ministry of Justice, The Gambia



Question: You got an award from the African Bar Association?

Justice Asante: Yes, the African Bar Association is our biggest law association on the continent actually. So, they gave me an award for leadership for the period of my Presidency. Most of the lawyers have been coming to our court and have been following what happens in our court and therefore they felt that I deserve that position which they did. Incidentally, this court itself had an

award from Columbian University in New York for one of the best judgment on the shutting down of the internet. The court has delivered many judgments. Previous Judges were doing well but we have done far better for delivering forty-one (41) judgments just before we exited and in the previous year [2021] forty-two (42) judgments under the constraint of covid and all that. This college of Judges have been able to do that and I hope maybe the next one might do better.



President of ECOWAS Court of Justice pays historic working visit to UPSA Law School

Banjul, The Gambia

"Overall, I think the ECOWAS Court is setting the standard with respect to how international human rights court should operate. The Court has been able to render decisions on the average in two to three years and some of these decisions have been great expanding the frontiers of human rights jurisprudence."

Oludayo Fagbemi

Senior Legal Officer, Institute for human rights and development in Africa, Banjul, The Gambia



Question: I have heard you talk about the need to expand the jurisdiction of the court beyond this issue of human right to the original mandate of ECOWAS?

Justice Asante: You see ECOWAS has so many texts, Protocol on Free movement of persons, goods and services, ECOWAS Trade Liberalisation scheme [ETLS], so many of them but the court does not have jurisdiction on some of these things. For instance, when Nigeria closed the border, you know that's a free movement issue. ECOWAS brown card and the text that gave rise to all those things do not state that people can come to the ECOWAS court of Justice to vindicate their right, which is a serious setback on the integration. So, the main thing is that the court should be given jurisdiction at least on the issues

of integration so that people, for example, look at Ghana, sacking Nigerians, shutting Nigerian businesses; free movement and free businesses, free residence in the community. The law is clear and therefore, why is it that when people come to settle and start working you say they are not Ghanaian citizens? Meanwhile, you are talking about community citizens and not Ghanaian citizens anymore by the text which you yourself have appended your signature to. So, these are areas that the court must be given jurisdiction. Fine, they might deny the court criminal jurisdiction which is very fine but then these other areas to support the integration because there cannot be integration without the court overseeing the nitty-gritty of the integration. So, this is one area they must look at and give the jurisdiction to deal with.

Question: On a professional level, what is the working chemistry between the judges? How do you ensure harmony among the judges?

Justice Asante: Yes you know what we do is once cases are assigned to the judges by the nature of the job they themselves study them and read them, raise their point but then there are two other judges on it and therefore what we try to do is we deliberate. We meet even before hearing the case. We have to meet to discuss the case fully. Sometimes, five of us though the case is assigned

to three. We all sit down and share ideas so by the time case is on for hearing everybody knows about the case.

We make sure everybody has a fair idea of the case. For instance, this Togo decision I was not part of the panel but I knew about it. Once we do that everybody owns the judgment. That is how we try to work together and it has been very cordial. It is a majority decision. Therefore, once majority decides, it holds sway.





Praise For The Digital President

Hon. Justice Edward Amoako Asante is a digital President. It is to his credit that the ECOWAS Court of Justice successfully adopted and implemented in 2020, electronic case management and virtual hearing of cases. Lawyers and other Court users can now file cases before the Court remotely, from the comfort of their homes and offices in Member States, argue the cases virtually and obtain judgment without setting foot at the seat of the Court in Abuja-Nigeria.

It is also noteworthy, that the administration of Justice Asante adopted a uniform format for the judgments of the Court and an Index / Digest of its judgments since inception. His administration also reviewed and adopted the Draft Rules of Arbitration for the Court,

which is to be submitted for the approval of the ECOWAS Council of Ministers.

Hon Justice Edward Amoako Asante's administration also deepened institutional relations with several international Judicial institutions, like the African Court of Human and Peoples' Rights, the East African Court of Justice, the European Court of Human Rights, the Inter American Court, and other multilateral development partners, like Raoul Wallenberg Institute for Human Rights and Humanitarian Law (RWI), UNHCR, UNESCO, etc.

Without doubt, Honourable Justice Edward Amoako Asante has made a very positive impact on the ECOWAS Court of Justice. His name will be written in gold, in the annals of the Court.

Tony Anene-Maidoh
*Former Chief Registrar
ECOWAS Court of Justice.*



By coming to Accra, the court is giving Ghanaians the opportunity to observe the court in session and also serve as an outreach program to sensitize community citizens about the workings of the court. I commend the court for the work it is doing in discharging its mandate."

*President Nana Akufo-Addo of Ghana.
Accra, Feb. 2022*

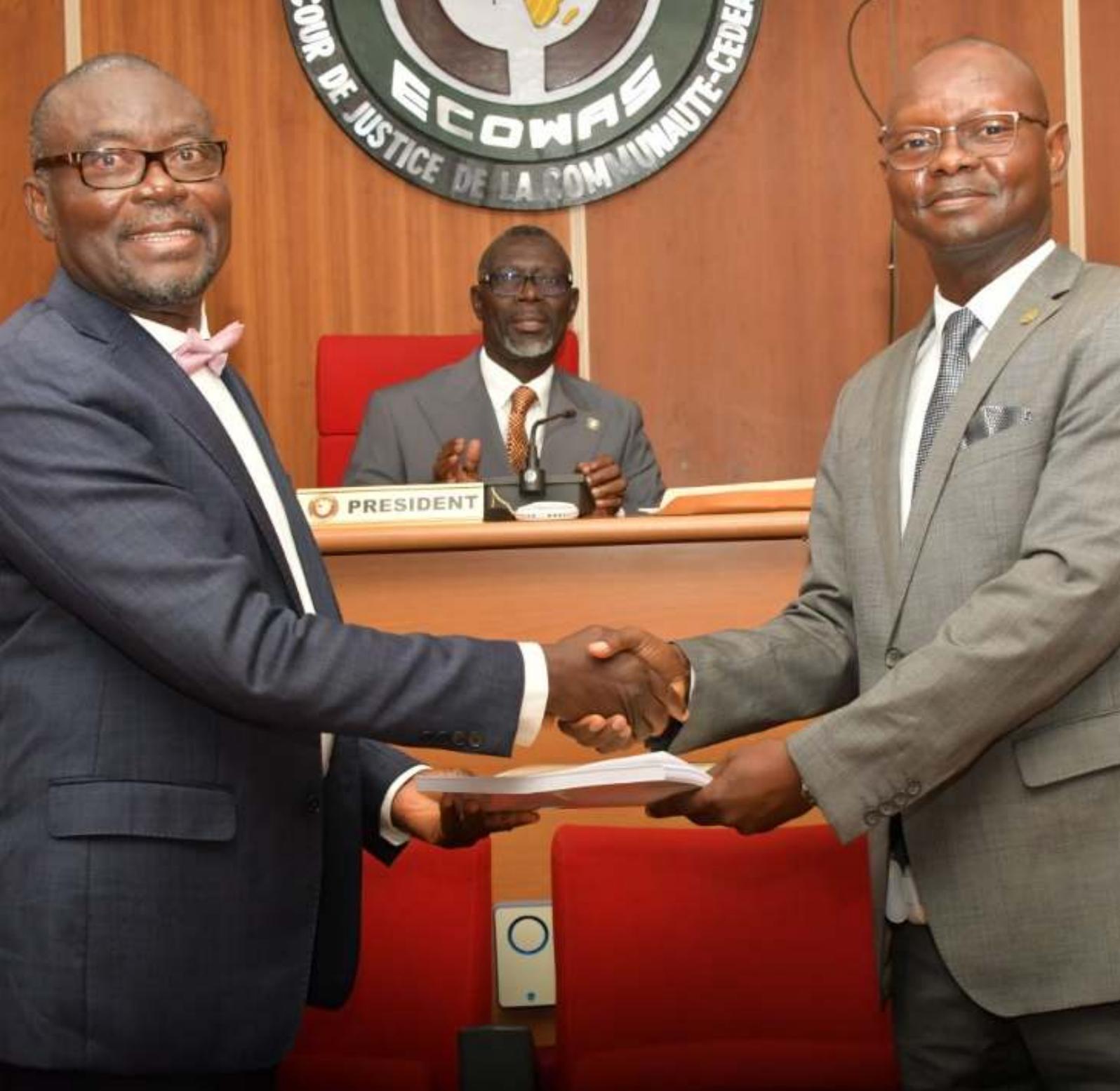




I can no longer see ECOWAS without its court of justice because the citizens have been respecting the court more and more. I would like to see the court continuing its work, continue to earn the respect of members states and that of the legal community that binds ECOWAS"

HON JUSTICE BENFEITO MOSSO RAMOS

Acting President of the Supreme Court of Justice (STJ), Cape Verde. Praia, May 2022.



Dr Yaouza Ouro-Sama was on Wednesday, 12th October, 2022 sworn-in as the new Chief Registrar of the ECOWAS Court of Justice during a ceremony that was attended by Judges, Staff and a delegation from the ECOWAS Commission and held at the Court's headquarters in Abuja.



*ECOWAS COURT OF JUSTICE President,
Justice Edward Asante with
Dr. Antonio Poncioni Merian World Law Foundation*



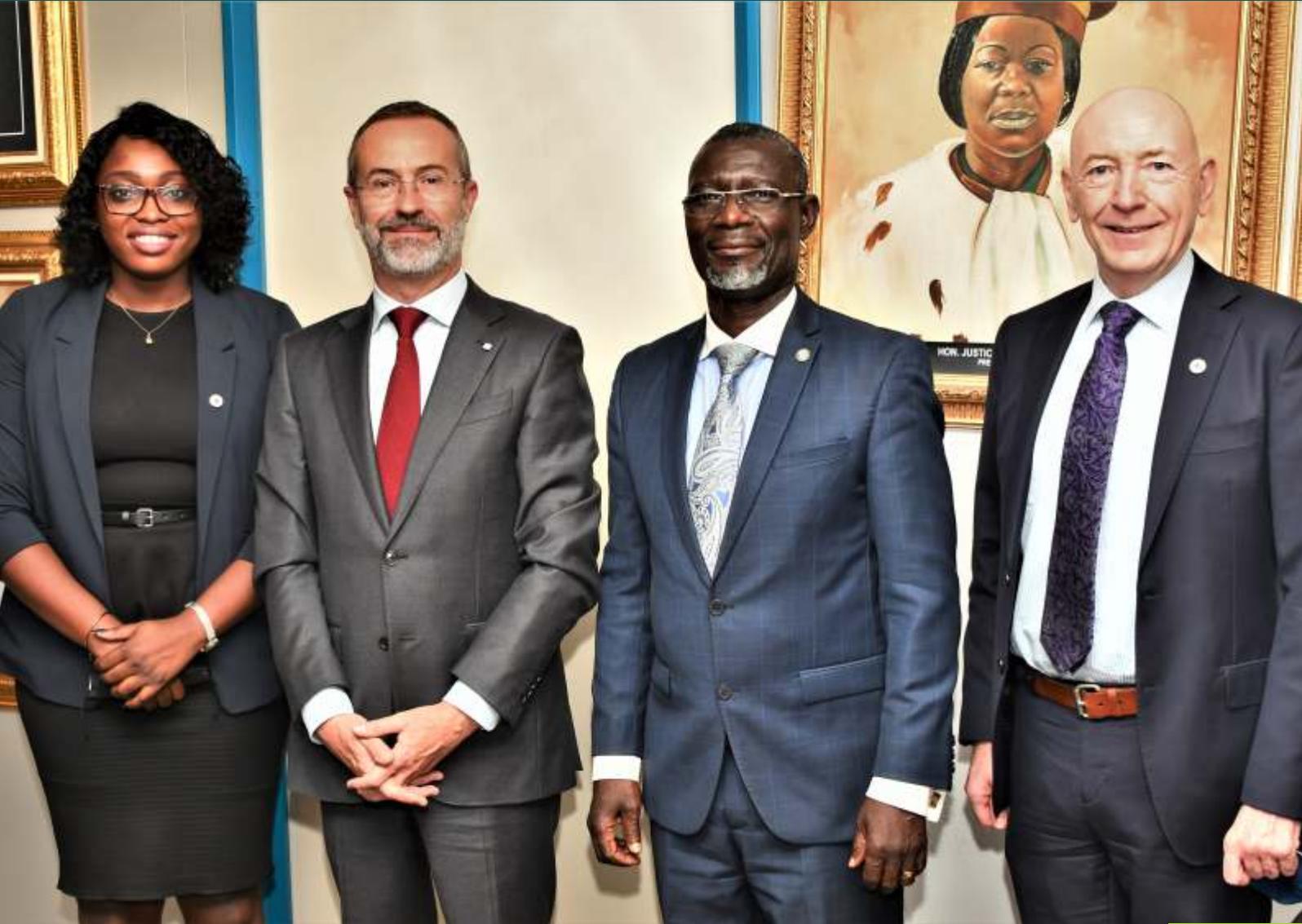
*ECOWAS COURT OF JUSTICE President,
Justice Edward Asante signing MOU with
UNHCR July 2022*



The President of the ECOWAS Court of Justice, Justice Edward Amoako Asante was on Saturday, 15th of October 2022, decorated with an award for excellence in leadership, peace and community development for his 'groundbreaking commitment to human capital development and support for projects in empowering young leaders in Africa.'



Training Judicial actors, Ghana June 2022



“ *As Chief Justice, I have seen the East African court operate, I have seen the SADC operate and one uniqueness I think we have here is that in this court, there is no need to exhaust local remedies and that gives relevance to this court.”*

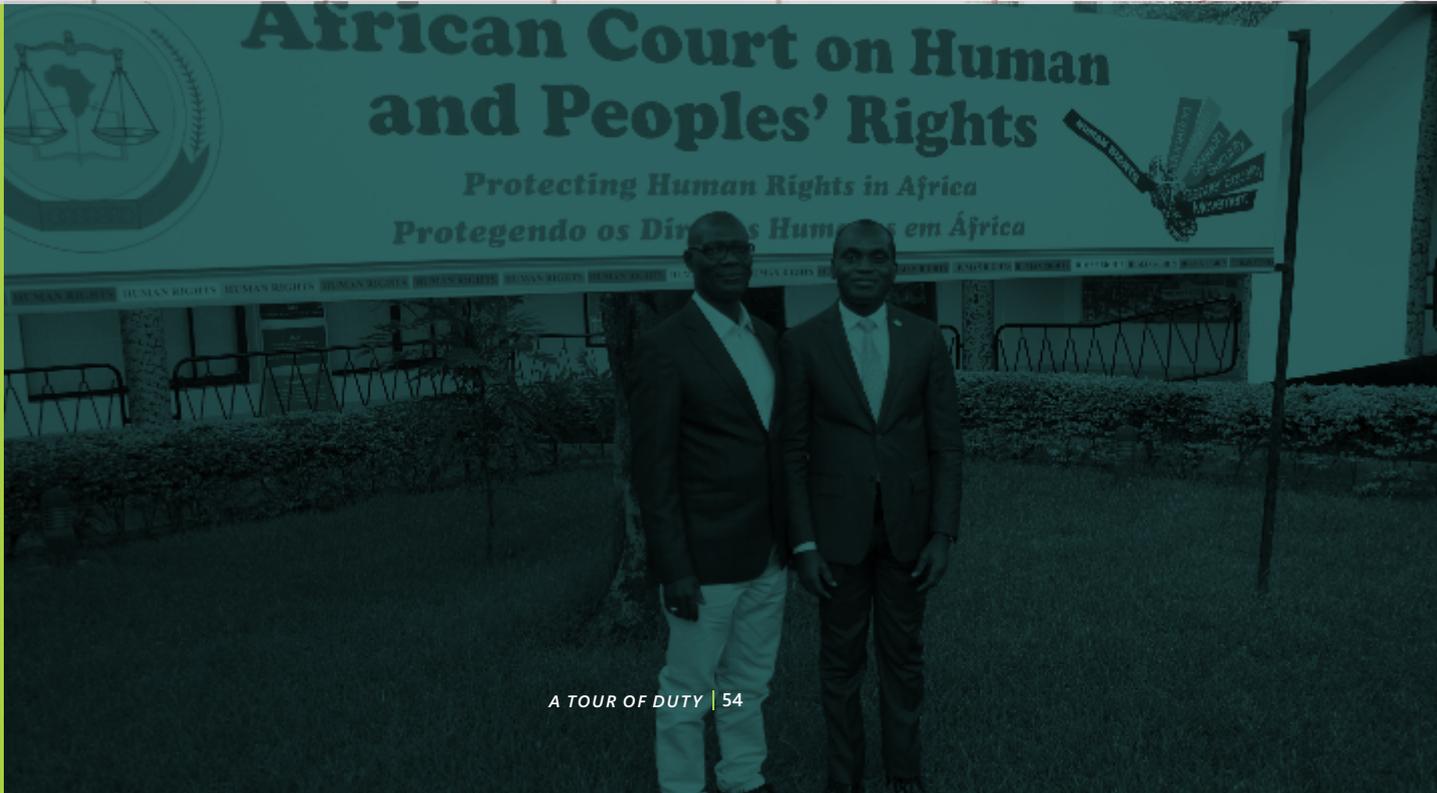
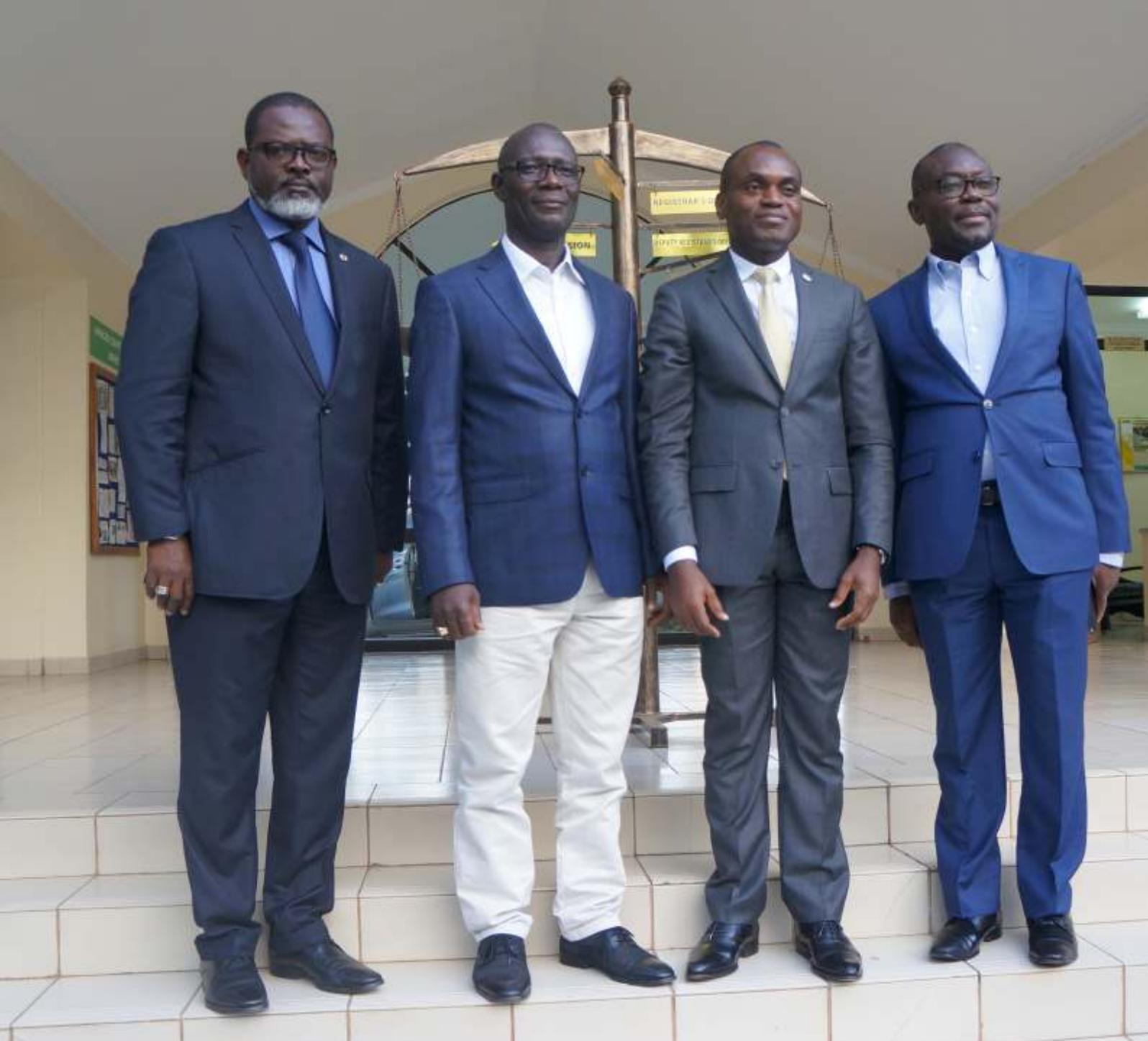
*Justice Desmond Babatunde Edward.
Chief Justice of Sierra Leone.
Praia, May 2022.*



Now we see the cry of the citizens, now they know more about the court, they are pushing for more cases to be filed."

***Hon Justice Edward Amoako Asante,
President, EOWAS Court Of Justice (2018-2022).***







Sensitization visit to Liberia, March 2019.















Previous judges were doing well but we have done far better for delivering forty-one (41) judgments just before we exited and in the previous year (2021) forty-two (42) judgments under the constraints of covid and all that. This college of Judges have been able to do that and I hope maybe the next one might do better".



ECOWAS COURT OF JUSTICE

*Justice at the reach of the
West African People*



The Authors

*The Tour of Duty - Curated and Compiled by
Olu Jacobs & Wilfred Ewaleifoh*



// *There is no doubt that the centerpiece of the ECOWAS Court of Justice, it's top draw, so to speak, is its role as a human rights court. In a region notorious for showing scant regard for individual rights and freedoms, the Court became an arbiter of repute for 300 million people who had come to rue the delays in their state courts. In time, the Community Court's reputation began to grow, following landmark rulings on jurisdiction that has jolted Africa's jurisprudence..."*

- Olu Jacobs



TOUR *of* DUTY

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