

# INFORMATION MANUAL

## INTRODUCTION

The Economic Community of West African States (ECOWAS) came into existence by the signing of the Treaty in Lagos on May 28th 1975. The Countries came together and imbibed the fundamental principles of:

- Equality and inter-dependence of Member States;
- Solidarity and collective self reliance;
- Inter-state co-operation, harmonization of policies and integration of programs;
- Non-aggression between Member States;
- Maintenance of regional peace, stability and security through the promotion and strengthening of good neighborliness;
- Peaceful settlement of disputes among Member States, active co-operation between neighboring Countries and promotion of peaceful environment as a prerequisite for economic development;
- Recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on Human and People's Rights;
- Accountability, economic and social justice and popular participation in development;
- Recognition and observance of the rules and principles of the Community;
- Promotion and consolidation of a democratic system of governance in each Member State as envisaged by the Declaration of Political Principles adopted in Abuja on 6th July 1991; and
- Equitable and just distribution of the costs and benefits of Economic Co-operation and Integration.

## THE MEMBERS OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES

○ Benin	Porto Novo
○ Burkina Faso	Ouagadougou
○ Cape Verde	Praia
○ Cote D'Ivoire	Yamoussoukro
○ The Gambia	Banjul
○ Ghana	Accra
○ Guinea	Conakry
○ Guinea Bissau	Bissau
○ Liberia	Monrovia
○ Mali	Bamako
○ Niger	Niamey
○ Nigeria	Abuja
○ Senegal	Dakar
○ Sierra Leone	Freetown
○ Togo	Lome

## THE INSTITUTIONS OF THE COMMUNITY

By Article 6 of the Revised Treaty, the Institutions are:

- The Authority of Heads of State and Government;
- The Council of Ministers;
- The Community Parliament;

- The Economic and Social Council;
- The Community Court of Justice;
- The Executive Secretariat;
- The Fund for Co-operation, Compensation and Development;
- Specialized agency of ECOWAS (WAHO) West African Health Organization; and
- Any other institution that may be established by the Authority.

## COMMUNITY COURT OF JUSTICE

The Community Court of Justice was established in 1991 and the Revised Treaty of the Community came into existence in 1993.

The Community Court of Justice is fourth after the Authority of Heads of State and Government and before the Executive Secretariat.

## FUNCTIONS

The functions of the Court are ascribed by Article 76 of the Revised Treaty which may be specified thus:

- Any dispute regarding the interpretation or the application of the provisions of this Treaty shall be amicably settled through direct agreement without prejudice to the provisions of this Treaty and relevant Protocols.
- Failing this, either party or any other Member States or the Authority may refer the matter to the Court of the Community whose decision shall be final and shall not be subject to appeal.

The decision of the Court shall be binding on the Member States, the Institutions of the Community and on individuals and corporate bodies

## THE PROTOCOL ON THE COMMUNITY COURT OF JUSTICE

The Protocol on the Community Court of Justice was signed on the 6th July, 1991 at Abuja, Nigeria and the Protocol entered into force on 5th November, 1996. The Protocol A/P1/7/91 on the Community Court of Justice was ratified as follows: 02/11/00, 14/03/00, 01/12/99, 28/08/97, 16/02/96, 05/11/96, 01/07/94, 30/06/94, 07/12/92, 18/07/92 and 23/05/92.

By the above ratification, the Protocol is in compliance with Article 34 of the said Protocol and is enforceable.

## COMPETENCE OF THE COURT

Article 9 of the Protocol on the Community Court of Justice:

- The Court shall ensure the observance of the law and the Principles of equity in the interpretation and application of the provisions of the Treaty.
- The Court shall also be competent to deal with disputes referred to it in accordance with the provisions of Article 36 of the Treaty, by Member States or the Authority, when such disputes arise between the Member States and the Institutions of the Community, on the interpretation or application of the provisions of the Treaty.

- 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 disputes have failed.
- The Court shall have any powers conferred upon it specifically by the provisions of this Protocol.

The Protocol provides for the amendments of the provisions of the Protocol and Rules of Procedure.

## COMPOSITION OF THE COURT

The Court consists of seven (7) members who have been appointed from Member States. The members were sworn in as Justices of the Court on 30th January, 2001 at Bamako, Mali before His Excellency, the President of Mali and the Chairman of the Authority of the Heads of State and Government of ECOWAS.

The structure of the Court consists of the President, Vice President and member Justices.

## LANGUAGES

The official languages of the Community and the Court are English, French and Portuguese in accordance with the Article 31 of the Protocol and Article 87 of the Revised Treaty.

## VISION

The Court has commenced preparation for its take off. The vision and some of the envisaged cases of the Court are highlighted here below:

- Fundamental Human Rights breaches; Fundamental Human Rights means the right of any individual recognized by the International Declaration of Human Rights adopted on 16th December, 1948 by the United Nations General Assembly. Where Treaties of the Community relate to these rights, same are enforceable.
- Actions that are enforceable relate to the application and the interpretation of the Treaties of the Community.
- Actions relating to the breach of Treaties are stated in Article 3 of the Protocol of the Court under competence above. To achieve this, the Court will undertake a process of creating awareness among the populace of Member States on the existing Treaties among the Member States and the fact that individuals could have access to the Court through their Member States if they feel aggrieved.
- Encouragement of the Member States to amicably settle disputes among themselves through alternative dispute resolution process.
- Harmonization of relationships with relevant International Organizations such as the European Community Court of Justice, International Court of Justice and other International Institutions. See Article 19 of the Protocol on the Community Court of Justice.
- For speedy dispensation of justice, dissemination of information, easy access to proceedings and the judgments of the Court, fast track procedure already being applied in other areas of the Community would be utilized.

The Court shall further move its accessibility by the following method:

- The application of fast track procedure by the use of e-mail and fax in order to effect services of processes on parties.
- The computerization of the Court-room and the Record Room for easy recording of proceedings and access to records respectively.
- The publication of judgments, and the establishment of the Information Unit will provide information services to

the various stakeholders and enhance the process of integration of the people within the community.

## LOCUS STANDI

The Court shall grant audience to Member States and the Member States may file actions on behalf of the Nationals of the Member States against another Member State or Institution in respect of the interpretation and application of the Treaties of the Community.

## ACTIVITIES OF THE COURT

The Court has held two Seminars/Meetings since its inception. During the first Seminar in Abuja Nigeria from 25th June to 30th June, 2001, two papers were presented as follows:

- Independence of the Judiciary
- The rules of Interpretation.

In Lagos Nigeria, the second Seminar/Meeting was held from 30th July to 14th August, 2001, wherein three oral presentations were made as follows:

- The Rules of procedure of the European Court of Justice.
- The Rules of procedure of the International Court of Justice.
- The Rules of procedure of the UEMOA Court of Justice.

Also the members of the Court deliberated and decided on the following subjects:

- The Draft Budget 2002.
- The Rules of procedure of the Court.
- The Staff Regulations.

The contents of the above are subject to approval by the ECOWAS council.

## SEAT OF THE COURT

The Authority of ECOWAS is yet to decide on the Permanent Seat of the Court. However the Temporary Seat of the Court is in the National Assembly Building, Tafawa Balewa Square, Lagos Nigeria. This building shall house the Court until there is a decision on the permanent Seat of the Court.

## FURTHER INFORMATION

Any information required about the Court should be sent to the President, Community Court of Justice, Executive Secretariat of ECOWAS, Asokoro, Abuja, Nigeria or the National Assembly Building, Tafawa Balewa Square, Lagos, Nigeria.

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