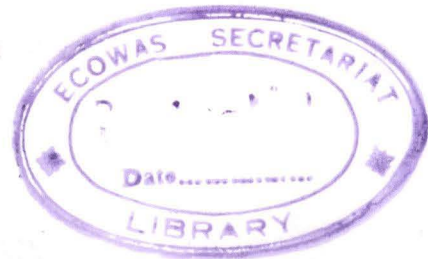




**FORTY-NINTH ORDINARY SESSION OF ECOWAS
COUNCIL OF MINISTERS
26th – 31st JANUARY, 2003
Dakar – Senegal**

SUMMARY

**ANNUAL REPORT 2002 OF THE COMMUNITY
COURT OF JUSTICE – ECOWAS**



**PRESIDENT
Hon. Justice H. N. DONLI**

SUMMARY

ANNUAL REPORT OF THE COMMUNITY COURT OF JUSTICE – ECOWAS

1- It is great honour and special privilege for me to present my first Annual Report on the activities of the Court of Justice, of the Community. Using this medium of communication, it is necessary on behalf of the Court to express our humble gratitude to the Authority of Heads of State and Government of the Community under the Distinguished Chairmanship of His Excellency, Maitre Abdoulaye WADE, President of the Republic of Senegal, for giving my humble self and my colleagues, the Justices, the opportunities to serve the Community.

2- The settling down in Nigeria, would not have been possible without the active participation of His Excellency, Chief Olusegun OBASANJO, the President of the Federal Republic of Nigeria, and also the Nigerian Government for expending so much resources to ensure that the Court takes off in earnest.

3- Our expression of gratitude would be incomplete without mentioning the honourable Council of Ministers for their support despite the insistence that the rules pass through scrutiny of independent legal minds in order to have a solid and comprehensive document for the court of Justice.

ESTABLISHMENT OF THE COURT

4- By virtue of Articles 6 and 15 of the Revised Treaty, the Community Court of Justice was established as the fifth Institution and as the supreme adjudicating organ of the Community. It is expected to execute its functions in accordance with the provisions of the Revised Treaty and Protocols.

COMPOSITION AND STRUCTURE OF THE COMMUNITY COURT OF JUSTICE

5- The Community Court of Justice consists of seven (7) Members who have been appointed from Member States of the Economic Community of West African States – ECOWAS, pursuant to Article 3 of the Protocol and the Members were sworn in as Justices of the Court on 30th January 2001, at Bamako – Mali. The ardent problems of setting a new Institution tormented the Court until when the seat of the Court was announced at

the last Summit and a decision taken that Abuja, Nigeria should be the seat. The Members continued to be in their home Countries with trips every now and then into Nigeria for one assignment or the other.

MEMBERS AS STATUTORY APPOINTEES

6- The Authority of the Heads of State and Government of the Community, at its Summit from 21st-22nd December 2001, Dakar – Senegal, took a decision in respect of the status of the Members as Statutory appointees. With that in place the question of staffing became the next necessary step.

STAFF RECRUITMENT

7- Essential temporary members of staff were appointed in order to enhance the speedy take-off of the Court. The recruitment of these Members of Staff on temporary basis was the only option. However, all arrangements are completed with letters sent to Member States for advertisements of the various positions in the senior cadre in the organization. It is pertinent to mention that the guidelines emphasized in the Staff Regulations would apply in the course of the exercise.

8- Sequel to the Decision of the 25th Session of the Authority of Heads of State and Government of the Community, and pursuance of Article 1 of the said Decision, the Authority directed that, "The Seat of the Community Court of Justice shall be located in Abuja, the Federal Capital Territory of the Republic of Nigeria. The Court moved immediately to Abuja in January 2002 and occupied a temporary accommodation at Executive Secretariat with the kind permission of Director of Administration.

9- The President being based in Nigeria continued to interact with the Federal Government of Nigeria until the time the office property was secured for the Court. We appreciate the role or involvement of the Honourable Minister and His Excellency the Director General of the Ministry of Cooperation and integration in Africa for providing infrastructure needed by the Court.

10- On Monday, 15th July 2002, the Court of Justice moved to its permanent seat located at Pot 1137, Dar es Salaam Crescent Wuse II, Abuja.

The complex when fully installed by February 2003, shall consist of ultramodern Court Room, Judges Chambers, Offices of Members of Staff and other facilities.

ACTIVITIES OF THE COURT

11- Mindful of the role of the Community Court of Justice within the ECOWAS Sub-Region and the lack of knowledge of its existence by Members of the public, the President and Members of the Court, embarked on a sensitization tour of Member States. Further to the above, a member of the Court visited the Court of Justice of the European Communities from the 18th and 22nd March 2002. The visit was intended to facilitate the establishment of beneficial relationship between the two Institutions.

12- Consequently, the President was invited by the President of the Court of Justice of the European Communities to attend the occasion of the 50th Anniversary celebration in Luxembourg from December 2-5, 2002. The benefits and gains were quite enriching.

13- The colloquium organized for the said celebration brought to bear issues of great similarities to the Institutions. These legal issues range from preliminary ruling and Evolution of the system; the respective roles of the Court of Justice and National Courts; the obligation to make a reference for a preliminary ruling of Courts or tribunals of last instance; cooperation in the judicial protection of the rights of Community Court: the limits of "the principle of procedural autonomy" direct access to the Community;

14- Adjudication, access to the Community Judicature, access to National Courts and references for a preliminary ruling and protection of fundamental rights.

RESIDENTIAL ACCOMODATION

15- The Government of the Federal Republic of Nigeria purchased a magnificent mansion as official residence for the President of the Court, in Maitama Abuja – Nigeria. The special quarters for the Members of the Court purchased by the Government of Nigeria in Gwarimpa, are complexes comprising of six duplexes, swimming pool and other recreational facilities. All are completed and the Members will move into them on 17.02.03.

FURNISHING

16- The Federal Government of Nigeria has contracted the partitioning and furnishing of the office complex to reputable firms. It is expected that the full furnishing of the complex will commence by February 2003.

CONCLUSION

17- In spite of the numerous challenges and the long and difficult struggle necessary to establish, the Community Court of Justice, ECOWAS, year 2003 marks a new dawn and indeed a significant period in its history.

18- With the acquisition of magnificent complex at its permanent seat of Court, residential accommodation for the Members, recruitment of essential Staff and the procurement of vehicles amongst other things, the approval of the Rules of the Court was remarkable. With the arrival of the Members in Abuja Nigeria in February 17, 2003, the Community Court of Justice, is no longer a concept, or design on the drawing board of our Community. It is indeed a reality. We expect cases to start coming in for the determination of disputes or advisory opinion in consonance with our Revised Treaty, Protocol and Rules of the Court.

19- Despite the magnitude of the task ahead and the challenges opened to the Court as the Community Arbiter, we can confidently say with a sense of modesty and optimism that, the ECOWAS Community is now endowed with a credible organ, designed to speed up the application of decisions taken in common, by West African Leaders.

20- Permit me, at this juncture, once more to reiterate that, in the course of adjudication of matters in respect of the Application and Interpretation of Treaties and Protocols of the Community, the Court shall exercise its discretionary power judicially and judiciously.

21- In conclusion, it is worthwhile to reiterate the fact that the Court is set to perform its functions fully. The Council and the institutions of the Community should utilize the provisions of Article 7 (3) (g) and (h) of the Revised Treaty by referring ***“where it deems necessary any matter to the Community Court of Justice 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 this Treaty, by a decision of the Authority or a regulation of the Council;
request the Community Court of Justice as and when necessary, to give advisory opinion on any legal questions..."*

Thank you for listening and God bless.

Hon. Justice H. N. DONLI
President
Community Court of Justice – ECOWAS
Abuja – Nigeria