



**THE INTERNATIONAL COMMISSION OF JURISTS IN CONJUNCTION WITH THE
WEST AFRICAN BAR ASSOCIATION AND LA RECONCONTRE AFRICAINE
POUR LA DEFENSE DES DROITS DE L'HOMME**

CO-HOSTS

***THE WEST AFRICAN SYMPOSIUM ON THE ENFORCEMENT OF
JUDICIAL DECISIONS FROM THE WEST AFRICAN COMMUNITY COURT
OF JUSTICE: GAINS, CHALLENGES AND OPPORTUNITIES***

Dakar, Senegal, 6- 7 June 2011

Background

The Economic Community of West African States (ECOWAS), like other African Regional Economic Communities, has succeeded to set up, since 1991, a judicial organ entrusted with the mandate to sustain economic integration and to protect human rights and the rule of law within the West African region. Empowered at its inception to 'ensure the observance of law and of the principles of equity in the interpretation and application' of the provisions of the ECOWAS Treaty and its supplementary instruments, the ECOWAS Community Court of Justice (ECCJ) underwent transformation to meet new and emerging challenges culminating in the expansion of its mandate to explicitly include the adjudication of human rights and to grant *locus standi* to physical and juristic persons, without the requirement of exhaustion of local remedies.

The transformation of the ECOWAS normative and institutional framework has enabled ECCJ to adjudicate a wide range of matters ranging from commercial and employment disputes, elections in member states, inheritance, to purely human rights issues such as slavery and economic, social and cultural rights, and to develop its jurisprudence with regard to applicable treaties, general principles and rules of public international law. The impact of the judicial decisions rendered by ECCJ has meant that the protection of human rights plays an essential role in the regional economic development and integration process, and particularly on the investment

climate, which in turn contributes to economic growth, productivity and employment creation, all being essential for sustainable reduction in poverty.

While the reaffirmation of human rights and imposition of remedies are important achievements to be credited to ECCJ, the lack or poor implementation and enforcement of most of those judicial decisions remains a cause for serious concern and the most important parameter to measure of the effectiveness of ECCJ and its role in the promotion and protection of human rights. Article 24 (2) of the ECOWAS Court Protocol provides that “execution of any decision of the court shall be in the form of a writ of execution, which shall be submitted by the registrar of the court to the relevant member state for execution according to the rules of civil procedure of that member’s state”. Also, Article 24(4) states that “all member states shall determine the competent national authority for the purpose of receipt and processing of execution and notify the court accordingly”. These provisions, though seemingly exhaustive, leaves much to be desired as they do not specifically outline any stringent measures to ensure state compliance with decisions from ECCJ. It is therefore not surprising to note the flagrant disregard of ECCJ decisions by some ECOWAS state parties. The commendable role played by ECCJ will continue to be seriously hampered if its pronouncements are not followed by effective implementation or enforcement measures. This implementation or enforcement gap will therefore continue to diminish public confidence in the role of the ECOWAS judicial mechanism and threaten respect for the rule of law in the region.

In view of this, the Africa Regional Programme of the International Commission of Jurists (ICJ), in conjunction with the West African Bar Association (WABA) and la Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) will co-host on 6 – 7 June 2011 in Dakar, Senegal a regional symposium to deliberate on mechanisms and strategies for an effective implementation and enforcement of judicial decisions from the ECOWAS Court. Learning from experiences from other African sub-regional courts, the discussions will focus on a wide range of topics concerned by the implementation of judicial decisions and identify the role of sub-regional lawyers and put in place strategies for their effective implementation and enforcement. The main topics to be addressed include:

- The mandate and jurisdiction of the ECOWAS Community Court of Justice;
- The interface between Community law and national laws in the ECOWAS region;
- The role of ECCJ in guiding domestic courts on the application of community law;

- The effect of decisions of the ECCJ on the domestic arena;
- Challenges to the enforcement and execution of ECCJ decisions.
- Strategies to monitor and ensure an effective implementation of decisions from the ECCJ.

GOALS AND MAIN OBJECTIVES OF THE WORKSHOP

The aim of the symposium on the administration of justice in West Africa is to strengthen the role of ECCJ in the promotion and protection of human rights and the rule of law in West Africa. Building on past symposia, this event will contribute to strengthening the role of ECCJ as a vibrant and effective judicial institution, and better placed to interpret the laws of the region and to effectively administer justice for all. This is also an opportunity for regional lawyers to interrogate themselves on their role for an effective enforcement and implementation of ECCJ decisions. The ultimate objective of this project is the realization and strengthening of human rights protection in West Africa through the instrumentality of the ECOWAS Court.

The main objectives of the Regional Symposium on the Administration of Justice in West Africa are:

- To interrogate the mechanism of enforcement and implementation of ECCJ decisions and examine the prospect of its improvement;
- Assessing the independence of ECCJ and its implications on its mandate and the enforcement of human rights and the rule of law in the region;
- To allow for experience sharing from other African sub-regional courts and advocate for the standardization of best practices on the enforcement of decisions;
- To examine the prospects of regional legal professionals the opportunity to learn from each other's experiences and challenges in their interactions with the ECCJ;
- To Create awareness amongst key stakeholders and foster a greater collaboration and building of synergies between actors in the legal sector for a meaningful and continuing monitoring of the implementation of decisions for ECCJ;

PARTICIPANTS AND FACILITATORS

The workshop will be attended by leaders and members of Bar Associations and Law Societies, judges, academics and human rights defenders from the West African region. Internationally renowned African and ECOWAS lawyers, judges and academics have been invited to lead the deliberations at the workshop.

ORGANISERS/PARTNERS

- **International Commission of Jurists (ICJ)** is a global rule of law and human rights organization dedicated to the primacy, coherence and implementation of international law and principles that advance human rights. What distinguishes the International Commission of Jurists (ICJ) is its impartial, objective and authoritative legal approach to the protection and promotion of human rights through the rule of law. The ICJ provides legal expertise at both the international and national levels to ensure that developments in international law adhere to human rights principles and those international standards are implemented at the national level. The Commission was founded in Berlin in 1952 and its membership is composed of sixty eminent jurists who are representatives of the different legal systems of the world. Based in Geneva, the International Secretariat, of which the Africa Regional Programme is part, is responsible for the realization of the aims and objectives of the Commission. In carrying out its work, the International Secretariat benefits from a network of autonomous national sections and affiliated organizations located in all continents. **Visit our website on <http://www.icj.org>**
- **West African Bar Association (WABA)** is a civil society organization whose membership is drawn from the leadership of Bar Associations and Legal Practitioners in the West African sub region. The major objectives of WABA include respect for human rights in West Africa and the adherence to sub-regional, regional and international human rights instruments; providing improved legal services to the public including effective legal aid services to the poor in the sub-region; encouraging co-operation with other professional associations and bodies , such as the Pan African Lawyers Union (PALU) and International Bar Association (IBA); and ensuring strong and independent National Bar Associations in West Africa. Its focus areas include but not limited to human rights observation, democracy, rule of law and regional bar integration. WABA has carried out projects on access to justice and has also been in the forefront in the campaign for an effective and independent ECCJ. WABA has also championed sensitization and awareness programs on the ECCJ including publication of the judgments of the court by its past president Femi Falana and also the WABA publications of the rules, practices and procedures of the ECCJ.
- La Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) est une Organisation Non-gouvernementale (ONG), non partisane et laïque qui fut créée à Dakar le 21 avril 1990 par un groupe d'intellectuels africains, constitué

en majorité de chercheurs et enseignants à l'Université Cheikh Anta Diop de Dakar. Elle pour buts de promouvoir, défendre et protéger les droits de l'homme au Sénégal et en Afrique en veillant au respect de la vie et de la dignité humaine, en promouvant l'exercice plein et entier de la citoyenneté notamment l'égalité effective des droits entre citoyens, en contribuant à l'émergence et à la consolidation de l'état de droit et de la démocratie en Afrique, en contribuant au rapprochement des peuples africains et en favorisant entre eux, la paix, l'amitié et la solidarité.