An Overview of the Nature and Scope of ECOWAS Court of Justice in the Administration of Justice

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Abstract

The Community Court of Justice, ECOWAS was established as the principal legal organ of ECOWAS with the main function of resolving disputes relating to the interpretation and application of the provisions of the Revised Treaty and the annexed Protocols and Conventions. The primary objective of the administration of Justice is to render justice according to law. The Court is enjoined to ensure the observance of law and of the principles of equity in the interpretation and application of the provisions of the Treaty. The Protocol further enjoins the Court to establish its own Rules of Procedure. For any court of record, Rules of Procedure are important, because they regulate the proceedings of the Court. The method adopted in this research is doctrinal in nature. In every judicial system, practice and procedure is of paramount importance because of its relevance in the application of the substantive law. Lawyers are expected to have a good knowledge of law as well as practice and procedure of the various Court systems. But, the basic problem is that many Lawyers in our sub-region are not familiar with the ECOWAS Court, its competence, practice and procedure. It must be pointed out that the ECOWAS Court is an International Court, its practice and procedure are slightly different from the Practice and Procedure of the domestic courts in Member States. Thus, it is logical to state that lawyers in the West African sub-region must acquaint themselves to the practice and procedure rules in the ECOWAS Courts.

KEYWORDS: ECOWAS, Treaty, Community, Protocol, Convention, Member States.

1. Introduction

The Community Court of Justice, Economic Community of West African States, (ECOWAS) was established pursuant to the provisions

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of Articles 6 and 15 of the Revised Treaty of ECOWAS[1] relating to the Community Court of Justice clearly state that the Court is the principal legal organ of ECOWAS with the main function of resolving disputes relating to the interpretation and application of the provisions of the Revised Treaty and the annexed Protocols and Conventions. The primary objective of the administration of Justice is to render justice according to law. The Court is enjoined in Article 9.1 of its 1991 Protocol to ensure the observance of law and of the principles of equity in the interpretation and application of the provisions of the Treaty. The revised Treaty creates a Community Court of Justice as one of the principal organs of the Community. In 1991, the Community adopted a Protocol on the Establishment of a Community Court of Justice empowered to "ensure the observance of law and of the principles of equity in the interpretation and application of the provisions of the Treaty."[2] The ECOWAS Court of Justice is four courts in one: the judicial organ of the Community with composite treaty supervision and oversight functions; the administrative tribunal court of the ECOWAS Commission; pending the establishment of the Arbitration Tribunal provided for under Article 16 of the Revised Treaty, a Court of arbitration, and a human rights court for the sub-region. The Court comprises seven "independent" members elected by the Authority of Heads of State and Government of ECOWAS for renewable terms of five years each.

Originally, access to the ECOWAS Court was restricted to States and Community Institutions. In its report, the Committee of Eminent Persons had recommended that this should be extended to individuals and non-State entities.[3] In 2001, the Member States of the Community agreed to extend the jurisdiction of the Court explicitly to cover human rights violations. This was implemented through a ratios of Supplementary Protocol adopted in January 2005. It is the belief of this research that acceding to the recommendation of expanding the jurisdiction of the court has afforded a lot of people with the opportunity to ventilate their grouch against the member state(s) and got them addressed.

[1] Protocol ASP1/7/91

[2] *Ibid*

[3] ECOWAS Eminent persons Committee Report, August 21, 2000

Under the Protocol Relating to the Community Court of Justice as amended by this Supplementary Protocol, the Court has subject-matter jurisdiction over the interpretation and application of the Revised Treaty, Conventions, Protocols, Regulations, Directives, Decisions and other subsidiary legal instruments of the community. In particular, the Court has jurisdiction over cases of violation of human rights that occur in any Member State. Proceedings relating to the failure of Member States to fulfill their obligations can only be instituted by Member States or the Executive Secretary. In addition to Member States and the Executive Secretary, the Council of Ministers may also initiate proceedings to determine the legality of official action in relation to a Community instrument. Individuals and corporate bodies also have standing in cases to determine whether an act or omission of a Community official violates their rights.

Individuals may apply to the Court for relief for violation of their human rights. This avails individuals the opportunity to access the court without hindrance subject to satisfying the laid down conditions. Cases in this category must satisfy two conditions: they must not be anonymous nor be initiated while the same matter is pending before another international court for adjudication. National Courts may also refer to the Court, questions of interpretation of ECOWAS instruments that arise in domestic proceedings. The process of the national court referring questions for interpretation to the ECOWAS Court is known as case stated. Case stated has been defined as a formal written statement of the facts in a case, submitted to the court jointly by the parties so that a decision may be rendered without trial.[4] These provisions confer on the ECOWAS Court of Justice, - Jurisdiction over "any violation of human rights in any Member States" brought before the Court by individuals.[5] The Court is presently located in Abuja, Nigeria. However, in December 2006, the Authority of Heads of State and Government decided that its permanent Seat will be in Mali.

Notably, the admissibility conditions in Article 10(d) of the amended Court of Justice Protocol omit any reference to the exhaustion of domestic remedies. The ECOWAS Court has, thus, held that the Community legal order is most, and thereby dispensing with any

[4] Bryan A Garner, Black's Law Dictionary (9th edn, West Publishing Co. 2004)
[5] Article 10 of ECOWAS Court of Justice PROTOCOL, 2005

requirement for exhaustion of domestic remedies as a pre - condition for initiating proceedings before the Court.

Appealing against the decision of the national court of Member States does not form part of the powers of the Court, the distinctive feature of the Community legal order of ECOWAS is that it sets forth a legal basis of first and last resort in Community law. The kind of relationship existing between the Community Court and these national courts of member States are not of a vertical nature between the Community and the Member States, but demands an integrated Community legal order. The ECOWAS Court of Justice is not a Court of Appeal or a Court of Cassation.

This opinion confirms the supra-national effect of ECOWAS legal instruments and decisions. Its implications are quite far reaching. For litigators, there is now an additional forum with arguably more robust normative repertoire than national courts. However, this also saddles the Court with the responsibility of being a forum of first instance and primary fact-finder in essentially international proceedings. The cost implications for litigators in cases with contested factual foundations may turn out to be quite significant. This may involve, in human rights cases, in particular, moving the court to the sites or locations of violations for ease of collection of evidence. Thirdly, however, the asserted monism of the Community legal order implies that to the extent that the Community Court of Justice is a Court of first and last resort, there is an inherent violation of the due process right to an appeal in the structure of the Community judicial system. This design flaw requires to be remedied urgently, even if doing so will add to the institutional costs of the Community and the costs of litigants in individual cases.

Protocol A/Pl/7/91 relating to the Community Court of Justice sets out the status composition, powers, procedure and other issues concerning the Court.[6] The Protocol clearly states that the Court is the principal legal organ of ECOWAS with the main function of resolving disputes relating to the interpretation and application of the provisions of the Revised Treaty and the annexed Protocols and Conventions. The court was enjoined in Article 9.1 of its 1991 Protocol to ensure the

[6] ECOWAS Protocol, 1991

observance of law and of the principles of equity in the interpretation and application of the provisions of the Treaty. Although, the Court was established pursuant to Articles 6 and 15 of the Revised Treaty, it was only set up in 2001 following the swearing in of the Honourable Judges of the Court.

The Court is composed of seven (7) independent Judges selected and appointed by the Authority from national of the member States who are persons of high moral character, and possesses the qualification required in their respective countries for appointment to the highest judicial office, or are jurist consults of recognised competence in international law, particularly in areas of Community law or regional integration law.[7]

The independence of the Court is guaranteed by Article 15.3 of the Revised Treaty, which clearly provides that the Court shall carry out the functions assigned to it independently of the Member States and the institutions of the Community. It should also be noted, that under Article 76 of the Revised Treaty, the decision of the Court is final and not subject to appeal. Under Article 15.4 of the Revised Treaty, Judgments of the Court, shall be binding on the Member States, the institutions of the Community and on individuals and corporate bodies.

2. Scope of the Jurisdiction of ECOWAS Court

In presenting an overview of the Rules of Procedure of the court in the next heading, it is necessary to highlight the competence of the court and the sources of law that the Community Court of Justice applies in the adjudication of disputes. The competence of a court to adjudicate any matter is hinged on its statutory, subject matter, territorial, parties, original/appellate, exclusive/concurrent, pecuniary jurisdiction. It is only against this background that the Rules of Procedures can be fully appreciated. It is important for lawyers in the sub-regions to be fully aware of the competence and jurisdiction of the Court, and those that have access to the Court for the various causes of action under the Protocol of the Court. Under Article 76 of the Revised Treaty, the Court is competent to deal with disputes referred to it regarding the interpretation or the application of the provisions of the Revised Treaty, after attempt by the parties to amicably settle the dispute

[7] Article 3.1 of Supplementary Protocol A/SP/2/06/06

through direct agreement has failed. It is also important to note that Article 10 of the (Supplementary) Protocol provides as follows:

> Where in any action before a court of a Member State, an issue arises as to the interpretation of a provision of the Treaty, or the other Protocols or Regulations, the national Court may on its own or at the request of any of the parties to the action refer the issue to the Court for interpretation. [8]

Flowing from the above this presupposes that whenever a national court is faced with the situation of interpreting the stipulations of the Treaty, Protocols or Regulations it is expected that it should refer the issue *suo motu* to the ECOWAS Court. Similarly, either of the parties to the action possess the inherent right to make an application for the issue to be referred to the ECOWAS Court for interpretation. This aspect of the law is hinged on the principle of case stated which enables the Community Court interprete the provisions of the Treaty, or the other Protocols or Regulations as may be referred to them by the national court.

The Court of Justice of the European Communities exercises a similar jurisdiction under the concept of Preliminary Ruling.[9] Although the issue of referral is discretionary as stipulated above it is mandatory in the case of the Court of Justice of the European Communities. There is therefore the need to amend this provision to give the ECOWAS Court of Justice exclusive jurisdiction in the Interpretation of Community texts in order to ensure uniformity. It is also the perspective of this research that failure to accord the ECOWAS Court exclusive jurisdiction over the interpretation of the extant legal text may likely result to conflicting interpretations. This is more likely imminent in circumstances where the national interpret a provision and the regional court gives it a different interpretation of the same provision.

3. Rules of procedure and evidence of the court

Pursuant to the provisions of Article 2,[10] the Community Court of Justice formulated its Rules of Procedure, which was approved by Council vide Regulation CIREG/0418102 of 28th August 2002. The

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[8] *Ibid*

[9] Section 5, European Union Court of Justice Protocol, 1975

[10] Protocol A1P1/7/91

approved Rules of Procedure of the Court have been published in volume 41, August 2002, of the Official Journal of ECOWAS. The Rules of Procedure have been formulated to regulate the proceedings of the Court. However, the overview of the Rules of Procedure of the Court will include generally the Practice and Procedure of the Court which is governed by the Revised Treaty, the Rules of Procedure for Protocols of the Court and Article 38 of the Statutes of the International Court of Justice.

Under the Rules of Procedures of the court, proceedings before the Court shall consist of two parts; written and oral. Written proceedings shall consist of the application entered in the Court, notification of the application, the defence, the reply or counter-statement, the rejoinder and other briefs or documents in support.[11] The Oral Proceedings shall consist of the hearing of parties, agents, witnesses, experts, advocates or counsel.[12] Article 19.1 of the Protocol provides as follows: The Court shall examine the dispute before it in accordance with the provisions of the Treaty and its Rules of Procedure.[13] It shall also apply, as necessary, the body of laws as contained in Article 38 of the Statutes of the International Court of Justice. Article 38 of the Statute of the International Court of Justice provides as follows:

1. the Court, whose function is to decide in accordance with international law such disputes as are submitted to it shall apply;

   a) International conventions, whether general or particulars establishing rules expressly recognised by the contesting states;

   b) International custom, as evidence of a general practice accepted,

   c) The general principles of law recognised by civilised nations;

[11] Article 13(1&3) of the Protocol and Articles 32-51 of the Rules of Procedure
[12] *Ibid*
[13] A/P/7/91

d) Subject to the provisions of Article 59, judicial decisions and the teaching of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono* if the parties agree thereto.

The Court, in the exercise of its power of Arbitration, applies the general principles outlined in Article 38 of the Statute of International Court of Justice. Therefore, the Court applies both Community law and Universal law in adjudicating upon matters before it. Article 11 of the Protocol[14] provides as follows:

1. Cases may be brought before the Court by an application addressed to the Court Registry.
This application shall set out the subject matter of the dispute and the parties involved and shall contain a summary of the argument put forward as well as the plea of the plaintiff.

2. The Chief Registrar of the court shall immediately serve notice of the application and of all documents relating to the subject matter of the dispute to the other party who shall make known his grounds for defence, within the time limit stipulated by the rules of procedure of the Court.

Furthermore, Article 33 of the Rules of Procedure provides that every application shall state:

- The name and address of the Applicant
- The designation of the party against whom the application is made

[14] *Ibid*

- The subject matter of the proceedings and a summary of the pleas in law on which the application is based

- The form of order sought by the applicant

- Where appropriate, the nature of any evidence offered in support

- An address for service, in the place where the Court has its seat and the name of the person who is authorised and has expressed willingness to accept service.

- In addition or instead of specifying an address for service, the application may state that the lawyer or agent agrees that service is to be effected on him by telefax or other technical means of communication.

It should also be noted that the application shall be accompanied, by supporting documents.[15] To every pleading there shall be annexed, a file containing the documents relied on in support of it, together with a schedule listing them. Where in view of the length of a document only extracts from it are annexed to the pleading, the whole document or a full copy of it shall be lodged at the Registry.[16] The Court is also empowered by Article 15 of Protocol AJP1/7/91 to request the parties at any time, to produce any documents and provide any information or explanation which it may deem useful. Formal note shall be taken of any refusal.

Where an application does not comply with the requirements set out in Article 33 (1) (4) the chief Registrar shall prescribe a period not more than 30 days within which the Applicant is to comply with them, whether by putting the application itself in order or by producing any of the above mentioned documents. If the Applicant fails to put the application in order or to produce the required documents within the time prescribed, the Court shall, after hearing the Judge Rapporteur, decide whether the noncompliance with these conditions renders the application formally inadmissible.[17] Article 35 of the Rules of

[15] Article 33(5) of the Rules of Procedure and Article 15 of the Protocol.
[16] Article 32 (4) and (5).
[17] Article 33 (b) of the Rules.

Procedure provides that within one month after service on him of the application, the Defendant shall lodge a defence stating;

- The name and address of the defendant
- The arguments of fact and law relied on
- The form of order sought by the Defendant
- The nature of any evidence offered by him

The application initiating the proceedings and the defence may be supplemented by a Reply to be filed within one month from the date of receipt of the defence and by a Rejoinder by the Defendant within one month from the date of the receipt of the Reply by the Applicant.[18] It is also a requirement under the Rule of the court that Notice of the Registration of any Application initiating proceedings to be given in the Official Journal of the Community. The Notice shall state the date of registration of the Application, the names and addresses of the parties, the subject matter of the proceedings, the form of order sought by the Applicant, a summary of the pleas in law and the main supporting arguments.[19] It should be noted that the Notice of Registration is significant because it serves the purpose of putting Members States and members of the public on Notice, so that interested parties who may wish to intervene in the proceedings can do so.

Article 21 of the Protocol which empowers any interested Member State to intervene in a dispute before the Court. By virtue of Article 89 of the Rules of Procedure of the Court, an application to intervene must be made within six weeks of the publication of the Notice of Registration. Article 59.4 provides that the application for intervention shall contain the description of the case, the description of the parties, the name and address of the intervener, the intervener's address for service at the place where the Court has its seat, the form of order sought, by one or more of the parties, in support of which the

[18] Article 36 of the Rules.
[19] Article 13.6 of Rules.

intervener is applying for leave to intervene, and a statement of the application is submitted pursuant to Article 21 of the Protocol.

Article 12 of the Protocol of the Court provides that each party to a dispute shall be represented before the Court by one or more agents nominated by the party concerned, and the agents may request the assistance of one or more Advocates or Counsel who are qualified to appear in Court in their area of jurisdiction: A Lawyer acting for a party is required to lodge at the registry of the court, a certificate showing that he is authorised to practice before a Court of a Member State of another State which is a party to the treaty.[20] Provisions have also been made in the Rules for Agents, Advisers and Lawyers appearing before the Court to enjoy immunity in respect of words spoken or written by them concerning the case or the parties.[21] The Court may however exclude from the proceedings any Adviser or Lawyer whose conduct towards the Court or Judge is incompatible with the dignity of the Court.[22] That which qualifies as incompatible conduct was not defined. There ought to have been a laid down yardstick of what constitute incompatible conduct to avoid subject it to the whims and caprices of the Court. Under article 16 of protocol A/P1/7/91, the court may in any circumstance and in accordance with person, organisation or institution to carry out an enquiry or give an expert opinion. It is further provided under Article 41 of the rules that the court may adopt any of the following measures of inquiry, thus a) the personal appearance of the parties, b) a request for information and production of documents, c) oral testimony, d) the commissioning of an expert's report e) an inspection of the place or thing in question. The sources of law in respect of the Practice and Procedure of the ECOWAS Court of Justice are as follows:

a) The Revised Treaty at ECOWAS

b) Supplementary Protocol A/SP.1R) & 06 amending the Revised Treaty

c) Protocol A/P1f7/91 relating to the Community Court of Justice

[20] Article 28 3 of the Rules
[21] Article 28, 29 and 30 of 'the Rules.
[22] Article 31 of the Rules.

d) Supplementary Protocol A/SP. 1/01/05 amending Protocol A/P1/7/91

e) Supplementary Protocol A/SP.2/06f06 amending Article 3 Paragraphs 1, 3 and 7 Article 7 Paragraph 3 of Proot4 AIP1/7/91.

f) The Rules of Procedure of the Community Court of Justice

g) Article 38 of the Statutes of the International Court of Justice

h) Decision A. DEC. 210M) 6 establishing the Judicial Council of the Community.

4. Findings

From the above, we have seen the nature and scope of the jurisdiction of ECOWAS Court of justice, its powers and functions including some of its limitations in the execution of matters brought before it in respect of ECOWAS citizens as the case of *Olajide and others* shows.[23] We have also observed the various ECOWAS Protocols in respect of the rules of procedure and evidence of the ECOWAS Court of justice. This gives us the background into how the court protects human rights issues brought before it by ECOWAS citizens.

The essential problems, obstacles and challenges obstructing the efforts at promotion and protection of human rights in ECOWAS countries today can be broadly categorised into four systemic, Constitutional/legal, institutional, and attitudinal. Examples of these are summarised as follows:

a. Systemic Problems

These include breaches and violations of human rights by the state, through its functionaries, public officials who are entrusted with the responsibility and obligation to promote and protect these rights. Noteworthy examples are as follows:

1. Extra-judicial killings: the arbitrary shooting of armed robbers by law enforcement agents to overcome anticipated delays in

[23] Supra

the justice system; the reckless and random killing of suspects by armed soldiers or police whenever their colleagues are killed in confrontations with civilians. All these are clear violations of the rights guaranteed by the constitution, as well as international treaties and covenants to which Nigeria is a signatory.

2. So-called accidental discharges by security agents, notably the police on patrols or at check-points.

3. Torture: especially aimed at extracting confessions from suspected criminals by law enforcement agencies in detention facilities.

4. Denial of due process to accused persons or litigants in courts, in police stations, prisons, and other work places.

5. Illegal detention for long periods without trial in police stations or prisons by law enforcement agents/agencies.

6. Extortion from citizens, such as commuters on highways by armed and gun-toting law enforcement agents, especially the police.

7. Environmental degradation, especially of the type caused by oil and other mining companies protected by the state, which has threatened the survival and socioeconomic development of many communities.

8. Gender based discrimination in the public sector and/or by public officials.

9. Inability of the state to guarantee right for security of lives and property, which is increasingly violated by spates of armed robberies both on the highways and in the cities and towns.

b. Constitutional/Legal Problems

These relate to inadequacies of the constitution, either due to vagueness of provisions, or lack of them, which impose severe restrictions on promotion or protection of certain fundamental rights.

They also include vagueness in, or inadequacies of other existing legal instruments, as well as the evident contradiction, which arises due to lack of domestication of international treaties entered into. The clearest examples in this category are:

1. Non-justiciability of ESC rights: the 1999 Constitution identified certain crucial ESC rights, but stopped short of making them justifiable, in spite of the fact that Nigeria is a signatory to the relevant components of the International Bill of Rights. The 1999 Constitution lists these, not in chapter four dealing with Fundamental Rights, but in chapter two, under Fundamental Objectives and Directive Principles of State Policy, in which they are essentially not considered as rights, but as duties of the state.

2. Minority rights not explicitly and adequately constitutionally guaranteed under the ECOWAS Treaty; their fears, allegations, perceptions and feelings of domination, oppression and/or marginalisation by the majority groups are not properly and concretely assuaged. They tend to be subjected to the 'tyranny of the majority'; their struggles for self-determination were suppressed or made irrelevant.

3. Civil and political rights guaranteed under the ECOWAS Treaty are also contradictorily restricted by certain provisions, which need to be reviewed.

4. International treaties and covenants signed, such as CEDAW, have not yet been domesticated.

5. Many legal frameworks for institutions, which help to promote and protect human rights need to be reviewed to strengthen them and make them more effective and efficient in discharging their responsibilities. For example, there is a need to review the legal framework for the operations of the NHRC, especially with regards to removing existing restrictions on access to information, which resulted from the vagueness in the provisions of the existing law and which have rendered the working of the complaint mechanism ineffective.

c. Institutional Problems

These relate to inherent weaknesses in existing institutions, which have the statutory responsibility for the promotion and protection of human rights. Such weaknesses relate to lack of independence or relative autonomy, inadequacy of funding, equipment and personnel, and institutional constraints imposed by weaknesses/limitations of their enabling laws. Examples of these include:

1. Institutional constraints and limitations of the NHRC in ECOWAS countries.

2. Institutional constraints and limitations of the Correctional (Prisons) Service of the sub-region.

3. Institutional constraints and limitations of the armed forces of the sub-region.
4. Institutional constraints and limitations of the Judicial and the machinery for the administration of justice in most ECOWAS member states.

d. Attitudinal Problems

This is related to the attitudes, perceptions and value-orientation of ECOWAS citizens, which negatively impact on the effort to promote and protect human rights. These are not so much rooted in our traditional values and beliefs, as in our lived experiences under prolonged authoritarian military rule. Significantly, these attitudinal factors have a bearing on and generally affect virtually all the others factors discussed in the preceding paragraphs. Examples of these include the following:

1. Attitude of public officials generally and law enforcement agents in particular, in the discharge of their official responsibilities, especially as these pertain to promotion and protection of human rights.

2. Attitude of citizens to their rights, responsibilities and obligations; especially in respect of drawing a fine line between rights and privileges, between individual and group rights, and between personal (my) and collective (our) rights, as well as others (his, her or their) rights.

3. Inadequacy of public enlightenment programs and campaigns, as well as training and retraining of public officers, especially police and judicial officers, aimed at a reorientation and attitudinal changes to develop a civic and democratic culture for the nurturing, promotion, protection and defence of rights and also to dismantle the legacy of intolerance and authoritarianism bequeathed on our nascent democracies by prolonged military rule.

In addition to all these, there is a fundamental problem and challenge that needs to be recognised. It is conceptual in nature. Human rights tend to be conceived and operationalised as either civil or political rights, but hardly as rights. Although remarkable progress is being made where in the world with regards to this category of rights, in ECOWAS sub-region, very little, if anything has yet been done. Indeed, there is a glaring absence of a rights based approach to development that empowers people to take their own decisions their lives rather than be passive objects. This narrow and limited conceptual framework of articulating and operationally rights has severe implications on our socio-economic development and also poses obstacles to promotion in protection of those fundamental rights of Nigerians that address their basic developmental and survival needs and aspirations.

5. Conclusion

Some of the outstanding problems and challenges, which have attended the task of promoting and defending human rights in the ECOWAS sub-region. A lot more efforts need to be put in place to create a better enabling environment for the promotion and protection of human rights, geared towards democratic consolidation and desirable national development. Given the extent, magnitude, intensity and severity of poverty in the ECOWAS sub-region today, we need to promote a conception of rights to come to terms with our prevailing reality, and that imposes constitutional and legal duties and obligations of the states by economic, social and cultural rights justiciable. Doing so, be the most concrete first line of defence and protection of fundamental rights, as well as of consolidating the gains of democracy. First, and foremost, our political leadership should be more focused, proactive and determined to address the identified problems, obstacles

and challenges. It must garner the political will to invest appropriate energy and resources in the development of a sustainable culture of human rights and democracy. It should demonstrate capacity to lead by example, institute and affect the requisite systemic, constitutional/legal, institutional and attitudinal reforms/changes necessary for and protecting the citizens' fundamental rights and democratic aspirations. Secondly, it is recommended that they should pay particular attention to the following specific recommendations:

1. Teaching of civic education in schools.

2. Acceleration of human rights education for the law enforcement agents.

3. Reform of law enforcement agencies, such as the Police Force, Prisons, etc.
4. Reform the judiciary and improve the efficiency of the machine for the administration of justice.

5. Enactment of the freedom of information act and pragmatic implementation, to enhance right to access information and facilitate accountability and transparency.

6. Introduction of civic and political education programs that would cultivate among all ECOWAS citizens the appreciation of and respect for fundamental human rights, freedoms and dignity of the human person.

7. Making certain socio-economic rights justifiable.

8. Strengthen the NHRC to enable it carry out more effectively and efficiently, its task and mandate of promotion and protection of human rights. Empower it and strengthen its capacity to continue to provide inexpensive, non-technical and more accessible service to the public as well as inform and advise the sub-regional governments adequately and appropriately.

9. Increase its relative autonomy from other governmental agencies especially the Ministry of Justice, and provide it with adequate funding. Review the statute establishing it.

10. Review the constitution so as to, among other things, liberalise constitutional provisions regarding political rights, especially with regards to the formation, management and funding of political parties and elections.

Finally, the political leadership needs to design in public places effective mechanisms to ensure adherence to principles of equity in resource mobilisation and utilisation, as well as equality of opportunity for all ECOWAS citizens irrespective of gender, religion, creed, or ethnicity.