***TAKING STOCK OF DEVELOPMENTS IN COOPERATION BETWEEN UNITED NATIONS AND REGIONAL HUMAN RIGHTS MECHANISMS***

ECOWAS Court was established pursuant to Article 15 of the Revised Treaty of the ECOWAS.

The 1991 protocol of the Court provides that the essential role of the Court is:

*"To ensure the observance of law and justice in the interpretation and application of the Treaty and Protocols and Conventions annexed thereto and to be seized with responsibility for settling such disputes as may be referred to it in accordance with the provisions of Article 56 of the Treaty and disputes between states and the institutions of the Community".*

The Court commenced operations in 2001 with the appointment of the first judges and noting that with the limited jurisdiction afforded it under the 1991 protocol, the objectives for the establishment will not be met, it moved for the expansion of its mandate.

Following a memorandum by the Court to the Council of Ministers, the 1991 protocol of the Court was amended in 2005 with the adoption of the Supplementary Protocol. The additional Protocol expanded the jurisdiction of the Court and vested it with competence to determine cases of abuse of human rights that occur in any part of the sub-region in addition to its mandate as a Community Court.

The Supplementary Protocol also made provision in Article 10(d) for individuals to directly access the Court on issues of human rights abuses provided the application is not anonymous or made while the same matter is pending before another international Court.

The Court carries out its mission to ensure the protection of human rights in the sub-region through delivery of well considered and objective decisions while applying the African Charter on Human and Peoples’ Rights, the International bill of rights and other international instruments to which Member States are parties.

The Court has, up till date delivered a total of 220 decisions on human rights violation applications but it is however burdened by the poor implementation of its judgments by Member States, despite the various provisions in the Treaty and Protocols which make judgments of the Court final and not appealable.

Article 24(3) of the Supplementary Protocol on the Court, enjoins each Member State to appoint a National Authority for the purpose of reception and processing of execution of its judgments. Notwithstanding this provision most member states neglect to appoint the National Authority thereby making implementation difficult.

The ECOWAS Court has, since 2008, participated in international workshops organised by the UN High Commissioner on Human Rights on strengthening cooperation between the United Nations and regional human rights mechanisms.

Prior to 2016, four of such workshops were organised by the Office of the High Commissioner for human rights namely in 2008, 2010, 2012 and 2014.

The 2016 workshop aimed primarily at developing proposals for joint actions by the UN, regional human rights mechanisms, civil societies and human rights defenders in compliance with the directives in Resolution 30/3. At the workshop participants discussed and shared information and best practices on interactions with civil societies and human rights activists from practical experiences.

Following that meeting, several best practices were shared and various proposals emerged from the thematic discussions. Some of the good practices include regular exchange of information between representatives of regional mechanisms; creation of database by OHCHR for civil society and national human right institutions, informal exchanges between OHCHR and regional mechanisms as well as training program by OHCHR for state officials aimed at capacity building.

The importance of focusing efforts on implementation of decisions and taking all actions necessary to push for implementation was also stressed. In this regard participants agreed on the need for NGOS involvement so as to focus their efforts on following up decisions by raising awareness among stake holders and insisting on accountability of relevant national institutions.

The ECOWAS Court has learnt and borrowed from some of the above good practices.

The Court has beefed up its interaction with the judiciary and legal practitioners of Member States with a view to ensuring mutual understanding of each others mandate and in so doing, establish a solid alliance for the protection of human rights.

As earlier mentioned one major challenge faced by the ECOWAS Court of Justice is the non-implementation of its decisions.

The Court following the information shared at the 2016 workshop, saw the need to engage with civil society and human rights defenders in a bid to enhance its visibility and ensure the greater implementation of its decisions. This relationship has impacted positively on the implementation of the Court’s decisions as some of these bodies have taken it upon themselves to push for the implementation of the Courts decisions by defaulting Member States.

ECOWAS Court has intensified its cooperation with national judiciaries. In addition to its initiative in the establishment of the West African Judges Association (WAJA), it has now institutionalized a forum for dialogue and exchange of ideas between the judges and legal practitioners of the various member states and those of the ECOWAS Court. The purpose is to discuss current issues of human rights protection so as to ensure better understanding and application of the international standards at all levels of justice delivery.

The ECOWAS Court on 1st March 2018, signed a memorandum of understanding with the African Court on Human and People’s Rights as aframework for cooperation between the two Courts.

The MOU sets out the action plan for its implementation which includes staff exchanges, publication and exchanging jurisprudence, document and information sharing, joint capacity building and resource mobilization for joint projects.

The Court now actively participates in the Judicial Dialogue organised by the African Court, which brings together national, sub-regional and regional judicial bodies to discuss common challenges faced in the promotion and protection of human rights and propose the way forward towards tackling them.

In April 2019, the ECOWAS Court organized its first judicial dialogue with the judges of the African Court as a follow up to the one organized by the African Court in Arusha in February/March 2018. The forum afforded the Judges of both Courts the opportunity to meet, rub minds and exchange ideas and experiences in respect of their judicial mandate.

In March 2017, the Human Rights Council adopted Resolution 34/12 on regional arrangements, requesting OHCHR to create a dedicated programme for regional human rights mechanisms (RHRMs) to gain experience in the UN human rights system in order to enhance capacity building and cooperation among them.

In compliance with the directives of the Human rights Council, the OHCHR organized a fellowship program for regional human rights mechanisms to afford opportunity to interact with and gain experience in the UN human rights system.

The ECOWAS Court was privileged to participate in the 2018 program that ran for a period of two months from the 4th of June to 3rd August 2018.

The Specific Objectives of the program are to:

* Identify ways to strengthen cooperation with UN human rights mechanisms such as treaty bodies, the Human Rights Council and its Universal Periodic Review and Special Procedures;
* Foster interaction between RHRMs and OHCHR staff;
* Support the work of OHCHR focal points for cooperation including sharing information with other RHRMs and enhancing the network of focal points for cooperation with RHRMs;
* Promote inter-regional exchanges and knowledge sharing among fellows.

During the two month period fellows went through the following activities:

* Intensive training provided by OHCHR staff on the UN human rights system including treaty bodies, the Human Rights Council and UPR and other specific human rights thematic areas;
* Attended and observed sessions of the Human Rights Council and other inter-governmental bodies and meetings
* Attended treaty body sessions and the special procedures mandate holders annual meeting;
* writing a variety of reports; communication, briefings, statements;
* Organized a side event on RHRMs at the HRC which also served as a briefing to member states;
* Substitutive discussions with OHCHR geographic and thematic desk officers;
* Briefing with key Geneva NGOs, and representatives of Global Alliance of National Human Rights Institutions (GNAHRI);
* Attending key NHRI and CSO meetings and trainings in Geneva including the GANHRI annual meeting.

The fellows were assigned to the National Institutions, Regional Mechanisms and Civil Society Section (NRCS), and participated in the daily work of the NRCS and also learned from other divisions of OHCHR. The various thematic and geographic sections of OHCHR also provided briefings on substantive human rights issues.

In return, the fellows shared information, knowledge and best practices from their regional mechanisms with OHCHR staff; prepared substantive research papers, provided briefings, and participated in discussions at seminars.

Through this program the fellows gained working-level experience with the United Nations human rights system which has positively impacted on the human rights protection mandate of their various institutions.

In addition to the learning and experiences gained at the program, the fellows created a platform for continuous interaction and information sharing among themselves. This platform has enabled the fellows to continously exchange information and Brain Storm on issues of common interest.

In conclusion, it is important to underscore the fact that cooperation and information sharing between the United Nations and the various regional human rights mechanisms are important tools that will in the long run enhance international cooperation, and foster the promotion and protection of human rights.

The ECOWAS Court has benefitted immensely from the cooperation arrangement by the United Nations Office of the High Commissioner for Human Rights and is very much interested in continuing its participation in this very important dialogue which has gone a long way towards enhancing its capacity.

Thank you for your attention.

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