

Economic Community of West African States Court of Justice and the Development of Human Rights Jurisprudence in Africa: A Difficult Take-off with a Bright and Visionary Landing

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Abstract : This paper evaluates the development of human rights jurisprudence in Africa by the ECOWAS Court of Justice. It traces that though ECOWAS was not established with the aim of promoting and protecting human rights as the African Court of Human and Peoples' Rights, no doubt, the 1991 ECOWAS Court Protocol and the 1993 ECOWAS Revised Treaty give the ECOWAS Court its human rights mandate. The paper, however, points out that despite the availability of these two Laws, the ECOWAS Court had difficulty in its human rights mandate, in view of the twin problems of lack of access to the Court by private parties and personal jurisdiction of the Court to entertain cases filed by private parties. The paper considers the 2005 Supplementary Protocol, not only as an effective legal framework in West African Sub-Region that tackles these problems in human rights cases but also a strong foundation upon which the Court has been developing human rights jurisprudence in Africa through the interpretation and application of this Law and other sources of Law of the Court. After a thorough analysis of some principles laid down by the ECOWAS Court so far, the paper observes that human rights jurisprudence in Africa is growing rapidly; depicting that though the ECOWAS Court initially had difficulty in its human rights mandate, today it has a bright and visionary landing. The paper concludes that West African Sub-Region will witness a more effective performance of the ECOWAS Court if some of its challenges are tackled.

Keywords : access, African human rights, ECOWAS court of justice, jurisprudence, personal jurisdiction

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