

ECOWAS Court declares inadmissible case of human rights violations against Nigeria



The Community Court of Justice, ECOWAS, has declared inadmissible, a case of alleged human rights violations brought by a Nigerian suing on behalf of Makia Media Limited, and dismissed all claims sought by the applicant. In its judgement delivered by Justice Sengu Koroma, Judge Rapporteur, the Court noted it had jurisdiction to hear the case centered on alleged human rights violations. On admissibility, the Court held that although the applicant had jurisdiction to bring a claim for human rights violation as a corporate body, it neither met the requirement of 'actio popularis' principle that is, an action for the benefit of the public, nor demonstrated that the victims could not be envisioned by the Court. Consequently, the Court declared the case inadmissible after noting that the applicant lacked the legal capacity to bring the matter before the court as "actio popularis," and equally failed to present evidence mandating him to act in a representational capacity on behalf of Makia Media Limited. "The reliefs sought must be exclusively for the benefit of the public to the exclusion of the personal interest of the Applicant," the judgement stated. In the initiating application with suit number ECW/CCJ/APP/43/21, the Applicant, Patrick Eholor suing on behalf of Makia Media Limited alleged that the Respondent, Federal Government of Nigeria through its agent and extant laws governing

broadcasting in Nigeria violated the rights of human rights defenders, activists, bloggers, journalists, broadcasters and social media users including their rights to freedom of expression, and information.

He added that various provisions of Nigeria's Broadcasting Code were inconsistent with the African Charter on Human and Peoples' Rights and other international Treaties and Conventions to which Nigeria is a signatory. He claimed that in July 2020, the Respondent through its agent – Nigeria Broadcasting Commission (NBC) began implementation of repressive Sections of the Code Particularly Sections 5, 4 (1), (f) and 5 (4), (3). Furthermore, NBC considered all coverage on security issues as threat to governance and engaged in arbitrary arrest and detention of media practitioners. He further claimed the Respondent also failed to release public information sought by practitioners. On their part, the Respondent denied the claims of the Applicant arguing that no court had declared any Sections of the NBC Code as ambiguous or illegal and that the applicant had not been prevented from exercising its rights within the limits of the law. It added that the Applicant was not at any time arrested or detained. It contended that the applicant, being a corporate body, lacked the capacity to sue for violation of human rights. After deliberation, the Court upheld the preliminary objection raised by the Federal Republic of Nigeria when it declared the entire suit inadmissible "both as an actio popularis suit and a representational suit. It also dismissed all other claims. As to cost, the Court recalled its previous award of the sum of Two Hundred and Fifty Thousand Naira (against the Respondent state for tardiness), it therefore ordered the payment of the interlocutory cost of 250,000 Naira in favour of the Applicant. With Justice Koroma on the bench were Justices Ricardo Cláudio Monteiro Gonçalves (presiding) and Dupe Atoki (member).

Faso, Mali, Niger Officially Withdraw from ECOWAS

Burkina Faso, Mali, and Niger have officially withdrawn from the Economic Community of West African States (ECOWAS), effective January 29, 2025. This development comes after the fulfilment of Article 91, which provides that: Any Member State wishing to withdraw from the Community shall give to the Executive Secretary one year's notice in writing who shall inform Member States thereof. At the expiration of this period, if such notice is not withdrawn, such a State shall cease to be a member of the Community." The three countries' military juntas had accused ECOWAS of being "under the influence of foreign powers" and failing to support their fight against terrorism and insecurity. The withdrawal follows ECOWAS' imposition of sanctions on the three countries due to their failure to return to civilian rule. ECOWAS Chairman, President Bola Ahmed Tinubu, had handed an ultimatum to the Nigerien junta to restore President Mohamed Bazoum, which was defied by the junta.

Despite their withdrawal, ECOWAS has decided to keep its doors open and maintain regional solidarity. The organization has requested that all relevant authorities recognize national

passports and identity cards bearing the ECOWAS logo held by citizens of the three countries, until further notice. Additionally, ECOWAS has directed that goods and services from the three countries continue to be treated in accordance with the ECOWAS Trade Liberalization Scheme (ETLS) and investment policy. Citizens of the affected countries will also continue to enjoy visa-free movement, residence, and establishment in accordance with ECOWAS protocols. The ECOWAS Commission has set up a structure to facilitate discussions on the modalities of future engagement with the three countries. This arrangement will be in place until the full determination of the modalities by the ECOWAS Authority of Heads of State and Government. The trio had in response to the economic sanctions, the adamant military juntas in Niger, Burkina Faso and Mali, on January 27, announced their withdrawal from ECOWAS, saying the regional bloc had derailed "the ideals of its founding fathers and Pan-Africanism." They claimed that ECOWAS had become a threat to its member states. Mali, Niger, and Burkina Faso, governed by military regimes against France, announced their intention to withdraw from ECOWAS, claiming it is being manipulated by their former colonial power.

ECOWAS @ 50

Gowon, Obasanjo, IBB, Others Seek End to Regional Crises

Former Nigerian Head of State, General Yakubu Gowon, who is the only surviving, founding member of the Economic Community of West African States (ECOWAS), has taken another leading role in the search for solutions to the myriad of crises that beset the regional bloc. General Gowon was joined by former Nigerian President Olusegun Obasanjo; former Nigerian military President Ibrahim B. Babangida, and former President of Ghana, John Kufuor to participate in a forum organized by Gusau Institute, a think tank that seeks, through research, to initiate programmes for the enhancement of peace, security and development. Gen. Gowon attended in-person, while the three other former heads of state participated virtually in the search for enduring solution to the challenges facing ECOWAS, during the roundtable conference, which was held in Abuja, the Nigerian capital on February 4, 2025. The meeting focused on discussing challenges and opportunities within ECOWAS as it approaches its 50th

General Yakubu Gowon in his remarks reflected on the organization's history and he emphasized the importance of dialogue and unity, advising against the use of force or sanctions against member-states. He acknowledged the recent withdrawal of Mali, Burkina Faso, and Niger but remains optimistic about ECOWAS's future, stating that the organization is not dead. He encouraged continued engagement with the departed members and suggested inviting these countries to the 50th-anniversary celebration, hoping for their eventual return to the fold. Key topics included addressing security threats, engaging youth, and leveraging economic instruments to foster development in West Africa. The participants expressed optimism for ECOWAS's future while acknowledging the need for reforms and stronger leadership to navigate current crises and promote sustainable growth in the region. The roundtable created a forum for high-level stakeholders to engage in dialogue, addressing these critical issues and exploring cooperative solutions. The hybrid event featured both in-person and virtual



participation as President Olusegun Obasanjo, President Ibrahim B. Babangida, and President John Kufuor participated virtually while Gowon participated in-person.

Discussions followed the Chatham House Rule (which ensures anonymity of speakers) was applied

anniversary, with participants emphasizing the importance of unity, dialogue, and regional integration. ECOWAS at 50 has been a journey filled with successes albeit enormous political and economic and security crises bedeviling West Africa since inception in 1975. The bloc is at the moment facing a threat of disintegration after three of the 15-Member States Burkina Faso, Mali and Niger announced their intention to quit the community, following disagreements over military coups that toppled democratic governments in the three countries. All entreaties for them to return have failed to persuade them.

to promote an atmosphere of open and candid dialogue. Forty- six participants were in attendance, including the four former heads of state.

Dr. Mohammad Ibn Chambas and Ambassador Usman Sarki were co-Chairmen and there were also speakers from Senegal, Algeria, Ghana, South Africa, The Gambia and Kenya. Also in attendance was a strong delegation from the ECOWAS secretariat, led by Ambassador Abdel-Fatau Musah, Commissioner for Political Affairs, Peace and Security.