Symposium IV: The Economic Community of West African States in its Fifties – Looking Back, Look Forward - ECOWAS in the Next 50 Years: Advancing Regional Community Law through Digital Justice and Online Dispute Resolution

By:

Jake Okechukwu Effoduh

June 16, 2026

Introduction

The ECOWAS Community Court of Justice occupies a central place in the legal architecture of West African regional integration, with jurisdiction spanning

human rights, trade, and the interpretation and application of Community law. Yet its authority continues to sit uneasily with the persistent gap between judicial pronouncement and practical effect. Judgments are frequently delayed in implementation, and in many instances not implemented at all, a pattern widely reported by court officials and observers. If effectiveness is assessed primarily through implementation and compliance, the Court's institutional challenge is therefore not merely one of doctrinal coherence, but of execution.

This post asks a simple question: what can digital justice realistically improve at the ECOWAS Court, and what barriers will remain even with digitisation? It argues that digital tools such as electronic case management systems, remote filing and hearings, automated notifications, and publicly accessible compliance dashboards can meaningfully reduce procedural delay, lower access costs, and strengthen transparency around state behaviour. These gains, however, operate within structural limits. Technology cannot substitute for political will, nor can it, on its own, compel recalcitrant states to comply with adverse judgments. Digital justice should thus be understood as a mechanism for enhancing administrative and procedural effectiveness, and for increasing the visibility of non-compliance, rather than as a solution to the Court's deeper political economy of enforcement. In this sense, the promise of digital justice at the ECOWAS Court is best framed as conditional and complementary. It can strengthen the Court's internal functioning and support external accountability efforts, but only alongside institutional design choices and political commitments that treat compliance with regional judicial decisions as a meaningful legal obligation rather than an optional aspiration.

From Trade to Justice: The Expanding Role of ECOWAS Community Law and the Role of Technology

The ECCJ follows a multi-stage adjudication process that often leads to significant delays. After a case is filed, it undergoes an initial admissibility review, which can take months before formal proceedings begin. This is followed by written submissions between parties, including memorials and counter-memorials, a stage often prolonged by extensions. Oral hearings are then scheduled but may face postponements due to scheduling conflicts or the need for further evidence. Once hearings conclude, the Court deliberates and drafts its judgment, a process that can add several more months. As a result, it

is common for cases to remain unresolved for over two years. These delays are particularly harmful in human rights cases, where swift rulings are crucial to preventing ongoing harm.

Several cases illustrate the ECCJ's systemic failures. In Samuel Sam-Sumana v. Sierra Leone (2015), the ECCJ ruled that the dismissal of Sierra Leone's Vice President violated due process, but the government refused to comply, insisting that the matter fell outside the court's jurisdiction. Similarly, in Deyda Hydara v. The Gambia (2014), the court found that The Gambia had failed to investigate the assassination of journalist Deyda Hydara and ordered compensation for his family, an order that went unenforced for several years, although subsequent partial payment has been reported under the post-Jammeh government.. In Djibril Bassolé v. Burkina Faso (2016), the ECCJ ruled that Burkina Faso had violated due process rights, yet the government refused to recognize the ruling, arguing that domestic courts had already adjudicated the matter. These cases reflect a broader crisis of judicial non-compliance, worsened by ECOWAS's failure to ensure that all member states designate enforcement authorities, as required under Article 24(3) of Supplementary Protocol A/SP.1/01/05 amending the Protocol on the Community Court of Justice. These examples illustrate the type of effectiveness deficit that digital justice tools can most directly address: not by compelling compliance, but by improving procedural traceability, monitoring, and transparency around states' responses to judgments. Technology offers a solution to the inefficiencies in the ECCJ's adjudication process. During the COVID-19 pandemic, the Court adopted virtual sessions and e-filing to improve access to justice, measures that have been retained beyond the crisis. However, further integration of digital case management tools could significantly reduce delays. Automated scheduling, AI-assisted document review, and virtual hearings would streamline proceedings, while digital case management systems, like "case lines" used in some African courts, could improve document accessibility and administrative efficiency. Expanding these technological advancements would allow the ECCJ to resolve cases more quickly and enhance the delivery of justice, particularly in urgent human rights matters.

Enforcing ECCJ rulings remains a significant challenge due to the absence of a centralized mechanism and the reliance on individual states for compliance. Under Article 24(3) of the 2005 Supplementary Protocol, each ECOWAS

member state is required to designate a National Authority to receive and process ECCJ judgments. However, this decentralized approach has proven ineffective, as only a few member states have appointed the required authorities. With enforcement left largely to the discretion of national governments, judicial decisions often face delays or outright non-compliance, undermining the credibility of ECOWAS community law.

A technology-driven accountability system could help address this issue. AI-powered monitoring tools could track compliance, issue automated enforcement alerts, and escalate non-compliance reports to the ECOWAS Commission. A digital enforcement dashboard would provide real-time oversight, ensuring that states adhere to rulings. By shifting from a state-dependent enforcement model to one that integrates technological oversight, ECOWAS could strengthen the execution of ECCJ judgments and reinforce the authority of its judicial system. Such tools cannot substitute for political will, but they can lower the costs of compliance, reduce plausible deniability, and increase the visibility of non-compliance for ECOWAS institutions and civil society actors.

Beyond technological gaps, structural challenges further weaken enforcement. Many ECOWAS states resist ceding legal authority to a supranational body, treating mandatory enforcement as a sovereignty issue, which leads to selective compliance. Unlike the European Court of Justice, whose rulings automatically bind member states, ECOWAS norms remain subordinate to national laws, allowing states to ignore judgments without consequences. A digital legal integration framework that ensures ECCJ rulings are reflected in national legal databases could help bridge this gap. Institutional constraints also hinder the Court's efficiency; reducing the number of judges from seven to five in 2018 has slowed case resolution, while limited funding and outdated infrastructure prevent the adoption of AI-assisted adjudication tools that could improve legal consistency across member states.

Transforming Dispute Resolution Through Digital Justice in ECOWAS

Digital justice is transforming legal systems worldwide, yet ECOWAS risks lagging. Several jurisdictions offer insights into the dynamics of digital justice and Online Dispute Resolution (ODR) within regional and international legal

frameworks. The European Union's Online Dispute Resolution Platform was designed to facilitate cross-border dispute resolution while ensuring compliance with regional consumer protection laws. The UNCITRAL framework for ODR currently seeks to establish a model for integrating digital dispute resolution into international trade and commercial transactions. Nationally, in China, the establishment of Internet courts, incorporating AI-driven adjudication, blockchain-based evidence authentication, and virtual hearings, illustrates the potential of digital justice to streamline case management and enhance legal certainty. While these examples demonstrate the possibilities of integrating digital justice into regional legal systems, they have limitations. However, experience has also shown that establishing and sustaining ODR in a regional or international context presents significant challenges, particularly in ensuring enforceability and long-term viability.

A Strategic Roadmap for Advancing Digital Justice in ECOWAS

Traditional legal processes, burdened by inefficiency, delays, and jurisdictional complexities, are no longer sufficient in a world where commerce, migration, and governance increasingly rely on digital connectivity. As industries integrate automation to enhance efficiency and accessibility, ECOWAS must modernize its dispute resolution and legal enforcement mechanisms to ensure regional justice keeps pace with global standards.

Digital justice platforms can remove geographical and financial barriers, making legal services more accessible, especially for those in remote or underserved areas. Integrating ODR mechanisms into ECOWAS's legal system would provide individuals and businesses with a faster, more cost-effective alternative to traditional litigation. The ECCJ's planned launch of the *Electronic Case Management System (ECMS*) in 2025 offers a key opportunity to modernize judicial processes and improve transparency in dispute resolution. While this initiative reflects a growing recognition within ECOWAS of the need for legal modernization, its success will depend on effective implementation and sustained institutional support, without which it risks becoming another unfulfilled reform.

As digital transformation gains momentum globally, ECOWAS must pursue substantive integration of digital systems within the ECCJ, rather than symbolic

or cosmetic digitisation. Simply introducing digital tools without addressing deep-rooted procedural inefficiencies, accessibility gaps, and inconsistencies in legal enforcement will do little to improve justice delivery. Without robust technical infrastructure, comprehensive judicial training, and harmonized digital legal frameworks, the ECMS risks becoming another underutilized system rather than a meaningful solution. ECOWAS must prioritize substantive reforms over the mere appearance of modernization, ensuring that digital justice translates into real institutional efficiency, more substantial access to legal remedies, and consistent application of community law across member states.

Although ECOWAS has sanction mechanisms in place, they remain unenforced in practice. This assessment adopts an implementation-centred understanding of effectiveness, rather than broader accounts that evaluate regional courts primarily through normative influence, symbolic authority, or agenda-setting impact. Article 77 of the ECOWAS Revised Treaty outlines measures such as suspending loans to non-compliant states, excluding them from community projects, and imposing travel bans, and asset freezes on their leaders. However, no member state has ever faced sanctions for failing to comply with an ECCJ ruling, rendering these provisions a theoretical deterrent rather than an effective enforcement tool. Without political will, the existing framework remains ineffective. Implementing a technology-driven monitoring system that automatically flags non-compliant states and triggers financial penalties could establish a self-executing enforcement mechanism, ensuring that legal obligations are upheld.

For digital justice to be effective, ECOWAS must secure formal legal commitments from member states to integrate digital rulings into their national enforcement frameworks. This would require domestic legislation explicitly recognizing ODR decisions as binding. In practical terms, implementation could build on existing national digitalisation and emerging AI-capacity initiatives within some member states, where such infrastructure already supports court administration and public-sector service delivery. However, even with such commitments, establishing and sustaining an effective regional or international ODR system is inherently complex, as many similar frameworks have faced significant enforcement and operational challenges.

Modernizing the ECCJ through digital justice and ODR presents significant challenges, particularly in enforcement and long-term viability. The European Union's ODR platform offers a useful case study. Established under Regulation (EU) No 524/2013, it was designed to facilitate the resolution of consumer disputes arising from online transactions by connecting consumers and traders with certified Alternative Dispute Resolution (ADR) entities. While it provided insights into the importance of structured legal frameworks, the Council of the European Union ultimately shut down the platform on November 19, 2024, due to its unsatisfactory performance relative to its costs.

The discontinuation of the EU's ODR platform underscores the challenges of sustaining a cross-border dispute resolution system, even within a legally integrated and politically aligned regional body. The platform was ultimately deemed ineffective despite the EU's harmonized legal framework and strong enforcement mechanisms. ECOWAS, with its greater legal fragmentation and weaker enforcement capacity, faces an even greater challenge. The key takeaway is that ODR requires robust legal backing, institutional commitment, and enforceable mechanisms at the national level. Adopting digital tools alone is insufficient; without clear enforcement structures and legal integration across member states, digital justice in ECOWAS risks becoming another unimplemented reform.

In the case of ECOWAS, there remains unique structural and jurisdictional complexities that complicate digital integration. Without standardized legal processes, automated case tracking, and strong institutional backing, digital justice efforts may struggle to achieve consistency and enforceability across member states. Additionally, resistance to supranational authority, logistical constraints, and funding limitations further hinder modernization efforts. While digital justice could enhance access, streamline case management, and improve legal certainty, its success depends on overcoming systemic barriers to create a functional, enforceable regional legal framework.

Conclusion

The ECCJ's legal processes must evolve to meet the demands of faster, more accessible, and enforceable dispute resolution. Digital justice and ODR present a clear path forward, but their success will depend on foundational changes that address inefficiencies in legal processes, jurisdictional inconsistencies, and

enforcement challenges. This will ensure that digital transformation is not a superficial exercise but a substantive shift in how justice is administered across the region. The efficiency of dispute resolution mechanisms directly influences economic development. A modernized legal system would strengthen investor confidence, improve business efficiency, and attract foreign investment. Digital justice can enhance the predictability of commercial dispute resolution, benefiting sectors such as digital finance, fintech, and intra-African trade while reinforcing ECOWAS's role in implementing the *African Continental Free Trade Area (AfCFTA)*. Establishing reliable, enforceable legal frameworks for commercial disputes will be critical to fostering a competitive, stable regional economy. ECOWAS has the chance to set a benchmark for regional digital governance. A justice system that embraces technology will strengthen enforcement, attract investment, and solidify institutional credibility. The challenge is not just modernization but ensuring that ECOWAS remains a relevant and practical legal authority in the digital era. The time to act is now, as delays will only widen the justice gap and weaken ECOWAS's role in shaping the future of legal innovation.

View online: Symposium IV: The Economic Community of West African States in its Fifties – Looking Back, Look Forward - ECOWAS in the Next 50 Years: Advancing Regional Community Law through Digital Justice and Online Dispute Resolution

Provided by Afronomicslaw