

**RULE OF LAW AND THE SEPARATION OF POWERS:
PROMOTING AND STRENGTHENING JUDICIAL
INDEPENDENCE IN WEST AFRICAN COUNTRIES**

Cotonou, Benin

January 13-15, 2003

The main objectives of the Cotonou Conference on “Rule of Law and the Separation of Powers: Promoting and Strengthening Judicial Independence in West African Countries” include:

- (i) Promoting a deeper understanding of the complementary roles that all three branches of government play in a constitutional democracy governed by the Rule of Law;
- (ii) Identifying and categorizing the main obstacles to the independence of the judiciary and the shortfalls of a vibrant democratic life based on the Rule of Law and the separation of powers;
- (iii) Identifying common solution strategies and mechanisms to improve the system; and
- (iv) Promoting a systematized process to monitor and report on progress related to the implementation of priority reforms to strengthen the Rule of Law, the separation of powers and judicial independence and integrity.

Tuesday, January 13, 2004

8:00 – 8:30 am **Arrival of the participants**

8:30 – 9:00 am **Arrival of the invitees**

9:00 – 10:15 am **Opening Ceremony**

Welcome comments of the President of the Supreme Court of Benin, President of the Bureau of the Administrative Council of the AOA-HJF

Representative of IFES

Representative of the Agence Intergouvernementale de la Francophonie

President of Benin

10:15 – 10:45 am	Coffee Break
10:45 – 11:00 am	Review of Agenda and Workshop Objectives and Activities Saliou ABOUDOU, President of the Supreme Court of Benin, President of the Bureau of the Administrative Council of the AOA- HJF
11:00 am	INTRODUCTORY PRESENTATIONS
Moderators: Benin	Conceptia OUINSOU, President of the Constitutional Court of Tia KONE, President of the Supreme Court of Ivory Coast
11:00 – 11:30 am	1st Presentation: The Rule of Law and the Separation of Powers – General Overview: Concepts and Theories to Strengthen Democracy and Promote Socioeconomic Development Jean-Marie COULON, President of the Agence de Coopération Juridique Internationale, Former President of the Court of Appeals of Paris
11:30 – 12:00 pm	2nd Presentation: The Rule of Law and the Separation of Powers – Daily Reality in the Countries of the AOA-HJF: The Rule of Law and the Separation of Powers in West African Countries, Constitutions and Practices Robert DOSSOU, Lawyer, Former President of the Bar Association of Benin
12:00 – 12:45 pm	Questions and Comments from Participants
12:45 – 13:00 pm	Overview of the debates by the moderators
1:00 – 3:00 pm	Lunch offered by the Minister of Justice of Benin
3:00 pm	PLENARY SESSION
Moderators:	M’Barakou TOURE, President of the Supreme Court of Mali Carlos VAMAIN, Minister of Justice of Guinea Bissau
3:00 – 4:00 pm	3rd Presentation: West African Perspective: Key Challenges Confronting the Executive, Parliamentary and Judicial Branches of Government: Transparency, Accountability and Public Participation within and among the Three Branches of Government in a Constitutional Democracy

3:00 – 3:30 pm	The Executive in its relations with the other powers Oumar GAYE, Counselor, Council of State of Senegal
3:30 – 4:00 pm	The role of the Legislature in a democratic State Desiré KOUDOU GAUDJI, Judge, Law Professor, Advisor to the President of the Supreme Court of Ivory Coast
4:00 – 4:30 pm	The role of the Judiciary in a democratic State Yaya DOUMBIA, Advisor at the Supreme Court of Mali
4:30 – 5:30 pm	Questions and Comments from Participants
5:30 – 5:45 pm	Coffee Break
5:45 – 6:15 pm	4th Presentation: The “Fourth Branch”, the Media Perspective: How do the Judiciary and the Media Support Each Other in Promoting, Protecting and Monitoring Separation of Powers and Rule of Law Principles under the Constitution? Issiaka SOULE, Journalist, Benin
6:15 – 7:00 pm	Questions and Comments from Participants
7:00 – 7:15 pm	Overview of the debates by the moderators
8:00 – 10:00 pm	Reception offered by the President of the National Assembly of Benin

Wednesday, January 14, 2004

8:00 am	PLENARY SESSION
Moderators	Simone VEIL, Former Minister, Counselor of the Constitutional Council of France Yves YEHOUESSI, President of the Court of Justice of the UEMOA
8:00 – 10:35 am	5th Presentation, PANEL
8:30 – 9:00 am	International Perspective: Emerging Best Practices and Lessons Learned from “Global Guidance for Promoting Judicial Independence and Impartiality” and Global Lessons Related to the Separation of Powers in a Constitutional Democracy

Louis AUCOIN, Professor at Tufts University's Fletcher School of Law and Diplomacy, Boston, USA

9:00 – 9:25 am **Judicial Perspective:** Regional and International Experiences and Emerging Tools to Strengthen Judicial Independence and Accountability

Djibril ABARCHI, Professor of Law, University Abdou Moumouni, Niamey, Niger

9:25 – 10:10 am Questions and Comments from Participants

10:10 – 10:25 am Overview of the debates by the moderators

10:25 – 10:40 am Establishment of the Working Groups

10:40 – 10:55 am Coffee Break

10:55 am – 1:05 pm **SIMULTANEOUS WORKSHOPS**

Working Group I Is there a regional consensus on what separation of powers and judicial independence means in a constitutional democracy? What are the respective roles of the executive, legislative and judicial powers in a constitutional democracy?

Moderators **Abraham ZINZINDOHOUE, Former President of the Supreme Court of Benin, Former President of the Bureau of the Administrative Council of the AOA-HJF**

Bouréïma BADINI, Minister of Justice of Burkina Faso

Working Group II Is there a regional consensus on what kinds of mechanisms and solutions are needed to strengthen and monitor separation of powers and judicial independence in West Africa? Is it possible to develop a common strategy to strengthen the Rule of Law in West Africa?

Moderators **Cheick OUEDRAOGO, President of the Cassation Court of Burkina Faso, Vice President of the Bureau of the Administrative Council of the AOA-HJF**

Frédéric DZIDZOLI MAWUTO, Parliamentarian, Togo

Working Group III How can the three branches of government develop collaborative strategies to reinforce the Rule of Law and the separation of powers? How to develop collaborative and supportive synergies

between the three branches of government, on the one hand, and the media and civil society, on the other?

Moderators **Pierre GUERDER, Senior Judge of the 2nd Civil Chamber of the Cassation Court of France, General Secretary of the AHJUCAF**

Mathy El Hadji MOUSSA, Minister of Justice of Niger

Working Group IV How to address the issue of corruption in the functioning of the judiciary and judicial processes and how to strengthen judicial integrity and ethics?

Moderators **Violaine AUTHEMAN, Rule of Law Advisor, IFES**

Roger BEAUVOIS, Director of the International Cooperation Division of the Cassation Court of France

1:05 – 3:00 pm **Lunch Offered by the AOA-HJF**

3:00 – 5:00 pm **PLENARY SESSION**

Moderators **Marcel POCHARD, Counselor, Council of State of France**

Nestor DAKO, General Prosecutor, Supreme Court of Benin

3:00 – 4:00 pm Presentation and Discussion of the Recommendations of Working Groups I, II, III and IV

4:00 – 4:15 pm **Coffee Break**

4:15 – 5:15 pm Questions and Comments from Participants

5:15 – 5:30 am **Overview of the debates by the moderators**

8:00 – 10:00 pm **Reception Offered by the French Ambassador to Benin**

Thursday, January 15, 2003

8:00 **PLENARY SESSION**

Moderators **Saliou ABOUDOU,**

Christine DESOUCHES, Délégué for Human Rights and Democracy, Agence Intergouvernementale de la Francophonie

Violaine AUTHEMAN, Rule of Law Advisor, IFES

Conceptia OUINSOU, President of the Constitutional Court of Benin

Yves YEHOUESSI, President of the Court of Justice of the UEMOA

Seydou BA, President of the Court of Justice and Arbitration of the OHADA

Abdoulaye Garba TAPO, Minister of Justice of Mali

Ibrahima BAH, Former Parliamentarian of Guinea, Member of the Francophone Parliamentary Assembly

General Rapporteur Jean-Baptiste MONSI, Advisor to the Judicial Chamber of the Supreme Court of Benin

8:00 – 9:30

Presentation and adoption of the General Report

9:30 – 9:45

Coffee Break

9:45 – 11:15

Presentation and adoption of the Declaration of Cotonou

11:15 – 11:30 am

Arrival of the invitees

11:30 – 12:30 am

Closing Ceremony

Closing Remarks of the President of the Supreme Court of Benin,
President of the AOA-HJF

Reading of the *Cotonou Declaration* and Conference
Recommendations

Thanks

Closing Remarks of the Representative of the President of Benin

12:30 – 1:00 pm

Closing Reception