

**EAST AFRICA LAW SOCIETY CAPACITY BUILDING**  
**TRIAL ADVOCACY TRAINING FOR REGIONAL COURTS**

QUICK FACTS ABOUT EAC:

<b>Area (incl. water):</b>	2.5 million sq. km
<b>Population:</b>	177 million (2019)
<b>GDP (current market prices):</b>	US\$ 193.7 billion (2019)
<b>EAC Headquarters:</b>	Arusha, Tanzania
<b>First established:</b>	1967
<b>Re-established:</b>	7 July 2000
<b>Official language:</b>	English
<b>Summit Chairperson:</b>	H.E. Uhuru Kenyatta
<b>Council Chairperson:</b>	Hon. Adan Mohamed
<b>Secretary-General:</b>	Hon. Dr. Peter M. Mathuki

### **Vision**

The vision of EAC is to be a prosperous, competitive, secure, stable and politically united East Africa.

### **Our Mission**

The mission of the Community is to widen and deepen economic, political, social and cultural integration in order to improve the quality of life of the people of East Africa through increased competitiveness, value added production, trade and investments.

### **Our Values**

Underpinning the EAC is our commitment to our values:

- Professionalism
- Accountability
- Transparency

- Teamwork
- Unity in Diversity
- Allegiance to EAC Ideals

## **THE COMMON MARKET AS AN INTERGRATION PILLAR**

**Article 2** of the Protocol on the Establishment of the EAC Common Market, 2009 establishes the Common Market.

The Common Market is the second Regional Integration milestone of the East African Community (EAC), which has been in force since 2010, in line with the provisions of the EAC Treaty. It follows the Customs Union, which became fully-fledged in January 2010.

To accelerate economic growth and development, it means that the EAC Partner States maintain a liberal stance towards the four Freedoms of movement for all the factors of production and two Rights between themselves. These Freedoms and Rights include:

- Free Movement of Goods
- Free Movement of Persons
- **Free Movement of Labour / Workers**
- Right of Establishment
- Right of Residence
- **Free Movement of Services**
- Free Movement of Capital

## **EAST AFRICAN COURT OF JUSTICE (EACJ) OVERVIEW**

Quick Facts:

<b>Established</b>	30 November 2001
<b>Location</b>	<a href="#">Arusha, Tanzania</a>
<b>Composition method</b>	recommended by the Member States and appointed by the Summit
<b>Authorized by</b>	Treaty for the Establishment of the East African Community.
<b>Judge term length</b>	7 years non-renewable
<b>Number of positions</b>	10 (2 from each member state)
<b>Website</b>	<a href="http://www.eacj.org">www.eacj.org</a>
<b>President</b>	
<b>Currently</b>	Emmanuel Ugirashebuja
<b>Vice President</b>	
<b>Currently</b>	Liboire Nkurunziza

### *Establishment*

The East African Community (EAC) Treaty established the East African Court of Justice in 1999. The Court was inaugurated in November 2001 and heard its first case in 2005. It has two chambers and sits in Arusha.

### *Jurisdiction*

Article 23 of the Treaty states that the purpose of the Court is to ensure the adherence to law in the interpretation and application of and compliance with the Treaty. Article 27 reiterates that the “Court shall initially have jurisdiction over the interpretation and application of this Treaty” and goes on to provide that “The Court shall have such other original, appellate human rights and other jurisdiction as will be determined by this Council at a suitable subsequent date.”

The Court has not yet been given a human rights jurisdiction. However, the fundamental and operational principles of the East African Community, set out in Articles 6 to 8 of the Treaty,

include “good governance including adherence to the principles of democracy, *the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples’ rights* in accordance with the provisions of the African Charter on Human and Peoples’ Rights”

### *Admissibility*

There is no requirement that applications exhaust domestic remedies before bringing an application to the Court. However, if an individual initiates a case then they must lodge their complaint within two months of the decision or action complained of (Article 30(2) of the Treaty).

### *Procedure*

The Court may issue advisory opinions regarding a question of law arising from the Treaty. Advisory opinions can be requested by the Summit, the Council, or a member state. Member states can bring cases against each other and the EAC institutions for breaches of the Treaty, and the EAC Secretary-General can bring similar cases against member states.

The Court can also be accessed directly by individuals. The Treaty provides that, “any person who is resident in a Partner State may refer for determination by the Court, the legality of any Act, regulation, directive, decision or action of a Partner State or an institution of the Community on the grounds that such Act, regulation, directive, decision or action is unlawful or is an infringement of the provisions of the Treaty” (Article 30). Advocates must be entitled to appear before a superior court of a member state. Proceedings before the Court consist of oral hearings as well as written pleadings.

### *Remedies*

The Court primarily issues declarations as to whether particular acts or pieces of legislation infringe rights or provisions of the EAC Treaty. It has also recommended specific amendments to

legislation to bring it in conformity with the Treaty, which also contemplates the Court making financial awards.

### *Enforcement*

Court judgments are binding, although they can be appealed to the Appeals Chamber of the Court. Article 38(3) requires member states and the EAC Council to take immediately all measures necessary to implement a Court judgment. Any award which imposes a financial damages obligation will be enforced through civil procedure rules of the member state where the judgment is enforced. Article 39 also allows the Court to make binding interim orders. There are no procedures to sanction a party that fails to implement a judgment against it.<sup>1</sup>

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<sup>1</sup> <https://www.justiceinitiative.org/publications/east-african-court-justice>