



**EAST AFRICAN COMMUNITY**

**PROTOCOL  
TO OPERATIONALISE THE EXTENDED  
JURISDICTION OF THE EAST AFRICAN COURT  
OF JUSTICE**

EAC SECRETARIAT  
Arusha, Tanzania

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# PROTOCOL TO OPERATIONALISE THE EXTENDED JURISDICTION OF THE EAST AFRICAN COURT OF JUSTICE

PURSUANT TO THE PROVISIONS OF ARTICLE 27 (2) OF THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY, THE PROVISIONS FOR THE EXTENSION OF JURISDICTION FOR THE EAST AFRICAN COURT OF JUSTICE ARE HEREBY SET FORTH:

## PREAMBLE

**CONSIDERING** that the Treaty for the Establishment of the East African Community ("the Treaty"), established the East African Court of Justice as a judicial body which shall ensure the adherence to law in the interpretation and application of and compliance with the Treaty;

## WHEREAS

- (a) under the provisions of Article 27 (2) of the Treaty, Partner States recognise that the Court shall have such other original, appellate, human rights and other jurisdiction as will be determined by the Council; and
- (b) within the provisions of Article 27 (2) of the Treaty, the Partner States agree to conclude a protocol to operationalise the extended jurisdiction of the Court;

**AND WHEREAS** the Summit of the East African Community Heads of State at its 15<sup>th</sup> Meeting held on 30<sup>th</sup> November 2013 approved the Council's recommendation to extend the jurisdiction of the East African Court of Justice to cover trade and investment matters arising out of the implementation of the Protocol on the Establishment of the East African Community Customs Union and the Protocol on the Establishment of the East African Common Market and disputes arising out of the implementation of the Protocol on the Establishment of the East African Community Monetary Union;

**WHEREAS** the Partner States recognize the critical role of the East African Court of Justice in regional integration following the establishment of the East African Community Customs Union, East African Community Common Market and the East African Monetary Union as envisaged under Article 5(2) of the Treaty;

**HAVE AGREED AS FOLLOWS:**

## **ARTICLE 1**

### **Definitions**

In this Protocol, unless the context otherwise requires:

“**Community**” means the East African Community established by Article 2 of the Treaty;

“**Council**” means the Council of Ministers of the Community established by Article 9 of the Treaty;

“**Court**” means the East African Court of Justice established by Article 9 of the Treaty;

“**Treaty**” means the Treaty for the Establishment of the East African Community and any annexes and protocols thereto.

## **ARTICLE 2**

### **Objective of the Protocol**

The objective of this Protocol is to extend the jurisdiction of the Court to cover trade and investment matters arising out of the implementation of the Protocol on the Establishment of the East African Community Customs Union and the Protocol on the Establishment of the East African Common Market and disputes arising out of the implementation of the Protocol on the Establishment of the East African Community Monetary Union.

## **ARTICLE 3**

### **Jurisdiction of the Court**

1. The Court shall have jurisdiction over:
  - (a) disputes on trade and investment arising from the implementation of :
    - (i) the Protocol on the Establishment of the East African Community Customs Union; and
    - (ii) the Protocol on the Establishment of the East African Community Common Market;
  - (b) disputes arising out of the implementation of the Protocol on the Establishment of the East African Monetary Union.
  
2. The extension of jurisdiction under paragraph 1 shall not preclude the exercise of jurisdiction conferred upon other bodies by the Treaty or the relevant laws of the Partner States.

**ARTICLE 4**  
**Amendment of the Protocol**

This Protocol may be amended by the Partner States in accordance with the provisions of Article 150 of the Treaty.

**ARTICLE 5**  
**Entry into Force**

This Protocol shall enter into force upon ratification by all the Partner States and deposit of instruments of ratification with the Secretary General.

**ARTICLE 6**  
**Depositary and Registration**

1. This Protocol and all instruments of ratification shall be deposited with the Secretary General who shall transmit certified true copies of the Protocol and instruments of ratification to all the Partner States.
2. The Secretary General shall register this Protocol with the African Union and such other organisation as the Council may determine.

DONE at Arusha, Tanzania, on the 20<sup>th</sup> day of FEBRUARY in the year Two Thousand and Two Thousand and Fifteen.


IN FAITH WHEREOF the undersigned have appended their signatures hereto:

For the United Republic  
of Tanzania

For the Republic of  
Uganda

For the Republic of  
Burundi

For the Republic  
of Kenya

  
For the Republic of  
Rwanda

