

KIAMBATISHO NA.2



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 15th Meeting held on 30th 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
Depository 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 20th day of FEBRUARY in the year Two Thousand and ~~Two Thousand and~~ Fifteen.


IN FAITH WHEREOF the undersigned have appended their signatures hereto:

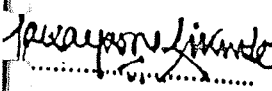
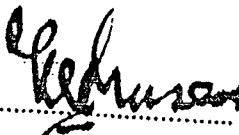
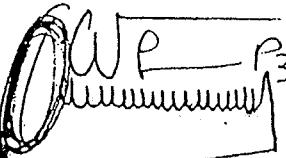
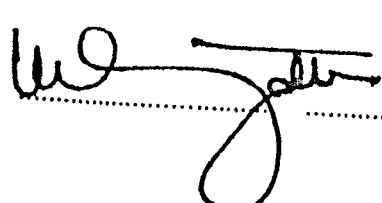
For the United Republic
Tanzania

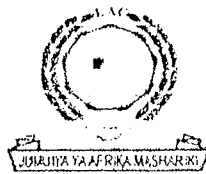
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Uganda

For the Republic of
Burundi

For the Republic
of Kenya


For the Republic of
Rwanda



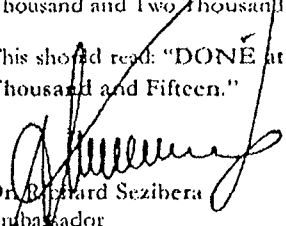
EAST AFRICAN COMMUNITY

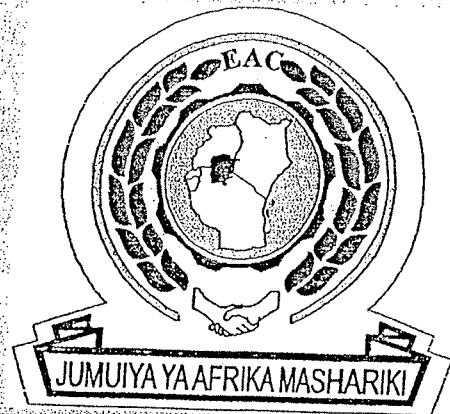
CORRIGENDUM

This is with reference to the Protocol to Operationalise the Extended Jurisdiction of the East African Court of Justice.

In the second last paragraph, on a place where the Protocol was signed from, the following text appears: "DONE at Arusha, Tanzania, on theday ofin the Year Two Thousand and Two Thousand and Fifteen."

This should read: "DONE at Nairobi, Kenya on the 20th day of February in the Year Two Thousand and Fifteen."


Dr. Richard Sezibera
Ambassador
SECRETARY GENERAL



EAST AFRICAN COMMUNITY

COMMUNIQUE OF THE
16TH ORDINARY SUMMIT OF THE EAST AFRICAN
COMMUNITY HEADS OF STATE

*THEME: DEEPENING AND ACCELERATING INTEGRATION: TOWARDS
POLITICAL FEDERATION*

KENYATTA INTERNATIONAL CONVENTION CENTRE,
NAIROBI, KENYA

20TH FEBRUARY, 2015

EAC SECRETARIAT
NAIROBI, KENYA
FEBRUARY, 2015



16TH ORDINARY SUMMIT OF HEADS OF STATE OF THE EAST AFRICAN COMMUNITY

JOINT COMMUNIQUÉ

1. THE EAST AFRICAN COMMUNITY HEADS OF STATE, THEIR EXCELLENCIES PRESIDENT JAKAYA MRISHO KIKWETE OF THE UNITED REPUBLIC OF TANZANIA, PRESIDENT YOWERI KAGUTA MUSEVENI OF THE REPUBLIC OF UGANDA, PRESIDENT PAUL KAGAME OF THE REPUBLIC OF RWANDA, PRESIDENT UHURU KENYATTA OF THE REPUBLIC OF KENYA, AND PRESIDENT PIERRE NKURUNZIZA OF THE REPUBLIC OF BURUNDI, HELD THE 16TH ORDINARY SUMMIT OF THE EAST AFRICAN COMMUNITY HEADS OF STATE AT THE KENYATTA INTERNATIONAL CONVENTION CENTRE IN NAIROBI, KENYA ON 20TH FEBRUARY 2015. THE HEADS OF STATE AND GOVERNMENT MET IN A WARM AND CORDIAL ATMOSPHERE.

2. THE SUMMIT RECEIVED THE ANNUAL REPORT OF THE COUNCIL OF MINISTERS COVERING THE PERIOD NOVEMBER 2013 – NOVEMBER 2014 AND NOTED THE STEADY PROGRESS MADE IN THE IMPLEMENTATION OF THE PROGRAMMES OF THE COMMUNITY.
3. THE SUMMIT CONSIDERED PROGRESS IN THE IMPLEMENTATION OF KEY OUTSTANDING DECISIONS AND OTHER POLICY ISSUES OF STRATEGIC IMPORTANCE TO THE EAST AFRICAN COMMUNITY AND NOTED THAT THERE ARE:- COUNCIL DECISIONS/DIRECTIVES THAT HAVE REMAINED OUTSTANDING FOR MANY YEARS; DELAY IN RATIFICATION OF PROTOCOLS; AND NOTED THAT THERE ARE BILLS ENACTED BY THE EAST AFRICAN LEGISLATIVE ASSEMBLY THAT HAVE REMAINED UNASSENTED TO.
4. THE SUMMIT DIRECTED THE SECRETARIAT TO AVAIL THE PARTNER STATES WITH A LIST OF ALL PROTOCOLS THAT HAVE NOT YET BEEN RATIFIED TO ENABLE THE PARTNER STATES EXPEDITIOUSLY RATIFY THEM AND DEPOSIT INSTRUMENTS OF RATIFICATION WITH THE SECRETARY GENERAL BY 30TH JULY 2015.
5. THE SUMMIT DECIDED THAT ALL THE BILLS THAT ARE DUE FOR ASSENT IN ACCORDANCE WITH ARTICLE 63 OF THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY BE ASSENTED TO BY 30TH JULY 2015.
6. THE SUMMIT DIRECTED THE PARTNER STATES TO IMPLEMENT ALL THE OUTSTANDING DECISIONS AND REPORT ON THE STATUS TO THE NEXT SUMMIT OF THE HEADS OF STATE.

7. THE SUMMIT NOTED THE REVISED ROADMAP FOR THE COMPLETION OF THE EAC INSTITUTIONAL REVIEW AND DIRECTED THE COUNCIL TO ENSURE THAT THE INSTITUTIONAL REVIEW PROCESS IS FINALIZED WITHIN THE REVISED TIMEFRAME AND SUBMIT FINAL RECOMMENDATIONS ON THE EAC INSTITUTIONAL REVIEW TO THE NEXT SUMMIT OF THE HEADS OF STATE.
8. THE SUMMIT NOTED PROGRESS BEING MADE ON THE CONCLUSION OF THE SUSTAINABLE FINANCING MECHANISMS FOR THE EAST AFRICAN COMMUNITY AND DIRECTED THE COUNCIL TO FINALISE THE MECHANISM AND RECOMMEND THE BEST SUSTAINABLE FINANCING MECHANISM TO THE NEXT SUMMIT OF HEADS OF STATE FOR CONSIDERATION.
9. THE SUMMIT APPROVED AND SIGNED THE PROTOCOL TO OPERATIONALIZE THE EXTENDED JURISDICTION OF THE EAST AFRICAN COURT OF JUSTICE COVERING TRADE AND INVESTMENT AS WELL AS MATTERS ASSOCIATED WITH THE IMPLEMENTATION OF THE PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN MONETARY UNION.
10. THE SUMMIT DIRECTED THE PARTNER STATES TO RATIFY THE PROTOCOL AND DEPOSIT THE INSTRUMENT OF RATIFICATION WITH THE SECRETARY GENERAL BY 30TH NOVEMBER 2015.
11. THE SUMMIT NOTED THAT ALL PARTNER STATES HAD RATIFIED THE PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN MONETARY UNION AND DIRECTED THE PARTNER STATES TO

**ABIDE BY THE APPROVED ROADMAP ON THE IMPLEMENTATION
OF THE EAC MONETARY UNION.**

- 12. THE SUMMIT APPROVED THE PROTOCOL ON IMMUNITIES AND PRIVILEGES OF THE EAST AFRICAN COMMUNITY, ITS ORGANS AND INSTITUTIONS FOR SIGNATURE BY THE MINISTERS RESPONSIBLE BY 30TH JULY 2015 AND THEREAFTER RATIFICATION BY 30TH NOVEMBER 2015.**
- 13. THE SUMMIT APPROVED THE EAST AFRICAN COMMUNITY PROTOCOL ON CO-OPERATION IN METEOROLOGICAL SERVICES FOR SIGNATURE BY THE MINISTERS RESPONSIBLE FOR METEOROLOGICAL SERVICES BY 1ST JULY 2015 AND THEREAFTER RATIFICATION BY 30TH NOVEMBER 2015.**
- 14. THE SUMMIT NOTED THE PROGRESS TOWARDS INITIATING THE PROCESS OF DRAFTING THE CONSTITUTION FOR THE EAST AFRICAN COMMUNITY POLITICAL FEDERATION. THE SUMMIT DIRECTED THE COUNCIL TO FINALIZE THE NATIONAL CONSULTATIONS ON THE MODEL STRUCTURE, ROAD MAP, ACTION PLAN AND REPORT PROGRESS TO THE NEXT SUMMIT.**
- 15. THE SUMMIT APPROVED THE MODALITIES FOR THE APPOINTMENT OF EAC EMINENT PERSONS AND SPECIAL ENVOYS. THE SUMMIT DECIDED THAT EMINENT PERSONS AND SPECIAL ENVOYS WILL BE APPOINTED WHENEVER NEED ARISES.**

16. THE SUMMIT DIRECTED THE COUNCIL TO EXPEDITE IMPLEMENTATION OF THE FRAMEWORK FOR HARMONIZED EAC ROAMING CHARGES, INCLUDING THE REMOVAL OF SURCHARGES FOR INTERNATIONAL TELECOMMUNICATIONS TRAFFIC ORIGINATING AND TERMINATING WITHIN THE EAST AFRICAN COMMUNITY BY 15TH JULY 2015.
17. THE SUMMIT DIRECTED THE COUNCIL OF MINISTERS TO STUDY THE MODALITIES FOR PROMOTION OF MOTOR VEHICLE ASSEMBLY IN THE REGION AND TO REDUCE THE IMPORTATION OF USED MOTOR VEHICLES FROM OUTSIDE THE COMMUNITY AND REPORT TO THE 17TH SUMMIT.
18. THE SUMMIT FURTHER DIRECTED THE COUNCIL OF MINISTERS TO STUDY THE MODALITIES FOR THE PROMOTION OF THE TEXTILE AND LEATHER INDUSTRIES IN THE REGION AND STOPPING THE IMPORTATION OF USED CLOTHES, SHOES AND OTHER LEATHER PRODUCTS FROM OUTSIDE THE REGION AND REPORT TO THE 17TH SUMMIT.
19. THE SUMMIT NOTED THE REVISED ROAD MAP FOR THE NEGOTIATIONS ON THE ADMISSION OF THE REPUBLIC OF SOUTH SUDAN INTO THE EAST AFRICAN COMMUNITY AND DIRECTED THE COUNCIL TO ENSURE THAT NEGOTIATIONS ARE CONDUCTED IN ACCORDANCE WITH THE REVISED ROADMAP.
20. THE SUMMIT NOTED THAT THE VERIFICATION EXERCISE FOR THE ADMISSION OF THE REPUBLIC OF SOMALIA INTO THE EAST

AFRICAN COMMUNITY WAS NOT UNDERTAKEN, AS PREPARATIONS WITH THE GOVERNMENT OF THE REPUBLIC OF SOMALIA HAVE NOT YET BEEN FINALISED. THE SUMMIT DIRECTED THE COUNCIL TO UNDERTAKE THE VERIFICATION EXERCISE AND REPORT TO THE NEXT SUMMIT.

21. THE SUMMIT ADOPTED THE DIRECTIVES OF THE 3RD RETREAT OF THE HEADS OF STATE ON INFRASTRUCTURE DEVELOPMENT AND FINANCING IN PARTICULAR TOOK NOTE OF THE TEN YEAR INFRASTRUCTURE INVESTMENT AND RESOURCE MOBILIZATION STRATEGY; AND THE INTER-MODAL TRANSPORT STRATEGY.
22. THE SUMMIT APPRECIATED THE WORLD BANK, THE AFRICAN DEVELOPMENT BANK AND THE EUROPEAN UNION AND OTHER DEVELOPMENT PARTNERS FOR THEIR COMMITMENT AND SUPPORT TOWARDS THE IMPLEMENTATION OF EAC PRIORITY INFRASTRUCTURE AND THE INTER-MODAL TRANSPORT STRATEGY IN THE EAST AFRICAN REGION.
23. THE SUMMIT PURSUANT TO ARTICLE 24 (1) OF THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY APPOINTED HON. MR. JUSTICE GEOFFREY W. M. KIRYABWIRE FROM THE REPUBLIC OF UGANDA JUDGE OF THE EAST AFRICAN COURT OF JUSTICE (APPELLATE DIVISION) WITH EFFECT FROM 16TH AUGUST 2015. HON. MR. JUSTICE GEOFFREY W. M. KIRYABWIRE REPLACES HON. MR. JUSTICE JAMES MUNANGE OGOOLA, WHO WILL BE RETIRING ON 15TH AUGUST 2015. THE HEADS OF STATE THANKED HON. MR. JUSTICE JAMES MUNANGE OGOOLA FOR HIS

DEDICATED SERVICE TO THE COMMUNITY AND WISHED HIM SUCCESS IN HIS FUTURE ENDEAVOURS.

24. THE SUMMIT PURSUANT TO ARTICLE 24 (1) OF THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY APPOINTED HON. MR. JUSTICE AUDACE NGIYE FROM THE REPUBLIC OF BURUNDI JUDGE OF THE EAST AFRICAN COURT OF JUSTICE (FIRST INSTANCE DIVISION) WITH EFFECT FROM 28TH JUNE 2015. HON. MR. JUSTICE AUDACE NGIYE REPLACES HON. MR. JUSTICE JEAN BOSCO BUTASI WHOSE TENURE OF OFFICE ENDS ON 27TH JUNE 2014. THE HEADS OF STATE THANKED HON. MR. JUSTICE BUTASI FOR HIS DEDICATED SERVICE TO THE COMMUNITY AND WISHED HIM SUCCESS IN HIS FUTURE CAREER.
25. THE SUMMIT DESIGNATED HON. LADY JUSTICE MONICA MUGENYI, PRINCIPAL JUDGE OF THE EAST AFRICAN COURT OF JUSTICE WITH EFFECT FROM 26TH JUNE 2015.
26. THE SUMMIT APPOINTED MR. LIBERAT MPFUMUKEKO, FROM THE REPUBLIC OF BURUNDI AS DEPUTY SECRETARY GENERAL OF THE EAST AFRICAN COMMUNITY FOR A RENEWABLE TERM OF THREE YEARS WITH EFFECT FROM 25TH APRIL 2015. THE SUMMIT COMMENDED MR. JEAN CLAUDE NSENGIYUMVA FOR HIS DEDICATED SERVICE TO THE COMMUNITY AND WISHED HIM SUCCESS IN HIS FUTURE ENDEAVOUR.

27. THE SUMMIT RENEWED THE CONTRACT OF HON. JESCA ERIYO, DEPUTY SECRETARY GENERAL FOR A FINAL TERM OF THREE YEARS WITH EFFECT FROM 30TH APRIL 2015.
28. THEIR EXCELLENCIES THE EAC HEADS OF STATE LAUNCHED THE EAC TELEPRESENCE VIDEO CONFERENCING SYSTEM AND COMMENDED TRADEMARK EAST AFRICA FOR THEIR SUPPORT.
29. THE SUMMIT REVIEWED THE CURRENT SECURITY SITUATION IN THE REGION AND NOTED THE NEED TO URGENTLY UPSCALE THE IMPLEMENTATION OF THE RELEVANT COUNTER MEASURES AND DIRECTIVES TO ADDRESS THE CURRENT AND EMERGING SECURITY THREATS IN THE REGION. THE SUMMIT IN PARTICULAR DIRECTED THE PARTNER STATES TO EXPEDITE IMPLEMENTATION OF THE INTERVENTIONS CONTAINED IN THE REVISED STRATEGY FOR REGIONAL PEACE AND SECURITY AS WELL AS THOSE IN THE COUNTER TERRORISM STRATEGY.
30. THE SUMMIT CONSIDERED THE SECURITY SITUATION IN SOUTH SUDAN AND NOTED THE WORK BEING DONE UNDER THE AUSPICES OF IGAD. THE SUMMIT NOTED AND WELCOMED THE AGREEMENT ON THE ESTABLISHMENT OF THE TRANSITIONAL GOVERNMENT OF NATIONAL UNITY AND ALSO CALLING FOR IMMEDIATE AND PERMANENT CEASEFIRE SIGNED ON 1ST FEBRUARY 2015 IN ADDIS ABABA BY THE TWO PARTIES IN THE CONFLICT. THE SUMMIT CALLED UPON THE TWO PARTIES TO ABIDE BY THE TERMS OF THE AGREEMENT AND ENSURE

SUSTAINABLE PEACE, SECURITY AND RESETTLEMENT OF ALL RETURNEES AND INTERNALLY DISPLACED PERSONS.

THE SUMMIT FURTHER WELCOMED AND SUPPORTED THE EFFORTS TO REUNITE THE SPLM PARTY BEING HELD IN ARUSHA – THE UNITED REPUBLIC OF TANZANIA AND SALUTED THE CCM AND ANC FOR FACILITATING THE RE-UNIFICATION PROCESS. THE SUMMIT URGED THE PARTIES TO EXPEDITIOUSLY IMPLEMENT THE AGREEMENTS REACHED.

31. THEIR EXCELLENCIES, PRESIDENT JAKAYA MRISHO KIKWETE OF THE UNITED REPUBLIC OF TANZANIA, PRESIDENT YOWERI KAGUTA MUSEVENI OF THE REPUBLIC OF UGANDA, PRESIDENT PAUL KAGAME OF THE REPUBLIC OF RWANDA, AND PRESIDENT PIERRE NKURUNZIZA OF THE REPUBLIC OF BURUNDI THANKED THEIR HOST, HIS EXCELLENCY PRESIDENT UHURU KENYATTA OF THE REPUBLIC OF KENYA FOR THE WARM AND CORDIAL HOSPITALITY EXTENDED TO THEM AND THEIR RESPECTIVE DELEGATIONS DURING THEIR STAY IN KENYA.

DONE AT NAIROBI, THIS 20TH DAY OF FEBRUARY 2015

.....
**H.E. JAKAYA MRISHO
KIKWETE**

.....
**H.E. YOWERI KAGUTA
MUSEVENI**

.....
**H.E. PIERRE
NKURUNZIZA**

.....
**H.E. UHURU
KENYATTA**

.....
H.E. PAUL KAGAME

.....
**PRESIDENT OF THE
UNITED REPUBLIC OF
TANZANIA**

.....
**PRESIDENT OF THE
REPUBLIC OF UGANDA**

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**PRESIDENT OF THE
REPUBLIC OF
BURUNDI**

.....
**PRESIDENT OF THE
REPUBLIC OF KENYA**

.....
**PRESIDENT OF THE
REPUBLIC OF
RWANDA**