

Thesis title:

AN EXAMINATION OF THE EFFECTIVENESS OF THE EAST AFRICAN
COURT OF JUSTICE IN THE ADJUDICATION OF CIVIL AND POLITICAL
RIGHTS CASES

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ABSTRACT

The East African Court of Justice (EACJ) is one of the African Regional Economic Communities (REC) Courts that evolved to deal with human rights related matters. This study sets out to examine the effectiveness of this court in this regard. It argues that the EACJ's jurisdictional framework coupled with other institutional challenges undermine the effectiveness of the Court in protecting civil and political rights (CPRs) in the community. To this end, the study critically examines the EACJ Treaty regime and institutional weakness within EAC States and thus assesses their impact on the Court's effectiveness in the protection of CPRs within the East African region.

Using a socio-legal analysis, the study finds that structural deficiencies within the EAC treaty and the prevailing EAC Partner States political regimes tremendously undermine the Court's endeavour to enforce human rights and foster the integration sought by East Africans. Yet, it also reveals that despite this challenging working environment, the Court, relying on its creative approach, has been able to articulate and assert a kind of human rights related jurisdiction, and thus to adjudicate CPR cases.

For the purpose of streamlining the protection of human rights, the study then benchmarks other long-standing regional courts, and distils best practices and lessons to enhance the effectiveness of the EACJ in the adjudication of CPRs. The study thus recommends practical legal and institutional reforms; consisting in amending the EAC treaty to vest the EACJ with an explicit human rights mandate and to confer to it a supra-national nature; and in change of States' practices by ceding the requisite amount of their sovereignty to the EAC and by ensuring that democracy, rule of law and human rights are internally upheld as shared common values.

