



**RESOLUTION OF THE ASSEMBLY TO URGE THE SUMMIT TO APPOINT
THE PRESIDENT AND OTHER JUDGES OF THE EAST AFRICAN COURT OF
JUSTICE AND TO DETERMINE THEIR COMPREHENSIVE TERMS AND
CONDITIONS OF SERVICE**

**By Hon Dan Wandera Ogalo and adopted by the Assembly on
Wednesday, December 05, 2007**

Preamble:

WHEREAS Article 9 (1) of the Treaty for the Establishment of the East African Community (hereinafter called the Treaty) established the East African Court of Justice (hereinafter called the Court) as an organ of the Community and Article 9 (4) requires the Court to perform the functions conferred upon it by the Treaty;

WHEREAS Article 23 of the Treaty vests in the Court the power to ensure adherence to law, and application of and compliance with the Treaty and Article 27 further clothes the Court with jurisdiction to interpret the Treaty;

AND WHEREAS under Article 24 (1) and (4) the President, Vice President and Judges of the Court are appointed by the Summit which power cannot be delegated by reason of Article 11(9) of the Treaty;

NOW THIS ASSEMBLY,

AWARE that His Lordship Justice M. Ole Keiwua and His Lordship Justice Augustino Ramadhan have ceased being Judges of the East African Court of Justice, their term of office having come to an end in November 2007 leaving

only four Judges to man the Court and therefore making it impossible for the Court to realise the quorum for the full bench of five Judges;

AWARE that the Court has no President at the moment and it is unknown when the Summit will appoint the President of the Court;

NOTING that under Article 24(6) of the Treaty, the President of the Court shall direct the work of the Court, represent it, regulate the disposition of matters brought before the Court, and preside over its sessions;

CONCERNED that the present state of affairs deprives East Africans, employees of the Community, natural persons, legal persons, the Council of Ministers and the Summit access to the full bench of the Court;

FURTHER CONCERNED that the present state of affairs renders an organ of the Community inoperative;

AWARE that on the 18th day of June 2007 in Kampala, Uganda, the Summit approved some Honorarium for the Judges of the Court,

DO NOW RESOLVE AS FOLLOWS;

1. **THAT** the Summit do immediately appoint a President and such number of Judges that will ensure a full bench of the Court.
2. **THAT** the Summit do immediately appoint Judges of the Appellate Division.
3. **THAT** the Summit do reconsider their decision with a view with to determining for the Judges more comprehensive Terms and Conditions of Service commensurate with Judges of a Court of similar jurisdiction.
4. **THAT** this resolution be transmitted to the Chairperson of the Council of Ministers and the Secretary General places the same on the agenda of the next meeting of the Council of Ministers.

Certified by:



Justin Bundi
CLERK

Date: 5th December 2007