

FACULTY OF LAW – UGANDA MARTYRS UNIVERSITY NKOZI

BACHELOR OF LAWS (LLB)

Academic year: 2022/23

4<sup>th</sup> Year, Semester II

EAST AFRICAN COMMUNITY LAW (LLB 4219)

FINAL EXAMINATION

DATE: 19<sup>th</sup> May 2023

TIME: 2:00 – 5:30 PM

INSTRUCTIONS

1. This is a partially open book examination. Students shall only be allowed in with Instruments/Treaties/Protocols/Statutes and personal hand written notes.
2. Students MUST answer **four (4)** questions, with **two (2)** from each section.
3. Start each number on a fresh/different page.
4. Precise answers with valid authorities, logical assessment/deduction and current examples/ illustrations shall fetch healthier marks.
5. Being LLB 4 students, the answers expected are such, that depict critical analysis and informed assertion as opposed to regurgitation of information without reason.

SECTION A

QUESTION 1

*"The East African Community (EAC) is ranked as the most integrated regional economic bloc on the African Continent, but one can only assess how good they are upon comparison with another."* per Peter Muthaki (Sec General of EAC); in "We want Addis to join EAC after Somalia for better bargaining at the Global Table" *The East African Newspaper*; April 1 – April 7 2023 at page 2-3.

While comparing the EAC to any other **two (2)** Regional Economic Communities (RECs) in Africa, discuss the Secretary General's statement.

Examine the substantive, institutional and operational set up of the **two (2)** RECs chosen *vis a vis* the EAC while highlighting the model that best enhances deeper integration. **(25 Marks)**.

## **QUESTION 2**

On 29<sup>th</sup> March 2023, elections were held in Uganda for EALA Members of Parliament. However, the elections were chaotic with candidates alleging that the speaker of Parliament of Uganda campaigned on behalf of some members, others were blocked from campaigning, while the speaker sneaked about five (5) candidates on the ballot paper. The vote was by show of hands and the speaker, upon counting immediately announced the winners. Violence ensued between the Police and candidates in the lobby. To curb confusion, the speaker ruled, that she was forwarding a list. It had MPs from only two (2) political parties of the six (6) that are represented in Ugandan Parliament. In all this, the Secretary General of the EAC issued a statement stating that the elections need not be perfect but as long as the EALA is constituted to pass the budget, the rest are technicalities.

**As a renown EAC law guru, you are consulted to make response & advise.**

- a) When confronted, the speaker stated that the laws they are following are national laws and that the EAC should strictly wait on the dealings of a sovereign state. Either way, any disgruntled individual must initially go to the Courts of Uganda before going to the EACJ. She was strong that by the time any matter is done with Court, the time of five (5) years shall have lapsed for the current Members of Parliament. **(5 marks)**
- b) One of the candidates who was whisked away by police and prevented from campaigning, a one Mudiobole Mark was advised that this is a human rights matter and that the EACJ is the right forum to go. He wants to sue the Attorney General, the speaker, the clerk to Parliament and the 5 MPs who were sneaked onto the list after bribing. **(5 marks)**
- c) Kafeero Mohammed who was also a candidate was advised by his former lawyers to file a matter in the High Court of Uganda to get quick remedy. He filed Civil Suit No. 122 of 2023 seeking to annul the election as it contravened the EAC treaty. He wants you to take on his case. **(5 marks)**
- d) Assuming you took on instructions of Mudiobole to go to EACJ, regarding the cantankerous election, discuss the law and procedure you would adopt to prosecute the matter successfully.  
What remedies would you seek from Court? And in the event of lack of success in the case what would you do next? **(10 marks)**



### **QUESTION 3**

**Write a brief analysis about the following**

- a) The case of *James Katabazi & 21 Others Vs Secretary General of EAC & Attorney General of Uganda Ref No.1 of 2007*. (5 marks)
- b) The principle of variable geometry in East African Community (5 marks)
- c) The rationale and challenges of Harmonisation of laws in regional integration. (5 marks)
- d) Cross border legal practice in the East African Community. (5 marks)
- e) Admission of new Partner States into the EAC. (5 marks).

### **SECTION B**

#### **QUESTION 4**

Compare and contrast the organs of the defunct East African Cooperation (1967) to those of the East African Community established in 1999.

Which organisation exudes better- the principles of good governance, separation of powers, democracy, access to justice, due process & people participation? (25 Marks).

#### **QUESTION 5**

The EAC integration efforts in advancing the tenets, duties and benefits of the customs union, common market and monetary union are rather a fallacy. There is little to no integration!

Assessing the progress in achieving the above-mentioned stages of integration, discuss the efforts, if any of integration in the EAC. (25 marks).

#### **QUESTION 6**

- a) Identify and discuss the various challenges faced by Regional Economic Communities (RECS) in Africa. As an astute student of East African Community law, propose some solutions to the daunting issues. (15 marks)
- b) Discuss the relevant lessons the EAC may learn from the forming and functioning of the European Union as a supranational Authority. (10 Marks).

**FROM HERE-ON, THE STRUGGLE CONTINUES!**