

### Major structural elements and appointment criteria to African Regional Courts with references to Treaty and protocol regulations

(as of January 2024)

	<b>Common Market of Eastern and Southern Africa (COMESA) Court of Justice</b>	<b>East African Court of Justice</b>	<b>Economic Community of West African States (ECOWAS) Community Court of Justice</b>	<b>Southern African Development Community (SADC) Administrative Tribunal</b>
<b>Acronym</b>	CCJ	EACJ	ECCJ	SADCAT
<b>Type of court</b>	selective representation	full representation	selective representation	selective representation
<b>Court divisions</b>	2	2	1	1
<b>Number of judges in the divisions</b>	7 First Instance + 5 Appellate [Art. 20 (1)]	10 First Instance + 5 Appellate [Art. 24 (2)]	5 (previously 7) [Prot. Art. 3(2)]	≥10 [ Prot. Art. 3(1,2,3)]
<b>Max. number of judges from one member state</b>	2 [Art. 20(2)]	2 First Instance + 1 Appellate [Art. 24(1)]	1 [Prot. Art. 3(2)]	1 [Prot. Art. 3(6)]
<b>Explicit actors in the appointment process (as per Treaty)</b>	Authority [Art. 20(1)]	Summit & Partner States [Art. 24(1)]	Authority, Council & Member States [ Prot. Art. 3(4,6)]	Summit, Council & Member States [Prot. Art. 4(1,3,4)]
<b>Judges' term in years</b>	5 [Art. 21(1)]	7 [Art. 24(2)]	5 [Prot. Art. 4(1)]	5 [Prot. Art. 6(1)]
<b>Age limit on the bench</b>	none	70 [Art. 25(1)]	40 ≥ x ≤ 65 [ Prot. Art. 3(7)]	none
<b>Reappointment possibility</b>	Once [Art. 21(1)]	none	Once, if < 65 [Prot. Art. 4(1), 3(7)]	Once [Prot. Art. 6(1)]

Acronym	CCJ	EACJ	ECCJ	SADCAT
<b>Explicit appointment criteria</b>	[Art 20(2)]	[Art. 24(1)]	Prot. Art. 3(1)	Prot. Art. 3(1);[2014 Prot. Art. 3(1)]
Impartiality	yes	yes	no	no
Independence	yes	yes	no	no
Integrity / high moral character	no	yes	yes	no
Expertise in international law	no	no	yes	yes
Fulfilment of national requirements for high judicial office or jurist of recognised competence	yes	yes	yes	yes

**Note:** based on appointment rules as per Regional Economic Communities (REC) Treaties or relevant Protocols governing the composition of the REC courts of justice

**Sources:** Common Market for Eastern and Southern Africa (COMESA). 1993. “Treaty Establishing the Common Market for Eastern and Southern Africa.” [https://comesacourt.org/wp-content/uploads/2018/10/Comesa\\_treaty\\_revised\\_2009.pdf](https://comesacourt.org/wp-content/uploads/2018/10/Comesa_treaty_revised_2009.pdf). (COMESA Treaty); East African Community (EAC). 2007. “Treaty for the Establishment of the East African Community.” <https://www.eacj.org/wp-content/uploads/2012/08/EACJ-Treaty.pdf>. (EAC Treaty); Economic Community of West African States (ECOWAS). 1991. “Protocol A/P.I/7/91 on the Community Court of Justice.” Done at Abuja, July 6, 1991. [http://www.courtecowas.org/wp-content/uploads/2018/11/Protocol\\_AP1791\\_ENG.pdf](http://www.courtecowas.org/wp-content/uploads/2018/11/Protocol_AP1791_ENG.pdf). (ECOWAS Protocol); South African Development Community (SADC). 2000. “Protocol on Tribunal and the Rules of Procedure Thereof.” <https://www.tralac.org/documents/resources/sadc/1192-sadc-protocol-on-tribunal-and-the-rules-of-procedure-thereof-7-august-2000/file.html>. (Shortened simply as SADC Prot.); South African Development Community (SADC). 2014. “Protocol on the Tribunal in the South African Development Community.” <https://ijrcenter.org/wp-content/uploads/2016/11/New-SADC-Tribunal-Protocol-Signed.pdf>. (Shortened as 2014 SADC Prot.).