



EAST AFRICAN COURT OF JUSTICE POSTPONES EACOP CASE INJUNCTION HEARING OVER PRELIMINARY OBJECTIONS

Kampala 3rd March – The East African Court of Justice (EACJ) yesterday postponed hearing of the case through which four East African civil society groups sought a temporary injunction to prevent the East African Crude Oil Pipeline (EACOP) project proponents from developing the pipeline until the main case against the project is heard.

The main case, (Reference number 39 of 2020), argues that the EACOP project will cause irreparable harm to critical ecosystems and the livelihoods of East Africans.

They also argue that the project is against the East African Community (EAC) Treaty, Protocol for Sustainable Management of the Lake Victoria Basin and other laws.

In the main suit, the applicants requested for a declaration that the execution of the EACOP project in legally protected areas contravenes the EAC Treaty.

They also sought a permanent injunction preventing the Ugandan and Tanzanian governments from constructing the EACOP in protected areas in East Africa among others.

Both the applications relating to the main case and the temporary injunction were filed by Centre for Food and Adequate Living Rights (CEFROHT)-Uganda, Africa Institute for Energy Governance (AFIEGO)-Uganda, Natural Justice-Kenya and others.

During yesterday's hearing on the application for a temporary injunction, Mr. Gabriel Malata, the Solicitor General of Tanzania, raised a preliminary objection through which he argued that the EACJ cannot hear the application before it addresses the issue as to whether the EACJ has the jurisdiction to hear the main case.

The lawyer for the applicants/civil society groups argued that the applicants had shown why the EACJ had the jurisdiction to hear the case.

The lawyer observed that hearing of the application for a temporary injunction should be fasttracked to protect the environment and communities' livelihoods.

Court adjourned the hearing until the issue of jurisdiction and other preliminary objections are resolved. This means that the court will first have to determine if the EACJ has the

jurisdiction to hear the case, among others, before the application for a temporary injunction is heard.

The judges informed the applicants (the aforementioned civil society groups) and respondents who include the Ugandan and Tanzanian governments as well as the Secretary General for the EAC that they will be informed of the date for the next hearing.

ABOUT THE CASE

Both the main case and application for a temporary injunction were filed in November 2020. Since then, the case has been heard once, in July 2021. Given the significance of the case, the postponement of the case without clear timelines as to when the case will be concluded is an issue of concern.

It is a marked departure from the principle of prevention which requires the earliest possible intervention to protect the environment rather than look to repairing the damage once it is done.

*****ENDS*****

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