

Common Market for  
Eastern and Southern Africa



COMESA COURT OF JUSTICE (CCJ)

MEDIUM TERM  
**STRATEGIC PLAN**  
2021-2025



MEDIUM TERM  
**STRATEGIC PLAN**  
2021-2025

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## ACRONYMS

AfCFTA	African Continental Free Trade Area
ACTESA	Alliance for Commodity Trade in Eastern and Southern Africa
ADR	Alternative Dispute Resolution
ALLPI	Africa Leather and Leather Products Institute
ATI	African Trade Area
CBC	COMESA Business Council
CCC	COMESA Competition Commission
CCJ	COMESA Court of Justice
COBEA	COMESA Board of External Auditors
COMESA	Common Market for Eastern and Southern Africa
COMFWB	COMESA Federation of Women in Business
EAC	East African Community
EACJ	East African Court of Justice
ECJ	European Court of Justice
GDP	Gross Domestic Product
HR	Human Resources
ICT	Information and Communication Technology
MER&C	Monitoring, Evaluation, Review & Control
MS	Member States





PESTEL	Political, Economic, Social, Technological, Ecological and Legal
PTA	Preferential Trade Area
RECs	Regional Economic Communities
RIA	Regional Investment Agency
SADC	Southern African Development Community
SCOT	Strengths, Challenges, Opportunities and Threats
TDB	Trade and Development Bank
TFTA	Tripartite Free Trade Area
USD	United States Dollars
ZEP-RE	The COMESA Re-Insurance Company



**Honourable Lady Justice Lombe P. Chibesakunda**  
Judge President - COMESA Court of Justice

## FOREWORD

I am pleased to present to you the COMESA Court of Justice 2021-2025 Medium-Term Strategic Plan. This Strategic Plan begins with a bold vision statement that is an expression of what we aspire to achieve in the next five years and beyond. For regional integration to thrive, the Court as the judicial arm of the Common Market, remains instrumental in enhancing economic integration within COMESA.

In the last five years, the Court's jurisdiction expanded to 21 Member States with the entry of Somalia and Tunisia, thus making us the largest regional economic Court in Africa. The Court continued to implement its strategic objectives, key among them, the expeditious disposal of cases, and improved institutional strengthening through the implementation of various skills building programmes. The Court's human resource component was slightly enhanced, and its legal framework was updated through the review and amendment of its procedural and arbitral rules. ICT remained an integral enabler for the achievement of these objectives.

The Court faced several challenges during the outgoing MTSP key among them, the prolonged economic sanctions and the political uncertainty in the Host Member State which adversely affected the Court's operations. The COVID-19 Pandemic further compounded the Court's activities. We begin this strategic cycle at a time when there are positive advancements in the Host Member State. Although the impact of the Pandemic has weighed heavily on Member States, they have remained resilient and fully supportive of the Court.

Our new Vision, 'A world class court promoting regional integration' is an embodiment of our mandate,

and this Medium-Term Strategic Plan will be our roadmap towards the achievement of our strategic objectives. We endeavour to live by our Mission of contributing to regional integration by upholding the rule of law through the highest standards of administrative performance and judicial excellence.

*Chibesakunda*

**Honourable Lady Justice Lombe P. Chibesakunda**

Judge President - COMESA Court of Justice



## PREFACE

Every five years, we take time to reassess our performance and see where it did well, and which areas require improvement. The guiding tool for this exercise is the Medium-Term Strategic Plan (MTSP) from which our Annual Work Plans are derived. The 2016-2020 period was, in many aspects, a vibrant and busy phase for the Court. It is the period which saw the CCJ finally spread its wings, moving from a point of near obscurity to a place of remarkable visibility. The number of cases heard went up and the Court, for the very first time, received an arbitration dispute brought under Article 28, and heard several more arbitral disputes within this period.

The year 2020 began with a busy calendar for the Court but the COVID-19 Pandemic unexpectedly disrupted our planned activities. Although the business of the Court did slow down due to travel and other restrictions, it did not stop. We continued registering cases and hearing urgent matters, thanks to the COMESA Court Digital Evidence Management System (CCDEMS) and other virtual tools adopted in 2019.

We went into the development of the new MTSP 2021-2025 under the cloud of the COVID-19 Pandemic. The Honourable Judges and members of staff have, nevertheless, remained optimistic for what lies ahead and have been instrumental in the development of this MTSP. They know where we have come from and where we want to go. This MTSP guides us to know how we are going to get there.

Our Vision has been revamped to capture our commitment to be *"A world class court promoting regional integration"* and our Core Values have been streamlined to give a laser focus view of what the CCJ wants to be known for – independence, impartiality, integrity, competence, accessibility and accountability. These core values will be the yardstick through which our performance will be measured years from now. We have identified five key focus areas for the 2021-2025 strategy period. The dispensation of justice remains our core function and our *raison d'être*. To achieve this, we will continue to strengthen the institutional and structural capacity of the Court, even as we address issues that may negatively impact its operations. We will go all out to increase the visibility of the Court among the Member States so that COMESA citizens may appreciate why the CCJ exists. The continued enhancement of our ICT Infrastructure remains paramount for better service delivery. We remain committed to achieve what we have set out to do in this period and are enthusiastic about the journey ahead.



**Honourable Nyambura L. Mbatia**

Court Registrar - COMESA Court of Justice

## PREFACE

The Court of Justice of the Common Market for Eastern and Southern Africa (The COMESA Court of Justice) was established as an independent Organ in 1994 upon the adoption of the current COMESA Treaty. The Court's overall jurisdiction and mandate is determined by the Treaty. The Court plays an important role in ensuring the observance of the rule of law through the interpretation and application of the Treaty in the process of the adjudication of disputes and the provision of Advisory Opinions. The Court is composed of a First Instance Division and an Appellate Division.

To achieve its mandate, the Court will need to continue addressing the various issues that are core to its effective operation and at the same time be responsive to the ever-changing environment. With this in mind, the Court developed this Medium-Term Strategic Plan 2021-2025. It builds upon the achievements and lessons learnt from the implementation of the previous Strategic Plan. The Strategic Plan charts the way forward for the Court over the next five years. This has been done by articulating the Vision, Mission, Core Values, Strategic Issues, Objectives, Strategies and Key Activities of the Court.

**Vision:** "A world class court promoting regional integration".

**Mission:** "To contribute to regional integration by interpreting and applying Community Law, upholding the rule of law, and providing prompt and transparent determination of disputes through the highest standards of administrative performance and judicial excellence".

**Core Values:**

Independence

Impartiality

Integrity

Competence

Accessibility

Accountability

The Court has adopted five (5) Strategic Issues namely: Dispensation of Justice, Institutional Strengthening and Capacity Building, The Operations of the Court, Visibility of the Court and Information and Communication Technology. Based on the identified strategic issues, six (6) strategic objectives and various implementation initiatives were identified. The first strategic objective involves the enhancement of dispensation of justice. This will be achieved through implementation of various strategies which involve expansion of the composition of the Court, benchmarking and collaboration with similar courts and other institutions and strengthening the independence of the Court. The Court will undertake various initiatives including engagement of the Policy Organs on the need for the amendment of Article 20 of the Treaty, the opening of the appointment of ad hoc arbitrators, engagement with the Ministers of Justice and Attorneys General and the Secretary-General on the Separation of Powers of the Court.

The second strategic objective will involve enhancement of institutional and structural capacity of the court. The strategies for realising this objective will involve enhancement of the skills and competencies of the staff and judges of the Court, improvement of the structural capacity of the Court and the enhancement of the resource centre of the Court. These strategies will be realised through undertaking training needs analysis; undertaking training; continuous education for the judges and members of staff; holding conferences; undertaking study tours; reviewing the organisational structure of the Court; reviewing and developing organisational policies and procedures among others.

The third strategic objective will involve the improvement of the financial position of the Court. The strategies for realising this objective will involve resource mobilization and strengthening financial management. These strategies will be realised through the development and implementation of a resource mobilization strategy, increasing contribution collections and the engagement of potential cooperating partners for extra-budgetary resources.





The fourth strategic objective will involve enhancement of the operations the Court. Continuous engagement of Member States and concerned Organs on the Seat of Court, amendment of the Treaty and establishment of sub-registries are the key strategies for realising this strategic objective. The Court will hold consultative forums with the concerned Organs and Member States, engage with Policy Organs for the amendment of the Treaty on staggering of the appointment of Judges, creation of an Ombudsman office and the opening of sub-registries to realise the adopted strategies.

Enhancement of the Court's visibility is the fifth strategic objective for the Court. This will be realised through enhancing court users' satisfaction, increasing engagement of court user and other stakeholders, and enhancement of corporate communication. Key initiatives for realizing these strategies will include development of a court users survey instrument, undertaking court user satisfaction survey, holding meetings with key stakeholders including court users, providing weekly update of the Court's website and social media platforms, initiating and concluding memorandums of understanding with stakeholders, developing a corporate communications strategy, disseminating the CCJ law reports, rules of procedure of the Court, and other publications among others.

Lastly, the sixth strategic objective of the Court will be to enhance its ICT infrastructure through the development and implementation of an ICT master plan. Key initiatives will involve undertaking an ICT feasibility study, drafting of the ICT master plan, acquisition and roll-out of ICT software and equipment as outlined in the ICT master plan as well as continuous enhancement of Court's automation.



## CHAPTER ONE: INTRODUCTION

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## **1.1. Overview**

The development of this Strategic Plan for the COMESA Court of Justice (CCJ) has taken cognizance of its overall jurisdiction and mandate as contained under the COMESA Treaty. This Strategic Plan aims at providing the roadmap for the Court and has been aligned to the relevant provisions of the Treaty as spelt therein. It also embraces other prevailing policy and legal documents as applicable within COMESA, forging to create an enabling environment for enhanced regional integration.

This chapter presents the background of COMESA and CCJ. It also highlights the Fundamental Principles, the Seat of the Court and the Jurisdiction of the Court which expounds on the mandate of ensuring the observance of the rule of law through interpretation and application of the Treaty in the process of the adjudication of disputes and the provision of Advisory Opinions within COMESA Region. The chapter further outlines the legal systems pertaining to CCJ.

## **1.2. Common Market for Eastern and Southern Africa (COMESA)**

### **1.2.1. Background of COMESA**

The Common Market for Eastern and Southern Africa traces its genesis to the Lusaka Declaration of Intent and Commitment to the Establishment of a Preferential Trade Area for Eastern and Southern Africa (PTA) in 1978. The Heads of State and Government convened in Lusaka on 21<sup>st</sup> December 1981 at which the Treaty establishing PTA was signed. This was the first step towards higher forms of regional economic cooperation and integration to bring about sustainable growth and development of the Member States. The Treaty came into force on 30<sup>th</sup> September 1982 after it had been ratified by more than seven signatory states as provided for in Article 50 of the Treaty. The objectives of PTA included:

- i. To promote cooperation and integration covering all areas of economic activity, particularly trade and customs, industry, transport and communications, agriculture and monetary affairs
- ii. To raise the standards of living of the people of the region by fostering closer relations among Member States
- iii. To create a Common Market by the year 2000 in order to allow the free movement of goods, capital and labour within the sub region; and
- iv. To contribute to the progress and development of all other African countries.

The PTA Treaty was later replaced with the COMESA Treaty, which was signed on 5<sup>th</sup> November 1993 and ratified on 8<sup>th</sup> December 1994. COMESA is one of the eight Regional Economic groupings recognized by the African Union (AU) under the Abuja Treaty and the AU Constitutive Act. It is one of the building blocks of the African Economic Community and has a membership of Twenty-one (21) African countries. These are; Burundi, Comoros, DRC, Djibouti, Egypt, Eritrea, Eswatini, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Tunisia, Uganda, Zambia, and Zimbabwe. The current data from the COMESA website estimates the population of the COMESA region to be 583 million with a Global Domestic Product (GDP) of US\$ 805 Billion and global import and export trade in goods worth US\$ 524 Billion.

To further build on gains made in regional integration efforts, COMESA in partnership with East African Community (EAC) and the Southern African Development Community (SADC) on the 10 June 2015 in Sharm El Sheikh, Egypt made a joint commitment to accelerate the integration of African economies within the continent by setting up a Tripartite Free Trade Area (TFTA). The developmental integration model of the COMESA-EAC-SADC Tripartite integration initiative has been elaborated in the three pillars of industrial development, market integration, and infrastructure development. A sizable regional market is essential to nurture industry and build competitiveness through improved economies of scale. The Tripartite arrangement therefore aims at promoting economies of scale, enabling competitiveness, diversification, addressing supply-chain constraints, knowledge sharing, fostering regional value-chains, intraregional trade and investment, cross-border infrastructure and overcoming the challenges of small markets.

### **1.2.2. Fundamental Principles of COMESA**

The Treaty establishing COMESA binds together free independent sovereign States which have agreed to co-operate in exploiting their natural and human resources for the common good of all their people. In attaining that goal, COMESA Member States agreed to adhere to the following fundamental principles enshrined in Article 6 of the Treaty:

- i. Equality and inter-independence of the Member States;
- ii. Solidarity and collective self-reliance among the Member States;
- iii. Inter-State co-operation, harmonization of policies and integration of programmes among the Member States;

- iv. Non-aggression between the Member States;
- v. Recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on Human and People's Rights;
- vi. Accountability, economic justice and popular participation in development;
- vii. The recognition and observance of the rule of law;
- viii. The promotion and sustenance of a democratic system of governance in each Member State;
- ix. The maintenance of regional peace and stability through the promotion and strengthening of good neighbourliness; and
- x. The peaceful settlement of disputes among the Member States, the active co-operation between neighbouring countries and the promotion of a peaceful environment as a pre-requisite for their economic development.

### 1.2.3. COMESA's Vision and Mission

The Vision of COMESA is, *"To have a fully integrated internationally competitive regional economic community with high standards of living for its entire people, ready to merge into the African Economic Community"*.

The Mission of COMESA is, *"To endeavour to achieve sustainable economic and social progress in all Member States through increased co-operation and integration in all fields of development particularly in trade, customs and monetary affairs, transport, communication and information, technology, industry and energy, gender, agriculture, environment and natural resources"*.

### 1.2.4. COMESA Institutions and Specialized Agencies

COMESA has institutions and specialized agencies created to promote regional co-operation and development. Collaboration between COMESA and its institutions is essential pursuant to Article 175 of the COMESA Treaty and these include;

**Africa Leather and Leather Products Institute (ALLPI);** To facilitate the development of the leather sector in Africa in general and in the COMESA Region in particular.

**African Trade Insurance Agency (ATI);** To provide political risk cover to companies, investors, and

lenders interested in doing business in Africa.

**Alliance for Commodity Trade in Eastern and Southern Africa (ACTESA);** To integrate small-scale farmers into national, regional and international markets through enhanced policy environment, expanded market services and improved commercial integration.

**COMESA Business Council (CBC);** To enforce strategic advocacy platforms for the private sector in priority sectors within COMESA region and ensure effective representation of private sector interests in COMESA decision making processes.

**COMESA Clearing House;** To facilitate the settlement of trade and services payments amongst Member States.

**COMESA Competition Commission (CCC);** To promote and encourage competition by preventing restrictive business practices and other restrictions that deter the efficient operation of markets, thereby enhancing the welfare of the consumers in the Common Market, and protecting consumers against offensive conduct by market actors.

**COMESA Council of Bureau on the Yellow Card Scheme;** To facilitate the movement of vehicles, goods, people and services within the COMESA region.

**COMESA Federation of Women in Business (COMFWB);** To support women in business in the region

**COMESA Monetary Institute;** To undertake all technical and preparatory activities required to enhance the COMESA Monetary Cooperation Program.

**COMESA Regional Investment Agency (RIA);** To make COMESA one of the major destinations for regional and international investors while simultaneously enhancing national investment.

**Regional Customs Transit Guarantee Scheme;** To provide to customs administrations with security to recover duties and taxes from importers and exporters should the goods in transit be illegally disposed of for home consumption in the country of transit.

**Trade and Development Bank (TDB);** To advance socio-economic development and regional integration across its Member States by financing and fostering trade.

**The COMESA Re-Insurance Company (ZEP-RE);** To promote and develop the insurance industry of the region by fostering the development of the insurance and reinsurance industry in the COMESA Sub-Region; promoting the growth of national, sub-regional and regional underwriting and retention capacity; and supporting sub-regional economic development.

### **1.3. COMESA Court of Justice**

#### **1.3.1. Background of CCJ**

The Court of Justice of the Common Market for Eastern and Southern Africa also known as “COMESA Court of Justice” or simply as “the Court” is one of the Organs of the COMESA created under Article 7 of the COMESA Treaty. It was established as an independent Organ in 1994 upon the adoption of the current COMESA Treaty. The Court assumed the overall jurisdiction of the previous judicial bodies that existed under the Preferential Trade Area of the Common Market for Eastern and Southern Africa (PTA) that is the PTA Tribunal and the PTA Administrative Appeals Board.

The Court's overall jurisdiction and mandate is determined by the Treaty. The Court plays an important role in ensuring the observance of the rule of law through the interpretation and application of the Treaty in the process of the adjudication of disputes and the provision of Advisory Opinions.

The Court is composed of a First Instance Division and an Appellate Division. The First Instance Division has seven Judges, headed by a Principal Judge, while the Appellate Division has five Judges and is headed by the President of the Court. The first Bench of the Court was appointed during COMESA's Third Summit on 30<sup>th</sup> June, 1998 at Kinshasa in the Democratic Republic of Congo and was in office from 1998 – 2004. The second Bench was appointed in 2005, the same year that the Court was expanded into a two-tier court with a First Instance Division and an Appellate Division. The current Bench was appointed in March 2015 and assumed office in June 2015. Council appoints a Registrar from among nationals of Member States qualified to hold high judicial office. The Registrar oversees the day-to- day operations of the Court. The Court has various rules and policies that govern its operations.

### 1.3.2. Seat of the Court

The Court was temporarily hosted within the COMESA Secretariat from 1998 - 2002 but in March 2003, the COMESA Authority decided that the Permanent Seat of the Court shall be Khartoum, in the Republic of Sudan. The Court moved to Khartoum, Sudan in 2005 but due to operational challenges it left for Lusaka, Zambia in 2007 and only returned to Khartoum in 2014.

### 1.3.3. Jurisdiction of the Court

The Court has jurisdiction to adjudicate upon all matters brought before it pursuant to the Treaty. The First Instance Division has jurisdiction to hear and determine any matter brought before it in accordance with the Treaty.

In addition to the above jurisdiction, the Court has a mandate of rendering Advisory Opinions on the written request of a Member State or the Secretary-General on a question of law arising from provisions of the Treaty. It also has jurisdiction to hear and determine matters arising from an arbitration clause contained in a contract which confers such jurisdiction to which the Common Market or any of its institutions is a party or from a dispute between Member States regarding the Treaty if the dispute is submitted to it under a special agreement between the Member States concerned.

Under Article 23(3), the Appellate Division hears and determines appeals from judgments and orders of the First Instance Division on points of law, lack of jurisdiction or procedural irregularity.

### 1.3.4. Court Users

The Court can be accessed by:

**Member States:** A Member States may bring a reference against another Member State or the Council of Ministers in the event there is failure to fulfil an obligation under the Treaty or in case of infringement of a Treaty provision by a Member State or Council. In the same spirit a Member State can refer to the Court an application for determination of the legality of any act, decision regulation or directive of the Council of Ministers on grounds that such act, decision regulation or directive is unlawful or constitutes infringement of a Treaty provision.

**Legal and Natural Persons:** This refers to any legal or natural person resident in a Member State challenging the legality of act, decision regulation or directive of the Council or of a Member State on grounds that such act, decision regulation or directive is unlawful or constitutes an infringement of



the provisions of the Treaty. This Article however imposes an obligation on persons to exhaust all local remedies before a reference is made to the Court.

**The Secretary-General:** Where the Secretary-General considers that a Member State has failed to fulfil an obligation under this Treaty or has infringed a provision of this Treaty subject to Article 25(2&3) of the Treaty.

**COMESA Employees and Third parties:** On application and interpretation of the Staff Rules and Regulations of the Secretariat or other institution regarding the terms and conditions of employment of the employees and third parties against COMESA or its institutions for acts of their employees in the performance of their duties

**National Courts:** Where a question concerning the application or interpretation of the Treaty or validity of regulations, directives and decisions of the Common Market has been raised in proceedings before that court or tribunal, if a ruling on the question is necessary to enable it to give judgment.

**Interveners:** A Member State, the Secretary-General or a resident of a Member State who is not a party to a case before the Court may, with leave of the Court, intervene in that case, but the submissions of the intervening party shall be limited to evidence supporting or opposing the arguments of a party to the case.

### **1.3.5. Legal Systems Pertaining to the COMESA Court of Justice**

The Treaty is the constitutive document establishing COMESA and the framework from which all subsequent instruments derive its legitimacy. All protocols and Annexes to the Treaty form an integral part of the COMESA Community Law.

COMESA also makes Regulations that are binding on all the Member States in their entirety. Regulations are published in the Official Gazette of the Common Market and enter into force on the date of their publication or such later date as may be specified in the Regulations

Besides, establishing a plethora of Community Laws, the CCJ has a rich source of legal systems from which it can draw namely, English Common Law, Continental Civil Law, and Islamic Law. All the systems were introduced into the region through colonisation and religious expansion. English Common law is the system in use in eSwatini, Kenya, Uganda, Zambia, and Zimbabwe. The Civil law system exists in Burundi,

Madagascar, and Rwanda, while Islamic law is in operation in Egypt Sudan and Tunisia. Additionally, several Member States adopt hybrid jurisdictions, thus broadening the systems from which the court can draw, Mauritius and Seychelles use a hybrid of Common law and Civil law, Sudan has a hybrid of Islamic law and Common law, Egypt has a hybrid of Islamic and Civil law. The arbitration jurisdiction of the Court introduces arbitration law and systems to the Court. In arbitration cases, some litigants adopt supra-national legal systems, such as the UNIDROIT Rules.

Article 38 of the Treaty empowers the Court to make its own rules of procedure pursuant to which in 2016 the Court reviewed its Rules of Procedure and in 2018 its Arbitration Rules. The Court also relies on authorities from courts of Member States to CCJ Draft Strategic Plan Page 20 of 69 guide it in its deliberations and engages with Member States for enforcement of its judgments and for non-compliance issues. Finally, the Court draws from the experience and jurisprudence of other regional courts which have similar vocations, such as the EACJ and the erstwhile SADC Tribunal in Africa, and the ECJ in Europe.

Like any true multifaceted legal system, the Common Market legal system needs an effective system of judicial safeguards when laws are challenged or must be applied. The Court of Justice remains the system of safeguards. Its Judges ensure that the law is not interpreted and applied differently in each Member State, that as a shared legal system, it remains a Common Market system and that it is always identical.

As it goes about its business, the Court is inevitably and repeatedly drawn to a consideration of its own jurisdiction and purpose. The relatively low intake of cases causes the Court to continually wonder whether its jurisdiction in trade-related matters is too limited and whether it should seek to expand its role to a consideration of a broader range of disputes and take on a supra-national, ultimate appellate court, role as other regional courts and tribunals have done, with varying degrees of success.

CHAPTER TWO:  
AUDIT OF THE PAST MEDIUM-TERM  
STRATEGIC PLAN 2016-2020

2.1. Overview

This chapter focuses on review and assessment of key achievements, challenges and lessons learnt during the implementation of the previous Medium-Term Strategic Plan 2016–2020 of the Court. It brings out an evaluation of the achievements pointing out the levels of success and providing possible explanations for the results. Based on the recommendations for the achievements, the chapter further sought to isolate the challenges encountered during the period 2016-2020, and presents possible interventions that can be adopted to overcome the challenges moving forward.

Out of the achievements, challenges and recommendations, the chapter then presents the Key Lessons Learnt towards the development of this Strategic Plan 2021-2025.

1.2. Review of the Implementation of the 2016 - 2020 Strategic Plan

TABLE 1: AUDIT OF THE MTSP 2016- 2020

STRATEGY	ACHIEVED / PARTIALLY NOT ACHIEVED	REASONS FOR PARTIALLY/NOT ACHIEVED	RECOMMENDATIONS
STRATEGIC ISSUE 1: DISPENSATION OF JUSTICE			
OBJECTIVE: IMPROVE ACCESS TO JUSTICE			
Lobby for the amendment of the Treaty on all matters affecting the Court including its jurisdiction, staggering of appointment and age limit for the Judges	Partially Achieved	Political bureaucracy and lengthy process for amendment of the Treaty (Article 190)	<div><input type="checkbox"/> More strategic lobbying for amendment of the Treaty</div> <div><input type="checkbox"/> Review the process of amendment of the Treaty</div> <div><input type="checkbox"/> Continue to recommend the amendment of the Treaty where appropriate</div>
Review the Rules of Court	Achieved		Need to continuously review and update the Rules of Court

STRATEGY	ACHIEVED / PARTIALLY NOT ACHIEVED	REASONS FOR PARTIALLY/NOT ACHIEVED	RECOMMENDATIONS
Increase circuit court sittings	Achieved		Need to continuously increase the number and frequency of court sittings
Establish Court sub-registries in Member States	Not achieved	Delay in ratification of the	<input type="checkbox"/> Need to assess the viability of establishing Sub-registries. <input type="checkbox"/> Use of CCDEMS to support establishment of Sub-registries.
Recommend the development of a legal aid scheme	Not achieved	It required further consultation	<input type="checkbox"/> Further consultation to be undertaken <input type="checkbox"/> Appoint pro bono lawyers from COMESA Member States
<b>OBJECTIVE: TIMELY DISPOSITION OF CASES</b>			
Develop and implement a case flow management system	Partially achieved	Implementation of CCDEMS	Need to acquire an electronic Case Management System
Hold court sessions as and when required	Achieved		Continue holding court sessions as and when required
<b>OBJECTIVE: IMPROVE THE QUALITY OF JUSTICE</b>			
Provide legal research facilities	Partially achieved	Inadequate staff and lack of an electronic resource centre	<input type="checkbox"/> Recruitment of legal researchers <input type="checkbox"/> Implementation of an electronic resource centre <input type="checkbox"/> Subscribe to online legal resources

STRATEGY	ACHIEVED / PARTIALLY NOT ACHIEVED	REASONS FOR PARTIALLY/NOT ACHIEVED	RECOMMENDATIONS
Undertake regular training programs	Achieved		<input type="checkbox"/> Conduct a training needs assessment <input type="checkbox"/> Continue to undertake regular training programs
<b>OBJECTIVE: ENHANCE THE TRUST AND CONFIDENCE IN THE COURT</b>			
Engage and sensitise the Member States, COMESA Organs and Institutions to ensure observance of the Treaty with regard to the mandate and independence of the Court	Partially achieved	Inadequate support from MS	Improve engagement with MS to support the Court's sensitisation programs
Assert the independence of the Court	Partially achieved	Interdependence between the Secretariat and the Court	Improve Corporate Governance structures within the Court
Enhance adherence to the rule of law	Partially achieved	Non-adherence to the Treaty and the Rules of Court	The Court should impose sanctions on non-compliant parties
<b>STRATEGIC ISSUE 2: COMMUNICATION AND PUBLIC AWARENESS</b>			
<b>OBJECTIVE: RAISE STAKEHOLDER AWARENESS AND KNOWLEDGE OF THE COURT</b>			
Develop a communication plan	Not achieved	Absence of corporate and communications office	<input type="checkbox"/> Establishment of corporate and communications office <input type="checkbox"/> Increase in financial support from MS and cooperating partners

STRATEGY	ACHIEVED / PARTIALLY NOT ACHIEVED	REASONS FOR PARTIALLY/NOT ACHIEVED	RECOMMENDATIONS
Set-up an information resource centre	Not achieved	<ul style="list-style-type: none"> <li>☐ Inadequate human and financial resources</li> <li>☐ Political instability at the seat of the Court</li> <li>☐ Limited space in the court building</li> </ul>	<ul style="list-style-type: none"> <li>☐ Recruitment of information and resource centre personnel</li> <li>☐ Subscribe to online legal resources</li> </ul>
Undertake publicity seminars/ workshops	Partially achieved	<ul style="list-style-type: none"> <li>☐ Inadequate support from some MS</li> <li>☐ Low attendance at publicity workshops</li> <li>☐ Effect of COVID 19 Pandemic</li> </ul>	<ul style="list-style-type: none"> <li>☐ Increase the number of publicity seminars undertaken</li> <li>☐ Engage MS to support publicity activities</li> <li>☐ Exhaustion of local remedies; <ul style="list-style-type: none"> <li>- Sensitization of national courts and lawyers on Article 30 &amp; 31</li> <li>- National courts can implement the Treaty; civil procedure rules</li> <li>- Engage with rules committee</li> </ul> </li> <li>☐ Sensitise national judges</li> <li>☐ Include COMESA Community Law in universities curriculum</li> </ul>
Optimize the use of online media communications (websites, social media)	Achieved		<ul style="list-style-type: none"> <li>☐ Regularly update the website and social media platforms of the Court</li> <li>☐ Continue to increase presence and visibility of the Court in mainstream media to complement online media</li> </ul>

STRATEGY	ACHIEVED / PARTIALLY NOT ACHIEVED	REASONS FOR PARTIALLY/NOT ACHIEVED	RECOMMENDATIONS
<b>OBJECTIVE: PROMOTE AND MAINTAIN COHERENT AND CONSISTENT CORPORATE BRAND AND IDENTITY</b>			
Develop and implement a branding manual	Partially achieved	Absence of corporate and communications office	Establishment of corporate and communications office
<b>OBJECTIVE: INCULCATE A SENSE OF REGIONAL OWNERSHIP OF THE COURT BY MEMBER STATES</b>			
Engage Governments to ensure ownership	Partially achieved	☐ Absence of corporate and	☐ Establishment of corporate and communications office ☐ Continue to engage with MS
Undertake publicity seminars/ workshops with a focus on strengthening ownership	Partially achieved	Inadequate support from some MS	Continue to engage with MS and stakeholders
Establish linkages with key stakeholders and particularly the business community to reinforce ownership of the Court.	Partially achieved	Absence of corporate and communications office	☐ Establishment of corporate and communications office ☐ Collaborate with the CBC and COMFWB for easier reach to the business community



STRATEGY	ACHIEVED / PARTIALLY NOT ACHIEVED	REASONS FOR PARTIALLY/NOT ACHIEVED	RECOMMENDATIONS
STRATEGIC ISSUE 3: INSTITUTIONAL STRENGTHENING			
OBJECTIVE: DEVELOP AND IMPLEMENT A SUSTAINABLE ORGANIZATIONAL STRUCTURE			
Establish the human capital requirements / HR needs assessment of the Court	Not achieved	Slow implementation of the Council decision	<input type="checkbox"/> Implementation of the HR assessment review <input type="checkbox"/> Develop a new organizational structure
Deploy a talent management system (recruitment, development and retention)	Not achieved	Lack of HR personnel	Recruit HR personnel
Implement a performance management system	Achieved		Identify a suitable and appropriate performance management system for the Court
OBJECTIVE: IMPROVE KNOWLEDGE AND SKILLS			
Develop tools and sensitize stakeholders on regional integration utilizing robust monitoring and evaluation mechanisms	Partially achieved	Lack of MER&C personnel	Recruitment of MER&C personnel
Undertake training needs analysis	Partially achieved	Lack of formal training needs analysis	Undertake a formal and regular training needs analysis
Develop and implement a capacity development program	Not achieved	Lack of human resource capacity and budgetary allocations.	To develop and implement a capacity development programme

STRATEGY	ACHIEVED / PARTIALLY NOT ACHIEVED	REASONS FOR PARTIALLY/NOT ACHIEVED	RECOMMENDATIONS
Establish a collaboration mechanism with similar Courts	Achieved		Strengthen and continue collaboration with similar courts
<b>OBJECTIVE: IMPROVE GOVERNANCE OF THE COURT</b>			
Develop and implement a case flow management system	Partially achieved	Implementation of CCDEMS	Acquire an electronic Case Management System
Improve record keeping	Achieved		<input type="checkbox"/> Enhance the electronic records management system <input type="checkbox"/> Develop a records management policy
Enhance communication between the Judges and the Registry	Achieved		Maintain good communication between the Judges and Registry Staff
Review staff and financial rules and regulations	Not achieved	Inadequate human resource	Recruit additional staff
Undertake regular internal and external audits	Partially achieved	Absence of an Internal Auditor for a long period of the past MTSP	Enhance the Internal Audit unit
Develop and implement a code of conduct for Judges	Not achieved	Delay in review of Terms and Conditions of Service for Judges	Accelerate the review of the Terms and Conditions of Service for Judges

STRATEGY	ACHIEVED / PARTIALLY NOT ACHIEVED	REASONS FOR PARTIALLY/NOT ACHIEVED	RECOMMENDATIONS
<b>OBJECTIVE: ENHANCE RESOURCE MOBILIZATION</b>			
Establish a collaboration mechanism with development partners	Not achieved	Political instability and economic sanctions on the host MS	Explore new collaborations since sanctions have been lifted
Improve communication with Member States	Achieved		Continuous engagement with MS
<b>OBJECTIVE: IMPLEMENT AN M&amp;E SYSTEM</b>			
<input type="checkbox"/> Prepare an M&E plan <input type="checkbox"/> Implement M&E system	Not achieved	Lack of M&E personnel	Recruitment of MER&C personnel
<b>STRATEGIC ISSUE 4: ICT OPTIMIZATION</b>			
<b>OBJECTIVE: DEVELOP AND IMPLEMENT INNOVATIVE INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) SYSTEMS</b>			
Enhancing the Court's website to include links to rules, regulations, judgments, advisory opinions, rulings and other documents for Member States, litigants and other stakeholders	Achieved		Continuous enhancement of the Court's website

STRATEGY	ACHIEVED / PARTIALLY NOT ACHIEVED	REASONS FOR PARTIALLY/NOT ACHIEVED	RECOMMENDATIONS
Develop and implement software for Court management	Not achieved	Inadequate financial resources	Conduct a needs assessment
Continuous enhancement of Court automation	Achieved		Continuous enhancement of Court automation Provision to handle hackers.
Collaborating with respect to access and development of information systems (databases)	Not achieved	Budgetary constraints	Benchmarking with similar courts.

### 2.3. Key Achievements

During the Plan period 2016 - 2020, several activities were planned to help the Court realise its strategic objectives. There were significant milestones which came from either partial or full achievement on the activities and programmes during the planned period. Notable achievements during the planned period included the following:

- i. There was an increase in the number of court sessions and sittings.
- ii. The COMESA Court of Justice Rules of Procedure (2006) were amended and replaced by the Rules of Procedure (2016).
- iii. The Arbitration Rules of the COMESA Court of Justice (2003) were amended and replaced by the Arbitration Rules (2018).
- iv. Four Judges qualified as accredited Members and Fellows of the London Chartered Institute of Arbitrators.
- v. A partnership with the Trade Law Centre in South Africa on the provision of training in Trade Law and Policy was established.
- vi. A collaboration with Strathmore University and Microsoft on a program dubbed "The Courts of the Future" which aims to digitalise court processes was established.
- vii. The COMESA Court Digital Evidence Management System (CCDEMS) was launched.
- viii. Arabic language was adopted as one of the official languages of the Court.
- ix. Budget allocation to the Court was increased.
- x. Collections from Member States' contributions improved.
- xi. The ICT network infrastructure was enhanced.
- xii. The Court's Website was enhanced increasing the reach of the Court through social media platforms such as Facebook and Twitter.
- xiii. There was improved financial management by implementation of Council decisions and audit recommendations by COBEA and external auditors.
- xiv. There was an increase in the number of workshops, publicity seminars and training.
- xv. Visibility of the Court improved.

1.4. Challenges and Proposed Interventions

The Court faced a number of challenges during the Plan period 2016 - 2020. As part of the measures to overcome the identified challenges and for the Court to grow and remain relevant within its overall jurisdiction and mandate as spelt in the Treaty, these challenges have to be addressed. The Medium-Term Strategic Plan 2021 - 2025 is intended to guide the Court in tackling these challenges as well as exploiting opportunities to achieve exemplary performance.

**Table 2** outlines the key challenges that were faced during the period, were outstanding, and the respective proposed interventions which have been planned for in the 2021 - 2025 Plan period:

**TABLE 2: CHALLENGES AND PROPOSED INTERVENTIONS**

CHALLENGES	PROPOSED INTERVENTION
<div>1. The Court faced some difficulties in operating at its Permanent Seat because of the economic sanctions imposed on the Host Member State, the Republic of Sudan.</div> <div>2. The unstable political situation in the Host Member State since 2018 adversely affected operations of the Court</div> <div>3. Delay by the Host Government to resolve the issue of ownership of the court building and other assets handed over to the Court</div>	<div>The Court to continue engaging Member States and where necessary to carry out its activities from outside the Host Member State</div>

CHALLENGES	PROPOSED INTERVENTION
4. The COVID-19 Pandemic affected the day-to-day functioning of Court and slowed down the implementation of some of the planned activities	<ul style="list-style-type: none"> <li>□ Enhancing the use of CCDEMS with other virtual platforms has enable to Court to continue its day-to-day operations</li> <li>□ Strict adherence to Ministries of Government protocols on COVID-19 imposed in various Member State</li> </ul>
5. Death of a Judge	Recommend that the process of the appointment of a replacement judge in the event of death or resignation be expedited
6. Delay or non-remittance of budgetary contributions by some Member States	<ul style="list-style-type: none"> <li>□ Lobby for MS to pay their arrears</li> <li>□ Engage MS on a regular basis</li> </ul>
7. Outdated terms and conditions of service for Judges	Review the terms and conditions of service
8. Inadequate staffing of the Court	Review of Court staffing and organisational structure
9. Inadequate budgetary resources	Continue identifying and engaging potential cooperating partners to support some of the Court's activities
10. Working with limited software and hardware resources to achieve full ICT optimisation	Continue enhancing ICT infrastructure

CHALLENGES	PROPOSED INTERVENTION
11. Absence of risk management policy which led to less effective risk-based internal audit	Develop a risk management policy
12. Outdated Staff Rules and Regulations as well as the Financial Regulations.	Review of the Staff Rules and Regulations, Financial Regulations and develop a Procedures Manual
13. Reliance on the Secretariat's Procurement Rules and Regulations	Develop Procurement Rules and Regulations and Procedures Manual
14. Lack of staggering appointment of Judges	Lobby for amendment of the Treaty in respect to appointment and tenure of Judges

**1.5. Key Lessons Learnt**

Several lessons have been drawn from the lapsed Medium-Term Strategic Plan 2016 -2020 that will greatly inform the successful implementation of the current Strategic Plan 2021 - 2025. The Key lessons learnt are presented in **Table 3** as drawn out of each strategic issue in the lapsed MTSP.



**TABLE 3: KEY LESSON LEARNT**

STRATEGIC ISSUE	KEY LESSONS LEARNT
Dispensation of Justice	The importance of continuously building the skills of Judges and staff members
Communication and Public Awareness	<ul style="list-style-type: none"><li>□ The need to lobby stakeholders and to use every opportunity to engage with them</li><li>□ The need for a Corporate Communications Office to handle the public relations of the Court</li><li>□ The need to increase the number of publicity seminars</li></ul>
Institutional Strengthening	The need to continuously improve corporate governance through regular review of the legal and governance framework within the Court – rules, regulations, charters, policies among others
ICT Optimisation	<ul style="list-style-type: none"><li>□ The need to continue using technology to improve service delivery while being cautious of security threats.</li><li>□ The need to enhance capacity building to keep up with technological advances</li><li>□ The need to offer targeted training to potential court users on the CCDEMS and other ICT tools</li><li>□ The need to make the Court's ICT systems user friendly and easily accessible</li></ul>

## CHAPTER THREE: ENVIRONMENTAL OUTLOOK

2.1. Overview

An analysis of the Court’s environment was undertaken to provide information on how environment impacts its operations. An environmental analysis reveals issues and trends or concerns that the Court will watch and respond to over the plan period.

The analysis was conducted using the PESTEL analysis which presents the broad political, economic, social, technological, ecological and legal issues which may affect the implementation of the strategy. These trends provide the planning premises or assumptions underlying the strategic plan. The outcome of PESTEL is an understanding of the overall picture surrounding the Court as contained in **Table 4 - Table 8**

2.2. Political Factors

The political factors that are likely to determine the business of the Court and their strategic implication are contained in **Table 4**

TABLE 4:POLITICAL FACTORS

#	Issue(s)	Strategic Implication (Description)
	Ambiguity in the Host Agreement	Uncertainty on ownership of the court building
	Overlapping membership	Forum shopping where litigants choose which court or tribunal may provide a favourable decision and this has an impact on the number of cases that come to the Court
	Lack of political stability in the Host MS	This affects the planned activities of the Court and the day to day running of the Court at its seat
	Unfavourable Employment Regulations for internationally recruited Court Staff in the Host Member State	This affects staffing and recruitment at the Court
	Treaty Amendment	The whole series of meetings up to the Authority which is a tedious and lengthy process that requires lobbying through MS
	Formation of the ACFTA	It leaves out the role of regional Courts

#	Issue(s)	Strategic Implication (Description)
	Media	Enhanced media presence will increase visibility of the court

Economic Factors

CCJ will operate in an environment driven by the economic factors contained in **Table 5**.

TABLE 5: ECONOMIC FACTORS

#	Issue(s)	Strategic Implication (Description)
	The residual impact of economic sanctions on the Host Member State	Adverse effect on resource mobilisation.
	Non remittance of funds to the Court by some Member States	This has adverse budgetary implications on the planned activities
	Overreliance on contributions by Member States	Limitation on the number of activities that can be implemented within the budget provided by Member States' contributions
	Unpredictable outbreak of Global Pandemics (such as Covid-19)	<div><div></div> Certain activities of the Court may be delayed</div> <div><div></div> Economic disruptions in Member States may affect contributions</div>

Social Factors

**Table 6** contains the social factors that may affect the operations of the Court and their strategic implication.

**TABLE 6: SOCIAL FACTORS**

#	Issue(s)	Strategic Implication (Description)
	Global pandemics	<ul style="list-style-type: none"><li>□ May negatively affect the health of employees, recruitment and MS contributions</li><li>□ Activities of the Court will be affected</li><li>□ There might be continued travel restrictions</li></ul>
	Different social cultural backgrounds of members of staff and Judges	<ul style="list-style-type: none"><li>□ These differences may have a positive effect in that they may bring diversity</li><li>□ Differences in nationality, culture, religion, gender and ethnicity may impact negatively on social and professional relationships</li></ul>
	Education level	Continuous education, training and professionalism will have a positive impact
	Public and stakeholders support of the Court	Public awareness, perceptions and support from stakeholders
	Language barriers	May impede effective communication among workers
	Management approach	Encourage a participatory management approach

**2.5. Technological Factors**

**Table 7** contains technological factors that are likely to determine the operations of Court and their strategic implication.

**TABLE 7: TECHNOLOGICAL FACTORS**

#	Issue(s)	Strategic Implication (Description)
	Machinery and equipment	The acquisition and proper utilization of modern technological equipment and machinery
	Cyber crime	May threaten the privacy and safety of documents through hacking and virus attacks
	Network infrastructure	Unreliable connectivity may adversely affect the implementation of the strategic plan

#	Issue(s)	Strategic Implication (Description)
	Training	Enhance capacity of all users through training

2.6. Ecological Factors

Climate change remains a challenge for most institutions and the Court has to prioritise it and mitigate any negative impact on its operations.

2.7. Legal Factors

**Table 8** contains the legal factors that are likely to determine the operations of Court and their strategic implication.

**TABLE 8: LEGAL FACTORS**

#	Issue(s)	Strategic Implication (Description)
	Host Agreement	<ul style="list-style-type: none"><li>□ Insufficient implementation of the Host Agreement on the immunities and privileges applicable to Judges and members of Staff</li><li>□ Lack of clarity on ownership of the building which has affected maintenance and insurance of the court building and its assets</li></ul>
	Treaty limitation on jurisdiction	Reduced number of cases
	Multiplicity of dispute resolution fora	Forum shopping where litigants choose which court or tribunal may provide a favourable decision and this has an impact on the number of cases that come to the Court

## CHAPTER FOUR: STRATEGIC ANALYSIS

3.1. Overview

Strategic analysis involves analysing both internal and external environment in which an organisation operates. Internal and external analysis is critical in understanding the conditions within which organisations operate. This strategic plan, discusses how the COMESA Court of Justice will leverage its internal capabilities to optimize the opportunities in its operating environment. The strategic analysis in this section involved identification of Strengths, Challenges, Opportunities and Threats (SCOT) as well as a stakeholder analysis.

3.2. SCOT Analysis

SCOT analysis provides an appreciation of the capabilities of an organization and the external factors that affect it. This analysis results in the identification of SCOT. These provide a good indication of what the future strategies will be. The results of the SCOT analysis are outlined in **Table 9 - Table 12**

3.2.1. Strengths

Strengths are the internal variables that will enable the Court to meet or exceed its performance targets. They are the Court’s resources or capabilities. Strengths allow the Court to respond to change so as to take advantage of opportunities, confront threats and neutralize challenges. The key strengths of the Court and strategic responses are outlined as follows:

**TABLE 9: STRENGTHS**

#	Strength	Strategic Response
	Experienced Judges with diverse legal backgrounds	☐ Continuously strengthen and expand the composition of the Court
	Competent staff	☐ Maintain and enhance skills and competencies
	Presence of a strong, visionary and committed leadership	☐ Maintain and enhance the strong, visionary and committed leadership
	Enhanced ICT systems to facilitate court activities	☐ Enhance the ICT systems by developing and implementing an ICT master plan
	Court User’s Manual that promotes accessibility and visibility of the Court	☐ Continuously review the Court User’s Manual



#	Strength	Strategic Response
	Clear and updated Rules of Procedure that guide the Court and its users	□ Continuously review the Rules of Procedure for the Court

### 3.2.2. Challenges

These are deficiencies in resources and capabilities that may constrain the Court from achieving or exceeding performance targets. They prevent the Court from exploiting opportunities or confronting threats. The key challenges of the Court and strategic responses are outlined as follows:

**TABLE 10: CHALLENGES**

#	Challenges	Strategic Response
	Absence of electronic research facilities	Develop an electronic research facility
	Lack of a records management policies and procedures.	Develop records management policies and procedures
	Inadequate organisation structure of the Court	Review and restructure the organization and the organogram
	Lack of a judicial code of conduct	Develop a judicial code of conduct Create the office of the Ombudsman to oversee the implementation of the judicial code of conduct
	Outdated terms and conditions of service for the Judges	Review of the terms and conditions of service for the Judges
	Lack of MER&C framework	Develop and implement MER&C framework
	Inadequate infrastructure at the Seat of the Court	Continuously engage Member States and concerned Organs on the Seat of Court

### 3.2.3. Opportunities

Opportunities are events or developments or trends that create a positive environment for the Court to grow and strengthen its position. Opportunities originate from outside the Court. The opportunities available to the Court and their strategic responses are outlined as follows:

**TABLE 11: OPPORTUNITIES**

#	Opportunities	Strategic Response
	Mutual cooperation with other RECs	Benchmark and collaborate with similar Courts and other institutions
	Wide and diverse geographical spread	Establish sub-registries in Member States
	Wide support from Member States, COMESA Organs and Institutions as well as from Cooperating Partners	<ul style="list-style-type: none"> <li>□ Continuously engage Member States and concerned Organs on the Seat of Court</li> <li>□ Leverage on wide support for resource mobilization</li> </ul>
	Technological advancement	Develop and implement ICT master plan

**3.2.4. Threats**

Threats to the Court will entail external events or developments that have negative impact on the Court's performance. The key threats to the Court and the strategic responses are outline as follows:

**TABLE 12: THREATS**

#	Threats	Strategic Response
	The residual impact of economic sanctions on the Host Member State	Continuously engage Member States and concerned Organs on the Seat of Court
	Multiple membership of Member States to RECs and proliferation of other dispute resolution bodies	<ul style="list-style-type: none"> <li>□ Expand the composition of the Court</li> <li>□ Enhance Court user's satisfaction</li> <li>□ Increase engagement of Court users and other stakeholders</li> <li>□ Enhance corporate communication</li> </ul>
	Formation of AfCFTA	□ Enhance visibility and competitiveness of the Court
	Emerging technological risks	<ul style="list-style-type: none"> <li>□ Enhance the ICT risk management framework</li> <li>□ Develop and implement ICT security policy</li> </ul>
	Delay or non-remittance of assessed contributions by some Member States and absence of additional budgetary resources	<ul style="list-style-type: none"> <li>□ Work with the COMESA Secretariat to continuously engage Member States for timely remittance of their contributions</li> <li>□ Engage cooperating partners</li> </ul>
	Language barrier	Enhance the Court's capacity by establishing a translation and interpretation unit

#	Threats	Strategic Response
	Lack of qualifications equivalence system in the Region	Develop and implement a qualification equivalence standards policy
	Slow and complex process of amending the Treaty	Continuously engage member states and relevant policy Organs
	Instability in some Member States	Reduce the impact on the Court's operations
	Global pandemics	Enhance disaster preparedness
	Ad hoc nature of court sittings	Continuously engage Member States and concerned Organs

### Stakeholder Analysis

Stakeholders can support or impede efforts of the Court during the implementation of the strategic plan. To be successful in implementing the Strategic Plan, The Court will require the goodwill, support and cooperation from all stakeholders and particular COMESA Institutions. During the Strategic Plan formulation, the Court identified several key stakeholders. They have various interests or stakes in the Court as outlined below:

**TABLE 13: STAKEHOLDER ANALYSIS**

#	Stakeholder Name	Stakeholder Expectations of CCJ	CCJ Expectation from Stakeholder
	Litigants	<ul style="list-style-type: none"> <li><input type="checkbox"/> Efficient and effective registry services and timely resolution of disputes</li> <li><input type="checkbox"/> Fair and equal treatment</li> <li><input type="checkbox"/> Create awareness and provide information</li> <li><input type="checkbox"/> Efficient and effective service delivery</li> <li><input type="checkbox"/> Access to justice</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Knowledge of court processes</li> <li><input type="checkbox"/> Comply with court processes and timelines</li> <li><input type="checkbox"/> Abide by court decisions</li> <li><input type="checkbox"/> Provide feedback</li> <li><input type="checkbox"/> Integrity</li> </ul>
	Residents	<ul style="list-style-type: none"> <li><input type="checkbox"/> Create awareness and provide information</li> <li><input type="checkbox"/> Confidence and trust</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Support court activities</li> <li><input type="checkbox"/> Hold the court accountable</li> <li><input type="checkbox"/> Participation in Court activities</li> </ul>
	Member States	<ul style="list-style-type: none"> <li><input type="checkbox"/> Timely dispute resolution</li> <li><input type="checkbox"/> Advisory Opinions</li> <li><input type="checkbox"/> General information</li> <li><input type="checkbox"/> Impartiality</li> <li><input type="checkbox"/> Interpretation of the Treaty</li> <li><input type="checkbox"/> Visibility of the Court</li> <li><input type="checkbox"/> Good governance</li> <li><input type="checkbox"/> Regional pride</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Timely payment of contribution</li> <li><input type="checkbox"/> Respect diplomatic immunity</li> <li><input type="checkbox"/> Active participation in Court activities</li> <li><input type="checkbox"/> Enforcement of Court judgements and orders</li> </ul>
	COMESA Policy Organs	<ul style="list-style-type: none"> <li><input type="checkbox"/> Render Advisory Opinions when requested</li> <li><input type="checkbox"/> Interpretation of the Treaty</li> <li><input type="checkbox"/> Good governance of the Court</li> <li><input type="checkbox"/> Implementation of the Administrative decisions of the Policy Organs</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Timely decision on Administrative matters and continuous administrative support</li> <li><input type="checkbox"/> Respect the independence of the Court</li> </ul>

#	Stakeholder Name	Stakeholder Expectations of CCJ	CCJ Expectation from Stakeholder
	Bar Associations and Law Societies	<input type="checkbox"/> Support and collaboration <input type="checkbox"/> Linkages for networking <input type="checkbox"/> Law reports <input type="checkbox"/> Quality service <input type="checkbox"/> Create a culture that supports access to justice	<input type="checkbox"/> Support in publicizing the Court in their MS <input type="checkbox"/> Uphold professional standards and ethics <input type="checkbox"/> Contribute to growth of jurisprudence <input type="checkbox"/> Establish COMESA Law Society
	Judiciaries	<input type="checkbox"/> Support and collaboration <input type="checkbox"/> Linkages for networking <input type="checkbox"/> Law reports	<input type="checkbox"/> Implement the Treaty
	COMESA Institutions	<input type="checkbox"/> Cooperate in publicity activities <input type="checkbox"/> Dispute resolution <input type="checkbox"/> Interpretation of the Treaty <input type="checkbox"/> Impartiality	<input type="checkbox"/> Cooperate in publicity activities <input type="checkbox"/> Information <input type="checkbox"/> Separation of Powers between the Court and its institutions
	Academia	<input type="checkbox"/> Collaboration in research and teaching <input type="checkbox"/> Strategic partnership	<input type="checkbox"/> Introduction of courses on Regional integration <input type="checkbox"/> Trainings <input type="checkbox"/> Collaboration in research and teaching <input type="checkbox"/> Provide stock of qualified professionals
	Development Partners	<input type="checkbox"/> Transparency and accountability <input type="checkbox"/> Implement projects according to the approved work plans <input type="checkbox"/> Timely reporting	<input type="checkbox"/> Technical and financial support <input type="checkbox"/> Feedback <input type="checkbox"/> Participate in joint activities <input type="checkbox"/> Adhere to Court priorities

#	Stakeholder Name	Stakeholder Expectations of CCJ	CCJ Expectation from Stakeholder
	Media	<input type="checkbox"/> Transparent Court processes <input type="checkbox"/> Accurate and timely information	<input type="checkbox"/> Accurate, fair and objective reporting <input type="checkbox"/> Dissemination of Court information
	Host MS	<input type="checkbox"/> Respect of International laws, national laws, customs and traditions	<input type="checkbox"/> Honour the Host Agreement
	Other RECs	<input type="checkbox"/> Information <input type="checkbox"/> Collaboration <input type="checkbox"/> Linkages for networking <input type="checkbox"/> Law reports	<input type="checkbox"/> Information <input type="checkbox"/> Collaboration
	COMESA Secretariat	<input type="checkbox"/> Interpretation of the Treaty <input type="checkbox"/> Linkages for networking <input type="checkbox"/> Dispute resolution <input type="checkbox"/> Good governance <input type="checkbox"/> Law reports	<input type="checkbox"/> Prompt administrative support <input type="checkbox"/> Separation of power
	Internal Stakeholders - Judges, Employees of the CCJ	<input type="checkbox"/> Conducive working, environment <input type="checkbox"/> Competitive terms and conditions of service <input type="checkbox"/> Transparency and accountability <input type="checkbox"/> Opportunity for career progression <input type="checkbox"/> Good governance <input type="checkbox"/> Adequate capacity in the Court	<input type="checkbox"/> Upholding professional standards and ethics <input type="checkbox"/> Dedication and diligence in their work <input type="checkbox"/> Provide feedback
	Civil society	Respect for human, environmental and gender rights	To file public interest litigation
	ADR users	Direct access to the Court without exhaustion of local remedies	Skilled lawyers and agents

## CHAPTER FIVE: STRATEGIC MODEL

#### 4.1. Overview

The Strategic Direction aims at providing structure, processes and outputs that will facilitate the CCJ in fulfilling its mandate and justifying its existence and thus continue to make contribution to economic and social development of the COMESA Region. CCJ needed a clear strategic direction which required an articulation of its purpose, business, and what it intended to accomplish. This was done by specifying its Mandate, Vision, Mission and Core Values.

This chapter further focuses on functional analysis by presenting the strategic themes, strategic objectives, strategies or initiatives and activities that define the strategic model of the Court.

#### 4.2. Vision

***“A world class court promoting regional integration”***

#### 4.3. Mission

***“To contribute to regional integration by interpreting and applying Community Law, upholding the rule of law, and providing prompt and transparent determination of disputes through the highest standards of administrative performance and judicial excellence”***

#### 4.4. Core Values

The core values of the Court entail what is regarded as important to the Court. They will provide guidelines for behaviour and secure framework in which change and growth in the Court will be possible during the planning period. The core values for the Court are outlined as follows:

##### i. Independence

The Court will uphold and exemplify judicial independence in both its individual and institutional aspects. Court decisions will be made based on thorough understanding of applicable law and facts of the case and shall apply its mandate, without any restriction, improper influence, inducement, pressure, threat or interference, from any person, institution, Organ or Authority.

##### ii. Impartiality

The Court will apply the principle of neutrality in dispute resolution and management of court operations.



iii. **Integrity**

In discharging its functions, the Court will consistently uphold the highest ideals of honesty, openness, and veracity in the delivery of justice.

iv. **Competence**

The Court will continuously take steps to maintain, enhance staff knowledge, skills and personal qualities for proper performance and inculcate professionalism in all its operations.

v. **Accessibility**

The Court will endeavour to minimize barriers that impede access to justice by court users and lay its foundation on ICT optimization.

vi. **Accountability**

The Court will take responsibility for its actions through ensuring stringent standards of conduct; self-enforcement of legal and ethical rules; good stewardship of Member States funds and property; effective and efficient use of resources.

***The core values of CCJ will be captured under the aide memoire "3I-C-2A"***

#### **4.5. Strategic Issues**

After conducting a comprehensive strategic analysis for the Court in line with the Court's Vision and Mission as anchored on its core values, five (5) strategic issues which will be the pillars of this Strategic Plan were identified and targeted for achievement as follows:

**Dispensation of Justice:** The determination of disputes in a fair manner in compliance with the Treaty thereby upholding the rule of law, is a key focus area for the Court. Key concerns that must be addressed under this strategic issue will include; the independence of the Court, access to justice and the limitation of the legal framework in the Treaty.

**Institutional Strengthening and Capacity Building:** Strengthening of the institutional arrangements as well as the capacity of the Court will continue being important component of the Court's activities. Key concerns that must be addressed under this strategic issue will include; enhancement of the Court's

organizational structure, improvement of staff and judges’ skills and competences, ensuring that the Court’s policies, procedures, and legal framework are up to date and that there is increased funding base for the Court.

**The Operations of the Court:** Smooth functioning of the Court will remain a key priority during this planning period. To achieve seamless efficiency of Court’s operations certain concerns will need to be addressed. These include; resolving the challenges facing the operations of the Court at its Seat, establishment of sub-registries, staggering of the appointment of Judges, and the establishment of a complaints redress mechanism.

**Visibility of the Court:** There is limited awareness of the Court’s mandate, jurisdiction, and court access procedures amongst its key stakeholders. The need for increased visibility is underscored by the fact that various Member States have overlapping membership in RECs, which give them access to alternative dispute resolution mechanisms. In light of the foregoing, visibility is a key issue that needs to be addressed during this planning period.

**Information and Communication Technology:** While enhanced digitisation of the Court will lead to increased efficiency of operations, adoption of modern technology for a global court such as the CCJ is inevitable in the wake of global pandemics and geopolitical instabilities. The key concern to be addressed by the resolution of this issue will mainly revolve around upgrading of the ICT infrastructure.

The five strategic issues will be the focal points of strategic planning process. They are derived out of the key opportunities and challenges that face the Court. These issues which affect both the core and support businesses of the Court, must be addressed for it to succeed. It is around these strategic issues that the objectives and corresponding strategies are set. Specific objectives for each of the issues and their accompanying strategies and key activities were also identified as outlined in **Table 14.**

**4.6. Strategic Objectives, Strategies and Activities**

The five strategic issues outlined in this section were matched with corresponding objectives and strategies. The key strategic activities were also formulated along each of the specific strategies. This section outlines the strategic issues, objectives and strategies that CCJ has to address over this strategic plan period if it has to remain relevant and successful.

**TABLE 14: STRATEGIC OBJECTIVES, STRATEGIES AND ACTIVITIES**

Strategies	Key Activities
<b>Strategic Issue One (1): Dispensation of Justice</b>	
<b>Strategic Objective: To enhance dispensation of justice</b>	
To expand the composition of the Court	Engage the Policy Organs on the need for the amendment of Article 20 of the Treaty
	Bring to the attention of the Policy Organs the need for the opening of the appointment of ad hoc arbitrators
Benchmark and collaborate with similar Courts and other institutions	Undertake benchmarking activities
	Collaborate with various international and regional courts
Strengthen the independence of the Court	Prepare a concept note on the Separation of Powers
	Engage with the Ministers of Justice and Attorneys General and the Secretary-General on the Separation of Powers
Enhance access to justice	Increase circuit court sittings
	Development of a legal aid scheme
<b>Strategic Issue Two (2): Institutional Strengthening and Capacity Building</b>	
<b>Strategic Objective One (1): To enhance institutional and structural capacity of the court</b>	
Enhance skills and competencies	Undertake Training Needs Analysis
	Undertake training
	Undertake continuous education for the judges and members of staff
	Conferences and study tours
	Establish collaborations with other institutions

Strategies	Key Activities
Improve structural capacity	Carry out staffing gap assessment
	Review the organizational structure of the Court
	Review and develop organizational policies and procedures
	Develop a Judicial Code of Conduct
	Review the terms and conditions of service for judges
	Develop an appropriate performance management system for the Court
Enhance the resource centre of the Court	Undertake physical improvement of the resource centre
	Acquire electronic resources for the resource centre
<b>Strategic Objective Two (2): To improve the financial position of the Court</b>	
Resource mobilization	Develop a resource mobilization strategy
	Implement the resource mobilization strategy
Strengthen financial management	Increase collection of contributions
	To engage potential cooperating partners for extra budgetary resources
<b>Strategic Issue Three (3): The Operations of the Court</b>	
<b>Strategic Objective: To enhance the operations of the Court</b>	
Continuously engage Member States and concerned Organs on the Seat of Court	Bring the matter of the Seat of the Court to the attention of the concerned Organs and Member States
	Hold consultative forums with the concerned Organs and Member States
Amend the Treaty	Engage with Policy Organs for the amendment of the Treaty on staggering of the appointment of Judges
	Engage with Policy Organs on the creation of the Ombudsman Office

Strategies	Key Activities
Establish sub-registries in Member States	Prepare a concept note on the opening up of sub-registries
	Engage Policy Organs on opening sub-registries
<b>Strategic Issue Four (4): Visibility of the Court</b>	
<b>Strategic Objective: To enhance visibility of the Court</b>	
Enhance court users' satisfaction	Develop a court users' survey instruments
	Undertake court users' satisfaction surveys
Increase engagement of court users and other stakeholders	Hold meetings with key stakeholders
	Weekly updates of the Court's website and social media platforms
	Initiate and conclude memoranda of understanding with stakeholders
Enhance corporate communication	Develop a corporate communication strategy
	Undertake publicity seminars and others outreach programs of the Court
	Develop CCJ law reports and increase Court publications
	Disseminate the CCJ law reports, rules of procedure of the Court and other publications
<b>Strategic Issue Five (5): Information and Communication Technology</b>	
<b>Strategic Objective: To enhance the ICT Infrastructure</b>	
Develop an ICT masterplan	Undertake an ICT feasibility study
	Draft the ICT master plan
Implementation of the ICT Master Plan	Acquire ICT software and equipment as defined in the ICT master plan
	Roll-out the ICT software and equipment
	Continuous enhancement of automation the Court

## CHAPTER SIX: THE CORPORATE STRATEGY



The Court's overall jurisdiction and mandate is determined by the Treaty. The Court plays an important role in ensuring the observance of the rule of law through the interpretation and application of the Treaty in the process of the adjudication of disputes and the provision of Advisory Opinions.

The function of the Court is guided through its structure which is made up of a Bench of Judges according to Article 20 and the Administrative division under Article 41 of the Treaty. The Bench is composed of the First Instance Division headed by the Principal Judge and the Appellate Division whose head is the President of the Court. The Administrative Division is headed by the Registrar.

The Court in its resolve to be ***"A world class court promoting regional integration"*** will endeavour to enhance -

- i. Dispensation of justice;
- ii. Institutional and structural capacity of the Court;
- iii. The operations of the Court;
- iv. Visibility of the Court; and
- v. The ICT Infrastructure.

For the day-to-day operations to be enhanced, the Court needs to provide support for both Judges and staff by -

- i. enhancing the relevant human resource skills and competencies;
- ii. strengthening and enhancing the usage of ICT in service provision;
- iii. ensuring a safe and conducive working environment; and
- iv. improving the financial strength of the Court.

CHAPTER SIX:  
**THE CORPORATE STRATEGY**



### 6.1. Overview

An excellent strategy will deliver expected results if its implementation is well executed. Effective implementation of this Strategic Plan will require clarity of responsibilities and optimal allocation of human, financial, and other enabling resources. Various activities will be done to ensure successful implementation of this strategy. The Court will implement this plan by undertaking various activities, key among which are outlined below.

### 6.2. Implementation Matrix

The Court's implementation matrix indicates the actions to be undertaken, by whom, when and with what expected results. It represents a commitment to implement the strategic plan. The Court's implementation matrix is presented in **Appendix 1**. Successful implementation of the Strategic Plan will, however, require that there exists harmony between various internal units of the Court.

### 6.3. Annual Work Plan

In implementing the five-year strategic action plan, the Court will have to develop five (5) annual work plans. The Annual Work Plans (AWPs) provides specific details about what will be done during a given year. The AWP is prepared every year on the basis of expected outputs, strategies, budget, and they must reflect achievements, and lessons learned in previous years. Further, the plan will be used for target setting by implementing departments or units, supervisors, and individual staff.

### 6.4. Budgeting

The Court will develop an annual budget which will be linked to the Strategic Plan and the Annual Work Plan. The Court's annual work plans should be developed ahead of the budgeting cycle so that the annual budgets are driven by the priorities in the strategic Plan. This means that the budget will be reviewed to fund the prioritized strategic activities.

### 6.5. Communication of the Plan

The Strategic Plan shall be communicated to all judges and staff, COMESA Secretariat and Organs, Council of Ministers and Member States. The Court will adopt strategic communication to create awareness of the Strategic Plan among internal publics. Through such communication of the key highlights of the plan, the relevant staff will understand what is expected of them in its implementation.

## 6.6. Financing the Plan

To achieve successful and effective implementation of this Strategic Plan, it is imperative that adequate financial resources be available. The Court will therefore develop and implement a resource mobilization strategy. The Court will enhance its efforts to encourage timely remittance of contributions from Member States and engage potential cooperating partners for extra budgetary resources. Implementing the MTSP 2021-2025 will require an estimated USD 10,770,000. The recurrent resource requirements for the strategic planning period is an estimated USD 4,940,000 leading to an estimated total financial resource requirement of USD 15,710,000. The estimated contributions from Member States during the planning period is USD 15,682, 000. The resultant financing gap during the planning period is USD 28,000 which the Court plans to finance using various resource mobilisation strategies. A detailed analysis of the financial resource requirements and the resource flow and gaps is outlined in **Appendix II**.

## 6.7. Court Structure

The Court is in the process of undertaking human needs assessment and reviewing the organizational structure of the Court and aligning it to the strategic needs of the Court. The current organizational structure, which is under review, is presented in **Appendix III**.

## 6.8. Risk Analysis and Critical Assumptions

The successful implementation of this Strategic Plan is premised on certain prevailing conditions and assumptions, which could derail the organization from the charted course. Central to the effective implementation of the strategy is management's discipline to execute chosen strategies and remaining focused on the mission.

### 6.8.1. Risk Analysis

It is important to identify risks that would hinder plan implementation or reduce the positive effect of a plan to mitigate the impact of the risks. The potential risk factors and events which, if they occurred, would threaten attainment of CCJ's planned strategic objectives were identified through environmental scanning to enable preparation of mitigation plans.

The Court must upscale its appetite for risks, which is generally a continuous process and must be carried out throughout the life of the plan. Strategies to handle specific risk events must be developed by management along the strategic plan objectives.

### 6.8.2. Key Assumptions

For the success of the Court's MTSP 2021-2025, the underlying key assumptions are as follows -

- i. regional integrations will continue to deepen and widen;
- ii. Member States will honour their financial obligations to the Court;
- iii. The COMESA Organs and Institutions, Member States, Bar Associations, National Courts, among others will want to benefit from a growing community jurisprudence;
- iv. there will be increased visibility of the Court among stakeholders;
- v. geopolitical stability within the Region will be maintained;
- vi. there will be no emergence of new global pandemics or prolongment of the current Covid-19 pandemic;
- vii. the residual impact of economic sanctions on the Host Member State will not be prolonged; and
- viii. ownership of the court building and other assets at the Seat of the Court will be resolved.

### 6.9. Monitoring, Evaluation, Review, and Control Plan

The Court will continue to monitor the implementation of this strategic plan. The purpose of a monitoring, evaluation, review, and control (MER&C) plan is to ensure that the implementation of a strategic plan is undertaken according to schedule and in the event of any deviation, appropriate and timely action is taken. Successful implementation will require putting in place an adequate monitoring and evaluation framework. MER&C process will be undertaken at both, the implementing department or unit, and management levels.

### 6.10. Cascading Framework

The performance of the Court is the performance of all Court's staff and Judges as everyone has a role to play. The desired outcomes will be realised only if they are translated to key results of various departments or units within CCJ and those of teams and individual staff members. There must be a focus across all levels of the Court that is consistently aligned to the Corporate Strategy.

The Court will embrace a cascading framework that extends from the corporate work plan that defines the top-level strategy, with the implementation matrix forming the basis for the corporate score card. Departments or units shall derive their extended Annual Work Plans from the corporate plan, with additional and relevant implementation details and activities incorporated that are aligned to the corporate strategy.

Employee performance appraisal instruments embodied in the employees' personal objectives and defined by their descriptions and work assignments shall be clearly aligned both individually and collectively to the employees' departmental or unit plans. As employees meet their personal objectives and perform their duties, their departmental or unit performance targets and objectives shall equally be met. This shall ensure that the overall Corporate Objectives and outcomes are realised.

## APPENDICES

Appendix I: Implementation Matrix

Strategic Issue One (1): Dispensation of Justice

Objective: To enhance dispensation of justice

Strategy	Activity	Expected Output(s)	Performance Indicator (Measure)	Target for 5 Years	Target					Budget (USD "000")					Responsibility	
					Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5		
To expand the composition of the Court	Engage the Policy Organs on the need for the amendment of Article 20 of the Treaty	Amendment of Article 20 of the Treaty	Number of engagements	5		1	2	2			10	20	20		Judge President	
	Bring to the attention of the Policy Organs the need for the opening of the appointment of ad hoc arbitrators	Opening for the appointment of ad hoc arbitrators	Number of engagements made	5		1	2	2			10	20	20		Judge President	
Benchmark and collaborate with similar courts and other institutions	Undertake benchmarking activities	Benchmarked activities	Number of benchmarking activities conducted	7		1	2	2	2		60	120	120	120	Registrar	
	Collaborate with various international and regional courts	Collaborations established	Number of collaborations established	7		1	2	2	2		10	20	20	20	Registrar	
Strengthen the independence of the Court	Prepare a concept note on the Separation of Powers	Prepared concept note	Approved concept note	1		1					10				Registrar	
	Engage with the Ministers of Justice and Attorneys General, and the Secretary-General on the Separation of Powers	Powers separated	Number of engagements made	7		1	2	2	2		10	20	20	20	Judge President	
Enhance access to justice	Increase circuit court sittings	Increased circuit court sittings	Percentage increase in circuit court sittings held	20%		4%	4%	4%	4%		800	300	400	400	Registrar	
	Development of a legal aid scheme	Developed legal aid scheme	Approved legal aid scheme	100%		25%	25%	25%	25%		150	150	200	300	Registrar	

**Strategic Issue Two (2): Institutional Strengthening and Capacity Building**  
**Objective One (1): To enhance institutional and structural capacity of the court**

Strategy	Activity	Expected Output(s)	Performance Indicator	Target for 5 Years	Target						Budget (USD "000")					Responsibility
					Y1	Y2	Y3	Y4	Y5		Y1	Y2	Y3	Y4	Y5	
Enhance skills and competencies	Undertake Training Needs Analysis	Training Needs Analysis report	Approval granted	5	1	1	1	1	1		20	20	20	20	20	Registrar
	Undertake training	Training conducted	Number of training sessions held	15	3	3	3	3	3		100	100	100	100	100	Registrar
	Undertake continuous education for the judges and members of staff	Accreditations and certifications	Percentage of accreditations and certifications	100%	17%	26%	19%	19%	19%		45	75	50	50	50	Registrar
	Conferences and study tours	Conferences and study tours undertaken	Number of conferences and study tours undertaken	25	5	5	5	5	5		250	100	100	150	150	Registrar
	Establish collaborations with other institutions	Collaborations established	Number of collaborations established	10	2	2	2	2	2		10	10	10	10	10	Registrar

Strategy	Activity	Expected Output(s)	Performance Indicator	Target for 5 Years	Target					Budget (USD '000')					Responsibility
					Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5	
Improve structural capacity	Carry out staffing gap assessment	Assessment report	Percentage of assessment completed	100%	5%	15%	50%	15%	15%	75	100	300	300	300	Registrar
	Review the organisational structure of the Court	Reviewed organisational structure	Organisational organogram	100%	5%	15%	50%	15%	15%						Registrar
	Review the Procedural and Arbitration Rules of Court	Review the Procedural and Arbitration Rules of Court	Number of reviewed and approved policies and procedures	1	1										Registrar
		Reviewed Staff Rules and Regulations		1	1										
		Reviewed Financial Rules & Regulations		1	1					150	150				
		Reviewed Procurement Rules & Regulations		1	1										
		Developed Asset Capitalisation Policy		1		1									
	Review and develop organisational policies and procedures	Developed Risk Management Framework		1		1									
		Developed ICT Policy		1	1										
		Developed Internal Audit Manual		1	0.5	0.5									



Strategy	Activity	Expected Output(s)	Performance Indicator	Target for 5 Years	Target					Budget (USD “000”)¹					Responsibility
					Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5	
		Developed Internal Audit Manual		1	0.5	0.5									
		Developed MER&C Framework		1		1									
		Develop Record Management Policy and Procedure		1		1									
	Develop the Judicial Code of Conduct	Developed Judicial Code of Conduct	Approved Judicial Code of Conduct	1		0.5	0.5			30	30				Judge President
	Review the terms and conditions of service for the judges	Reviewed terms and conditions of service for judges	Approved terms and conditions of service for judges	1	1					75	20	20	20		Registrar
	Develop an appropriate performance management system for the Court	Developed performance system for the Court	Percentage of implementation	100%		100%									Registrar

Strategy	Activity	Expected Output(s)	Performance Indicator	Target for 5 Years	Target					Budget (USD "000")					Re-sponsi-bility
					Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5	
Enhance the resource centre of the Court	Undertake physical improvement of the resource centre	Physical enhancements undertaken	Level of enhancement	100%		20%	25%		15%		50	50	50	50	Registrar
	Acquire electronic resources for the centre	Electronic resources acquired	Number of electronic resources acquired	10	3	3	3	1	-	-	-	-	-	-	IT Officer

**Strategic Issue Two (2): Institutional Strengthening and Capacity Building**  
**Objective Two (2): To improve the financial position of the Court**

Strategy	Activity	Expected Output(s)	Performance Indicator	Target for 5 Years	Target					Budget (USD "000")					Responsibility
					Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5	
Resource Mobilisation	Develop a resource mobilization strategy	Resource mobilisation strategy	Strategy developed and approved	1		0.85	0.15				50	15			AFO
	Implement the resource mobilisation strategy	Improved financial position of the Court	Percentage of improvement	-	-	-	-	-	-	-	-	-	-	-	AFO
Strengthen financial management	Increase collection of contributions	Increased collection of contributions from the Member States	Percentage of amount collected	75%	75%	75%	75%	75%	75%	20	20	20	20	20	AFO
	To engage potential cooperating partners for extra budgetary resources	Extra budgetary resources of 3 million USD	Percentage of extra budgetary resources	1000		250	250	250	250	20	25	25	50	50	Registrar

**Strategic Issue Three (3): The Operation of the Court**  
**Objective: To enhance the operations of the Court**

Strategy	Activity	Expected Outputs (s)	Performance Indicator	Target for 5 Years	Target				Budget (USD “000”)					Responsibility	
					Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5	
Continuously engage Member States and concerned Organs on the Seat of Court	Bring the matter of the Seat of the Court to the attention of the concerned Organs and Member States	Decision on the Seat of the Court	Communication on the decision on the Seat of the Court	-	-	-	-	-	-	-	-	-	-	-	Judge President
	Hold consultative forums with the concerned Organs and Member States	Decision on the Seat of the Court	No of forums held	5	1	2	2			10	20	20			Judge President
Amend the Treaty	Engage with Policy Organisations for the amendment of the Treaty on staggering of the appointment of Judges	Amended Treaty on Articles 19 & 21 on staggering of the appointment of Judges	Number of engagements	5	1	2	2			10	20	20			Judge President
	Engage with Policy Organisations on the creation of the Ombudsman Office	Office of the Ombudsman created	Number of engagements	5	1	2	2			10	20	20			Judge President
Establish sub-registries in Member States	Prepare a concept note on the opening of sub-registries	Developed concept note	Concept note	1		1					10				Registrar
	Engage Policy Organs on opening sub-registries	Establishment of sub-registries	Number of sub-registries approved and established	4		1	1	1	1		100	100	100	100	Judge President

Strategic Issue Four (4): Visibility of the Court  
Objective: To enhance visibility of the Court

Strategic	Activity	Expected Output (s)	Performance Indicator	Target for 5 Years	Target					Budget (USD "000")					Responsibility
					Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5	
Enhance court users'	Develop court users' survey instruments	Developed court users' survey instruments	Number of instruments developed	2		1		1			10		10		Registrar
	Undertake court users' satisfaction surveys	Court users' satisfaction surveys undertaken	Number of surveys done	2		1		1			20		20		Registrar
Increase engagement of court users and other stakeholders	Hold meetings with key stakeholders	Meetings held	Number of meetings held	21	2	4	5	5	5	40	30	30	30	30	Registrar
	Weekly updates of the Court's website and social media platforms	Updated website and social media platforms	Number of updates	100%	100%	100%	100%	100%	100%						Clerk of Court
	Initiate and conclude memoranda of understanding with stakeholders	MoUs initiated and concluded	Number of MoUs initiated and concluded	10	1	2	3	2	2	10	10	10	10	10	Registrar

Strategy	Activity	Expected Output (s)	Performance Indicator	Target for 5 Years	Target					Budget (USD "000")					Responsibility
					Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5	
Enhance corporate communication	Develop a corporate communication strategy	Developed corporate communication strategy	Approved corporate communication strategy	1		1					50				Judge President
	Undertake publicity seminars and others outreach programs of the Court	Publicity seminar and other outreach programs undertaken	Number of publicity seminars and other outreach programs undertaken	25	3	5	5	6	6	100	100	200	300	300	Registrar
	Develop CCJ law reports and increase Court publications	Published law reports and other Court publications	Number of published law reports and other Court publications	4		1	1	1	1		30	30	30	30	Registrar
	Disseminate the CCJ law reports, rules of procedure of the Court and other publications	Disseminated reports and publications	Number of disseminated reports and other publications	50	10	10	10	10	10	10	10	10	10	10	Registrar

Strategic Issue Five (5): Information and Communication Technology  
Objective: To enhance the ICT Infrastructure

Strategy	Activity	Expected Output(s)	Performance Indicator	Target for 5 Years	Target					Budget (USD “000”)					Responsibility	
					Y1	Y2	Y3	Y4	Y5	Y1	Y2	Y3	Y4	Y5		
Develop an ICT master-plan	Undertake an ICT feasibility study	Feasibility report	Approved feasibility report	1		1						45			IT Officer	
	Draft the ICT master plan	ICT master plan	Approved Master plan	1			1						45		IT Officer	
Implementation of the ICT master plan	Acquire ICT software and equipment as defined in the ICT master plan	ICT software and equipment acquired	Percentage of software and equipment acquired	75%	5%	15%	20%	20%	15%						IT Officer	
	Roll-out the ICT software and equipment	ICT software and equipment rolled out	Percentage of software and equipment implemented	75%	5%	15%	20%	20%	15%		40	200	200	250	400	IT Officer
	Continuous enhancement of the automation of the Court	Enhanced automation	Level of enhancement	100%	100%	100%	100%	100%	100%							IT Officer

## Appendix II: Project Performance

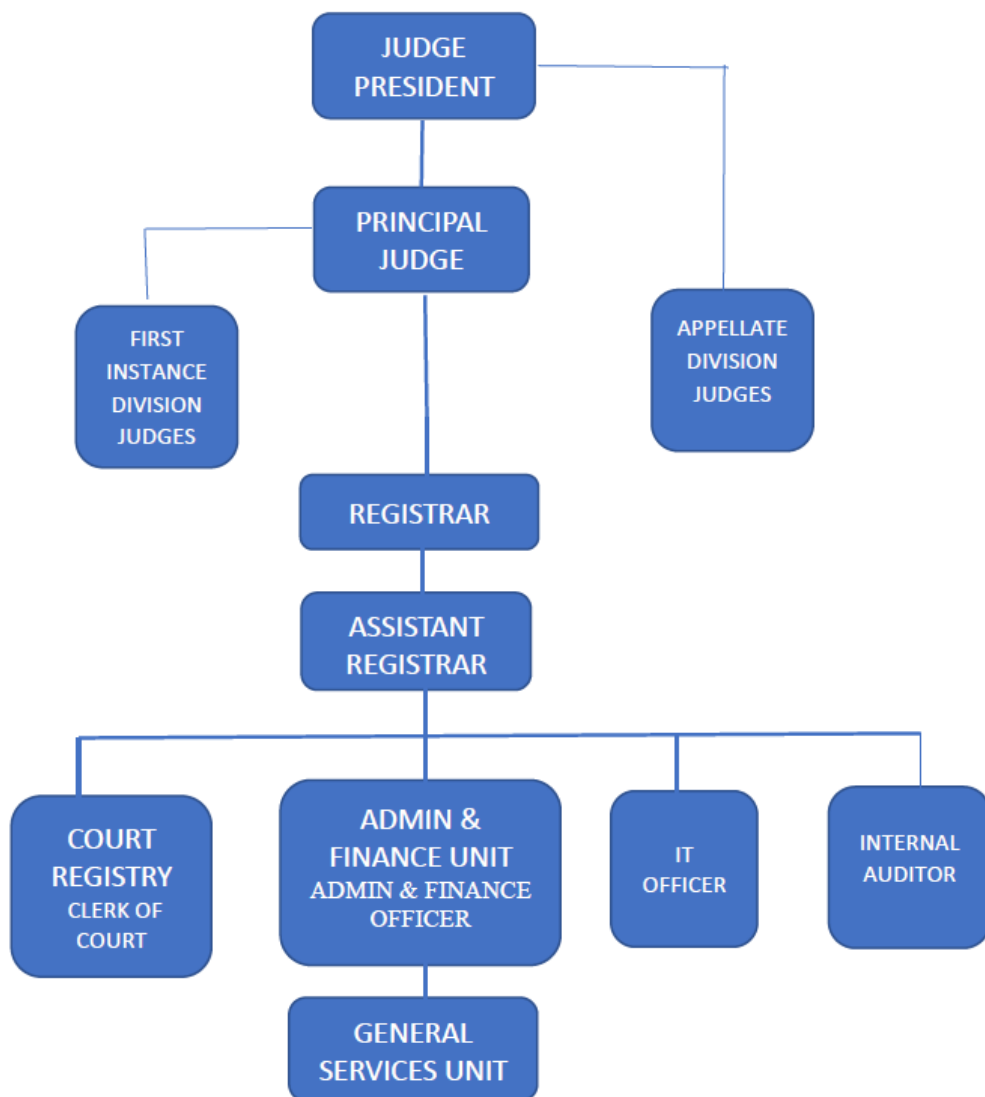
### A. Financial Resource Requirements

Strategic Issues and Strategies	Projected Budget (USD “000”)					
	Y1	Y2	Y3	Y4	Y5	Total
<b>Strategic Issue One (1): Dispensation of Justice</b>						
To expand the composition of the Court	-	20	40	40	-	100
Benchmark and collaborate with similar Courts and other institutions	-	70	140	140	140	490
Strengthen the independence of the Court	10	30	20	20	-	80
Enhance access to justice	800	450	550	600	700	3100
<b>Strategic Issue Two (2): Institutional Strengthening and Capacity Building</b>						
Enhance skills and competencies	425	300	280	330	330	1665
Improve structural capacity	330	300	320	320	300	1570
Enhance the resource center of the Court	-	50	50	50	50	200
Resource mobilization	-	50	15	-	-	65
Strengthen financial management	40	45	45	70	70	270
<b>Strategic Issue Three (3): The Operations of the Court</b>						
Continuously engage Member States and concerned organs on the Seat of Court	10	20	20	-	-	50
Amend the Treaty	20	40	40	-	-	100
Establish sub-registries in Member States	-	110	100	100	100	410
<b>Strategic Issue Four (4): Visibility of the Court</b>						
Enhance Court users' satisfaction	-	30	-	30	-	60
Increase engagement of Court users and other stakeholders	50	40	40	40	40	210
Enhance corporate communication	110	190	240	340	340	1220
<b>Strategic Issue Five (5): Information Communication Technology</b>						
Develop an ICT masterplan	-	45	45	-	-	90
Implementation of the ICT Master Plan	40	200	200	250	400	1090
<b>Total</b>	<b>1,835</b>	<b>1,990</b>	<b>2,145</b>	<b>2,330</b>	<b>2,470</b>	<b>10,770</b>

**B. Resource Flows and Gaps**

Resource Flows and Gaps	Resource Flows and Gaps (USD "000")					
	Y1	Y2	Y3	Y4	Y5	Total
Strategic Plan Requirements (As per Financial Resource Requirements)	1,835	1,990	2,145	2,330	2,470	10,770
Recurrent Requirements	950	998	998	998	998	4,940
	2,785	2,988	3,143	3,328	3,468	15,710
<b>Financing the Plan</b>						
Member Contributions	2,838	2,980	3,129	3,285	3,450	15,682
<b>Total Income</b>	<b>2,838</b>	<b>2,980</b>	<b>3,129</b>	<b>3,285</b>	<b>3,450</b>	<b>15,682</b>
<b>Surplus (Deficit)</b>	<b>53</b>	<b>(8)</b>	<b>(14)</b>	<b>(42)</b>	<b>(18)</b>	<b>(28)</b>





## Appendix IV: Strategic Planning Team

### A. COMESA Court of Justice

Name	Designation
1. Hon. Lady Justice Lombe Chibesakunda	Judge President
2. Hon. Lady Justice Qinisile Mabuza	Principal Judge
3. Hon. Dr. Justice Michael Mtambo	Judge – Appellate Division
4. Hon. Mr. Justice David Cheong	Judge – Appellate Division
5. Hon. Dr. Justice Wael Rady	Judge – Appellate Division
6. Hon. Lady Justice Mary N. Kasango	Judge – First Instance Division
7. Hon. Mr. Justice Bernard Georges	Judge – First Instance Division
8. Hon. Dr. Justice Leonard Gacuko	Judge – First Instance Division
9. Hon. Lady Justice Clotilde Mukamurera	Judge – First Instance Division
10. Hon. Mr. Justice Chinembiri Bhunu	Judge – First Instance Division
11. Hon. Nyambura Mbatia	Registrar
12. Hon. Philippe Ruboneza	Assistant Registrar
13. Mr. Simal Amor	Chief – Strategic Planning & Research, COMESA Secretariat
14. Mr. Simukuka Kayama	Administrative & Finance Officer
15. Mr. Bedlu Asfaw	IT Officer
16. Mr. Essayas Simon Leul	Internal Auditor
17. Mr. Asiimwe Anthony	Clerk of Court
18. Mr. Rami Abdalla	General Services Assistant
19. Ms. Lubaba Sinnary	Senior Administrative Assistant

**B. UNES Consultants**

Name		Designation
1.	Dr Kennedy Ogollah	Strategic Planning Lead Consultant
2.	Mr. George Ogari	Financial Consultant
3.	Mr. Raymond Muteti	Management Consultant
4.	Ms. Gertrude Surrumo	Projects Officer





