



Title	東アフリカ共同体（EAC）における私法統一に関する覚書
Author(s)	菅野, 裕夫; 小塚, 莊一郎
Citation	北大法学論集, 66(4), 144 [ 173 ] -127 [ 190 ]
Issue Date	2015-11-27
Doc URL	<a href="http://hdl.handle.net/2115/60259">http://hdl.handle.net/2115/60259</a>
Type	bulletin (article)
Additional Information	There are other files related to this item in HUSCAP. Check the above URL.
File Information	lawreview_vol66no4_07summary.pdf (summary)



[Instructions for use](#)

## Harmonisation of Private Law in the East African Community (EAC)

Hiroo SONO\* and Souichirou KOZUKA\*\*

The EAC, consisting of Burundi, Kenya, Rwanda, Tanzania and Uganda, is one of the eight Regional Economic Communities (RECs) that will make up the economic community covering the whole African continent under the auspices of the African Union (AU). It is the only REC that has on its policy agenda harmonisation of private laws. The EAC Treaty which established the EAC declares that one of the objectives of the EAC is to develop policies and programmes aimed at widening and deepening co-operation on legal and judicial affairs. Further, the Common Market Protocol lists approximation of domestic laws in its policy agenda.

These policy agenda in the legal and judicial sector are carried out either in the form of community legislation or approximation of domestic laws. With regard to the former, nine areas of business law have been prioritised. EAC's Sectoral Council on Legal and Judicial Affairs has picked up from among them the laws on intellectual property, contracts, public private partnership, recognition of judgements, business registration and enforcement measures and procedures for collection of debts, and is currently working on drafting community legislation on these subjects. For the approximation agenda, studies are underway regarding corporate law, insolvency law, law on partnership and business name registration law.

Contrary to what we have witnessed elsewhere with respect to OHADA, it seems that harmonisation efforts in the EAC have not been hampered by disagreement over which model to follow: common law, civil law or global uniform law. This is all the more interesting because the EAC has two member states that belong to the civil law tradition. In fact, one of them,

---

\* Professor of Law, Hokkaido University

\*\* Professor of Law, Gakushuin University

Rwanda, has recently “converted” to common law to promote economic growth. These swift developments are likely results of a shared conviction among the elites in EAC that harmonisation of private laws are essential for the establishment of a common market and acceleration of economic growth. It is yet to be seen, however, whether and to what extent, these efforts will take root in the general East African society.