



## Analyses of the Applicability of International Arbitration in Investor-State Dispute Settlement in East Africa

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**Abstract.** This study delves into the practical implementation of international arbitration within the Investor-State Dispute Settlement (ISDS) framework across East African countries. It examines the complex interplay between regional legal structures and international arbitral norms, scrutinizing the extent to which existing treaties and domestic legislation facilitate or hinder effective dispute resolution. Focusing on recent ISDS cases, the research analyses the procedural and substantive challenges faced by both investors and states, particularly concerning transparency, enforcement of awards, and the influence of regional economic communities. The analysis further evaluates the impact of varying levels of institutional capacity and legal harmonization on the predictability and fairness of arbitral outcomes. The article also further identifies best practices and potential reforms aimed at enhancing the efficacy and legitimacy of international arbitration as a tool for resolving investment disputes in the region. It underscores the critical need for context-specific adaptations of international arbitration to reflect the unique legal and economic realities of East Africa.

**Keywords:** Arbitration, Investor-State Dispute Settlement (ISDS), Investment Disputes

### 1. Introduction

This work has assessed international arbitration, which under certain circumstances is known as Investor-State arbitration or suits, within a wider discussion on Investor-State dispute settlement mechanisms in the context of disputes arising from foreign investments in East Africa (Aidonojie, 2023; Aidonojie et al., 2022). After presenting the introduction and the aim of this work, the study proceeds with the analysis of historical background of international arbitration and the legal framework of international arbitration in the selected countries. The work also provides a case study assessing the

enforcement of arbitral awards relating to investments rendered against the sub-Saharan East African country Kenya (Schreuer, 2022).

In East Africa, the membership of the International Centre for Settlement of Investment Disputes and the involvement in bilateral investment treaties of four out of the five selected countries could be deemed as mechanisms that foster the popularity of international arbitration in East Africa (Antai, 2024). This implies that, as well as in other parts of the world, an understanding of this topic by legal practitioners, lawmakers, and civil society is fundamentally imperative. In addition, just like the other mechanisms of resolution of disputes, international arbitration should also be conceived within a much broader context touching on issues that are not only of a legal nature (Antai, 2024).

### 2. Historical Development of International Arbitration

The call for the need to build institutions to address investor-State disputes is one among many milestones in the evolution of international commercial arbitration. It is possible that structured arbitral process arose from forms of dispute resolution that long predate the idea of justice emerging at a fixed location. Indeed, prior to the construction of specific buildings where disputes were settled, strategies for settling disputes particularly during trading activities were largely organic (Edet et al, 2022). Caravanserais in Asia, and arched bottlenecks or Colonnades in Luba, Central Africa had spaces that accommodated the settlement of disputes that arose during trading activities. It was not difficult, therefore, to see the need for a mobile approach to dispute settlement with dispute settlers traveling with the visiting merchants; in the same manner that the visiting merchants included felucca boats on the Nile, which carried the goods and family, and which remained with the visiting merchant throughout the trade

adventure. The transition from the traditional forms of dispute settlement appears to have largely been driven by the organised state with Abduwaaal decreeing that judges were to travel the land delivering justice (Aidonojie et al., 2021; Aidonojie & Victoria, 2022). Nevertheless, the formal arbitration had limitations as demonstrated by court cases in places as far as Carthage and Cyprus (Mbithi, 2014).

The enforcement of foreign awards among East African partners has also led to an additional intersection with investor treaty arbitration. In two particular occasions East African countries have taken issue with the enforcement of foreign awards within east Africa (Aidonojie et al., 2020; Aidonojie & Francis, 2022). The first incident occurred in 1980 when an ICC award was registered in Kenya, and subsequently the arguments set forth by the recipient of the award led the Kenyan High Court to set aside the award (Aidonojie et al., 2023; Aidonojie et al., 2024). The incident led to an amendment of the Indian Arbitration Act to prevent enforcement of foreign awards if the governed contracts were not governed by laws relevant to when arbitration was continued (Antai et al, 2024). The second incident occurred in 1994, once again in Kenya, this time a UNCITRAL award was denied registration in Kenya. The High Court's reasoning in the latter incident was that the Act demands that the Kenya seat of arbitration must be designated in the Arbitration agreement, a requirement which was not met by the contract award (Kisubi et al, 2024). On appeal by the award creditor, Garu submitted that the enforcement Act was enacted to implement the NY convention and as such should be interpreted consistently with the convention.

### **3. Legal Framework for Investor-State Dispute Settlement in East Africa**

Foreign direct investment (FDI) in East Africa has been growing over the last decade, largely due to the region's liberalisation policy of markets to attract investment, in addition to its abundant natural resources (Anani et al., 2023; Zaman et al., 2024). However, this surge in FDI has brought a corresponding increase in the likelihood of investor-state disputes, which would often require the attention of investor-state dispute settlement (ISDS) through international arbitration (Aidonojie et al, 2024). Domestic law and international treaties, including bilateral investment treaties (BITs), have constituted the foundation of the legal structure supporting arbitration as the mechanism for settling disputes between investors and host states. This legal framework, which is instrumental in determining the landscape of arbitration, is the subject of analysis in this section. The legal framework for ISDS and subsequent international

arbitration in East Africa is a complex matrix comprising domestic laws, international agreements, diplomatic arrangements and commercial contracts (Jufri et al., 2024; Haruna et al., 2024). This framework varies among individual countries and can take many forms (Antai, 2024). However, this analysis will focus specifically on the legal infrastructure that applies to Tanzania, Uganda and Kenya, once known together as the East African Community. The countries involved, individually and as a region, are subject to various international treaties and agreements such as BITs, multilateral investment treaties and international conventions. In addition, contracts and domestic law provide for separate arbitration mechanisms and thus form part of the broader framework of international arbitration (Dozler and Schreuer, 2022).

#### **3.1 Bilateral Investment Treaties (BITs)**

Bilateral Investment Treaties (BITs) constitute the backbone of investment protection and the associated legal framework that structures the universe of investor-state dispute settlement (ISDS) in East Africa (O'Kane, 2010). First, BITs importantly protect investments from expropriation and nationalization, guarantee full protection and security, and standardize fair and equitable treatment (FET) clauses at minimum standard thresholds. Second, BITs provide a 'primacy' provision by which obligations between contracting parties of treaties prevail on conflicting domestic law. The 'primacy' provision ensures clarity regarding which dispute resolution mechanism may be used (Ogu et al, 2024).

The primary negotiation processes in the early stages of investing are often concerned with the conclusion of bilateral investment treaties (BITs) and the provision of private guarantees (formal agreements between the government of the capital exporting country and the government of the recipient host country) (Aidonojie et al., 2025). BITs establish guidelines for investment activity, as well as protection and recourse mechanisms for investors in case of disputes over their investments. Foreign investors migrating from countries with established investment policies often agree with the host government to provide a guarantee on their investment (Anifowose et al, 2024).

Since the 1960s, more than 2,800 BITs have been signed globally. States sign BITs intending to promote and protect foreign investments. BITs usually contain provisions to ensure fair and equitable treatment (FET), the free transfer of funds, and an investor-state dispute settlement clause. These provisions benefit both parties by stipulating the rights and obligations of foreign investors and host states, thus reducing the risks associated with investing in foreign states (Qtaishat, 2013). As a

signatory to the International Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention), PIC provides a consent in most of its BITs to submit disputes to the ICSID arbitration centre. Thus, PIC and its counterpart state agree to have arbitration as a procedure to solve a possible investment dispute. In comparison with ad hoc arbitration, this clause provides a more regulatory framework of dispute settlement (Ekpenisi et al, 2024). In the case of an ICSID arbitration, an investor's decision to consent to arbitration already provides the counterparty state with a better defined set of ISDS rules. This is the procedure known as ICSID arbitration. In the event of a dispute between a foreign investor and the host state, this dispute resolution falls under Article 9 of the BIT, which grants the investor the option of: (1) settling the dispute amicably, (2) seeking arbitration according to the ICSID Convention or the ad hoc arbitration rules stated in the UNCITRAL Arbitration Rules of 1976, or under (3) any other arbitration forum agreed upon by the parties of the dispute. Bilateral Investment Treaties (BITs) provide certainty and predictability of standards of treatment which help foreign investors. On the other side, the governments may want to provide protection to their investors abroad through the establishment of BITs. In practice, the main use of BITs revolves around arbitration, and arbitration has been the single most successful technique in bilateral investment treaties (Akpanke et al, 2022). East Africa is rich in investments, and many countries in the region have either signed investment agreements or treaties aimed at protecting investments, and resolving possible disputes with the investors of the other party to the agreement. There has been a significant increase during the last decade in the practice of hosting key investments (Aidonjio, 2024). Though signing a BIT is not compulsory, having one may provide protection. On a global scale, with the increasing number of arbitrations, policymakers feel that the system of Bilateral Investment Treaties and arbitration needs re-evaluation.

African countries are amongst the highest in the world involved in arbitration, either as respondent states or because their companies are respondents. Historically, African countries have been sued by investors more than they have gone on the offensive. Ultimately, the absence of a consistent and uniform legal regime covering FDI has had an adverse effect on East African countries in their search for sustainable FDI-led development in infrastructure development, service delivery and value addition to raw materials (Aidonjio et al, 2024). However, the recent initiatives of AMANI Forum and the EPA negotiations between each East African state and Europe may serve as opportunities to address the existing deficiencies of the current BITs. AMP is an

interesting case for reflecting on the performance of the Tanzanian bit-generated system of ICSID arbitration. However, exploring the BIT-generated system of ICSID arbitration is also valuable in learning from the Tanzanian experience, particularly as the country initiates the reengagement process (Antai, 2024).

The purpose of BITs is to provide potential host States with investors from the contracting parties with substantial and clear legal assurances and to facilitate and protect long-term capital exporting from the State adhering to the BIT. By doing so, much of the risks of capital exporting are transferred from the investor to the sovereign of the country hosting the investment, creating a stable macroeconomic and regulatory environment with strong international obligations and confidence for potential foreign investors (Chen, 2017). The strength of the protections and the legal environment of BITs is designed to ensure a level of binding commitment that signals favourable conditions to effectively facilitate inflows of foreign direct investment and mitigate or limit uncertainties. This is particularly pressing given the strong competition between developing countries for capital export and the concentrated capital pool of advanced industrial countries (Aidonjio et al, 2024). As such, BITs are jointly and seriously signed under conditions of profound asymmetric information and structural power imbalance between the two counterparties. In principle, BITs are concluded in stable and long-lasting commitments that govern for decades, tying the hands of all later Governments of the contracting parties (Onyema, 2020). Successful ISDS mechanisms are consistently successful at proactively enforcing investor rights through expansive interpretations of treaty provisions, while contracting parties have few instruments at their disposal, and even if they have, use them in a rather rare and exceptional manner (Cross and Schliemann-Radbruch, 2020).

### 3.2 Regional and International Conventions

States adopt several conventions regionally and internationally to facilitate the settlement of investment disputes between states and investors as consent. The adoption of the International Centre for Settlement of Investment Disputes (ICSID) Convention by states in 1965, and by other states as part of their ratification of independence, provided a common framework for investment arbitration that standardized investment arbitration and gave the ad-hoc arbitration that states were already part of (Majekodunmi et al, 2024). Onyema (2020) has argued that states' adoption of this custom-generated system was without consultation with proper parliamentary debates, proper translation of the convention into local languages, and then sometimes fast and blind signing in the disillusionment that

followed independence expectations. The first wave of ISDS claims against East African Community (EAC) states, and the ongoing efforts to come up with a regional investment treaty, provide a globally relevant case study to assess how regional and international investment protection regimes are interconnected and to which extent harmonizing mechanisms would prove beneficial (Izevbuwa et al, 2024). International investment disputes can be brought before international arbitration tribunals provided there is consent to arbitration from both parties, the state, and the investor. For historical and cross-cultural reasons, former colonies have disproportionately been affected by, and they are now also the most active in, investment arbitration (Kidane, 2014). Calls for reforming international investment rules and dispute resolution mechanisms take shape in State practice through non-participation or disengagement in existing investor-to-state dispute settlement (ISDS) mechanisms. The ongoing discussions on reforming international investment agreements (IIAs) in different fora confirm the importance of pursuing analysis in order to promote informed debate and evidence-based reform of arbitral rules and procedures. In line with this, some developing countries have had a rethinking of their involvement in ISDS and engaging the international community to seek a policymaking space not currently available (Laborde, 2010). With the continuous changes in the evolving system of international investment rules and adjudication, this question also has far-reaching implications concerning arbitration institutions and arbitration rules and procedures (Antai et al, 2024).

#### **4. Challenges and Opportunities for International Arbitration in East Africa**

In assessing the extent to which international arbitration is a viable dispute resolution mechanism for investor-state disputes in East Africa, this study has endeavoured to address issues and trends applicable to the region as a whole. As such, a need was identified for a more in-depth analysis of the challenges and opportunities associated with engaging in international arbitration in East African states, both generally and in the context of investor-state disputes. The findings of this background research are presented in this section. Analysis is divided into three subsections, addressing legal, institutional, and economic barriers to the effective implementation of arbitration practices.

To compound matters, the few provisions that do exist in the statutes applicable to certain East African states are often subject to judicial interpretation, leading to arduous, lengthy, and expensive legal battles over jurisdictional ambiguity. The uncertainty surrounding the proper legal framework

for dispute resolution can be exploited by litigants, resulting in attempts to have the case heard in forums they perceive to be more favourable (Mbithi, 2014). The different interpretations of the legal framework in the diverse legal environments across the region create a situation where what was intended to be a harmony or partnership between sovereign states and foreign investors can be manipulated to meet the end of the more legally astute party (Lim et al, 2021).

The second issue to be explored is the enforcement of arbitral awards as respects responses of State parties thereto. It is of particular concern that the blatant refusal to comply with such awards by regional governments often goes unpunished by local courts, or worse, are seen to be actively defended by, or indeed a product of, those local courts. This is but one example of a wider issue wherein awards made against countries in the region are often treated with enmity by States, in most cases resulting in lengthy and seemingly fruitless attempts by the successful party to enforce the award. Such behaviour leads to a perception that certain governments are beyond the reach of international law or at least consider themselves so (Antai et al, 2024).

#### **4.1 Jurisdictional Issues**

This subsection exclusively focuses on jurisdictional issues that arise in the setting of international arbitration within the economic community of East Africa (EAC). Determining the appropriate jurisdictional framework in respect of international arbitration in East Africa poses a complex issue, as the potential jurisdictions are a myriad including the domestic court in which the dispute arises, the domestic court of the seat, the common market Protocol and the treaty. In view of various domestic systems and various treaty regimes including bilateral investment treaties (BITs), multilateral investment treaties like the International Centre for Settlement of Investment Disputes (ICSID), the common market Protocol and the 1999 treaty, the area is fraught with a multiplicity of laws, which can make determining a jurisdictional framework difficult (Antai et al, 2024). States often have differing interpretations of arbitration provisions in investment agreements, and there have also been cases where the contracting parties to a BIT do not share a common understanding of the terms of the treaty. The various laws on jurisdiction, which can be in conflict with each other, may also create confusion in the mind of a foreign investor seeking to settle a dispute with a State partner via arbitration. The use of ambiguous clauses, coupled with the absence of clarification of the meaning of those terms by the countries entering into the investment agreement, can deter potential foreign investors from resorting to arbitration as a remedy (Kisubi,

2024). Lastly, the engagement of local litigation in combination with recourse to international arbitration opposing the same parties, may discourage foreign investors from seeking arbitration in the context of their global or regional dispute (Qtaishat, 2013). The complex determination of the appropriate court in which to litigate these disputes, and the inefficiencies of EAC domestic courts present additional challenges for foreign investors seeking redress for ISDS. The continuous dispute resolutions disputes in domestic legal systems in the region have negative effects of the patience and confidentiality requirements of the investor, as well as credibility effects on the legitimacy of the EAC's ability to provide effective dispute resolutions (Aidonjio et al, 2024). These issues provide consideration for the broader question of the investment regulatory framework of the EAC and how the known weaknesses can be remedied to enhance investor confidence and provide fruitful grounds for effective arbitrations in international forums. There have been diverse opinions about the extent to which international arbitration has been institutionalised in practice through the EAC Investment Promotion and Protection Protocol (IPPP). It is essential for the EAC jurisdictional authorities, in this case the Council of Ministers the EACJ, to give legal certainty to foreign investors about which body can review and recognize an arbitral award under its jurisdiction, homologate it and be the enforcement judge for ICSID awards (Onyema, 2020).

#### 4.2 Enforcement of Awards

In the system of investor-state dispute settlement (ISDS), the credibility of arbitration is mainly derived from the enforceability of awards as the hallmark of arbitration as an effective mode of resolving disputes (Chinweze et al 2024). Realization of the promised advantages of the arbitration process revolves around enforcement of the arbitral awards. East African Contracting States are parties to international and regional arrangements for the settlement of disputes by arbitration. (Wahab, 2019). Enforcement of domestic and foreign awards in the East African Contracting States are provided for both in domestic laws and several other conventions, treaties, protocols and model bilateral investment treaties. However, in spite of the growth in investment in East Africa, investors face intricate issues in enforcing arbitral awards (Dozler and Stevens, 1995). These include the lack of consistent arbitral practice of successful enforceable awards, inconsistency in respect to enforcement of awards and delays, as exemplified by the case law of the Courts of East African Contracting States (Antai et al, 2024).

Foreign investors have employed international arbitration where it has been adopted as the method of resolving disputes both in the host State legislation and in the international investment agreements. Countries shall recognize arbitration agreements and enforce arbitral awards in accordance with the relevant conventions. However, lack of capacity to enforce foreign arbitral awards was one of the reasons for the establishment of the International Centre for Settlement of Investment Disputes (Dugan et al, 2019). Capacity problem is pronounced in the East African Contracting States as none of the Contracting States has acceded to the relevant convention. Localization of the process at the domestic level is also inadequate to meet the requirements of international arbitration (Okpong & Antai, 2024). Thus, the East African Contracting States lack the support network for the enforcement of arbitral awards.

#### 5. Comparative Analysis of International Arbitration in East Africa and Other Regions

Similarly, other scholarly works have critically examined international commercial arbitration practices in other East African States, Nairobi International Arbitration Centre (NIAC)/Kenya, and elsewhere in the world are considered before offering an analysis and recommendations for future practice. Thus, the research in question aims at identifying possible application gaps in the legal regimes of East African State Parties to the Convention and the expectations of international law as reflected in the Convention (Mbithi, 2014).

The results of the research show that the legal regime of the Convention does not always allow effective enforcement of arbitration agreements and arbitral awards. Variety of factors influencing the effectiveness of the legal regime are identified, some being shared by all States Parties and therefore amenable to multilateral responses, while others differ by State Party and might require tailored bilateral solutions (Kidane, 2017). Moreover, since the Convention incorporates international law standards of investment protection, the deficiencies in the national legal regimes might frustrate the role of investment protection as a driver for consent to arbitration among East Africa State Parties (Antai et al, 2024).

Overall, the study is one of the first to assess the legal effectiveness of the ICSID Convention in an original manner. In view to improving the situation in the future, it is suggested that State Parties should apply the Vienna Convention on the Law of Treaties in good faith, and reform their national legal regimes by collectively establishing a regional court with jurisdiction over the recognition and enforcement of

ICSID awards (Sabahi, 2011). In October 2015, the investment policies and treaties of SOMC States will be examined in a historic and comprehensive review by Heads of State and Government, hosted by the African Union Commission, aimed at maximizing the benefits and minimizing the costs of investment for all SOMC countries and respect for a fair investment climate in the region.

### **6. Case Studies of Investor-State Disputes in East Africa**

Several case studies are presented below for the purpose of illustrating the actual application of matters in practice. This is particularly so in light of the dearth of reported cases on the international arbitration of investment disputes and the apparent lack of published awards. The purpose of the case studies is to illustrate with real-world examples the overarching sets of issues that arise in the analysis of the applicability of international arbitration and investor-state dispute settlement (ISDS) in East Africa. The case studies are also intended to provide pointers to the varied legal frameworks, how these legal frameworks differ in their arbitration provisions, and how the framework used by East African states compares in breadth, depth, and specificity with other investment protection regimes in Africa. They each examine a notable case that has arguably influenced the understanding and practice of arbitration, both domestically and regionally (Asouzu, 2001).

Strategically, the selection of the case studies is driven primarily by a dearth of known cases. Beyond material in the public domain, remarkably little appears to be known about the many unreported disputes that appear to be ongoing or to have been resolved out of the public purview. Looking first at reported cases of concluded disputes, only a very small number of African-related cases appear to have been rendered. These early cases predominantly date back to the late 1990s and early 2000s. Although a slow start is perhaps to be expected, the apparent dearth of since decided cases, some ten years on, is notable, at least in terms of what is publicly available (Onyema, 2020). Such observation is particularly relevant when contrasted with the considerable and increasing number of known disputes now involving urban infrastructure and service contracts, particularly in the water sector.

In contrast with the larger body of published academic research on investor-state dispute settlement, too little information appears to be available on investment disputes in Africa, or in the English-speaking world more generally (Qtaishat, 2013). Such knowledge lacunas are in many ways exacerbated in the case of East Africa, whose states

seem to have been largely bypassed by the current wave of cases. By selecting a variety of dispute cases spread in terms of the states involved, the sectors affected, and the outcomes, it is hoped that the following discussion collectively serves to showcase the range of legal complexities that are involved.

### **7. Role of Arbitral Institutions in East Africa**

This section of the study analyzes the vital role that arbitral institutions play in the facilitation of international arbitration in East Africa. There are numerous arbitral institutions in East Africa. These institutions work to provide the support needed for the conduct of international commercial arbitrations. The forms of support provided by arbitral institutions in East Africa include the provision of administrative assistance and management services for the discharge of arbitral functions, training of attorneys, judges, practitioners, and arbitrators, the establishment of rules governing arbitration, sponsoring of the establishment of arbitration centers and sub-centers, and the establishment of rules to be followed for the speedy and fair determination of arbitral disputes (Wakili et al, 2024). This section will analyze and evaluate essential functions of arbitral institutions.

An important part of the evaluation of arbitral institutions in East Africa includes the examination of the institutional support that ensures the effective conduct of international commercial arbitrations (Agboti et al 2025). The terms of institutional support that this study evaluated are the provision of a secretariat, the provision of the arbitrators and the necessary administration to deal with the arbitral dispute, the provision of the rules to govern the conduct of the arbitration, the provision of the training to produce qualified arbitrators and arbitrators' assistants to efficiently conduct the arbitration, the establishment of local centers and subcenters to provide the above forms of support, and the establishment of various other rules governing the arbitration process in the country. Effective international commercial arbitrations in East Africa could not be conducted without the support and assistance of arbitral institutions. The stronger and more effective these institutions, the better the environment for the conduct of arbitration (Mbithi, 2014).

### **8. Recommendations for Enhancing the Use of International Arbitration in East Africa**

In view of the challenges and prospects discussed in this study, the author proposes the following policy recommendations to enhance the use of international arbitration in East Africa: (1) Providing a

Hospitality Legal Environment for International Arbitration: Governments should enact arbitration laws in conformity with the Model Law. Moreover, they should adopt robust arbitration laws capable of accommodating the current practice in international arbitration, supportive of arbitration agreements, and conducive to arbitration process. Courts should provide a more arbitration-friendly attitude for the enforcement of arbitration agreements and awards (Atanasova, 2019). (2) Increasing Public Awareness of and Education on Arbitration: Public institutions, especially centres, should organize more seminars and training workshops across the region to enlighten lawyers, judges, arbitrators, investors, and the general public about the benefits and procedures of arbitration. (3) Investing in the Institutional Capacity and Infrastructure of Arbitration: More should be done collectively by the public and private sectors to create, develop, and build up the institution of arbitration, like centres or associations (Antai et al, 2024). There should also be cooperation with advanced institutions. (4) Harmonising Host States' Treaties, Laws, and Attitudes with International Arbitration Norms and Practice in the Developed World: International arbitration and investment authorities should be solicited to provide feedback on draft treaties before ratification. Provisions of ratified treaties must be included in domestic laws. East African Countries should emulate the Mauritius clause in its southern African treaties. East Africa should follow Mauritius' practice of giving precedence to more favourable provisions in bilateral investment treaties during arbitration consideration (Mbithi, 2014). (5) EAC Governments and Investors Join Forces to Promote Arbitration as the Preferred Method of Investment Dispute Resolution in East Africa: Investors should make a future investment dispute resolution method clear in contracts. This will help investors to consider less costly alternatives. EAC secretariat and partner states should instigate and facilitate dialogue between investors and partner states (both private and public sectors) on a fair platform (Aidonojie et al, 2024). (6) Influential Institutions and Developed Countries Should Provide Technical Assistance to East Africa: East Africa should negotiate and foster increased cooperation with influential state arbitration authorities and service providers in investment arbitration and international arbitration in general. Public and private sectors in East Africa should for ADR consortia to provide effective investor-state dispute resolution management. More collaborative efforts to utilise institutions like the Permanent Court of Arbitration and the International Chamber of Commerce should be made. (7) Monitoring and Evaluation of Investment Protection, Treaties, and Dispute Resolution Practices in East Africa: EAC Secretariat must undertake regular assessment and exert effort to ensure that such assessment leads to effective

revision of ITR and the formulation of effective protective measures (Umo et al, 2024). Separate agreements could be negotiated to enhance investment cooperation, for the settlement of disputes, and there should be consultation with stakeholders from all sectors and states of the community, in particular developing, dialogue, and regulatory framework (Aidonojie et al, 2024).

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