

# TGCL

Tanzanian-German Centre for  
Eastern African Legal Studies

at the University of Dar es Salaam School of Law  
in cooperation with the University of Bayreuth

TGCL bulletin 2020



*BULLETIN 2020*

*TANZANIAN-GERMAN CENTRE FOR  
EASTERN AFRICAN LEGAL STUDIES (TGCL)*

*AT THE UNIVERSITY OF DAR ES SALAAM SCHOOL OF LAW  
IN COOPERATION WITH THE UNIVERSITY OF BAYREUTH*



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## EDITORIAL



## DEAR READER,

This issue of the TGCL bulletin brings to you a narrative of radical changes evolving with the TGCL. The Centre has with deepest gratitude bade farewell to Prof. Dr Ulrike Wanitzek who has led the TGCL project through a successful decade. Prof. Wanitzek has retired from service in good health and spirit handing over her role in the project to Prof. Dr Thoko Kaime who is establishing a new Chair of African Legal Studies.

Facing more adjustments, the TGCL staff and students, just like anyone else have encountered and are tackling with courage the repercussions of COVID-19 pandemic. This includes official travel restrictions, working from home and maximising the online platforms for academic and administrative exchanges. The adoption of the “new normal” has maintained the day-to-day operations of this transitioning period of the TGCL with great optimism that, this dire global health concern will be sustainably resolved sooner than later.

Above all, the great cooperation and support the TGCL has benevolently received from partners, stakeholders and the TGCL alumni network throughout the years gives a meaning and adds value to the objectives and prospects of the Centre. It is our honest conviction that, this shall continue in the same spirit past the transitional phase.

As our 2020 bulletin marks the shift of the TGCL bulletins’ format from the printed to digital format, we look forward to our readers’ enjoyment of this rather upgraded presentation that takes you through the highlights of the lively transitioning TGCL! We hope that you will enjoy this product of our joint efforts in cooperation with our colleagues on the Editorial Board and our esteemed authors.

Cecilia Ngaiza  
TGCL Alumna

Dr Carolin Herzog  
TGCL Manager

Philipp Bogensperger  
TGCL Student Assistant

## FAREWELL TO THE MOTHER OF TGCL

*On 31 March 2020, Prof. Dr Ulrike Wanitzek officially retired from her posts as Professor at the University of Bayreuth and Project Leader of the Tanzanian-German Centre for Eastern African Legal Studies.*

Prof. Wanitzek has been much more than just a Professor or a Project Leader. When collecting experiences from people who had worked with her, it is remarkable that her caring and friendly nature is highlighted.

She is the mother of the TGCL not only in the sense that she brought the Centre to life but also she supports and listens to people. She is a very good, caring and loving leader, honest, hard-working, intelligent, humble, tolerant, cooperative, dedicated and appreciative. Even in difficult situations she keeps her kindness, which makes the cooperation with her a unique experience. As TGCL Project Leader from 2008 to 2020 she

met a lot of people and enriched them in different ways. The following quotations show that the TGCL will always remember Ulrike, her commitment and that she will always be connected to the TGCL. On her retirement, we send our congratulations to Ulrike for attaining retirement age, and wish her God's blessings, good health, peaceful and joyful retirement life.



(Carolin Herzog) ■



*Prof. Wanitzek with TGCL Students, TGCL Staff and Dr Dorothee Weyler (DAAD) in Berlin.*

**Richard Oppong:** "Thank you very much for the amazing work that you have done with TGCL. I am sure that when the history of East African Law and Scholarship is written, your name will feature very prominently."

**Christian Kirchen:** "I have always been particularly impressed by your meticulous way of working and by the high personal commitment of yours, I take my hat off to that."

**Johannes Döveling:** "I am grateful for the 15 years of our common path which we had been walking together not only in Bayreuth, but also in East Africa. For your retirement I wish you the very best, as well as courage for leisure and relaxation."

**Helmut Blumbach:** "A great commitment, a great success, with opportunities for sustainability. What impressed me was not only what, but also how you achieved it, with so much perseverance, patience, empathy and sympathy for East Africa and its lawyers."

**Cecilia Ngaiza:** "You have shown us that a person not only with silver and gold thrives, but with good intellect and a heart full of diligence. This is a lifelong lesson we derived from you."

**Jebby Gonza:** "Your vision and your coordination have proven revolutionary."

**Goodluck Temu:** "You are a magnificent leader, a true professor, a great mentor, a commendable organizer and a very very kind-hearted person."

**Lena Scheibinger:** "You always had an open ear for me, always stood by my side giving advice and continuously encouraged me to believe in me."

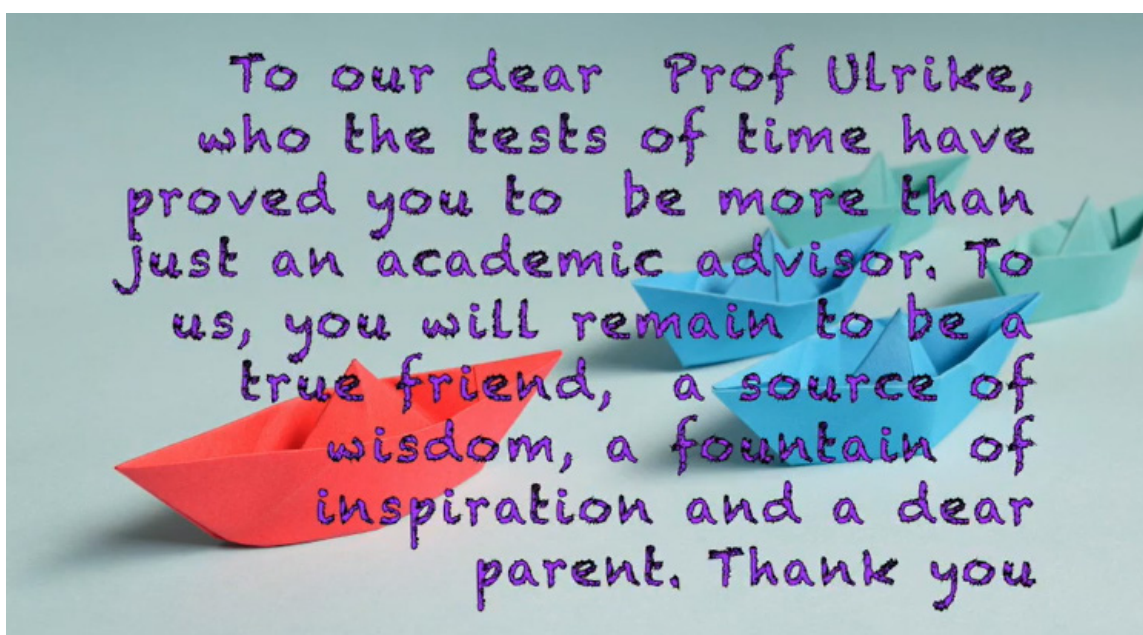
**Benedict T. Mapunda:** "Throughout the years I have been a Coordinator, you have been showing me the way and apart from this, you have also been a mother for me."

**Florencia Kimario:** "Ulrike, you are a true Professor, a great mentor. You walked ahead of us to show how it is done and alongside us to show us what we can do."

**Lilian Masalu:** "I would describe Prof. Ulrike as a mother to all of us, I will miss her greatly."

**Thoko Kaime, Isabelle Zundel, Sabine Engel:** "It has been so easy, because you have been alongside us on this journey and we are forever grateful. So, go on, be missed, you are loved."





*Message from TGCL  
 Alumni to Prof.  
 Wanitzek.*

## *UDSoL AWARD FOR PROF. WANITZEK*

To honour decades of distinguished service and dedication offered by Prof. Ulrike Wanitzek to the field of African legal studies via her committed personal and later institutional cooperation with the University of Dar Es Salaam School of Law (UDSoL), Ms Cecilia Ngaiza presented an appreciation award to Prof. Wanitzek on behalf of the UDSoL as a token of acknowledgment for such service and best wishes to her retirement. Prof. Wanitzek has led the Tanzanian-German Centre for Eastern African Legal Studies throughout a decade of successful cooperation between the University of Dar Es Salaam School of Law and the University of Bayreuth in training future East African leaders through a specialised academic program - classroom lectures and research - on East African Community and Regional Integration Law, she retired from service in early April, 2020. The UDSoL team wishes her a rewarding and happy retirement!



*Cecilia Ngaiza  
 presenting the  
 UDSoL Award to  
 Prof. Wanitzek at her  
 residence in Bayreuth.*

## WELCOME PROF. DR THOKOZANI KAIME

*Originally from Malawi, Prof. Kaime studied Law at the University of Malawi (LLB) and at the University of Pretoria, South Africa (LLM). Later he pursued his PhD at the School of Oriental and African Studies (SOAS University of London, United Kingdom), where he subsequently worked as a lecturer in International and Environmental Law. He took further his academic career as a senior lecturer and later Deputy Dean, Postgraduate Research at the University of Essex before he joined the University of Bayreuth. He took over the post as Project Leader at the TGCL in March 2020 while establishing the new Chair of African Legal Studies. Below he shares some words of welcome:*

Dear Reader,

I welcome you to this, my first TGCL bulletin since I took over the post as TGCL Project Leader in March 2020. It is important to mention that this bulletin is the twelfth in the series. This is in itself a remarkable milestone that encapsulates the staying power of the TGCL project. During this period, the project has given us many graduates who have gone on to take up important roles in Eastern Africa and beyond. We celebrate their success.

By any measure, 2020 has been a tough year for education programmes every where and the TGCL was no exception. Many adjustments were needed in the teaching and research programme in order to ensure that students wellbeing and safety at our Mikocheni Campus was maintained. We faced significant hurdles in getting our students home and back to campus whilst grappling with managing the changes required to deliver a coherent programme under more restrained circumstances including the modes of delivery and a changing calendar. The fact that we have successfully concluded the teaching programme for 2019/20 is a true testament to the dedication of our students, our staff and collaborating partners.

This is not all. Our research and outreach programme also continued with agile adaptations. This was enabled by increased digitalisation opportunities which allow us to expand our

classrooms beyond Mikocheni. We

were able to host the first Tanzanian-German-Chilean Legal Talk, which set the platform for future collaboration. Our students were also able to join various teaching

events hosted at Bayreuth including the series of the Chair of African Legal Studies: Everyone's Human Rights as well as a masterclass on Climate Justice in the Global South. With these experiences, it is clear that a more connected programme will be the way forward in the future as we seek more learning and networking opportunities for our students.

Looking ahead, the focus for the TGCL will be on the sustainability of its programmes. As Project Leader, my first priority is to ensure that all stakeholders including our students, alumni, colleagues at UDSM and Bayreuth as well as our DAAD funding partners join in the conversation. It is an exciting time ahead as we plan for the future and secure the achievements that the TGCL Project has delivered.

As we draw this year to a close, I wish you happy holidays.

(Thoko Kaime) ■





## PROF. KAIME'S FIRST VISIT TO THE UDSM

From 6 to 9 January 2020, Prof. Kaime made his first official visit to the University of Dar es Salaam in Tanzania in his position as TGCL Project Leader.

Prof. Kaime held a meeting with Dr Benedict Mapunda, TGCL Coordinator, who outlined the history of the TGCL project and the major successes of the programme encompassing both LLM and PhD graduates.



From left: Prof. Majamba, Prof. Kaime and Dr Mapunda in front of the UDSOL Building.



Later, he met the Dean of the Faculty of Law, Prof. Hamudi Majamba. He reiterated the Faculty's and the University's support for the TGCL and indicated that he was looking forward to the forthcoming strategy meetings when the future of the programme will be mapped. After a tour of the Mikocheni campus, Prof. Kaime met the administrative staff of the TGCL including Maria Paulo, Godlove Mmari and Lilian Masalu. The discussion focused on a number of issues including alignment of financial processes, library services as well as the progress of the current LLM students.



Meeting with TGCL administrative staff in the library at Mikocheni Campus.

## TGCL CLASS REPRESENTATIVES SPEAKING ABOUT CHALLENGES REGARDING COVID-19

When COVID-19 struck in Wuhan, China, I was aware of the effects but didn't think it would cause a worldwide pandemic. I had never thought a "disease" would get so out of hand. The semester holiday was slated for 28 February to 22 March 2020 but I chose to stay in Dar es Salaam to work on my dissertation. I stayed in the University hall rooms during that time. After sending one of the proposal drafts, I took a trip to Dodoma on a Tuesday. Wednesday 11 March 2020 was going alright until I saw a message that University was closed and we were required to leave University halls by Friday 13 March 2020. On the same day there was an information on Twitter that all persons entering Uganda had to do mandatory institutional quarantine. The information was that the quarantine was charged at a fee of \$100 per day for 14 days. I was caught



*Ms Joan  
Smarts Mukisa*

between the University closing and having to book a flight immediately and pay the \$1400 over the course of the 14 days. The fear as well was school eventually starting and on return from Uganda,

having to undergo and pay for another quarantine. We were not ready for the expenses and just how fast things happened.

I updated a family friend on everything and thankfully he and his family offered to host me in Tanzania. Eventually we found out that in the said week, all persons from East African countries were allowed to enter Tanzania and did not have to do the mandatory quarantine, but we found that out on Sunday. After Sunday institutional quarantine applied for everyone entering the country.

My guardian was concerned about my research and the home offered a very conducive environment for study. Thus from March to May I continued to work successfully on my research. I was however unable to conduct the field research and struggled to get in touch with the respondents as the majority of them were not at their work places and were hardly reachable. Everything happened fast, but ultimately I owe a lot to the late Prof. Tolly S. A. Mbwette and his family. The swift action to host us and the amazing and conducive environment at the Prof. Tolly Mbwette home lightened the burden and shock of COVID-19.

Their hospitality, support and willingness to help, made me realise what is truly important during a pandemic like this. To help each other and to stick together.

(Joan Smarts Mukisa) ■



The COVID-19 pandemic has affected educational systems worldwide, leading to partial and total closures of schools, universities and colleges. Most governments around the world temporarily closed educational institutions in an attempt to reduce the spread of corona virus. As for our case, the University of Dar es Salaam was closed in March 2020 following the outbreak of the virus. This resulted to our inevitable travel back home as it was ordered by the the University. This applied to all students in the Higher learning institutions in Tanzania.

It is during this period that most of us were in the middle of writing our dissertations. Due to the fact that students in our program came from different East African Countries, varying governments' directives on prevention of the spread of corona virus applied, such as lockdowns and curfews in Kenya, Rwanda and Uganda. This posed a challenge to the TGCL students who depended on the campus libraries and field research to com-

plete their dissertations. Again, when the University was re-opened, some of the students faced challenges to travel back to Tanzania to continue with their studies

due to the travel restrictions imposed by their home governments.

Despite all these eventualities, the students have in the end managed to resume studies and work towards the completion of the coursework and dissertations in good spirits.

(Wambua M. Stephen) ■



*Mr Wambua M.  
Stephen*

## STUDENT'S VOICES AND EXPERIENCES

"The period during the nascent stages of the COVID-19 pandemic presented me with an opportunity of a long study break which unique translated to a rare quality family time. Thereafter, crossing the Kenya-Tanzania border back to school seemed impossible due to anti-contagion restrictions. That notwithstanding, we mounted the challenges including that of reaching out to some of the many prospective respondents during my field research."

(Nelson Otieno Okeyo) ■

"Thanks to TGCL and the University of Dar es Salaam for making my LLM journey possible despite the challenges presented by the COVID-19 pandemic. The global pandemic changed my view about life's challenges and uncertainties. I have learnt that challenges come, not as obstacles to progress but as opportunities to bounce back with new and creative ways to keep growing."

(Janet Jebichi Sego) ■

"In early days, the novel pandemic caused a lot of fear and tension to us. It also impacted my field research (unresponsive institutional e-mails and the pandemic "defense")."

(Chacha Mairo) ■

## TGCL SAILING THROUGH THE COVID-19 PANDEMIC



*A COVID-19 Graffiti in Nairobi, Lang'ata Area.*

Around December 2019 the World Health Organization was informed of the existence of a cluster of pneumonia, known later as COVID-19, in Wuhan province in China. The disease began spreading in other parts of the world thereby causing a lot of suffering and deaths. Whatever the cause, it is a settled truth that this is a tragedy and we need to focus more on the ways to combat it to save the millions of our loved ones who have and might be affected by it.

It is common knowledge that the disease has spread and affected almost every nation and people in the world. The epicenter of the disease has been shifting as infections have spread in the world. Generally, the World Health Organization has been advising nations to enforce lock-down measures for the obvious reason that COVID-19 is transferred among humans by physical contacts and droplets of liquid from an infected person through coughing, sneezing or the so-called aerosols. No doubt, the pandemic has been very devastating to the world community as by the end of October 2020 the number of infected people in the world grew to 42.5 million people and 1.1 million deaths.

On 16 March 2020 Tanzania announced its first case of COVID-19 infection. On this account, measures were put in place to contain more infections. These included adopting fourteen days quarantine of people coming from risky countries, closing the airspace, surveillance of borders with her neighbors and many other protective measures to prevent the disease from spreading. The direct effect, in our case, was the closure of all schools and Universities around mid-March 2020.

What was unique with Tanzania was that the government did not impose any lock-down but directed citizens to take all precautionary measures advised by medical experts which included social distancing, washing of hands and wearing of face masks. Apart from the closure of academic institutions business continued as usual. It was directed that public offices, businesses and other workplaces continue operating but with full compliance to guidance by medical experts. Latest Government statistics, issued around June 2020, show that about 509 people were affected and among those 21 lost their lives.

Around May 2020 the infection rate of COVID-19 dropped substantially. The government decided to ease some restrictions. On 1st June 2020 all Universities were opened and other lower academic institutions were opened in July. Studies in all academic institutions proceeded as planned and life basically returned to normal. No serious infections have been reported in the institutions so far.

Tanzania, as a partner state in the East African Community, had some challenges with other countries related to the COVID-19 pandemic. When the president declared, by the end of May 2020, that the pandemic has subsided neighboring countries and for very good reasons had a difficulty in believing the information. Such doubts were also held by other distant countries. The main basis for the doubt was the argument that the country was not publishing her infection rates. It was suspected that Tanzania, having a relatively weak medical resources base, could not have managed to contain the disease and therefore it was hiding the real infection rates in the country. All the same by July 2020 almost all government isolation centers set in March to deal with the pandemic were closed for lack of patients. It is an undeniable truth that the way COVID-19 is contagious, it would not have been possible to hide it.

An interesting question, at this juncture, that one may ask is: How was life and work situation under the COVID-19 pandemic? As indicated above the government did not impose a lockdown on its citizens but advised them to follow the guidance of medical practitioners on self-protection against infections. It was mandatory to put water tanks or containers in all buildings and in key places inside buildings it small containers containing sanitizers had to be placed. Temperature measuring gadgets were used in all main doors of major buildings. Congestion in any office or public places was not allowed. Apart from these, at our TGCL building, the number

of chairs in our library was reduced. Besides, putting a face mask was mandatory for entering any public place including public transport. Being part of the community, TGCL lived through this experience. All students went to their respective homes after the general closure of academic institutions. The general requirement of going to office everyday was slightly eased for TGCL project staff. They were allowed to work at home and come to office as and when necessary until the government declared the re-opening of Universities the first day of June 2020. As mentioned above, around May infections were at the minimum. The earlier nervousness on the possible infection subsided. As students had returned for studies in June, the University faced the challenge of finishing the second semester (which did not start because of the closure) before November to avoid affecting the new academic year which normally starts in November of each year. The University management chose to shorten the semester whose normal length is fifteen weeks. It was decided that the second semester be shortened to twelve weeks and lecturers were urged to teach key topics only but ensure that standards are not compromised. End of semester examinations were successfully done and results published in September 2020. Now, the new academic year can start on time. Another key aspect which was affected was research and writing of LLM dissertations. During closure, all of our TGCL students did continue with their researches despite the existence of lockdowns in their respective countries: they managed to get data through online researches, telephone and skype interviews and where possible research assistants helped to deliver documents containing important information. Currently, most restrictions related to COVID-19 have been eased, though precautions are still being encouraged.

(Benedict T. Mapunda) ■



## *COVID-19: IMPLICATIONS ON THE EAC REGIONAL ECONOMIC COMMUNITY*

Effects of the COVID-19 pandemic have been experienced in the field of regional economic integration. On one hand, it has tested the ability of RECs (Regional Economic Communities) to respond to pandemics. In the East African Community (EAC) region, the provisions of the Treaty for the Establishment of the East African Community, 1999 on commitment by Partner States to collaborate in prevention and control of epidemics under Article 118 (a) has been put to this test. On the other hand, measures adopted to deal with COVID-19 have proved direct encroachment of the rights and freedoms protected under the EAC Law. The cherished freedoms of movement of persons, goods, services and capital are automatically diluted on the face of measures adopted by Partner States to deal with the pandemic (see Articles 6, 7, 13, 16 and 24 of EAC Common Market Protocol). In these circumstances there has been a glaring duty on the EAC Partner States to strike the right balance between the motives of protecting people and health with the adherence to the principles set out in various policy and legal instruments governing the Community.

It is therefore submitted here that, COVID-19 has brought both, short-term and long-term positive and negative impacts on the EAC Regional Economic Community. Drawing from the negative side, COVID-19 has had effects on the objectives of RECs. It is worthy noting that the paramount intrinsic goal of a REC is to achieve a fast and balanced regional economic development. This goal envisages a voluntary agreement in which the Partner States may access each others' markets and eliminate conflicts among themselves. It entails a joint enjoyment of economic, social and cultural benefits by Partner States in the agreed areas of cooperation.

The challenges brought by COVID-19 are by and large against the core goals of the EAC. While



the EAC advocates for grouping of states and cooperation or working together, COVID-19 calls for individualisation, confinement and distancing. COVID-19 has necessitated the closure of borders, disruption of supply chains and the fall of regional economic activity. Closure of borders is a counter effort of regional integration because it leads to separation of Partner States. The pandemic has impaired logistics and occasioned misunderstandings among Partner States; for example the restrictions of logistics trucks in Namanga boarder between Kenya and Tanzania and the repatriating of Tanzanian truck drivers from Uganda on grounds of preventing the spread of the virus. This was accompanied with restrictions of free movement persons whereby in some boarders only cargo trucks have been allowed to cross the borders after the drivers have been tested for COVID-19 and awarded clearance certificates. This has led to wastage of time at the borders and difficulties in obtaining supplies. Furthermore, the dissociated response to the pandemic by EAC Partner States to COVID-19 has led to some divergencies whereby. Unlike her fellow partners, Tanzania has taken a different route in dealing with the pandemic by not imposing any lockdown or curfew as measures to combating the spread of the virus. Also, Tanzania did not take part in the online meetings in which common solutions to deal with the pandemic were discussed and adopted.

Despite the above challenges, regional economic integration may be viewed as a strategy to penetrate through the difficulties associated with COVID-19. This is maybe the case through the existing dependence on locally produced goods by the Partner States and less dependence on imported goods. Notably, the EAC Partner States have a greater dependence on the goods imported from within the region than those produced outside the region; something that has always and is now working to these partner's advantage during this global crisis. Alongside this line of thought, the EAC's extraordinary Summit meeting attended by Rwanda, Kenya, Uganda and South Sudan in May 2020 directed, inter-alia, that Partner States should prioritise regional value supply chains to support local production of essential medical products and supplies, including masks, sanitizers, soaps, coveralls, face shields, processed foods, ventilators as part of efforts to combat COVID-19 in the region. Furthermore, Partner States were urged to facilitate farmers, agro-processing and establishment of special purpose financing schemes for small and medium enterprises, to cushion them from the negative effects of the pandemic. Additionally, COVID-19 has led to the growth

of online business in the EAC. Different media, unknown or little known to support business became advertisement platforms and places for meeting customers and clients. The social media offers not only advertisement platforms but also meeting places for persons negotiating various types businesses. However, the increased online business put confidentiality at risk and it has led to increased exposure to fraud.



Adding to the opportunities, COVID-19 serves as a wake up call for realisation and sharpening of the policy and legal instruments of the EAC on the fight against pandemic diseases. At the same time it provides an occasion to strengthen cooperation by Partner States in matters of research in science and technology, health and trade. Doors on collaborative research in prevention and treatment

of pandemic diseases in the region have also opened up as the world has been facilitated to boost regionalisation and regional economic integration in order to meet the changes occasioned by COVID-19. On 20.02.2020, while launching the Continental Strategy on COVID-19, the Chairperson of the African Union's Commission stated that "the pandemic should serve as a hymn, an anthem for multilateralism and solidarity."



The EAC is therefore challenged to come up with common strategies, policies and plans to defray the economic impacts of pandemics on individual Partner states. The loss of human resources due to death and sickness, the closure of business, the decline in supply of raw materials, the poor access to markets for goods, as well as costs associated with testing of COVID-19 require collective efforts. Likewise, the COVID-19 crisis requires the EAC Partner States' mobilisation and coordination in both material and human resources to contain the situation.

Finally, it is observed here that although the COVID-19 pandemic has affected the regional

economic integration in East Africa in various ways, the impacts explained in this article are just a tip of an iceberg. COVID-19 implies that the EAC must improve its capacity to deal with the impacts of pandemics by revising the existing regional policy and legal frameworks with a view of addressing the challenges brought by epidemics. This means, that the EAC partner states need to collaborate more in dealing with pandemics. Leaving the matter at the partner state alone and ignoring the common regional efforts in this fight has negative implications on the EAC regional integration.

(Daniel M. Shayo) ■

## *EVERYONE'S HUMAN RIGHTS – A SERIES OF DEBATES ON HUMAN RIGHTS IN AFRICA*

*From August to October 2020 the chair of African Legal Studies at the University of Bayreuth hosted a series of debates on human rights in Africa. The series comprised five lectures by presenters from various legal backgrounds.*

The chair of African Legal Studies at the University of Bayreuth presented a digital series of events titled "Everyone's human rights - A series of debates on human rights in Africa". Held for the first time, the series comprised five lectures – each followed by a discussion – and presented many diverse and interdisciplinary perspectives on the topic. Complying to the manifold series, the audience was also very diverse and TGCL students as well as alumni regularly participated.

The series was kicked off by Dr Joan Nyanyuki, Executive Director of the African Child Forum in Ethiopia, talking about "Improving Access To Child-Friendly Justice System In Africa". In an interesting and informative presentation, she showcased the challenges that children on the

African continent are frequently confronted with. She indicated that national legislature does not offer sufficient support for minors – especially not on a legal basis. In numerous examples, Dr Nyanyuki presented a few possible approaches to make the judiciary system more child-friendly. A lively and intense discussion completed the presentation providing an additional context for the topic of a child-friendly judiciary system.

In the second debate, Prof. Redson Kapindu, Judge at the High Court of Malawi and Professor at the University of Johannesburg, focused on the topic "The Principle Of Human Dignity In Constitutional Adjudication In Malawian Courts". In his speech he gave an overview of Malawian and South African cases in which courts have applied the principle of human dignity.





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Additionally, Kapindu discussed the concept of human dignity in relation to the “Ubuntu” philosophy which is mainly known in Southern Africa. The third speaker, Dr Melina Kalfelis, member of the Bayreuth Academy of Advanced African Studies, spoke about “They Are Frightening, But I Can Sleep At Night. On Violence, Human Rights And Security In The Postcolonial State”. The anthropologist described her current research on and experience with the group of “Koglweogo”, a self-defence group establishing forms of extra-legal governance in Burkina Faso. She specifically emphasized that the network of Koglweogos contribute to both the interruption and the re-production of structural violence. The lively discussion that ensued tackled various questions on the classification of the resulting human rights violations committed by these groups and on the relation of the Koglweogo with the national government.

Yvonne Dausab, Minister of Justice of the Republic of Namibia, continued the series and spoke about “Using The Law As A Tool To Enhance

Social Justice: locating Namibia’s Value System Using The Text Of The Namibian Constitution”. The main question of the evening was, why and how law may be used to encourage social justice. The Minister of Justice emphasized the necessity of broad trans-sectoral solutions and the inclusion of the Namibian value system. Last but not least, Dr Chikosa Silungwe, General State Attorney of the Republic of Malawi, rounded off the series with his talk on “Constitutions And Human Rights: Whispers From The ‘South’”. He especially focused on the Malawian presidential elections in 2019/20 by drawing conclusions and principles from the election as well as the corresponding decision of the constitutional court.

The extensive, fruitful and interdisciplinary discussions after each presentation provided a frame for close and informal exchanges between all participants and was described as “academically stimulating”.

(Isabelle Zundel) ■

## FIRST CHILEAN-GERMAN-TANZANIAN LEGAL TALK

*On 28 September 2020, the Tanzanian-German Centre for Eastern African Legal Studies together with the Heidelberg Center Latin America (HCLA) launched a legal talk series. The first series, held online, brought together over 40 students and researchers from East Africa, Latin America and Germany. This was yet another innovative academic forum in the history of TGCL involving scholars from the Global South.*

The unexpected outbreak of the pandemic in spring has reminded us that difficult situations can always be overcome – however insurmountable they may be perceived at first. COVID-19 did not shut down the academic life completely, but, captivated rethinking among scholars. With the TGCL in particular, creative solutions for new ways of academic exchange were sought and found, major ones being the increased use of digital platforms which opened up new opportunities for academic cooperation.

In this respect, the first Chilean-German-Tanzanian Legal Talk was one of the products of this rethinking. The fact that this workshop proved success, was the living proof that research and

academic exchange has no borders; it united excellent researchers and scholars from at least three continents.

This digital workshop was opened by a word of welcome from the Moderator Dr Carolin Herzog and handed the floor to Dr Inés Recio, Academic Director of the HCLA who made a brief introduction of herself, Prof. Dr Thoko Kaime, Chair of African Legal Studies, University of Bayreuth and the three intended presenters who all came

from different legal backgrounds. The session proceeded with Prof. Kaime's brief remarks on this academic arrangement and highlighted how important human rights dialogues are across the globe. This paved the way to the presentations. Firstly, Dr. Jesse James from the University of Dar es Salaam School of Law, presented on „Synopsis of Tanzania Human Rights Legal Framework“. He introduced the participants to the Tanzanian human rights system through three major components i.e. the history of human

rights in Tanzania in line with the Tanzanian constitutional developments, the practicability of the Bill of Rights in Tanzania and the redress for violation of human rights in Tanzania.

Secondly, Prof. Rita Lages from the University of Chile, Faculty of Law, Human Rights Center, gave insights to the migration and asylum law of the European Union (EU). She presented on „General Trends on Immigration and Asylum Law and Governance in EU and its Relation to Africa and Latin America“ with the view to establishing a connection between the EU, Latin America and Africa when it comes to the issues of immigration and asylum. She analysed the EU migration



and asylum policy and its consequences on Latin America and Africa in the struggle to manage the migration flows.

The third presentation entitled „Fundamental Rights in the Current Chilean Constitutional Debates” was given by Dr Sven Korzilius, HCLA and DAAD long-term lecturer at the University of Chile, Faculty of Law. Dr Korzilius highlighted the human rights’ foundation in every protest drawing examples from the major protest that took place in Chile in October 2019, the Penguin Revolution of 2006 and the feminine protests. The basis of the violations were stated to be among other things social inequalities perpetrated by high costs of living. The right to dignity was presented to have been positioned at the centre of the Chilean protests which is also a pioneering right in the Chilean and German Constitutions. The presentation of this topic was comparative in

nature placing the practice of human rights and protests between Chile and Germany. The online event ended with a lively and fruitful inclusive discussion whereby, further general comparisons on human rights practises were drawn amongst the relevant countries of reference As Inés Recio highlighted, this first session of the Chilean-German-Tanzanian Legal Talk marked the beginning of exploring possibilities to expand academic cooperation in research and teaching beyond regional confines. This event was a starting point to intensify multilateral exchange and enhance the interest of researches across the globe whose output could have a direct impact to the society.

For further details, all our interesting talks are available online on our YouTube channel of African Legal Studies.

(Carolin Herzog) ■

## ***OBITUARY***

### ***DR JAMES JESSE***

It was with deepest sorrow that we received the sad news of the passing of Dr James Jesse on 17 October 2020. Dr Jesse who was a prominent scholar in the field of human rights law in Tanzania once held the position of Head of the Department of Private Law at the University of Dar es Salaam, School of Law. He also made a great contribution to the TGCL students through his lectures on human rights law and LLM dissertations supervision. Before his passing, the Chilean-German-Tanzanian Legal Talk was the last activity he engaged with the TGCL. May his soul rest in eternal peace.





## NEWS FROM THE CLUSTER OF EXCELLENCE "AFRICA MULTIPLE"

*A TGCL Alumna thriving in the University of Bayreuth Cluster of Excellence "Africa Multiple".*



On 1 September 2020, Ceclia Ngaiza, a TGCL Alumna, officially joined the University of Bayreuth as a Doctoral Researcher in the project entitled "Human Rights, Corporate Social Responsibility and Interacting Markets in Africa" operating under the umbrella of the Cluster of Excellence "Africa Multiple" research section "Affiliations". The aforementioned Cluster works towards reconfiguring African Studies on conceptual and structural levels. This has specifically necessitated Ms Ngaiza's research on the Relevancy of Peoples' Rights in the African Human Rights Mechanisms with a specific focus on Tanzania. In these premises, Ms Ngaiza traces the roots of this group of rights, their relevancy today and future prospects.

Ms Ngaiza graduated from the University of Dar es Salaam with a Master of Laws (LLM) in Regional Integration and East African Community Law in November 2018, a program offered by the Tanzanian-German Centre for Eastern African Legal Studies (TGCL) which operates in form of the collaboration between the University of Dar es Salaam School of Law and the University of Bayreuth. At a Master's degree level, Ngaiza researched on the Implementation of the EAC Human Rights Obligations in Tanzania; therefore she currently holds a special opportunity to share and gain knowledge on topics related to human rights and regional integration from the Cluster's intellectual hub: the Knowledge Lab. The Cluster's Knowledge Lab brings together

researchers from different fields and instigates academic debates and intellectual exchange between senior and junior researches from within and outside the Cluster.

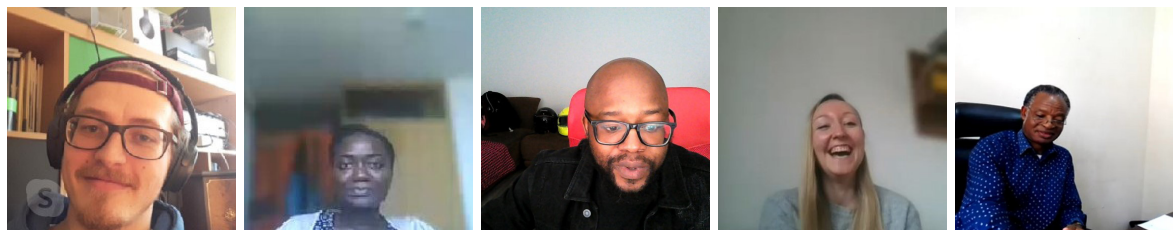
Being a Doctoral Student under the Cluster, Ms Ngaiza is also a member (Junior Fellow) at the Bayreuth International Graduate School of African Studies (BIGSAS) which is integrated to the Cluster to offer an additional support to the early carrier scholars at the doctoral level to complete their projects successfully and timely. As an initial engagement with the Cluster's Knowledge Lab, BIGSAS organized a BIGSAS Colloquium that took place online on 2 July 2020. In this Colloquium, Ms Ngaiza presented her PhD project to the Cluster audience alongside other BIGSAS Junour Fellows who took the chance. Such presentation received various comments and remarks that add value to Cecilia Ngaiza's thesis. There is no doubt that, greater academic prospects have opened up for the TGCL Alumna, Cecilia Ngaiza who has once more earned an opportunity to academically engage with the University of Bayreuth under the auspices of the Cluster of Excellence "Africa Multiple". This opportunity visibly stems from her initial engagement with the TGCL where the Tanzanian (University of Dar es Salaam)-German (University of Bayreuth) ties exist.

More information can be found on the Website of the Cluster of Excellence "Africa Multiple".

(Cecilia Ngaiza) ■

## DIGITAL INITIATIVE FOR AFRICAN CENTRES OF EXCELLENCE

*The Digital Initiative for African Centres of Excellence (DIGI-FACE) is a three-year DAAD funded project with the possibility of a two-year renewal period after 2022. The project aspires to support the digital needs and enhance the digital capacities of all members and alumni of DAAD African Centres of Excellence and their networks via the development of e- and blended learning modules and digital tools.*



The main objectives of the DIGI-FACE project are to strengthen cross sectoral skills of lecturers, students, researchers and alumni of Centres of Excellence using digital tools, connect geographically separated learners, teachers and supervisor via the digital platform, improve teaching and learning conditions and improve technically adapted sustainable solutions for digitalisation at African Centres of Excellence. Several workpackages as sub-projects have been created to reach the main objectives. As a starting point, our sister centre CERM-ESA (East and South African Centre of Excellence in Educational Research Methodologies and Management) gave new digital training courses via zoom.

From April to May, 2020, DIGI-FACE conducted training sessions for all African Centres of Excellence from East Africa which are funded by DAAD. The host of the meeting sessions was Paul Webb from the Nelson Mandela University in South Africa. TGCL participated in these training sessions and was represented by Dr. Carolin Herzog from Bayreuth, Germany and Lilian Masalu from Dar es Salaam.

### **ACTIVITIES CONDUCTED DURING TRAINING SESSIONS**

Throughout the capacity building sessions, participants were introduced a special moodle site and how they could use it to conduct

online lectures, issue assignments to students and grade the same. Online courses require adjusted ways of presenting material and of communication with the learner. Therefore, Paul Webb and his colleagues Elmien Waring, Mike Swanepoel and Johan van Niekerk not only showed the participants how to create and publish content on moodle but also gave a lot of insights into the didactics of e-learning. We were also taught how to use zoom for conducting meetings and prepare different models which would simplify online learning both for the students and lecturers. The training sessions covered a wide range regarding digitalisation and e-learning. Of particular interest was how TGCL could use this platform to simplify its administrative work. By using such a digital platform, the centre will facilitate its operations and paper work. Having a digital platform, would make the work more efficient but also easily traceable for future use.

Therefore, although TGCL is currently not offering online courses, the DIGI-FACE Project could be relevant in the near future. It will benefit the Centre but most importantly the students especially in uncertain times as the one currently being experienced worldwide; the COVID-19 pandemic.

(Lilian Masalu, Carolin Herzog) ■

## NEWS FROM THE TGCL ALUMNI ASSOCIATION

*The TGCL Alumni Association hosted several events in the year 2020 to keep the socio-academic exchange alive.*

The Kabarak University School of Law organised its 3rd International Conference, which ran on the 29 and 30 October, with this year's conference being centered on dialogue on the 20 years



*Conference participants amongst others TGCL Alumni  
Felix Odhiambo,  
Edmond Shikoli,  
Esther Mwaka Mupe  
and Naomi Gichuki.*

of the East African Community. Edmond Shikoli, who is a lecturer at Kabarak's School of Law, was instrumental in organising this conference. In addition to bringing together over 1000 participants through the live online broadcast, the conference also brought together TGCL Alumni in various capacities, including through presentation of papers and moderation of the different sessions in the conference.

A timely forum, the conference presented a unique opportunity to bring together legal schol-

ars and practitioners to evaluate the 20 years of the East African Community. The keynote speech was delivered by Hon. Emmanuel Ugirashebuja, the 4th President of the East African Court of Justice. This was followed by the launching of the East African Community and Regional Integration Law Journal, a peer-reviewed biennial scholarly publication focused on the field of East African Community Law.

Presentations explored different facets of the East African Community including the legitimacy of the East African Court of Justice (Dr Ally Possi) application of the East African Community Law within the Partner States (Emmanuel Sebijjo) the Right of Establishment in light of public health restrictions issued by Partner States in the wake of the COVID-19 pandemic (Hon. Priscah Nyotah) challenges and prospects of the East African Community (Prof. PLO Lumumba) environmental protection of maritime resources (Felix Odhiambo) human rights, rule of law and trade within the EAC and beyond (Dr Tomasz Milej and Ms. Caroline Saroni). Alumni moderators included Ms Esther Mwaka Mupe, Dr Evelyn Katono, Mr Tom Ngeri and Ms Naomi Gichuki.

The conference, though held virtually, managed to bring together seasoned and upcoming scholars, practitioners and researchers, and by so doing, also widened the scope of TGCL's impact in the legal profession across the Partner States of the East African Community. As the Alumni Association leadership, we continue to pledge our support to the in-country alumni chapters in organizing forums that will bring together scholars in furtherance of the TGCL's objective to raise effective leaders within the EAC.

(Naomi Gichuki) ■



## EXPERIENCE WITH THE DAAD APPLICATION FOR THE ALUMNI CONFERENCE IN 2020

*This is not just about tutoring “five principles for mastering funding application procedure” which sounds like resonating my routine work in the academia world. Rather, it is simply about sharing experience that achieves more than what my general career objective as a senior lecturer entail. This is about sharing personal experience that I believe is more impactful than a three hour lecture.*

I got the idea of applying for DAAD funding to support alumni events about three years ago. In my case I planned to organise an international academic conference and alumni meeting. One day when my colleague Dr Judge Lilian Mongella from our first batch of the TGCL PhD students was travelling to Dar es Salaam order for us to start serious planning on the application, she was appointed Judge of the High Court of Tanzania. Two weeks later, I was also appointed Dean of the Faculty of Economics and Management Science of the Institute of Finance Management (IFM). For a moment, the appointments played as blessings in disguise but I quickly picked up my pieces.

With a new position as the Dean, the first thing was to integrate the idea into my new work environment. Then I contacted the TGCL Project Leader, Prof. Ulrike Wanitzek, first for the consent to use the overall slot for TGCL as an eligible umbrella for alumni organization but also more importantly for the guidance on how to go about the procedure. Then I had to obtain the approval of the IFM Rector to also use IFM as a coordinating and hosting organisation of the alumni event. After I had the green light from both sides, I mobilised my colleagues at IFM starting from those who were DAAD Alumni from other DAAD networks. Then I informed the TGCL and Tanzania (general) alumni DAAD association leaders. They were all happy to come together and put up an application. In the end, the

application was prepared with the support of my IFM colleagues especially Dr Hussein Nassoro who is also DAAD alumni from another network and Dr Zacharia Elias who did his master degree in Germany. My other colleagues such as Mr Daniel Tairo from the IT department, Dr Hawa Munisi, who participated in initial meetings also provided different kinds of support. Mr Antidius Kaitu (formerly TGCL Assistant Coordinator) who had worked on previous TGCL application for the Alumni event funding lended me a hand. The TGCL leadership team (Prof. Wanitzek, Prof. Richard Oppong, Dr Carolin Herzog and Dr Benedict T. Mapunda) were indeed of great support. Their roles included ensuring the application was competitive enough and that the overall concept reflected the values of the respective organisations. In the end we received 23 papers and registered 90 participants out of whom 78 were Alumni.

All the information concerning eligibility and pro-

cedure for the application were readily available online. Additionally, DAAD Regional Office for East Africa was always supportive to provide further clarifications and information requested. In the end the application was successful.

(Grace Kamugisha) ■

***‘I AM HAPPY TO DO WHAT I LOVE DOING.  
THIS IS NOT JUST ABOUT TUTORING.’***

*The Faculty of Law,  
Business & Economics  
at the University of  
Bayreuth.*



## *TWO TGCL ALUMNI AT THE UNIVERSITY OF BAYREUTH*

### **Veronica Buchumi**

In 2014, I completed my LLM studies at the University of Dar es Salaam School of Law under the TGCL programme. Through TGCL, I secured experiences and opportunities that have been an important part of my academic and career journey. Importantly, in October 2017 I enrolled at the University of Bayreuth for my PhD studies under the supervision of Prof.



Wanitzek, the former TGCL Project Leader. I would be ungrateful not to acknowledge the role that TGCL played in starting my PhD at the University of Bayreuth. Most likely had it not been for TGCL I would not have met my supervisor and perhaps, I would not be at the University of Bayreuth doing my PhD studies. Getting an academic supervisor is one of the pre-conditions for PhD enrollment in most of the Universities in Germany if not worldwide.

I have learnt that securing a supervisor in a university abroad is not an easy task without prior connection. With my experience of searching for supervisors through endless unreturned e-mails in some Universities in UK. The TGCL team simplifies this task for those wishing to do their PhD studies in Germany. I have witnessed several colleagues and friends coming to do their PhDs in Germany through the help of TGCL team from both the UDSM School of Law and TGCL Germany – at least with getting supervisors and sharing funding opportunities available in Germany. Some of the professors from Germany, who came for workshops or seminars during our study period, are today supervisors to some of the TGCL alumni. With this experience, I say with confidence that the bridge established between TGCL and its alumni is worth to keep and maintain as it has a possibility of paving a way to one's next career steps not only limited to doing PhD studies in Germany as long as ones remain in touch.

### ***Gilbert Hagabimana***

As I am completing my doctoral studies at the Faculty of Law and Economics at the University of Bayreuth, it is my pleasure to share this short history of my life as a student at this institution. My first contact with the University of Bayreuth happened back in 2013 when I was doing my Master's programme at the University of Dar es Salaam (Tanzania) under the sponsorship of the Tanzanian-German Centre for Eastern African Legal Studies (TGCL) - a joint project between the University of Bayreuth and the University of Dar es Salaam. During this time, I had the opportunity to participate in a two-week study trip to Bayreuth in order to visit the University. Upon completion of this trip – and after completing my master's degree – my desire grew to pursue my PhD at this University and I plucked up the courage to apply for the University's doctoral programme. I was guided through the application process and fully supported by the University, my experience since that time has been nothing less than fulfilling.

In terms of academics, my experience with the University of Bayreuth has been nothing but positive. Comparatively with the other Universities I have studied from (University of Burundi and University of Dar es Salaam) the University of Bayreuth offers an incredible range of facilities, support and structure, which makes

the research environment much more favourable. The University, in collaboration with the City of Bayreuth, endeavours to make the student's cost of living affordable and encourages international students to integrate into society. I firmly believe that this contributes not only to the student's success, but also to the success of both the University as well as the city. As for example, I was impressed to see how a student at the University of Bayreuth can enter any bus in the city upon showing his student ID. Equally, students of the University of Bayreuth would not pay the same price as an employee when shopping at University or using other public facilities.

I cannot give enough praise to the efficient and supportive administration at the University of Bayreuth. From the onset of my arrival I was made to feel at home and was properly guided throughout my entire PhD tenure. The staff at the University's International Office go above and beyond to ensure international students make a smooth transition, settle well, and excel in their studies.



*Campus of the University of Bayreuth.*



## 2019 LLM STUDENTS & DISSERTATIONS

*Student Representative 2019/2010: Ms Joan Smarts Mukisa and Mr Wambua M. Stephen*

### **JOSEPH KILENGA (RWANDA)**



The Effect of Tax Disparities in the EAC on Small and Medium Enterprises: Case Study of Uganda and Rwanda

*Supervisor: Dr E. Nyika*

### **MATHEW NGAGA (TANZANIA)**



Effectiveness of Laws Governing Management of Coastal Forests Resources towards Containing Vulnerability of East African Coastal Communities to Climatic Dynamism: A Case Study of Tanzania

*Supervisor: Dr G. Kiwory*

### **HONEY KALEKYE KITHEKA (KENYA)**



East African Community Regional Integration: The Impact of Politico-Legal Integration on Kenya's Economic Sector

*Supervisor: Prof. A. Mapunda*

### **LANDRY NINZIZA (BURUNDI)**



Arbitration, Factor of Development and Regional Integration in the East African Community: Case Study of Burundi

*Supervisor: Dr L. Musa*

### **CHACHA MAIRO (TANZANIA)**



Protection of Trans-Boundary Natural Resources in the East African Community: Examining the Effectiveness of Policy, Legal and Institutional Framework in Tanzania

*Supervisor: Prof. H. I. Majamba*

### **NELSON OTIENO OKEYO (KENYA)**



Towards a Harmonized EAC Cyber Resilience Framework: Efficacy of the Regulatory Approaches under the Kenya Computer Misuse and Cyber Crimes Act, 2018

*Supervisor: Dr A. Mwiruri*

### **JOAN SMARTS MUKISA (UGANDA)**



An Analysis of the Application of Special and Differential Treatment in the East African Community

*Supervisor: Dr D. Shayo*

### **DINA OMOSSO (TANZANIA)**



Legal Protection of Consumers in the Free Movement of Goods within the East African Community: Case Study of Tanzania

*Supervisor: Prof. N. Nditi*

### **DANIEL NDAHIMANA (RWANDA)**



Critical Analysis of Free Movement of Workers in the East African Community

*Supervisor: Dr B. Kanyabuhinya*

### **JANET JEBICHI SEGO (KENYA)**



Towards a Mutual Legal Framework for Management and Protection of Internally Displaced Persons in the East African Community: Case Study of Kenya and South Sudan

*Supervisor: Dr B. Luhende*

**WAMBUA M. STEPHEN (KENYA)**

The Informal Cross-Border Trade Practices vis-à-vis the East African Community Regional Integration Process: An Appraisal of the Customs Union Protocol

*Supervisor: Dr D. Mwenegoha*

**PAUL BAAK A. YUOT (SOUTH SUDAN)**

Assessing the Prospects and Challenges for the Justice and Reconciliation Process in Post-Conflict South Sudan

*Supervisor: Dr S. Materu*



*The 2019/2020 LLM students at the Mikocheni Campus.*

## TGCL STUDENTS WHO GRADUATED IN 2019/2020

Name	Origin	Programme
Mr Emmanuel M. Acidri	Uganda	LLM
Ms Aduda Linah Ayango	Kenya	LLM
Ms Specioza Avako	Uganda	LLM
Mr Kevin Bakulumpagi	Uganda	LLM
Mr Frankline Bett	Kenya	LLM
Ms Ange Dorine Irakoze	Burundi	LLM

Name	Origin	Programme
Mr Michael John	Tanzania	LLM
Ms Praisegod M. Joseph	Tanzania	LLM
Mr Marc Karanganwa	Rwanda	LLM
Mr Wuoi Matiop Kuai	South Sudan	LLM
Ms Miriam Kalee Mbole	Kenya	LLM
Mr Augustine Ochieng	Uganda	LLM
Ms Rebecca Rabach	Tanzania	LLM

## *THE TGCL STUDY PROGRAMME FOR THE YEAR 2019/2020*

*The TGCL LLM students reported to the University of Dar es Salaam on 26 October 2019 for the academic year 2019/20 which commenced on 4 November 2019.*



The courses taught during this academic year were Graduate Research Seminar, Immigration Law, Labour Migration Law, Law of Economic Integration, International Humanitarian Law, EAC Law, Citizenship Law, Human Rights Law, International Commercial Arbitration and Refugee Law. The first semester of the study program went smoothly and the students were all able to attend classes and begin working on their dissertations.

The second semester which was scheduled to start on 23 March 2020 was postponed due to the outbreak of the COVID-19 pandemic. This necessitated the commencement of the semester on a later date of 1 June 2020. COVID-19 affected the students specifically with delay in the commencement of the second semester and during the conduct of field research. Due to lockdowns administered variably in the six EAC countries in which the students carried out their researches, some respondents targeted for interviews became physically inaccessible as well as some of the resource areas like the libraries and documentation centres. Another challenge associated with the pandemic was the restriction of free movement of persons whereby some students faced challenges to return to Dar es Salaam from their home countries. Despite such struggle, the students found their way back to the University to proceed with the studies. The lectures were quite understanding of these well known challenges and did their best to ensure no one was left behind in terms of

classroom progress and performance of course works. Also, the University of Dar es Salaam fully ensured adherence to COVID-19 safety and precautionary measures were taken during the study program in the second semester including wearing of face masks by both students and lecturers, observance of social distance in classrooms and placing of sanitizers and hand washing equipments across the campus. Apart from the aforementioned classroom lectures, we also participated in several interactive webinars; for example, the first Chilean-German-Tanzanian Legal Talk on Human Rights organised by the TGCL in collaboration with the Heidelberg Centre Latin America (HCLA). Also, two of our colleagues participated in the online "Contested Governance" Summer School organised by the Arnold Bergstraesser Institute in collaboration with the University of Freiburg, Germany.

The 2019/20 academic year has been one of its kind. With absolute certainty, the year has been successful despite the challenges which are sometimes bound to happen. It is our belief that, we and our colleagues have all the reasons to be grateful to the TGCL for assisting us in every way possible to successfully accomplish our journey. We are also grateful for the several online seminars and workshops and all the effort on their part to facilitate a successful and wholesome education experience and we can not wait to do more with the resilience and hope grounded in this period.

(Joan Smarts Mukisa, Wambua M. Stephen) ■



## TGCL AND ITS WAY INTO SUSTAINABILITY

The Tanzanian-German Centre for Eastern African Legal Studies had two phases of full funding for five years. The third phase of funding began in 2019. At this time, a team named the TGCL Strategy Team (later re-named the TGCL Marketing Strategy Team) was formed with the intention to prepare TGCL financially for the end of DAAD full funding in 2018 and ensure its sustainability. Some of its members include: Prof. Hamudi I. Majamba, Dr Benedict T. Mapunda, Dr Daniel Shayo, Dr S. Materu, Antidius Kaitu and Cecilia Ngaiza.

After celebrating the 10th anniversary of TGCL, the full funding came to an end and TGCL moved into a period of partial DAAD funding which is to run up to 2023. Due to the reduction in funding, TGCL has faced a number of challenges. Firstly, the limited number of staff which has affected some of TGCL's operations. However, the Coordinator and the available staff have been able to quickly adopt and have gone out of their way to take over several functions thus allowing the office to operate smoothly. Secondly, the reduced funding has had an effect on the conduct of students' excursions which were previously available for them. To realise TGCL's self-reliance and tackle the challenges, the Strategy Team has made several developments, for instance, it has held several meetings to strategise and come up with different measures which will ensure TGCL operations remain intact. Many other meetings are to come as the Strategy Team meets on a regular basis. It has also been able to identify several potential sponsors to be approached in effort to get alternative funding sources for TGCL.

The potential sponsors range from NGOs to institutions within the private and public sector from within the East African Region and many other institutions dealing with interest to regional integration issues. Business cards were made and issued to the team members to facilitate the network activities and to bound ties with aforementioned institutions.

Furthermore, the Strategy Team has been able to move the University of Dar es Salaam School of Law (UDSoL) to take financial responsibility of funding key activities such as teaching of the TGCL courses and procurement of the TGCL consumables. Also, the cooperation agreement with the University has been amended to allow non-Tanzanian students (East Africans) to pay the same accommodation rates as Tanzanian students undertaking the TGCL LLM programme. Further, in a bid to make UDSoL take full responsibility of the Centre, plans are under way to transfer all financial responsibility to the TGCL Dar es Salaam Office and UDSoL.

As the TGCL envisions the active participation of the TGCL Alumni, the Alumni Association is an avenue which connects former students under the TGCL programme. The TGCL Strategy Team envisions the introduction of an Alumni fund whereby all Alumni make an annual contribution. Such contribution would in turn assist in conducting conferences which would attract further sponsors for the programme. Finally, the fund will assist in running the Centre's other operations.

(Lilian Masalu) ■

## PUBLICATIONS

### *SPECIAL ISSUE: REGIONAL ECONOMIC COMMUNITIES IN AFRICA: CRITICAL ISSUES AND PERSPECTIVES*

*This special issue of the Journal the African Review contains the research results of the Project “Steering Regional Development through Regional Economic Communities in Africa: Legal, Economic and Political Instruments”.*

The African Review, A Journal of African Politics, Development and International Affairs, Volume 45, Number 2, December 2018, (ISSN 0856-0056)

#### **ABOUT THE BOOK**

This special issue of the Journal The African Review contains findings of an interdisciplinary research on regional economic integration on the African continent. Under the title “Steering Regional Development through Regional Economic Communities in Africa: Legal, Economic and Political Instruments”, researchers from a number of African jurisdictions and from Europe analysed driving forces of regional integration in Africa to determine which forms of regional co-operation are most suitable in specific contexts.

The project was conducted from March 2017 to December 2018 as a joint project of the University of Dar es Salaam School of Law (Tanzania) and the University of Bayreuth (Germany) under the auspices of the Tanzanian-German Centre for Eastern African Legal Studies (TGCL). More than 35 researchers and legal practitioners from nine African countries and from Europe contributed in various ways. The African jurisdictions covered by the project include, in alphabetical order, Benin, Burundi, Ghana, Kenya, Nigeria, Tanzania, Uganda, South Africa, and Zimbabwe.

**THE AFRICAN REVIEW**  
A Journal of African Politics, Development and International Affairs

VOLUME 45, NUMBER 2, DECEMBER 2018

SPECIAL ISSUE: REGIONAL ECONOMIC COMMUNITIES IN  
AFRICA: CRITICAL ISSUES AND PERSPECTIVES



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**DAR ES SALAAM  
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In addition, researchers from Germany and the Netherlands engaged in the research workshops and participated in selected sub-project, enabling an intercontinental comparative approach.

The German Ministry of Economic Cooperation and Development (BMZ) generously sponsored the research project as part of its departmental research activities.

Whereas the research findings can be found in the contributions contained in this special issue, this introduction provides some background as to the research agenda and on the implementation of the research project.

(Daniel Shayo) ■

## ***THE LAW OF THE EAST AFRICAN COMMUNITY: A CRITICAL ANALYSIS***

***Former TGCL-Manager Dr Johannes Döveling published his thesis on the law of the East African Community.***

Mohr Siebeck Publishing House, Tübingen, 2019,  
(ISBN 978-3-16-156717-9)

### ***ABOUT THE BOOK***

The East African Partner States have agreed on the goal of a political federation to be achieved through the East African Community (EAC). At the same time, practical challenges in the implementation of regional laws occur. Against this background, in his book Johannes Döveling examines in how far the legal regime of the East African Community is suitable to contribute to the realisation of the Community's integration goals. In doing so, he also applies a comparative look at relevant European Union law. After providing some background information on the history of regional integration in East Africa as well on the EAC Partner States, the book provides a detailed analysis of the fundamental legal structures of the EAC. This analysis covers, among other things, an examination of the community's organs and how they are legally related to one another. There is also an overview on the sources of law and the related legislative procedures. The book furthermore takes a deeper look into the relationship of the EAC Community Law vis-à-vis the relevant national laws. The East African Common Market and the East African cooperation in the transport sector are used as reference examples to show how East African integration in specific areas works in theory and practice. In the end, the East African Community is characterized as an economic community which, at first sight, appears to be similar to the European Union in terms of its institutional structure and its focus on economic integration. It is however also pointed out that EAC's legal framework does not foresee the transfer of significant sovereign



powers by the Partner States to the Community itself. It is thus argued that, for this reason, the EAC practically functions as a platform for intergovernmental cooperation between the Partner States rather than as a supranational institution. The author however recognises that the EAC Partner States nevertheless were able to promote the integration process in some areas through rather pragmatic than legal approaches, for example in addressing obstacles to regional trade in goods. An English working translation of the book will be available in the TGCL library shortly.

(Johannes Döveling) ■



## NEWS FROM THE UNIVERSITY OF DAR ES SALAAM SCHOOL OF LAW (UDSoL)

### APPOINTMENTS

**Prof. Josephat Kanywanyi, Prof. Gamaliel M. Fimbo and Prof. Issa G. Shivji** have been appointed the pioneering Professors Emeritus through endorsement. On the 50th Graduation Ceremony of the University of Dar es Salaam, the three Professors were acknowledged and presented with Awards by the Chancellor of the University of Dar es Salaam, (former President of the United Republic of Tanzania, Hon. Jakaya Mrisho Kikwete).

**Dr Boniphace Luhende** was appointed by His Excellency the President of the United Republic of Tanzania to the post of Deputy Solicitor General on 10 July 2020. Before such appointment, Dr Luhende served as Acting Head of the Public Law Department from 22 May 2019.

**Dr Laurean Mussa** has been appointed Acting Head of Public Law Department by the University of Dar es Salaam Vice Chancellor on 13 July 2020. He replaces Dr Luhende in this position. Before this appointment, Dr Mussa served as a Chief Examinations Officer of the UDSoL.

**Dr Cleoplace Morris** has been appointed Acting Head of Private Law Department by the University of Dar es Salaam Vice Chancellor on 13 July 2020. He succeeds the late Dr James Jesse whose tenure had ceased.

**Mr Abdallah Gonzi** has been appointed Member of the Tax Revenue Appeals Tribunal (TRAT) with effect from 15 July 2020 by the Tanzanian Minister for Finance, Hon. Dr. Philip Mpango.

**Dr Shadrack Jaba** has been appointed Chief Examination Officer of the UDSoL on 14 September 2020 replacing Dr Mussa who has been appointed Acting Head of the Public Law Department.

Also, Dr. Jaba successfully defended his PhD Dissertation at Warwick Law School, University of Warwick, United Kingdom on 19 June 2020. His PhD dissertation is titled "Privatised Policing Duties in a Constitutional State: The Case of Postcolonial Tanzania in Socio-Legal Context".

**Dr Goodluck Kiwory**, has been appointed by the Dean, University of Dar es Salaam School of Law (UDSoL) as the Coordinator for the School's Research and Publications Unit with effect from 30 September 2020. Before such appointment Dr Kiwory served as a Technical Editor of the School's law journals, i.e. the Eastern Africa Law Review and the Nyerere Law Journal.

### AWARDS

**The University of Dar es Salaam School of Law presented a Honorary Award to the to Former President of the United Republic of Tanzania, H.E. Dr. Jakaya Mrisho Kikwete**, now the Chancellor of the University of Dar es Salaam in the 50th Graduation Ceremony of the University of Dar es Salaam, held at Nkrumah Hall at the University of Dar es Salaam premises on 4 August 2020. This award was due for presentation to H.E. Dr. Jakaya Mrisho Kwete in the year 2011 when the UDSoL (as the pioneering Faculty of the University of Dar es Salaam) alongside the University of Dar es Salaam celebrated its 50 years anniversary since its establishment in the year 1961. In such celebration, the University of Dar es Salaam Alumni who had highly excelled in their fields were presented with honorary awards including the then President of the United Republic of Tanzania, H.E. Dr Jakaya Mrisho Kikwete (whom due to his then national responsibilities could not receive such award physically).

## PROMOTIONS

**Dr Sosteness F. Materu** - from Lecturer to Senior Lecturer. Dr Materu is currently an Associate Dean at the UDSoL.

**Dr James Jesse** - from Lecturer to Senior Lecturer.

**Dr Lauren Mussa** - from Lecturer to Senior Lecturer.

**Dr Melkior Perfect Marandu** - from Assistant Lecturer to Lecturer. Dr Marandu was awarded his Doctorate in Law in the 50th Graduation Ceremony of the University of Dar es Salaam on 4 August 2020. His PhD dissertation is titled: "Food Safety and Quality in Tanzania: An Examination

of Policy, Legal and Regulatory Framework."

**Ms Hilda Lameck Gwivaha** - from Secretary to Office Management Secretary I. Ms Gwivaha currently serves as a Secretary in the UDSoL Administration Office.

**Ms Mariam Akukweti Khalid** - from Office Management Secretary to Office Management Secretary I. Ms Khalid serves as a Secretary to the Public Law Department.

**Aisha Makame Bakari** - from Office Management Secretary II to Office Management Secretary I. Ms Makame currently serves as a Secretary to the Private Law Department.

## NEW STUDENT ASSISTANTS AT THE CHAIR OF AFRICAN LEGAL STUDIES AT THE UNIVERSITY OF BAYREUTH



*In the Winter Semester 2020/21, the Chair of African Legal Studies said Goodbye to the Student Assistants Leon Beba, Lena Scheibinger and Max Zuber and welcomed five new Student Assistants, namely, Molham Abo Hassan, Philipp Bogensperger, Marie Grabka, Freda Louwes and Julia Reiher.*



The Tanzanian-German Centre for Eastern African Legal Studies (TGCL) offers aspiring lawyers and law students a structured LLM and PhD study programme in the field of regional integration law. TGCL's goal is to qualify them for leading positions in East Africa.

The programme is conducted at the University of Dar es Salaam School of Law, in close cooperation with the Institute of African Studies and the Faculty of Law, Business and Economics, University of Bayreuth.

TGCL is one among several centres established in Africa within the programme "African Excellence – Fachzentren Afrika" which is funded by the German Foreign Office through the German Academic Exchange Service (DAAD).

[www.tgcl.uni-bayreuth.de](http://www.tgcl.uni-bayreuth.de)



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