

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 2019

BULLETIN 2019

*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 is the first to be
introduced by a tandem
of editors-in-chief, Ulrike
Wanitzek, the TGCL Pro-
ject Leader, and Cecilia
Ngaiza, a TGCL alumna of
the 2017/2018 LLM cohort.



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.

This issue covers the past academic year 2018/2019, which was unique in
that the TGCL moved from its customary mode of funding into the transi-
tional funding period, which necessitated some significant changes to the
programmes offered, as well as to the staff structure. We are, however,
optimistic about the future because the strategy team already in place is
working tirelessly to ensure the sustainability of the Centre.

The TGCL Tenth Anniversary Alumni Conference was the most important
highlight of this academic year. TGCL alumni from all six EAC countries
converged under one roof to celebrate the achievements of the TGCL
over the past decade of its operation and to reflect on the future of the
Centre. During the conference, the TGCL Series Volume 5 was launched,
which is devoted to a study of Regional Integration Law and East African
Community Law. The publication of TGCL Research Series Volume 6 by
one of our alumni is announced in this bulletin. We are proud that the
TGCL alumni are doing well in their careers in furtherance of the objec-
tives of the Centre.

We would like to express our gratitude to the DAAD, which has offered
the TGCL transitional funding for a period of five years to ensure that the
Centre can continue running while it seeks other sources of funding. We
would also like to thank the TGCL staff, alumni and other stakeholders
and friends of the Centre who have worked hard to help us maintain its
excellent standards, and we hope that they will continue to support the
TGCL in the future.

Cecilia Ngaiza
TGCL Alumna

Prof. Ulrike Wanitzek
TGCL Project Leader



ALUMNI CONFERENCE TO CELEBRATE TEN YEARS OF TGCL

*The Participants
of the TGCL Tenth
Anniversary Alumni
Conference at Ramada
Resort, Dar es Salaam.*

The Alumni of the Tanzanian-German Centre for Eastern African Legal Studies converged at a lively conference on the 26 and 27 September 2018 to celebrate ten years of the Centre's existence. The conference, held at Ramada Resort, Dar es Salaam, brought together over 100 alumni from the six East African Community countries. The theme of the conference was "TGCL Alumni Perspectives on the Challenges and Opportunities of Regional Integration in East Africa".

The conference was moderated by TGCL Alumni Dr George Bakari and Naomi Gichuki. The opening involved welcoming speeches by Prof. Hamudi Majamba (Dean, University of Dar es Salaam School of Law), Prof. Ulrike Wanitzek (the TGCL Project Leader, University of Bayreuth) and Dr Lillian Mongella (TGCL Alumni Association President). The conference was graced by the presence of Dr Detlef Wächter (the German Ambassador to the United Republic of Tanzania), Prof. Cuthbert Kimambo (Deputy Vice-Chancellor – Research and Knowledge Exchange – of the University of Dar es Salaam), Dr Steven Bwana (retired Justice of the Court of Appeal of Tanzania and the long-serving TGCL Students' Adviser), and Prof. Richard Frimpong Oppong (of Thompson Rivers University, British Columbia, Canada,

who serves as the TGCL Programme Adviser). His Excellency Dr Wächter commended the partnership between Tanzania and Germany that exists through the TGCL and expressed the German Embassy's commitment to keep supporting the TGCL.

Prof. Kimambo expressed the University of Dar Salaam's appreciation to the Federal Republic of Germany for the ten years of generous support to the TGCL and affirmed the University's pledge to ensure the Centre's sustainability.

The conference also witnessed the festive launch of TGCL Research Series 5 by H. E. Dr Wächter. The book addresses *Harmonisation of Laws in the East African Community*, Nairobi: LawAfrica, 2018 (for details of the book, see *TGCL bulletin* 2018, p. 23). The book was the result of

papers presented at a research workshop held at the Giraffe Hotel, Dar es Salaam, in 2015 and is comprised of chapters authored by different experts from East Africa and Europe, including TGCL alumni.



*TGCL Alumni
Dr Adam Mambi
(left) and Dr Kalekwa
Kasanga (right)
presenting their papers
on regional integration
challenges at national
institutions.*

The conference proceeded with presentations and panel discussions. Dr Johannes Döveling (TGCL Deputy Project Leader) presented a paper on the history and funding of the TGCL, Dr Benedict T. Mapunda (TGCL Coordinator) and Carolin Herzog (TGCL Manager) spoke on the management of the centre, and Prof. Majamba described the University of Dar es Salaam's involvement with the TGCL. The future of the African Centres of Excellence was discussed by Dr Helmut Blumbach (Director, DAAD Regional Office, Nairobi). The panel discussion was moderated by Dr Sosteness Materu (Head of the Public Law Department of the University of Dar es Salaam School of Law). TGCL Alumni also participated in a panel discussion on the topic *TGCL Past Experiences and Visions for the Future*, which was based on thoughts and reflections put forth by Dr Steven Bwana and Prof. Richard Frimpong Opong. The discussion was moderated by Naomi Gichuki.

Another alumni panel discussion focused on *Regional Integration: Challenges at National Institutions*. The panellists were Dr Adam Mambi (Judge of the High Court of Tanzania), Dr Kalekwa Kasanga (Officer at the Law Reform Commission of Tanzania), Dr Denis Bikesha (Acting

Dean, University of Rwanda School of Law) and Dr Anatole Nahayo (Officer, East African Legislative Assembly, Arusha). The discussions in this panel were moderated by Prof. Bernd Kannowski (from the University of Bayreuth). Another panel



focused on *Prospects of Stable Integration in the EAC*. The panellists were all TGCL alumni, namely Tom Ngeri (Kenya), Rebecca Atwiine (Uganda) and Patrick-Didier Nukuri (Burundi). The panel was moderated by Dr Juliana Masabo (Associate Dean of the University of Dar es Salaam School of Law). Prof. Tomasz Milej (from Kenyatta University School of Law, Nairobi) and Laura Viviane de Leeuw (a legal trainee at the University of Dar es Salaam) concluded the day's panel discussions. Day one of the conference ended on a high note with a speech delivered by Prof. Stefan Leible, the President of the University of Bayreuth. In his remarks, Prof. Leible described the TGCL as a success story in the internationalisation of the University of Bayreuth and called for continued cooperation in future research projects. He commended the strong network existing among the TGCL alumni and thanked all the organisers for preparing the conference successfully. The day was wrapped up with the conference dinner. The second day featured a joint conference with the Alexander von Humboldt (AvH) Foundation and its Alumni Association under the title: *Challenges and Opportunities of Regional Integration in East Africa*. Prof. Kimambo and Prof. Leible warmly welcomed the participants. On behalf of



Dr Detlef Wächter launching TGCL Research Series 5, applauded by Prof. Cuthbert Kimambo, Prof. Hamudi Majamba, Prof. Richard Frimpong Oppong and Dr Johannes Döveling (from left to right).

the AvH Foundation, Dr Josphat Matasyoh gave an overview of research funding opportunities in Germany. Dr Blumbach and Prof. Wanitzek presented papers on German-East African collaboration for capacity building in research. Dr Tulia Ackson (Deputy Speaker of the Tanzanian National Assembly) introduced a good governance perspective into the conference in her keynote speech on ***Good Governance: A Key to Regional Integration in East Africa***. Discussions on this aspect took place in the succeeding panels. Panel I captured the theme: ***Perspectives on Law and Governance in East Africa***. It was chaired by Dr Masabo and Prof. Wanitzek. The papers presented dealt with renewable energy governance, international investment law, corporate social responsibility and good governance in the East African Community. Panel II dealt with ***Energy Resources in East Africa – Challenges and Opportunities***. Panel III covered ***Changing Family Forms and Social Security in Africa***; while Panel IV dwelt on ***Challenges of Environmentally Sustainable Development in East Africa***. These panels were chaired by Prof. Erdmute Alber, Dr Frank Hilbrig and Prof Cyrus Samimi, respectively, all from the University of Bayreuth. Prof. Anne Nangulu (Moi University, Eldoret) moder-

ated the overall summary discussion of all panels. The programme proceeded with the TGCL alumni meeting in the afternoon, when the alumni discussed the prospects of the TGCL Alumni Association. The meeting was ably led by the President of the Association, Dr Lillian Mongella. After that, the alumni conducted general elections where the following new top leaders of the Association were elected, as well as the alumni's country representatives:

Position	Name
President	Naomi Gichuki
Secretary General	Dr Denis Bikesha
Country Representative Burundi	Patrick Didier Nukuri
Country Representative Kenya	Rhoda Rutto
Country Representative Rwanda	Jolly Ntungire
Country Representative South Sudan	Santa Jima Justin Ali
Country Representative Tanzania	Magdalena Sylister
Country Representative Uganda	Emmanuel Elau

The conference was a great success and it is our hope that the spirit of TGCL will continue to grow and positively influence leadership, governance and academic excellence in the East African Community. (Naomi Gichuki, Carolin Herzog, Antidius Kaitu, Goodluck Temu, Ulrike Wanitzek) ■

SUSTAINABLE PROFESSIONAL SKILLS SEMINAR

For the past ten years, Hon. Justice Dr Steven Bwana (rtd), the TGCL Students' Adviser, did not only advise the TGCL students individually, but also held regular seminars with them to further shape their careers, personalities and social life. The following is a report on the seminar held during the 2017/2018 academic year.



2017/2018 LLM and PhD students visiting Dr Steven Bwana and his wife (front, centre) at their residence in Masaki, Dar es Salaam.

The Seminar was divided into 16 topics, each student being given an opportunity to prepare and present one topic.

The first presentation on **Time Management and Organisational Skills** by Norah Jael Kijala Wakiaga focused on essential elements relating to professional life (legal practice), such as apportioning time between work and social life. Alphonse Omondi Owuocha presented a paper on **Leadership and Management Skills**. During the discussion, three attributes of an effective leader were pointed out. These were awareness of one's role and position, ability to deliver appropriate results, and commitment to the roles one is supposed to perform so as not to lose sight of the targeted goal.

In her presentation on **Communication Skills**, Cecilia Edward Ngaiza covered important aspects of effective communication like good

preparation, knowing the nature of the audience one wants to reach, use of effective media and proper choice and use of language.

Rose Akulia Banja discussed the meaning of **Teamwork versus Team Player**. She explained the composition and performance of a team, and the roles of a team player within a team.

Christopher Ezra Anyony Ayieko's topic was the **Impact of Technology on the Legal Profession**. One of the advantages of technology was shown to be simplification of the filing and records-keeping systems in courts and law firms, for instance through what is known as e-filing systems.

Stanislaus Okello Ongwee looked into **Service Before/Above Self**. He insisted that in order to be a good example in society, service should come first before self. The discussion ended with a call for every participant to serve the community in various ways so as to advocate the principles of servant leadership.

Violla Nabawanda looked at the topic **Lawyer, Family and Society from a Psychological Perspective**. The discussion was extended to society's perception of lawyers as problem solvers, the balancing of lawyers' responsibilities in family, society and profession, and the owing of a duty of care not only to their clients but also to themselves.

Hamisi Jangawe Msuya spoke about the **Professional and Ethical Conduct of Lawyers**, for instance observance of the principle of lawyer-client confidentiality. Exceptions to such principles were discussed, for example where an advocate is required to breach the principle of

ACKNOWLEDGING A DECADE OF ADVICE BY DR BWANA TO TGCL STUDENTS

TGCL thanks Hon. Justice Dr Steven Bwana (rtd) for ten years of dedicated service to the TGCL and its students (2009-2019). His role as an adviser has helped all of us tremendously. The picture shows Dr Bwana (front, fifth from left) surrounded by grateful TGCL alumni of ten years during the TGCL Alumni Conference in Dar es Salaam in September 2018.



lawyer-client confidentiality when authorised by the client or ordered by the court so as to meet public interest.

Under the topic of *Assigning Priorities in Life* presented by Isakwisa Lameck Mwamukonda, the practicability of priorities was discussed with regard to setting goals which are specific, urgent, realistic, measurable and achievable on time.

Lilian Magabiro Masalu dealt with *Strengthening EAC Law*. She pointed out the challenge that most of the EAC Partner States are dualist, and therefore EAC law lacks direct applicability. She argued that this situation affects the practicability of EAC law within the region.

Under the title *Promoting and Defending Democracy and Constitutionality in East Africa: The Role and Place of the Judiciary*, Arnaud Ntahompagaze discussed Kenya and Burundi Constitu-

tional Court Rulings as case studies. In the class discussion, the principle of separation of powers as one of the means to ensure independence of the judiciary was given an important weight. Symphorien Jean Jacques Nzabonimana discussed the *United Nations International Criminal Tribunal for Rwanda (ICTR) versus the Gacaca Courts: Administration of Justice in the East African States – Lessons Learnt*. He said the major lesson learnt is that, apart from international initiatives taken, like the establishment of the ICTR by the United Nations, individual state parties can devise means to heal and reunite their divided societies, as has been the case with the establishment of the Gacaca Courts in Rwanda following the genocide crisis.

On the topic *Gas and Oil Discoveries in EAC States: A Blessing or Curse?*, Korenilo Ajang Duot gave the example of the Turkana oil resources

in Kenya, which were discovered in 2012 by a United Kingdom based company, and have since been operated by foreign companies. Negative impacts both on the affected local communities and the companies' local employees were weighed against positive effects on the economy and infrastructure of the country.

The Common Market: A Reality within the EAC? was a question addressed by Boaz John Mabula. He argued that, while EAC Partner States have managed to abolish some of the restrictions to the freedoms guaranteed in the Common Market Protocol, there are still other restrictions to be worked on, for example the non-tariff barriers, so as to attain a well-functioning common market in the region.

Felix Otieno Odhiambo discussed the topic of ***Joining the EAC: What Should Be Done by South Sudan? A Lawyer's Perspective.*** He raised the

question of how South Sudan's multiplicity of memberships in various regional blocs would affect its economy.

In his presentation on ***Zanzibar within the East African Community,*** Joseph Raphael Wawa pointed out that some current EAC areas of debate are non-union matters in the United Republic of Tanzania. As far as Zanzibar is concerned, they are exclusively under the authority of the Zanzibar Revolutionary Government, which sometimes, in his view, tends to be protectionist in its laws. The class therefore made a recommendation on harmonisation of Zanzibar's protectionist laws to a more liberal approach to accommodate the EAC objectives and strategies. However, it was pointed out that the location of the EAC Kiswahili Commission in Zanzibar might help to enhance Zanzibar's participation in EAC integration. (Cecilia Ngaiza) ■

TGCL STAFF MEMBERS AT INTERNATIONAL WOMEN'S DAY

As in previous years, in 2018 Tanzania joined hands with other countries worldwide to celebrate International Women's Day which falls on 8 March each year. It is a custom that this day is commemorated by women from governmental and non-governmental sectors with different activities such as rallies, symposiums, conferences, debates and exhibitions, with themes addressing a multitude of women-related issues. The theme in Tanzania in 2018 was "Towards an Industrial Economy: Strengthening Gender Equality and Rural Women Empowerment."

At the institutional level, the University of Dar es Salaam in collaboration with the U.S. Embassy held a panel discussion titled "Leave No Woman Behind" at the Nkrumah Hall on 7 March 2018. Four TGCL women staff members, Mary Mgaya, Violeth Machinda, Mamdoe Mgaya and Maria Paulo Ngallya, attended this event. The discus-



sions addressed several cross-cutting issues relating to women in the political and socio-economic sectors. (Mary Mgaya) ■

TGCL staff members Mamdoe Mgaya, Mary Mgaya, Maria Paulo and Violeth Machinda (from left to right) in their outfits for International Women's Day.

UPDATES ON TGCL ALUMNI

TGCL ALUMNI MEETINGS IN KENYA AND UGANDA

Members of the Kenya and Uganda Chapters of the TGCL Alumni Association met Prof. Richard Frimpong Oppong, the TGCL Programme Adviser, in Nairobi and in Kampala, respectively.

Prof. Oppong visited Nairobi in July 2019 in order to attend an international conference. He and some Kenyan TGCL alumni took this opportunity to meet and discuss the future of the TGCL, especially the question in which ways the TGCL Alumni Association and its country chapters can contribute to TGCL's sustainability. During his subsequent meeting in Kampala with members of the Uganda Chapter, a major topic of the discussions was the role and relevance of alumni associations both for their individual members and for the institution at which the alumni had received their degrees.



Prof. Oppong and TGCL alumni Milka Wahu Kuria and Dr Omondi Robert Owino (from left to right) in Nairobi.



Prof. Oppong (front, centre) with TGCL alumni Rebecca Atwiine, Emmanuel Elau and Edrine Wanyama (from left to right) in Kampala.

TGCL ALUMNI ACHIEVEMENTS

TGCL alumni have continued to secure new academic and administrative positions, as well as changing the face of legal practice in local and international arenas. Below are some details regarding their recent achievements.

Dr Lillian Mongella was appointed Judge of the High Court of Tanzania in January 2019. Before this appointment, she served as Dean of the Faculty of Law, Ruaha Catholic University, in Iringa. With the spirit of enhancing regional integration in East Africa, Alphonse Omondi Owuocha, a TGCL alumnus who is active in private legal practice, successfully pleaded a case before the High Court of Kenya (W. Korir, J.) and secured a judgment on 29 July 2019 which promotes cross-border legal practice on grounds of free movement of services as provided for under the EAC Common Market Protocol; see *Naomi Achieng Okello v. The Council of Legal Education & 3 Others*, Petition No. 69 of 2018, High Court of Kenya at Nairobi (Unreported).

In academia, five TGCL alumni have secured academic posts at top public universities in Tanzania after their graduation. At the University of Dar es Salaam School of Law, Dr Hamza Ismail Abdulrahman was appointed Lecturer in 2019, while Boaz John Mabula, Lilian Masalu and Cecilia Ngaiza were appointed Assistant Lecturers. In the same year, Hamisi Msuya was appointed Assistant Lecturer at the University of Dodoma School of Law and Business.

Internationally, Arnaud Ntahompagaze secured a job with the United Nations High Commissioner for Human Rights (UNHCR) as an Associate Child Protection Officer in July 2019, with station of work in Djibouti. (Cecilia Ngaiza) ■



The TGCL Autumn University participants in Berlin, in front of the dome of the Reichstag building.

2018 TGCL AUTUMN UNIVERSITY

A ten-day Autumn University was held in Germany for 14 LLM and two PhD students of the TGCL 2017/2018 academic year, plus one TGCL alumnus. The programme, organised by Carolin Herzog, TGCL Manager, together with TGCL student assistants, included classroom lectures and outdoor visits to various legal and historical institutions in Bayreuth, Nuremberg and Berlin.

BAYREUTH

The students arrived in Bayreuth on 4 September 2018 and checked in to Arvena Kongress Hotel which hosted the group throughout their stay in Bayreuth. The students were then invited to a welcoming dinner at Herzogkeller restaurant hosted by the TGCL Staff in Germany where they were introduced to the traditional German cuisine.

On the next day, the students were given an official welcoming session to the University of Bayreuth by the Dean of the Faculty of Law, Business and Economics and the Head of the Institute of African Studies. The hosts briefly elaborated the activities of their respective offices and their relationship with the TGCL. This was followed by four days of classroom lectures by Johannes Döveling, who covered topics relating to German and

European Union law. The students were taken through German legal history, organic law, and the functioning of legal institutions in Germany (the Parliament, the Judiciary, and the Executive), as well as the origin and functioning of the European Union. This enabled the students to understand the hierarchy of norms in Germany while making comparisons with the practice in their respective home countries with regard to the legal relationship between individual countries and the East African Community. Further, the lectures provided the students with basic information concerning the legal and historical institutions that were later visited in Bayreuth, Nuremberg and Berlin.

A guided tour through the University of Bayreuth familiarised the group with the university environment, as well as the activities taking place

there. This included an invitation to a get-together and light dinner with the Catholic Students Congregation in the University.

A visit was made to the *Landgericht* (Regional Court) where the participants were received by the court's Vice President, Michael Eckstein, and Judge Dr Yves Döll. They learnt about the history and the overall activities handled by such courts, and the German judicial hierarchy and procedures. Through the questions and answers session, students could compare the judicial practice in Germany with that in their East African home countries. This was a comparable experience to that which the students had during the study excursion to Rwanda's capital city Kigali earlier in the same year, where the same group visited the Supreme Court of Rwanda and were hosted by the Chief Justice.

A guided tour of the city of Bayreuth followed. It included a visit to the museum of the famous composer Richard Wagner, and to the palace of the famous Princess of Bayreuth, Wilhelmine, who built one of the biggest and famous opera houses in Bayreuth. At the Bayreuth city church, the students learnt about the role played by the church not only in maintaining spiritual stability among the community members, but also in overseeing the city's security.

The stay in Bayreuth was finalised by the students' get-together and dinner with university professors, representatives of various places visited in Bayreuth, German TGCL staff and the East African PhD students in Bayreuth. It was a significant event as the participants were afforded another opportunity to extend and wind up the discussions they had had in previous encounters during the week.

NUREMBERG

The Autumn University took the students to Nuremberg. Here, they visited the former Nazi Party Rally Grounds where the Nazis used to exhibit their power to the rest of the world with the thematic objective of "fascination and ter-

ror". In the documentation centre, the students were given a visual and audio tour, with detailed explanations of the rise of the former Nazi party, led by Adolf Hitler, and its policies in Germany.



The student group at the Landgericht Bayreuth, with Michael Eckstein (centre) and Carolin Herzog (right).

The tour clearly revealed how the existing democratic government was replaced by the Nazi totalitarian government. The students were shown how Nuremberg was the central location for the enactment of the 1935 anti-semitic "Nuremberg laws" (which led eventually to the holocaust, the extermination of Jews and other identified groups). The centre also displays how the Nazi government initiated a war of aggression against



TGCL students Rose Akulia Banja (left) and Cecilia Ngaiza (right) in Nuremberg (in the background: the unfinished Nazi Party Conference Hall).



In Berlin, the students visited the historical site of the Berlin Wall, with a remnant of it (in the centre, left).

neighbouring countries, culminating in the Second World War (WW II). The museum also depicts the aftermath of WW II in Germany, by itself (the unfinished Nazi Party Conference Hall), and by the facts contained in it; one of these facts is the occupation of Germany by the victorious allied powers (the United States, Great Britain, France and the Soviet Union). The tour was extended to the Nuremberg Trials Court, where trial of the former Nazi party leaders who committed crimes against humanity, crimes against peace and war crimes was conducted by the allied powers in the famous "room 600". The students were able to compare their visit to the historic Nuremberg Nazi Party Documentation Centre and Rally Grounds with their visit to the Campaign against Genocide Museum and the Kigali Genocide Memorial Centre in Kigali, Rwanda. Both museums and documentation centres show the historical facts (in visual and audio media) concerning the most notorious crimes against humanity committed in Europe and Africa in the 20th century. Also, the Nuremberg Trials Court matches the International Criminal Tribunal for Rwanda established by the United Nations in Arusha, Tanzania to prosecute the perpetrators of the genocide against the Tutsi in Rwanda in 1994.

BERLIN

On 10 September 2018, the Autumn University students proceeded to Berlin where several historical sites and legal institutions were visited. Historical sites like the Brandenburg Gate and the Berlin Wall plus Check-point Charlie, which separated East and West Germany from 1961 to 1989, were visited. The tour also took the students through the Berlin city centre where various economic and financial centres, the Jews Holocaust Memorial Grounds, the State House and several embassy buildings could be observed.

An official visit was made to the German Federal Parliament (*Bundestag*) where the students were hosted by Dr Silke Launert, a member of the Parliament. Various issues with regard to the functioning of the Parliament (including its composition, the law-making process, and separation of powers) were discussed. Similarities and differences between the German Parliament and the Rwandese Parliament, which was visited by the students in the previous study excursion to Rwanda, could be observed. One of the major differences concerned the proportion of female representatives in the Parliament and how they obtain parliamentary seats. In this respect, it was observed that the proportion of female representatives in the Rwandese Parliament is higher than in the German Parliament. It was clear to the students that the Rwandese Constitution categorically supports a high number of women representatives in Parliament, unlike the situation in Germany, where women have to be elected directly by their constituencies or proposed by their political parties. The dome of the *Reichstag* was also visited to view the internal structure of the Bundestag.

Another official visit was made to the Transparency International Deutschland Office, which is one of the leading global civil society organisations in the fight against corruption. The activities of this organisation were briefly summarised and an insightful discussion was held regarding the

fight against corruption in Africa. It was learnt that Transparency International complements the work done by domestic initiatives to fight against corruption, like the Office of the Ombudsman in Kigali, Rwanda, and the Prevention and Combating of Corruption Bureau in Dar es Salaam, Tanzania, which had also been visited by the students.

The German Federal Ministry of Justice was also paid a visit. An interesting presentation was made on the role played by the Ministry in integrating the hierarchy of norms in Germany, i.e. European Union law and German law, as well as overseeing the general legal affairs of the State. In addition, the students had an opportunity to visit the Federal Ministry for Economic Cooperation and Development, where a discussion was held concerning the specific projects conducted by this office in East Africa, particularly within the East African Community. The discussion touched on issues concerning the initiatives taken by this office to ensure the practice of democracy and rule of law while enhancing economic co-operation between Germany and the East African countries. After this, the students, TGCL staff and a DAAD representative were hosted by the German Federal Foreign Office, with a short presentation and discussion on the operation of the Centres of Excellence in Africa (including the TGCL). The advantages and prospects of such centres were keenly discussed. Promises were made to strengthen the existing ties between this Ministry and the established Centres of Excellence.

Last but not least, a courtesy visit was paid to the Tanzanian Embassy in Berlin to briefly learn about the activities conducted in Germany by the embassy of one of the East African countries, and to update the Embassy on the durable Tanzanian-German relationship via the TGCL. The visiting group was hosted by Tanzania's Ambassador to the Federal Republic of Germany, Honourable Dr Abdallah Possi. The same kind



A short break after a successful visit to the German Federal Foreign Office in Berlin.

of visit with the same purpose was made to the German Embassy in Kigali during the earlier study excursion to Rwanda.

The students' stay in Berlin and in Germany was finally completed by a farewell dinner at Sophiencock. The TGCL staff officially bade farewell to the students participating in the 2018 Autumn University, who were now to return to Dar es Salaam, Tanzania, for the completion of their study programme (specifically the LLM students).

CONCLUSION

The 2018 TGCL Autumn University provided an insightful experience for the participating students. A great variety of facts about Europe, specifically German and European Union law, history, culture and development were learned and practically appreciated. Similarities and points of divergence in respect of legal and historical institutions, especially the functioning of the judiciary, parliament and executive bodies, could be observed with reference to the earlier study excursion attended by the same students in one of the East African capital cities, Kigali in Rwanda. It was indeed an important experience for the students on their way to becoming future East African leaders. (Cecilia Ngaiza) ■

TGCL SEMINAR ON HUMAN RIGHTS

A winding-up seminar on human rights was organised for the 2017/2018 TGCL students which took place at the University of Dar es Salaam School of Law – Mikocheni Campus – on 24 September 2018. The seminar was facilitated by two scholars, one from the University of Bayreuth School of Law, Business and Economics (Prof. Bernd Kannowski) and the other from the University of Dar es Salaam School of Law (Dr Sosteness Materu).



Dr Sosteness Materu speaking during the seminar.

Prof. Kannowski made a presentation on the topic *Regional Human Rights Protection for Group Rights in Europe and Africa: A Historical Perspective*. The presentation covered the historical

development of human rights in African and European regions, as well as regional human rights protection in Europe and Africa. Dr Sosteness Materu spoke on the topic *Responding to Gross Human Rights Violations through Criminal Prosecution: What Role Can Regional Integration Play in Addressing International Crimes in Africa?* This presentation involved identification of gross human rights violations that have taken place in the EAC region, the duty of states to prosecute gross human rights violations, the relationship between international criminal law and human rights law, trends concerning human rights violations in Africa, and the role of regional groupings in addressing gross human rights violations in Africa, specifically the East African Community's perspective. (Cecilia Ngaiza) ■

ENGLISH IN LAW: TGCL'S LANGUAGE CLASSES

For the past five years, short English language courses have been offered to students from countries whose language of instruction in higher learning institutions is not English, namely Burundi, Rwanda and South Sudan, to strengthen their competence in English before starting their LLM studies. The language courses include practice in English grammar, writing, listening comprehension and speaking. The participants are encouraged to review their research proposals during the course, in order to improve the same language-wise, with the new language tools acquired. During the two-week intensive course in 2018, which took place before the start of the 2018/2019 LLM programme, friendships were built and lasting bonds were created. Not

only were important language skills acquired, but insights into each other's cultures and norms were also gained. Cultural bridges were crossed, with language skills making the transition to a new culture smoother. Long discussions on the different legal systems in the students' mother countries helped to familiarise the students with legal terminology in English. The course opened the students' eyes to other possibilities and approaches within the framework of the law. Although I had no knowledge of law and all its jargon before starting to teach the course, I can now proudly participate in the debates. This has been an amazing experience and I know I have a lawyer on speed dial throughout East Africa. (Edith Bwana) ■

CRITICAL ENABLERS FOR AFRICA'S TRANSFORMATION

The 9th Network Meeting of Centres of African Excellence was an anniversary celebration and symposium marking ten years of Centres of African Excellence as critical enablers for Africa's transformation. The meeting was organised by the German Academic Exchange Service (DAAD) and took place in Berlin, Germany, from 9 to 13 October 2018. The meeting was attended by representatives of the Centres of African Excellence on the one hand, and alumni of these centres on the other.

The meeting was dedicated to discussions on how the centres and their alumni have managed to be critical enablers of transformation in Africa. The sessions focused on the contribution of the Centres of African Excellence towards realising the aspirations of Agenda 2063 of the African Union Commission and the Sustainable Development Goals (SDG) of the United Nations. The keynote speech delivered by H. E. Neledi Mandisa Pandor, the Minister of Higher Education in South Africa, put the conference theme into the context of higher education. In various panels, Agenda 2063 and SDG were discussed more specifically, including topics such as job creation and employability in sub-Saharan Africa, exchange of findings between Centres of African Excellence, political practice, digitalisation, regional integration, land use, food security and roots of migration.

Alumni from various Centres of African Excellence were encouraged to establish their own alumni organisation. It was noted that while some centres have already established their individual alumni organisations, others are still in the process of doing so. Participants discussed the importance of creating a constitution for such



organisations and modalities that would enable alumni to communicate within a wide network. The representatives of the Centres of African Excellence deliberated on internal issues, reflecting on the results of the symposium and discussing the prospects of the centres. It was resolved that a policy paper be developed detailing proposals to be considered.

(Antidius Kaitu and Petro Protas) ■

Dr Abdallah Possi, Tanzanian Ambassador to the Federal Republic of Germany (third from the right), with Antidius Kaitu, Petro Protas, Nickson Filbert, Dr Daniel Shayo, Dr Adam Mambi and Dr Lillian Mongella, at the DAAD Network Meeting in Berlin.

STUDENT STATISTICS FOR ELEVEN YEARS OF TGCL

As of October 2018, out of a total of 158 students admitted to the TGCL between 2008 and 2018,

- 131 were admitted to the LLM programme and 27 to the PhD programme;
- 71 were female and 87 were male;
- 72 were from Tanzania, 31 from Kenya, 23 from Uganda, 12 from Rwanda, 11 from Burundi, and 9 from South Sudan;
- 122 have graduated (113 LLM and 9 PhD students).

SUSTAINABLE DEVELOPMENT IN AFRICA

THE ROLE OF SCIENCE AND EDUCATION

The second Alumni Conference of the DAAD Centres of African Excellence took place under this title at Volta Hotel in Akosombo, Ghana, from 6 to 9 November 2018, hosted by the Ghanaian-German Centre for Development Studies. It was a follow-up conference, after the first of its kind had taken place in Cape Town in the previous year (see TGCL bulletin 2018, p. 21).



Dr Daniel Shayo, Dr Omondi Robert Owino, Prof. Ulrike Wanitzek, Rebecca Atwiine, Lumumba Fleming Omondi, Patrick Didier Nukuri and Theophile Ntamakiriro (from left to right) at the conference in Akosombo, Ghana.

The conference brought together DAAD alumni from the following centres:

- Congolese-German Centre for Microfinance
- Ghanaian-German Centre for Development Studies
- Namibian-German Centre for Logistics
- South African-German Centre for Development Research
- South African-German Centre for Transnational Criminal Justice
- Tanzanian-German Centre for Eastern African Legal Studies (TGCL)

The TGCL was represented by five alumni: Rebecca Atwiine, Theophile Ntamakiriro, Patrick-Didier Nukuri, Lumumba Fleming Omondi, and Dr Omondi Robert Owino.

Other attendants were management representatives of the above-named centres, managerial staff members from the DAAD, and representa-

tives of the following recently founded centres which are yet to generate alumni:

- Kenyan-German Centre for Mining, Environmental Engineering and Resource Management, and
- East and South African-German Centre for Research Methodologies and Management).

TGCL was represented by Dr Daniel Shayo and Prof. Ulrike Wanitzek.

The presentations and discussions covered a wide range of sub-topics, including, but not limited to, resources management and governance, law and sustainable development, financial inclusion and sustainable development, research and sustainable development, logistics and economic development, agriculture and rural development, science, knowledge production and education, quality of education, role of indigenous knowledge in school curriculum, teaching and learning in a multi-cultural environment, and the role of science and education in sustainable development.

Keynote speeches were given by Prof. Friederike Diaby-Pentzlin, a professor of law at the University of Wismar in Germany, who spoke on **Law, Research and Sustainable Development**; and Dr Wilhelmina Quaye, the director of the Science and Technology Policy Research Institute (STEPRI), Council for Scientific and Industrial Research (CSIR), Accra, on **Sustainable Development: Role of Science and Education**.

The TGCL Alumni made the following presentations:

- Rebecca Atwiine: **Implementation of the East**

African Community Common Market Protocol: The Case of the Insurance Industry in Uganda

- Theophile Ntamakiriro: ***Development in Africa: The Role of Science and Education***
- Patrick Didier Nukuri: ***Burundi: Which Constitution Applies?***
- Lumumba Fleming Omondi: ***Natural Resource Governance: An Audit of the Global and Regional Mechanisms for Governing the Resource Curse in Africa***
- Omondi Robert Owino: ***Promoting Sustainability in Africa through Renewable Energy Education: A Legal Perspective.***

On the fringe of the alumni conference, the attending co-ordinators of the centres were able to discuss matters pertaining to the management and coordination of their respective centres. Among the issues discussed were the different strategies adopted by the Centres of Excellence to cope with reduced funds. It was noted in this context that the DAAD has an interest in sustainable development and natural resources studies. This opens up an avenue for research project funding which could be successfully applied for by the TGCL.

The workshop was a great success.

(Daniel Shayo) ■

A SUMMER SEMESTER AT HUMBOLDT UNIVERSITÄT ZU BERLIN

As part of sustaining good relationships between the University of Dar es Salaam and universities in Germany, two of the TGCL alumni, Cecilia Ngaiza and Boaz Mabula, participated in regular Summer Semester courses at the Faculty of Law, ***Humboldt Universität zu Berlin***, from 7 June to 30 August 2019. Within the framework of this ***Erasmus*** programme, the two alumni represented the University of Dar es Salaam School of Law in the pool of other international students. A multitude of opportunities for academic exchange was offered in lectures on ***International Criminal Justice, Law and Development***, and ***Current Challenges of International Law***. This further expanded the participating TGCL alumni's knowledge of comparative law obtained from the regional integration law course offered by the



Boaz John Mabula (left) and Cecilia Ngaiza (right) in front of the Law Faculty of Humboldt Universität zu Berlin.

TGCL. The academic outcome of this summer semester in Berlin is an article titled "Prosecution of International Crimes in Tanzania: The State of the Law", which was developed in collaboration with Nickson Filbert, one of the South African-German Centre of Excellence's alumni and now a PhD candidate at the Faculty of Law, Humboldt University. (Cecilia Ngaiza) ■

AFRICAN EXCELLENCE NETWORK (AEN)



FIRST AEN ALUMNI MEETING IN CAPETOWN, SOUTH AFRICA

Discussions on the formation of an alumni association for the African Centres of Excellence began during the first African Centres of Excellence alumni conference in Cape Town in November 2017 (see *TGCL bulletin* 2018, p. 21). Attendees recognised the importance of strengthening links between alumni and the Centres of Excellence at various levels. Several possible areas of co-operation were suggested, including the sharing of technical expertise, networking, capacity development and resource mobilisation. There was general agreement that centres' alumni need to work together on projects, and give back to the community! The proposal was that, as the alumni work to develop their careers, they should play a part in solving the challenges facing the African continent. Some of these challenges are:

- Diminishing public funding for education in Africa
- Lack of adequate capacities in research and teaching
- Lack of mentoring opportunities for young graduates

- Poor advocacy on equal opportunities to pursue formal education between male and female children

The immediate priorities of the new network were identified as follows:

- Creation of a website and branding
- Research collaboration

Subsequently, a resolution was made to set up an Interim Committee which would develop these ideas further, focusing on operational issues.

SECOND AEN ALUMNI MEETING IN AKOSOMBO, GHANA

The second alumni conference of the DAAD African Centres of Excellence in Akosombo in November 2018 showed that the priority goal of research cooperation had been taken seriously by the new network. The conference was hosted by the Alumni of the Ghanaian-German Centre for Development Studies, which forms part of the Institute of Statistical, Social and Economic Research (ISSER) of the University of Ghana at Legon. The conference theme "Sustainable Development in Africa: The Role of Science and Education" was chosen as a bridge for the diverse disciplines of the participating alumni.



for a four-day workshop from 18 to 21 February 2019 upon the invitation of Dr Wolfram Laube with the support of the DAAD. The meeting was attended by Antoinette Cecilia Tsiboe-Darko, Abisha Damba, Charlton Chesterman Tsodzo, Eria Serwajja, Helvi Ndilimeke Petrus, Hervé Patrick Mbouombouo Mfossa, Janet Chepchirchir Ronoh, Nelly Gacheri Kamunde, Omondi Robert Owino and Winnie Chepng'etich Sambu.

The agenda of the meeting included a recap of AEN activities at the second Alumni conference in Akosombo, presentations on the state and activities of the centres' alumni associations, and on challenges experienced. The ten-member team then split up into working groups to discuss developments on the AEN draft strategy.

The AEN draft constitution was extensively discussed and preliminarily adopted at the workshop, pending formal adoption by the annual general meeting of the network. A key milestone at the meeting was the election of office bearers in line with the draft constitution. Charlton Chesterman Tsodzo was elected the Chairperson, Antoinette Cecilia Tsiboe-Darko the Vice Chairperson, Winnie Chepng'etich Sambu the Secretary General, and Eria Serwajja the Treasurer of the network.

In line with the draft constitution, delegates proposed members of its Advisory Board, to wit, Dr Wolfram Laube, Dr Dorothee Weyler, Dr Gabriele Baecker, and Prof. Mulugeta Dinbabo. Prof Felix Asante, Prof Benyam Mezmur and Prof Julian May were to be approached to confirm their selection as potential members of the Advisory Board.

Further discussions focused on the development of the network's website and the finalisation of the AEN draft strategy. The need to retool the AEN strategy document into long-term and short-term objectives was highlighted. A significant amount of time was allotted to discussion of resource mobilisation and funding of the network.

(Rebecca Atwiine & Omondi Robert Owino) ■

Tumefika! (the AEN slogan in Kiswahili, implying 'we have made it') – stressed by Theophile Ntamakiriro (left) and Rebecca Atwiine (right) in Akosombo, Ghana.

Presentations were made by a total of 42 alumni from academic and non-academic backgrounds, highlighting the presenters' contributions to sustainable development in Africa through their expertise, research and practical work.

The alumni conference offered a unique platform for members to discuss ideas on how they could harness resources and energy for the establishment and growth of a distinguished African Excellence Network. The alumni were updated on the following progress made over the course of a one-year period:

1. Registration of the Alumni Association; the network is officially registered in South Africa as a non-profit company, under the name ***African Excellence Network (AEN)***
2. Development of a draft constitution
3. Drafting of a strategic plan

There were discussions on the formation, strengthening, strategy and way forward for the network. Centre representatives were elected and a steering committee was formed.

THIRD AEN ALUMNI MEETING IN BONN, GERMANY

The African Excellence Network steering committee and centre representatives met at the Centre for Development Research (ZEF) in Bonn

2018 LLM STUDENTS & DISSERTATIONS

EMMANUEL M. ACIDRI (UGANDA)



A Critical Analysis of EAC Co-operation in Agriculture and Its Impact on the Right to Adequate Food in Uganda

Supervisor: Dr L. Mussa

ANGE DORINE IRAKOZE (BURUNDI)



The Protection of Investment in the East African Community: A Critical Analysis of Burundi's Investment Law

Supervisor: Dr D. A. Shayo

ADUDA LINAH ANYANGO (KENYA)



Right of Establishment of Self-Employed East African Citizens in Kenya: Legal and Practical Challenges

Supervisor: Prof. L. Shaidi

MICHAEL JOHN (TANZANIA)



Legal and Practical Challenges to the Ratification of Trade Agreements in EAC: The Case of EAC-EU EPA

Supervisor: Dr S. F. Materu

SPECIOZA AVAKO (UGANDA)



Promoting Universal Health Coverage through Health Insurance: An Examination of the Laws and Policies in Uganda

Supervisor: Dr J. Masabo

PRAISEGOD M. JOSEPH (TANZANIA)



Harmonizing East African Community Energy Laws on Trade and Investment: Case Study of Tanzania

Supervisor: Prof. H. I. Majamba

KEVIN BAKULUMPAGI (UGANDA)



Biodiversity Offsetting as a Tool for Environmental Conservation: The Need for a Legal Framework in Uganda

Supervisor: Dr T. Mwenegoha

MARC KARANGANWA (RWANDA)



Legal Implications on Investment Regime in Implementation of EAC Laws and Policies: Case Study of Rwanda

Supervisor: Dr G. Kiwory

FRANKLINE BETT (KENYA)



A Case for Convergence of Cross Border Insolvency Legal Frameworks in East Africa: Experiences from Kenya and Tanzania

Supervisor: Prof. A. M. Mapunda

KUAI WUOI MATIOP (SOUTH SUDAN)



Legal Challenges on Access to Justice in South Sudan: Lessons from Kenya and Tanzania

Supervisor: Dr J. Jesse

MIRIAM KALEE MBOLE (KENYA)

Protecting Transboundary Cultural Knowledge and Expressions: Remodeling Kenya's Traditional Knowledge and Cultural Expressions Act in Line with East African Integration

Supervisor: Dr A. Mwiburi

REBECCA RABACH (TANZANIA)

Impacts of Disparities in Land Regimes of EAC Member States to the Implementation of the Common Market Protocol Goals

Supervisor: Dr B. Kanyabuhinya

AUGUSTINE OCHIENG (UGANDA)

The Role of Harmonization of Trademark Laws in the Protection of Consumer Rights within the East African Community

Supervisor: Prof. N. N. Nditi

TGCL STUDENTS WHO GRADUATED IN 2018/2019

Name	Origin	Year/Programme
Hamza Ismail Abdulrahman	Tanzania	PhD
Evelyn Happy Katono	Uganda	PhD
Christopher Ezra Anyony Ayieko	Kenya	2017/2018 LLM
Korenilo Ajang Duot	South Sudan	2017/2018 LLM
Louis Akohouendo Gitinywa	Rwanda	2016/2017 LLM
Gloria Kembabazi	Uganda	2016/2017 LLM
Boaz John Mabula	Tanzania	2017/2018 LLM
Lilian Magabiro Masalu	Tanzania	2017/2018 LLM
Catherine Mihayo	Tanzania	2014/2015 LLM
Hamisi Jangawe Msuya	Tanzania	2017/2018 LLM
Violla Nabawanda	Uganda	2017/2018 LLM
Rose Akulia Banja Natalino	South Sudan	2017/2018 LLM
Cecilia Edward Ngaiza	Tanzania	2017/2018 LLM
Arnaud Ntahomagaze	Burundi	2017/2018 LLM
Symphorien Jean Jacques Nzabonimana	Rwanda	2017/2018 LLM
Stanislaus Ongwee Okello	Uganda	2017/2018 LLM
Alphonse Omondi Owuocha	Kenya	2017/2018 LLM
Norah Jael Kijala Wakiaga	Kenya	2017/2018 LLM
Joseph Raphael Wawa	Tanzania	2017/2018 LLM



*The 2018/2019
LLM students at the
Mikocheni Campus.*

THE TGCL STUDY PROGRAMME FOR THE YEAR 2018/2019

The academic year 2018/2019 commenced on 1 November 2018 with the information that each of the two semesters of our study programme covers two core units and two optional courses to make a total of eight courses. Moreover, students were to write dissertations on Regional Integration and East African Community Law. In the first semester, students attended a Graduate Research Seminar (by Prof. Hamudi I. Majamba and Dr Sosteness Materu) and courses on the Law of Economic Integration (by Professor Khoti C. Kamanga and Dr Baraka Kanyabuhinya), Labour Migration Law (by Dr Juliana Masabo) and Immigration Law (by Dr Juliana Masabo and Antidius Kaitu). The second semester comprised courses on East African Community Law (by Prof. Khoti C. Kamanga and Petro Protas) and Refugee Law (by Prof. Khoti C. Kamanga and Dr Benedict T. Mapunda). The remaining two optional course units were to be selected from Citizenship Law (by Dr Juliana Masabo and Petro Protas); Procedure before Public International Judicial Bodies (by Dr Sosteness Materu and

Dr James Jesse) and Human Rights Law (by Dr James Jesse).

Besides undertaking the coursework above, we benefited tremendously from the additional TGCL sessions on “Transferable Academic Skills”, in which Prof. Bart Rwezaura sharpened and polished our research and writing skills which we needed while researching and writing our dissertations. We also benefited from the weekly “Transferable Professional Skills” sessions with the TGCL Students’ Adviser, Retired Justice Dr Steven Bwana. These sessions equipped us with a clear understanding of important life skills, such as team work, time management and effective communication, amongst others.

We wish to register our appreciation to the TGCL and its staff for the successful academic year we have had. It has been not only an amazing chance to scale academic heights, but also an opportunity to prepare ourselves professionally for great roles in leadership and social life for the overall benefit and prosperity of East Africa.

(Miriam Kalee Mbole) ■

2019 SUMMER SCHOOL IN FREIBURG

Between 2 and 28 September 2019, three TGCL students, namely Ange Dorine Irakoze, Praisegod Millen Joseph and Aduda Linah Anyango, attended a summer school in Germany organised by the Arnold Bergstraesser Institute of the University of Freiburg in cooperation with the German Academic Exchange Service (DAAD).



TGCL students Aduda Linah Anyango, Praisegod Millen Joseph and Ange Dorine Irakoze (front row standing, sixth to eighth from the left) among the international summer school class in Freiburg, Germany.

The summer school had 27 participants from ten African countries, i.e. Kenya, Uganda, Tanzania, Burundi, Malawi, Namibia, South Sudan, South Africa, Chad and Ethiopia. The programme included classroom and outdoor socio-academic components. In the classroom, the basic tenets of governance and rule of law were taught and discussed. This included the concepts of democracy, transition of governments and governance indices of selected African and European countries. Further, soft skills, methods of conducting research, moderation and facilitation were also taught.

The School also involved a study excursion to Strasburg in France, where the European Court of Human Rights and the European Parliament were visited, and lectures were heard on the

functioning of these two institutions. Another excursion was made to Berlin, with visits to the DAAD Berlin Office, the German Federal Foreign Office, the Friedrich Ebert Foundation, Transparency International, the Parliament of the Federal Republic of Germany (Bundestag), the Berlin Wall Museum, the Memorial to the Murdered Jews of Europe, and the Hohenschönhausen Memorial.

All students were awarded certificates of participation at the end of the programme. The three participating TGCL students agree that the programme was of enormous benefit to them, and they are grateful to the DAAD for this opportunity, and to the TGCL for its support and its initiatives to enable them to attend the summer school. (Aduda Linah Anyango) ■

CAPACITY BUILDING PROGRAMME ON RESEARCH METHODOLOGY AND SUPERVISION SKILLS, ZANZIBAR

From 25 November to 2 December 2018, five TGCL lecturers attended the Capacity Building Programme for Lecturers and Supervisors (hereinafter: CABLES) on research methodology and supervision skills held in Zanzibar.



The CABLES participants from the University of Dar es Salaam School of Law (from left to right): Esther Mlingwa, Dr Daniel Shayo, Antidius Kaitu, Dr Juliana Masabo and Dr Sosteness Materu.

This programme is designed to support lecturers and supervisors participating in the DAAD funded Centres of African Excellence. Following the first training course in South Africa, the second CABLES offering targeted the Centres of Excellence in East Africa, i.e the Tanzanian-German Centre for Eastern African Legal Studies (TGCL), the Kenyan-German Centre of Excellence for Mining, Environmental Engineering and Resource Management, the Centre of Excellence for ICT in East Africa (CENIT), and the East and South African-German Centre for Educational Research Methodologies and Management

(CERM-ESA). From CERM-ESA came both participants and the organisers of the training programme. At the core of the organisation were Prof. Paul Webb (Project Leader, Nelson Mandela University, South Africa), Dr Suzan Kurgat (Coordinator, Moi University, Kenya) and Dr Eugenia Kafanabo (Project Leader, University of Dar es Salaam).

The CABLES programme took place at the Zanzibar Beach Resort Hotel in Zanzibar after having been opened at the University of Dar es Salaam Marine Institute in Zanzibar by Prof. Isaac S. Kosgei (Vice-Chancellor, Moi University). The main topics were university pedagogy and classroom management, research methodology, university curricula and assessment, and research supervision of higher degrees.

In my view and according to what I heard from the other participants, the programme was a big success. The discussions were active, lively and drew on the shared experiences of the facilitators and the participants themselves. To most of the participants, this was the first time to participate in this kind of training. At the end, the participants agreed that for them things would never be the same again, particularly in relation to their supervision skills. Given the importance of such training in moulding the hard and soft skills of lecturers and supervisors, it was recommended by the participants that this kind of training should be extended to all lecturers and research supervisors in universities in the region. (Daniel Shayo) ■

CASE STUDIES ON LEGAL PLURALISM IN AFRICA

A RESEARCH COLLOQUIUM HELD IN BAYREUTH

Between 24 and 26 June 2019 a research colloquium was held at the University of Bayreuth, Germany. It combined undergraduate and postgraduate approaches, with a block seminar and a colloquium. It covered a unique blend of topics in family law regarding marriage and child care. The pluralistic nature of law in Africa was a thread that ran through all the topics and pulled them together. The hosts were Prof. Ulrike Wanitzek and Dr habil. Jeannett Martin, with Prof. Bernd Kannowski as an invited host.

Dr habil. Jeannett Martin, apart from being the co-moderator with Prof. Ulrike Wanitzek, presented some of her research findings on the anthropology of kinship and the sociology of family law in Africa, based on her research among ethnic groups in Benin. A presentation of the

transplant and its effects on Igbo customary marriages in Nigeria. Lastly, Lisa Strube talked about the contradiction between prohibition of early marriage under state law and its legitimization under customary law, based on research in rural Ghana.



law relating to foster care and child adoption in Tanzania and how it works in practice was undertaken by PhD students Veronica Buchumi and Florencia Kimario. They presented their field research findings which countered theories of centrality of state law in regulating alternative child care. Lena Scheibinger, while analysing different notions of marriage in customary law and statutory law, presented a paper on the practice of levirate marriage in Eastern and Southern Africa (specifically among the Luo of Kenya and the Buganda in Uganda), while Rafael Eifler discussed the Nigerian legal system as a legal

A general discussion on common issues arising from all the presentations was the highlight of this colloquium. Kinship, institutionalisation of childhood, labelling of children, family strengthening, and overlapping and competing authorities in child welfare were the central themes of the discussion. The moderators shared their knowledge and skills regarding methods and techniques of data analysis and presentation. Last but not least, for the PhD students, a map of the way forward was sketched. It was indeed a very resourceful session!

(Florencia Kimario and Veronica Buchumi) ■

Veronica Buchumi, Florencia Kimario, Lena Scheibinger, Rafael Eifler and Dr Jeannett Martin (from left to right) during the Research Colloquium.

TRAINEESHIP AT THE TGCL



Laura Viviane de Leeuw speaking at the conference.

From July to September, I spent three months at the TGCL in Dar es Salaam as part of my practical post-graduate legal education (*Rechtsreferendariat*).

During the first half of my stay, my

supervisor, Dr Shayo, arranged for me to get to know the Tanzanian legal system from a practising lawyer's perspective. While interning at the law firm NexLaw Advocates in Dar es Salaam, I attended hearings at court, got to know the

cases and files and took part in client meetings. The second half of my stay was focused on the preparation of the conference of the TGCL and the AvH Foundation (see above pp. 3-5). As a panelist for the panel entitled *Perspectives on Law and Governance in East Africa* headed by Prof. Wanitzek and Dr Masabo, I presented my research on *Good Governance and International Investment Law* with a focus on recent developments in Tanzania, especially regarding the natural resources sector and PPPs.

I really enjoyed my stay and learned a lot about law, culture and language. I would like to thank all the people who made my stay possible and welcomed me with open arms: Asanteni sana.

(Laura Viviane de Leeuw) ■

THE EAST AFRICAN COMMUNITY WORKGROUP (BIGSAS-TGCL COOPERATION) IN BAYREUTH

As young scholars from the East African Community (EAC) countries, we were delighted to conduct a series of semester-long public discussions to reflect on crucial aspects of the integration process of the EAC. The idea was pioneered by Junior Fellows of the Bayreuth International Graduate School for African Studies (BIGSAS) at the University of Bayreuth. Acknowledging the role played by the Tanzanian-German Centre for Eastern African Legal Studies (TGCL) in the EAC, the Junior Fellows sought and secured the cooperation of the TGCL.

The discussion series took place at the University of Bayreuth during the summer semester 2018 (between April and July). Its main objective was to bring together young scholars in a 'knowl-

edge lab' to debate critical concerns of EAC integration in relation to their PhD projects and their academic areas of interest. This discussion series created the opportunity to reflect on the prospects for, and challenges in, trying to realise the envisioned and desired level of integration within the EAC.

Among the presenters were PhD scholars at the University of Bayreuth from different East African countries and TGCL staff members in Germany:

- Johannes Döveling (Germany): "The EAC Legal Framework"
- Shillah Memusi (Kenya): "Gender Equality and the EAC"
- Carolin Herzog (Germany): "French as an EAC Minority Language"

- Florencia Kimario and Veronica Buchumi (Tanzania): “EAC and Migration: A Legal Perspective”
- Paddy Kinyera (Uganda): “Oil-Pipeline Politics and the Critical Question of Regional Integration in East Africa”
- James Wachira (Kenya): “The EAC Conservation Conversation”
- Goodluck Temu (Tanzania): “The Politics of the EAC Integration”
(Veronica Buchumi and Florencia Kimario) ■

STRATEGY TEAM ON THE DRIVING SEAT OF TGCL SUSTAINABILITY

Since its establishment in the year 2008, and as the clock ticked towards the celebration of ten years of the Centre, the TGCL management began sharing ideas at an early stage on how to keep the Centre vibrant after the expiration of the funding period, completely aware that full sponsorship (by the German government) for Centres of African Excellence is limited to a maximum of ten years, with additional transitional funding for another five years.

Initial steps to chart out the sustainability of the Centre were taken in 2012, when two delegations (August delegation: Prof. Khoti C. Kamanga, Prof. Josaphat L. Kanywanyi, Dr Benedict T. Mapunda and Dr Rita Mwaipopo; November delegation: Prof. Hamudi I. Majamba, Prof. Luitfried X. Mbunda and Prof. Michael B. Wambali; see *TGCL bulletin* 2012, p. 18) from the University of Dar es Salaam School of Law visited the University of Bayreuth in order to jointly discuss TGCL’s future. These joint deliberations were continued in a number of further meetings held at the University of Dar es Salaam in subsequent years, and various income-generating approaches were tested. In October 2014, the idea of establishing a taught LLM evening programme at

the TGCL, in addition to the current programme, was developed, with the goal of marketing TGCL to attract more income. This is when the idea of a ‘TGCL Marketing Team’ was born, later renamed ‘TGCL Strategy Team’. The mandate of the team is to take all necessary measures to make TGCL sustainable when full funding ends.

Various academic promotion efforts have been spearheaded by the TGCL Strategy Team, guided by the TGCL leadership in collaboration with the University of Dar es Salaam School of Law. Concurrent with the income-generating efforts to establish a taught LLM evening programme, the Strategy Team has taken other measures to promote TGCL visibility. Visits were made by the TGCL Coordinator and the TGCL Manager to the EAC headquarters and the East Africa Law Society, while the Dean, University of Dar es Salaam School of Law, visited the East African Court of Justice and the EAC headquarters in January 2019.

We believe that these and further efforts to sustain the TGCL will bear fruit for the benefit of East Africans who are the primary beneficiaries of the Centre.

Long live TGCL. (Benedict T. Mapunda) ■

HUMAN RIGHTS, CORPORATE SOCIAL RESPONSIBILITY, AND INTERACTING MARKETS IN AFRICA

A NEW RESEARCH PROJECT CONNECTING THE TGCL WITH THE "AFRICA MULTIPLE" CLUSTER OF EXCELLENCE, UNIVERSITY OF BAYREUTH

The Cluster of Excellence titled "Africa Multiple – Reconfiguring African Studies" was established in 2019. Within the Cluster there is a project that deals with human rights and responsibility of businesses in the context of African regional economic communities. The project aims at reconfiguring African studies regarding the perception of social responsibility of state and non-state actors under circumstances of multiple relations and affiliations.

Project team members Prof. Bernd Kannowski, Cecilia Ngaiza, Prof. Ulrike Wanitzek, Dr Daniel Shayo, Dr Franz Kogelmann and Dr Omondi Robert Owino (from left to right) on their way to a Roundtable Discussion of their research project in Bayreuth on 21 October 2019. Other members (not in the photo) are Prof. Jörg Gundel, Dr Juliana Masabo and Prof. Richard Frimpong Oppong.



As to human rights (HR), the focus is on collective HR, which can be seen as representing a specifically African dimension of HR and which are, because of their community-based nature, of particular relevance for our Research Section's overarching theme, i.e. affiliations. As far as responsibility of businesses is concerned, several African countries have recently enact-

ed legislation which mandates corporate social responsibility (CSR) for certain companies or certain sectors. This practice seems to be contrary to the 'Western' view of CSR as a voluntary engagement. At the same time, there appears to be a recent revival of interest in attempts to hold multinational corporations legally accountable for wrongs committed in African host states; this has resulted in recent cases decided in the United Kingdom and in Canada.

This intersection of HR and responsibility of businesses raises important questions that will be explored in this project. One of the specific areas in which these questions will be dealt with is environment, renewable energy and climate change in interacting regional markets. These are subjects that have not received significant academic attention in the scholarship on African regional economic communities, which has been dominated by trade and market integration research.

In all these cases, the project sets out to analyse the impact of the multi-layered relations among and between state and non-state actors, influenced by the legal frameworks of over-lapping affiliations, such as cultural, religious, national, regional or international affiliations.

The scheduled project duration is July 2019 to June 2023. (Ulrike Wanitzek) ■

THE BAYREUTH UNIVERSITY PRESIDENT'S FIRST VISIT TO DAR ES SALAAM

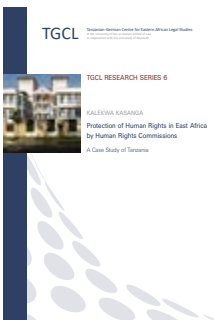
On the occasion of his attendance at the Alumni Conference in Dar es Salaam in September 2018 (see above pp. 3-5), Prof. Stefan Leible, President of the University of Bayreuth, visited the TGCL.



Prof. Stefan Leible (centre) is welcomed in the TGCL Library by Prof. Ulrike Wanitzek, Dr Benedict T. Mapunda, Dr Juliana Masabo and Carolin Herzog (from left to right).

TGCL PUBLICATIONS

A new volume was published within TGCL Research Series in 2018.



TGCL SERIES VOLUME 6

Kalekwa Kasanga, *Protection of Human Rights in East Africa by Human Rights Commissions: A Case Study of Tanzania*, Dar es Salaam: TGCL, 2018
ISBN 978-9976-59-262-7

Rights and Good Governance (CHRAGG) in Tanzania. This study focuses on the implementation of the recommendations issued by CHRAGG in protecting human rights in Tanzania. The author contends that the existing legal and institutional framework is feeble and does not facilitate implementation of the recommendations issued by CHRAGG.

The author also discusses other challenges and proposals advanced for improving the current legal and institutional framework under which CHRAGG functions and expediting the implementation of its recommendations. This book is a significant contribution in the area of human rights law, and may be used as a reference by students, non-governmental organisations, law reformers and academic researchers. ■

ABOUT THE BOOK

National Human Rights Institutions (NHRIs) play an important role in protecting human rights at national, sub-regional, regional and international levels. In this book, Kalekwa Kasanga analyses the role of East African NHRIs in protecting human rights in their respective countries, with specific reference to the Commission for Human

PERSONALIA

TGCL IN BAYREUTH

Dr Johannes Döveling has completed his service with the TGCL. He worked with the TGCL from November 2012, serving in the positions of Project Manager and Deputy Project Leader, as well as Project Leader of a research project on “Steering Regional Development through Regional Economic Communities in Africa”, sponsored by the German Ministry of Economic Cooperation and Development (BMZ). He was awarded a doctoral degree in law (Dr jur.) in July 2018 at the University of Bayreuth. The TGCL thanks him for his outstanding service and wishes him all the best in his new responsibilities.

Sabine Geisenberger rejoined the TGCL as Project Assistant from 1 January 2019, after having completed her previous work in the above-mentioned BMZ-sponsored project. She replaces **Sabine Wagner** who has worked as TGCL Project Assistant since February 2018 and has now returned to the Bayreuth International Graduate School of African Studies (BIGSAS), where she continues working as a Project Assistant. We welcome back Sabine Geisenberger and thank Sabine Wagner with very best wishes for the future.

*TGCL staff members
(from left to right)
Maria Paulo, Antidius
Kaitu (outgoing),
Dr Benedict T.
Mapunda and Godlove
Mmari in front of
the TGCL office,
Mikocheni Campus,
Dar es Salaam.*



TGCL IN DAR ES SALAAM

Antidius Kaitu has left the TGCL to pursue further studies (PhD) at Antwerp University, Belgium. He devotedly served as Assistant Coordinator at the TGCL office in Dar es Salaam from April 2017. The TGCL appreciates his distinguished service and dedication to the Centre and wishes him prosperous studies in Belgium.

The TGCL warmly welcomes **Lilian Masalu**, who was appointed TGCL Assistant Coordinator on 15 October 2019, succeeding Antidius Kaitu.



Godlove Mmari rejoined the TGCL as an accountant from 10 June 2019, having successfully completed his service as an accountant with the phased-out TGCL project sponsored by BMZ titled “Steering Regional Development through Regional Economic Communities in Africa”. He replaces **Ramadhani Ismail** who worked with the TGCL as an accountant from September 2015 and has now secured employment with the Tanzania Revenue Authority. The TGCL welcomes back Godlove Mmari, and thanks Ramadhani Ismail with best wishes for his work in his new capacity.

Mary Mgaya, Violeth Machinda and **Mamdoo Mgaya** have completed their contracts with the TGCL. Mary Mgaya has worked as Administrative Officer since October 2012, Violeth Machinda as Assistant Administrative Officer since August 2010, and Mamdoo Mgaya as Librarian since January 2015. The TGCL thanks them all for their dedicated service and wishes them all the best for their future endeavours.

UNIVERSITY OF DAR ES SALAAM
SCHOOL OF LAW

Dr Evaristo Longopa was appointed Deputy Attorney General of the United Republic of Tanzania on 15 April 2018.

Romward Theophil commenced his doctorate studies at the University of Aberdeen, Scotland, in September 2018.

Petro Protas began his doctorate studies at the University of Dar es Salaam in October 2018, having received a DAAD in-country scholarship.

Dr Daniel Shayo was appointed Head of the Economic Law Department on 29 October 2018, succeeding Prof. Nicholaus Nditi who has completed his tenure.

Dr Francis Sabby was awarded a PhD in law on 13 November 2018. His area of research was "Approximation of Competition Rules within the EAC Partner States: A Case Study of Tanzania, Kenya, and Rwanda". He has also been appointed a Coordinator of the Certificate in Law Course offered by the School, replacing Hayuma Tumaini who has left for PhD studies.

Dr Juliana Masabo was appointed Judge of the High Court of Tanzania on 27 January 2019.

Dr James Jesse was appointed Head of the Private Law Department on 26 February 2019. He succeeds Dr Baraka Kanyabuhinya who has completed his term.

Dr Sosteness Materu was appointed Associate Dean of the University of Dar es Salaam School of Law on 1 April 2019 for the 2018/2019 to 2020/2021 triennium. He has also been re-appointed to the Ministerial Advisory Board for the Registration, Insolvency and Trusteeship Agency (RITA) from 1 February 2019 to 31 October 2022.

Dr Boniphace Luhende was appointed Acting Head of the Department of Public Law on 22 May 2019. Before this appointment, he had served as Coordinator of Postgraduate Studies. Moreover, he has been appointed a Member of the University of Dar es Salaam Publication Committee for the 2018/2019 to 2020/2021 triennium.

Dr Abel Mwiburi was appointed Coordinator of Postgraduate Studies.

Dr Cleoplace Morris successfully completed his doctoral studies at the University of Dar es Salaam. On 21 June 2019, he defended his PhD thesis titled "Analysis of Implementation of the United Nations Framework Convention on Climate Change in Mainland Tanzania".

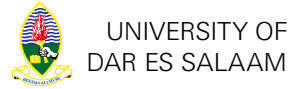
Dr Goodluck Kiwory was appointed by the Dean of the School of Law to serve as Technical Editor of the School's law journals, i.e. Eastern Africa Law Review (EALR) and Nyerere Law Journal (NLJ).

Prof. Kennedy Gastorn received a presidential appointment as an Ambassador on 20 September 2019.

Dr Rita Alice Mwaipopo of the Economic Law Department was appointed Chairperson of the Copyright Society of Tanzania (COSOTA).

Dr Theodora Mwenegoha has been appointed Intellectual Property Manager of the University of Dar es Salaam.

Cecilia Ngaiza joined the University of Bayreuth in September 2019 as a PhD researcher within a new research project on "Human Rights, Corporate Social Responsibility, and Interacting Markets in Africa" (see above p. 28).



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

DAAD

Deutscher Akademischer Austausch Dienst
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