



BULLETIN 2022

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



DEAR READER,

We welcome you to the fourteenth edition of the TGCL bulletin. The first issue appeared in 2009, a year after the foundation of the TGCL, and since then accounts of activities and events have been published annually which among others reflects the vibrant cooperation between the partner universities of Bayreuth and Dar es Salaam. This year has been yet another exciting year even though it has also marked a continuation of many well-known structures and new traditions. While honouring the achievements of the esteemed Dr Benedict T. Mapunda, Dr Petro Protas took over as the TGCL Coordinator at the beginning of the year. With him on board, the Management Team continued and intensified its ongoing sustainability efforts as the end of the DAAD funding draws ever closer. Thus, we are very pleased to be able to report on some of our successes to date in this edition of the bulletin.

Before we confer this year's bulletin, we would like to say thank you for the great cooperation and support the TGCL has benevolently received from partners, stakeholders and the TGCL Alumni Network throughout the years. This gives a meaning and adds value to the objectives and prospects of the Centre. We would also like to thank the TGCL staff and friends of the Centre, who work hard every single day to maintain the excellent standard and prepare it for a sustainable future after 2023. We are very grateful and hope that all of you will continue to support TGCL in the future. The 2022 bulletin will, as usual, take you through the highlights of this year's news, events and successes the TGCL was involved in. 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.

Philipp Bogensperger

Petro Protas

Isabelle Zundel

WORDS FROM TGCL PROJECT LEADER PROF. THOKO KAIME

Dear Reader,

It's this time of the year again. I welcome you to the 2022 TGCL bulletin.

Every year I realize the year comes to an end, when I am asked by the Editorial Team to write my welcoming words for the bulletin once again. First of all, I would like to start by thanking the editors-in-chief Mr Philipp Bogensperger, Dr Petro Protas and Ms Isabelle Zundel for bringing us this issue of the TGCL bulletin. I would also like to thank our authors as well as the TGCL Family, Students and Alumni for contributing to this issue. It's always special to have the possibility to see the outfading TGCL year at a glance.

I would like to congratulate the 2021/22 cohort for graduating in the year of 2022. All students have shown immense personal development to overcome the challenges they had to face within their studies. Having had the opportunity to get to know this cohort personally, I strongly believe that TGCL has once again paved the way for many future leaders in the field of regional integration and beyond. We are proud of each of you.

This year, TGCL Students and Lecturers have fortunately been able to fully enjoy Mikocheni Campus and engage in face-to-face teaching and regular research for the most part. However, using Zoom and working from home has become a habit over the past years. While I welcome this transition back to what I consider to be the essence of teaching and learning, I believe the ability to engage in digital solutions is one of the key achievements TGCL was able to gain from the COVID-19 pandemic. In this regard, we have continued to offer our TGCL Students a wide

variety of online events, such as the subsequent episodes of the Chilean-German-Tanzanian Talk as well as the Everyone's Human Rights

Debate Series. Additionally, the TGCL Management continues to explore other ways to boost TGCL research by engaging with virtual learning platforms like DIGI-FACE initiative by DAAD.

Last week I attended a conference in South Africa and realized on the last day that I was together with one of our earliest Alumna. It was a great moment when we realized we are connected in this unexpected way. I strongly believe we can explore our network beyond the existing connections through the country chapters and cohorts. In this regard, I personally look forward to meeting you at Mikocheni, during conferences and in all other unexpected places.

Lastly, I would like to personally congratulate new TGCL Coordinator Dr Petro Protas for completing his PhD and being awarded a doctorate by the University of Dar es Salaam School of Law. Dr Protas has already shown effective leadership and deep commitment to the TGCL since taking over from Dr Benedict T. Mapunda at the beginning of the year.

This leaves me to wish the TGCL Family a restful and joyous holiday season as we look forward to another promising year for the Centre.

(Thoko Kaime) ■



THE TGCL STUDY PROGRAMME FOR THE YEAR 2021/2022

The academic year 2021/2022 commenced on 5 November 2021. The courses for the academic year consisted of five core courses (Regional Integration Law, Immigration Law, Labour Migration Law, East African Community Law and the Graduate Research Seminar) as well as five elective courses (International Humanitarian Law, Citizenship Law, Refugee Law, International Human Rights Law and the Procedure and Practice before International Judicial Bodies).

When the academic year commenced in 2021, COVID-19 was still present and lockdowns were still in place in many EAC partner states. Thankfully, the situation in Tanzania seemed to be of *laissez-faire*, especially compared to Uganda. This helped to ease the start for the TGCL Students as we were able to start our classes without major disruptions.

We were to find out soon that there was a lot of personal effort that was needed to pass the courses and this involved intensive reading and comprehension of concepts. Thankfully, our lecturers played a significant role in supporting the students and provided a live, interactive and interesting classroom experience, where we could freely air out our personal opinions regarding certain controversial issues and debates that had wide ranging regional implications.

Therefore, our humble appreciations go to TGCL Coordinator Dr Protas, the former TGCL Coordinator Dr Mapunda, Ms Masalu, Prof. Rutunwa, Prof. Majamba, Prof. Kmanga, Dr Buchumi and Dr Kimario among others for the great work done in impacting knowledge and also having in-depth understanding of the students. On that note,

on behalf of the TGCL Students of 2021/2022, I would like to credit and acknowledge their contribution to the revival of the spirit of regional integration in Africa and may the Almighty God reward them abundantly.

On top of attending our regular classes, we also had several digital training sessions which included, for instance, the fifth Chilean-German-Tanzanian Legal Talk organized by TGCL in partnership with Heidelberg Center Latin America (HCLA) on legal protection and conflicts of water resources and the emerging field climate litigation. These studies helped in enhancing our understanding of different legal systems and how they can be used to boost development in emerging regional integration projects. The sixth CGT Talk on 2 November 2022 also rounded off our academic year, which officially ended on 31 October 2022.

Lastly, as TGCL Students, we would like to extend our appreciation to our sponsors, TGCL, University of Dar es Salaam and DAAD whose initiative allowed us to study and offered us scholarships in Regional Integration and EAC Law. This LL.M. Programme has proved to be able to change the economic, cultural, social and political situation in the EAC regional and Africa at large. I believe that after our graduation, we shall be agents of change who are ready to sensitise and fully utilize African potential through regional economic integration.

(Eastus Kakungulu) ■

OUTGOING TGCL STUDENTS EXPERIENCES

Mr Matundura Nyambunde is a TGCL Scholar and part of the 2021/2022 cohort. Mr Nyambura and his peers will graduate from TGCL in 2023. Here, he shares some personal experiences regarding the study programme and welcomes the arriving class of 2022/2023.

Monday, 24 October 2022 marked a year since I arrived in Dar es Salaam, Tanzania. Having been a beneficiary of the TGCL scholarship, the privilege extended to study an LL.M. in Regional Integration and East African Community Law has been nothing short of life changing.

The University of Dar es Salaam, School of Law (UDSoL) as well as TGCL are both held in high regard in Kenya and the rest of Africa. Studying for my LL.M. here at Mikocheni Campus has certainly been an exciting yet challenging experience. Firstly, the classroom experience was interactive. There were different approaches to learning including group work, personal assignments, presentations, and lecturer-led seminars. Furthermore, the low student-teacher (lecturer) ratio we held in our classrooms ensured that we could freely interact with our lecturers and professors and ask for further guidance when there was need. TGCL Students are able to study and interact with scholars from all the seven East African Community member states. Learning together with students from different cultures, nationalities, and varying legal backgrounds enriched the classroom experience even more. Moreover, I thought that studying the application of the law to solve local problems and challenges for example related to the movement of people across the EAC, cross-border trade, the refugee problem, and the human rights status of the different countries was unique to this LL.M. programme.

It wouldn't be true to surmise that the entire experience hasn't been without challenges. Some of the early challenges included adapting to the classroom environment after a long hiatus and intermingling with nationalities from different countries and cultures. A personal one was adapting to the local palate. Thankfully, the supportive TGCL Coordinators and our lecturers helped us with the former but for the latter, it has taken time to adjust. Beyond my studies, staying in Tanzania has helped me improve my Swahili to a great extent, in addition to interacting with other cultures and learning about the history of the region more broadly. I would like to take the opportunity to thank TGCL, DAAD, the German Foreign Office, and all other stakeholders who were behind such a great and rewarding program.

To the incoming class of 2022/2023, I hope you enjoy your studies and learn from the diverse experience. I won't forget to mention that you take advantage of the well-resourced TGCL library at Mikocheni Campus.



(Matundura Nyambunde) ■

2021 LL.M. STUDENTS & DISSERTATIONS

Student Representatives 2021/2022: Mr Eastus Kakungulu, Ms Rosa Adhiambo Ojwang

DANIEL DUOM KELEI AYAK (SOUTH SUDAN)



The Realization of the Right to a Clean and Healthy Environment in the EAC: A Case Study of South Sudan

Supervisor: Dr Cleoplace KK Morris

NYAMPINGA MARIE (RWANDA)



The Role and Position of Regional Economic Communities in the Implementation of the African Continental Free Trade Area: Setbacks and Prospects

Supervisor: Dr Filbert Nicksoni

LILIAN BEATUS CHAKWE (TANZANIA)



Examination of Legal and Practical Challenges of the Implementation of the Rights of Establishment in the EAC

Supervisor: Dr Sosteness F Materu

GRACE WAMBURA MWANGI (KENYA)



A Critical Analysis of the Principle of State Sovereignty vis a vis its Effect on the East African Protocol on Peace and Security

Supervisor: Dr Theophil Romward

PROSPER COSTANTINE (TANZANIA)



Tax Exemptions, A Springboard to Unequal Tax Regime in the East African Community: A Comparative Analysis between Kenya and Tanzania

Supervisor: Dr Hamza Ismail

DIANA NABUGASHA (UGANDA)



A critique of EAC Law on consumer protection on the sale and supply of pharmaceutical products. A case study of Uganda

Supervisor: Dr Perfect Melkiori

ZAIINAB HAMIS (TANZANIA)



Legal Analysis on Setbacks facing Cross Border Insolvency of Companies in EAC

Supervisor: Dr Goodluck Kiwory

CORNELIUS KILILI NTHIWA (KENYA)



Freedom of Movement of Labour Within the EAC vs EU. The Case of International Transfer of Minor Footballers

Supervisor: Dr Veronica Buchumi

EASTUS KAKUNGULU (UGANDA)



An analysis of the efficacy of the legal framework in enhancing free movement of persons in E.A. A case study of Uganda

Supervisor: Dr Laurent Mussa

ALPHRED NTIRENGANYA (RWANDA)



Analysis of EAC Tax Policy and Investment Incentives Harmonisation for FDI Attraction: Case Study of Tax Holidays

Supervisor: Dr Erasmo Nyika

SAMWEL MATUNDURA NYAMBUNDE (KENYA)

Reconciling The Past and The Future
- The Conflict Between Sustainability and Infringement of Indigenous People's Rights: A Case Study of the Ogiek Community in Kenya

Supervisor: Dr Francis Sabby

ROSA ADHIAMBO OJWANG (KENYA)

A Critique of EAC Legal Framework on Non-Tariff Barriers: Case Study of Kenya

Supervisor: Dr Jaba Shadrack



The 2021/2022 LL.M. Students at the Mikocheni Campus.

TGCL STUDENTS WHO GRADUATED IN 2021/2022

Name	Origin	Programme
Mr Otieno Kennedy Abuya	Kenya	LL.M.
Ms Lorah Chepkorir	Kenya	LL.M.
Mr Kuol Akok Deng	South Sudan	LL.M.
Mr Noah Omollo Juma	Uganda	LL.M.

Name	Origin	Programme
Mr Jan Maina Kamau	Kenya	LL.M.
Ms Winnie Kungu	Kenya	LL.M.
Ms Teddy Namugga	Uganda	LL.M.

INCOMING TGCL STUDENTS EXPERIENCES

Mr Mordina Julius is a young scholar at TGCL and Student Representative of the 2022/2023 cohort. Below, he shares experiences of what it is like to arrive and settle in at TGCL as a member of the new cohort.

My name is Mordina Julius, I am a Postgraduate Student at the TGCL for the Academic Year 2022/2023. Like my fellow peers, I am taking a Master of Laws in Regional Integration and EAC Law. It is my pleasure to share my brief experience as a student at TGCL in representation for the 2022/2023 class.

From the time of our arrival at the TGCL, we were thankful to be properly guided by TGCL Assistant Coordinator Ms Lilian Masalu who advised us on the procedures of registration and allocation of a room at Mikocheni Campus. Beyond that, I would like to take the opportunity to thank the TGCL Coordinator Dr Petro Protas for his warm advice regarding the courses, and the Centre for helping us settle well into our studies.

Through TGCL I have come to know an academic career as a potential and remarkable field in which I have great interest. For this reason, I personally would like to follow up my LL.M. studies with a PhD. Moreover, as a young scholar, I encountered TGCL as a Research Centre for Regional Integration in the East African Community that nurtures the knowledge of its students and prepares them to tackle complex matters in the field of regional law and EAC law and other multidisciplinary fields.

Just like my peers, I had the opportunity to meet other (TGCL) students, lecturers, and other friends from EAC partner states by sharing and exchanging our country's experiences, especially on matters related to Regional Integration and

EAC Law, cultural diversity, and academic careers. Being a TGCL Student has felt like a prestige experience for me pushing me to work hard enough to fulfill the objectives of the programme and the Centre. The University of Dar es Salaam at Mikocheni Campus, where TGCL is situated and the LL.M. Programme is taught, the TGCL offers us an incredible range of facilities such as a library which is fully equipped with reading materials and an internet connection, support and structure, which firmly acquit us with research skills.

Lastly, I would like to take this opportunity to thank the management of TGCL, my deepest appreciation goes to both TGCL Coordinator Dr Petro Protas and TGCL Assistant Coordinator Ms Lilian Masalu who have been providing our cohort with wonderful support since we arrived on campus. This is a remarkable experience for all of us as we are already looking forward to being under the tutelage of a designated supervisor for our LL.M. dissertations.



(Mordina Julius) ■

VISITS FROM PROF. THOKO KAIME AND PROF. ALEXANDER STROH-STECKELBERG

The year 2022 has been special for TGCL. After a long period of lockdowns and travel restrictions due to COVID-19, at last, the globe became open again. People could now travel from one part of the world to another and attend meetings and conferences that required physical attendance without much difficulty. TGCL also benefited immensely from the lessening of travel restrictions which saw two particularly important visits to the TGCL Dar es Salaam office between March and April 2022.



Prof. Stroh-Steckelberg and Dr Petro Protas at the TGCL facilities.

The first visit was of Prof. Dr Alexander Stroh-Steckelberg from the University of Bayreuth, who visited TGCL from 6 to 12 March 2022. Prof. Stroh-Steckelberg managed to meet the TGCL Leadership in the Dar es Salaam office, TGCL Students, and some members of staff in the School of Law at the University of Dar es Salaam. All of these meetings were marked by positive discussions. Prof. Stroh-Steckelberg has always been in support of TGCL activities and the University of Dar es Salaam Vision 2061 of becoming a leading Centre of Intellectual Wealth, spearheading Tanzania's and Africa's Quest for Sustainable and Equitable Development.

Prof. Stroh-Steckelberg's visit was crucial as it continued to strengthen the long-existing cooperation between the University of Dar es Salaam and the University of Bayreuth.

On 6 April 2022, the TGCL office in Dar es Salaam had another privilege of hosting TGCL Project Leader Prof. Dr Thoko Kaime from the University of Bayreuth. His visit to TGCL and the University of Dar es Salaam was timely and highly welcomed as TGCL is approaching the end of the funding phase in December 2023. Among other official activities, the TGCL Project Leader had a meeting with the Deputy Vice-Chancellor Academic (DVC Academic) and the



Prof. Kaime and the TGCL Students at the TGCL facilities.

Dean of the School of Law at the University of Dar es Salaam. The major discussion with these high dignitaries of the University of Dar es Salaam was on the TGCL Sustainability beyond 2023. Several agreements and understandings were reached which include; maintenance of TGCL library and offices post 2023 as a research or resource centre as well as linking the TGCL library with the main library of the University of



Left to right: TGCL Coordinator Dr Petro Protas, TGCL Project Leader Prof. Thoko Kaime and UDSoL Dean Dr Sosteness Materu.

It was further noted that the University of Dar es Salaam is willing to discuss issues of fee waivers and partial scholarships should the TGCL management be able to obtain funders who are

willing to partially support students' scholarships post-2023 funding phase. It was also highlighted that any staff from the University of Dar es Salaam who enrolls in the LL.M. or PhD programme offered under TGCL, the University will waive the fees to be paid by the said member of staff. Lastly, it was noted that the Chair of African Legal Studies and the University of Bayreuth will continue supporting the TGCL sustainability plans post the 2023 funding phase.

Without hesitation, TGCL Management in Dar es Salaam is grateful for these visits. Both have been very productive and the TGCL is looking forward to a long survival of TGCL beyond the 2023 funding phase.

(Petro Protas) ■

FAREWELL CEREMONY FOR BENEDICT T. MAPUNDA

Following his retirement on 31 December 2022, in January 2022, the TGCL and University of Dar es Salaam School of Law proudly held a farewell ceremony for long-time TGCL Coordinator Dr Benedict T. Mapunda. Dr Mapunda has served in this position with utmost levels of integrity and commitment since April 2014. The TGCL thanks Dr Mapunda wholeheartedly for his remarkable work and leadership and wishes him a peaceful and reflective retirement.



Dr Benedict T. Mapunda when presented with a portrait of himself, honouring his work at TGCL and UDSoL.



Dr Benedict T. Mapunda together with the attendees of the Farewell Ceremony.

DAAD NEWS

Official Visit

Director DAAD Regional Office - Nairobi, Ms Beate Schindler-Kovats visited TGCL and the University of Dar es Salaam on 16 May 2022. During her visit, Ms Schindler-Kovats met and held meetings with TGCL Management in Dar es Salaam Office, the Dean of the School of Law, the Vice Chancellor of the University of Dar es Salaam and TGCL Scholarship holders. She widely disseminated and highlighted the available DAAD scholarships and the opportunities for cooperation between the institutions.

Farewell to Dr Dorothee Weyler

The TGCL Management would like to thank DAAD Programme Manager (Head of Section ST32 Scholarships for Africa) Dr Dorothee Weyler for her continuous support of the Centre throughout the years. Dr Weyler has contributed significantly to the development of the Centre and TGCL looks forward to working with her again soon in her new position at DAAD Nairobi. Dr Weyler retired from her post in 2022, which was handed over to her colleague Ms Isabell Mering, who has been working for DAAD Bonn since 2013.

TGCL SUSTAINABILITY

TGCL is part of the "African Excellence" initiative funded by DAAD. After its establishment in 2008, the programme has now reached its third and final phase of (partial) funding. This phase will expire by the end of 2023 which is why the achievement of sustainability for the Centre is the key objective of the Management Team. Subsequently, the Centre's sustainability efforts have increased significantly in recent years which has resulted in substantial successes.

Since the beginning of the last funding phase of DAAD in 2019, the dominant engagement of the Management Team has revolved around the facilitation of a successful transition from a DAAD-funded project to an independent Centre. Especially, in the past year we have been able to record some important steps. First, the shift of ever more administrative tasks to Dar es Salaam, for example in accounting, is a continuing and successful process. Second, the full integration of the programme into the University of Dar es Salaam School of Law has been agreed on and implemented in the past years already. Third,

funds for scholarships in the form of fee waivers in 2024 and 2025 have been secured. These are thrilling news which allow us to now enter the next selection process, the first without DAAD. Alongside this success, we continue our efforts to secure additional funding opportunities for some additional scholarships, especially after 2025. Finally, the University of Dar es Salaam School of Law is currently planning the establishment of a new Centre on African Union Law which would allow the integration of our teaching and research programme into this Centre, ensuring TGCL's sustainability in the long run. While summing up the efforts regarding sustainability, it is crucial to highlight the efforts and commitment of the University of Dar es Salaam and the School of Law towards TGCL. As much as we are extremely thankful to DAAD for the longstanding support, we look forward to a new phase of TGCL and the evolution of the independent Centre.

(Petro Protas, Isabelle Zundel) ■

TGCL ALUMNI - CAREER PATHS AND MEMORIES

With this year's bulletin, we would like to introduce a new segment called "TGCL Alumni - Careers Paths and Memories". TGCL is proud to have seen so many students graduate and grow into leading positions in various institutions over the years. Due to the personal character of the study programme and the important work of the TGCL Alumni Association, many Alumni still count themselves as part of the TGCL Family even many years after their initial graduation. From 2022 onwards, our bulletins will proudly present the careers of individual Alumni and their memories of their time at TGCL.

Dr Anatole Nahayo - Shaping EAC developments

Dr Anatole Nahayo graduated with a PhD from TGCL in 2013 and currently holds the position of Senior Research Officer at the East African Legislative Assembly in Arusha, Tanzania.

From the University of Burundi where I was an Assistant Lecturer since 2004, I joined the University of Dar Es Salaam in September 2009 for my PhD studies in the East African Community Regional Integration Law, under the scholarship of TGCL. It was just two years after the Republic of Burundi, my home country, had been admitted into the EAC. My motivation was mainly to understand the functioning of this Intergovernmental Organization and how Burundi as (then) a new Partner State would effectively participate and benefit from this integration process in the Eastern part of Africa.

My studies and stay at the University of Dar Es Salaam would soon constitute a turning point in my career. On the one hand, I noted, while still on this PhD journey, that a number of my lecturers, including my supervisor and co-supervisor, were practicing Advocates. This was new to me as none of my full-time colleagues at the Faculty of Law of the University of Burundi had taken interest in registering with the Burundi Bar Association. From my numerous engagements with my supervision team and other lecturers during PhD students' seminars, I appreciated how practicing law as an Advocate improves the skill transfer through teaching/lecturing at the University level. At the same time, the participation

of law lecturers in the legal battles before courts greatly contributes to elevating the legal debate and practice at a high level. This determined me to register with the Bar in Burundi in June 2013 and to practice law until May 2017 when I joined my current employment. During this period, I contributed to key consultancy studies on EAC integration law which formulated several recommendations for the effective implementation of regional integration commitments made by the EAC Partner States.

On the other hand, though I went back to lecturing at the University of Burundi immediately after completing my PhD studies, I developed an interest in directly working for the EAC to be part of the team in charge of the implementation of some of the recommendations I made in my PhD thesis and consultancy studies. My first and second applications to advertised jobs at the EAC were not successful but I was not discouraged. I kept applying and my third application went through. I was subsequently appointed by the EAC Council of Ministers to the Position of Senior Research Officer of the East African Legislative Assembly, working on a five-year contract (May 2017 to May 2022) renewable once upon performance. I am now serving my second and last term in that position.

Provia Odhiambo - Fond memories of TGCL in its main funding phase

Ms Provia Odhiambo graduated from TGCL with an LL.M. in 2016 before she went on to pursue a PhD at the University of Nairobi. Since 2014, she is an Advocate of the High Court of Kenya.

TGCL comes with fond memories for me that have remained with me to date. The programme has run for a year with a trip to Germany and Belgium which have certainly been the highlights of the year. But let's start at the beginning. First, you joined the institution and underwent an orientation process which enabled you to get to know each other and have a deeper understanding of the programme. Meeting colleagues from all over East Africa gave you a clear perspective of the lifestyles and orientation of other citizens from the East African Community (EAC). Not only seeing your network automatically expand, but gaining long-lasting friendships can really ease your start of the LL.M. program. Once you settled in, not only did you focus on the academic aspects but the programme offered regular trainings on individual growth, career opportunities, networking and foreign language. German, yes, right. I mean Deutsch. You got to know the nitty gritty of Guten Morgen and the likes.

TGCL being located in Dar es Salaam required one to live in the busy commercial capital of Tanzania. This was quite interesting. Tanzanian culture is grounded on humility, respect and honesty. Yeah, you must learn to be kind, modest, decent and humble in your approach. Shikamoo here and there would go a long way for you. And don't forget the food. I mean, chips mayai, wali na dagaa, dona na Samaki wa nazi, supu ya pweza and pweza itself and the likes.

Forget the background above, what was key for me is the grounding that TGCL gave me. I was grounded as a person, as an Advocate of the

High Court of Kenya and as a citizen of Kenya. The holistic approach to issues that TGCL instils in its students has guided me to date in every decision that I am called upon to make. The all-inclusiveness and the analytical examination of matters remain my way of doing things.

The TGCL programme requires massive sacrifice and commitment. A lot of time must be put into the academic programme for it to yield fruits at the end of the day. It is not a programme for the faint hearted.

One must put in the work and the hours. This foundation of resilience has helped me walk the path of my career and professional life with lots of confidence and utmost integrity.

Lastly, the exceptional quality of my LL.M. degree from the University of Dar es Salaam through TGCL has given me a firm foundation upon which I have now commenced my PhD in law at the University of Nairobi and I am certain that things will even progress as I carry on with my research. I could go on and write so much more about the impact of TGCL in my career but a full stop must be placed now.

Wishing TGCL the very best now and for the future!



PHD STORIES FROM TGCL SCHOLARS, ALUMNI AND FRIENDS

In the 2021/2022 Academic Year, TGCL Alumni and Friends have continued their roads to their PhDs both in Germany as well as in Tanzania. Below you can find the experiences of four selected scholars.

Cecilia Ngaiza

Ms Cecilia Ngaiza is a TGCL Alumna and current Research Assistant at the University of Bayreuth under the Africa Multiple Cluster of Excellence research project "Human Rights, Corporate Social Responsibility and Interacting Markets in Africa". Her PhD thesis titles "Recognition and Implementation of Indigenous People's Rights in Tanzania from the Banjul Charter Perspective."



Just three months present in the new academic environment at the University of Bayreuth, I had to adjust to many things besides the fright of COVID-19 streaming in real time in all kinds of media. The scale of my thoughts balanced between the concern for my family, friends and relatives back home and the future of my research that I had just breathed the fresh air to. As far as I can recall, things have never been the same in terms of academic interactions and research activities. By the time of publishing this article, I may not confidently assert that, everything has returned to 'normal'; rather, I may own up to the notion of coping with the 'new normal'.

The dynamics brought by COVID-19 restrictions in physical interaction and field research activities occasioned a multiple review of my individual training and research plan (IRTP) not less than three times in a row; something which is rather atypical. The first field visit to Tanzania set for 2020 was inevitably postponed a little

over one year, as the world adjusted to the crisis. This flexibility was a setback to a timely crystallization and shaping of my research path. Yet, when this could finally be realised, other ground challenges in the field unpredictably unfolded. To begin with, COVID-19 travel requirements in and outside of Germany included testing negative in the RT-PCR test which were sometimes required to be valid in not less than 48 hours before travelling. According to my recollection, this occurred to me literally as a "gamble" between the paid flight tickets, the (im)possibilities of travelling if I tested positive for COVID-19, let alone the risk of losing the hard-earned confirmed interview appointments awaiting in the field. All the occurrences crept in unkindly at the "point of no return".

In the actual field research, one-on-one interviews were almost impossible with some respondents. Interactions with masks on were a hindrance to free speech during interviews. In some institutions, precautionary rules for physical interaction with visitors included brief meetings of maximum ten minutes. Some other important respondents were working from home where online interaction was not a guarantee.

The Tanzanian government policy on COVID-19 safety and precautions by the time of my first field visit relied on individual's voluntary efforts to protect oneself. Wearing of a mask or sanitising my own hands for personal protection would therefore sometimes be ridiculed.

Yet doing so amidst the majority who did not consider such initiatives important, or not doing so at all was equally a great risk. With these state of affairs at hand, the use of public transport was again another sting. Such choice was reasonably unreliable safety space for avoiding exposure to contacting the virus, let alone evading it being a hindrance to reaching the respondents upcountry, staying within a budget and ensure a negative RT-PCR test result on my return to Germany, just to mention a few. All the same, taking risks for researchers has not been something unbecoming. Some 'careful risks' in the most uncertain times like these were expected. At this juncture, at least I had personally not foreseen or even fathomed the huge break that would come with the introduction of the COVID-19 vaccines like Moderna, BioNTech or Janssen (Johnson & Johnson).



In the meantime, coping mechanisms were applied to absorb the pressure of not making progress with my research and training. Online interactions have played a great role in my research so far. Since the first challenges faced in preparations of my first field research, I resorted to online appointments, interviews and questionnaires. Thanks to the online courses like Research Methods offered by the Bayreuth International School of African Studies (BIGSAS) and the University of Bayreuth Graduate School that I was able to attend, I was still able to advance my work and methods. Further, electronic resources at the University of Bayreuth library have been of vital contribution to the progress of my research when studying and teaching activities at University went digital, and the strict rules of lockdown and curfew were enforced by the State of Bavaria to reduce risks of the spread of the virus through physical interactions and social gatherings. Apart from online research, platforms like Zoom and Teams have unlocked doors to costs and time saving online trainings, colloquia, and conferences, some of which involved international participants. I have had opportunities to interact, train and evaluate my progress through participation in the online BIGSAS Junior Fellows' Working Group on Regional Integration in Africa sessions, African Legal Studies' PhD Club meetings, Research Section "Affiliations" Evaluation Session under the frame of the Africa Multiple Cluster of Excellence and the Chilean-German-Tanzanian Legal Talks coordinated by the TGCL Secretariat in Bayreuth.

With these digital solutions at hand, and the gradual return of ground activities at the University of Bayreuth this semester, my humble conclusion is, this is 'the new normal'.

Nelson Otieno Okeyo

Mr Nelson Otieno Okeyo is a TGCL Alumnus and current PhD student at the University of Bayreuth under the International Doctorate Programme for Business and Human Rights. He started his PhD on “Stakeholders’ Voice in Data Protection Impact Assessments in Kenya” in 2021.

It started with an email from Prof. Dr Markus Krajewski of the University of Erlangen-Nuremberg. Prof. Krajewski has gladly communicated a committee’s decision to admit me to the



International Doctorate Programme on Business and Human Rights funded by the Elite Network Bavaria. This was good news for the son of Nyaduya village in Migori County. But that meant that some things had to be

done within short timelines including attending my LL.M. graduation at the University of Dar es Salaam where I pursued the TGCL program.

Fast forward, I was to travel to Bayreuth barely two weeks after graduation. I had mixed feelings. On one hand, I was humbled by the impact of the TGCL scholarship that had seen me through my studies. It was even more exciting that the TGCL Project Leader at Bayreuth Prof. Dr Thoko Kaime would be the supervisor for my PhD. At the same time, I had to deal with immediate travel preparations and anxiety about ‘realities’ of a new place of residence and upcoming PhD studies already touted by many before me as ‘manageable but challenging’.

So when I arrived at Nuremberg Airport in December 2021, it was a sigh of relief. The hustle of travel arrangements and having to leave Kenya on very short notice had finally come to an end. But my relief was short-lived after I settled in Bayreuth. I realized soon thereafter that I had to contend with certain realities that I had either

overestimated or underestimated before I travelled. Be it the difficult Deutsch language, strict drivers in the city buses, and the extreme winter; you name it. So I thought to myself, ‘I have joined the company of those fulfilling the prophesy of lonely journey of PhD studies’.

So it was a surprising turn of events when I was enjoying a snow-hike in the mountains only two months into the program. Back at the Campus, I got more familiar with the place and tasks. The diverse members of the Chair of African Legal Studies created the much-needed warmth in many ways. From making arrangements for getting an apartment in the city to arranging for other administrative issues such as townhall registration, bank-account opening and appointments at Rathaus II. A couple of colleagues at the Chair also made sure I knew major stores and places in the city in no time.

Prof. Dr Thoko Kaime, the Chairholder who supervises my PhD project, has been instrumental in allaying in grounding my academic thought processes. Through his experience in law in Africa, he has immensely contributed to developing my research idea and methods. So much so that when I look back at my original PhD outline, he thinks it belongs to the waste bin – the German blue recycling bin to be exact. Even then, I still look forward to periods of unlearning and re-learning under Prof. Thoko’s supervision.

As I zoom into the promising future, it is perhaps more soothing that I shall be going through this intense period alongside my other PhD colleagues. Personally, I look forward to slaying the dragon of ignorance, advancing my academic goals and contributing to the working of the Chair of African Legal Studies in best ways I can.

Ange Dorine Irakoze

Ms Ange Dorine Irakoze is a PhD Scholar at the University of Bayreuth. Her PhD thesis titles “The role of law in achieving sustainable development: a study of Burundi mining laws”.

After my contribution to last year’s TGCL bulletin, I am delighted to share my experiences for the field research I conducted in 2022.

From June to August 2022, I conducted my first field research in Burundi as part of the data collection for the PhD research. In fact, the current research attempts to examine how the normative framework of revenue generation, collection and distribution from extractive activities advances or drains the mineral resource towards achieving the sustainable development of the country.

Using a qualitative research method, I collected first-hand data through interviews with key informants from government departments, regulatory authorities, and private companies operating in the mining sector in Burundi. Given the highly sensitive nature of the research sector,

the data sought required a high level of trust between the researcher and the interviewees.

As such, I had to build trust by observing the ethical imperatives of the research. In addition, the fieldwork was a great opportunity to visit several libraries including the University of Burundi main library and the Ministry of Mines library, just to



name few. The fieldwork proved to be extremely fruitful and the data collected, shaped my ongoing writing process in a very significant way.

Petro Protas

Dr Petro Protas is the incumbent TGCL Coordinator and completed his PhD studies at the University of Dar es Salaam School of Law in 2022.

Just like all other journeys, a PhD journey has both a beginning and an end. Different scholars have different experiences with a PhD research journey. Others tend to start it and somehow disappear on the road and could not finish, while others with courage, resilience, discipline, commitment, and hardworking spirit do finish and achieve their PhD goals. Mine was not anyhow different from those who knew the key to success is hard work, discipline, resilience, persistence, commitment, and refusal to give up. If history is anything to go by, my PhD research journey started in November 2018 at the University of Dar es Salaam School of Law. I was

privileged to be among those who secured a PhD Scholarship from the German Academic Exchange Service (DAAD) through its in-country/in-region Scholarship Programme.

My PhD research majored in the assessment of the Tanzanian legal and institutional framework for the protection of refugee children affected by conflicts. The main idea of the research was based on the fact that conflict-induced refugee children constitute more than half of the entire refugee population in Tanzania but there have been fewer legal and institutional responses to address their specific protection needs.



Dr Petro Protas being awarded his PhD at the University of Dar es Salaam 52nd Graduation Ceremony.

I conducted this research under the supervision of Prof. Hamudi Ismail Majamba and Hon. Judge Dr Juliana Laurent Masabo. Their scholarly guidance has been key in supporting me through the entire journey. During this project, I was fortunate to meet great respondents who shared their views, feelings, and experiences

Stephen Makau

Mr Stephen Makau is an Adjunct Researcher and TGCL Alumnus pursuing his PhD at the University of Bayreuth.

I completed my LL.M. Studies at the University of Dar es Salaam School of Law (UDSoL) sponsored by the DAAD In-Country/In-Region Scholarship under the umbrella of TGCL. So much has happened since leaving the TGCL in October 2020. I briefly taught law at one of the private universities in Kenya, then enrolled for a thesis based MA programme at the University of Thessaloniki, Greece, finishing in August last year. The one year spent at the TGCL was one of the best moments ever. From the conducive environment at the campus to very nice and

on how best special protection needs for conflict-induced refugee children can be taken on board in the Tanzanian legal and institutional framework. Such respondents came from a wide spectrum of Government Institutions, United Nations Agencies, Non-Governmental Organizations, Private Legal Practitioners, and refugees (both adults and children) from the three refugee camps named Nduta, Nyarugusu, and Mtendeli in Tanzania.

Finally, my PhD research journey came to an end on 30 November 2022, when I was awarded a Degree of Doctor of Philosophy in Law from the University of Dar es Salaam. This research journey and academic achievement have taught me one major lesson, which is the realization of the fact that anything is achievable, only that we need to choose bigger goals from time to time and put all of ourselves in them.

approachable tutors including administrative staff made my academic life at the TGCL very interesting. I would like to take this precious opportunity to thank the then TGCL Coordinator Dr Benedict T. Mapunda, who in a humorous mode wanted me to enroll for my PhD studies at UDSM immediately after my Masters graduation. I jokingly told him that I needed to look for money and then come back after two or three years to begin my doctoral studies. Of course I had other plans. Dr Mapunda created a motivating atmosphere at TGCL making it so lively.

I am currently pursuing my Doctoral Studies with funds drawn from the DAAD Research Grants – Doctoral Programmes in Germany at the University of Bayreuth. I am specializing in International Environmental Law under the supervision of Prof. Dr Eva Lohse. Under her leadership, I am benefiting a lot from the wealth of information and opportunities she is availing to me so far to better my career. Also, I am currently an adjunct researcher at the Mediterranean Programme for International Environmental Law and Negotiation (MEPIELAN CENTRE), an international research and training Centre located at Panteion University in Athens, Greece.

Since my arrival in Bayreuth, other members of the Chair of Public Law have been beneficial and even volunteered to give a helping hand during the very first days when I was settling in Bayreuth. The orientation at the University of Bayreuth Graduate School, which is meant to prepare one psychologically for the rigorous PhD journey ahead, was quite insightful and also availed an opportunity for me to meet other doctoral researchers in other disciplines who come from East Africa. It also left to me feeling much calmer approaching my first day, and enabled me to re-position myself academically.

As a way of background, my encounter with DAAD began way back in the year 2018 when I

was pursuing a short post-graduate course. I then decided to apply for short-term funding for this course from DAAD for which I was successful. Ever since, my journey with DAAD all through my



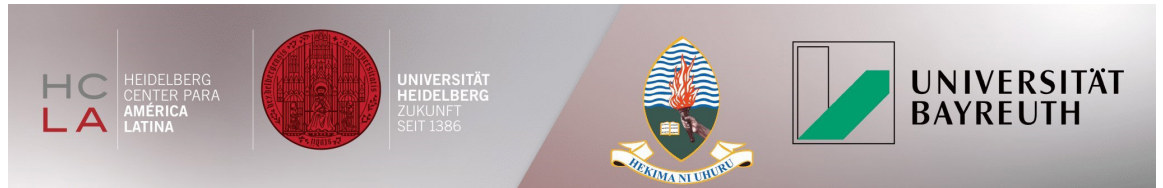
postgraduate studies has been a fulfilling one. In my opinion, the whole process of trying to get funding for postgraduate studies can really be nerve-wracking for many. Yes, it is true that getting admission/funding to any university to pursue postgraduate studies, be it a masters or a doctoral degree, can be challenging. But here is the thing, make the application relevant, show how you are a good fit, and say what you can bring to the project. Your enthusiasm should come across, no one likes misery guts. Highlight any previous experience that is particularly relevant. Any extra experience is always good, such as summer projects (funded or voluntary internship) – because it does show enthusiasm, initiative, and drive to succeed. The journey can sometimes be long and very demanding, but if one keys in the required effort and determination, then they are bound to win.

What is more, in academia, a grant, fellowship or even a scholarship is more than just money. It's a very valuable line for your CV. It tells you were better and more deserving than many other applicants. It tells a story and adds to your history as a scholar. Try as many opportunities as you can and be thorough. Shoot for your dreams!



CHILEAN-GERMAN-TANZANIAN LEGAL TALK SERIES

In the year 2022, the Chilean-German-Tanzanian Legal Talk Series sought to foster thoughtful debate and discussion of noteworthy legal issues. The organisation of the fifth and sixth episodes strengthened the talk's footprint and connected students and scholars with their counterparts of East Africa, Latin America, and Germany.



On **25 May 2022**, the fifth Legal Talk's discussions tried to tackle emerging issues related to "capital flight and tax evasion and how it can be addressed to achieve economic sustainable development".

Dr Felix Otieno Odhiambo, lecturer of Law at the Catholic University of Eastern Africa (CUEA), Nairobi, opened the floor with his presentation on "Domestic resources mobilization and the right to development in Kenya and Tanzania". He pointed out that capital flight in Kenya and Tanzania depletes domestic savings; reduces capital accumulation; drains government resources; and undermines provision of public services, which undermine both countries from mobilizing necessary resources needed for inclusive and equitable development. He recommended that governments have the responsibility to establish legal and other regulatory frameworks as well as accountable and transparent institutions to prevent the embezzlement of public resources which are the key driver for long-term growth.

In the second presentation, Prof. Dr Jorge Atria, Professor at the Department of Sociology, Diego Portales University, and associate researcher at Centre for Social Conflict and Cohesion Studies (COES), emphasized on the major role played by

stakeholders in capital flight. Through his topic titled "Legalism and Creativity: Tax Noncompliance in the Eyes of the Economic Elite", he stressed his concern of how economic elites do justify not paying taxes. This is attributed to legal loopholes, incentives and institutional problems, but also specific subjectivities, values and individual dispositions, discursive-social practices level and ideas on taxes shaped by the institutional context. He advised to adopt an approach based on institutions, discourses and social practices by regulating the tax havens, closing legal loopholes, enacting new international tax regulations, and creating stronger mechanisms of enforcement to avert the unequal treatment of capital and labour.

The last but not least presentation was given by Mr Isaac Abotebuno Akolgo, Junior Fellow at the Bayreuth International Graduate School of African Studies whereby he addressed the "Capital Flight and Sustainable Development as a Problem linked to foreign-dominated Banking Systems in Africa". He emphasized on the issue of real ownership of the foreign banks that is conceived as complex capital structure strategy which facilitates capital flight due to a weak regulatory system in the African banking systems. Indeed, the main goal for foreign banks is to

increase shareholding value and repatriate the profits. To counter this, he proposed to initiate statutory regulations regarding capital controls to know how much profits generated can leave the countries and, also Governments could put in place policies that incentivize tax reliefs for local ownership of the bank system with development agenda for the purpose of retaining the resources needed within the continent for economic growth.

On **2 November 2022**, the sixth CGT Legal Talk dealt with “Corporate Social Responsibility and responsible conduct”. The first speaker, Dr Daniel Shayo, Head of Department and a Senior Lecturer at the Department of Economic Law at the University of Dar es Salaam School of Law, presented on the topic titled “Corporate Responsibility to respect Human Rights: the Case Study of Tanzania and its perspective”. He observed that CSR in Tanzania is treated as a corporate philanthropy whereby companies provide social and public services by way of donations and giving back to the community rather than a commitment to protect and promote human rights. And this is due to the lack of general CSR law for all companies. Among his recommendations, he advised that the company law should be revised and come up with mandatory CSR reporting mechanisms coupled with strong institutional framework that will be responsible for promotion coordination, monitoring, evaluation and enforcement.

Prof. Dr Judith Schonsteiner, member of the Independent Expert Panel on the Selection of Commissioners and Judges in the Inter-American System, was the second to speak and shared the slow pace of “Chilean initiatives for obligatory standards of Human Rights for Enterprises”. She noted that Chilean companies have a traditional practice of CSR to deal with environmental is-

ssues rather than human rights emerging issues due to the lack of a comprehensive legal framework. This leaves room for certain violations of human rights by corporates in several sectors including the mining sector because of the need for energy transition, in agriculture due to the use of pesticide, in forestry for indigenous communities. She concluded by questioning whether a legal framework on CSR is the right way of dealing with CSR or soft measures are preferred to receive the same result.

The next speaker, Dr Christian Uhlmann, LL.M. (Cornell), senior research assistant and postdoctoral fellow at the Institute for Comparative Law, Conflict of Laws, and International Business Law at Heidelberg University at the Chair of Prof. Dr Kern, engaged the online audience on “Corporate Social Responsibility in Germany and the US: Fundamentals and Recent Trends”. Drawing from several US and German jurisprudence on the concept of shareholder value versus the stakeholder value, he indicated that private corporations are increasingly capitalized for public ends rather than corporate social responsibility actions due to the problem of enforcement of private law and its incentives. He, thus, suggested that the law could be clarified on actors who should be entrusted with the enforcement of CSR regulations.

The last speaker, Ms Veronika Thalhammer, Research Assistant and PhD Candidate at the Chair of Public Law, International and European Law under the Africa Multiple Cluster of Excellence unpacked the “Corporate Social Responsibility obligations within German Company Law with a special focus on the due diligence and reporting obligations under the Supply Chain Act”. She highlighted that the law applies specifically on German companies with more than 1.000 employees. Such companies are required to carry

out an ongoing due diligence process comprising of a risk analysis and risk management while foreseeing a complaint procedure, preventive and remedial measures, through an annual report. Nevertheless, Ms Thalhammer made a couple of critics that could inhibit the enforcement of such law including the lack of civil liability and the uncertainties regarding interpretation of the law.

The aforementioned legal talks were very informative and insightful with concrete proposed actions that governments could be inspired from to tackle the discussed issues, but also for further academic researches. All sessions can be viewed on the official YouTube channel of African Legal Studies (<https://www.youtube.com/channel/UCPyXXhjHGbE4PdC57mQhBhQ>).

(Ange Dorine Irakoze) ■

EVERYONE'S HUMAN RIGHTS DEBATE SERIES

The Chair of African Legal Studies hosted a diverse group of academics, practitioners, activists, and artists from a wide array of fields in a series of debates titled Everyone's Human Rights (EHR). The series featured these experts and engaged them in debates to tease out their views, work, experiences and their perceived solutions to the intractable human rights problems, specifically but not exclusive to child labour, human trafficking, and LGBTIQ+ rights. They shared best practices both in methods and interventions that have worked in addressing the problems from their field of work. As expected, the series accorded a platform for challenging participants to think outside the box about these human rights problems and offer solutions beyond what has been suggested and proposed by the existing legal frameworks.

Setting the tone for the event, Ms Habiba Osman, the Chief Executive Officer for Malawi Human Rights Commission shared how the Commission is working in addressing child protection issues in general. She highlighted that among the key interventions is the implementation of child protection projects through the Directorate for Children Rights within the Commission's Agenda. Furthermore, she highlighted that the Commission has carried out specific research across Malawi on how children and the vulnerable sectors of society are enjoying their rights. She reiterated that the child labour problem is rampant in the agriculture sector where children are involved in sorting tobacco leaves, applying fertiliser, herding livestock and

are often left to take care of their siblings as the parents invest more time on the farm.

Just as the Intractable Human Rights Project specifies, she shared that Malawi has a rich legal framework meant to address the problem but compounding challenges make it difficult to address the problem. Apart from the lack of awareness of the available legal solutions; limited resources to support the work in addressing the problem; lack of quality and adequate education facilities to contain children involved in child labour practices; the lack of coordination among players stands out as a barrier in addressing the problem.

In the second session of the debates, Desmond Mhango Executive Director for the Centre for Youth and Children’s Affairs (CEYCA), also serving as Chairperson of the Child Rights Coalition in Malawi, echoed that the coordination challenge in addressing the child labour problem undermines the strides that have been made at the grassroots. He pointed out that although the Coalition has tried in pulling stakeholders together, there are still problems in how the children repatriated from child labour practices are supported to either go back to school or find alternative sources of income for their everyday needs.

The sessions on human trafficking, whose teasing moments were ignited by Liza Moroney, Director at Expose HOPE, South Africa were later reinforced by a presentation by Prof. R.O. Iroanya, Professor of Security and Strategic Studies at the University of Namibia. The sessions highlighted the hidden forms of human trafficking in form of sex trafficking in South Africa. While painting a disheartening picture of how women and girls find themselves trafficked into the sex industry, the two presentation shared how grounded work by local organisations is helping in freeing women and girls from the bonds of such practices.

They further pointed out that non-conventional methods of dealing with the problem that goes beyond the provision of hot meals, sanitary pads, counselling, and follow-up sessions provide a way out for some victims. Again, the two debaters stressed that all efforts that are either done by local organisations, government and even individuals can be strengthened by coordination and resource sharing. They emphasised that small coordinated efforts are better than bigger projects that are not linked to the lived realities of the women and girls who find themselves trapped in trafficking situations.

Dr Stella Bosire, Executive Director of Africa Center for Gender and Health Systems Fund, and Pamela Adie, who is a filmmaker, artist, and Executive Director for Equality Hub Nigeria

Nigeria shared their grounded experience on issues around LGBTIQ+ rights. Such a contentious issue in an African context was articulated with less tension and finesse through the lived realities of the two debaters. Firstly, they shared that homophobic perceptions and practices are generally made worse due to the lack of legal frameworks to protect LGBTIQ+ persons against torture, cruelty, and inhumane and degrading treatment which predisposes LGBTIQ+ persons.

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EVERYONE'S HUMAN RIGHTS
"When the law is not enough: Tackling intractable problems of human rights - prospects for integrated approaches"

Child Labour

- 01** 26 October 2022
Habiba Osman
Chief Executive Officer,
Malawi Human Rights Commission
- 02** 03 November 2022
Desmond Mhango
Executive Director,
Centre of Youth and Children's Affairs, Malawi
- 03** 11 November 2022
Liza Moroney
Director,
expose HOPE, South Africa
- 04** 18 November 2022
Prof. R. O. Iroanya
Professor of Security and Strategic Studies,
University of Namibia
- 05** 23 November 2022
Dr. Stella Bosire
Co-Executive Director,
UHAI East African Sexual Health and Rights Initiative
- 06** 30 November 2022
Pamela Adie
Executive Director,
Equality Hub Nigeria

Human Trafficking

Most often, such tendencies and discriminatory practices are driven by some law enforcement agencies, religious leaders, public officers, and the media who express openly their rejection of homosexuality and anything to do with LGBTIQ+ rights.

Nevertheless, attitudes and perceptions of same-sex marriages and general issues around LGBTIQ+ rights have started shifting. Among others, the inclusion of same-sex variables in the housing and population census in Kenya; the registration of organisation working on LGBTIQ+ rights; as well as talking about LGBTIQ+ rights issues in the public domain are positive strides towards the realisation of the rights of all people regardless of their status. Furthermore, the involvement of the mainstream media and civil society organisations in addressing or challenging the government to decriminalise same-sex, providing an opportunity for activists to debate LGBTIQ+ rights. While celebrating the little rays of success

realized in selected pockets of society in the protection of LGBTIQ+ rights, the two guests further called upon more support from different sectors. They specifically resonated on the lack of tangible action from the government in addressing the problem serve for the rhetoric speeches that government officials deliver where they promise more action. Furthermore, while acknowledging that human rights violations in Africa are rampant, they were hast in pointing out the uniqueness of the LGBTIQ+ rights problem. While Dr Stella still banks hope on the use of the laws as one of the solutions in addressing the problem, Pamela Adie thinks that more social inclusion advocacy work and the right representation of the LGBTIQ+ rights community in the media could go a long way in promotion, protection and safeguarding the rights of people regardless of their status.

(Gift Mauluka) ■

NEWS FROM THE TGCL ALUMNI ASSOCIATION

The TGCL Alumni Association saw various events in 2022, the most important on certainly being the Leaders for Justice Workshop, attended by multiple TGCL Alumni.

The Leaders for Justice Workshop is a forum that takes place every two years, under the auspices of the Konrad Adenauer Foundation's Rule of Law Programme for Sub-Saharan Africa. This year, the workshop was held in person, for the first time since 2018, which was a welcome move seeing that the COVID-19 pandemic that hit the world in 2020 had forced the forum to move online. This year's workshop

was held in Arusha, United Republic of Tanzania between 29 August and 1 September 2022. It brought together a wide range of practitioners from Tanzania, Kenya, Uganda, Democratic Republic of Congo, Ghana and Nigeria. TGCL Alumni from Kenya, Tanzania and Uganda also participated in the workshop.

The theme of this year's workshop was "The Rule of Law & Security".

The keynote address at the start of the workshop was delivered by Dr Victoria Lihiru (TGCL Alumna) who spoke at length about 'Rethinking the Rule of Law & Security Institutions in Africa via Gender and Social Inclusion Lens.' The presentation set the tone for the rest of the workshop and invited a lively debate from the participants and the opportunity to compare the law and practice from the six nations represented at the workshop.

Presentations on day one of the workshop centered on Protection of Community Health and Safety in the South African Mining Sector; Security Measures in Mineral-Rich Areas; The Role of the East African Community in Safeguarding Physical Integrity and Freedom of Citizens of its Member State (presented by Magdalena Sylister, TGCL Alumna); the Role of MONUSCO in DRC; Legal Obligations within SADC to Strengthen Security of its Member States; The International Court of Justice on Impact of Security on the African Continent; Police Recruitment in Nigeria and Police Recruitment in Kenya.

The second day featured presentations by four TGCL Alumni. The presentations centered on Interdependence Between Access to Education, Equal Economic Chances & Security (by Gloria Kembabazi, TGCL Alumna); The Legal Framework for Women in the Police in Uganda (by Viola Nabawanda, TGCL Alumna); the Im-



Participants of the Leaders for Justice Workshop in Arusha.

portance of Female Representation in Legislation in Tanzania (by John Seka, TGCL Alumnus) and the Importance of Female Representation in Legislation in Kenya (by Naomi Gichuki, TGCL Alumna). The second day also saw the participants grouped into three different workshop groups that discussed State obligations to protect citizens and best practices to protect



Left to right: Victoria Lihiru, Gloria Kembabazi, Prof. Theresa Akhpogome, Naomi Gichuki, Viola Nabawanda, Magdalena Sylister.

freedom and physical integrity; instruments of international public law to ensure security and best practices to ensure regional security. The third workshop group deliberated on the role of women and best practices to ensure female representation in state activities.

The participants also toured the African Court on Human and Peoples Rights as well as the East African Court of Justice both headquartered in Arusha. At the EACJ, the team was warmly received by among others, TGCL Alumna Ms Nina Sokoine who is stationed there. The workshop was engaging, insightful and timely, and the Alumni remain grateful to Prof. Hartmut Haman who has been instrumental in organizing the Rule of Law forums and bringing on board TGCL Alumni from different years to be part of the process.

(Naomi Gichuki) ■

PUBLICATIONS

AFRICAN LEGAL STUDIES BLOG



For more than two years now, the African Legal Studies Blog publishes thought-provoking, in-depth articles and opinions pieces from students and scholars on key issues in African law, politics, and development. While it started by monthly changing focus topics, the blog updated its publication policy and accepts submissions on a rolling basis since November 2022. Additionally, we refocused on some of the main working areas of the Chair of African Legal Studies at the University of Bayreuth, mainly Human Rights, Environmental Law and Developments concerning Somalia. While this allows for a more continuous and specialised view on these topics, we are also more than happy to publish articles falling outside the scope of these focus.

Given the multitude of perspectives and ideas the blog wants to and does publish, the success

of the blog can to some extent only be guaranteed by the constant number of submissions handed in by current and former TGCL Students. For instance, this year, TGCL Alumnus Jan Maina Kamu reflected on “The Right to a Clean and Healthy Environment in Africa through the Lens of Regional Integration”. With their expertise in different country- and topic-related issues, these authors secure and strengthen the blog’s position as one of the guiding digital outlets on African legal issues.

Looking ahead, we are planning to intensify the ties with TGCL by offering workshops for interested authors and expand our team of contributors. In the meantime, all articles as well as our Calls for Papers are available online at <https://africanlegalstudies.blog/>.

(Max Zuber) ■

REIMAGINING AFRICA'S AGENDA 2063

Conversations around Africa's Agenda 2063 continue to kindle interesting discussions in a new era of climate change within sustainable development ideals. The intended inclusivity under the Agenda, intensifies as the diversity gap needs change over the years. With the Agenda 2063 in its 10th Year since 2013, the goal of inclusive sustainable development requires realignment within key agendas being targeted by REC's.

Sustainability and African REC's commitments on climate change

Africa's Agenda 2063 counts on RECs to deliver its vision of achieving an inclusive and sustainable socio-economic development. The need for effective treaties and tripartite agreements between countries coupled with empowered institutions provides the critical enabling ambience necessary to deliver an inclusive sustainable development. Interrogations whether

there is the right legal aptitude on key sustainability considerations such as climate change are inevitable. The 2022 Climate Change Conference commonly referred to as COP27 had a remarkable participation of African regional organizations and regional blocs. Climate change in Africa, stands out disproportionately as the

most vulnerable region in the world. Put differently, the impacts of climate change affect everyone, however, some groups and regions are more vulnerable especially low-income households, countries, Indigenous Peoples and other minorities. On a further continental deliberation, Africa and Asia, where agriculture production, food systems and livelihoods are especially vulnerable to climate variability and

extremes, contributes to risks of food insecurity, malnutrition and violations of the right to food.

For purposes of inclusiveness and climate change, climate change itself is not gender neutral and concepts such as climate intra-generational equity reconciles the disproportionate impacts of climate change. The high

and uneven burden carried by women and indigenous communities constitute 80 per cent of those displaced by climate change and such negative impacts of climate change require more than just REC's commitments to climate justice.

Climate litigation is now slowly gaining momen-

tum as a game-changer in some countries where litigants are increasingly compelling governments and corporate actors to implement their climate commitments through court interventions. However, even with such national strides, regional courts within Africa are yet to adjudicate climate change cases as key principles of sustainable development and in line with Agenda 2063.





TGCL Alumnus Jan Maina Kamau.

Regional institutions together with national governments must scale up and accelerate action to meet the Paris Agreement goals and limit the dire effects of climate change. Limiting these effects in line with the Paris Agreement, will require immediate significant strengthening and rapid implementation of existing both national and regional pledges made by the these regional blocs at COP 27 on climate commitments. Agenda 2063 is about exploiting regional potentials and strengthening cooperation in sustainability. Just like Treaties whose interpretation evolves from time to time to meet dynamic societal needs, sustainability as a Treaty concept should be treated as evolutionary over time to encompass climate protection.

The inclusive meter

The inclusivity that Agenda 2063 targets, is an ideal that also requires reassessment. 'Leaving no one behind' is a phrase we are now becoming more acquainted with, as a central commitment to the principle of Inclusivity. Inclusivity speaks of diversity and inclusion strategies that value the contribution of each individual and ensures

no one is locked out of opportunities from the start. Diversity in itself encompasses a multicultural mindset and overlooks any distinction including gender identity and sexual orientation.

With aspects of gender equality and intragenerational equity already gaining momentum across Africa on development, other facets of distinction still require deliberations. Scholars have in the past opined that it is paradoxical to state that we are leaving no one behind where else we are determined to leave behind the ones whom we have wrongfully imposed upon moral and culture judgments. With majority of African Countries still criminalizing same sex relationships, the whole idea of inclusivity behind Agenda 2063 is open to question.

An in-depth analysis of the legal and policy frameworks depicts inclusivity within the continent that is affixed on formal equality which does not suffice alone. Denoting that everyone is equal before the law as enshrined in Treaties and National laws across the continent does not wholly embrace inclusivity. Formal equality begets substantive equality. The inclusivity goal of achieving sustainable economic development of a people through an economic access and ambience should actively embrace pertinent principles of substantive equality. Such is an inclusivity that meets the test of time.

(Jan Maina Kamau) ■

TGCL IMPACT: THE REGIONAL ECONOMIC LAW FORUM

As states come together to explore opportunities in trade and investment, regional economic communities (RECs) such as the East African Community (EAC) are formed. These communities comprise a semi-autonomous legal system stemming from their founding treaties or the agreements on which they are compelled to operate. For the RECs to thrive, there must be continuous development and proper functionality of the legal system envisaged by the founding treaties or agreements. This entirely depends on the constant reliance on and compliance with the rules enshrined in those treaties or agreements (the rule of law). Within the EAC, the reliance on, development of, and compliance with the rules in the REC's legal system remains a significant challenge leaving institutions, practices, and values that make Community Law effective largely deficient.

The Regional Economic Law Forum (RELF) is a platform founded in 2022 by Juma Noah Omollo (Alumnus of the TGCL) with the support of Arcadia Advocates – a law firm based in Kampala-Uganda.



The forum spotlights the need of a Community Law dimension in legal discussions

and litigation practice at both the national and Community levels in achieving the reliance on, development of, and compliance with the rules in the EAC legal system. This is because litigation and discussions integrating Community Law dimensions are necessary to build active and compliant Community institutions and also serve to develop REC's legal system. It eliminates ambiguity and gaps in Community Law through constant scrutiny and striving for progressive interpretation and enforcement of the rules. Topical discussions also encourage research and enhance data collection and reporting on the implementation of Community Law. Fully aware of the role of litigation and well-tailored topical discussions in the success of regional integration law, the RELF will complement the legal measures within the realm of Community Law litigation that may be deployed to boost the implementation of Community Law in member states. Further, by encouraging topical discus-

sion and litigation on Community Law, the forum will build a strong and vibrant Community legal system that checks the excesses of states and individuals which may undermine efforts of regional economic integration. In the mind of the founders, organisers and conveners, there is need for hindsight to the importance of recognising that the efficacy of Community Law can be defined by the extent to which it is given effect in domestic processes and decision-making, and above all the extent to which it is enforced by national courts in cases of breach; in which case, such enforcement is currently negligible.

Methods

As part of its mutually inclusive methodology, the RELF will identify experts and convene research-based discussions on Community Law involving both technocrats, judicial officers, advocates, EAC citizens and legal experts in EAC Law.

Discussions and Conferences

These shall focus on the Laws of the East African Community. The conferences will be quarterly and will involve both virtual & physical attendance targeting over 500 participants with over 80 professionals from the EAC & EU in selected topical fields. The discussions will cover contemporary topical areas in relation to regional economic law. There shall be an annual apex conference on Regional Economic Law.

Experts Database

The RELF will bring together experts on Regional Economic Law and technocrats in crucial policy making positions in partner states. From this, the forum will develop a bank/database of experts on various topical questions on EAC Integration. The selection will be based on their research credentials and ability to articulate legal issues concerning Community Law.

Research for Litigation

The forum will also provide research assistance to all litigants and institutions in areas of Regional Economic law.

Conclusion

The importance of regional integration on unleashing East Africa's potential cannot be undermined. The success of Regional Economic

Integration is however complemented by the judicious use of law and litigation in managing the integration process and providing greater certainty as well as predictability in regional economic relations. Such certainty and predictability are essential for business decision-making, investment, and the effective protection of economic freedoms. The forum hopes to contribute to this journey aware that community law is the elixir which oils the wheels of regional integration. The forum will benefit community citizens, national and regional judiciaries, members of the various state bars, students of law generally and students of regional economic law, national and regional policy makers and entities involved in regional trade.

(Juma Noah Omollo) ■

TRIBUTE TO PROF. DR EM. KEEBET VON BENDA-BECKMANN (1946-2022)

The TGCL would like to pay homage to the late Prof. Dr em. Keebet Von Benda-Beckmann who was called to rest on 5 October 2022.

Prof. Keebet von Benda-Beckmann was a renowned scholar in the fields of legal anthropology, sociology of law and legal pluralism. She has taught, researched, and extensively published in such fields. On 17 February 2020, she presented a paper on the topic "Relational Social Theories and Legal Pluralism" in a round table discussion under the umbrella of the University of Bayreuth Cluster of Excellence Africa Multiple. On the same day, she participated in one of the mentoring groups under the Bayreuth International School of African Studies (BIGSAS) as an Associated Principal Investigator where she mentored Dr Veronica Buchumi (a TGCL Alumna) and Dr Florencia Kimario who successfully defended their PhDs in the year 2021 and are currently members of staff at the University of Dar es Salaam School of Law. Prof. von Benda-Beckmann was a former president and member of the executive body of the Commission on Legal Pluralism. She had also been an associate editor of the Journal of Legal Pluralism and had served in the editorial boards of several other journals. Her academic vigor, able leadership skills, kind mentorship to young scholars and willingness to nurture, facilitate and participate in knowledge production will forever be remembered.



NEWS FROM THE UNIVERSITY OF DAR ES SALAAM

SCHOOL OF LAW (UDSoL)

GRADUATION

Dr Petro Protas, the incumbent Coordinator in Dar es Salaam TGCL Office, successfully defended his PhD thesis on 16 August 2022 and was awarded his PhD degree at the University of Dar es Salaam 52nd Graduation Ceremony held on 30 November 2022 at Mlimani City Conference Hall in Dar es Salaam. His thesis ventured in assessing Tanzania's legal and institutional framework for protecting refugee children affected by conflicts.

National Electoral Commission (Tanzania) since 27 September 2021.

Prof. Emeritus Issa Shivji was elected a Corresponding Fellow by the British Academy from the year 2022. He extends his renowned work in research and publication in the theme of 'Public law in its socio-economic and historical context: Critical political economy of the agrarian question in Africa; thought and Politics of Julius Kambarage Nyerere, Tanzania's independence leader and first president.'

APPOINTMENTS

The UDSoL has received the following appointments in 2022:

On 6 August 2022, the President of the United Republic of Tanzania appointed two members of staff from the University of Dar es Salaam School of Law to the positions of Judges of the High Court of Tanzania. The appointments involved **Hon. Judge Dr Cleophas K. K. Morris** who before this appointment was a Lecturer at the University of Dar es Salaam School of Law and the Head of the Department of Private Law since 15 November 2021. Another appointee was **Hon. Judge Asina A. Omari** who was an Assistant Lecturer at the Department of Private Law of and Chairperson of the School's Legal Aid Committee. At the same time, she was serving her second term in another presidential appointed position of the Commissioner in the National

Prof. Bonaventure Rutinwa of the Department of Private Law at the School was re-appointed by the University of Dar es Salaam Chancellor to serve in the position of Deputy Vice Chancellor-Academic for the 2021/2022 to 2024/2025 Triennium with effect from 1 December 2021. Prof. Rutinwa has served in this position since December 2017.

Dr Veronica Buchumi and **Mr Ulimboka Mwasomola** were appointed Chairperson and Deputy Chairperson respectively of the Legal Aid Committee with effect from 6 August 2022. The two replace Ms Asina A. Omari who was appointed Judge of the High Court of Tanzania.

Dr Francis Sabby was appointed Acting Head of Private Law Department with effect from 15 August 2022. Dr Sabby replaced Dr Cleophas K. K. Morris who was appointed Judge of the High Court of Tanzania.

NEWS FROM THE CHAIR OF AFRICAN LEGAL STUDIES AT THE UNIVERSITY OF BAYREUTH

In 2022, beyond the Everyone's Human Rights Debate Series (pp. 22-24), many other exciting projects were carried out at the Chair of African Legal Studies.

International Legal Studies

In the summer semester of 2022, the new additional course for lawyers "International Legal Studies" started, after a long and intensive development phase by the Chair. The programme offers students the unique opportunity to acquire a comprehensive and practice-oriented education



and to get to know other countries and their legal systems. Based on the internationalisation focus of the University of Bayreuth, the programme aims to expand knowledge and understanding of various areas of international law, whereby students can focus on either Comparative Law, Economic and Business Law or African Perspectives and the Law. Now already in the second semester, the programme has started successfully and also already a first graduate.

Intractable Problems of Human Rights

The research project "When the Law is not enough: Intractable Problems of Human Rights" focuses on child labour, human trafficking and LGBTIQ+ rights convened the second session of their Advanced Methods Lab at the Confucius Institute at Rhodes University, South Africa. The Lab covered a diverse range of topics including empirical and socio-legal methods, research with and among vulnerable communities and philosophical approaches.

The Lab was delivered by seasoned experts who deploy these methods in their ongoing research. This hybrid meeting was attended by both ex-

perienced and early-career researchers. Furthermore, the project team conducted a stakeholder meeting with the office of the Mayor of Makana Municipality - Yandiswa Vara where Councillor Mkhwentsha, who also serves as the Mayor's adviser on political affairs, represented the Mayor. While acknowledging that the intractable problems are widespread in his ward and very prominent in the outskirts, Councillor Mkhwenstha expressed that the project is timely



Participants of the second session of the Advanced Methods Lab at Rhodes University.

and offers an opportunity for further collaboration in tackling the social problems between the government and academia.

Chair Activities and Academic Year

A new and interesting task for the Chair this year was that German courts commissioned the Chair to write several judicial opinions. These expert opinions dealt with issues in which knowledge on African legal systems was relevant and concerned various areas of law such as family and inheritance law in different African legal systems as well as private international law.

insight into its work.

As always, the teaching team has worked tirelessly this year to provide students with exciting and educational lectures and seminars around Environmental Law and Human Rights in Africa as well as Contract, Tort, Common and Public International Law. The Chair also hosted seminars on Climate Justice and Key Issues in African Law.



Portraits of the team members of the Chair of African Legal Studies at the University of Bayreuth.

Another project was the further development of the African Legal Studies Blog. The Blog is edited and managed by the Chair, provides insights into current research projects of the Chair, and publishes articles by various scholars and TGCL Students and Alumni on the topics of politics, law and development in Africa. In the future, the blog will focus more intensively on the issues of intractable problems of human rights, environmental law, and developments in Somalia. This reflects the current research focus of the Chair and thus offers the possibility to get a closer

One of the best moments for the team of the Chair was certainly the team weekend that we were able to spend together in "Franconian Switzerland" in June. On two days, besides hiking and a barbecue, we were able to discuss the development of the Chair in a relaxed atmosphere and develop new ideas.

A big thank you to everyone in this wonderful team of the Chair who has continuously contributed to the success of these exciting projects, and to those who have guided and supported us throughout the year.

Cooperation with SIMAD University, Somalia

For the past months, the Chair of African Legal Studies has worked on establishing strong connections between our University and actors in government and the academy in the Federal Republic of Somalia. Firstly, we have established a productive collaboration with SIMAD

University in Mogadishu which is the leading University in terms of research and outreach in Somalia. The institution has made it a priority to empower young people in all situations of life, especially women. The collaboration comprises joint teaching and research activities.

For instance, since this winter term 2022/23 SIMAD Law Students participate in our courses online and we are currently working on the possibility to fully integrate all courses into their law programme. Additionally, we have managed to launch the Asli Ahmed Award on our African Legal Studies Blog which rewards outstanding articles by Somali Scholars around legal developments in the Federal Republic of Somalia.



In October 2022, a delegation from the Somali Government visited the University of Bayreuth and the Chair of African Legal Studies. This helped strengthen the cooperation between the institutions.

Secondly, we have signed a Memorandum of Understanding with the Ministry of Justice and Constitutional Affairs in September 2022 to support the upcoming constitutional review of Somalia's

current provisional Constitution in various ways. Since its entry into force in 2012, the provisional Constitution has provided a framework for governance and shaping statehood in Somalia. It sets out the basic structure of the state and its institutions. However, the provisional Constitution comes with a number of weaknesses, such as the lack of a precise distribution of powers and

responsibilities between the federal states and the federal government. Overall, the basic ideas of the provisional Constitution of political parties, territorial constituencies and an effective check and balances system have not been achieved. In the past, this has led to coordination issues and even open conflicts. The absence or dysfunctionality of certain safeguarding mechanisms, such as a stable and reliable constitutional jurisdiction and, with regard to the acceptance of the population, the absence of functioning guarantees of justice, have caused the provisions of the Constitution to run into the void in many areas. In view of these challenges, the new presidency under Hassan Sheikh Mohamoud has set out to initiate a constitutional review to address the current weaknesses of the Constitution.

This process will be based on Article 137 of the provisional Constitution, which provides for a referendum at the end of such a review process. Additionally, this includes an agreement on the structure of federalism as well as safeguarding laws, such as the revision of the electoral law and the creation of a Federal Constitutional Court Act. We strongly believe that this project does not only further enhance our internationalisation strategy but can contribute to the TGCL agenda in the long run.

(Antonia Friedle, Gift Mauluka, Isabelle Zundel) ■



Prof. Kaime and his team meet SIMAD University Delegates in Mogadishu.



SIMAD University Rector Dr Dahir Hassan Abdi presenting Prof. Kaime with a Memorandum of Understanding between SIMAD and Bayreuth.

INTERN AT THE CHAIR OF AFRICAN LEGAL STUDIES

In 2022, the Chair of African Legal Studies hosted Ms Katharina von Busch for her internship in her study programme in international law. Ms von Busch supported the Chair's processes and project sand now reflects on her experiences and involvements in Bayreuth.

In September and October this year, I had the honour of spending four weeks as the first intern at the Chair of African Legal Studies at the University of Bayreuth. Currently, I am studying political science and law in Münster and am currently based in Berlin. As part of an additional certificate in international law, I have to complete an internship, which is usually conducted abroad. Many of my fellow students have therefore spent time in law firms in New York, London or Dublin.

So why Bayreuth?

The choice may seem a little unusual, but it made perfect sense to me. During my studies, I specialised mainly in constitutional law and international human rights protection, with an additional focus on global environmental policy and a strong interest in African legal systems. Therefore, it was very beneficial for me to support the Chair in teaching and research for four weeks. A particularly exciting part of my time at the Chair was the work on the Somali constitutional reform project. I knew little in advance about the political and constitutional situation in the country and accordingly learned a lot by doing research assignments. In addition, through the project we were able to welcome a delegation from the Somali government to the University of Bayreuth, which was very exciting. But

also other, probably a bit more mundane tasks like preparing course material helped me understand the Chair's work a lot better. Eventually, it was quite interesting to observe the Chair and the campus in general come to life again during the first week of teaching, which also happened to be my last few days in Bayreuth, as I had only experienced the sort of toned down version during the semester break.

Even though my brief move from Berlin to Bayreuth was quite a change of environment, I quickly settled in. I felt very comfortable and welcome at the Chair from the very beginning and experienced a close-knit, almost-family atmosphere. Compared to the stereotype of a Chair at a German law faculty, I was very pleasantly surprised. Not only because of that, four weeks were definitely too short and I am looking forward to staying in touch with the Chair and its diverse, exciting work in the future. Thank you for this great opportunity and see you soon!

(Katharina von Busch) ■





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The Tanzanian-German Centre for Eastern African Legal Studies (TGCL) offers aspiring lawyers and law students a structured LL.M. 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).

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