

TGCL

Tanzanian-German Centre for
Eastern African Legal Studies

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

TGCL bulletin 2016

BULLETIN 2016

*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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www.tgcl.uni-bayreuth.de

CONTACT

TGCL
University of Dar es Salaam
School of Law
PO Box 35093
Dar es Salaam, Tanzania
tel +255 22 278 1422
mapundabt@yahoo.com

TGCL

University of Bayreuth
95440 Bayreuth, Germany
tel +49 921 55-4328
carolin.herzog@uni-bayreuth.de

EDITORIAL BOARD

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EDITORIAL

DEAR READER,

The role of the Tanzanian-German Centre for Eastern African Legal Studies (TGCL) as an East African think-tank in the field of legal integration and harmonisation in Regional Economic Communities was further consolidated through a variety of activities during the academic year under review.

The TGCL students had the opportunity to visit the seats of two Regional Economic Communities (RECs), first that of the East African Community (EAC) in Arusha, Tanzania, during the TGCL study trip in March 2016, and second that of the European Union (EU) in Brussels, Belgium, within the TGCL Autumn University in September 2016. This gave the students the opportunity to compare the two RECs on the basis of their own, first-hand information. A solid academic background for this had already been provided through courses and seminars on regional integration law, EAC law and EU law.

Similarly, a comparative approach to the law of RECs was the central issue in an advanced legal training seminar. This was organised by the TGCL and the University of Dar es Salaam School of Law in March 2016 for both practising lawyers and academics. Apart from the EAC and the EU, other RECs in Africa and beyond were covered by the four resource persons, who were able to present the specific national perspectives of different member states.

The commitment and enthusiasm shown in these and other activities by students, academics and practitioners are an encouraging basis for the TGCL's sustainability and its promising future role in the Eastern African region. More details can be found in the following pages. I wish you an enjoyable read.



A handwritten signature in black ink that reads "Ulrike Wanitzek".

Prof. Ulrike Wanitzek
TGCL Project Leader



The 2015 LLM and PhD students eagerly looking forward to their study programme.

TGCL STUDY PROGRAMME 2015/2016

The academic year for the 2015/2016 TGCL LLM students started on 31 October 2015. This was only six days after the Tanzanian General Election of 2015. Our group, with students originating from all the six Partner States of the East African Community, therefore witnessed an important political period in one of these states.

In the course of the academic year, four core courses and three optional courses, from which students were required to choose two, were attended by the LLM class. Therefore, each student attended a total of six courses and thus, according to the Tanzania Commission for Universities, met the required 180 credits in order to graduate as master of laws in Tanzania. The core courses were East African Community Law, Law of Economic Integration, a Graduate Research Seminar and a dissertation while the optional courses were Refugee Law, Citizenship Law and Human Rights Law.

Apart from these University courses, students had the opportunity to benefit from several additional programme components. One of them was the course on 'German as a Foreign Language'. Other components included seminars on Transferable Academic Skills held by Professor Bart Rwezaura in November 2015, and on Transferable Professional Skills held from November 2015 to June 2016 by Retired Justice of Ap-

peal and TGCL Student Adviser, Dr Steven J. Bwana. A TGCL Postgraduate Students Research Seminar was held on 9 and 10 May 2016 by Dr Tomasz Milej. Professor David Stadelmann of the Faculty of Law, Business and Economics, University of Bayreuth (Germany), conducted a seminar on Economic Analysis and Policy on 25 August 2016.

In March 2016, the group paid a visit to the headquarters of the Prevention and Combating of Corruption Bureau (PCCB) in Dar es Salaam and learned how the bureau executes the duty of fighting corruption in the country, including the challenges faced and the success achieved. Of special interest was a presentation by Mr Valentino Mlowola, the Director General of the PCCB, on how the bureau cooperates with other countries within the East African Community, the Commonwealth, the African Union and the United Nations in the fight against corruption.

(Petro Protas) ■

2015 LLM AND PHD STUDENTS & DISSERTATIONS

DOREEN AINEMBABAZI (UGANDA)



Limitations to the Free Movement of Labour in the East African Community: An Analysis of Uganda's Commitment to the Common Market Protocol

Supervisor: Dr T. Milej

MOHAMMED RUKIDI MPUGA (UGANDA)



Refugee Law and Policy in Uganda and Tanzania: Implications for the EAC Political Federation

Supervisor: Dr E. Longopa

EDWIN PANTALEO BILIKUNDI (TANZANIA)



Women's Land Rights in Moshi Rural District

Supervisor: Prof. G. M. Fimbo

ESTHER MWAKA MUPE (KENYA)



The Efficacy of the Principle of Non-Refoulement in Light of Counter-Terrorism: A Case Study of Kenya

Supervisor: Dr J. Masabo

ELLA LISETTE IRADUKUNDA (BURUNDI)



Limitations to Freedom of the Press in Burundi in Time of Crisis: Challenges and Effects

Supervisor: Dr E. Longopa

TERESIAH MUTHONI (KENYA)



Legal Representation in Civil Litigation for Indigent Litigants in East Africa: A Case of the Kenyan Judicial System

Supervisor: Prof. N. N. Nditi

MARION KYOBURUNGI (UGANDA)



The Role of Legal Knowledge in Combating Child Abuse in the East African Community: The Case of Uganda

Supervisor: Prof. L. P. Shaidi

STELLA NAKWANYI NALWOGA (UGANDA)



Effectiveness of Sectoral Legislations and Regulators in Controlling Anticompetitive Practices in the Insurance Industry in Uganda and Kenya

Supervisor: Prof. N. N. Nditi

FLEMING OMONDI LUMUMBA (KENYA)



The State of Implementation of the East African Community Protocol on the Customs Union by Kenya and Tanzania

Supervisor: Prof. K. C. Kamanga

STEPHEN NELSON (SOUTH SUDAN)



Promoting Rule of Law in the Republic of South Sudan: Analysing the Challenges to the Right to Life

Supervisor: Dr S. F. Materu

THEOPHILE NTAMAKIRO (RWANDA)

Combating Smuggling of Goods:
A Case Study of Rwanda

Supervisor: Dr T. Milej

PROVIA AKINYI ODHIAMBO (KENYA)

The Role of Competition Law in
Regulating the Railway Sector
in Kenya: A Case Study of the
Standard Gauge Railway Project

Supervisor: Dr B. Kanyabuhinya

PATRICK DIDIER NUKURI (BURUNDI)

Promoting Governments' Ac-
countability in the EAC: A Case
Study of Burundi

Supervisor: Dr S. Mwakaje

PETRO PROTAS (TANZANIA)

Legal Challenges Relating to Mul-
timodal Transport in East Africa:
A Case Study of Tanzania and
Rwanda

Supervisor: Prof. A. M. Mapunda

CHARITY NYOMBE (SOUTH SUDAN)

Upholding the Principle of Judi-
cial Independence in the Repub-
lic of South Sudan: Challenges
and Prospects

Supervisor: Prof. J. L. Kanywanyi

EVELYN HAPPY KATONO (UGANDA)

Protection of Refugees' Right to
Work in East Africa: Case Study
of Uganda (PhD)

Supervisor: Prof. H. I. Majamba

The Student Representative for the academic year 2015/2016 is Mr Petro Protas.

SEMINAR ON REGIONAL COMPETITION LAW ENFORCEMENT

A seminar entitled 'Key Issues in Regional Competition Law Enforcement in East Africa' took place on 6 April 2016 at the University of Dar es Salaam School of Law, organised by Dr habil. Tomasz Milej. The speakers were Prof. Simon

Roberts (Centre for Competition, Regulation and Economic Development, University of Johannesburg), Dr Onesmo Kyauke (University of Dar es Salaam School of Law) and Ms Faith Othiambo (University of Nairobi, Faculty of Law). ■



The new TGCL library on Mikocheni Campus provides a calm and spacious working environment.

TGCL'S MOVE TO MIKOCHENI CAMPUS

At the beginning of 2016, the TGCL moved from the main campus of the University of Dar es Salaam to Mikocheni campus, along Bima Road, which is a few kilometres east of the main campus in the Mikocheni area. Mikocheni campus is situated at the former National Insurance College (NIC), also known as Bima (the Kiswahili word for insurance). With this move, the TGCL joined the Taught LLM programmes of the University of Dar es Salaam School of Law with the intention of partially participating in these programmes. They include the Taught LLM in Corporate and Commercial Law, Taxation, Procedural Law and International Legal Practice, and Migration and Refugee Law.

The campus is spacious with a calm atmosphere that assures students maximum concentration. The TGCL building is in the centre of the campus. It contains the TGCL Library with up-to-date reference works and access to a legal database, providing work places for students and visiting

researchers. The offices of the TGCL Coordinator and his staff are located in the same building, with additional offices for research project staff located in the neighbouring building. The teaching block contains a lecture room especially available for TGCL courses and other events. Prior to moving to this campus, TGCL conducted intensive renovation work in order to be able to run its daily activities comfortably. Student accommodation is available in a building close to the TGCL office, which is especially helpful for the international TGCL students.

The 2016 move to Mikocheni opened a new chapter in TGCL operations. Our students, both national and foreign, are studying in a more comfortable environment. There is a commodious library. Our staff members have ample office space. And our visitors and researchers will find work stations ready for them!

(Goodluck Temu) ■



STUDY TRIP TO ARUSHA (7-11 MARCH 2016)

View of Mt Meru from the roof terrace of Jevas Hotel, Arusha.

The TGCL Study Trip in March 2016 led the students to Arusha, the seat of the East African Community (EAC) and other legal institutions of international importance. Fifteen TGCL students were accompanied by TGCL Student Adviser Hon. Judge (rtd) Dr Steven Bwana, TGCL Manager Mr Johannes Döveling, and the TGCL Assistant Coordinators, Mr Goodluck Temu and Mr Antidius Kaitu. The group had the pleasure of meeting two TGCL Alumni stationed in Arusha, Ms Nina Sokoine and Ms Magdalena Sylister; and Mr Selemani Kinyunyuu, a PhD candidate from our sister centre, the South African-German Centre for Transnational Criminal Justice, who was doing research at the African Court on Human and Peoples' Rights at the time of our visit.

EAC SECRETARIAT

Our first visit was to the EAC Secretariat, where we met Ms Damaris Wambui of the EAC communications department. She took us through the historical development and organisational structure of the EAC. The functions of the EAC Secretariat as the executive organ of the Community are set out in Article 71 of the EAC Treaty. The Secretariat's main role is to oversee the day-to-day implementation of the Treaty, and the Community projects.

Challenges faced by the Secretariat in the course of implementing the Treaty include an over-reliance on donor funding which amounts to 60% of the EAC budget. Moreover, the contributions paid by the Partner States are often delayed and some Partner States are in arrears. In other words, the Partner States do not seem to prioritise the needs of the EAC. Another challenge is the lack of awareness of citizens in the Partner States concerning what the EAC is all about: the Secretariat needs to invest more in training and



TGCL students Mr Fleming Omondi Lumumba, Ms Stella Nakwanyai Nalwoga and Mr Mohamed Rukidi Mpuga (from left to right) in the library of the East African Court of Justice.

involving people at the grassroots – activities which require personnel and funds.

Issues raised by the students included the prospects of South Sudan’s participation in the Community, considering the critical human rights situation in that country. Ms Wambui described the consultative process following South Sudan’s application to be a Partner State, which took several years and went through all the stages, and which finally ended with the recent approval by the Summit of South Sudan’s application for membership.

GIZ OFFICE IN ARUSHA

At the office of the German Corporation for International Cooperation (in German: Gesellschaft für Internationale Zusammenarbeit – GIZ), we were welcomed by Mr Bernd Multhaupt, the programme manager of the EAC-GIZ cooperation programme. He informed us that Germany has been supporting the EAC since its beginning. This includes support in the mobility of goods, services and workers within the EAC and preparation for the common tax system and macro-economic convergence. He informed us about

GIZ’s participation in training courses and workshops during the last three years, which improved media coverage of matters concerning EAC integration. However, there is still little success regarding the media’s proactive role in integration within the community. GIZ was also involved in the training of customs officers, and it has built a consultative framework in which civil society and the private sector in the region are enabled to participate in integration matters.

EAST AFRICAN COURT OF JUSTICE

We next visited the East African Court of Justice (EACJ), where we were received by Ms Nina Sokoine, a TGCL Alumna (graduated 2013) who currently works as a research assistant at the court. She showed us the library and introduced us to the court clerk, Mr Boniface Namuru Ogoti, who informed the visitors about an ongoing matter in the court. The applicant in this case was the East Africa Law Society (EALS) according to whom the addition of sub-article 2 to article 30 of the EAC Treaty is incompatible with the Treaty. This sub-article reduces the period for filing a suit because of an asserted violation of the Treaty to two months after the coming into force of the legal act in question. According to the applicant, this represents a grave limitation of citizens’ access to the EACJ. For a short period we had the opportunity to attend the Scheduling Conference, in which the controversial issues of the case were determined.

The President of the court, His Lordship Dr Emmanuel Ugirashebuja, formerly Dean of the University of Rwanda School of Law, who had held

seminars at the TGCL in the past, told us that he was glad to be associated with the TGCL. He briefed us on the composition of the court and its role with regard to conflict resolution which is of highest importance to ensure the success of the EAC integration process. He took us through some of the landmark decisions of the court, including the cases of *Henry Kyarimpa*, *James Katabazi*, *Plaxeda Rugumba* and *Peter Anyang' Nyong'o*.

Mr Ogoti then briefed us on the development of the procedural rules of the court. The first version of the EACJ Rules of Procedure of 2004 was amended in 2007 after the change of the EAC Treaty following the court's decision in the case of *Peter Anyang' Nyong'o*, and again in 2013 when court fees were abolished.



EAST AFRICA LAW SOCIETY

At the East Africa Law Society (EALS), we were warmly greeted by a high-profile welcoming committee. Ms Brenda Dosio, the acting Programme Officer (Legal and Policy Analysis) of EALS, introduced her colleagues, Mr Tito Byenkya, Chief Executive Officer (CEO) of EALS, Professor Fredrick E. Ssempebwa, former EALS President (2002-2004), and Mr Humphrey Joseph Mtuy, Programme Assistant (Public Interest Advocacy and Regional Integration).

From Ms Dosio's overview we learned that EALS was founded in 1995, aiming at "the professional development of its members as well as promotion of constitutionalism, democracy and good governance, the rule of law and the advancement, promotion and protection of human rights of all people in East Africa and beyond". EALS is a double membership professional organisation comprising six law societies and their members (Burundi Bar Association, Law Society of Kenya, Rwanda Bar Association, Tanganyika Law Society, Uganda Law Society and Zanzibar Law Society). As most of the TGCL students are practising advocates, they are members of EALS.

The organisation is managed on three levels. The first is the general assembly which meets annually; the second is the governing council composed of lawyers elected by their peers; and the last is the secretariat headed by a CEO. Management of the organisation is assured by members from all national bar associations on a two-year rotation basis. EALS relies on the contributions of its members (50 USD per advocate/year) and support by other organisations.

The floor was then given to Professor Ssempebwa for a presentation of EALS achievements and prospects. EALS is a strong institution which is very active in various domains like monitoring elections in EAC Partner States, ensuring the implementation of human rights and supporting the regional integration process. EALS is the most important legal professional institution in the EAC.

Regional integration is at the core of the organisation. EALS contributed to pushing the Treaty for the Establishment of the EAC, and holds EAC observer status. It publishes a journal of EAC law, holds seminars to train its members on EAC law and is the main litigator at the East African

TGCL students Ms Esther Mwaka Mupe and Mr Patrick Didier Nukuri perusing texts in the East African Court of Justice library.

Court of Justice. EALS has in the past formulated draft legislation for the consideration of the East African Legislative Assembly, and offered legal input at EALA meetings.

One of the main focuses of EALS is advocacy through public interest litigation in the EACJ. Professor Ssempebwa highlighted the fact that many EAC lawyers don't know about the EACJ and its procedures. They don't bring matters concerning the Common Market, Customs Union or Common External Tariffs to the court.

EALS is strongly committed to respect for the rule of law in the Community. It has often filed petitions to the EAC secretariat. It has also sent high-profile delegations to Partner States to advocate for the rule of law, the latest being the delegation sent to the Burundian President in connection with his unconstitutional third term of office. In addition, EALS issues press releases whenever its voice needs to be heard, for example condemning mass violations of human rights occurring in an EAC Partner State.

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

During our visit to the African Court on Human and Peoples' Rights (ACHPR), we were able to attend the celebration of the ACHPR's 10th anniversary of its inception in 2006. We were given an overview of the ACHPR, including its functions and general structure. ACHPR was founded in 2006, following ratification of the "Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights". It was interesting to learn that to date only thirty African states have ratified this Protocol, which implies that only thirty states have the right to invoke the jurisdiction of the ACHPR.

Unlike the European Court of Human Rights (ECHR), the ACHPR does not grant individuals the right to invoke its jurisdiction in their individual capacity. In essence, therefore, the right to ap-

proach the court is limited to the African Commission on Human and Peoples' Rights, member states and intergovernmental organisations from member states. The right of individuals to invoke the ACHPR's jurisdiction is subject to member states making a declaration to that effect. So far, only eight member states have made such a declaration. Encouraging to note is the level of commitment by the ACHPR in urging its members to make it possible for individuals to directly access the ACHPR.

With regard to manpower, the ACHPR has eleven judges who are nationals of member states, supported by other staff members in various capacities. It has four sessions per year. Since its establishment, the ACHPR has successfully concluded a number of human rights cases. Some of them were landmark cases which form a rich source of jurisprudence for African judiciaries and academia.

Surprisingly, there is a lack of awareness and understanding of the ACHPR and ignorance concerning its functions. Because of this lack of awareness, very few cases are brought before the ACPHR, notwithstanding the large scale of human rights abuses in member states. Apart from the challenge of lack of awareness, non-compliance with judgements is yet another obstacle to the efficiency of ACHPR. It is important to point out that ACHPR operates in such a way that once it delivers its judgements, it is incumbent upon member states to ensure compliance. Ensuring compliance depends on the goodwill of the member states. With no compelling factor or legally binding obligation, the ACHPR remains at the mercy of the member states.

Last but not least, African states are keen on putting into place an African Court of Justice (ACJ) similar to the European Court of Justice (ECJ). This is intended to be achieved through the transitioning of the ACHPR into the ACJ. This would be a milestone in the African judicial framework. It is worth acknowledging that the ACHPR is a step in the right direction, indicating the com-



Mr Patrick Didier Nukuri thanking Dr Emmanuel Ugirashebuja, the President of the East African Court of Justice (EACJ), on behalf of the TGCL group for his very informative presentation of the functions of the EACJ.

mitment of African countries to the upholding of human rights and the rule of law. However, the objective of establishing an ACJ can only be achieved if a good number of African states ratify the treaty establishing the ACJ. So far only fifteen countries have done this, which is not yet sufficient. Thus, there is a need to encourage more African countries to accede to the treaty establishing the ACJ.

CULTURAL PROGRAMME

We were able to visit the Masai Museum in Arusha, a mythological village in which Masai showed us their different social, economic and cultural traditions. We then visited the nearby Snakes and Crocodiles Park. Our programme was rounded off by a visit to the Ngorongoro Conservation Area, a UNESCO World Heritage Site. This site is unique because human beings and wild animals live together in harmony. It is one of the largest craters or calderas in the world, with the distinct feature of not being filled

by water. During the tour, we saw wild animals, such as lions, elephants, giraffes, rhinoceroses, buffaloes, wildebeests, antelopes, many different birds, and the unique salt lake at the centre of the caldera. Our attention was captured by the distinctive life of elephants. The tour guide told us that elephants in Ngorongoro Crater know where to go and die when their time to live in the world has lapsed. He took us to the place called "elephants' grave" where we saw numerous bones of dead elephants.

The trip to this site was very interesting because it showed us how rich our region is in terms of natural resources. Some students even said they would like to use their legal knowledge to support the governance of these natural resources for the betterment of the people of East Africa and mankind in general.

(Doreen Ainembabazi, Edwin Pantaleo Bilikundi, Johannes Döveling, Ella Lisette Iradukunda, Evelyn Happy Katono, Esther Mwaka Mupe, Teresiah Muthoni, Theophile Ntamakiro, Patrick-Didier Nukuri, Provia Odhiambo, Petro Protas) ■

TGCL SEMINAR ON EAST AFRICAN COMMUNITY LAW AND COMPARATIVE REGIONAL INTEGRATION LAW

Dr Benedict T. Mapunda, TGCL Coordinator (left), making introductory remarks after the official opening of the seminar by Prof. David Mfinanga, Deputy Vice-Chancellor (Administration) of the University of Dar es Salaam (second from left). Next to him are Dr Juliana Masabo, Associate Dean, University of Dar es Salaam School of Law, and Mr Johannes Döveling, TGCL Manager.



This seminar provided an advanced training for practising lawyers, staff of law faculties and members of other legal institutions in East Africa who are interested in East African Community (EAC) law and regional integration. The seminar was organised by the University of Dar es Salaam School of Law and the Tanzanian-German Centre for Eastern African Legal Studies (TGCL) from 14-16 March 2016 at Giraffe Ocean View Hotel, Dar es Salaam.

Considering the increasing relevance of EAC law for legal practice, and for the work of the judiciary and various administrative institutions, it is important for practising lawyers and for teachers and researchers in law to have a solid knowledge of EAC law and of the law on regional integration. The seminar provided valuable information on how EAC law works in practice, with some comparative consideration of the European Union (EU) and other regional economic communities in Africa, such as SADC, COMESA and ECOWAS. This was complemented by the experiences of Tanzania, the host country of the seminar, on the law relating to regional integration.

The seminar focused on six broad topics, namely the relationship between community laws and national laws; the evolution of economic integra-

tion and challenges to the process of integration; national and community institutions and the creation, implementation and enforcement of community laws; community competence and external dimensions of integration; national courts and community courts and the implementation and enforcement of community law; and facilitating economic and business activities within an economic integration area.

The resource persons were Dr Wanyama Masinde, Catholic University of Eastern Africa, Kenya (on East African Community Law); Professor Jörg Gundel, University of Bayreuth, Germany (on European Union Law); Professor Richard Frimpong Oppong, Thompson Rivers University, Canada (on Law of Regional Economic Communities in Africa), and Professor



Participants of the seminar interacting with the resource persons, among them Professor Richard Frimpong Oppong, Thompson Rivers University, Canada (top right).

Palamagamba John Kabudi, University of Dar es Salaam, Tanzania (on East African Community Law in Tanzania's Legal System).

The sessions were chaired by Professor Cyriacus S.M. Binamungu, Mzumbe University, Tanzania, Professor Josaphat L. Kanywanyi, University of Dar es Salaam, and Dr Benedict T. Mapunda, University of Dar es Salaam.

The seminar was conducted in a highly participatory manner. Discussions centred on the need for having a more workable regional co-operation. A call for harmonisation of our laws, policies and practice was made with a view to facilitating the operation of the customs union, common market, monetary union and the proposed political federation. Moreover, there was a call for the establishment of mechanisms within the EAC to solve all actual and potential conflicts between Partner States that may threaten our cooperation.

There was also an in-depth presentation followed by discussions on the EAC institutions, especially on the role of the East African Court

of Justice in the integration process. It was noted that there is a need for advocates within the EAC countries to familiarise themselves with the Court's Rules and Procedures to enable them to utilise the services of the Court with a view to ensuring that growth among Partner States is balanced.

In conclusion, it was noted that there is a need for expanding the teaching of EAC law within the East African universities. To this end, a forum was established for all lecturers concerned with EAC law and regional integration to act as a catalyst in spreading knowledge and understanding of the EAC in our region.

The seminar attracted about 50 participants from the University of Dar es Salaam School of Law, Mzumbe University, Tumaini University Dar es Salaam College, Tanganyika Law Society (TLS), East Africa Law Society, and private legal practitioners. For the latter, TLS gave this seminar four Continuing Legal Education (CLE) points.

(Goodluck Temu) ■



TGCL students enjoying the atmosphere of the city of Berlin, here in front of the Brandenburg Gate.

TGCL AUTUMN UNIVERSITY IN EUROPE (4-16 SEPTEMBER 2016)

BAYREUTH

Our first day began with a cordial welcome at the *University of Bayreuth* by Professor Martin Leschke and Professor Bernd Kannowski, the Dean and the Study Dean of the Faculty of Law, Business and Economics, and by the Director of the Institute of African Studies, Professor Ute Fendler. This was followed by our first lecture on German and European Union Law, which continued as an intensive course during the whole week, alternating with other activities. Our lecturer, Mr Johannes Döveling, gave us a robust and detailed knowledge of the German legal system and its relationship to European law. We were also given a guided tour of the main university faculties. We were introduced to a spacious and very green *university campus*. The tour took us to the prestigious faculties and de-

partments which have earned the university its international reputation. We were also shown around the law library and the main library with its African Studies collection, where our guide gave us an insight into the library rules.

We continued with a visit to *Bayreuth city centre*. The rain on that chilly Monday afternoon could not damp the students' eagerness for a guided tour of Bayreuth, a small town in northern Bavaria, Germany, with a beautiful medieval city centre. In the 18th century it grew into an impressive Margravian residence.

Our visit to the *Bayreuth municipality* offices began with a warm reception by the Deputy Mayor, Mr Thomas Ebersberger. He kicked off the meeting with a brief introduction to the history of Bayreuth, stating that the current population stands at around 72,000. With a steady

economy, the number of employees recorded within Bayreuth is about 40,000. The mayor took us into the municipal parliament housed within the municipality building. He explained that the municipal parliament of the city of Bayreuth consists of 44 members whose normal sitting takes between one and six hours.

After a previous introduction to German procedural law by Judge Dr Yves Döll of the **Bayreuth Regional High Court (Landgericht)**, we had the opportunity to witness the trial of two criminal cases involving causing grievous bodily harm and possession of narcotics respectively. After these cases, Judge Mr Baasch gave us additional insights into the German criminal trial process and the handling of imprisonment in practice, among other things. The discussion centred on a comparison with the Eastern African legal systems, with the group giving vital input.

NUREMBERG

The first part of our programme in Nuremberg was a visit to the **Nazi Party Rally Grounds**. The Nazi regime in Germany lasted for twelve years from 1933 to 1945. A huge Congress Hall, which remained unfinished due to the outbreak of the Second World War, was meant to be the place of Nazi party meetings and the advancement of Nazi propaganda. It would have accommodated 50,000 people. The (unfinished) hall was built in the shape of the Colosseum in Rome, Italy, which symbolises the power of the Roman Empire. In Hitler's case, it was meant to make history and symbolise the power of the Nazi movement. Similarly, the Great Road would have served as a giant marching area but it never came to be used for the same reason.

For the second part of our programme, we moved on to the Nuremberg Palace of Justice where, after the end of the Nazi regime in 1945, former Nazi leaders were tried before an International Military Tribunal (**Nuremberg Trials**). As we had learned about the Nuremberg Trials in our lectures back home on international criminal

law, it was fascinating for us to visit the location of the trials, Court Room 600 in the court building. From there we proceeded to an exhibition which explains how the trials against the Nazis were handled. The exhibition shows the persons who were tried and the



sentences which they received, the judges who were presiding over the cases, and the prosecutors. The charges covered crimes such as conspiracy to start war crimes, crimes against peace and crimes against humanity. A number of Nazi government officials were charged and executed.

BERLIN

At the German **Federal Parliament** we had the opportunity to meet MP Dr Silke Launert to receive first-hand information on parliamentary work in the Bundestag.

During our visit to the German **Federal Foreign Office**, we discussed, among other topics, the relationship between the Foreign Office and the European Union, and the role of German organisations in the relationship between the German Federal Republic and various countries in East Africa.

At the **Federal Ministry for Economic Cooperation and Development (BMZ)** we learned that this ministry currently has approximately 1,050

Mr Thomas Ebersberger, Deputy Mayor of Bayreuth, with the students on the top floor of the municipality building from where they had a magnificent view of the town.



The TGCL group approaching the European Parliament in Brussels, Belgium.

employees, with 110 foreign assignments. The political priorities of the ministry include fighting hunger and root causes of displacement, among others.



TGCL students listening to the presentation on the operation of the European Parliament.

A presentation on the organisation and functioning of the **Federal Ministry of Justice and Consumer Protection** was aimed at giving us a broad picture of the ministry's interaction with EU organs, other federal ministries and **Länder** institutions. What we learned about the complex structure of the ministry and the multiplicity of partners it deals with gave us an insight into how the institutions of a federal state can cope

with the many challenges of regional economic integration.

During a meeting with PhD students from TGCL's sister centre, the South African-German Centre for Transnational Criminal Justice, at the **Humboldt University of Berlin**, we had a lively discussion on the role of the International Criminal Court and its effectiveness, and on various challenges of transnational criminal justice.

BRUSSELS

After a long-distance trip by train from Berlin to Brussels, and a guided tour of Brussels city centre, our first visit was to the **European Parliament**. It is a unique multinational parliamentary assembly elected directly by the citizens. It represents the EU's 500 million inhabitants, and each member state carries out its own elections. Within the European Parliament, there are several political groups that present their ideas in the parliament. The parliament also has 20 committees in place and each of the groups mentioned above has representatives in the committees.

At the **European Commission**, we heard lectures on the role and competences of the Commission, on law-making procedures in the EU, and on the historical achievements of the EU, with specific reference to the European single market and to competition law.

The **Representation of the Free State of Bavaria to the European Union** is used for lobbying in favour of Bavaria's interests in the EU. The tasks of the Representation include supporting the Bavarian MPs to the EU, cooperating with the other German **Länder**, and bringing the Bavarian spirit to the EU, while carrying something of the EU spirit to Bavaria. The Representation acts in close collaboration with the German Embassy to the EU and other institutions of the German **Länder**, such as the municipalities' representations. One of them was the destination of our next visit.

The **European Office of the Bavarian Municipali-**



ties (Local Authorities) represents the interests of the Bavarian parishes, towns, counties and districts, since it is they who have to implement about 70% of all European Union directives and regulations. The office conveys information to the local communities at home, and gives advice to Bavarian local authorities. It hosts municipal visitor groups and participates in European networks and committees. The municipalities have an advisory function in the European Union legislative process through the European Committee of the Regions (CoR), which consists of representatives of local and regional authorities. We visited the **Kenyan Embassy in Brussels** which represents Kenya to the European Union, Belgium and Luxembourg. Additionally, the East African Community Ambassadors have a

common joint forum through which they discuss matters related to facilitating growth and economic development within the EAC through partnership with the EU.

Finally, we had the opportunity to visit the office of **Transparency International EU** in Brussels where we learned about the strategies followed by this NGO to prevent and combat corruption within the EU and its institutions.

(Doreen Ainembabazi, Johannes Döveling, Carolin Herzog, Evelyn Happy Katono, Marion Kyoburungi, Mohammed Rukidi Mpuga, Esther Mwaka Mupe, Teresiah Muthoni, Stella Nalwoga, Stephen Nelson, Theophile Ntamakiriro, Patrick-Didier Nukuri, Charity Happy Nyombe, Provia Odhiambo, Lumumba Fleming Omondi, Petro Protas) ■

The TGCL students at the top of the Reichstag building, behind them the Reichstag dome, a prominent landmark in Berlin. With them (centre) is MP Dr Silke Launert who represents the constituency of Bayreuth in the Federal Parliament.



Prof. Ulrike Wanitzek, Mr Elfaki Chol Lual and Mr Johannes Döveling (from left to right) in front of the Juba College of Law building

VISIT TO THE UNIVERSITY OF JUBA (SOUTH SUDAN)

On 3 November 2015, Professor Ulrike Wanitzek (TGCL Project Leader) and Mr Johannes Döveling (TGCL Manager) visited the University of Juba in the Republic of South Sudan. They met Professor John A. Akec, the Vice-Chancellor of the University of Juba, and Mr Elfaki Chol Lual, the Acting Dean of the University of Juba College of Law, and discussed with them possibilities of cooperation between the College of Law and the TGCL, especially with regard to South Sudanese participants in the LLM programme conducted at the TGCL in Dar es Salaam. ■

NAIROBI CONFERENCE

On 12 February 2016, Dr habil. Tomasz Milej co-organised a conference held at Kenyatta University School of Law (KUSOL) on “Comparative Perspectives between the European Union and the East African Community”. The conference was attended by lecturers from different Law Schools in Kenya, Kenyan Alumni of TGCL and KUSOL, representatives of various Kenyan government agencies, including the Ministry of East African Affairs, law firms, private sector organisations, and the EU delegation. The thematic focus was on free movement of persons, multi-level governance and dispute resolution under EAC law, in comparison with EU law. The ensuing long discussion was the crucial part of the event. And due to the mixed audience, comprising academicians and practitioners, it was particularly fruitful. The conference strengthened the position of the TGCL as an intellectual hub for regional integration and opened up promising perspectives for collaboration between TGCL and KUSOL. (Tomasz Milej) ■

VISIT TO THE TGCL IN DAR ES SALAAM

Mr Norman Krischke, TGCL Student Assistant in Bayreuth, visited the TGCL in Dar es Salaam from 6 to 12 June 2016. The idea of this visit was to get to know the regular work processes in the office, especially with regard to accountancy, and to assist the office staff in identifying potential improvements and implementing them at the TGCL offices both in Dar es Salaam and Bayreuth. As Norman Krischke put it himself: “Meetings on the ground are essential in order to see each other’s book-keeping problems and to discuss the development of effective, efficient and sustainable solutions for process optimisation.” ■

VISITS TO THE TGCL IN BAYREUTH

Dr Benedict T. Mapunda, TGCL Coordinator, University of Dar es Salaam School of Law (second from right), and Dr Sosteness F. Materu, Head of Department of Public Law, University of Dar es Salaam School of Law (third from right) visited the TGCL in Bayreuth from 19 August to 30 September 2016. During their stay, they worked on their research and took part in TGCL management meetings. Ms Carolin Herzog, TGCL Project Assistant (first from left) and the two TGCL Student Assistants, Mr Max Zuber (second from left) and Ms Bianca Iwersen (first from right), did everything to make their visit successful and comfortable. ■



DAAD NETWORK MEETING IN GHANA

The DAAD held its 7th Network Meeting of all the Centres of African Excellence on 3-5 March 2016 in Accra, Legon and Akosombo (Ghana). It was hosted by our sister centre, the Ghanaian-German Centre for Social Development whose base at the University of Ghana is the Institute of Statistical, Social and Economic Research (IS-SER). The TGCL was represented at the meeting by its Coordinator, Dr Benedict T. Mapunda, and its Manager, Mr Johannes Döveling. The topics discussed included knowledge transfer within and from Africa; informing and engaging relevant policy and decision makers; generating knowledge and conservation of knowledge; influence on early career prospects or choice of employment. ■

INTERNATIONAL SEMINAR IN COLOGNE

An international students' seminar on "Human Rights vs. National Security – Should Freedom Be Restricted to Safeguard Freedom?" was held at the University of Cologne in Germany on 3-6 November 2015. Dr habil. Tomasz Milej led a small delegation of two TGCL students and one staff member of the University of Dar es Salaam School of Law. Mr Gilbert Hagabimana presented a paper on "National Security as a Tool for the Limitation of the Freedom of Expression: A Case Study of Burundi", and Mr Edrine Wanyama spoke on "Terrorism and Human Rights: Digging into Securitisation and Its Impact on the Enjoyment of Human Rights in Uganda". The paper presented by Mr Nicolous Praygod Amani on "Human Rights at the Crossroads: Addressing the Overriding National Security Concerns in Tanzania" won a prize for the best presentation at the seminar. ■

LEGAL TRAINEESHIP AT THE TGCL

Dr Jan-Erik Schirmer was a legal trainee at the TGCL from July to September 2016.

Legal Training in Tanzania? For me, this sounded like an experience I did not want to miss. And I was not disappointed. But let me start at the beginning ...

German law students are obliged to complete a period of legal training (*Referendariat*) before being admitted to practise law. This can be done at a selected legal institution (*Wahlstation*) abroad. Dr Julian Kutschelis, a former colleague of mine at the Free University of Berlin, recommended the Tanzanian-German Centre for Eastern African Legal Studies (TGCL) at the University of Dar es Salaam, School of Law. His experiences there sounded exciting, and I immediately sent my application to Prof. Ulrike Wanitzek, the project leader of TGCL. A few months later, in July 2016, I was on my way to Tanzania.

I was welcomed by Dr Benedict Mapunda, my supervisor at TGCL. He introduced me to the staff and other faculty members and was always there for me when I needed help. During my stay, I worked on two major projects. First, I cooperated with Mr Johannes Döveling, the TGCL manager, in drafting an application for a research grant from the German Federal Ministry for Economic Cooperation and Development (BMZ). Fortunately, the grant was awarded, so TGCL was able to set up an international research project ("Steering Regional Development through Regional Economic Communities in Africa"). Second, I conducted my own research on company law in the East African Community. I published my findings in a paper for *Law in Africa* (Vol. 19, 2016, 162–172).

Besides this, I got to know the TGCL students and their research projects. When Prof. David



Dr Jan-Erik Schirmer (centre) with Mr Petro Protas, TGCL Student Representative (left), and Prof. David Stadelmann (right) at the National Stadium, Dar es Salaam.

Stadelmann of the University of Bayreuth visited the TGCL, I attended his interesting lectures on economics. And last but not least, I had the opportunity to live in the thriving African city of Dar es Salaam and explore the stunning nature and wildlife of Tanzania. When it was time to return to Germany, I knew that I wanted to come back.

POSTSCRIPT

And I did come back! In October 2017 I participated in the international research workshop on regional integration in Dar es Salaam within the very project I helped to prepare during my legal training at TGCL. It was great to see many familiar faces – and I am looking forward to seeing them again at the second workshop in June 2018.

(Jan-Erik Schirmer) ■



Ms Kalekwa Kasanga, one of the TGCL graduates, being awarded her PhD degree by Ambassador Nicholas Kuhanga, the Acting Chancellor of the University of Dar es Salaam.

TGCL STUDENTS WHO GRADUATED IN NOVEMBER 2015

Name	Country of Origin	Programme
Ms Kalekwa Kasanga	Tanzania	PhD
Mr Adam Juma Mambi	Tanzania	PhD
Ms Santa Jima J. Ali	South Sudan	LLM
Mr Viateur Bangayandusha	Rwanda	LLM
Mr Antidius Kaitu	Tanzania	LLM
Mr Jonathan Wilfred Mndeme	Tanzania	LLM
Ms Betina Muhimpundu	Burundi	LLM
Mr Tom Okuku Ngeri	Kenya	LLM
Ms Adelina Aniseth Nyamizi	Tanzania	LLM
Ms Irene Lulu Nyange	Tanzania	LLM
Ms Emily Kwamboka Osiemo	Kenya	LLM
Ms Hadija Ramadhani	Tanzania	LLM
Ms Vivine Twibanire	Burundi	LLM
Mr Edrine Wanyama	Uganda	LLM

PERSONALIA

NEWS FROM THE TGCL IN DAR ES SALAAM



Mr Mark Mboji left the TGCL at the end of 2015. We thank him for his work at the TGCL and wish him all the best for the future.

We are very glad that *Ms Christina Pfeleiderer* took over as TGCL German language teacher in October 2016 and welcome her warmly.



We are grateful to *Ms Cordula Milej* who ably taught two cohorts of TGCL students during the academic years 2014/15 and 2015/16.

Going further back in the history of the TGCL German language courses, *Ms Elisabeth Monika Spohr* was our first German language teacher, starting with the academic year 2008/09 and retiring from teaching at the end of the academic year 2013/14. Six cohorts of TGCL students profited from this dedicated language teacher to whom we owe sincere thanks for her commitment.



NEWS FROM THE UNIVERSITY OF DAR ES SALAAM SCHOOL OF LAW



Dr Tulia Ackson was appointed Deputy Attorney General on 9 September 2015. She served in this capacity until 15 November 2015, when she was appointed Member of Parliament. On 19 November 2015 she was elected Deputy Speaker of the National Assembly of the United Republic of Tanzania.

Dr Kennedy Gastorn served as Director of Internationalisation at the University of Dar es Salaam from April to August 2016, when he was appointed Secretary-General of the Asian-African Legal Consultative Organisation (AALCO).





Dr Sosteness Francis Materu was acting Head of Department of Public Law from April to September 2016, when he was confirmed Head of this Department.

Dr habil. Tomasz Milej was appointed full Professor at Kenyatta University (Parklands Campus) School of Law in Nairobi in September 2016.



We congratulate all of them warmly.

DAAD LONG-TERM LECTURESHIP

After two and half years of very active and fruitful cooperation, the TGCL had to bid farewell to Dr habil. Tomasz Milej.



Dr habil. Tomasz Milej was a Senior Lecturer and the first 'DAAD Long-Term Lecturer' at the University of Dar es Salaam School of Law from 2014 to 2016. In this capacity, he also gave the TGCL his whole-hearted support in the form of teaching, supervision of students, administrative help and advice.

His lectures for TGCL students covered especially Regional Integration Law, EAC Law and EU Law, and he was a supervisor to several LLM students at the TGCL. He organised the TGCL

Graduate Seminar and other seminars. He also contributed substantially to the LLM curriculum development and reform at the TGCL.

Moreover, Dr Milej initiated the participation of TGCL students and of University of Dar es Salaam School of Law staff members in international seminars

in Lodz (Poland) in 2014 and in Cologne (Germany) in 2015 for which he acquired outside funding.

Last but not least, Dr Milej was always ready to give his advice and help. The TGCL – both students and management – profited enormously from his contributions and we are grateful for the period of cooperation with him.

We wish Dr Milej all the best in his new post at Kenyatta University School of Law in Nairobi.

(Ulrike Wanitzek) ■

Dr habil. Tomasz Milej (right) with his new Dean, Mr Nzuki Mwinzi, Kenyatta University School of Law.



UNIVERSITY OF
DAR ES SALAAM

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

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

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

www.tgcl.uni-bayreuth.de

DAAD

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