

# 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 2015

*BULLETIN 2015*

*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*



## CREDITS

### TGCL BULLETIN 2015

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Tanzanian-German Centre for Eastern African Legal Studies (TGCL) at the University of Dar es Salaam School of Law in cooperation with the University of Bayreuth

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## EDITORIAL

### DEAR READER,

I am happy to present to you the seventh issue of our TGCL bulletin. The first issue appeared in 2009, a year after the foundation of the Tanzanian-German Centre for Eastern African Legal Studies (TGCL). Accounts of the TGCL activities and events during the past seven years have been published annually since then and reflect the vibrant cooperation between the partner universities of Bayreuth and Dar es Salaam.



It is heartening to see these academic contacts among members of our two universities growing and expanding. Of the senior legal scholars who have been teaching and supervising our TGCL students at the University of Dar es Salaam School of Law, a total of ten have paid academic visits to the University of Bayreuth, while ten professors from the Faculty of Law, Business and Economics of the University of Bayreuth have visited Dar es Salaam to attend common conferences and hold joint lectures.

During the past year, representatives of the two partnering universities have held several strategy meetings to work out conceptions for the sustainability of the TGCL beyond the ten-year project phase funded by the German Academic Exchange Service (DAAD). Also, the TGCL Alumni Association, through its six Country Chapters, is in the process of developing a plan to support the TGCL both conceptually and financially in the long term. We are confident that on this basis we are moving towards a truly sustainable TGCL.

As we wind up the academic year 2014/15, we are expecting our next group of LLM and PhD students for the coming academic year 2015/16. Like the previous groups, our new students originate from all the five Partner States of the EAC (Burundi, Kenya, Rwanda, Tanzania, Uganda) and from South Sudan. They will be introduced to you in next year's TGCL bulletin. With this group, the number of students who have taken part in our study programme will exceed 100. We cordially welcome our 2015/16 students and look forward to a new and exciting academic year with them!

Prof. Ulrike Wanitzek  
TGCL Project Leader

## TGCL BOOK LAUNCH AT THE GERMAN EMBASSY

Four TGCL publications were launched in a colourful ceremony held at the German Embassy in Dar es Salaam on 27 February 2015. The event was graced by our Tanzanian and East African students and Alumni, our Alumni Association Patron Dr Steven Bwana, the DAAD Long-Term Lecturer Dr Tomasz Milej, the Cultural Attaché at the German Embassy Mr Jan-Dieter Gosink, the then Dean of the School of Law of the University of Dar es Salaam Prof. Bonaventure I. Rutinwa, long-standing law Professor Prof. Josaphat L. Kanywanyi, the TGCL Programme Adviser Prof. Gordon R. Woodman, TGCL Project Leader Prof. Ulrike Wanitzek, TGCL Coordinator Dr Benedict T. Mapunda, TGCL Manager Mr Johannes Döveling, and our TGCL staff from the Dar es Salaam office.

The launch took place in the afternoon and commenced with an introductory speech by Prof. Woodman. A total of four publications were launched, with three being books developed from the research theses of TGCL PhD students and published as Volumes 2, 3 and 4 of the *TGCL Research Series*, and the fourth being Volume 4 in the *TGCL Series* (all: Dar es Salaam University Press, 2014). The different authors were then invited, one by one, to share highlights from their books before the publication was officially unveiled.

The first was Dr Mahadhi Juma Maalim who gave highlights from his book entitled *The United Republic of Tanzania in the East African Community: Legal Challenges in Integrating Zanzibar*. The book analyses the position and autonomy of Zanzibar within the Tanzanian constitutional set-up and recommends special arrangements to be adopted if Zanzibar is to be fully integrated into the East African Community (EAC). The second publication, authored by Dr Lillian M. Mongella, is entitled *The Right to Compensation for Vic-*



*tims of Internal Armed Conflicts in East Africa: A Case Study of Genocide Victims in Rwanda*. A cross-cutting book, the findings in this publication touch on the areas of international humanitarian law, international criminal law, international human rights law and transitional justice. Dr Anatole Nahayo's book was the third to be launched. Entitled *East African Community Tax Harmonisation: A Critical Assessment of Its Viability for Income Tax Laws*, the book critically analyses the income tax laws of the EAC Partner States and makes useful recommendations that are valuable to tax policy makers and commercial law practitioners across the region.

The final publication presented is entitled *Regional Integration and Law: East African and European Perspectives*, edited by Prof. Josaphat L. Kanywanyi, Prof. Ulrike Wanitzek, Dr Anatole Nahayo and Johannes Döveling. It addresses different aspects of integration law in the EAC and the European Union.

The launch was a wonderful success, and the culmination of dedicated research by all involved. (Naomi Gichuki) ■

Author Dr Lillian M. Mongella being interviewed by the media.



The city centre of  
Kampala.

## TGCL STUDY TRIP TO KAMPALA (UGANDA)

*After completing their study programme in Dar es Salaam in July 2015, the 2014 group of LLM students made a study trip to Kampala, the capital of the East African Partner State of Uganda, from 27 to 31 July 2015. Such study excursions form an essential part of the TGCL programme, aiming at broadening the horizon of our students through interaction with legal practitioners, in addition to their training in the classroom. The annual study trips lead members of the TGCL to different capitals of Partner States of the East African Community. Visits to various legal institutions allow the students to compare these institutions, their structure and their way of functioning to those of their home countries. Subsequently, TGCL students report on their impressions gained during the trip.*

All the 2014 LLM students were on board the flight from Dar es Salaam to Entebbe via Nairobi. Our TGCL Student Adviser, Dr Steven Bwana, completed the group and ensured that we felt his usual care.

Lively debates on the integration process of the East African Community (EAC) took place during the flight. After our landing in Uganda we were

warmly received by TGCL Manager Johannes Döveling and TGCL Project Assistant Carolin Herzog. In the evening a welcome dinner was held in our honour by the TGCL, together with some members of the TGCL Alumni Chapter Uganda, featuring relaxed debates and humour. Moreover, one of our lecturers, Dr habil. Tomasz Milej, also joined us.

### *SUPREME COURT OF THE REPUBLIC OF UGANDA*

The first institution to be visited was the Supreme Court of the Republic of Uganda, where we were welcomed by the Registrar, Mr Tom Chemutai. According to the Constitution of the Republic of Uganda, 1995 the Supreme Court is the highest court in the Ugandan judicial system and it is headed by the Chief Justice. Below it are the Court of Appeal which also sits as the Constitutional Court, the High Court, and subordinate courts.

### *EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY IN UGANDA*

At the Embassy of the Federal Republic of Germany in Uganda we were received by the Deputy Head of Mission, Mr Joachim Düster. He was very impressed to learn that the TGCL student body consists of students from all the five EAC Partner States and from South Sudan. According to his view, this makes it a breeding ground for even stronger co-operation between these states, leading to deeper integration. The Deputy Head of Mission explained the role of the Embassy and its mandate in Uganda. He also elaborated on the views of the Embassy regarding the significance of peace and democracy in Uganda as a precondition for a higher level of foreign direct investment from the EU Member States.

### *COURT OF APPEAL OF THE REPUBLIC OF UGANDA*

At the Court of Appeal of the Republic of Uganda we had the honour to listen to a presentation by the Deputy Chief Justice of the Republic of Uganda, Hon. Steven Kavuma, followed by an intensive discussion. The presentation began with an overview of the Ugandan legal system, including the role and structure of the judiciary,

where the Court of Appeal doubles as the Constitutional Court of first instance. Among the challenges facing the Ugandan judiciary, the speaker mentioned poor building infrastructure, corruption especially in the lower courts, and a heavy case backlog. To solve these challenges, a small claims procedure, plea bargaining and mediation have been implemented, as well as a better IT infrastructure. Finally, the Deputy Chief Justice highlighted Uganda's commitment in promoting the East African integration process.

### *MINISTRY OF EAST AFRICAN COMMUNITY AFFAIRS OF THE REPUBLIC OF UGANDA*

At the Ministry of East African Community Affairs we were warmly welcomed by the Director of EAC Affairs, Mr Lawrence Mujuni Mpitsi. Remarkably, our meeting was opened by a prayer and by jointly singing the EAC Anthem in Kiswahili. We were informed that the functions of the Ministry include the co-ordination and implementation of Community Acts, Regulations and Directives, ensuring awareness and participation of the people of Uganda in EAC affairs, and steering harmonisation of the laws of Uganda in accordance with the requirements of Community law. The speaker furthermore explained that the Ministry had launched a National Policy on EAC Integration in March 2015 to further integration efforts in Uganda. However, he also mentioned some challenges regarding the implementation process on the national level, including the need to convince all relevant ministries to harmonise existing Ugandan laws with EAC law within their respective spheres of competence.

### *PARLIAMENT OF THE REPUBLIC OF UGANDA*

During a guided tour through the building of the

Parliament of the Republic of Uganda, which also included a visit to the plenary hall, we were given a brief history of Uganda. This also covered aspects of the evolution of the Parliament in pre-independent and post-independent Uganda. The manner in which parliamentary business is conducted was made clear to the students. Subsequent to the tour, two legal counsel to the Parliament ably explained the law-making processes in Uganda. We were also informed on the standing of the EAC and the manner of appointing representatives to the East African Legislative Assembly from a Ugandan perspective.

### **MAKERERE UNIVERSITY, SCHOOL OF LAW**

At Makerere University School of Law, the TGCL team was received by the Deputy Principal of the School of Law, Dr Ronald Naluwairo. He informed us that the School of Law contains the departments of human rights law, environmental law, commercial law, public comparative law, and law and jurisprudence. The School of Law offers programmes for LLB (four years) and LLM (two years). Additionally, a PhD programme was introduced recently.

### **GOETHE-ZENTRUM KAMPALA**

In the course of our study trip to Kampala we were also able to attend a lecture held by Dr Tomasz Milej, DAAD long-term lecturer and senior lecturer at the University of Dar es Salaam School of Law. Responding to an invitation by the German Goethe-Zentrum Kampala, he spoke about "East African Community – A Surprise!". In his presentation Dr Milej explained how he, as a European lawyer, had gained a deeper insight into the process of regional integration in East Africa. He mainly discussed differences between the East African integration approach on the one

hand, and the European mode of integration on the other, trying to identify reasons for these different approaches. Since he did not share an entirely positive view of the East African integration process, his arguments led to a lively debate. Hence, this event was a wonderful opportunity for us young East Africans to exchange our views on the integration process.

### **UGANDA CHRISTIAN UNIVERSITY, FACULTY OF LAW**

At the Faculty of Law of the Uganda Christian University in Mukono (UCU) we had the pleasure of meeting the Dean, Dr Anthony Kakooza. He explained that the Uganda Christian University has the status of a private university belonging to the Anglican Church. It was established in 1998, which also marks the year of foundation of the Faculty of Law. Lawyers are trained in law-related subjects taking into account aspects of professional integrity, morality and faith. Beyond degrees on the undergraduate level, the faculty offers an LLM programme in International Law and a further one in Oil and Gas Law. After an insightful discussion on current legal issues, we also took the chance of visiting the impressive Hamu Mukasa Library.

### **KITUO CHA KATIBA**

When we visited Kituo cha Katiba (Eastern Africa Centre for Constitutional Development), a non-governmental organisation, we had the privilege of interacting with its Executive Director, Ms Edith Kibalama. She broadly explained to us the history and main functions of the organisation which include providing critical and up-to-date information on constitutionalism, good governance and democratic development through different research publications. Kituo cha Katiba is active in all the five EAC Partner States, and its



*Dean Dr Anthony Kakooza explaining to the TGCL study group the artefacts on display at the Hamu Mukasa Library, Uganda Christian University, Mukono.*

board of directors and staff reflect its regional character. The regular programmes of the centre include the publication of a report entitled "Annual State of Constitutionalism", fact-finding missions and educational programmes. Kituo cha Katiba has been granted observer status within the EAC. Therefore, it contributes to and monitors the various activities of the organs of the Community, in particular the Council.

### **FRINGE PROGRAMME**

As part of the fringe programme, we took a tour of the city, guided by some TGCL alumni from Uganda. During this tour, we were also able to reach Port Bell, on the shores of Lake Victoria. The port is a link for transfer of goods from Kenya and Tanzania into Uganda. Other key areas shown to us included government ministries,

organs, agencies and departments.

We were also taken to see the source of the River Nile, the longest river in the world, which flows northwards. The River Nile is said to have been discovered by John Hanning Speke in 1862, a fact the locals dispute, arguing that there were people who lived in the area even before John Speke came to Africa. They had not been in a position to put their knowledge in writing and therefore could not communicate it. We saw a statue of the late Mahatma Gandhi whose ashes were thrown in the River Nile. To round off our visit, we took a boat trip to the area which is said to be the actual source of the river.

(Tom Ngeri, Henry Elia Amiro Dobbo, Santa Jima Justin Ali, Adelina Nyamizi, Emily Osiemo, Edrine Wanyama, Viateur Bangayandusha, Vivine Twibanire, Catherine Mihayo, Antidius Kaitu and Johannes Döveling) ■

## TGCL POSTGRADUATE SEMINAR

On 9 June 2015, the LLM students of the TGCL met for a seminar which was chaired by Dr habil. Tomasz Milej. The objective of the seminar was to have the TGCL students present their research findings to each other and to Dr Milej for critique and sharing of knowledge. Each student presented his or her research and the presentation was critiqued by the other students, as well as by Dr Milej. He also advised the students on how to work on some weaknesses

and gaps in their research. Furthermore, he assisted them in finding additional materials useful to their research.

The presentation of research findings was a mutual learning experience for the students. It provoked further research on different areas of legal discourse on EAC Law.

On 2 March, 20 April and 26 August 2015, similar seminars were held by Dr Milej and the PhD students of the TGCL. ■

## INTERNATIONAL SEMINAR IN POLAND

On the initiative of Dr habil. Tomasz Milej, a Tanzanian team represented the University of Dar es Salaam School of Law and the TGCL at an international seminar held at the University of Lodz in Poland on 20 November 2014, entitled "Social and Economic Rights as Fundamental Rights?". According to the conception of the seminar, each team functioned as discussants for another team. The team from Tanzania partnered with the German team representing the University of Cologne. Both teams exchanged their presentations well in advance and prepared themselves to comment on each other's presentations.

The members of the Tanzanian team were received warmly by their Polish hosts who also organised a cultural programme, including city tours of Lodz and Warsaw, Dr Milej's home town.

Ms Asina Omari, a staff member of the University of Dar es Salaam School of Law, presented a paper entitled "An Overview of Economic, Social and Cultural Rights in Tanzania: What Is and What Could Be?". Ms Naomi Gichuki,



a TGCL PhD student, spoke on "The Evolution of Social and Economic Rights in Kenya: Aspirations, Challenges and Reality". Mr Donatus Nditi, also a PhD student at the TGCL, tackled

*Dr habil. Tomasz Milej with Mr Donatus Nditi, Ms Asina Omari and Ms Naomi Gichuki in front of the royal palace in Warsaw.*

the topic "The Right to Work in the East African Community. Challenges and Prospects". Dr Milej served as academic adviser and moderated one of the panels at the seminar. The

success of the team was mirrored, among other ways, in Naomi Gichuki's winning of the prize for the best academic presentation during the seminar. (Ulrike Wanitzek) ■

## AFRICAN MINING LEGISLATION ATLAS (AMLA) TRAINING PROGRAMME IN CAPE TOWN

The AMLA (African Mining Legislation Atlas) training programme was held at the Faculty of Law of the University of Cape Town, South Africa, over a period of eleven days (27 August to 6 September 2015). It was presented by the World Bank Group and the African Legal Support Facility, in collaboration with the Mineral Law in Africa Project (MLiA) at the University of Cape Town. Together with the Dean of the School of Law of the University of Dar es Salaam, Prof. Hamudi I. Majamba, two TGCL students, Antidius Kaitu and Naomi Gichuki, participated in the training.

It was an intensive programme that covered various aspects of mining law in Africa. The training was aimed at identifying and selecting legal researchers to form part of the team that is working towards making African mining legislation easily accessible through a user-friendly online platform. The platform offers readers valuable information regarding mining law in specific African countries. It even goes a step further by providing a comparative platform through which readers are able to compare particular elements of mining law in different countries. The programme had two elements, namely classroom training and hands-on practical training in navigating the available online information and populating the platform with the relevant information. The presenters were notable scholars and practitioners, distinguished in their respective fields and drawn from across



the continent. The topics covered included the African mining vision, an overview of mining legislation in Africa, an introduction to mining operations, types of mineral licences, local development, occupational health and safety, artisanal mining, use of other natural resources, dispute settlement, fiscal regimes and corporate social responsibility.

It was a great learning experience, as well as an opportunity to establish contacts across the continent with participants from Morocco, the Ivory Coast, Burkina Faso, Nigeria, Ghana, the Democratic Republic of Congo, Kenya, Tanzania, Uganda, Mozambique, Zambia, South Africa, Romania, Italy and the United States. Though time was extremely limited and the weather was not at its best, the course also provided an opportunity to sample South African hospitality, culture and lifestyle, even if only for a short time. (Naomi Gichuki) ■

*TGCL students Ms Naomi Gichuki and Mr Antidius Kaitu on the campus grounds at the University of Cape Town.*

## TGCL ALUMNI MEETINGS

In the month of February 2015, the TGCL Alumni held meetings in Dar es Salaam, Kampala and Nairobi for the Tanzanian, Ugandan and Kenyan Chapters respectively. The meetings were well attended, with the agenda being similar across the three countries. The items to be discussed

in support of the above initiatives, with all being in agreement regarding the payment of an annual subscription and the establishment of a scholarship fund. The Ugandan chapter also reported that some of its members had drafted proposals for them to begin teaching EAC Law



Members of the Uganda Chapter of the TGCL Alumni Association with the TGCL Management and Ms Susanne Pflanz (left) from the German Embassy in Kampala.

were: levying of annual membership fees so that the Association can generate funds for its activities, setting up of a scholarship fund with the aim of the Alumni being able to fund students to pursue their studies at the TGCL, creation of a directory that will post the professional profiles of all TGCL alumni, identifying organisations and institutions that TGCL can partner with across the region and, finally, channels we can use to market TGCL and make it self-sufficient. It was encouraging to note that the alumni were

at their respective universities and were awaiting feedback on the same. There was also emphasis placed on the need to carry out a spirited campaign in various institutions offering law degrees in order to foster networks for the TGCL. Other proposals included expanding the membership of the TGCL Alumni Association to include non-student associate members.

Members also deliberated on the importance of having academic programmes that are responsive to market demands, particularly in the field of commercial law. A further proposal was to regionally highlight the advantages of applying for the TGCL programmes. Ending on a high note, Alumni Patron Dr Steven Bwana was happy with the initiatives proposed at the meetings and was optimistic that TGCL was moving in the right direction. He said we should let the TGCL flag fly higher, urging us to be dynamic, matching the dynamics of our countries. (Naomi Gichuki) ■

## TGCL ALUMNI ACHIEVEMENTS

Our hearty congratulations go to these Alumni of the Tanzanian-German Centre for Eastern African Legal Studies on having been appointed to the following offices:



### DR ADAM J. MAMBI

Immediately after having completed his PhD, TGCL Alumnus Dr Adam Mambi, until then Assistant Commission Secretary and Head of the Research Section of the Tanzania Law Reform Commission, was appointed Judge at the High Court of the United Republic of Tanzania in July 2015. Dr Mambi is the author of *ICT Law. A Source Book for Information and Communication Technologies & Cyber Law in Tanzania & East African Community*, Dar es Salaam: Mkuki na Nyota, revised edition 2014.

Dr Adam J. Mambi signing his thesis before submission.



### DR LILLIAN MIHAYO MONGELLA

TGCL Alumna Dr Lillian Mihayo Mongella, Lecturer in Law at Ruaha Catholic University, Faculty of Law, in Iringa (Tanzania), was appointed Dean of the same Faculty in October 2014. She is the author of *The Right to Compensation for Victims of Internal Armed Conflicts in East Africa: A Case Study of Genocide Victims in Rwanda*, Dar es Salaam University Press 2014.



### DR ANATOLE NAHAYO

TGCL Alumnus Dr Anatole Nahayo, Lecturer in Law at the University of Burundi, Faculty of Law, Bujumbura (Burundi) was appointed Associate Dean of the same Faculty on 20 November 2014. He is the author of *East African Community Tax Harmonisation: A Critical Assessment of Its Viability for Income Tax Laws*, Dar es Salaam University Press 2014.

Dr Anatole Nahayo speaking at the Research Workshop (see below).

## RESEARCH WORKSHOP

### ON HARMONISATION OF ECONOMIC LAW IN THE EAC AND THE EU

On 10 and 11 August 2015, the Tanzanian-German Centre for Eastern African Legal Studies (TGCL), on behalf of the University of Dar es Salaam (Tanzania) and the University of Bayreuth (Germany), organised a workshop at the serene Giraffe Ocean View Hotel, Dar es Salaam. The Research Workshop, which was entitled “Eastern African Common Legal Space in Economic Law: State of the Art and Future Perspectives, with Consideration of the European Experience”, was funded by the Volkswagen Foundation.

The workshop brought together senior and junior legal scholars from the East African Community (EAC) Partner States, Canada and Europe to share ideas and debate on matters relating to the harmonisation of economic laws, from the perspectives of the EAC and the European Union (EU). This was with a view to guiding the development of consensus among Partner States in the EAC on economic policy, which is necessary

for successful regional economic integration. After words of welcome from Prof. Hamudi Majamba, the Dean of the School of Law, University of Dar es Salaam, and Prof. Ulrike Wanitzek, the Project Leader of TGCL from the University of Bayreuth, the workshop was officially opened by Mr Michel Ndayikengurukiye, Principal Legal Officer of the East African Community. In his opening speech, Mr Ndayikengurukiye provided

*Prof. Olivier Dubos spoke on the role of the EU Member States in the harmonisation process.*



insights into the efforts of the EAC Secretariat to harmonise economic laws. Though commendable work has already been performed, there are still a number of challenges, mainly in relation to the appropriate tools and methods to be used and the institutions to be involved.

Workshop presentations commenced with various panelists sharing their research findings on a variety of topics relating to economic law and regional integration. The first panel covered the topic of ‘Legal Harmonisation in Regional Economic Communities’ and had Prof. Richard F. Opong (Thompson Rivers University, Canada) and Dr habil. Tomasz Milej (University of Dar es Salaam) as speakers. Prof. Opong highlighted the progress, inertia or regress in legal harmonisation in African Regional Economic Communities, underscoring the fact that the legal framework for harmonisation is often transplanted from other Communities without addressing the peculiar issues that render it ineffective. Dr Milej discussed the tools and methods of legal harmonisation used in the European Union.

The second panel, which addressed ‘Comparative Law as a Basic Approach to Dealing with Legal Harmonisation in Regional Economic Communities’, had presentations from Prof. Kennedy Gastorn on behalf of Prof. Palamagamba J. Kabudi (University of Dar es Salaam) and Prof. Ulrich Spellenberg (University of Bayreuth). They both underscored the merits of a comparative approach to achieving legal harmonisation. These two topics covered the fundamental issues of this workshop.

The topics of the third and fourth panels were carefully selected to bring out the frameworks that are essential for legal harmonisation. The



third panel addressed the topic of ‘Law of Regional Integration: The European Union’ with presentations from Prof. Olivier Dubos (University of Bordeaux, France) and Prof. Jörg Gundel (University of Bayreuth). Prof. Dubos shed light on the importance of the Member States in the harmonisation process in the European Union. Prof. Gundel indicated the objectives, tools and methods of legal harmonisation in the EU.

Panel four covered ‘Law of Regional Integration: The East African Community’, with presentations from Justice Prof. James Otieno Odek (Court of Appeal, Kenya) and Dr Khoti C. Kamanga (University of Dar es Salaam). Justice Odek discussed the law of regional integration, using the case study of the EAC. Dr Kamanga provided insights into the achievements and challenges of East African regional integration.

The next panel covered selected significant fields of harmonisation in economic law. Panel five addressed ‘Private International Law and Legal Harmonisation’. Presenters were Prof. Richard F. Opong and Prof. Volker Wiese (University of Bayreuth). From the two presentations, it was learnt that the EAC lacks private international law tools in its legal framework for harmonisation, an issue that should be addressed.

*Junior scholars Mr Edson Rwechungura and Ms Naomi Gichuki presenting their research findings.*



*Junior and senior scholars engaged in lively discussion during the workshop.*

*Left: Dr Abdallah Possi. Right: Prof. Khoti C. Kamanga.*

On day two of the workshop, the presentations started off with panel six and the topic of 'Labour Law and Legal Harmonisation'. Presenters were Dr Juliana Masabo (University of Dar es Salaam) and Dr Abdallah Possi (University of Dodoma, Tanzania). They discussed EAC perspectives on harmonisation of labour law and access to the labour market for persons with disabilities in East Africa. The seventh and eighth panels addressed the topic of 'Competition Law and Legal Harmonisation', with presentations from Dr Deo Nangela (Fair Competition Commission, Tanzania), Prof. Rupprecht Podszun (University of Bayreuth), Dr Anatole Nahayo (University of Burundi) and Mr Daniel Baitwababo (Doctoral Candidate, University of Dar es Salaam). Dr Nangela shared his reflections on harmonisation of competition laws in the EAC, while Prof. Podszun discussed state-related restraints of competition in the EU. Dr Nahayo shared his findings from a comparative analysis of the competition law of Burundi and the EAC Competition Act, 2006, and Mr Baitwababo highlighted the challenges and prospects of harmonisation of competition laws in the EAC.

The second last panel addressed the topic of 'Intellectual Property Law and Legal Harmonisation' in the EAC, with presentations by Dr Grace

K. Kazoba (Institute of Finance Management, Dar es Salaam), Dr Anthony C. K. Kakooza (Uganda Christian University) and Dr Saudin J. Mwakaje (University of Dar es Salaam). Dr Kazoba dwelt on the case of regulated industries in respect of intellectual property law and management of foreign investment contracts, Dr Kakooza discussed the relationship between intellectual property rights and TRIPS (Trade-Related Aspects of Intellectual Property Rights) obligations in legal harmonisation in the EAC, and Dr Mwakaje dwelt on the intellectual property rights enforcement conundrum in the EAC common market.

In the last panel, the topic of 'Commercial Law and Legal Harmonisation' was covered by Ms Naomi Gichuki (Doctoral Candidate, University of Dar es Salaam) and Mr Edson Rwechungura (Doctoral Candidate, University of Dar es Salaam). Ms Gichuki provided insights into the experience of Kenya with approximating commercial laws in implementing its commitments under the EAC Common Market Protocol, and Mr Rwechungura discussed issues relating to the harmonisation of insurance laws as a condition for a more relevant insurance industry in the EAC.

The workshop concluded with a discussion of the results and suggestions for the way forward. The discussion was held by several panelists



chaired by Justice Prof. James Otieno Odek. The panel members were: Ms Naomi Gichuki, Mr Johannes Döveling (University of Bayreuth), Prof. Hamudi I. Majamba, Dr Anatole Nahayo, Dr Dietrich Nelle (German Federal Ministry of Education and Research) and Prof. Richard F. Oppong. They suggested that the workshop results be published and, as a way of taking the workshop findings forward, a task force would be created to look into advising the different EAC Partner States on effective measures for realising smooth economic integration within the EAC. Prof. Gamaliel M. Fimbo (University of Dar es Salaam) and Prof. Wanitzek ended the workshop with a few concluding words. Overall, the papers presented highlighted the

impact of the law of regional economic communities on national laws, as well as obstacles that national laws pose to regional integration. The workshop reaffirmed that harmonisation of economic laws is a central instrument for achieving the goals of economic integration, which are effective free movement of goods, services, persons and capital, in order to bring about a conducive climate for investments from and in the region, and sustainable economic growth and welfare for the people of the region. The workshop offered an important opportunity for valuable exchange and mutual learning among the participants which may serve as a starting point for further collaboration.

(Anthony Kakooza and Anatole Nahayo) ■

*The workshop participants at Giraffe Ocean View Hotel, Dar es Salaam.*



## SEMINAR ON EAC AND REGIONAL INTEGRATION LAW

Like other regional blocs of the world, the East African Community (EAC) is expanding. Since its re-establishment in 1999, the EAC has seen a lot of progress, expansion and achievements. The community has also seen some challenges which need well-researched solutions for its permanent growth and prosperity. This therefore



Left: Mr Goodluck Temu ably organising the Staff Seminar.

Right: Staff Seminar participants.

calls for, among other things, academic institutions which are well prepared to train personnel in this field.

It is within this context that TGCL held a one-day capacity-building seminar on "East African Community Law and Law of Regional Integration" for staff members of the University of Dar es Salaam School of Law. This was done on 12 August 2015 at Giraffe Ocean View Hotel, Dar es Salaam. The seminar was attended not only by members of the School of Law, but also by members of the Political Sciences and Economics Departments of the University of Dar es Salaam.

The resource persons were Judge Prof. James Otieno Odek of the Court of Appeal of Kenya and University of Nairobi (Kenya); Prof. Richard Frimpong Oppong, Thompson Rivers Uni-

versity, British Columbia (Canada); Prof. Jörg Gundel, University of Bayreuth (Germany) and Prof. Palamagamba John Kabudi, University of Dar es Salaam (Tanzania).

This seminar was held in preparation for a three-day seminar to be held in mid-March 2016. It covered two topics, namely the relationship be-



tween Community laws and national laws, and the evolution of economic integration and the challenges faced in the process of integration. It was an exciting and highly participatory seminar which exposed members of staff to important legal and political concepts relating to the integration process. The quality of the resource persons is worthy of mention. They imparted excellent knowledge and skills to participants. Staff members received the seminar as a rare and valuable opportunity to add to their continuing legal education. The whole staff is therefore looking forward to participating in the coming three-day seminar in March 2016. It is the staff's hope that this seminar, and similar ones, will gradually increase the number of experts at the School of Law in this important area.

(Goodluck Temu) ■

## TGCL LEGAL TRAINEESHIP

**Ms Anja-Corinna Bauer** did part of her practical legal training (*Referendarat* in German) at the TGCL office in Dar es Salaam under the supervision of Dr habil. Tomasz Milej, Senior Lecturer and DAAD Long-Term Lecturer at the University of Dar es Salaam School of Law. While most of the two-year practical training takes place in Germany, in order to prepare candidates for their future work as lawyers within the German legal system, they have the option to spend three months of this period at a suitable institution abroad in order to become acquainted with the law of another country and gain some experience of how it works.

During her three-month traineeship, Anja-Corinna Bauer's work included research assistance for several projects organised by her supervisor, as well as assisting him in his tasks as representative of the German Academic Exchange Service (DAAD) in Tanzania and as TGCL Library Commissioner. Certainly one of the most interesting aspects of her traineeship were the insights she was able to gain into the functioning of the law in practice during her visits to the High Court centre in Dar es Salaam and the Magistrate's Courts in Kinondoni (Dar es Salaam), where she had the opportunity to witness several court sessions and get an overall impression of the way in which the courts are organised and hold their proceedings.

Her major administrative responsibility was the preparation and organisation of the Research Workshop on 10-11 August 2015 together with Mr Marcus Werner and Mr Goodluck Temu, and the organisation of the Staff Seminar held on 12 August 2015. Apart from this workshop and seminar, she also had the opportunity to attend postgraduate seminars at the University of Dar es Salaam School of Law and the TGCL.

(Ulrike Wanitzek) ■



Ms Anja-Corinna Bauer at work in the TGCL office in Dar es Salaam.

Mr Marcus Werner at the Research Workshop.



Ms Mary Mgaya and Ms Carolin Herzog discussing current administrative issues in the TGCL office in Dar es Salaam.



## TGCL VISITS

**Mr Marcus Werner** and **Ms Carolin Herzog** visited Tanzania to provide organisational support for the Research Workshop on "Eastern African Common Legal Space in Economic Law: State of the Art and Future Perspectives, with Consideration of the European Experience". This workshop, which was funded by the Volkswagen Foundation, took place on 10-11 August 2015 in Dar es Salaam. Mr Marcus Werner and Ms Carolin Herzog cooperated with the other two Workshop Assistants, Mr Goodluck Temu and Ms Anja-Corinna Bauer, to make sure that the workshop was perfectly prepared and organised, with support from Ms Mary Mgaya and her team at the TGCL office in Dar es Salaam. We thank them for their commitment.

## PERSONALIA



Since April 2015, **Prof. Hamudi I. Majamba** has been the new Dean of the University of Dar es Salaam School of Law. He is the successor of former Dean Prof. Bonaventure I. Rutinwa who served as Dean during the triennium of 2012-2015. We are immensely grateful to Dean Prof. Rutinwa for all his support and furtherance of the TGCL during that period and wish him all the very best for his future academic work. We look forward to an equally fruitful and enjoyable cooperation with Dean Prof. Majamba.



**Dr Juliana Masabo** was appointed Associate Dean of the University of Dar es Salaam School of Law in April 2015, after having been Acting Associate Dean since January 2015. She succeeded the former Associate Dean Dr Tulia Ackson who had held this office from 2012 to 2014. The cooperation with Associate Dean Dr Ackson has been excellent throughout and we are looking forward to receiving equally helpful guidance from Associate Dean Dr Masabo.



**Dr Tulia Ackson**, Senior Lecturer and former Associate Dean of the University of Dar es Salaam School of Law, was appointed Deputy Attorney-General of the United Republic of Tanzania in September 2015. We wish her all the very best for this important and responsible position. The Deputy Attorney-General assists the Attorney-General in the discharge of his or her functions which are primarily to advise the Government of the United Republic on matters of law.

### HEADS OF DEPARTMENT

The following members of the University of Dar es Salaam School of Law are now Heads of Department:

Head of Department of Private Law:	Dr Baraka Kanyabuhinya
Head of Department of Public Law:	Prof. Kennedy Gastorn
Head of Department of Economic Law:	Prof. Nicholas N. Nditi

### POSTGRADUATE STUDIES COORDINATOR

Postgraduate Studies Coordinator is now Dr Evaristo Longopa.



Also in September 2015, **Ms Asina A. Omari**, Assistant Lecturer at the University of Dar es Salaam School of Law, was appointed Commissioner of the National Electoral Commission of the United Republic of Tanzania. Our best wishes to her for her future activities at the Commission! The Commission is responsible for the coordination and supervision of presidential, parliamentary and Council elections in the United Republic of Tanzania and also for voter education.



**Dr Helmut Blumbach**, a sociologist by training, has been working with the DAAD in various positions since 1994. In October 2014, he was appointed Director of the DAAD Regional Office for Africa in Nairobi, succeeding Mr Christoph Hansert. We thank both of them for their continuous support. The regional focus of the office is on the Partner States of the East African Community and Ethiopia. The office is an important contact point for scholars from Eastern Africa and Europe.



**Dr Steven Bwana**, TGCL Student Adviser and retired Judge of the Court of Appeal of the United Republic of Tanzania, was appointed Chairman of the Public Service Commission of the United Republic of Tanzania in February 2015. Dr Bwana is also a Reserve Judge in the Extraordinary Criminal Court of Cambodia (ECCC). Moreover, he has just published a book entitled *The Laws of Tanzania through Cases* (together with Mashauri Benjamin, Nairobi: LawAfrica, 2015).

### INSIDE THE TGCL

In April 2015, **Dr habil. Tomasz Milej** was appointed TGCL Library Commissioner and cooperates with Library Assistant Ms Mamdoe Mgaya. He is in charge of the acquisition of new books and expanding the TGCL Library systematically in its fields of specialisation, i.e. EAC and comparative regional integration law, East African and comparative constitutional and human rights law, and the national legal systems of the EAC Partner States and South Sudan.

The TGCL has had a new Assistant Accountant since September 2015. We welcome **Mr Ramadhani Ismail** to our team!



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

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

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