

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 2021

BULLETIN 2021

*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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Eastern African Legal Studies (TGCL)
at the University of Dar es Salaam
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the University of Bayreuth
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EDITORIAL



DEAR READER,

This issue of the TGCL bulletin presents the “new normal” in several respects. After a successful, eco-friendly and cost-efficient premiere, it is the second year the bulletin is only published in a digital format. We have also sustained a second year in a global pandemic, even though we had to suffer bitter losses, especially at the University of Dar es Salaam School of Law. Beyond that, we just like anyone else had to continue tackle with courage the daily repercussions of the COVID-19 pandemic. This includes official travel restrictions, working from home and maximising the online platforms for academic and administrative exchanges. The adoption of the “new normal” has maintained the day-to-day operations of this transitioning period of the TGCL with great optimism that, this dire global health concern will be sustainably resolved sooner than later.

Like last year, we have to say goodbye to some of the greats of the TGCL, including TGCL Coordinator Dr Benedict Mapunda and TGCL Manager Dr Carolin Herzog. Before we confer this year’s bulletin, we would like to say thank you to the great cooperation and support the TGCL has benevolently received from partners, stakeholders and the TGCL Alumni Network throughout the years. This gives a meaning and adds value to the objectives and prospects of the Centre. We would also like to thank the TGCL staff and friends of the Centre, who work hard every single day to maintain the excellent standard and prepare it for a sustainable future after 2023. We are very grateful and hope that all of you will continue to support the TGCL in the future.

The 2021 bulletin will, once more, take you through the highlights of this year’s news, events and successes of TGCL! We hope that you will enjoy this product of our joint efforts in cooperation with our colleagues on the Editorial Board and our esteemed authors.

Philipp Bogensperger Petro Protas Isabelle Zundel Cecilia Ngaiza

FAREWELL

The TGCL bids farewell to Dr Benedict Mapunda (Project Coordinator), Dr Carolin Herzog (Manager), Ms Sabine Engel (Project Assistant) and Mr Godlove Mmari (Assistant Accountant).

With great gratitude and respect, the TGCL bids a sincere farewell in advance to **Dr Benedict Mapunda**, whose tenure as TGCL Coordinator comes to an end in December 2021, upon attaining the retirement age. Dr Mapunda has with candour served in this position with utmost levels of commitment, dedication, integrity and honour since April 2014.

The upright manner in which the TGCL Programme in Dar es Salaam has run successfully throughout its primary and transitional funding periods from Dr Mapunda's assumption of office is evidence to his remarkable leadership skills. The Centre shall deeply remember him for his contribution in coordinating the TGCL students' selection processes, teaching, and supervision of the TGCL students, overseeing the successful organisation of TGCL conferences, workshops, colloquia and students' study trips, representing the TGCL in various meetings, adminis-

trative and academic events, managing the TGCL funds, hosting the TGCL's guests and maintaining tireless correspondences between the TGCL Dar es Salaam and Bayreuth Office to ensure successful operation of the Centre. On the flip side of the coin, the TGCL staff, specifically those who work with him in the Dar es Salaam Office, shall miss his charm personality, fatherly figure and wise counsel. It is without doubt that his personal presence at the Centre has been exceptional!

The TGCL thanks Dr Mapunda wholeheartedly and wishes him a peaceful and reflective retirement!

Asante sana na kila la Kheri Dr Mapunda!



From left: Prof. Wanitzek, Dr Mapunda, Prof. Leible, Hon. Judge Dr Masabo and Dr Herzog (September 2018).



The TGCL bade farewell to **Dr Carolin Herzog**, the former TGCL Manager and one of the longest serving persons in such a position at the Centre.

Dr Herzog retired from her post to pursue further her career at the Technical University of Munich (TUM) in the field of research and economic cooperation where she supervises national research projects with universities and industrial partners. Dr Herzog started as a TGCL Project Assistant and assumed the post of TGCL Manager in April 2017. Throughout this time, the Centre has enormously benefited from her hardworking spirit to ensure all matters pertaining to the management of the Centre both in Bayreuth and Dar es Salaam run smoothly.

It was with heartfelt appreciation that the TGCL bade farewell to **Ms Sabine Engel**, former TGCL Project Assistant in Bayreuth. Ms Engel officially exited the Centre in June 2021 to relocate from Bayreuth. Ms Engel joined the TGCL in February 2018 as a Project Administrative Assistant in Bayreuth in the BMZ-funded project "Steering Regional Integration through Regional Economic Communities in Africa" which operated under the umbrella of TGCL between June 2017 and July 2019.

She later extended her service to TGCL in the position of Project Assistant from January 2019 having concluded her contract with the above-mentioned BMZ-sponsored project. Her devotion towards running the administrative aspects of

Dr Herzog had always preferred leading by example; for instance, stepping up to the field during students' study trips organised by the Centre. Both the TGCL students and staff could learn a lot from her in terms of managerial skills in the short periods of time they got to spend with her.

Furthermore, Dr Herzog has always worked closely with the Institute Law in Africa and later the Chair of African Legal Studies at the University of Bayreuth. At the beginning of 2021, Research Assistant Ms Isabelle Zundel took over the post as TGCL Manager. Dr Herzog has always been an icon of optimism in some inevitable moments of uncertainties. She enormously assisted in many ways to guarantee that the Centre sails through complex waves with great success! Her great contribution and selfless personality to the Centre will forever be remembered and cherished. The TGCL hopes to continue keeping in touch with Dr Herzog and wishes her all the success in her growing career!

both projects including ensuring timely submission of financial reports, records management, handling of TGCL staff, the Centre's students' and other researchers' travel logistics and maintaining correspondences will deeply be remembered.

The TGCL thanks Ms Engel for her continuous commitment and wishes her the most excellent results in all of her future endeavors.



The TGCL recognises the immense work of handling the Centre's accounts done by **Mr Godlove Mmari**, the former TGCL Assistant Accountant at the Dar es Salaam Office, as it already bade him farewell in December 2020. Mr Mmari started work with the Centre in June 2017 in the position of a Project Accountant under the BMZ-funded project "Steering Regional Integration through Regional Economic Communities in Africa" which completely phased out in July 2019. He then continued working as a TGCL Assistant Accountant from June 2019 to December 2020. His time at the TGCL and his continuous

contribution in diligently handling the financial and other administrative tasks at the Centre is acknowledged and will greatly be remembered. The TGCL hopes to be in contact with Mr Mmari and wishes him all the success in his new post and career in the upcoming years.



WORDS FROM TGCL PROJECT LEADER THOKO KAIME

Dear Reader,

I welcome you to the TGCL bulletin.

I must begin this year's remarks by making a tribute to our students and lecturers at TGCL. Despite the many difficulties brought on by the continuing covid pandemic, our teaching programme at Mikocheni continued apace with minimal disruption. Only a combination of innovation and great sacrifice enabled the 2020/21 class to successfully complete their studies and I salute their success.

Despite the restrictions around COVID-19, I had the opportunity to meet with the 2020/21 cohort at Mikocheni in September 2021. This was my first trip outside of Germany in almost two years and it was therefore a very special occasion to meet with our students and hear their stories of not only hard work but also perseverance through the pandemic. It was heartening to hear the many exciting plans that this next group of regional integrationists have for East Africa and beyond.

The pandemic also opened the opportunity for our students at Mikocheni to become more connected to our teaching and research pro-

gramme at the University of Bayreuth. Many took the possibility of joining the virtual teaching and research events hosted by the Chair of African Legal Studies and some re-

ceived certificates for the longer events. A key fixture of these online events is the CGT, which is ably managed by TGCL Alumna Ms Jebby Gonza. All in all, the year has been a success. However, sustainability of the TGCL beyond the current funding period remains a challenge. In this regard, a number of events have been hosted with potential partners from both East Africa and Germany. Although there are no concrete agreements, the popularity of the programme continues to rise with a significant number of self-funded students joining the programme for 2021/22.



JOURNEY AND EXPERIENCES AS TGCL COORDINATOR TRAINEE IN 2021

Mr Petro Protas is an Assistant Lecturer at the Department of Private Law at the University of Dar es Salaam School of Law (UDSoL). He holds a Master of Laws degree (2016) and is currently doing his PhD at the University of Dar es Salaam. After a year of training, he will now take over the post as TGCL Coordinator from Dr Benedict Mapunda in January 2022.

As a TGCL Alumnus, I have always wanted nothing but the best for TGCL. It has never crossed my mind that one day I will be part of the TGCL Management and participate directly in making plans and decisions that will propel TGCL's vision



Petro Protas together with TGCL Students in 2021.

to a higher level. All this began around December 2020 when Dr Benedict Mapunda informed me of the plan to train another person for the post of the TGCL Coordinator at the Dar es Salaam Office. The TGCL Management reached this decision because the current coordinator had only one year of service before retirement in January 2022. Being a TGCL Alumnus, lecturer at UDSoL, and a person with a close tie to TGCL, the Management proposed my name as one of the persons who could undergo the said training. Dr Mapunda explained clearly to me that the training would run for one year without any financial benefits attached to it.

With humility and humbleness, I accepted to be a Coordinator Trainee and I was officially appointed in January 2021. During the training period, I had the opportunity to learn managerial skills, handling of TGCL financial matters,

prepare and finalize scholarship applications as well as address several issues relating to TGCL students' welfare at UDSoL. I have also been involved fully in the TGCL sustainability plans post 2023. These are essential plans aiming to ensure that TGCL

continues to exist even after the end of the third funding phase from DAAD in December 2023. Lastly, I have had the opportunity to engage with TGCL students in various matters relating to their studies.

With the training and the entire one year of being part of TGCL activities, I am now confident and more than ready to start my new responsibilities as a TGCL Coordinator in the Dar es Salaam Office and build on the significant achievements of all the previous TGCL Coordinators.

(Petro Protas) ■



Felix Odhiambo (left) after defending his PhD thesis in September with Petro Protas.

STEPPING IN AS TGCL MANAGER

Ms Isabelle Zundel studied Law at the University of Bayreuth and is currently writing her dissertation on the African human rights system. Since 2019, she works as a researcher at the Chair of African Legal Studies, University of Bayreuth. She took over as TGCL Manager in February 2021. Below she shares some first impressions:

This bulletin marks the second edition I have directly contributed to, but I have come in touch with TGCL before. I would like to share my personal TGCL story as part of my introduction.

My first contact with TGCL was in 2016, when I met Gilbert Hagabimana one of our Alumni who was writing his PhD thesis at the University of Bayreuth at the time. I became his Student Assistant at the Chair of Prof. Möstl where I learnt a lot about regional integration in the East African Community (EAC) as well as the TGCL family. Through Gilbert, I met more TGCL Alumni and friends. It was the spirit beyond each cohort that impressed me immediately. It was obvious that this programme connects students, teachers and friends in a special way besides influencing legal development, politics and research in the region.

I got the opportunity to take an even closer look when I started as a Research Assistant at the Chair of African Legal Studies in Bayreuth. Therefore, following in Dr Carolin's footsteps was a huge honour and at the same time felt very familiar. Always having Prof. Wanitzek's incredible legacy and heartiness in mind, being the TGCL Manager has felt like an overblown experience for me. It felt and still feels I cannot fill this position. But together with the knowledge and experience of many others I have realised that we can manage TGCL together.

In my first year and despite the ongoing COVID-19 pandemic, I had the opportunity to visit the TGCL facilities at Mikocheni Campus. It was an enriching opportunity to meet the TGCL staff and the graduating students. The wide majority of the students informed me that through TGCL

they had encountered academia as a potential field of interest and expressed their interest in pursuing this path through a PhD. This interaction fit into our many conversations about the future of the TGCL and more precisely our aspiration to design a sustainable research centre for regional integration in the East African Community that will possibly continue offering education to young scholars.

Based on many discussions and brainstorming in 2021, next year comes with major decisions and concentrated work to prepare TGCL for the still uncertain future beyond DAAD. In this context, I look forward to following Tanzania's lead in designing a future-proofed Centre for Eastern African Legal Studies.

I would like to thank my colleagues for teaching me so much about TGCL and allowing me to be part of an awesome team. I look forward to the coming year with many events, colleagues and friends to meet as well as learning to be facilitated.



TGCL Coordinator Trainee Petro Protas and TGCL Manager Isabelle Zundel in front of the A.B Weston Building, UDSoL.

(Isabelle Zundel) ■

OFFICIAL TRAVEL TO TANZANIA

From 12 to 16 September 2021, Prof. Thoko Kaime and Ms Isabelle Zundel visited the TGCL at the University of Dar es Salaam in Tanzania.

After two postponements due to COVID-19 related travel bans, there was finally a possibility to travel to Tanzania in September. The visit was short and the programme tight. Since it was Ms Isabelle Zundel's first visit, she had the honour to be shown the Mikocheni Campus as well as the Main Campus.

We held a meeting with Mr Petro Protas, TGCL Coordinator Trainee, who showed us Mikocheni Campus, outlined the major happenings this year at TGCL and the School of Law. We discussed the future of the Centre while sitting in the famous TGCL library. Later, we had the opportunity to meet the LLM Cohort 2020/21 and listen to their experiences during the Master's Programme and their plans for the future. The morning ended with a get-together with the administrative staff of the TGCL including Ms Maria Paulo and Mr Mohamed Mussa. The discussion focused on a number of issues including alignment of financial processes, library services as well as the progress of the current LLM Students.

The next day, we met the Dean of the Faculty of Law, Prof. Hamudi Majamba. He reiterated



From left: Petro Protas, Prof. Thoko Kaime and Isabelle Zundel at the TGCL.

the Faculty's and the University's support for the TGCL and indicated that he appreciated the past strategy meetings where the future of the programme was mapped. After the meeting we got a detailed tour through the Main Campus and had lunch together. It was great to meet in person after innumerable Zoom meetings and calls and all members of the Management Team look forward to the next in person meeting.

(Isabelle Zundel, Thoko Kaime) ■



Prof. Thoko Kaime with the 2020 TGCL Students at Mikocheni Campus.



Petro Protas, Isabelle Zundel and Prof. Thoko Kaime at the TGCL Library.

GERMAN GOVERNMENT OFFICIALS VISIT AT TGCL

On 16 September 2021, the TGCL hosted a Delegation from the German Embassy and visiting German Government Officials at the TGCL facilities Dar es Salaam.

The visit, being diplomatic, necessitated the processing of permissions and delivery of notifications as guided by the Ministry of Foreign Affairs of the United Republic of Tanzania. This was dutifully done by the German Embassy officer in collaboration with the University of Dar es Salaam public relations office.

On the part of TGCL, the visit was important for a number of reasons. First, it was an opportunity to share with our sponsors the key achievements of TGCL in its thirteen years of existence under German Government sponsorship. Second, it was another chance for TGCL to share views with our German partners on the future of TGCL after the current sponsorships agreement ends in December 2023. Third, as the visit also involved meetings with students, it was an opportunity to share knowledge with our visitors.

The entourage of our guests was headed by Mr Robert Dolger, who is the Director of Sub-Saharan Africa and the Sahel in the Federal Ministry of Foreign Affairs. Other members included the Deputy Ambassador of Germany to Tanzania Her Excellency Dr Cathrin Steinbrenner, Ms Ulla Thran-Lardi the Cultural Officer in the German Embassy in Tanzania and Ms Agness Kiama, a government representative from the Ministry of Foreign Affairs in Tanzania. Initially, it was planned that all TGCL students attend the meeting with our visitors but the University management set LLM dissertations Departmental Committee presentations on the same date. On account of this, there was a little delay in the planned meeting with TGCL students.

When the guests arrived at Mikocheni Campus, the TGCL Coordinator Trainee, Mr Petro Protas welcomed them and briefed them on the key achievements, challenges, and prospects of

TGCL. One of the key aspects that drew the interest of our guests was TGCL sustainability after DAAD funding ends in 2023. Mr Dolger, after being briefed on the current efforts to secure alternative funding, commended the TGCL Management for efforts done so far and stressed the importance of engaging more institutions and governments on the matter. He also revealed that financial regulations in Germany do not permit further extension of funding beyond 2023.



TGCL Coordinator Trainee Petro Protas with German Government Officers at the TGCL facilities.

As this internal meeting was concluding, a good number of students joined the meeting. They were given an opportunity to introduce themselves, topics of their researches, and asked how their studies would enhance their carrier development. All students were very positive about the courses they are studying and expressed the view that their studies were very useful to their carrier development. In addition, some students even showed interest in pursuing PhD studies after obtaining their LLM degrees.

At the end of the meeting, Mr Dolger thanked the students and wished them well in their LLM degree studies.

(Benedict T. Mapunda) ■

THE TGCL STUDY PROGRAMME FOR THE YEAR 2020/2021

The academic year 2020/21 commenced on 1 November 2020 with the information that each of the two semesters of our study programme covers two core units and two optional courses to make a total of eight courses. Throughout last year, we attended lectures in Regional Integration Law, East African Community Law, Citizenship Law, International Human Rights Law, Refugee Law, Immigration Law, Labour Migration Law and a Graduate Research Seminar. During the curriculum, we covered areas that we were directly connected to as lawyers, scholars, future leaders and responsible members of society. The resultant skills and knowledge gained prepared us to practically tackle complex matters in the field of law and other related multidisciplinary domains.

Like our predecessors of the year before, we suffered from the effects of the COVID-19 pandemic. Most of us faced immense constraints while traveling to conduct field research ranging from restrictions of free movement to an immense increase of travel expenses. Furthermore, we were confronted with certain difficulties in arranging physical meetings with some categories of target respondents. However, these challenges never affected our formidable and laudable comradeship. The cohort strongly believed in both individual and collective success. Everyone looked out for one another. On many occasions, we took the evening meal together while recollecting the bustle of the day. This was besides regularly holding academic discussions to demystify complex concepts handed down by our esteemed professors and lecturers.

Besides undertaking the coursework we tremendously profited from the participation in academic events and workshops like the digital lecture series “Chilean-German-Tanzanian Legal Talk”,

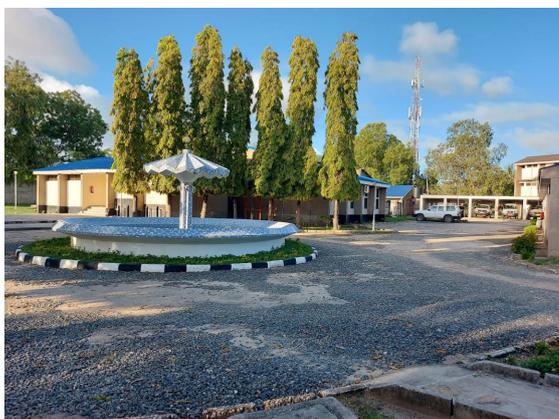
organised by TGCL in close cooperation with the Heidelberg Center Latin America (HCLA). During two sessions in January and June 2021 we could join the discussion on legal protection and conflicts in the context of water resources and on the emerging field of climate litigation. Through presentations by distinguished scholars from universities in Latin America, Continental Europe, and East Africa we gained insights into the approaches to these challenges of our time in different legal systems. Another commendable instance is the “African Legal Studies Blog” under the auspices of the Chair of African Legal Studies at the University of Bayreuth. We submitted articles on diverse topics and especially contributed to a focus month on regional integration and legal harmonization. These initiatives allowed us to gain further experience in presenting academic standpoints and our own research results as well as to improve our writing skills.

Irrespective of unavoidable difficulties due to the pandemic, the academic year 2020/21 has been successful with absolute certainty. We wish to send our appreciation to the TGCL and its staff for their outstanding assistance and diligent supervision during our academic journey. Now with this reputable LLM, nothing precludes us from becoming change agents in the East African Community, the African Union and beyond. We step out of this comprehensive training programme holding our heads high and ready for the task ahead. We have been inspired to bring different perspectives and solutions to our communities. The vision of the TGCL and our personal conviction to lead from the front will be evident wherever we shall be in any capacity.

(Otieno Kennedy Abuya) ■

THE 2021 COHORT ARRIVES AT TGCL

Mr Kakungulu Eastus is a young scholar at the TGCL and Student Representative of the 2021/2022 cohort. He shares experiences of what it was like for students to arrive and settle in at TGCL.



University of Dar es Salaam Mikocheni Campus.



Entrance to Mikocheni Campus.

The cohort of 2021/2022 would like to take the opportunity to thank DAAD, the University of Dar es Salaam and finally the Management of TGCL at the Mikocheni Campus for allowing this programme to continue and shaping. Our personal appreciation goes to the TGCL Coordinator, for having such a fatherly and parental love for the TGCL students. He is more than willing to help out students with any issues in all aspects of academic perspective. And finally, to the Assistant Coordinator Ms Lilian Masalu. She has been a pillar from the time of preparing our journeys to the time of our arrival on the campus. She made sure that everyone reached the campus safely and got a place to stay and we would like to appreciate her for having such a generous heart. From the start of the journey, Ms Masalu kept us updated and directed us until we arrived at the Mikocheni Campus where we were received by the warden, who took us to our designated rooms and helped to carry our belongings. He briefed us about the campus and took us to shops and restaurants where we could buy personal items and eat food from. This was an amazing experience for us.

TGCL students have their own library at Mikocheni Campus which is fully equipped with reading materials and WIFI. This has helped to finish assignments on time due to the presence of reading materials and convenience of the library since we don't need to go to the Main Campus to access reading materials. Ms Maria Paulo, the librarian, is more than ready to help us in accessing and borrowing books and I thank her for having such a Christy heart.

When it came to registration, Ms Masalu made sure that she helped all TGCL students with certifying their documents and she guided us on the number and lists of documents required for registration and also for our visas. She even made an effort to call the university in all places where we had to deposit our documents. This made our registration process very easy to accomplish.

In conclusion, being a TGCL Student is one of the best experiences we have ever experienced and we are too humbled to be a part of this programme.

(Kakungulu Eastus) ■

2020 LLM STUDENTS & DISSERTATIONS

Student Representatives 2020/2021: Mr Otieno Kennedy Abuya, Ms Upendo Mulazi

OTIENO KENNEDY ABUYA (KENYA)



Jurisdiction of the EACJ in Inter-State Dispute Settlement: Case of Kenya-Tanzania Disputes

Supervisor: Dr P. Melkiori

TIMOTHY KAJJA (UGANDA)



Sports Law in East Africa: How a regional Protocol Can Spur Socioeconomic Development

Supervisor: Dr F. Sabby

LORAH CHEPKORIR (KENYA)



The Protection and Management of Transboundary Natural Resource within the East African Community: A Case of Mara River Basin

Supervisor: Dr D. Shayo

JAN MAINA KAMAU (KENYA)



Demystifying Economic Development and Business Practice in a Wake of Gender Parity

Supervisor: Dr T. Mwenegoha

KUOL AKOK DENG (SOUTH SUDAN)



The Dilemma of Transitional Justice Processes within EAC: A Case of South Sudan

Supervisor: Dr H. Ismail

WINNIE KUNGU (KENYA)



Taxation of E-commerce within the East African Community: A case Study of Kenya and Tanzania

Supervisor: Dr E. Nyika

BUMI FRANK (TANZANIA)



A Study on the Free Movement of Migrant Workers in EAC: A Case Study of Tanzania and Rwanda

Supervisor: Dr J. Shadrack

UPENDO MULAZI (TANZANIA)



The Right to Education for Pregnant Girls and Teen Mothers: An Assessment of Tanzania Obligation under the EAC Legal and Policy Framework

Supervisor: Prof. K. Kamanga

NOAH OMOLLO JUMA (UGANDA)



Interrogating the Region's Framework on Multinational Default: Does the East African Legal Regime Aptly Address the Associated Legal, Social and Economic Effects of Cross Border Insolvency?

Supervisor: Dr G. Kiwory

TEDDY NAMUGGA (UGANDA)



Evaluating the Impact of Transnational Crime on the EAC Integration: A case study of Uganda

Supervisor: Dr S. F. Materu

OLIVIER NDAYISHIMIYE (BURUNDI)

Analytical Examination of the Right to Healthy Environment in the East African Community: A Case Study of Burundi

Supervisor: Dr C. Morris



The 2020/2021 LLM students at the Mikocheni Campus.

TGCL STUDENTS WHO GRADUATED IN 2019/2020

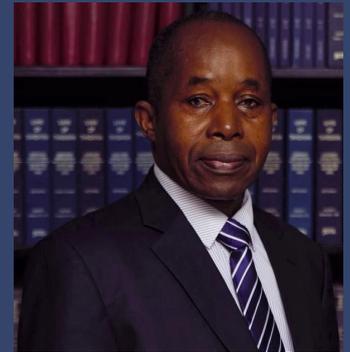
Name	Origin	Programme	Name	Origin	Programme
Mr Mathew Ngaga	Tanzania	LLM	Ms Dina Omosso	Tanzania	LLM
Ms Honey Kalekye Kithaka	Kenya	LLM	Mr Daniel Ndahimana	Rwanda	LLM
Mr Landry Ninziza	Burundi	LLM	Ms Janet Jebichi Segoo	Kenya	LLM
Mr Chacha Mairo	Tanzania	LLM	Mr Wambua Stephen Makau	Kenya	LLM
Mr Nelson Otieno Okeyo	Kenya	LLM	Mr Abudho Japheth Odhiambo	Kenya	PhD
Ms Joan Smarts Mukisa	Uganda	LLM	Mr Felix Otieno Odhiambo	Kenya	PhD

OBITUARIES

PROF. NICHOLAS NGONDO NDITI (ASSOCIATE PROFESSOR) (1950-2021)

It was with great grief that the TGCL learnt of the passing away of Professor Nicholas Ngondo Nditi, an Associate Professor at the University of Dar es Salaam School of Law whose sunset arrived in Dar es Salaam on 27 January 2021 having fallen sick. The TGCL shall remember him with respect for his great contribution of knowledge to the field of law, dedicated supervision of the TGCL's LLM and PhD students as well as a poised Chairman of the Departmental Defence Committee through which all the TGCL students undergo before submitting their final dissertations for examination.

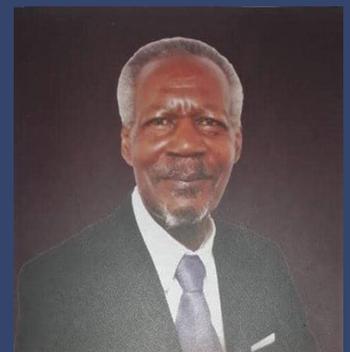
May his soul rest in tranquility!



PROF. EMERITUS JOSAPHAT LAUREAN KANYWANYI (1938-2021)

The TGCL received with deepest sorrow the news of the passing on of Professor Emeritus Josaphat Laurean Kanywanyi whose demise occurred on 10 January 2021 at Hurbert Kairuki Hospital in Dar-es-Salaam due to illness. TGCL will forever honour and cherish his kind and unconditional counsel to the Centre, participation in TGCL Workshops and Summer School in Bayreuth in August 2012, as well as his supervision of the PhD and LLM students and enormous academic contributions to the field of law; specifically his participation as a co-editor in the TGCL Series Number 4, Döveling J., et al, Regional Integration and Law: East African and European Perspectives, Dar es Salaam: Dar es Salaam University Press, 2014 and a chapter contributor in the same Series titled: "Regional Integration and the Law in East Africa: Some major Challenges".

May his departed soul rest in eternal peace!



PHD NEWS FROM TGCL SCHOLARS, ALUMNI AND FRIENDS

Over the years, the TGCL has seen various TGCL Scholars, Alumni and Friends succeeding in their PhD studies both in Tanzania as well as in Germany. Below, five PhD students share their experiences they made in the Academic Year 2020/2021 at the various stages of their PhDs.

Japheth Odhiambo

In 2016, I had the privilege to be offered a TGCL scholarship to undertake my doctoral studies in Law at the University of Dar es Salaam. It was a privilege because I was one of the only two candidates admitted through the TGCL programme in that year and it was the second last year in which PhD scholarships were offered by TGCL.

On 3 October 2016, I commenced the programme in earnest, which turned out to be an eventful and interesting learning experience. I graduated on 8 December 2020 with a Doctor of Philosophy (PhD) in Law. With research interest in Regional Economic Integration and Intellectual Property Law, my thesis was titled "Harmonisation of Intellectual Property Laws within the East African Community: Analysing Viability Using Selected Countries' Legislation".

With respect to the academic aspects of my doctoral studies, several memorable experiences abound. The first was the elaborate orientation programme organised by the TGCL office at Mikocheni Campus. The orientation opened a window through which I saw psychological and practical survival hints throughout the programme considering that doctoral studies by their very nature are taxing. The second element was the robustness of the programme through trainings in professional leadership skills and transferrable academic skills. The third was the efficiency with which I was assigned to my supervisor. From my past experiences in supervisor allocation, this was a striking and indeed a positive difference. The fourth aspect, related to

the foregoing, was the actual supervisor. I was privileged to be placed under the supervision of the very experienced yet humble Prof. Nditi (may his soul rest in peace) who has fully honoured the role of a doctoral father. From Prof. Nditi I learned how important humility as a virtue for orderly research is. The fifth was the availability of research resources under the auspices of the TGCL Library as well as the University of Dar es Salaam's Libraries.

The sixth was the 2017 Autumn University in covering educational tours in Bayreuth, Nuremberg and Berlin in Germany as well as Brussels in Belgium. One of the key highlights of the Autumn University were the lessons in German Law and the exchange of research experiences with scholars under the South African-German Centre for Transnational Criminal Justice at Humboldt-Universität Berlin. The last element, but not the least was the enduring support received from the TGCL staff based at the Mikocheni Campus and those based at the University of Bayreuth.

On the socio-cultural front, several elements that supported my academic experience stand out. The first was the diversity of my colleagues under the TGCL programme.



Throughout my tenure in doctoral research, I had interacted with broad and particular cultural orientations of all the EAC Partner States in one way or another. The third was the German language. As they say, learning a new language after one's formative years of growth can be a challenging endeavour. The interesting, yet fundamentally differentiating rule in the German language, was the fact that inanimate things are gendered! The third was the conducive research environment at the Mikocheni postgraduate hostels, the various libraries and indeed the constant breath of fresh air nicely heated most of the time. Regular reading and reflection sessions at the beaches of

the Indian Ocean made a significant difference to research perspective.

To sum up my experiences as a TGCL PhD Student at the University of Dar es Salaam, I would be too close to the truth if not in fact fully truthful if I reiterate its eventfulness and interesting character. The factors at play, some of which are highlighted above, made the doctoral research process less painful and more bearable, and that made the difference in the end. It was the kind of programme that any person of goodwill ought to recommend to some else in such a person's best interest.

Felix Odhiambo



My initial contact with the TGCL scholarship programme first came on 1 December 2015. Then, a long-time friend of mine, Mr George Ochieng' Adipo, forwarded to me the TGCL call for applications for the year 2016. I did not

apply for the available opportunity, but I did take a mental note of them. Soon thereafter, I had the opportunity to exchange ideas with Dr Japheth Abudho, about the TGCL scholarship. He informed me that he himself had applied for the available 2016 PhD scholarship opportunity. As it turned out, his application was successful. Through Dr Abudho's encouragement, I applied for the TGCL's PhD scholarship in February 2017 and I was interviewed in March 2017 at the DAAD Regional Office in Nairobi.

The interview process turned out successful and the rest, as they say, is now history. I consider the

scholarship award a very significant milestone for me. This is because it presented an opportunity for the realisation of a PhD degree which I consider as a tool for an enhanced capacity towards service to humanity.

On the academic front, I was assigned to Professor of Law Emeritus, Chris Maina Peter as my supervisor. Our maiden supervision meeting was held at his office on 15 January 2018. At the meeting, I introduced my proposed research area to Prof. Peter. When I was done talking, he flagged out a number of areas within my "presentation" and asked me to read some more about them as he politely reminded me that the PhD process is an intense academic process that would require a lot of undivided attention and focus. With time, I got to understand pretty well Prof. Peter's modus operandi.

After getting my rhythm and developing a proposal agreeable to Prof. Peter, he permitted me to submit it to the Departmental Postgraduate Committee. Consequently, I was invited for a Departmental Postgraduate Committee defence of the proposal.

As it turned out, and despite the best of my efforts, the verdict of the committee was that my proposal still needed some more improvement. I was therefore directed to focus on the necessary corrections, re-submit the proposal and re-appear before the committee. Naturally, I was crestfallen and, I did question my ability to successfully pursue the PhD programme. It took the intervention of both family and friends to help me re-engage the right academic gear. I later re-submitted the proposal and was invited for another presentation on 9 August 2018. During this session, I shrugged off the previous disappointment of my first encounter with the Committee and eased through the process.

Thereafter, I successfully defended the proposal before the School Graduate Committee on 31 August 2018. The rest of the programme proceeded without much hitch and on 17 June 2021, I had the opportunity to successfully defend my thesis during the Viva Voce examination. I concluded my PhD programme by submitting the thesis titled “Conservation of Living Marine Resources of the Exclusive Economic

Zone: Analysing the Role of East African Community” to the School of Postgraduate Studies. Reflecting upon it, I consider this journey to have been quite an interesting but equally a challenging one with lots of lessons to pick. The TGCL scholarship offered me a great financial relief and general support for which I shall forever remain hugely indebted to the TGCL programme. Besides, this journey offered very useful exchange opportunities with very diverse dons and academicians from the University of Dar es Salaam’s faculty and beyond. One life lesson that I carry from this journey is the discovery that the PhD journey is much more than an academic process.



The University of Dar es Salaam Chancellor, Hon. Dr Jakaya Mrisho Kikwete conferring Mr Felix Odhiambo with the Doctorate Degree in Law during the 51st Graduation Ceremony of the University of Dar es Salaam.

Gilbert Hagabimana

Last year, during the time in which I was waiting to defend my doctoral thesis, my contribution to this newspaper centered around my time at the University of Bayreuth. The ultimate stage of my academic journey was successfully achieved when I defended my thesis on 4 February 2021. The feeling and adrenaline I experienced was one that can be summarised with the simple word of pure excitement. It was simply one of the proudest moments of my life thus far. My goal has always been to work for an international organisation, in order to lend and share my knowledge for the enhancement, improvement and continuous development of the African continent. Following the successful defense of

my thesis, I was able to achieve that goal by acquiring the position of a Senior Legal Researcher at the African Commission on Human and People’s Rights. The appointment for this position will further enable me to advocate for positive change on the promotion of human rights by applying my legal knowledge for the betterment of Africa as a whole.



Goodluck Temu

It all started in 2014. As an Assistant to the TGCL Coordinator, I organized a seminar on which in attendance were distinguished legal luminaries, both from Tanzania and other countries. Prof. Dr Ulrike Wanitzek (former TGCL Project Leader) and Prof. Dr Rupprecht Podszun (my supervisor) were also present. This is how I met these two, who, later on, became instrumental in starting my PhD at the University of Bayreuth.



I would like to fast-forward to three years later in 2017, I was already in the streets of Bayreuth. This was a new experience. From the weather that is a complete opposite to our warm tropical experience, to new

research and teaching methods, to a new environment and challenging language that I must admit I am still struggling to master.

My first few days in Bayreuth had eye-opening experiences; the almost liberal, vibrant, and lively campus life (Corona was still in the invention process), the seemingly busy life of almost everyone on the streets, the bureaucracy that one would be forgiven to think it doesn't exist in a country as developed as Germany, and the language of

which the only words I could hear were 'Also', 'Genau' and 'Bitte'. At one point I was even amazed by the people's politeness.

Everywhere I go they would say "Danke dir", of which I mistakenly believed them to have said, "Thank you, dear."

The start was not easy. But I got started anyway. The support afforded to us by those already here brought meaning into my life. Besides soaking myself in the library, the campus had a lot to offer. I remember those exciting lunch times full of lively discussions and exchanges. There is a lot to remember when I look back. And this is not without forgetting the grand entrance of Corona, with which our lives have not remained the same.

It is worth mentioning that doing a PhD is not an easy task. Doable, yes. But challenging nevertheless. I am glad that the journey has now come to an end, very successfully, after four and a half years. Both my wife and I earned our PhDs in the same week, going back home not only with the degrees but also with increased family (a baby girl was added to us on the way). I would say, in my experience, one needs three things to succeed in a similar journey: a belief in a higher cause that keeps one moving, an unwavering

commitment to one's project regardless of the ensuing setbacks and challenges, and a supportive environment that starts at one's home.

I am glad to have had all of these.



Goodluck Temu and Florencia Kimario together with their family and friends at the University of Bayreuth.

Ange Dorine Irakoze

I have completed my LLM Studies at the University of Dar Es Salaam School of Law under the TGCL Programme sponsored by the DAAD In-Country/In-Region Scholarship from 2018 to 2019. My main motive during my LLM journey was not to complete an assigned set of courses, but to develop significant and original research in my area of expertise. This opened my eyes to the excitement and wider benefit of scientific research and that inspired me to take up the challenge of a PhD. When considering applications for host universities, unimpeachably my choice was Germany because of the positive experience I gained while participating in the “Contested Governance” Summer School from DAAD sponsored In-Country/In-Region programmes held in Freiburg in September 2019. This summer school was also an excellent opportunity for improvement of my academic research techniques which are essential for the PhD project I later on enrolled in.

I recently joined the University of Bayreuth as a PhD Student in October 2021 under the DAAD scholarship of Research Grants - Doctoral Programmes in Germany. My research is oriented on “Combatting Illicit Financial Flows for Sustainable Development in East African Community: A Study of Burundi Mining Laws and Lessons from United Republic of Tanzania Mining Laws”. The study intends to shed light on the threat posed by IFFs from Burundians extractive sector and their implications in achieving sustainable development goals. I take this opportunity to express my gratitude to my supervisor, Prof. Kaime, who accepted to avail his mentorship and guidance for this ongoing journey. Friendly approachable university staff members

and volunteers have been of great help to successfully proceed with my enrolment and get to know the new environment at the University. The orientation as a whole was very valuable in informing and giving an insight into expectations of my starting journey. It also led to me feeling much calmer approaching my first day, and allowed me to be a lot more familiar with where I had to be.

Since my arrival at the University of Bayreuth, I had the opportunity to embark into research discussions during the Colloquium and Conference related to “The continuous search for coherence in Africa’s plural legal systems”



organized by the Chair of African Legal Studies in November 2021. I was privileged to present a paper entitled: “Spotlight on legal pluralism in mining laws: the case of Burundi” which considered the question whether the mineral resource governance under multiplicity of legal orders opens on to forum shopping and contradictory implementation mechanisms. It was an excellent forum for exchange of ideas among researchers as well as outside speakers.

In addition, I am also privileged to be counted among Junior Fellows of the University Bayreuth International Graduate School of African Studies (BIGSAS). I am eager to make use of the creative and innovative facilities of the center of BIGSAS, which has a conducive environment for inter- and multidisciplinary research.

EAC DEVELOPMENTS IN REGIONAL INTEGRATION

PhD Candidate and TGCL Alumnus Nelson Otieno reflects on the Nexus between Mode of Appointment of Judges and Potential for Making Integrationist Judgments in African Regional Economic Communities (RECs).



Most academic discussions express skepticism about the progress of integration in African RECs.

Countless times have the AU member States insisted on asserting state sovereignty in addressing issues of

regional or continental concern which support that skepticism. That is more or less an anti-thesis of supranationalism where community institutions and law take precedence.

For the European experience, supranationalism has gained traction as a success story since the decision of the European Court of Justice (ECJ) in *Van Gend en Loos Case 26/62*. In this case, *Van Gend en Loos* challenged as contrary to Article 12 of the Treaty of Rome, the decision by Netherlands' authorities to levy duty on urea imported from West Germany. The European Court of Justice found, among others, that provisions of the Treaty could create enforceable legal rights for any person. In other words, it gave meaning to the applicability and legal force of community law in the European Union.

Over time, African regional courts have made some judgments that promote regionalism through interpretation of the community laws. One such judgment by the East African Court of

Justice (EACJ) is *James Katabazi & 21 Others v Secretary-General of EAC & AG of Republic of Uganda, Ref No. 1 of 2007*. In this case, the applicants complained to the court that their human rights had been violated. They also complained that the Ugandan government had breached the EAC Treaty 1999 by allowing its security personnel to intercept them after they had been released on bail by a court of law. The EACJ innovated a way to consider the actions of the Ugandan government against the principle of rule of law to address the happened human rights violation much as it did not have a human rights jurisdiction per se. The acts of judicial innovation to overcome bottlenecks often created by States rekindle hopes of commitment to integration.

However, some authors have still poured cold water on prospects of such judgments. I have noted that their pessimism is based on a number of arguments most of them hinged on the manner in which judges of the regional courts are appointed which purportedly denies them independence. The question to ask is whether the omnibus, and mostly predictive, conclusion that the manner in which the judges are appointed makes them 'docile representatives of the Heads of Government'. In my opinion, *Van Gend* and *Katabazi* are good examples.

I randomly considered Professor Alberto Trabucchi, a member of the bench in *Van Gend*. Judge Trabucchi was a scholar of civil law.

Using his professional background, he influenced the bench in favoring arguments for the self-execution of Article 12 of the Treaty of Rome. He took this position despite being an appointee of President Charles De Gaulle who openly opposed a supranational Europe.

The bench in Katabazi also gives some pointers as to the influence of judicial innovation of the bench. First, Justice Mulenga had been a minister of regional cooperation and a judge at the Supreme Court of Uganda before joining the EACJ. Second, Judge Arach-Amoko had been a state attorney and a High Court judge in Uganda for over a decade. Third, Justice Ra-



madhani had served as Court of Appeal judge and a Chief Justice in Tanzania. Interestingly, the learned judge authored a publication on the role of human rights organizations in new economic orders ten years earlier.

Justices Trabucchi who swayed the decision in Van Gend utilized his professional background in law and politics to influence the landmark decision. He was not influenced by personal views of Charles de Gaulle despite having been a political appointee. Similarly, the innovation by

the bench in Katabazi is uncharacteristic of mere puppets of the Heads of States. This shows that there is a possibility that the mode of on boarding the judges play a peripheral role in creating momentum integrationist judgments.

Throughout my analysis, I have made a case that policy makers should change their perspectives on the way forward in creating momentum for integrationist judgments. While there are many areas for reform, I believe that much can be done if we stop castigating the mode of appointment. We should instead focus on capacity-building and sensitization of judges on harnessing of independence, competence and



collegiality to develop community law through integrationist judgments. Already, former judges of EACJ including Judge Otieno-Odek and Lord Justice Ugirashebuja have emerged as scholars in regional integration through publications to influence the policy for the present and future judges. This is the way to go.

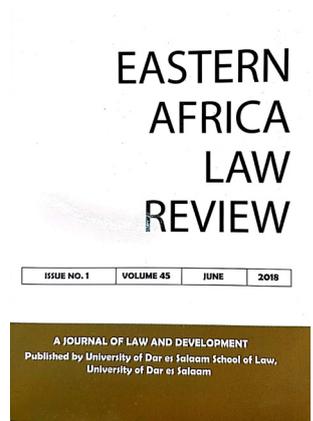
(Nelson Otieno) ■

PUBLICATIONS

REGULATION OF CORPORATE SOCIAL RESPONSIBILITY IN THE EAST AFRICAN COMMUNITY: LEGISLATIVE DEVELOPMENTS IN KENYA, SOUTH SUDAN AND TANZANIA

This article contains the research results of Dr Daniel Shayo, who is Head of Department and Senior Lecturer at the Economic Law Department at the University of Dar es Salaam. Despite appearing in the Eastern African Review Volume 45 (2018), the article was published in late 2020.

Eastern African Law Review. A Journal of Law and Development, Issue No. 1, Volume 45, June 2018, (ISSN: 0012-8678).



ABSTRACT



The practice of companies in the East African Community (EAC) region to engage in Corporate Social Responsibility (CSR) programmes by developing their own CSR policies or by adopting existing CSR instruments developed by national or international Non-governmental Organisations (NGOs) and Civil Society Organisations (CSOs)

requires an examination of its legal foundations. Relevance of this article revolves around the role played by law in promotion of meaningful and credible CSR agenda in the EAC region. In particular, it examines the laws on CSR found in the Partner States of Kenya, South Sudan and Tanzania with a view of establishing the best forms of legal regulation appropriate to the EAC region at the EAC regional level.

It is concluded that although law can be used to promote meaningful and credible CSR in the EAC region, the practice of imposing a legal obligation on companies to adopt CSR policies raises many legal issues, an aspect, which makes it an unfavorable option when compared with the practice of imposing a legal duty on companies to report on CSR in the EAC region.

SHYLOCKS OR LEGITIMATE LENDERS? AN INQUIRY INTO THE REGULATION OF DIGITAL LENDING IN KENYA

This article, written by TGCL Alumnus Augustus Mutemi Mbila, was published in 2021.

Eastern African Law Review. A Journal of Law and Development, Issue No. 1, Volume 48, June 2021, (ISSN: 0012-8678).

ABSTRACT

The lending market in Kenya has seen proliferation of digital lenders that are largely unregulated. The lenders provide seemingly cheap loans whose interest is huge when the Annual Percentage Rate (APR) is calculated. The lenders operate through apps that are uploaded to App Stores and put down at will. They require their customers to 'accept' terms and conditions before accessing the loans, and these terms sometimes allow the lenders unfettered access

to customer data which they use and abuse in equal measure. The lenders use such customer data to threaten, to contact those on the contact lists of the customers' phonebook and to report them on Credit Reference Bureaus (CRBs). This paper seeks to examine the law on regulation of the digital lending environment in Kenya and recommend the enactment of the Financial Markets Conduct Bill of 2018 which introduces elements of the Twin Peaks model of financial regulation.

AFRICAN LEGAL STUDIES BLOG

Since May 2020, the African Legal Studies Blog has been publishing cutting edge analysis on key issues in African law, politics, and development. On monthly changing topics scholars and students from various disciplines provide insights into current legislation, recent judgements, the entanglement of law and politics and the latest human rights situations. In quick reactions, well-considered comments and detailed analysis authors for example critically discuss and appraise the status of women's and children's rights. The blog assembles different perspectives on legal pluralism and addresses some of the pressing challenges of our time ranging from the struggle against racism to the decolonisation of academic institutions. The articles offer in-depth knowledge and create awareness for legislative milestones and pioneering legal

scholars in Black and African history and the legal, political, social, and ecological challenges of climate change.

Students and alumni of the TGCL regularly submit articles on this wide array of topics and especially contributed to the focus month on **Regional Integration** in April 2021. In their pieces the authors discuss the balance between state sovereignty and regional integration, the legislative framework for intra-regional trade within the EAC, the necessity for legal harmonisation in the field of cybercrime regulation, the facilitation of regional mobility through the Single African Air Transport Market (SAATM), and the role of regional integration in refugee protection.

All articles are available online at <https://african-legalstudies.blog/>.

(Lena Scheibinger) ■

CHILEAN-GERMAN-TANZANIAN LEGAL TALK SERIES

The Legal Talk series, which was successfully co-launched in 2020 by the TGCL and the Heidelberg Center Latin America (HCLA), was successfully continued in 2021 with three more episodes. Held via Zoom, the series continuously brings together over 40 students and researchers from East Africa, Latin America and Germany.



On **13 January 2021**, the TGCL and the HCLA held the second edition of the CGT Legal Talk about “Water Resources - Legal Protection and Conflicts”.

The first speaker, Prof. Dr Omondi Robert Owino from the Jomo Kenyatta University of Agriculture and Technology (JKUAT) School of Law, presented the “New Challenges in a Transboundary Watercourse: Retooling Cooperation in the Lake Victoria”. He gave insights into the ecosystem and the challenges it is facing, such as climate change, loss of biodiversity and pollution in the Lake Victoria. In addition, he recommended solitary solutions and retooling cooperation against the water pollution in the Lake.

The second presentation titled “Struggle over sustainable policy solutions. The case of water pollution by contaminants of emerging concern” was given by Simon Schaub, PhD Candidate from the Institute for Political Sciences, University of Heidelberg. He highlighted the main pressures on surface waters with a special reference to Germany, these are hydromorphological degradation, agriculture and human contaminants of emerging concern.

However, the regulatory response has been weak due to a stronger interest to achieve health security, strong influence by industrial actors

and also because of a lack of concerted public efforts.

The third speaker, Prof. Dr Pilar Moraga from the University of Chile, Faculty of Law, Center for Environmental Law presented on “Environmental and social conflicts: the Chilean glaciers”. She analyzed the content of environmental water conflicts including water quality, disposability, environmental damages and impacts including the example of the Pascua Lama Mining Project in Chile. Although there is a multiple existence of evidence for environmental conflicts, the regulations of adequate glaciers protection are insufficient and not effective and need to be changed in order to adequately protect them from anthropogenic influences.

On **9 June 2021**, the third episode, dealing with Climate Litigation, was conducted.

This digital workshop was opened by Valentina Durán Medina from the Center of Environmental Law (CDA) at the University of Chile, who handed the floor to Dr Inés Recio, Academic Director of the HCLA who made a brief introduction. The session proceeded with Prof. Kaime’s brief remarks on this academic arrangement and highlighted how important climate litigation dialogues are across the globe.

Then, organizer and PhD Candidate Jebby Gonza introduced the first speaker, Prof. Dr Eva Lohse. Prof. Dr Eva Lohse from the University of Bayreuth presented on “Climate Change Litigation and National Litigation”. She pointed out the importance of the connection between climate change litigation and national legislation, in the sense that climate change litigation is based on national legislation, especially on human and fundamental rights included in national constitutions. Furthermore, the national policy objections, e.g sustainability legislation and international obligations have the strength to develop the national legal system, enabling and preventing successful legal action. One need to change in national legislation is to establish concrete measures and obligations for individuals.

Secondly, PhD Candidate Mai-Lan Tan from the Heidelberg University gave insights about “Civil Climate Change Litigation from a comparative law perspective”. She highlighted the current booming on climate change litigation and the difference between civil and public climate change litigation through several case material from around the globe. One of the most relevant and new cases, *Greenpeace Netherlands v. State of the Netherlands (2020)* emphasizes the huge impact of public climate change litigation also in terms of a private company that was held to account for its climate crisis due to disregard of the Paris Agreement.

The third presentation entitled “Climate change: The Tanzanian Legal and Practical Contexts” hold by Dr Cleoplace K.K. Morris from the University of Dar es Salaam outlined the Tanzanian perspective on climate change issues. The effects of climate change are part of the court litigation and included in the framework of law. The ratified

Kyoto Protocol, the Paris agreement such as the national policies in climate change and the constitutional obligations illustrate a responsibility to develop measures against climate change. However, the inherently existing national climate change institutions, for example the Tanzanian National Climate Change strategy from 2012, represent a political will, but the will has to be reflected also in the human mind to establish sustainability in the environment.

The last speaker, Dr Ezio Costa Cordella from the University of Chile, FIMA gave insights about “Climate Litigation in Latin America” with a special focus on Chile. Speaking about the content of the right to a healthy environment, the right to life, the right to water and food, he pointed out that the adaption approach produces still a lack of protection measures. For example, the lack of measures to protect a particular environment in Amazon, signifies that climate change in Latin America is still a huge challenge for the law system.

This third session of the CGT Legal Talk marked the continuation of exploring possibilities to expand academic cooperation in research and teaching beyond regional confines.

On **3 December 2021**, the fourth CGT Legal Talk about “Contested values and contradicting rights: Legal pluralism and human rights law” took place. This Legal Talk was opened by Dr Inés Recio from the HCLA and by Prof. Thoko Kaime, TGCL Project Leader from the University of Bayreuth.

Moderator Prof. James Cooper from the California Western School of Law handed the floor to the first speaker, Prof. Emeritus Chris Maina Peter from the University of Dar es Salaam. His speech focused on legal pluralism in Tanzania.

Prof. Nancy Yañez from the University of Chile, Head of the Human Rights Center explained the human rights law system in Chile.

The last speaker, Dr Susanne Epple from the Frobenius Institute Frankfurt highlighted the current legal pluralism aspects and human rights developments in Ethiopia. All episodes ended with fruitful and instructive discussions on the

challenges outlined in the respective presentations.

For further details, all the talks are available online on the official YouTube channel of African Legal Studies (<https://www.youtube.com/channel/UCPyXXhjHGbE4PdC57mQhBhQ>).

(Ligia Link) ■

STRIVING FOR SUSTAINABILITY

TGCL is part of the “African Excellence” initiative funded by DAAD. After its establishment in 2008, the programme has now reached its third and final phase of (partial) funding. This phase will expire in 2023 which is why the achievement of sustainability for the Centre is the key objective of the Management Team. Subsequently, the Centre’s sustainability efforts have increased significantly in recent years, including, for example, the establishment of the TGCL Marketing Strategy Team. In addition, two important events have taken place this year.

On **10 June 2021**, the TGCL Management organized the TGCL Sustainability Workshop manifesting the sustainability strategies and assigning clear responsibilities, which was attended by over 30 participants representing all TGCL stakeholder groups. To ensure the possibility of participation from all stakeholders, the Workshop was held online via Zoom and we were joined even from Canada and the Netherlands. After a welcome note by Project Coordinator Dr Mapunda and a keynote address by Project Leader Prof. Kaime, the participants got to know each other through an interactive round of introductions. After this, the participants were divided into five subgroups according to their responsibilities, focusing on potential developments. Those were (1) Alumni Fund, (2) External Funding, (3) Continuous incorporation into the School of Law, (4) Cooperation with governments of EAC partner

states and (5) Expansion/re-focusing of the programme. After around 45 minutes of fruitful discussions within the subgroups, all participants came back to the main room to then listen to the presentations of the respective subgroup leaders and engage in a discourse. It was evident that work on not one, but all five approaches discussed needs to be undertaken. To establish a way forward, clear responsibilities were allocated to the respective subgroups and actions to be taken were discussed. For instance, the Leadership of the TGCL Alumni Association vowed to finalise their Alumni Association Constitution including a provision for fundraising that can act as the guiding framework for interaction within the Association. The Leadership will conduct a survey amongst the Alumni concerning their readiness and ability to contribute towards funding for scholarships or other relevant Alumni activities.

Furthermore, a closer cooperation between the School of Law Leadership and the TGCL Dar es Salaam office was determined.

The institutions agreed to carry out high level lobbying to recruit external funding amongst private sector institutions as well as Ministries and to establish cooperations with governments of EAC partner states. Regarding the expansion of the programme, a more interdisciplinary approach and the implementation of short courses were discussed.

In a final step, Prof. Kaime and Dr Mapunda once again thanked the participants for their presence. The attendance of over 30 people from at least four institutions shows that the continuation of the TGCL Programme is of great interest to many and that the different institutions are willing to stand united behind achieving the Centre's sustainability.

As a next step, the TGCL - together with the leadership of the University of Bayreuth - organized a meeting for the **Afrika-Verein der deutschen Wirtschaft** and its members. Out of a big pool of members, the organisers mainly addressed those with potential interest in TGCL - German law firms with branches in and commercial connections to East Africa. The goals were two, identify potential cooperation partners and sponsors of scholarships as well as call bigger attention to the TGCL programme. The programme on 23 June 2021 was supported by the CEO of the Afrika-Verein der deutschen Wirtschaft, Mr Christoph Kan-

nengiesser and the President of the University of Bayreuth, Prof. Stefan Leible who gave welcome addresses. Thereafter, Prof. Cyrus Samimi as the Director of the Institute of African Studies at that time, under which the TGCL is officially positioned, presented the Institute and its projects at the University of Bayreuth. After that, the meeting dived into a presentation of the TGCL programme and the introduction of a selection of its former scholarship holders by Prof. Thoko Kaime. He continued with portraying a number of potential scholarship models after 2023 that would enable the continuation of the programme after the final phase of DAAD funding. According to him, the past years have shown that continuation of the LLM depends on the identification of external funding that can support the students and the Centre itself. The meeting ended with a joint discussion. Even though the external participants could have come in bigger numbers, the meeting enabled a great exchange between different stakeholders and raised awareness of the approaching end of the final DAAD funding period.

To sum up this year's efforts regarding sustainability, it seems crucial to highlight once more, that even though securing funds for the programme after 2023 is essential for the continuation and further development of the same, it proves to be a challenging task.

(Isabelle Zundel, Philipp Bogensperger) ■

TGCL



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NEWS FROM DIGI-FACE

The TGCL is proud to be a permanent member of the Digital Initiative for African Centres of Excellence (DIGI-FACE), a project promoting digital capacities and providing teaching, learning, research, and communication opportunities at DAAD African Centres of Excellence.

After the project was launched in 2020, a lot has happened since then. For instance, the Centres of Excellence have enjoyed extensive training sessions held by digital experts from the DIGI-FACE team. An example for this is the comprehensive Workshop on the topic of IT-Management and the creation and support of moodle e-learning courses, which was attended by Petro Protas and Philipp Bogensperger. The DIGI-FACE project will undoubtedly

of Excellence to engage with each other and exchange about academia, research, publications and learning experiences. In addition, it serves as an access point to the DIGI-FACE Moodle Learning Management System and can function as an online library within and between the Centres of Excellence. Hence, the TGCL would like to take the opportunity and encourage all TGCL students and alumni



Deutscher Akademischer Austauschdienst
German Academic Exchange Service



accelerate international and interdisciplinary exchange between the individual Centres of Excellence in the future. It is both a progressive and elegant way to deal with the challenges of our times, especially those brought by the COVID-19 pandemic.

After detailed preparation, the official launch of the DIGI-FACE platform (<https://www.digiface.org/>) took place on 1 October 2021.

Since the official launch of the platform, the TGCL is represented with its own subpage (<https://www.digiface.org/about-african-excellence/tanzanian-german-centre-for-eastern-african-legal-studies-tgcl/>).

The DIGI-FACE platform is perfectly tailored for students, alumni and employees of all Centres

to register at DIGI-FACE and take the chance to benefit from the great environment created by DAAD and to engage with the other Centres. Furthermore, the TGCL would like to inform you that it now uses the platform as an additional form of communication to share important information and regularly publishes blog posts on the platform.

Future TGCL Coordinator Petro Protas expresses his desire that TGCL will continue to be involved in the project and thanks the DAAD and the DIGI-FACE team for the unparalleled opportunity and constant support.

(Philipp Bogensperger) ■

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

NEW PHD DEFENCES

Dr Nicolous PrayGod Amani of the Department of Private Law successfully defended his PhD thesis on 12 October 2021. The title of his thesis is "Navigating between Judicial and Extra-Judicial Mechanisms for Asset Recovery in Tanzania: Examining Legal Implications."

Dr Veronica Gabriel Buchumi of the Department of Private Law, also a TGCL Alumna has completed and defended her PhD thesis with success on 23 August 2021 at the University of Bayreuth, Faculty of Law, Business and Economics in Germany. Her thesis is titled "The Right to Alternative Care for Children in Tanzania: An Inquiry into the Law and Practice of Foster Care."

Dr Nicksoni Filbert of the Department of Private Law accomplished his PhD programme at the Faculty of Law, Humboldt Universität zu Berlin in Germany having successfully defended his Doctoral thesis titled "Human Trafficking under International and Tanzanian Law" on 16 December 2020.

Dr Florencia Kimario of the Department of Economic Law defended her PhD thesis successfully at the University of Bayreuth on 2 December 2021. Her thesis is titled "Tanzania's Law on Child Adoption, with Special Focus on Adoptions with an International Element: In the Best Interest of the Child?"

Dr Theophil Romward of the Department of Private Law, also a TGCL Alumnus, defended his PhD thesis successfully on 30 August 2021 at the University of Aberdeen School of Law in Scotland. His PhD thesis is titled "Examination of

the Mining Legal and Institutional Framework in Tanzania: A Quest to Maximise Revenues while Attracting Investments".

Dr Goodluck Temu of the Department of Private Law has completed his Doctorate studies on the topic titled "Regulation and Enforcement of Competition Law in Tanzania's Telecom Sector: Law, Institutional Design and Practice." He successfully defended his PhD thesis on 29 November 2021 at the University of Bayreuth, Germany.

PROMOTIONS

Dr Veronica Buchumi has been promoted from Assistant Lecturer to Lecturer.

Dr Nicksoni Filbert has been promoted from the position of an Assistant Lecturer to a Lecturer effective from 16 December 2020.

Ms Nuru Komba of the Private Law Department has been promoted from the position of a Tutorial Assistant to an Assistant Lecturer with effect from 27 May 2021.

Dr Sosteness F. Materu of the Department of Economic Law has been promoted from the position of a Lecturer to a Senior Lecturer, retrospectively, commencing in September 2020.

Dr Jaba Shadrack of the Department of Public Law has retrospectively been promoted from the position of an Assistant Lecturer to a Lecturer, from October 2020.

Dr Daniel Shayo of the Department of Economic Law has been promoted from Lecturer to Senior Lecturer.

APPOINTMENTS

The UDSoL has received three appointments of the Heads of Departments for the 2021/2022-2023/2024 triennium with effect from 15 November 2021 as follows:

Dr Cleophas K. K. Morris - Department of Private Law;

Dr Lauren Mussa - Department of Public Law; and

Dr Daniel Shayo - Department of Economic Law

Dr Saudin Makaje has been re-appointed to the position of Chief Corporate Counsel and Secretary to Council (CCC&STC) for the 2021/2022-2023/2024 triennium by the University of Dar es Salaam Council at its special 270th meeting held on 2 November 2021.

Dr Theodora Mwenegoha was appointed Judge of the High Court of Tanzania with effect from 11 May 2021. Prior to this appointment Hon. Dr Mwenegoha was a lecturer at the Department of Private Law, University of Dar es Salaam of the School of Law. She had also served as a Member of the Fair Competition Commission since 18 August 2017, also a Presidential appointment.

Ms Asina Abdillah Omary has been re-appointed by the President of the United Republic of Tanzania to the position of the Commissioner in the National Electoral Commission (Tanzania) on 27 September 2021.

Mr Petro Protas has been appointed by the Dean, University of Dar es Salaam School of Law to be the new Coordinator of the TGCL, effective 1 January 2022. Mr Protas replaces Dr Benedict T. Mapunda who retires in December 2021.

Dr Francis Sabby has been appointed a Member of the Governing Council of the Institute of Judicial Administration (IJA) to represent the School on 17 August 2021. Dr Sabby replaces Dr Mwenegoha in this position having being appointed the judge of the High Court of Tanzania.

HONORARY PROFESSORIAL OFFER

Emeritus Professor Issa Gulamhussein Shivji has been offered a three year Honorary Professorial position at the National Law University, Delhi, India from the year 2021.



UNIVERSITY MEDAL

In 2020, **Prof. Ulrike Wanitzek** was awarded the University of Bayreuth University Medal, this event took place exclusively digitally. On 26 July 2021, she was officially presented with the Medal and the Certificate by the President of the University of Bayreuth, Prof. Stefan Leible.

Dr Sosteness Materu has been appointed as Dean of UDSoL effective from 20 December 2021 succeeding the former Dean, Prof. Hamudi Majamba who has completed his Deanship tenure.

The TGCL takes this opportunity to heartily congratulate and thank Prof. Hamudi Majamba who has completed his double triennia of service as Dean since the year 2015. Throughout this period, Prof. Majamba has played a great role in facilitating the progress of the Centre including his personal efforts to ensure the TGCL stands tall in the tests of sustainability. With this and many other dedicational initiatives by Prof. Majamba, we express our warm appreciation and all the best wishes to him as he now handles this crucial task to Dr Sosteness Materu. At this juncture, the TGCL joins hands with friends and colleagues at the University of Dar es Salaam, particularly those at UDSoL in congratulating Dr Sosteness Materu for his appointment at the position of the Dean, UDSoL. The Centre wishes him great success in this new capacity he has deputised before and assures him full cooperation.



Former Dean Prof. Hamudi Majamba in his former office.



New Dean Dr Sosteness Materu at the UDSoL Library.

HAPPY 60TH UDSO L ANNIVERSARY

This year, on 25 October 2021, the UDSoL celebrated its Diamond Jubilee!

Being the pioneer Faculty of the University of Dar es Salaam and the first ever law training institution in Tanzania and East Africa, the University of Dar es Salaam School of Law, formerly the Faculty of Law, has since its establishment on 25 October 1961 produced highly qualified law graduates who have served in various positions in Tanzania, East Africa and the international sphere at large.

In this regard, the TGCL is extremely honoured to be in collaboration with and located under this prestigious School since the year 2008. This nurturing cooperation has borne high

successful results including the generation of thriving PhD and LLM graduates as well as insightful academic publications, workshops and colloquiums. The TGCL is very proud of and congratulates for all the achievements attained by UDSoL over six decades of triumphant existence, one of them being offering of TGCL courses on Regional Integration and East African Community Law; a programme which has greatly proven relevancy in the East African Region and beyond!

Hongera sana Shule ya Sheria, Chuo Kikuu cha Dar es Salaam!

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

In 2021, the Chair of African Legal Studies hosted various events. Undoubtedly the most outstanding event was the "African Law Week" in November, funded by the Cluster of Excellence Africa Multiple. Dedicated to "The continuous search for coherence in Africa's Legal Systems", the event took place at premises of Iwalewahaouse in Bayreuth. The series of events embraced two guest lectures, a Colloquium, a Conference and the Inaugural lecture of Prof. Thoko Kaime.

Dr Serawit Debele and Dr Semeneh Asfaw made the start on Wednesday with their guest lecture on "Ujama Socialism: Towards Cohering Tradition and Modernity". The team raised questions on socialism as defined from the values expressed in Ujama such as the community of care as a key character of a socialistic society.

Then, Dr Hassan Ndzovu, Senior Lecturer in the Department of Philosophy, Religion and Theology at Moi University, Kenya and Cecilia Ngaiza, PhD candidate under the Chair of co-organizer Prof. Bernd Kannowski,

commenced with a guest lecture on "Religion, law and Customary Legal Practices in Africa". Under this topic, the discussion focused on balancing out different interfering legal systems without losing the identity of oneself. Both events were open to the public and took place at the Iwalewahaouse in Bayreuth that offered us their rooms for the events of the African Law Week. A short tour through the art exhibition in

the house not only provided ambience of the conference but was also thought-provoking particularly on the role and place of women in art. The colloquium started on Thursday with Prof. Lea Mwambene exploring questions on "How to organise yourself as a scholar? What are the Do's and Dont's to publish in a journal?" together with

the twelve PhD scholars. A virtual contribution by Dr Eddy Wifa, Lecturer at the University of Aberdeen in the field of Energy Law covered the characteristics of a good abstract and shared that defining the

research problem precisely also sharps the rest of ones writing. Virtual guest contributor Prof. Luke Mason, Professor of Jurisprudence and Head of Westminster Law School at University of Westminster articulated that young writers need to understand the conversation in their field of interest, become part of the conversation, and shape it by initiating new conversations.



The "African Law Week" participants and facilitators in Bayreuth.

In the evening of the 18 November 2021, Prof. Thoko Kaime held his inaugural lecture. This event not only consolidated the founding of the Germany-wide only Chair of African Legal Studies but also offered the opportunity to present its work and Prof. Kaime's personal achievement to an academic and non-academic audience. In his opening words, the Dean of the Faculty of Law, Business and Economics, Prof. Schlüchtermann underlined the necessity for the establishment of the young Chair with its remarkable focus. Prof. Seesemann, Dean of the Cluster of Excellence Africa Multiple, added a personal note that narrated the history of the Chair including the many years of groundwork by Prof. Ulrich Stellenberg and Prof. Ulrike Wanitzek.

Thoko Kaime took his present and virtual guests on his academic journeys in public international law both to explain the focus of his scholarship so far and share some perspectives for the future. While taking the guests from Bangwe to Bayreuth, he showcased different intractable problems in international law, such as racism and connected these to theories of public in-

A subsequent get-together offered the time to express congratulations and dive deeper into the discussion on the impulses on

public international law given during the lecture. A recording of the Inaugural lecture is available on the official African Legal Studies YouTube Channel (<https://www.youtube.com/channel/UCPyXXhjHGbE4PdC57mQhBhQ>).

After this highlight, the Colloquium proceeded with the question how to write about and research on Africa. Prof. Anthony Diala, Associate Professor of Law and Director of the Centre for Legal Integration in Africa at the University of the Western Cape, with support of Prof. Hassan Ndzovu stimulated a discussion on episte-

mological, ethical, political but also practical lessons. The common determinant, examined from different angles, was legal pluralism in Africa. The afternoon was left for the conference was facilitated by Prof. Kanowski, Prof. Kaime, and Prof. Diala. The overall topics were human rights, environmental law, legal pluralism and state building. A postcolonial city tour the next morning marked the end of the colloquium and the African Law Week.



Prof. Thoko Kaime with Prof. Lea Mwambene after his inaugural lecture.



Prof. Thoko Kaime with his team after his inaugural lecture.

ternational law. He closed his lecture with the clear statement that the law is not enough to resolve these intractable problems and therefore invited everyone to join his efforts for inter- and multidisciplinary research.

We express our thanks to everyone who contributed to the success of this week and to those who joined and supported us through the whole year.

(Marie Grabka, Gift Mauluka) ■

CHAIR OF AFRICAN LEGAL STUDIES

STUDY TRIP TO BRUSSELS

At the end of September 2021, members and collaborators of the Chair of African Legal Studies travelled to and spent three days in the political capital of Europe – Brussels. The purpose of the study trip was to establish closer relationships with European institutions, research organisations and other bodies working on the European-African collaboration. The intended networking was realised through a series of presentations and discussions.

Our study trip commenced with a warm welcome by the representation of the State of Hesse (Germany) to the European Union (EU), Ms Silke Malorny who briefly introduced us to the structure and activities of the office. Later on, we met Ms Yvette Gafinen, a research funding advisor at the European Liaison Office of the German Research Organisations. She informed us that the role of the consultants in Brussels is to advise actors of the German research community on the research programmes of the EU and to offer trainings on the application for European research funds. Importantly, she brought to our attention the idea of the European research area in which researches, scientific knowledge and technology circulate freely. Within this scientific union the new EU framework programme for research and innovation for 2021-2027, called Horizon Europe, is of special significance. The programme offers funding beyond EU Member State level and promotes the establishment of long-term research partnerships between European and African scholars and universities. The first day ended with a reception and dinner with Friedrich von Heusinger, the head of the representation and Frank Schwalba-Hoth, a founding member of a German party (Die Grünen) and former member of the European Parliament. Considering his activeness in Brussels as a consultant and networker for more than 30 years, we profited from his comprehensive knowledge and practical hints for accessing and interacting with European institutions as students' trainees and graduates.



Mr Raphaël Danglade (Africa-Europe Foundation) and Prof. Thoko Kaime.

Our second day started with an onlinetalk with Professor of Law Sven Simon who has been a Member of the European Parliament under the umbrella of the European People's Party since 2019. He shared some insights of his work in the Committee for International Trade and the Committee for Constitutional Affairs as well as his experiences with the Conference of the Future of Europe. The latter is a recently founded public forum discussing the future of the EU and possible reforms for its policies and institutions with the citizens of the single member states. With regard to future agendas, he particularly pointed out the need for the EU Strategy for Africa that puts a priority on trade agreements, the exchange of people's experiences and a coherent European development policy. He noted that all these intended types of cooperation go along with diverse legal challenges requiring experts in international law and regional integration law.

We are of the view that since the TGCL has been offering regional integration law programmes at LLM and PhD levels for more than 12 years now, has a potentiality to serve as a hub for this needed expertise on the African side. We afterwards visited Ms Sandra Kramer, a member of the Directorate-General for International Partnerships which is part of the European Commission. We were informed that this Directorate has recently been renamed in order to underline the shift from a donor-recipient-relationship between EU and AU to a partnership of equals with mutual recognition and the promotion of common priorities. However, she cautioned that throughout the collaboration, representatives of the EU closely keep in mind their interests and values including human rights, democracy and the rule of law. Regarding the EU's relationship with Africa, she mentioned that the collaboration has enormous opportunities of mutual benefit. She moreover shared in summary the communication paper "Towards a Comprehensive Strategy with Africa" that was adopted in March 2020 and named five pillars important to build the continental partnerships, i.e. green transition and energy access, digital transformation, sustainable growth and jobs, peace and governance, and migration and mobility.

Finally we talked to the journalist Mr Alexander Göbel, currently working for the ARD Studio Brussels and previously reported for seven



The African Legal Studies team at the representation of the State of Hessen.

years from Rabat as a correspondent for Northern and Western Africa. During the lively exchange we discussed the representation of Africa in media and the implications of pessimistic narratives for the perception of the African continent in politics and society.

On our third day, we hosted Mr Raphaël Danglade from the Africa-Europe Foundation, a consortium of four organisations that was founded in December 2020. The recently established think tank and advisory body intends to unlock dormant opportunities and add new momentum to African-European relations in order to recalibrate the partnership between the two continents. Furthermore, we learnt about the five thematic strategy groups working on health, digitalization, agriculture and sustainable food systems, energy and green transformation, as well as transport and connectivity. Currently, the foundation is primarily involved in the preparations for the AU-EU Summit which is expected to take place in Rwanda's capital Kigali next year.



African Legal Studies team members at the European External Action Service.

Having completed our meetings we conducted a walking tour within Brussels City centre and then departed to our respective institutions with a plethora of new impressions and contacts.

The Chair thanks everyone that helped organizing this trip and the representation of the state of Hessen for the generous hospitality.

(Lena Scheibinger, Antidius Kaitu) ■



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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 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



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