

# 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 2014

*BULLETIN 2014*

*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

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## EDITORIAL

DEAR READER,

Welcome to the sixth issue of our annual TGCL bulletin, covering the year 2014 at the TGCL. On 25 March of this year, the University of Dar es Salaam had the honour of a visit by German Foreign Minister, Dr Frank-Walter Steinmeier. Minister Steinmeier was interested in seeing the progress of the Tanzanian-German Centre for Eastern African Legal Studies (TGCL) which was inaugurated in 2008 during his previous term of office.



Apart from splendid occasions like this ministerial visit, we at the TGCL have continued our academic work. This is reflected in our publications. The books published in our two series, "TGCL Research Series" and "TGCL Series", are presented at the end of this bulletin.

With special pleasure I think of the publication of the first four doctoral theses in the "TGCL Research Series", written by doctoral candidates at the TGCL. For these students, the writing and submitting of their thesis, and subsequent graduation with the award of the doctoral degree, were the most important events. I warmly congratulate the four of them.

A doctoral thesis gains added value when it is published, for it then becomes something permanent and visible in the academic world. The published book is available to a wide readership and finds its way onto the bookshelves and into the bibliographies of other researchers. It is my hope that at the TGCL many more doctoral theses will be written which are worthy of being published like these four.

Prof. Ulrike Wanitzek  
TGCL Project Leader

## GERMAN FOREIGN MINISTER VISITS THE TGCL



Dr Frank-Walter Steinmeier (third from left), accompanied by Minister Bernard K. Membe (second from left) and Vice-Chancellor Prof. Rwekaza S. Mukandala (fourth from left), meets the management team of the TGCL and representatives of the DAAD and the School of Law in Dar es Salaam.

On 25 March, 2014, German Federal Foreign Minister Dr Frank-Walter Steinmeier and his delegation paid a visit to the University of Dar es Salaam and the TGCL. They were welcomed by Hon. Bernard K. Membe, Minister for Foreign Affairs and International Cooperation of the United Republic of Tanzania, and by the Vice-Chancellor of the University of Dar es Salaam, Prof. Rwekaza S. Mukandala. Dr Steinmeier delivered a lecture on "50 Years of German-Tanzanian Bilateral Relationships" to a large audience in Nkrumah Hall, including TGCL students and alumni. "I am honoured to be a guest at this prestigious institution of learning. And I am especially glad to meet the students at the Tanzanian-German Centre for Eastern African Legal Studies", Dr Steinmeier commented on his visit.

In his speech, he pointed out the importance of regional integration processes and international

cooperation. Dr Steinmeier highlighted Germany's interest in sustainable integration processes supporting the cooperation between Europe, Africa and other parts of the world. Such regional integration endeavours, as well as international cooperation, are a key to solving global problems, such as migration, terrorism and climate change, the Minister said. In this context, he underlined the role of the TGCL students and alumni, as potential future leaders in East Africa, with regard to analysing and developing the law of the East African Community: "I am glad that an institution like the Tanzanian-German Law Centre is training future leaders for these tasks – not only as students of law, but also as friends and partners across the East African countries and with Europe. I am proud that the German Academic Exchange Service and the German University of Bayreuth are partners in this endeavour." (Johannes Döveling) ■



*TGCL students enjoy the 'green' during a guided tour of the UN complex in Gigiri, Nairobi.*

## TGCL NAIROBI TRIP

The 2014 TGCL Study Trip took place between 4 and 8 February, 2014. The group, comprising 14 students and three faculty, visited various government and other legal institutions in Nairobi. However, upon arrival and before starting the legal programme, the team had the opportunity to do a tour of the world-famous Nairobi National Park, located seven kilometres from the city centre. It is the only protected area in the world close to a capital city.

The first institution visited was the Judiciary Training Institute (JTI) on Kiambu Road where we had a very informative session with the Institute's Director, Prof. Joel Ngugi. After this we proceeded to the Supreme Court of Kenya, the highest court in the country, where we were taken on a guided tour of the Court facilities. We later settled down to an information and interactive session with a team comprising the Registrar of the Supreme Court and staff serving in the Court including law clerks and researchers

attached to the Supreme Court Justices. At the Katiba Institute we had a series of lectures, the main lecture for the day being a talk by Hon. Zein Abubakar, a Member of the East African Legislative Assembly (EALA) representing Kenya. Dr Abubakar's talk centred on the role of EALA in realising the East African Community (EAC) integration agenda. The Katiba Institute is an organisation founded by Prof. Yash Pal Ghai, who chaired Kenya's Constitution Review Commission, and Dr Jill Cottrell Ghai. 'KI', as it is fondly referred to, is engaged in promoting constitutionalism in Kenya and East Africa in general through, among others, research and publications, workshops, and public interest litigation. Our next visit took us to the two Houses of Kenya's bicameral legislature, the National Assembly and the Senate, where we were taken on a guided tour and had a series of lectures on the law-making process in Kenya. After this we visited the Kenyatta International



Conference Centre (KICC) Helipad, from where one has a 360° view of the city, before proceeding to the DAAD Regional Office for Africa at Upper Hill, Nairobi. Here we were received by the then Director, Dr Christoph Hansert, and heard presentations on comparative aspects of

German and European Union law on the one side, and EAC and EAC Partner States' laws on the other.

We started our last day with a guided tour of the United Nations Office at Nairobi (UNON) which hosts, inter alia, the headquarters of the the United Nations Environment Programme (UNEP), and of the United Nations Human Settlements Programme (UN-HABITAT). We then visited the University of Nairobi School of Law where we were hosted and taken on a tour by the Dean, Prof. Patricia Kameri-Mbote.

In the afternoon we attended a workshop on Human Rights Protection from the European and African Perspectives, held at the Strathmore Law School as a farewell for Prof. Christian Roschmann who had served as the head of the Konrad Adenauer Foundation (KAS) Rule of Law Programme in Nairobi for a number of years.

(Charles Munyua) ■

*The Kenyan Supreme Court in the centre of Nairobi, with the statue of the founding President, Jomo Kenyatta, in the foreground.*

*TGCL students at the Supreme Court in Nairobi.*

## PERSONALIA

### DR B. T. MAPUNDA NEW TGCL COORDINATOR



In April 2014, Dr Benedict T. Mapunda, Senior Lecturer at the University of Dar es Salaam School of Law, was appointed as the new Coordinator of the TGCL in Dar es Salaam. He has taken over all responsibilities from the previous Coordinator, Dr Kennedy Gastorn, who went abroad on sabbatical leave. We thank Dr Kennedy Gastorn for his contributions to the TGCL during the past five

and a half years of his term in office as TGCL Coordinator, and we wish him all the best for the future. At the same time we extend a warm welcome to our new TGCL Coordinator, Dr Benedict T. Mapunda. The whole 'TGCL family' looks forward to fruitful cooperation with him.

Dr Benedict T. Mapunda received his LLB and LLM degrees from the University of Dar es Salaam and his PhD from the University of Ghent (Belgium). Before joining the University of Dar es Salaam in 1994, he worked in the Attorney-General's Chambers as a Senior State Attorney. His main research interests are in the fields of procedural law, in which he has published several manuals on evidence, and criminal law. At the University of Dar es Salaam School of Law (formerly known as Faculty of Law), he was Associate Dean for Administration (2002-2003), Head of the Legal Theory Department (2003-2009), and Head of the Private Law Department (2009-2012). Since 2011, Dr B. T. Mapunda has been the Chairman of the University of Dar es Salaam Tender Board. He was also appointed part-time Commissioner of the Tanzania Law Reform Commission in February 2011. The Commissioners serve as the Governing Board of the Law Reform Commission. In March 2014, Dr Mapunda was appointed Chairman of the Editorial Board of the *The Law Reformer Journal*, a legal journal published by the Law Reform Commission. ■



### MR GOODLUCK TEMU NEW ASSISTANT TO THE TGCL COORDINATOR

Mr Goodluck Temu, Assistant Lecturer at the University of Dar es Salaam School of Law, was appointed as Assistant to the TGCL Coordinator in April, 2014. We are happy to have him on our team.

Mr Goodluck Temu did his LLB at the University of Dar es Salaam (2008-2012) and his LLM at the same institution (2012-2013). In 2013, he joined the University of Dar es Salaam School of Law as an assistant lecturer. ■

### NEW DAAD LONG-TERM LECTURER APPOINTED

*Privatdozent* Dr Tomasz Milej is the new DAAD Long-Term Lecturer at the University of Dar es Salaam School of Law and the TGCL. He was appointed as senior lecturer by the University of Dar es Salaam in July 2014, under a DAAD (German Academic Exchange Service) programme which provides for the possibility of long-term visiting lectureships for academics from abroad. We hope Dr Milej will feel at home at the TGCL and the School of Law.

Dr Milej received his LLM degree from the University of Poznan (Poland) in 2000 and did his first state examination in law in Germany in 2002 in Frankfurt/Oder. After a University diploma in European Integration at the University of Lyon (France) in 2002, he did his doctorate in law at the University of Cologne in 2006. In February 2014, he acquired the qualification



for professorship through his successful habilitation at the same university. He has been teaching and publishing mainly in the fields of public international law, European Union law, constitutional law and comparative 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:	Prof. Hamudi I. Majamba
Head of Department of Public Law:	Dr Khoti C. Kamanga
Head of Department of Economic Law:	Prof. Nicholas N. Nditi

## CONSTITUENT ASSEMBLY

Dr Tulia Ackson, Associate Dean of the University of Dar es Salaam School of Law, was appointed a member of the Constituent Assembly of the United Republic of Tanzania in January 2014.

## PRINCIPAL

Prof. Luitfried X. Mbunda is now Principal of the College of Humanities and Social Sciences, Dodoma University. Prof. Mbunda has taught Human Rights Law at the TGCL and supervised several TGCL students. We thank him for these contributions and wish him all the best for his new office.

## 2014 LLM STUDENTS, DISSERTATIONS AND SUPERVISORS

### SANTA JIMA JUSTIN ALI (SOUTH SUDAN)



Challenges of Child Protection in South Sudan

Supervisor: Dr B. T. Mapunda

### TOM OKUKU NGERI (KENYA)



The Role of Intellectual Property Rights in East African Community Integration

Supervisor: Prof. G. M. Fimbo

### VIATEUR BANGAYANDUSHA (RWANDA)



Analysis of Legal Challenges to the Implementation of the Common Market Protocol in the East African Community: The Case of Rwanda

Supervisor: Dr T. Milej

### ADELINA ANISETH NYAMIZI (TANZANIA)



Variable Geometry vis-à-vis Consensus under the Treaty for the Establishment of the East African Community: A Case Study of the Coalition of the Willing

Supervisor: Dr K. K. Kamanga

### HENRY ELIA AMIRO DOBBO (SOUTH SUDAN)



International Protection of Human Rights: A Case Study of South Sudan

Supervisor: Dr J. S. Mwakaje

### EMILY KWAMBOKA OSIEMO (KENYA)



Tightening Corporate Environmental Liability in East Africa's Oil and Gas Sector

Supervisor: Prof. J. Kanywany

### ANTIDIUS KAITU (TANZANIA)



Popular Participation in Regional Integration: A Critical Overview of the East African Legislative Assembly

Supervisor: Prof. B. I. Rutinwa

### VIVINE TWIBANIRE (BURUNDI)



Transitional Justice for Breaking Cycles of Violence in Burundi

Supervisor: Dr T. Milej

### CATHERINE MIHAYO (TANZANIA)



Disaster Management in the Extractive Industry in East Africa: The Liability of Oil and Gas Operators – A Case Study of Tanzania

Supervisor: Prof. P. J. Kabudi

### EDRINE WANYAMA (UGANDA)



Freedom of Information in East Africa: Lessons from Uganda

Supervisor: Dr Z. Lukumay

## 2014 PHD STUDENTS, THESES AND SUPERVISORS

### NAOMI NYAMBURA GICHUKI (KENYA)



Natural Resources Governance in East Africa: An Analysis of the Extractive Industry

Supervisor: Prof. H. Majamba

### DONATUS NICHOLAS NDITI (TANZANIA)



Restrictive Trade Agreements in the Extractive Industry: An Analysis of Contemporary Legal Challenges in East Africa

Supervisor: Prof. L. Shaidi

### DANIEL NAFTAL LEMA (TANZANIA)



The Impact of Corporations' Investment in Land on Marginalised Communities in East Africa

Supervisor: Prof. C. M. Peter

### ISAIAH MOKAYA ORINA (KENYA)



Prosecution and Adjudication of International Crimes in National Jurisdictions: The Case of Kenya

Supervisor: Prof. N. Nditi

## STUDENTS TRAINED AT THE TGCL 2008-2014

By 2014, the total number of students who had been admitted to the TGCL was 97. Most of them received full scholarships while a smaller number received partial scholarships. Out of the total of 97 students, 74 were under the LLM programme and 23 under the PhD programme. A sound gender balance was achieved, with 50 female students and 47 male students.

The international composition of the students' group led to highly stimulating academic and social interactions. The numbers of students from the various countries were 6 from Burundi, 14 from Kenya, 7 from Rwanda, 57 from the host country, Tanzania, and 10 from Uganda. Since 2013, 3 students from South Sudan joined the programme under a special DAAD scholarship programme for South Sudan. ■

### TGCL STUDENT REPRESENTATIVE

In the academic year 2014/2015, Edrine Wanyama is the LLM Student Representative and Naomi Nyambura Gichuki is the PhD Student Representative. We thank them for their commitment and cooperation.

## CONCEPTS OF LEGAL INTEGRATION IN EAST AFRICA AND EUROPE

TGCL Advanced Legal Training Seminar, 10-13 February, 2014



*Not only TGCL students but also lawyers from academia and the judiciary attended Prof. Jörg Gundel's seminar.*

In this seminar, Prof. Jörg Gundel from the University of Bayreuth, Faculty of Law, Business and Economics, first gave an overview of European Union (EU) law, the evolution of its organs and institutions, and the tools and procedures of European legislation. He then discussed the interfaces

between EU law and the laws of the EU Member States. Key notions of a common market were introduced, i.e. the free movement of goods, of people (including free movement of workers), of services (including the right of establishment) and of capital. Approaches to and challenges of the concept of harmonisation of laws were looked at, using the evolution of European food law as an example. The final topic covered the implementation of EU law by Member States, and its enforcement on the one hand by the European Commission, and on the other hand by national courts in cooperation with the European Court of Justice. Dr Khoti Kamanga of the University of Dar es Salaam School of Law discussed comparable issues with regard to the East African Community. The seminar was attended by TGCL students, lawyers from different practical fields, academia and the judiciary. (Ulrike Wanitzek) ■

## UNIVERSITY COURSES IN THE ACADEMIC YEAR 2014/15

During our first semester, we attended three university courses. *International Human Rights Law* was held by Mr Chalamba James Jesse. He discussed international and regional human rights and covered both substantive rights and the role of human rights institutions. He explained the nature and evolution of the concept of human rights and the manner of their protection and promotion at the international level.

*Law of Economic Integration* was taught by Dr Tomasz Milej and Dr Khoti Kamanga. This course was focused on regional integration from an economic perspective. The interaction between regional and international blocs and the related international law instruments and national constitutions, as well as other laws, were highlighted. Reference was made

to the European Union. Also analysed were the World Trade Organisation (WTO) and the General Agreement on Trade and Tariffs (GATT). Economic integration in the Americas and Africa was covered extensively, with a specific focus on regional economic communities in Africa.

Dr Khoti Kamanga taught the course on *East African Community Law*. The key highlights of this course were the founding treaties and the guiding and operational principles, Free Trade Areas, Customs Union, Common Market and Monetary Union, with the final goal of a Political Federation. Further discussed were the characteristics of the EAC, and the associated benefits and challenges. The course drew some comparisons with the law of the European Union. (Edrine Wanyama) ■

## COMPETITION LAW AND ECONOMIC REGULATION IN EAST AFRICA AND EUROPE

TGCL Advanced Legal Training Seminar, 21-23 July, 2014

The seminar was facilitated by experts in the area of competition law from East Africa and Europe. It was attended by 45 participants from different professions and walks of life, including judges and magistrates, lawyers and economists working in various organisations for whom issues of competition law are relevant, and members of academia including TGCL post-graduate students.

Prof. Rupprecht Podszun from the University of Bayreuth, Faculty of Law, Business and Economics, presented the idea of competition law, unpacked all matters pertaining to prohibition of restrictive business agreements, abuse of dominance and concentration control. He analysed enforcement issues in competition and described and presented market rules concerning competition law in different economies. The presentation drew examples and lessons from the European experience and made suggestions as to ideal competition law and policy for East Africa, especially in connection with the advent of the East African common market.

Dr Frederick Ringo, Director of the Fair Competition Commission of Tanzania (FCC), and the FCC Director of Compliance, Dr Deo John Nangela, took on competition law and economic regulation from an East African perspective. They highlighted the current competition regimes in East Africa



and explained the general framework of the East African Community Draft Protocol on Competition. Further, they described the challenges faced with regard to developing a regional structure for competition law in East Africa and enforcing competition law against transnational corporations in East African countries. These challenges include military issues, such as those in Eastern DRC and South Sudan; the so-called 'variable geometry' or 'coalition of the willing', meaning that some of the Partner States might delay the process of enacting and adopting common laws and policies; socio-economic challenges, for instance in terms of labour and land, and lack of the culture of competition in East African states. Further discussed were challenges associated with multiple membership in regional economic blocs, and the slow adoption of national competition laws. (Edrine Wanyama) ■

*The Competition Law Seminar brought together scholars and professionals from East Africa and Europe.*

## INTRODUCTION TO ECONOMIC POLICY AND ANALYSIS

TGCL Seminar, 28-31 July, 2014



The new German Ambassador, Mr Egon Kochanke, paid a visit to Prof. David Stadelmann's seminar.

Prof. David Stadelmann from the University of Bayreuth, Faculty of Law, Business and Economics, gave us an introduction into basic economic tools and their applications, as well as underlying principles and concepts. He presented the workings of a market economy and discussed the effects of incentives. The main highlights of micro- and macro-economics, ranging from factors of production

to supply and demand, were unpacked for the students. Further topics were market failure and government intervention, which was identified as one of the key measures for dealing with issues of monopoly, oligopoly and the promotion of competition in markets. The application of tools from economics were looked at with regard to growth, trade and labour, taking into consideration issues such as institutions and economic development, rural market production, and decentralisation and corruption. This seminar formed part of our interdisciplinary study programme. It was a useful introduction to economic perspectives as an important context of law. (Edrine Wanyama) ■

## TRANSFERABLE SKILLS

*Transferable Academic Skills* were handled in detail by Prof. Bart Rwezaura during the first two weeks of our study programme. The course involved unpacking research from the initial conception of the research question, through the development of relevant topics and objectives, and finally to carrying out the study, compiling data and writing up the field findings. Students were motivated to develop a scientific and systematic approach to research. Among the key requirements for successful research are a research hypothesis, a conceptual framework, a review of the literature, an understanding of research ethics and their relevance, a research design, organisation of data and data analysis.

The goal of the *German Language Course* given by Ms Cordula Milej was to prepare the students for the TGCL Autumn University study visit to Germany, so that they would be in a position to express themselves in basic German while in the country. The students appreciated this opportunity to learn an extra language, which made them feel comfortable without feeling out of place while in Germany.

The seminar on *Professional Leadership Skills* is led by TGCL Student Adviser, Judge Dr Steven Bwana. The topics covered include: time management and organisational skills, leadership and management skills, communication skills, team work, the impact of technology on the legal profession, service before/above self, the lawyer, family and society, professional and ethical conduct of lawyers, corruption and the legal sector, assigning priorities in life, HIV/AIDS and its legal and socio-economic impact on development in East Africa. Other topics covered include law as a tool for socio-economic development, cross-border professional practice, the prospects for an East African political federation, and oil and gas discoveries in East Africa which could be either a curse or a blessing.

As a follow-up to Prof. Rwezaura's introductory course, a one-week intensive seminar on *Empirical Research Methods* will be offered in December 2014 by Prof. Julie Stewart of the University of Zimbabwe, including individual counselling of the students on their intended field research. (Edrine Wanyama) ■

## WORKSHOP ON THE LEGAL FRAMEWORK OF INTERNATIONAL ECONOMIC ACTIVITY



A Workshop led by Prof. Hartmut Hamann (Stuttgart) was held on Wednesday, 29 October, 2014. Its title was "Legal Framework of International Economic Activity – How to Improve East Africa's Position in a Globalised Economy".

The class expressed many different opinions about how to improve East Africa's economic position because we are from different African

countries with different experiences of good governance. While all our countries are subject to the rule of law and good governance, we agreed that the problem is implementation and enforcement. This is a big challenge which will necessitate changing the mentality of future generations. We also discussed the General Agreement on Tariffs and Trade (GATT) of 1947. It is important to have mechanisms to protect such agreements. Suggestions for improving East Africa's position in a globalised economy included enforcement of the rule of law, specific local remedies and fighting against corruption.

Finally we discussed the International Court of Arbitration at the International Chamber of Commerce. The decisions of the court are binding on the parties. The parties can choose the place of arbitration. (Henry Elia Amiro Dobbo) ■

Prof. Hartmut Hamann with some East African colleagues.

## 2014 GRADUATION

This year's graduation ceremony was held at the Mlimani City Conference Grounds in Dar es Salaam. Of the 14 TGCL students who graduated, two were awarded with PhD degrees and the remaining 12 with LLM degrees.

Lillian Mongella from Tanzania and Anatole Nahayo from Burundi were the PhD graduates while the following students were awarded LLM degrees: Rebecca Atwiine (Uganda), Veronica Buchumi (Tanzania), Emmanuel Elau (Uganda), Jebby Gonza (Tanzania), Gilbert Hagabimana (Burundi), Jean Pierre Kamana Karinjabo (Rwanda), Gertrude Kayitesi (Rwanda), Emma Kimario (Tanzania), Petro Mselewa (Tanzania), Goodluck Mwangomango (Tanzania), Aderickson Njunwa (Tanzania) and Madinah Nyende (Uganda). We congratulate them and wish them the very best in their future engagements. (Naomi Gichuki) ■



Dr Lillian Mongella and Dr Anatole Nahayo after the graduation ceremony.

## TGCL AUTUMN UNIVERSITY 2014

This year's TGCL Autumn University, from 30 September to 12 October, 2014, led a group of 14 TGCL students, together with their Student Adviser Judge Dr Steven Bwana and TGCL staff members from Tanzania and Germany, to Bayreuth, Nuremberg, Berlin and, for the first time, also to Brussels, Belgium.



TGCL Autumn University participants in front of the famous Brandenburg Gate in Berlin.

### BAYREUTH REGIONAL HIGH COURT (LANDGERICHT)

The TGCL group was received by the President of the *Landgericht*, Judge Prof. Jörn Bernreuther, and the Vice-President, Judge Michael Eckstein, in the historical *Schwurgerichtssaal* which is the court room reserved for the trial of capital offences.

The court building hosts both the *Amtsgericht* and the *Landgericht*, where civil and criminal matters are handled. These two courts may be compared to a Magistrate's Court and the High Court, respectively, but the differences between the court systems in Germany and in the East African countries make it nearly impossible to translate the courts' names properly into English. We learned that in the

case of civil and criminal matters, court instances for appeal are the *Oberlandesgerichte* (Courts of Appeal) and the *Bundesgerichtshof* (Federal Supreme Court). In addition, the German court system includes the administrative courts, financial courts, labour courts and social courts, each of them with several court instances. Finally, the *Bundesverfassungsgericht* (Federal Constitutional Court) can be approached to examine whether a violation of the Constitution has taken place.

We witnessed the swearing in of a young public prosecutor and the reading of the judgment in a criminal case of theft of raw materials. After this, Judge Eckstein gave the group some explana-

tions on the trial process and the handling of imprisonment in practice, among other things. The discussion centred around comparisons with the Eastern African legal systems, on which Judge Dr Bwana gave some enlightening comparative input. (Edrine Wanyama) ■

### LECTURES ON GERMAN LAW

These lectures, held by Mr Johannes Döveling, started with an introduction to German law. The lectures firstly gave us some basic information on Germany and Europe. Students were much interested in the history of Germany, especially its reunification in 1990 which was to be commemorated on the following day, 3 October, a public holiday for that reason. Another topic of interest was how the federal government shares its powers with the federal states.

The initial lectures also covered the German constitution (*Grundgesetz*) and the entire German legal system including the court system. On the second day, lectures continued with a discussion of the relationship of the European Union (EU) to its Member States, especially taking into account the situation in a federal state like Germany. This part of the lecture built on the basis of the introduction to EU law presented already in Dar es Salaam by Dr Milej. (Kaitu Antidius) ■

### NAZI PARTY RALLY GROUNDS AND MEMORIUM NUREMBERG TRIALS

A guided visit to the historical Nazi Party Rally Grounds in Nuremberg showed us the grounds which had been built for Hitler's NSDAP party congress, which, however, never took place there. This is the biggest preserved national-socialist monumental building, planned by the Nuremberg architects Ludwig and Franz Ruff. It would have provided 50,000 seats but the building remained unfinished due to the beginning of World War

II. The construction works started in 1935 and ended in 1939. We also saw the great road which was intended to be the central axis and the parade road. We further visited the documentation centre at the historical Nazi Party Rally Grounds, a museum in which we had audio and video explanations about the atrocities of Nazism in Germany and its consequences.

At the Memorium Nuremberg Trials, we visited the court room where, after the end of the second world war, leading representatives of the Nazi regime had to answer charges for crimes against peace and humanity before an international court. The court has become known world wide because of these trials that have contributed to the development of modern international criminal law. The Nuremberg principles that emerged from this international military tribunal formed the basis for the International Criminal Court in The Hague. The audio and video recording conveyed a vivid impression of the events at the trials.

(Adelina Nyamizi) ■

### FROM NUREMBERG TO BERLIN

All our travelling within Europe was done by means of public transport, especially by train. The almost effortless five hour journey in the ICE train from Nuremberg to Berlin was enjoyable even as it was memorable. When we were cruising through rural Germany, it was near impossible to notice the difference between urban and rural Germany thanks to the well spread out development.

After having arrived in the German capital city of Berlin, we did a guided city tour by bus. Our guide connected every building we saw with some history, such as the relics of the fallen Berlin Wall, the offices of the President in *Schloss Bellevue* and the Chancellor in the *Kanzleramt*, the historic *Reichstag* building, the Victory Column, the Brandenburg Gate and the Berlin Television Tower, to mention but a few.

Ms Mary Mgaya (right) and Ms Carolin Herzog (left) discussing current TGCL administrative matters during the Autumn University in the TGCL office in Bayreuth.

Our visit to the *Reichstag*, the historic building that houses the German Federal Parliament (*Bundestag*), was under the direction of a guide who acquainted us with the history and operations of the *Bundestag*. We visited many parts of the building, the climax being the topmost part of the dome. No words can express the experience we had at the *Reichstag* that night, looking out at the lights of the city of Berlin. (Tom Ngeri) ■



### MEETING WITH MEMBER OF PARLIAMENT IN BERLIN

The TGCL group had the rare opportunity to meet a member of the German federal parliament (*Bundestag*), Dr Silke Launert, for a discussion of her work as an MP. She was elected only last year and is therefore still a newcomer to the *Bundestag*. She addressed some of the important matters she is currently working on in her parliamentary work, especially in the committees of the *Bundestag*. One of them is the issue of assisted suicide and whether it should be legalised; another is the issue of child pornography and efficient measures to be taken against it.

The TGCL students also posed questions with regard to gender representation in the *Bundestag* and how far women have managed to participate in this and other political offices. Other questions included how one becomes a member of the *Bundestag*; how the *Bundestag* involves stakeholders affected by envisaged legislation; how strong political parties that have majority representation in the *Bundestag* are checked; the position of the *Bundestag* with regard to international politics; and how the MP personally manages her role as a member of parliament in Berlin and in her constituency, and at the same time her role as mother of two young children.

(Emily Osiemo Kwamboka) ■

### MINISTRY OF JUSTICE (BERLIN)

At the German Federal Ministry of Justice and

Consumer Protection, the group had a highly interesting seminar session with Dr Sigrig Jacoby, Dr Ivo Thiemrod and Ms Hilal Berk. Presentations and discussions centred around the relationship between German law and European Union law, the work of the legislative department at federal and state levels, and consumer protection legislation, among other topics.

(Emily Osiemo Kwamboka) ■

### HUMBOLDT UNIVERSITY OF BERLIN

In the evening the TGCL group met Dr Moritz Vormbaum, the Coordinator of the South African-German Centre for Criminal Justice, and Ms Fatuma Mninde-Silungwe as well as Mr Marshet Tadesse Tessema, both of whom are pursuing their PhD studies in law at the South-African German Centre. The PhD students from both centres (i.e. the South African-German Centre and the Tanzanian-German Centre) presented their research projects and discussed them with the whole group. (Emily Osiemo Kwamboka) ■

### FOREIGN OFFICE (BERLIN)

At the German Federal Foreign Office, the group was received by Mr Alexander Puk, from the department on culture and communication in that Office. The group informed him on their study programme, the modalities of TGCL scholarships and the admission procedure applied at



the TGCL. Ms Juliane Bünger made a presentation on the tasks of the Foreign Office and the bilateral relationship between Germany and Tanzania. Mr Guido Kemmerling's presentation dealt with the organisational structures and functions of various European Union institutions and the guiding principles of European Union law.

(Vivine Twibanire) ■

### TANZANIAN EMBASSY IN BERLIN

At the Embassy of the United Republic of Tanzania in Berlin, we were received by the Ambassador, H. E. Mr Philip S. Marmo, who spoke to us on the relationship between Germany and Tanzania with a focus on the historical background.

(Vivine Twibanire) ■

### EUROPEAN PARLIAMENT (BRUSSELS)

In the European Parliament we met Ms Ringaila Razauskiene from Lithuania who took us around

the building. She explained that the official seat of the European Parliament is in Strasbourg (France) and not in Brussels. The European Parliament has 751 members representing 500 million citizens. It has seen a lot of changes caused by the expansion of the European Union and related treaties. After the Lisbon Treaty, the European Parliament got more powers. It has powers to make legislation in co-operation with the Council, elect the President of the Commission, approve the Commissioners of the European Commission, pass budgets, and deal with international agreements.

(Catherine Mihayo) ■

### BAVARIAN REPRESENTATION TO THE EU (BRUSSELS)

At the office of the Representation of the Free State of Bavaria to the European Union we were received by Ms Patricia Hamel. Like the other *Länder* in Germany, Bavaria has its own repre-

During the first visit of a TGCL group to Brussels they called at the Bavarian Representation to the EU.

sentation at the European Union. Its function is to ensure that the interests of Bavarians are represented by the federal government in the European Union. The buildings which house the Bavarian representation date back to the year 1903 when they were erected as a microbiological research institute; they were used as such until 1987. (Catherine Mihayo) ■

### EUROPEAN COMMISSION (BRUSSELS)

During our visit to the European Commission, we had three lectures on the functioning of the Commission. The first lecture was on the European Commission generally which was given by Mr Simon Pascoe. He explained the functions of the Commission which include the right of initiative in law making, policy implementation, negotiating of trade agreements and being the guardian of the European treaties. The Commission is the executive organ of the European Union and is composed of 28 commissioners.

The second lecture was on the single market and was given by Ms Lorena Ionita. The single market is a driver for growth of the European Union. It means an area without internal frontiers whereby goods, services, persons and capital can circulate freely. The speaker gave an overview of its historical development of the market and its relevance today.

The third lecture was given by Ms Claire Smith and was about European Union competition policy, rules dealing with cartels and state aid control. Competition policy can be traced back to the 1957 Rome treaties which prohibited anti-competitive agreements and abuse of dominant positions. Decisions by the European Commission against cartels can be reviewed by the European Court of Justice on points of law. The commission, under this directorate, receives complaints, conducts investigations and makes decisions on cartels and the abuse of dominant positions. It can impose structural remedies and fines.

(Catherine Mihayo) ■

### EUROPEAN OFFICE OF THE BAVARIAN MUNICIPALITIES (BRUSSELS)

The European office of the Bavarian local authorities was established in 1992. Among other objectives, it gives early information to the Bavarian municipalities about relevant European Union matters, it advises them, represents their interests in Brussels, facilitates new contacts and hosts groups of municipal visitors. We learned from the speaker, Mr Stephan Greßmann, that the rationality of having such an institution emanates from the fact that most of the decisions of the European Union are relevant for local authorities.

(Viateur Bangayandusha) ■

### PERMANENT REPRESENTATION OF GERMANY TO THE EU (BRUSSELS)

Germany is a federal state and one of the 28 European Union (EU) Member States, represented at the EU by the Permanent Representation of the Federal Republic of Germany to the European Union. The speaker, Mr Robert Zessner, highlighted the relationship between the Permanent Representation of the Federal Republic of Germany, the Representation of the Free State of Bavaria, and the European Office of the Bavarian Municipalities. He mentioned that the Länder, including Bavaria, are not subject to public international law, and cannot conclude any international treaty on their own. He emphasised that the local authorities have nothing to do with negotiations at the European Union, but they may give advice and observe what is going on.

(Viateur Bangayandusha) ■

### TANZANIAN EMBASSY IN BRUSSELS

The group was received by the Ambassador of the United Republic of Tanzania in Brussels, H. E. Dr Diodorus Kamala, the former deputy and later full minister of Tanzania in charge of East African affairs. He spoke to us on problems of regional integration, especially in the East African Community. (Viateur Bangayandusha) ■

## INAUGURAL VISIT OF THE GERMAN AMBASSADOR TO THE UNIVERSITY OF DAR ES SALAAM



On 30 July, 2014, the new German Ambassador, H. E. Mr Egon Kochanke, paid his inaugural visit to the University of Dar es Salaam, its School of Law and the TGCL, accompanied by Cultural Attaché Mr Jan-Dieter Gosink. The Ambassador was warmly received by the Vice-Chancellor of the University, Prof. Rwekaza S. Mukandala, by the Dean of the School of Law, Prof. Bonaventure I. Rutinwa, and by the TGCL Coordinator, Dr Benedict T. Mapunda, together with the TGCL Project Leader Prof. Ulrike Wanitzek and TGCL Manager Mr Johannes Döveling. All parties agreed on their wish for continued fruitful cooperation.

*Ambassador Egon Kochanke (left) with Dean Prof. Bonaventure I. Rutinwa (right).*

## USING NATURAL RESOURCES IN THE INTEREST OF THE PEOPLE: LEGAL CHALLENGES

*TGCL-KAS Conference Held in Dar es Salaam on 27-28 October, 2014*

This conference was held at Kebby's Hotel in Dar es Salaam and brought together 39 participants from seven countries, i.e. Burundi, the Democratic Republic of Congo, Kenya, Rwanda, South Sudan, Tanzania and Uganda. The conference was jointly organised by Prof. Hartmut Hamann from Stuttgart with the Rule of Law Programme of the Konrad-Adenauer-Stiftung (KAS) in Nairobi, the Tanzanian-German Centre for Eastern African Legal Studies (TGCL) and the Konrad-Adenauer-Stiftung (KAS) in Dar es Salaam.

The key areas of natural resource management covered were the institutional and legal framework pertaining to natural resources; legal regime, management and access rights in the oil and gas sector; transparency in natural and mineral resources utilisation in the interest of the people; and the contribution of mineral resources to economic development. In addition, group work-

shops were held which were focused on the use of instruments of public international economic law, strategies to reduce corruption, environmental aspects of economic development, the role of the judiciary in economic development and redefining the use of development aid.

Professionals from academia facilitated the conference, including Prof. Palamagamba John Kabudi and Prof. Hamudi Ismail Majamba, both from the University of Dar es Salaam School of Law; Prof. Hartmut Hamann (Stuttgart), Johannes Döveling (University of Bayreuth), Prof. Jean-Michel Kumbu (Université de Kinshasa), Prof. Jean Claude Mubalama (Université Catholique de Bukavu), Prof. Adalbert Sango Mukalay (Université de Lubumbashi), Prof. Stanislas Makoroka (Université du Burundi) and Innocent Musonera (National University of Rwanda).

(Santa Jima Justin Ali) ■

## NETWORK MEETING OF CENTRES OF AFRICAN EXCELLENCE

Flensburg, 22-24 October, 2014

Six centres of African excellence, sponsored by the German Federal Foreign Office through the DAAD, held their annual meeting in Flensburg, a city located at the northernmost tip of Germany. These centres are the Ghanaian-German Centre for Development Studies; the Tanzanian-German Centre for Eastern African Legal Studies; the Congolese-German Centre for Microfinance; the Namibian-German Centre for Logistics; the South African-German Centre for Development Research; and the South African German Centre for Criminal Justice.



thought-provoking presentation by Prof. Paul Webb from the Nelson Mandela Metropolitan University in Port Elizabeth, South Africa, entitled "Graduate Education in Sub-Saharan Africa: Management Challenges and Solutions". It was apparent to members of the group that the presenter was an experienced educator in the region. The meeting was concluded by a colourful inauguration of the Centre for Business and Technology in Africa at the University of Applied Sciences, Flensburg, which was hosting the meeting.

(Benedict T. Mapunda) ■

The two days of the meeting were focused on sharing ideas on the performance, challenges and future plans of each centre. This was complemented by exposés by DAAD representatives on the monitoring of centres of excellence using an online questionnaire, and on the standardisation of the selection process for applicants for postgraduate courses in the centres of African excellence. All the presentations were followed by lively discussions.

On the second day of the meeting the minds of the participants were rejuvenated by a very

Mr J. Döveling,  
Dr B. T. Mapunda and  
Dr T. Milej present  
their ideas on the  
future of the TGCL.

## PRACTICAL LEGAL TRAINING AT THE TGCL

From July to September 2014, Dr Julian Kutschelis from Berlin worked as a post-graduate trainee at the Tanzanian-German Centre for Eastern African Legal Studies, University of Dar es Salaam School of Law. His three month programme at the TGCL was part of his practical legal training (*Referendariat*) in Germany, obligatory for German legal professionals before being admitted to practise law. It allows for an elective duty station (*Wahlstation*) at legal institutions abroad. His supervisor at the University of Dar es Salaam School of Law was Associate Dean, Dr Tulia Ackson. During his stay, Dr Kutschelis worked on two major projects. One was a revision of the TGCL Library's stock of books in cooperation with the TGCL office staff and intern Philipp Wolf. In addition, he drafted new terms of usage for the TGCL Library and set up a new borrowing system. The other project, worked on in cooperation with TGCL PhD student Naomi Gichuki, was the drafting of an application for funding of a major research workshop planned for August 2015 under the title "East African Common Legal Space in Economic Law: State of the Art and Future Perspectives, with Consideration of the European Experience". In the course of his stay, Dr Kutschelis got to know



Dr Julian Kutschelis helped to enhance the TGCL library.

both the outgoing and incoming TGCL students, and had the opportunity to attend some of the academic events taking place at the beginning of the new academic year 2014/2015 at the TGCL. After having finalised his work at the TGCL, he took the opportunity and travelled within Tanzania to see some other parts of the country. The TGCL staff and students look forward to keeping in touch with him and maintaining the cordial relations established with him.

(Ulrike Wanitzek) ■

Intern Philipp Wolf  
and other seminar  
participants enjoy  
the break.



## INTERNSHIP AT THE TGCL

In July and August, 2014, I had the opportunity to work in the TGCL office in Dar es Salaam for a four-week internship. I was already familiar with the activities of the TGCL, having helped as a student assistant with the Autumn University 2013 in Germany and visited the centre in Dar es Salaam at the beginning of 2014.

I assisted in developing and introducing a new borrowing system for the TGCL library. In that context it was necessary to plan the new system in a first step and afterwards implement it in teamwork

as a second step. We had to solve issues of practicability, time-saving and the return and integration of borrowed books into the new system.

I was also able to participate in one of the Advanced Legal Training Seminars conducted by the TGCL. It was on "Competition Law and Economic Regulation in East Africa and Europe", held by Prof. Rupprecht Podszun from my own University of Bayreuth, together with Dr Frederick Ringo and Dr Deo Nangela of the Tanzanian Fair Competition Commission. This led to a broad academic

and practice-oriented exchange. I then had the opportunity to attend a second seminar held by Prof. David Stadelmann, also from the University of Bayreuth, entitled "Introduction into Economic Analysis and Policy". He discussed the domain of economics as a social theory and the main analytical tools which are used in economic analysis. In both seminars, I enjoyed the lively and most interesting exchange between German and East African lecturers and participants.

(Philipp Wolf) ■

## FOUR VOLUMES PUBLISHED WITHIN TGCL SERIES

By the end of 2014, four volumes of the TGCL Series will have been published, containing papers presented at conferences held by the TGCL as well as other contributions. The editors of each of the four volumes are indicated below.



Both TGCL Research Series and TGCL Series are published by Dar es Salaam University Press (DUP) (<http://kivuko.com/brands/Dar-es-Salaam-University-Press.html>) and distributed in cooperation with Rüdiger Köppe Publishers (Köppe) (<http://www.koeppe.de>). Publications in these series may be ordered through one of the above addresses or through the TGCL office in Dar es Salaam.

### TGCL SERIES

#### VOLUME 1

Justice and Dignity for All: Current Issues of Human Rights in Tanzania. Edited by Kennedy Gastorn, Harald Sippel and Ulrike Wanitzek. Dar es Salaam: Dar es Salaam University Press, 2010  
 ISBN (DUP) 978-9976-60-517-4  
 ISBN (Köppe) 978-3-89645-166-8

#### VOLUME 2

Processes of Legal Integration in the East African Community. Edited by Kennedy Gastorn, Harald Sippel and Ulrike Wanitzek. Dar es Salaam: Dar es Salaam University Press, 2011  
 ISBN (DUP) 978-9976-60-529-7  
 ISBN (Köppe) 978-3-89645-167-5

#### VOLUME 3

Constitutional Reform Processes and Integration in East Africa. Edited by Johannes Döveling, Kennedy Gastorn and Ulrike Wanitzek. Dar es Salaam: Dar es Salaam University Press, 2013  
 ISBN (DUP) 978-9976-60-561-7  
 ISBN (Köppe) 978-3-89645-168-2

#### VOLUME 4

Regional Integration and Law: East African and European Perspectives. Edited by Josaphat L. Kanywany, Ulrike Wanitzek, Anatole Nahayo and Johannes Döveling. Dar es Salaam: Dar es Salaam University Press, forthcoming 2014  
 ISBN (DUP) 978-9976-60-583-9  
 ISBN (Köppe) 978-3-89645-169-9

## FOUR VOLUMES PUBLISHED WITHIN TGCL RESEARCH SERIES

The TGCL is proud to announce that by the end of 2014 four monographs will have been published within the TGCL Research Series. Series Editors are Gordon R. Woodman, Ulrike Wanitzek, Benedict T. Mapunda and Johannes Döveling.

### TGCL RESEARCH SERIES

#### VOLUME 1

Grace Kamugisha Kazoba, Protection of Consumers and a Guard against Counterfeit and Substandard Pharmaceuticals in Tanzania. Examining National, Regional and International Legal and Institutional Frameworks, Dar es Salaam: Dar es Salaam University Press, 2013.  
 ISBN (DUP) 978-9976-60-562-4  
 ISBN (Köppe) 978-3-89645-641-0

#### VOLUME 2

Mahadhi Juma Maalim, The United Republic of Tanzania in the East African Community. Legal Challenges in Integrating Zanzibar, Dar es Salaam: Dar es Salaam University Press, 2014  
 ISBN (DUP) 978-9976-60-564-8  
 ISBN (Köppe) 978-3-89645-642-7

#### VOLUME 3

Anatole Nahayo, East African Community Tax Harmonisation. A Critical Assessment of Its Viability for Income Tax Laws, Dar es Salaam: Dar es Salaam University Press, forthcoming 2014  
 ISBN (DUP) 978-9976-60-581-5  
 ISBN (Köppe) 978-3-89645-643-4

#### VOLUME 4

Lillian Mihayo Mongella, The Right to Compensation for Victims of Internal Armed Conflicts in East Africa: A Case Study of Genocide Victims in Rwanda, Dar es Salaam: Dar es Salaam University Press, forthcoming 2014  
 ISBN (DUP) 978-9976-60-582-2  
 ISBN (Köppe) 978-3-89645-644-1





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.

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