

Einfaches Seminar: Researching Key Issues in African Law

Summer Semester 2023

Prof. Thoko Kaime

This seminar focuses on key emerging legal issues in Africa. A number of topical questions ranging from human rights, sustainability governance, regional integration, constitutionalism and comparative law will be discussed in light of epistemological and decolonial approaches from the Global South. The seminar is designed to be also attended by students without previous knowledge in the individual problem areas and students still in their early semesters. The seminar takes place as a block seminar with three main days.

Assignment of topics:	7 th April 2023
Kick-off Day:	21 st April 2023
Intermediate meeting:	26 th May 2023
Submission of papers:	30 th June 2023
Final presentation:	21 st July 2023

Topics

Indigenous peoples

1. Discuss potential of African customary legal practices in enhancing rule of law in African States.

Bwire B, "Integration of African Customary Legal Concepts into Modern Law: Restorative Justice: A Kenyan Example" (2019) 9 Societies 17 <<https://www.mdpi.com/2075-4698/9/1/17>>

2. Critically analyse how decisions of the African Court on Human and Peoples' Rights have shaped protection of land rights for the Indigenous Peoples.

<https://www.escr-net.org/caselaw/2017/african-commission-human-and-peoples-rights-v-republic-kenya-acthpr-application-no>

Human rights



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- Critically examine how African regional and sub-regional human rights frameworks are positioned to protect and safeguard the right to privacy in Africa.

<https://www.afronomicslaw.org/category/analysis/emerging-role-african-sub-regional-courts-protecting-human-rights-internet>

Privacy and Personal Data in Africa: Advocacy Toolkit <

<https://africaninternetrights.org/en/file/520/download?token=UNs5WnFV>>

- The roll-out of digital IDs in some African States threatens a variety of human rights protections. Discuss potential that the African normative and institutional frameworks have in addressing the potential human rights abuses.

https://researchictafrica.net/wp/wp-content/uploads/2021/11/Kenya_1.11.21.pdf

https://researchictafrica.net/wp/wp-content/uploads/2021/11/Ghana_31.10.21.pdf

<https://au.int/sites/default/files/documents/38507-doc-dts-english.pdf>

- Critically engage with the comparative theories of cross-fertilization and legal transplant in the context of regional human rights systems. In your answer, explain how the theories may help in realization and protection of minority rights in Africa.

Inman, Derek, 'The Cross-Fertilization of Human Rights Norms and Indigenous People in Africa: From Endorois and Beyond' (2014) *The International Indigenous Policy Journal* 1-26

<https://ojs.lib.uwo.ca/index.php/iipj/article/download/7444/6088/13537>

Regional integration

- Discuss how the non-engagement of local citizens in decisions of major African Regional Economic Community (RECs) affects the functioning of the sub-regional institutions. In your answer, be sure to make recommendations on how to ensure that the operation of the RECs is people-centred.

Protas, Petro, and Theophil Romward. "Reflections on 'People Centered Principle' in the East African Community: The Current Legal Controversy." (1018) 42(2) The Eastern African Law Review 1-16. <https://journals.udsm.ac.tz/index.php/ealr/article/view/1705>

- Critically discuss why and how sub-regional courts are central to the effective functioning of African Regional Economic Communities (RECs). In your answer, please refer to sub-regional courts of at least two major RECs in Africa.

<https://sur.conectas.org/en/role-sub-regional-courts-african-human-rights-system/>

https://yorkspace.library.yorku.ca/xmlui/bitstream/handle/10315/38235/Zarma_Rahina_B_2021_PhD.pdf?sequence=2&isAllowed=y

Protection of sexual minorities



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8. Discuss the current human rights struggles for protection of the rights of sexual minorities in Africa. Explain how the struggles compare to historical ones related to gender equality, recognition of indigenous rights or racial equality in the African context.

<https://www.boell.de/en/2011/04/06/struggle-equality-sexual-orientation-gender-identity-and-human-rights-africa>

<https://www.achpr.org/sessions/resolutions?id=322>

9. Discuss the African regional legal and policy frameworks for promotion and protection of the rights of sexual minorities.

Izugbara, Chimaraoke, et al. "Regional legal and policy instruments for addressing LGBT exclusion in Africa." *Sexual and Reproductive Health Matters* 28.1 (2020): 1698905.

<https://www.tandfonline.com/doi/full/10.1080/26410397.2019.1698905>

Peace and sustainability

10. Critically examine the normative frameworks for regulating both the phenomenon of dumping of goods in Africa and its environmental impacts.

<https://waterjournalistsafrica.com/2018/02/waste-dumping-in-africa-worries-un-environment/>

<https://allafrica.com/stories/202204020077.html>

11. Evaluate the effectiveness of African Union's legal stance on rise of secessionist and self-determination movements in post-colonial Africa.

[https://www.researchgate.net/publication/280010453_Self-](https://www.researchgate.net/publication/280010453_Self-Determination_and_Secession_African_Challenges/link/56aa4c8a08aef6e05df45c1f/download)

[Determination and Secession African Challenges/link/56aa4c8a08aef6e05df45c1f/download](https://www.researchgate.net/publication/280010453_Self-Determination_and_Secession_African_Challenges/link/56aa4c8a08aef6e05df45c1f/download)

12. Discuss how provisions of Article 22 of the Africa Charter on Human and Peoples' Rights provide basis for effective management of natural resources in Africa including equitable sharing of the resource wealth.

<https://www.trtworld.com/europe/if-europe-wants-to-develop-africa-it-should-end-exploitation-first-22398>

Please register by sending us your name, semester, matriculation number and your desired topic to: africanlegalstudies@uni-bayreuth.de. However, the final topic allocation will take place on the prescribed date for assignment of topics.



Formalities:

A Bachelor thesis must not exceed 25 pages. The cover sheet, abstract, table of contents, bibliography, list of abbreviations and final declaration will not be taken into account.

The thesis must be written in the font "Times New Roman", font size 12, 1 ½ linespacing, in block heel. The following page margins are to be observed: 2.5 cm left, top and bottom; 5.5 cm right. The footnotes are basically in the same formatting, but in font size 10, single line.

Only the usual abbreviations may be used in the text (AU, UN, ICC etc.). Self-created or invented abbreviations, which only serve to save space, are not permitted.

Structure:

1. Cover sheet
2. Abstract
3. Table of contents
4. List of Abbreviations and Acronyms
5. Main text
6. Statement of authenticity
7. Bibliography

Sources:

All sources cited in the footnotes must be listed in the bibliography in alphabetical order (name of the author). Conversely, the bibliography may not contain any works that are not cited in at least one footnote. Since the bibliography - as the name implies - contains only literature, court decisions are not to be listed there. The bibliography should follow the [OSCOLA style reference](#).

