

Einfaches Seminar: Researching Key Issues in African Law

Summer Semester 2024

Prof. Dr. 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 the following main days:

Assignment of topics:	11 th April 2024
Kick-off Day:	25 th April 2024
Intermediate meeting:	23 rd May 2024
Submission of papers:	27 th June 2024
Final presentation:	18 th July 2024

Guidelines for the key dates shall be provided in due course through the e-Learning platform. It is useful to block 9 am to 2 pm CET for kick-off day, intermediate meeting, and final presentation. Assignment of topics shall be done in a brief online meeting (held via zoom) between 9-11 am CET on the specified date.



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Topics

Intractable human rights problems

1. Critically assess the effectiveness of substance and implementation of Article 29 of the African Charter on the Rights and Welfare of the Child in protecting children from child trafficking in Africa

Afroz Kaviani Johnson and Sloth-Nielsen Julia, 'Child protection, safeguarding and the role of the African Charter on the Rights and Welfare of the Child: Looking back and looking ahead' (2020) 20(2) *African Human Rights Law Journal* 643-666.

2. Examine how Articles 15 and 31 of the African Charter on the Rights and Welfare of the Child creates the intersection of child labour and human rights in Africa

Strohwald Annemarie, 'An Analysis of the Role of African Values, Traditions and Morals in the Interpretation of Children's Rights' (2023) *Potchefstroom Electronic Law Journal*

3. Assess the potential of the provision of Article 8 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in protecting transwomen.

https://journals.co.za/doi/abs/10.10520/ejc-jlc_slr_v33_n1_a4

4. Discuss additional human right protections that the Maputo Protocol affords to women in Africa in comparison to the Convention on the Elimination of All forms of Discrimination Against Women

https://www.researchgate.net/profile/Richard-Parker-20/publication/295100610_Sexuality_and_Politics_Regional_Dialogues_from_the_Global_South_Volume_1/links/56c7739908ae5488f0d2d478/Sexuality-and-Politics-Regional-Dialogues-from-the-Global-South-Volume-1.pdf#page=16



Regional trade

- Using the East African Court of Justice as an example, critically discuss why and how sub-regional courts are central to effective functioning of African regional economic communities (RECs)

<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_202_1_PhD.pdf?sequence=2&isAllowed=y

- Critically discuss how the African Continental Free Trade Area agreement provides for removal of non-tariff barriers to trade in the African Economic Community

<https://www.fao.org/3/i0247e/i0247e02.pdf>

<https://au.int/sites/default/files/newsevents/workingdocuments/35970-wd->

[2.2 new executive summary - report on status of regional integration - eng.pdf](https://au.int/sites/default/files/newsevents/workingdocuments/35970-wd-2.2_new_executive_summary_-_report_on_status_of_regional_integration_-_eng.pdf)

Emerging technologies and innovation

- Discuss how and extent to which the Resolutions adopted by the African Commission on Human and Peoples' Rights have contributed to development and shaping of data protection laws in Africa

<<https://www.ahry.up.ac.za/singh-a-power-m>>

- Discuss data justice as an emerging concept in the African Data Policy Framework 2022 and assess its potential in (re)shaping implementation of data protection laws in Africa.

<<https://gpai.ai/projects/data-governance/data-justice-policy-brief-putting-data-justice-into-practice.pdf>>

Forced Migration

- Critically discuss how the African Union Convention Governing the Specific Aspects of Refugee Problems uniquely protects refugees' right to non-refoulement in Africa compared to UN Convention Relating to the Status of Refugees.

<https://issafrica.s3.amazonaws.com/site/uploads/ar19.pdf>



10. Critically discuss obligations of State Parties under Article 9 of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

https://www.unhcr.org/people-forced-to-flee-book/wp-content/uploads/sites/137/2021/10/Samuel-Cheung_Internal-Displacement-UNHCR-and-the-International-Community.pdf
<https://reliefweb.int/report/world/32-million-africans-forcibly-displaced-conflict-and-repression>

Energy and smart development

11. Critically assess the role of the African Resolution on Business and Human rights in Africa 2023 in advancing sustainable renewable energy projects in Africa.

<https://www.sciencedirect.com/science/article/abs/pii/B978012813016200006X>

12. Discuss how the decision on Communication No.155/96 *SERAC v Nigeria* developed further guiding principles for implementing Article 21 of the African Charter on Human and Peoples' Rights

<https://iwaponline.com/jwcc/article/11/1/150/62867/Climate-change-and-its-impacts-on-hydro-politics>

Registration

Please register by sending us your name, semester, study programme, faculty, matriculation number and your desired topic to: (1) Nelson.Okeyo@uni-bayreuth.de and copy to: (2) Nelson.Cossa@uni-bayreuth.de by **31 January 2024**. However, the final topic allocation will take place on the prescribed date for assignment of topics. After the allocation of topics, students are to bindingly register for the seminar on Campus Online (<https://campusonline.uni-bayreuth.de/ubto/webnav.ini>).

Formalities:

An essay 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.



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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](#).

All essay submissions shall be made in **digital form (pdf) only** through eLearning.

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