

CENTRE FOR COMPARATIVE LAW IN AFRICA

NEWSLETTER DECEMBER 2019



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LLM/MPhil Programme in Comparative Business Law in Africa commences in

2020



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The advancement of economic integration on the African continent with the AfCFTA, underscores the imperative of a training programme which explores policy and regulatory issues relating to intra-African trade. The CCLA has responded to this development with the introduction of an LLM/ MPhil programme in

Comparative

Business Law in Africa starting in 2020.

The core courses for this programme are **Comparative Law and Business in Africa** and **Law, Regional Integration and Development in Africa**. Two electives may be selected from a range of courses. These include, among others, CCLA's signature course, **Chinese Law and Investments in Africa**, as well a key new course, **Resource Revenue Law**.

KEY RECENT PUBLICATIONS BY CCLA RESEARCHERS

Ada Ordor and Ngozi Odiaka, “Engaging with Qualifying Principles in Nigerian Contract Law” in Luca Siliquini-Cinelli and Andrew Hutchison (Eds) *More Constitutional Dimensions of Contract Law: A Comparative Perspective* (Springer, 2019).

Opeyemi Omotuyi and Ada Ordor, “An Evaluation of the Regulatory Framework for Environmental Management in the Nigerian Petroleum Industry” in *Journal of Comparative Law in Africa* (2019) Vol 6 No. 2.

Ada Ordor, Book Review of Andrew J Moran, QC & Anthony J Kennedy Juta, 2018. 852 pp *Commercial Litigation in Anglophone Africa – The Law Relating to Civil Jurisdiction, Enforcement of Foreign Judgments and Interim Remedies in South African Law Journal* (2019) SALJ 136(3) 587-593.

Oluwatoyin Badejogbin, “Onuoha Kalu v The State and flaws in Nigeria’s death penalty jurisprudence” (2018) 18 *African Human Rights Law Journal* 551-578.

Augustine Arimoro, “An Appraisal of the Framework for Public Private Partnership in South Africa” in *European Procurement and Public Private Partnership Law Review*; Berlin Vol. 13, Iss. 3, (2018): 214-228

Augustine Edobor Arimoro, “Are they not Nigerians? The obligation of the state to end discriminatory practices against persons with disabilities” in *International Journal of Discrimination and the Law* 2019, Vol. 19(2) 89-109

CCLA Events

CCLA and the World Trade Organization (WTO) co-hosted a conference in April 2019



Speakers (L-R): A/Prof Ada Ordor, UCT Law Dean, Prof Danwood Chirwa, Mr Johan Human, Dr. Ashimizo Afadameh-Adeyemi, Dr Maarten Smeets and Prof Faizel Ismail



Participants (L-R): Ms Tebogo Lefifi, Ms Ogo Monye, A/Prof Ada Ordor, Ms Adetutu Oluwaseyi and Dr Nojeen Amodu

From 10 to 11 April 2019, the CCLA and the World Trade Organization (WTO) successfully co-hosted a conference on the WTO and Regional Integration in Africa. The conference was held in the Oliver Tambo Moot Court at the Law Faculty, University of Cape Town (UCT). Dignitaries present at the Conference included trade law experts such as *Dr. Maarten Smeets* (Head of section at the Institute for Training and Technical Co-operation in the WTO, Geneva), *Professor Faizel Ismail* (Director Designate of the Nelson Mandela School of Public Governance and South Africa’s Ambassador to the WTO from 2010 -2014), *Mr Johan Human* (Former Director of the Rules Division of the WTO) and members of UCT’s Law faculty such as Law Dean *Prof Danwood Chirwa*, CCLA Director *Dr Ada Ordor* and CCLA’s PhD and LLM students.

CCLA’s second Research Capacity Building Workshop



Group photo of some of the attendees

Ogochukwu Monye, "Identification Management in Nigeria: Innovations for financial Inclusion" in *Indiana Journal of International and Comparative Law* (2019) vol 30 no 1, pp 33-52.

Nojeem Amodu, "Sustainable Development and Corporate Social Responsibility under the 2018 Petroleum Host and Impacted Communities Development Trust Bill: Is Nigeria Rehashing Past Mistakes?" in *African Journal of Legal Studies* (2019) vol 4, pp 319-351.

Conference Papers

Nojeem Amodu, "Corporate Control of Intellectual Property for Wealth Maximization: Prospects for Stakeholders' Protection within Corporate Law", presented at the 3rd Annual Conference of the South African Association of Intellectual Property Law and Information Technology Law Teachers and Researchers (AIPLITL), University of Cape Town, South Africa, July 2019.

Nojeem Amodu, "Integrating Heritage Conservation and Sustainable Development in Africa: A Business Community Perspective", presented at the Workshop on World Heritage and Sustainable Development in Africa: Implementing the 2015 Policy. Robben Island, South Africa, August 2019.



Nnamdi Azikiwe University - Mr Obinna Onyebuchi Mbanugo



Lagos State University - Ms Funke Oluseyi Olayanju and Mr Olatunde Miftah Abiodun



Nigerian Institute of Advanced Legal Studies - Mrs Chidiebere Chinweike and Mrs Esther Hatsiwa Emmanuel



University of Jos - Mr Wulengkah Gopar Yilkang, Ms Rabiatu Musa Abdullahi and Mr Mahan Wallangs Mafuyai



University of Abuja - Dr Arinze Abuah, Dr Aisha Sani Maikudi and Dr Abdulrasheed Musa Yusuf

The CCLA jointly with Law@Work hosted its second Research Capacity Building Workshop from 17 to 20 September 2019 at the Oliver Tambo Moot Court, Kramer Law Building, UCT.

The workshop was fully sponsored by the TY Danjuma Fund for Law and Policy Development in Africa (TYD Fund). The TYD Fund was established at the University of Cape Town in 2014 to support the work of the CCLA in research, capacity building and information sharing for the advancement of well researched initiatives in the law and policy environment for development in Africa.

This edition of the workshop hosted mostly early to mid-career law researchers from the Law Faculties of four Nigerian universities, namely University of Abuja, University of Jos, Nnamdi Azikiwe University, Lagos State University as well as the lead legal research institute, Nigerian Institute of Advanced Legal Studies (NIALS). Participants also included CCLA's PhD students.

2019 GRADUATION

PhD GRADUATE:
DR AUGUSTINE ARIMORO



CCLA doctoral candidate, Augustine Arimoro graduated with a PhD from the Faculty of Law, University of Cape Town in April 2019. He is CCLA's second PhD graduate. His research topic was "The Role of Law in the Successful Completion of Public Private Partnership Projects in Nigeria: Lessons from South Africa".

LLM GRADUATE:
MR YAKUBU NAGU



Mr Yakubu Nagu, research assistant at the CCLA, bagged his LLM in International Trade Law from the Faculty of Law, University of Cape Town in April 2019. His LLM research dissertation topic was "From OAU-AfCFTA: Analysing the Prospects for Economic Development in Africa. He is now working on his PhD on the topic: "The African Continental Free Trade Agreement: Multilateralism in Africa and the prospect of Economic transformation"

2019 Olu Akinkugbe Business Law in Africa Fellowship



2019 Fellows, Ms Njoki Mboce, (left) and Mrs Jane Ezirigwe (right)

The Olu Akinkugbe Business Law in Africa Fellowship is an all-expenses paid visiting fellowship of 8 weeks, generously endowed by Chief Olu Akinkugbe CFR which commenced in 2014. The annual

fellowship supports short-term research visits by two Law academics from African universities to the CCLA. During their time at the CCLA, fellows research into various aspects of business law in Africa, producing a paper for publication in a peer-reviewed academic journal or book. 2019 fellows were Ms Njoki Mboce, a lecturer at the University of Nairobi and Mrs Jane Ezirigwe, a researcher at the Nigerian Institute of Advanced Legal Studies (NIALS).

Fellows Seminar



Ms Ezirigwe presenting her research



Ms Mboce presenting her research



Audience photo



Audience photo

VISITING SCHOLARS IN 2019

DR THEODORE MAIYAKI



Dr. Theodore Maiyaki from the University of Abuja, Nigeria was a visiting scholar at the CCLA from March to April 2019. In addition to conducting research, Dr. Maiyaki presented seminars on Law, regional integration and development in Africa.

PROF PAPA SY



Prof. Papa Sy from the Gaston Berger University, in Saint-Louis, Senegal was a visiting Professor at the Centre from September to October 2019, during which time he conducted research on various comparative aspects of international law.



Ms Njoki Mboce, (left), A/Prof Ada Ordor (Middle) and Mrs Jane Ezirigwe (right)



Group photo of seminar attendees

Fellows presented their research papers at a seminar organised by the CCLA on Thursday, 21 November 2019, in the Deans Committee Room. Ms Mboce presented on “*Economic Integration in Africa: Legal Challenges of Implementing the AfCFTA Agreement*” while Mrs Ezirigwe presented on the topic “*From Subsistence to Commercialisation: The Legal Implications of ‘ECOWAS Regulations on Transhumance’ on Livestock Investment Options*”.

EVENTS ATTENDED BY CCLA STAFF

Prof Ismail delivered the NIALS Founders’ Day Lecture for 2019

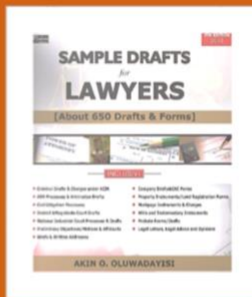
On Tuesday, 26 March 2019, Professor Faizel Ismail, Director Designate of the Nelson Mandela School of Public Governance and CCLA research associate, delivered the Founder’s Day Lecture at the Nigerian Institute of Advanced Legal Studies (NIALS) in Lagos, Nigeria.



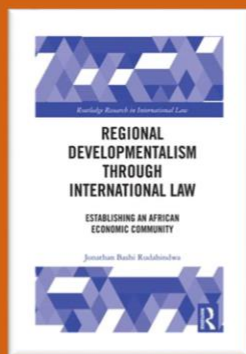
Professor Faizel Ismail is delivering his keynote paper - ‘Inclusivity and the Transformation potentials of the AfCFTA for African Countries’

The Founders’ Day Lecture Series was instituted as a fitting tribute to the legacy of the founders of the NIALS and as a commemoration of the opening of the Institute in 1979. Dignitaries present at the occasion included Prof. Adedeji Adekunle, SAN (Director-General, NIALS); Mr Babatunde Ruwase (President, Lagos Chamber of Commerce and Industry (LCCI); Prof. Olanrewaju Fagbohun (Vice-Chancellor, Lagos State University), among others.

BOOK PUBLICATIONS



The new edition of *Sample Drafts for Lawyers* by Akin Oluwadayisi, 2018 Olu Akinkugbe Business Law in Africa Fellow covers drafting skills in general law practice in Nigeria with specific focus on criminal litigation, civil litigation and corporate law practice.



Dr Jonathan Bashi Rudahindwa, 2018 Olu Akinkugbe Business Law in Africa Fellow published a book titled *Regional Developmentalism Through International Law: Establishing an African Economic Community*, investigating the ways in which law can be used to address the issues raised by regional integration processes on the continent.

A/Prof Ada Ordor and Prof Faizel Ismail presented at a CFTA Conference



On Monday, 4 October 2019, Professor Faizel Ismail and A/Prof Ada Ordor were panellists at a workshop on the (AfCFTA) organized by the School of Economics, UCT, with renowned

economist Prof Jeffrey Bergstrand from the University of Notre Dame as lead speaker. They discussed the rationale, gains, and challenges of the AfCFTA, as well as its framework for dispute settlement. The AfCFTA is a trade agreement which is in force between 27 African Union member states.

It was signed in Kigali, Rwanda, on 21 March 2018. By July 2019, 54 states had signed the agreement. One of the core aims of the AfCFTA is to create a single continent-wide market for goods and services and to promote the movement of capital and business people across the continent.



Adjunct Prof Faizel Ismail and A/Prof Ada Ordor

A/Prof Ada Ordor presented her research at Harvard Law School



On 11 November 2019, A/Prof. Ada Ordor presented her research on the operations of regional courts in Africa at a Harvard Law School roundtable on access to justice. The presentation covered questions of access to regional courts in Africa and the implications for economic development.

OTHER EVENTS & ACTIVITIES



Dr Nojeem Amodu facilitated the Law@Work Risk Management course

The two-day course, held from 26 to 27 September 2019, focused on risk management using effective legal contract strategies, and was organised by Law@Work, UCT Law Faculty's professional development programme.

Ogo Monye, CCLA PhD Student awarded the Udo Reifner Prize



Ogo Monye, a PhD student at the CCLA won the Udo Reifner Prize for Best Abstract by a Young Scholar at the International Association of Consumer Law Conference held from 13 to 15 June 2019 at the McKinney School of Law, Indiana University, Indiana, USA. This biennial conference provides a forum for leading International scholars, practitioners, representatives of consumer organizations, public authorities and business to discuss

Emeritus Professor Evance Kalula on a high-level panel at the ILO's 14th Africa Regional Meeting



Emeritus Professor Evance Kalula and other panel members



Emeritus Professor Evance Kalula

From 3 – 6 December 2019, Emeritus Professor Evance Kalula spoke at the ILO's 14th Africa Regional Meeting held in Abidjan, Côte d'Ivoire. Prof Kalula argued that "Strong institutions are necessary to effectively implement the International Labour Organization (ILO) conventions that have been ratified in Africa. In addition, every institution of work should benefit from national resources, technical assistance and the political will".

CCLA Postdoctoral Research Fellow, Dr Nojeem Amodu was a visiting Researcher at SOAS, University of London



Dr Nojeem Amodu with Prof. Emilia Onyema



Dr Nojeem Amodu with Prof. Janet Dine at Queen Mary University of London

Dr Nojeem Amodu, CCLA postdoctoral research fellow, was a visiting research associate at the School of Oriental and African Studies (SOAS), University of London from 1 October 2019 to 31 January 2020.

issues relevant to consumer protection including financial regulation, artificial intelligence, blockchain technology, standardization, dispute resolution and e-commerce. Ogo presented on the topic *'Identification Management in Nigeria: Innovations for Financial Inclusion'*, highlighting the impact of the lack of identification documentation on access to financial services for financially excluded persons.

Vote of thanks to Prof Hugh Corder



On Thursday 5 December 2019, the Law Faculty marked Prof Hugh Corder's retirement, with a celebration of decades of his work at the University of Cape Town, including 10 years as the Dean of Law, a long publication record, a period of time as Deputy Vice-Chancellor and the growth of the Law Faculty Endowment Fund. On behalf of the CCLA, A/Prof Ordor thanked Prof Corder for the supportive role he has played as a member of CCLA's Advisory Board, including speaking at two events hosted in Lagos to mark two key CCLA endowment activities of the *TY Danjuma Fund for Law and Policy Development* in December 2017 and the *Olu Akinkugbe Business Law in Africa Fellowship* in December 2018.

Dr Nojeem Amodu at the Workshop on World Heritage and Sustainable Development in Africa: Implementing the 2015 Policy, Robben Island, South Africa, August 2019.



Dr Nojeem Amodu presenting his research



Dr Nojeem Amodu presenting his paper on Corporate Governance and Intellectual Property in July 2019

Dr Nojeem Amodu presenting his paper titled "Integrating Heritage Conservation and Sustainable Development in Africa: a business community perspective" at the workshop.

Tsotang Tsietsi, CCLA Phd student participated in the African Programme On Rethinking Development Economics (APORDE)



CCLA doctoral student, Tsotang Tsietsi, was selected for the African Programme on Rethinking Development Economics (APORDE) which was held from 1 to 13 September 2019. APORDE, which has

been held annually since 2007, is a training programme in development economics which aims at enhancing capacity in economics and policymaking in the African context. Participants are drawn from government institutions, the academia and civil society organisations. The research focus of the programme covers institutions and political settlements, structural change, global value chains, mineral resources and Chinese investments in Africa. Ms Tsietsi was appointed as team leader in her group which was the runner up for the best presentation award. The presentation gave an overview of China's policies that inform its outward investment strategy, discussed why Africa is an attractive

Innocent Malatji (1st from left), CCLA PhD student and member of the award-winning Postgraduate Law Students' Council at the 2019 UCT DSA Student Leadership Awards.



Innocent Malatji, CCLA PhD student and member of the Postgraduate Law Students' Council which was awarded the Most Outstanding Postgraduate Faculty Council award at the 2019 UCT Department of Student Affairs (DSA) Student Leadership Awards.

investment destination for Chinese enterprises and showed the trends of these investments. It demonstrated how Chinese investments have facilitated economic development in Africa by spurring infrastructure development, employment creation, and skills transfer. The group also addressed the pros and cons of China's investments in Africa.

Inaugural Olu Akinkugbe Business Law in Africa Fellow, Prof Olawale Ajai was a visiting Scholar at the Yale School of Management



Prof Ajai lecturing at the Yale School of Management

From January to March 2019, Prof Ajai (2014 Inaugural Fellow) was invited to teach a course on 'Leading Non-market Strategy in African Business Environments' to MBA Students at the Yale School of Management. Prof Ajai is the first visiting Scholar in the inaugural year

of the Yale School of Management Global Network Africa Faculty Fellowship.