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CENTRE FOR COMPARATIVE LAW IN AFRICA
(CCLA)

Annual Newsletter





Academic Activities



Comparative Law and Business in Africa (CLBA) – LLM

The LLM course, *Comparative Law and Business in Africa (CLBA)* was again offered in the first semester, co-convened by Prof Ordor and Dr Victor Amadi, featuring an experienced team of scholar-practitioners, with expertise in various regions of Africa, including Dr Theodore Maiyaki (West Africa),

Dr Jonathan Bashi Rudahindwa (Central Africa), Mr Douglas Gichuki (East Africa) and Dr Tsofeng Tsietsi (Southern Africa) and WTO Co-Chair at National University of Lesotho. From a regional overview of trade instruments in SADC, EAC, ECOWAS and North Africa, a sample of countries served to demonstrate the domestic legal frameworks to expect in doing business across various regions. The focus countries were the DRC, Egypt, Kenya, Nigeria and South Africa. Key topics applicable to all regions were also featured. These include the the AfCFTA, the Single African Air Transport Market (SAATM), and informal cross-border trade, covered by Dr Yakubu Nagu, Dr William Kiema and Adetutu Oluwaseyi respectively.



The class was made up of 18 students from six countries namely South Africa, Namibia, Kenya, Uganda, Germany and Zambia.





Law Regional Integration and Development in Africa (LRIDA) - LLM

This course was convened by Prof Ordor in the first semester, assisted by Yakubu Nagu and Raisa Nyirongo. In addition to foundational lectures on theories of integration and a selection of regional blocs, the course featured guest lectures, including that on Economic Partnership Agreements by Prof Faizel Ismail, director of UCT's Nelson Mandela School of Public Governance.



The highlight of the course was the simulation exercise which required students to represent different member states of the African Union to negotiate tariffs and contents of excluded lists for the African Continental Free Trade Area (#AfCFTA).



Chinese Law and Investments in Africa (CLIA) - LLM

Tebogo Lefifi and Christopher Edyegu presented this two-week block lecture with 20 students. The first week featured China - Africa geopolitical and international relations content, while the second week focused on Chinese Law, concepts and policy around foreign trade and investment flows in and out of China and Africa.

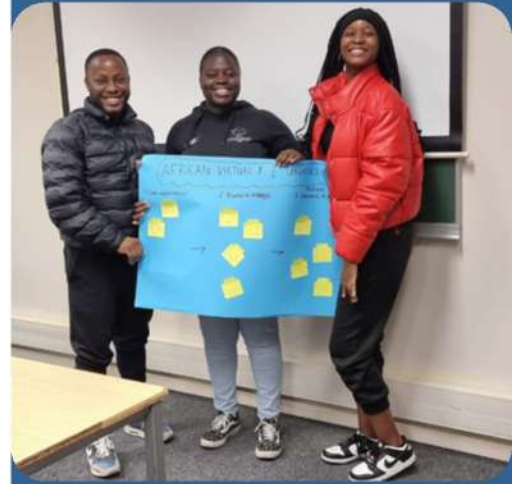


Students worked in groups and presented on topics assigned to them. Students have maintained a steady interest in this course with numbers remaining same as for 2022.

Law and Regional Integration in Africa (LLB Final Year Elective)



SADC, EAC, ECOWAS and COMESA, demonstrating the progressive philosophical and practical underpinnings of African integration. The course which was introduced for the first time in 2020 with nine students, has continued to grow and recorded 15 students in 2023.



This course was taught in the second semester of 2023 through seminars by Prof Ordor, Dr Amadi and Raisa Nyirongo. The course introduced students to the legal instruments that shaped the post-independence trajectory of African cooperation from the Organisation of African Unity (OAU) to the African Union (AU). It also presented students with an overview of treaties establishing various regional blocs, including



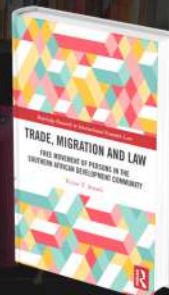


The Centre for Comparative Law in Africa
presents
the

TRIPLE BOOK LAUNCH



Dr Ogochukwu Monye



Dr Victor Amadi

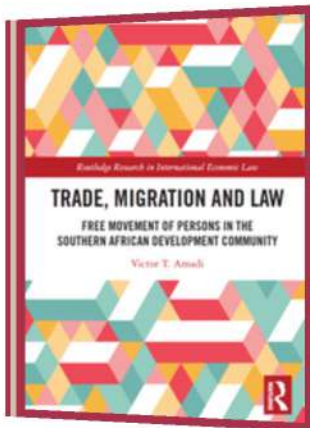
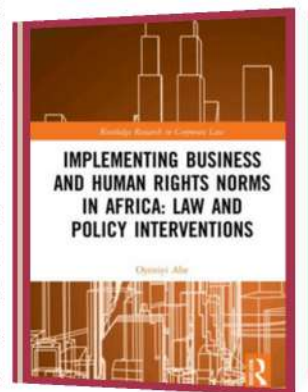


Dr Oyeniyi Abe

April 2023 saw the momentous launch of three books by CCLA researchers, all published by Routledge.

a) *Implementing Business and Human Rights Norms in Africa: Law and Policy Interventions* by Dr Oyeniyi Abe (CCLA 2018 doctoral graduand)

This book examines the contemporary and contested question of the critical connections between business and human rights and the implementation of socially responsible norms by businesses operating in developing countries, with particular reference to Kenya, Nigeria, and South Africa. The monograph analyses the guiding principles of a rights-based approach to development and social inclusion. It offers a rich discussion of various themes, including regulatory capacity, institutional efficacy, and democratic legitimacy of governance institutions that shape development. In summary, the book presents a comprehensive analysis, showing how states are engaging with business and human rights discourses within domestic legal frameworks.



b) *Trade, Migration and Law: Free Movement of Persons in the Southern African Development Community* by Dr Victor Amadi (CCLA postdoctoral research fellow)

This monograph explores how law and policymakers within the Southern African Development Community (SADC) regional structure might reform the legal and regulatory frameworks to address the need for greater economic mobility. The book advances the discussion on regional integration and trade, highlighting the centrality of professional mobility to achieving a robust trade in services regime.

c) *Digital Financial Inclusion and Regulation* by Dr Ogochukwu Monye (CCLA 2021 doctoral graduand)

This publication analyses various considerations for achieving an effective regulatory strategy to improve financial access and usage in Nigeria and other developing country contexts. Gaps in the legal and institutional framework for digital financial services (DFS) and the barriers that contribute to financial exclusion are identified, as well as policy changes needed to address this with more extensive, accessible and sustainable measures. The book also presents insights for regulating industry financial services providers and challenger entities that herald industry disruption.



PICTURE SPLASH

20 23

CCLA sights showing students, graduands, visitors, fellows, lecturers, events and Faculty staff.





20
23





2023 Olu Akinkugbe Business Law in Africa Fellows (OABLAF)



Dr Yvonne Idun has a PhD and LLM in The Law of International Trade and International Environmental Law from the University of Cape Town, a BA in Law and French from the University of Ghana; a Certificate in Project Management, Monitoring and Evaluation from the Galilee International Management Institute in Israel; and a Certificate in French Language and Civilization from the Institute Supérieur Privé in France.



Dr Onyinyechi Lilian Uche has an LLB and LLM from Abia State University and the University of Jos, Plateau State, Nigeria, respectively. She has a PhD in Environmental Law from the University of the Western Cape, South Africa, while on the OABLAF fellowship. She is currently a Senior Research Fellow at the Nigerian Institute of Advanced Legal Studies, Nigeria.



The Olu Akinkugbe Business Law in Africa Fellowship is an annual all-expenses paid two-month visiting fellowship, generously endowed by Chief Olu Akinkugbe CFR, which commenced in 2014. The fellowship supports short-term research visits to the CCLA by two law researchers from African institutions. During their tenure, the fellows produce well-researched papers on various aspects of business law in Africa for publication in a peer-reviewed academic journal or book. The 2023 fellowship period was from 2nd October to 2nd December 2023. The 2023 Fellows, who are also the 10th set of fellows were Dr Onyinyechi Lilian Uche from the Nigerian Institute Advanced Legal Studies (NIALS) and Dr Yvonne Idun, formerly of the University of Ghana, Legon, currently a research associate at the University of Cape Town. Dr Idun's research was on the subject of commercialising genetically modified food crops in Ghana and Nigeria, while Dr Uche's research was on Principle 12 of the Rio Declaration and its effect on intra-African plastic waste trade.





2023 Resident CCLA Team

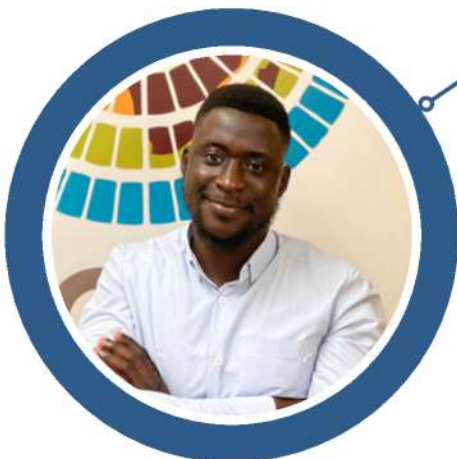
Prof Ada Ordor



Dr Victor Amadi



Dr Julieth Gudo



Yakubu Nagu



Chebo Tamajong



Raisa Nyirongo



CONFERENCES



(i) International Society of Public Law (ICON-S) Conference

As beautiful Wellington, New Zealand, prepared to co-host the 2023 FIFA Women's World Cup, Victoria University of Wellington hosted the 2023 International Society of Public Law (ICON-S) Conference from 3rd to 5th July 2023, where the CCLA team of researchers – Victor Amadi, Ada Ordor, Raisa Nyirongo, Yakubu Nagu and Julieth Gudo (online) presented a panel themed: *“Regional Integration and Africa’s Island Nations: Leveraging the Leniency, Latitude and Limitations of the Law.”* Panellists spoke on African island nations’ responses to various developments, including the use of regional courts, the free movement of people, the African Continental Free Trade Area and climate change imperatives. The vibrant Wellington conference signalled the resumption of active in-person international academic engagement, both for the CCLA and for ICON-S.





(ii) OABLAF 10th Anniversary Reunion Conference

From October 23rd to October 27th, 2023, the Centre hosted 14 distinguished OABLAF fellows at the University of Cape Town, marking the 10th Anniversary of the Olu Akinkugbe Business Law in Africa Fellowship. The conference was a reunion and connection of past fellows with current fellows, which featured participants from a variety of countries including Ghana, Kenya, Malawi, Nigeria, Senegal, South Africa, Zimbabwe and the DRC.

Throughout the conference, fellows showcased their individual research as well as the planned collaborative research with other fellows. The event was enriched by key speakers including the fellowship benefactor, Chief Olu Akinkugbe CFR, Dean of Law Prof Danwood Chirwa, Head of Department of Commercial Law Prof Michelle Louw and Director of the Nelson Mandela School of Public Governance Prof Faizel Ismail, who provided valuable insights into the latest developments at the AfCFTA, and encouraged fellows to consider making their skills available, as their research endeavours stand as the backbone for the success of Africa's regional integration initiatives.





(iii) African Society for Business, Law and Economics 1st Annual Conference

CCLA postdoctoral researchers Dr Julieth Gudo and Dr Victor Amadi participated online in the first Annual African Conference on Business, Law and Economics (ACBLE), organised by the Mercantile Law Department at the University of the Free State (UFS) in conjunction with the Mercantile Law Department of the University of the Western Cape (UWC) from 7th to 8th September 2023 in Bloemfontein. Dr Gudo's paper was on *"The State of Corporate Governance Regulation and Performance in State-Owned Enterprises in South Africa and Zimbabwe"* while Dr Amadi presented on *"The Imperative for the Free Movement of People as we move towards a Common Market in Africa."*

(iv) Postgraduate Students Conference

Doctoral researcher Chebo Tamajong Nfor presented a paper titled *"Examining Legal Frameworks for Environmental Justice in Kenya, Nigeria, and South Africa: A Comparative Analysis"* at the Postgraduate Student's Conference in Kenya from the 8th to 12th December 2023. The conference was hosted by The Democratic Governance and Rights Unit, University of Cape Town, in collaboration with Kenyatta University, the University of Nigeria, and the Konrad Adenauer Stiftung (KAS) Foundation Rule of Law Programme for Sub-Saharan Africa, under the theme *"Legal Perspectives on Sustainable Development and Social Inclusion."*



Chebo at the Postgraduate Student's Conference



Participants at the Postgraduate Student's Conference





Visiting Scholars



Prof Won Kidane, Professor of Law and Faculty Director of the South Africa Program at Villanova University, visited the CCLA, on 20th September 2023, while leading four JD students for the inaugural semester in Cape Town on the South Africa Program. A renowned international arbitrator, Prof Kidane teaches and researches around the subjects of comparative law, investment law and the legal aspects of China-Africa economic relations. Prof Kidane presented a guest lecture in the CCLA's Comparative Business Law course, while also hosting CCLA researchers as guest speakers in the Comparative Law course which he convened for the visiting Villanova JD students at All Africa House.



Dr Oyeniyi Abe, senior lecturer at the University of Huddersfield and CCLA 2018 doctoral graduand visited the Centre from 9th to 13th May 2023, during which time he presented a guest lecture on business and human rights in Africa to the Comparative Law and Business in Africa LLM class. Dr Abe also met with doctoral candidates at the CCLA Writers' Circle where he spoke on the topic "Accessing Funds for PhD and Postdoctoral Research".





The Centre welcomed a bumper harvest of five CCLA doctoral graduands in 2023. Benjamin Pequenino and Mahlatse Malatji graduated in July 2023, while Tebogo Lefifi, Raisa Nyirongo and Yakubu Nagu graduated on 14 December 2023.



a) Dr Benjamin Pequenino

Dr Benjamin Pequenino's thesis was on the topic: *"Public-Private Partnership Contracts in Mozambique and South Africa: Managing Risks and Ensuring Sustainability."* Dr Pequenino persevered through grave difficulties, including severe illness, and persevered after his recovery to complete this important thesis.



b) Dr Mahlatse Malatji

Dr Mahlatse Malatji completed a thesis titled *"The Role of Collective Bargaining in Business Sustainability and the Future of Work: A South African Perspective."* Dr Malatji's research interests include employment law, the law of succession, and customary law.

Although the PhD path was not a walk in the park, Mahlatse remembers the value of social interactions with friends and family, which made her journey to completion easier.





c) Dr Raisa Nyirongo

Dr Raisa Nyirongo wrote on the topic: *"Addressing Compliance Challenges in African Regional Integration."* Dr Nyirongo's research used a comparative approach to analyse compliance systems within specific regional economic communities. Given the hurdles in implementation, her study stands as a valuable resource for shaping policy decisions. Dr Nyirongo's research interests include regional integration in Africa, law and development, as well as trade and gender. In offering guidance to prospective doctoral candidates, Dr Nyirongo underscores the significance of establishing and maintaining a robust support network.

While the journey may present challenges, she emphasises that it is a path one need not travel alone, as the experience is enriched with the support of others. Dr Nyirongo has been a core part of the editorial team of the *Journal of Comparative Law in Africa*, among numerous other roles.



d) Dr Yakubu Nagu

Dr Yakubu Nagu researched the topic: *"Implementing the African Continental Free Trade Agreement: Policies, Regulations, Laws, and Institutions required for Development"*. His thesis introduces an analytical framework which combines law and development with regional integration and presents a critical empirical study of the AfCFTA's implementation in three countries, namely: Nigeria, Kenya and Ethiopia. Dr Nagu's research interests include international trade, economic integration and law and development in Africa. Dr Nagu played a key role in convening the CCLA Writers' circle, managing its tech needs, including converting content to animation. Throughout the challenging process of writing his doctoral thesis, Dr Nagu fondly remembers the vibrant coffee shops of Cape Town, where he found inspiration to persevere. Reminiscing on these moments, he remembers how he eagerly awaited the end of the academic journey. In advising aspiring PhD graduates, Dr Nagu emphasises the importance of sticking with it and trusting the complicated but rewarding research process.





e) Dr Tebogo Lefifi

Dr Tebogo Lefifi's doctoral research was on "*A Comparative Study of China's Foreign Direct Investment in Africa: Regulation, Policy, and Legal Cooperation.*" Her research takes a groundbreaking approach to the evolution of Africa-China legal cooperation in Foreign Direct Investments (FDI), initiated by the Forum on China-Africa Cooperation (FOCAC) in 2000. She contends that China's outbound FDI introduces a unique form of south-south legal transplant, challenging the conventional understanding of the impact on Africa's economic development and legal framework. A distinctive feature of the study is its explicit examination of Africa's adoption of China's cyber sovereignty governance model and laws.

Dr Lefifi attributes tremendous value to the Postgraduate Writing Circle convened by Dr Aditi Hunma, recognising it as an indispensable team which played a pivotal role in maintaining her unwavering focus on research and fostering a multi-disciplinary approach to her thinking and writing. Drawing from this transformative experience, she established the CCLA Writers Circle in 2019, which became a nurturing space that flourished over the years, providing invaluable support to numerous research students through peer review, research coaching, and the assurance that they were not navigating their academic journey in isolation.



CONGRATULATIONS





P.J Smeets Award



Following fruitful engagement between Dr Maarten Smeets and the CCLA from 2021 to 2022, the PJ Smeets Prize was instituted in 2022 and in 2023, the inaugural award was made to outstanding LLM students in four courses, namely: Law of International Trade (Oliver Dyer), Comparative Law and Business in Africa (Gift Shezi and Thabang Dipudi), Chinese Law and Investments in Africa (Retsepile Monatsi), as well as Law and Regional Integration and Development in Africa (Oliver Dyer).

The UCT Law School Dean, Professor Danwood Chirwa, praised the awardees for their outstanding academic achievements and underlined the significance of developing competence in these specialized fields. The awardees expressed their gratitude for the recognition and acknowledged how important these courses are to the development of regional, global, and economic ties.

The PJ Smeets Prize was instituted by Dr Maarten Smeets in memory of his brother PJ Smeets. Dr Maarten Smeets has been involved in various initiatives in international trade law since concluding an illustrious career at the World Trade Organisation a few years earlier. The Law Faculty presentation was preceded by a dinner hosted by Dr Smeets at the Vineyard Hotel, attended by Dean Danwood Chirwa, Deputy Dean Postgraduate Studies Prof Johann Hattingh, CCLA Director Prof Ada Ordor, CLBA course co-ordinator Dr Victor Amadi and Law Faculty Managing Manager Ms Gaby Ritchie who organised the event.





Other activities of Staff, Postgraduate Students and other Researchers.



a) Yakubu Nagu Internship at the World Trade Organisation (WTO), Legal Affairs Division

From 13 July to 13 December, 2023, Yakubu Nagu participated in the internship program of the Legal Affairs Division of the World Trade Organization (WTO) in Geneva. Dr Nagu had the opportunity to observe various activities, including Dispute Settlement Body (DSB) proceedings. A highlight of Yakubu's internship was his presentation of a paper that compared the dispute settlement mechanisms of the WTO and the African Continental Free Trade Agreement (AfCFTA). Overall, Yakubu gained valuable practical experience in the legal aspects of international trade, as well as insights into the organisation's workings and the opportunity to contribute knowledge on African integration through his presentation.

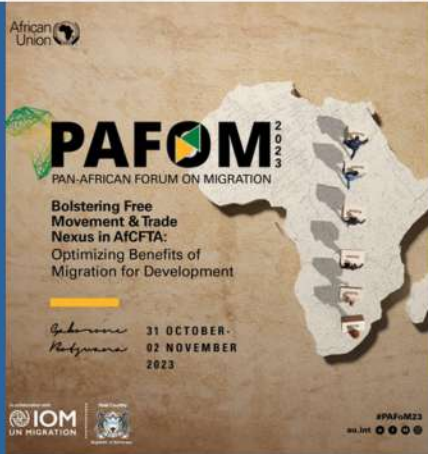
b) Roundtable on Careers and Diversity in International Arbitration and Launch of UCT Arbitration and Dispute Resolution Unit



On 10th October 2023, the CCLA team of Raisa Nyirongo, Chebo Tamajong Nfor and Ada Ordor attended the Roundtable on Careers and Diversity in International Arbitration which marked the launch of the UCT Arbitration and Dispute Resolution Unit. The event which held at the Moot Court, featured a panel of arbitration practitioners and professionals who shared insights from their rich and varied experience in dispute resolution, while highlighting pathways to a career in international arbitration. The event was co-hosted by Ms Lise Bosman of the Permanent Court of Arbitration, Prof Emilia Onyema of the School of Oriental and African Studies and Dr Faadhil Adams who co-chairs the new unit.



Other activities of Staff, Postgraduate Students and other Researchers.



c) 8th Conference of the African Union Pan-African Forum on Migration (PAFOM) in Gaborone, Botswana

The African Union (AU), in partnership with the Republic of Botswana and the International Organization for Migration (IOM), convened a conference on “Bolstering Free Movement and Trade Nexus in AfCFTA: Optimizing Benefits of Migration, Labour Migration for Development” which held from October 31st to November 2nd, 2023 in Gaborone. Dr Amadi’s paper on ‘Migration, the AU-FMP, and the AfCFTA,’ was presented on a panel on “Civil Registration and Legal Identity,” Other panellists were Emeritus Prof Alan Hirsch who is also

the Director Emeritus of UCT’s Nelson Mandela School of Public Governance, and Ms Taiwo Olawole, who serves as a Counsellor at the Embassy of Nigeria to Ethiopia and Djibouti, as well as at the Permanent Mission of Nigeria to the African Union.

d) Writers’ Circle

The Writers Circle hosted 12 sessions in the first semester of the year. The Writers’ Circle provides a collaborative review mechanism for peer feedback on the Centre’s research in progress. Postgraduate and postdoctoral researchers in the Law Faculty also find it a useful space for sharing their work. While aiming to advance writing, presentation and review skills, the Writers’ Circle is also a platform for sourcing new research ideas and gaining alternative perspectives on ongoing research. Many sessions were convened in a hybrid format, with online and in-person participation on Thursday afternoons. The 2023 highlight was a design thinking dash held on 31 May, hosted by UCT’s Hasso Plattner School of Design Thinking Afrika, which provided a simplified introduction to design thinking tailored to legal research.



e) Visiting Professorship appointment to Harvard Law School

CCLA Director, Professor Ada Ordor was appointed Steiner Visiting Professor in Human Rights for the Spring semester 2024 at Harvard Law School. During her time at HLS, Professor Ordor will convene the courses *Regional Integration and Human Rights in Africa* as well as *The Legal Environment for Business in Africa*, supervise student research papers and engage with the vibrant HLS academic life.



Publications

- Amadi V and Vundamina MND 'Migration and Climate Change in Africa: A Differentiated Approach through the Free Movement of People Frameworks' (2023) 27 *Law, Democracy and Development* 31-54.
- Amadi V 'A Flexible Approach to Enabling the Free Movement of People in Southern Africa' (2023) *Comparative International Law Journal of Southern Africa* 1-22.
- Mlambo VH, Madhuku H, Gudo, J and Shawa E 'Human Mobility in Times of Crisis: Covid-19 and the Securitisation of The Border' (2023) *Loyola Journal of Social Sciences* 37(1).
- Nfor CT, Masangala A and Gudo J 'The role of non-governmental organisations in advancing good governance and development through regional institutions in Africa' (2022) *Journal of Comparative Law in Africa* 9(2) 71-101.



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