

FOREWORD

This volume ensures the continuation of the exchange of ideas and inspiration throughout the “Leaders for Justice Workshops” which took place in Arusha, Tanzania from 29th August to 1st September 2022, Dar es Salaam, Tanzania, from 28th to 29th July 2023 and Entebbe, Uganda, from the 26th to 27th July 2024.

The workshops, which were organised by the Rule of Law Program for Sub-Saharan Africa of Konrad Adenauer Stiftung, brought together lawyers from anglophone African countries and the DR Congo to facilitate the exchange of thoughts and the identification of best practice.

Most of the participants have professional experience as advocates in private practice, in companies and institutions or as judges and lecturers. After the workshops participants continued to exchange thoughts and experiences. The results of their ongoing research are presented in this volume.

Dr. Kweku Ainuson, Ghana, presents on “Parliamentary ratification and the governance of mining contracts in Africa” – This paper adopts a doctrinal approach to analyse the legal and institutional significance of parliamentary ratification as a mechanism of democratic oversight in the governance of mining contracts. Anchored in the Ghanaian constitutional and statutory framework, and drawing comparative insights from Tanzania and the Democratic Republic of Congo (DRC), the study argues that legislative scrutiny enhances accountability, aligns resource governance with constitutional principles, and mitigates the risks of executive overreach.

Bernard Kengni, South Africa, analyses “Evaluating the effectiveness of Niger’s labor laws in mitigating health risks associated with mining work” – This contribution examines the regulatory framework governing health and safety in Niger’s mining industry, a sector central to the country’s economic development and subject to substantial investment despite ongoing political instability. It reviews the constitutional, mining, and labour codes that aim to protect mine workers from occupational hazards particularly in uranium mines.

Umutoniwase Rosette, Rwanda, writes on “Bridging borders through law – tackling environmental challenges in the east African community” – This paper analyses the EAC’s key legal instruments, including the Treaty for the Establishment of the EAC, protocols, Acts, and policies, to assess their effectiveness in tackling regional environmental challenges such as deforestation, biodiversity loss, and transboundary pollution.

Zoe Mauki, Uganda, examines “The rise of armed groups in the DRC territory; analysis of the emergence and persistence of armed groups and their impact on the recurring conflict in the territory” – Since 1998 to the present time, the Democratic Republic of Congo (DRC) has faced ongoing instability due to the persistent activities of numerous armed groups in the territory. This contribution tries to gain a clear understanding of the drivers, dynamics, and consequences of these armed actors and find a lasting solution to restore peace in the territory.

Daniel Chibembe and Crispin Murhula Bahozi, DR Congo, share insights in “The legal status of marriages contracted in areas of lawlessness; a case study of marriages celebrated in territories under M23 occupation in the DRC” – The study examines the validity and recognition of these unions under Congolese and international law. It takes a comparative law approach, examining similar experiences in Liberia, Rwanda, and Sierra Leone, countries that have also seen marriages celebrated under occupation or during internal armed conflicts.

Assiimwe Jackline, Uganda, presents on “Impeaching judges – Challenges or achievement” – This contribution explores the impeachment of judges in Uganda as both a safeguard for judicial integrity as well as a potential threat to judicial independence. It finds that there is a disconnect between the legal framework and the practical implementation of it.

Theresa Uzoamaka Akpoghome and Dr. Nkechinyere Huomachi Worluh-Okolie, Nigeria, write “A paper on the analysis of the legal framework on cybercrime in Nigeria” – This paper examines Nigeria’s legal framework on cybercrime to assess its adequacy in addressing emerging threats. It analyses the Cybercrimes Act. 2015, the 2024 Amendment, and related statutes.

All articles published in this first volume cover the continuation of cooperation and demonstrate the engagement of a young generation of African lawyers.

Special thanks go to all participants and organizers at the KAS Rule of Law Program, for their commitment and input.

Hartmut Hamann

Stefanie Rothenberger