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Africa

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Africa

I. North Africa

A. Algeria

1. Migrant, Refugee Expulsions

In June, reports indicated that Algeria had expelled over 13,000 sub-Saharan African migrants over the previous fourteen months and abandoned

* Committee Editor (Bodley): Algeria (Katz); Angola (Silva, Miranda, Frazão); Benin (Gassikia); Botswana (Ed.); Burkina Faso (Ed.); Burundi (Ed.); Cameroon (Silva, Miranda, Frazão); Cape Verde (Silva, Miranda, Frazão); CAR (Weitz); Chad (Weitz); Comoros (Meise, Ed.); DRC (Ed., Montenegro); Congo (Silva, Miranda, Frazão); Côte d'Ivoire (Houda); Djibouti (Ed.); Egypt (Bremer, Ed.); Equatorial Guinea (Ed., Silva, Miranda, Frazão); Eritrea (Socash, Cocchi, Woldeabzghi); Ethiopia (Socash, Cocchi, Kaltiso); Gabon (Silva, Miranda, Frazão, Ed.); Gambia (Evans, Mbaku); Ghana (Abu-Bonsrah); Guinea (Ed.); Guinea-Bissau (Ed.); Kenya (Socash); Lesotho (Ed.); Liberia (Durunna); Libya (Katz); Madagascar (Ed.); Malawi (Holmes); Mali (Ed.); Mauritania (Houda); Mauritius (Ed.); Morocco (Cocchi, Durunna); Mozambique (Silva, Miranda, Frazão); Namibia (Ed.); Niger (Ed.); Nigeria (Abaya, Cocchi); Rwanda (Meise); São Tomé and Príncipe (Silva, Miranda, Frazão); Senegal (Houda); Seychelles (Carr); Sierra Leone (Ed.); Somalia (Meise); South Africa (Evans, Cocchi); South Sudan (Woldeabzghi); Sudan (Ed.); Swaziland (Holmes); Tanzania (Ayogu); Togo (Ed.); Tunisia (Bishai); Uganda (Meise); Western Sahara (Ed.); Zambia (Ed.); Zimbabwe (Chitoiwa); ACHPR (Ed.); AEC (Ayana); AU (Ayana, Mbaku, Cocchi); ECOWAS (Ed.); EAC (Bishai); AfDB (Ed.); Afreximbank (Ed.); ECA (Ed.); SADC (Meise, Holmes); COMESA (Ed.); IGAD (Woldeabzghi); ECCAS (Ed.); UMA (Ed.); OHADA (Momonougui, Cocchi); biographies: http://www.abanet.org/dch/committee.cfm?com=IC805000.
them in the Sahara Desert. Human rights groups claim that racial profiling was used, and that some deportees had valid visas.

2. Speaker “Coup”; President Seeks Fifth Term

In October, deputies voted out Speaker Bouhadja. Opposition parties boycotted the process citing a lack of constitutional authority, while Bouhadja refused to step down. President Bouteflika has announced that he will seek a fifth five-year term in the 2019 elections, despite a two-term presidential limit set in 2016 and continued unrest.

B. EGYPT

1. ‘Cybercrime’ Legislation

In August, President Abdel Fattah el-Sisi signed “cybercrime” legislation into law allowing authorities to block websites deemed to “constitute a threat” as well as to jail or fine those who run them. Critics deplore the legislation as an attack against freedom of speech.

C. LIBYA

1. December Elections Delayed

In May, rival factions agreed to a legal framework for forthcoming UN-backed elections. Prime Minister Fayez al-Sarraj, the Libyan National Army’s Khalifa Haftar, House of Representatives President Aguila Saleh Issa, and High Council of State head Khalid al-Mishri all contested


4. Id.


7. Id.

leadership.\textsuperscript{9} In September, however, the UN extended the Libya mission by another year and withdrew support for the December elections.\textsuperscript{10}

D. TUNISIA

1. Female Equality Initiatives

In August, President Beji Caid Essebsi called for legislation allowing women to receive equal inheritance shares vis-à-vis men, aiming to overturn Islamic law, which traditionally permits women to inherit only one-half the amount that their male relatives receive.\textsuperscript{11} The President’s Commission on Individual Freedoms and Equality also recommended adoption of a Code of Individual Rights and Liberties including a law to abolish discrimination against women and children.\textsuperscript{12}

2. CSO Registrations

In July, Tunisia’s parliament passed Law 30 requiring civil society organizations to register with the newly created National Registry of Institutions.\textsuperscript{13} Penalties include imprisonment and fines between 10,000 and 50,000 Dinars (between US $3,436-US$17,182), raising concerns that the law constitutes “a backdoor way to increase government oversight of civil society.”\textsuperscript{14}

E. MOROCCO

1. Domestic Worker Rights

In October, a 2016 law on domestic worker rights went into effect requiring written contracts, limiting working hours, guaranteeing twenty-four hours of rest per week, and imposing financial penalties on employers who break


the law. While domestic worker rights remain weaker than others, there were previously no rights or limits on hours worked.

2. **Constitutional Challenges Permitted**

   In February, Parliament approved Law No. 15.86, introducing procedures for individuals to challenge the constitutionality of laws. The law sets a fee and imposes conditions, including a condition that the issue has not been previously determined.

**F. Western Sahara**

1. **UN Mission Re-extended**

   In October, the UN Security Council extended the mandate of its Mission for the Referendum in Western Sahara (MINURSO) until April 2019. Resolution 2240 (2018) expressed support for the Secretary-General’s plan to renew negotiations toward a mutually acceptable solution to “provide for the self-determination of the people of Western Sahara.” Established in 1991, MINURSO is tasked with, among other things, holding a referendum in which Western Sahara “chooses[s] between independence and integration with Morocco.”

**II. West Africa**

**A. Benin**

1. **Anti-Terrorism Court Created**

   In July, the National Assembly created a new court for the repression of economic offenses and terrorism that some see as a tool to prosecute...
opposition members. In October, the court issued an arrest warrant for opposition activist Sébastien Adjavon, who is seeking asylum in France.

B. Burkina Faso

1. Further Attack

In March, terrorists targeted Burkina Faso with an attack on its military headquarters and French embassy that killed at least thirty people. As a member of the Trans-Saharan Counterterrorism Partnership, with peacekeeping troops in Mali and Sudan, Burkina Faso has been made a target in the region but an investigation led to the arrests of active and former soldiers rather than of foreigners.

C. Cape Verde

1. Tax Arbitration Center; Ethics Code

In May, Cape Verde created a Tax Arbitration Center to resolve tax disputes. In April, it enacted the Tax Arbitration Ethics Code regulating arbitrators' appointments and conduct including their removal. Banking regulations tightened in line with international trends requiring financial institutions "to provide . . . [increased] information to Cape Verde tax authorities, notably . . . [to] convey[ ] such information to . . . other States, under international agreements . . . ."
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D. CÔTE D’IVOIRE

1. Post-Election Amnesties

In August, President Ouattara granted amnesty to 800 people prosecuted following the 2010-2011 post-election crisis, including former first lady Simone Gbagbo—whose husband Laurent Gbagbo remains imprisoned in The Hague.29 The conflict “was the deadliest crisis the country has experienced, with at least 3,000 people, mostly Gbagbo opponents, killed during the six-month standoff.”30

E. GAMBIA

1. Truth and Reparations Commission

In October, President Adama Barrow “announced the creation of a Truth and Reparations Commission to investigate crimes committed by exiled former president Yahya Jammeh.”31 The Commission will be modeled after South Africa’s Truth and Reconciliation Commission and aims to offer reparations to victims.32

F. GHANA

1. Office of the Special Prosecutor Created

In January, President Akufo-Addo created the Office of the Special Prosecutor as a specialized agency to root out corruption.33 Anyone with evidence of corruption may lodge a complaint.34

G. GUINEA

1. Bauxite Mining Threatens Livelihoods

In October, rights groups warned that Guinea’s growing bauxite industry threatens livelihoods through destruction of ancestral farmlands and water

32. Id.
34. Id.
Guinea has the world’s largest bauxite reserves, but demand has increased as other countries have banned exports due to the industry’s environmental impact. A report called on the Guinean government, which has transformed Guinea into the world’s third-largest exporter, “to better regulate companies and protect communities.”

H. GUINEA-BISSAU

1. UN Calls for Support; November Elections

In August, the UN Secretary-General’s Special Representative for Guinea-Bissau and head of the UN Integrated Peacebuilding Office (UNIOGBIS), José Viegas Filho, called for international support ahead of November legislative elections. He “highlighted . . . developments, including [a] . . . new gender-parity quota law . . . which establishes a minimum 36 percent . . . [of] women . . . candidates for legislative and local government elections . . . .”

I. LIBERIA

1. Landmark Land Rights Law

In September, President George Weah signed the Land Rights Act into law helping communities to fight foreign land grabs, giving them ownership of ancestral lands. Liberia “has signed away more than 40 percent of [its] . . . territory in logging, mining and agriculture concessions,” with the majority of the population holding no formal rights to land.

J. MAURITANIA

1. Apostasy Death Penalty

In April, the National Assembly replaced Article 306 of the Criminal Code making the death penalty mandatory for anyone convicted of “blasphemous

36. Id.
37. Id.
39. Id.
41. Id.
speech” or “sacrilegious acts.” Imprisonment for those who repent is no longer available.42

2. Senate Abolished

In August, Mauritania abolished its Senate in a referendum boycotted by the opposition.44 The result is “a victory for President Mohamed Ould Abdel Aziz, who is accused of trying to extend his mandate.”45 Abdel Aziz “is barred by the constitution from running a third term.”46

K. Mali

1. Amnesty Proposed

In his 2017 end-of-year address, Malian President Keïta proposed amnesty to “those involved in an armed rebellion” provided they have “no blood on their hands.”47 The announcement followed the appointment of a new government and the weeklong return of “his predecessor Amadou Amani Touré, after five years of exile in Senegal.”48 Northern Mali fell to al Qaeda and jihadist groups in 2012, but the jihadists were largely driven out following the 2013 launch of an ongoing international military intervention.49

L. Niger

1. Finance Law Protests

In January, thousands demonstrated at the capital, Niamey, against the 2018 finance law, which some believed was “anti-social” and would drive prices up at the expense of the poor.50 An October 2017 “demonstration against the same . . . law degenerated into riots.”51

43. Id.
45. Id.
46. Id.
48. Id.
49. Id.
51. Id.
M. NIGERIA

1. Trade Agreements Rejected

In 2018, Nigeria declined to sign both the Economic Partnership Agreement—that aims to reduce trade restrictions between West African countries and the EU—and the pan-African African Continental Free Trade Agreement (AfCTA).  

N. SÃO TOME AND PRÍNCIPE

1. New PPP Law

In 2018, a new Public-Private Partnerships Law was approved to develop and regulate PPPs. The law includes statutory requirements, mandatory approval by the Audit Court, and the submission of disputes to domestic or international arbitration.

O. SENEGAL

1. Mauritania/Senegal Gas Field Agreement

In February, Mauritania and Senegal signed an agreement for the joint exploitation of 450 billion cubic meters of the Grand Tortue/Ahmeyim offshore gas field straddling their maritime borders. Announcing the discovery in January 2016, Senegal described the field as the biggest offshore gas deposit in West Africa. In 2017, Senegal created its first Ministry of Oil and Energy.

54. Id.
56. Id.
P. SIERRA LEONE

1. New President

On March 7, 2018, the country held general elections to elect the president, parliament, and local council positions. The incumbent President, Ernest Bai Koroma, was ineligible after ten years in office. No presidential candidate received 55 percent of the vote required to win the first round, requiring a run-off election, which opposition leader Julius Maada Bio (Sierra Leone People’s Party) won with 51.8 percent of the vote. The 124-member Parliament was elected from single-member constituencies in first-past-the-post voting with twelve seats reserved for paramount chiefs, who are elected indirectly.

Q. TOGO

1. Protests Continue; December Constitutional Referendum

Since 2017, there have been widespread protests against the fifty-year rule of President Faure Gnassingbé’s family. In response to calls that he resign, Gnassingbé offered enactment of a two-term limit—staying in power to 2030—that was rejected. December legislative and local elections will also hold a referendum on constitutional reform.

III. Central Africa

A. CAMEROON

1. New Public Contracts Code

In July, Decree No. 2018/366 brought in a new Public Contracts Code, “strengthening the powers of the Contracting Authorities and ... reinforcing ... provisions on transparency and ethics ...” The Public

59. Id.
61. Elections in Sierra Leone, supra note 58.
63. Id.
Contracts Code “no longer applies to procurement by State-owned companies.”

B. CENTRAL AFRICAN REPUBLIC

1. Warlord Conviction; Criminal Court Established

In January, a Bangui Court convicted warlord Rodrigue Ngaibona (“General Andjilo”) of war crimes committed between 2014 and 2015, marking a step forward for the country’s efforts to combat impunity. The UN-funded Special Criminal Court started work in October and was charged with redressing war crimes committed since the country’s civil war in 2012.

2. CAR/Russia Military Treaty

In August, CAR signed a military cooperation treaty with Russia, said to involve military training by the 175 Russian soldiers stationed in the country. The European Union has also provided military training to the Central African Republic and enlarged its role in July.

C. CHAD

1. Habré Fund Established

In February, a fund was set up to compensate victims of former Chadian president Hissène Habré, with France and the United States expected to contribute. Habré, convicted in 2016 for crimes against humanity in a specially-convened international court in Senegal, is reputed to have stolen US$150 million dollars from the country’s treasury.
2. **New Constitution: Government Resigns**

In April, the legislature adopted a new constitution forming the country’s fourth republic.\(^{73}\) Boycotted by MPs who favored a referendum, the new constitution eliminates the prime minister and vice president positions and strengthens the presidency—extending the mandate from five to six years, renewable once.\(^{74}\) In May, incumbent President Idriss Déby, in power for over two decades, announced that the government had resigned in line with the new constitution.\(^{75}\)

D. **Congo (Democratic Republic)**

1. **Bemba to Challenge Presidency**

Acquitted of war crimes in June by the International Criminal Court after ten years in prison, Jean-Pierre Bemba returned to the DRC in August to huge crowds.\(^{76}\) The former warlord vowed to contest President Joseph Kabila in twice-delayed elections to take place December 23.\(^{77}\) Kabila was to stand down at the end of 2016 after his second elected term—the last permitted under the constitution—but has stayed on under a clause permitting him to remain in office until a successor is elected.\(^{78}\)

2. **New Mining Law**

In March, President Kabila overhauled DRC’s 2002 Mining Code by increasing royalties, taxes and mining company obligations, and terminating a stability right in the 2002 Code that provided companies with a ten-year grace period if the Code changed.\(^{79}\) The change was met with outcries from

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\(^{77}\) Id.

\(^{78}\) Id.

mining companies threatening arbitration or predicting a downturn in investment in the country.\textsuperscript{80}

E. CONGO (REPUBLIC)

1. Land Rights Strengthened

Law No. 21-2018 of June 13 increased legal protections afforded to real estate owners, notably by defining the scope of owners' rights, introducing protective measures for “customary land,” and penalties for illegal occupation, along with restrictions on the acquisition of property by foreigners.\textsuperscript{81}

F. EQUATORIAL GUINEA

1. “Coup” Thwarted

In January, Equatorial Guinea claimed to have “thwarted an attempted ‘coup’ against President Teodoro Obiang Nguema Mbasogo, Africa's longest-serving leader”—in power since 1979.\textsuperscript{82} The government “accused armed mercenaries from Chad, Sudan, and Central African Republic of attempting to overthrow Mbasogo with the support of . . . [local] forces.”\textsuperscript{83} Rights groups decry the corruption and repression persisting under Mbasogo.\textsuperscript{84}

2. AML Committee Created

In April, Decree 75/2018 created a Coordination Committee against Money Laundering.\textsuperscript{85} The Committee will lead Equatorial Guinea’s fight against money laundering and terrorist financing, supporting the G7’s Financial Action Task Force on Money Laundering (FATF).\textsuperscript{86}

\textsuperscript{80} Id.
\textsuperscript{83} Id.
\textsuperscript{84} Id.
G. Gabon

1. “One-Stop-Shop” Investment Desk

In August, Gabon set up a One-Stop Shop Investment Desk “aimed at simplifying . . . administrative procedures . . . [for] foreign companies wishing to invest in Gabon.”87 The new desk “deals with all permits and authorisations required for companies to incorporate and operate in the country.”88

2. VP to Chair in President’s Illness

In November, Gabon’s constitutional court “ruled that vice president Pierre-Claver Maganga Moussavou would chair the cabinet in the absence of President Ali Ben Bongo,” filling the vacuum created when Bongo was hospitalized in October following a stroke.89 The Bongo family has ruled for nearly 50 years with Bongo succeeding his father in 2009.90 Bongo’s 2016 reelection “was marred by claims of fraud and violent protest.”91

IV. East Africa

A. Burundi

1. Presidential Terms Limited

In a May referendum, in which some reporters were banned from the country, over 70 percent of voters supported constitutional amendments.92 The changes reintroduced the post of Prime Minister, reduced the number of vice presidents to one, and restricted the president to two terms.93 Still, President Pierre Nkurunziza will be allowed to stand for re-election, despite his three terms.94 Nkurunziza’s run for a controversial third term in 2015 triggered a crisis in which 1,200 people have been killed, and approximately 400,000 people have fled their homes in the country of 10.5 million.95

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88. Id.
90. Id.
91. Id.
93. Id.
94. Id.
B. DJIBOUTI

1. Djibouti Seizes Port

In February, Djibouti seized control of the Doraleh Container Terminal operated by U.A.E.-based company DP World, contending the contract was damaging its sovereignty and the company had refused to “settle amicably.”96 DP World “won a thirty-year concession in 2006 to operate the . . . [port] . . . [that] opened in 2009.”97 The terminal is critical to landlocked Ethiopia “as more than 95 percent of the country’s imports come through Djibouti.”98

C. ERITREA

1. Eritrea/Ethiopia Restore Relations

At the July 2018 Eritrea-Ethiopia Peace Summit, Eritrean President Isaias Afwerki and Ethiopian Prime Minister Abiy Ahmed signed a historic Joint Declaration formally ending the conflict that had persisted since the 1998-2000 war.99 The countries also signed an “Agreement on Peace, Friendship and Comprehensive Cooperation” in September that set goals to develop joint investment projects.100

2. Eritrea Elected to U.N. Human Rights Council

In October, Eritrea was elected “to the Geneva-based Human Rights Council, the UN body responsible for promoting and protecting human rights . . . [globally].”101 The move “attracted the ire of . . . human rights groups who insist that Eritrea, Cameroon, and Somalia have no business serving on the Council given their . . . [human] rights records.”102

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97. Id.
98. Id.
D. **Ethiopia**

1. **New P.M.; Reform Agenda**

   Taking office in February, newly elected Prime Minister Abiy Ahmed initiated reforms that began with lifting the 2016 state of emergency—imposed after security forces killed hundreds campaigning for democratic freedoms 2015-2017.\(^{103}\) He followed with the release of more than 2,000 political prisoners and an amnesty law for former detainees.\(^{104}\) He also appointed a new cabinet with half the positions filled by women and appointed Ethiopia’s first female president, Sahle-Work Zewde.\(^{105}\)

E. **Kenya**

1. **Government Media Blackout**

   In January, Kenya “flouted its own judges . . . [by] refusing to suspend an unprecedented shutdown of three independent television stations” after they broadcast the “inauguration” of opposition leader Raila Odinga.\(^{106}\) Odinga had “himself sworn in as ‘the people’s president’ after refusing to accept . . . [Kenyatta’s] victory in . . . [the 2017] elections . . .”\(^{107}\)

F. **Rwanda**

1. **Labor Law Overhauled; Penalties for Writings “Humiliating” Officers**

   In August, Rwanda repealed a 2009 law and reformed the country’s labor laws, introducing a raised minimum wage, protecting against workplace discrimination, further regulating child labor, and circumscribing employee termination.\(^{108}\) Another new law prohibits “writings or cartoons that

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\(^{103}\) *Ethiopia* state of emergency must be lifted - Nega tasks PM to ‘walk the talk’, AFRICANEWS (May 2, 2018), http://www.africanews.com/2018/05/02/ethiopia-state-of-emergency-must-be-lifted-eskinder-nega-tasks-pm-to-walk-the/.


\(^{107}\) Id.

\(^{108}\) *Major changes in the new labour law*, RWFDA; L. REFORM COMMISSION (Sept. 25, 2018), http://www.zelm.gov.rw/index.php?id=82&tx_news_pi1%5Bnews%5D=61&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Baction%5D=detail&cHash=b69f6019de0f8868f7ef72b9034de1.
‘humiliate’ lawmakers, cabinet members, or security officers” and subjects violators to up to two years in prison or a fine of up to US$1,152.109

G. Seychelles

1. Constitutional Amendments: Emoluments

In August, an enactment by the President of the National Assembly amended the Seychelles constitution removing the provision that “[t]he pension payable to the Chairperson of the Commission shall be prescribed by or under an Act and the pension shall be a charge on the Consolidated Fund.”110

H. Somalia

1. First FGM Prosecution

The first prosecution for female genital mutilation (FGM) under Somalia’s criminal law for assault occurred in July.111 The prosecution followed the death of a ten-year old girl from FGM performed by a traditional “cutter” with two more girls dying as the investigation continued.112 The deaths have renewed calls for Somalia to pass a law prohibiting FGM.113

I. South Sudan

1. IGAD Considers Deploying Forces

In October, the eight-country economic bloc discussed deploying IGAD forces in South Sudan agreeing to form a joint working group.114 Under the September IGAD Summit, “Djibouti, Somalia, Sudan, and Uganda will deploy troops within the framework of the 4,000-troop Regional Protection Force that the [UN] Security Council decided to deploy in South Sudan in support of the 13,000 UNMISS force.”115

110. REPUBLIC SEY. CONST., Eighth Amendment Act 5 of 2017; REPUBLIC SEY. CONST., Ninth Amendment Act 8 of 2018.
113. Batha, supra note 111.
115. Id.
J. SUDAN (REPUBLIC)

1. Devaluation, Austerity Measures to Avert Economic Collapse

Cash machines in Khartoum ran out of banknotes in November as the Sudanese government scrambled to prevent economic collapse by introducing “a sharp devaluation and emergency austerity measures.” Sudan “has suffered a lack of foreign currency” since losing three-quarters of its oil output when South Sudan seceded in 2011.

K. TANZANIA

1. New Media Regulations Suspended

In May, Judge Fauz Twaib blocked implementation of the Electronic and Postal Communications (Online Content) Regulations 2018, following a challenge by human rights and media groups. The regulations prohibit content that “causes annoyance” or “leads to public disorder” and require, among other things, that bloggers and others pay an annual fee of US$930. Violators are subject to penalties of at least TSH5 million (approximately US$2,200) and imprisonment for at least 12 months.

2. Court of Justice Annuls Newspaper Ban

In June, the East African Court of Justice decided Mseto v. Attorney General, annulling a Tanzanian ministry order banning the newspaper, Mseto, over a story alleging that a government minister took bribes to raise funds for Magufuli’s presidential campaign. The court ruled that the government’s action violated the right to freedom of expression found in the Constitution of Tanzania and the African Charter.

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117. Id.
120. Tanzania bloggers win temporary court order against state crackdown, supra note 118.
122. Id.
L. **UGANDA**

1. **Social Media Tax**

   In July, a government tax went into effect on popular social media platforms that offer voice and messaging services, such as Facebook, up to US$19 annually.\(^\text{123}\) The government says the tax is to improve internet services, but critics decry it as an attempt to dampen freedom of expression.\(^\text{124}\)

V. **Southern Africa**

A. **ANGOLA**

1. **Investment Law Overhaul**

   In June, the Private Investment Law set forth new rules to promote private investment in Angola.\(^\text{125}\) Law No. 10/18 changed the existing framework such as no minimum investment to be eligible for benefits and incentives; local partnerships no longer mandatory in some economic sectors; and the introduction of two regimes for approval of investment projects.\(^\text{126}\)

B. **COMOROS**

1. **Ex-President Implicated in Citizenship-Selling**

   In May, former Comoros president Ahmed Abdallah Mohamed Sambi “was put under house arrest over his suspected role in a scheme to sell citizenships . . . .”\(^\text{127}\) Comoros “launched a [2008] program with the United Arab Emirates and Kuwait . . . sell[ing] citizenship[s] to stateless [persons] in those countries,” but a parliamentary investigation found that “passports were sold outside official channels . . . and at least US$100 million in revenue [was] missing.”\(^\text{128}\) President Azali Assoumani says the scheme is “suspended and promised to hold to account those who broke the law or embezzled money.”\(^\text{129}\)

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\(^\text{124}\) Id.


\(^\text{126}\) Id.


\(^\text{128}\) Id.

\(^\text{129}\) Id.

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C. Botswana

1. Refugees Given Two Months

In May, over 900 Namibian refugees in Botswana were given two months to leave.130 The Namibians had lived at the Dukwi camp for two decades after fleeing in 1999, following a civil war with the Caprivi Liberation Army.131 Justice Minister Shaw Kgathi said that after “cessation of their refugee status in December 2015 . . . they should go back to Namibia.”132

D. Lesotho

1. Attempted Murder Trial Postponed

The trial against five suspected attackers of Lesotho Times editor, Lloyd Mutungamiri, was again postponed in 2018.133 Mutungamiri was shot in July 2016 by assailants after publishing a story that the head of the Lesotho Defense Force, Lieutenant General Tlali Kamoli, was to receive an exit package of approximately US$3.5 million.134 LDF members were charged with attempted murder, but the trial has never begun.135

E. Madagascar

1. Past Presidents in Runoff

Although neither won the 50 percent required for a first-round victory, two former presidents, Andry Rajoelina and Marc Ravaomanana, are to face each other in the December runoff elections.136 Both candidates (out of thirty-six running) allege fraud by election officials and hope to claim a first-round victory in court.137 Both Ravalomanana and Rajoelina “were banned from running in . . . 2013 under international pressure to avoid a repeat of the . . . political violence that engulfed the island in 2009.”138

131. Id.
132. Id.
134. Id.
135. Id.
137. Id.
138. Id.
F. Malawi

1. New Law Ahead of 2019 Elections

In advance of 2019 elections, Malawi adopted the Political Parties Act 2018 to replace the 1993 Political Parties (Registration and Regulation) Act. Advocates encouraged its implementation—feeling it would improve transparency and ensure an issue-focused campaign.

2. High Court Decisions on Prisoners

In 2018, two High Court orders addressed prison conditions and detainees. Restating the Child Care, Protection and Justice Act, 2010, one case, on remand, held that the children in Kachere and Bvumbwe Prisons be sent to safe homes, while children serving sentences be sent to reform centers. The second case stopped the return of six people diagnosed with drug resistant tuberculosis to Maula and Mzimba Prisons.

G. Mauritius

1. ICJ Hears Chagos Islands Case

In September, the International Court of Justice heard arguments for a UN General Assembly-requested advisory opinion “on the legality of British sovereignty over the Chagos Islands.” Mauritius told the Court “the UK had unduly pressured it in 1965 to give up ... [the] remote ... island[s] ... in exchange for independence.” The UK does not recognize the claim but has “undertaken to cede it to Mauritius when no longer required for defence [sic] purposes . . . .”


140. Id.


144. Id.

H. MOZAMBIQUE

1. Constitutional Amendment Decentralizes State

With a view to administrative decentralization in “unitary state” in June, the Mozambique Assembly amended the Constitution with Law 1/2018. Reflecting an agreement between President Filipe Nyusi and RENAMO head Afonso Dhlakama, the amendment ends mayoral elections but limits further decentralization. A new section of the constitution adds a tier of municipal assemblies to provincial and district assemblies in existence.

I. NAMIBIA

1. Namibia to Expropriate Land for Black Population

In October, Namibian President Hage Geigob called for a change in the country’s constitution allowing expropriation of 43 percent of its arable agricultural land (58,000 square miles) for redistribution to the majority black population. White Namibians own 70 percent of the agricultural land while blacks own only 16 percent. After many were “driven off their lands in the 19th and 20th centuries . . . and denied ownership or tenure rights” to the lands they occupied.

J. SOUTH AFRICA

1. Zuma Resigns

In October 2017, the Supreme Court of Appeal upheld a decision to prosecute then-President Jacob Zuma on charges of fraud, racketeering, and money laundering. Zuma resigned in February after being repudiated by his own African National Congress, and MPs elected new ANC leader Cyril Ramaphosa to succeed him.
K. SWAZILAND

1. Political Party Involvement in Elections

Swaziland held national elections in August without use of political parties despite a challenge ahead of the election.\footnote{Swaziland: eSwatini’s tinkhundla-based electoral system to be tested in potentially ground-breaking court case, S. Afr. Litig. Ctr. (Aug. 19, 2018), http://www.southernafricalitigationcentre.org/2018/08/19/swaziland-eswatinis-tinkhundla-based-electoral-system-to-be-tested-in-potentially-groundbreaking-court-case/.} The Kingdom maintains that parties are inconsistent with the tinkhundla system, which aims to select candidates on merit rather than party membership.\footnote{Id.}

L. ZAMBIA

1. Opposition Figure Deported to Zimbabwe

In August, Zambian authorities deported Zimbabwe Movement for Democratic Change opposition figure, Tendai Biti, “rejecting his [asylum] . . . claim after he fled allegations of inciting post-election protests” in Zimbabwe over claims that the elections were rigged.\footnote{Zimbabwean opposition figure Biti ‘deported from Zambia’ after asylum bid, TELEGRAPH (Aug. 9, 2018), https://www.telegraph.co.uk/news/2018/08/09/zimbabwean-opposition-figure-biti-deported-zambia-asylum-bid/.} Biti challenged the order seeking to have his case reviewed, but the Zambian government said it was received late.\footnote{Id.} The UN’s refugee agency said it was “gravely concerned about reports of [his] forced return.”\footnote{Id.}

M. ZIMBABWE

1. Mugabe Successor Wins Presidency

VI. African Institutions

A. African Court on Human and Peoples’ Rights

1. Elections and Hearings

In June, the African Union Executive Council elected four new judges to the eleven-member AfCHPR. Among other cases, the Tanzania-based human rights court will hear Guehi v. Tanzania wherein the Ivorian national challenges his conviction and death sentence for murdering his wife “on the ground that it violated his right to a fair trial.”

B. African Economic Community

1. African Free Trade Area

In March, forty-four countries signed the African Continental Free Trade Area (AfCFTA), moving toward a single market for goods and services and the free movement of people and capital for the continent’s 1.2 billion people. While all fifty-five members of the African Union were involved in negotiations—the largest free trade agreement since establishment of the WTO—the holdouts included Nigeria, Africa’s largest economy. The AfCFTA “will come into effect when fifteen or twenty-two states have ratified it” and lead to other agreements, such as a customs union.

C. African Union

1. Air Transport Market

The first flagship initiative of “Agenda 2063,” the Single African Air Transport Market (SAATM), “was launched in January at the 30th Ordinary Session of the Assembly of Heads of State and Government of the African Union... in Addis Ababa, Ethiopia.” SAATM aims to create a single market for air transport in Africa.
2. **11th Extraordinary Session**

In November, the 11th Extraordinary Ordinary Session of the Assembly of Heads of State and Government convened with institutional reform as a major focus. Key decisions related to senior leadership, the mandate of the AU Development Agency, and institutional reform of the African Peer Review Mechanism (APRM).

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D. **Economic Community of West African States**

1. **ECOWAS Moves toward Monetary Union**

The fifteen-country economic union made strides in 2018 toward a single currency for West Africa. ECOWAS Commissioner for Macroeconomic Policy and Economic Research, Dr. Kofi Konadu Apraku, indicated that progress included the establishment of a fund to finance implementation and a model of the future central bank. He relayed that efforts were underway “to establish regional payment and settlement systems and the ECOWAS Investment Guarantee Mechanism.”

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E. **East African Community**

1. **Bill Moves toward Single Currency; Burundi Mediation Talks**

In October, the EAC regional assembly passed the 2017 EAC Statistics Bureau Bill that, if approved, will establish a regional statistics bureau facilitating a single currency for the six-nation bloc. In October, the EAC also hosted a five-day “final round” of the Inter-Burundi Dialogue at its Tanzanian seat. Mediators for Burundi’s political parties, including journalists, civil society members, and activists attended—though not its government representatives.

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169. Id.


171. Id.

172. Id.


175. Id.
F. AFRICAN DEVELOPMENT BANK

1. Innovative US$1bn Securitization

In September, the AfDB and European Commission with private investors announced the pricing of the US$1 billion “Room2Run,” a portfolio synthetic securitization. In doing so, the AfDB demonstrated a new technique that could expand its firepower and the European Commission, as a condition of its guarantee, . . . asked the AfDB to reinvest . . . in renewable energy.”

2. Nordic Country Roadshows; Continental Expansion Aims

In September and October, the AfDB showcased investment opportunities to private sector companies, investors, and government and public institutions in Norway, Sweden, Finland, and Denmark. The event aimed at increasing understanding of the Bank’s strategy for transforming African economies. The AfDB had earlier announced its intention to increase its presence on the African continent by expanding to five regional bureaus including in Tunisia, Kenya, and South Africa.

G. AFRICAN EXPORT-IMPORT BANK

1. US$650 Million Loan for Nigerian Oil Refinery

In July, the “Dangote Group, the West African conglomerate founded by Africa’s richest man, Aliko Dangote, . . . signed a US$650 million loan facility with . . . Afreximbank to . . . complete a $10 billion oil refinery . . . in Nigeria.” Dangote’s refinery in “the Olokola Liquefied Natural Gas (OKLNG) Free Trade Zone . . . will be Nigeria’s first private and Africa’s . . .


179. Id.


largest petroleum refinery, with a projected daily production output of 600,000 barrels a day."182

H. UN Economic Commission for Africa

1. ECA Promoting Disruptive Technologies for Financial Inclusion

In August, UNECA began collaborating with the World Bank’s private sector arm, the International Financial Corporation (IFC), and with Alibaba Group affiliate Ant Financial “to promote digital financial inclusion in Africa, through investment and technical capacity building.” Ant Financial “runs one of the world’s largest online payment platforms valued at $150 billion.”

I. Southern African Development Community

1. New Hope for SADC Tribunal

A Pretoria High Court, pending confirmation by the South African Constitutional Court, has found the 2010 actions of the South African SADC presidency “unlawful, irrational and thus, unconstitutional,” which may see reinstatement of the SADC Tribunal created under the 1992 Treaty. The SADC Tribunal had been shut down in 2010.

2. SADC/ Russia MOU

In July, SADC signed a Memorandum of Understanding on Military and Technical Cooperation with Russia. In a later implementation meeting, the SADC Executive Secretary underscored that SADC countries could “benefit from the high technological and technical capacity and advanced security systems of the Russian Federation . . . .”

182. Id.
184. Id.
185. Law Society of South Africa and Others v. President of the Republic of South Africa and Others 2018 (2) All SA 1 (GHCP), 78, ¶ 72 (S. Afr.).
188. Id.
J. COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA

1. First Female Secretary General

In July, leaders, attending the 20th COMESA Summit, appointed its first female Secretary General, Zambian former deputy minister of finance, Chileshe Kapwepwe. With nineteen countries and a population of 520 million, COMESA is the largest economic community on the continent. Outgoing Secretary General Ngwenya confirmed that the 2018 annual budget for the Secretariat and its agencies would decline by 30 percent (US$10 million) as several cooperating partners’ grants had ended.

K. INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT

1. Regional Master Plan

In August, the IGAD Executive Secretary signed a contract for development of a Regional Infrastructure Master Plan (IRIMP). Prepared with the financial assistance of the AfDB, the plan is important for the eight-country region to achieve economic integration. Key objectives are to “develop regional infrastructure... to enhance economic integration through trade, [the] free movement of goods and persons, and poverty reduction...”

L. ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES

1. Joint ECOWAS Summit Pledges Peace Agreement

A Joint Summit of the Heads of State and Government was held in July between ECOWAS and eleven-country ECCAS—jointly chaired by Togo and ECCAS Chair Gabon President Ali Bongo Ondimba. The two economic communities pledged to sign an agreement before the end of 2018 to check insecurity in their regions.
M. UNION DU MAGHREB ARABE

1. Calls to Activate the UMA

After Moroccan calls for dialogue in November, Algeria called on UMA Secretary General Tayeb Bakouche to convene a meeting of its Council of Foreign Ministers to reactivate the Union. The call was “an extension of the recommendations of the recent extraordinary summit of the African Union held in Ethiopia which decided institutional reforms and procedures to integrate African countries.”

N. ORGANIZATION FOR THE HARMONIZATION OF BUSINESS LAW IN AFRICA

1. Arbitration, Mediation Acts Enter into Force


198. Id.