

Africa

Feminism and pan-Africanism / guest eds. Amina Mama and Hakima Abbas - Rondebosch : African Gender Institute, 2015.

Abstract: This issue of Feminist Africa sets out to continue documenting and reflecting on feminist contributions to pan-Africanism, and the implications of pan-Africanism for feminism in Africa. Issue 19 indicated the variety of discourses and contributions of feminists in pan-Africanism. In this issue, contributors explore just some of the ways in which neoliberalism and neo-colonialism have distorted and obscured feminist articulations of the pan-Africanism dream. Contributions: Features in search of the state? Neoliberalism and the labour question for pan-African feminism (Lyn Ossome); Making a difference: embracing the challenge of women's substantive engagement in political leadership in Uganda (Josephine Ahikire, Peace Musiimenta and Amon Ashaba Mwiine); Between theory, activism and change: a case study of creating women's leadership for peace and security in the greater Horn of Africa (by Cheryl Hendricks); Ama Ata Aidoo's woman-centred pan-Africanism: a reading of selected works (Delia Kumavie); Archives and collective memories: searching for African women in the pan-African imaginary (Brenda Nyandiko Sanya and Anne Namatsi Lutomia); When exploitation is camouflaged as women empowerment: the case of Joyce Banda as presidential running mate and vice president in Malawi (Juliet Kamwendo and Gregory Kamwendo). [ASC Leiden abstract]
http://agi.ac.za/sites/agi.ac.za/files/fa20_web-_entire_journal.pdf

Africa

Feminism and pan-Africanism / guest eds. Amina Mama and Hakima Abbas - Rondebosch : African Gender Institute, 2014.

Abstract: The development trajectory in Africa is sometimes characterised by economists as "growth without development", meaning that social injustices and inequalities, among them those based on gender and sexuality, deepen while GDPs grow. Issues 19 and 20 of Feminist Africa ask how a radical pan-African engagement can contribute to the transformation of systemic oppressions, including those based on gender, which continue to sustain the under-development of a resource-rich African continent. They consider which pan-Africanist legacies are being invoked by governments, civil society organisations and social movements, to ask whose interests these invocations are serving. Contributors to this issue discuss women's contributions to pan-Africanist movements, exploring past and present engagements between feminist and pan-Africanist discourses to offer a variety of insights. Contributions included: African feminism in the 21st Century: a reflection on Uganda's victories, battles and reversals (by Josephine Ahikire); Promise and betrayal: women fighters and national liberation in Guinea Bissau (Aliou Ly); Reflections on the Sudanese women's movement (Amira Osman); The first Mrs Garvey and others: pan-Africanism and feminism in the early 20th century British colonial Caribbean (Rhoda Reddock); Pan-Africanism, transnational black feminism and the limits of culturalist analyses in African gender discourses (Carole Boyce Davies); Being pan-African: a continental research agenda (Dzodzi Tsikata); Unnatural and Un-African: contesting queer-phobia by Africa's political leadership (Kenne Mwikya). [ASC Leiden abstract]
http://agi.ac.za/sites/agi.ac.za/files/fa_19_web.pdf

Africa

Markets of well-being : navigating health and healing in Africa / ed. by Marleen Dekker, Rijk van Dijk - Leiden [etc.] : Brill, 2010.

Abstract: Health and healing in Africa have increasingly become subject to monetization and commodification, in short, the market. Based on fieldwork in nine countries, this volume offers different perspectives on these emerging markets and the way medical staff, patients, households and institutions navigate them in their quest for well-being. Contributions: Introduction: Economic ethnographies of the marketization of health and healing in Africa (Rijk van Dijk & Marleen

Dekker); Milking the sick: medical pluralism and the commoditization of healthcare in contemporary Nigeria (Akinyinka Akinyoade & Bukola Adeyemi Oyeniyi); Organizing monies: the reality and creativity of nursing on a hospital ward in Ghana (Christine Böhmig); Market forces threatening school feeding: the case for school farming in Nakuru town, Kenya (Dick Foeken et al.); Dashed hopes and missed opportunities: malaria control policies in Kenya (1896-2009) (Kenneth Ombongi & Marcel Rutten); The market for healing and the elasticity of belief: medical pluralism in Mpumalanga, South Africa (Robert Thornton); Medical knowledge and healing practices among the Kapsiki/Higi of northern Cameroon and northeastern Nigeria (Walter E.A. van Beek); The commodification of misery: markets for healing, markets for sickness (Zanzibar) (Nadine Beckmann); Individual or shared responsibility: the financing of medical treatment in rural Ethiopian households (Marleen Dekker); Can't buy me health: financial constraints and health-seeking behaviour in rural households in central Togo (André Leliveld et al.); Marriage, commodification and the romantic ethic in Botswana (Rijk van Dijk). [ASC Leiden abstract]

Algeria

Faire l'histoire du droit colonial : cinquante ans après l'indépendance de l'Algérie / Jean-Philippe Bras (éd.) ; [Nada Auzary-Schmaltz ... et al.] - Paris : Karthala, 2015.

Abstract: Le droit colonial est un droit de la domination. Pourtant sa complexité, sa variabilité dans l'espace colonial et sa mutabilité dans le temps indiquent que cette domination n'a rien eu de tranquille. Les contributions réunies dans cet ouvrage, centrées sur l'Afrique du Nord et plus particulièrement sur l'Algérie, tentent de restituer les manifestations de cette intranquillité et d'en démêler les causes. Contributions: Introduction (Jean-Philippe Bras); 1. Retour sur les spécificités algériennes (Jean-Claude Vatin); 2. La solitude du colon (Jacques Bouveresse); 3. La charrue avant les bufs: sur l'intranquillité du droit foncier et de sa doctrine en Afrique du Nord (Jean-Philippe Bras); 4. Le droit colonial en Afrique de l'Ouest francophone ou la construction d'une société nouvelle (Éloi Diarra); 5. La magistrature coloniale (Nada Auzary-Schmaltz); 6. L'organisation de la profession d'avocat en Tunisie: du modèle français et de son adaptation aux contextes colonial et post-colonial (Éric Gobe); 7. 'La Revue algérienne, tunisienne et marocaine de législation et de jurisprudence entre 1885 et 1916. Une identité singulière?' (Florence Renucci); 8. Les internationalistes et la difficile appréhension du 'phénomène colonial': prémices d'une étude (Anne-Thida Norodom); 9. Le passage du droit colonial à son histoire dans l'Algérie de l'indépendance (Jean-Robert Henry); 10. L'apport du droit colonial algérien à la science des conflits de loi. De l'intérêt du droit colonial aujourd'hui (Valérie Parisot); 11. Les enjeux du droit d'inventaire de la colonisation. La question de la mémoire et des réparations dans la relation entre la France et l'Algérie (Abdelwahab Biad); Conclusion. Quelques réflexions sur le droit colonial algérien (Claude Bontems). [Résumé ASC Leiden]

Botswana

Random walks in frontier stock markets / Ryan McKerrow. - In: *Ghanaian Journal of Economics*: (2013), vol. 1, no. 87-103 : graf., tab

Abstract: The efficient markets hypothesis (EMH) posits that current stock prices (returns) are uncorrelated with past stock prices (returns). This means that a price change occurring today must be solely the product of today's news and thus independent of any prior news. With daily news being unpredictable, prices follow a random walk. The result is that speculative investors will be unable to profit from the exploitation of exclusive market knowledge. This paper tests the validity of the random walk model and, by extension, the weak form efficiency of the frontier markets of Botswana, Cote d'Ivoire, Ghana, Mauritius and Namibia. The study fills an existing gap created by a lack of empirical investigation into the efficiency of these markets in recent years. Data on broad-based equity indices are applied and the naive random walk, the runs test and the multiple variance ratio test results demonstrate varying levels of efficiency when compared with the conclusions reached by existing studies. Bibliogr., sum. [Journal abstract] http://reference.sabinet.co.za/webx/access/electronic_journals/ghajecon/ghajecon_v1_a5.pdf (Restricted access)

Cameroon

Statut professionnel et responsabilité du commissaire aux comptes au Cameroun / par Christian

Bybi. - In: *Penant*: (2015), année 125, no. 890, p. 118-143

Abstract: La sécurité des économies est devenue une obsession pour les nations. Ce souci s'est accentué avec la mondialisation des économies et la volatilité des marchés. Sur le plan juridique, l'une des réponses apportées à cette préoccupation a consisté à restaurer la confiance des différents partenaires de l'entreprise en mettant à leur disposition une information financière crédible. La fiabilité de l'information résulte en partie de l'efficacité du contrôle légal. Au Cameroun comme dans de nombreux pays, cette mission a été confiée au commissaire aux comptes. Dans le but de lui faire jouer pleinement son rôle, son statut et ses moyens ont été renforcés. Dans le même temps le législateur a aggravé sa responsabilité. Malgré tous ces efforts, le résultat devrait être mitigé. Par le jeu de certaines évolutions jurisprudentielles, l'on devrait assister sur le plan civil à un risque de dilution de la responsabilité du commissaire aux comptes. En revanche les principes généraux du droit pénal et l'articulation des différentes législations nationales, communautaires et régionales devraient conduire à un risque d'aggravation de sa responsabilité pénale. Notes, réf., rés. en français et en anglais [Résumé extrait de la revue]

Eritrea

Contested religious authority: Sufi women in Ethiopia and Eritrea / Sylvia Bruzzi, Meron Zeleke. - In: *Journal of Religion in Africa*: (2015), vol. 45, no. 1-2, p. 37-67 : krt

Abstract: The African experience in works dealing with Sufi women shows a concentration of classical and more recent works in the Maghreb and in West Africa. There is an observable gap in academic writings on the Horn of Africa where only scarce and fragmentary studies are available on women's involvement and leadership in Sufism. Works focusing on Somalia address such themes as women's oral literature, religious practices, and everyday religion. The challenges Sufi women face in legitimizing their power, their experiences in a strong patriarchal society, the dominant discursive gendering strategy in defining religious orthodoxy, and the different mechanisms used by these women to establish and protect their religious power are marginalized themes in the region. Furthermore, by clearly showing the different coping mechanisms adopted by two religious figures, Eritrean Alawiyya al-Mrghan and Ethiopian Toyba Sir, and the different activities they lead as custodians of Sufi shrines, this paper stresses the need to go beyond the dominant academic discourse that overshadows the agency of women and instead magnify the passive status women have in the African sociopolitical landscape. This paper focuses on these themes and contributes to this gap through a comparative case study of two prominent Sufi figures from two different parts of the Horn of Africa, Ethiopia and Eritrea. Bibliogr., notes, ref., sum. [Journal abstract]

Ghana

Determinants of working capital requirement and policies of banks in Ghana / Samuel Kwaku Agyei, Isaac Marfo Oduro, and Abraham Ansong. - In: *Ghanaian Journal of Economics*: (2013), vol. 1, no. 35-51 : tab

Abstract: Efficient management of working capital guarantees not only the future cash flow of a firm but also its profitability. This study attempts to find out the determinants of working capital requirements and working capital management policies in the Ghanaian Banking Industry. The study used bank level data (1999-2008) from the Bank of Ghana. Using panel methodology within the random or fixed effects framework, the study concluded that while Cash Conversion Cycle, Size and Age of a bank have significantly positive impact on bank working capital requirement, leverage, cash position and deposit herfindahl index have a significantly negative effect on bank working capital requirement. Profitability, cash position, growth size and deposit herfindahl index are found to be the key determinants of working capital policies of banks in Ghana.

Consequently, the study finds support for the pecking order and agency theories even though no support was found for the lifecycle theory. Thus to ensure efficient working capital management, banks in Ghana would be better off pursuing growth strategies geared towards obtaining greater proportion of the banking market and issue more short term debt instruments. App., bibliogr., sum. [Journal abstract]

http://reference.sabinet.co.za/webx/access/electronic_journals/ghajecon/ghajecon_v1_a2.pdf
(Restricted access)

Ghana

Empirical investigation of the nexus between stock prices and exchange rates in Ghana / Osei Fosu Anthony Kofi and Osei Fosu Augustine Kwabena. - In: *Ghanaian Journal of Economics*: (2013), vol. 1, no. 104-118 : tab

Abstract: This paper examines empirically the nexus between stock prices and exchange rates in Ghana using time series models. The Ghana Stock Exchange (GSE) All-Share Index is taken as the composite index for stock prices. The results affirm that there is no causal relationship between the foreign exchange rate (EXR) and stock prices for Ghana. Bibliogr., sum. [Journal abstract]

http://reference.sabinet.co.za/webx/access/electronic_journals/ghajecon/ghajecon_v1_a6.pdf
(Restricted access)

Ghana

Evidence of market inefficiency and exchange rate predictability in Ghana / George Tweneboah, Ayim Nyarko Amanfo, and Seyram Pearl Kumah. - In: *Ghanaian Journal of Economics*: (2013), vol. 1, no. 52-66 : graf., tab

Abstract: The random walk behaviour of exchange rates in Ghana is explored by employing parametric and non-parametric variance ratio tests based on ranks and signs. The paper fills an important gap by using various time series techniques to investigate the efficiency of the foreign exchange market in Ghana. The conclusive evidence based on non-parametric variance ratio tests indicates that the behaviour of monthly Cedi/US dollar exchange rates is inconsistent with the random walk process and the weak-form efficient market hypothesis. This supports prior findings of the validity of long-run purchasing power parity and predictability of exchange rates in Ghana. Bibliogr., sum. [Journal abstract]

http://reference.sabinet.co.za/webx/access/electronic_journals/ghajecon/ghajecon_v1_a3.pdf
(Restricted access)

Ghana

Political economy of food prices in Ghana / Emmanuel Ganidekam. - In: *Ghanaian Journal of Economics*: (2013), vol. 1, no. 67-86 : graf., tab

Abstract: This paper analysed the factors that influence food prices and the appropriate policy interventions. Using data on recent developments in local and global food prices, the paper argues that local food price increases are driven by adverse weather conditions, poor storage and transport facilities, and policy failures. Furthermore, the evidence from the data analysed showed that, with the exception of imported rice, global food price spikes do not have direct impact on domestic food prices in Ghana. The research also found that both urban and rural dwellers spend more of their income on basic food crops, thus rising domestic food prices tends to deepen the woes of low income earners. Investment in irrigation, good transport and storage facilities, trade reform among others are suggested as policies to ameliorate the situation. Bibliogr., sum. [Journal abstract]

http://reference.sabinet.co.za/webx/access/electronic_journals/ghajecon/ghajecon_v1_a4.pdf
(Restricted access)

Ghana

The effect of fertility and education on female labour force participation in Ghana / William Baah-Boatenga, Edward Nketiah-Amponsah, and Richard Frempong. - In: *Ghanaian Journal of Economics*: (2013), vol. 1, no. 119-137 : graf., tab

Abstract: This study examines the forces behind female labour force participation (FLFP) in Ghana by focusing on the role played by fertility and education, for both urban and rural dwellers. Applying a logistic regression to the fifth round of the Ghana Living Standards Survey (GLSS 5) the authors established that women with basic and tertiary education have a higher propensity of participation compared with those with no education. The results further indicate significant positive marginal effects for women with children, suggesting that having more children increases the likelihood of participation. This observation was more pronounced in the rural urban estimates. The paper suggests that women's labour force participation and home production are complements rather than substitutes considering the dominance of women in self-employment

and/or informal sector where women are able to combine work and home production. Moreover, the study established a positive relationship between females in good health and the level of participation, and discusses some policy recommendations to encourage participation of women in the Ghanaian labour force. Bibliogr., sum. [Journal abstract]
http://reference.sabinet.co.za/webx/access/electronic_journals/ghajecon/ghajecon_v1_a7.pdf
(Restricted access)

Ghana

The Ghanaian economy : an overview / Paul Alagidede, William Baah-Boateng, and Edward Nketiah-Amponsah. - In: *Ghanaian Journal of Economics*: (2013), vol. 1, no. 4-34 : graf., tab
Abstract: The Ghanaian economy has been on an upward trajectory over the past three decades, yet a number of challenges bedevil growth, redistribution and sustainability. After 56 years of independence, the need for a formal academic and practitioner forum for engaging minds on the past, present and future state of the economy has been lurking in the background. The birth of the 'Ghanaian Journal of Economics' is a response to this urgent quest, providing a platform for cutting edge research on the Ghanaian economy and similar other economies to inform policy design and implementation. As the maiden issue, this review article retraces developments in the economy a few steps back to bring readers up to date on current state of research. The review is historical, and the scope is to synthesize the diverse developments in the Ghanaian economy within the confines of a relatively brief article. This article is thus not an exhaustive treatment of the topic, and it does not cover all the esoteric details of the Ghanaian economy. In the end, however, the authors offer some perspectives on the literature for readers of the journal, investors, managers of the economy, regulators and academics while also providing a roadmap for future research endeavours. Bibliogr., sum. [Journal abstract]
http://reference.sabinet.co.za/webx/access/electronic_journals/ghajecon/ghajecon_v1_a1.pdf
(Restricted access)

Lesotho

The reception of Edwards's 'A history of the work of redemption' in nineteenth-century Basutoland / Adriaan C. Neele. - In: *Journal of Religion in Africa*: (2015), vol. 45, no. 1-2, p. 68-93
Abstract: A recently discovered manuscript by the French missionary Adolph Mabilie (1836-1894) in the Morija Archives, Lesotho, remedies the lack of attention of 'A history of the work of redemption' (HWR hereafter), by Jonathan Edwards (1703-1758) in the nineteenth century. This manuscript found its way from colonial America to Africa through French missionary endeavors in religious educational training (Paris) and teaching (Basutoland). Edwards's original aim, and the subsequent publication of 'Outlines of a body of divinity', converged in nineteenth-century France, where the HWR was translated in the context of 'Le Réveil' and taught in the course of systematic theology at the Paris Evangelical Mission Society Mission house, exemplified by Mabilie's 'Dogmatique'. Moreover, the appropriation of Edwards's HWR in the combined context of missions and religious education was extended in Basutoland, as seen in the 'Katekisma'. The outline of the catechism may be due to Mabilie's classical training and acquaintance with 'universal chronology' and Scripture, but it also reflected his intimate knowledge of Edwards's work. The reception of Edwards's exposition of redemptive history in the catechism of Basutoland thus resonates in part with Mabilie's 'Dogmatique' - a text transmission of Edwards's 'Histoire'. The transmission of this text remained the same in structure, was shortened in content and modified over time, but continued as intended by Edwards: to show "a work that God is carrying on from the fall of man to the end of the world". Bibliogr., notes, ref., sum. [Journal abstract]

Maghreb

Dossier constitutionnalisme / Jean-Ives Cara ... [et al.]. - In: *Maghreb Machrek*: (2015), no. 223, p. 7-111
Abstract: Ce dossier traite du constitutionnalisme dans plusieurs États de l'Afrique du Nord, notamment, l'Égypte, la Libye, le Maroc, la Tunisie. Par-delà la diversité des situations nationales et les temps variables des mutations à l'œuvre, les évolutions actuelles obligent à envisager l'émergence d'un constitutionnalisme arabe renouvelé, qui ne devra pas seulement être analysé à l'aune des représentations et conceptions juridiques du 'constitutionnalisme occidental'. Cette

nouvelle phase du constitutionnalisme arabe devra bien davantage satisfaire aux exigences de la préservation d'une identité dont les nouvelles Constitutions soulignent qu'elle répond à une nécessité véritable pour l'avenir du Maghreb comme pour celui du Moyen-Orient. Contributions: La situation en Libye: analyse d'une double crise (Jean-Yves Cara); Bahrein : la constitution au cur des conflits (Christophe Boutin); Le processus constituant et la Constitution tunisienne du 27 janvier 2014: un modèle à suivre (Geoffrey Weichselbaum et Xavier Philippe); Les trois promesses de la nouvelle Constitution marocaine (David Melloni); La Constitution égyptienne : continuité et rupture (Jean-Yves Moisseron et Naima Bouras); Le printemps des juridictions constitutionnelles (Frédéric Rouvillois). [Résumé ASC Leiden]

South Africa

'A measure of democracy' : works committees, Black workers, and industrial citizenship in South Africa, 1973-1979 / Alex Lichtenstein. - In: *South African Historical Journal*: (2015), vol. 67, no. 2, p. 113-138 : ill., graf

Abstract: By the early 1970s the permanent, urbanised African working class in manufacturing had reached a critical mass. Frustrated by poor wages, pressed by an inflationary economy, and barred from state-sanctioned trade unions, African workers engaged in a series of explosive, spontaneous, strikes in Natal in 1973. Faced with this shop-floor turmoil, the South African business class recognized a looming crisis in the labour field, bemoaning a shortage of skilled labour, poor productivity, and a lack of mechanisms for negotiating with an increasingly restive African working class. Nevertheless, they did not want to accept fully recognised trade unions for Africans. Instead, in response to the strike wave, employers and the state expanded the existing system of works and liaison committees, which pretended to give official voice to African workers' shop-floor grievances while refusing them the right to state-sanctioned unionisation and collective bargaining mechanisms. South African nationalist historiography regards these committees as collaborative structures, designed to co-opt workers. This article rejects that notion, and argues instead that Black workers and their allies used the committee structure to build a shop-floor infrastructure that emerged in the independent Black trade union movement in the 1980s. Notes, ref., sum. [Journal abstract]

<http://dx.doi.org/10.1080/02582473.2015.1040061> (Restricted access)

South Africa

'An unprecedented but significant atrocity' : a window into the War of the Axe, 1846-1847 / Susan I. Blackbeard. - In: *South African Historical Journal*: (2015), vol. 67, no. 2, p. 202-221 : ill

Abstract: In March 1846, on the Cape Colony's eastern frontier (present day South Africa), during a daring rescue of a Xhosa prisoner, the Khoikhoi man shackled to him was killed when the prisoner's rescuers hacked off his hand. On the Xhosa chiefs' refusal to surrender the 'murderers', war was declared. This article examines the etiology of the incident and the ensuing war, taking into account the frontier's micropolitics, with its web of relations between Xhosa chiefs, diplomatic agents, governors and the military, suggesting that, inter alia, dispossession and the fear of genocide drove the incident and the war. Notes, ref., sum. [Journal abstract]

<http://dx.doi.org/10.1080/02582473.2015.1058851> (Restricted access)

South Africa

'Die hand aan die wieg regeer die land [The hand that rocks the cradle rules the land]' : exploring the agency and identity of women in the Ossewa-Brandwag, 1939-1954 / Charl Bignaut. - In: *South African Historical Journal*: (2015), vol. 67, no. 1, p. 47-63 : ill

Abstract: The Ossewa-Brandwag (Oxwagon Sentinal) was an Afrikaner nationalist organisation strongly influenced by the dominant Fascist ideologies between the two world wars. Within a few years the organization became a mass movement with more than a hundred thousand members. This also included tens of thousands of women. This article sets out to show how members of the Ossewa-Brandwag Vroue-afdeling (Women's Department) were active social agents who played an indispensable part in running the movement. It further assesses how OB women articulated and interpreted their female identity as 'volksmoeders'. A special emphasis is placed on women's role as fundraisers as well as their discursive construction of Afrikaner femininity. This evaluation is done against the backdrop of the OB's 'ideal image of womanhood' which normatively dictated

femininity. As such this article builds upon the research already done on the 'volksmoeder' in order to shed light on the agency of a certain group of people who have received little historical attention in the past. Through assessing the nature of OB women's fundraising it becomes evident that it would have been impossible for the movement to exist without its female members. Furthermore their own articulation of the conventional ideal of Afrikaner womanhood shows that women construed the 'volksmoeder' as a potent tool of maternalist power. Bibliogr., notes, ref., sum. [Journal abstract]
<http://dx.doi.org/10.1080/02582473.2015.1017001> (Restricted access)

South Africa

'Political corruption' and the moral economy of apartheid : the case of Dawie Walters, the 'Lobster King of South Africa' / Lance van Sittert. - In: *South African Historical Journal*: (2015), vol. 67, no. 2, p. 139-157 : foto, tab

Abstract: Historians of apartheid 'political corruption' have employed universal definitions which generate normative judgements rather than historical understanding of changing practices and derive measures of corruption from the macro topography of state and society not their actual micro practices. An alternative historical approach recognises political corruption as contingent and requiring situated micro readings to reveal the shifting moral economy of power. This essay offers just such a reading from the inshore fisheries and the early apartheid period (pre-1966) when the extant scholarly literature agrees that 'political corruption' was absent. It traces the endeavours of Dawid Johannes Louw 'Dawie' Walters to secure a lobster export licence for himself over the decade 1955-1964 and argues that his quixotic quest engineered a key shift in state policy to break the inherited Anglo-Jewish monopoly in the fisheries. Walters' lack of education, naiveté and alcoholism ensured that others picked the fruits of his labours, but here too the prevailing moral economy of volkskapitalisme determined who those beneficiaries were. Notes, ref., sum. [Journal abstract]
<http://dx.doi.org/10.1080/02582473.2015.1059482> (Restricted access)

South Africa

Decentring Shepstone : the Eastern Cape frontier and the establishment of native administration in Natal, 1842-1849 / Jeremy Martens. - In: *South African Historical Journal*: (2015), vol. 67, no. 2, p. 180-201

Abstract: In spite of historians' sophisticated understanding of how Africans shaped colonial administration in Natal (South Africa), in many accounts the European side of native administration remains highly personalised. In this article the author challenges the widely held assumption that Theophilus Shepstone was the central colonial figure responsible for the establishment of indirect rule in Natal. The author advances two interrelated arguments. The first is that Shepstone was just one of half a dozen imperial officials, located variously in Natal, the Cape and London, who together made key decisions that laid down the basic framework of native administration in the 1840s. This basic framework the author takes to be the establishment of Natal's first locations and the official recognition of chiefly rule and native law, all of which had been formalised by 1849. The second argument is that these officials specifically drew from their close experience of the eastern Cape frontier - and in particular the administrative policies trialled in Queen Adelaide Province from 1835 to 1836 and British Kaffraria in 1847 - in devising a model for governing Natal's Africans in the 1840s. The author suggests that it is the Queen Adelaide Province experiment, along with the early government of British Kaffraria the following decade, that provided colonial officials with a distinct template for native administration in Natal. Notes, ref., sum. [Journal abstract]
<http://dx.doi.org/10.1080/02582473.2015.1018309> (Restricted access)

South Africa

From the nuclear 'laager' to the non-proliferation club : South Africa and the NPT / Jo Ansie van Wyk and Anna Mart van Wyk. - In: *South African Historical Journal*: (2015), vol. 67, no. 1, p. 32-46 : ill

Abstract: South Africa is recognised for the termination of its nuclear weapons programme at the end of the 1980s. Despite global diplomatic efforts and sanctions, it took South Africa 21 years to

accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). During this period, global opposition to its apartheid policies resulted in embargoes and sanctions, which served as catalysts for the country becoming a recognised nuclear proliferator and sanctions buster. Driven by domestic and regional threat perceptions, South Africa produced six nuclear devices as a deterrent strategy. It was only by 1987 that South Africa for the first time indicated its intention to accede to the NPT. Therefore, this contribution describes South Africa's position on and involvement in the multilateral negotiations leading to the NPT's agreed text, and South Africa's perspective on the nascent non-proliferation agreement. In order to achieve this, the contribution is chronologically limited to the period 1959 until 1991. The domestic and international motives, intentions and incentives that shaped South Africa's refused participation in the new regime until its ratification of the NPT in 1991, are analysed. Notes, ref., sum. [Journal abstract]
<http://dx.doi.org/10.1080/02582473.2014.977337> (Restricted access)

South Africa

Margaret Levyns and the decline of ecological liberalism in the Southwest Cape, 1890-1975 / Brett M. Bennett. - In: *South African Historical Journal*: (2015), vol. 67, no. 1, p. 64-84 : foto's
Abstract: This article analyses the life and ideas of Margaret Rutherford Levyns (née Michell), a South African botanist who worked from 1918 to 1946 as a lecturer in botany at the University of Cape Town and continued to write about the Cape flora (known today as the Cape Floristic Region) until her death in 1975. Until the early 1960s, Levyns maintained a neutral scientific and moral understanding of invasive species, defined here as 'ecological liberalism', that reflected her gendered experiences as a botanist, her prevailing ideas of ecology, the lingering ideals of Cape liberalism, and her extensive research into the phytogeography and taxonomy of the Cape flora. Levyns began to shift her views on non-native invasive species only after retirement. By using Levyns as a lens onto the period, this article distinguishes between a prevailing Cape ecological liberalism from the 1890s to the 1950s that shifted towards a more critical stance on invasive alien species in the 1950s and 1960s. Notes, ref., sum. [Journal abstract]
<http://dx.doi.org/10.1080/02582473.2015.1019358> (Restricted access)

South Africa

The Hartebeestpoort Irrigation Scheme : a project of modernisation, segregation and white poverty alleviation, 1912-1926 / Temba John Dawson Middelman. - In: *South African Historical Journal*: (2015), vol. 67, no. 2, p. 158-179

Abstract: Hartebeestpoort Dam, situated in the Magaliesberg mountain range in what is today South Africa's North-West Province, was conceptualised in the years leading up to 1914, with construction completed by 1925. It represented the first large-scale scheme in the country for water resource development, a true project of state modernisation carried out by the fledgling government of the Union of South Africa. Aimed at white poverty alleviation as the 'poor white problem' intensified, white labour was used in the construction process and a probationary agricultural settlement was established to rehabilitate 'poor whites' morally, socially and economically. This article outlines disagreements between the central state and various government departments, as well as opposition from local farming communities, during the construction period. These conflicts highlight the tensions between pragmatism and ideology within the increasingly segregationist state, providing an insight into the complexities involved in large-scale modernist projects of state formation. Despite delays and contestations, the government pursued the project determinedly and forced it through to completion. While South African historiography tends to view the 1924 election as a turning point in state intervention towards the upliftment of 'poor whites', this paper suggests a greater degree of continuity in white poverty alleviation policies between Smuts's and Hertzog's governments. Notes, ref., sum. [Journal abstract]

<http://dx.doi.org/10.1080/02582473.2015.1062907> (Restricted access)

South Africa

Addressing the spectre of phishing : are adequate measures in place to protect victims of phishing? / Fawzia Cassim. - In: *Comparative and International Law Journal of Southern Africa*: (2014), vol. 47, no. 3, p. 401-428

Abstract: The Internet has introduced cheap, interactive and instant global communications. However, it has also resulted in new forms of criminal behaviour. The technique whereby scammers trick bank customers into entering their usernames and passwords is called 'phishing'. Therefore, phishing scams are used to coerce unsuspecting users to disclose personal and banking information about them. Scammers obtain private information about consumers by posing as legitimate businesses and they play on the combination of trust and fear of fraud. Phishing attacks exploit vulnerabilities in computer networks, cause financial loss to victims and banking institutions and undermine consumer confidence in e-commercial transactions. However, attempts are being made by some countries and organisations to tackle phishing on a global scale. In this article, the author examines the increase in phishing attacks in South Africa and the United States of America and measures taken to address phishing in these countries. The United States has invaluable experience in combating phishing; hence it was chosen for the comparative study. The role of international bodies in addressing phishing and the effectiveness of new developments on phishing attacks is also discussed. The study reveals that both the United States of America and South Africa have introduced legislation that can be used to address phishing. However, it is submitted that such legislation can be improved upon. It is recommended that more comprehensive legislation to address phishing should be introduced in South Africa. At the end of the day, the need for a multi-faceted approach involving law enforcement agencies, legislators and the private sector is advocated, as phishing scams impact on governments, companies and individuals worldwide. Notes, ref., sum. [Journal abstract]
http://reference.sabinet.co.za/webx/access/electronic_journals/cilsa/cilsa_v47_n3_a4.pdf
(Restricted access)

South Africa

Common purpose : 'Thebus', Marikana and unnecessary evil / James Grant. - In: *South African Journal on Human Rights*: (2014), vol. 30, no. 1, p. 1-23

Abstract: This article engages with the difficult question of whether common purpose could be successfully used to prosecute the surviving Marikana miners for the murder of their fellow miners, shot and killed by the police. It concludes that this is entirely possible, on the law as it stands. However, the author argues that the law is not what it ought to be. He argues that common purpose violates fundamental principles of criminal law, beyond the arguments traditionally raised. The one traditional argument raised and rejected by the Constitutional Court in 'Thebus', which bears repeating, is that it is a violation of the presumption of innocence to attribute causation and that this is not solved, as the Constitutional Court stated, by placing the issue of causation beyond questions of proof for both parties. The author notes also that 'Thebus' does not seem to answer the charge that common purpose violates the dignity of an accused. In addition, he argues that, contrary to fundamental principles, common purpose punishes evil thoughts alone to the extent that it relies upon subjective thought to establish conduct, and it violates the requirement of voluntariness and capacity for self-control because it allows for liability where the accused did not, and could not, control the conduct in question. It allows for the resort to unreasonable force in response to an attack. Furthermore, the author argues that common purpose has an effect which can, in many instances, be met with a valid defence of mistake of law. He concludes that, if principle is observed, and while fairly broad defences are conceivable, common purpose ought to be abolished as a deep source of embarrassment in South African criminal law. Notes, ref., sum. [Journal abstract]
http://reference.sabinet.co.za/webx/access/electronic_journals/ju_sajhr/ju_sajhr_v30_n1_a1.pdf
(Restricted access)

South Africa

Domestic violence and gendered socio-economic rights : an agenda for research and activism? / Elsje Bonthuys. - In: *South African Journal on Human Rights*: (2014), vol. 30, no. 1, p. 111-133

Abstract: In South Africa, as elsewhere, intimate partner violence is legally addressed through a specific statute, the Domestic Violence Act. Although this legislation is progressive in recognising the socio-economic antecedents to and consequences of gendered violence, the implementation of the Act has been particularly ineffective in this area. Moreover, courts tend to assume that intimate partner violence would have been adequately dealt with in terms of the Act and thus to

ignore its impact on other legal issues. This restricts the development of legal remedies for violence in other areas of the law, even as the remedies available under the Domestic Violence Act fail to be implemented. The South African Constitution is progressive in its commitment to gender equality, and also includes a wide range of socio-economic rights. Drawing on international literature, this article focuses on some of the socio-economic rights of the survivors of violence, such as rights to housing and employment, social security and health in order to shift the current paradigms of intimate partner violence, focused primarily on gender. It argues that such a shift can lead to a range of new remedies for survivors of gendered violence, whilst simultaneously strengthening the argument for improved implementation of the socio-economic elements already contained in the Act. Notes, ref., sum. [Journal abstract]
http://reference.sabinet.co.za/webx/access/electronic_journals/ju_sajhr/ju_sajhr_v30_n1_a6.pdf
(Restricted access)

South Africa

Factors that limit the efficacy of general anti-avoidance rules in income tax legislation : lessons from South Africa, Australia, and Canada / Benjamin T. Kujinga. - In: *Comparative and International Law Journal of Southern Africa*: (2014), vol. 47, no. 3, p. 429-459

Abstract: General anti-avoidance rules (GAARs) are rules in income tax legislation intended to curtail impermissible tax avoidance. GAARs have another critical function, namely informing taxpayers of the limits of permissible tax avoidance. A GAAR is therefore an important provision which must be effective. A study of the historical and current experience with GAARs in South Africa, Canada, and Australia, however, shows that the efficacy of GAARs is limited. The GAARs of the countries studied show some similarities but also some fundamental differences. In spite of these differences, certain common factors working against the efficacy of these GAARs can be identified. It is argued that these factors entail the inherent weakness of GAARs, controversial indicators of impermissible tax avoidance, uncertainty, the role of the judiciary, taxpayer aggression, and the limitations of the law as a weapon against impermissible tax avoidance. Admittedly, some of these limiting factors are difficult to overcome. For instance, a precise definition of impermissible tax avoidance has proved elusive and this status quo is likely to persist. Nevertheless, it is argued that these factors need to be acknowledged and addressed in order to create more effective GAARs in future. Notes, ref., sum. [Journal abstract]
http://reference.sabinet.co.za/webx/access/electronic_journals/cilsa/cilsa_v47_n3_a5.pdf
(Restricted access)

South Africa

Is tax coordination a solution of trade distortions in SACU? : possibilities for coordination of Value Added Tax in the Southern African Customs Union / Puseletso Letete. - In: *Comparative and International Law Journal of Southern Africa*: (2014), vol. 47, no. 3, p. 350-371 : tab

Abstract: With the rise of regional integration and increasing globalisation, member countries to regional organisations and trading blocs, are under pressure to strengthen their economic integration. In view of this move, this paper explores the importance of extending this integration towards areas of Value Added Tax systems within the Southern African Customs Union. The paper argues that coordination of Value Added Tax within SACU will be beneficial for purposes of forging closer economic integration. This will also contribute towards fostering intra-regional trade between member states as well as in addressing issues of trade distortions which are caused by different VAT legal systems. Notes, ref., sum. [Journal abstract]
http://reference.sabinet.co.za/webx/access/electronic_journals/cilsa/cilsa_v47_n3_a2.pdf
(Restricted access)

South Africa

On considering alternative accommodation and the rights and needs of vulnerable people / Gustav Muller. - In: *South African Journal on Human Rights*: (2014), vol. 30, no. 1, p. 41-62

Abstract: South African courts have recently been at pains to incorporate detailed descriptions of the squalid conditions that prevail in informal settlements and inner-city buildings that have been abandoned by their owners. It has also become customary for courts to include a detailed overview of the history of the occupation to highlight the daily struggles of these unlawful

occupiers. Despite this acknowledgment of the realities of the accommodation of impoverished groups, the courts have continued to issue eviction orders that are sought in the name of health and safety considerations or development without any serious regard to the disastrous impact that the evictions and subsequent relocations to distant accommodation will have on the livelihoods of the unlawful occupiers. It is therefore regrettable that the courts do not use the social and historical context of the unlawful occupation that they narrate at the beginning of these judgments to craft context-sensitive eviction orders in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE). This lack of real engagement with the intolerable conditions that unlawful occupiers live in significantly reduces the impact that the availability of alternative accommodation has as a consideration. This is furthermore at odds with the principle that courts should be reluctant to evict relatively settled occupiers unless it is satisfied that alternative accommodation is available. This article proposes an organising framework for considering the suitability of alternative accommodation as part of the just and equitable eviction order that a court must grant in terms of s 4(8) and (9) of PIE. This organising framework is based on the categories of people that PIE explicitly requires courts to have regard to in ss 4(7) and 6(3) when considering whether it is just and equitable to evict the unlawful occupiers. Notes, ref., sum. [Journal abstract]
http://reference.sabinet.co.za/webx/access/electronic_journals/ju_sajhr/ju_sajhr_v30_n1_a3.pdf
(Restricted access)

South Africa

Special issue on disability / [eds.] : Charles Ngwena & Catherine Albertyn - Bloomington, IN : Indiana University Press, 2014.

Abstract: The inspiration for this special issue can be found in two significant developments which are historically parallel and complement each another in the sphere of equality jurisprudence. The first is the development of a jurisprudence of substantive and transformative equality under the South African Constitution by the Constitutional Court in the post-apartheid era. The hallmark of substantive equality has been its departure from formal equality and its embrace of inclusion, difference and diversity. Yet, although the Constitutional Court has had occasion to apply substantive equality to many protected groups, others, such as disabled people, still await their turn. This special issue fills this gap by providing a forum in which to tease out some of the equality issues that obtain in disability. The second inspiration comes from the adoption of the Convention on the Rights of Persons with Disabilities (CRPD) and its accompanying Optional Protocol in 2006. Contributions: Substantive equality and caregiver responses to discrimination against children with disabilities in Orange Farm (Rosalind Elphick, Jean Elphick & Zosa de sas Kropiwnicki); Global reasonable accommodation : how the Convention on the Rights of Persons with Disabilities changes the way we think about equality (Frédéric Megret & Dianah Msipa); Developing juridical method for overcoming status subordination in disablism : the place of transformative epistemologies (Charles Ngwena); Equal recognition and legal capacity for persons with disabilities : incorporating the principle of proportionality (Willene Holness); The feasibility and desirability of an African disability rights treaty : further norm-elaboration or firmer norm-implementation? (Frans Viljoen & Japhet Biegon). [ASC Leiden abstract]

South Africa

The collection of value added tax on cross-border digital trade : part 2 : VAT collection by banks / S. P. Van Zyl and W. G. Schulze. - In: *Comparative and International Law Journal of Southern Africa*: (2014), vol. 47, no. 3, p. 316-349

Abstract: The viability of Value Added Tax (VAT) as an effective source of revenue relies chiefly on the ability to enforce VAT rules and to collect VAT effectively on affected transactions. Existing VAT collection mechanisms are in dire need of modernisation, in that they are inefficient and increasingly burdensome on revenue authorities and suppliers. International trends show that tax collection by third party intermediaries is increasingly being introduced in countries where cross-border trade and employment are on the rise. Cross-border digital trade is a fully fledged electronic trading, and often automated, phenomenon. The execution of these transactions requires no or minimal human intervention. A withholding tax mechanism by financial institutions through the implementation of an automated split-payment system, offers the possibility of the

execution of online cross-border transactions with no or minimal human intervention. Part 2 investigates VAT collection by financial institutions as a viable tax collection model for cross-border digital trade. The articles focus on South Africa. Notes, ref., sum. [Journal abstract] http://reference.sabinet.co.za/webx/access/electronic_journals/cilsa/cilsa_v47_n3_a1.pdf (Restricted access)

South Africa

The constitutional protection of tenants' interests : a comparative analysis / S. Viljoen. - In: *Comparative and International Law Journal of Southern Africa*: (2014), vol. 47, no. 3, p. 460-489
Abstract: The purpose of this article is to explore the constitutional recognition of tenants' interests in South Africa, the United States, and Germany and critically analyse why these interests are in some instances accepted as constitutional property and protected as such. Flowing from an analysis of the judicial acceptance of tenants' interests as constitutional property in German law on the basis that the purpose of property is to promote self-development, and similar theoretical arguments that have been voiced in US law that promote the protection of property rights in light of their function to promote human advancement and self-realisation, it is argued that arguments of this kind have no place in a constitutional framework where the right to housing is recognised. The South African housing provision, its enabling legislation, and the judicial interpretation thereof provide sufficient protection for tenants' interests within the constitutional framework. It shows that in the case of an incomplete Bill of Rights the concept of constitutional property might have to be interpreted widely to make way for the protection of these and similar interests. Notes, ref., sum. [Journal abstract] http://reference.sabinet.co.za/webx/access/electronic_journals/cilsa/cilsa_v47_n3_a6.pdf (Restricted access)

South Africa

The South African common law and the Constitution : revisiting horizontality / Nick Friedman. - In: *South African Journal on Human Rights*: (2014), vol. 30, no. 1, p. 63-88
Abstract: Despite an initial flurry of interest in the direct horizontality of human rights, the doctrine's place in South African constitutional law is now accorded a diminishing importance in judgments and journals. The author argues that this is a result of a misunderstanding, by both courts and academics, of what horizontality is for and how it works. Since direct horizontality, properly understood, is central to the coherent development of South Africa's rights jurisprudence, the author reinvigorates debate about horizontality by offering a new and comprehensive account of its mechanics and purpose. The account turns on a distinction between 'horizontality' and 'direct horizontal application', the implications of which run counter to some of the most widely accepted views about the Constitution's influence on the private law. Notes, ref., sum. [Journal abstract] http://reference.sabinet.co.za/webx/access/electronic_journals/ju_sajhr/ju_sajhr_v30_n1_a4.pdf (Restricted access)

South Africa

The technology-neutral approach and electronic money regulation in the EU : identifying the promises and challenges for future regulation in South Africa / Maphuti D. Tuba. - In: *Comparative and International Law Journal of Southern Africa*: (2014), vol. 47, no. 3, p. 372-400
Abstract: The rapid development of technology through the introduction of computer networks in the 1960s has brought with it numerous benefits for business communities. These benefits range from the speed and cost-effectiveness of online communication, to the speed of transacting and effecting payments using electronic devices. While this technological development has given rise to beneficial penetration of electronic payment systems into the world of commerce, these benefits are not shared by the regulating communities. Technological developments raise various regulatory questions for lawmakers. One such question is whether or not it is possible to regulate these fast-developing systems. The same question is also raised in relation to the regulation of electronic payment systems, including electronic money. In acknowledging the challenges of regulating the technological development of electronic money devices, the European Union has adopted a technology neutral approach to overcome the challenges of strict regulation of this

evolving technology, while attempting to provide them with the much needed legal status and certainty. In South Africa, there are on-going discussions as to whether or not (and how) to regulate electronic money devices. A cautious position has been adopted in order to avoid hindering these rapidly developing innovations through a restrictive regulatory framework. This paper highlights some promises and challenges by drawing on some lessons from a similar approach adopted by the European Union in its Second Electronic Money Institution Directives. The paper suggests some middle ground that may be applied to overcome the challenges posed by the adoption of a technology-neutral approach. The aim of the paper is to establish a clear path for the regulation of electronic money institutions in South Africa, by evaluating the effectiveness of a technology-neutral approach, as adopted by the EU. Notes, ref., sum. [Journal abstract]

http://reference.sabinet.co.za/webx/access/electronic_journals/cilsa/cilsa_v47_n3_a3.pdf
(Restricted access)

Subsaharan Africa

À la recherche des principes directeurs spécifiques au procès devant la cour commune de justice et d'arbitrage (CCJA) / par Joseph Djogbenou. - In: *Penant*: (2015), année 125, no. 890, p. 5-39
Abstract: La Cour Commune de Justice et d'Arbitrage (CCJA) bénéficie de plus en plus des suffrages de l'intérêt et de l'actualité. Des études sont nombreuses sur son office, sa nature, sa caractérisation. Ses décisions s'annoncent au gré des compositions. Le législateur lui-même ne se met point en marge, se plaçant à son chevet, déjà en 2008 avec la réforme du Traité, puis en 2014 avec celle du Règlement de procédure. Or, le procès n'a, en tant que tel, encore bénéficié de la faveur de la recherche, singulièrement sur les règles qui imprègnent sa conduite par la Cour. On s'interroge à leur égard sur l'identification des principes directeurs ainsi que sur leur dimension. Sont-ce, à la vérité, ceux au moyen desquels le procès se forge devant les juridictions nationales? La réponse n'est pas évidente. Elle prend en compte aussi bien la posture idéologique du droit OHADA que le statut institutionnel de la Cour d'Abidjan. Il serait bon de donner un aperçu concret du contenu. Notes, réf., rés. [Résumé extrait de la revue]

Subsaharan Africa

L'expression de la souveraineté des États membres de l'OHADA : une solution-problème à l'intégration juridique / par Hervé Magloire Moneboulou Minkada. - In: *Penant*: (2015), année 125, no. 890, p. 40-70

Abstract: L'expression de la souveraineté des États membres de l'OHADA : une solution-problème à l'intégration juridique est une thématique au cur du dynamisme ou de l'inertie de l'intégration par le droit pour les États de l'espace OHADA. Cette analyse perçoit les États comme le moteur de la définition et de la réalisation des objectifs du Traité OHADA. Pour ce faire, les États expriment ou exercent leur souveraineté par le biais de leurs représentants. Si cet exercice de la souveraineté par délégation a favorisé une intégration juridique normative, l'exercice direct de la souveraineté répressive a compromis l'objectif d'intégration juridique. La résolution de cet écueil passe par l'uniformisation répressive. Bibliogr., notes, réf., rés en français et en anglais [Résumé extrait de la revue]

Tanzania

Babu wa Loliondo : healing the tensions between Tanzanian worlds / Mika Vähäkangas. - In: *Journal of Religion in Africa*: (2015), vol. 45, no. 1-2, p. 3-36 : fig

Abstract: Tanzanian Ambilikile Mwasapila aka Babu wa Loliondo, a retired Lutheran countryside pastor, suddenly became the most visible media personality and healer in East Africa for half a year in 2011. He had received dreams in which God provided him with the recipe for a herbal medicine that would heal all maladies. Lutheran bishops who had all but abandoned the elderly pastor in his former remote mission field eagerly approved his ministry, while reception in Charismatic churches was mixed. After initial suspicion, the government strongly backed him, and the national research hospital vaguely endorsed the medicine, which is essentially the same as traditional medicine in several ethnic groups. Thus, in this ministry modern scientific, Christian, and traditional worldviews suddenly corresponded, thereby easing the tensions between the three lifeworlds of Tanzanian Christians. After the deaths of several HIV-positive patients who had

abandoned antiretroviral drugs, the magic of the healer vanished. Bibliogr., notes, ref., sum.
[Journal abstract]