

Abstracts, week 36

Hart, J. 2013. "One man, no chop": licit wealth, good citizens, and the criminalization of drivers in postcolonial Ghana. *International Journal of African Historical Studies: (2013), vol.46, no.3, p.373-396.* , vol. 46, no. 3, p. 373-396.

Keywords: 1950-1999/drivers/Ghana/social status

Abstract: While drivers are widely condemned as crooks and cheats in Ghana today, this paper argues that this is a relatively recent public perception, resulting from a process of criminalization by successive postcolonial governments. The independence and entrepreneurial success of drivers, which had once been the foundation of their respect and status as cosmopolitan, modern men, became their greatest liability during the "era of decline" that lasted from independence through the early-1980s. In failing to prevent road accidents and in engaging in behaviour that was classified as "economic exploitation", drivers found themselves on the wrong side of an increasingly stark dichotomy between "good citizens" and "public enemies" in newly independent Ghana. The author argues that the emerging critique of drivers was not rooted in any fundamental changes in driver practice. Rather, the incremental nature of this process of criminalization over the course of nearly thirty years reflects shifting understandings of economic morality, rooted in both the country's changing economic conditions as well as a public rhetoric of citizenship that centralized power and authority in the nation-state. The experience of drivers highlights the degree to which entrepreneurial autonomy - long central to Ghanaian economy and society - was transformed into a national threat by postcolonial State and society. Notes, ref. [ASC Leiden abstract]

Forere, M. 2012. A judge in Lesotho digs into South African archives to take children's rights back to the Stone Age : Masupha Lesala v Hlapase Lineo Morojele : case note. *Comparative and International Law Journal of Southern Africa: (2012), vol.45, no.1, p.115-126.*, vol. 45, no. 1, p. 115-126.

Keywords: children's rights/fathers/illegitimate children/jurisprudence/Lesotho

Abstract: For a long time, children born of unmarried parents have not been accorded the same rights and benefits as children born of married parents. Today, the international community has unanimously condemned the discrimination against children born of unmarried parents (previously referred to as 'illegitimate children') through the adoption of the Convention on the Rights of the Child. To that end, Lesotho has joined those who addressed discrimination against children born to unmarried parents. However, the case of Lesala v Morojele decided by the High Court of Lesotho (March 2011) leaves much to be desired and has prompted this paper. In this case, the judge, relying on very old South African jurisprudence, ruled that an unmarried father has no rights to his child born out of wedlock. He ruled that it is not in the best interests of the child to keep contact with his father who is not living with the child's mother. This note analyses this decision critically by exploring the unmarried father's right of access to his child born out of wedlock, and the court's subsequent failure to grant an order of maintenance. Notes, ref., sum. [Journal abstract]

<http://hdl.handle.net/10520/EJC124034>

Edwards, L. & Lawrence, R.Z. 2012. A strategic view of South African trade policy in relation to the future global trading environment. *South African Journal of International Affairs: (2012), vol.19, no.3, p.277-298 : graf., tab.*, vol. 19, no. 3, p. 277-298.

Keywords: exports/global economy/international trade/South Africa/tariff policy/trade policy

Abstract: This paper puts forward a strategic view of what South African trade policy should be doing in relation to the future global trading environment. The future is uncertain, but if the past is prologue, South African trade policy needs to be positioned for a continuation of the commodity cycle, and to exploit markets in emerging economies, including Africa, more fully. Simultaneously, it needs policies to spur labour-intensive services and manufacturing exports, both because these will be needed if commodity markets are less robust and because of their employment-creating potential. South Africa's current strategy, however, is inflexible, heavily focused on domestic concerns and is in danger of placing South African exporters at a disadvantage in accessing the

growing emerging economies. It also gives rise to an inherent tension between the interests of South Africa and the African region in trade negotiations. Having as the central tenet of trade policy a commitment to deal with tariffs on a case-by-case basis will not serve South Africa well in the global economy that is likely to emerge over the next fifteen years. A simpler tariff structure would facilitate the conclusion of free trade agreements and actually make industrial policy more effective. Notes, ref., sum. [Journal abstract]

Knobel, I. 2012. Accession of movables to land, South African law and Dutch law. *Comparative and International Law Journal of Southern Africa: (2012), vol.45, no.1, p.77-90.*, vol. 45, no. 1, p. 77-90.

Keywords: buildings/landownership/property/South Africa

Abstract: Accession is an original method of acquisition of ownership. The common law principle, 'superficies solo cedit', which provides that buildings and other structures become the property of the owner of the land on which they have been built or erected, forms the basis of the rules relating to accession in both South African and Dutch law. For purposes of this article 'accession' refers to the situation where movable things which are attached to land permanently become part of the land and therefore the property of the owner of the land. This method of acquisition of ownership is called 'building' or 'inaedificatio' in South African law. The Dutch Civil Code provides that buildings or other improvements that have been united with land in a durable manner become immovable things through 'vertical accession'. In this article, the criteria to determine whether a movable thing becomes permanently attached to land that are applied in South African law are referred to and are compared to those applicable in Dutch law. An interesting aspect in this field of study, which will specifically be addressed in this article, is the question whether objective or subjective criteria should be considered when determining whether a movable thing became an immovable thing through accession or not. Notes, ref., sum. [Journal abstract]
<http://hdl.handle.net/10520/EJC124036>

Kujinga, B.T. 2012. Analysis of misuse and abuse in terms of the South African general anti-avoidance rule: lessons from Canada. *Comparative and International Law Journal of Southern Africa: (2012), vol.45, no.1, p.42-63.*, vol. 45, no. 1, p. 42-63.

Keywords: income tax/legislation/South Africa/tax evasion

Abstract: A general anti-avoidance rule (GAAR) is a provision in tax legislation that works to curb impermissible tax avoidance. In terms of the South African general anti-avoidance rule, a transaction that misuses or abuses the provisions of the Income Tax Act may be disregarded for tax purposes. The misuse or abuse provision, along with the GAAR, has not yet been judicially considered. It is argued that the provision brings further uncertainty and breadth to the GAAR. It calls for a purposive interpretation of tax legislation. This approach, however, creates uncertainty regarding the determination of purpose. In Canada, from which the provision was borrowed, the courts initially applied a policy approach in determining purpose but this disadvantaged the revenue authorities in a series of cases. The Minister of National Revenue was required to present a clear and unambiguous policy which in reality could not be found. The thrust of this article is to show that the misuse or abuse concept could turn out to be a lateral development in the South African GAAR because of the uncertainty it carries and if lessons on its application are not learned from the Canadian experience. Notes, ref., sum. [Journal abstract]
<http://hdl.handle.net/10520/EJC124038>

Onapajo, H., Uzodike, U.O., & Whetho, A. 2012. Boko Haram terrorism in Nigeria: the international dimension. *South African Journal of International Affairs: (2012), vol.19, no.3, p.337-357.*, vol. 19, no. 3, p. 337-357.

Keywords: foreign policy/international relations/Islamic movements/Nigeria/regional security/terrorism/United States

Abstract: The terrorist group Boko Haram, or the self-described People of the Tradition of the Prophet (SAW) for Preaching and Striving, continues to terrorise Nigeria, with horrible consequences. Clearly, study of the problem cannot be disconnected from the complex nature of Boko Haram itself, considering the group's unclear agenda and its shadowy sponsors internal or external. A key question regarding the nature of Boko Haram is whether it has a transnational

dimension or not. This paper examines the nature of Boko Haram terrorism in Nigeria. It argues that Boko Haram's terrorism does indeed have a transnational dimension, demonstrating that its agenda and targets transcend Nigeria, and that there are international links to the operations of Boko Haram. Given this international dimension, what concerns does Boko Haram generate for countries outside Nigeria, notably the United States, and what are their responses to the group's continued acts of terrorism? This analysis is contextualized within the charged debate on the definition of terrorism and the modern trend of religious terrorism in the international arena.

Notes, ref., sum. [Journal abstract]

Maduabum, C.P. 2012. Building a partnership between the public & private sectors for improved service delivery and sustainable development in Nigeria: a myth or a reality? *Cahiers africains d'administration publique: (2012), no.78, p.9-27 : tab. no. 78, p. 9-27.*

Keywords: government policy/Nigeria/private sector/public sector

Abstract: The Nigerian government has consistently advocated a strong partnership between the public and the private sector. In the 'Vision 2010 Report', the government outlined its aim: the private sector as the "engine of growth" and the public sector as providing the enabling environment for this. In practice, however, the private sector is reluctant to engage in strong partnerships with public institutions due to endemic corruption in the public sector and factors such as lack of innovation and poor working attitudes. This article traces pre-independence, post-independence and recent government policies geared at promoting partnership between the private and the public sector. The author argues that, unless the deplorable state of the public sector is addressed, such partnership will remain more of a myth than a reality. Bibliogr., sum.

[ASC Leiden abstract]

Egbewole, W.O. 2012. Constitutional justice and democracy in Nigeria: challenges and prospects. *Cahiers africains d'administration publique: (2012), no.78, p.49-63. no. 78, p. 49-63.*

Keywords: constitutionalism/judicial system/Nigeria

Abstract: This paper examines the modalities of constitutional justice in Nigeria within the framework of notions such as the separation of powers, the rule of law, democracy and democratic governance. The author argues that necessary elements for attaining constitutional justice include, amongst others, an independent judiciary and access to justice. Corruption constitutes a major challenge to the Nigerian judiciary. Notes, ref. [ASC Leiden abstract]

Brennan, J.R. 2014. Constructing arguments and institutions of Islamic belonging : M.O. Abbasi, colonial Tanzania, and the Western Indian Ocean world, 1925-61. *Journal of African History: (2014), vol.55, no.2, p.211-228., vol. 55, no. 2, p. 211-228.*

Keywords: Asians/associations/colonial period/intellectuals/Islam/Tanzania

Abstract: The article explores the intellectual life and organizational work of an Indian Muslim activist and journalist, M.O. Abbasi, a largely forgotten figure who nonetheless stood at the centre of colonial-era debates over the public role of Islam in mainland Tanzania. His greatest impact was made through the 'Anjuman Islamiyya', the territory's leading pan-Islamic organization that he co-founded and modeled on Indian modernist institutions. The successes and failures of Abbasi and the 'Anjuman Islamiyya' demonstrate the vital role played by Western Indian Ocean intellectual networks, the adaptability of transoceanic, pan-Islamic organizational structures, and, ultimately, the limits imposed on pan-Islamic activism by racial politics in colonial Tanzania.

Notes, ref., sum. [Journal abstract]

Le Roux-Kemp, A. 2012. Conventions, customs and beliefs : social determinants and realising the right to health in Malawi and Uganda. *Comparative and International Law Journal of Southern Africa: (2012), vol.45, no.1, p.1-17., vol. 45, no. 1, p. 1-17.*

Keywords: health/Malawi/social and economic rights/Uganda

Abstract: This article focuses on the importance of committed and participating civil communities in the realization of health rights in Africa, notably Malawi and Uganda. The various social, material, organizational, religious and cultural conceptions unique to the Malawian and Ugandan communities are touched upon to show that community-specific responses to health rights are shaped by and are being informed by the social and cultural milieu of these African societies.

From the examples put forward it becomes clear that the realization of health rights will remain a mere pipe dream if the social and cultural milieu of health needs and rights in Malawi and Uganda are ignored. First, the constitutional and legislative frameworks for health rights in Uganda and Malawi are outlined whereafter the most pertinent social, religious and cultural conceptions that currently impact on the realization of the right to health in these two countries is discussed. The importance of recognizing and addressing these social determinants of health on the African continent is emphasized and a more contextualized approach to the realization of health rights is advocated. Notes, ref., sum. [Journal abstract]
<http://hdl.handle.net/10520/EJC124040>

Glassman, J. 2014. Creole nationalists and the search for nativist authenticity in twentieth-century Zanzibar : the limits of cosmopolitanism. *Journal of African History: (2014), vol.55, no.2, p.229-247.*, vol. 55, no. 2, p. 229-247.

Keywords: Creoles/identity/nationalism/political parties/Tanzania/Zanzibar

Abstract: The founders of the Zanzibar National Party can be understood as creole nationalists, who imagined their political authority as stemming from membership in a transnational Arab elite. But in the mid-twentieth century, prompted by the rising hegemony of territorial nationalism and by subaltern challenges informed by pan-Africanism, they crafted a new historical narrative that depicted their movement as having originated with indigenous villagers. Party leaders then related this narrative to Western scholars, whose publications helped reproduce the myth throughout the rest of the century. This article traces the genesis of this masquerade and asks what it implies about the nature of the creole metaphor and its supposed link to discourses of cosmopolitan hybridity. The conventional contrast between 'créolité' and nativist essentialism is shown to be illusory. Notes, ref., sum. [Journal abstract]

Griffiths, C. 2013. Engendering humanism in French West Africa: patriarchy and the paradox of Empire. *International Journal of African Historical Studies: (2013), vol.46, no.3, p.353-372.*, vol. 46, no. 3, p. 353-372.

Keywords: anthropology/colonialism/France/French West Africa/gender/historical sources/women

Abstract: Drawing from a resource of over a thousand pages of observations on the lifestyles of African men, women, and families in French West Africa in the 1930s, this paper analyses ethnographic reports produced by a female education officer, Denise Savineau, who was employed in the colonial administrative headquarters of French West Africa. The particular value of Savineau's reports to contemporary studies of the French colonial project is threefold: they are an example of developments in the ethnographic sciences in the interwar period; they incorporate an unusual gendering of the colonial perspective; and they focus on African women. Savineau's work is chronologically part of the first wave of colonial studies launched in the interwar period. However, without claiming that her work is in anyway "postcolonial" in inspiration, the partial externality she occupies in relation to the dominant discourse of empire, a position determined by her rank, gender, and race, push her work nearer to a second wave of empire studies focused on revealing the infamy of colonization. By placing Savineau's contribution to the colonial archive within a gender studies perspective, the article raises broader questions about how the gender of knowledge production is confronted and challenged in contemporary French empire studies. Notes, ref. [ASC Leiden abstract]

Fagbayibo, B. 2012. Exploring legal imperatives of regional integration in Africa. *Comparative and International Law Journal of Southern Africa: (2012), vol.45, no.1, p.64-76.*, vol. 45, no. 1, p. 64-76.

Keywords: Africa/constitutionalism/economic integration/law

Abstract: This article attempts to contribute to the on-going debate on African integration from a legal perspective. Africa's path towards consolidating unity and development, as elsewhere, is replete with fundamental obstacles. This article suggests a way forward through a number of legal initiatives designed to redress the failures usually encountered in the process of African integration. Such legal imperatives include commitment to constitutionalism in member States, a framework for ensuring compliance with transnational directives, enhanced synergy between national and regional institutions, and increased interaction amongst legal stakeholders across

the continent. Notes, ref., sum. [Journal abstract]
<http://hdl.handle.net/10520/EJC124037>

Lindsay, L.A. 2014. Extraversion, creolization, and dependency in the Atlantic slave trade. *Journal of African History: (2014), vol.55, no.2, p.135-145.*, vol. 55, no. 2, p. 135-145.
Keywords: Africa/cultural change/political economy/slave trade
Abstract: This article considers the Atlantic slave trade in relation to 'extraversion' in African history. Drawing especially on the work of Jean-François Bayart, it argues that slaving fit a long-term pattern in which elites drew on external connections in order to further their wealth and power at home. In doing so, they also opened their societies to new goods and ideas, thus bringing about cultural creolization. This is a different approach to the question of creolization than is commonly found among Americanist studies of Atlantic slavery, which tend to treat cultural change without consideration of politics. The concept of extraversion thus helps to link culture and political economy. Nevertheless, it also bears refinement. Recent scholarship on African involvement in the Atlantic slave trade some of it detailed in this article makes clear that extraversion may have reflected African agency, as Bayart insisted, but that it also entangled African societies in destructive relationships of dependency. Notes, ref., sum. [Journal abstract]

Saurombe, A. 2012. Flexible integration : a viable technique for the process of deeper integration in the Southern African Development Community (SADC). *Comparative and International Law Journal of Southern Africa: (2012), vol.45, no.1, p.91-114.*, vol. 45, no. 1, p. 91-114.
Keywords: economic integration/European Union/SADC/Southern Africa
Abstract: Integration in the Southern African Development Community (SADC) is deepening to the extent that the organization is being tasked with greater responsibilities. However, deeper integration is unlikely to occur within a framework of uniformity; hence, the process of deepening integration may demand flexibility. Flexibility is necessary because SADC member States are likely to differ in their views about the way forward, and how much of their national sovereignty they are willing to trade for the benefits of SADC membership. One example of a critical difference, as SADC prepares for the customs union, is the use of import tariffs. South Africa and Mauritius are increasingly using this as an instrument of industrial policy. On the other hand, poor countries such as Lesotho and Swaziland, are using it as a source of revenue. It is about time that SADC member states realise and accept that these differences will persist rather than wither away. Flexibility does not have to be read as a brake on integration. On the contrary, flexibility offers the most useful means of balancing different national interests, thereby allowing progress to be made in SADC as a whole. This paper seeks to draw lessons for flexible integration from the European Union (EU). Such an undertaking is considered relevant as SADC has made a laudable effort to follow the EU model of regional integration. Part 1 of the paper defines flexible integration within the context of SADC regional integration and the experiences of the EU, while part 2 deals with the rationale for employing flexible integration in SADC. Part 3 discusses the challenges of flexibility and, finally, part 4 outlines ways in which SADC can make flexibility work. Notes, ref., sum. [Journal abstract]
<http://hdl.handle.net/10520/EJC124035>

Moncrieff, R. 2012. French Africa policy: Sarkozy's legacy, and prospects for a Hollande Presidency. *South African Journal of International Affairs: (2012), vol.19, no.3, p.359-380 : tab.*, vol. 19, no. 3, p. 359-380.
Keywords: Africa/Chad/Côte d'Ivoire/foreign policy/France/military intervention
Abstract: This article assesses the record of French President Nicolas Sarkozy in Sub-Saharan Africa. It finds that significant reforms were made to France's role on the continent, most notably in the re-structuring, and reducing, of France's military presence. However, expectations of less military intervention were not met, as the French armed forces have been active in three very different crises in Côte d'Ivoire, Chad and the West African Sahel. Equally, Sarkozy did not make a clear break with past practices of support for undemocratic leaders, nor did he put an end to the exceptional status of Africa in French diplomacy. The article goes on to consider African perspectives on France's role, both popular resentment and elite level strategies. Finally, it

provides a preliminary assessment of French policy in the first 100 days of François Hollande's presidency. Notes, ref., sum. [Journal abstract]

Becker, F. & Cabrita, J. 2014. Introduction: performing citizenship and enacting exclusion on Africa's Indian Ocean littoral. *Journal of African History: (2014), vol.55, no.2, p.161-171 : krt.*, vol. 55.

Keywords: citizenship/East Africa/identity/Indian Ocean/society/Southern Africa

Abstract: The Indian Ocean is frequently depicted as a sphere of seamless connectivity, characterized by fluid and wide-ranging exchanges between traders, sea-farers, clerics, intellectuals, and authors. The present authors seek to nuance this depiction by highlighting the importance of specific, place-bound social concerns that tempered these cosmopolitan performances of citizenship with more exclusionary dynamics. They emphasize the importance of context, contingency, and circumstance in shaping and breaking new forms and practices of citizenship and its twin exclusionary politics on Africa's Indian Ocean littoral. The article is an introduction to a collection of articles which derive from a workshop in Cambridge in 2012, on 'Languages of citizenship in Africa and the Indian Ocean.' Notes, ref., sum. [Journal abstract]

Horomtallah, C. 2013. L'extradition dans la nouvelle loi mauritanienne. *Penant: (2013), année 123, no.882, p.79-98.*, vol. 123, no. 882, p. 79-98.

Keywords: criminal procedure/extradition/legal reform/Mauritania

Abstract: L'extradition apparaît comme une forme d'entraide judiciaire qui vise la remise d'un individu par un État à un autre État en vue de l'exercice des poursuites judiciaires ou de l'exécution d'une décision de justice passée en force de chose jugée. Si cette forme d'entraide judiciaire était fondée au début sur l'amitié entre les États, elle semble plutôt viser aujourd'hui une coopération dans la lutte contre la criminalité internationale. Les instruments internationaux ne règlent pas tous les problèmes qui peuvent se poser. C'est pourquoi la nouvelle loi mauritanienne relative à l'extradition - loi no. 2010-036 modifiant et complétant certaines dispositions de l'ordonnance no. 2007-036 du 17 avril 2007 portant institution d'un Code de procédure pénal - constitue un droit d'appoint. La nouvelle loi comble un grand vide et permet de limiter le recours à des extraditions illégales. Elle pose un certain nombre de conditions en plus d'une procédure (section 1) et produit des effets qu'il y a lieu d'examiner (section 2). Notes, réf. [Résumé ASC Leiden]

Bikeck Mbang, A. 2013. La saisie des droits d'associés et des valeurs mobilières de la législation OHADA: une réforme inadaptée au droit des sociétés commerciales. *Penant: (2013), année 123, no.882, p.5-27.*, vol. 123, no. 882, p. 5-27.

Keywords: commercial law/debt/international law/Subsaharan Africa

Abstract: L'Acte uniforme portant organisation des procédures simplifiées de recouvrement et des voies d'exécution en OHADA, entré en vigueur le 10 juillet 1998, apparaît comme une assurance de la sécurité des créanciers, des tiers ainsi que des investisseurs en Afrique. L'idéal de sécurité reste l'une des préoccupations constantes des différents Actes uniformes déjà entrés en vigueur. C'est dans cette logique qu'a été introduite la saisie des droits d'associés et des valeurs mobilières par les articles 236 à 245 de cet Acte uniforme, pour forcer l'exécution des débiteurs sur leurs biens sociaux émis par les personnes morales de cet espace juridique. Bien que le législateur parle des droits d'associés et valeurs mobilières appartenant au débiteur, le champ d'application de cette procédure pose pas mal de problème au regard de la diversité des émetteurs, puisque outre les sociétés commerciales et les groupements d'intérêt économique, les sociétés civiles, les organismes de placements collectifs ou les sociétés d'État de l'espace OHADA peuvent émettre des titres sociaux. À l'analyse, l'examen de nombreuses difficultés rencontrées par le créancier étaye la nécessité d'un aménagement de cette voie d'exécution par la substitution d'une saisie-attribution spécifique aux droits pécuniaires attachés aux titres sociaux des débiteurs. Notes, réf. [Résumé ASC Leiden]

Toukara, D. 2013. Le nouveau Code de la famille et des personnes au Mali: la "victoire à la Pyrrhus" du Haut Conseil Islamique et de son président, l'"ayatollah" Mahamoud Dicko. *Penant: (2013), année 123, no.882, p.58-78.*, vol. 123, no. 882, p. 58-78.

Keywords: family law/Islam/judicial review of legislation/legal reform/Mali

Abstract: Deux ans après le renvoi en seconde lecture du projet de Code de la famille et des personnes, l'Assemblée nationale du Mali vient d'adopter un nouveau Code de la famille et des personnes dans le sens voulu, souhaité et dicté par le Haut Conseil Islamique (HCI). Malgré le maintien de certaines institutions coutumières ou religieuses comme la dot ou la polygamie, le projet de Code de la famille adopté en première lecture le 2 août 2009 a été vigoureusement contesté par le HCI qui jugeait un certain nombre de points - notamment l'égalité entre fille et garçon en matière successorale, la vocation successorale de la veuve, la non-reconnaissance du mariage coutumier ou religieux - inacceptables. C'est pourquoi le texte adopté le 2 décembre 2011 est le fruit d'un 'compromis'. Dès lors, on peut parler de victoire du HCI et son Président, l'"ayatolloah" Mahamoud Dicko. Néanmoins, adopter des dispositions législatives sous la contrainte du HCI se traduit par un constat: l'impossible constitutionnalisation du droit de la famille. Le 'nouveau' Code de la famille regorge en son sein plusieurs dispositions inconstitutionnelles. C'est pourquoi la victoire obtenue par le HCI risque d'être une "victoire à la Pyrrhus". Le juge constitutionnel pouvait, à l'occasion du contrôle de constitutionnalité à priori, censurer toutes les dispositions inconstitutionnelles contenues dans le Code. Ensuite, le juge peut nullifier ou neutraliser 'de lege lata' ou 'de lege ferenda' les dispositions qui contreviennent aux normes constitutionnelles. Notes, réf. [Résumé ASC Leiden]

Koumba Mesmin, E. 2013. Libre propos sur la Commission de surveillance du marché financier de l'Afrique centrale: Cosumaf. *Penant: (2013), année 123, no.882, p.120-130.*, vol. 123, no. 882, p. 120-130.

Keywords: Central Africa/Communauté Économique et Monétaire de l'Afrique Centrale/financial market

Abstract: La mise en place du Marché financier régional en Afrique centrale constitue une grande innovation dans la zone CEMAC. Il s'entend de tous les produits de placement et services financiers non bancaires offerts au public ou mis à la disposition des opérateurs économiques et faisant appel public à l'épargne sur le territoire des États membres de la CEMAC, de toutes transactions effectuées sur ou eu égard à ces produits et services, ainsi que de toutes personnes publiques ou privées chargées d'animer ou de réguler ou de veiller à la bonne exécution desdites transactions. Le Marché financier régional est placé sous la tutelle et le contrôle de la Commission de surveillance du Marché financier de l'Afrique centrale (Cosumaf). La Cosumaf s'inscrit dans la continuité de ses prédécesseurs français et américain, respectivement la SEC et l'AMF. C'est pourquoi l'analyse de la Cosumaf conduit à examiner successivement ses aspects institutionnels (section I) avant de voir sa mission au sein de la Bourse de valeurs mobilières de l'Afrique centrale (section II). Notes, réf. [Résumé ASC Leiden]

Harries, P. 2014. Middle passages of the Southwest Indian Ocean : a century of forced immigration from Africa to the Cape of Good Hope. *Journal of African History: (2014), vol.55, no.2, p.173-190.*, vol. 55, no. 2, p. 173-190.

Keywords: 1700-1799/1800-1899/immigrants/Indian

Ocean/Madagascar/Mozambique/slaves/South Africa/The Cape/violence

Abstract: Forced immigration from the Southwest Indian Ocean marked life at the Cape of Good Hope for over a century. Winds, currents, and shipping linked the two regions, as did a common international currency, and complementary seasons and crops. The Cape's role as a refreshment station for French, Portuguese, American, and Spanish slave ships proved particularly important in the development of a commerce linking East Africa, Madagascar, and the Mascarenes with the Americas. This slave trade resulted in the landing at the Cape of perhaps as many as 40,000 forced immigrants from tropical Africa and Madagascar. Brought to the Cape as slaves, or freed slaves subjected to strict periods of apprenticeship, these individuals were marked by the experience of a brutal transshipment that bears comparison with the trans-Atlantic Middle Passage. The history of the Middle Passage occupies a central place in the study of slavery in the Americas and plays a vital role in the way many people today situate themselves socially and politically. Yet, for various reasons, this emotive subject is absent from historical discussions of life at the Cape. This article brings it into the history of slavery in the region. By focusing on the long history of this forced immigration, the article also serves to underline the importance of the

Cape to the political and economic life of the Southwest Indian Ocean. Notes, ref., sum. [Journal abstract]

Mushita, A. & Thompson, C. 2012. More ominous than climate change? : global policy threats to African food production. *African Studies Quarterly: (2012), vol.13, no.4, p.1-25 : tab.*, vol. 13, no. 4, p. 1-25.

Keywords: Africa/climate change/food production/government policy/small farms

Abstract: In international fora, climate change discussions centre on how farmers can 'mitigate' and 'adapt' to weather variability to increase food production. Instead, African smallholder food producers are employing ways to 'resist' and 'sustain', for international policies in the name of climate change threaten their farming systems, biodiverse genetic wealth, and their indigenous knowledge. These policy storms could be more devastating than any weather variability, for they could destroy the very resources that farmers use to produce biodiverse foods: their seeds, land, soil, water, and markets. This article first focuses on analysis of the policy changes that mirror the climate hazards: drought, floods, rising temperatures, and weather variability. Second, the authors discuss African alternatives, the ways in which smallholder farmers are resisting outside agendas to transform their farming systems and sustaining their resilient food production.

Bibliogr., notes, ref., sum. [Journal abstract]

<http://asq.africa.ufl.edu/files/Mushita-Thompson-V13Is4.pdf>

Dyani, N. & Mhango, M. 2012. Pension death benefits under the Malawi Pension Bill 14 of 2010: reflections from South African and Australia. *Comparative and International Law Journal of Southern Africa: (2012), vol.45, no.1, p.18-41.*, vol. 45, no. 1, p. 18-41.

Keywords: bill drafting/legislation/Malawi/pensions

Abstract: Pension regulation in Malawi has been uncertain and inadequate until recently with the introduction by Parliament of Pension Bill 14 of 2010. This Bill heralds important changes in the pension law landscape, such as expanding the categories of beneficiaries of death benefits. This article examines the clauses of the Bill that regulate the payment of death benefits, namely clauses 70 and 71. While it argues that these clauses are progressive and should be welcomed, the paper highlights some of the potential problems that are likely to emerge from their implementation if the Bill is passed in its current form. The authors argue that while the Bill appears to have avoided some of the problems that have emerged elsewhere by adopting an expansive and progressive definition of a spouse, a number of other problems are likely to emerge. However, these problems can be addressed by reliance on relevant South African and Australian legal developments and best practices. Notes, ref., sum. [Journal abstract, edited]

<http://hdl.handle.net/10520/EJC124039>

Prestholdt, J. 2014. Politics of the soil : separatism, autochthony, and decolonization at the Kenyan coast. *Journal of African History: (2014), vol.55, no.2, p.249-270.*, vol. 55, no. 2, p. 249-270.

Keywords: 1960-1969/decolonization/identity/Kenya/minority groups/nationalism/separatism

Abstract: This article examines the perceived interdependence of territorial rights and social identity in colonial Kenya. In the early 1960s, attempts to win full autonomy for a narrow strip of Indian Ocean coastline the Protectorate of Kenya encouraged an exclusivist discourse of autochthony. To establish their historical ownership of the coast, both political thinkers who supported and decried coastal separatism emphasized the correlation of race, ethnicity, religion, and physical space. Through competing claims to 'the soil', all parties articulated a dually integrative and divisive language of citizenship. As a result, autochthony discourse exacerbated tensions within coastal society, fortified divergent visions of the postcolonial nation, and highlighted reductive definitions of the coast as either maritime or continental in orientation.

Notes, ref., sum. [Journal abstract]

Mbarga, A. 2013. Pour la généralisation des tribunaux de commerce dans la zone OHADA et l'adoption d'un Acte uniforme portant organisation des juridictions et de la procédure commerciales. *Penant: (2013), année 123, no.882, p.28-57.*, vol. 123, no. 882, p. 28-57.

Keywords: commercial law/international law/special courts/Subsaharan Africa

Abstract: Malgré sa révision après une décennie d'application en Afrique subsaharienne, le Traité OHADA ne prévoit toujours pas, ou plutôt ne préconise pas la création de juridictions commerciales dans les États membres. La création de juridictions commerciales relève de l'organisation judiciaire interne et, de ce fait, de la compétence exclusive des pays membres de l'OHADA. Elle ne peut leur être imposée, sans porter atteinte à leur souveraineté. Il n'en demeure pas moins que l'organisation communautaire peut les inciter à créer des juridictions commerciales en vue d'atteindre les objectifs du Traité. La création des tribunaux de commerce aura pour conséquence immédiate d'accélérer le traitement des procédures commerciales, de conforter l'attractivité économique de l'espace juridique communautaire et d'attirer à termes les investissements nationaux et étrangers. Notes, réf. [Résumé ASC Leiden]

Sweet, J.H. 2014. Reimagining the African-Atlantic archive : method, concept, epistemology, ontology. *Journal of African History: (2014), vol.55, no.2, p.147-159.*, vol. 55, no. 2, p. 147-159.

Keywords: Africa/America/diasporas/historiography/slave trade

Abstract: For many scholars, the history of Africans in the Atlantic world only becomes visible at the juncture of the history of 'the slave'. However, the sources upon which most of these studies are based, and the organization of the colonial archive more generally operate as something of a trap, inviting researchers to see how African slaves embraced or manipulated colonial institutions and ideas for their own purposes. This article focuses on methodological and conceptual meta questions that challenge how historians conduct African-Atlantic history, arguing that sources of the African past exist in the Americas, if only we are open to seeing them. Notes, ref., sum. [Journal abstract]

Onderco, M. 2012. South Africa's Iran policy: 'poster child' meets renegade. *South African Journal of International Affairs: (2012), vol. 19, no.3, p.299-318.*, vol. 19, no. 3, p. 299-318.

Keywords: foreign policy/Iran/nuclear weapons/South Africa

Abstract: Compliance with universal norms is one of the most important aspects of the global order. Iran, through the conduct of its nuclear programme, is seen as a challenger of the global non-proliferation norms, which enjoy almost universal recognition. South Africa's policy on Iran has been extremely puzzling a rising power in the international system, subscribing to a global norm of nuclear non-proliferation, but challenging the interpretation and application of that norm. This contribution asks why this is the case, and demonstrates that South Africa's policy towards the Iranian nuclear programme has been clearly marked by a strongly held belief regarding the value of negotiations, a distrust of the global North, and a preference for a wide multilateral approach in institutions. Notes, ref., sum. [Journal abstract]

Rapley, J. 2012. The development of informal governance in post-apartheid South Africa: criminal gangs as neo-medieval agents. *South African Journal of International Affairs: (2012), vol. 19, no. 3, p.319-336.* , vol. 19, no. 3, p. 319-336.

Keywords: governance/organized crime/political economy/South Africa/State

Abstract: Employing international relations theory's concept of the new medievalism, conceived as a system of overlapping authority and multiple loyalties, this article applies a model of informal governance to the study of post-apartheid South Africa, arguing that what appear to be ungoverned spaces, criminality or corruption may in fact represent the development of informal governance. Employing a political-economy approach, it analyses the rise and decline of the modern State by reference to the relative efficiency of actors in the formal and informal systems. After an initial upsurge of neo-medievalism following the end of apartheid, the South African State has enjoyed recent success reasserting its sovereignty, although this may yet prove temporary. Notes, ref., sum. [Journal abstract]

Venosa, J.L. 2013. The first line against second class citizenship: the Eritrean Muslim League, Islamic institutional autonomy, and representation on the eve of the Eritrea-Ethiopia Federation, 1950-52. *International Journal of African Historical Studies: (2013), vol.46, no.3, p.397-422.*, vol. 46, no. 3, p. 397-422.

Keywords: 1950-1959/civil and political rights/Eritrea/Eritreans/Ethiopia/federalism/Islam/political action

Abstract: The brief but tumultuous period between the UN's passage of Resolution 390-A, legislation that established the guidelines for an eventual federation government between Eritrea and Ethiopia, and the formal transfer of power from British to federal authority in mid-September 1952 witnessed a considerable transformation within the Eritrean nationalist movement and especially in the Muslim League. Having lost the wider battle for unconditional independence, the nationalist camp redoubled their efforts aimed at guaranteeing the greatest possible autonomy for Eritrea within the Federation government. While the League leadership continued to embrace an inclusive nationalist vision, its constituents began concerning themselves with what the Federation would mean specifically for Muslim fortunes. This article uses indigenous language newspapers, organizational publications from the period in question, interviews, and previously unexamined archive collections from Eritrea and Britain to argue that the focus on Islamic institutional integrity became the League's main rallying cry as its members more overtly promoted Muslim representation and political rights for Eritrea. Set against the backdrop of deteriorating political autonomy even prior to the Federation's actual implementation, many League activists intensified their efforts to ensure Arabic's survival as an official language and consistently challenged the UN envoy to guarantee greater autonomy to Islamic leaders and religious institutions. Notes, ref. [ASC Leiden abstract]

Scholvin, S. & Draper, P. 2012. The gateway to Africa? : geography and South Africa's role as an economic hinge joint between Africa and the world. *South African Journal of International Affairs: (2012), vol. 19, no.3, p.381-400 : fig., graf., krt., tab., vol. 19.*

Keywords: economic policy/international trade/regional economic relations/South Africa/transport
Abstract: The authors argue that South Africa's role as an economic gateway for various African countries primarily depends on geography, that is, on naturally given and man-made structures in geographical space. Hence, they first examine South Africa's location and physio-geographical conditions in Southern Africa in order to show important factors that affect the scope of the South African gateway. Second, they shed light on regional transport infrastructure, revealing how South Africa interlinks its neighbouring countries globally. Thirdly, regional economic interaction is analysed with regard to structural features of South Africa's economy that make it prone to being a gateway. The authors recognise that the impact of all these factors is influenced by strategic decisions taken by politicians and businesspeople. The outlook of the paper therefore addresses policies of the South African government that are often problematic for the country's gateway role. Potential challengers and their competitive advantages are presented, too. Notes, ref., sum. [Journal abstract]

Dalimini, M.P. 2012. The global economic and financial crisis: challenges and prospects for sub-Saharan African countries. *Cahiers africains d'administration publique: (2012), no.78, p.29-47. no. 78, p. 29-47.*

Keywords: economic conditions/financial conditions/government policy/Subsaharan Africa
Abstract: The global financial crisis has had devastating effects on economies throughout the world, and particularly in sub-Saharan Africa. After a brief examination of the causes and consequences of the global economic and financial meltdown, the author discusses the challenges the crisis poses for countries in sub-Saharan Africa. He observes that countries in sub-Saharan Africa face shrinking production, spiralling unemployment and other socio-political problems, particularly as people come under extreme pressure as a result of the erosion in real disposable income. Although the majority of African countries have taken steps to meet the challenges of the crisis by reducing interest rates, including taxes, and increasing government spending, particularly in the infrastructure, these and other initiatives are implemented against a backdrop of problems posed by high food prices and escalating oil import costs. The crisis has underscored the imperative for governments to intervene and rescue failing, yet vital institutions. It is within the purview of these and other considerations, such as the imperative to save jobs, that Jacob Zuma, the South African President, announced a multi-billion Rand rescue package for selected companies in August, 2009. However, the majority of countries in Sub-Saharan Africa do not possess the requisite economic and financial muscle to afford rescue packages of such magnitude. Bibliogr. [ASC Leiden abstract]

Christopher, O. & Esebonu, E.N. 2012. The mass media and the struggle for democracy in Africa: the Nigerian experience. *Nordic Journal of African Studies: (2012), vol.21, no.4, p.183-198.*, vol. 21, no. 4, p. 183-198.

Keywords: 1990-1999/democratization/mass media/military regimes/Nigeria/protest

Abstract: This paper examines the role of the mass media in the struggle for civil democratic rule in Africa with a special focus on Nigeria during the period 1993-1999. For the most part of its post-independence existence Nigeria has been under military rule. But the years 1993-1999 were marked by an unprecedented military dictatorship leading to the suppression of democratic forces and the annulment of the June 12, 1993, presidential elections, which were generally believed to be free and fair. The mass media fought for the nation's independence and stood diametrically opposed to continued military rule. To achieve this, the media extensively and effectively employed antimilitary publications and reportage at the risk of losing lives in order to mobilize civil society against the military juntas. This resulted in a series of mass protest, industrial strife, and civil disturbance across the country. In spite of the hostile environment created by the military, including arbitrary arrest and detention of journalists, political assassination, extra-judicial killings, abuse of human rights, closure of media houses, and seizure of publications, the Nigerian media kept its resilience in the anti-military struggle. The paper concludes that the struggle by the mass media against the military regime between 1993 and 1999 significantly tarnished the image of the Nigerian military junta and resulted in both international and domestic pressures that eventually forced the military to cede power to a democratically elected government in 1999. Bibliogr., sum. [Journal abstract, edited]

http://www.njas.helsinki.fi/pdf-files/vol21num4/ngara_esebonu.pdf

Akpabio, E.M. & Brown, A.S. 2012. The reality and tough choices about water and sanitation in Nigeria's coastal settlements: a preliminary discussion. *Nordic Journal of African Studies: (2012), vol.21, no.4, p.164-182 : tab.*, vol. 21, no. 4, p. 164-182.

Keywords: attitudes/Nigeria/rural population/sanitation/water resources/water supply

Abstract: This paper aims at developing a better understanding of local social, cultural and ecological geographies of water and sanitation in Nigeria's coastal settlements. The study is part of the Niger Delta Development Commission's (NDDC) funded project on 'flood and erosion control in Akwa Ibom state' (2010/2014). In-depth interviews, field observations and secondary sources were used to capture local complexities associated with these issues in Ibeno - a coastal settlement in Akwa Ibom state. Findings showed that the daily water and sanitation practices of the people depend, to a large extent, on the nature of the locational/physical environment as well as the wider social and cultural circumstances of the people (located in beliefs, spiritualities and socio-economic status). As behavioural responses, a number of coping resources and methods were observed to be central to meeting the daily challenges of water and sanitation in the area. In conclusion, the paper argues that theories working on behavioural changes and human cognition alone are not sufficient in deepening understanding of the complexities surrounding water and sanitation issues in developing countries. The wider social and environmental contexts are important variables for considerations. Bibliogr., notes. [Journal abstract]

http://www.njas.helsinki.fi/pdf-files/vol21num4/akpabio_brown.pdf

Mouser, B.L. 2013. The trial of Samuel Samo and the trading syndicates of the Rio Pongo, 1797 to 1812. *International Journal of African Historical Studies: (2013), vol.46, no.3, p.423-441 : krt.*, vol. 46.

Keywords: 1812/illegal trade/Sierra Leone/slave trade/trials

Abstract: In April 1812, Samuel Samo, a trader who operated factories at Bangara in the Rio Pongo and at the Iles de Los, was on trial at Freetown, Sierra Leone, charged with selling slaves in violation of the Slave Trade Felony Act that Parliament had passed in 1811. By English standards, the record of this trial is minimal at best. Yet, in its time it was an important trial, and by 1815 it had generated a series of pamphlets and articles in periodicals, most of which dealt with aspects that had little to do with Sam's guilt or innocence. Mixed among the legal arguments and reasons to question the leadership of the Sierra Leone colony and events surrounding the trial was information about circumstances faced by traders when the legal slave trade ended in 1808. Based on the trial reports, the author describes practices of slave trade at the Pongo and

circumstances faced by traders during the years just after Britain outlawed the slave trade and before passage of the Slave Trade Felony Act in 1811. Notes, ref. [ASC Leiden abstract]

Kaarsholm, P. 2014. Zanzibaris or Amakhuwa? : Sufi networks in South Africa, Mozambique, and the Indian Ocean. *Journal of African History: (2014), vol.55, no.2, p.191-210* : foto's, krt., vol. 55.

Keywords: 1950-1999/communities/diasporas/freedmen/identity/Makua language/Mozambique/South Africa/Sufism

Abstract: This article investigates the role of Sufi networks in keeping Durban's 'Zanzibari' community of African Muslims together and developing their response to social change and political developments from the 1950s to the post-apartheid period. It focuses on the importance of religion in giving meaning to notions of community, and discusses the importance of the Makua language in maintaining links with northern Mozambique and framing understandings of Islam. The transmission of ritual practices of the Rifaiyya, Qadiriyya, and Shadhiliyya Sufi brotherhoods is highlighted, as is the significance of Maputo as a node for such linkages. The article discusses change over time in notions of cosmopolitanism, diaspora, and belonging, and examines new types of interactions after 1994 between people identifying themselves as Amakhuwa in Durban, South Africa, and Mozambique. Notes, ref., sum. [Journal abstract]