

The Year in Review

Volume 51 *International Legal Developments*
Year in Review: 2016

Article 34

January 2017

Africa

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Recommended Citation

Englebert Akong et al., *Africa*, 51 ABA/SIL YIR 553 (2017)
<https://scholar.smu.edu/yearinreview/vol51/iss1/34>

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Africa

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This article details important legal developments in Africa in 2016.

I. North Africa

A. ALGERIA

1. *Constitutional Amendments*

Algeria experienced continued political uncertainty under ailing President Bouteflika.¹ In February 2016, parliament passed constitutional reforms increasing defendant rights in the criminal justice process, setting two-term presidential limits, and controversially, limiting presidential candidacies to

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1. Robert S. Ford, *Challenges Ahead for Algeria in 2016*, MIDDLE EAST INST. (Jan. 5, 2016), <http://www.mei.edu/content/article/challenges-ahead-algeria-2016>.

those holding solely Algerian citizenship, disqualifying dual Algerian-French nationals and others.²

2. *Investment Code*

In July 2016, the country passed an investment code to diversify Algeria's oil-centric economy in the wake of falling oil prices.³ These laws give incentives to invest in non-oil industries such as communication, technology, and tourism, and reinforce a rule requiring Algerian residents to hold the majority stake in companies or projects.⁴

B. EGYPT

1. *Anti-FGM Amendment*

In August 2016, Egypt criminalized female genital mutilation (FGM), providing up to seven years' imprisonment for its commission or up to fifteen years if causing death or permanent deformity.⁵ The law also provides for a maximum of three years' imprisonment for those accompanying the victims.⁶

C. LIBYA

1. *New Draft Constitution*

In February 2016, Libya's Constitution Drafting Assembly, elected in 2014, produced a revision of its October 2015 draft.⁷ If accepted by two-thirds of a public referendum, it will become "Libya's first permanent constitution since Gaddafi's coup in 1969."⁸ The draft, built on the doctrine

2. Robert Looney, *Does Algeria Still Have Time to Turn it Around?*, FOREIGN POL'Y (Sept. 23, 2016, 10:39 AM), <http://foreignpolicy.com/2016/09/23/does-algeria-still-have-time-to-turn-it-around-bouteflika/>.

3. Hamid Ould Ahmed, *Algerian Parliament Passes New Investment Law to Improve Business Climate*, REUTERS (July 18, 2016, 7:24 AM), <http://af.reuters.com/article/topNews/idAFKCN0ZY0K3>.

4. *Algeria Approves New Investment Law to Spur Economic Growth*, AFR. NEWS (July 18, 2016, 2:05 PM), <http://www.africanews.com/2016/07/18/algeria-approves-new-investment-law-to-spur-economic-growth/>.

5. George Sadek, *Egypt: New Law Enhancing the Penalties for FGM Approved by Parliament*, LIBR. OF CONGRESS (Sept. 14, 2016), <http://www.loc.gov/law/foreign-news/article/egypt-new-law-enhancing-the-penalties-for-fgm-approved-by-parliament/>.

6. *New Bill Increases Jail Terms as FGM Becomes a Felony in Egypt*, AHARAM ONLINE (Aug. 28, 2016), <http://english.ahram.org.eg/News/241850.aspx>.

7. Suliman Ibrahim, *Libya's Long Awaited Constitution: Will It Finally See the Light of the Day?*, CONST. NET (Mar. 22, 2016), <http://www.constitutionnet.org/news/libyas-long-awaited-constitution-will-it-finally-see-light-day>.

8. *Id.*

of separation of powers with the country a unitary state, makes Arabic the official language and Islam its sole religion.⁹

D. TUNISIA

1. *Criminal Justice Reform*

In June 2016, lawmakers amended the Criminal Procedure Code in order to provide some rights to the accused.¹⁰ The amendments grant suspects the right to an attorney during initial investigations and in detention, reduce the time officials can hold suspects during interrogation, and invalidate court proceedings where police have breached the new procedural rules.¹¹

2. *Economic Reforms*

Building on its 2015 economic reform laws, in September 2016 lawmakers approved a law to encourage foreign investment.¹² The economic environment worsened after the Arab Spring revolts, leaving millions of youth unemployed.¹³

E. MOROCCO

1. *Regulation Reform*

In 2016, reforms were introduced including an update of the insurance act requiring mandatory insurance for building activities and against catastrophic events, implementation of the Casablanca Stock Exchange's new regulations, and implementation of a new regulation governing commercial lease relationships.¹⁴

F. WESTERN SAHARA

1. *UN Evacuated, Ceasefire Breach Claim*

In March 2016, Morocco gave the UN Mission for the Referendum in Western Sahara (MINURSO) seventy-two hours to evacuate eighty-four

9. Chris Stephen, *Libya's Draft Constitution – Overview*, LIBYA HERALD (July 21, 2016), <https://www.libyaherald.com/2016/07/21/libyas-draft-constitution-overview/>.

10. Mohamed Afif Jaidi, *Criminal Justice in Tunisia: A Revolutionary Reform?*, LEGAL AGENDA (Aug. 26, 2016), <http://legal-agenda.com/en/article.php?id=789&folder=articles&lang=en>.

11. *Landmark Legislation Approved in Tunisia to Protect Detainee Rights*, NEW ARAB (Feb. 6, 2016), <https://www.alaraby.co.uk/english/society/2016/2/6/landmark-legislation-approved-in-tunisia-to-protect-detainee-rights>.

12. Tarek Amara et al., *Tunisian Parliament Approves Investment Law*, REUTERS (Sept. 17, 2016, 11:22 AM), <http://www.reuters.com/article/us-tunisia-investment-idUSKCN11N0IN>.

13. See Jihen Laghmari & Caroline Alexander, *Back to Square One in Tunisia as Protests Spread, Promise Fades*, BLOOMBERG (Oct. 11, 2016, 12:00 AM), <https://www.bloomberg.com/news/articles/2016-10-11/back-to-square-one-in-tunisia-as-protests-spread-promise-fades>.

14. See generally, *Secrétariat Générale du Gouvernement*, MOROCCO, www.sgg.gov.ma (last updated Mar. 30, 2017).

staff after the UN Secretary General described the Western Sahara situation as an “occupation.”¹⁵ The UN Security Council extended MINURSO’s mandate in April 2016 calling for a return to its “full functionality.”¹⁶ After Morocco sent armed personnel to the Guergarat buffer zone in August 2016, the Polisario Front claimed Morocco had violated the 1991 ceasefire.¹⁷

2. *EU/Morocco Trade Agreement*

In December 2015, the EU Court of Justice (ECJ) suspended application of an EU–Morocco trade agreement as the EU had not considered protection of the Saharawis’ rights in concluding the agreement.¹⁸

In September 2016, ECJ Advocate General Melchior Wathelet held that Western Sahara is not Moroccan territory and therefore the agreement is inapplicable to it.¹⁹

II. West Africa

A. BENIN

1. *New President to Reduce Presidential Terms*

Benin held non-violent, free elections in March, 2016.²⁰ Newly elected President Patrice Talon, who replaced two-term President Thomas Boni Yayi, announced he plans to reduce presidential mandates to a single five-year term.²¹

15. Rick Gladstone, *Morocco Orders U.N. to Cut Staff in Disputed Western Sahara Territory*, N.Y. TIMES (Mar. 17, 2016), https://www.nytimes.com/2016/03/18/world/africa/morocco-orders-un-to-cut-staff-in-disputed-western-sahara-territory.html?_r=1.

16. Press Release, Security Council, Security Council Extends Mandate of United Nations Mission for Referendum in Western Sahara by 10 Votes in Favour, 2 Against, with 2 Abstentions, U.N. Press Release SC/12346 (Apr. 29, 2016).

17. Barrett Bilali, *Armed Polisario Fighters Confront Moroccan Security Forces in Guergarate*, MOROCCO WORLD NEWS (Aug. 28, 2016, 11:55 PM), <https://www.morocoworldnews.com/2016/08/195390/armed-polisario-fighters-confront-moroccan-security-forces-guarguarat/>.

18. Case T-512/12, *Front Polisario v. Council*, 2015 E.C.R. III-953, ¶ 227.

19. Court of Justice of the European Union Press Release No 94/16, According to Advocate General Wathelet, Neither the EU–Morocco Association Agreement nor the EU–Morocco Agreement on the Liberalisation of Trade in Agricultural and Fishery Products Apply to Western Sahara (Sept. 13, 2016).

20. *Benin 2016 Investment Climate Statements*, U.S. DEP’T OF STATE (July 5, 2016), <https://www.state.gov/e/eb/rls/othr/ics/2016/af/254167.htm>.

21. Samuel Elijah et al., *Newly-elected Benin President Aims to Reduce Presidential Terms*, REUTERS (Mar. 26, 2016), <http://www.reuters.com/article/us-benin-election-idUSKCN0WS08X>.

B. BURKINA FASO

1. *Foreign Terrorist Fighters Law*

Burkina Faso adopted an updated counter-terrorism law in May 2016 to curb the threat of foreign terrorist fighters.²² Over 25,000 children have left their homes in recent years to fight for terrorist and militant groups operating in the North Africa and Middle East regions.²³

C. CAPE VERDE

1. *Aviation*

Aiming to transform air transportation into one of the country's main economic drivers, Resolution 13/2016 of February 22, 2016, approved a plan to improve air traffic, restructure national airline TACV, and strengthen the air transport liberalization policy.²⁴

2. *AML Strengthened*

Cape Verde's anti-money laundering framework was strengthened with Law 120/VIII/2016 of March 24, 2016, reinforcing duties of diligence and collaboration, and widening the powers of public authorities to combat money laundering.²⁵

D. CÔTE D'IVOIRE

1. *Gbagbo Trials*

In January 2016, former Ivorian President Laurent Gbagbo went on trial at the International Criminal Court (ICC) for crimes against humanity arising out of the 2010 presidential elections.²⁶ Gbagbo, the first former president to reach trial at the ICC, pleaded not guilty.²⁷ The ICC also issued an arrest warrant for former first lady, Simone Gbagbo, but the

22. *Burkina Faso Adopts Law Against Foreign Terrorist Fighters*, U.N. OFF. ON DRUGS & CRIME (Mar. 17, 2016), <https://www.unodc.org/unodc/en/frontpage/2016/May/burkina-faso-adopts-law-against-foreign-terrorist-fighters.html>.

23. *Id.*

24. *Cape Verde – Legal News*, MIRANDA LAW FIRM (Dec. 2015 – Feb. 2016), http://www.mirandalawfirm.com/uploadedfiles/20161005_a6465b.pdf.

25. *Cape Verde – Legal News*, MIRANDA LAW FIRM (Mar. – July, 2016), http://www.mirandalawfirm.com/uploadedfiles/20161005_8ebd92.pdf.

26. Saskia de Rothschild, *Trial of Ivory Coast's Laurent Gbagbo Will Test International Criminal Court*, N.Y. TIMES (Jan. 27, 2016), https://www.nytimes.com/2016/01/28/world/africa/ivory-coast-laurent-gbagbo-hague-trial.html?_r=0.

27. Jason Burke, *Former Ivory Coast President on Trial for 'Unspeakable' Crimes*, THE GUARDIAN (Jan. 28, 2016, 11:48 AM), <https://www.theguardian.com/world/2016/jan/28/former-ivory-coast-president-on-trial-for-unspeakable-crimes>.

country did not transfer her to the ICC.²⁸ In May 2016, the former first lady went on trial in Abidjan on charges also related to 2010–2011 post-election violence.²⁹ She is currently serving a twenty year sentence for crimes against humanity.

2. *Constitutional Changes*

On November 1, 2016, over 93% of Côte d'Ivoire voters approved a new constitution.³⁰ The new constitution, *inter alia*, requires that only one parent of a presidential candidate be a natural-born Ivorian.³¹ It also establishes a Senate, one-third of which will be appointed by the President, and creates the post of Vice President.³²

E. GAMBIA

1. *ICC Withdrawals*

In November 2016, Gambia became the third African country to announce its withdrawal from the ICC, following Burundi and South Africa.³³ The decision appeared related to the long-standing contention by African leaders that the court was biased, with most ICC investigations involving African nations.³⁴ Kenya, Namibia, and Uganda are also thought likely to withdraw.³⁵

2. *Jammeh Defeat*

In a surprise victory in December 2016, twenty-two-year incumbent Yahya Jammeh conceded defeat in the presidential election to real estate developer Adama Barrow.³⁶

28. *Simone Gbagbo Will Not be Handed Over to the ICC – Ivorian PM*, AFR. NEWS (May 18, 2016), <http://www.africanews.com/2016/05/18/simone-gbagbo-will-not-be-handed-over-to-the-icc-ivorian-pm/>.

29. Agence France-Presse in Abidjan, *Simone Gbagbo Goes on Trial Accused of Crimes Against Humanity*, THE GUARDIAN (May 31, 2016, 6:00 PM), <https://www.theguardian.com/world/2016/may/31/simone-gbagbo-trial-crimes-against-humanity-ivory-coast>.

30. Stephen Feller, *Ivory Coast Voters Approve New Constitution*, UNITED PRESS INT'L (Nov. 1, 2016, 9:08 PM), http://www.upi.com/Top_News/World-News/2016/11/01/Ivory-Coast-voters-approve-new-constitution/4681478041962/.

31. Patrick Oliver Gnonsekan, *Côte d'Ivoire's Constitutional Crisis*, MAIL & GUARDIAN AFR. (Oct. 28, 2016), <http://mgafrica.com/article/2016-10-28-00-cote-divoires-constitutional-crisis>.

32. *Id.*

33. See Kevin Sieff, *Gambia is the Latest African Country Deciding to Pull Out of International Criminal Court*, WASH. POST (Oct. 26, 2016), https://www.washingtonpost.com/world/gambia-latest-african-country-deciding-to-pull-out-of-international-criminal-court/2016/10/26/7f54d068-c4ca-440f-848f-e211ba29dc34_story.html?utm_term=.7ddaecae868b.

34. *Id.*

35. *Id.*

36. *Gambia's Jammeh Loses to Adama Barrow in Shock Election Result*, BBC NEWS (Dec. 2, 2016), <http://www.bbc.com/news/world-africa-38183906>.

F. GHANA

1. *Petroleum Bill Passed*

The Ghana Petroleum (Exploration and Production) Bill, 2016 passed into law on August 5, 2016.³⁷ Under the law, the selection of companies in down, mid, and upstream transactions must be done exclusively “through an open, transparent, and competitive” public tender process.³⁸

G. GUINEA

1. *New Cabinet Makes Key Female Appointments*

In January 2016, following the inauguration of Alpha Condé for a second five-year presidential term, Prime Minister Mamady Youla appointed sixteen new cabinet ministers.³⁹ Several key appointments were women, including the new Minister of Economy and Finance, forty-four-year-old Malado Kaba, who has spent the majority of her career at the European Commission (EC) and will be responsible for making Guinea an emerging economy.⁴⁰

H. GUINEA-BISSAU

1. *Agreement Reached to End Crisis*

In September 2016, rivals in Guinea-Bissau agreed to a roadmap for a new government.⁴¹ The agreement aims to end the year-long political crisis that began with President Vaz’s dismissal of Prime Minister Domingos Simoes Pereira in August 2015,⁴² and provides a plan to form a consensus government that will revise the constitution and reform the defense sector.

37. Edward Abambire Bawa, *Petroleum Exploration and Production Bill, 2016 Passed Into Law*, MOD. GHANA (Aug. 5, 2016), <https://www.modernghana.com/news/709539/petroleum-exploration-and-production-bill-2016-passed-into.html>.

38. *Petroleum (Exploration and Production) Act, 2016 to Provide Enabling Environment for Increased Private Participation and Investment in Ghana’s Petroleum Sector*, GHANA JUST. (Aug. 15, 2016), <http://ghanajustice.com/petroleum-exploration-and-production-act-2016-to-provide-enabling-environment-for-increased-private-participation-and-investment-in-ghanas-petroleum-sector/>.

39. *Guinea: New Government Appointed*, THE ECONOMIST (Jan. 7, 2016), <http://country.eiu.com/article.aspx?articleid=1343830118&Country=Guinea&topic=Economy&subtopic=Forecast&subsubtopic=Policy+trends&u=1&pid=1134618097&oid=1134618097&uid=1>.

40. *Guinean PM Names New Cabinet*, AFR. NEWS (May 1, 2016), <http://www.africanews.com/2016/01/05/guinean-pm-names-new-cabinet/>.

41. Umaru Fofana et al., *Guinea Bissau Agrees to Deal Aimed at Ending Crisis*, REUTERS (Sept. 11, 2016, 8:35 AM), <http://www.reuters.com/article/us-bissau-politics-idUSKCN11H0FM>.

42. *Guinea-Bissau’s ‘Unconstitutional’ PM Baciro Dja Resigns*, BBC (Sept. 9, 2015), <http://www.bbc.com/news/world-africa-34203240>.

I. LIBERIA

1. *Liberia Resumes Control Over Security*

On June 30, 2016, the UN Mission in Liberia (UNMIL) handed responsibility for security back to Liberia after taking control thirteen years ago. The peacekeeping mission assumed control in 2003 following civil wars that left hundreds of thousands dead and displaced more.⁴³ The UN Secretary General's Special Representative relayed that UNMIL would continue to support Liberia in a reduced capacity.⁴⁴

J. MAURITANIA

1. *Calls to Reject Law Restricting Freedom of Association*

In June 2016, the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, called on Mauritania to reject a proposed law finding that the law restricted the right to freedom of assembly and association.⁴⁵ If passed, state authorization would remain necessary to establish an association in Mauritania.⁴⁶

2. *Anti-Slavery Activists Appeal Conviction*

In August 2016, a Nouakchott tribunal found thirteen members of the Resurgence of the Abolitionist Movement "guilty of charges including being part of an unauthorized organization and inciting attacks against authority."⁴⁷ Slavery was criminalized in Mauritania in 2007, but concerns continue about abolition of the practice.⁴⁸

K. MALI

1. *Truth Commission Starts Work*

Established in 2014, Mali's Truth, Justice and Reconciliation Commission continued work in 2016.⁴⁹ The Commission's work has been complicated by

43. Chrispin Mwakideu, *UNMIL Returns Security Control to Liberia*, DEUTSCHE WELLE (June 30, 2016), <http://www.dw.com/en/unmil-returns-security-control-to-liberia/a-19368732>.

44. *Id.*

45. Press Release, U.N. Special Rapporteur, Mauritania: UN Rights Expert Urges parliament to Repeal NGO Bill that Threatens Civil Society (Aug. 10, 2015).

46. *Id.*

47. Salem Solomon, *Mauritania Anti-Slavery Activists Appeal Conviction*, VOA NEWS (Aug. 27, 2016, 3:39 PM), <http://www.voanews.com/a/mauritanian-anti-slavery-activists-appeal-conviction/3483314.html>.

48. Press Release, Anti-Slavery Int'l, New Mauritanian Anti-Slavery Law is Worthless if Not Implemented (Aug. 8, 2016).

49. *Mali's Truth, Justice and Reconciliation Commission: Opening the Way Towards Sustainable Peace?*, INT'L CTR. FOR TRANSITIONAL JUST. (Apr. 7, 2016), <https://www.ictj.org/news/mali-truth-justice-reconciliation-commission-peace>.

ongoing violence due to the unresolved 2012 conflict, combined with international terrorism within Mali.⁵⁰

2. *ICC Conviction*

In September 2016, the ICC convicted Ahmad Al Faqi Al-Mahdi, a senior member of the Ansar Eddine armed group, and sentenced him to nine years imprisonment for his role in Mali's 2012 conflict.⁵¹

L. NIGER

1. *UNODC Strengthens Investigative Capacity*

In May 2016, as part of the UN Regional Integrated Strategy for the Sahel (2013-2017), the UN Office of Drugs and Crime (UNODC), in collaboration with the government of Niger, provided training to judges and others to reinforce the country's ability to investigate terrorism cases.⁵² Landlocked between Libya, Mali, and Nigeria, Niger faces terrorist threats that range from kidnapping to human trafficking.⁵³

M. NIGERIA

1. *Climate Change Agreement Signed*

In September 2016, President Muhammadu Buhari signed the Paris Agreement, part of the UN Framework Convention on Climate Change (UNFCCC).⁵⁴ The Agreement aims to fight climate change by keeping a global temperature rise below two degrees Celsius, more than pre-industrial levels this century.⁵⁵

2. *Gender Equality Bill Opposed*

In September 2016, the Nigerian Senate approved the text of the controversial Gender and Equal Opportunities Bill at a second reading, but

50. *Id.*

51. *Landmark ICC Verdict Against Al-Mahdi Must be First Step to Broader Justice in Mali Conflict*, AMNESTY INT'L (Sept. 27, 2016), <https://www.amnesty.org/en/latest/news/2016/09/landmark-icc-verdict-against-almahdi-must-be-first-step-to-broader-justice-in-mali-conflict/>.

52. *UNODC Enhances Investigative Capacity on Terrorism in Niger*, U.N. OFF. ON DRUGS & CRIME <https://www.unodc.org/westandcentralafrica/en/2016-05-24-workshop-investigative-terrorism-niger.html> (last visited Mar. 21, 2017).

53. *UNODC Strengthens Niger's Investigation and Prosecution Capacity of Terrorism-Related Cases*, U.N. OFF. ON DRUGS & CRIME <https://www.unodc.org/westandcentralafrica/en/niger---terrorism-investigation-and-prosecution-capacity-strengthened.html> (last visited Mar. 17, 2017).

54. Isaac Anyaogu, *Buhari Signs Paris Agreement on Climate Change*, BUS. DAY (Dec. 22, 2016), <http://www.businessdayonline.com/buhari-signs-paris-agreement-on-climate-change/>.

55. *The Paris Agreement*, U.N. FRAMEWORK CONVENTION ON CLIMATE CHANGE http://unfccc.int/paris_agreement/items/9485.php (last visited Mar. 21, 2017).

it has thus far failed to pass into law.⁵⁶ Muslim clerics in Nigeria oppose its passage as incompatible with Islam after it already failed to pass in March on the same grounds.⁵⁷ The Bill aims to give legal redress for discrimination on the grounds of gender.

N. SÃO TOMÉ AND PRÍNCIPE

1. *Data Protection Law*

In May 2016, São Tomé and Príncipe enacted a legal framework for data protection matters (Law No. 03/2016).⁵⁸ The Data Protection Law takes direction from the European Data Protection Directive and Portuguese Data Protection Law and establishes a national agency to implement the law.⁵⁹

O. SENEGAL

1. *Shortened Terms Inapplicable to Current President*

Senegalese President Macky Sall put constitutional changes, including a reduction of presidential terms from seven to five years, to a referendum in March 2016.⁶⁰ Following a Constitutional Council opinion, Sall nonetheless declared the reduction in term lengths inapplicable to his tenure and that, contrary to a promise made when he was elected, he would stay in office until 2019.⁶¹

2. *Former Chad Ruler Convicted*

In May 2016, the hybrid *Chambres Africaines Extraordinaires* convicted former Chadian ruler Hissène Habré of crimes against humanity and sentenced him to life in prison for rape, sexual slavery, and ordering killings during his eight-year rule.⁶² Habré, who had challenged the tribunal's legitimacy and had to have court-appointed lawyers for his defence, was given fifteen days to appeal.⁶³

56. Ludovica Iaccino, *Muslim Clerics in Nigeria to Oppose Gender Equality Bill as Inheritance Rights Still 'Incompatible' with Islam*, INT'L BUS. TIMES, (Oct. 11, 2016, 5:50 PM), <http://www.ibtimes.co.uk/muslim-clerics-nigeria-oppose-gender-equality-bill-inheritance-rights-still-incompatible-islam-1585853>.

57. *Id.*

58. *São Tomé and Príncipe – Legal News*, MIRANDA LAW FIRM (May, 2016), http://www.mirandalawfirm.com/uploadedfiles/20161006_f84941.pdf.

59. *Id.*

60. Eric Pichon, *Constitutional Referendum in Senegal – Shorter Presidential Term: A Half-Kept Promise*, EUR. PARLIAMENTARY RES. SERV. BLOG (Mar. 17, 2016), <https://epthinktank.eu/2016/03/17/constitutional-referendum-in-senegal-shorter-presidential-term-a-half-kept-promise/>.

61. *Id.*

62. *Hissene Habre: Chad's Ex-Ruler Convicted of Crimes Against Humanity*, BBC (May 30, 2016), <http://www.bbc.com/news/world-africa-36411466>.

63. *Id.*

P. SIERRA LEONE

1. *Constitutional Overhaul Proposed*

In March 2016, Sierra Leone's Constitution Review Committee published a revision of its draft report, following a three-year review.⁶⁴ The report proposes a radical overhaul of the 1991 Constitution strengthening multi-party democracy and creating an open and transparent society.⁶⁵ The recommendations now go to a national referendum.

Q. TOGO

1. *FOI Law*

On March 10, 2016, the Togo National Assembly approved a freedom of information law.⁶⁶ The new law guarantees the right to information with exemptions, including for personal information of others without consent, and for disclosure that could damage international relations.⁶⁷

III. Central Africa

A. CAMEROON

1. *New Commercial Legal Framework*

A revised legal framework on commercial activities in Cameroon was approved in late 2015 covering, *inter alia*, the distribution and sale of products and price formation, product warranties, and after-sales services.⁶⁸

2. *Common Law Lawyers' Strike*

Cameroon's common law lawyers went on strike October 11, 2016, protesting what they term the government's disregard for the common law.⁶⁹ Lawyers' association leaders call on President Biya to hold an emergency session of the Higher Judicial Council and to redeploy all Civil Law magistrates from the Common Law North West and South West Regions.⁷⁰

64. Abdul Rashid Thomas, *Big Changes to the Constitution of Sierra Leone Announced*, SIERRA LEONE TELEGRAPH (Feb. 17, 2016), <http://www.thesierraleonetelegraph.com/?p=11715>.

65. *Id.*

66. *Togo Approves FOI Law; 108th Internationally*, FREEDOM INFO (Apr. 6, 2016), <http://www.freedominfo.org/2016/04/togo-approves-foi-law-106th-internationally/>.

67. *Id.*

68. *Cameroon - Legal News*, MIRANDA LAW FIRM (Jan. - Mar. 2016), http://www.mirandalawfirm.com/uploadedfiles/20161006_27633e.pdf.

69. Ndi Eugene Ndi, *No End to Cameroon Lawyers' Strike*, AFR. REV. (Oct. 16, 2016, 2:33 PM), <http://www.africareview.com/news/No-end-to-Cameroon-lawyers-strike/979180-3418646-format-xhtml-jbihnm/index.html>.

70. Mbom Sixtus, *Anglophone Lawyers to President Paul Biya: Heed Our Needs Else we Begin Strike on Tuesday*, BLASTING NEWS (Oct. 9, 2016), <http://us.blastingnews.com/world/2016/10/>

B. CENTRAL AFRICAN REPUBLIC

1. *Peaceful Elections*

On February 14, 2016, the Central African Republic elected Faustin Archange Touadera as president in elections some hoped would strengthen the country's fragile peace.⁷¹ Touadera served as Prime Minister for President François Bozize who was toppled in 2013 by the largely Muslim Seleka rebels.

2. *Head of Armed Forces Assassinated*

In October 2016, the head of the Central African Republic's armed forces, Marcel Mombeka, was shot dead and his son wounded in an attack in a predominantly Muslim neighbourhood in Bangui.⁷² Concerns remain that there could again be widespread violence in the country.

C. CHAD

1. *Chad Assumes AU Presidency*

Idriss Déby Itno, President of Chad, was elected to chair the African Union in January 2016, succeeding the one year term of Zimbabwean President Robert Mugabe.⁷³

D. CONGO (DEMOCRATIC REPUBLIC)

1. *Criminal Law Harmonized*

During 2016, DRC criminal law was harmonized with international commitments, notably the International Criminal Court's statute. The new law introduces the crimes of genocide, crimes against humanity, and war crimes.⁷⁴

anglophone-lawyers-to-president-paul-biya-heed-our-needs-else-we-begin-strike-on-tuesday-001172133.html.

71. *Central African Republic: Touadera Wins Election*, AL JAZEERA, (Feb. 20, 2016), <http://www.aljazeera.com/news/2016/02/central-african-republic-touadera-wins-election-160221044730048.html>.

72. Associated Press in Bangui, *Head of Central African Republic Armed Forces Assassinated*, THE GUARDIAN (Oct. 4, 2016, 2:13 PM), <https://www.theguardian.com/world/2016/oct/04/central-african-republic-armed-forces-assassinated>.

73. Press Release, African Union, President Idriss Déby Itno of Chad has Been Elected New Chairperson of the African Union, (Jan. 30, 2016).

74. *Democratic Republic of the Congo – Legal News*, MIRANDA LAW FIRM (Feb. – Apr. 2016), http://www.mirandalawfirm.com/uploadedfiles/20161006_3e93a7.pdf.

2. *Insurance*

Under Decree 16/001 of January 16, 2016, a new insurance regulatory authority, safeguarding the rights of insured parties and beneficiaries, and ensuring sector solvency, was created.⁷⁵

E. CONGO (REPUBLIC)

1. *Afreximbank Accession*

In March 2016, Congo authorized accession to the 1993 African Export-Import Bank agreement.⁷⁶ Afreximbank's objectives are to promote African trade and act as an intermediary to funding Africa with non-African exporters and importers.

2. *PM's Powers Enacted*

Following adoption of the Congolese Constitution by referendum in 2015, that, *inter alia*, created the Office of Prime Minister, Congo's Prime Minister enacted Decree 2016-175 of May 30, 2016, outlining his office's competencies, staff positions, organization, and missions.⁷⁷

F. EQUATORIAL GUINEA

1. *New Data Protection Law Enacted*

With Law 1/2016 of July 22, Equatorial Guinea enacted a new data protection regime.⁷⁸ The regime is framed by principles set out in the European Data Protection Directive guaranteeing that personal data is not transferred without adequate consent or that processing of personal data does not take place for an unauthorised purpose.

2. *State Administration*

In 2016, the government enacted measures aimed at improving equal access to opportunities for women, tackling youth unemployment, and reducing crime.⁷⁹

75. *Id.*

76. *Republic of the Congo – Legal News*, MIRANDA LAW FIRM (May 2016), http://www.mirandalawfirm.com/uploadedfiles/20161007_905862.pdf.

77. *Republic of the Congo – Legal News*, MIRANDA LAW FIRM (Aug. 2016), http://www.mirandalawfirm.com/uploadedfiles/20161007_c8aba2.pdf.

78. *Equatorial Guinea – Legal News*, MIRANDA LAW FIRM (Nov. 2016), http://www.mirandalawfirm.com/uploadedfiles/20161129_c853d7.pdf.

79. *Equatorial Guinea – Legal News*, MIRANDA LAW FIRM (May 2016), http://www.mirandalawfirm.com/uploadedfiles/20161006_fa7e29.pdf.

G. GABON

1. *Gabon Re-joins OPEC*

After a twenty-one year absence, Gabon re-joined the Organization of the Petroleum Exporting Countries (OPEC) in July, looking to boost its declining oil production and alleviate pressure from a decline in oil prices.⁸⁰ Gabon originally joined OPEC in 1975 as its smallest member by oil production, but left in 1995 due to OPEC's high membership fees and the country's comparatively low oil production.

IV. East Africa

A. BURUNDI

1. *UN Security Council Approves Police Presence*

In March 2016, the UN Security Council resolved to deploy UN police to Burundi to monitor the security and human rights situation despite Burundi's objections claiming its forces were in control of the situation.⁸¹ The African Union had abandoned a plan to send 5,000 peacekeepers after the Burundian government objected; 200 AU observers are expected to deploy instead.⁸²

B. DJIBOUTI

1. *UMP Leader Wins Fourth Presidential Term*

In April 2016, the leading UMP party leader Ismail Omar Guelleh won a fourth consecutive five year term as president of Djibouti.⁸³ Guelleh had won the 2011 election after the country's parliament altered the constitution to allow him to extend his rule.⁸⁴

80. Timothy Han, *Former member Gabon Re-joins OPEC Following a 21 Year Absence*, NORTON ROSE FULBRIGHT INSIDE AFR. (Oct. 26, 2016), <http://www.insideafricalaw.com/blog/former-member-gabon-re-joins-opec-following-a-21-year-absence>.

81. *UN Security Council Approves Police Presence in Burundi*, AL JAZEERA (Apr. 2, 2016), <http://www.aljazeera.com/news/2016/04/security-council-approves-police-presence-burundi-160402050321283.html>.

82. *Id.*

83. *Ismail Guelleh Wins Fourth Term as Djibouti President*, AL JAZEERA (Apr. 9, 2016), <http://www.aljazeera.com/news/2016/04/ismail-guelleh-wins-fourth-term-djibouti-president-160409042824002.html>.

84. *Id.*

C. ERITREA

1. *Human Rights Report*

In June 2016, the UN Commission of Inquiry (COI) on Human Rights in Eritrea issued a second report.⁸⁵ The report concluded that crimes against humanity including enslavement, forced disappearances, torture, and rape have been committed in a “widespread and systematic manner” in Eritrea over 25 years.⁸⁶ The COI, *inter alia*, recommends referral to the International Criminal Court.⁸⁷

D. ETHIOPIA

1. *State of Emergency*

On October 8, 2016, Prime Minister Hailemariam Desalegn declared a six month state of emergency following widespread anti-government unrest.⁸⁸ Measures include curfews, restrictions on the opposition, and curbs on diplomats following attacks on foreign-owned businesses and demonstrations over land and political rights.⁸⁹ On October 20, 2016, authorities detained 1,645 suspects.⁹⁰

E. KENYA

1. *Kenyan Police Charged with Kimani Murder*

In July 2016, four police officers were charged with the murder of lawyer Willie Kimani, his client Josephat Mwenda, and their driver Joseph Muiruri.⁹¹ The bodies of the three men were discovered a week after Kimani filed a case against a police officer on behalf of Mwenda.⁹² The killings sparked outrage, as police have been blamed for past extrajudicial killings inside Kenya; the government denies the existence of police death

85. *Commission of Inquiry on Human Rights in Eritrea*, UN OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, <http://www.ohchr.org/EN/HRBodies/HRC/CoIEritrea/Pages/commissioninquiryonhrinEritrea.aspx> (last visited October 7, 2016).

86. Press Release, UN Office of the High Commissioner for Human Rights, UN Inquiry Finds Crimes Against Humanity in Eritrea, (June 8, 2016).

87. *Id.*

88. Matina Stevis, *Ethiopia Investors Warily Eye Ethiopia Crackdown*, WALL STREET J. (Oct. 10, 2016, 9:57 AM), <http://www.wsj.com/articles/ethiopia-investors-warily-eye-ethiopia-crackdown-1476107838>.

89. Aaron Maasho & Andrew Heavens, *Ethiopia Arrests 1,645 ‘Ringleaders and Bandits’ in Crackdown on Violence*, REUTERS (Oct. 20, 2016, 10:58 AM), <http://www.reuters.com/article/us-ethiopia-protests-idUSKCN12K1X7>.

90. *Id.*

91. *Willie Kimani: Kenyan Police Charged with Murder*, BBC (July 18, 2016), <http://www.bbc.co.uk/news/world-africa-36824522>.

92. *Id.*

squads, stating that killings were the work of “rogue officers.”⁹³ In September 2016, a fifth suspect was charged.⁹⁴

F. RWANDA

1. *President to Seek Third Term*

Following changes to the constitution permitting him to seek a third term, Rwandan President Paul Kagame announced in January that he would again run for office in 2017.⁹⁵ Kagame disclaims wanting to be president for life.⁹⁶

G. SEYCHELLES

1. *Seychelles Ranks High on ILAG Index*

In 2016, Seychelles rose to fourth position, behind Mauritius, Botswana, and Cape Verde, on the Ibrahim Index of African Governance which looks to safety and the rule of law, participation and human rights, human development, and sustainable economic opportunity.⁹⁷

H. SOMALIA

1. *Somali Elections Postponed*

The postponed Somali elections gave rise to a complex system viewed as ‘the least objectionable compromise’ in the words of the UN special envoy to Somalia.⁹⁸ The process will take over a month and involves clan elders selecting delegates to 275 electoral colleges.⁹⁹

Those colleges will then vote for a lower house of parliament distributed between the four majority and minority clans. In October 2016 Somalia’s new federal states selected 54 members of the upper house with a president and speakers of each house to be elected by November 30, 2016.¹⁰⁰

93. *Id.*

94. Cyrus Ombati, *Fifth Suspect in Lawyer Willie Kimani’s Murder Arrested*, STANDARD MEDIA (Sept. 15, 2016), <http://www.standardmedia.co.ke/article/2000216059/fifth-suspect-in-lawyer-willie-kimani-s-murder-arrested>.

95. Paul Richardson, *Kagame Says Will Run for Third Term in 2017 After Rwanda Law Change, But Doesn’t Want to Be President for Life*, MAIL & GUARDIAN (Jan. 1, 2016), <http://imgafrica.com/article/2016-01-01-kagame-says-will-run-for-third-term-in-2017-after-rwanda-law-change-but-doesnt-want-to-be-president-for-life>.

96. *Id.*

97. *Seychelles Climbs in ILAG Rankings*, SEYCHELLES NATION (Oct. 6, 2016), <http://www.nation.sc/article.html?id=251314>.

98. Mary Harper, *Somalia’s Rocky Road to Democracy*, BBC (Oct. 19, 2016), <http://www.bbc.co.uk/news/world-africa-37482832>.

99. *Id.*

100. *Id.*

I. SOUTH SUDAN

1. *NGO Bill*

In February 2016, the South Sudanese president signed a law imposing new restrictions on non-governmental organizations operating in the country.¹⁰¹ Provisions included the disclosure of funding sources, consent to monitoring and evaluation by the government, and requiring a minimum 80% of all employees of the NGO to hold South Sudanese citizenship.¹⁰²

J. SUDAN (REPUBLIC)

1. *Constitutional Reform*

On October 10, 2016, Sudan concluded a far-reaching two-year National Dialogue held with political parties, armed movements, government officials, and non-governmental organizations, tribal leaders, religious groups, and others.¹⁰³ The resulting National Document agrees to establish a new constitution and framework for Sudan, with just three groups not signing on: the Justice and Equality Movement, the Sudan Liberation Army, and the Sudan People's Liberation Movement—North.¹⁰⁴

K. TANZANIA

1. *Marriage Act Partially Unconstitutional*

In July 2016, the Tanzanian High Court found sections of the Tanzania Law of Marriage Act unconstitutional.¹⁰⁵ The act set a minimum age of 14 for girls to marry and 18 for boys which the High Court found to contravene provisions against gender discrimination.¹⁰⁶

101. *South Sudanese President Signs NGO Bill into Law*, SUDAN TRIB. (Feb. 11, 2016), <http://sudantribune.com/spip.php?article57988>.

102. *South Sudan: Laws Regulating Non-Governmental Organizations Enacted*, LIBR. OF CONGRESS (Feb. 16, 2016), <http://www.loc.gov/law/foreign-news/article/south-sudan-laws-regulating-non-governmental-organizations-enacted/>.

103. Lawrence Freeman, *National Dialogue Creates New Potential for Sudan*, CENTRE FOR RES. ON GLOBALIZATION (Oct. 15, 2016), <http://www.globalresearch.ca/national-dialogue-creates-new-potential-for-sudan/5551082>.

104. *Id.*

105. Elin Martinez & Alexandra Kotowski, *Dispatches: Tanzanian High Court Rules against Child Marriage*, HUM. RTS. WATCH (July 8, 2016), <https://www.hrw.org/news/2016/07/08/dispatches-tanzanian-high-court-rules-against-child-marriage>.

106. *Id.*

L. UGANDA

1. *NGO Act Now Law*

The Non-Governmental Organizations Act was signed into law on January 30, 2016.¹⁰⁷ Under the law NGOs operating in the country must be registered with the government.¹⁰⁸ One of the most contentious sections prohibits “any act, which is prejudicial to the interests of Uganda and the dignity of the people of Uganda” which civil society groups, including LGBT organizations, fear may limit their ability to operate.¹⁰⁹

V. Southern Africa

A. ANGOLA

1. *Amnesty Law Introduced*

In July 2016, Angola approved a law to release inmates with prison sentences of up to 12 years.¹¹⁰ The law grants amnesty to prisoners convicted of common crimes who have completed at least half their sentences and will apply to national as well as foreign citizens.¹¹¹

2. *Accession to New York Convention*

In August 2016, Angola acceded to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.¹¹² The National Assembly also approved mediation and conciliation regimes as alternative conflict resolution mechanisms.¹¹³

B. COMOROS

1. *Former Coup Leader Elected President*

Former coup leader Azali Assoumani was elected president of Comoros in May after the elections were held for a second time due to voting

107. Lizabeth Paulat, *Ugandan Parliament Passes Controversial NGO Bill*, VOA (Dec. 15, 2015, 1:02 PM), <http://www.voanews.com/a/uganda-ngo-bill/3104064.html>.

108. The Non-Governmental Organisations Act (2016) Cap. 1 § _ (Rep. of Uganda) available at [http://www.ulii.org/ug/legislation/act/2016/1/The%20Non%20Governmental%20Organisations%20ACT%202016-1\(1\).pdf](http://www.ulii.org/ug/legislation/act/2016/1/The%20Non%20Governmental%20Organisations%20ACT%202016-1(1).pdf).

109. *Id.*

110. Herculano Coroado et. all, *Angola's Government to Release Thousands of Inmates to Free Up Overloaded Jails*, REUTERS (July 21, 2016), <http://af.reuters.com/article/topNews/idAFKCN1012PQ>.

111. *Id.*

112. *Legal News: Angola*, MIRANDA LAW FIRM (Aug. 2016), http://www.mirandalawfirm.com/uploadedfiles/20161005_f7f93a.pdf.

113. *Id.*

irregularities.¹¹⁴ Assoumani's victory over the ruling party's candidate Mohamed Ali Soilihi was marred by broken ballot boxes, interruptions, ballot stuffing accusations, and violence.¹¹⁵

C. BOTSWANA

1. *Fracking Rights Sold*

In late 2015, Botswana sold rights to a UK energy company to drill in protected Kgalagadi Park lands along the South African border. Conservationists and park officials expressed concern about the impact on wildlife from the drilling that would occur.¹¹⁶

2. *Botswana Affirms ICC Commitment*

Botswana criticized neighboring South Africa's decision in October 2016 to withdraw from the International Criminal Court, finding the move incompatible with obligations to the African Union and stating that it "betrays the rights of the victims of atrocious crimes to justice and . . . undermines the progress made to date in the global efforts to fight impunity."¹¹⁷ Botswana reaffirmed its commitment to the ICC.¹¹⁸

D. LESOTHO

1. *Vice Chancellor Survives Attack*

On May 6, 2016, Acting Vice Chancellor of the National University of Lesotho Professor Mafa Sejananmane and his family survived a gunshot attack at his home in Lesotho.¹¹⁹ The African Union Commission expressed concern at the deteriorating state of the rule of law and human rights in Lesotho and supported the Southern African Development Community (SADC) to implement the Phumaphi report and address the political crisis in Lesotho.¹²⁰

114. *Assoumani Officially Declared President-Elect of Comoros*, AFR. NEWS (May 16, 2016), <http://www.africanews.com/2016/05/16/assoumani-officially-declared-president-elect-of-comoros/>.

115. *Id.*

116. Jeff Barbee, *Botswana Sells Fracking Rights in National Park*, THE GUARDIAN (Dec. 2, 2015), <https://www.theguardian.com/environment/2015/dec/02/botswana-sells-fracking-rights-in-national-park>.

117. Chika Udeh, *Botswana Condemns SA's Withdrawal From the ICC*, BUZZ S. AFR. (Oct. 26, 2016), <http://buzzsouthafrica.com/botswana-condemns-sas-withdrawal-from-the-icc-2/>.

118. *Id.*

119. Press Release, African Union, AU Expresses Concern over Political Developments in the Kingdom of Lesotho, (May 16, 2016).

120. *Id.*

E. MADAGASCAR

1. *President Names New PM*

In April 2016, President Hery Rajaonarimampianina appointed the interior minister, Solonandrasana Olivier Mahafaly, as the new prime minister, two days after a confused announcement over the resignation of the previous office-holder.¹²¹ The president's office had announced that Prime Minister Jean Ravelonarivo and his cabinet had resigned, an action Ravelonarivo denied.¹²² Mahafaly was confirmed as prime minister and head of government.¹²³

F. MALAWI

1. *Land Bills Signed Into Law*

In 2016, President Peter Mutharika signed a series of Land Bills into law, purportedly to enact policies from the 2002 Land Policy.¹²⁴ Proponents highlight provisions allowing for the registration of customary land to individuals (including women).¹²⁵ Critics say the legislation stripped tribal chiefs of traditional powers and that the new laws failed to address historical imbalances with foreigners.¹²⁶

G. MAURITIUS

1. *ICCA Comes to Mauritius*

In May 2016, Mauritius hosted the 23rd Congress of the International Council for Commercial Arbitration, the first time the ICCA has held its bi-annual Congress in Africa.¹²⁷ Mauritius has made conscious reforms to update its legislation (enacting the International Arbitration Act 2008), establish a new arbitral institution (with the London Court of International Arbitration), and create a panel of arbitration judges within its judiciary.¹²⁸

121. Lovasoa Rabary, *Madagascar President Names New PM After Resignation Confusion*, REUTERS (Apr. 10, 2016, 2:36 PM), <http://www.reuters.com/article/us-madagascar-politics-idUSKCN0X70TA>.

122. *Id.*

123. *Id.*

124. Zawadi Chilunga, *Malawi President Mutharika Assents to Land Bills*, ALLAFRICA (Sept. 14, 2016), <http://allafrica.com/stories/201609140735.html>.

125. *Id.*

126. Brian Ligomeka, *Malawi's New Land Bill Protects Descendants of Colonial Settlers*, NEWS 24 (July 15, 2016), <http://www.news24.com/Africa/News/malawis-new-land-bill-protects-descendants-of-colonial-settlers-20160715>.

127. *ICCA 2016 Congress Mauritius: 8-11 May 2016*, ICCA http://www.arbitration-icca.org/conferences-and-congresses/ICCA_2016_Congress_Mauritius.html. (last visited Mar. 23, 2017).

128. *ICCA Comes to Mauritius*, THOMSON REUTERS: PRAC. LAW ARB. BLOG (Apr. 26, 2016), <http://arbitrationblog.practicallaw.com/icca-comes-to-mauritius/>.

H. MOZAMBIQUE

1. *Banking*

In 2016 the Mozambique Central Bank imposed limits on using international bank cards to make payments abroad, with a maximum annual limit of about \$9,100 U.S.D.¹²⁹ Fees charged by the Mozambique Stock Exchange and the Securities Central in transactions with treasury bonds used as collateral in the interbank money market were exempted.¹³⁰

2. *Health*

In 2016, in accord with Decree 48/2015 of December 31, 2015, the Council of Ministers created the Medical Emergency Service of Mozambique (SEMMO) responsible for the Medical Emergency Integrated System.¹³¹

I. NAMIBIA

1. *Namibian Citizenship*

Referring to Article 4 of the Namibian Constitution which provides that those born in Namibia “whose fathers or mothers are ordinarily resident in Namibia at the time of their birth” (and not illegal immigrants or diplomats), are Namibian citizens by birth, the Supreme Court ruled in 2016 that “ordinarily resident” includes parents on work visas, as considered on a case-by-case basis.¹³² Factors include whether the person normally lives in Namibia and whether objective proof shows the person’s intention to make Namibia their habitual home.¹³³

J. SOUTH AFRICA

1. *Court Rulings Against President Zuma*

In March 2016, South Africa’s highest court ruled that President Jacob Zuma had violated the constitution by refusing to pay back some of the millions in state funds spent to remodel his private home.¹³⁴ The High Court of Appeals also overturned a 2009 decision by the National

129. *Legal News: Mozambique*, MIRANDA LAW FIRM (November 2015-January 2016), http://www.mirandalawfirm.com/uploadedfiles/20161007_981e8f.pdf.

130. *Id.*

131. *Id.*

132. See Werner Menges, *Supreme Court Confirms Child’s Citizenship Right*, THE NAMIBIAN (June 24, 2016), <http://www.namibian.com.na/152360/archive-read/Supreme-Court-confirms-childs-citizenship-right>.

133. Toni Hancox & Dianne Hubbard, *A Constitutional Crisis?*, THE NAMIBIAN (July 22, 2016), <http://www.namibian.com.na/153494/archive-read/A-Constitutional-Crisis>.

134. Norimitsu Onishi, *Jacob Zuma’s Home Improvements Violated South Africa’s Constitution, Court Finds*, NEW YORK TIMES (Mar. 31, 2016), http://www.nytimes.com/2016/04/01/world/africa/south-africa-court-president-jacob-zuma.html?_r=0.

Prosecuting Authority to drop 783 corruption charges against him, ruling the decision was “irrational.”¹³⁵

K. SWAZILAND

1. *King May Overrule or Ignore High Court Ruling*

In September 2016, Swaziland’s High Court declared most of the Suppression of Terrorism Act and the Sedition and Subversive Activities Act unconstitutional.¹³⁶ But a 1973 Royal Decree appears to remain the country’s supreme law pursuant to which powers vested in King Mswati III may allow for the court ruling to be set aside by royal proclamation or simply ignored.¹³⁷

L. ZAMBIA

1. *Constitutional Changes Precede Election*

On January 5, 2016, President Edgar Lungu approved a new constitution, *inter alia*, setting a date for the next elections.¹³⁸ Lungu was re-elected in August with 50.35% of the vote, just over the 50% needed to avoid a second round under the new system, defeating Hakainde Hichilema who alleged electoral fraud.¹³⁹

M. ZIMBABWE

1. *Child Marriage Outlawed*

In January 2016, the Constitutional Court of Zimbabwe outlawed child marriage, ruling that the Constitution set a minimum age of 18 and striking down contrary laws.¹⁴⁰

135. Ed Cropley, *South Africa’s Finance Minister Dismisses ‘Frivolous Fraud Charge*, REUTERS (Oct. 14, 2016), <http://www.reuters.com/article/us-safrica-gordhan-idUSKBN12E0YQ>.

136. Gary van Staden, *Opinion: Swazi Court Throws out Terror Act but Victory May Be Short-Lived*, CNBC (Sept. 22, 2016), <http://www.cnbc.com/news/southern-africa/2016/09/22/swaziland-court-throws-out-terror-act-but-victory-may-be-short-lived/>.

137. *Id.*

138. Constance Johnson, *Zambia: Constitutional Changes on Citizenship, Elections*, LIB. OF CONGRESS: GLOBAL LEGAL MONITOR (Jan. 13, 2016), <http://www.loc.gov/law/foreign-news/article/zambia-constitutional-changes-on-citizenship-elections/>.

139. *Zambia’s President Edgar Lungu Declared Election Winner*, BBC (Aug. 15, 2016), <http://www.bbc.co.uk/news/world-africa-37086365> (last visited November 20, 2016).

140. Sebastian Mhofu, *Zimbabwe’s Constitutional Court Outlaws Child Marriages*, VOA (Jan. 20, 2016), <http://www.voanews.com/a/zimbabwe-constitutional-court-outlaws-child-marriages/3154549.html>.

2. *Unconstitutional: Life Imprisonment Without Parole*

In July 2016, the Constitutional Court ruled life imprisonment without the possibility of parole or release on license process unconstitutional.¹⁴¹ The court ordered that all prisoners serving life imprisonment sentences be eligible for parole and released on licence pending legislative amendment.¹⁴²

VI. African Institutions

A. AFRICAN UNION

1. *Commission Elections Postponed*

Elections to the AU's Commission scheduled for the 27th Heads of State Assembly of the AU in July, including the chairmanship, were postponed to January 2017 after the matter deadlocked. South African Dr. Nkosazana Dlamini-Zuma remains chair until the elections.¹⁴³

B. ECOWAS

1. *ECOWAS Court Finds Against Nigeria*

In October 2016, the court of the Economic Community of West African States ruled that Nigeria acted unlawfully, *inter alia*, in arresting former Nigerian National Security Advisor Sambo Dasuki.¹⁴⁴ Dasuki, who faces trial in Nigeria for the alleged diversion of \$2.1 billion U.S.D. to purchase arms in the past administration, turned to the ECOWAS court when rearrested by Nigeria's State Security Service after meeting bail.¹⁴⁵

C. EAST AFRICAN COMMUNITY

1. *EALA Former Speaker Hearings*

In July 2016, the East African Court of Justice heard the matter of former Speaker of the East African Legislative Assembly, Ugandan Margaret Nantongo Zziwa, who was impeached in 2014.¹⁴⁶ Zziwa, who claims her

141. Obediah Makoni v. Commissioner of Prisons and Minister of Justice Legal and Parliamentary Affairs, Judgment No CCZ 8/16, Const. Application No. CCZ 48/15, ZWCC 8 (July 13, 2016).

142. *Id.*

143. See John Mukum Mbaku, *Stalemate in Kigali: African Union Fails to Elect a Chairperson*, BROOKINGS INST. (July 21, 2016), <https://www.brookings.edu/blog/africa-in-focus/2016/07/21/stalemate-in-kigali-african-union-fails-to-elect-a-chairperson/>.

144. Evelyn Okakwu, *ECOWAS Court Orders Dasuki's Release, Imposes N15 Million Fine on Nigerian Government*, PREMIUM TIMES (Oct. 4, 2016), <http://www.premiumtimesng.com/news/headlines/211938-ecowas-court-orders-dasukis-release-imposes-n15-million-fine-on-nigerian-government.html>.

145. *Id.*

146. See *Former EALA Speaker Wants Her Job Back*, IGIHE (Aug. 1, 2016), <http://www.en.igihe.com/news/former-eala-speaker-wants-her-job-back.html>.

removal from office was unlawful on technical grounds under the Treaty for the Establishment of the East African Community, has sought reinstatement and compensation of \$2 million U.S.D.¹⁴⁷

2. *EAC Delays EU Trade Deal*

In September 2016, Tanzania delayed the East African bloc's conclusion of an EU Economic Partnership Agreement with Uganda, stating the deal needed further consideration.¹⁴⁸ Kenya and Rwanda have signed the agreement which grants the EU free access to the EAC with lower export tariffs for the bloc to Europe, but the agreement needs approval from all members of the EAC.¹⁴⁹

D. AFRICAN DEVELOPMENT BANK (AfDB)

1. *Jumbo Loans to Power South African*

In July 2016, the AfDB signed loan facilities of \$1.34 billion U.S.D. with South Africa's power utility, Eskom, for capital expenditure aimed at boosting electricity generation in the continent by approximately 10%.¹⁵⁰ Eskom's capital expenditure program for 2016-20 covers investments in new generation, plant refurbishment, transmission lines, and capacity-building over \$17 billion U.S.D.¹⁵¹ The agreement constitutes the largest syndicated loan approved to date in Africa.¹⁵²

E. AFRICAN EXPORT-IMPORT BANK

1. *Export Development Fund Established*

In November 2016, Afreximbank announced it was establishing a "Fund for Africa Export Development" to help African countries respond to recurrent adverse economic shocks.¹⁵³

147. *Id.*

148. Fumbuka Ng'wanakilala, *East African Community Says Will Delay Signing Trade Deal with EU*, REUTERS (Sept. 8, 2016) <http://www.reuters.com/article/us-africa-trade-idUSKCN11E1UM>.

149. *Id.*

150. Press Release, African Development Bank, *Lighting Up and Powering Africa: AfDB Boosts Eskom's Electricity Generation Capacity with a USD 1.34 Billion Jumbo Loan* (July 8, 2016).

151. *Id.*

152. *Id.*

153. *Afreximbank Announces Export Development Fund*, AFR. EXPORT-IMPORT BANK (Nov. 22, 2016), <https://afreximbank.com/afreximbank-announces-export-development-fund/>.

F. SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

1. *EU Trade Agreement*

In June 2016, the EU signed an Economic Partnership Agreement with SADC countries Botswana, Lesotho, Mozambique, Namibia, South Africa, and Swaziland.¹⁵⁴ SADC members including the DR Congo, Madagascar, Malawi, Mauritius, Zambia, and Zimbabwe are negotiating EU agreements through other regional groups.¹⁵⁵

G. COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA

1. *Madagascar Assumes Comesa Leadership*

Madagascar hosted Comesa's 2016 summit in October with the country's president Hery Rajaonarimampianina assuming its leadership.¹⁵⁶ Since last January, Antananarivo has hosted at least five major international meetings.¹⁵⁷

H. ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES (ECCAS)

1. *ECCAS Creates AIDS Fund*

In February 2016, ECCAS health ministers established a fund to reinforce the region's AIDS response.¹⁵⁸ The ministers set up a unit to improve cross-border HIV prevention and a mechanism to source antiretroviral medicines aiming to increase the proportion of pregnant women and children receiving antiretroviral medicines.¹⁵⁹

I. UNION DU MAGHREB ARABE (UMA)

1. *Tunisian Secretary General Elected*

On May 5, 2016, former Tunisian Minister of Foreign Affairs Taieb Bacchouche succeeded his compatriot Habib Ben Yehya as Secretary

154. *South African Development Community (SADC)*, EUROPEAN COMMISSION, <http://ec.europa.eu/trade/policy/countries-and-regions/regions/sadc/> (last visited Apr. 8, 2017).

155. *SADC Legal Texts and Policy Documents*, TRALAC (Nov. 4, 2016), <https://www.tralac.org/resources/by-region/sadc.html>.

156. Rivonala Razafison, *Madagascar to Host 2016 Comesa Summit*, AFR. REV. (Apr. 3, 2015), <http://www.africareview.com/news/Madagascar-to-host-Comesa-summit-next-year/979180-2675352-314xyz/index.html>.

157. *Id.*

158. Press Release, UNAIDS, *Economic Community of Central African States Creates a Special Fund for Health to Strengthen its Response to Aids*, (Feb. 12, 2016).

159. *Id.*

General of UMA.¹⁶⁰ Established in 1964, the Union was inactive until 1999 and calls persist for it to have a greater role.¹⁶¹

J. OHADA

1. *Agreements in Intellectual Property and Arbitration*

In May 2016, the predominantly West African Organisation pour l'Harmonisation en Afrique du Droit des Affaires (OHADA) signed a Cooperation Agreement with the African Organization for Intellectual Property (OAPI).¹⁶² In June 2016, it concluded a Partnership Agreement with the Paris-based International Chamber of Commerce's International Court of Arbitration.¹⁶³

2. *Insolvency Law*

In October 2016, the World Bank determined that the 17 members of OHADA had, *inter alia*, implemented the Uniform Act on Insolvency Law, which it is revising with respect to business accounting.¹⁶⁴

K. UN MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS (UNMICT)

1. *UNMICT President Gives Fourth Annual Report*

In November 2016, UNMICT President Theodor Meron presented the Mechanism's fourth Annual Report to the UN General Assembly.¹⁶⁵ Meron recalled that, with the closure of the UN International Criminal Tribunal for Rwanda in 2015, the Mechanism had assumed its remaining functions.¹⁶⁶

160. *Union du Maghreb Arabe: un Tunisien nouveau secrétaire general [Union of the Arab Maghreb: a Tunisian New Secretary General]*, AUJOURD'HUI (May 5, 2016), <http://aujourd'hui.ma/actualite/union-du-maghreb-arabe-un-tunisien-nouveau-secretaire-general>.

161. Ghita Ismaili, *Terrorisme: La Tunisie veut renforcer sa coopération avec le Maroc [Terrorism: Tunisia Wants to Reinforce its Cooperation with Morocco]*, AL HUFFINGTON POST (May 11, 2016), http://www.huffpostmaghreb.com/2016/05/11/terrorisme-tunisie-maroc_n_9900672.html.

162. *OAPI, L'OAPI et l'OHADA accordant leur violon [OAPI and OHADA Get Their Acts Together]*, <http://www.oapi.int/index.php/fr/toute-lactualite/615-loapi-et-lohada-accordent-leur-violon> (last visited Nov. 26, 2016).

163. Press Release, The Permanent Secretary of OHADA, Professor Dorothé SOSSA Signs a Partnership Agreement With the President of the International Court of Arbitration of the International Chamber of Commerce of Paris, Mr. Alexis MOURRE, OHADA-ICC Cooperation, (June 23, 2016).

164. *Doing Business 2017: Equal Opportunity for All*, WORLD BANK, <http://www.doingbusiness.org/~media/WBG/DoingBusiness/Documents/Annual-Reports/English/DB17-Report.pdf> (last visited Apr. 8, 2017).

165. Press Release, UNMICT, President Meron Presents Fourth Annual Report to the United Nations General Assembly and Calls on Turkey to Release Judge Aydin Sefa Akay from Detention, <http://www.unmict.org/en/news/president-meron-presents-fourth-annual-report-united-nations-general-assembly-and-calls-turkey> (Nov. 9, 2016).

166. *Id.*