

October 2008

Volume 1, Issue 1

Africa Law Today

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*A publication of the ABA Section of International Law
Africa Committee*

A Message from the Chair

Victor Mroczka

GET EXCITED, GET INVOLVED and STICK WITH IT!

Greetings to all and welcome to a new year of the ABA's Africa Committee. As the new chair, I wanted to say a few words to everyone and highlight some of our goals for the upcoming year.

First and foremost, the leadership of the Africa Committee would like to depart from its predecessor officers (on whose shoulders they now stand) and broaden the focus of the Committee. In this regard, we would like to separate the continent into four regions: North Africa, West Africa, East Africa, and Southern Africa. At first, this can and should be done through the re-establishment of our Committee newsletter (starting with the one you are reading now) with the goal and intent of containing content that is representative of all four regions. Roland Abeng and Ibrahim Bah have graciously accepted this challenge and you can expect frequent calls for articles (for the newsletter, Africa Law Today, or the Section's Year-in-Review) that are consistent with this focus. Does this mean that we are abandoning any pan-African issues that may arise or need to be addressed? Of course not! However, one of the lessons that everyone involved in Africa has come to recognize is that, although there are pan-African issues / problems, there are no pan-African solutions. The "one size fits all" continental approach has not and will not work if any meaningful progress is to be made. It must be done on a regional / local level and we need to act consistently with that in mind.

Second, we can attest to our broader focus by conducting programs that address these issues / problems. Not only will this broaden the scope of our regional coverage, but as there are some issues that are more acute in one region than another, we would also be expanding the substantive coverage provided by the Committee. While our main focus remains the promotion of rule of law and capacity building, we should not be limited in what we can, working together, accomplish. With a broader focus in mind, we should reach out to our sister committees and work together and complement each other where needed. If there are opportunities that arise where two or more committees can work

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together on a substantive or regional issue, then we should encourage that and promote it to the extent possible. One great example of this comes from Vice Chair Hdeel Abdelhady. Hdeel not only serves on the Africa Committee's leadership, but also works with the Islamic Finance Committee on many issues. Both committees are working on issues that frequently overlap, whether in a substantive or regional context, and the two committees will increasingly work together this coming year when and where needed.

Third, we would like to encourage the increased involvement of some of our younger members. We understand that time is a valuable and scarce resource, especially for those starting out in their legal careers. The Africa Committee can help. Whether it be partnering with a Committee mentor, co-authoring an article for our newsletter, or developing / co-chairing a program, our younger members should note that there is help if you need it. You just need to get excited, get involved, and stick with it. Gretchen Bellamy has graciously made this her mission in the upcoming year and if you are one of our younger members, expect to hear from Gretchen. So watch out!!

Finally, we will continue to support our ongoing work through our various working groups. Whether it be ad hoc issues like the (latest) crisis in Zimbabwe or through more established fora such as our working groups dealing with Ghana, Liberia, and Sierra Leone, the Africa Committee will be there in force and ready to address whatever needs arise. Vice Chairs Jacob Saah & Nene Amegatcher (Ghana), Nancy Stafford (Liberia), and Bob Alsdorf (Sierra Leone) are here to help, so don't be a stranger.

However, none of this can be done in a vacuum. We need both the input from and support of our members to determine how and to what extent we will proceed. I encourage everyone to get involved and to contribute meaningfully towards our broader focus. You will have the support of the Committee leadership and, after all, it is your Committee to do with as you wish. I wish you all the best in the coming ABA year and, if you have any questions, the leadership and I are here for you. Please do not hesitate to contact us.

COMMITTEE LEADERSHIP

Chair:	Victor Mroczka
Vice Chairs:	<u>Hdeel Abdelhady</u> <u>Roland D. Abeng</u> <u>Robert H. Alsdorf</u> <u>Nene Amegatcher</u> <u>Ibrahim Sajalieu Bah</u> <u>Gretchen C. Bellamy</u> <u>Jacob A. Saah</u>
Newsletter Editors:	Roland Abeng Ibrahim Sajalieu Bah Gretchen C. Bellamy
Article Contributors:	Robert H. Alsdorf Gretchen C. Bellamy Ebai Eyambe Ricardo Silva Yolande Fouda Nancy K. Stafford

Solicitation of Contribution

Contributions to this newsletter by committee members are always welcome. In fact, we are officially requesting at least one article from all members (we are ambitious aren't we?!). Please send your articles or other news to:
roland@theabenglawfirm.com

Thank you in advance!

CALENDAR OF EVENTS

GOOD GOVERNANCE & DEVELOPMENT: THE WAY FORWARD

YAOUNDÉ, CAMEROON

NOVEMBER 14, 2008

A stand alone advocacy program sponsored by
the Africa Committee

ROLE OF THE MEDIA AND AFRICA

ABA HEADQUARTERS

DECEMBER 2008

MID-YEAR MEETING

BOSTON, MA

FEBRUARY 13-15, 2009

SECTION SPRING MEETING

WASHINGTON, D.C.

APRIL 14-18, 2009

SECTION LEADERSHIP RETREAT

WISCONSIN

JULY 29-30, 2009

Accepting the Challenge: YES WE CAN!

*Roland Abeng**

I could see the resolve on the faces of our Chair Victor Mroczka and Vice Chair Gretchen Bellamy, just after the final award ceremony on the last day of the Section leadership retreat in Atlantic City, NJ last August. I also noted that the Africa Committee received only honourable mentions in the various categories in which it featured. The resolve to do better was evident when Victor immediately set to work, called a meeting of the new leadership (who together came up with a working plan for the upcoming year after only hours in their new posts), and set the tone to make our committee the “best committee” the ABA had ever seen.

The road to becoming the best committee is significantly connected to the quality and quantity of our publications, including this newsletter. Our previous efforts regarding newsletter publications were laudable, though not consistent enough to meet the high standards set by Section leadership. Vice Chair Ibrahim Bah almost single-handedly produced the lone newsletter that the Committee published last year. Thanks for your efforts Ibrahim!

The hard work of our immediate past Chair, Edna Udobong, and the commendable results we made during her tenure revealed what we could achieve when Committee members go the extra mile. I am sure the promotion of Edna to Division Chair is not unrelated to the potential that our Committee displayed. Our Section Leadership has repeatedly reminded us that we can move mountains and make the difference. All we need to do is accept the challenge and forge ahead.

We hit the ground running this year under the leadership of Victor, who is proving to be a veritable “Ship Captain.” Victor and all of us at the helm of the Committee are convinced that we can produce a quality newsletter that we will strive to release every quarter. Just too much is happening on the continent with regards to the legal domain and we must make these developments known to the world. We can only accomplish this goal if everyone puts his/her hands on the deck. This newsletter you are reading (published just two months after the start of the new ABA year) is proof that YES WE CAN!

I want to thank all those who sent in articles for this publication. We welcome and appreciate your comments and suggestions regarding the newsletter, its content and design. So, don’t be a stranger. Like the next U.S. President, we have accepted the challenge and this is just the beginning.

* Roland ABENG is Vice Chair of the AC, Cameroonian Attorney and Managing Partner of the ABENG Law Firm in Douala.

SIERRA LEONE

The ABA Could Be a Veritable Partner

*Robert Alsdorf**

The ABA is continuing to work with judges and lawyers in Sierra Leone on the post-conflict rebuilding of their courts. Sierra Leone has developed a very detailed Justice Sector Reform Programme, which addresses virtually every aspect of the justice system, covering not only the common law courts found in the capital city of Freetown, but also the customary courts that operate under paramount chiefs in rural areas. This formal court reform plan, which is set forth in a detailed written summary numbering almost one hundred pages, covers courts and judicial training, public safety officers, prisons and holding facilities, prosecutors, and public access to justice issues (including a problem found in many societies, gender-based violence).

This Justice Sector Reform Programme was officially rolled out in February 2008, in a public ceremony led by the newly elected President, Ernest Bai Koroma. The President, who took office in a peaceful transition of power in a 2007 election, had commissioned his own Presidential Task Force to study the justice sector issues before deciding whether to support the program. The Task Force carefully analyzed the country's needs and gave its full support to the program. President Koroma not only accepted but firmly endorsed the Task Force's analysis. At the February ceremony, he publicly talked about the need to enter into these reforms being mandated by the fact that, as he stated it, 70% of Sierra Leone's citizens had no meaningful access to justice.

There are many aspects of the justice system in which the ABA could provide assistance. At this point, both Sierra Leone's Attorney General and members of its Supreme Court stated that they would be very interested in having the ABA help with judicial training programs, particularly in the operation of a fast track commercial court. The perennial problem in any reform program is funding. At this point, there are two major sources of funding, the British Council and the United Nations Development Programme. The British Council is focusing its efforts on covering costs of reforms being assisted by members of the UK bench and bar. Therefore, members of the ABA have recently been conferring primarily with the UNDP, as it develops its own plans for the construction and operation of a judicial training facility, and have been exploring the possibility of putting in a bid to provide certain services in UNDP-funded programs.

We are excited about the possibility of developing judicial training and other programs to help Sierra Leone in the reform strategy that it has taken the lead in developing. The best chance of developing viable and transparent courts in any country arises from that country itself taking charge. Sierra Leone has clearly taken the lead in identifying and planning for the programs that are most critical in restoring the operation of its civil society.

*Judge Robert H Alsdorf (Ret) is Vice Chair of the Africa Committee and can be reached via email: ralsdorf@alsdorfadr.com

ANGOLA

General Considerations on Land Rights under the New Regulations on Land Concessions and the Land Law

*Ricardo Silva**

As happens with most African jurisdictions, land acquisition has been at the forefront of legal discussion in Angola over the years. The attempt to limit speculation and the need to assure that Angolans effectively have access to land to carry out their daily lives and their economic activity led to the approval of a new Land Law in 2004. The Land Law only applies to land currently owned by the State, which actually still includes most of the Angolan territory.

In mid-2007, and in furtherance of the Land Law, the Angolan Council of Ministers enacted the long awaited General Regulations on Land Concession (the "Regulations"). The main aim of the Regulations was to develop the general principles set forth in the Land Law, notably by establishing procedures for the concession, recognition, transfer, exercise, and termination of land rights, as well as the rules for registration of those rights with the Land Registry in order to ensure security of legal transactions.

Angolan law basically distinguishes between what we in the West would call available land and reserves. Available land comprises land over which certain land rights can be granted for economic or other purposes. In turn, reserves comprise land that is programmed by the State to be used for certain public interest purposes such as environmental protection, national defense, energy, and infrastructure projects, etc. In light of its special purpose, reserve land is not subject to the general rules on granting of land rights to private entities and individuals.

The land system also acknowledges private property land, which includes all land owned by a private entity or individual. Due to the nationalization policies following independence from Portugal and the highly restrictive former land law, private property land is still fairly hard to come by in Angola. As private land does not belong to the State, it is not subject to the Land Law and the Regulations, being instead subject to the general rules on conveyance of land set forth in the Civil Code.

Available land can be broken down into the following types:

- Land included in the State public domain, which is expressly classified as public domain by law. Angolan law prohibits the State from selling or disposing of public domain land. Although occupation rights may be granted over public domain land by way of temporary occupation rights and public domain concessions, this land cannot be pledged or subject to adverse possession. In general, concessionaires are also not allowed to convey their concession rights without prior State approval.
- Land included in the State private domain, which is comprised of State land that is not classified as public domain. The State may, with some limitations, grant land rights over private domain land to private individuals and entities. Most of the available land in Angola is included in the State's private domain.
- Community rural land, which is used by families from local rural communities pursuant to customary law for housing and agricultural purposes or any other professional activity acknowledged by law or local custom. The boundaries of this land are established following consultation with the local traditional authorities and families.

One of the purposes of the Regulations is to define the various legal forms under which the above types of land may be disposed of, granted through concession, or compulsorily acquired, including:

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One of the purposes of the Regulations is to define the various legal forms under which the above types of land may be disposed of, granted through concession, or compulsorily acquired, including:

- Purchase and sale agreement, notably in the case of urban land included in the State private domain;
- Enfiteuse agreement, which creates a type of long-term or perpetual lease over State private domain urban or rural land. The grantee will practically have the same rights as if he/she were the owner, although ultimate ownership lies with the grantor, who receives an annual fee.
- Special contract for granting surface rights for rural and urban State private domain land, which allows the grantee to carry out construction on the land and own the resulting building, although ownership of the underlying land remains with the State.
- Lease agreement for granting temporary use or occupation rights to rural and urban land included in the State private domain and to limited public domain land. Under the Regulations the following land may be subject to a lease agreement: (i) land for exploitation of stone-quarries; (ii) land adjacent to land used for the prospecting, exploring, and mining of mineral deposits; and (iii) any other land dedicated for a specific purpose whenever the length of use does not warrant a different type of contract.

Angolan law also allows for the granting of concession rights over public domain land. Contrary to temporary use or occupation rights, which are precarious in nature, concession rights allow for the establishment of a more long-term and stable use of the land, being specially suited for lasting, capital intensive projects.

One aspect in which the Regulations attempted to innovate and which may raise difficulties in the future is the granting process. As a way of increasing competition among applicants for acquisition of land rights as well as to ensure transparency and impartiality within the acquisition process, the Regulations set forth that, as a rule, land rights may only be granted through an open tender procedure, which may only be waived in limited cases. Although the intention is commendable, and this type of procedure will certainly bring advantages whenever the Angolan authorities wish to put land on the market, it is bound to raise difficulties for individuals or companies that file requests for land to implement specific projects. Hereinafter, a person or entity that has identified a certain plot of land on which it wishes to carry out an economic activity or build his or her house apparently will be forced to enter into a public bidding process with other individuals or companies (which may include land speculators). Although this may seem attractive from the viewpoint of the Angolan authorities, it runs the risk of hindering economic development (how?) and, worst still, affecting the day-to-day lives of common Angolans.

The Regulations express new rules regarding the following: the contents of the referred contracts, demarcation of land, concessionaire privileges and duties, rules for granting of rights, taxes, transfer of rights, termination of rights, registration of land rights, and dispute resolution. Most of these new rules set forth significant changes to the previous land granting regime, notably in terms of increased formal requirements and procedures. This also has created a factor of uncertainty, as the application of the new rules by the granting authorities has seldom been clear and consistent and the necessary bureaucracies have not yet been fully implemented.

Another factor that may possibly limit development of real estate projects is the difficulty in implementing traditional financing schemes because the types of securities that can be created concerning land are limited by the fact that, in most cases, the land still belongs to the State.

In spite of the above, the Angolan real estate market is booming and construction and development have significantly increased over the past years. This has, in part, been due to the creative solutions attorneys have developed to tackle the local specificities and restrictions. As cooperation between developers, attorneys and the local authorities continues to increase, the challenges will certainly diminish.

* The author is responsible for Miranda Alliance's Houston liaison office. Miranda Alliance is a global network of law firms with offices in Angola, Brasil, Cape Verde, Equatorial Guinea, Guinea-Bissau, Macao (China), Mozambique, Portugal, São Tomé and Timor-Leste. As part of his activity the author has been involved in the structuring and implementation of major real estate projects in various jurisdictions.

CAMEROON

Why Cameroon Should Ratify the Rome Statute of the International Criminal Court (ICC)

*Eyambe Elias Ebai**

The Rome Statute of the International Criminal Court (ICC), which charged the ICC with trying persons perpetrating genocide, crimes against humanity, war crimes and crimes of aggression, was drafted and adopted in Rome, Italy on the July 17, 1998. It entered into Force on the July 1, 2002 after being ratified by sixty countries. The Rome Statute is in six official languages: Arabic, Chinese, English, French, Russian and Spanish. Since coming into force, the Rome Statute has gained the support of more than half of the world's nations. As of July 2008, the Rome Statute has 139 signatories and 108 country ratifications.

Ratification of the Statute will provide solidarity amongst the countries of Africa. Of the fifty-three (53) countries on the continent, thirty (30) countries have ratified/acceded the Rome Statute: Benin, Botswana, Burkina Faso, Burundi, Central African Republic, Chad, Congo (Brazzaville) Comoros, Democratic Republic of Congo, Djibouti, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho Liberia, Madagascar, Malawi, Mali, Mauritius, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Tanzania, Uganda and Zambia. Unfortunately, Cameroon has refused to ratify the Rome Statute though it is a signatory.

The following countries have signed but not ratified the Statute: Algeria, Angola, Cameroon, Cape Verde, Cote d'Ivoire, Egypt, Eritrea, Guinea Bissau, Morocco, Mozambique, Sao Tome and Principe, Seychelles, Sudan and Zimbabwe. It should be noted that, according to the law of treaties, a state that has signed but not ratified a treaty is obliged to refrain from "acts which would defeat the object and purpose" of the treaty. However, these obligations do not continue if the state makes clear that it does not intend to become a party to the treaty.

Increased ratification of the Rome Statute by African countries will translate into a stronger voice for the African continent at the ICC and in making the Court a truly effective international mechanism for justice and peace. The ICC is an historic institution which will ensure that genocide, crimes against humanity, war crimes, and crimes of aggression will no longer remain unpunished. The ICC is complementary to national criminal jurisdictions and will only act when national courts are unwilling or unable to do so. The court does not have retroactive jurisdiction and is only entitled to investigate acts which occurred after its entry into force on July 1st 2002. The Rome Statute equally obliges states to cooperate with the court in the investigation and prosecution of crimes, including the arrest and surrender of suspects. Part 9 of the Statute requires all states to "ensure that there are procedures available under their national law for all of the forms of cooperation which are specified under this part." Under the Rome Statute's complementarity principle, states also have an obligation to implement national legislation to provide for the investigation and prosecution of crimes that fall under the jurisdiction of the court.

What is preventing Cameroon from ratifying the Rome Statute? Ratification by Cameroon of the Rome Statute will bring the ICC one step closer to truly being global and universal. In order for the ICC to succeed, an increasing majority of the world's nations must support the Court. In July 2008, the world celebrated the historic tenth anniversary of the Statute's adoption. Cameroon's accession to the Statute would therefore be highly symbolic, serving to demonstrate to both the international community and its citizens, that it is committed to protect human rights and strengthen the rule of law. Therefore, I respectfully urge the Government of Cameroon to decisively support the inclusion of ICC references in the agreement as well as to take concrete steps towards ratifying to this important instrument.

*The author is a Barrister-at-Law and Member of the Cameroon Bar Association practicing and residing in Kumba, Cameroon.

NIGERIA

Financial Crisis: It's A Small World After All!

*Ogechi Eto**

Globalization has made our world smaller. Today, more than ever, people all over the world are linked into one singular society through trade, foreign investment, flow of capital, and technology. Though investors in this exciting era benefit from lower transactional costs as encouraged through many General Agreement on Tariffs and Trade ("GATT") agreements, there may be some negative implications to erasing sovereign boundaries. For example, the ripples of the biggest economic crisis ever experienced in the United States of America have been felt in India, Brazil South Africa, Nigeria, and other financial systems in emerging markets. Brazilian President Luiz Inacio Lula da Silva observed, "We run the risk of being victims of a financial crisis generated by rich countries. This is unjust."²

Earlier this month, the United States Congress ratified a \$700 billion-dollar bailout-plan, officially titled the Emergency Economic Stabilization Act of 2008.³ The purpose of this Act is to "immediately provide authority and facilities that the Secretary of the Treasury can use to restore liquidity and stability to the financial system of the United States...."⁴ Because sovereign lines have been partially erased, this American financial crisis has quickly turned into an international financial crisis. Consequently, governments around the world have also been forced to consider the implementation of their own bailout proposals. In the instant case, the Nigerian government has begun to address the ripples of the U.S. financial collapse.

On October 16, 2008, the Nigerian Deposit Insurance Corporation ("NDIC") and Central Bank of Nigeria collaborated in Abuja to address credit relationships between Nigerian banks and foreign banks.⁵ The Managing Director of NDIC, Mr. Ganiyu Ogunleye noted that "Nigerian banks have relationship[s] and transact business with foreign banks, whatever happens to their collapse, will in some way affect the country's banks."⁶ The Nigerian Stock Market has suffered as stock prices have fallen dramatically.⁷ Investors around the world, in a knee-jerk reaction, are retrieving their investments in Nigerian stocks because they lack confidence in the stability of financial markets, both domestic and international.⁸ Additionally, due to a drop in demands of energy, Nigerian bank executives formally requested the Nigerian government to intervene as the price of crude oil fell below \$72 per barrel this month, the lowest in 13 months.⁹ The Federal Executive Council (FEC) met earlier this month in Abuja to designate six Nigerian banks to raise N600 billion and bail out Nigeria's capital markets in case Nigeria's stock markets are unable to withstand the global credit crisis.¹⁰ The banks will stand as market makers providing funds to get shares from the market and then sell them whenever the need arises.¹¹ Currently, it appears that the Nigerian federal government will not directly intervene, but the private sector will. The settlement banks for the Central Securities Clearing System include Intercontinental Bank plc, First Bank of Nigeria plc, Union Bank plc, UBA plc, Zenith Bank plc and GT bank plc.¹² Each will contribute 850 million dollars.¹³

It is important to note that many Nigerians in the financial sector, for example the Minister of Information and Communication Mr. John Odey and The Governor of the Central Bank of Nigeria, Prof. Chukwuma Soludo, believe that Nigerian capital markets are stable enough to withstand at least some of the adverse effects of Wall Street's mismanagement.¹⁴ Mr. Soludo attributes this stability to the restructuring of Nigerian banks that occurred in 2005.¹⁵ Then, the federal government narrowed 85 unstable banks to 24 well-capitalized banks as well as passing structured regulations to promote growth and strong corporate governance.¹⁶ This re-organization, according to Prof. Soludo, has encouraged other countries to seek advice from Nigerian regulators on how to strengthen their financial sectors.¹⁷

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Financial crises are often considered contagious,¹⁸ especially as globalization brings investors across seas closer to one another. Today we understand that financial decisions made in an office in Shanghai could benefit or harm many industries in Sao Paulo, Port Harcourt and New York. Financial regulators in developed and developing nations are forced to calculate the gravity of harm that unregulated capital markets will have on people beyond their borders because ultimately individual investors, families and communities across the globe are affected. It's a small world after all.

*Ogechi Eto is a member of the ABA-SIL Africa Committee and member of the New York Bar.

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² Scrutton, Alistair, *Crisis Calls for U.N. Reform, BRIC Nations Say*, REUTERS INDIA, Oct. 15, 2008.

³ Credit Crisis-Bailout Plan THE NEW YORK (Oct. 8, 2008)

http://topics.nytimes.com/top/reference/timestopics/subjects/c/credit_crisis/bailout_plan/index.html?inline=nyt-classifier

⁴ H.R. 1424, Emergency Economic Stabilization Act of 2008.

⁵ Nigeria Stock Exchange Okays Intervention by Six Banks, YAHOO NEWS, Oct. 8, 2008,

http://news.yahoo.com/s/afp/20081008/wl_africa_afp/nigeriashares; Aderinokun,

Kunle, *NDIC: We'll Respond Appropriately to Financial Crisis*, THIS DAY, Oct. 17, 2008.

⁶ *Id.*

⁷ Nigeria Stock Exchange Okays Intervention by Six Banks, YAHOO NEWS, Oct. 8,

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⁸ *Id.*

⁹ Egwuatu, Peter, and Komolafe, Babajide, *Global Financial Crisis: Bank Chiefs Beg FG for Bailout*, VANGUARD, Oct. 16, 2008.

¹⁰ Nigeria Stock Exchange Okays Intervention by Six Banks, YAHOO NEWS, Oct. 8, 2008,

http://news.yahoo.com/s/afp/20081008/wl_africa_afp/nigeriashares; Onuorah,

Madu and Ugwu, *Enitar Govt Assures On Crunch, Banks End Row Over N600b*, THE GUARDIAN, Oct. 16, 2008.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Yemi Kolapo, *Global Financial Institutions Now Follow Nigeria's Example*, PUNCH, Oct. 12, 2008; Onuorah, Madu and Ugwu, *Enitar Govt Assures On Crunch, Banks End*

Row Over N600b, THE GUARDIAN Oct. 16, 2008.

¹⁵ Yemi Kolapo, *Global Financial Institutions Now Follow Nigeria's Example*, PUNCH, Oct. 12, 2008;

¹⁶ *Id.*

¹⁷ *Id.*

¹⁷ Laeven, Luc and Valencia, Fabian, *Systemic Banking Crises: A New Database*, IMF Working Paper Oct. 2008.

LIBERIA

Liberian Law Students Get Law Books

Nancy Kaymar Stafford



In cooperation with “Books for Africa,” four pallets of new edition law books and treatises were sent to the Louis Arthur Grimes School of Law in Monrovia, Liberia. The books (valued at approximately \$200,000) were generously donated by West, a division of Thomson Reuters. Shipping costs were covered by a \$1,500 grant from the SIL and a \$500 grant from the Indiana University – Bloomington School of Law, a long term partner of the Grimes Law School.

It is difficult to be a law student in Liberia. Even the meager tuition fees are well beyond the average Liberians means; and transportation, unpredictable weather, family obligations and other logistical issues present hurdles that make consistent academic achievement problematic. However, one issue facing law students was recently solved. Thanks to the Africa Committee and the Section on International Law of the American Bar Association (ABA), a lack of proper books will no longer keep Liberian law students from obtaining a proper legal education.

The publications sent spanned a multitude of legal topics, and at the request of Dean David Jallah, included 50 copies each of the text required for the 23 courses that are taught at Grimes Law School. This will ensure that the students have consistent and up to date materials to study.

In addition, the donation included over 200 legal and human right publications and a set of American Jurisprudence (Am Jur) and the American Law Review (ALR) to bolster the reference materials in the law library. Dean Jallah is reportedly “elated” by the donation. This incredible effort to provide textbooks and reference materials for Liberian law students would not have been possible without a coordinated effort between various committees of the Section for International Law. Working together - and with the support of the Section - the Africa Committee, Human Rights Committee and the Liberia Working Group, were able to make the vision a reality. Congratulations to all that were involved.

If only four pallets of books could solve all of the problems that law students in Liberia, and indeed throughout Africa, face. But it is an incredible first step that the SIL should be proud of and look to expand upon in the future.

CAMEROON

ABA- Rule of Law Initiative Train Magistrates in Cameroon on Trafficking in Persons: A Good Step in the Prosecution of Trafficking in Persons in Cameroon?

*Yolande Fouda**

After having trained the police on investigations related to Trafficking in Person (TIP), the ABA Country Office in Cameroon, in collaboration with the Cameroon Ministry of Justice, a two day training seminar (October 2-3, 2008) for magistrates and lawyers. The purpose of the training, which took place at the Higher Institute for Administration and Magistracy (popularly known in French as ENAM) of Yaoundé, was to equip them with the necessary knowledge that will enable effective prosecution of traffickers in Cameroon. Among the thirty-six (36) participants were multilateral and bilateral cooperation partners who were present at the opening and closing ceremonies. These included the US-Embassy, Swiss Embassy, and the International Labor Organization.

Presiding over the event, the Ministry of Justice and ENAM's representative delivered excellent speeches, recognizing trafficking as a serious problem. It was also noted that despite an anti-child trafficking law that was enacted in 2005, even today no traffickers had been sentenced. They urged the participants to use the opportunity of the training in order to enhance their capacity in tackling the problem and reverse the tendency of inaction. They expressed their support for the ABA's work in Cameroon and thanked the ABA-ROLI for the good job done.

The US-Embassy sent representatives M. Scott Ticknor, Political and Economic Section Chief and M. Menguède, Political Section Officer, to attend the opening ceremony. In his speech, Mr. Ticknor highlighted the fact that actions taken by the Cameroonian government are insufficient, citing Cameroon's position in the State's Department's report on TIP worsened in 2007 as compared to 2006 (Tier 2 Watch list). He recommended steps that can be taken to improve the ranking (mainstreaming of TIP in curricula, adoption of a national strategy against TIP, setting up of a reliable data collection and research system). The Embassy praised the ABA's work in Cameroon and thanked the Country Director for activities carried out.

In her opening and closing remarks, the Country Director explained ABA's mission and the program of capacity building in the prosecution of TIP in Cameroon. She explained that the training package was developed in collaboration with the Higher Institute for Administration and Magistracy (ENAM), the Higher Institute for the Police (ENSP), and the Higher Institute for Social Affairs (INTS). She thanked the three training institutions for their involvement in the preparation of the reference Manual on TIP, the Ministry of Justice for co-organizing the training and ENAM for hosting it. She finally expressed the hope that the training provided by ABA-ROLI helped participants to improve their commitment towards the prosecution of TIP. She stated that the ABA will support the government in mainstreaming TIP in curricula of ENAM, ENSP, and INTS, as well as promote other aspects of rule of law in Cameroon. She thanked the Embassy and State Department for their continuous support.

The training sessions involved theoretical aspects (understanding the phenomenon of TIP, pertinent legal instruments both at international and national level, strategies available to combat TIP, and the role of actors in the intervention's chain). The training also covered practical aspects based on case studies and role playing, which allowed participants to apply the theoretical components (simulation of trial). It is important to note that many high ranking magistrates (President of the High Court, States' Counsels (Attorney Generals), Presidents of Appeals Courts, provincial level Presidents of Divisional Courts) attended the two-day training. Two lawyers from the Cameroon Bar who are also members of ABA Africa Committee (Roland Abeng and Njoh Manga Bell) also attended and were very committed.

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From left to right: Mrs Fajetti, Consul of the Swiss Embassy, Mr. Abate Messang, ENAM Deputy Director, representing the General Manager of ENAM, Mr. Oumarou Bamaga, Director of General Affairs, Representing the Vice Prime Minister, Minister of Justice, M. Scoot Ticknor, representing the U.S. Ambassador, Ms. Yolande Fouda, Country Director for ABA-Cameroon.

The quality of participants and their interest in the subject made the training exciting and productive, producing recommendations for the Cameroonian government (ENAM, MINJUSTICE, Prime Ministry) and ABA. These recommendations included the adoption of a strategy involving allocation of resource (human, material and financial) in general and for magistrates in particular; the establishment of national agency on TIP; the promotion of pro bono and amicus curie services for legal assistance TIP victims; the revision of the legal framework on TIP, and a media campaign with documentaries. The participants qualified the ABA training as being very pertinent and of high standard and expressed the hope that ABA will extend the training to the provinces. It was recognized that the training helped participants understand the phenomenon of TIP and the role they should play. A decision was taken to create a follow-up committee, which will meet regularly, regarding the recommendations. With this, it is certain that various actions will be launched in the field of prosecution of TIP in Cameroon.

The momentum should be maintained and there is a need to carry out these trainings in provinces, as traffickers often recruit in provinces and villages. Officers in those areas should be equipped with knowledge in order to tackle the issue properly. This will achieve more effectiveness and sustainability for the fight against TIP and in ABA's intervention in Cameroon.

*The author is the ABA-ROLI Country Director for Cameroon.

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Participants in working groups

The ABA Country Director, Ms. Yolande Fouda talking to the participants



OTHER NEWS AND USEFUL INFORMATION

Join the Africa Committee:

https://www.abanet.org/ome/front/form/ome_main.cfm?JoinType=m&sc=RMM8ILEF

Committee Website: <http://www.abanet.org/dch/committee.cfm?com=IC805000>

Conference Calls: dial-in information is provided a few days prior to the conference call

November 2008 Call: Nov. 12 at 1pm

December 2008 Call: Dec. 17 at 1pm

Useful links

Ghana Working Group: <http://www.abanet.org/dch/committee.cfm?com=IC550555>

Liberia Working Group: <http://www.abanet.org/dch/committee.cfm?com=IC550553>

Sierra Leone Working Group: <http://www.abanet.org/dch/committee.cfm?com=IC550554>

The Liberia Working Group also works with the International Legal Resource Center in implementing its projects. If you have particular subject matter expertise, you can become a member of the ILRC database by registering at www.abanet.org/intlaw/intlproj/ilrc

New professional address and contact information of Africa Committee Vice Chair, Gretchen C. Bellamy:
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