

AFRICAN YEARBOOK OF
INTERNATIONAL LAW
ANNUAIRE AFRICAIN DE
DROIT INTERNATIONAL

Volume 18
2010

Published under the auspices of the African Foundation for International Law
Publié sous les auspices de la Fondation Africaine pour le Droit International

Edited by / Sous la direction de
Abdulqawi A. YUSUF

SARCHI CHAIR LAW

MARTINUS
NIJHOFF
PUBLISHERS

LEIDEN / BOSTON
2013

TABLE OF CONTENTS
TABLE DES MATIÈRES

SPECIAL THEME: AFRICA AND INTERNATIONAL LAW
THÈME SPÉCIAL : L'AFRIQUE ET LE DROIT INTERNATIONAL

Introduction: Africa and International Law – Reality and Desire <i>Makane Mbengue & Ignacio de la Rasilla del Moral</i>	3-8
Africa and TWAAIL <i>James Gathii, Obiora Okafor & Antony Anghie</i>	9-13
The Colonial “Other” in the Nineteenth Century German Colonisation of Africa, and International Law <i>Mohammad Shahabuddin</i>	15-39
Éléments d’une philosophie du droit international en Afrique <i>Awalou Ouedraogo</i>	41-80
<i>Uti Possidetis</i> and State Secession in International Law: An Examination of the Evolving Legal Practice in Africa <i>Charles Riziki Majinge</i>	81-119
Droit international et esclavage : Pour une réévaluation <i>Frédéric Mégret</i>	121-183
Pays en développement et zone économique exclusive <i>Niki Aloupi</i>	185-221
International Law as an Intimate Enemy <i>Prabhakar Singh</i>	223-255
International Climate Change Law, Health Promotion and Evolving Domestic Climate Law in Developing Countries <i>William Onzivu</i>	257-285
Africa’s Approach to International Law: Aspects of the Political and Economic Denominators <i>Rowland J. V. Cole</i>	287-310

GENERAL ARTICLES / ARTICLES GÉNÉRAUX

The Philosophy of Human Rights: Conceptualising Fair Trial in Criminal Justice Discourses <i>Busalile Jack Mwimali</i>	313-343
---	---------

- Les relations entre l'Union africaine et la Communauté économique des
Etats de l'Afrique de l'Ouest en matière de maintien de la paix 345-388
Abdoulaye T. Soma

NOTES AND COMMENTS / NOTES ET COMMENTAIRES

- La Convention de l'Union africaine sur la protection et l'assistance aux
personnes déplacées en Afrique : une codification régionale des principes
directeurs des Nations Unies relatifs au déplacement de populations 391-411
Moetsi Duchatellier & Mutoy Mubiala
- International Law as a Mechanism to Advance the Rights of the Displaced
in Africa: Examining the Role of the African Union Convention for the
Protection and Assistance of the Internally Displaced Persons in Africa 413-449
Chrysanthus Ache & Charles Riziki Majinge
- L'affaire *Gumisiriza* devant la justice militaire rwandaise 451-460
Roland Adjovi

DOCUMENTS

- African Union Convention for the Protection and Assistance of Internally
Displaced Persons in Africa (Kampala Convention) 463-483
- Convention de l'Union Africaine sur la protection et l'assistance aux
personnes déplacées en Afrique (Convention de Kampala) 485-505
- Republic of Rwanda, The Military Tribunal Sitting in Kigali /
Nyamirambo on Criminal Matters, *Military Prosecutor General v.*
Brig. Gen. Wilson Gumisiriza, Maj. Wilson Ukwishaka,
Capt. Dieudonné Rukeba, Capt. John Butera, Case No. RAM
0212/KN/05/08, Indictment, 23 May 2008 507-516
- Republic of Rwanda, The Military Tribunal Sitting in Kigali /
Nyamirambo on Criminal Matters, *Military Prosecutor General v.*
Brig. Gen. Wilson Gumisiriza, Maj. Wilson Ukwishaka,
Capt. Dieudonné Rukeba, Capt. John Butera, Case No. RP 0151/08/TM,
Judgement, 24 October 2008 517-567
- Republic of Rwanda, The High Military Court, Sitting in Nyarugunga, in
Kicukiro District, Kigali City, on Criminal Cases, *Military Prosecutor*
General v. Brig. Gen. Wilson Gumisiriza, Maj. Wilson Ukwishaka,
Capt. Dieudonné Rukeba, Capt. John Butera, Case No. RPA
0062/08/HCM, Appeal Judgement, 25 February 2009 568-594

- INDEX OF PERSONS 595-600
- INDEX OF LOCATIONS 601-606
- ANALYTICAL INDEX 607-615
- INDEX ANALYTIQUE 617-626