

Journal of

African Law

VOLUME 55
2011

Published by
Cambridge University Press
for
School of Oriental and African Studies
University of London

Editorial board

F BANDA, Department of Law, School of Oriental and African Studies, University of London: email fb9@soas.ac.uk

C BEYANI, Department of Law, The London School of Economics and Political Science: email c.beyani@lse.ac.uk

N ENONCHONG, School of Law, University of Birmingham: email n.e.enonchong@bham.ac.uk

R MURRAY, School of Law, University of Bristol: email Rachel.Murray@bristol.ac.uk

E ONYEMA, Department of Law, School of Oriental and African Studies, University of London: email eo3@soas.ac.uk

S WILLIAMS, School of Law, University of Nottingham: email sope.williams@nottingham.ac.uk

Consulting Editor

PE SLINN, Department of Law, School of Oriental and African Studies, University of London: email psl@soas.ac.uk

Regional Correspondents

E ABUYA, Moi University, Eldoret, Kenya

RACE ACHARA, Enugu State University of Science and Technology, Nigeria

E NGWAFOR, University of Yaounde II, Cameroon

Published by Cambridge University Press for the School of Oriental and African Studies, University of London, Thornhaugh Street, Russell Square, London WC1H 0XG.

Typeset by TechSet Composition Limited.

Printed and bound by Bell & Bain, Glasgow, UK.

Index

ARTICLES		PAGE
Abdulbari, Nasredeem	Citizenship Rules in Sudan and Post-Secession Problems	157–180
Azubuike, Lawrence	A Comparison of the Rationales for the Prohibition Against Hearsay Evidence in the USA and Nigeria	230–260
Chirwa, Danwood Mzikenge	Liberating Malawi's Administrative Justice Jurisprudence from Its Common Law Shackles	105–127
Lawan, Mamman	Law and Development in Nigeria: A Need for Activism	59–85
Mbondenyei, Morris Kiwindia	Entrenching the Right to Participate in Government in Kenya's Constitutional Order: Some Viable Lessons from the African Charter on Human and Peoples' Rights	30–58
Nana, Constantine Ntsanyu	Corporate Criminal Liability in South Africa: The Need to Look Beyond Vicarious Liability	86–104
Nwaokoro, Joseph Nna Emeka	Nigeria's National Content Bill: The Hype, the Hope and the Reality	128–155
Nwauche, ES	Enforcing ECOWAS Law in West African National Courts	181–202
Ofo, Nat	Securities and Exchange Commission of Nigeria's Draft Revised Code of Corporate Governance: An Appraisal	280–299
Sander, Barrie	Capital Punishment Jurisprudence: A Critical Assessment of the Supreme Court of Uganda's Judgment in <i>Attorney General v Susan Kigula and 417 Others</i>	261–279
Sloth-Nielsen, Julia, Wakefield, Lorenzo and Murungi, Nkatha L	Does the Differential Criterion for Vesting Parental Rights and Responsibilities of Unmarried Parents Violate International Law? A Legislative and Social Study of Three African Countries	203–229
Weldesellassie, K Isaac	IGAD as an International Organization, Its Institutional Development and Shortcomings	1–29
RECENT DEVELOPMENTS		
Ashamu, Elizabeth	<i>Centre for Minority Rights Development (Kenya) and Minority Rights Group International on Behalf of Endorois Welfare Council v Kenya: A Landmark Decision from the African Commission</i>	300–313
Mujuzi, Jamil Ddamulira	Separating the Church from State: The Kenyan High Court's Decision in <i>Jesse Kamau and 25 Others v Attorney General</i> (Judgment of 24 May 2010)	314–319

CAMBRIDGE

Outstanding Titles from Cambridge!

The Gacaca Courts,
Post-Genocide Justice and
Reconciliation in Rwanda
Justice without Lawyers

PHIL CLARK
*Cambridge Studies in
Law and Society*

\$110.00: Hb: 978-0-521-19348-1:
400 pp.

The Local Relevance of
Human Rights

*Edited by KOEN DE FEYTER,
STEPHAN PARMENTIER,
CHRISTIANE TIMMERMAN,
and GEORGE ULRICH*
*European Inter-University Centre for
Human Rights and Democratisation*

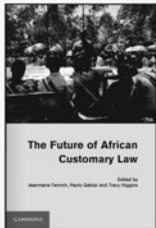
\$105.00: Hb: 978-1-107-00956-1:
400 pp.

The Future of African
Customary Law

*Edited by JEANMARIE FENRICH,
PAOLO GALIZZI,
and TRACY HIGGINS*

\$120.00: Hb: 978-0-521-11853-8:
562 pp.

Prices subject to change.



African Regional
Trade Agreements as
Legal Regimes

JAMES THUO GATHII
*Cambridge International Trade
and Economic Law*

\$105.00: Hb: 978-0-521-76983-9:
524 pp.

Human Rights,
State Compliance, and
Social Change

Assessing National Human Rights
Institutions

*Edited by RYAN GOODMAN
and THOMAS PEGRAM*

\$90.00: Hb: 978-0-521-76175-8
\$32.99: Pb: 978-0-521-15017-0:
300 pp.

Conflict and
Housing, Land and
Property Rights

A Handbook on Issues,
Frameworks and Solutions

SCOTT LECKIE
and CHRIS HUGGINS

\$90.00: Hb: 978-1-107-00506-8:
312 pp.



Judging State-Sponsored
Violence, Imagining
Political Change

BRONWYN ANNE LEEBAW

\$90.00: Hb: 978-1-107-00058-2
\$32.99: Pb: 978-0-521-16977-6:
222 pp.

Legal Aspects of Economic
Integration in Africa

RICHARD FRIMPONG OPPONG

\$99.00: Hb: 978-1-107-00717-8:
408 pp.

WTO Disciplines on
Agricultural Support
Seeking a Fair Basis for Trade

*Edited by DAVID ORDEN,
DAVID BLANDFORD,
and TIM JOSLING*

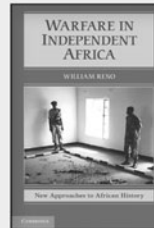
\$125.00: Hb: 978-1-107-00544-0:
520 pp.

Warfare in
Independent Africa

WILLIAM RENO

New Approaches to African History

\$85.00: Hb: 978-0-521-85045-2
\$27.99: Pb: 978-0-521-61552-5:
296 pp.



www.cambridge.org/us



CAMBRIDGE
UNIVERSITY PRESS

NOTES ON STYLE FOR CONTRIBUTORS

The editors ask authors to observe the following notes on style in preparing their submissions. A full style guide is available on request from jal@soas.ac.uk.

General

Articles should be no longer than 12,000 words (including footnotes). Please also provide an abstract of no more than 150 words at the beginning of the article. Use footnotes, rather than endnotes.

Spelling

Use British English, but with the “ize”, not “ise”, suffix.

Capitalization

Please use lower case for professional titles and generic terms such as government, director, minister, common law. The titles of treaties, acts, agreements, declarations, resolutions, conventions, etc should be capitalized and not italicized.

Foreign words and phrases

Truly foreign words and phrases (except proper nouns) should be italicized and followed by a translation in square brackets. Please do not italicize words, phrases and abbreviations generally accepted in the English language.

Abbreviations

Do not use full stops for abbreviations or for initials within names. Article, chapter, section, ordinance, proclamation, paragraph, etc should be in full and in lower case in the text, but abbreviated in footnotes to art, chap, sec, ord, proc, para etc. Abbreviated forms used in the text must be in full in the first instance, followed by the abbreviated form/acronym in brackets. Per cent to be written in full in the text; use % in footnotes.

Punctuation

Punctuation should be “outside” quotation marks (unless the punctuation is clearly part of the quotation) and footnote cues should come after punctuation. Use “smart” double quotation marks, followed by single quotation marks within a quotation. Quotations more than five lines long in the text should be indented.

Numerals and dates

Numbers and ordinals from one to ten inclusive should be spelled out; after that use digits. However, always use digits for footnotes, percentages and references to sections or pages of a document.

Citations

Give all journal and book titles in full and in italics.

Books

Author's initial and surname *Title in Italics* (volume or edition, year of publication, publisher) at page number.

Chapters in edited volumes

Author's initial and surname “Chapter/article title in lower case” in Editor's initial and surname (ed) *Book Title in Italics* (year, publisher) page number of beginning of chapter at page number of quote.

Journal articles

Author's initial and surname “Title in lower case” (year) volume/issue *Title of Journal in Italics* page number of beginning of article at page number of quote.

Newspapers

Author's initial and surname “Title in lower case” (date of publication) *Title of Newspaper* (location if deemed necessary) at page number.

Unpublished papers (eg conference papers)

Author's initial and surname “Title in lower case” (paper presented at name of conference, place, date) at page number of quote.

Electronic sources

Cite using the phrase “available at: <<http://...>>”, followed by the date last accessed in brackets. Please remove all hyperlinks.

Cases

Cite cases in accordance with the normal practice in the relevant jurisdiction. Case names should be italicized.

Abbreviating and cross-referencing citations

Author's surname *Abbreviated Title in Appropriate Format for Book / Article etc*, above/below at note XX. Do not use op cit, loc cit, supra, infra to refer to other footnotes. Use “ibid” to refer to an immediately preceding work with the same page number. Use “id” to refer to an immediately preceding author, or immediately preceding work with a different page number.

Journal of

African Law

VOLUME 55 · NUMBER 2 · 2011

Contents

- 157 Citizenship Rules in Sudan and Post-Secession Problems
Nasredeen Abdulbari
- 181 Enforcing ECOWAS Law in West African National Courts
ES Nwauche
- 203 Does the Differential Criterion for Vesting Parental Rights and Responsibilities of Unmarried Parents Violate International Law? A Legislative and Social Study of Three African Countries
Julia Sloth-Nielsen, Lorenzo Wakefield and Nkatha L Murungi
- 230 A Comparison of the Rationales for the Prohibition Against Hearsay Evidence in the USA and Nigeria
Lawrence Azubuike
- 261 Capital Punishment Jurisprudence: A Critical Assessment of the Supreme Court of Uganda's Judgment in *Attorney General v Susan Kigula and 417 Others*
Barrie Sander
- 280 Securities and Exchange Commission of Nigeria's Draft Revised Code of Corporate Governance: An Appraisal
Nat Ofo
Recent Developments
- 300 *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on Behalf of Endorois Welfare Council v Kenya*: A Landmark Decision from the African Commission
Elizabeth Ashamu
- 314 Separating the Church from State: The Kenyan High Court's Decision in *Jesse Kamau and 25 Others v Attorney General* (Judgment of 24 May 2010)
Jamil Ddamulira Mujuzi



Cambridge Journals Online

For further information about this journal please go to the journal web site at:
journals.cambridge.org/jal



MIX
Paper from
responsible sources
FSC® C007785

CAMBRIDGE
UNIVERSITY PRESS