

Project for

Legal Seminars in Rwanda on "The Rule of Law"

A. Objective

1. These seminars are intended for Ph.D. and other post graduate-students and young researchers in law faculties. The topics will treat important aspects of structures under the rule of law from a practical point of view and therefore will include examples of law in action in the subjects to be investigated.
2. The German Embassy and the Rule of Law Program for Sub-Saharan Africa of the Konrad-Adenauer-Stiftung support this project.
3. The project is linked to similar seminars in the DR Congo. Such seminars regularly take place at three universities (Catholic University of Bukavu, Kinshasa University and Lubumbashi University).

It is intended to also organize such seminars in Burundi.

4. In addition to conferences at universities a planned series of international conferences for specially qualified participants from all universities involved in the project in Rwanda, Burundi and DR Congo will address topics of cross-regional significance. This series of conferences will take place in turn in each of the various participating countries. The first conference could take place in Kigali, if Rwandan authorities wish this.
5. In Germany the programme will be supported with regular seminars on international public law and constitution law topics in Africa at the Free University of Berlin (Freie Universität Berlin, one of the major German universities). Cooperation with German universities (not only with the Free University of Berlin) will be developed in the medium- and long-term.

6. Topics relevant to practice will be identified jointly with the law faculty of the National University of Rwanda. To set the ball rolling we would propose the topics listed below in section B.

The course of the seminars will also be discussed with the Rwandan partners. The following schedule is possible:

- Seminar starts in the presence of representatives from the University, the Konrad-Adenauer-Stiftung and the German Embassy.
- Topics are distributed to the individual participants and the topics selected are discussed with these students to specify the area to be covered.
- Seminar papers are prepared (20-30 printed pages with a margin of 1/3 and 1 ½ line spacing) in a fixed period (for example four months).
- The written work prepared will be corrected. The best work will be selected jointly with the Rwandan partners. They will then be presented in a final session and the floor will be open for discussion and exchange. They will thereafter be published by the Rule of Law Program for Sub-Saharan Africa of the Konrad-Adenauer-Stiftung.

The aim is to organise such seminars on a regular basis, for example once or twice year, and in so doing to identify a group of young, highly qualified Rwandans who are members of the legal profession and especially interested in rule of law issues.

B. Suggested Topics

I. Tasks and purposes of law under the rule of law

1. The role of the law in coping with crime (Reconciliation? Punishment? Deterrent? Prevention?)
2. Tasks and limits of the law in shaping international relations – example of the East African Community.

3. Tasks and limits of the law in shaping international relations –example of the relations between DR Congo and the Republic of Rwanda.
4. Tasks and limits of the law in eradicating ethnic and regional divisions.

II. The role of the state under the rule of law

1. Obligations of the state to care for the health of its population? – Example of the health insurance system in Rwanda (constitutional basis, legal realisation).
2. Necessary limits to the freedom to engage in economic activities as a human right?

III. The rule of law and economic development

1. Export from the Republic of Rwanda to the European Union:
 - Which laws have to be respected (public international law, tax laws, customs laws)?
 - What could be improved under legal aspects?
2. Import from the European Union to the Republic of Rwanda
 - Which laws have to be respected (public international law, tax laws, customs laws)?
 - What could be improved under legal aspects?
3. Traditional dispute resolution procedures in comparison with mediation and arbitration clauses in international commercial contracts (common grounds and differences?)
4. Lessons learnt from a mixed legal system – Which experiences concerning economic laws could be interesting to share with other members of the East African Community?

IV. Decentralisation

1. Opportunities and rights of each citizen to participate in decentralised entities – constitutional base and legal realisation, example of [e.g. Huye district]
2. The financing of decentralised legal entities – legal base and legal control mechanisms, example of [e.g. Huye district]
3. Legal protection of citizens against decisions taken by decentralised entities – competent authorities and procedure.
4. Decentralised entities and the state – legal framework, possible frictions, example of [e.g. Huye district]

V. Regional integration

1. East African Community – actual status of integration – possible frictions between national sovereignty and regional integration?
2. The Court of the East African Community – competence and enforcement of decisions.
3. East African Community and legal harmonisation – actual status, short-, medium- and long-term perspective?
4. CEPGL (Communauté Économique des Pays des Grands Lacs) legal base and legal possibilities to influence the settlement of regional disputes.
5. MONUC – legal base and legal possibilities to influence the settlement of regional disputes.

VI. Comparative law

1. The independence of the judiciary in the Republic of Rwanda and the DR Congo.

2. Decentralisation in the Republic of Rwanda and in Burundi.
3. Balance of power between executive, legislative and judiciary in the Republic of Rwanda and in Kenya.
4. Appointment and revocation of judges in the Republic of Rwanda and in Tanzania.