

Volume 43 Number 1 1999

ISSN 0221-8553

**JOURNAL OF
AFRICAN
LAW**

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

EDITORIAL BOARD

S. F. R. COLDHAM, Senior Lecturer in Law, School of Oriental and African Studies, University of London: email sc7@soas.ac.uk

J. HATCHARD, Visiting Reader in Law, School of Oriental and African Studies, University of London: email jh10@soas.ac.uk

P. E. SLINN, Senior Lecturer in Law, School of Oriental and African Studies, University of London: email ps1@soas.ac.uk

Consulting Editor

A. N. ALLOTT, J.P., Emeritus Professor of African Law in the University of London, School of Oriental and African Studies

NOTES TO CONTRIBUTORS

1. Manuscripts must be typed in duplicate, with double spacing and on one side of the page only. Please supply a PC-compatible disk as well. See inside back cover for notes on style and citations.

2. They should be sent to: Dr. P. E. Slinn or Dr. S. F. R. Coldham, Department of Law, School of Oriental and African Studies, Thornhaugh Street, Russell Square, London WC1H 0XG.

3. It is regretted that no payment can be made to contributors. Authors of articles receive 25 offprints free of charge.

4. It is a condition of publication in the Journal that authors assign copyright to the School of Oriental and African Studies. This ensures that requests from third parties to reproduce articles are handled efficiently and consistently and will also allow the article to be as widely disseminated as possible. In assigning copyright, authors may use their own material in other publications provided that the Journal is acknowledged as the original place of publication, and Oxford University Press is notified in writing and in advance.

SUBSCRIPTIONS

Journal of African Law is published twice yearly in April and October by Oxford University Press at an annual institutional subscription of £64 in the UK and Europe, US\$106 elsewhere, single issues £32 in the UK and Europe, US\$52 elsewhere. Personal subscription of £30 in the UK and Europe, US\$50 elsewhere, single issues £17 in the UK and Europe, US\$29 elsewhere. Please add sales tax to the prices quoted.

ORDER INFORMATION

Payment is required with all orders and subscriptions are accepted and entered by the volume number (two issues). Prices include air-speeded delivery to Australia, Canada, India, Japan, New Zealand and USA. Delivery elsewhere is by surface mail. Air mail rates are available on request. Payment may be made by cheque or Eurocheque (payable to Oxford University Press), National Girobank (account 500 1056), credit card (Mastercard, Visa, American Express, Diners, JCB), direct debit (please send for details), or UNESCO coupons. Bankers: Barclays Bank plc, PO Box 333, Oxford, UK, code 20-65-18, account 00715654. Claims for non-receipt must be made within four months of dispatch/order (whichever is later).

Please send orders and requests for sample copies to the Journals Subscriptions Department, Oxford University Press, Great Clarendon Street, Oxford OX2 6DP, UK. Tel: 01865 267907 Fax: 01865 267485.

ADVERTISING

Advertisements are welcomed and rates will be quoted on request. Enquiries should be addressed to Helen Pearson, Oxford Journals Advertising, PO Box 347, Abingdon SO, OX14 5XX, UK. Tel. and Fax: 01235 201904. E-mail: oxfordads@helenp.demon.co.uk

© School of Oriental and African Studies, University of London.

All rights reserved; no part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the Publishers, or a licence permitting restricted copying issued in the UK by the Copyright Licensing Agency Ltd., 90 Tottenham Court Road, London W1P 9HE, or in the USA by the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923.

ISSN 0221-8553.

Typeset, printed and bound in Great Britain by Latimer Trend & Company Ltd., Plymouth

NOTES ON STYLE AND CITATIONS FOR CONTRIBUTORS

The Editors of the Journal, feeling that potential contributors would welcome some guidance as to the stylistic conventions observed in the Journal, have prepared the following notes on styling. If contributors are in any doubt as to questions of style, they could consult previous copies of the *Journal of African Law* for clarification.

SPELLING

English spelling; use the suffix “-ize” rather than “-ise”.

PUNCTUATION

Double quotes should be used for primary quotations; single for quotes within quotes. Punctuation should not be included unless it is logically part of the quotation.

DATES

29 May, 1987. Not May 29th, 1987; the 29th May, 1987, etc. Dates, whether attached to legislation or otherwise, are preceded and followed by commas: *Married Women's Property Act, 1884*,

CITATIONS

Standard British methods of citation are followed (please note that these are not the same as American or continental European conventions).

Books

Author (initial and name), title (underlined: this will be printed in italics), place and date of publication (name of publisher not normally needed), page number(s) without *p* or *pp*.

[J. Smith, *Introduction to African Law*, London, 1979, 324.]

All words in the book-title should have capital initials, except minor form-words [*to*, *by*, *and*, *a*, *an*, *the*, etc.]

Articles

Author (as above, with initials on first mention), title (in double quotes, NOT underlined), year of volume, number of volume, title of serial publication (underlined), page number(s) without *p*. or *pp*.

[J. Smith, “Torts in English and African legal systems”, (1981) 15 *African Law Journal* 64.]

Where a journal has its own or a standard mode of citation, this is employed: [1969] *J.A.L.* 182; (1969) 18 *I.C.L.Q.* 489.

The title of the journal is underlined (this will be printed in italics).

Please note: the titles of law reports and legislation SHOULD NOT be underlined. These should be printed in plain text, NOT italics.

Cases

Modes of citation of different series in different countries vary so widely that no precise guidance can be given. But: (i) The usual English style is employed wherever appropriate. This is generally in the order: date, volume no., if any, initials of report, page: [1969] 2 All E.R. 678, at 690. (ii) The mode of citation officially adopted by the report itself will be followed in preference to the general English pattern. Please underline the names of the cases: *Jones v. Smith*.

FOOTNOTES

Should be at the bottom of each page of text and should be numbered serially from 1 to 99 continuously.

JOURNAL OF

AFRICAN LAW

VOLUME 43

1999

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

EDITORIAL BOARD

S. F. R. COLDHAM, Senior Lecturer in Law, School of Oriental and African Studies, University of London: email sc7@soas.ac.uk

J. HATCHARD, Visiting Reader in Law, School of Oriental and African Studies, University of London: email jh10@soas.ac.uk

P. E. SLINN, Senior Lecturer in Law, School of Oriental and African Studies, University of London: ps1@soas.ac.uk

Consulting Editor

A. N. ALLOTT, J.P., Emeritus Professor of African Law in the University of London, School of Oriental and African Studies

Published by Oxford University Press for the School of Oriental and African Studies,
University of London, Thornhaugh Street, Russell Square, London WC1H 0XG.
Typeset, printed and bound by Latimer Trend & Company Ltd.

INDEX

| ARTICLES | | PAGE |
|-----------------------------------|--|---------|
| Abusharaf, Adila | The Legal Relationship between Multinational Oil Companies and the Sudan: Problems and Prospects | 18–35 |
| Ejidike, Okey Martin | Human Rights in the Cultural Traditions and Social Practice of the Igbo of South-Eastern Nigeria | 71–98 |
| Fombad, Charles Manga | Compensation of Victims of Motor Vehicle Accidents in Botswana: An Appraisal of the MVA Fund Act Scheme | 151–183 |
| Frynas, Jędrzej George | Legal Change in Africa: Evidence from Oil-Related Litigation in Nigeria | 121–150 |
| Grande, Elisabetta | Alternative Dispute Resolution, Africa, and the Structure of Law and Power: The Horn in Context | 63–70 |
| Jabbi, Bu-Buakei | “Autonomic Judicial Review”: Powers in Search of Identity and Assertion | 99–111 |
| Mohamed, Abdelsalam A. | Individual and NGO Participation in Human Rights Litigation before the African Court of Human and Peoples’ Rights: Lessons from the European and Inter-American Courts of Human Rights | 201–213 |
| Okpaluba, Chuks | Labour Adjudication in Swaziland: The Exclusive Jurisdiction of the Industrial Court | 184–200 |
| Quansah, E. K. | Unsworn Statement from the Dock and the Accused Person in Botswana | 234–243 |
| Tzeuschler, Gregory G. A. | Growing Security: Land Rights and Agricultural Development in Northern Senegal | 36–62 |
| Viljoen, Frans | Application of the African Charter on Human and Peoples’ Rights by Domestic Courts in Africa | 1–17 |
| Zlotnik, Myron | Telecommunications Monopoly in South Africa—Some Human Rights Aspects and Options for Future Regulation | 214–233 |
| CASE NOTES | | |
| Coldham, Simon | The Status of Women in Zimbabwe: <i>Veneria Magaya v. Nakayi Shonhiwa Magaya</i> (SC 210/98) | 248–252 |
| Quansah, E. K. | Legal Implication of Death of a Spouse in a Divorce Situation in Botswana | 244–248 |
| STATUTE NOTES | | |
| Hatchard, John | The Human Rights Commission Act, 1998 (Malawi) | 253–257 |
| RECENT DEVELOPMENTS | | |
| | Constitutionality of the Criminal Proscription of Sodomy | 112 |
| | Entrapment and the Right to a Fair Trial | 112 |
| | Disclosure of Information Contained in a Police Docket and the Right to a Fair Trial | 112 |
| | Constitutionality of Funding Arrangements for Political Parties | 113 |
| INTERNATIONAL DEVELOPMENTS | | |
| | Adoption of Guidelines on Good Practice | 114 |