

THE OPEN UNIVERSITY OF TANZANIA

FACULTY OF LAW

STUDENT'S HAND BOOK

2022/2023

Revised



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MESSAGE FROM THE DEAN- [ACADEMIC YEAR 2022/2023]

Dear Students,

I wish to warmly welcome you to the Faculty of Law here at the Open University of Tanzania (OUT). The Faculty of Law offers nine (9) law programmes ranging from undergraduate Programme of Bachelor of Laws (LL. B), and other 8 Postgraduate programmes up to the level of Degree of Doctor of Philosophy (PhD). The undergraduate programme aims at equipping new and continuing students with broad and comparative knowledge of the general and specific scope of law subjects under broad framework of common law legal systems for the benefit of persons and institutions in the United Republic of Tanzania, the East African Community and beyond. Postgraduate students shall be equipped with advanced and comparative legal knowledge on specialized skills aimed at promoting, facilitating and disseminating the results of advanced study and research in the discipline of law. In this academic year (2020-2021) the Faculty shall continue to work with the Directorate of Examination Syndicate (DES) to supply students with list of earmarked statutes during examination sessions of which each student is obliged to contribute a yearly Tshs 30,000/= for the use of statutes and these statutes shall remain in the custody of Regional Centres of the OUT for perpetual use of students during examinations only. All law programmes have been revised, beefed-up with new course content and accredited by the Tanzania Commission for Universities (TCU) whereby all programmes have included necessary changes on various key areas in order to meet the ever-changing demands of the current market, hence making law graduates more competitive in the market. On a high note, the faculty is committed to bringing in to academic platform the social dynamics that have positively influenced the development of laws in Tanzania and the world at large. In so doing, the current market demands have resulted to additional postgraduate programmes of Master of Laws in Land Administration and Management (LL.M LAM) and Master of Laws in International Trade and Investment Law (LL.M ITIL).

Other continuing postgraduate programmes include the Postgraduate Diploma in Law (PGDL), Master of Laws (Course Work and Dissertation), Master of Laws in Information and Communication Technology Law (LL.M ICTL), Master of Laws in International Criminal Justice (LL.M ICJ), Master of Laws by Thesis (LL.M Thesis) and Doctor of Philosophy (PhD). The faculty has such a blend of academic staff leading the programmes offered and are of academic qualifications and diverse career background. The Faculty has further high number of its academic staff pursuing PhD studies abroad and In-Country as well as those who are due to return from studies. Students therefore have the opportunity to tap to a diverse and vibrant legal pool of both undergraduate and postgraduate programmes which will make you stand out in the competitive market. The Faculty is opportune to play a role in important public education and community legal services provision through the Open University Legal Aid Clinic which has provided legal aid and education services to many needy persons who cannot afford legal fees in different parts of Tanzania. We urge students to volunteer and be part of the team that offers such services to the community. Applications must be made for one to be considered for a volunteer position at the OUTLAC. As the Dean, I am confident that your journey here at the Faculty of Law will be momentous and inspiring as we remain committed to providing excellent education and support to our students. Students are advised to get hold of this students' handbook for this academic year for detailed information of academic programmes offered.

Dr. Rindstone Bilabamu Ezekiel
Dean- Faculty of Law
(Issued 24th October , 2022)

CHAPTER ON INTRODUCTION

1.1 Historical Background of the Faculty of Law

The Faculty of Law of the Open University of Tanzania was established in 1995 by The Open University of Tanzania (Establishment of the Faculty of Law) Order No. 39 of 1996 under the first Dean of the Faculty Prof. Mkoyogo. Prior to its establishment, law courses were first offered under the Faculty of Arts and Social Sciences. The Faculty offers nine law programmes which include Undergraduate Programme of Bachelor of Laws (LL. B), Postgraduate Diploma in Law (PGDL); LL.M(Thesis); LL.M (Coursework & Dissertation), LL.M in International Criminal

Justice (LL.M ICJ), LL.M in Information and Communications Technology Law (LL.M ICTL), LL.M [International Trade and Investment Law], LL.M [Land Administration and Management], and PhD in various specializations. The Faculty is in final stages of offering Certificate and Diploma in Law programmes preferably starting with the year 2021.

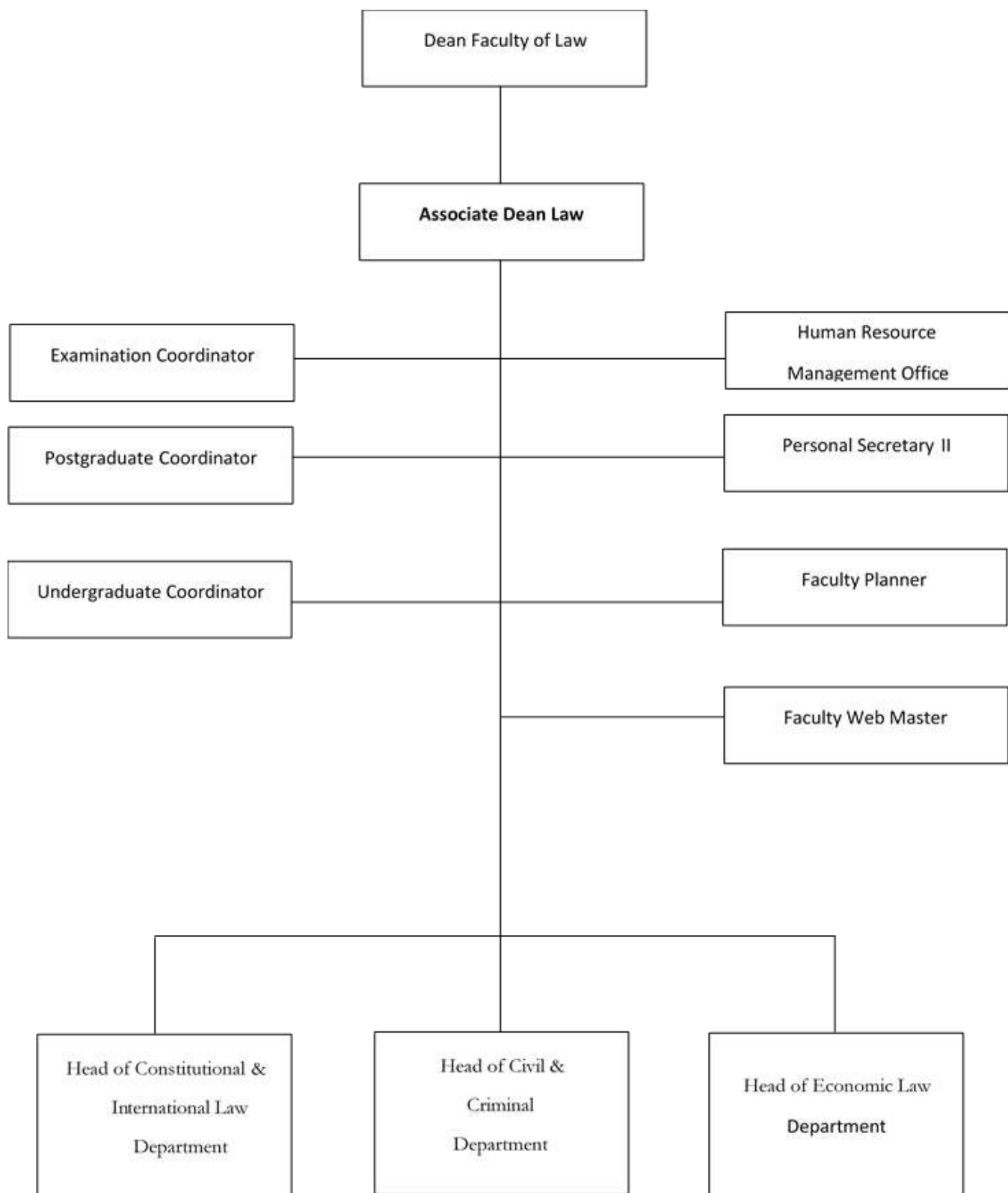
1.2 The Vision of Faculty of Law

To be leading world class Faculty in the delivery of affordable quality legal education through open and distance learning, dynamic knowledge generation and application.

1.3 Faculty Organisational Structure

The Faculty is headed by the current Dean who is Dr. Rindstone Ezekiel Bilabamu who is assisted by the Associate Dean who is Dr. Abdallah Mrindoko Ally. The Faculty is divided into Three Departments which include *Constitutional and International Law Department* headed by Ms. Mbiki

Msumi, *Civil and Criminal Law Department* headed by Dr. Hashil Abdallah and *Economic Law Department* headed by Dr. Doreen Mwamlangala. The Faculty has the Examination Officer who is Mr. Msafiri Mabera, Coordinator for Undergraduate Studies (Ms Magret Tibenda), Coordinators for Postgraduate studies (Mr. Gervas Yeyeye & Dr. Saphy Bullu). The current faculty planning officer is Mr. Gervas E.Yeyeye, and the Faculty webmaster is Mr. Sabinus Ndunguru while the current Faculty Human resource officer (administrator) is Ms Sara Mwaja.



CHAPTER TWO

UNDERGRADUATE ACADEMIC PROGRAMME

2.1 Introduction

This programme is designed to enable newly admitted learners who are fresh from school and any other graduates trained in non-legal disciplines to train for a career as lawyers who are capable of working as legal practitioners/legal advisers. Bachelor of Laws (LLB training satisfies the academic stage for learners towards becoming legal professionals as it offers excellent preparation for the training into legal profession. The programme is divided into three parts organized into six subparts. Each subpart is equivalent to one half of an academic year in a conventional University. The main materials for each of the subjects are called units. Each unit covers content materials equivalent to forty lecture hours.

The medium of instruction is English through open and distance including correspondence materials, electronic learning platform and (E-learning) through moodle and scheduled yearly face to face sessions. The use of ICT is the main stream of education delivery mode and other methods are complementary and additional. To qualify for the award of a degree, a candidate must clear all the prescribed degree courses in 100, 200 and 300 series. A fast student may cover more units and thus be able to finish the course in less than the specified maximum period of eight years permitted within which to obtain a degree. The maximum period of study for the degree of bachelor of laws is eight (8) years while the minimum is three (3) years.

2.2 Educational Aims & objectives of the Programme

- 2.2.1 To provide a fundamental knowledge and understanding of the principal features of the legal system and law of Tanzania which meets the requirements set by the Tanzania Legal System for the academic stage of legal training.
- 2.2.2 To enable students to identify, locate and critically appraise legal materials.
- 2.2.3 To enable students to apply the principles of law and legal rules to solve and analyse practical problems, and to advise what to do in practical situations.
- 2.2.4 To teach students how to reason logically and supporting the process with authority.
- 2.2.5 To provide students with the necessary personal and key skills to enable them to develop as independent, autonomous and reflective individuals and generally as developing professionals.
- 2.2.6 impact students skills to undertake tasks and carry out independent legal research;
and
- 2.2.7 Developed skills of communication for lawyers.

2.3 Regulations for the Degree of Bachelor of Laws (LL.B)

- 2.3.1 All candidates are required to take at least 420 credits (42 Units), each unit covering content materials equivalent to forty one-hour lecture materials provided that no student shall be allowed to attempt more than 140 credits in one academic year and hence graduate in less than three academic years.
- 2.3.2 The overall performance in a degree programme is given the following grades A, B+, B, C, D and E. For averaging purposes these grades have the values of 5; 4; 3; 2, 1 and 0 points respectively. The pass mark in each of the courses will be C. The mark for absolute fail shall be E.
- 2.3.3 All marks for course Units and written examinations shall be adjusted before amalgamation, such adjustment being made by the Departments concerned.
- 2.3.4 Students can proceed to the next part in the subjects they have passed while they are clearing the subjects they have not passed.
- 2.3.5 The final LLB degree shall be graded as First Class, Upper/Lower Second Class and Pass.

2.3.6 The pass categories shall be awarded as follows:

- First Class with overall average of 4.4 - 5.0
- Upper Second Class with overall average of 3.5 - 4.3
- Lower Second Class with overall average of 2.7 - 3.4
- Pass with overall average of 2.0 - 2.6.

In each case the average point shall be calculated on the basis of rounding to one decimal place e.g. 3.39 shall be taken as 3.4.

2.3.7 Non-legal subjects, for example: *Communication Skills* and *Introduction to Computers* for lawyers shall not be taken into account for purposes of GPA computation. Therefore, every student pursuing the bachelor of law degree shall ensure that he/she takes sufficient number of elective subjects for purposes of attaining the required number of units which shall not be less than not less than forty-two (42) units for obtaining the degree of bachelor of laws.

2.3.8 All law examinations with the exception of compulsory non-legal courses, shall generally be partial open book. Students will be required to pay a tune of Tshs. 30,000 per each academic year and they shall be supplied with statutes in examination rooms by the Faculty of Law through Regional Centres for respective courses during examinations.

2.4 SYLLABUS FOR OLD AND REVIEWED LL. B CURRICULUM

2.4.1 SYLLABUS FOR OLD LL.B. DEGREE STUDENTS

This section concerns all **Old** continuing students up to until the end of **2018/2019** academic year in which the LL. B Curriculum was reviewed significantly. For a candidate to complete the degree programme has to take the courses under this syllabus: All Old continuing students will continue to use the **Old course codes** and shall maintain the use of the same Old Programme Names without any changes until they complete their studies. All Old students are strongly advised that the grace period of 2 years is granted within which to complete their studies. Any student who shall stay longer than the stated grace period in the Old Programme is likely encounter some circumstances which may require him/her be subjected to the new course coding system and the rules should there arise any such requirement demanding so. All Old students shall continue to register for all core courses plus not less than two electives Courses listed and compulsory non-legal course provided a student attains the mandatory 42 units.

COURSES FOR OLD/CONTINUING STUDENTS

LEVEL ONE (1ST YEAR) - 100 SERIES

Course code	Course Title	Status of Course	Credits	Units
OLW 101	Constitution and Legal system of East Africa	core	30	3
OLW 102	Criminal Law and Procedure	core	30	3
OLW 103	Law of Contract	core	30	3
OLW 104	Legal Method	core	30	3
OFC 017	Communication skills	core	10	1
OCP 100	Introduction to Microcomputer Studies and IT	core	10	1

LEVEL TWO (2ND YEAR)-200 SERIES

Course code	Course Title	Status	Credits	Units
OLW 201	Administrative Law	core	30	3
OLW 202	Law of Evidence	core	30	3
OLW 203	Land Law	core	30	3
OLW 204	Law of Torts	core	30	3

Plus not less than One (1) Elective

LEVEL THREE (3RD YEAR)-300 SERIES

Course code	Course Title	Status	Credits	Units
OLW 301	Jurisprudence	core	30	3
OLW 302	Civil Procedure	core	30	3
OLW 303	Legal Research and LL.B dissertation	core	30	3
OLW 304	Commercial Law	Elective	20	2
OLW 308	Family Law	Elective	20	2
OLW 309	Public International law	core	30	3
OLW 310	Islamic Law	Elective	20	2
OLW 311	Labour Law	Elective	20	2
OLW 313	Law of Business Associations, Cooperatives and Public Enterprises	Elective	20	2
OLW 314	Succession and Trust	Elective	20	2
OLW 315	Tax Law	Elective	20	2
OLW 316	Intellectual Property Law	Elective	20	2

Plus, not less than One (1) Elective Course

**2.4.2 SYLLABUS UNDER REVIEWED LL. B CURRICULUM [NEW STUDENTS]
EFFECTIVE FROM ACADEMIC
YEAR 2019/2020 ONWARDS**

This section concerns all **NEW** students commencing the academic year **2019/2020**. For a candidate to complete the degree programme has to take the courses under this syllabus. All New students shall be required to register for **all Core Courses** listed below plus not less than **Four (4) electives** and **three**

(3) compulsory non-credit subjects provided that each student shall be required to attain the mandatory minimum 430 credits equivalent to **43 units** accumulated from legal subjects only that are applicable in the GPA computation.

LEVEL ONE (1ST YEAR)-100 SERIES

Course code	Course Title	Status	Credits	Units
OLW 121	Constitution and Legal system of East Africa	core	20	2
OLW 122	Criminal Law and Procedure	core	20	2
OLW 123	Law of Contract	core	20	2
OLW 124	Legal Method	core	20	2
OLW 125	Arbitration and alternative Dispute Resolution	core	20	2
OLW 126	Communication Skills for Lawyers (Compulsory non-credit Course)	core	20	2
OLW127	Computer Skills for Lawyers (Compulsory noncredit Course)	core	20	2
OLW 128	Development Studies (Compulsory non-credit Course)	core	20	2

LEVEL TWO (2ND YEAR)-200 SERIES

Course code	Course Title	Status	Credits	Units
OLW 221	Administrative Law	core	20	2
OLW 222	Law of Evidence	core	20	2
OLW 223	Land Law	core	20	2
OLW 224	Law of Torts	core	20	2
OLW 225	Family Law	core	20	2
OLW 226	Succession and Trust	core	20	2
OLW 227	Public International law	Core	20	2

Plus, not less than Two (2) Elective Courses

LEVEL THREE (3RD YEAR)- 300 SERIES

Corse code	Course Title	Status	Credits	Units
OLW 321	Jurisprudence	core	20	2
OLW 322	Civil Procedure	core	20	2
OLW 323	Legal Research and LL.B dissertation	core	30	3
OLW 326	Labour Law	core	20	2
OLW 327	Law of Business Associations, Cooperatives and Public Enterprises	core	20	2
OLW 330	Private International Law	core	20	2
OLW 331	Legal Ethics	core	20	2

Plus, not less than Two (2) Elective Courses

ELECTIVE COURSES FOR LEVEL 2 AND 3

OLW 325	Islamic Law	elective	10	1
OLW 328	Tax Law	elective	10	1
OLW 329	Intellectual property law	elective	10	1
OLW 333	International Criminal Law	elective	10	1
OLW 334	Information Technology Law	elective	10	1
OLW 332	Human Rights Law	elective	10	1
OLW 335	Banking Law	elective	10	1
OLW 336	Insolvency and Bankruptcy Law	elective	10	1
OLW 337	Criminology and Penology	elective	10	1
OLW 338	Environmental Law	elective	10	1
OLW 339	Legal Aspects of International Trade and Investment	Elective	10	1
Course code	Course Title	Elective	Credits	Units
OLW 324	Commercial Law	elective	10	1

2.5 General Regulations for a Compulsory Research Paper [OLW 303]

2.5.1 Eligibility and Procedure for Compulsory Research Paper Supervision

2.5.1.1 A student shall only be legible for allocation of supervisor upon successful completion of all 100, 200 series subjects and has no any outstanding incomplete or supplementary subjects in those series.

2.5.1.2 An eligible student shall make an application for allocation of research supervisor by a formal letter or prescribed form issued by the Research Coordinator. All applications for allocation of supervisors must be addressed to the Research Coordinator by using one of the following contacts: - Research Coordinator

Faculty of Law
P.O.Box 31741

Dar es Salaam

E-mail research.flaw@out.ac.tz and copy to dflaw@out.ac.tz

2.5.1.3 Every application for allocation of supervisor must contain the following information:

- (i) Full names of the student;
- (ii) Date;
- (iii) Registration Number;
- (iv) Contact details, i.e. Postal office and e-mail addresses, mobile phone numbers.;
- (v) Student's Regional centre;
- (vi) Title of the proposed research topic;
- (vii) Copy of SARIS, and (viii) Student's signature.

2.5.1.4 Call for application of research supervision shall be made by the Research Coordinator addressed to all eligible students immediately after the May/June preliminary results are announced by the Directorate of the Examination Syndicate (DES). Subject to the timing of release of the University examination results by DES, the Research Coordinator shall commence the official business of receiving and processing formal applications from 1st August of each academic year and the exercise shall proceed up to 15th September of the same academic year and this date shall be the deadline.

2.5.1.5 For avoidance of doubt, the Research Coordinator shall not receive and/or process any application submitted before the announcement for call of application for supervision or after the deadline of such call has passed.

2.5.1.6 The Research Coordinator shall allocate students for supervision after taking into account the nature of the student's research title.

2.5.1.7 Strictly no change of the research supervisor shall be permitted except where the supervisor has resigned, terminated employment, or has gone for study leave making it impossible to continue with the supervision or long illness of a supervisor, and such other reasons which may be considered by the Research Coordinator as strong and compelling.

2.5.2 Supervisor's/Candidate's Duties and Obligations

2.5.2.1 Every student and/or supervisor shall be required to acquaint himself/herself with the Regulations and Guidelines for writing an LL.B Compulsory Research Paper.

2.5.2.2 A student shall be required to formulate an appropriate research proposal which must be approved by his/her research supervisor before he/she proceeds to undertake LL.B Dissertation. A supervisor shall ensure that this stage is utilized in order to impart basic skills/techniques of doing legal research.

2.5.2.3 Every student shall maintain regular contact with the supervisor in accordance with the agreed work plan and shall be expected to exercise the acceptable level of maturity, honesty and integrity during the whole period of research supervision.

2.5.2.4 Every student shall be required to complete his/her LL.B Compulsory Research Paper in a period of two (2) years from the date of allocation to supervisor. In case of failure to complete his/her research paper within the required period, a student may be required to make a fresh application for a different topic and be allocated to another supervisor.

2.5.2.5 Every supervisor shall ensure that the standard of research including content, style and format of research at the Faculty of Law is followed by students.

2.5.2.6 A supervisor shall always act and ensure that:-

- (i) The work being done on the LL.B Dissertation is reviewed critically and on continuous basis;
- (ii) The candidate receives adequate advice and encouragement on the student's research work;
- (iii) A student maintains satisfactory progress.

2.5.3 Submission of Final LL.B Research Paper

2.5.3.1 The length of every **LL.B** Research Paper shall be between 40 and 50 pages.

Longer papers may be submitted subject to authorization by a supervisor.

2.5.3.2 After satisfactorily completing all corrections recommended by the research supervisor, a student shall submit 4 copies of fully hard bound LL.B Research Paper in the cover of black colour.

2.5.3.3. The deadline for submission of final LL.B Research Paper shall be the 31st July each academic year.

2.5.4 Examination of LL.B Research Paper

2.5.4.1 Every LL.B Research Paper shall be examined in two parts namely written work and *oral examination* by way of student's face to face presentation before a panel of examiners composed of academic staff from the faculty of law.

2.5.4.2 As a general rule, the *oral examination* may be arranged for any student at any time.

However for practical convenience Viva voce shall be conducted during face to face sessions and/or after May/June examinations but not later than 1st September in each academic year.

2.5.4.3 A written work shall be assessed by a supervisor out of 60% while the viva voce of the LL.B dissertation shall be graded by a panel of examiners out of 40.

2.5.4.4 In each *face to face oral examination* exercise there shall be constituted of a panel of three (3) examiners from among academic staff of the Faculty of Law of The Open University of Tanzania. The constituted panel of examiners shall elect one person among them to act as a chairperson of the *oral examination* panel.

2.5.4.5 That LL.B *oral examination* panel shall be conducted in Regional Centers or Zonal centres as the case may be, and all Directors of the Regional Centers shall facilitate the logistical aspects of for the conduct of the oral examination panel in their respective centers.

2.5.4.6 Prior to any *oral examination* panel, each member of the panel must certify that he/she had read the *LL.B Research Paper* that is subject of the oral examination.

2.5.4.7 During the *oral examination*, every candidate shall be assessed on the following components:

- (a) research title: whether it has been correctly and clearly stated by the student and it does address acceptable legal issue;
- (b) ability to explain the statement of the problem, research hypotheses/research questions;
- (c) ability to explain the research objective(s);
- (d) ability to explain the methodology used in his/her work;
- (e) ability to outline in summary form her/his research findings; (f) an understanding of the student's recommendations.

Besides grading by the *oral examination* panel in paragraph 3.9.4.3 above, the panel of examiners shall have the mandate to make any recommendation on the quality of the research of a student being examined, including an order that a student should make corrections after marks have been awarded, or re-write his/her work in

accordance with the Faculty regulations/requirements.

- 2.5.4.8 In case the panel of examiners during *face to face oral examination* discovers that a student's Research paper lacks originality for being either fully or partially copied/plagiarized from clearly known sources in violation of known rules of academic writing, it shall nullify the whole work and direct the student to make fresh application for allocation of supervisor on a research title different from the one that has been nullified, but only if copying is not substantial, OR report the case and recommend for disciplinary measures before University Authority through integrity committee dealing with examination irregularities which include cheating during examinations if evidence of extra-ordinary level of plagiarism is sufficient.
- 2.5.4.9 Students shall not be subjected to power point presentation during *face to face oral examination*. Each student shall be given ten (10) minutes to outline briefly what the LL.B dissertation contains. The panel of examiners shall spend not more than fifteen (15) minutes in questioning the student.
- 2.5.4.10 In case of lack of consensus among the panel of examiners the majority rule shall apply, provided that the majority shall not vote to override the laid down Faculty regulations or guidelines on the stipulated research standards and writing style.

2.6 Procedure of submission of LL.B Research Paper to the Co-coordinator

- 2.6.1 There shall be maintained at the Faculty of Law a permanent register for recording all particulars of every student who submits his/her research. The register shall capture the student's full name, registration number, title of the research, regional centre, contact details (mobile phone numbers, e-mails, and postal address), date of submission, name of supervisor, total number of pages of the *LL.B Research Paper*, student's signature, and the signature of the Research Coordinator or authorized officer to receive the *Research Paper* on behalf of the Coordinator.
- 2.6.2 No any research supervisor shall be responsible for receiving, carrying and submitting the student's *LL.B Research Paper* to the Research Coordinator or the Faculty as this shall remain the sole responsibility of the student.
- 2.6.3 Out of the four (4) copies of the submitted *LL.B Research Paper*, one copy shall bear the student's marks (grade) awarded by his/her supervisor, and this shall be kept separate for purposes of official use and this copy shall neither be permitted to be seen by the examined student nor to be returned to him/her as student's own personal copy.

CHAPTER THREE

HIGHER DEGREE PROGRAMMES IN LAW

The Faculty offers Postgraduate Diploma in Law (PGDL), Master of Laws (Course Work and Dissertation), Master of Laws in Information and Communication Technology Law (LL.M ICTL), Master of Laws in International Criminal Justice (LL.M ICJ), Master of Laws by Thesis (LL.M Thesis), Master of Laws in International Trade and Investment Law (LL.M ITIL), Master of Laws in Land Administration and Management (LLM LAM) and Doctor of Philosophy (Ph.D.).

3.1 Regulations for the Postgraduate Diploma in Law (PGDL)

3.1.1 Educational Aims of the Programme

Postgraduate Diploma in Law (PGDL) is a law programme designed for both candidates who studied law in their undergraduate degree and those candidates who wish to develop their career in law no matter what subject they gained in their original degrees. The PGDL aims to give students a firm grounding in the principles of law – not just knowledge of the law itself but also (and just as importantly) developing the essential skills of legal analysis, research and presentation. Once completed successfully, the Postgraduate Diploma in Law programme allows graduates to proceed to a master degree (for those who had no qualification for direct entry into master programme) or become legal officers, arbitrators, mediators, corporation secretaries, etc as the case may be.

3.1.2 Eligibility for Admission

To be considered for admission to the programme for the Postgraduate Diploma in Law a candidate must have satisfied the requirements for the award of the degree of LLB (O.U.T) or B.A. (O.U.T); or any other degree qualification from a recognised university.

3.1.3 Duration

The course shall be completed within three years but not less than 12 months since registration.

3.1.4 Course Programme

3.1.4.1 A candidate is supposed to select his/her courses from those offered for the degree of Bachelor of Laws provided that:

- (i) he/she may not pursue an undergraduate course for purposes of sitting for Main Timed Tests and Annual Examinations in a subject he/she has already taken for the LLB degree though he/she may take an advanced course in that subject by writing advanced papers, and;
- (ii) he/she must choose Jurisprudence and Legal Methods as among of his/her subjects if he/she has not taken it in his/her LL.B. programme.

3.1.4.2 The Course shall consist of course work for law degree candidates or examinations (for non-law degree candidate) in approved subjects.

3.1.4.2 A candidate shall choose his/her courses in order to satisfy the scheme of examination set out below in consultation with and with the approval of the Dean of the Faculty/Postgraduate Studies Coordinator.

3.1.4.3 A candidate shall pursue his/her studies under the guidance of his/her supervisor appointed by the Faculty Board and approved by both the Postgraduate Studies Committee and Senate.

3.1.4.4 The course carries a minimum of 90 credits (**9 units**).

3.1.5 Scheme of Examination

Candidates must satisfy the examiners in three approved courses (the examination may be by coursework and/or examination papers) and a Viva voce (if done by course work), where the examiners so require.

3.1.6 Rules Governing Examination:

3.1.6.1 All examinations and coursework papers shall be sat for or completed at the end of the course.

3.1.6.2 A candidate shall not have passed unless he/she attains a minimum of 50% (B) in his/her course.

3.1.6.3 Where a candidate fails to satisfy the examiners in one coursework or examination paper, it shall be competent for the examiners to refer the coursework back to the candidate for revision or for the candidate to re-sit the examination.

3.1.7 Subjects offered for the Postgraduate Diploma in Law (PGDL)

Compulsory Undergraduate (Courses)

	Units	Credits
OLW 104: Legal Method [Non Credit] if not taken at undergraduate level	1	10
OLW 301: Jurisprudence [if not taken at undergraduate level]	1	10

A candidate shall take at least THREE optional courses, to make the required **9 units** from the following:

OLW 507: Civil Procedure.	3	30
OLW 508: Jurisprudence	3	30
OLW 509: Law of Contract.	3	30
OLW 511: Succession and Trusts	2	20
OLW 512: Tax Law.	2	20
OLW 513: Criminal Law and Procedure.	3	30
OLW 514: Family Law	2	20
OLW 516: International Law.	3	30
OLW 517: Constitutions and Legal Systems of East Africa.	3	30
OLW 518: Administrative Law.	3	30
OLW 519: Law of Evidence.	3	30
OLW 520: Land Law.	3	30
OLW 521: Law of Tort.	3	30
OLW 525: Islamic Law.	2	20
OLW 526: Labour Law.	2	20
OLW 528: Law of Business Associations, Cooperatives and Public Enterprises	2	20
OLW 529: Intellectual Property Law	2	20

- 3.1.7.1. All undergraduate subjects offered for PGDL shall have the same units as those given to the subjects at undergraduate level.
- 3.1.7.2 Law graduate candidates shall take three (3) subjects on condition that all the subjects should not be drawn from the list of undergraduate courses.
- 3.1.7.3 Non-Law candidates shall take a minimum of five (5) undergraduate courses, which shall comprise OLW 301 Jurisprudence and OLW 104 Legal Methods as compulsory subjects and at least three optional undergraduate subjects.
- 3.1.7.4 A candidate pursuing advanced courses shall be required to write at least two advanced coursework papers for each subject taken as an advanced course.
- 3.1.7.5 A candidate shall be required to obtain a prior approval of not only his/her supervisor but also the Dean of the Faculty on the topic/area he/she chooses for his/her coursework paper.
- 3.1.7.6 The PGDL course shall be completed within 12 months. Provided that a candidate may seek for extension of time within which to complete his/her studies after expiry of the 12 months' period if she/he shows good reasons to the satisfaction of the Faculty and University Authorities.

3.2 Regulations for the Degree of Master of Laws (Course Work and Dissertation (LLM C & D) (NOT CURRENTLY IN OFFER)

3.2.1 Introduction

This course intends to provide a unique opportunity to students who want to provide their ability in their areas of specialization taking into account to that this programme is purely self-studies where students do concentrate in their areas of specialization.

3.2.2 Aims and Objectives of the Programme

The Master of Laws Programme aims at producing legal experts equipped with good analytical skills to tackle current legal problems arising from the changing nature of Tanzanian society and elsewhere in the third world and other countries in the world in social, economic and political sectors. It is a result oriented programme that enables a candidate to be fully equipped to tackle specified specialized legal problems and issues in various areas and specialties offered by the Faculty of law. The candidate may also with the permission of the Dean of the Faculty opt to do his/her course on traditional subjects under offer.

3.2.3 Eligibility for Admission

The course for Master of Laws degree of the Open University of Tanzania will be open for Law graduates of the University of Dar es Salaam, the Open University of Tanzania and any other recognized university, especially from countries of common law jurisdiction. A holder of Postgraduate Diploma in Law of Open University of Tanzania or other equivalent qualification* who is also a holder of a first degree in law (pass) may be eligible for admission to the Master of Laws Degree of the Open University of Tanzania.

3.2.4 Programme Mode Delivery

The LLM Programme will be delivered through Coursework papers and dissertation for LLM by Coursework while for LLM by Thesis is through writing, submitting, and presenting of proposal & Thesis to the respective organs (supervisor, external examiner, Department, Faculty, Postgraduate and Senate) for approval.

- 3.2.4.1 A candidate will be required to choose his/her subject provided under No. 2.9 subjects offered

3.2.4.2 A candidate will have to choose **one core subject** in which he/she will have to **write at least 2 coursework papers and a dissertation** and

3.2.4.3 He/she will also have to choose **one elective course** in which he/she will have to write the **two remaining coursework papers**. Units for each subject shall be as follows:

Core courses	60 credits (6 units)
Elective Courses	30 credits (3units)
Dissertation	90 Credits (9 units)

Coursework Papers

A candidate shall write coursework papers of publishable standard on relevant topics chosen by the candidate and approved by the candidate's supervisor. The chosen topic must be relevant to the courses that the candidate is registered for. A candidate shall not be required to publish the papers, although he/she will be encouraged to do so. The papers shall adhere to the following guidelines:

(i) Each of the papers must consist of an abstract of a maximum of 200 words summarizing the idea, theme and a key legal problem that the paper addresses.

* Such a candidate should be a holder of LL.B. degree as a basic qualification.

(ii) The paper must employ a traditional doctrinal research methodology (i.e black letter law approach).

(iii) The paper must have an introduction that presents issues that are addressed and the organization of the entire paper.

(iv) The main body of the paper must clearly describe, discuss and analyse the relevant law in the area of study as it relates to the issues being addressed and the prevailing literature on the subject matter under study.

(v) The paper must provide a concise conclusion that is informed by the discussion and analysis conducted.

(vi) The length of each of the papers must be between 4,000 and 6,000 words inclusive of references and footnotes.

(vii) Citation should be written in accordance with the law postgraduate research guideline for law students.

(viii) Four bound copies of a coursework paper must be submitted to the Dean of the Faculty of Law for examination arrangements after a candidate has satisfactorily completed corrections recommended by a supervisor.

3.2.5 Duration of the Course

The course duration is maximum of FIVE years provided that a candidate may complete his/her course **before five years** but not less than **18 months** of studying. The time for study may be extended by the Senate if it is satisfied that there are reasonable grounds to do so.

3.2.6 Scheme of Examination

3.2.6.1 A candidate will have to write the total of Four advanced **coursework papers** on the subject(s) of his/her own choosing and approved by the Faculty. Other technical aspects of the student's academic writing shall be under the guidance of the supervisor. The length of Coursework papers shall be between 4,000 to 6,000 words.

3.2.6.2 The following Grading system shall be applied:

GRADE	MARKS	GRADE POINT	QUALITY
A	100 -70%	4.4 - 5.0	Excellent
B+	69 - 60%	4.0 - 4.3	Very Good
B	50 - 59%	1.0 3.9	Good Pass
C	40 - 49%	2.0 - 2.9	Marginal Fail
D	35 - 39%	1.1 - 1.9	Fail
E	0- 34%	0.- 0.9	Absolute Fail

3.2.6.3 The pass mark for both core and elective courses shall be “B” grade average. Candidate whose average pass is below the indicated average grade above in not more than two required courses, shall be required to do supplementary examinations in the subjects failed if the overall GPA is at least 3.0 . The maximum grade for the course that has been supplemented shall be a B.

3.2.6.4 Candidate must successfully complete the coursework part with minimum overall grade of “B” in all courses designated for the respective degree programmes.

3.2.6.5 A candidate whose overall grade average is below a “B” (i.e. below GPA OF 3.0) in the coursework part shall be discontinued from studies.

3.2.6.6 A candidate failing supplementary examinations shall be discontinued from studies

3.2.7 Submission of Dissertation

3.2.7.1 Candidates will have to notify the Chairman of the Postgraduate Studies Committee of Senate his/her intention to submit his/her dissertation, three months prior to submission.

3.2.7.2 In his/her dissertation, the candidate will have to declare, to the satisfaction of the University that the work he/she has submitted is his/her own work and has never been submitted to any other University.

3.2.7.3 A candidate will be required to submit his/her dissertation in quadruple.

3.2.7.4 A candidate, upon recommendation of the examiners to the Senate may be required to resubmit the dissertation after reviewing the same.

3.2.8 Award of the Degree of Master of Laws (C & D)

The degree of Masters of Laws shall be classified as per applicable TCU guidelines but may not be awarded with distinction.

3.2.9 Subjects offered for the Master of Laws Degree (C & D) of the Open University of Tanzania
Core Courses

(NB: CURRENTLY NOT IN OFFER)

CODE	Series (core)	Status/Weight	Units	Credits
OLW 601	Environmental Law, Regulation and Policy	(core)	6	60
OLW 602	Industrial and Labour Relations Law	(core)	6	60
OLW 603	Corporate Law, Securities and Banking	(core)	6	60

OLW 604	Domestic and International Regulation and Protection of Foreign Investments.	(core)	6	60
OLW 605	Property Relations (Advanced Land Law)	(core)	6	60
	Constitutionalism, Good Governance and Human Rights;	(core)	6	60
OLW 606 OLW 612	Tax Law	(core)	6	60
OLW 617	Alternative Disputes Resolutions	(core)	6	60
OLW 618	Intellectual Property Law	(core)	6	60
OLW 659	Dissertation	(Core)	9	90

Candidates may also opt for the following traditional legal subjects with the permission of the Dean of the Faculty/Postgraduate Studies Co-coordinator

CODE	Series (electives)	Status/Weight	Units	Credits
OLW 607	Civil Procedure	elective)	3	30
OLW 608	Jurisprudence	elective)	3	30
OLW 609	Law of Contract	elective)	3	30
OLW 610	Private International Law	elective)	3	30
OLW 611	Succession and Trusts	(elective)	3	30
OLW 613	Criminal Law and Procedure	elective)	3	30
OLW 614	Family Law	elective)	3	30
OLW 615	Sale of Goods/Negotiable Instruments	elective)	3	30
OLW 616	Public International Law	elective)	3	30
OLW 621	Administrative Law	(elective)	3	30
OLW 622	Law of Evidence	(elective)	3	30
OLW 623	Law of Tort	(elective)	3	30
OLW 624	Constitutional Law	(elective)	3	30
OLW 626	Islamic Law	(elective)	3	30
OLW 627	Labour Law	(elective)	3	30
OLW 628	Legal Aspects of International Trade and Investments	(elective)	3	30
OLW 629	Law of Business Associations, Cooperatives and Public Enterprises	(elective)	3	30

- (i) All candidates for a Master's programme will have to undergo a Legal Research Methodology Course and Research Guidelines to be conducted by the Faculty of Law in during the first week of April and October. A separate fee of TZS 500,000 shall be paid for this training.
- (ii) The candidates will be assigned supervisors to supervise them throughout the course of study. A candidate must pursue his studies under the guidance of his/her supervisor.
- (iii) A candidate who opts for OLW 601: *Environmental Law, Regulation and Policy*, OLW 604: *Domestic and International Regulation and Protection of Foreign Investments*, should have studied *International Law* in his/her undergraduate study. Otherwise he/she will have to study *International Law* as non-credit course during his/her Master's Programme. Similarly a candidate, who opts for OLW 602: *Industrial and Labour Law*,

will be supposed to have studied *Labour Law* during his/her LL.B Programme. It will be within the discretion of the Dean to direct a particular student to undertake an undergraduate course if it appears in the opinion of the Dean, it is necessary for successful completion of the Masters Programme.

3.3 Regulations for Master of Laws Degree by Thesis (LL.M by Thesis)

3.3.1 Introduction

An LL.M by Thesis study is conducted through thesis writing. A student shall submit, and present a detailed research proposal through guidelines provided under the Directorate of Postgraduate Studies. The panelists specialized in law shall examine the relevancy of the research proposal and upon satisfaction of the panelists, the approval for research shall be granted. A student shall follow all postgraduate procedures for research clearance, go for data collection and writing the thesis under the guidance of a supervisor approved by the University Senate.

3.3.2 Aims and Objectives of the (LL.M by Thesis) Programme

The Master of Laws by Thesis Programme aims at producing legal experts equipped with advanced legal research skills who are able to tackle current legal problems and other specialized areas in the world of work. The study area is independently selected by the student and through his/her research proposal, comments are provided to the student by his/her supervisor to take into account all detailed studies in the subject area of research. In deciding on research area, a student shall consider the changing nature of society as affected by different social political and economic environment national wide, sectoral wide and across the third world and other parts of the world. It is a research oriented programme designed to equip the research student with detailed research theories, methodologies, precepts and their application in developing a well-researched thesis towards solutions of identified legal challenges and problems. This study enables a candidate to be fully equipped to tackle specified specialized legal problems and issues in various areas specialties offered by the Faculty of law. The candidate will choose independently the area of his or her research.

3.3.3 Eligibility for Admission into an LL.M by Thesis Programme

The Master of Laws by Thesis Degree Programme of the Open University of Tanzania will be open for Law graduates of the Open University of Tanzania, the University of Dar es Salaam, and any other recognized university in the United Republic of Tanzania, as well as from any country in Africa and outside Africa, especially from countries of common law jurisdiction with a first degree Upper Second-Class and above (GPA of 3.5 and above) plus submission of evidence of rich experience in research and publications in various recognized peer reviewed journals .

3.3.4 Programme Mode Delivery

3.3.4.1 The LL.M by Thesis Programme is delivered through supervised research process. The thesis is supervised through a blended mode involving both open and distance learning mode and face to face meeting with a supervisor (where practicable). On admission into the programme, a candidate will be required to submit a comprehensive research proposal for possible approval after given processes are accomplished under the Directorate of Postgraduate Studies. Upon approval of the research proposal and upon showing good progress in his/her research after approval of the research work by his/her supervisor, the candidate shall appear for seminar presentations after submission of all relevant documents to the Faculty Postgraduate Coordinator and to the respective organs for purposes of showing his/her research progress made before the students reaches a stage of filing a notice of intention to submit.

3.3.4.2 Through the Directorate of Postgraduate studies and the Faculty, the LL.M Thesis shall be submitted after approval by his/her supervisor. The submission shall be accompanied by a duly filled-in forms of notice of intention to submit, academic progress report form, a proof of payment of all university tuition and any other applicable fees (if any) as per the Postgraduate thesis submission guidelines.

3.3.5 Scheme of Examination of LL.M by Thesis

- 3.3.5.1 The examination process for a thesis shall involve the supervisor, internal examiner, external examiner, host department, faculty, and the postgraduate studies office.
- 3.3.5.2 The thesis shall be examined by both internal and external examiner, whereby *viva-voce* examination shall be conducted based on reports of examiners.
- 3.3.5.3 Where external examiner's report has failed a thesis, there shall not be a *viva voce* until all critical comments as raised by examiners are fully addressed and, a resubmission shall be made as per the recommendations in accordance to the Postgraduate research regulations/guidelines for thesis examinations.
- 3.3.5.4 Where both examiners' reports are permissive of a *viva voce*, the candidate shall appear for *viva voce* as per the Postgraduate *Viva Voce* defence rules and upon successful defense, the student shall receive a *verdict* on either a pass or pass subject to indicated extent of corrections or a fail. A pass shall entitle a student's name to be submitted to the Senate for approval and clearance for award of the degree. The Degree of Master of Laws by Thesis shall be graded and classified as per the O.U.T Postgraduate Guidelines and/or rules.

3.3.6 Scheme of Examination of LL.M (Coursework & Dissertation)

- 3.3.6.1 In case of advanced coursework papers, a candidate will have to write the total of FOUR advanced coursework papers on the subject(s) of his/her own choosing and approved by the Faculty. Supervision and examination of other technical aspects of the student's academic writing of coursework papers shall be under the guidance of the supervisor. The length of Coursework papers shall not exceed 6,000 words and not less than 4,000 words.

- 3.3.6.2 The following Grading system shall be applied to all Master of Laws Programmes:

GRADE	MARKS	GRADE POINT	QUALITY
A	100 -70%	4.4 - 5.0	Excellent
B+	69 - 60%	4.0 - 4.3	Very Good
B	50 - 59%	1.0 3.9	Good Pass
C	40 - 49%	2.0 - 2.9	Marginal Fail
D	35 - 39%	1.1 - 1.9	Fail
E	0- 34%	0.- 0.9	Absolute Fail

- 3.3.6.3 The pass mark for both core and elective courses shall be "B" grade average. Candidate whose average pass is below the indicated average grade in all registered courses shall be required to do supplementary examinations in each respective subjects failed. The maximum grade for the course that has been supplemented shall be a "B".

- 3.3.6.4 Candidate must successfully complete the coursework part with minimum overall grade of "B" in a courses designated for the respective degree programmes before commencing a dissertation writing stage.

- 3.3.6.5 A Candidate whose overall grade average is below a "B" (i.e. below GPA of 3.0 in the coursework part shall be required to supplement all the courses only once.

- 3.3.6.6 A candidate who fails in all courses supplemented (i.e. below GPA of 3.0 in the coursework part) shall be discontinued from studies but may be eligible for fresh application for admission into the programme or any other available programme in the Faculty.

3.3.7 Submission of Dissertation and Thesis

- 3.3.7.1 An LL.M candidate pursuing a Master of Laws Programme in any specialization shall be required to notify the Chairman of the Postgraduate Studies Committee of Senate on his/her intention to submit his/her dissertations or thesis, three months prior to submission.

- 3.3.7.3 In his/her dissertation or thesis, the candidate will have to declare, to the satisfaction of the University that the work he/she has submitted is his/her own work and has never been submitted to any other University.
- 3.3.7.4 A candidate will be required to submit his/her dissertation in quadruplicate.
- 3.3.7.5 A candidate, upon recommendation of the examiners to the Senate may be required to re-submit the dissertation after reviewing the same.

3.4 Regulations for Master of Laws in Information Communication Technology Law (LLM - ICTL)

3.4.1 Background

The LLM in Information Communication Technology is a re-branded form of the LLM in Information Technology and Telecommunications (LLM IT&T) that had been on offer at OUT since 2009. The course is open to law and other professions graduates with interest in taking on a specialization in Information Technology and Telecommunications law. The course is conducted in modular form.

3.4.2 Aims of the Programme

The Certificate/Postgraduate Diploma/LLM programme aims to produce highly skilled, independent and adaptable graduates with a solid knowledge of the basic principles of law, who are equipped for employment both in the legal profession and other fields of endeavour. The programme reflects the emphasis on "useful learning" which is at the heart of the mission of the University. The modular programme guarantees that all students achieve the requisite benchmark standards but also offers considerable flexibility which allows students to select a curriculum which meets their own needs. The programme also ensures that knowledge and skills are developed progressively through the course of the degree.

3.4.3 Eligibility for Admission

Candidates holding the following qualifications will be eligible for admission into the LLM ICT Programme: A holder of honours Degree in Law or a Pass Degree with PGDL OR Holder of honours Non-Law Degree from recognized university/institution with a t least working experience relevant to the course

3.4.4 Programme Design, Organization and Mode of Delivery

Programme Design

Each student of Master of Laws in Information Communication Technology (LLM - ICTL) will be required to study the Minimum of 72 credits (18 Units) which (6Courses plus a Dissertation). Each Unit is equivalent to 40 one hour lectures or 4 credits. Delivery will be through blended mode; Moodle and Face to Face Executive classes.

3.4.5 Programme Organization

Course Structure

Course Code	Course Name	Units	Credits
OLW 646	Advanced Legal Research Methodology	2	20
OLW 681	Information Security Law	2	20
OLW 682	Electronic Commerce Law	2	20
OLW 683	Electronic Communication Law	2	20
OLW 684	Privacy and Data Protection	2	20
OLW 685	Internet Governance Law	2	20
OLW 686	IP Law in Digital Environment		
OLW 677	Dissertation	6	60

Notes: Total minimum credits for the LL.M ICTL programme will be 180 credits.

Faculty of Law of The Open University of Tanzania defines ONE credit unit as equivalent to thirty five (40) one-hour lectures.

3.4.6 Programme Mode of Delivery & Programme Duration

The Programme will be delivered through lectures, on each Course and shall be conducted in Dar es Salaam or any other selected venue in Tanzania. The 40 Hr Lectures will be completed within a one working week.

3.4.7 Programme Duration

The entire Programme shall be completed within two years for the award of the LL.M ICTL.

3.4.8 Assessment Regulations

The following regulations will apply for the assessment of the programme:

Assessment of written Assignment (Coursework)

- (a) The following assessment shall consist of continuous assessment. (Written assignments in a form of an essay of at least 6,000 words) for each course pursued by candidate of LL.M ICTL which amount to the maximum of 100%.
- (b) With written required/chosen modular students shall also write one Dissertation Project of about 20,000 words on the topic of his/her own choice.
- (c) All coursework papers/ written assignments shall be done at the end of each course/Course
- (d) A candidate shall not have passed unless he/she attains a minimum of 50% (B) in his/her course/Course

3.4.8.1 Before the candidate is allowed to proceed with the dissertation research phase of the Masters programme, the Candidates must successfully complete the coursework part with a mean overall grade of "B" or above (i.e. GPA of at least 3.0) in all chosen /pursued core courses listed.

3.4.8.2 The mode of evaluation for the dissertation comprises 100% and shall be evaluated independently.

3.4.8.3 The following Grading system shall be applied:

GRADE	MARKS	GRADE POINT	QUALITY
A	100-70%	4.4-5.0	Excellent
B+	69-60%	4.0- 4.3	Very Good
B	50-59%	3.0-3.9	Good Pass
C	40-49%	2.0-2.9	Marginal Fail
D	35-39%	1.0-1.9	Fail
E	0-34%	0.-0.9	Absolute Fail

3.4.8.4. A Candidate fails in only one of the **FOUR** Courses shall be allowed to do supplementary examination.

3.4.8.5 A candidate who fails in a repeated subject will be deregistered from the LL.M ICTL Programme.

3.4.8.6 A candidate whose overall grade points below a “B” (i.e. below GPA of 3.0) in the coursework part shall be discontinued from studies.

3.4.8.7. The duration of the LLM ICT Programme is within 18 months but the registration period is shall remain valid up to the maximum of five (5) years. A student who will not complete the programme within the maximum given time will be de-registered.

3.4.8.8. **Students who will be caught involving in plagiarism activities will be deregistered from the course with immediate effect.**

3.4.8.9 **Final Award/Graduation Requirements**

The minimum pass mark for any course shall be the grade “B” or 50%

3.4.8.10 Candidates, who successfully complete the required units/courses including the dissertation, shall qualify upon approval by Senate, for the award of the LLM in Information Communication Technology Law.

3.4.8.11 Candidates who complete at least four courses, but are unable to submit a dissertation, or fail in the dissertation, shall be awarded a **Postgraduate Diploma in Information Communication Technology Law.**

3.4.8.12 Candidates who complete at least two courses but wish to leave the programme shall be awarded a Postgraduate Certificate in Information Communication Technology Law.

3.5 **Regulations for Master of Laws in International Criminal Justice (LLM ICJ)**

3.5.1 **Aim and Objectives**

The Certificate/Diploma/LLM in ICJ programme aims to produce highly skilled, independent and adaptable graduates with a solid knowledge of the basic principles of law, who are equipped for employment both in the legal profession and other fields of endeavour. The programme reflects the emphasis on "useful learning" which is at the heart of the mission of the University.

The modular programme guarantees that all students achieve the requisite benchmark standards but also offers considerable flexibility which allows students to select a curriculum which meets their own needs. The programme also ensures that knowledge and skills are developed progressively through the course of the degree.

3.5.2 **Eligibility for Admission**

Candidates holding the following qualifications will be eligible for admission into the LLM ICJ Programme: A holder of honours Degree in Law or a Pass Degree with PGDL

OR

Holder of honours Non-Law Degree from recognized university/institution with a t least working experience relevant to the course

3.5.3 **Programme Design**

Each Students of Master of Laws in International Criminal Justice will be required to study a minimum of 72 credits (18 Units) which (6Courses plus a Dissertation). Each Unit is equivalent to 40 one hour lectures or 4 credits. Delivery will be through blended mode; Moodle and Face to Face Executive classes.

Students will be given an assignment of 6,000 words to be submitted within three weeks after the end of each course.

Students pursuing the masters rather than advanced diploma will have another six months to work on a dissertation project.

3.5.4 Programme Organization Course

Structure

COURSE CODE	COURSE NAME	UNIT	CREDIT
OLW 641	Advanced Legal Research Methodology	2	20
OLW 691	Principles of International Law	2	20
OLW 692	Substantive International Criminal Law	2	20
OLW 693	International Criminal Courts & Tribunal, Process and Procedures	2	20
OLW 696	Contemporary Issues in International Criminal Court of Justice	2	20
OLW 695	Africa & International Criminal Court of Justice	2	20
OLW 677	Dissertation	6	60

Note: Total minimum credits for the LL.M ICJ programme will be 180 credits.

The Faculty of Law, the Open University of Tanzania defines ONE unit as equivalent to thirty-five (40) one-hour lectures

3.5.5 Programmed Mode of Delivery & Programme Duration

Programme Mode Delivery

The programme will be delivered through one lectures spread over a week for a maximum of 40 hours. The lectures will be conducted for each course in Dar es Salaam or any other selected venue in Tanzania.

Programme Duration

The entire programme shall be completed within two years for the award of the LL.M in International Criminal Justice (ICJ).

3.5.6 Assessment Regulations

The following regulations will apply for the assessment of the programme:

3.5.7 Assessment of Written Assignment (Course Work)

- a) Students will complete a written assignment in the form of an essay of at least 6,000 words for each course, marked out of 100%. Written assignments must be completed and submitted within three (3) after attending a seminar.
- b) A candidate shall not have passed unless he/she attains a minimum of 50% (B) in his/her course/Course.
- c) Students will complete a dissertation of approximately 20,000 words on a topic of the student's choice. Research and drafting can start after a student successfully completes Courses 1-5.

3.5.7.1. Before a candidate is allowed to proceed with the research and dissertation phase of the programme, he/she must successfully complete the coursework part with a mean overall grade of “B” or above (i.e. GPA of at least 3.0) in all core courses listed.

3.5.7.2 The mode of evaluation for the dissertation comprises 100% and shall be evaluated independently.

3.5.7.3 The following grading system shall be applied:

GRADE	MARKS	GRADE POINT	QUALITY
A	100-70%	4.4-5.0	Excellent
B+	69-60%	4.0- 4.3	Very Good
B	50-59%	3.0-3.9	Good Pass
C	40-49%	2.0-2.9	Marginal Fail
D	35-39%	1.0-1.9	Fail
E	0-34%	0.-0.9	Absolute Fail

3.5.7.4. Where a candidate fails in one of the **FOUR** Courses he/she shall be allowed to do supplementary examination.

3.5.7.5 A candidate whose overall grade point is below a “B” (i.e. below GPA of 3.0) for the coursework shall be discontinued from studies.

3.5.7.6. The duration of the LLM ICJ is two (2) years. Students who fail to complete the registered programme within the given time will be de-registered.

3.5.8 Final Award/Graduation Requirements

3.5.8.1 The minimum pass mark for the course is grade “B” or 50%.

3.5.8.2 Candidates who successfully complete the required units/course shall qualify, upon approval by Senate, for the award of LLM in International Criminal Justice.

3.5.8.3 The degree of Masters of Laws s in International Criminal Justice shall not be classified but may be awarded with distinction.

3.6. Regulations for Master of Laws in International Trade and Investment Law Technology Law (LLM - ITIL)

3.6.1 Programme Aim and Philosophy

LLM programme aims to produce highly skilled, independent and adaptable graduates with a solid knowledge of the basic principles of ITIL law, who are equipped for employment both in the legal profession and other fields of endeavour.

3.6.2 Programme Objectives

The Master of Laws in International Trade and Investment Law aims at equipping students with advanced knowledge, skills and competences in the field of International trade and investment particularly in international commercial transactions, dispute resolution, international and regional investment regimes and international taxation law. To develop

fundamental in depth understanding of principles, concepts, values, substantive rules and procedures of the main institutions implementing International trade and investment law. To develop in students intellectual rigour, independence of mind, and the ability to think critically and constructively on different aspects of international trade and investment.

3.6.3 Entry requirements

Candidates holding the following qualifications will be eligible for admission into the LLM ITIL Programme: A holder of honours Degree in Law or a Pass Degree with PGDL OR *a.)* Holder of honours Non-Law Degree from recognized university/institution with working experience of a minimum of 1 year relevant to the field.

3.6.4 Justification of the Programme

Trade is one of the main driving forces behind the increasing globalization. This course examines the legal frameworks governing global business and international trade and investment relations between states trade in goods, trade in services, trade remedies, technical standards and dispute settlement. Particular attention will be devoted to the non-trade policy effects of international trade regulation, in fields such as public morals, health and the environment. The law on investment protection disciplines how States treat foreign investors and their investments. The investment regime emerges from the substantive obligations expressed in investment treaties and customary international law, and their interpretation and application by investment treaty tribunals in particular disputes.

3.6.5 Exit levels available with respect to UQF description

- i) **Postgraduate Diploma in International Trade and Investment Law:**
A student who has completed 120 credits equivalent to 12 units shall be awarded a Postgraduate Diploma in International Investment and Trade Law.
- ii) **Postgraduate Certificate in International Trade and Investment Law.** A student who has completed 100 credits equivalent to 10 units shall be awarded a Certificate in International Investment and Trade Law

3.6.6 Entry Arrangement

- i. Students join the LLM ITIL programme by applying directly to the Open University of Tanzania through online portal available on OUT website. Information on how to use this system can be obtained from any regional or coordination centres of OUT.
- ii. The qualifications for one to apply and join are provided for under point 2.10 above.

3.6.7 Transfer and progression

LLM ICTL programme is comprised of seven modules that require a candidate to pass six modules prior to be allowed to proceed with the seventh module. A candidate will not be eligible for doing LLM ICTL dissertation unless has passed all six modules. The candidate will be eligible for postgraduate studies UQF level 10 after successful completion of the LLM ICTL programme. If a student fails to complete the requirements of the programme he/she will be provided with the exit award of Postgraduate Diploma or Certificate provided the minimum units/credits are attained.

3.6.8. Transfer arrangement

In the event that completion of programme delivery proves impossible for any reason to some or all students, credit transfer to another University for similar programme shall be made in accordance with prevailing TCU Students' Credit Transfers Guidelines.

3.6.9. Courses Offered

The LL.M [ITIL] offers the following courses to be able to complete the programme.

Course code		credits
OLW 646	Advanced Legal Research Methodology	20
OLW 631	International Commercial Transactions	20
OLW 632	Legal Aspects Of International Trade And Investment Law	20
OLW 633	International Commercial Arbitration	20
OLW 634	International Investment Arbitration	20
OLW 635	International Tax Law	20
OLW 657	Advanced Legal Research Methodology	20
OLW 677	Dissertation	60

Notes: Total minimum credits for the LL.M ITIL programme will be 180 credits.

3.6.10. Assessment Details

3.6.10.1 Programme assessment strategy

- a.) Seminar presentation and participation/Assignment 100%
- c.) Dissertation

Upon completion of all six modules each student shall write a dissertation of between 18,000 - 20,000 words with a tolerance of 5% excess words.

3.6.10.2 Examination general format and examination regulations.

i) Examination general format

Examinations shall be by way of written essays, seminar participation, assignment and dissertation.

- a) The pass mark for seminar presentation, participation combined shall be 100% and written assignment shall also carry 100% for each LL.M ITIL module.
- b) A dissertation shall be marked out of 100% and the pass mark shall be 50% (B).
- c) A candidate who fails to attain the pass mark (50% and above), shall be allowed to re-do the module. The maximum grade attainable in a rewrite module shall be 50% (B).

3.7. Regulations for Master of Laws in Land Administration and Management (LLM LAM)

3.7.1 Programme objectives and philosophy

The programme objectives include:

- i. To promote an understanding of key concepts, approaches, and application of tools for conservation and management of natural resources as well as pollution control in the context of practical aspects of land use value and human settlement.
- ii. To develop methodological and analytical skills for land investment and conveyancing.

3.7.2 Exit levels available with respect to UQF description:

i.) Postgraduate Diploma in Land Administration and Management

A student who has completed 120 credits equivalent to 12 units shall be awarded a Postgraduate Diploma in Land Administration and Management.

ii.) Postgraduate Certificate in Land Administration and Management

A student who has completed 100 credits equivalent to 10 units shall be awarded a certificate in Land Administration and Management.

3.7.3 Programme expected learning outcomes and its associated teaching/learning activities and assessment criteria

By the end of the programme, student will be able to: demonstrate advanced knowledge, conceptual and empirical; developed awareness of the context in which Land Administration and Management operates; enhance capacity to apply critical, analytical and problem solving skills to complex legal problems and carry out independent advanced legal research.

3.7.4 Assessment criteria

Seminar presentation and participation: Each student shall prepare and present one main paper and one response paper of approximately 2000 words each for every module. Main seminar paper shall carry a total of 30% while response seminar paper shall carry a total of 15%. Participation shall carry a total of 5%.

Assignments: Each student shall write assignment of approximately 6000 words but not less than 4,000 words carrying a total of 50% for every module.

3.7.5 Transfer and progression

LL.M LAM programme is comprised of seven modules that require a candidate to pass six modules prior to be allowed to proceed with the seventh module. A candidate will not be eligible for doing LL.M LAM dissertation unless has passed all six modules. The candidate will be eligible for postgraduate studies UQF level 10 after successful completion of the LL.M LAM programme. If a student fails to complete the requirements of the programme he/she will be provided with the exit award of postgraduate Diploma or certificate provided the minimum units/credits are attained.

3.7.6 Learning assumed to be in place (pre- requisite-formal learning)

Direct entry as provided under point 2.10 above.

3.7.7. Transfer arrangement

In the event that completion of programme delivery proves impossible for any reason to some or all students, credit transfer to another University for similar programme shall be made in accordance with TCU Students' Credit Transfers Guidelines.

3.7.8 Normal learning Matrix & Course Matrix

The Programme consists of the following Core Law courses.

Course code	Course Title	Core	Credits
OLW 646	Advanced Legal Research Methodology	Core	20
OLW 641	Land Administration And Management	core	20
OLW 642	Real Estate Law And Conveyancing	core	20
OLW 643	Land Conflict Management	core	20
OLW 644	Land Use, Planning And Zoning Law	core	20
OLW 645	Real Estate Investment Law	core	20
OLW 677	Dissertation	core	60

Note: Total minimum credits for the LL.M LAM programme will be 180 credits.

3.7.9 Assessment Details

3.7.9.1 Programme assessment strategy

a.) Seminar presentation and participation. Each student shall prepare and present for each module (except for a dissertation module) one Main Paper and one Response paper of approximately 2000 words each.

Each main seminar paper shall carry a total of 30% while response seminar paper shall carry a total of 15%, and participation shall carry a total of 5%. **b.) Assignment**

Each student shall write an Assignment of approximately 6,000 words but not less than 4,000 words carrying a total of 50% in each modules except that this requirement shall not apply to a dissertation

module. **c.)** Dissertation

Upon completion of all six modules each student shall write a dissertation of between 18,000 - 20,000 words with a tolerance of 5% excess words.

3.7.9.2. Examination general format and examination regulations.

- i) **Examination general format:** examinations shall be by way of written essays, seminar participation, assignment and dissertation.
- ii) **Examination regulations:**
 - a.) The pass mark for seminar presentation, participation and assignment combined shall be 50% for each LL.M ICJ modules.
 - b.) A candidate who fails to attain the pass mark (50% and above), shall be allowed to redo the module. The maximum grade attainable in a rewrite module shall be 50% (B).
 - c.) A candidate who will be found to have plagiarized his/her assignment, seminar or dissertation (more than 30% plagiarism check) shall fail that particular module.

Before appointing a person to be an internal examiner of any given dissertation, the Faculty Dean shall request curriculum vitae of the intended examiner for verification of needed competencies, and upon satisfaction, the examiner shall be appointed. The internal examiner shall be provided with a copy of the dissertation and the dissertation marking guide containing detailed outline of information on specific aspects to be examined and score to be awarded on each listed aspect. The internal examination report shall be submitted to the Directorate of Postgraduate Studies for purposes of arranging for oral presentation in order to prove ownership of the work.

3.8. Regulations for the Degree of Doctor of Philosophy (PhD)

3.8.1 Objectives of PhD Programme

The primary objective of the Program of Doctor of Philosophy is to enable a student to gain professional skills in the design of a research project, the conduct of the search to obtain relevant data, the analytical skills to perform an evaluation of the data and have the ability to write up a coherent and generally acceptable thesis of high academic standard based on his/her chosen area of study. Such work must be original and a contribution to knowledge.

The course is also intending to impact candidate knowledge to acquire transferrable skills in research and writing skills, such that they gain confidence to conduct future research, do analysis and writing on their own without closer supervision. It is also inculcating in candidate a mastery to understanding and confidence to analyze and explain his/her area of specialization.

3.8.2 Eligibility for Admission

A holder of the Bachelor of Laws (LL.B) and Master of Law Degree (LL.M) of the Open University of Tanzania or from any other accredited University shall be eligible for registration for the degree of Doctor of Philosophy in Law.

3.8.3 Duration

A candidate must submit his/her thesis within six years from the date of registration for the degree provided that no candidate may be permitted to submit a thesis in less than two academic years from the date of registration.

3.8.4 Course Programme

3.8.4.1 A prospective candidate for the Ph.D. Degree is required to submit an outline of the subject of study and/or research which he/she proposes to pursue.

3.8.4.2 One or two supervisors will be appointed to advise the candidate in his/her field of

study or research provided that one supervisor may conduct a PhD supervision only if he/she is of a rank of associate professor or full professor or is a senior lecturer with proven long experience in PhD supervision.

- 3.8.4.3** A candidate for the degree shall be required to submit a thesis embodying the results of his studies.
- 3.8.4.4** A candidate may choose any subject from those offered at Master of Law level or any other topic of research to be approved by the Dean Faculty of Law.
- 3.8.5 Rules Governing Submission and Examination of Thesis**
- 3.8.5.1** At least six months before the thesis is to be presented, a candidate shall give notice, in writing, to the Deputy Vice Chancellor (Academic) of the University submitting a general scope of the work.
- 3.8.5.2** The Senate shall appoint for each thesis at least two examiners, one of whom shall be an examiner external to the University.
- 3.8.5.3** Three copies of every thesis for the degree shall be submitted and if the degree is awarded, two copies of a thesis so submitted shall remain in the keeping of the University to be deposited in the Library. A thesis submitted for the Degree shall normally have a minimum of 500 pages worthy of publication; it must also include a full list of references to materials whether published or otherwise used in its preparation.
- 3.8.5.4** Every thesis submitted for the degree must be accompanied by a declaration to the satisfaction of Senate stating that it has not been submitted before for a degree in this or any other University.
- 3.8.5.5** No thesis shall be accepted which does not make a distinct contribution to the knowledge or understanding of the subject and does not show evidence of originality.
- 3.8.5.6** The candidate shall be required to forward to the University with his/her thesis an abstract thereof comprising not more than 300 words.
- 3.8.5.7** The candidate may submit as subsidiary matter in support of his/her candidate any printed contribution or contributions to the advancement of knowledge relative to his/her field of research which he/she may have published independently or conjointly. In the event of a candidate submitting such subsidiary matter he/she will be required to state fully his/her own share in any conjoint work.
- 3.8.5.8** The candidate may submit with his/her thesis a list of his/her publications.
- 3.8.5.9** The examiners may require a candidate for the degree to present himself/herself for a *viva voce* examination on the general field in which the thesis falls as well as on the subject of the thesis itself.
- 3.8.5.10** If the thesis is adequate but the candidate fails to satisfy the examiners at the *Viva voce*, examiners may recommend to the Senate to permit the candidate to re-present the same thesis, and submit himself/herself to a further *Viva voce* within a period not exceeding 18 months.
- 3.8.5.11** A thesis may be re-submitted in revised or extended form if the examiners so recommend. No rejected thesis may be re-submitted in a revised form unless it was so recommended by the examiners. A thesis recommended for re- submission must be submitted within 18 months.
- 3.8.5.12** The candidate may be required by the examiners to make minor alterations to thesis without requirement to re-submission. Such alterations must be effected within a period of 6 months. If the candidate fails to make the alterations to the satisfaction of the examiners within the specified time, and he/she is not granted an extension of time by the Senate, he/she will be deemed to have failed the examination.
- 3.8.5.13** when a thesis has been accepted by the University, and material from it is published, in whatever form, acknowledgment shall be made of the fact that this material has been submitted in a thesis approved for the degree of Doctor of Philosophy of the Open University of Tanzania.

APPENDICES

Appendix 1 : Staff Directory Faculty of Law

As of year 2020, the Faculty of Law has a total of 27 permanent academic staff placed in three departments. The Faculty is supported by one administrative staff Ms Sara Mwaja.

CONSTITUTIONAL AND INTERNATIONAL LAW

SN	NAMES	DESIGNATION	CENTER
1	Prof. .Alex Makulilo	Ass. Professor	HQ
2	Dr. Hellen Kiunsi	Lecturer	HQ
3	Mbiki Msumi	Lecturer	HQ
4	Gervas E. Yeyeye	Ass. Lecturer	HQ
5	Moses Masami	Ass. Lecturer	DODOMA
6	Festo Chikungua	Ass. Lecturer	IRINGA
7	Ally Abdallah	Ass. Lecturer	KIGOMA
8	Richard Paresso	Ass. Lecturer	HQ
9	Sabinus C. Ndunguru	Assistant Lecturer	HQ
ECONOMIC LAW			
1	Dr. Rindstone Bilabamu Ezekiel	Lecturer	HQ
2	Dr Abdallah Ally	Lecturer	HQ
3	Dr.Doreen F. Mwamlangala	Lecturer	HQ
4	Dr.Victoria M. Lihiru	Lecturer	HQ
5	Matilda Lameck	Ass. Lecturer	MBEYA
6	Prisca David Mbezi	Ass. Lecturer	MWANZA
7	Eliud Kitime	Assistant Lecturer	RUVUMA
8	Magreth Tibenda	Assistant Lecturer	SINGIDA
9	Scholastica Makoye	T.Assistant	Songwe/HQ
CIVIL AND CRIMINAL LAW			
1	Dr Hashil Abdallah	Lecturer	HQ
2	Hamida O. Hamad	Lecturer	ZANZIBAR
3	Maulana Ayoub Ali	Lecturer	HQ
4	Sigsbert Ngemera	Ass. Lecturer	HQ
5	Dr.Saphy Bullu	Lecturer	HQ
6	Msafiri Bukuku Mabera	Ass. Lecturer	HQ
7	Noel E. Nkombe	Ass. Lecturer	TABORA
8	Paul Robert Sayi	Ass. Lecturer	SIMIYU
9	Erick Gabriel	Ass. Lecturer	KILIMANJARO

ADMINISTRATIVE STAFF

Sara Mwaja	Faculty Administrator	Headquarter

PART-TIME ACADEMIC STAFF – FACULTY OF LAW

S/NO	NAME	TEACHING PROGRAMME	ADDRESS
1	Dr. Yitiha Simbeye	LL.M ICJ	PALU
2	Dr. Sostenous Materu	LL.M ICJ	University of Dar es Salaam
3	Dr. John Ubena	LL.M ICT	Mzumbe University
4	Dr. Ally Posi	LL.M C&D, LL.M Thesis and PhD	Attorney General Office
5	Dr. Paul Kihwelo	LL.M C&D, LL.M Thesis and PhD	Institute of Judicial Administration
6	Dr. Benhaj Masoud	LL.M C&D, LL.M Thesis and PhD	Judiciary of Tanzania
7	Dr. Damas Ndumbaro	LL.M C&D, LL.M Thesis and PhD	Ministry of Foreign Affairs
8	Dr. Gift Kweka	LL.M ICJ & PhD	AG's Office

Contact Details of Some key persons at the Faculty

S/NO	Name	Position	Address
1	Dr. Rindstone B. Ezekiel	Faculty Dean	rindstone.ezekiel@out.ac.tz
2	Dr. Abdalla Ally	Associate Dean	abdalla.ally@out.ac.tz
3	Dr. Hashil Abdallah	Head of Department Civil and Criminal Law	hashil.abdallah@out.ac.tz
4	Ms. Mbiki Msumi	Head of Department Constitutional and International Law	mbiki.msumi@out.ac.tz
5	Gervas Yeyeye	Coordinator postgraduate studies	gervas.emmanuel@out.ac.tz 0687281812
6	Dr. Saphy Bullu	Assistant Coordinator postgraduate studies	saphy.bullu@out.ac.tz
7	Msafiri Mabera	Examination Officer	msafiri.mabera@out.ac.tz
8	Sigsbert Ngemera	Undergraduate coordinator	sigsbert.ngemera@out.ac.tz research.flaw@out.ac.tz 0687281812
9	Magreth Tibenda	Undergraduate Research Coordinator	Magreth.tibenda@out.ac.tz

Appendix 2: Research Guidelines and Regulations (OLW 303)

Manuscript Preparation and Submission of Final LL.B Dissertation 1. Manuscript Preparation

Typing

- (a) The LL.B Dissertation must be printed on good quality A4 paper. Typing must be double spaced and on one side of the paper only.
- (b) Except on the title page fonts should be 12 points (Times New Roman or Book Antiqua).

Pagination

- (a) Paginate the preliminary pages which refer to portions preceding the introduction in lower case Roman Numerals (“i”, “ii”, “iii”, “iv”, “v”, etc) by beginning with the title page, then certification, declaration and copyright, acknowledgement, dedication (if any or necessary), abstract, table of contents, list of tables or illustrations or statutes or list of abbreviations etc.
- (b) Number the pages of the body of the LL.B Dissertation in Arabic numerals (“1”, “2”, “3”, “4”, etc) consecutively throughout to the end.

Margins

- (a) The left hand margin must be 4.0 cm from the left edge of the paper, (b) The right-hand margin 2.5 cm from the right edge,
- (c) The top 4.0 cm from the top of the page,
- (d) The bottom margin 2.5 cm from the bottom edge of the paper.

Front and Title Pages

The following information is important in preparation of the front title pages:- (a) Write the main Title of the LL.B Dissertation in capital letters (well- indented, centred) in 14 points bold fonts. A sub-title should be in capital and small letters.

- (b) Insert your name at the centre of the title page. The name should be in capital and small letters, font being 12 points bold (e.g **Pamela Kulwa Kamau**).

- (c) Below your full name, insert the following words: “ A Compulsory *Research Paper Submitted in Partial Fulfillment of the Requirements for the Degree of Bachelor of Laws (LL.B) of the Open University of Tanzania*”; give the date (Month and Year)

of Completion of the LL.B Research Paper (e.g. June, 2013). **Certification**

A supervisor should certify that he/she has read the LL.B Dissertation and found it to be acceptable for examination.

Declaration by the Candidate

Every LL.B dissertation submitted for examination by student must be accompanied by a declaration by the candidate to the satisfaction of the Faculty, stating that it is the candidates own work and it has not been

submitted for a similar degree in any other university.

Statement of Copyright

An LL.B Research Paper shall contain the following statement of copyright by the student: “This **Research Paper** is a copyright material protected under the Berne Convention, the Copyright and Neighboring Rights Act of Tanzania and national enactments, in that behalf, on intellectual property. It may not be reproduced by any means, in full or in part, except for short extracts in fair dealings; for research or private study, critical scholarly review or discourse with an acknowledgement, without the written permission of the Directorate of Undergraduate Studies, on behalf of the author/student and the Open University of Tanzania”.

Acknowledgement

In this portion, a student should acknowledge the people or institutions that gave support or other assistance, which made the writing of the research work possible.

Dedication (if any) may be included.

Abstract

An abstract should be on one page only. It should be concise but comprehensive summarizing the essential points of the Research Paper, the important results achieved and the conclusions reached.

Table of Contents

The Table of contents: The Table of contents should be referring to specific pages of all major chapter titles, sub-titles or subheadings which have been numbered in Roman numerals in preliminary pages and in Arabic numbers in the body of the LL.B Research Paper. If there is to be list of Tables, list of statutes or list of illustrations or abbreviations, it should be on a separate page arranged in the same format as the Table of Contents.

Research Proposal and Body of the LL.B Research Paper

a.). **Research Proposal:**

It is a rule of academic writing in legal research that the LL.B Research Paper shall commence with a research proposal to be submitted to the supervisor for approval after the supervisor has been satisfied with its content. Upon completion of the proposal writing, the same shall be constituted into Chapter One which is ordinarily written as “Introduction”. For avoidance of doubt, a standard research proposal for LL.B Research Paper should contain the following items:

1. Background;
2. Statement of the Research Problem;
3. Literature Review;
4. Objectives of the Research (General Objective & Specific Objectives);
5. Research Questions (or Hypothesis)
6. Significance of the Research;

7. Research Methodology and Sources (e.g Doctrinal Legal Research (Documentary Review /Library Research Methodology, Social Legal Research Methodology etc);
 8. Scope of the Study;
 9. Limitation of the Study;
 10. Conclusion and;
 11. Preliminary Bibliography.
- b.). Every LL.B Research Paper shall be organized and presented in firm of chapters by presenting the conceptual framework/theoretical framework, legal framework, and shall present details of the methods used in the research, description of empirical or statistical analyses of the research data (if applicable); discussion of the research findings/results; conclusion and recommendations/suggestions for further research or otherwise.
- c.) List of Statutes (Local and International), Subsidiary Legislation and Cases shall be presented in preliminary pages, not at the end of the work or within bibliography.
- d.) Tables and or diagrams/charts should be numbered in separate sequence with each table or illustration having a full caption/explanation as to what it refers to.

Bibliography

All literature cited in the body of the text must be arranged in alphabetical order at the end of the LL.B dissertation, beginning with the author's surname followed by details on the year of publication of the work cited, the title of the work, the edition (if any), and the city of publication, the publisher and the pages referred to must be given

Appendix 3 Postgraduate Guideline for Dissertation and Thesis

Introduction

Although legal research has some elements in common with research in humanities or social sciences it has got its distinct methodology. Traditionally legal research takes the format of doctrinal research or what is sometimes referred to as “black-letter law”. This type of research asks what a law is in a particular subject. It is therefore purely theoretical in nature. It is imperative to note that doctrinal legal research is classified as qualitative legal research design since it does not involve statistical analysis of the data. However, in recent years legal research has taken another format. This is called non- doctrinal research and sometimes it is referred to as empirical legal scholarship or simply socio-legal research. In this research approach law is studied in the broader social and political context as such it applies research methods in the disciplines of social sciences and humanities. Socio-legal research may either be qualitative or empirical or both. The third type of legal research is called comparative legal research. The latter came about due to the increasing influence of international and supra-national legal materials, and the increasing need for legal scholars to refer to materials from other jurisdictions.

Due to the distinctive nature of legal research, the Faculty of Law has seen it important to guide postgraduate students. These guidelines therefore set down specific instructions on how to conduct legal research and ultimately write master and doctoral theses/dissertations at the Faculty of Law. The need for these guidelines has developed out of three important contexts. First, for a long time law students have been required to conduct their researches along the lines of the general social science research which are largely comprised in the University’s postgraduate guidelines. As a result, law researches have substantially relied on social science research making their studies out of context. Such researches have exhibited little or no legal research methods. When law dissertations/theses are sent for external examination, many questions are raised as to the overall quality of these researches. Second, legal research is a specialized field of study. Law students must learn research techniques and develop skills on how to conduct legal research. Third, the current “*general regulations and guidelines for theses/dissertations*” require the Faculty of Law to guide students as to matters of citation of legal materials. These guidelines implement this requirement.

Scope of Application

These guidelines only complement the University’s postgraduate “*general regulations and guidelines for theses/dissertations*”. Except for the guidance provided in these guidelines, law students are required to adhere to the general University’s regulations and guidelines for conduct of postgraduate researches. The latter are available in the prospectus and are also available from the Directorate of Postgraduate Studies.

General Layout of Dissertation/Thesis

A. Preliminary pages:

List of legislation and case law referred in the text of a dissertation/thesis shall be provided in the section of preliminary pages. **B. Body of text:**

There are no rigid rules here but good practice includes rational organisation of material in chapters, the use of headings and subheadings and good referencing of sources.

For avoidance of doubt, there is no fixed number of chapters in law

dissertations/theses. Nonetheless the first chapter should always contain the following aspects: *background to the research, statement of research problem, objectives, hypotheses or research questions, literature review* as well as *methodology of research*.

A dissertation/ thesis that will have separate chapter for literature review or methodology shall fail to meet the requirements of law dissertations/theses. It is imperative to state that research proposals must also contain all the aspects appearing in the first chapter of dissertations/theses including a *preliminary list of bibliography*. Standardized headings of chapters (*Introduction, Literature Review, Materials and Methods, Findings/Results, Discussion, Conclusion and Recommendations*) as provided in the University's postgraduate "*general regulations and guidelines for theses/dissertations*" shall not apply in law dissertations/theses. Instead, law students shall always organise chapters of their dissertations/theses along the chosen headings depending on the type, nature of the topic, aims of such research as well as research problem. All in all a chapter outline has to be approved by the allocated supervisor.

C. Legal citation:

When citing any source, either directly (as in quotation) or indirectly (by paraphrasing or referring to ideas in a source), cite the reference in a footnote, in the style indicated below. Close footnotes with a full stop (or question or exclamation mark).

1.1 Case law

Reported cases

All reported cases must be cited with the names of the parties separated by „v“ without full stop, the year of report in square brackets, name of the report in abbreviation, and the first page of the report.

Jela kalinga v Omari Karumwana[1991]T.L.R 67

A reference to a specific page should be made as follows, with the first page of the report always referred to first:

Jela kalinga v Omari Karumwana[1991]T.L.R 67,70

Usually only one reference is necessary. Subsequent references to the same case should be cited as follows:

Ibid 68 (where the case is cited in the immediately preceding footnote), otherwise it should be cited with reference to a previously cited footnote, e.g., (n 8), 67

If the name of the case is given in the text, it is not necessary to repeat it in the footnote.

Unreported cases

All citation rules for reported case law apply in reference of unreported cases. Except that unreported cases shall be cited with the names of the parties separated by „v“ without full stop, case number, name of the court, place of sitting, followed by the words “unreported” in brackets. 5 *Christopher Mtikila v Attorney General, Miscellaneous Cause No.10 of 2005, HCT, Dar es Salaam, (Unreported)*

1.2 Statutes

In the text, references as follows:

Section 1 of the Companies Act, Cap. 212 R.E 2002

Schedule 1 to the Companies Act, Cap.212 R.E 2002

In footnotes, references as follows:

Companies Act, s 1

Companies Act, Sched 1

Bill and Act always have capital letters.

1.3 Secondary sources

If relying on or referring to a secondary source, such as a book or an article, provide a citation for the work in a footnote.

- ✚ Books should be cited starting with author's surname followed by initials. The title of a book should follow, edition, with publisher, place of publication, and year of publication, finalised by page number.

Example: Shivji, I. G, *Pan-Africanism or Pragmatism? Lessons of the Tanganyika Zanzibar Union*, Mkuki na Nyota, Dar es Salaam, 2008, p.14.

- ✚ A chapter in an edited book should be cited in the following format: Author's name followed by title of chapter in italics with the word „in“ then the names of editors, title of the book, publisher, place and year of publication followed by pages of chapter.

Example: Roos, A, „Data Protection“ in van der Merwe, D *et al*, *Information and Communications Technology Law*, LexisNexis, Durban, 2008, pp. 313-397, at p.356. 6

- ✚ A journal article should be cited starting with the name of the author as in books, followed by article title in italics, then journal's name, year of publication, volume and issue number, followed by page numbers of journal covering the article.

Example: Makulilo A.B, *Likelihood of Confusion: what is the yardstick? Trademark jurisprudence in Tanzania*, *Journal of Intellectual Property Law and Practice*, 2012, Vol.7, No.5, pp.350-357.

- ✚ Dissertations & theses should be cited with author(s) surname(s) and initials, followed by the title of dissertation/thesis, type of dissertation/thesis, name and country of the host institution and year of graduation.

Example: Tadesse, M.A., „HIV Testing from an African Human Rights System Perspective: An Analysis of the Legal and Policy Framework of Botswana, Ethiopia and Uganda“, LL.M Thesis, University of Pretoria, South Africa, 2007.

- ✚ Reports should be cited by the name of the author/sponsoring organisation of the report, title of the report, place of the report, date and reference numbers.

Examples: EAC, *Report of the 2nd EAC Regional Task Force Meeting on Cyberlaws, Golf Course Hotel, Kampala, Uganda, 23rd -25th June 2008*, EAC/TF/2/2008.

- ✚ Newspaper should be cited with the name of the author of the article (first name followed by surname), title of the article in inverted commas, name of the paper, day and date of publication, page numbers.

Example: Edward Qorro, „How Bongo artistes miss billions in ringtones deal“, *The Citizen*, Monday, 23 July 2012, pp.1-2

- ✚ Co-authored book, book chapter, journal article, etc must be cited by the names of the authors separated by „and“ if there are two authors. In case there are more than two authors, then the name of the author with the first alphabet in the order should be written followed by „et al“.

Examples:

Chaligha, A et al., „Uncritical Citizens or Patient Trustees? Tanzanians' Views of Political and Economic Reform“, *Afrobarometer Paper No.18*, 2002.

Carauna, M.M and Cannataci, J.A., „European Union Privacy and Data Protection Principles: Compatibility with Culture and Legal Frameworks in Islamic States“, Information & Communications Technology Law, 2007, Vol. 16, No. 2, pp.99-124.

- ✚ Electronic resources should be cited properly as above depending on the type of material. This has to be followed by the URL and the date the material was accessed.

Examples:

Bennett, C.J., International Privacy Standards: A Continuing Convergence“
www.colinbennett.ca, (accessed 11/10/2011)

Andante Okanya, „Ex-mayor Sebagala sues MTN over ringtones“, New Vision, 18 July 2012, <http://www.newvision.co.ug/news/633085-ex-mayornasser-sebagala-sues-mtn-overringtones.html> (accessed 22 April 2013).

A reference to a specific page in a book, journal article, report, etc should be made as in the examples above.

D. Subsequent citations, cross-references and Latin ‘gadgets’:

1.1 Subsequent citations

In a subsequent citation of a source, briefly identify the source and provide a cross-citation in brackets to the footnote in which the full citation can be found. If the subsequent citation is in the footnote immediately following the full citation, you can generally use “*ibid*” instead. For subsequent citations of cases, a short form of the case name is sufficient to identify the source. Subsequent citations of legislation may use abbreviations or other short forms. Subsequent citations of secondary sources require only the author’s surname, unless several works by the same author are being cited, in which case the surname and the title of the work (or a short form of the title) should be given.

1.2 Cross-references

Cross-references direct the reader to points of substantive discussion elsewhere in your work. Avoid sending the reader off to another part of the text when a short point could as easily be restated. A good cross-reference takes the reader straight to the very place: „n 109“ or, within the same chapter, „text to n 32“.

1.3 Latin ‘gadgets’

Avoid the use of „Latin gadgets“ such as *supra*, *infra*, *ante*, *id*, *op cit*, *loc cit*, and *contra*, which are not widely understood. The abbreviation “*ibid*”, which is short for *ibidem*, meaning in the same place“, can be used to repeat a citation in the immediately preceding footnote. Standing alone, “*ibid*” means strictly in the very same place“ while “*ibid 345*” means “in the same work, but this time at page 345”.

E. Punctuation, foreign words and quotations:

1.1 Punctuation

Abbreviations and initials in author’s names do not take full stops. For example, *Appeal Cases*

is cited as „AC“ and the Director of Public Prosecutions is abbreviated to „DPP“. Insert commas to separate items that may otherwise run together and cause confusion, such as runs of numbers or authors and titles.

1.2 Foreign words

In the text, italicize foreign words and phrases, but not quotations. Provide a translation immediately afterwards in brackets, or in a footnote, if required. Do not italicize words that are in common usage in legal English, such as *ultra vires*, *stare decisis*, *obiter dicta*, *ratio decidendi*, *a priori* and *a fortiori*. Commonly used abbreviations, such as ie and eg, are not italicized and have no full stops.

1.3 Quotations

Quotations of more than 40 words should be set off clearly, either by indenting the left- hand margin or by using a smaller typeface. Use double quotation marks for direct quotations and single quotation marks for quotations within quotations and for words or phrases used in a special sense.

When a quotation begins in the middle of a sentence in the text, the first letter of the quotation should be capitalized if the quotation itself is a complete sentence, but not otherwise. When a quotation begins at the start of a sentence in the text, the first letter should be capitalized, and square brackets placed around it if it was not capitalized in the original text.

F. Bibliographies:

A bibliography listing secondary sources should be provided after the main body of text and any appendices. Citation should closely follow that in the footnotes except that specific reference pages should be removed.

References

Chui, W.H and McConville, M (eds)., Research Methods for Law, Edinburgh University Press, 2010.

Hoecke, van Mark(Ed), Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline? Oxford, Portland/Oregon, 2011.

OSCOLA Oxford Standard for the Citation of Legal Authorities, Fourth Edition, Faculty of Law, Faculty of Law, University of Oxford, www.law.ox.ac.uk/oscola Paranjape, V, Legal Education Research Methodology, Central Law Agency, Allahabad, 2012.

Singh, R, Legal Research Methodology, LexisNexis, India, 2013.

Watt, R and Johns, F, Concise Legal Research, 6th Edition, Universal Law Publishing Co.Pvt Ltd, New Delhi, 2012.

Williams, G, Learning the Law, 11th Edition, Universal Law Publishing Co. Pvt. Ltd, New Delhi, 2002.

Structure of the proposal

1. Background
2. Statement of the Research Problem
3. Literature Review
4. Objectives of the Research (General Objective & Specific Objectives)
5. Research Questions (or Hypothesis)
6. Significance of the Research
7. Research Methodology and Sources

8. Scope of the Study
9. Limitation of the Study
10. Preliminary Bibliography.