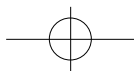
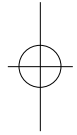
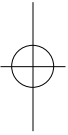
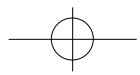
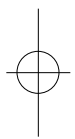
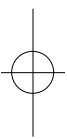


# Frontiers of Legal Knowledge





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## *Business and Economic Law in Context*

Edited by

**Kenneth K. Mwenda**  
and  
**David A. Ailola**

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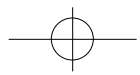
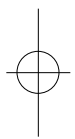
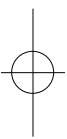
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*Dedicated to the late Professor David A. Ailola,  
holder of the Professorial Chair in Commercial Law at the  
University of South Africa at the time of his passing, whose remarkable  
legal scholarship and true friendship will be missed by many  
friends, students and professional colleagues.*



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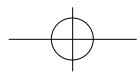
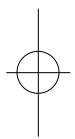
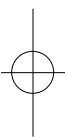
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## PREFACE

This book examines contemporary issues in African jurisprudence on the business and economic law aspects of globalisation and good governance. The book sets out an interdisciplinary exposition of the law. It provides an interface of business law, finance, management, economics, political economy and development studies. The book attempts to permeate intellectual spheres that have not been explored in depth before. In essence, this is not a simple textbook on the introductory aspects of a particular field of law, as is often the case with many books that have titles such as 'Introduction to Business Law' or 'Fundamentals of Tort Law', and so forth. By contrast, the book breaks new ground in the area of business and economic law. Indeed, a law in context approach is presented, giving added value to the respective fields of knowledge in the book. As noted earlier, the book addresses important themes falling in the meta-paradigmatic sphere of globalisation and good governance, and captures frontiers of legal knowledge on business and economic law.

The editors have endeavoured to bring together fresh and original contributions from leading African scholars on the respective subjects covered in the book. Each chapter is written by an expert in the field. Biographical notes on the chapter contributors are provided at the back of this book. The book provides a refreshing breath on African jurisprudence on subjects that have hitherto been examined mainly by foreign scholars and from a rather dry and non-energizing perspective.

By design, the book takes a slight and purposeful slant towards Zambian jurisprudence. That said, the book provides analyses which are of wider application to many other parts of the world. Comparative studies are set out in the book, covering jurisdictions as far apart as Slovenia, Albania, the United Kingdom, the United States of America, Ethiopia, Ghana, Kenya, Malawi, Nigeria, Malawi, Tanzania, Uganda, Zimbabwe, South Africa, and many others.

Chapters in the book cover, among other things, disciplines such as development economics and development studies, and the nexus between these disciplines and business and economic law. The topics examined include the following: privatisation law in Zambia; the U.S African Growth Opportunity Act,

## xviii PREFACE

as it applies to Zambia and other African countries; the legal framework for the African Trade Insurance Agency; international aspects of protecting intellectual property rights; land law and property rights in Zambia; aspects of trusts law in Zambia; the institutional framework for tax administration in Zambia and principles of tax law in that country; developments in labour law of international organisations and the applicability of such matters to Zambia; securities regulation both in Zambia and other countries; the legal framework for regulating foreign direct investment in Zambia; developments in company law and corporate finance law of Zambia and other countries; developments relating to the financial sector; and many other areas of jurisprudence in Africa.

An acknowledgement should be made here that work on this book was started initially by Professor Muna B. Ndulo of Cornell University Law School, US, and the late Professor David A. Ailola of the University of South Africa Law School. The project was meant, or rather designed, to be a book on 'Business Law in Zambia.' But later, and due to unavoidable circumstances, the focus of the book changed. The book, as it stands now, is about the business and economic legal aspects of globalisation and good governance. I was invited to come on board this book project by Professor Ailola, through whom I got to meet Professor Ndulo. Together, we formed the dream team for the book. The book project attracted a lot of attention and publicity in Zambia mainly due to the fact this was going to be a major collaboration of three leading Zambian legal scholars. I have always enjoyed writing with Professor Ailola. A number of our joint publications appear in leading academic journals worldwide. And so, in short, this is how I came on board this book project. I must say, in my heart of hearts, I am grateful to both Professor Ndulo and Professor Ailola for affording me the opportunity to join them as part of the book team.

However, shortly after we set course on the book project, Professor Ndulo had to take leave as he was required to attend to some other pressing work commitments. I was, thus, left with Professor Ailola to complete the book. We managed to pull together some reasonable amount of work. But, when all seemed to be going well, another tragedy struck. Professor Ailola passed away in early 2002. Thus, I found myself at crossroads and not knowing which way to go. The impact resulting from the absence of these two members of the dream team was heavy. But, I have always been a believer in setting out to do what I believe in. I knew that, against all odds, I had to get the project going. Before his passing, Professor Ailola had intimated to me that, whichever way the project would go, he would have liked to see the project completed and, also, that I should do my best to complete it. The trust and confidence he re-

posed in me got this book project back on the road. I had given him my reassurance that he should not worry and that I will not go back on my word. I found myself pushing in late hours, and at greater intellectual depths and heights, to get the project completed. I am a person who does not believe in leaving a project unfinished. Neither do I subscribe to mediocrity. The drive towards accomplishing higher goals and standards is one other reason that gave me the strength and courage to carry on single-handedly with the editing and preparation of this book. Along the way, many obstacles were encountered, some of which were entirely human and by design in many cases, while others were unavoidable and unpredictable. But that did not stop me from going ahead. Like always, I was confident that I would do it—that I would bring this book to its final conclusion.

The interpretations and conclusions expressed in this book are entirely those of the respective chapter contributors. The views in the chapters do not necessarily represent the views of the editors, the publisher, or any of the institutions to which the editors and the chapter contributors are affiliated or attached.

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Washington DC, USA

December 27, 2002

