

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

## THE FUTURE OF AFRICAN CUSTOMARY LAW

Customary laws and traditional institutions in Africa constitute comprehensive legal systems that regulate the entire spectrum of activities from birth to death. Once the sole source of law, customary rules now exist in the context of pluralist legal systems with competing bodies of domestic constitutional law, statutory law, common law, and international human rights treaties.

*The Future of African Customary Law* is intended to promote discussion and understanding of customary law and to explore its continued relevance in sub-Saharan Africa. This volume considers the characteristics of customary law and efforts to ascertain and codify customary law, and how this body of law differs in content, form, and status from legislation and common law. It also addresses a number of substantive areas of customary law, including the role and power of traditional authorities; customary criminal law; customary land tenure, property rights, and intestate succession; and the relationship between customary law, human rights, and gender equality.

Jeanmarie Fenrich is the Director of Special Projects in Africa for the Leitner Center for International Law and Justice at Fordham Law School in New York. She graduated magna cum laude from Fordham Law School, where she served as editor-in-chief of the *Fordham Law Review*. She has conducted field research and authored publications on issues related to domestic violence, discrimination faced by women with HIV/AIDS, women's property rights, and women in customary-law marriage under domestic and international human rights law.

Paolo Galizzi is Clinical Associate Professor of Law and Director of the Sustainable Development Legal Initiative (SDLI) at the Leitner Center for International Law and Justice at Fordham Law School. He previously held academic positions at Imperial College London and the Universities of Nottingham, Verona, and Milan. Professor Galizzi's research interests lie in international law, environmental law, and law of sustainable development, and he has conducted fieldwork in several African countries.

Tracy E. Higgins co-founded the Leitner Center for International Law and Justice at Fordham Law School where she is a co-director and a law professor. She is a former editor of the *Harvard Law Review*, a Women's Law and Public Policy Fellow, and an Adjunct Professor at Georgetown University Law Center. Higgins has published numerous academic articles focusing on feminist jurisprudence, international human rights, and constitutional law in many of the nation's leading law journals.

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

---

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

# The Future of African Customary Law

Edited by

**JEANMARIE FENRICH**

School of Law, Fordham University

**PAOLO GALIZZI**

School of Law, Fordham University

**TRACY E. HIGGINS**

School of Law, Fordham University



**CAMBRIDGE**  
UNIVERSITY PRESS

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town,  
Singapore, São Paulo, Delhi, Tokyo, Mexico City

Cambridge University Press

32 Avenue of the Americas, New York, NY 10013-2473, USA

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9780521118538](http://www.cambridge.org/9780521118538)

© Cambridge University Press 2011

This publication is in copyright. Subject to statutory exception  
and to the provisions of relevant collective licensing agreements,  
no reproduction of any part may take place without the written  
permission of Cambridge University Press.

First published 2011

Printed in the United States of America

*A catalog record for this publication is available from the British Library.*

*Library of Congress Cataloging in Publication data*

The future of African customary law / [edited by] Jeanmarie Fenrich,  
Paolo Galizzi, Tracy E. Higgins.

p. cm.

Includes index.

ISBN 978-0-521-11853-8 (hardback)

1. Customary law – Africa. I. Fenrich, Jeanmarie. II. Galizzi, Paolo.  
III. Higgins, Tracy. IV. Title.

KQC99.F88 2011

340.5'26–dc22 2011001813

ISBN 978-0-521-11853-8 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs  
for external or third-party Internet Web sites referred to in this publication and does not  
guarantee that any content on such Web sites is, or will remain, accurate or appropriate.

## Contents

<i>Notes on Contributors</i>	<i>page</i> ix
<i>Acknowledgments</i>	xvii
<b>Introduction</b>	<b>1</b>
Jeanmarie Fenrich, Paolo Galizzi, and Tracy E. Higgins	
<b>PART ONE THE NATURE AND FUTURE OF CUSTOMARY LAW</b>	
<b>1. A Survey of Customary Laws in Africa in Search of Lessons for the Future</b>	<b>9</b>
Gordon R. Woodman	
<b>2. The Future of Living Customary Law in African Legal Systems in the Twenty-First Century and Beyond, with Special Reference to South Africa</b>	<b>31</b>
Chuma Himonga	
<b>3. The Future of Customary Law in Africa</b>	<b>58</b>
Abdulumumini A. Oba	
<b>PART TWO ASCERTAINMENT, APPLICATION, AND CODIFICATION OF CUSTOMARY LAW</b>	
<b>4. The Quest for Customary Law in African State Courts</b>	<b>83</b>
Janine Ubink	
<b>5. The Withering Province of Customary Law in Kenya: A Case of Design or Indifference?</b>	<b>103</b>
George Otieno Ochich	

Cambridge University Press  
 978-0-521-11853-8 - The Future of African Customary Law  
 Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins  
 Frontmatter  
[More information](#)

- |  |  |     |
|--|--|-----|
| 6.   | Putting Old Wine in New Wine Skins: The Customary Code of Lerotholi and Justice Administration in Lesotho<br>Laurence Juma                                     | 129 |
| 7.   | Traditional Authorities: Custodians of Customary Law Development?<br>Manfred O. Hinz   | 153 |
| 8.   | Engaging Legal Dualism: Paralegal Organizations and Customary Law in Sierra Leone and Liberia<br>Chi Mgbako and Kristina Scurry Baehr                          | 170 |
| 9.   | The Future of Customary Law in Ghana<br>Joseph B. Akamba and Isidore Kwadwo Tufuor   | 202 |
| <b>PART THREE THE ROLE AND POWER OF TRADITIONAL AUTHORITIES</b>  |  |     |
| 10.  | Traditional Courts in South Africa in the Twenty-First Century<br>Digby Sqhelo Koyana  | 227 |
| 11.  | Customary Law and Chieftainship in Twenty-First-Century Botswana<br>Wazha G. Morapedi  | 247 |
| 12.  | Traditional Institutions and Governance in Modern African Democracies: History, Challenges, and Opportunities in Ghana<br>Ernest Kofi Abotsi and Paolo Galizzi | 266 |
| <b>PART FOUR CUSTOMARY LAND, PROPERTY RIGHTS, AND SUCCESSION</b> |  |     |
| 13.  | Entrapment or Freedom: Enforcing Customary Property Rights Regimes in Common-Law Africa<br>Sandra F. Joireman  | 295 |
| 14.  | Romancing Customary Tenure: Challenges and Prospects for the Neo-Liberal Suitor<br>Janet L. Banda  | 312 |
| 15.  | Reform of the South African Customary Law of Succession: Final Nails in the Customary Law Coffin?<br>Christa Rautenbach and Willemien du Plessis               | 336 |

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)*Contents*

vii

**PART FIVE CUSTOMARY CRIMINAL LAW**

16. Customary Criminal Law in the South African Legal System 363  
Thomas W. Bennett
17. *Gacaca* in Rwanda: Customary Law in Case of Genocide 387  
Roelof H. Haveman

**PART SIX CUSTOMARY LAW, HUMAN RIGHTS, AND GENDER EQUALITY**

18. Customary Law, Gender Equality, and the Family:  
The Promise and Limits of a Choice Paradigm 423  
Tracy E. Higgins and Jeanmarie Fenrich
19. African Customary Law and Women's Human Rights in Uganda 446  
Dr. Ben Kiromba Twinomugisha
20. Women's Rights, Customary Law, and the Promise of the  
Protocol on the Rights of Women in Africa 467  
Johanna E. Bond
21. From Contemporary African Customary Laws to Indigenous  
African Law: Identifying Ancient African Human Rights and  
Good Governance Sensitive Principles as a Tool to Promote  
Culturally Meaningful Socio-Legal Reforms 494  
Dr. Fatou K. Camara

*Index* 517

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

---



Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

## Notes on Contributors

**Ernest Kofi Abotsi** is a lecturer at the Faculty of Law at Kwame Nkrumah University of Science & Technology (KNUST) in Ghana and specializes in constitutional and international law. He holds an LLB degree from the University of Ghana, Legon, and an LLM from Harvard Law School, together with a Barrister-at-Law Certificate from the Ghana School of Law. He holds significant publications to his credit in leading peer-review journals, and his research interests span the fields of law and development, legal aid, comparative constitutional law, and customary law reform. Abotsi also consults for justice sector institutions in Ghana and is counsel to the Constitutional Review Commission.

Justice **Joseph B. Akamba** is a Justice of the Court of Appeal of Ghana and Acting Director, Judicial Training Institute (JTI) Ghana. He started his legal career at the Attorney General's office in Ghana and later joined the bench as a Magistrate. Appointed as a High Court Judge in Ghana in 1989, he was seconded to the Gambia as a Director of Public Prosecutions (DPP) in 1994. He joined the Gambia Court of Appeal in 1999 and returned to the judiciary of Ghana in January 2002. Justice Akamba's competencies and interests are in credibility assessment, judicial ethics, and criminal and customary law. He is a proud associate of the National Judicial Institute (NJI) and a Fellow of Commonwealth Judicial Education Institute (CJEI), both of Canada; he also has contributed significantly to and spearheaded the adoption of modern adult education learning principles at the JTI. He is a Board member of the International Organisation of Judicial Trainers (IOJT).

**Kristina Scurry Baehr** served as the Yale Law School Bernstein Fellow (2008–2009) with the Carter Center in Liberia, where she assisted the Ministry of Justice in launching a Sexual and Gender-Based Violence (SGBV) Crimes Unit. She also co-supervised the Fordham Leitner Clinic's project for the Carter Center and the Justice and Peace Commission. She graduated from Yale Law School, where she founded and directed the Domestic Violence Clinic. She previously lived and worked in

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

Namibia, South Africa, and Uganda, focusing primarily on women and HIV/AIDS. She received her A.B. from the Woodrow Wilson School at Princeton University and has published in the areas of HIV/AIDS, violence against women, and sentencing. Baehr now represents survivors of domestic violence in Massachusetts and has been clerking for Judge Nancy Gertner since the fall of 2010.

**Janet L. Banda** is Chief Law Reform Officer in the Malawi Law Commission. She is currently pursuing doctoral studies in Law at Birkbeck College, University of London, researching African land tenure issues in relation to international development policies. She holds an LLM from the University of Georgia, where she specialized in international legal studies. She was also a Stanford Summer Fellow on Democracy and Development (2005). She has worked on land reforms in Malawi, providing technical legal support to the Ministry responsible for land matters. She has written on the relevance and centrality of law reform in promoting good governance, democracy, and sustainable development.

**Thomas W. Bennett** is a professor in the Department of Public Law and a Fellow of the University of Cape Town. Although his teaching involves mainly international law, his research interests have led him to African customary law, a subject on which he has published several monographs. Formerly a member of the South African Law Reform Commission's special project committee on customary law, he was extensively engaged in preparing reports and bills on marriage, succession, and traditional courts. His work for the Commission also entailed South Africa's contribution to International Judicial Co-operation. He is currently working on traditional African religions and ubuntu jurisprudence.

**Johanna E. Bond** joined Washington and Lee University in Virginia as an Associate Professor of Law in 2008. Professor Bond's teaching and scholarship focus on international human rights law and gender and the law. In 2001, Professor Bond was selected as a Senior Fulbright Scholar and traveled to Uganda and Tanzania to conduct research that later resulted in a book that she edited, *Voices of African Women: Women's Rights in Ghana, Uganda, and Tanzania*. Before joining the faculty of Washington and Lee University School of Law, Professor Bond was an Associate Professor of Law at the University of Wyoming and before that a Visiting Associate Professor of Law at Georgetown University Law Center for several years. She has published extensively in the area of women's human rights, with a particular focus on Africa.

**Dr. Fatou K. Camara** is an Associate Professor of Law at Cheikh Anta Diop University in Dakar, Senegal, specializing in Alternative Dispute Resolution, Family Law, Conflict of Laws, and African Customary Law. She received her Bachelor's

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

degree in Law, a Master's degree in International and European Law, and two pre-doctoral degrees in Law at Paris II Assas – Panthéon University (France). She received her PhD in Law at Cheikh Anta Diop University in 1998. Dr. Camara has written and lectured extensively, in English and in French, on pre-colonial African culture and customary law. Her publications in English include “Women and the Law – A Critique of the Senegalese Family Law,” an article in the November issue of the *Social Identities Journal for the Study of Race, Nation and Culture*, and “State and Religion in West Africa: Problems and Perspectives” in *ICLARS – International Consortium for Law and Religion Studies*.

**Willemien du Plessis** is a Professor at the North-West University (Potchefstroom Campus) in South Africa. She teaches land law, environmental law, and legal history as well as indigenous law to students at the Practical Legal School. She has published several articles on indigenous law in various journals and participated in national and international conferences in this regard. She participated in the drafting of the South African White Paper on Land Reform and was also a member of an inter-university Traditional Authorities Research Group.

**Jeanmarie Fenrich** is the Director of Special Projects in Africa for the Leitner Center for International Law and Justice at Fordham Law School in New York. She graduated magna cum laude with her J.D. from Fordham Law School, where she served as editor-in-chief of the *Fordham Law Review*. Following graduation, she served as law clerk to the Honorable John F. Keenan, U.S. District Court for the Southern District of New York. She has also held positions as the Human Rights Fellow for the Crowley Program in International Human Rights and Secretary for the International Human Rights Committee of the New York City Bar Association. She has conducted field research and authored publications focusing on issues related to domestic violence, stigma and discrimination faced by women with HIV/AIDS, women's property and inheritance rights, and the situation of women in customary-law marriage under domestic and international human rights law. She has also taught classes on specialized human rights topics, civil procedure, and the United Nations Security Council.

**Paolo Galizzi** is a Clinical Associate Professor of Law and Director of the Sustainable Development Legal Initiative (SDLI) at the Leitner Center for International Law and Justice at Fordham Law School. He previously held academic positions at Imperial College London, and the Universities of Nottingham, Verona, and Milan. Professor Galizzi graduated summa cum laude from the Faculty of Law of the University of Milan and continued his legal education at the School of Oriental and African Studies, University of London, where he obtained an LLM, and then went

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

on to receive his PhD in International Environmental Law from the University of Milan. Professor Galizzi's research interests lie in international law, environmental law, and law of sustainable development, and he has conducted fieldwork in several African countries.

**Roelof H. Haveman** (LLM 1983; PhD 1998) works as a Field Programme Manager for the International Development Law Organization supporting the justice institutions of Southern Sudan, based in Juba. From 2005 to 2010, he worked in Rwanda, initially supporting two law faculties, and since 2008 as the Vice Rector of Academic Affairs of the ILPD/Institute of Legal Practice and Development. From its establishment in 2002 until 2005, he was the program director of the Grotius Centre for International Legal Studies at Leiden University, the Netherlands, where he also served as an associate professor of (international) criminal law. In 1998, he defended his PhD dissertation on trafficking in women. Over the past twenty-five years, he has published many articles and a number of books on gender-related crimes, trafficking in persons, the principle of legality, Indonesian adat law, Rwandan *gacaca*, and supranational criminology and victimology. He is the editor-in-chief of the series *Supranational Criminal Law*.

**Tracy E. Higgins** co-founded the Leitner Center for International Law and Justice at Fordham Law School, an institution that seeks to promote respect for human rights around the world. She co-directs the Leitner Center and is a law professor at Fordham University. Professor Higgins received her Bachelor of Arts degree from Princeton University and attended Harvard Law School, where she served as an editor of the *Harvard Law Review*. After graduating magna cum laude with her Juris Doctor, Professor Higgins became the Women's Law and Public Policy Fellow and an Adjunct Professor at Georgetown University Law Center. Professor Higgins has published numerous academic articles focusing on feminist jurisprudence, international human rights, and constitutional law in many of the nation's leading law journals, and she has conducted human rights research in eighteen countries, including Ghana, Kenya, Malawi, South Africa, and Rwanda.

**Chuma Himonga** is a Professor of Law at the University of Cape Town, South Africa, and holds a PhD and LLM from London University and an LLB from the University of Zambia. She also collaborated in researching the Sonderforschungsbericht 214: Identität in Afrika – Prozesse ihre Entstehung und Veränderung inter-disciplinary research project at the University of Bayreuth, Germany. Her research interests and publications cover the law of persons and marriage, African customary law, women's rights in Southern Africa, and children's rights.

**Manfred O. Hinz** studied law and philosophy at the University of Mainz, Germany, from which he graduated in 1960. He obtained his doctorate degree

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

in law from the University of Mainz in 1964. After studying anthropology, sociology, and African and Oriental languages at the same university, he became assistant lecturer, teaching anthropology and public law. In 1971, he was appointed full professor at the University of Bremen, Germany. He went to Namibia at the country's independence and helped build the first institution for legal education on Namibian soil: the Faculty of Law of the University of Namibia, which he joined in 1993. Professor Hinz holds the UNESCO Chair: Human Rights and Democracy in the Law Faculty's Human Rights and Documentation Centre.

**Sandra F. Joireman** is a Professor of Politics and International Relations at Wheaton College in Illinois. She specializes in comparative political economy with an emphasis on Africa. A political scientist and the author of three books and numerous articles on property rights and legal development, her research currently focuses on the enforcement of property rights in common-law Africa. Joireman received her MA and PhD in political science from the University of California, Los Angeles. She was a Fulbright scholar at the University of Addis Ababa and a visiting research scholar at Oxford University in the United Kingdom and Makerere University in Uganda. She has also taught at Meserete Kristos College in Ethiopia.

**Laurence Juma** is Associate Professor of Law at the Faculty of Law at Rhodes University in Grahamstown, South Africa. Before joining Rhodes, he held faculty positions at the University of Nairobi, the National University of Lesotho, and University of Fort Hare. From 2001 to 2002, he was a research Fellow at the Danish Centre for Human Rights in Copenhagen and was involved in various research projects focusing on the congruence between human rights and African customary law. His interests are in the fields of African customary law, international human rights law, and conflict studies, and he has written extensively on these subjects. Currently, his research focuses on the relationship between customary institutions and democratic practice in the Kingdom of Lesotho and South Africa.

**Digby Sghelo Koyana** is a law professor at Fort Hare University, South Africa. He holds LLB and LLM degrees. He also earned the LLD degree from the University of South Africa in 1988 and the LLD degree from the University of Pretoria in 1992. He practiced as an Attorney and later as an Advocate of the High Court of South Africa. He is the author of two textbooks, one on customary law entitled *Customary Law in a Changing Society* and one on criminal law entitled *The Influence of the Transkei Penal Code on South African Criminal Law*. He has published numerous articles in journals in the fields of customary law and criminal law.

**Chi Mgbako** is a Clinical Associate Professor of Law and Director of the Leitner International Human Rights Clinic at Fordham Law School in New York City,

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

which partners with NGOs and foreign law schools on human rights projects in Africa, Asia, Latin America, the Middle East, and the United States. Previously, she was Fordham's Crowley Fellow in International Human Rights. Before joining Fordham's faculty, she was based in Dakar, Senegal, as Harvard Henigson Human Rights Fellow with the International Crisis Group. She has conducted human rights fieldwork and reporting in Ethiopia, Liberia, Nigeria, Malawi, Sierra Leone, Rwanda, and Uganda, and she has taught African women's history and human rights in Accra, Ghana. She is a graduate of Harvard Law School and Columbia University and has published in the areas of sex workers rights, reproductive rights, the feminization of HIV/AIDS, justice sector reform, and transitional justice.

**Wazha G. Morapedi** is a senior lecturer in the history department of the University of Botswana. He teaches Latin American, Central African, and Botswana history. Dr. Morapedi obtained his BA from the University of Botswana in 1989 and joined the university as a Staff Development Fellow in the department of history in 1990. He obtained his MA and PhD in comparative history at Essex University in the United Kingdom in 1992 and 1998, respectively. Dr. Morapedi has written on traditional leadership in Africa, migrant labor, and agrarian and peasant issues in Botswana. His research areas are in comparative agrarian and peasant studies in Africa and Latin America, traditional leadership (chieftaincy) in Africa, and migration studies. Dr. Morapedi is currently working on land restitution in the Tati District of North Eastern Botswana.

**Abdumumini A. Oba** is a senior lecturer at the faculty of law, University of Ilorin, in Ilorin, Nigeria, where he served as Head of the Department of Jurisprudence and International Law from 1998 to 2002. His research interests are African customary law, administration of Islamic and customary laws in Nigeria, and human rights from the perspectives of legal, religious, and cultural pluralism. He has published extensively in these areas.

**George Otieno Ochich** is an advocate of the High Court of Kenya and a Senior Lecturer at the School of Law, Moi University, Eldoret, Kenya. He specializes in customary law, which he has taught at the law school since 1999. Ochich also teaches and researches on the law relating to disabilities, international trade, and the environment. He holds a Bachelor of Laws degree from the University of Nairobi and Master of Laws in international and commercial law from the University of Buckingham. He is currently pursuing doctoral studies at the University of South Africa.

**Christa Rautenbach** Christa Rautenbach is a Professor of Law at the faculty of law, North-West University (Potchefstroom Campus), South Africa, where she obtained the degrees B Juris (cum laude), LLB (cum laude), and LLD. She is

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

actively involved in researching issues pertaining to African customary law and has published extensively on the subject in national and international journals. She is co-editor of *Potchefstroom Electronic Law*. Since 2006, she is an Alexander von Humboldt scholar and she has co-edited and authored a number of textbooks including *Customary Law of Succession and Inheritance in Law of South Africa: Vol 32*; *Introduction to Legal Pluralism in South Africa*; and *Law of Succession in South Africa*. She is an Advocate of the High Court of South Africa and a Commissioner of the Small Claims Court of Potchefstroom.

**Isidore Kwadwo Tufuor** is Leitner Center Lecturer in Law at the Law School of the Ghana Institute for Management and Public Administration (GIMPA), Accra, Ghana. A 2010 graduate of the International Law and Justice LLM program of Fordham Law School in New York, he holds a BA in French and Law and an LLB, both from the Kwame Nkrumah University of Science and Technology (KNUST), Kumasi, Ghana. He also holds a Barrister-at-Law Certificate from the Ghana School of Law in Accra. Mr. Tufuor is supervising the implementation of the “Access to Justice” and “Right to Health” clinical projects in Ghana, under the auspices of the Leitner Center for International Law and Justice at Fordham Law School in New York.

**Dr. Ben Kiromba Twinomugisha** is an Associate Professor and Dean, at the Faculty of Law, Makerere University, Uganda. He is also an advocate of the Courts of Judicature in Uganda and has undertaken research and published in the areas of human rights and environmental law. He has taught law for more than twenty years at both college and university levels. He is a member of the IUCN Academy of Environmental Law and a visiting professor at the Centre for Human Rights, University of Pretoria, South Africa.

**Janine Ubink** is Senior Lecturer in law at the Van Vollenhoven Institute, Faculty of Law, Leiden University in The Netherlands. She holds a Bachelor of Law together with a Master of International Law from Leiden University. She wrote her PhD about customary land management in Ghana. Her areas of specialization include customary law, traditional authorities, land tenure, legal anthropology, and legal empowerment. Her regional focus is on Africa, but she has also been involved in comparative research in Africa, Asia, and Latin America. She is the executive secretary of the Commission on Legal Pluralism. Since 2010, she has also held the position of Hauser Global Faculty Professor at the New York University School of Law.

**Gordon R. Woodman** is Emeritus Professor of Comparative Law at the University of Birmingham in the United Kingdom. He took his first degrees at the University of Cambridge. Since 1961, he has studied and written about customary law in many countries. He worked in university law faculties in Ghana and Nigeria for fifteen

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

---

years before moving to the Faculty of Law of the University of Birmingham. He has been President of the Commission on Legal Pluralism and is editor of the *Journal of Legal Pluralism*. His publications include *Customary Land Law in the Ghanaian Courts* (1996); *African Law and Legal Theory* (co-edited with Akintunde O. Obilade 1995); *Local Land Law and Globalization: A Comparative Study of Peri-urban Areas in Benin, Ghana and Tanzania* (co-edited with Ulrike Wanitzek and Harald Sippel, 2004); and *Law and Religion in Multicultural Societies* (co-edited with Rubya Mehdi, Hanna Petersen, and Erik Reenberg Sand, 2008).



Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

## Acknowledgments

The editors wish to acknowledge the incredible efforts of Elizabeth Mooers, Program Assistant at the Leitner Center for International Law and Justice, who coordinated all the logistics necessary for this book as well as the arrangements for the two-day conference in October 2008 at the University of Botswana, where earlier versions of many of the chapters in this book were first presented. The editors are also grateful to the Faculty of Law at the University of Botswana, and especially to Dr. Onkemetse BashiTshosa and Dr. Kholisani Solo, for their valuable contributions in organizing the conference and for the wonderful hospitality they showed to all conference participants in Botswana. We would also like to thank the post-graduate Dean's Fellows at Fordham Law School who provided research and editorial assistance on the chapters included in this book, including John Christopher Moellering, Shabbir Chaudhury, and Abisola Fatade. We would like to thank Fordham Law students Joseph Nussbaum, Chauncey Smith, Marni von Wilpert, Ashley Pope, Jesse Melman, and Amy Rossnagel, who provided excellent research assistance on this book. Finally, we would like to express our gratitude to Alena Herklotz, the Leitner Center's Fellow in International Law of Sustainable Development, and to Liz Shura, the Leitner Center's Dean's Fellow, for their assistance in the final stages of the editorial process for this volume.

Cambridge University Press

978-0-521-11853-8 - The Future of African Customary Law

Edited by Jeanmarie Fenrich, Paolo Galizzi and Tracy E. Higgins

Frontmatter

[More information](#)

---