

Contents

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

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

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