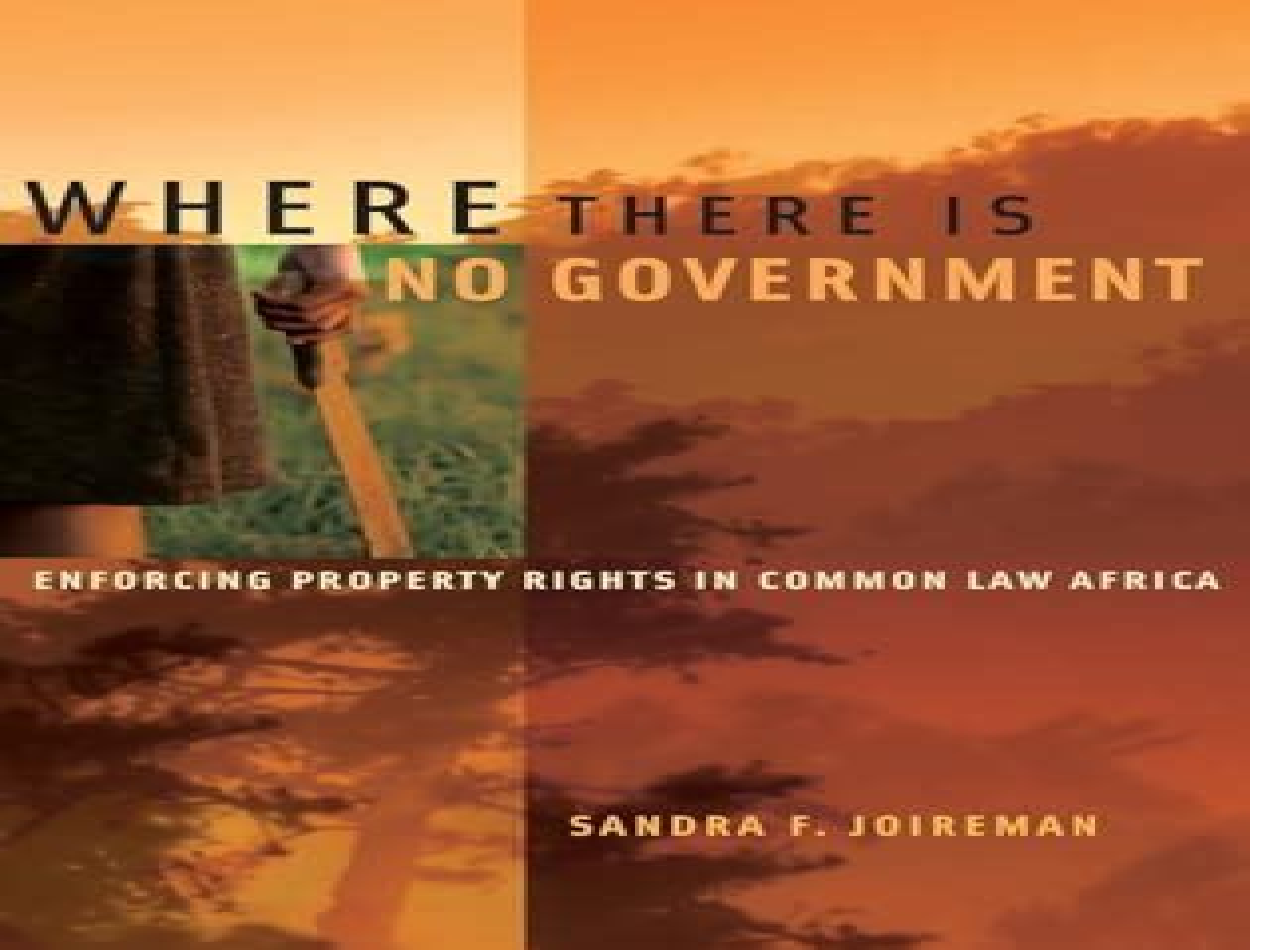




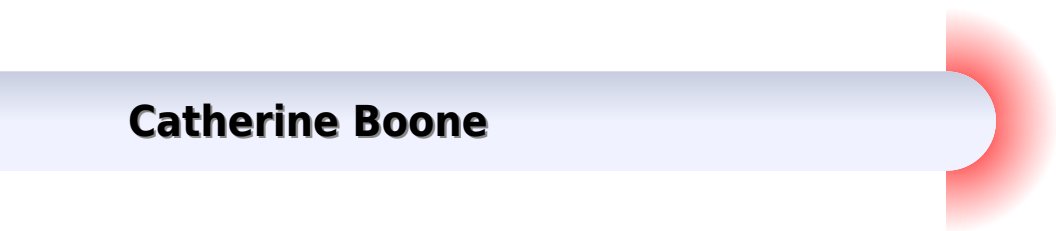
WHERE THERE IS NO GOVERNMENT

ENFORCING PROPERTY RIGHTS IN COMMON LAW AFRICA

SANDRA F. JOIREMAN

Where There Is No Government Enforcing Property Rights In Common Law Africa

Catherine Boone



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Where There is No Government Sandra F. Joireman, 2011-07-15 It is safe to say that a sizeable majority of the world's population would agree with the proposition that property rights are important for political and social stability as well as economic growth. But what happens when the state fails to enforce such rights? Throughout sub-Saharan Africa, this is in fact an endemic problem. In *Where There is No Government*, Sandra Joireman explains how weak state enforcement regimes have allowed private institutions in sub-Saharan Africa to define and enforce property rights. After delineating the types of actors who step in when the state is absent—traditional tribal leaders, entrepreneurial bureaucrats, NGOs, and violent groups—she argues that the institutions they develop can be helpful or predatory depending on their incentives and context. Because such institutions are neither inherently good nor inherently bad, Joireman develops a set of measurement criteria to assess which types of property regimes and enforcement mechanisms are helpful and which are harmful to social welfare. By focusing on the varieties of property rights enforcement in Ghana, Kenya, and Uganda, Joireman moves beyond simply evaluating the effectiveness of official property rights laws. Provocatively, she also challenges the premise that changes in property law will lead to changes in property rights on the ground. Indeed, states that change their property laws face challenges in implementation when they do not control the authority structures in local communities. Utilizing original research on the competitors to state power in sub-Saharan Africa and the challenges of providing secure and defensible property rights, *Where There is No Government* is a sharp analysis of one of the most daunting challenges facing the African subcontinent today.

Where There is No Government Sandra Fullerton Joireman, 2011 In sub-Saharan Africa, property rights law is an especially potent source of instability. This book is at once an authoritative and powerful account of the central dilemma in Africa and a prescription for addressing it.

Where There is No Government Sandra F. Joireman, 2011-07-25 This book discusses property rights enforcement in sub-Saharan African countries including Ghana, Kenya, and Uganda.

Creating Indigenous Property Angela Cameron, Sari Graben, Val Napoleon, 2020-11-03 While colonial imposition of the Canadian legal order has undermined Indigenous law, creating gaps and sometimes distortions, Indigenous peoples have taken up the challenge of rebuilding their laws, governance, and economies. Indigenous conceptions of land and property are central to this project. *Creating Indigenous Property* identifies how contemporary Indigenous conceptions of property are rooted in and informed by their societally specific norms, meanings, and ethics. Through detailed analysis, the authors illustrate that unexamined and unresolved contradictions between the historic and the present have created powerful competing versions of Indigenous law, legal authorities, and practices that reverberate through Indigenous communities. They have identified the contradictions and conflicts within Indigenous communities about relationships to land and non-human life forms, about responsibilities to one another, about environmental decisions, and about wealth distribution. *Creating Indigenous Property* contributes to identifying the way that Indigenous discourses, processes, and institutions can empower the use of Indigenous

law The book explores different questions generated by these dynamics including Where is the public private divide in Indigenous and Canadian law and why should it matter How do land and property shape local economies Whose voices are heard in debates over property and why are certain voices missing How does gender matter to the conceptualization of property and the Indigenous legal imagination What is the role and promise of Indigenous law in negotiating new relationships between Indigenous peoples and Canada In grappling with these questions readers will join the authors in exploring the conditions under which Canadian and Indigenous legal orders can productively co exist

Customary Property and the Rule of Law Guillermo Jose Arribas Irazola, 2025-11-12 Informal housing and natural resource conflicts are common in Latin America However academics have rarely linked these social phenomena This book proposes customary property an extralegal entitlement founded in the social norms of a given community as a common lens to analyze understand and potentially solve the struggles that are found in informal housing and mining natural resource conflict This book shows how land titling policies inspired in De Soto s work have failed in taming the expansion of informal housing Moreover this book contests the mainstream explanation for social unrest in developing new mining projects which attributes it to the separation of surface and mining rights Finally the book proposes that the tension between customary property and lack of law enforcement by the State can progressively corrode the rule of law This book proposes a nuanced version of land titling for informal housing and a social license legal proceeding for the development of new mining projects Ultimately the book advocates for replacing violence between customary holders and the State with peaceful legal proceedings and negotiation tables This book is directed to any property scholars and students interested in developing countries social norms over assets and natural resource conflicts

Reimagining Legal Pluralism in Africa , 2024-06-03 This collection challenges the prevailing conflict of laws approach to the interaction of state and indigenous legal systems It introduces adaptive legal pluralism as an alternative framework that emphasises dialogue and engagement between these legal systems By exploring a dialogic approach to legal pluralism the authors shed light on how it can effectively address the challenges stemming from the colonial imposition of industrial legal systems on Africa s agrarian political economies

Property Law in a Globalizing World Amnon Lehavi, 2019-01-17 Property Law in a Globalizing World identifies the paramount challenges that contemporary processes of globalization pose for the study and practice of property law It offers a straightforward analysis of legal scenarios implicating cross border property rights covering a broad range of resources from land goods and intangible financial assets to intellectual property data and digital assets This is the first scholarly book offering a detailed study of legal strategies that can decrease the gap between the domestic tenets of property law and the cross border nature of markets interpersonal networks and technology It shows how strategies of soft law conflict of laws approximation and supranationalism rely to various degrees on cross border property norms and institutions and studies the proprietary features of security interests and priorities to assets in insolvency in a global setting It also shows how digital technology

such as blockchain can revolutionize the system of cross border property rights

Comparative Property Law Michele Graziadei, Lionel Smith, 2017-01-27 Comparative Property Law provides a comprehensive treatment of property law from a comparative and global perspective The contributors who are leading experts in their fields cover both classical and new subjects including the transfer of property the public private divide in property law water and forest laws and the property rights of aboriginal peoples This Handbook maps the structure and the dynamics of property law in the contemporary world and will be an invaluable reference for researchers working in all domains of property law

The Contested Lands of Laikipia Marie Ladekjær Gravesen, 2020-11-16 Pastoralists ranchers of European descent conservationists smallholders and land investors with political influence converge on the Laikipia plateau in Kenya Land is claimed by all the tactics differ Private property rights are presented histories of presence are told charges of immorality are applied fences are electrified and some resort to violence The region marked by enclosures is left as a tense fragmented frontier Marie Gravesen embedded herself in the region prior to a wave of land invasions that swept the plateau leading up to Kenya's 2017 general election Through a rich telling of the history of Laikipia's social political and environmental dynamics she invites a deeper understanding of the pre election violence and general tensions as never done before The manuscript is a revised version of the author's dissertation accepted by the Faculty of Arts and Humanities at the University of Cologne in 2018

Property and Political Order in Africa Catherine Boone, 2014-02-10 In sub Saharan Africa property relationships around land and access to natural resources vary across localities districts and farming regions These differences produce patterned variations in relationships between individuals communities and the state This book captures these patterns in an analysis of structure and variation in rural land tenure regimes In most farming areas state authority is deeply embedded in land regimes drawing farmers ethnic insiders and outsiders lineages villages and communities into direct and indirect relationships with political authorities at different levels of the state apparatus The analysis shows how property institutions institutions that define political authority and hierarchy around land shape dynamics of great interest to scholars of politics including the dynamics of land related competition and conflict territorial conflict patron client relations electoral cleavage and mobilization ethnic politics rural rebellion and the localization and nationalization of political competition

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