

Program **CUSTOMARY LAW**

Avant Propos - Laurent Mayali 1 hour

First section :
INTRODUCTION - 4 hours courses

I DEFINITION OF CUSTOMARY LAW

A Definition of usages

1 Positive definition

2 Comparative definitions

B Brief definition of Customary Law

II OPPORTUNITY OF CUSTOMARY LAW

A Inconveniences

B Advantages

C Conclusion

III LEGAL REGIME OF CUSTOMARY LAW

A Legal basis of Customary Law

B Designation of the legal order regulating usages

1 The rules applicable to usages vary according to the legal orders in which they are invoked

2 Within each legal order, usages are subject to various legal rules

3 Identification of the rules applicable to usages may cause original legal conflicts

Second section :

FORMATION OF CUSTOMARY RULES - 4 hours courses

A Objective elements

- 1 A determined behavior
- 2 A defined behavior
 - a The content of the requirement
 - b The implementation of the requirement of delimitation
- 3 A widespread behavior
 - a Geographical area
 - b Time field
 - c Professional field

B Subjective elements

- 1 The invocability of usages
- 2 The legitimacy of usages
 - a Conformity to imperative written norms
 - b Conformity to the non-written norms of a community

Third section :

APPLICATION OF CUSTOMARY RULES - 4 hours courses

A Nature of Customary Rules

B Evidence of Customary Rules

- 1 Burden of Proof
- 2 Means of Evidence

C Effects of Customary Rules

1 Scope of Application

2 Variety of Effects

3 Intensity

D Transfer of Customary Rules

E Modification of Customary Rules

Fourth section :

TERMINATION OF CUSTOMARY RULES - 4 hours courses

A Causes of Termination

1 Involuntary Causes of Termination

a Loss of a Condition of Formation

b Change of the Economic Environment

c Lack of practice

d Statute of Limitations

2 Involuntary Causes of Termination

B Consequences of Termination

1 Effective Date of Termination

2 Liquidation of the Customary Rights