

Subjects and Objects of Property (*in rem* rights)

Subjects of Property (*in rem* rights)

- ❖ WHO can be the holder of *in rem* rights (property)?
 - Persons, as understood in law (i.e., physical persons & legally incorporated entities).
 - Exception, *foreigners* cannot *own immovables* in Ethiopia (exception, foreign nationals of Ethiopian origin & foreigners engaged in investment business in Ethiopia, when the immovable is necessary for their investment).

Objects of Property (*in rem* rights)

- ❖ WHAT can be the object of *in rem* rights (property)?
 - Things – again, as understood in law: physical things & legal things.
 - But every ‘thing’ under the sky? Certainly not!
 - There are things over which *in rem* right (property) can be established and things over which property right cannot be established.
 - Based on this ‘things’ are classified into:
 - Common things/things out of commerce/inappropriable things
 - Vs.
 - Appropriable things/things in commerce/private things

Objects of Property (*in rem* rights) ...*ctd.*

- ❖ WHAT can be the object of *in rem* rights (property)? *ctd.*
 - Then, which things are appropriable (or can be the object of property)? What determines this? What are the general attributes of things over which property right can be created?
 - The general attribute of things considered as objects of property are:
 - ✓ Value: economic, aesthetic, cultural, religious, scientific, religious or sentimental, ...
 - ✓ Mastery by man (control and/or use)
 - ✓ Not excluded by law from serving as object. **Not everything** that has value and can be mastered can be object of property.
 - Excluded and controversial things
 - ✓ The human person, its organs, rights of personality
 - ✓ Physical characteristics of a person: appearance, physical strength, charisma, humor, talent
 - ✓ Animals
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