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FACULTY OF SOCIAL SCIENCES AND HUMANITIES

DEPARTMENT OF SOCIOLOGY AND INDUSTRIAL SOCIOLOGY

The contributions of Property and Inheritance Rights (PIR) programmes to the empowerment of widows: A study of selected Non-governmental Organisations (NGOs) in Binga, Zimbabwe.

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ABSTRACT

This study examines the contributions of Non-Governmental Organizations (NGOs) driven Property and Inheritance Rights (PIR) programmes towards the empowerment of widows in Binga District, Zimbabwe. Focusing on two NGOs, Ntengwe and Zubo, this study examines how patriarchal power is legitimized through customary law and the impacts of such on widows after the death of their husbands. It further explores whether the PIR programmes/projects run by Zubo and Ntengwe are providing the necessary knowledge and empowering widows to fight property grabbing after the death of their husbands. The contributions of these PIR programmes/projects towards the enhancement of Binga widows' livelihoods are also explored. In answering the study research questions a qualitative approach was used. Triangulation was employed as it allowed the study to answer and analyze the research questions from multiple perspectives. The study found that Ntengwe and Zubo PIR programmes/projects play a significant role towards the empowerment of widows in rural Binga. This has led to the enhancement of their livelihoods. The study also found that strategies used for contesting property grabbing by the widows in partnership with NGOs are effective and contributing to the empowerment of widows in the community. Among many other recommendations, the study proposes that NGOs should secure more funding so that they widen their operations in Binga wards. Such an increase in operations will enable more Binga widows to be empowered through the NGO run PIR programmes and projects.

Declaration

I, Roselyn Tshuma (200805065), do hereby declare that the content of this dissertation is my original work and has not been previously submitted to any other university for an award of a degree either in part or in its entirety.

Signature:

Date:

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CHAPTER 1

OVERVIEW OF THE STUDY

1. Introduction

In many African countries where patriarchal power is legitimised through customary law, the great majority of people conduct their personal activities in accordance with and subject to customary law (Ndulo, 2011). Moreover, customary law has great impact in matters such as marriage and inheritance. Yet the norms entailed in customary law tend to be in conflict with human rights as values guaranteeing equality between men and women. This conflict between customary law and human rights is evident in some sections of Zimbabwean society when a husband dies leaving their wife (or wives) and children under the care and protection of surviving male kinsmen as customary law and social practice dictates. It is in such situations that conflicts have arisen between widows and their in-laws over access and control of the property of the deceased.

Feminist scholars, for example, Ndulo (2011), Chapoto and Jayne, (2007), Tripp (2004), Izumi (2007), Peters and Wolper (1995) and Richardson (2004) have argued that in the name of law and culture, many practices that deny women rights to inheritance of matrimonial property have perpetuated. This view is shared by African scholars such as Dube (2008), Izumi (2006a), Gopal and Salim (1998), Chalk and King (1998), Gwarinda (2009) who note that customary law gives more social power and status to men rather than women. It is thus, under these circumstances that scholars have argued for legal reforms which will ensure that patriarchal power is curbed in order to enhance women

and especially widows access to property and social protection against male relatives (see, Gopal and Salim, 1998; Chapoto and Jayne, 2007; Seymour *et. al.*, 1982).

It is under and within this legal reform context that some non-governmental organisations (NGOs) in Zimbabwe have introduced property and inheritance rights (PIR) programmes and projects in rural areas in an effort to educate and empower widows to legally resist matrimonial property grabbing upon the death of their husbands. Laws which deny women the right to divorce, testify in court and the right to own property has reinforced the subordinate status of women in many societies. For example in Zimbabwe (Binga District), most women were and some are still not allowed to inherit property after the husband has died. Two such NGOs (which are the focus of this study) are Ntengwe for Community Development (Ntengwe) and Zubo Trust (Zubo) which operate in Binga district. Ntengwe for Community development was established in 1999 to assist widows and orphans especially in marginalised communities. Ntengwe runs programmes on HIV/AIDS prevention, reproductive health, food security projects and women's property and inheritance rights among others. Under these programmes, the organization conducts activities like: (a) distributing booklets in different languages based on the programmes, (b) providing civic education for women with a strong focus on women and widows' property and inheritance rights, (c) distributing anti-retroviral drug to the widows, orphans and their care- givers, (d) distributing food to widows and orphans in distress and helps widows establish small scale agricultural activities (Ntengwe, 2006). On the other hand, Zubo Trust has been operating and working with the Zambezi Valley communities since the year 2002. Among other things, Zubo Trust works within four main themes: advocacy, education and culture support (ECS), health

(HIV and AIDS) and livelihoods. Within these themes, the organization addresses key cross-cutting issues of gender and development, disaster risk reduction; child protection and disability (Basilwizi, 2007). Given the above mentioned work done by Ntengwe and Zubo, this study examines the contributions of their PIR programmes and projects towards the empowerment of widows in Binga District. It also seeks to understand strategies used by widows to contest property grabbing and whether statutory law is enforced by relevant authorities in protecting widows in Binga.

2. Statement of the research problem

Scholars who are critical of the status of women within customary law argue that statutory law should be introduced in order to ensure protection of women's rights to property and inheritance (Izumi, 2007; Strickland, 2004; Aliber, *et. al.*, 2004; White, 2010). However, to introduce statutory law does not always translate into the protection of women's rights to property and inheritance. Practical experiences show that even where wills exist; the husband's kinsmen often ignore the legalities and proceed to expropriate the properties of their sister's in-law (Mendenhall *et. al.*, 2007; Tripp, 2004; Gopal and Salim, 1998). A study conducted in Kampala (Uganda) by Asimwe and Crankshaw (2011) shows that even in societies which have recently devised liberal constitutions, these legal reforms do not go far enough to protect the rights of women and widows to property and inheritance. For instance, even where constitutional reforms have taken place, old laws from the colonial period remain unchanged. Hence, women and widows' rights to property and inheritance continue to be governed by outdated laws. In some cases statutory law passed by male dominated parliaments perpetuates women oppression. This means to legislate against property grabbing by male relatives

is not enough, for even where the law states that the widow should inherit the deceased husband property, this does not happen in practice. It is within this context that this study explores whether PIR projects run by Ntengwe and Zubo are educating and empowering widows to contest property grabbing thereby improving their livelihoods after the death of their husbands. Which strategies and legal avenues are used by widows to protect and preserve their PIR? Are the legal and constitutional provisions in Zimbabwe protecting and enhancing widows' rights to property and inheritance, especially in rural communities such as Binga?

3. Research questions

This study answers the following research questions:

- ❖ What is the role of selected NGO run property and inheritance rights (PIR) projects in the empowerment of widows in Binga?
- ❖ To what extent are the selected PIR projects enhancing the livelihoods of widows?
- ❖ What are the strategies used by selected NGOs and widows to contest property grabbing in Binga?
- ❖ How protective and enforceable are legal mechanisms that exist to protect the property and inheritance rights of widows?

4. Research aim and objectives

4.1 Research aim

- ❖ To investigate the contributions of selected PIR projects towards the empowerment of widows in Binga District, Zimbabwe.

4.2 Research objectives

- ❖ To investigate the role of selected NGO run PIR projects in the empowerment of widows in Binga.
- ❖ To assess the level at which the selected PIR projects are enhancing the livelihoods of widows.
- ❖ To find out the strategies used by the selected NGOs and widows to contest property grabbing in Binga.
- ❖ To examine how protective and enforceable legal mechanisms that exist are to protect the property and inheritance rights of widows.

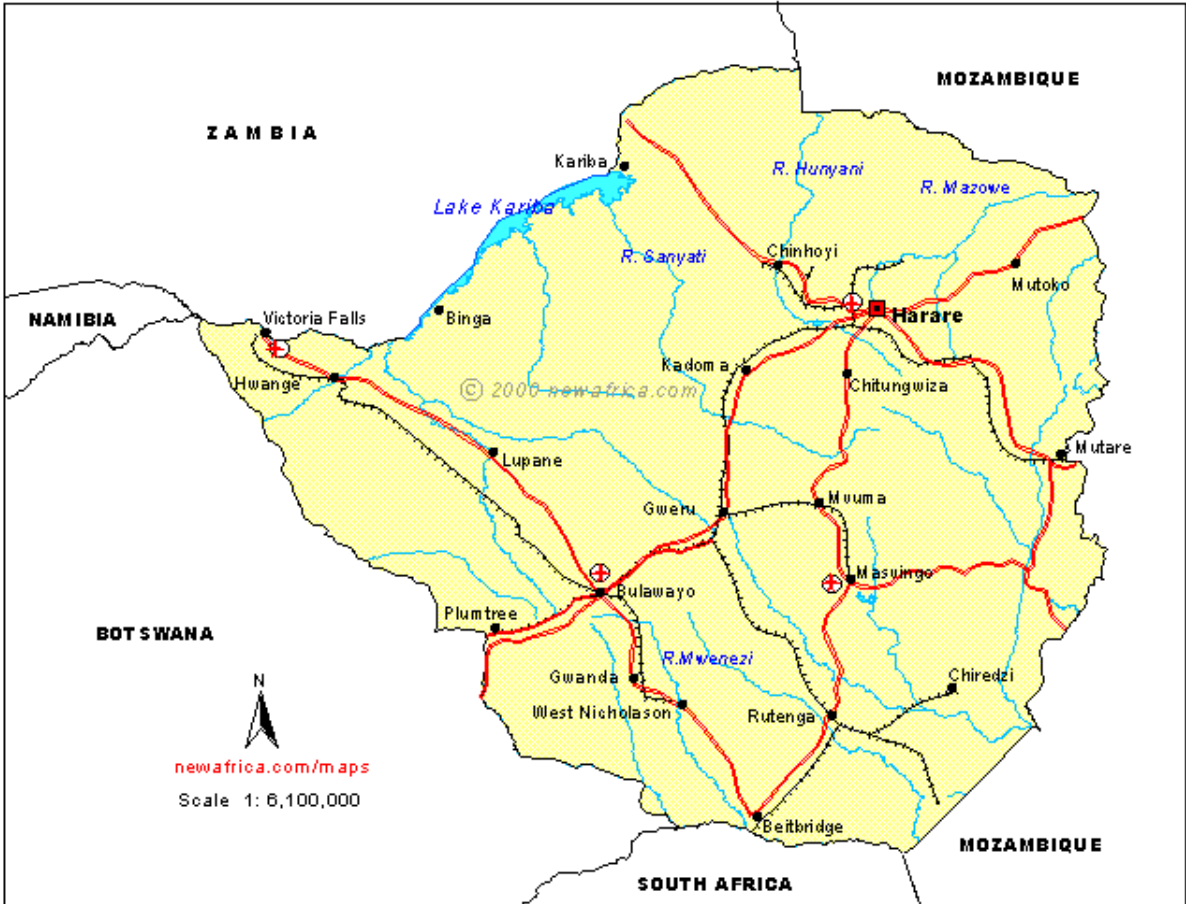
5. Research Setting: Binga District, Zimbabwe

This study was conducted in Binga district, Zimbabwe. This district is located in northwest Zimbabwe. It is one of the most underdeveloped districts in Zimbabwe. It has a combination of physical isolation, poor infrastructure, poor service delivery and cultural and gender norms commonly skewed in favor of males resulting in growing vulnerability and ill protection of young women and children (Ntengwe, 2006). The women and girls in this district are made additionally vulnerable by the high levels of poverty, which is exacerbated by the profound remoteness and isolation of this area and cultural practices that appear to encourage relatives to grab property (Dube, 2008).

Binga has a population of about 28 000 and the most common language spoken in the district is Tonga. The district is predominantly a settlement of peasant farmers displaced over fifty years ago by Zimbabwe's largest hydro-electric dam, Kariba. Below is a map of Zimbabwe (figure 1) showing where Binga is located (Muderedzi, 2006) and another map of Binga (figure 2) indicating the wards which Ntengwe and Zubo operate:

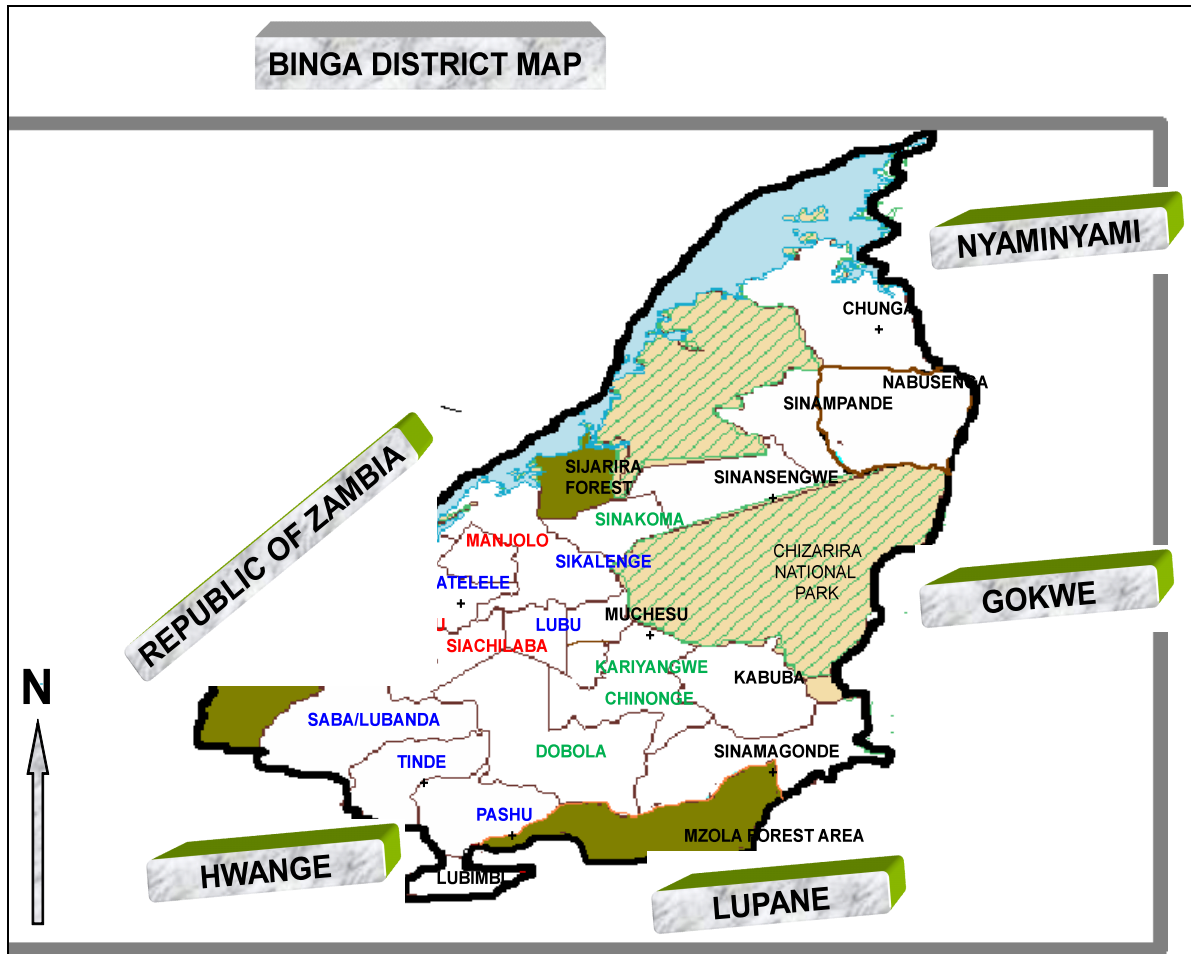
Figure 1: Zimbabwe Map

ZIMBABWE OVERVIEW MAP



Source: Encyclopaedia of Nations (2013)

Figure 2: Binga District Map



Source: Ntengwe, 2009

KEY: NTENGWE AND ZUBO WARD OPERATIONS

- Ntengwe and Zubo
- Ntengwe
- Zubo

6. Study Population: A Primer

The study population were widows living in Binga district who were receiving social, legal, educational and economic support services from Ntengwe for Community Development and Zubo Trust. The sample size consisted of 40 purposively selected widows from Ntengwe and Zubo Trust who shared the same experiences of matrimonial property and inheritance rights issues. The sample also consisted of four key informants who were purposively chosen from different NGOs and government departments.

7. Significance of the study

This study sheds light on the interaction between indigenous (customary) and modern law in post-colonial societies. It shows how relics of indigenous (customary) law survive in contemporary Zimbabwean society alongside statutory law complicating the PIR of widows in rural communities such as Binga. Since the study draws on law and social sciences, it also generates new forms of knowledge which can help compensate for the weaknesses which arise when depending on one particular discipline. The study has potential to be used by policy makers interested in solving contradictions between the modern and traditional in legal PIR issues in Zimbabwe at large. In addition, the study also contributes to theoretical debates by taking into consideration both the statutory and traditional/customary laws. The interaction between state law and traditional/customary laws raises questions about the power of the state and how this articulates or is challenged by local forms of power as evidenced by the power vested in traditional systems of law and politics.

8. Theoretical Framework: A Primer

This study draws on the liberal feminist theoretical school particularly cultural and human rights theories (see a longer discussion of both theories in chapter three). According to the human rights theory, violence against women's rights is a result of power inequalities, patriarchal norms and values that exist in a society (Wollstonecraft, 1998). Hence, these masculine societies socialize women in accordance with their mandatory role and status in society to serve the needs of the overriding group. On the other hand, cultural theory argues that property grabbing is aggression against women (Randall, 2003). It is a culture where men are treated more superior than women who are viewed and treated as inferior (Randall, *ibid*). Cultural theory also explains the nature of traditions and its implications on social life (Williams *as cited by Smith*, 1995). The two theories are relevant for investigating power relations between men and women and how social norms and ideologies justify unequal distribution of property between the genders. The theories help the reader understand the dialects between modernity and tradition as expressed in law and how these shape the everyday social relations especially in rural areas such as Binga.

9. Structure of the thesis

Chapter 1 introduces the study; states the research problem, research questions, aims and objectives, research setting, significance of the study amongst others.

Chapter 2 reviews literature on property and inheritance rights of widows in general at a global perspective. It further gets specific by providing a macro perspective of the situation in Zimbabwe in connection with property and inheritance rights of widows.

Chapter 3 examines theories that intellectually ground, frame and guide the study in relation to widows' property and inheritance rights.

Chapter 4 covers the research design, study population, sampling procedure and size, data collection instruments, data analysis techniques and the ethical considerations observed in the study.

Chapter 5 is an empirical chapter. It presents, discusses and analyses the findings of the study with specific focus on the role of NGOs in promoting property and inheritance rights in Binga.

Chapter 6 is also an empirical chapter. It discusses the linkages and de-linkages of the state, NGOs and widows in connection with PIR in practice. It further looks at the linkages and de-linkages of the study's theories with study findings.

Chapter 7 consists of the conclusions and recommendations of the study.

CHAPTER 2

WOMEN, PROPERTY AND INHERITANCE RIGHTS DEBATES: A LITERATURE REVIEW

2.1 Introduction

Globally, disturbing numbers of cases are reported of in-laws having dispossessed widows upon the death of their husband or stripped property from them thus infringing their property and inheritance rights. According to the World Health Organization (WHO) (2005) property rights comprise the vital right to a home. A home is important for human safety since it guarantees physical, mental, psychological and emotional security. Laws associated with marital property and inheritance rights remain prejudiced in most Sub-Saharan African countries. In countries like Lesotho and Swaziland, married women are seen as legal minors, who cannot enter into contracts without approval of their husband (Mamdani, 1996). In the few countries where laws recognize women's equal marital property and inheritance rights (for example in some Latin American countries), cultural attitudes in many areas in Latin America anticipate a daughter to surrender her right to inherit land to her brother (Rose, 2003). Likewise, in many sub-Saharan African countries, for example, the idea of women inheriting land is seen as a menace to the continuity of clan land (Strickland, 2004).

2.2 Property and Inheritance Rights in Africa

In many African societies, property and inheritance rights disputes have posed a major threat to the dignity and survival of women irrespective of their nuptial status and age (Richardson, 2004). For married women, their rights to property depend upon the system of law under which they are married. Women married under customary law do

not own property, their husbands and sons own the family property, which moves down through male lineage (Kandiyoti, 1998). Also, marriage under statutory law, does not promise women an advantage in most cases (Kameri-Mbote, 1995). Hence, whether a woman is married under customary or statutory law, time and again they lose court cases since these courts are a product of laws interpreted and influenced by the existing cultural practices. For example, Tonga cultural and customary codes and gender norms give women little access to education and control over property, in turn limiting their access to legal and social services (Dube, 2008).

Zimbabwe is participant to a number of international and regional set of rules on widows' empowerment. It also has a national gender policy. Yet the reality is that national institutions fail to successfully localise and implement international and national decrees on gender and development (Bronstein, 2000). This is a result of poor ability to interpret laws, the seclusion of institutions, stereotype, and inadequate equipment including vehicles, computers and internet (Ndulo, 2011). To reverse this reality, there is need to make possible proper understanding and interpretation of legal and policy frameworks among policy makers, men and widows themselves. Policy makers will in turn strengthen implementation of such policies and legal frameworks and their practical performance for women's rights and economic empowerment to be realized. Men are presently the perpetrators of violence against widows owing to the power patterns in our society. Hence the need to raise their alertness on the need to grant widows their rights as the starting point for real development towards the attainment of widows' and women empowerment (Bhatla, Chakraborty and Duvvury, 2006). In Zimbabwe, like anywhere else on the African continent, married women are among those most exposed to

property stripping. The power inequities that identify gender relations and sexual interaction influence women and men roles, which are access to productive resources and decision-making authority (Dube, 2008). Moreover, women have little or no control over resources such as land, money and credit facilities and all this has implications on their aptitude to access fairness (Coldham, 1999). The situation is however worse for widows who face stigma and inequity, and often fail to inherit property and find themselves homeless (Izumi, 2006). Most of these women have no marriage certificates or wills. They cannot pay legal fees to access justice and in some cases executors of estates are bribed by male in-laws and their rights get sullied (Dube, 2013).

Consequently, the pursuance of property and inheritance rights, especially rights required after a male spouse has died have continued to perplex and flummox a majority of women (Burns, *et. al.*, 2005). As a result, in most communities in Africa, culture dictates who has access and control of assets and resources, and these rights are mostly restricted to men. It has thus been argued that the African women's position is similar to that of a bonded labourer (Peters and Wolper, 1995). These different types of cultural norms and values has made a women do little to prevent herself from the in-laws who would grab the property after the husband dies (Swaminathan, *et al.*, 2008). Hence different organizations and the government need to come together and empower women through realising their property and inheritance rights and be able to handle cultural practices which infringe their rights to inherit.

2.3 Why focus on the Binga PIR projects?

While women in Zimbabwe undergo a plethora of disadvantages in their social and economic lives as a result of patriarchy and obtaining power relations, the situation is

worse for widows in Binga. This district (Binga) is a remote rural area at the peripheries of Zimbabwe often neglected by decision makers when it comes to priorities for development. Binga is one of the 5 poorest and marginalized districts in Zimbabwe (Zimbabwe Vulnerability Assessment Committee (ZIMVAC), 2011). The average annual household income in the poor areas of the district is under USD200. Tonga cultural and customary codes and gender norms give widows little access and control over financial resources, in turn limiting their access to legal and social services (Alison, *et. al.*, 2005). The main economic activity in the district is subsistence agriculture and fisheries but owing to gender dynamics women are predominantly involved in petty trading tasks with very little added value (Dube, 2008). Poverty and lack of economic independence was worsened in the past decade due to political and economic crises. The abuse of women is commonplace with widows being forced to engage in widow inheritance further undermining their rights to property (Enwerenji, 2008). In the poorest families, girls are frequently forced to marry early, and this deteriorates their chances of getting empowered (Strickland, 2004).

In addition, in the 2011-2012 agricultural seasons where drought recurred, widows suffered from lack of food and intense chores such as travelling for 25 kilometres to Binga centre from surrounding areas to sale firewood and generate income for the upkeep of the family (Dube, 2008). Binga widows have poor knowledge and recourse mechanisms on their social and economic rights. This is a result of low educational levels versus the high unemployment levels, lack of vocational training skills, unequal opportunities for accessing employment, and business capital to enable them to penetrate local and regional markets (Muderedzi, 2006). Research in Zimbabwe has

shown that the majority of widows who suffer from gender based violence and are in the high infection bracket of HIV are remarried widows because of their dependence on abusive husbands for survival (Nyathi, 2012).

Zimbabwe's law on inheritance was substantially changed in 1997 to make the surviving spouse and children of a deceased person the major beneficiaries of a deceased estate (Dube, 2008). Prior to that law (under customary law) the eldest son inherited property in his personal capacity to the detriment of the surviving wife and children (Weldon, 2011). The new Deceased Persons Family Maintenance Act 6(03) of 2001 prohibits property grabbing and eviction of widows at the death of a spouse. For property rights however, the law allows a registered owner to sell property during the subsistence of a marriage, to the detriment of the other spouse. Hence, regardless of the existing laws that aim to empower widows, issues of property grabbing by in-laws continue being reported by widows (Zimbabwe Constitution, 2012). In view of this, judges have called for law reform to address this.

2.4 Women's Rights to Inheritance: African Customary Law Systems

Customary law is the original law of a variety of racial groups of Africa. African customary law does not point out that there is a single uniform set of customs established in any given country (Griffiths, 1997). Rather, it is used as a comprehensive explanation covering many different legal systems (Fenrich and Higgins, 2001). These structures are largely ethnic in origin, and they typically function only within the area occupied by the ethnic group and cover difference of opinion in which at least one of the parties to the dispute is a member of the ethnic group (Kahdiagala, 2003). Customary law has a great impact on the lives of the majority of Africans in the area of personal law

in regard to matters such as marriage, inheritance, and traditional authority (Ndulo, 2011). In its relevance, customary law is often discriminatory in such areas as bride price, guardianship, inheritance, appointment to traditional offices, exercise of traditional authority, and age of majority. It tends to see women as add-ons to the group to which they belong, such as a clan or tribe, rather than equals (Richardson, 2004).

The majority of Southern African countries have signed and approved international instruments such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), as well as regional instruments such as the African Charter on Human and Peoples' Rights that seek to do away with discrimination against women (CEDAW Report, 2012). Many also have constitutions that articulate equality amongst all citizens. However, many of these countries' general practice and interpretation of customary and traditional laws breach women's rights and legal status, in direct contrast to their requirement as outlined in the international and regional instruments. These societies are pugnacious to give effect to the agreement of equality preserved in their various constitutions and international and regional treaties, while at the same time respecting the customary laws and practices prevalent and accepted amongst their citizens (Rose, 2002).

Moreover, the laws on marriage, divorce, succession and inheritance in most African countries are made up of a mixture of customary, religious and state law (Richardson, 2004). While the precise nature of the laws diverges from country to country, the impact on women is very akin. Women are underprivileged because of customary and patriarchal philosophies and attitudes, ignorance of their rights and a lack of power to assert their rights (Seymor, Bekker, and Coertze, 1982).

The violation of women's property rights has become a common observable fact in many cultures in Africa and the world as a whole. Property rights are the right to own, obtain (through purchase, gift or inheritance), manage, administer, enjoy and dispose of touchable and intangible property including land, housing, money, bank accounts, livestock, crop and pensions (Kameri-Mbote, 1995). Under international human rights law, women and men are permitted to equal legal protection of their property rights. However, in practice, property ownership, use and inheritance are regulated in many countries by customary laws which are mostly unwritten but prominent local norms that are based on gender differences (Okello, 2003; Human Rights Watch, 2003).

More so, customary law in African jurisdiction is assorted and remains largely unwritten, informal, and often difficult to establish (Seymour, 1982). According to African Ndebele and Shona customary law for instance, upon the death of a patriarch, it is requisite that livestock and other family property, be inherited by male relatives in the same generation in terms of collateral concession and or by the eldest sons of the family (Gwarinda, 2009). Also, in many African countries where patriarchal power is legitimised through customary law, the great majority of the people conduct their personal activities in accordance with and subject to customary law (Cooper, 2010). Thus, customary law has great impact in matters such as marriage, inheritance and traditional power even though the norms and values entailed in customary law tend to be in conflict with human rights as values assuring equality between men and women (Ndulo, 2011). Hence in order to empower women, customary law needs to be done over with so that women are able to resist property grabbing.

Reviewing arguments amid the traditionalists and the activists, traditionalists are of the view that, by promoting traditional values, customary law makes a constructive input to the promotion of human rights (Fenrinch and Higgins, 2001). On the other hand, activists argue that certain customary norms and values weaken the dignity and position of women and are used to validate treating women as second class citizens (Kahdiagala, 2003). African customary law accentuate rights in the framework of community and kinship rights and duties of individuals to their communities (Ndulo, 2011). In addition, customary legal systems in many countries pose a serious threat to women's equality rights by legitimizing and imposing gender discriminatory rules with respect to marriage, divorce, property, and a host of other issues (Weldon, 2011). In relation to inheritance of property, a woman faces discriminatory cultural practices. She has to choose between her rights as a citizen and her culture and the only way to prove correct the former is to exit from the latter, as she cannot have both (Burns *et al.*, 2005).

Moreover, feminist scholars (for example, Ndulo, 2011; Iwobi, 2008; Tripp, 2004, Izumi, 2007, Peters and Wolper, 1995; Richardson, 2004) have argued that in the name of law and culture, many practices that deny women rights to inheritance of their property have perpetuated. It is thus, under these circumstances that scholars have argued for legal reforms which will ensure that patriarchal power is curbed in order to enhance women and especially widows access to property and social protection against male relatives (Gopal and Salim, 1998; Chapoto and Jayne, 2007; Seymour *et. al.*, 1982)

Scholars working in Africa (Dube, 2008; Izumi, 2006a; Gopal and Salim, 1998; Chalk and King, 1998; Gwarinda, 2009) agree that customary law gives more social, political and economic power and status to men rather than women. However, according to

Mamdani (1996) both customary law and human rights seeks to protect human dignity. To Mamdani (1996), the conflict is ideological because African customary law is communal or socialist in approach whereas human right system is based on the premise of individualism. Cultural and social settings have encouraged the belief that men are more adventurous than women. In the same vein, women have been expected to be docile and subordinate (Momodu, 2005).

Moreover, in most ethnic groups, such as the Ewe in Ghana, customary systems traditionally incorporated a social safety net providing for widows and orphans at the death of the male head of household (Chalk and King, 1998). While women are not able to directly inherit land or property, the men who inherit is obligated to care for the wife or wives of the decedent and all of his dependents as the decedent would have (Richardson, 2004). Thus, the heir not only inherited the property, but he also inherited the accountability to provide for all who depended on the property for their living. This is no longer the common practice today, however (Strickland, 2004).

Nevertheless, increasing poverty, widespread war, and the advent of the HIV/AIDS epidemic in the past two decades have done away with these traditional welfare mechanisms. Whereas widows were once allowed to stay on the land they shared with their deceased husband until their own death or remarriage, they are now often vigorously removed from their homes. In addition, in countries such as Zambia, the occurrence of property grabbing has of late developed (Mokomone, 2001). Property grabbing is a custom followed by many ethnic groups in the continent, where as soon as the male head of household dies, his relatives come to the home and take everything of value away from pots and pans to furniture and cars (Iwobi, 2008). This often occurs

while the woman is performing a traditional morning sacrament, and therefore is not able to defend herself or her property (Peters and Wolper, 1995). The woman is often left impoverished as a result. Additionally, in patrilineal systems (such as the Tswana in Botswana), where bloodlines and ancestry are traced through male relatives, a woman's rights are more secure if she has an older son who is the heir to his father's estate (Mendenhall, Muzizi, Stephenson, Chomba, Ahmed, Haworth, and Allen, 2007).

Thus, women's rights to inheritance under customary law in most societies internationally seem to challenge the status and position of women in the communities they belong to (Tripp, 2004). However, because of the existing global laws that have been introduced to different governments, customary law is waning away bit by bit in other countries of the world leading to the empowerment of women and widows in particular through the realisation of their property and inheritance rights (Ndulo, 2011).

2.5 Women Inheritance and Statutory Law

Inheritance has gained profile as a public guiding principle in Sub-Saharan African countries and the world at large for several reasons. Most importantly, inheritance has been undertaken as part of the larger problem of property rights regimes that are discriminatory against women (Ikadahl, 2005). International and domestic campaigns to restore women's unequal property rights in Sub-Saharan African countries have advocated changes to inheritance systems within a broader reform agenda (UN Habitat, 2006; Jütting and Morrisson, 2005; Mutangadura, 2004; FAO and Oxfam, 2003; Human Rights Watch, 2003; USAID, 2003 and Benschop, 2002).

Nevertheless, the world now demands that countries guarantee women's property rights as a key scheme toward achieving gender equality and empowering women more largely (Cuno, 2010). Laws to protect women's property rights exist in most countries, and governments are approving new laws every day (Rose, 2003). In practice, however, many women still find that they cannot realize their rights. Worldwide agreement is now ingrained around the central role of women's ability to own, inherit and control property in achieving economic development, equity and empowerment. Again, international treaties and conventions, markedly the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; and the International Covenant on Civil and Political Rights, embrace necessities governing women's right to property. Constitutions throughout the world forbid discrimination based on sex, and several guarantee women and men equal rights and protection under the law. Many new laws and reforms of existing laws have taken measures meant purposely at increasing or enhancing women's property rights (Tripp, 2004).

Despite substantial progress on the legal front as highlighted above, many women remain powerless to practice their property and inheritance rights. This systems failure is partially due to the pervasiveness in many countries of customary and religious law, which often limit women's rights (Enwerenji, 2008). Nonetheless, the national and international formal legal framework can overrule these other realms of law. For example Ethiopia, Mozambique and Uganda recognize customary law and local government authorities, but announce such law worthless to the extent it violates provisions in the constitution or civil law (Kandiyoti, 1998). On the other hand, Algeria,

Bolivia, Guatemala and Peru have affirmed international human rights treaties equal to or greater to domestic law, thereby providing a clear provocation for judges to render decisions based on international law provisions (Meinzein-Dick and Pradhan, 2002). Cambodia specially commits itself to identifying international law governing women's rights. The official law-making framework also may persuade decisions based on customary law (Bodenheimer, 2006). ICRW (2010) research in India, has shown that the essential threat of formal legal action helps intercession processes on women's property rights, both within families and in the larger community (Swaminathan *et al.* 2008). Again, other research indicates that where multiple legal frameworks exist, women often use them creatively to gain the most favourable outcome. For example, when men manipulate custom, women may take recourse from statutory law (Mackenzie, 2003).

However, a significant obstacle to the recognition of women's human rights in Africa is the enveloping denial of a women's right to inherit land and other property in spite of the international agreements (Kameri-Mbote, 1995). In many traditional societies in sub-Saharan Africa for example, land use, housing, and the transfer of land and housing between generations is regulated by customary law, which principally eliminates women from property ownership and inheritance (Asiimwe, 2011). Hence, without secure land and property rights, widows are often left destitute and insolvent after the death of their husband. Thus, disinheritance seriously weaken women's economic security and independence as well as their access to adequate food, housing and clothing (Tripp, 2004). Furthermore, the denial of land rights to women contributes to the feminization of

poverty and diminutive economic development in countries where harmful inheritance practices are common (De-Waal and Schoeman-Malan, 2003).

Moreover, schemes of inheritance and property allocation at death are extremely embedded in notions of culture and tradition in many sub-Saharan African societies. They are closely joined to other important rituals surrounding death, such as burials, funeral celebrations, mourning rites, and the transfer of traditional leadership positions within families and within larger ethnic groupings (Izumi, 2007). These transfers of land, property, and power are nearly always restricted to men. As language recognizing and respecting women's rights inches its way into the constitutions and laws of many sub-Saharan African countries, there remains a substantial detach between official policy and actual practice (Asiimwe, 2011). Many countries are characterized by a dual system of law that both support concepts of equal rights and at the same time legitimize customary practices steeped in harmful acts of gender bias (Richardson, 2004).

Thus, scholars who are critical of the status of women within customary law argue that statutory law should be introduced in order to ensure protection of women's right to property and inheritance (Izumi, 2007; Strickland, 2004; Aliber, 2004; White, 2010). The recent constitutional innovations of Zimbabwe, gives equality of standing in law and society between men and women promising to do away with gender discrimination (Zimbabwean Constitution, 2012). However, to introduce statutory law does not always translate into the protection of women's rights to property and inheritance. Practical experiences show that even where wills exists; the husband's kinsmen often ignore the legalities and proceed to expropriate the properties of their sister's in-law (Mendenhall *et. al.*, 2007; Tripp, 2004; Gopal and Salim, 1998). This means, to legislate against

property grabbing by male relatives is not enough, for even where the law states that the widow should inherit the deceased husband property, this does not happen in practice (White, 2010). Furthermore, societies should ensure that the legal reforms are accompanied by implementation of the new laws.

Moreover, a study conducted in Kampala, Uganda by Asiimwe (2011) shows that even in societies which have recently devised liberal constitutions, these legal reforms do not go far enough to protect the right of a women and widows to property and inheritance. For instance, even where constitutional reforms have taken place, old laws from the colonial period remain unchanged. This is evidenced by research in Botswana, where under the dual system of law, women receive unequal treatment regarding issues such as legal status and capacity, property rights, inheritance, maintenance, and custody and guardianship of children (Aliber, 2004). Hence women and widows' rights to property and inheritance continue to be governed by outdated laws. However, statutory law passed by male dominated parliaments perpetuates women oppression (Mokomane, 2001).

Furthermore, official efforts to antidote discriminatory inheritance laws have classically taken place at the statutory level. These statutory changes generally have no practical result on the great majority of the population, who are governed, in family and personal matters, by customary law (Ndulo, 2011). Legislators have apparently ignored the cultural authenticities of their countries and have passed laws that are largely detested and subsequently ineffective (Gopal and Salim, 1998). However, to develop systems of inheritance that truthfully respect women's rights, laws must be on paper and put into practice in ways that recognize and respect the cultural traditions in which these

systems are based. Laws that ignore this reality are doomed to be ineffective and ultimately irrelevant (Mendenhall *et. al.*, 2007).

Therefore, a progressive legal framework is key to helping women defend their property rights. However, in South Africa for example, a progressive structure alone is not sufficient to certify that women's property rights are appreciated and appreciated (Iwobi, 2008). The broader culture also must change to help construe and impose these laws. South Africa has two key elements of a progressive legal framework for women: a strong constitutional right to egalitarianism of men and women, and acknowledgment of customary marriages (Bronstein, 2000). A woman's right to fairness is largely confined as a human right in the country's Bill of Rights. It also is predetermined in Section 9 of the 1996 constitution, which sets out the a variety of mechanism of that equality, including positive measures to attain parity and ensure equal satisfaction of all rights and freedoms, and language that thwart and exclude inequitable discrimination. The 1998 Recognition of Customary Marriages Act takes these rights one step further by protecting women who marry and get hold of property outside of the formal legal structure. Expressly, the Act affords women who marry through customary means the same legal standing as women in civil law marriages (Bonthuys and Pieterse, 2000).

In spite of these fortifications, case law where the courts understand and apply broader constitutional laws can dent women's property rights in practice. For instance, the case of Jordan v. the State, proposes that the courts can limit the application of the equality right by insisting on requirements, such as perspective and dignity measures, which make it easier to make a decision that pay no attention to or obstruct women's property rights (Albertyn and Goldblatt, 1998). Such requirements permit courts to ignore the

authenticity of women's lives, e.g., women disliking from their families and lose all property because their husbands die of AIDS related illnesses (Bronstein, 2000). Therefore, the government needs not only to recognize statutory and international laws on property and inheritance rights for women but to take into action the protection of those rights towards the empowerment of widows particularly. The governments need to apply theoretically and practically the laws of property and inheritance rights of women.

2.6 Women, Widows and Legal Pluralism

Legal pluralism, has given rise to a field of educational investigation dedicated to the study of how numerous sets of norms, both recognized and informal, interrelate with each other and have an effect on their subjects (Woodman, 1996). However, the legal pluralist concept has been disparaged for a number of reasons, chiefly stemming from its reputation as being unreasonably multifaceted, as denying the standard of equality before the law and as reinforcing repulsively unjust modes of production or racial discrimination (Meinzen- Dick and Pradhan, 2002).

Furthermore, concerning property rights, legal pluralism pioneer a sense of enthusiasm as the different legal frameworks do not exist in seclusion, but influence each other, and they change over time. In simple terms, legal pluralism is the circumstance where two legal systems be relevant in the same social field, a state of affairs in which activities pursuant to one or the other system of law is governed simultaneously devoid of spatial separation within a single territorial authority (McCallin, 2012).

The law of marriage and inheritance, among others is an area of law that has an massive impact on the position and wellbeing of women in Africa and world at large

(Mokomone, 2001). It is an area that is rendered mostly intricate by the interface of plural legal systems. For reasons ranging from history to culture, the average African country is today subject to at least two distinct, and from time to time contradictory, legal systems (White, 2010). Customary law usually legalizes family and allied relations, while statutory law regulates other features of life though some aspects of customary law and practices are discriminatory and harmful. The challenging values of these plural legal systems more often than not result in refutation of rights and in due course, access to justice is badly affected (Oomen, 2008).

In most parts of Africa women make up a large piece of the economically, socially and politically susceptible population and legal pluralism does much to reject them their rights (Albertyn and Goldblatt, 1998). This rebuff of rights is more deliberately seen in the areas of marriage and inheritance. The issue of inheritance is of significance since it is one way by which women can have access, specially, to economic resources such as land and livestock (Asiimwe, 2011). As most African communities are agrarian based, a lack of access to the main resource, land in this case makes women reliant and frustrate their efforts at attaining empowerment and sovereignty for themselves and their families. As a result of legal plurality, the law of inheritance is burdened with indecision and dissimilarity (Bodenheimer, 2006).

In some countries, customary rules and practices have been lengthily malformed by statutory interventions, and their legal status varies from country to country (Ikadahl, 2011). While statutory law completely sustain and grants official acknowledgment to tradition in some places, in others it is abrogated absolute. Still, some others stand astride the two positions by identifying custom only in so far as it does not run counter to

statutory laws (Burns, 2005). Nevertheless, members of the various communities, whether openly or secretly, and whether authorized by decree or not, control a range of affairs in harmony with custom (Cuno, 2010). Furthermore, matters such as family relations and inheritance persist to be regulated by custom in almost all parts of Africa and unpredictabilities in these statutory interventions make women defenceless. Its continued appliance put at risk their statutory rights and disadvantages them (Okello, 2003).

Although marriage constructs a contractual connection between the parties, its legitimacy and resultant rights are dependent on law. In countries where there are manifold systems of law, the insinuation is that there are also different kinds of marriages, and there is considerable irregularity between these attendant rights (Oomen, 2008). In other words, the type of marriage that a couple contracts decides the rights, such as succession, that attach to such marriage (Richardson, 2004). As a body of laws rooted in tradition and past experiences, customary law is filled with certain intrinsic problems that provide its application prejudicial to women, mainly in the area of marriage and succession (Enwerenji, 2008). Such gender variation relegates women to a lesser position, which in turn affects their access to resources (Okello, 2003). For this reason, traditional customary conceptions of marital rights do not always recognize the contributions that wives make to the attainment of family wealth, despite of what statutory law has to say on the subject (Burns, 2005). Tensions are brought to the fore when a husband dies intestate and customary law is to apply to distribution of property (Ndulo, 2011).

More so, the rules of succession under customary law are very much linked to the kind of relationship system practiced in the particular locality or the proclamations of the religion said to comprise the customary law of a particular people. In most parts of Africa, inheritance depends on whether one comes from a patrilineal or matrilineal family (religious customary law excluded) (Enwerenji, 2008). In some areas the kinship system is two-sided where children are similarly related to both their mother's and father's families and every biological successor, male or female, is a recognized relative (Mugoni, 2008). The right to succeed to and enjoy rights in property is determined by membership in the family, and such membership is traced through females from a founding female ancestor (matrilineal) or through males from a founding male ancestor (patrilineal) (Ndulo, 2011). Therefore, an heir must unavoidably be related to the deceased through such a male or female ancestor. Although the rules and incidents of inheritance differ for the kinship systems, in all cases inheritance does not result in any greater independence for married women (Bonenheimer, 2006).

Customary law treats the customary family's rights of inheritance as dominant. More so, because a wife is not considered a part of her husband's family, whether patrilineal or matrilineal, any claims she may assert to make to marital property is met with rigorous resistance (Goldblatt, 2004). Blood ties take preference over affinal ties, and because the whole estate, by custom, devolves on the husband's customary family and widows often become destitute (Burns, 2005). The closest a widow may come to profiting from property mutually obtained with her deceased husband is if, by the relevant customary law, her children are heirs (Bonthuys and Pieterse, 2000).

Hence, because of the inequitable practices of customary law, more and more widows are taking their cases to court in their pursuit for redress (Cooper, 2010). Regrettably, formal courts of law do not always reward their efforts with justice. In some cases, judges feel guarded to a strict explanation of customary law to the disadvantage of widows' for example; in Zimbabwe, the case of Taruvinga Maude whose property was grabbed and she was evicted from in-laws place after the death of her husband and the police could not help her (Richardson, 2010). According to Taruvinga,

...I eventually decided to leave my husband's land because I could not endure the harassment any more. No one could help me. Even the police took the side of my husband's relatives, ...many widows find themselves thrown out of their homes by greedy relatives and give up because of a lack of knowledge and (because they do not receive) protection from the police (IPS, 2012).

However, identifying the function of legislation in modification, advocates of empowerment of women argue that the courts have an important role to play in ensuring that customary law is reformed and developed to ensure that it conforms to human rights norms and contributes to the promotion of equality between men and women (Mutangadura, 2004).

Moreover, customary law has an enormous impact in the area of personal law in regard to matters such as marriage, inheritance and traditional authority (Kahdiagala, 2003). This is because it developed in an epoch dominated by patriarchy having some of its norms inconsistent with human rights norms guaranteeing equality between men and women (Izumi, 2006a). While African customary law emphasizes rights in the context of

the society and kinship rights and duties of individuals to their communities, human rights norms characteristically instruct state parties to treaties to respect human rights and take all proper measures to eradicate discrimination against women particularly (Izumi, 2007). Human rights norms continue on the basis that women's rights under international conventions are universal norms to which all countries must stick to. Women are permitted to the exercise of their human rights, and primary rights and freedoms within the family and society (Jutting and Morrison, 2005). However, the difference in approach has resulted in clashes between customary law norms on one side, and internationally protected human rights norms and national bills of rights stimulated by international norms on the other. For Ndulo (2011), the guiding principle should be that customary law is living law and cannot therefore be stationary. It must be construed to take account of the lived experiences of the people it serves.

Hence, one of the problems greatly faced by the African continent is the concurrent existence of several system of law such as customary law, religious laws and statutory law. These have endlessly contributed towards the violation of women's rights as most governments though they would have signed the international papers towards fighting discrimination of women, continue being baffled by which laws to follow when dealing with issues of property and inheritance rights of widows (Ndulo, 2011). Therefore, in these circumstances to inflict statutory law or to make ineffective customary law creates political challenges within those societies (Oomen, 2008; Gopal and Salim, 1998; De-Waal and Schoeman-Maian, 2003; Helium, 2000; Coldham, 1999; Bennett, 1998; Bennett, 1995).

2.7 Women, Property and Inheritance Rights in the Context of HIV/AIDS

Women in Africa have long had insecure rights to both moveable and immoveable property due to the coexistence of customary and statutory law, lack of clarity and poor enforcement of the formal rights to property that exist (Izumi, 2006a). Insecure property rights for women are most clear in the case of divorce or the death of a spouse when a woman loses access to land and household assets (Joireman, 2007).

Women's property rights in Africa are mainly vital as women give the overwhelming majority of the rural agricultural labour and have the accountability of feeding their families (Blackden and Bhanu, 1999; Blackden and Canagarajah, 2006). Women's property rights in Africa are insecure and HIV/AIDS has both increased the ambiguity and volatility of property rights and made women more likely to endure asset losses that drive them and their dependents into poverty (Ndulo, 2011). Insecure property rights for African women also strengthen their vulnerability to HIV/AIDS and hamper their aptitude to cope with the effects of the virus (Chapoto and Jayne, 2010).

Although all women are at risk to property grabbing, widows affected by HIV/AIDSs endure the most infringements and poverty when they lose a status which exposes head of household (Bhatla, 2006). These infected widows face many causes because of their status which expose them further to rights abuse and frailty. Widows infected by HIV/AIDSs are viewed as mobile coffins and subjected to more neglect and annoyance (Burns, 2005). Hence, the widows become bemused and harassed by property and inheritance rights violation as laws and policies prove powerless and without authority over customary and pessimistic practises (Bhatla, 2006; Enwereji, 2008; Mabumba *et.al*, 2007).

According to Strickland (2004), when widows are excluded from inheriting and owing property, they become economically, socially and culturally disempowered and their reliance on their spouses and their ability to negotiate safe sex is compromised. Moreso, HIV/AIDS has undermined women's social position for two reasons: (a) the plague is placing more women in the state of widowhood at a younger age than before; (b) the death of a husband often means that widows have to deal with passing away as well as protecting their property (Drimie, 2002a; Chapoto *et.al.*, 2011; Mendenhall *et.al.*, 2007). However, programs and projects towards the empowerment of women both affected and infected by HIV/AIDS are carried out globally in order to educate, empower and develop them to be able to claim their property and inheritance rights (Bhatla, 2006). However, regardless of the availability of NGOs and the government, women's empowerment is embedded in their collective action and networks and a precursor to women's access to justice. Thus, women's empowerment is localized in their collective action, political education and partnerships. Initially, gathering and sharing experiences politicizes women as they learn that women have rights and the right to assert those rights. Once politicized, women's empowerment occurs through taking collective action informed by their experiences as women and partners who build their capacity.

2.8 Contextualization of Property and Inheritance Rights of Widows

Despite the welcome of human rights as universal by most countries, inherent cultural norms and values has been used in Africa to discriminate and abuse women's rights. The majority of women are still seen as inferior in most societies because of the dehumanising practices that are carried out in the name of culture. Among the discriminatory practices is widows inheritance and lack of property rights for women

particularly widows (ZT Correspondent, 2013). Customary law is viewed as the governing law in most parts of the world and this has led to abuse and discrimination of widows especially those situated in areas like Binga District which is marginalized and sidelined from most development policies. Widows in Binga though statutory laws include them, particularly right to own property after the death of the husband, many women are still denied of their right to own due to cultural laws (Izumi, 2006). Hence organizations like Ntengwe and Zubo Trust have adopted the use of different strategies to help women gain and be able to claim back their property rights. Zimbabwe has taken a vital step to improve the status of women by putting in place laws and policies which will protect women from discrimination and dehumanising practices for example the National Gender Policy and The Administration of Estate Amendment Act introduced in 1997. However, a lot more needs to be done by the government and other non-governmental organization in order to overcome the discrimination of women in marginalized societies. Customary law with discriminatory elements need to be revised as they take precedence over formal laws with regard to property rights. Hence in this study, the practice of discriminatory customary law and the inability for many women to pursue their cases in court deprives women of their right to property and increase the vulnerable position of women in society. In relation to statutory law, The Administration of Estate Amendment Act of 1997 made laws more favourable to widows. However, there has been little enforcement of the act in the courts leading to a rise in property grabbing from widows. This property grabbing from widows has forced many widows to resort to unsafe sexual behaviours as they need to compensate for their loss in economic security (Human Rights watch, 2006).

2.9 Conclusion

This chapter has demonstrated that widows are affected negatively by property stripping in many corners of the African continent (including in Zimbabwe) notwithstanding the international calls to change the laws that disadvantage women. Application of customary law in many African societies (including in Zimbabwe) was noted to be one of the major factors that affects women's access to property and their inheritance rights. The 'patriarchal' interpretation of statutory law to the detriment of women and widows in many African countries was further noted as another barrier to the realisation of women's empowerment and their inheritance rights. It was further emphasised that property and inheritance rights are vital for women's equality, their economic independence and reducing their vulnerability to HIV/AIDS. The HIV/AIDS pandemic has worsened violations of women's property rights, with more women heading households or widowed without the benefit of secure access to and control over property.

CHAPTER 3

CULTURAL AND HUMAN RIGHTS THEORIES: A THEORITICAL REVIEW

3.1 Introduction

There has been an ongoing debate on which theory has better explanatory power to indicate the importance of property and inheritance rights for widows. Anthropologists, social learning theorists, family system theorists, sociological theorists, cultural evolutionary theorists and feminist theorists have had their share in this debate. Whilst this is the case, this study draws its theoretical foundation and framework from the liberal feminist school, namely, cultural theory and human rights theory. The principles of cultural and human rights theory resonate with the study's research questions and research problem.

3.2 Liberal Feminism

Liberal feminism is a distinctive form of feminism theory which principally focuses on women's capability to show and continue their equality struggle through their own actions and choices. Liberal feminism advocates for freedom and equality for all people, regardless of sex, gender identity, or sexual orientation. A central argument of liberal feminism is the belief that women are suppressed in present-day society because they suffer undeserved discrimination (Ackerly, 2009). Liberal feminists such as Cudd (2006), McKinnon (2005), Tong (1998) and Wollstonecraft (1998) argue that our society holds the false belief that women are, by nature, less rationally and physically capable than men; society tends to discriminate against women in the academy, the forum, and the marketplace. Liberal feminists (ibid) further believe that female subordination is

ingrained in a set of customary and legal mechanisms that block women's entry to and success in the so-called public world. To address this, liberal feminists work hard to emphasize the equality of men and women through political and legal reform (Tong, 1998). They fight to remove any obstacle, be it political, social, legal or economical, that gets in the way of women having the same opportunities as their male counterparts.

Hypothetically, liberal feminism asserts that gender differences are not based in biology, and as a result women and men are not all that different and thus should not be treated differently under the law whether customary or statutory (Epstein, 1999). These types of feminists believe that oppression exists because of the way in which men and women are socialized, which supports patriarchy and keeps men in power positions. Liberal feminists believe that women have the same mental capability as their male counterparts and should be given the same opportunities in political, economic and social spheres. Women should have the right to choose, not have their life chosen for them because of their gender (Donnelly, 2003).

Liberal feminism holds that individuals are to be judged on the base of achievement and not on ascribed status (Dworkin, 1991). According to liberal approaches, inequality is an outcome of lack of knowledge or chauvinism and thus something that progressively can be tailored through liberal educational programs and counteractive policies such as affirmative action (Rorty, 1993). In other words, liberal feminism seeks to encourage social change through adjustments in policy and custom. Hence, the key vision of liberal feminists is that all people are created equal by God and ought to have equal rights (Jaggar, 1983).

One of the foremost contributions of liberal feminism shows how much modern society differentiates against women. Liberal feminists indicate that society infringes the value of equal rights in its treatment of women, primarily by confining women as a group, rather than treating women as individuals (Hartmann, 1980). Liberal feminists believe that removing these obstacles directly challenges the beliefs of patriarchy, as well as liberates women (Friedan, 1974). Unfortunately, liberal feminism has been known to only contemplate on the legislation facet in the fight against masculinity. It has been disparaged for not breaking down the deeper ideologies of society and patriarchy (Epstein, 2002). Also, it has been censured for disregarding race and class issues (Friedan, 1974). More so, liberal feminism could not prevail over the existing belief that women and men are inherently different. It was fairly more successful in proving that even if women are different from men, they are not inferior (McKinnon, 2005).

Liberal feminism has also been criticised for allowing too much of its focus to fall on a change of women into men, and in doing so, discount the meaning of the customary role of women (Tong, 1998). Additionally, liberal feminism has been critiqued on the basis of an over highlighting of the rational above the emotional, while debatably, a human is basically both (Walby, 1990). Liberal feminism also focuses on the individual, and in doing so, discredits the magnitude of the community (Wolf, 2004). Moreover, critics of liberal feminism argue that their individualist assumptions make it hard to see the ways in which underlying social structures and values disadvantage women (McKinnon, 2005). They argue that even if women are no longer reliant upon individual men, they are still dependent upon a patriarchal state. These critics believe that

institutional changes like the introduction of women's suffrage are inadequate to liberate women (Wolf, 2004).

It is not atypical for critics of liberal feminism to continue to dismiss all current liberal feminist theory as a bourgeois white movement (Tong, 1998). Be that as it may, legal enhancements have occurred and liberal feminists have contributed notably to improving women's position in many areas. They have been quite victorious at outlawing sex inequity and at helping to identify and contest sexual pestering (Dworkin, 1991). Liberal feminist efforts have helped secure and develop maternity leave, and they have added women to affirmative action programs (Friedan, 1974). Again, liberal feminists have fought for women's legal right to abortion, and they succeeded in having rape in marriage outlawed (Jaggar, 1983). Also, liberal feminists have been attributed with educational reforms allowing more women to become professionals, even though steadiness of gains has not been assured in these areas (Tong, 1998). Furthermore, it must be noted that liberal feminism's achievements are not limited to the most recent wave of feminism. In more distant times, it was liberal feminists who accomplished female suffrage (McKinnon, 2005). Later in the century, women gained property and economic rights in marriage and an enhanced legal position in child custody cases as well as more liberalized divorce laws through the efforts of liberal feminists (Von Struensee, 2004).

3.3 Cultural Theory

According to Heath (2001), the term culture is often used to depict patterns of beliefs and deeds shared by a social group. Furthermore, according to Williams (1976 cited in Smith, 2001) culture refers to the intellectual, spiritual and visual development of an

individual, group or society designating the total way of life, actions, values and customs of a particular group, people or society. Hence, culture can be viewed as a rule or way of life that shape patterns of solid behaviour and action, for example, style of life followed by a community or tribe. Cultural theory seeks to define the heuristic notion of culture in functioning or scientific terms. Thus, in this study it is very important as it explains the nature of culture and its connotation to social life and customary beliefs on the empowerment of women in regard to property and inheritance rights (McKinnon, 2005).

According to cultural theory, property grabbing is aggression against women emanating from some cultural beliefs where men are treated more superior than women who are viewed and treated as inferior (Wolf, 2004). This theory regards the manipulation of patriarchy and norms within culture as elucidating the rampant happenings of violence against women in general and property grabbing from widows in particular (Randall, 2003). According to Hartmann (1980) patriarchy basically means the rule of the father. Patriarchy involves a system in which the father or a male member who is considered as the head of the family controls all economic, property resources, makes major decisions in the family and thus upholds ongoing control over all members of the family and those related to it (Alcoff, 1990). Patriarchal structures institute male ascendancy and control over women in society, in general, and particularly within the family.

Cultural theory views patriarchy as a structure of social organization and practices in which men rule, subjugate and take advantage of women (Walby, 1990). According to Randall (2003), unbalanced allotment of influence within marriages, the impact of polygamy, the power of the extended family over the married couple, and the entire

establishment of bride price is a result of the persistent exploitation of women. Furthermore, cultural theory views the link concerning traditional norms and violence against women as a direct and culturally acknowledged norm in society. The theory argues that wife mauling is for example regarded as normal and property grabbing is seen as tradition (Epstein, 1999).

This study therefore uses cultural theory because of its emphasis on traditional norms and powers which are products of patriarchy as explained by liberal feminist theory. Cultural theorists further note that patriarchy has been imitated through the aptitude of fathers to confer to their sons the power to instruct resources, direct the work of their wives and children, and impose dogma which justify all this as natural, godly and usual state of affairs (Heath, 2001). Cultural theory further notes that the views of any particular individual on matters are shaped by the nature of social groups of which they are a part, i.e., various organisations, peer group pressure or other basis of power, and by the degree to which individuals feel attached to larger social groups (Chiuri, 1996).

3.4 Rights Theory

Rights can be seen as chiefly principled demands which are not primarily lawful, proto-legal or ideal legal but are commands that motivate legislation (Sen, 2007). According to Donnelly (2003), rights are quite universal. Rights are grounded in reason so that they have a normative requirement or unbending mandate that goes past the unpredictable contents of social customs and positive law; they are above law and culture (Gewirth, 1996). Cudd (2006), is of the view that for rights to exist there must be a valid ethical criteria or principles justifying that all humans have rights and all the correlative duties. Furthermore, Wollstonecraft (1998), believes that human rights are a predecessor not

only to politics, but also to cultural and religious disparity. Cultures today are entwined, and they are part of multicultural societies. The protection of local cultures now depends on the increasing protection of human rights (Spring, 2000).

Rights theory is a viewpoint that develops a universal perceptive of human rights or how they are used. Also, rights theory can be used either to challenge or support social hierarchies of power. According to Dworkin (1978), rights theory follows Western models based upon individual rights. Most African countries have ratified international covenants that construe depriving women of property and inheritance rights as a form of abuse of human rights (Randall, 2003). Rights theorists advocate the elimination of patriarchal norms, traditions and practices and focus on legal reforms as a way to comprehend the goal of affording women the right to property inheritance. Rights theory relies profoundly on human rights agreements in worldwide charters (Waldron, 1984). This theory has the objective to convey a strong and universal basis of human rights. In addition, rights theory argues that imbalanced gender power relations and related social norms are the cause of violence against women and this manifest in different ways in various socio-cultural and political circumstances (Freeman, 2002).

As expected, rights theory has been subjected to diverse forms of primary, idealistic disparagement. Amongst the criticisms are the universalist claims of rights, and the supposed objective nature of rights values (Tong, 1998). Rational supporters of rights are essentially devoted to a form of universalism. However, according to antagonists of rights theory (Donnelly, 2003), commonly valid ethical truths do not exist: universalism is a social and historical event and for that reason, beliefs and values are considered and viewed as socially and historically contingent, valid only for those cultures and societies

in which they instigate and within which they are widely accepted. Moreover, McKinnon, (2005), argues that rights theory, being conceptual, demotivates people from safeguarding the values that rights are meant to assert.

Regardless of the loopholes of the two theories, they remain relevant to this study. Both theories have been defended by the likes of Donnelly (2003), Von Struensee (2004), Mackie (1977) and Rorty (1993). For Rorty (1993), rights are based not upon the use of reason, but a sentimental idea of humanity. He persists that rights are not reasonably justifiable. Rorty (ibid), further argues that one cannot give reason for the origin of rights by appealing to ethical theory and the standard of reason. He further insists that moral beliefs and practices are not eventually inspired by an appeal to reason or moral theory, but originate from a compassionate classification with others. Furthermore, Von Struensee (2004), views the continuation of human rights as a superior and enviable thing, something whose existence we all benefit from. His assessment of human rights is not stirred by a fundamental resentment to the policy. Human rights are better served by emotional appeals to recognize the superfluous distress of others, than by opinion over the correct purpose of reason (Donnelly, 2003).

3.5 Conclusion

Cultural theory and rights theory are important theoretical frameworks in this study for understanding how society interprets and accepts the notion of women empowerment through property and inheritance rights. Furthermore, the theories are of relevance as they pinpoint how women are exploited and oppressed in masculine communities. For cultural theory and rights theory, property grabbing is violence against women which stems from cultural norms and values where men are treated more superior than

women. These theories regard patriarchal society, the power and control men have over women in different cultures as explaining the widespread violence against women in general and property grabbing from widows in particular. As an antidote, cultural and rights theorists advocate for the removal of patriarchal norms, traditions and practices and focus on legal reforms as a way to realize the goal of affording women the right to property and inheritance.

CHAPTER 4

RESEARCH METHODOLOGY AND METHODS

4.1 Introduction

This study uses both qualitative and quantitative research methodologies to investigate the contributions of property and inheritance rights (PIR) projects to the empowerment of widows in Binga. The specific research instruments used in the data collection process include in-depth semi-structured interviews, key informant interviews and survey questionnaires. This triangulation allowed the study to answer and analyze the research questions from multiple perspectives. It also helped the investigator to understand the framework within which subjects interpret their thoughts, feelings, and actions.

4.2 Research design

Creswell (2003) argues that research design is a fundamental structure and intertwining of the components of research. Strauss and Corbin (1998) view research design as providing the glue that holds the research project together. Bless *et. al*, (2000) further defines the research design as the scheduling of any scientific research starting from the first to the last step, a curriculum to guide the researcher in gathering, examining, interpreting and observing facts. This study uses semi-structured in depth interview guide and survey questionnaires as its research design. The reason for using both methodologies was to provide a clearer picture of the contribution of PIR projects in Binga district.

According to Denzin and Lincoln (1998), qualitative study is a broad approach in social research that is based on understanding human and social relations from the insiders' point of view and participants in the interaction. On the other hand, quantitative research is an inquiry into a social or human problem, based on testing a theory using variables, measured with numbers and analyzed with statistical procedures in order to verify whether the analytical overview of the theory hold true. Thus, in relation to this study, qualitative and quantitative research design allows the researcher to achieve a broader understanding of the role of PIR projects towards the empowerment of women in Binga.

Furthermore, qualitative research seeks to understand a social event within its cultural, social and situational perspective devoid of imposing pre-existing expectations upon the panorama (Creswell and Clark, 2007). Unlike the qualitative approach, quantitative research design decontextualizes human behavior in a way that removes the event from its real world situation and disregards the effects of variables that have not been included in the model (Babie and Mouton, 2001).

However, the qualitative and quantitative approaches used in this study have their limitations. Grinnell (1987) argues that a qualitative approach is inferior in reliability and validity in comparison with a quantitative research design. Rees (1997) also states that the qualitative approach has been critiqued for being deficient in credibility compared to quantitative research. Furthermore, data analysis in qualitative research may be burdensome and subject to the influence of the researcher's own biases (Maxwell, 2011). On the other hand, quantitative research can construct statistical results that are powerful, meaning that they can make very fine differences between tested groups even if they might suffer from over-specificity, producing outcomes which (however accurate)

are frivolous, or not easy to interpret in meaningful terms (De Vos, 2002). Hence, in this study, both research designs (semi structured in-depth interview guide and survey questionnaire) complement each other so that the conclusions are reliable, valid and credible. Using both methodologies also allows them to authenticate or balance one another in order to better understand the research problem. Qualitative data also helps to explain or build upon the initial quantitative results (Neuman, 2000).

4.3 Study Population and Sampling Procedure

The study population were widows living in Binga District in Matabeleland North province of Zimbabwe. These widows were receiving social and economic support services from two non-governmental organizations namely: Ntengwe for Community Development and Zubo Trust. The sample size consisted of 40 purposively selected widows who shared the same experiences of property and inheritance rights challenges. These women, one-way or another, experienced customary practices such as wife inheritance, polygamy, patrilineal property grabbing etc.

The sample also consisted of six purposively selected key informants from different organizations and government departments. These consisted of: one official from the Ministry of Women Affairs, Gender and Community Development, a police officer from the ZRP Victim Friendly Unit and one official each from Ntengwe for Community Development and Zubo Trust. The preference for the sample size was largely based on the need for accurateness required by the researcher and the degree of variation in the sample (Strydom, 2005).

The researcher used purposive sampling to select all study respondents. Strydom and Venter (1996) describe sampling as the course of taking a unit of a population as representative of that population. The process of sampling is obligatory in research due to the large size of a population and the resultant unfeasibility and prohibitive cost of testing each member of any population (Bailey, 1998). Purposive sampling is when you choose the sample on the basis of one's own understanding of the population, its fundamentals and the nature of the research aims. In short, purposive sampling is based on the judgement of the researcher and the rationale of the study (Strydom and De Vos, 1998). Moreover, a purposive sampling procedure was used for the purpose of drawing a representative sample, from whose findings generalizations to the bigger population can be made. The advantages of purposive sampling are that people who do not fit the study requirements are removed and it is less costly as it involves lesser research costs. A limitation of purposive sampling is that, there is a possibility that the researcher could be wrong in choosing suitable participants for the study (Creswell, 2003).

4.4 Research Instruments

A research instrument is a tool used for gathering data required to find solutions to the problem under enquiry (Babie and Mouton, 2001). In this study, the researcher used in-depth semi-structured interviews, key informant interviews and survey questionnaires. Semi-structured in-depth interview guide are structured around areas of particular interest, while still allowing substantial elasticity in scope and depth (Neuman, 2000).

In this study, the semi-structured interviews were important for conducting discussions to reveal and understand the “what, why and how” of certain circumstances (Smith, 1995) around PIR issues in Binga. Thus, the research instrument focused mainly on the four main questions of the study which are: (a) What is the role of selected NGO run property and inheritance rights (PIR) projects in the empowerment of widows in Binga?, (b) To what extent are the selected PIR projects enhancing the livelihoods of widows?, (c) What are the strategies used by selected NGOs and widows to contest property grabbing in Binga? and (d) How protective and enforceable are legal mechanisms that exist to protect the property and inheritance rights of widows?

In this research study, in-depth semi-structured interviews were deemed suitable for the data gathering process among the widows because, they permitted the researcher to have a face to face interaction with the respondents thereby giving room to the researcher to explore and allow the informant to speak freely on the subject. Using in-depth semi structured interviews will also enables the researcher to ascertain understanding while concurrently comprehending and penetrating into the information provided by the assorted informants (Robson, 2002). Hence, they provide the prospect to pose questions in an open-ended manner as the researcher aims to obtain responses of a contemplative nature. They are also flexible and participants’ ideas guide the process (Roulston, 2010).

Questionnaires were also used as a data gathering instrument. A questionnaire is defined as a statement which the respondent is asked to evaluate according to any kind of subjective or objective criteria usually measuring the level of agreement and disagreement (Bailey, 1998). An advantage of using survey questionnaires is that it is considered unprejudiced because there are equal amounts of positive and negative positions (Bailey, 1998). Furthermore, survey questionnaires have been attributed for being time saving and costing less because masses of information can be collected from a large number of people in a short space of time and in a comparatively cost effective way. Also, the questionnaire can be analysed more logically and independently than other forms of research instruments (Creswell and Miller, 2000).

The results of questionnaires can usually be hastily and simply quantified by either a researcher or through the use of a software package (Kellingner, 2004). However, survey questionnaires have loopholes as well; data analysis can be very time consuming. They are also criticised for not being adequate in understanding some forms of information for instance changes of emotions, behaviour, feelings etc (Ackroyd and Hughes, 1981). Again, they search for only a limited amount of information without rationalization; it is difficult for the researcher to tell how truthful a respondent is being, and how much a respondent thought (Bailey, 1998). More so, there is a level of researcher imposition, meaning that when developing the questionnaire, the researcher makes their own result and suppositions as to what is and is not important therefore potentially omitting something that might be of relevance (De Vos, 2002).

4.5 Data Collection

Data collection methods are the utensils that social scientist used to obtain required information (Alston and Bowles, 2003). To maximize the prospects for the reliability of the findings, in-depth semi structured interview guide and survey questionnaire was used to gather data. The reason behind the chosen data collection methods is that: by using semi structured interview guide, researcher gains the chance for both the questioner and interviewee to discuss some topics in more detail. Furthermore, through semi structured interview guide the researcher will be able to encourage the respondent to give more information. Hence, semi structured interview guide gives the researcher freedom to ask the interviewee to elaborate or follow a new line of inquiry introduced by what the participant is saying (Payne and Payne, 2004). Moreover, survey questionnaire helped the researcher better understand the opinions, feelings and experiences of the respondents.

4.6 Data Analysis

Quantitative data was analysed using the statistical package of social sciences (SPSS) which describes, classifies, orders and summarizes the characteristics of the sample data. According to Bailey (1998), the SPSS package provides the means for testing the statistical connotation of possibility tables. It allows the testing of differences between subgroups and the division across categories. The SPSS package is one of the simplest techniques for describing sets of relationships in cross tabulation and correlation (Bogdan, et. al., 1998). The SPSS package is used herein to present the results of the contributions of PIR projects towards the empowerment of widows. The results of the SPSS package are displayed by means of pie and statistical tables and bar charts

among others (Bogdan, et al., 1998). On the other hand, qualitative data is analyzed by creating a coding guide using Factor Influencing Behaviour Domains (FIBs) and Specific Factors Influencing Behaviour Domains (SFIBs). The study systematizes data according to interview guide questions and then categorizes interview responses using Factor Influencing Behaviour Domains (FIBs) (Bogdan, et. al., 1998).

4.7 Ethical considerations

This study was carried out by being cautious of all the rules that govern academic research conduct institutionally, nationally and internationally. In the collection of data, the researcher was aware not to cause any respondents mental or physical discomfort through harm, risks and danger. This was done through observing the principles of voluntary participation and informed consent. These principles were observed and implemented during identification and recruitment of interviewees to the study. The researcher explained to the respondents what the research was all about, and how it would benefit them and other people. Data provided by respondents was treated with confidentiality in order to protect and ensure the dignity and welfare of the participants, as well as those who might be affected by the results. The researcher also acquired Ethical Clearance from the University of Fort Hare's Research Ethics Committee (UFHREC). All ethical considerations required by the UFHREC were observed during the entire research process.

4.8 Conclusion

This chapter has provided an in-depth discussion of the following issues: research design, study population, sampling procedure, research instrument, data collection methods, data analysis methods and ethical considerations adhered to in the study. The study used in-depth semi structured interview guide and survey questionnaire research designs (and methods) because one cannot understand human behaviour without understanding the framework (and context) within which research subjects interpret their thoughts, feelings, attitudes and actions.

CHAPTER 5

The Role of NGOs in Promoting Property Inheritance Rights in Binga

5.1 Introduction

This study set out to investigate the contributions of NGO driven Property and Inheritance Rights (PIR) projects towards the empowerment of widows in Binga district, Zimbabwe. This was done through answering the following research questions:

- a) What is the role of PIR projects in the empowerment of widows?
- b) To what extent are the PIR projects enhancing the livelihoods of widows?
- c) What strategies are used by NGOs to contest property grabbing?
- d) How protective and enforceable are the legal mechanisms that exist to protect the property and inheritance rights of widows?

In answering the above research questions, this study focused on PIR work done by two NGOs namely: Ntengwe for Community Development and Zubo Trust. The following sub-sections discuss and analyse the study findings under themes derived from the above research questions.

Quantitative and qualitative data was collected. Quantitative data collected was analysed by means of the Statistical Package of Social Sciences (SPSS) and qualitative data collected was used to enrich and complement quantitative data while also deepening the quality and depth of arguments. Due to the size of the sample which was relatively small (but appropriate for research at this level of study), the data presentation and analysis in this chapter is panoramic and indicative of the PIR situation in Binga. In

other words, while the findings are empirical and valid, it is perhaps not practical to generalise them for the whole of Zimbabwe.

5.2 The Role of Ntengwe PIR Projects in the Empowerment of Widows

Before discussing the role of Ntengwe PIR Projects in the empowerment of widows in Binga, it is important to briefly highlight some of Ntengwe's goals and aims in running these PIR projects. Ntengwe targets the most marginalised and deprived widows in rural Binga. As part of its mission and vision, Ntengwe argues that:

Women and girls are to demonstrate improved access to property, land and inheritance through more inclusive and effective community support systems. [It also aims] to improve the quality of life of its constituents and actively demonstrate development through the establishment of relevant, participatory and sustainable community activities that enhance the capacity of existing structures (Ntengwe, 2006).

With the above Ntengwe vision, goals and aims in mind, the study found that Ntengwe run PIR projects play a role towards the empowerment of widows in rural Binga. PIR knowledge and skills are passed to women through community workshops, meetings, awareness campaigns and training sessions. This was confirmed by 40% of the study participants who agreed that Ntengwe PIR project are empowering widows while 35% strongly affirmed this position (see figure 1 below). On the other hand, 15% of the respondents were not sure whether Ntengwe PIR projects empower widows while 10% noted that these PIR project do not empower widows at all (see figure 1 below).

Figure 1: PIR projects run by Ntengwe empower widows

	Frequency	Percent	Valid Percent	Cumulative Percent
Disagree	2	10.0	10.0	10.0
not sure	3	15.0	15.0	25.0
Valid Agree	8	40.0	40.0	65.0
strongly agree	7	35.0	35.0	100.0
Total	20	100.0	100.0	

Source: Field findings, (Tshuma, 2013).

With these results, one can conclude that Ntengwe PIR projects empower women in society as affirmed by the majority of respondents. The women who participate in the Ntengwe projects are not selected based on their religious faith, political affiliation and level of education. The organization chooses women who have been affected by property grabbing and also includes widows affected by HIV/ AIDs (Ntengwe, 2006).

In applying its programs, Ntengwe seeks to capacitate women to be very participatory in the development, empowerment and awareness of property and inheritance rights in their communities so as to break masculine/ patriarchal rule (Walby, 1990). In affirming the positive role of Ntengwe PIR projects, one of the Ntengwe beneficiaries said *“these property and inheritance projects empower women because most of us now know our rights and we are now able to claim back our property”* (Respondent Number 2, interviewed in Manjolo on 16/05/2013). This was supported by another widow who said

“these projects are empowering us, we now have the power and courage to work and fight for our rights” (Respondent Number 16, interviewed in Siachilaba on 06/06/2013).

In support of the above, the project officer of Ntengwe (Ntengwe Official, interviewed on 14/06/2013) said that *“since the introduction of the property and inheritance rights for women, approximately more than 800 women have been empowered and managed to claim back the property which was grabbed from them by in-laws”*. This empowerment of widows in Ntengwe through PIR projects is in unison with Markham’s (2010) observation that such projects provide a beacon of hope for millions of women in realising their rights and contributes to the development of poor and marginalised communities at large.

5.3 The role of Ntengwe PIR projects in enhancing the livelihoods of widows

Ntengwe has been successful in enhancing the livelihoods of widows. As Table 2 below shows, 40% of the respondents strongly agree that Ntengwe projects have been a success in enhancing their livelihoods while 35% agree that women have a better life than before in rural Binga.

Table 2: Success of Ntengwe PIR projects in enhancing livelihoods

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Disagree	2	10.0	10.0	10.0
Neutral	3	15.0	15.0	25.0
Agree	7	35.0	35.0	60.0

strongly agree	8	40.0	40.0	100.0
Total	20	100.0	100.0	

Source: Field findings, (Tshuma, 2013).

The observation that Ntengwe has been able to help a number of women in Binga through different PIR activities changing their lives significantly was confirmed by the widows. As one of them stated: *“...Ntengwe has enabled us to fully and confidently participate in decision making and this alone leads to a change in life of an individual...”* (Respondent Number 1, interviewed in Manjolo on 16/05/2013). Another widow said:

...Ntengwe has really enhanced the livelihoods of women in this district because unlike the old times we as the women were scared to voice out when the in-laws asked for property but now it is my decision to give what, to who and giving something will be for the sake of living in respect, peace and harmony with my in-laws; my life has changed as a result of Ntengwe’s help. In the Tonga culture women never had a chance to voice out during the sharing of property, they had to just accept what they have been given if there is and if they did not get anything either they opted for widow inheritance or go back to their matrimonial house. Now things have changed ever since Ntengwe introduced property and inheritance rights to us as women... (Respondent Number 10, interviewed in Sikalenge on 27/05/2013).

Furthermore, another widow said that:

... the projects have improved our lives because no one is still experiencing property stripping like the olden days were the in-laws took the property. Those rules no longer apply, so I would say because of that, the livelihood of widows have improved as they do not have to start life anew with nothing but now they can continue looking after the children with the property that the husband had left behind.... (Respondent Number 20, interviewed in Siachilaba on 11/06/2013).

The above findings indicate that women are satisfied with the PIR projects offered since they are now able to continue their lives even if the husband dies as the property will remain with them. Hence the PIR projects are successful and enhancing the livelihoods

of widows to a large extent in the Binga district. This is in line with Suharko (2007) general observation that the involvement of NGOs in fighting for the empowerment of women has changed the life of many widows in developing countries.

5.4 Strategies for contesting property stripping used by Ntengwe PIR project beneficiaries

The study found that educating the community of widows (through awareness campaigns, community mobilisation, workshops and training) to know about their property and inheritance rights and thereafter using this knowledge to contest property stripping was their main ex-ante or ex-post strategy. In other words, they are using PIR knowledge as a weapon for resisting property stripping through legal channels. One of the respondents reported that:

...the strategies (meetings, training, and teachings) helped us to be united as women and be able to fight for our rights as one, they also made us to be recognized as human beings equal to men not as an inferior group ... (Respondent Number 6, interviewed in Sikalenge on 22/05/2013).

Another respondent noted that *"...what Ntengwe is doing has really made women aware of their rights and be able to claim back their property, as women, we are now able to talk about property rights without fear..."* (Respondent number 13, interviewed in Siachilaba on 06/06/2013).

5.5 The Role of Zubo PIR Projects in the Empowerment of Widows

Before discussing the role of Zubo PIR Projects in the empowerment of widows in Binga, it is important to briefly highlight its vision and objectives behind running these PIR projects. These highlights are important so as to contextualise the discussion below.

Zubo is guided by a set of objectives which are to: a) enhance women's sustainable livelihood portfolios through increased access, conservation and benefit sharing of natural resources in the Zambezi Valley, b) support women in establishing and accessing markets for their products and produce; c) promote human rights and gender awareness through advocacy, training and exchange visits; d) contribute to development research and publications on women and children in the Zambezi Valley; e) co-ordinate and network with organizations with similar objectives within and outside Zimbabwe (Basilwizi, 2007).

Zubo Trust runs PIR workshops, training sessions and exchange visits for widows in Binga. These women are skilled and given PIR knowledge through these interactive learning platforms. Survey results show that 60% of women agree that Zubo PIR projects are empowering widows, while 25% were neutral (no views expressed) and 15% disagreed that Zubo PIR projects are empowering widows. Among the 60% majority who agreed that Zubo PIR projects are empowering widows, one of the widows said that

...thanks very much to Zubo Trust who brought such projects for women since it empowers women and lower their level of vulnerability at the lowest level. It pains me to hear that some in-laws have taken all the property that the women and their child worked for because we women are the ones who find difficulties in caring for the children yet we could get something from the property left when the husband dies... (Respondent Number 3, interviewed in Sianzyundu on 10/05/2013).

Another respondent noted that “...through the Zubo projects, women are now equipped and skilled to fight for their property and inheritance rights because of the knowledge

they have gained in workshops and trainings..." (Respondent Number 12, interviewed in Simatelele on 23/06/2013). In support of these observations by respondents, a Zubo Trust official (Zubo Official interviewed on 14/06/2013) said that

...these projects are empowering because women are educated to know their rights and are now able to claim back their property. The projects have also been helpful to widows as they now know where to report to and how to claim the property when the husband dies....

This further confirms that Zubo Trust PIR projects have indeed been successful in empowering widows in Binga.

5.6 The role of Zubo PIR projects in enhancing the livelihoods of widows

According to Chambers and Conway (2002),

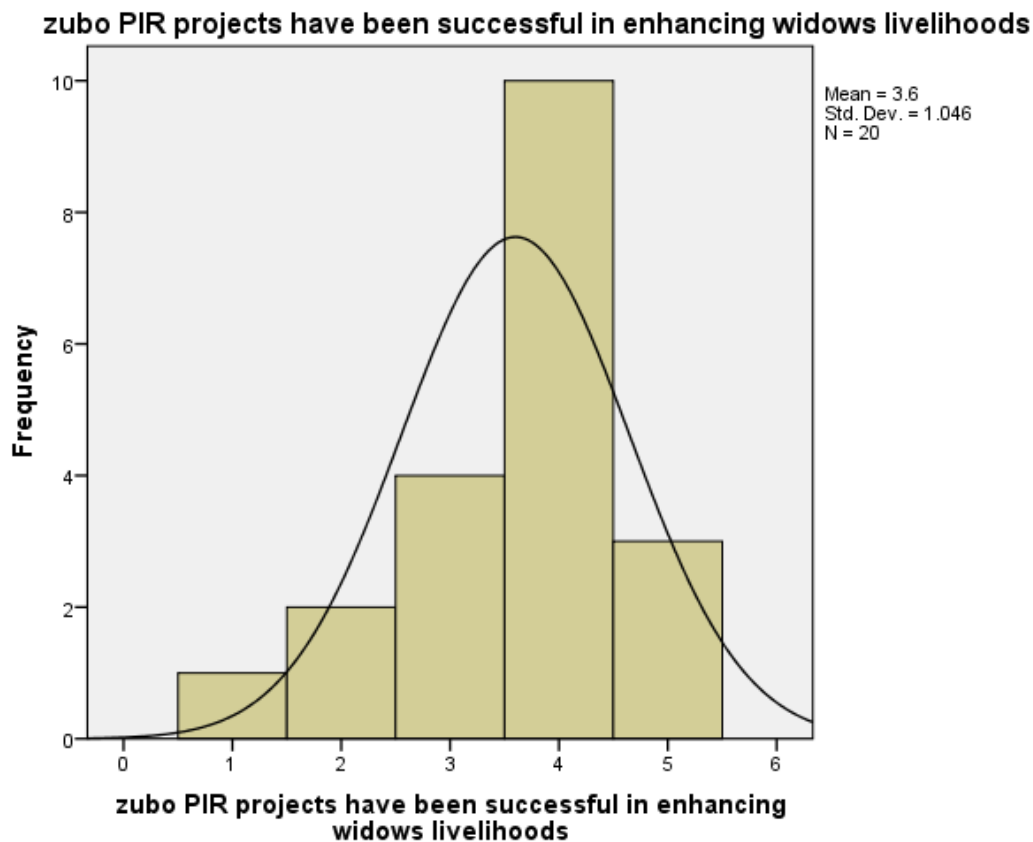
...a livelihood comprises people, their capabilities and their means of living, including food, income and assets. Tangible assets are resources and stores, and intangible assets are claims and access. A livelihood is environmentally sustainable when it maintains or enhances the local and global assets on which livelihoods depend, and has net beneficial effects on other livelihoods. A livelihood is socially sustainable which can cope with and recover from stress and shocks, and provide for future generations

Hence it is of importance that the livelihoods of widows in particular be uplifted and sustainable so that they will be able to cope with the challenges of losing a husband.

The study findings indicate that Zubo Trust has been successful in enhancing the livelihoods of widows through the PIR projects. As shown in the histogram below (figure 2), approximately 5% of the respondents strongly disagree that their lives have changed since the introduction of property and inheritance rights projects, 8% disagree, 20% are

in between, 50% agree and 15% strongly agree that Zubo PIR projects have been successful in enhancing their livelihoods.

Figure 2: Zubo PIR projects' enhancement of livelihoods



Furthermore, Zubo Trust has been able to help a number of women in Binga through different activities in relation to PIR. This is evidenced by the results of this study where one respondent said

...Zubo has really enhanced the livelihoods of women in this district because as a woman I never thought one day I would be able to run my own family since my husband died as most times the in-laws would remain the head of the household. In the Tonga culture women were subordinate to men, men are supposed to be feared and be treated like a king as they make all decisions in the house..., the projects have improved our lives because almost every woman now knows their

property and inheritance rights...(Respondent Number 19, interviewed in Sianzyundu on 18/06/2013).

Another respondent added that

...because of Zubo I was able to claim back my property and now I am living a better life than before where after the death of my husband and everything being taken away I could not take my children to school anymore but after I claimed back my property I sold a cow for my children to go back to school...
(Respondent 14, Interviewed in Simatelele on 13/06/2013).

The above findings show that some widows in Binga are satisfied with Zubo PIR projects as they are now able to continue their lives even if the husband dies as the property will remain with them.

5.7 Strategies for contesting property stripping used by Zubo Trust PIR project beneficiaries

The findings of this study indicate that strategies used by Zubo Trust have, to a large extent, significantly been successful in contributing towards the empowerment of widows in Binga District. The workshops and exchange visits done by the organisation provide basic PIR knowledge and skills to the women of Binga. Awareness campaigns also help the women of Binga to spread the news of their property and inheritance rights in their community. Furthermore, like Ntengwe, Zubo Trust offers widows an opportunity of having paralegals amongst their communities so that when they face any challenge regarding property stripping they can be helped to present their case by the paralegals. These paralegals are also widows who would have been trained to help the other widows fight for their property and inheritance rights.

The study found that educating the community of widows (through awareness campaigns, workshops and training) to know about their property and inheritance rights and thereafter using this knowledge to contest property stripping was their main ex-ante or ex-post strategy. In other words, they are using PIR knowledge as a weapon for resisting property stripping through legal channels.

Furthermore, community awareness and activism about PIR issues also contributes to the elimination of property grabbing in Binga society. As one of the respondents stated: *“...the strategies used by Zubo taught me to be strong as a woman amongst others and to stand for my rights. The projects have given me the power to voice out my views...”* (Respondent Number 7, interviewed in Sianzyundu on 10/06/2013). This was corroborated by an official of Zubo Trust (Zubo Official, interviewed on 17/06/2013) who said that

...these strategies are there to uplift the marginalized women of Binga who have been under patriarchal rule for many years, the strategies further help women to have courage and stand on their own in fighting for their property and inheritance rights through skilling them and making sure that their problems are addressed...

The above findings indicate that Zubo Trust's anti-property grabbing strategies are helping widows and are effective. The respondents are satisfied with these strategies since they have been equipped and skilled in PIR through them.

5.8 Protectiveness and enforceability of existing PIR legal mechanisms

One of the research questions that this study sought to answer is: 'how protective and enforceable are the legal mechanisms that exist to protect the property and inheritance rights of widows?' The study findings indicate that most women from both organizations (Zubo and Ntengwe) know some of the laws that protect them against property

stripping. These include. (a) Domestic Violence Act 5 (16) of 2007, (b) The Deceased Family Maintenance Act 9(6:03) of 1997, (c) The Administration of Estate Amendment Act 6 of 1997, (d) Matrimonial Causes Act 5 (13) of 2000, (e) The Constitution of Zimbabwe Amendment 20 of 2013, (f) Bill of Rights 2013, (g) Private Property Rights Act 28 (2:4) of 2013. Among the laws is The Administration of Estates Act, Amendment 6 of 1997 which states that “...*if one spouse dies, the surviving spouse inherits all the immovable property...*” This Act changed the customary law position to allow women and girls to inherit from the estates of their deceased husbands and fathers. This proves that Zimbabwe’s existing legal mechanisms are protective and enforceable in regard to the protection of property and inheritance rights (Laurel, 2002).

The positive role of the above laws in protecting widows was confirmed by Binga women themselves. One of them stated that:

...the property and inheritance laws do protect women in the sense that if the husband dies, no matter how much the property is, it is no longer taken by the in-laws. Again, they are women whose husband died but property was not grabbed from her as most people in the community are now aware of the laws that protect women from property stripping... (Respondent Number 16, interviewed in Sianzyundu on 18/06/2013).

Another respondent added that “...*these introduced laws have made us as women to feel protected and to know where to report, the courts and police really take measures when property is grabbed from a widows by the in-laws and the widow gets her property back...*” (Respondent Number 4, interviewed in Sianzyundu on 10/ 06/2013).

5.9 Conclusion

This chapter has demonstrated that by designing and implementing innovative PIR projects, Ntengwe and Zubo Trust have played a very important role in empowering widows in Binga district. They have educated widows about their property and inheritance rights. Through this, their PIR projects have managed to enhance the livelihoods and quality of life of women in general, and widows in particular. Their PIR projects have thus empowered women and reduced the inferiority and property stripping attached to being a widow in Binga.

CHAPTER SIX

Widows, NGOs and the State in Binga: Linkages and de-linkages of PIR in practice.

6.1 Introduction

This chapter examines the intersection between the observations in chapter five as expressed by study respondents (widows) and the programmatic ideals represented by what Ntengwe and Zubo Trust are trying to achieve in Binga as well as the Zimbabwean government's policy position with regard to the PIR of widows. Such an examination is necessary so as to have a clear view on whether what NGOs such as Ntengwe and Zubo Trust are doing on the ground is in line with Zimbabwean government policy for the benefit of widows in Binga. In trying to understand the linkages and de-linkages of PIR in practice, six officials were interviewed. These include two Ntengwe community development projects officers, two Zubo Trust program officers, a police officer from the Zimbabwe Republic Police (ZRP) Victim Friendly Unit and a Ministry of Women, Gender and Community Affairs officer.

According to one Ntengwe official,

...the PIR projects have empowered women to a greater extent as they are now able to make their decision and claim back their property and also these projects have equipped women with the required skills and knowledge to fight for their PIR. This is evidenced by that today; women now know where to report, what to report and when to report when the property is being grabbed from them...(Ntengwe Official interviewed on 14/06/2013).

This was substantiated by the programs manager of Zubo Trust,

... PIR projects have been a lifesaver for the widows in Binga District. It has empowered the widows whose property has been grabbed from them by the in-laws. The projects have been successful, helpful and effective leading to the widows being satisfied with the projects... (Zubo official interviewed on 17/06/2013).

This demonstrates that the Ntengwe and Zubo officials are certain that the projects have empowered, changed the lives of the widows in the targeted wards of Binga district. This positive contribution of NGO run PIR projects towards the empowerment of widows was confirmed by an official from the Ministry of Women, Affairs, Gender and Community Development (MWAGCD) who noted that:

...since time immemorial the society was so patriarchal to the extent that issues of appropriation of property were not decentralized and the affected (surviving spouse) was not included in the decision making so one would say the projects of NGOs being spear headed by the ministry have done a lot to fight these injustices of property grabbing. There was a lot of property grabbing but today there are a lot of legal mechanisms put in place to assist these widows fight for their rights... (MWAGCD official interviewed on 25/06/2013)

These positive sentiments were also echoed by the Victim Friendly Unit of the ZRP, *“...the PIR projects are really equipping widows because widows can now stand on their own and fight for their rights and the government should chip in to assist the widows in making sure that the laws of property grabbing are followed fairly...”* (Police officer interviewed on 12/06/2013).

These positive statements by the ZRP and MWAGCD officials seem to suggest that they are satisfied with the role of NGOs relating to PIR since these projects have equipped widows with the knowledge and skill needed for widows to be able to claim

back their property in cases where it has been taken away illegally. This shows that there is clear linkage between what Ntengwe and Zubo Trust are doing at grassroots level with government policy towards the empowerment of widows as encapsulated in Zimbabwe's National Gender Policy (2013-2017), Gender Equality and Women's Empowerment Policy (2011-2015), Domestic Violence Act 5(16) of 2007 and The Legal Age Majority Act of 1982.

Regarding the enhancement of livelihoods of widows in Binga District, officials from the two NGOs, pointed out that widows' livelihoods have improved from the previous years when women would not claim back their property. Comparing with previous years, officials from the two NGOs further mentioned that women were not able to continue a sustainable life because they would be left with nothing after the husband died as the in-laws would have grabbed all the property. As one of them explained: *"...since the introduction of the property and inheritance rights for women, approximately more than 800 women have been empowered and managed to claim back the property which was grabbed from them by in-laws..."* (Ntengwe official interviewed on 14/06/2013). Another one added that:

...these projects are empowering because women are educated to know their rights and are now able to claim back their property. The projects have also been helpful to widows as they now know where to report to and how to claim the property when the husband dies...Today, widows are now able to claim back their property and look after their children for example, taking children to school after selling a cow or goat...(Zubo official, interviewed on 17/06/2013)

Thus, for the NGOs, the projects have been successful in enhancing the livelihoods of widows in the district and the organizations are satisfied with the projects concerning

the empowerment of widows in realizing their PIR as knowledge and skills are passed to widows through the projects.

The MWAGCD official also commended the role of PIR projects in the protection and enhancement of livelihood of widows saying that

...as the society was so patriarchal and women were excluded in the decision making process the gap used to be faced was the issue of lack of knowledge and skills but because of the NGOs projects, the women now have knowledge and I could say the NGOs brought some light for the widows and there is some improvement noted today because the relatives of the deceased respect the widows... (MWAGCD official interviewed on 25/06/2013).

The MWGCA officials therefore agree that the projects by NGOs have been successful and helpful in increasing awareness of PIR in Binga. This also aligns with the government of Zimbabwe's policies on gender equality (see National Gender Policy and Gender Equality and Women's Empowerment Policy (2011-2015)). This policy seeks to achieve a gender just society where men and women enjoy equality and equity and participate as equal partners in the development process of the country; eradicate gender discrimination and inequalities in all spheres of life and development (National gender Policy, 2013-2017). The benefits of the PIR projects in Binga are also in line with the second policy (Gender Equality and Women's Empowerment Policy (2011-2015) which has a vision and goal of

... achieving a gender just society where men and women enjoy equality and equity and participate as equal partners in the development process of the country. The goal is to further eradicate gender discrimination and inequalities in all spheres of life and development....

Furthermore, the strategies promoted by the NGOs in contesting property grabbing and advancing inheritance rights were expectedly classified as useful by their officials. As one of them from Zubo Trust observed:

...Through the awareness campaigns, meetings and workshops, the women gain knowledge and skills about property and inheritance rights and this helps them be able to claim back their property when it is grabbed from them leading to an enhanced sustainable livelihood for the widows...(Zubo official interviewed on 17/06/2013)

Another one from Ntengwe noted that “*...through the strategies used by the organization, the women and widows particularly have managed to gain the necessary knowledge of property and inheritance rights...*” (Ntengwe official interviewed on 14/06/2013). Therefore the two NGOs’ assessment is that they have played their role of empowering women through introducing to them the knowledge and skills required for one to be able to claim back their property. Furthermore, the NGOs have made known to the widows the legal mechanisms that exist to protect their property and inheritance rights such as (a) The Deceased Family Maintenance Act 39 of 1978, (b) Matrimonial Causes Act 5 (13) of 2000 etc.

The government view regarding the role of NGOs in promoting strategies for contesting property grabbing and advancing inheritance rights in Binga is somewhat advisory, albeit not contradictory to the NGO position. Government officials are of the view that there is need to intensify property and inheritance rights awareness in many wards in Binga ‘if funds permit’. They argue that NGOs should try to cover more wards instead of the targeted wards so as to avail the PIR awareness campaigns to more women in the Binga community. This was indicated by the MWAGCD official who pointed out that

“...NGOs should not be limited to certain wards but to be available throughout Binga district as a whole....” (MWAGCD official interviewed on 25/06/2013)

However, it has to be noted that just like any other NGO, Ntengwe and Zubo Trust have limited technical capacity which is a result of the lack of adequate managerial skills (Kinwa, 1994). Furthermore, Ntengwe and Zubo Trust have been noted for their dependency syndrome on funds from international organizations like United Nations Women. Such donor dependence has potential to affect the geographical spread of their PIR work in Binga to an extent that limited funding might mean limited coverage of Binga district with focus directed to targeted wards. This targeting might therefore not satisfy the MWAGCD’s recommendation that the NGOs expand their PIR work to cover more wards in Binga district.

6.2 Linkages and de-linkages of PIR in practice and theory

The study was anchored on Cultural and Human Rights Theories. The cultural theory press forwards the idea that the problems in society are caused by the dominating patriarchal rules that exist within them. This theory believes that property grabbing is aggression against women and this is caused by the traditional cultural norms and values that mistreated and still mistreat women by seeing them as inferior than men. Also, Human Rights Theory can be used practically to challenge societal domination powers on property grabbing. The Human Rights theory advocates for the elimination of patriarchal norms, traditions and procedures focusing on legal reforms as a way to comprehend the goal of affording women the right to property inheritance. Hence in this study, the findings confirms observations by Epstein (1999) who argues that both cultural and human rights theory fight to remove any obstacle, be it political, social, legal

or economical that gets in the way of women having the same opportunities as their male counterparts.

Therefore, from the findings of the study it can be concluded that the results confirm the ideas put forward by the Cultural and Human Rights Theory. For example, Ntengwe official reported that the PIR projects are empowering women by enabling them to fight for their property. Thus this confirms the Cultural and Human Rights Theory which are advocating for the elimination of the harsh laws imposed by culture and unfavourable human rights.

Furthermore, the testimony of Zubos' officials confirms the theoretical framework of this study since the interviewee believed the PIR projects are a life saver for the widows as the theories are encouraging the safety of women and widows in particular through the purging of inconsiderate laws against them for example the discrimination, domination, suppression and inhuman treatment. Thus, these PIR projects have transformed the lives of widows in the wards they operate in.

Again, the MWAGCD response shows that it agrees with both the Cultural and Human Rights theories in the sense that NGOs are fighting for the injustices of property grabbing. Also, the theories are fighting for a gender-balanced society where women rights are respected and are recognized especially with regard to property inheritance. This can be ascertained by an MWAGCD official who mentioned "*...the projects of NGOs being spear headed by the ministry have done a lot to fight these injustices of property grabbing...*" Moreover, the policeman's response "*.... the PIR projects are really equipping widows as they can now stand on their own and fight for rights and the*

government should chip in to assist widows by making sure that the laws of property grabbing are followed fairly.....” is in harmony with the theories used in this study since they advocate for the empowerment and protection of widows who are suppressed by the unjust laws of olden days for example customary laws.

Furthermore, the PIR projects agree with the theoretical framework as it shows that since the introduction of property and inheritance rights more than 800 women have been empowered in Binga District. Moreover, NGOs have made a great stance in agreeing with the theories in the sense that, in fighting for the empowerment of women, they have brought domestic legislations (customary law) into compliance with the different statutory laws in favour of women’s property and inheritance rights. Thus, this compliance has helped defend women rights in specific instances (for example property inheritance) where a woman cannot get a remedy in her own justice system.

In addition, this study argues that it is within the premises of cultural and human rights theory that it has revealed that the NGOs projects do not only empower widows but it also introduces and enhances their abilities, skills and knowledge on property inheritance rights so that they can be able to fight for their own rights. Also, from the results, it is evident that the two organizations have managed to fight property grabbing and this confirms what the theories are advocating for which is fighting laws, policies, customs and traditions that prevent widows from owning and inheriting land, property and housing and those which exclude women from participating fully in development. Hence the laws, policies, customs and traditions against the empowerment of widows are viewed as discriminatory and may contribute to the feminization of property by the cultural and human rights theories.

Furthermore, as these theories are of the view that injustices towards women should be done away with, it is in agreement with what the MWAGDC and the police officer proposes and this is that governments should support the transformation of customs and traditions that discriminate against widows and deny widows security of tenure and equal ownership of, access to and control over land and equal rights to own property

Binga district's being a remote rural area at the peripheries of Zimbabwe, often neglected by decision makers when it comes to priorities for development and also being a community that value their culture, its cultural and customary codes and gender norms have turned to give women little access and control over financial resources, in turn limiting their access to legal and social services. This situation is in disagreement with the cultural and human rights theory that are calling for a shift in the way women are viewed and treated in the community.

Again, according to the results of the study “...*In the Tonga culture women never had a chance to voice out during the sharing of property, they had to just accept what they have been given if there is and if they did not get anything either they opted for widow inheritance or go back to their matrimonial house. Now things have changed ever since Ntengwe introduced property and inheritance rights to us as women...*” culture seemed to be playing a bigger role in decision making in the society and this is in agreement with Walby (1990) who states that culture can be viewed as a rule of life that shape patterns of behaviour and actions for example who inherits property. Furthermore, this is also in agreement with Randall (2003) who states that patriarchy and norms elucidate rampant happenings of violence against women in general and property grabbing of widows in particular.

More so, according to Zubo respondent (number 19), the projects have made a change in the lives of widows and it has also changed what used to happen in the olden days where men used to be treated like kings and women not having any say. Respondent further on said that nowadays women can now stand and fight for their rights. This response is in agreement with what cultural and human rights theory states that is working to put right the products of patriarchy which are traditional norms and powers.

More so, for human rights theory which advocates for the elimination of patriarchal norms, traditions and practices and focus on legal reform as a way to comprehend the goal of affording women the right to property inheritance. This has been made possible as it confirms with what the respondent say that laws are really helping us and we are able to claim back our property from the in-laws. Additionally, this goes hand in hand with the police officer who states that the projects have provided knowledge to widows on the existing laws of inheritance and they now know who to report to and this has made possible the empowerment and respect of women as they decide who to give what.

6.3 Conclusion

All in all, this chapter has been able to show that the NGOs in the Binga District has been able to work in line with the policies and laws of Zimbabwe regarding Property and Inheritances Rights of women and also has been able to empower women at large through the knowledge and skills offered by the two NGOs. More so, in this chapter, laws and policies in relation to property inheritance rights have been discussed and these include: The Deceased Family Maintenance Act 39 of 1978, Matrimonial Causes Act 5 (13) of 2000, Gender Equality and Women's Empowerment Policy (2011-2015)

and National gender Policy (2013-2017). Again, the chapter has discussed how the theoretical framework is linked to the results of the study. The cultural theory and human rights theory are advocating for a change in the way traditional norms and values are practiced towards women and this has been in agreement with the results as the projects have changed the position of women in the society at large because of the knowledge and skills taught to them.

CHAPTER 7

CONCLUSIONS AND RECOMMENDATIONS

7.1 Introduction

This study sought to investigate the contributions of NGO run property and inheritance rights programs on the empowerment of widows in Binga District, Zimbabwe. In so doing the objectives that guided the research endeavor are:

- ❖ To investigate the role of selected PIR projects in the empowerment of widows with regard to property and inheritance rights.
- ❖ To assess the level at which the selected PIR projects are enhancing the livelihoods of widows.
- ❖ To find out the strategies used by the selected NGOs to contest problems such as property grabbing.
- ❖ To examine the protectiveness and enforceability of legal mechanisms that exists to protect the property and inheritance rights of widows.

The study found that PIR projects have been very useful in transforming widows and women's lives in Binga District. Zubo and Ntengwe PIR projects empower women in society regardless of their religious faith and level of education amongst other variables. Moreover, these two NGOs have been able to capacitate women to be involved in development and empowerment issues in order to break patriarchal norms and values when it comes to property and inheritance rights. Furthermore, the PIR projects have been able to enhance the livelihoods of widows. This was confirmed by the respondents

and key informants who stated that because of the projects, most women now know how to fight for their rights.

The strategies selected and used by the NGOs, are very helpful in that they give women PIR training, knowledge and skills to be able to fight for their rights. Additionally, the strategies empowered women to be able to claim back their property that had been grabbed by their in-laws. These findings are in unison with the study's cultural and human theories that promote reforms in teaching and empowering women with necessary PIR knowledge and skills. The PIR projects have united women in fighting for their rights. The women showed a positive attitude towards the PIR programmes. This goes to show that the strategies utilised by Zubo and Ntengwe contribute to the empowerment of women.

Additionally, as the Tonga culture does not accept any influence from outside, results show that the community has come to acknowledge the property and inheritance rights of widows introduced to them through the awareness campaigns by the NGOs. The in-laws no longer grab property from the widow when their son dies but they respect the rights of a widow. This has led to a change in the lives of the widows as they are able to continue living a sustainable life.

However, it must be pointed out that even though the Intestate Succession Act (enacted in Zimbabwe on the 1st of November 1997), prevents property stripping from widows, there are widows who still face property grabbing from the in-laws (Coldham, 1999) in some communities across Zimbabwe. This is due to the strain that exists between the jurisprudence of general law and customary law. The general law guarantees the right

of the surviving spouse and children to inherit property. Customary law on the other hand gives power to a variety of ethnic groups to manage estates according to their traditions and habits ensuing in widows suffering. The uncertainty of the law causes perplexity in property claims and the management of estates (Banda, 2007). Be that as it may, what is emerging in Binga is that the existing legal mechanisms protect some women from property stripping. Women are now being represented by the police and courts to fight for their rights. Women are getting satisfied with the role the NGOs, police and associated government line ministries are playing towards the empowerment of widows.

The results of the study further show that widows are now able to claim back their property since the tyrannical cultural beliefs and traditions that used to deprive widows of property and their inheritance rights are slowly being overcome. Widows in Binga district now have an enhanced and sustainable life because of the introduction of the PIR projects. The results of this study further show that women are satisfied as they are now able to continue their lives even if the husband dies as the property will remain with them. Thus one can conclude that the PIR projects have largely been successful in enhancing the livelihoods of widows in the district since they now have PIR knowledge and skills which augment their empowerment aspirations.

It should however be remembered that there are limits to what NGOs running PIR programmes can achieve. For example, Nyathi (2012) argues that the strategies used by the NGOs are not very effective throughout Binga as some people in Binga are still practicing property stripping as the organizations only concentrate on specific wards and not the entire Binga district. Nyathi adds that some women in other wards not

covered by the NGOs are still suffering from the after effects of property grabbing and being treated like minors. These limitations however do not take away the fact that NGO run PIR projects are making a positive contribution to the livelihoods of many Binga widows.

7.2 Recommendations

Based on the findings of the study, the researcher recommends that biased inheritance laws should be totally eliminated and laws providing married women the rights to matrimonial assets should be spread to all deprived and marginalized women. Furthermore, NGOs should have wider coverage to avoid a situation where other women in some wards are not included in the PIR projects. The NGOs should source more funds from the government and other organizations like the UNWOMEN among others.

The study further recommends that the non-governmental organizations should employ more qualified personnel who know and understand the implications of certain situations, particularly those related to property and inheritance rights and gender studies. These qualified personnel will provide more detailed knowledge and skills to the women in the district so that they are fully equipped when fighting for their rights. The NGOs also need to work hand in hand with the government as this will help them reach other areas which they do not have permission to cover and also help them get more funds for the projects.

Furthermore, the Ministry of Women, Gender and Community Development Affairs should develop strong links with the community and should providing inputs such as

practical proficiency, organizational support and financial backing. With the help of NGOs, the Ministry should also support community development strategies. This may include employing, teaching and supervising support persons in the community to enhance their potential to assist the widows.

Moreover, the government of Zimbabwe needs to include marginalized areas into development programmes of the country so that there is an equal opportunity for the women to acquire and benefit from the projects run by the government aiming to empower women. The government should (from local, provincial to national level) manage and supervise the implementation of gender equality and empowerment policies in order to protect the rights of widows.

Academically, the study recommends that more research should be done to increase information on property and inheritance rights of widows. The study calls for thorough examination of property grabbing which will lead to overcoming of unquestionable negative practices that violate widows' property inheritance rights, so that their livelihood is to be reconstructed sustainably.

In addition, the researcher would recommend that despite existing laws and policies, NGOs and the government should be able to work together in empowering widows particularly through offering educational facilities about property and inheritance rights issues to the women. Educational materials should be of easy access to communities as marginalized as Binga so that the message of women empowerment through the realization of property and inheritance rights is spread to all.

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APPENDIX 1:

Table of Research Questions and Corresponding Research Methods and instruments.

Research questions	Research Methods and Instruments
What is the role of the selected PIR projects in the empowerment of widows with regard to property and inheritance rights?	-Qualitative research method -In-Depth Interviews
To what extent are the selected PIR projects enhancing the livelihoods of widows?	-Quantitative research methods -Attitudinal Survey Questionnaires

	-In-depth interviews
What are the strategies used by the selected NGOs to contest problems such as property grabbing?	-qualitative research methods -in-depth interviews
How protective and enforceable are the legal mechanism	-survey questionnaires - in-depth interviews

APPENDIX 2



University of Fort Hare
Together in Excellence

Faculty of Social Sciences and Humanities

Department of Sociology

Informed consent and declaration of participation

Participant's name

Researcher: Roselyn Tshuma

Title of the study: **The contributions of Property and Inheritance Rights (PIR) programmes to the empowerment of widows: A study of selected Non-governmental Organisations (NGOs) in Binga, Zimbabwe.**

I declare that I will voluntarily participate in this research that has been explained to me and I will cooperate by sharing my honest experience. I understand that the interview is part of a research project and that the information will be treated confidentially and published anonymously for research purposes only. I agree to being interviewed and my participation is voluntary, I am at liberty to withdraw from the interview at any time.

Signature: (Participant) At Date

Signature: (researcher).....

APPENDIX 3

In-depth semi-structured interview guide



University of Fort Hare
Together in Excellence

Dear participant

This in-depth semi structured interview guide is meant for obtaining information on The contributions of Property and Inheritance Rights (PIR) programmes to the empowerment of widows: A study of selected Non-governmental Organisations (NGOs) in Binga, Zimbabwe. The study is part of the requirement for the Master of Social Science (Sociology) qualification. I therefore request your cooperation during the interview. The information gathered will be used for academic purposes only and I assure you of the confidentiality of your responses and anonymity as a respondent.

Thank you for your participation

Yours sincerely

Roselyn Tshuma

IN-DEPTH SEMI STRUCTURED INTERVIEW GUIDE

MAIN QUESTION:

1. How protective and enforceable are the legal mechanisms that exist to protect the property and inheritance rights of widows?

SUB-QUESTIONS:

- a) As a widow, do you know of any laws that protect your property and inheritance rights? If yes, name them
- b) In your view, do these laws protect widows against property grabbing?
- c) Do you know any widow in this community who has been protected by these laws?

d) Do you know any widow in this community who has lost their property even though these property and inheritance laws exist?

e) What do you think are the limitations of these property and inheritance laws?

MAIN QUESTION:

2. What is the role of PIR projects in the empowerment of widows?

SUB-QUESTIONS:

a) Do you think the projects offered and run byempower widows? If yes, how

b) Have the PIR projects offered and run byhelped you to gain knowledge about your property and inheritance rights as a widow?

c) Do you think projects run by are contributing to the realization and enforcement of property rights for widows in this community? If yes, how

d) Do you think projects run by are contributing to the realization and enforcement of inheritance rights for widows in this community? If yes, how

e) As a widow, do you think PIR projects run by have enabled you to fully and confidently participate in decision-making?

f) Have PIR projects run by equipped you with adequate knowledge and skills to advise other women in this community about their property and inheritance rights?

MAIN QUESTION:

3. To what extent are the PIR projects enhancing the livelihood of widows?

SUB-QUESTIONS:

a) Have projects improved the livelihoods of widows in this community? If yes, how

b) Has your life as a widow changed because of the PIR projects run by? If yes, how

d) What impact has PIR projects run by had on your household?

e) What has been the impact of PIR projects on the livelihoods of your children and other dependents in your household?

MAIN QUESTION:

4. What strategies are used by NGOs to contest property grabbing?

SUB-QUESTIONS:

a) What strategies are used by on behalf of widows to contest property grabbing?

b) In your opinion, what are the strengths of the property and inheritance rights projects in this community?

c) Do you think these strategies used by have empowered widows in contesting property stripping?

c) In your opinion, have strategies made you conscious of your property and inheritance rights?

d) Have PIR strategies brought enhanced sustainable livelihoods for widows or worsened their situation?

GENERAL QUESTIONS:

b) In your view, do you think property should appropriate to widows?

c) What kind of support do you think widows need in order to cope with the problems of property grabbing?

d) What do you think can be done to assist widows meet their needs after property has been grabbed from them?

APPENDIX 4

Key Informants Interview Guide



University of Fort Hare
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Dear participant

This key informant interview guide is meant for obtaining information on The contributions of Property and Inheritance Rights (PIR) programmes to the empowerment of widows: A study of selected Non-governmental Organisations (NGOs) in Binga, Zimbabwe. The study is part of the requirement for the Master of Social Science (Sociology) qualification. I therefore request your cooperation during the interview. The information gathered will be used for academic purposes only and I assure you of the confidentiality of your responses and anonymity as a respondent.

Thank you for your participation

Yours sincerely

Roselyn Tshuma

KEY INFORMANTS INTERVIEW GUIDE

MAIN QUESTION:

1. What is the role of the PIR projects in the empowerment of widows?

SUB- QUESTIONS:

a) Have PIR projects run by NGOs equipped widows with adequate knowledge and skills to fight for their property and inheritance rights? If yes, how

.....
.....

b) What kind of support do you think widows need in order to cope with the problems of property grabbing?

c) What do you think can be done to assist widows meet their needs after property has been grabbed from them.

d) How satisfied are you with the role of NGOs in the protection and enhancement of widows' rights to property and inheritance?

Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied
5	4	3	2	1

MAIN QUESTION:

2. To what extent are the PIR projects enhancing the livelihoods of widows?

SUB-QUESTIONS:

a) In your opinion, have the projects run and offered by non- governmental organizations equipped widows with the needed knowledge to fight for their rights with regard to property and inheritance rights? If yes, how

.....
.....

b) How successful is the role of non- governmental organizations' projects towards the empowerment of widows in realizing their PIR?

Very Successful	Successful	Neutral	Unsuccessful	Very Unsuccessful
5	4	3	2	1

MAIN QUESTION:

3. What strategies are used by NGOs to contest property grabbing?

SUB-QUESTION:

a) Are the non- governmental organizations strategies helpful in increasing widow's awareness of their PIR?

Very Helpful	Helpful	Neutral	Unhelpful	Very Unhelpful
5	4	3	2	1

b) Are there any strategies that you think might be useful to NGOs in fighting for widows' property and inheritance rights? YES/NO. If yes, please name them

.....

.....

MAIN QUESTION:

4. How protective and enforceable are the legal mechanisms that exist to protect the property and inheritance rights of widows?

SUB-QUESTIONS:

a) What do you think are the strengths of these property and inheritance laws?

b) What do you think are the limitations of the property and inheritance rights laws?

APPENDIX 5

Key Informant Interview Guide 2



University of Fort Hare
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Dear participant

This key informant interview guide is meant for obtaining information on The contributions of Property and Inheritance Rights (PIR) programmes to the empowerment of widows: A study of selected Non-governmental Organisations (NGOs) in Binga, Zimbabwe. The study is part of the requirement for the Master of Social Science (Sociology) qualification. I therefore request your cooperation during the interview. The information gathered will be used for academic purposes only and I assure you of the confidentiality of your responses and anonymity as a respondent.

Thank you for your participation

Yours sincerely

Roselyn Tshuma

KEY INFORMANTS INTERVIEW GUIDE

MAIN QUESTION:

1. What is the role of the PIR projects in the empowerment of widows?

SUB- QUESTIONS:

a) Do you think the projects offered and run by empower widows? If yes, how

.....
.....

b) Do you think projects run by are contributing to the realization and enforcement of property and inheritance rights for widows in this community? If yes, how

.....

c) Have PIR projects run by equipped widows with adequate knowledge and skills to fight for their property and inheritance rights? If yes, how

.....

d) What kind of support do you think widows need in order to cope with the problems of property grabbing?

e) What do you think can be done to assist widows meet their needs after property has been grabbed from them.

f) The projects offered and run by are empowering widows?

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
5	4	3	2	1

g) How successful are the projects offered and run by in empowering widows?

Very Successful	Successful	Neutral	Unsuccessful	Very Unsuccessful
5	4	3	2	1

h) How helpful are the projects run and offered by ?

Very Helpful	Helpful	Neutral	Unhelpful	Very Unhelpful

5	4	3	2	1
---	---	---	---	---

i) How satisfied are you with the role of in the protection and enhancement of widows' rights to property and inheritance?

Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied
5	4	3	2	1

MAIN QUESTION

2. To what extent are the PIR projects enhancing the livelihoods of widows?

SUB-QUESTIONS:

a) Have projects improved the livelihoods of widows in this community? If yes, how

.....

b) In your opinion, have the projects run and offered by equipped widows with the needed knowledge to fight for their rights with regard to property and inheritance rights? If yes, how

.....

c) Have the projects run and offered by assisted widows to cope and meet their needs after property has been grabbed from them? If yes, how

.....

d) The PIR projects have been successful in enhancing the livelihoods of widows in the Ward?

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
5	4	3	2	1

e) Are you satisfied with the role of projects towards the empowerment of widows in realizing their PIR?

Very Successful	Successful	Neutral	Dissatisfied	Very Dissatisfied
5	4	3	2	1

f) The PIR projects offered and run by are providing knowledge and skills to widows?

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
5	4	3	2	1

MAIN QUESTION:

3. What strategies are used by NGOs to contest property grabbing?

SUB-QUESTION:

a) In your opinion, what are the strengths of the property and inheritance rights projects in this community?

.....

.....

b) Do you think the strategies used by have empowered widows in contesting property stripping? If yes, how

.....

c) Have the PIR strategies enhanced sustainable livelihoods for widows or worsened their situation?

.....

d) Are the strategies helpful in increasing widow's awareness of their PIR?

.....

e) In your opinion, are the strategies used by to contest property grabbing effective?

Very Effective	Effective	Neutral	Ineffective	Very Ineffective
5	4	3	2	1

f) Are there any strategies that you think might be useful to widows in fighting for their property and inheritance rights? YES/NO. If yes, please explain

.....

MAIN QUESTION:

4. How protective and enforceable are the legal mechanisms that exist to protect the property and inheritance rights of widows?

SUB-QUESTIONS:

a) As a , do you know of any law that protect property and inheritance rights of widows? If yes, please name them

.....
.....

b) In your view, do these laws protect widows against property grabbing?

.....
.....

c) Do you know of any widow who has been protected by these laws?

d) Do you any widow in this community who has lost their property even though these property and inheritance laws exists?

e) What do you think are the strengths of these property and inheritance laws?

f) What do you think are the limitations of the property and inheritance rights laws?

APPENDIX 6

Survey Questionnaire



University of Fort Hare
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Dear participant

This Survey Questionnaire is meant for obtaining information on The contributions of Property and Inheritance Rights (PIR) programmes to the empowerment of widows: A study of selected Non-governmental Organisations (NGOs) in Binga, Zimbabwe. The study is part of the requirement for the Master of Social Science (Sociology) qualification. I therefore request your cooperation during the interview. The information gathered will be used for academic purposes only and I assure you of the confidentiality of your responses and anonymity as a respondent.

Thank you for your participation

Yours sincerely

Roselyn Tshuma

SURVEY QUESTIONNAIRE

MAIN QUESTION:

1. What is the role of PIR projects in the empowerment of widows?

SUB-QUESTIONS

a) What projects are run by in this community?

b) Who are the target beneficiaries of the projects?

c) Are widows beneficiaries of the projects run by in this community?
YES/NO. If YES, how?

.....
.....

d) The PIR projects run by aim to empower widows.

Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
5	4	3	2	1

e) The projects offered and run by are empowering widows?

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
5	4	3	2	1

f) How successful are the projects offered and run by in empowering widows?

Very successful	Successful	Neutral	Unsuccessful	Very Unsuccessful
5	4	3	2	1

g) How helpful are the projects offered and run by?

Very Helpful	Helpful	Neutral	Unhelpful	Very Unhelpful
5	4	3	2	1

h) How satisfied are you with the role of in the protection and enhancement of widows' rights to property and inheritance?

Very Satisfied	Satisfied	Not Sure	Dissatisfied	Very Dissatisfied
5	4	3	2	1

MAIN QUESTION:

2. To what extent are the PIR projects enhancing the livelihoods of widows?

SUB-QUESTIONS:

a) The PIR projects have been successful in enhancing the livelihoods of widows in this ward?

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
5	4	3	2	1

b) Are you satisfied with the role of projects towards the empowerment of widows in realizing their PIR?

Very Satisfied	Satisfied	Not Sure	Dissatisfied	Very Dissatisfied
5	4	3	2	1

c) Has your life changed because of the PIR projects run by? YES/NO. If YES, how?

.....

d) The PIR projects offered by are providing knowledge and skills to widows.

Strongly Agree	Agree	Neutral	Disagree	Strongly
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				Disagree
5	4	3	2	1

MAIN QUESTION:

3. What strategies are used by NGOs to contest property grabbing?

SUB-QUESTIONS:

a) What strategies are used by to contest property grabbing from widows?

.....

b) Are the strategies helpful in increasing widows' awareness of their PIR?

Very Helpful	Helpful	Neutral	Unhelpful	Very Unhelpful
5	4	3	2	1

c) Have the strategies used by been successful in contesting problems of property stripping from widows?

Very successful	Successful	Neutral	Unsuccessful	Very Unsuccessful
5	4	3	2	1

d) In your opinion, are the strategies used by to contest property grabbing effective?

Very Effective	Effective	Not Sure	Ineffective	Very Ineffective
5	4	3	2	1

e) As a widow, are you satisfied with the strategies used by

Very Satisfied	Satisfied	Not Sure	Dissatisfied	Very Dissatisfied
5	4	3	2	1

f) Are there any strategies that as a widow you think might be useful to you as you fight for your property and inheritance rights?

YES/NO. If YES, please explain.....