

A Network Approach to Women's Property and Inheritance Rights in the Context of HIV/AIDS: The Case of the Justice for Widows and Orphans Project in Zambia


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INTRODUCTION

Women's right to own and transfer property affects their economic options and, in the context of HIV/AIDS, can save women from destitution. To support women in realizing their rights and reducing their vulnerabilities to HIV/AIDS, it is critical to know how to intervene in an efficient and effective manner. One promising avenue is a network approach – bringing together institutions and communities to work in partnership toward achieving a common goal.

The Justice for Widows and Orphans Project (JWOP), based in Lusaka, Zambia, is an example of a network approach to strengthening widows' and orphans' property and inheritance rights. The International Center for Research on Women (ICRW), in partnership with the Global Coalition on Women and AIDS (GCWA) and the United Nations Food and Agriculture Organization (FAO), supported the development of this case study as part of its initiative to reduce women's and girls' vulnerability to HIV/AIDS by ensuring their property and inheritance rights. Lessons learned from this case study can be helpful to others using a network approach to address HIV/AIDS and other development issues.

The Issue: Women's Property and Inheritance Rights in the Context of HIV/AIDS

HIV/AIDS continues to ravage sub-Saharan Africa. While the region contains just over 10 percent of the world's population, it is home to 64 percent of all people living with HIV/AIDS (UNAIDS 2006a). Most of those living with the virus reside in southern Africa, the epicenter of the epidemic on the African continent. Women and children in Africa are disproportionately affected by HIV/AIDS. Women are at higher risk of infection than men; they are also more likely to provide care and financial and psychosocial support to those affected by the illness. Moreover, in many African societies, women marry at considerably younger ages than men, increasing the probability of widowhood at a comparatively young age.

Rising HIV rates in Africa have exacerbated another phenomenon — orphaning. In 2003, an estimated 12.3 percent of all children in sub-Saharan Africa were orphans¹ – nearly twice that of any other developing region (UNICEF 2004). Besides high HIV infection rates, factors such as high labour migration and dissolution of extended family systems have meant that many orphans are fostered out to female-headed households with limited resources to take on additional dependents or to households headed by acquaintances, friends or distant relatives rather than close and trusted family members.

By all accounts, Zambia is among the African countries hardest hit by HIV/AIDS. While it appears that HIV prevalence in some Zambian population groups, primarily adolescent girls and young women in urban areas, is dropping, the country's overall adult HIV prevalence remains steady at 17 percent and national antenatal figures stand at nearly 21 percent (UNAIDS 2006b). Zambia has the dubious distinction of being one of 11 African countries with more than 15 percent of its children classified as orphans (UNICEF 2004). Currently over 1 million Zambian children – 19 percent of all those under the age of 18 – have lost one or both parents.² More than 60 percent of them (630,000 children) are orphaned due to AIDS.³

In Zambia, as elsewhere on the continent, women bear the brunt of orphan care. Recent data suggest that female-headed households in Zambia are twice as likely to be taking care of double orphans as households headed by men (UNICEF 2004). Female-headed households also are less likely than male-headed households to have access to agricultural land and are at risk for having to sell what property they have to meet household and medical expenses (Strickland 2004). Increasing women's access to and control over economic assets enhances their social status and decision-making power. There is also increasing evidence linking women's property ownership with reductions in domestic violence, unsafe sex and other AIDS-related risk factors (Strickland 2004; Bhatla, Chakraborty and Duvvury 2006).

1 *The UNICEF (2004) definition of orphan is a child under the age of 18 with one or both parents dead. Within UNICEF's terminology, a "single" orphan has lost one parent, while a "double" orphan has lost both parents. These definitions are adopted here.*

2 *This figure represents the national average. Border areas in Zambia tend to have higher proportions of orphans than elsewhere; thus 19 percent may be an underestimate for some areas.*

3 *UNICEF (2004) estimates that 290,000 Zambian children are double orphans (lost both parents) due to AIDS.*

One of the most devastating problems widows and orphans face is loss of their property and inheritance,⁴ often referred to as “property grabbing,” at the hands of the deceased husband’s or father’s family. Typically, almost immediately following her husband’s death, a woman’s in-laws evict her and her children from the marital home, often sending her literally onto the street with no financial means to better her position.⁵ She also may lose movable property including furniture, clothes, cars, cattle and even dishes and cutlery, anything the in-laws perceive as having been contributed to the household by the late husband or his family, as well as life insurance or pension benefits. The effects of property and inheritance loss are catastrophic. Besides psycho-emotional trauma, social stigmatization, and fostering out some or all the children in the family, the resulting economic vulnerability can cause widows and often their children to turn to risky sexual behaviour such as commercial sex or exchanging sex to provide for their families.

The prevalence of property grabbing is facilitated by a number of factors that include: lack of proper documentation and planning, e.g., wills; customary practices pertaining to property and inheritance, such as widow inheritance (where the widow is expected to marry a family member of her late husband); inconsistencies and contradictions between traditional and statutory legal guidelines; lack of legislation on property and inheritance; gender biases and loopholes in existing laws, codes and policies; corruption within the legal system; and public ignorance with respect to the legal rights of individuals.

International human rights organizations such as Human Rights Watch and the Geneva-based Centre on Housing Rights and Evictions (COHRE); United Nations agencies, including the U.N. Committee on Economic, Social and Cultural Rights (CESCR), U.N. Human Settlements Programme (UN-HABITAT) and the U.N. Food and Agriculture Organization (FAO); and bilateral development agencies, including the U.S. Agency for International Development (USAID) have convened meetings and organized activities to highlight women’s property and inheritance rights (WPIR) as a development issue.

4 Typically, two types of property come into question: “immovable” property (land and housing) and “movable” property (furniture, clothing, cattle, etc).

5 During the fieldwork for this case study, a Zambian widow told of her in-laws accosting her on a Sunday morning during a church service, dragging her to her marital home and threatening her until she handed over the keys. They then proceeded to throw her personal possessions out of the windows and onto the street below. It was raining that day, and all her things were completely ruined. They did not give her any money, forcing her to beg on the street.

In January 2006, a three-day international meeting in Lusaka, Zambia, specifically focused on women's property rights and livelihoods in the context of HIV/AIDS in the southern and eastern regions of Africa (Izumi 2006).

Nevertheless, strengthening women's and orphans' property and inheritance rights as an intervention strategy to mitigate the impact of HIV/AIDS is still in its infancy.



An orphan from Zimbabwe sharing her experiences at the National Workshop on Women's Property Rights and Livelihoods in the Context of HIV/AIDS in Lusaka, Zambia, 25-27 January 2006 - Picture by JWOP

The Model: A Network Approach to Realizing Women's Property and Inheritance Rights in the Context of HIV/AIDS

Organizational networking is an increasingly popular development model. Because of this interest, there are a growing number of documents about the use of networks, collaborations and partnership approaches to address health and other development-related problems (O'Neill et al. 1997; Gillies 1998; Caplan et al. 2001).

There are a number of advantages of networks. First, having a large number of organizations speaking with a united voice can increase the legitimacy of a social cause. Second, a network of members with diverse skills can appeal to a broader constituency than organizations working alone, thereby widening ownership of the issue and securing community participation and buy-in. Networks also have the potential to break down territoriality and decrease isolation; avoid duplication and repeating mistakes; and build global awareness and action when linked nationally and internationally (Gillies 1998; Shephard 2003; Liebler and Ferri 2004)⁶.

Many development issues are complex and multi-faceted; women's economic empowerment and property and inheritance rights are prime examples. By harnessing the complementary strengths of different organizations and agencies, organizational networking can provide the holistic approach necessary to tackle a broader range of factors that contribute to problems too big and complex for any single group to address (Gray 1985; Caplan et al. 2001). While organizational networking has been suggested as a potentially powerful strategy for addressing women's property and inheritance rights (Strickland 2004), more work is needed to critically assess the strengths and challenges of applying such approaches in this arena.

6 See also *MandE News* : www.mande.co.uk/networkmodels.htm

THE CASE STUDY

The Justice for Widows and Orphans Project (JWOP), which has been in existence since 1999, is an example of an application of the network model in sub-Saharan Africa. This case study of JWOP analyzes how this organization works, assesses the impact of the network model, and distills lessons for possible replication in other contexts. The case study begins with a detailed discussion of the Zambian context in relation to women's property and inheritance rights. It then outlines the history and evolution of JWOP. This is followed by first-hand accounts of JWOP's impact and an analysis of the strengths and weakness of JWOP as a network. The case study concludes with a discussion of critical elements of an effective network model.

The JWOP case study is based on information gathered from secondary data sources (literature review and Web-based informational searches), and through primary data collection. This includes observations of JWOP activities; interviews with staff, affiliates and other stakeholders; and group discussions with widows and orphans. In all, 16 in-depth interviews and two group discussions were conducted. All interviews and group discussions were recorded and transcribed.

The Zambian Context

Legal Issues: Zambia is one of the few countries in the region with legislation that addresses property and inheritance rights. The Intestate Succession Act of 1989 was meant to "facilitate ways of making adequate financial and other provisions for a surviving spouse, children, parents, dependents and other relatives of a person who has died without leaving instructions (in a will) as to how their estate should be shared among the persons entitled to receive such property" (JWOP 2004). Nonetheless, its effectiveness is limited for a variety of reasons. The language used in the Act is often vague and complex, making it difficult to understand for those without a legal background and leaving interpretation up to the discretion of individual officers of the court. Its content is also unclear with respect to the procedure used to appoint the estate administrator, an unfortunate lapse as many of the property grabbing cases involving widows and orphans in Zambia stem from this office. Finally, many Zambians are not even aware that the Intestate Succession Act exists.

Social and Cultural Issues: Various social and cultural practices influence women's property and inheritance rights in Zambia.⁷ In the past, with few exceptions, land was either held communally (under the oversight of the local chief or other traditional authorities) or owned and inherited through a husband's family. More recently and in the absence of a will, the perceived right to a deceased spouse's estate is governed by whichever spouse is seen to have contributed the most to the material well-being of the marital household. This is often, though not always, tied to bride-wealth.⁸ Given that bride-wealth is often a collective payment made by the husband's relatives, they may wish to reclaim what they "invested" in the marriage when he dies. Any children resulting from the marriage are seen as the responsibility of the wife's family.

Widow inheritance, sexual cleansing, witchcraft, fear of death, and HIV-related stigma are other factors that affect property inheritance in Zambia. Traditionally, if a husband dies, it is expected that his widow will marry (be inherited by) another male of her husband's family, usually his brother or uncle. Related to this is sexual cleansing, in which the widow is expected to have sex with a male member of her late husband's family (usually, though not always, the man she is then expected to marry)⁹. Both practices are born from the belief that the spirit of the dead spouse will haunt not only the family but the entire village if it is not purged in one of these ways. The general opinion among some individuals interviewed in this case study is that these practices are lessening – in part due to fears surrounding HIV/AIDS as well as awareness-raising activities carried out by organizations such as JWOP.

Witchcraft, or bewitching, is still a strongly-held belief that manifests itself in at least two ways in relation to property and inheritance. First, widows often are accused of bewitching their husbands, making them die prematurely to get the estate.

7 *While property grabbing is largely an issue that affects women, this is not always the case. During the field work, a case of a man losing property after his wife's death was identified. Gender roles may discourage widowers from being open about property grabbing when it happens to them, making the problem nearly invisible. According to the widower, Zambian men are supposed to be "strong and silent," not complain about their lot in life and brush off financial cares. If he were to complain about property grabbing, he risks being seen as weak and effeminate.*

8 *Bride-wealth is akin to the concept of a dowry, except in reverse. It is the family of the future husband that contributes an appropriate sum of material goods to compensate the bride's family. In contemporary society, bride-wealth is usually paid by a combination of money and other goods such as cattle, furniture, appliances, etc.*

9 *These practices also pertain to widowers.*

As a result, the deceased man's family feels it their right to punish the wife by taking the property. In addition, families of the deceased often threaten the surviving spouses with bewitchment if the widow does not hand over the property. Several widows interviewed during the case study research described how their in-laws used this strategy. In one case, the in-laws threatened to kill the widow by bewitchment if she did not hand over the property. She was so afraid of this happening that she gave them everything.

Zambian beliefs about death and HIV-related stigma are also major concerns. Most interviewees asserted that Zambians are squeamish about discussing or even thinking about death, and they believe planning in advance, including writing a will, invites premature death. The case study fieldwork also found several cases in which in-laws used fear of HIV-related stigma to blackmail widows into relinquishing their property and inheritance.



*Children watching a play on Inheritance organised by JWOP
- Picture by Christine A. Varga*

Box 1

The Links Between Property Rights and HIV/AIDS

Case study informants presented a mixed picture of the role HIV/AIDS plays in property grabbing. They felt that HIV/AIDS contributes to an increase in female-headed households, leaving women vulnerable to property grabbing that, in turn, can cause financial and psycho-social instability in families. Property grabbing also was viewed as a factor that drives widows and orphans into informal and commercial sex work, an activity that increases their risk of HIV (re)infection and transmission. On the other hand, some informants felt that the rise of HIV has actually helped widows and orphans realize their property and inheritance rights by forcing communities to become more open about such uncomfortable issues as sexuality, death, family relationships and planning for the future. They also thought that HIV education has led to the reduction of the potentially harmful and demeaning practices of widow inheritance and sexual cleansing. A member of a peri-urban discussion group noted that:

“Without HIV we would never have had to address these matters, and they would have stayed buried in our communities. We could go on ignoring them and letting them hurt us....”

Prominence of Property Grabbing: Violations of widows’ and orphans’ property and inheritance rights slowly are being recognized as significant social and legal problems in Zambia. Most informants in this study believe that property grabbing is increasing. They said that in the past, it was geographically confined to certain regions of the country and to certain ethnic groups, but now has transcended those boundaries and is widespread. The rise in property grabbing is not only associated with HIV/AIDS-related mortality but also with high unemployment, poverty, and rising inflation. One informant stated simply that these days property grabbing is due to “greed, greed, greed” on the part of in-laws and their families.

The Victims Support Unit (VSU) of the Zambian Police reports over 1,000 property-grabbing cases each year, most involving widows and orphans. According to the Zambian non-governmental organization (NGO) Women and Law in Southern Africa Trust (WLSA), property-grabbing is among the top five most frequently reported legal

problems among Zambian women. During the fieldwork for this case study, a widow – herself a victim of property grabbing – said at a public gathering,

“Property grabbing is happening to so many of us. I speak on behalf of so many. We have to know our rights because the [town] council steals from us and what we get from the courts is just lies...So many of us are still ignorant of what we need to do to stop it...”

The Justice for Widows and Orphans Project’s Response

The Justice for Widows and Orphans Project (JWOP) was formed in 1999 after the Embassy of Finland reviewed its development priorities for Zambia. The embassy’s review revealed the prevalence of widows and orphans as a highly relevant social and economic issue of increasing concern for the Zambian government. The following year, a study explored strategies to strengthen widows’ and orphans’ property and inheritance rights. It pointed to a network structure as the potential means to do this, with one centralized organization dedicated to consolidating and directing activities, which would be carried out by local organizational stakeholders that comprise the network, each with distinct expertise pertaining to provision of services to widows and orphans, or to the issue of property and inheritance rights.

JWOP and its Network Members: JWOP, as a project office and secretariat, received initial funding from the Embassy of Finland in 2000 and was launched in 2001 as a one-year pilot project. Findings of an evaluation conducted in 2002 led to changes in the operations, structure and management (see box below). JWOP was formally registered as an independent NGO in 2005.

Box 2

Evaluation Findings

An external evaluation in 2002 identified three areas of need: strategic planning and design; management and coordination; and community involvement.

- Ø In terms of strategic planning and design, JWOP needed a “clear vision, goal and path,” more clearly articulated objectives, more detailed planning documents, including a medium to long-term strategic action plan, and increased involvement of network members in drafting project planning documents.
- Ø Network members needed greater clarity about JWOP’s purpose, its activities and their roles and responsibilities vis-à-vis those activities and to the network.
- Ø The evaluation recommended that a local governance structure in the form of an advisory panel or council with local representation be established; and that JWOP strengthen its affiliation with local development structures in the areas where it worked.
- Ø Finally, it was strongly recommended that there needed to be more active community involvement with transparent decision-making that was responsive to community-expressed concerns.

JWOP’s network currently consists of seven members that provide a range of services responding to widows and orphans’ rights, health, and well-being (see box for list of members and their areas of expertise). While all are Lusaka-based, most have representation in the five provinces where JWOP works – Lusaka, Copperbelt, Eastern Province, Southern Province and Central Province – making it easier to bring together network partners for community-based activities. Before moving to its own rented premises, JWOP was housed at the WLSA office.

Box 3

JWOP Members and Areas of Expertise

- Foundation for Democratic Process (FODEP) – human rights advocacy and training
- Ministry of Community Development and Social Welfare – financial and other forms of material support (usually food supplements) to widows and orphans
- National Legal Aid Clinic for Women (NLACW) – legal support and advice for women and orphans
- Victims Support Unit (VSU) – a branch of the Zambian Police with the authority to arrest and prosecute those who violate property and inheritance rights (also involved in arrest and prosecution of child abuse and sexual abuse offenders)
- Young Women’s Christian Association (YWCA) – psycho-social support, counselling and legal referral
- Women and Law in Southern Africa (WLSA) – legal advice research on women’s legal and human rights and gender rights and assertiveness training
- Zambia Civic Education Association (ZCEA) – child rights and civic education
- Justice for Widows and Orphans Project (JWOP) – network coordination, WPIR advocacy, awareness raising, education and WPIR skills-building, e.g. will-writing

JWOP Functions: JWOP is the only Zambian NGO with a dedicated focus on assisting widows and orphans to realize their property and inheritance rights. It coordinates the network of member organizations, works in partnership with community-based support groups and stakeholders, draws on members’ expertise to raise awareness and advocate for WPIR-related issues and builds capacity of members, widows, orphans, and community stakeholders such as traditional leaders and members of the legal system.

JWOP serves as an informational clearing-house for its network members and as a referral point for widows and orphans who need help. The members rely on JWOP to keep them informed about WPIR developments in Zambia and to help liaise with organizations and individuals dealing with property and inheritance issues. The network conducts legal tribunals; uses the media to educate the general public, civic and traditional leaders and government officials on WPIR-related matters; trains community and network members in will-writing and steps for realizing women’s human rights; and provides support services depending on each member’s

expertise, e.g., psycho-social support or legal assistance. Most activities involve a team effort, and JWOP's task is to bring together the right combination of network members to make things happen.

Box 4

Using the Media

JWOP has made good use of radio and television as an educational tool to motivate change. Currently, JWOP sponsors a call-in radio program on widows and orphans that is broadcasted weekly on national and community stations in Lusaka. Between 2003 and 2005, JWOP developed two 13-week television programs focused on the plight of widows and orphans in Zambia. Hosted by well-known television presenter Doreen Mukanzo, it featured discussions with widows and orphans, individuals working with them and documentaries on JWOP and its work. While not all the programs focused on WPIR, Mukanzo says that at least 70 percent of the episodes related to some aspect of property and inheritance.

"It was helping to bring out the widows' and orphans' stories," Mukanzo explained. "We had various people [on the show] who were involved in the matter – lawyers talking about the legal side and about will writing; widows telling their experiences, how the public can help and societies perceptions of widows, things like that."

JWOP's Organizational Structure: JWOP has three full-time staff members –a project manager, a communications officer, and an administrator (see Figure 1). The project manager also serves as the head of the JWOP secretariat, a body that reports directly to the Advisory Board (see box below), and is responsible for the day-to-day functioning of the organization, network coordination and member communication, convening and documenting Board and annual general meetings, and enforcing the decisions taken during Board and general meetings. Pending additional funds, JWOP plans to add two project officers to its staff and a steering committee that will oversee new project planning and act as a liaison between JWOP staff and the Advisory Board. In 2004, the project moved from WLSA into its own set of offices. This helped JWOP establish its own organizational identity among network members and constituents – a need that the 2002 evaluation identified.

Box 5

JWOP's Advisory Board

Building on recommendations made in the 2002 evaluation, a nine-member Advisory Board was established that is comprised of the directors of each network member organization, a support group representative, and the JWOP project manager as an ex-officio member. The Board meets quarterly to review the functioning of the organization; make decisions about project activities, fiscal matters and organizational policy; and consider and approve membership applications. A quorum is one third of all elected members, and decisions are made by consensus. Advisory Board members are nominated by their respective organizations to serve two-year terms. Board member duties (Chairperson, Vice Chair, Treasurer, Legal Advisor, regular board members and the Secretariat) are stipulated in the constitution – another outgrowth of the 2002 evaluation.



JWOP Project Manager Florence Shakafuswa being interviewed by Zambia National Broadcasting Corporation (ZNBC) on the status of widows and orphans.

- Picture by JWOP


Organizations or individuals may apply to the JWOP Board to be a network member by submitting an application letter, a certificate of registration for admission or, in the case of an individual, a curriculum vitae and a non-refundable application fee (the amount being determined on a sliding scale by the Board).¹⁰ Members pay an annual membership fee of 100,000 kwacha (approximately 30 USD) and receive no financial incentive to be a member. Members may be asked to forfeit their membership for any of the following reasons: if the organization ceases to exist or goes bankrupt; if the objectives of the organization are no longer in line with those of JWOP; if its representative on the Board does not attend three consecutive meetings without reasonable excuse; or if the organization engages in actions deemed to bring JWOP's name into disrepute. Members also may voluntarily withdraw.

JWOP developed an initial strategic plan (2004-2006) and a subsequent five-year strategic plan (2006-2010), as well as an annual renewable Memorandum of Understanding (MOU) for each organizational member. Yearly work plans are developed with clearly defined activities with responsibilities and deliverables for each network partner. The work plans are evaluated annually by an external consultant.



The group that attended the JWOP strategic planning workshop at IBIS gardens in Chibombo, Zambia - Picture by JWOP

¹⁰ There are currently no individual JWOP network members, only organizations.



JWOP Support Groups and Stakeholders: JWOP currently works with five support groups – each with a membership of 20-40 individuals, usually widows and orphans. Widowers are encouraged to join support groups, but few men do. JWOP may organize a new group, although this is a relatively rare undertaking; work with an existing group and support them in brainstorming and participating in WPIR training – this is a more usual course of action; or call together heads of existing groups for a “training of trainers” after which the participants go back to their own support groups and train them on WPIR — a relatively recent addition to JWOP’s support group model.

Each support group is required to have a governing committee and chairperson. The chairperson is responsible for direct communication with the JWOP project manager, and any concerns or queries are channeled to the Advisory Board in this manner. Most support groups have a small monthly membership fee that is put into a central fund to be used for the general welfare of the group. For example, the Chingola group uses its membership fees to offset orphan members’ school fees and to buy foodstuffs for its members. Support groups engage in a number of activities. They include the following: raising awareness and promoting advocacy amongst local stakeholders such as chiefs, churches and civic leaders; organizing tribunals and identifying cases for potential presentation at these tribunals (see Box); following up tribunal recommendations to ensure they are enacted; and referring WPIR cases to JWOP network members.

Box 6

Tribunals

In Zambia, a tribunal as a mechanism for social advocacy and informal legal accountability has existed for several decades and is applied to various types of social issues. Generally, a tribunal is comprised of up to 10 community stakeholders and experts on the topic of interest. A certain number of pre-scheduled compelling cases are heard usually with the individual claimant providing verbal and (if available) written testimony; sometimes unscheduled cases are spontaneously presented. The tribunal members make decisions and recommendations as to how to go forward with the presented cases. While the tribunal concept is powerful with respect to raising social awareness and as an advocacy tool, it has no legal standing.

JWOP conducts at least two tribunals annually, depending on funding, community interest and the number of cases put forward. Potential cases are referred to JWOP by local support groups. Tribunals are a good example of JWOP network functioning. At a tribunal co-organized by JWOP and YWCA and held in Chingola in July 2006, YWCA provided psycho-social support, FODEP (child rights and advocacy) observed and was on hand for case referrals, and WLSA (legal support) and VSU representatives (prosecution) were members of the five-member tribunals. WLSA and VSU each received 'homework' tasks to follow up on various aspects of the cases presented at the tribunal.

JWOP network members train support groups on topics such as HIV/AIDS information, education and communication, basic counselling and support skills, legal aspects of WPIR and will writing, gender sensitivity, assertiveness and paralegal services. Like the tribunals, training reflects the collective network capacities. While it is the JWOP secretariat's task to assess which partners' skills are most needed for a given training, training sessions are conducted by multiple network members, depending on the support group's needs.

One obstacle commonly faced by nearly all JWOP support group members is poverty — a factor that makes it difficult to keep communities motivated and interested in WPIR work:

“ [Support group members who are trained] are supposed to be training others in their own capacity, on their own time. But when you look at poverty...you can go and train and hope they will start their own activities. ... What happens once we leave is that they are still faced with the fact that they have no food at home.... Rather than work on [WPIR] they will be thinking about how to find something to eat, a bit of meat once in a while. The zeal is there but when you live in a community without running water or food it is hard to keep [WPIR] as something that is primary to you.... And we are left with the task of reminding them of why [WPIR] is important....”
(JWOP communications officer)



Chingola widows Support Group showing off their chickens
- Picture by Christine A. Varga

Recognizing this and reflecting on complaints of extreme poverty made by community members in the 2002 evaluation, the JWOP secretariat with a grant from Zambia Orphans of AIDS assisted the Chingola support group to launch a small chicken-rearing project as a move toward generating income. This is a unique case and it is not clear if such assistance will be offered to other support groups.

JWOP-community relations are a product of many factors including the composition of the support group, and the presence of JWOP network partners and stakeholders in communities where support groups are located. The Chingola support group was organized by JWOP in 2003 and is relatively loosely structured. The group is comprised primarily of elderly women who come from traditional rural backgrounds and are poorly educated – all factors that may inhibit members from assuming proactive roles in organizing community events or engaging in advocacy activities. Moreover, there are few JWOP network partners in the Chingola area to assist the group. For these reasons, the group has relied heavily on JWOP Lusaka for direction and motivation, causing JWOP staff to be more directive than they prefer. According to one JWOP staff member, *“We are not supposed to come all the way from Lusaka to organize tribunals. The community should be doing this on their own and not rely on us to keep things moving along. These ideas should not be coming from Lusaka to Chingola.”* The recent advent of the chicken rearing project solidified the group structure and jump-started other community activities.

In contrast, the Monze support group is well organized, active and far more independent of JWOP Lusaka. This support group has the benefit of more interaction with network partners (such as WLSA) and stakeholders like Law and Development Association (LADA), and, in contrast to Chingola, has received a wider range of training activities through these contacts.¹¹ The group also has a larger proportion of younger, more educated women than in Chingola.

11 At least one interviewee who knows both groups attributed Monze’s independence to a series of holistic and rigorous training sessions conducted by JWOP network members. She felt that this has helped “socialize them into activism and not be afraid to be active.”

Box 7

Summary of the Chilala Case


Mrs. Chilala is a 79 year-old widow who lives in Monze. After her husband died in 1990, her land was being grabbed by her in-laws. After she refused to be inherited by her brother-in-law, he started to bury dead people on her land in order to drive her out — 17 graves in all. After failing to get any success through the local legal system (the local court ruled against her saying the land in question was customary land – i.e. belonging to the husband’s family – and that the legal system cannot intervene in customary land cases), she brought the matter to LADA, a local NGO in Monze, that reported it to JWOP. The case was presented at the December 2003 JWOP tribunal in Monze, and it was picked up by community radio. The paramount chief of Southern Province heard about the case through this channel and expressed interest in it. JWOP organized a meeting of 19 traditional leaders and local villagers in the area, and Mrs. Chilala again pled her case. The traditional leaders’ council ruled in her favour. Not only did she receive some of her land back, but the burials have now ceased. The case received national attention and even international recognition when SKY News picked up the story and reported on it. This case was hailed as a major victory in property-grabbing in Zambia by JWOP network members.

Over time, JWOP also has developed ties with community-based organizations and selected individuals who are considered JWOP stakeholders.

They have become vital links to the community and refer widows and orphans to JWOP-held tribunals or to network partners for services. Bwafwano¹² Community Association for Orphans and Vulnerable Children, located in Chawama (a peri-Lusaka township), is an example of a JWOP stakeholder.

Comprised of an all volunteer work force of 25 people, its main concerns are child abuse and orphan support, gender issues including sexual assault and rape, and HIV education.

¹² *Bwafwano means “working together” in Nyanja, one of the most common languages in Lusaka Province.*



The group currently supports over 400 orphans (aged from 4 months to adolescence) through a feeding program, community school, and informal fostering program.

In recent years, Bwafwano began receiving questions about property grabbing from widows and orphans in the community. Bwafwano heard of JWOP through its successful television series and asked for help.

In the last two years, JWOP network members have trained Bwafwano members on gender, paralegal service provision, will writing and organizational development matters such as strategic planning and management.

There is now a regular WPIR case referral system between Bwafwano, JWOP and network members WLSA and NLACW. Another network member, the Victims Support Unit (VSU), has become involved in helping Bwafwano with child abuse and rape cases. In the last years, three of Bwafwano's WPIR cases were successfully resolved in favor of the complainant, and another six are pending.

Other stakeholders include individual members of the media – such as television presenter Doreen Mukanzo and journalists Mr. Henry Kabwe and Mr. Vernasio Mwanza – who helped spearhead radio and television programs that showcase widows' and orphans' issues, including property grabbing.

JWOP's Impact

The effect of JWOP's work and its importance in the arena of property and inheritance rights is reflected in various ways. One concrete example is the public response to the television and radio programs that JWOP sponsors. The Victims Support Unit (VSU), part of the JWOP network, reported receiving a significant increase in calls, enquiries and reporting of property grabbing incidents during the time period when the shows aired. In addition, people wrote letters to the television station describing how watching Mukanzo's program had influenced their lives:

"We were able to see the impact of the show by the letters we received. The response was overwhelming. After each program aired, we received something like 20 or 30 letters with request for help, and for information, and some simply thanking us for bringing the issues out. For each episode! In those letters, people started talking about their own experiences and said things like 'I wish I had seen this program before I lost everything. I would have known what to do.'" For many of them it was the first time they had ever heard about things like legal aid. Most [widows who wrote in] are uneducated and don't know their rights. Or at least they didn't until they watched the program. I wish we could do it again...." (Doreen Mukanzo)

JWOP tribunals also have had powerful effects. The tribunal held in Monze in 2005 was simulcast by a local community radio station, providing the opportunity for the entire community to hear the cases and recommendations. This electrified the community, which then acted as a watch-dog in ensuring that the case recommendations were pursued.

"We had 10 cases testified [in Monze], 6 women and 4 orphans. All the orphans were helped. I am not sure exactly how, but their cases were seen to. Among the women, I was told that three cases were assisted... I don't know what happened to the others. The tribunal is a good means of ensuring accountability, especially when you have the media present. They listen, they report and they make sure people know what is going on." (YWCA staff member)

The tribunals are an effective advocacy tool given that key provincial, district and local stakeholders are often present as observers. In a recent tribunal in Chingola, several of the cases were deemed too old (one had been open for over 10 years) to be resolved, leading one tribunal member to informally refer to them as “dead end” cases. This decision galvanized the community into demanding action from the tribunal and other authorities present at the meeting that all cases should be heard and recommendations made:

“What we want is not just testimonies. What we want is results. We want a guarantee that something will change.”

(Widowed tribunal observer, Chingola)

“You as the people in power must look into our problems, analyze the facts and help us. Don’t forget us. We won’t let you forget.”

(Tribunal observer, Chingola)

“Women are scared to speak up in court, especially when they don’t know their rights. Their rights are trampled on, and they get nothing. Now we know and we have spoken. Do something for us.”

(Widow testifier, Chingola)



*A widow giving testimony at the tribunal held in Chingola
- Picture by Christine A. Varga*

Feedback from network members and stakeholders also attests to the importance of JWOP both as a network coordinator and an organization in its own right:

“JWOP is useful because it acts as a screening or filtering mechanism in our efforts to deal with property grabbing. In the past, each of us [network partners] had to deal with property grabbing separately in our own capacity, but now most of these issues go to JWOP first and then they are referred to the appropriate partner. This makes things much more efficient.” (YWCA staff member)

“The work that JWOP is doing is very very important. No [other organization] in Zambia is so committed to making sure widows’ and orphans’ rights are protected.” (Director, Zambia Orphans of AIDS)

In interviews for this case study, support group members were very vocal on the importance of JWOP:

“...when [JWOP] comes we feel there is someone who cares for us and who replenishes our knowledge and motivation. At least if we need something, some advice, we know where to go.” (Chingola support group chairperson)

“JWOP has helped me strengthen my resolve. Now I know I can fight on. And I can impart this knowledge to others. Without JWOP we wouldn’t be able to tell the community about how to manage [property grabbing].” (Chingola widower, support group member)

“From the time we started working with JWOP my life has changed. There is a difference. My children now go to school again, and I am learning to live [as a widow]. I didn’t know how before. JWOP has taught us that everyone has a right to [take care of] what is theirs. We didn’t know before that women have these rights. Just because you are a widow your life doesn’t end.” (Chingola support group member, focus group discussion participant)

JWOP enjoys close relations with various government agencies in addition to its formal network partnership with the Ministry of Community Development and Social Welfare, and as a result can wield influence at this level. For example, in 2005 JWOP presented a position paper on inheritance rights to the Zambia Law Development Commission as part of a review of the Intestate Succession Act. The Commission has passed on recommendations (based on JWOP's and other stakeholders' input) to the Ministry of Justice.

JWOP staff and other network members also have become involved in regional efforts related to WPIR and have raised awareness of WPIR in Zambia at international forums. JWOP was one of only two Zambian organizations to present at a 2005 meeting of the UN Council on Social, Cultural and Economic Rights, and it co-organized the January 2006 international meeting in Lusaka that focused on women's property rights and livelihoods in the context of HIV/AIDS. JWOP regularly collaborates with Geneva-based Centre on Housing Rights and Evictions (COHRE), Grassroots Organizations Operating Together in Sisterhood (GROOTS), and the International Association for Women Judges (IAWJ) – extending its reach and visibility.

While the testimonies above, gathered specifically for this case study, provide a qualitative glimpse of JWOP's effectiveness, the project relies almost exclusively on non-systematic anecdotal feedback to demonstrate results. There is no monitoring and evaluation framework with measurable objectives and indicators that could provide solid evidence of the effectiveness of the network and activities. This limits JWOP's ability to assess the true extent of its impact.

JWOP Strengths

JWOP is one example of an organizational network that aims to meet myriad needs of the communities it serves. Its strengths are built on the collective knowledge and skills of its members, their willingness to learn and innovate, and their commitment to addressing an issue that each sees as critical to their institutional mandates and community members' well-being.

Caplan et al. (2001) identified six factors that influence the success of networks: (1) political, economic and social contexts; (2) building on existing assets and filling gaps; (3) understanding partner incentives and conflicts; (4) understanding time frames and time requirements; (5) differentiating between individuals and institutions; and (6) allowing for transformation, modification and capacity building. The following discusses these factors as they relate to JWOP's efforts:

1) Sensitivity to Contexts: The socio-cultural, legal and political context of property grabbing in Zambia poses formidable barriers to reducing property grabbing and strengthening women’s and orphans’ property and inheritance rights. Through its understanding of this environment, JWOP has identified context-appropriate, manageable, multi-pronged strategies to reach its goals, often on a shoe-string budget.

2) Legitimacy: JWOP is known locally and internationally for its unwavering commitment to its goals. Increasingly, the Zambian government and international organizations see the JWOP secretariat and network members as respected and trusted sources of information. Further, JWOP’s efforts to build strong provincial and community-based ties ensure that the organization and the issues it represents have social legitimacy. The fact that JWOP has gained respect on so many levels raises the profile of the very social issue JWOP seeks to address – women’s and orphans’ property and inheritance rights.

3) Capitalizing on Members’ Comparative Advantages: JWOP brings together a diverse set of organizations and community-based groups that address WPIR in a holistic manner and avoids duplication. JWOP has helped refocus member organizations’ attention on WPIR, and, by acting together, each has strengthened the others’ abilities to manage property grabbing more effectively in their own spheres. Network members interviewed for this study recognize that participation in the network supports their own work with widows and orphans, and that the complementary skills offered in the network makes it, as one interviewee put it, a “win-win” model for all the members.

“[JWOP] complements what we are doing. Sometimes we don’t have the funds or manpower to do all that we want in sensitization and advocacy on property grabbing cases, and JWOP and its partners help us a lot.... We are very comfortable with our role in the network. Issues that need our involvement are referred to us, and then we take care of them in our capacity. We as an organization also benefit from the trainings and sensitization that JWOP staff provides. If JWOP goes out into the provinces they alert our branch offices and our [staff] come and attend those activities and learn something from that... So in the end it is a win-win situation.” (VSU National Coordinator)

“JWOP benefits from the wide spectrum of specialized skills of each [network] member when they are planning activities... And JWOP itself acts as a clearing-house for information and resources on property grabbing. Many of us deal with property grabbing only as a side issue, and we don’t have the time or resources to stay well-informed. We can turn to JWOP for that. It is a reciprocal relationship because JWOP can support us in this specialized area, but the other network members can share their strengths in their respective fields.” WLSA Staff Member)

4) Clear and Flexible Organizational Structure: A key element of JWOP’s successes and its ability to develop its reputation is based on its organizational structure. This structure is especially important in keeping the network together, defining member roles and responsibilities, and providing a framework for operations and coordination.

5) Leveraging Social and Political capital: Legal and political systems do not always work to the advantage of all constituents. To realize their property and inheritance rights, Zambian widows and orphans must often work through the very systems that disregarded their rights in the first place. To overcome this barrier, JWOP and its network partners use their personal and political connections to leverage attention and action, helping to ensure accountability.

JWOP Challenges

JWOP must address a number of challenges to strengthen its network approach and be viable in the long-term. Many of these challenges are relatively common in network approaches. For example, in her work with Latin American NGO networks, Shephard (2003) notes that funding scarcity often results in networks fragmenting or disbanding altogether, and then regrouping once the funding environment improves. She also suggests that a common reason for networks’ dissolution is internal management dynamics, most often due to the lack of clarity in how to resolve conflicts.

1) Funding: Perhaps the most immediate challenge for JWOP is funding constraints and tensions within the network, which stem from the lack of a financial incentive to stay involved. JWOP's narrow funding base restricts what program activities they can implement, e.g., providing training and support for income generation or continuing support for the successful television series. It also limits JWOP's ability to ride out changing funding trends and cycles and places restraints on how many staff they can hire – causing them to “multi-task” at the expense of focusing on their particular expertise.

A more complex funding-related challenge is how to handle the competition within the network for scarce financial resources. Donor harmonization strategies in Zambia mean there are fewer donors and financial resources to go around, creating a situation where network members and JWOP compete for the same pots of money. This creates tensions among members and makes them less apt to prioritize network activities over organization-specific ones. One JWOP staff member noted:

“The problem is that we are often competing for the same resources and approaching the same funders. [The network members] often have their own mandate and have to report to their own donors. So this makes JWOP a secondary focus for them despite their membership. They have their own deadlines, priorities and funding worries. And they end up forgetting about the network.”

In the short-term, the project needs to diversify its funding base to ensure its resilience and flexibility. In the longer term, it should explore developing an endowment and accessing organizational support grants that might relieve some of the financial pressures.

2) Conflict Resolution: While JWOP network now has a Constitution to guide the organization, there is nothing in that document about resolving conflicts. Given the fragility of the funding situation in Zambia and enormous needs of communities, it is not surprising that tensions exist among members and how the members view JWOP. Another source of conflict is Board-member relations. While the creation of an Advisory Board was needed, some network members felt the fact that the Board is composed of member organizations' directors leaves little room for network member staff to have direct input into decision-making and JWOP operations.

There also are tensions between JWOP staff members and the Board, with staff citing instances of obstructionist behaviour among Board members when it came to managing JWOP financial matters. For the network to continue to function and meet its obligations to communities, it must develop clear and transparent means for resolving conflict that all members accept and abide by.

3) Accountability: The JWOP secretariat expressed frustration of being let down by network members when attempting to organize joint functions:

“We always have to have a back up plan in case [a network member] pulls out at the last minute. It happens so frequently.”

In addition, only three (of seven) members have signed their yearly MOU for the current year, and several have not paid their membership dues. Just as the Constitution is mute in regards to conflict resolution, it provides no guidance for holding members accountable for their commitments to the network. In the absence of a written policy, JWOP staff and Board members are unclear as to where the responsibility lies. One Board member described an informal system of checks and balances in which the Board members ensure each other’s accountability. JWOP staff noted that it is the responsibility of the Board Chair to handle such matters, and others said it is either the JWOP secretariat or, more specifically, the JWOP project manager’s responsibility. Until there is a policy and procedures to address this gap, it will be difficult for the network to function well.

4) Stretched Thin: All network staff members are stretched thin in terms of their work responsibilities. Not only do they have responsibilities to their own organizations, but they also are expected to contribute to JWOP-sponsored activities.

“They work very very hard. This is a good thing, a great thing. But it also means they are slow to respond to issues. There are so few of them after all. If they go into the rural areas there is no one left at the head office to keep things running.” [A network member talking about JWOP staff]

“[The project manager] is so committed to what she is doing. But she does far too much, and this hampers her ability to do any one thing as well as she could,” A network member said.

One long time network member mentioned that her supervisor disapproved of her participation in network activities because of the time it took from her paid work at her own organization -


“Why are you going to JWOP again? Let them sort out their own things. We have problems of our own here.”

For JWOP staff, this situation leads to a vicious cycle – because they are overworked, they have trouble finding the time to make concerted efforts to fundraise, and because they have limited funds, they remain under-staffed and overworked. Amidst this, JWOP staff and its members have few ways to cope with the psycho-emotional stress arising not only from the content of what they do – dealing with wrenching problems of poverty and property-grabbing – but also the conditions under which they work. Strategic decisions need to be made as to what are reasonable expectations of staff. They need clearly defined job descriptions that encourage them to use their professional strengths, and the means and opportunities to access psycho-social support themselves.

5) Depth or Breadth: There is no consensus on the direction JWOP should take in terms of either continuing to do what they do best, that is, focus on its core capacities and do it right, or expanding into other geographic areas and providing other services that may respond to underlying community needs, particularly poverty. While all agreed that what JWOP does is good, many felt that it does not reach enough communities. Others noted that, while an initial period of advocacy and awareness raising is important, at some point:

“...[JWOP] needs to move toward getting active. The people cannot fill their stomachs with education and information. Widows and orphans would benefit most from income generation skills, so they could learn to feed themselves and keep their children in school.” [Stakeholder Representative]

On the other hand, several people who have been with JWOP longer were firm that JWOP has clear comparative advantages and focus areas and should stick to them. Evidence in the development literature supports this view, that programs with a few well-developed areas of expertise have greater legitimacy than those that spread themselves thinly (Mehra 1996). One solution might be to identify new network members with competency and experience in income generation and other areas that could broaden the network’s scope without jeopardizing



the core competencies of the existing network members.

6) Evidence of Success: JWOP, like many development organizations, is working on the front line with communities. It does not have the time or skills to design and use monitoring and evaluation plans that can credibly demonstrate results. This is complicated by the fact that JWOP's strategic plan (2006-2010) is overly ambitious, possibly setting it up to fail. Furthermore, its objectives are described inconsistently across various project documents and even JWOP staff members are not entirely clear which set of objectives were actually adopted by the project. Finally, none of the objectives are "SMART" – specific, measurable, achievable, relevant and time-bound, and attempts at setting up an evaluation framework in the strategic plan were weak. As a result, there is only a weak foundation on which to develop a systematic way of monitoring or evaluating for results. If these weaknesses are not corrected, they will perpetuate many of the design flaws cited in the 2002 evaluation and jeopardize JWOP's chances for future funding. JWOP and its members need training in how to develop a conceptual framework and a reasonable monitoring and evaluation plan that they understand and can use with their community partners.

Conclusion

This case study of the Justice for Widows and Orphans Project in Zambia describes an organizational network that came together to address a key development issue, that is, widows' and orphans' property and inheritance rights. The findings from this case study reflect much of what is said in the literature about why networks work and their shortcomings. The following conclusions, based on JWOP's experience, hopefully will be useful to others using networks to address problems in their communities and countries.

1) Adopting a Holistic Approach to WPIR can Increase Project Impact: It is clear that WPIR is inextricably tied to a host of other social issues, including poverty, HIV, the breakdown of community and family structures and gender norms. Different types of organizations representing myriad sectors need to work together to empower communities to take charge and hold systems accountable. Interventions will be most successful when they address WPIR issues using a multi-pronged strategy that recognizes its interwoven nature. JWOP's organizational network approach is perfectly positioned to do this.

2) Capitalizing on What Already Exists Avoids Duplication and Maximizes Resources: Member organizations and communities are the primary asset of networks. They bring their human capacity, their knowledge of the issue and context, and the skills to address the problem. Building on this base, as JWOP did with its seven organizational members, and learning from others yields significant benefits.

3) Strategically Leveraging Social Capital of Network Members Yields Results: To effect change in systems that are often imperfect, networks must use their personal connections to get the attention of key decision makers who in turn can become advocates from within. The JWOP networks' efficiency and effectiveness is derived in large part from the pooled knowledge of its members and their social capital base.


4) Having a Clear and Well-Documented Organizational Framework is a Key to Success: Networks can be messy and unwieldy. To be efficient and effective, they need an organizational framework with a Board, constitution, memoranda of understanding for members, clearly articulated guidelines for accountability and conflict resolution, annual work plans, longer-term strategic plans, and a reliable funding base. This will help ensure that the network's vision has a structure and the means to guide its realization. JWOP is moving in this direction; however, the tension between an individual member's interests and that of the network needs to be addressed through establishing guidelines on accountability and conflict resolution. Moreover, the sense of ownership of the network by individual organizations needs to be consciously fostered, especially when the network becomes an established independent entity.

5) Monitoring and Evaluation is Vital and Should be the First Step in Developing a New Project or Network: To design and implement effectively and to have convincing evidence of impact, a new venture must begin with a conceptual framework, which shows relationships between causal factors and outcomes, and a monitoring and evaluation plan that builds on the conceptual framework. Investments also must be made to build capacity to collect and use the information to make change and show results. This evidence is crucial for seeking funds and can create social and political legitimacy.

6) Developing a Diversified Funding base is Crucial: JWOP and other networks need a diversified funding base. To begin, they need a funding strategy that includes reliable estimates of startup and working capital costs and options for generating that capital internally (e.g., member fees or fees for services) and externally (e.g., donors, including private and public sector agencies and foundations). The strategy should include information about potential donors' priorities and documentation that shows how the proposed project fits into or complements those priorities. Funds should be found not just for implementing activities but also for organizational support and development.

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