

**AN EVALUATION OF THE EFFECTIVENESS OF THE
COMMUNICATION STRATEGIES EMPLOYED IN COMBATING
PROPERTY GRABBING IN ZAMBIA: CASE STUDY OF
INTERNATIONAL JUSTICE MISSION.**

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BY

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award of the degree of Master of Communication for Development (MCD),
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DECLARATION

I Joy Chasha, do declare that the work presented in this paper is my own except where it is acknowledged and that it has never been presented anywhere for the award of any degree.

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ABSTRACT

This study sought to evaluate the effectiveness of the communication strategies employed by International Justice Mission (IJM) to curb property grabbing in Zambia. The problem of property grabbing after a spouse dies by relatives of the deceased, has been identified as a source of deepening poverty for the majority of Zambians who already live below the poverty datum line of one dollar per day.

The Zambian Parliament enacted the Intestate Succession Act (Chapter 59) and the Wills and Administration of Testate Estates Act (Chapter 60) in 1989 to protect against property grabbing in Zambia. This statute supersedes all customary laws of inheritance and is applicable throughout the country. However, despite this enactment, people have continued to blatantly ignore the provisions therein and continue to deny the proper beneficiaries of their rightful inheritance and give little or no regard to the two pieces of legislation. As a response to this problem, IJM embarked on a project in 2004 to stop property grabbing in Lusaka, Zambia.

The main objectives of the study were to determine the awareness levels of the provisions of the laws of inheritance among Lusaka residents; determine the appropriateness of the communication approaches or methods and channels used to disseminate information on the laws of Succession.

The study was conducted in Lusaka, an urban cosmopolitan city and used a multi-method approach which included the quantitative survey in 10 of Lusaka's high, medium and low density areas. With this method, 150 questionnaires were distributed and the data was analysed using the Statistical Package for Social Sciences (SPSS). The other method used was the qualitative focus group discussion with eight community and church leaders and an in-depth interview with a Superintendent from the Police Community Services Directorate. These methods yield very rich information as they allow for detailed personal information to be given.

The findings of the study show that IJM's communication strategies are effective but not very efficient. The majority of the Lusaka residents have heard and understand the provisions of the laws of Succession through IJM's communication. It also shows that cases where there was blatant confiscation of property by in-laws have greatly reduced although there are still cases being reported where the beneficiaries are not given the right percentage of the deceased's death benefits, if they died intestate. The information IJM disseminates is relevant to the people but the study shows that they need additional information on how best to work with the police; how to help others in human rights issues among others. On the appropriateness of communication methods used, the study shows that the majority of people appreciate IJM's use of workshops and opinion leaders in the community but that IJM must increase its funding and also consider using drama performances and electronic media such as radio since people pay much attention to these activities.

The study concludes with a number of recommendations. Among other things, IJM must strengthen its partnership with the police to ensure that the law is enforced and this will have a deterrent effect on would-be offenders. It was also suggested that IJM needs to increase the number of human resource so that more workshops are conducted to meet the demand for workshops in the communities and be able to provide adequate legal representation for the increasing number of clients who report their cases to IJM.

DEDICATION

To my husband Colin Chibunga Chasha and my children Lubona and Chibunga Chasha, whose patience and loving support enabled me to achieve my dream.

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LIST OF ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
CIDRZ	Centre for Infectious Diseases and Research in Zambia
CSO	Central Statistics Office
DHS	Demographic and Health Survey
ECWD	Education Centre for Women in Democracy
FIDA K	Federation of Women Lawyers
FNDP	Fifth National Development Plan
GIDD	Gender in Development Division
HIV	Human Immune Deficiency Virus
HDI	Human Development Index
IJM	International Justice Mission
LAC	Legal Assistance Centre
LCMS	Living Conditions Monitoring Survey
NGO	Non Governmental Organization
PRSP	Poverty Reduction Strategy Paper
UNDP	United Nations Development Programme
WLAC	Women's Legal Aid Centre
WLSA	Women and Law in Southern Africa

CHAPTER 1

INTRODUCTION AND BACKGROUND: ZAMBIA

1.0 Introduction

Property grabbing, usually by relatives of the deceased husband is a form of gendered violence against women, threatening the security of women and children in Zambia. Forced evictions are often accompanied by further acts of violence, including physical and mental harassment, and abuse. Widows are particularly vulnerable, partly as a result of weakened customary practice and social safety nets that used to provide support to widowed women and their children, a situation made worse by the HIV/AIDS pandemic.

Traditionally, people inherited according to their lineage systems. Generally, under the various customary laws in Zambia, the person who succeeds to the status of the deceased should keep the larger share of the property on behalf of the remaining family and assume the obligations of the deceased. However, in recent years inheritance and succession in Zambia have become complex issues.

With the enactment of the Intestate Succession Act Cap.59 of the laws of Zambia in 1989, it was hoped that cases of property grabbing in Zambia would end. However the reality on the ground is that cases of property grabbing have continued to be on the increase. Several reasons have been put forth as to why this trend has continued, one of which is that people do not know that the law provides protection for their right to property after a spouse dies.

Calls to educate the communities about these rights have been made by many civic groups and government. This study was therefore embarked on to assess the effectiveness, appropriateness and adequacy of communication strategies employed by International Justice Mission to combat property grabbing in Zambia.

This report begins by outlining the background of Zambia and then goes on to highlight the statement of the problem; rationale and objectives of the study; as well as the research questions. The report further goes on to highlight the definition of key concepts, the operational definitions and the theoretical framework. Highlighting of literature review, methodologies, sampling procedure and limitations of the study then follow.

Finally, the report highlights the findings and discussion of the findings, the conclusion and recommendations.

1.1 Geography of Zambia

Zambia is located on the great plateau of Central Africa. It lies between 900 to 1500 meters above sea level. It lies between latitudes 8 and 18 degrees south and longitudes 22 and 3 degrees east. Zambia is a land locked country covering an area of about 750,000 square kilometers. Its neighbouring countries include Tanzania in the north, Zimbabwe, Botswana and Namibia in the south, Angola and the Democratic Republic in the west and Malawi in the east (CSO, 2005)

Zambia has abundant natural resources. It has five main rivers which include the Zambezi, Kafue, Chambeshi, Luangwa and Luapula rivers. It also has five main lakes and these are the Bangweulu, Mweru wa Ntipa, Mweru, Tanganyika and the man made lake – Lake Kariba. Zambia's tourist attractions include the mighty Victoria Falls, game parks and game reserves which house some of the spectacular animals. The National game parks include the Kafue and Luangwa national parks. Some animals found in these parks include the majestic Elephant, Lechwe, Buffalo, Lions and Giraffes (CSO, 2003).

Zambia experiences a subtropical climate and has three distinct seasons. The warm-wet season normally starts in November and ends in April. The other season is the cool-dry winter season which runs from May to August with mean temperatures which vary from

15 degrees to 27 degrees Celsius. Lastly, the hot-dry season lasts from September to October and this season comes with temperatures of 27 to 32 degrees Celsius. Zambia comprises mainly of the Woodland Savanna vegetation found on the main plateau (ibid).

Administratively, Zambia is divided into nine provinces. These are the Copperbelt, Central, Eastern, Western, Southern, North-Western, Lusaka, and Luapula provinces. These provinces are further divided into seventy three districts with Lusaka being the capital city and seat of the government of the country.

Zambia's population, according to the 2000 census is estimated at 9.9 million. According to the Central Statistics Office (2003), at a provincial level, the Copperbelt registered the largest number of 1,527,294 persons in the 2000 census. The UNDP (2005) report indicated that by 2003, the population was estimated to be 11.3 million and life expectancy was 37.5 years. Almost half of the total population is urban based. Zambia is one of the most urbanized countries in sub-Saharan countries with an estimate of 36 percent of people living in the urban areas.

1.2 Historical Background of Succession in Zambia

Zambia was initially sparsely inhabited by hunter/gatherers for over 20,000 years (Gann, 1964). The iron pastoral migrants and cultivators later moved in from the neighbouring countries Angola, Democratic Republic of Zambia and South Africa at about 3rd Century BC. This influx of people brought about the 73 tribes of Zambia. The seven principle languages of Zambia are Bemba, Lozi, Tonga, Lunda, Kaonde, Nyanja and Luvale (ibid).

According to WLSA (1994: p10), there are four social systems into which the seventy three ethnic groups have been categorized. These are:

- a. Matrilineal ethnic groups which practice matrilocality (uxorilocal marriages), for example, the Bemba of Northern Province and the Nsenga of Eastern Province. In this social system, the garden was considered as belonging to the man and the use of the crop was given to his wife. At his death, a man's ownership of the granary was clearly recognized and all supplies of millet and food ripening on the garden beds were given to his heir in the direct matrilineal line. It was, however, considered hard-hearted for the heir to exercise his privileges if the widow and the children suffered loss by those means.
- b. Matrilineal ethnic groups which practice patrilocal residence (virilocal marriages). For example, Tonga of Southern Province and the Lunda of North-Western Province. In this social system, customary law excluded children of the deceased and his wife from inheriting. Thus the matrilineal group of the deceased was considered heirs. The successor assumed the responsibility of the children as their father, and married the widow who would bear him children, if still young (*ibid*).
- c. Patrilineal and patrilocal ethnic groups. For example, the Mambwe and Namwanga of Northern Province and the Ngoni of Eastern Province. In this social system, inheritance of a man's estate was by his eldest son, that is, if all his children were born of one and the same wife. In a polygamous marriage, the eldest son of the senior house inherited his father's estate. Unless a woman owned a field before she got married, she had no right to inherit her husband's land. Nonetheless, through her sons, or her being inherited, she continued using the land (*ibid*).
- d. Bilateral ethnic groups such as the Lozi of Western Province. The King had residuary rights in all land and the power to grant unallocated land. Most men acquired access to land through status and most of their transactions with material goods were part of the claims and obligations arising from pre-established status relationships (*ibid*).

It is inaccurate to speak of the pure customary law of any one ethnic group being applicable because the seventy three ethnic groups have mixed and influenced each other through inter-marriages in urban areas. Thus, in the lives of many individuals, more than one ethnic group has an important influence.

As already alluded to, Zambia's tribes are either matrilineal or patrilineal. Thus, succession took two forms depending on which way a tribe organized itself (IJM: 2004).

In most of the patrilineal systems children normally inherited from their parents on the latter's demise. Usually, the eldest, or the most dominant male, took over the father's estate making the decisions as to the disposal of any part of the estate (ibid).

In matrilineal tribes, however, usually nephews inherited from their maternal uncle. The surviving spouse and the children of the family became subject to the "rule" of this new "father" (ibid).

These systems aimed to provide for the continuance of the family. The inheritor made decisions that always took into consideration the welfare of the family. When the man died, custom and traditions considered the wife incapable of running the affairs of the family; thus the perceived need to appoint this father figure.

Conversely, when a married woman died no real inheritance procedure operated. In such instances, only her relatives took the intimate, personal items of the woman. Further, when the widower desired, and if practicable, he could remarry from among the female relatives of the deceased (IJM: 2004).

Essentially, in either mode of succession, the inheriting party functioned as the *de facto* head of the deceased's household, becoming "father" to the remaining children, possessing and managing the deceased's estate, and providing for the surviving spouse. This arrangement appeared to work well as long as good relations remained between the

parties. In spite of the system's obvious flaws, the inheriting party did all within their power to ensure the proper care of the widow and her children, within the bounds of whatever resources the inheriting party had at their disposal (ibid).

1.3 Socio-Economic Background

Zambia has a mixed economy consisting of a modern urban sector that, geographically, follows the old line of rail and a rural agricultural sector. For a long time, the modern sector has been dominated by parastatal organizations, while private businesses have dominated construction and agriculture sectors. The introduction of a liberalised market-oriented economy in 1991 during the third republic has seen the privatisation of most parastatals in Zambia (www.wikipedia.org/wiki/Economy_of_Zambia).

Copper mining is the country's main economic activity, accounting for 95 percent of export earnings and contributed 45 percent of government revenue during the decade following independence (1965-1975). In the mid-1970s following a sharp decline in copper prices and a sharp increase in oil prices, the country's economy deteriorated. Attempts were made to minimise dependency on copper exports by diversifying the economy through the creation of import substitution parastatals (CSO, 2005).

The 1980s marked the start of the first phase of implementing Structural Adjustment Programmes (SAP). However, the SAP failed to substantially alter the economy resulting in high poverty levels among the majority of population. As at 1998, seventy three percent of Zambians were classified as poor, with poverty being more prevalent in rural areas than urban areas (ibid).

According to the Living Conditions Monitoring Survey (LCMS) IV of 2004, as much as 68 percent of the population fell below the national poverty line, earning less than one hundred and eleven thousand, seven hundred and forty seven kwacha (K111, 747.00). This is in spite of the implementation of the Poverty Reduction Strategy Paper and the positive growth trends during the last few years. The persistently high income poverty observed in 2004, is in sharp contrast to the rapid acceleration in economic growth

experienced since 1999. This implies that the country's improved economic performance over recent years has not translated into significant declines in poverty.

The incidence of poverty was highest among female (69 percent) than male-headed households (66 percent). The LCMS surveys have shown that the majority of the female heads of the household attained household headship by way of loss of their spouses who in most cases were the breadwinners. These results clearly indicate how difficult it is for female-headed households to acquire adequate food that meets their minimum nutrition requirements. The issue of property grabbing may contribute to the high levels of poverty among female-headed households (FNDP, 2006-2007). According to the Human Development Index (HDI) Report of 2007, the HDI for Zambia is 0.434, which gives the country a rank of 165th out of 177 countries.

The country is currently implementing vigorous programs aimed at poverty reduction and stimulating economic growth. The Fifth National Development Plan (FNDP) aims at reversing the country's deteriorating social economic conditions and attaining sustainable economic growth so as to create jobs and broad based wealth. This is being done through a multi-sectoral approach in which, agriculture, tourism, manufacturing and mining sectors serve as the engines of growth (Magande, 2007).

Health indicators have shown some improvement since the early 1990s. Both rural and urban infant mortality fell considerably between 1990 and 2000 and is projected to decline further. Furthermore, according to recent estimates, the adult prevalence of HIV and AIDS has fallen from 20 percent in 1998 to 16 percent in 2002 (FNDP 2006 – 2010). The recent 2007 Demographic and Health Survey indicates that the HIV/AIDS prevalence among adults was 15.6 per cent in 2001 but had reduced to 14.3 per cent in 2007. The pandemic has however continued to affect the productive age group leaving a generation of orphans and vulnerable children, widows and widowers. It consequently continues to reverse gains in human development that have been made in the past years and complicates the delivery of services in the county (ibid). According to CIDRZ report (2004), the adult HIV and AIDS prevalence remains twice as high in urban areas as in rural areas, and women are 40 percent more likely to be infected than men.

1.4 Legislative Framework

1.4.1 Move to Statutory Legislation

In 1989, Parliament moved to enact the two pieces of legislation discussed below, in order to provide for both testate and intestate succession for the following reasons:

1. Intestate Succession, (Chapter 59) – passage of the Intestate Succession Act standardized succession country-wide. Urbanization, marriage across tribal lines, and acquisition of non-traditional property complicated the customary practice of inheritance. Consequently, the incidence of “property grabbing” without due regard to the welfare of the surviving spouse and children apparently increased. In response, Parliament enacted the Intestate Succession Law with the hope to end illegal property seizures.
2. Testate Succession, (Chapter 60) – Zambia had until that time been following the provisions of the Wills Act of England. The new legislation effectively indigenized the Act and brought it within reach of the Zambian Constitution (IJM, 2004)

1.4.2 Application of African Customary Law

A large majority of the Zambian population still relies upon provisions of African customary law. The ordinary Zambian is more likely to commence proceedings in the local court than in a statutory court.

The Local Courts Act, Chapter 29 of the Laws of Zambia, regulates the local court system. At Section 12(1), the Act provides that African customary law shall only be applied where it is not repugnant to natural justice, good conscious or morality or in situations where it is not incompatible with the provisions of any written law.

Moreover, where a statutory provision exists, it takes precedence over any customary practice. Therefore, the passage of the Intestate Succession Act and the Wills and Administration of Testate Estates Act effectively disallows for the protection of customary law when its use is repugnant to natural justice. Secondly, the legislation brings all matters of succession under the scrutiny of statutory law courts.

Despite the enactment of both the Intestate Succession Act (Chapter 59) and The Wills and Administration of Testate Estates Act (Chapter 60) to end property grabbing in Zambia, complaints of property grabbing continue. Those who blatantly ignore the provisions of the two laws, denying the proper beneficiaries of their rightful inheritance, give little to or no regard to the two pieces of legislation.

1.5 The work of International Justice Mission (IJM) in Zambia

International Justice Mission (IJM) is a Christian Human Rights Organization that offers free legal services to victims of property grabbing and sexual violence (www.ijm.org). These may be individuals who are denied the protection of Zambian Law often because they are vulnerable or lack an advocate. IJM Zambia works with the local police and public justice officials to bring about justice for these victims. IJM seeks to partner with the community as well as the church to seek justice on behalf of the oppressed. In this way, Christians are motivated to take action to provide finances, volunteerism and prayer. This arouses hope that the Church can make a difference.

IJM focuses its work in two areas: case work and education. IJM's case work goals include:

- Victim relief – this entails rescuing the victim from on-going abuse
- Perpetrator accountability – bring accountability and just consequences under the law to the specific perpetrators of abuse.

- Structural prevention – prevent the abuse from being committed against others who are also at risk by strengthening community factors that are likely to deter potential oppressors, reducing the vulnerability of at-risk populations, and empowering local communities to stop such abuses.
- Victim aftercare – Provide access to services such as counselling and medical care to help victims overcome the impact of abuse and oppression and to encourage long term success.

As already alluded to, IJM seeks to educate communities about their human rights specifically those provided for under the Laws of Succession and Sexual violence. This is done through workshops that are conducted within high density areas where the majority of low income groups reside (ibid).

CHAPTER 2

BACKGROUND: THE PROBLEM

2.0 Introduction

Property grabbing after a spouse dies has become a serious social problem in Zambia. It is an injustice practiced mostly against women and children who have a right to the property left behind by the deceased husband and father. Defending their property has cost some women their lives, while other women have lost their shelter and source of livelihoods, and have become destitute (www.informaworld.com/smpp/). The harassment and humiliation that often accompany property grabbing further strip women of their self-esteem, affecting their ability to defend their rights.

In the event of a wife dying, when the family knew that the surviving spouse, that is, the widower was financially dependent on his wife, the wife's relatives have also been known to have come to grab all the household goods from the husband. This is however uncommon (World Vision Design: 2002). This only happens if there was evidence that the wife had bought the property, but such evidence is seldom required when the relatives of a dead husband grab property from a widow. If property grabbing is not addressed, it will continue to have terrible effects on the family, community and nation at large (ibid).

In Zambia today, the majority of the population live below the poverty datum line of \$1 a day (www.sarpn.org.za/documents/d0001706/index.php). According to the Poverty Reduction Strategy Paper of March 2002, female headed households are in fact poorer than male headed households because women generally have lower levels of education than men. Another reason put forward is that women have a smaller share in formal employment which is generally more rewarding than informal employment. Although increased poverty affects most people, it is indeed the women who bear a

disproportionate share of the burden. It is this dominance of women among the very poor that has resulted in the feminization of poverty.

Property grabbing therefore, has to be stopped so that women and children are less vulnerable to being exposed to deepening poverty and food insecurity. Those families that were doing better when the breadwinner was still alive and have not experienced property grabbing, have a better chance of not suffering from high levels of malnutrition, illiteracy, poor sanitation and limited participation in political and socio-economic activities.

Research has also shown that women are at a much higher risk than men of contracting HIV/AIDS and other opportunistic infections due to factors relating to gender differences with respect to biology, roles, resources and cultural norms. As a result of this, the quality of care of those who are sick is compromised. In Zambia, the care process is mainly underpinned on women. Usually, women are expected to provide care for the sick relatives such as a husband, as well as for the children; contribute substantially to food production; and supplement household income through market sales and any other means.

Williams (1990) in *One Step Further – Responses to HIV/AIDS* (2002) suggests that the hospice did not take into account the inherent strength of Zambian society, particularly the extended family support network. He asserts that for generations, Zambian families have cared for their sick at home. It was agreed that the best way to care for people living with HIV/AIDS would be a system that involved the family among others. Therefore, an approach to home based care was formed on the assumption, among other things, that the family is the effective means of supporting people living with HIV/AIDS and of assisting the hospital in the provision of health care and psychological support (ibid).

However, the high prevalence of deaths related to HIV/AIDS has exposed the fact that nowadays, in many cases, the family of the deceased husband would only be interested

in property forming the estate, and not in taking care of the infected widow and children. The age-old custom of property grabbing will continue to feed the cycle of poverty as widows and children are left without their main provider and are deprived of the means to survival.

The Intestate Succession Act (Chapter 59) and The Wills and Administration of Testate estates Act (Chapter 60) were both enacted by the Zambian Parliament in 1989 to protect against property grabbing. These laws sought to harmonize the customary laws of the 73 ethnic groups in Zambia and provide for an indigenous piece of legislation in this area. These laws not only protect the widow but also the widower in the event that his wife who was the bread winner dies first. The term “Surviving Spouse” is used to refer to the widow or widower of the deceased person. Unfortunately to date complaints of property grabbing continue to be experienced. People continue to blatantly ignore the provisions therein and in the process deny beneficiaries their rightful inheritance.

According to the Beijing Declaration (1995), Women’s rights are human rights! Accordingly, under the Intestate Succession Act, there is a category of property which is not distributable and devolves on the surviving spouse and the children. This includes the family house, household property and personal chattels. Where the estate involves more than one house, the other houses are distributable. This law of succession evidently gives rights to categories of people that were not covered under customary law. The law redefines family so that spouses are part of each other’s family and can therefore inherit from each other. It also gives rights to a new category of beneficiaries, that is, the children as opposed to the nephews, nieces and the deceased relatives.

When relatives of the deceased grab property, it is usually that part of the estate that, by law, is not distributable. This includes television sets, refrigerators, and stoves, among other things. Therefore, property grabbing contravenes the law and deprives the beneficiaries of the property that is rightfully theirs under the law, thereby adding to human rights abuses.

Some factors that have contributed to this problem include the abuse of Zambia's cultural and traditional ways of doing things. Traditionally, the person inheriting the deceased's property was also expected to take good care of their family left behind. It was never an accepted custom that the family of the deceased should be hurt and humiliated. Another cause of the frequency of property grabbing is due to economic hardships that many household are facing today. Many surviving relatives would like to gain from the wealth accumulated by the deceased. However, even some well-to-do relatives also disadvantage the widows and children because of greed (www.jctr.org.zm).

Ignorance of the law protecting the surviving spouse and the children is another factor. In most cases, the people affected do not know whether judgment on a property grabbing case in court will be on their side or not. The Zambian legal system is also too slow in enforcing this law. The victim support unit of the police service does not have enough trained manpower to handle issues of inheritance reported to them by victims. Some officers do not treat the cases reported to them with the seriousness they deserve. As a result, they do not enforce the law to help the victims of property grabbing (www.journalismfellowships.org/sto).

There is also no political will by leaders to deal ruthlessly with this vice, and yet they always talk about reducing poverty levels and cultivate meaningful ways of bringing about sustainable development in the country (ibid).

The fear of witchcraft and intimidation causes the widows to simply give up on the fight for their property taken away by in-laws and they don't seek redress in the courts of law. Family disunity leads to the widows and children being left alone to fend for themselves without external assistance. The church in Zambia has also taken a passive role in combating this vice. The majority of Zambians claim to be Christian and yet the church has done very little in positively influencing their congregants to fight this vice (www.jctr.org.zm).

Some in-laws, in defending their action of property grabbing against widows have claimed that before the death of the deceased, it was suspected that the widows withdrew money from banks; sold off the shares on the stock market, sold houses and did not deposit money in the bank; or even sold off household goods such as their husband's clothes among other things. As a result of this, the in-laws' share of the estate was significantly reduced as the property to be shared according to the law was not much (Kasale, 2008). It was felt that the widows in this case did not deserve any benefit as they already had taken their share and were in-fact the ones who had infringed on the rights of the other beneficiaries to the deceased's estate (ibid).

According to Kasale (2008) the Zambia Police Victim Support Unit has received numerous reports of widows depriving other beneficiaries of their share in the estate and suspicions of such acts have perpetuated property grabbing in many cases. It was reported that this year, one family reported a widow to the police and the courts have issued a Preservation Order of Property to ensure that the widow does not sell off any more property of her late husband's estate until the court can determine the truthfulness of the allegations against her and also determine how the estate would be distributed.

Another factor that has contributed to the problem of property grabbing is the poor reportage of this vice in the media. The media have not helped much in that when dealing with or exposing gender based violence in society, they have focused more on defilement than they have, property grabbing. Content analysis of two major newspapers in Zambia, that is, the Zambia Daily Mail and the Post has shown that there is more reportage on wife battering and defilement because these topics are news worthy and there is easy access to information both from the police, and organizations that deal with these cases, enabling the journalists to speak to the victims and their relatives. In two separate phone interviews with the journalists from the two newspapers, it was revealed that stories of property grabbing are hard to report on because they take too long to be resolved in court and that the journalists do not have the time to follow them through to completion. They also indicated that many victims do not have the courage to come out in the open to discuss the problems they have had

with their in-laws. They fear that this would further infuriate the in-laws and make the situation worse. However, this writer holds firmly the view that if the stories are presented as “feature stories” the risk of exposing the source of the story is minimized and that messages discouraging property grabbing can then reach the mass audiences.

2.1 Statement of the Problem

Cases of property grabbing have been on the increase despite the fact that the Intestate Succession Act of 1989 was enacted to control and curb it (Kanunka: 2004). Although the number of convictions has increased, the rate of convictions still remains low because many widows and orphans are ignorant of the provisions of the law. Kanunka (2004) indicates that in 2001, 909 cases of property grabbing were reported to the police, with only 57 convictions. In 2002, 641 cases were reported to the police and 96 convictions were made. In 2003, 734 reported cases led to 228 convictions being made. The number of reported cases of property grabbing is simply the tip of the ice berg. A recent report by Mendenhal et al (2007) indicates that property grabbing has become a prevalent and difficult issue in Lusaka.

Several Non Governmental Organizations, including International Justice Mission (IJM) have embarked on education and awareness campaigns to sensitize the public about the provisions of the Law of Succession (Inheritance Law). But despite these awareness campaigns, the cases of property grabbing continue to rise. This issue prompted this student to carry out research which would evaluate the effectiveness of the communication strategies employed by IJM in order to bring about social change in how matters of inheritance are dealt with in Zambia. .

2.2 Rationale of the Study.

Property grabbing, if not stopped, will continue to feed the cycle of poverty creating a new class of impoverished widows and orphans since the bread winner is dead and their property has been grabbed by in-laws. It will also continue to increase the vulnerability

of the female and child populations, exposing them to deepening poverty and food insecurity. This study therefore, will conscientize society about the evils of property grabbing.

The study will also contribute to Human Rights Advocacy especially on people's rights to property particularly women and children. Consequently, it will empower women and children to seek the protection of the law-enforcing agencies such as the police and the courts and thus reduce the vulnerability of women and children to deepening poverty. The more the public is exposed to discussions on the rights of women and children in relation to their right to property, the more we will have consensus on the subject, influencing public opinion.

There has been very little research done on evaluating the effectiveness of communication strategies employed in educating people about their rights to property. Therefore this study will contribute a great deal in bringing to the fore, the issues that impact on the effectiveness of communication for development. Issues of attitude change, leading to behavioural change are very complex and this study will highlight these in relation to changing the age-old custom of property grabbing.

2.3 Objectives of the Study

The main objective of this study was aimed at determining the effectiveness of the communication strategy used by IJM in combating property grabbing in Lusaka, Zambia.

The general objectives in the study were aimed at achieving the following:

1. Determine whether or not there is sufficient awareness on the provisions of Inheritance law, among Lusaka citizens

2. Determine the media used by IJM in disseminating information on the Law of Succession
3. Determine the type of communication methods or approaches used in creating awareness on the provisions of the law.
4. Determine which media people feel is most appropriate, effective and why
5. Find out what type of information is given out to the public
6. Find out what type of information the public would like to receive
7. Examine whether the communication methods used are participatory and to establish the impact of education to change people's attitudes and behaviour
8. Identify the problems being faced in the use of the communication methods and medium.
9. Come up with possible solutions to the given problems.

2.4 Research Questions

1. Is there sufficient awareness on Inheritance law in Zambia?
2. What channel is used by International Justice Mission in disseminating information on Inheritance law?
3. What communication methods/ approaches are used in disseminating information to the public?

4. What type of information does IJM pass on to the public?
5. Which communication channel and methods/approaches does the public consider the most appropriate and why?
6. What type of information would the public like to receive from IJM?
7. Are the communication methods used in disseminating information participatory?
8. Who initiates the information?
9. Is the information disseminated to the public relevant to them?
10. Is the information passed on by International Justice Mission tailored to suit their needs?
11. Is the language used in disseminating the information appropriate?
12. What is the impact of education on the public in terms of raising awareness on the provisions of Inheritance law and changing behaviour?
13. What problems are faced in the use of the mentioned communication methods and media?
14. What could be the possible solutions to these problems?

CHAPTER 3

CONCEPTUAL AND THEORETICAL FRAMEWORK

3.0 Introduction

Communication is a key component in bringing about social and cultural development. Effective communication plays a key role in positively influencing people's attitudes towards inheritance issues in Zambia. The problem of property grabbing in Zambia is said to have been exasperated by lack of knowledge of the law that stipulates how property of the deceased is to be shared by their surviving family.

Communication can be used to discourage the negative traditional practice of property grabbing which has been held as the 'norm' by some tribes in Zambia. As more and more people discuss this issue of property grabbing, it is possible that it will become easier for people to be exposed to the topic, hence the creation of a predisposition that will enable them to be open minded and consider following the propagated way of handling inheritance or succession issues.

It is through communication that women and children will understand their rights to property and thus be empowered to make use of the provisions of the law in inheritance disputes. As the community is sensitized about the consequences of property grabbing, it is possible that the communication would have a deterrent effect on would-be perpetrators. In the long run, the vulnerability of women and children to this kind of abuse would be greatly reduced.

3.1 Definition of key Concepts.

3.1.1 Communication

a. Communication:

Is the exchange of ideas, information and opinions through speech, writing, pictures, and other symbols (Elkamel, 1986: p14). Other scholars have defined communication as the process in which participants create and share information with one another in order to reach a mutual understanding (White and Ascroft, 1994: p115).

b. Participatory communication:

Is a process in which groups with common interests jointly construct a message oriented to the improvement of their existential situation and to the change of the unjust social structure (Mody, 1991: p 30).

3.1.2 Participation

This is a process of involving the community or beneficiaries of the intended development in identifying their problems and needs and equipping them with skills and the ability to find solutions to their problems on a daily basis (Kasongo: 1998).

3.1.3 Development

This refers to a multidimensional process of qualitative and quantitative changes in society, in political, economic, social and cultural terms which lead to the individual or collective wellbeing. Development encompasses economic growth, improved social conditions and the reshaping of our customs, attitudes and beliefs (Todaro, 2003 p. 12). The challenge of development is to improve the quality of life. This generally calls for

higher incomes, higher standards of health, and nutrition, less poverty, a cleaner environment, more equality opportunity, greater freedom and a richer cultural life.

3.1.4 Inheritance

This is an institutional act of apportioning and receiving the property of the deceased person. The term inheritance is linked to succession in both customary and statutory law (WLSA, 1994: p 75).

3.1.5 Succession

Succession under English law refers to property of a movable nature (personal property) passing to a person(s) on the death of the owner, while inheritance refers to land and buildings (real property) passing to a person(s) on the death of the owner. Under customary law, however, “succession” includes both the English ideas of succession and inheritance. A very important difference between English law and Customary law is that under English law, the rules of inheritance are concerned with property alone, While under Customary law, great importance is attached to succeeding to the deceased’s social responsibilities as well as to division of his property (WLSA,1994)

3.1.6 Intestate Succession Act. Cap. 59

In its preamble, the Intestate Succession Act states,

An Act to provide a uniform intestate succession law that will be applicable throughout the country; to make adequate financial and other provisions for the surviving spouse, children, dependents and other relatives of an intestate to provide for the administration of the estates of persons dying not having made a will’ and to provide for matters connected with or incidental to the foregoing (Laws of the Republic of Zambia: 1995).

This is a fairly exhaustive piece of legislation and governs all matters concerning the distribution or devolution of an intestate estate. An intestate estate is an estate or property left behind by a deceased person who did not leave a will (JCTR: 2002). It

also includes a person who leaves a Will but dies intestate as to some beneficial interest in his movable or immovable property.

After all debts of the deceased have been settled, the remainder of the money to be shared is in the form of death benefits and in bank accounts; any money's worth in bonds; treasury bills; patents or shares; money owed to the deceased by other persons or groups of persons; and money realized from the sale or rentals of additional houses. Section 5: of the Act gives the statutory distribution of the estate in the following proportions:

- 20% surviving spouse or spouses.
- 50% children
- 20% parents of the deceased
- 10% dependents in equal shares

In polygamous marriages, the 20 percent share of the estate is divided according to the duration of each spouse's marriage and also their contribution towards the acquisition of the property. However, the Act is silent on who determines this and how it is to be done.

The children's share is distributed to them in such amounts as are needed by each child with due regard towards their ages and educational needs or both. The Act implies that a younger child may acquire a bigger portion of the estate in view of the many and varied needs required by younger children. The share of the minor shall be held by the mother, father or guardian in trust for them until they are 18 years of age (IJM: 2004).

Most estates in Zambia consist of the matrimonial home and personal chattels which include household goods. In a monogamous marriage where the deceased person had only one house, it belongs to the surviving spouse, children or both. Where there is more than one house, the surviving spouse, children, or both choose one among the houses they want and the remainder shall then constitute part of the estate to be shared as provided for in the Act. The surviving spouse possesses a life interest in the home

which terminates upon death or remarriage. In a polygamous marriage, each widow and her children are entitled to their homestead property. The common property is then equally shared between them (ibid).

3.1.7 The Wills and Administration of Testate Estate Act. Cap. 60

In its preamble, the Wills and Administration of Testate Estate Act states:

An Act to simplify the law governing the making of wills; to provide for adequate financial and other provisions to be made for dependants in a will; to provide for the administration of estates of persons dying having made a valid will; and to provide for matters connected with or incidental to the foregoing (Laws of the Republic of Zambia: 1995).

This act governs testate estates. A last will and testament embodies the wishes of the deceased and is by and large the best way for a testator to ensure the financial security of his family (JCTR:2002). The will is a document or an oral provision made by a testator outlining their desired disposal of the estate upon his death (IJM:2004).

3.1.8 Customary Law

This refers to the law that is derived from the customs of the people. It evolves out of various norms and practices of indigenous people. It is an ever-fluid and dynamic system which responds to changing social, economical and political system. In addition, it is process-oriented, unlike the statutory law which is rule-based (WLSA, 1994 p.65).

3.1.9 Property Grabbing

This refers to the confiscation of household property, houses or real property at the death of a spouse or parent who may have been the breadwinner in the family. In Zambia, property grabbing occurs mostly at the death of the male spouse. Property grabbing further manifests itself as economic violence because of conflicting interests between children of the matrimonial home, those born out of wedlock and dependants

of a deceased person. Economic violence relates to acts that result in financial and material deprivation of victims (GIDD: 2000).

3.2 Operational Definitions.

3.2.1 Communication

According to Elkamel's (1986) definition of communication, it is an exchange of ideas, information and opinions through speech, writing, pictures and other symbols. This implies that communication is a sharing process where the source shares his or her message with the receiver via a certain channel in order to influence the receiver's thoughts and actions. The receiver in turn also gives his perspective on the issue. This makes communication an interactive two-way process.

Communication plays an important role in bringing about social change and development. For any person to change, he/she must acquire some useful information that would influence them to change. This process of acquiring information is achieved through communication. When communication emerged as a social science in the 1940s, it constituted theories which were sender-oriented and occurred in one-way systems or channels. It was predominantly through mass communication and the messages were intentional and persuasive. However, the theories have gradually shifted focus on the communication transaction as a dialogic interaction where the sender now places importance on the needs of the receiver in the formation of messages. Meaning is now perceived as important and it should be shared rather than just information transfer.

As White and Ascroft (1994) advocated, communication should be a two-way and not one-way process. He further adds that communication is most effective when it is participatory because it reinforces the purpose of freedom, liberation egalitarian ideologies and justice. This entails that people participate, not only in identifying what information is needed but also in the process of message development and

dissemination. Participatory development also reduces the possibility of conflicts between groups, communities and nations.

Effective communication is a social process in that there should be intentional sharing of knowledge, ideas or values between the communicator and the receiver. There should be mutual interaction and interpretation so that people are able to share their values, beliefs, traditions, and cultures. Communication becomes a continuous process of sharing messages that are passed on with the intention of affecting each other's behaviour.

Communication should be in context. This implies that communication should suit the beneficiary's expectations, needs, wants, interests and their cultural traits such as beliefs, values, customs, norms, behaviours, or attitudes and perception of things. If communication is used in a different context, it can be interpreted differently. These contexts may include: interpersonal; small groups; public; health; intercultural; mass media; organizational; or applied situations such as family.

Communication involves shared meaning and individual interpretation. Shared meaning entails that the communicator and the person being communicated to share the same values, beliefs or norms for them to understand each other better. Lastly individual interpretation means that each individual involved in the communication process must come up with their own meaning of what is being communicated.

In this study, communication implies several approaches of exchanging ideas and information among the different stakeholders in different contexts such as interpersonal; small group; public and mass communication.

In interpersonal communication, the communication occurs between two people or within a small group of people which involves several people. The audience is homogeneous and the feedback is immediate.

Public communication entails a speaker addressing a large audience while in mass communication, communication is mediated by electronic or print media. Mass communication occurs among a large anonymous and heterogeneous audience. It uses electronic media such as television and radio as well as print media such as newspapers and magazines. According to Lihamba in Madzingira (2001), mass communication must inculcate into people (most of whom are illiterate) patterns of behaviour likely to help them become active protagonist in different processes of social and economic change.

3.2.2 Participatory Communication

According to Kasongo (1998), participatory communication is one that allows the intended beneficiaries to communicate vertically, that is, upwards and downwards with development benefactors; and also communicate horizontally, that is, among themselves. Mody (1991) suggests that participatory communication thrives in engaging people in a democratic struggle to improve their lives in different ways. White and Ascroft (1994) further adds that participatory communication reinforces the purpose of freedom, liberation, egalitarian ideologies and justice. This entails that people must participate in identifying what information is needed as well as in the process of message development and dissemination.

In this context, participatory communication constitutes the degree to which International Justice Mission will facilitate communication and interaction among the community stakeholders in order to improve their social existential conditions. In other words, in addressing property grabbing in Zambia, it is desirable for the audience to whom information and education are targeted, to be involved in the designing of messages through drama and radio programmes.

This study established which communication channel is more appropriate and effective in addressing property grabbing in Lusaka, Zambia.

3.2.3 Participation

Participation simply means taking part. It is a basic need and human right and thus it should be accepted and fostered. Participation emphasizes the liberation of the individual and the community through sustained effort. It is the liberation of human beings towards a fulfillment of his or her desire to be free. Participation recognizes that every individual has knowledge, ability and experiences, which they can put to good use or share with others when allowed to participate (White and Ascroft, 1994).

Participation is also described as the individual's awareness of the community through consciousness and the individual's capacity to abstract thinking, conceptualizing and taking decision, choosing alternatives and planning for social change (ibid). The basic premise here is that people should take control of their destiny by getting involved in the decision making process in order to positively shape the development of their lives. This study helped to consider the extent of participation, in the manner the in which communities take charge of their lives by agreeing to write wills.

3.2.4 Development

According to Todaro (2003), development must represent the whole gamut of change by which an entire social system, tuned to the diverse basic needs and desires of individuals and social groups within that system moves away from a condition of life perceived as unsatisfactory and toward a situation or condition of life regarded as materially and spiritually better.

Ngulube (1997) also refers to development as not only referring to having lots of infrastructure such as hospitals, schools among others. Real development is the uplifting of people's lives – a high standard of life for the vast majority of people.

In this study, development implies the person's improved social conditions and the reshaping of his or her customs, attitudes and beliefs (Todaro: 2003).

3.2.5 Economic Violence

Economic violence relates to acts that result in financial and material deprivation of victims. According to the South African Domestic Violence Bill, economic abuse or violence refers, but is not limited to, “the deprivation or threatened deprivation of any or all economic or financial resources to which the applicant is entitled under the law or which the applicant requires out of necessity, including household necessities for the applicant and any child, and mortgage bond repayments of the shared house hold; or the disposal or threatened disposal of household effects or other property in which the applicant has an interest (GIDD: 2000). In this study the forms of economic violence against women and children refers to property grabbing.

3.3 Theoretical Framework

Theories, which are a set of logical propositions, guide research, describe the relationship between variables and explain phenomenon. In this research, four theories were useful in guiding the research. These theories include the Multi-Step Flow theory; the Social Marketing theory; and the Diffusion of Innovation theory. The use of different theories is important because the limitations of one theory are covered by another.

I. Theory: Multi Step flow

This theory postulates that information from the media moves in a multi dimensional way. It first involves individuals who are opinion leaders. These people pay close attention to the media messages and then inform others about what they have heard from the media. The theory suggests that there are direct, immediate and powerful effects on audiences (Renburg, 1996: p 25). According to this theory, the audiences not only get information from the opinion leaders, but may also get this information straight from the mass media or through interpersonal interactions or contact with other members of society. The theory

also suggests that that every community has a network in which information flows. When one person learns about something, they pass on the information to their neighbours who in turn pass on the information to others (ibid).

This theory was used as a guide in this study. One of the ways that IJM uses to communicate to different communities about people's rights to property is partnering with key opinion leaders. IJM needs to identify and work with opinion leaders such as Church leaders, Councilors, Ward Chairmen, Area Members of Parliament who are cardinal in the dissemination of information process. This is important for the interpersonal dissemination of information, which is very effective. It facilitates dialogue and fosters collaboration. When the opinion leaders are trained in the Law of Succession, they are then able to pass on this information to the rest of the community. Since opinion leaders command a lot of respect from people who feel they are more knowledgeable about the topic of inheritance and the law, they will be able help reinforce the acceptance of this information in their communities.

Community members also need to be encouraged to get their information directly from the mass media especially radio since IJM's partners such as Young Women Christian Association (YWCA) usually hold phone-in discussion programmes on Gender Based Violence on some selected radio stations.

Finally, Church leaders can be encouraged to form information networks through which information on the Law of Succession can quickly pass on to the community members.

II. The Social Marketing Theory:

According to Elkamel (1986: p2), the use of communication for social or cultural development has been referred to by different names but the most recent of which is "Social Marketing". This term encompasses more of the elements

essential to promoting the adoption of socially desired ideas and behaviours. The theory attempts to show the importance of communication in such activities as advertising, promotion, publicity, public relations and personal selling where people are motivated to use service, beliefs, and patterns of thinking or ideas. The target market (audience) is made aware of the offer through communication and likewise, communication about the target's needs, wants and resources are important to the service provider. Social marketing is also used to increase the acceptability of an idea. The whole concept of using the social marketing approach is to change the manner in which the individual or community lead their lives by transforming adverse or harmful practices into productive ones.

In this study the harmful practices of property grabbing will be discouraged through the use of different tools such as advertising, publicity, personal selling with the help of opinion leaders, holding community meetings and workshops. These methods will endeavour to bring about the desired attitude and behavioral change.

III. Diffusion of Innovations Theory:

This theory focuses on how people adopt or reject an innovation. Rensburg (1996: p. 48) defines an innovation as an idea, practice or object that is perceived to be new by an individual or other unit of adoption. Diffusion on the other hand is defined as a process by which the innovation is communicated through certain channels over a period of time among the members of a social system. A researcher is mostly interested in the adoption process in which people are confronted with an innovation and they react to it in some way.

The process has different stages of adoption as follows: the awareness stage where the would-be adopters of the innovation first encounter or become aware of the innovation. The second stage is the interest stage where the people, because of their curiosity seek more information about the idea or product. The

third stage is the evaluation stage where people use what they have learnt to assess the possible value of the situation. Further information or advice is usually gathered. The fourth stage is the trial stage where the people try out the idea or product usually on a small scale. The last stage is the adoption stage where the people accept the idea or product and integrate it into their operation.

The different communities in Lusaka form a social system. The Lusaka residents in this study get their information or ideas on the need to abandon the age-old custom of property grabbing as well as information on how to get help if their rights to property have been infringed upon from International Justice Mission. IJM further gives them more information to enable them understand these rights and this is important for the interest and evaluation stages. In the trial stage, some community members who are willing engage IJM to help them get back their property and a successful case within the community serves as a good example to others who are fearful of the risks of challenging in-laws who have taken away property from the rightful beneficiaries. In the adoption stage, the communities have confidence to stand up for their rights and this serves as a deterrent to would-be offenders.

CHAPTER 4

LITERATURE REVIEW

The AIDS epidemic has exacerbated the problem of property grabbing. When HIV-positive people start getting sick, it is found that relatives begin taking away their property. A number of studies which have been done in Zambia and other countries in East and Southern Africa addressing the problem of property grabbing, are reviewed in this report.

According to an examination of wills of HIV infected cohabiting couples by Mendenhall (2007), it was revealed that high rates of HIV and poverty place women in a precarious economic situation in Lusaka, Zambia. Mortality from HIV infection is high, leaving many households single headed and creating almost a half a million orphans. One of the most prevalent forms of gender violence that creates poverty in women is when the male's family claims the property of the deceased from the widow and the children (www.infomaworld.com/smpp/content).

The Zambia-Emory HIV Research Project collected 184 wills from individuals in monogamous unions where one or both of the individuals were HIV-positive. Despite the fact that many wills specifically stated that their extended family was not allowed to tamper with their possessions in the event of death, property grabbing proved to be a prevalent and difficult issue in Lusaka. It was concluded that In order to improve the lives of widowed women in Lusaka, the government and other civic and non-governmental organizations must inform women of their rights to own and protect their land and other assets in the event of their husbands' death, an issue of increasing importance in the area of HIV/AIDS (ibid).

Himonga (1995) conducted a research in Zambia between 1989 and 1993. The objective of the study was to examine and assess comprehensively the various changes in the laws regulating marriage and succession. He took into account the legislative and judicial

actions, the operation of the law in practice and the response of the people to both these issues. The focus was on the law governing matrimonial property, maintenance, custody of children after divorce and inheritance. The research areas included Lusaka city, Chitapa and Chongwe towns.

The research methodology involved the comprehensive coverage of these areas of the law firstly by looking at the all the major changes since the attainment of independence. Secondly, he included both rural and urban areas as locations for field work. Thirdly, he included both Patrilineal and Matrilineal communities, that is, the Ngoni and the Soli representing the main kinship system of the Zambian ethnic groups. Lastly, he employed an extensive use of documentary records especially case records from various parts of the country. He also did a content analysis of the national press and other media and attended and participated in workshops organized by Non Governmental Organizations including those organized by the Women and Law in Southern Africa (WLSA) on subjects of marriage, inheritance and women's rights. The existing studies on the subject were limited geographically in time and in their depth of explanation of the issues.

The research findings revealed that the law relatively provides comprehensive and fair regimes of maintenance, custody of children and distribution of property among family members after the dissolution of marriage either through divorce or after the death of a spouse. However, a consideration of the operation of the law in practice had revealed a considerable gap between statutory provision in the books and their effect in action. The people hardly attempted to use the provisions of the law intended for their benefit. A number of factors related to this phenomenon and preventing an effective operation and enforcement of the statutory provisions to the disadvantage of family members especially women and children, were identified. Prominent among these were: the absence of appropriate procedural and practice rules for the implementation of the legislative provision; wrongful exercise of jurisdiction by the courts; lack of access to the law and courts by people as a result of ignorance of the law; the cost of litigation and inadequate legal advice; the fear of witchcraft and other supernatural evils; the

small penalties which can be imposed for the infringement of the statutory provisions, the smallness of court maintenance awards in the context of the high cost of living and the weak economic position of spouses especially women; cultural values and gender socialization and biases and the difficulty of enforcing court orders.

His recommendation was that these problems could only be solved through the involvement of both state and general public. The role of the state would be to ensure that judges and law enforcement institutions followed the law and that matrimonial and inheritance issues were dealt with amicably. Government's other role would be to educate the people about these laws. However, in this task, Non Governmental Organizations and the people themselves had equally important responsibilities.

Another study conducted in Zambia was by Women and Law in Southern Africa (WLSA) in 1994. The study sought to find out whether the newly enacted laws pertaining to succession (1989) had made any difference in the lives of widows compared to widowers. To this effect, issues such as marriage and family; mourning rituals; administratorship or successor; type of property and its distribution; oral versus written wills and the knowledge usage of the law were examined. The effect of rural/urban dichotomy was also explored. The research took place in Lusaka, an urban cosmopolitan site, with diverse ethnicity; Kasama, with focus on matrilineal-matrilocal Bemba; and also in Mongu and Senanga rural and urban areas – sites representing a bilateral/Patrilineal sample.

A multi method approach was used to collect information. In-depth interviews constituted the main method of data collection because the pilot study experience showed that this method yields very rich information as it allows for detailed personal information to be given. (FNNDP 2006 – 2010).

Other methods included:

1. The perusal of inheritance related court records at all the three levels of courts and the Administrator General's office. The main aim was to find out the law in practice, the extent to which cases were brought to the court, the argumentation used by litigants; the type of cases brought to the court and their resolution.
2. Observations of court hearings to determine how the court system functioned and the attitudes of court officials to litigants were made. Observations at funeral gatherings were also made in order to learn about the behaviour of different parties before and after burial.
3. Group discussions were conducted to get the general views of both men and women on inheritance.
4. Interviews with key informants in the community who handled or came across inheritance cases to get a feel of how they resolved them.
5. Case studies to get different perspectives by speaking to different "key" relatives identified to the researchers by widows and widowers.

The general findings of the research specifically related to inheritance issues were:

1. Data seemed to indicate that the concept of administratorship was foreign and came into being with the introduction of western laws. There was confusion between the role of administrator stipulated under the Act, and that of successor under the customary law provisions. Consequently, in Kasama he administrator expected to enjoy conjugal rights with the widow, among his duties.

2. Widow inheritance was dying, though it was still being practiced in Kasama.
3. Data also showed signs of a shift among the matrilineal Bemba towards patrilineality in regard to inheritance. People begun to consider one's own children as beneficiaries instead of nephews and nieces. The obvious implication of this change some groups who had the right to inherit under customary law, were in practice being left out. It was argued that perhaps some of what is labelled "property grabbing" is a manifestation of resentment of the Intestate Succession Act by some groups. It is thus no wonder that most of the property grabbing was among the matrilineal groups.
4. In rural areas where the majority of people do not own tangible property, the Intestate Succession Act overlooked the need to provide for the majority of people who have nothing but their welfare to safeguard. This is because the Act considers taking property as a starting point. Only the people in the township and urban area have substantial property and hence can benefit from the law.
5. There was an indication that people were generally suspicious of the consequences of making wills. Not many people were willing to make wills, perhaps because they owned nothing substantial to protect.
6. Most people were not aware of the Act pertaining to succession, although Lusaka was more informed than the rural areas. However, although some people knew the law, they chose not to use it because of fear of witchcraft and because they wanted to maintain a good relationship with the in-laws for the sake of the children.
7. Most people settled their inheritance disputes at family level and Chief's court and rarely went to Court.

WLSA made a number of recommendations. These are;

1. The state should take an active role in civic education so that people are made aware of their rights. Government should enforce NGO efforts in legal education and empowerment of the people. This is an important aspect of the democratic process.
2. The government through the Ministry of Information and Broadcasting Services should arrange messages on the importance of family through drama.
3. Since the Intestate Succession Act excludes land held under customary law, the implications are that the major source of livelihood, particularly for rural women is not accessible after the husband's death. This issue needs to be addressed.
4. The Act provides that the surviving spouse has a life interest in the house. However, the same Act allows gender inequality against women when it provides that a woman will lose the house on remarriage. This negates the contribution women make to such houses. This must be corrected to be gender neutral.
5. The Act should be amended to include other people who would have been beneficiaries under customary law, instead of limiting inheritance to one's children.
6. The Act should categorically spell out that property grabbing is a criminal offence.
7. Training should be provided for Chiefs, court officials and employers, organized by the Ministry of Legal Affairs.

8. Surviving spouses should also be included to become administrators of their husbands' estates.

Research carried out in 2000 by the Zambian government, particularly Gender in Development Division (GIDD) was aimed at reviewing national laws, enforcement mechanisms and support systems relating to gender violence, especially against women and children. The Government was concerned with the increased levels of cases of violence against women and children, its causes, forms and impact on national development. The Technical Committee whose composition included Civil Servants and Non- Governmental Organizations, reviewed pieces of legislation, documents, reports and other publications related to the study. In particular, the Committee reviewed the following:

1. The Republican Constitution and other Laws;
2. International and Regional Instruments; and
3. Contemporary literature on gender, culture and tradition.

The Committee also reviewed the mandates and operations of the existing Enforcement mechanisms and support systems within the Government as well as the NGOs, Churches and the Permanent Human Rights Commission and how these institutions interact.

The literature review was used as secondary source of data to assist in understanding the extent of the problem, the adequacy of the existing laws, enforcement mechanisms and support systems as well as comparative views and opinions of other people on the subject of gender violence as it relates to women and children.

For this activity, five provinces, namely: Luapula, Lusaka, Southern, Western and North Western provinces were selected on the basis of diversity of traditions, culture,

customary laws and practices. For purposes of conducting the field visits and data collection in selected districts in the provinces, the Committee used the following methods:

1. Key informant interviews with critical stakeholders on gender violence such as Magistrates, Police Officers, Social Workers, District Administrators, Teachers, NGOs, Local Court Justices, Health Workers and Community Workers;
2. Focus group discussions, where selected groups comprising women, men and children were consulted and interviewed on issues relating to gender violence and violence against women.

In both cases, the participatory interactive interview method was used to encourage open-minded discussions and to ensure that interviewees did not feel subjected to guided thinking, but to enable them bring out issues in a more spontaneous manner. However a checklist capturing most important aspects of the study was used as a general interview guide. Two participatory radio phone-in programmes supplemented the field studies.

As input to the study, the Technical Committee jointly facilitated with the Commonwealth Secretariat, the National Workshop on an Integrated Approach for combating violence against women in Zambia held in Lusaka from 7 - 9 November 2000. The purpose of the workshop was twofold. Firstly, it was intended to prepare Zambia's progress report on the Implementation of the 1997 SADC Declaration on Gender and Development on the Prevention and Eradication of Violence Against Women and Children, and secondly to develop a National Action Plan for an Integrated Approach for combating violence against women and children in Zambia.

The Workshop supplemented the Committee's understanding and appreciation of the problems associated with gender violence and violence against children especially in the aspects of enforcement, mechanisms and support systems.

The limitations of the study included the following factors:

1. The Committee was expected to submit its report within a period of five (5) weeks. This was however, not possible due to the need to consult widely with stakeholders and other unforeseen circumstances; logistical support was not provided in good time;
2. Lack of well documented data on the subject;
3. Most of the interviewees were not informed in time to prepare for the interviews, therefore most were either not well prepared or postponed the meeting thus causing delays; and unavailability of some stakeholders.

The findings of the study among other things were that property grabbing in Zambia manifests itself as economic violence because of conflicting interests between children of the matrimonial home, those born out of wedlock and dependants of a deceased person.

Other findings were:

1. There is a weakness in the provisions of the role of the Administrator, as contained in Section 19 of the Intestate Succession Act. The administrator is not compelled to consult the beneficiaries on how the estate is to be administered. In addition, the time frame of administering the property is not specified. It was noted that administrators take advantage of this weakness and prolong their role for their personal gain.

2. It was also observed that the income from a deceased's estate where a widow was a full time housewife tends to bring disputes as relatives of the deceased argue that the widow had no economic means to contribute to the estate. Often, relatives to the deceased will try to wrestle the income from the estate by taking the children by force from the widow.
3. The findings indicate that the Section 9 (1) (b) of the Act allows for gender equality, by saying that the surviving spouse shall have a life interest in the matrimonial home, which determines upon that spouses remarriage. However, in practice, it is negated by the fact that only widows are compelled to leave the matrimonial home upon remarriage. Widowers are seldom, if ever, expected to leave the matrimonial home upon remarriage even when title to the house originally vested in the deceased wife's name.
4. Under English law which Zambia inherited from its colonial background, the rules of inheritance are only concerned with property while under customary law, great importance is attached to succeeding the deceased's social responsibilities as well as division of his property. The application of the dual legal system as a practice brings out a lot of contradictions and has caused the crisis in the institution of inheritance in Zambia. Relatives of the deceased share the property among themselves and thereafter, refuse to take on the social responsibilities left by the deceased i.e. children and the surviving spouse.

The research findings on the causes of property grabbing included the following:

1. Cultural norms, which prevent women from discussing the issue of distribution of property after a spouse's death as they are usually afraid of being accused of having plotted to kill their spouses;
2. The low levels of education among women. An example was given by the Legal Aid Clinic of an illiterate widow who lost a house due to the fact that her literate

brother-law advertised for lost title deeds in the case of her own matrimonial home, and got a certificate of title issued in his name. She did not read the notice in the paper due to her inability to read and she lost the house;

3. Rejection of Wills;
4. Ignorance, misinterpretation and non-acceptance of the provisions of the Intestate Succession Act; and
5. High poverty levels among the majority of the Zambians resulting in dependency syndrome. Upon the death of the breadwinner, the relatives take this opportunity to obtain the property for their own benefit at the expense of the surviving spouse and children.

Effects of Property Grabbing were as follows:

1. It causes homelessness to the widow and children drop out of school;
2. Breakdown of the family;
3. It exposes children to suffering and sometimes, they end up in the streets or as prostitutes; and
4. It causes psychological trauma and economic hardship for the surviving spouse.

The Committee recommended that, those who grab property should be charged with theft as provided for in the Penal Code. Section 14 of the Succession Act creates an offence against anyone who unlawfully deprives a beneficiary of his entitlement. The sanctions for the intermeddling with a deceased estate under the Intestate Succession Act are an inadequate deterrent to property grabbing. The Committee recommends that custodial sentence under Section 14 should be mandatory. Section 19 of the Succession

Act stipulates the duties and powers of an Administrator. The Committee recommended that the role of the Administrator should be clearly stipulated. In addition, the time frame for administering the estate should be restricted to 6 months and that employers should be compelled to make payments directly to the beneficiaries.

Section 34 of the Succession Act states that an administrator or guardian shall not derive any benefit from the estate where he or she is the guardian of a minor who is a beneficiary to that estate. The Committee recommended that where a minor is involved, there should be more than one administrator to safe guard the interest of the minor. The Committee also recommended that the administrator shall be compelled to compensate the minor and shall be liable upon, conviction, to imprisonment of not less than five years.

To address the lack of knowledge of the law and of education coupled with cultural factors which prevents women and men from exercising their legal right to inherit even through the Intestate Succession Act. The Committee recommended that the Government and NGOs should map out awareness creation and sensitization rights programmes. The Committee recommended that the Intestate Succession Act should be reviewed to take into account the new developments, such as the contradictions that occur when the deceased is custodian of other extended family assets.

Other research was conducted by Strickland (2004) on property rights and inheritance rights in the context of HIV/AIDS in Southern Africa, particularly in Kenya, Lesotho, Malawi, Namibia, Tanzania, and Zambia in 2001-02. Strickland gave examples of how Non Governmental Organizations working in these countries have sought to improve the interpretation and application of the law to uphold women's property rights and inheritance rights.

In Kenya, the Education Centre for Women in Democracy (ECWD) has since 1997, conducted the community-level "Preventive Human Rights Education" programme that

builds awareness about women's human rights among communities and develops skills needed to respond to rights violations.

A preliminary analysis of ECWD's programmes conducted in 1999-2000 revealed an alarming number of violations of women's property and inheritance rights particularly in Western, Rift valley and the Nyanza provinces. Based on this information, ECWD initiated a project in 2001-02 focused on women's property. Ten paralegals were trained in the meaning and content, and protection of women's property and inheritance rights and worked actively in their communities to educate local and provincial leaders, traditional authorities, and the general public about such rights.

Working in collaboration with women's groups and a variety of other organizations, address community development, the status of widows, and the plight of those affected by HIV/AIDS, ECWD fostered community discussions about how the discriminatory customary norms and practices might be altered so as to avoid denying these rights to women. They also provided legal aid and advice to women seeking to defend their property rights. Such training and services were reinforced by a radio series offering programmes with legal experts recorded in the studio as well as interactive on-site broadcasts and call-in talk shows. As a result of this work and as a tool for future initiatives, ECWD published a field guide entitled "Succession and Inheritance in Kenya: A Handbook for Paralegals and "Wananchi" which continues to be used by the women caught in property and inheritance disputes.

In 2003, ECWD conducted an expanded project aimed at preventing women's property and inheritance rights violations at the community level. This included nineteen (19) one-hour interactive radio programs over national radio focused on property and inheritance rights in the context of HIV/AIDS, reaching an estimated nine million listeners. In addition to continued community-level training by ECWD's paralegals, the project also trained 98 administrative officials including chiefs and assistant chiefs from ten districts in three provinces on links between HIV/AIDS and women's property and inheritance rights and explored the appropriate responses to violations of those rights.

ECWD has intervened in 175 cases concerning violations of women's property and inheritance rights as a result of the outreach provided by radio series and paralegal network.

In Tanzania, the Women's Legal Aid Centre (WLAC) has a mission is to link land legislation, economic status and equal inheritance rights. Based on its observations and in an effort to be proactive, WLAC in 1999, decided to study customary inheritance law in Tanzania and recommend appropriate reforms. Partnering with the International Women's Human Rights Clinic at Georgetown University Law Center, WLAC documented how customary laws codified through the Customary Law (Declaration) Order No.463/63 discriminate against women, preventing them from inheriting from their deceased husbands and preventing daughters from inheriting from their fathers' estates.

Since property in Tanzania can only be acquired by purchasing it or inheriting it from one's parents, denying women the right to inherit is essentially a denial of their right to own property, contrary to the principles of equality enshrined in the national constitution and relevant human rights instruments to which the government subscribes. In response, WLAC drafted an inheritance bill to correct the situation.

Another NGO in Kenya, the Federation of Women Lawyers (FIDA K) has over the years, engaged in numerous activities addressing women's property rights and laws governing matrimonial property, inheritance, and succession. These have included regional conferences on women's access to land and property; production of a women's guide to property-related laws; workshops, matters of property and inheritance. In 2001-02, FIDA K initiated a project to increase public understanding and monitor violations of women's property rights while gathering information needed to draft a new bill that would replace the outmoded English Married Women's Property Act of 1882.

Women in Kenya are granted "life interest" rather than full ownership of matrimonial property, including land upon the death of the husband, making them unable to dispose

of property or use it as collateral for credit. FIDA K conducted a survey documenting trends in ownership, control, and access to land and productive resources in four farming provinces where women often experience land and property disputes. The findings were shared with community leaders and residents, and suggestions were solicited concerning the litigation services. Recognizing the persistent conflict in many communities between statutory law and customary law and the loopholes that may result, FIDA K determined that any new law should clearly specify the principles to be applied and steps to be followed in disputes regarding matrimonial property.

Once drafted, the bill was presented in a workshop that solicited opinions and garnered support from participating opinion leaders, government representatives and members of the judiciary as the bill made its way to Parliament. A technical committee of representatives from NGOs, government departments, and community-based organizations was established to devise a strategy for further dissemination and lobbying for the bill that targeted the Attorney General's Office, political parties and Parliamentarians, the National Commission on constitutional reform and networks concerned with land issues and women and women's concerns.

In Namibia, the Legal Assistance Centre (LAC) has through its Gender Research and Advocacy Project, addressed women's land rights to both communal and community land as well as laws pertaining to marriage divorce and inheritance that affect women's ownership of and control of property. In 2001-02, LAC undertook a project to explore issues related to cohabitation and the different marital property regimes existing in Namibia and also to determine people's concerns that might be addressed through law reforms conducive to gender equality in property matters.

LAC collaborated with the University of Namibia to gather data from six regions of the country documenting local perspectives concerning property related practices and acknowledged rights. The findings and recommendations on reform of laws related to marital property and property concerns in cohabitation were presented in two published research reports made available to policymakers and the public. The project

demonstrated the need for policy recommendations grounded in community-level perceptions and input as well as the slow pace of policy reform even on matters of particular sensitivity, raising issues of sustainability for campaigns of such reform.

CHAPTER 5

METHODOLOGY

5.0 Research Design/ Data Gathering

In this research, both the quantitative and qualitative research designs were used to gather data. Both research methods have their own advantages. Therefore, triangulation was used in this research so as to achieve more accurate results.

5.1 Methods

5.1.1 Survey

A questionnaire was administered to Lusaka residents in high, medium and low density areas as a means of gathering data. The questionnaire had closed ended questions (quantitative) so that numbers were assigned, as well as a few open ended questions. The use of numbers permits precision and allows for the use of powerful mathematical tools for analysis such as percentages. A minimum of 150 questionnaires were distributed to selected Lusaka residents in the high, medium and low density areas in order to gather demographic and psychographic data. These residential areas include Chawama; Kaunda Square; Ngombe, Chazanga, Kabanana, Bauleni; Kalikiliki; Linda, Mtendere and Northmead communities.

5.1.2 Focus Group Discussions

A focus group discussion was used to gather data from eight community leaders drawn from the Church and Community based Organizations (CBOs). This is a qualitative method where an unstructured discussion was conducted. The role of this researcher was to allow for a good flow of information, ensuring that everyone was allowed the chance to express themselves. The focus group discussion was used to complement the

quantitative data from the field. This helped in validating the open ended questions from the quantitative survey. The focus group discussion enabled this researcher to ask questions about aspects of the property grabbing issue, which are most important to the relevant population and came up with solutions.

5.1.3 In-depth Interviews

An In-depth interview was conducted in order to gather data from the Police Victim Support Officer who was unable to be part of the focus group discussion. With this qualitative method, unstructured questions were discussed. The researcher's role was to interpret the information. This method allowed for more probing and in-depth understanding.

5.2 Sampling Procedure

In order to sample accurately from Lusaka's residential areas, the Multi – Stage Cluster Sampling procedure was used to ensure that every member of the community had a non-zero chance of being questioned in the research. It was difficult to get a sampling frame for the survey as most residential areas especially in the high and middle density areas do not have proper streets. The samples included both male and female.

The Community leaders sampled for the focus group discussion and in-depth interview were purposively selected as these are the ones who are actively involved in the dissemination of information on people's rights to property as provided for under the Intestate Succession Act and the Wills and Administration of Testate Succession Act.

5.3 Data Analysis

The findings of the research were analyzed using the computer data analysis package called the Statistical Package for Social Sciences (SPSS).

5.4 Limitations of the Study

The biggest limitation in this study is that there is limited data on actual educational and sensitization campaigns carried out in Zambia on how people were informed about what the Laws of the land provided for them in inheritance issues. This has led to having very little data for literature review and few cases to make reference to. Financial, human resource and time limitations did not make it possible for this research to be carried out in all the communities in Lusaka.

CHAPTER 6

FINDINGS AND DISCUSSION

6.0 Demographic information of Lusaka Residents

6.1 Sex

This study covered both male and female respondents. The random sampling method was used and there were more men than women who were willing to fill out the questionnaires. The percentage of male respondents was 54 percent while that of female respondents was 46 percent as shown in table 1 below.

Table 1. Sex of Respondents

	Frequency	Percent
Valid Male	81	54.0
Female	69	46.0
Total	150	100.0

6.1.1 Age

Age groups ranging from that of youth, middle aged and the elderly people were covered in the study. There was a fairly good representation of these age groups but the majority fell in the range 26-45 years (54%); followed by the elderly who were 26 years and above (25.3%) and the least group of teenagers ranging from 15-20 years (8.7%).

Although the majority of potential property grabbers are the respected, elderly family members such as the parents, aunties or uncles to the deceased, it was important to sample the young people because they too are potential property grabbers if they are

socialized to believe that depriving the surviving spouse and the children is the norm. The table below illustrates the findings.

Table 2. Age of Respondents

		Frequency	Percent
Valid	15-20 years	13	8.7
	21-25 years	18	12.0
	26-30 years	33	22.0
	31 -40 years	30	20.0
	41-45 years	18	12.0
	46 years and above	38	25.3
	Total	150	100.0

6.1.2 Nationality

The majority of respondents were Zambian (94.7%). The non-Zambian respondents represent 4.7 percent. There was one non-response. Table 3 below illustrates this information.

Table 3. Nationality of Respondents

		Frequency	Percent
Valid	Zambian	142	94.7
	Non Zambian	7	4.7
	Non-response	1	.7
	Total	150	100.0



6.1.3 Marital Status

The study revealed that the majority of the respondents (52.7%) were married and 29.3 percent of respondents were single. The widows, widowers, divorced and the separated constituted the remaining 18 percent of the respondents as is reflected in the table below.

Table 4. Marital Status of Respondents

	Frequency	Percent
Valid Married	79	52.7
Single	44	29.3
Divorced	3	2.0
Widow	15	10.0
Widower	5	3.3
Separated	4	2.7
Total	150	100.0

6.1.4 Residential Areas

According to the Lusaka Population by Residential Distribution based on the 2000 Census of Population and Housing, Lusaka has a population of approximately one million and forty people. Therefore, in this study, the high density areas of Lusaka constituted 64 percent of the sample population of 150 respondents. The medium density areas and the low density areas constituted 18 percent each of the remaining sample population.

Table 5. Residential Areas of Respondents

		Frequency	Percent
Valid	High density	96	64.0
	Medium density	27	18.0
	Low density	27	18.0
	Total	150	100.0

6.1.5 Average Income per Month

As can be seen in the table below, the majority of respondents (76%) earn below K600,000 per month. About 18.7 percent of respondents earn between K600,000 and K1,200,000. Only 4.0 percent of respondents earn above K1,200,000. There were two non-responses to the question.

Table 6. Average income per Month of Respondents

		Frequency	Percent
Valid	Below K600,000	114	76.0
	Between K600,000 and K1.2M	28	18.7
	Above K1.2M	6	4.0
	Non-response	2	1.3
	Total	150	100.0

6.1.6 Educational Level

There were two non-responses. Only 19.3 percent of respondents have received either college or university education. The majority of respondents (35.3%) have gone up to grade 12 while the rest of the respondents have basic school education (20.7%) and primary school education (23.3%). The table below illustrates this information.

Table 7. Educational Level of Respondents

		Frequency	Percent
Valid	Primary 1-7	35	23.3
	Basic 8-9	31	20.7
	Secondary 10-12	53	35.3
	College	27	18.0
	University	2	1.3
	Non-response	2	1.3
	Total	150	100.0

6.1.7 Main Language Used in Community

The majority of respondents (89.3%) prefer using the Nyanja language in their area for communication with others. Only 2 percent use Bemba language while 1.3 percent of respondents use English when communicating with others. The table below indicates these findings.

Table 8. Main Language used by Respondents in their Area for Communication

		Frequency	Percent
Valid	Nyanja	134	89.3
	Bemba	3	2.0
	English	2	1.3
	Lozi	1	.7
	Non-response	10	6.7
	Total	150	100.0

6.2 Knowledge Levels on the two Laws

6.2.1 Awareness of Intestate Succession and Testate Succession

The study reveals that 99.3 percent of respondents have heard about the two laws that provide for Intestate Succession and Testate Succession. There was only one respondent who had never heard about the two laws. The table below indicates this.

Table 9. Awareness of Intestate and Testate Succession Laws

		Frequency	Percent
Valid	Yes	149	99.3
	No	1	.7
	Total	150	100.0

6.2.2 Understanding of Intestate and Testate Succession Laws

There were three non-responses to the question. However, the majority of respondents (86.7%) indicated that they understand the two laws of succession that describe how

property of the deceased was to be shared after their demise. The study also shows that 11.3 percent of respondents do not understand the two laws.

Table 10. Understanding of Intestate and Testate Succession Laws

	Frequency	Percent
Valid Yes	130	86.7
No	17	11.3
Non-response	3	2.0
Total	150	100.0

6.3 Communication Channel used by IJM to Disseminate Information on the two Laws of Succession

6.3.1 Radio

According to the statistics drawn from the study, the majority of respondents (90.7%) indicated that they have never heard IJM on radio. Only 5.3 percent of respondents have heard IJM on radio, while 1.3% said they frequently hear IJM on radio. Two point seven percent of the respondents did not answer the question.

Table 11. Use of Radio to Disseminate Information on the two Laws

	Frequency	Percent
Valid Frequent	2	1.3
Occasionally	8	5.3
Never	136	90.7
Non-response	4	2.7
Total	150	100.0

6.3.2 Television

According to Table 12, the majority of respondents who constitute 94.7 percent revealed that they have never seen IJM programmes on television. There were six non-responses constituting 4 percent of respondents.

Table 12. Use of Television to Disseminate Information on the two Laws

		Frequency	Percent
Valid	Frequent	1	.7
	Occasionally	1	.7
	Never	142	94.7
	Non-response	6	4.0
	Total	150	100.0

6.3.3 Newspapers

The majority of respondents (94.7%) have never read about the two laws in newspaper articles, written by IJM and 4.7 percent of respondents did not answer the questions.

Table 13. Use of Newspapers to Disseminate Information on the two Laws

		Frequency	Percent
Valid	Occasionally	1	.7
	Never	142	94.7
	Non-response	7	4.7
	Total	150	100.0

6.3.4 Magazines

The majority of respondents constituting 94 percent have never read about the succession laws in magazines that have been written by IJM. There were seven non-responses to the question.

Table 14. Use of Magazines to Disseminate Information on the two Laws

		Frequency	Percent
Valid	Often	1	.7
	Occasionally	1	.7
	Never	141	94.0
	Non-response	7	4.7
	Total	150	100.0

6.3.5 Publications

The results show that 90 percent of respondents have never read some publications written by IJM such as brochures and pamphlets with information on the two laws of Succession. Two point seven percent indicated that they occasionally read IJM's publications, while 1.3 percent indicated that they often read them and another 1.3 percent of respondents said that they frequently read IJM's publications.

Table 15. Use of Publications to Disseminate Information on the two Laws.

		Frequency	Percent
Valid	Very frequent	2	1.3
	Often	2	1.3
	Occasionally	4	2.7
	Never	135	90.0
	Non-response	7	4.7
	Total	150	100.0

6.3.6 Internet

The majority of respondents (85.3%) have never heard about the two laws posted on the internet by IJM. There were eight non-responses constituting 5.3 percent of respondents. Very few respondents have accessed this information on the internet.

Table 16. Use of Internet to disseminate information on the two laws

		Frequency	Percent
Valid	Very frequent	1	.7
	Frequent	2	1.3
	Often	3	2.0
	Occasionally	8	5.3
	Never	128	85.3
	Non-response	8	5.3
	Total	150	100.0

6.3.7 Workshops

The majority of respondents have heard about the two laws through the workshops conducted by IJM. These constitute 96.7 percent of the respondents. Out of these, 22 percent said they very frequently attended IJM's workshops; 7.3 percent frequently attended the workshops; 6.7 percent often attended them; while 60.7 percent occasionally attended them. Only four respondents have never attended an IJM workshop and one respondent did not answer the question.

Table 17. Use of Workshops to Disseminate Information on the two Laws

		Frequency	Percent
Valid	Very frequent	33	22.0
	Frequent	11	7.3
	Often	10	6.7
	Occasionally	91	60.7
	Never	4	2.7
	Non-response	1	.7
Total		150	100.0

6.3.8 Other People

The majority of respondents (77.3%) have heard about the two laws through discussions with others in their communities. The frequency of this information sharing varies as can be seen in the table below. Fourteen percent of respondents have had very frequent encounters with others telling them about the two laws of Succession. Fifteen point three percent of respondents frequently hear about the two laws. About 20.7 percent often hear about the laws through other people. Another 27.3 percent occasionally hear about the laws. Eleven point three percent of respondents have never been told about

the two laws through other people in their communities, while 11.3 percent of respondents did not answer the question.

Table 18. Use of Other People to disseminate information on the two laws

		Frequency	Percent
Valid	Very frequent	21	14.0
	Frequent	23	15.3
	Often	31	20.7
	Occasionally	41	27.3
	Never	17	11.3
	Non-response	17	11.3
	Total	150	100.0

6.4 Most Appropriate Communication Channel

The most preferred channel for communication on the laws of communication according to this study is through the use of workshops. Table 19 below shows that 44 percent of respondents prefer to get their information on the two laws of Succession through workshops. There is however another group of respondents who prefer radio as a means of communication and these constitute 42 percent of respondents. About 7.3 percent of respondents indicated that they preferred the use of other people as a means of communication on the laws of Succession. The other channels such as television, newspapers and magazines are not popular among the respondents.

According to Tables 19 and 20 below, the respondents indicated that they preferred workshops because these offered them an opportunity for quick feedback. They are able to ask questions and present their arguments on any issue during the workshop. They also indicated that workshops were very accessible as these are conducted within their communities.

Table 19. Most Appropriate Channel for Receiving Information

		Frequency	Percent
Valid	Radio	63	42.0
	Television	6	4.0
	Newspaper	1	.7
	Magazines	3	2.0
	Workshops	66	44.0
	Other people	11	7.3
	Total	150	100.0

Table 20. Reason for the Appropriateness of the Channel?

		Frequency	Percent
Valid	Most accessible	56	37.3
	Cheapest	4	2.7
	Fastest	38	25.3
	Quick feedback	50	33.3
	Non-response	2	1.3
	Total	150	100.0

6.5 Information Needs of Respondents

6.5.1 Type of Information passed on by IJM to Respondents

The majority of respondents (82%) indicated that they receive information on both Intestate and Testate Succession. In addition to this, information on the role of the police is shared with them. Some respondents (2%) however, only seem to have received information on intestate succession, while others (2%) have received

information on Will Writing only. The least group of people (1.3%) indicated that they received information on Testate Succession.

Table 21. Information Passed on to Respondents

		Frequency	Percent
Valid	Intestate and testate succession; role of police	123	82.0
	Estate distribution if there's no will	3	2.0
	Will writing	3	2.0
	Role of the police	3	2.0
	Estate distribution if there's a will	2	1.3
	Non-response	16	10.7
	Total	150	100.0

6.5.2 Additional Information respondents would like to receive from IJM

The majority of respondents who represent 48 percent of the sampled population indicated that they would like IJM to also talk about justice issues. These include concerns such as corrupt law enforcement officers, how to handle threats of witchcraft, and access to justice among others. Other respondents (8.7%) indicated that they need more information on how to seek legal redress in situations where it seems as though they have been unfairly treated during the court process (delayed justice). Another 8.7 percent of respondents need more information on how to help people in their communities in human rights issues that IJM does not necessarily talk about in workshops. Seven point three percent of respondents need information on how best to work with the police in their communities. The rest of the respondents as shown in Table 22 indicated that IJM needs to offer more paralegal trainings so that more people will be empowered in the law and also encourage discussion on how to legally tackle

marital disputes. There were 30 non-responses that account for the 20 percent of respondents.

Table 22. Additional Information Respondents Prefer.

		Frequency	Percent
Valid	Delayed justice	13	8.7
	How to best work with police	11	7.3
	Justice	72	48.0
	How to help other people in human rights	13	8.7
	Economic empowerment	5	3.3
	Paralegal training	4	2.7
	Marriage issues	2	1.3
	Non-response	30	20.0
	Total	150	100.0

6.5.3 Participation of Respondents in Communication of the Succession Laws

Table 23 shows that the majority of respondents representing 91.3 percent indicated that the communication methods used by IJM are participatory. Only 4.7 percent of respondents said that the methods used are not participatory. The non-responses to the question account for 4 percent of respondents.

Out of the respondents (4.7%) that indicated that the communication methods are not participatory, 3.3 percent said that the use of local language during workshops will make the communication method more participatory. Only 0.7 percent respondents said that IJM needs to allow participants in workshops to have small group discussions and come up with their own solutions. The non-response (96%) in Table 24 is representative

of both the respondents who said that IJM's communication methods are participatory and of the non-responses.

The participants in IJM's workshops are allowed to voice their concerns, questions, express their knowledge, ability and experiences. They are encouraged to communicate among themselves as well as communicate with the IJM facilitators. The use of local language has greatly improved the communication between IJM and the community so that everyone especially in the workshops is free to express themselves and to make their own decisions. The problem of property grabbing is collectively identified and the participants are free to suggest ways of dealing with this vice in the community. Those who oppose the stipulation of the percentages under Intestate Succession are encouraged to come up with their own "law" on how they would like their property to be shared after they die. Thus Will Writing is a welcome solution.

Table 23. Participatory Nature of Communication Methods used by IJM

		Frequency	Percent
Valid	Yes	137	91.3
	No	7	4.7
	Non-response	6	4.0
	Total	150	100.0

Table 24. How to Make IJM's Communication Methods More Participatory?

		Frequency	Percent
Valid	Use local language within the community	5	3.3
	IJM to allow smaller group discussions with own solutions	1	.7
	Non-response	144	96.0
	Total	150	100.0

6.5.4 Initiation of Information in the Community

The study reveals that IJM usually initiates the information in the community (60%). Other initiators are the community members (9.3%). Table 25 tabulates this information.

Table 25. Initiator of Information in the Community.

		Frequency	Percent
Valid	IJM	90	60.0
	Teachers	3	2.0
	Mass Media	7	4.7
	Community members	14	9.3
	IJM & the people	5	3.3
	Non-response	31	20.7
	Total	150	100.0

6.5.5 Relevance of Information provided by IJM

There were three non-responses to the question. However the rest of the respondents (98%) in Table 26 indicated that the information that IJM provides is relevant to them. Out of these, the majority of respondents representing 68.7 percent in Table 27 said that the information received is an eye opener in that they now understand their rights to property and they have been empowered to stand up for their rights. Some respondents (16%) said that they are now in a position to help or refer other victims of property grabbing within their community to organizations that can help them. Few respondents (4.7%) indicated that they can teach others the laws of Succession. About 10.7 percent of respondents did not answer the question.

Table 26. Relevance of Information

		Frequency	Percent
Valid	Yes	147	98.0
	Non-response	3	2.0
	Total	150	100.0

Table 27. Ways in Which Information is Relevant.

		Frequency	Percent
Valid	Eye opener-have deep understanding	103	68.7
	Am able to teach others	7	4.7
	Helping other people get help	24	16.0
	Non-response	16	10.7
	Total	150	100.0

6.5.6 Information Respondents find difficult to accept in the laws of Succession

Generally, the information in the two laws of Succession is acceptable. Table 28 below shows that 58 percent of respondents indicated this. The contentions presented by 1.3 percent of respondents however were that it is not fair for the law to give 10 percent of the property to dependents who may have parents that are alive and that in some cases where there were many children, the 50 percent allocated to the children is shared among the many while and consequently the share per child is much less in comparison to the 10 percent share allocated to the dependent. Therefore, the dependent ends up getting a bigger share. Other respondents representing 4 percent said that the current percentages in the Intestate Succession Act are not acceptable but did not indicate in what ways. Thirty four point seven percent of respondents did not answer the question.

Table 28. Information not Acceptable in Succession Laws.

		Frequency	Percent
Valid	None	87	58.0
	20% given to surviving spouse is too much	1	.7
	Giving 10% of property to dependents with surviving parents	2	1.3
	Current percentages not acceptable	6	4.0
	Marrying a cousin	1	.7
	Government taking all property in absence of relatives	1	.7
	Non-response	52	34.7
	Total	150	100.0

6.5.7 Appropriateness of Language used by IJM in Information Dissemination

The majority of the respondents (92%) find the language used by IJM in information dissemination appropriate (Table 29). The specified languages used are Nyanja and English. Table 30 shows that 74.7 percent of respondents prefer Nyanja and English to be used in information dissemination while 20 percent of respondents did not specify the preferred language to be used. Only 5.3 percent said that Bemba is used in information dissemination (Table 30). However, the other respondents who find the language used to be inappropriate as represented in Table 31 indicated that they prefer Kaonde (5.3%). The rest of the respondents who represent 92.7 percent are those that said that the language used by IJM is appropriate in Table 29 as well as the non-response to the question in table 31 who do not consider the language used in IJM's communication as 'appropriate'. However, they did not indicate which language they prefer.

Table 29. Appropriateness of Language used by IJM in Information Dissemination

	Frequency	Percent
Valid Yes	138	92.0
No	10	6.7
Non-response	2	1.3
Total	150	100.0

Table 30. Appropriate Language (s) used by IJM

	Frequency	Percent
Valid Nyanja	55	36.7
English	34	22.7
English & Nyanja	23	15.3
Bemba	8	5.3
Non-response	30	20.0
Total	150	100.0

Table 31. If no, what is the most appropriate language of Preference?

	Frequency	Percent
Valid Kaonde	8	5.3
Nyanja	3	2.0
Non-response	139	92.7
Total	150	100.0

6.6 Reduction of Property Grabbing Cases in Lusaka

The majority of respondents (79.3%) have witnessed a decline in property grabbing cases in Lusaka. The other 13.3 percent said there is no evidence of any reduction in the number of property grabbing cases. Table 32 below reflects this.

Table 32. Evidence of Reduction of Property Grabbing Cases in Lusaka

	Frequency	Percent
Valid Yes	119	79.3
No	20	13.3
Non-response	11	7.3
Total	150	100.0

6.6.1 Other Sources of Information on Laws of Succession

Most of the respondents who represent 46.7% have heard about the two laws of Succession from IJM. They have never been exposed to any other source of information. Some respondents have attended workshops organized by other organizations (6%) while others have been exposed to radio programmes on Succession (11.3%). Respondents who have visited organizations such as YWCA (1.3%); Legal Resource Foundation (3.3%); New Start Centre (1.3%); and the Courts of Law (2%) have been exposed to information on Succession. The study also shows that 2.7 percent of respondents have read about Succession law in magazines. The non-responses represent 25.3 percent of respondents. Table 33 below shows these findings.

Table 33. Other Sources of Information on the Laws of Succession

		Frequency	Percent
Valid	None	70	46.7
	Workshops	9	6.0
	Magazines	4	2.7
	New Start Centre	2	1.3
	Radio	17	11.3
	YWCA	2	1.3
	Legal Resource Foundation	5	3.3
	Courts of law	3	2.0
	Non-response	38	25.3
	Total	150	100.0

6.6.2 Information Sharing within the Communities

The study reveals that there is information sharing on Succession laws in Lusaka. Although the frequency of sharing varies depending on the individual, 89.4 percent of respondents are sharing with others. The majority of respondent (44.7%) very often share with others. Twenty eight point seven percent often share with others while 12 percent rarely share this information. Table 34 shows that 4.7 percent of respondents have never shared with others and 6 percent did not answer the question.

Table 34. Frequency of Information Sharing on the Laws by Respondents

		Frequency	Percent
Valid	Very often	67	44.7
	Often	43	28.7
	Rarely	18	12.0
	Very rarely	6	4.0
	Never	7	4.7
	Non-response	9	6.0
	Total	150	100.0

6.7 Strategies for Curbing Property Grabbing in Zambia

Most respondents suggested that IJM should continue to conduct workshops teaching people on their rights (36%). Others suggested that more workshops should be conducted but there is also need for government to increase the jail term for offenders as this would have a deterrent effect on would-be offenders (28%). Nine point three percent of respondents said that the jail term should be increased and that generally there should be stiffer laws that deal with corrupt police officers who don't handle the cases with integrity. It was suggested that once an offender is arrested, they should not be allowed to go back home on bail. Another 9.3 percent of respondents said that people should simply adhere to the laws of Succession.

Other suggestions are that government should increase the percentage allocated to the mother of the deceased so that the strife between the widow and the in-laws can be significantly reduced (1.3%). It was felt that the current allocation of 20 percent to the widow and 50 percent to the children is too much as the widow ultimately gets a total of 70 percent. Four percent suggested that mass media sensitization on the two laws is critical. Three point three percent further added that sensitization should be carried out

among primary school going children so that they may be socialized in understanding their rights and being able to respect other people's rights to property.

Some respondents also suggested that the courts and police should simply enforce the law (6%). There were also others who felt that economic empowerment of people to reduce poverty is one way to curb property grabbing since a lot of people grab property because they are poor and would like to make "ends-meet" by taking advantage of the deceased's estate (2.7%).

Table 35. Strategies for Curbing Property Grabbing in Zambia

		Frequency	Percent
Valid	More property to mother of deceased	2	1.3
	Increase jail term, stiffer laws against offenders	14	9.3
	More workshops	54	36.0
	More workshops, increase jail term for offenders	42	28.0
	People should adhere to laws of succession	14	9.3
	Mass media sensitization on the two laws	6	4.0
	Sensitization should begin from primary education	5	3.3
	Courts and police to enforce the law	9	6.0
	Economic empowerment to reduce poverty	4	2.7
	Total	150	100.0

6.8 Discussion of the Findings from the Survey, Focus Group Discussion and In Depth Interview

The study reveals that 86.7 percent of people in Lusaka are aware of, and do understand the provisions of the Intestate Succession Act and the Wills and Administration of Testate Estates Act. Generally the law has been well received although people seem to have a lot of uncertainty and fear. They may be aware of the steps to take in order to deal with their case and that they can receive legal help from IJM but are usually paralyzed by fear.

Lusaka being a cosmopolitan city is bound to have people of different ethnic groups who have mixed and influenced each other through inter-marriages. Therefore, the preferred language may differ from one individual to another. Since language is an important factor in communication which involves shared meaning, the use of an appropriate language in raising awareness on the laws of Succession is very critical.

Before IJM translated the workshop training material on the Law of Succession, from English into Nyanja, the general complaint of workshop participants in the community was that they found it difficult to read and understand the pamphlets given to them as a source for future reference. As already indicated in Table 7, almost half (44%) of IJM's target audience only have primary and basic school education. The majority of them can read and understand local languages but have a problem with the English language. Since 2007, the training materials used by IJM are in both the Nyanja and English languages. This study has shown that the majority of people (92%) have confirmed that the language used by IJM in information dissemination is appropriate and this has been a contributing factor to the increase in number of the people who have heard and understand the provisions of the laws of Succession.

IJM usually disseminates information on the provisions of the laws of Succession through workshops that are conducted within the community for Community and Church Leaders, who in-turn, help to organize and invite members of their churches and

the community at large to the workshops. IJM strongly holds the belief that behaviour is directed by customs, habits, group norms and common social meanings. Since social contacts, social interaction, and interpersonal communication are key influencers of new behaviour adoption, these opinion leaders are encouraged by IJM to share, teach and influence others in their communities to adhere to the laws of Succession and desist from the evil practice of property grabbing. Since social contacts, social interaction, and interpersonal communication are key influencers of new behaviour adoption, these opinion leaders are encouraged by IJM to share, teach and influence others in their communities to adhere to the laws of Succession and desist from the evil practice of property grabbing. It is assumed that the opinion leaders function by altering group norms and shifting acceptance of what constitutes acceptable behaviour.

About 96.7 percent of Lusaka residents have heard about the laws of Succession in workshops (Table 17). Table 18 shows that 77.3 percent of Lusaka residents have heard about the laws through other people in the community such as the opinion leaders and others who have attended IJM workshops. The information in Table 18 is congruent with Table 34 which reflects the fact that 89.4 percent of Lusaka residents are sharing information with others on the two laws although the frequency with which they do this varies from one individual to another.

In most communities in Lusaka, information is generally shared through Pastors' Networks, church meetings with members, seminars, radio programmes, open community meetings and pamphlets that are given out to them.

Tables 11-15 indicate that over 85 percent of Lusaka residents have never received information from IJM on the laws of Succession through radio, television, newspapers, magazines, IJM publications and internet.

Although IJM uses workshops and relies on opinion leaders and trained community members to spread information to others on the two laws, a number of Lusaka residents prefer the use of radio for quick sensitization or raising awareness on the provision of

the laws of Succession (Table 19). This is because information on a particular topic is received by the majority of residents at almost the same time and discussion on it begins to spread quickly. It was also suggested that information should be aired on Zambia National Broadcasting Corporation (ZNBC) television in the different languages.

Generally, community response to mass media messages by other organizations that also discuss inheritance issues has been good but because people, especially victims of property grabbing live in fear of witchcraft, they do not quickly act on the information they get. It is for this reason that interpersonal communication is critical if people are to change their attitudes towards such superstitions and act on their rights to property.

The study reveals that a lot of people had observed that property grabbing has been on the increase in the recent past and they now appreciated the importance of writing wills so that there is no argument over how the deceased wanted to distribute his estate. However, opinion leaders such as church leaders, community representatives, councillors among others within communities in Lusaka, have had to deal with myths surrounding the writing of wills. Although will writing is a way of securing the future of one's family, it is believed that after one writes a will, they will soon die. It was suggested that more church programmes dealing with this fear be included so that people can freely exercise their rights to property.

The study also shows that the communities prefer the establishment of community desks where people who may not have the opportunity to attend IJM's workshops can easily access information on the laws of Succession. It was suggested that in order to create and quickly increase awareness on the provisions of the law of Succession, IJM should not work alone but partner with other organizations in the community that already have established community information desks as opposed to opening up new desks in different locations, as the case has been. The rationale is that it is easier for the community to access a one-stop-centre where they can get information on different matters that affect their lives. Paralegal trainings conducted for community members will help more people become empowered to help others through the legal process and

eventually get justice. These paralegals can help IJM in spreading information at the community desks in all the communities as well as make referrals to IJM.

Another method of creating awareness on the laws of Succession that IJM does not consistently use but is preferred by the community is the use of drama performances to explain the provisions of the law to the communities. These are entertaining in nature and at the end of the performance the community has an opportunity to ask questions on the dramatized topic. The drama performances are done in places that are crowded such as the market places. In this way, even people who did not have an opportunity to watch the performance can ask those who did and hear about the laws of Succession.

Another approach being used by IJM is partnership with the Police. IJM has partnered with Police VSU in order to curb property grabbing in Lusaka. Not only does IJM conduct training for VSU officers on an in-depth analysis of the laws of Succession but it also provides an opportunity for the community to interact with the police representative at the trainings so that the community can gain confidence in the Police Service.

The study reveals that the police do not have adequate resources to conduct their own sensitization campaigns and thus rely on other organizations to organize meetings, radio and television programmes so that they too can give their perspective on an issue. Helping to bridge relationships between the police and the community has helped some victims in the community report their cases to the police station and they have since seen justice prevail. Cases which are reported to IJM and have criminal elements are easily captured and taken up by the VSU officer stationed at IJM, who then proceeds with the investigations and arrest of perpetrators if they are not willing to take heed of the advice given to them by IJM or VSU.

This strategy has also helped the perpetrators in that the mediation meetings which are held to resolve the cases out of court have been a learning opportunity for perpetrators who claim that they grabbed property because they did not know the provisions of the

law and that they were simply following their traditions. In many cases, remorseful perpetrators have returned property and agreements have been signed that stipulate how the property is to be shared.

The study reveals that VSU has a counselling function and as such, they do not rush to take cases to court but rather they insist on helping the family resolve their disputes before any legal action is taken against the perpetrators. Through this way, some people have learnt about the provisions of the laws of Succession.

The main problem that the Police Service faces is the high turnover of staff dealing with Gender Based Violence of which property grabbing is a part. Due to limited rank structure, many senior officers who have been trained under the Victim Support Unit have since left the department and may hold higher ranks than before. Some have retired or passed away. As a result of this the Police Service has inadequate human resource. In order to deal with problem, the Police curriculum at Lilayi Police College now includes a Gender Based Violence course so that all new police officers are exposed to this information and are able to handle issues of property grabbing in a more informed manner. Police officers are also being trained as counsellors at Chainama College and some officers are taking some courses in Gender issues at Evelyn Hone College.

As already alluded to, IJM teaches the communities on the provisions of the Intestate Succession Act, Chapter 59 of the laws of Zambia as well as Chapter 60 of the laws of Zambia which is the Wills and Administration of Testate Estates Act. In addition to this, IJM encourages the community on the important role of the police in enforcing the law so that the citizenry are protected (Table 21). The study revealed that the time allocated to discussion on the laws is not enough and that more time should be allocated during the workshops.

According to Table 22 some of the informational needs of Lusaka residents include more in-depth understanding of the Zambian Legal System; the Marriage Act;

Employment Act; Bill of Rights; Sexual Violence Law, all of which are taught in paralegal trainings. The study reveals that in addition, the community also wants to know how best to work with police and how to help other people in human rights issues. However, some of the negative experiences by the community members in their quest to curb property grabbing include the following:

1. They face hostility from members of the deceased's extended family and are ridiculed until they give up on helping the victim.
2. Lack of official identification leads to the risk of being reported to the police and being charged with impersonation of a police officer.
3. The police seem to look down on the community members who report cases to them on behalf of victims and do not take these cases seriously.
4. The legal process is too slow and it is difficult for people to keep going back to the police station especially if they are in formal employment and have to keep getting permission to leave the office.
5. When members of the community inform the police about injustices being committed against some people in the community, it is alleged that some police officers expect the whistle blowers to have all the information and many times have blown their cover. This has in many cases left the whistle blowers exposed to the wrath of infuriated in-laws to the victim, and threats have been made on their lives and that of their families.

It was suggested that instead of holding separate workshops for police and community, IJM should consider having combined trainings so that the community members can get acquainted with the police officers in a particular compound. In this way, it will be easier for the community members to be known and identified as IJM agents by the police

The study reveals that the Police Service has Community Crime Prevention Associations (CCPA) in every community and Neighbourhood Watch Associations that community members can join in order to be recognised and avoid being accused of impersonation of a police officer. An interview with the Police VSU Superintendent revealed that individuals who would like to help others in the community in justice issues need to identify themselves and work closely with the police. Information on how to join the CCPA is easily accessible at any police station. This is important because the Department of Community Services usually hold in-house training for CCPA so that they can understand the laws of Succession, how to handle a suspect without infringing on their rights, among other things.

In cases where the whistle blowers are exposed to the community, the officer who blows their cover is liable to disciplinary action and must be reported. Community members are encouraged to report any corrupt officers and exhaust all the channels of command if need be. The interventions begin with the Officer in-charge; District Officer Commanding; Commanding Officer at Division Level; and lastly senior police officers at the Police Headquarters. There is also a body that receives complaints against the police officers called the Public Complaints Authority and community members are free to involve the Anti Corruption Commission (ACC).

The majority of people who have had the opportunity to attend one of IJM's workshops have appreciated the information they have received and according to Table 26, 98 percent of respondents indicated that the information received from IJM was relevant to them. In Table 27, they further indicated in what ways the information was relevant to them. Eighty nine point four percent of respondents said that the education they received was an eye opener, enabling them to have deeper understanding of the inheritance issues, able to teach others as well as help others get help in inheritance matters. This is indicative of the fact that education in an interpersonal context is every effective in helping to change people's negative attitudes towards an issue and consequently their behaviours. When people are educated about their rights to property

and are able to express their fears or concerns to the development workers, this two-way flow of communication yields tangible results.

Although the majority of respondents in this study seem to have noticed a reduction of cases of property grabbing, the community leaders interviewed were of the view that cases of property grabbing may have reduced but not to a great extent. The blatant confiscation of property by relatives of the deceased does not seem to occur as frequently as it used to. However, the majority of property grabbing cases involve the non-sharing of the death benefits from the deceased's estate to the rightful beneficiaries.

One IJM client spoken to confirmed this as she narrated her story of how the administrator of her husband's estate suddenly stopped taking care of her children's school fees and family needs. Maureen Ngalande explained that after her husband died in 2006, the administrator who was her late husband's younger brother, used to give her so much moral support even when his mother opposed Ngalande over the running of the deceased estate. However, when the death benefits were released by National Milling Company which was the deceased employer, the administrator deposited all the money in his personal bank account and would not distribute to Ngalande and her children who were also beneficiaries. Ngalande only found out about the death benefits after she received a phone call from the company informing her to see the administrator. Suddenly, the cordial relationship she had with him was severed.

When the administrator blatantly insulted and refused to give Ngalande and the children their share of the death benefits, Ngalande came to IJM to seek legal counsel. IJM had meetings with the administrator and he agreed to give Ngalande all the money that was due to her and the children.

It is important to note that the increasing number of reported cases of property grabbing may well be due to the fact that there are a lot more people today who are knowledgeable about their rights to property and are standing up to would-be perpetrators. These people now report these cases to authorities such as the police, IJM

and other Non-Governmental Organizations (NGOs) before property grabbing actually takes place or as soon as it does take place. In other cases however, property grabbing cases go unreported because many widows are afraid of witchcraft as threatened by their in-laws or fear that the severed relationship with the in-laws would be worsened by any confrontation involving outsiders. For example, the involvement of the police and IJM among others in resolving inheritance disputes have led to some in-laws completely severing the relationship with the widow and the children and cutting off even the little support that was there.

CHAPTER 7

CONCLUSION AND RECOMMENDATIONS

7.0 Conclusion

The communication of the laws of Succession to the Zambian citizenry has been identified as a way of curbing property grabbing which threatens to deepen the poverty levels being experienced by the majority of the Zambian people. This study was therefore undertaken to evaluate the effectiveness of the communication strategies employed by IJM to combat property grabbing in Zambia. Other objectives of the study included determining the public's awareness levels of the provisions of the laws of Succession; appropriateness of the channels and methods/approaches used for communicating the laws as well as determining the relevance of the information shared with the communities and their levels of participation in the communication process.

The study reveals that the awareness levels on the two laws of Succession have gone up with 86.7 percent of Lusaka residents attesting to the fact that they have heard and do understand the provisions of the laws. The study shows that the strategies being used by IJM are effective in that the communication messages reach their intended targets who are the youth, men and women especially in high and medium density areas. It also shows that cases where there was blatant confiscation of property by in-laws have greatly reduced although there are still cases being reported where the beneficiaries are not given the right percentage of the deceased's death benefits.

The study shows that IJM primarily uses interpersonal communication as a means of information dissemination. This flow of information which includes instruction, persuasion, advice, motivation and provision of assistance to target audiences enables IJM staff to assume a variety of roles. These entail that IJM staff are:

- Service providers offering legal representation to clients whose rights to property have been infringed upon and are seeking legal redress.
- Educators providing instruction on the two laws of Succession in workshops.
- Counsellors at the satellite clinics where they give advice to community members on the laws of Succession as well as on any other legal issues affecting the client.
- Use of opinion leaders because their involvement in and support of the educational campaign affects successful implementation. They help in sharing information and influencing their communities to stop this vice of property grabbing.

In as much as the community appreciates these workshops and make themselves available to share the information with others, the study reveals that 42 percent of Lusaka residents would like to receive information on the two laws of Succession through radio. It was suggested that the use of radio will help in the quick dissemination of information to the rest of the community members who may not have an opportunity to attend IJM's workshops. As more and more people discuss the issues of inheritance, the community members believe that it will be easier for them to have consensus on the issue as they discuss and discourage the vice of property grabbing in their communities.

It was observed that even though community members who have attended workshops are sharing the information with others, the frequency with which they are sharing varies from one individual to another. There is also the risk of distortion in the messages through this word of mouth strategy especially that the matter of property grabbing and the provisions of the laws of Succession raises a lot of debate among discussants. The study also reveals that the Lusaka residents appreciate the information given to them by IJM but would like more information on how best to work with the police who have an

important role to play in protecting the rights of citizens; paralegal training on different laws; how to help other people in human rights issues; and justice issues among others.

7.1 Recommendations

In order for IJM to increase the effectiveness and efficiency of its communication strategies, it is important that the following recommendations are adopted:

1. Increase the number of human resource so that more workshops are conducted to meet the demand for workshops in the communities and be able to provide adequate legal representation for the increasing number of clients who are coming to report their cases to IJM. IJM needs to partner with other lawyers whose pro-bono service to the community may include teaching the community the laws of Succession and taking up some cases that are reported.
2. IJM needs to consider using radio as a mass communication channel so that information on the two laws of Succession can quickly reach other provinces in Zambia where workshops on Succession laws have not yet been held.
3. IJM needs to train more paralegals who will be very helpful in advocating for justice especially in rural areas where lawyers are hardly found.
4. IJM needs to partner with other organizations that have information desks in the communities so that efforts to bring justice to the communities are not duplicated but rather, strengthened, enabling the communities to access information on different issues from one centre.
5. Increase funding allocated to communication activities such as workshops, radio programmes and drama performances in the communities since the community pays much attention to such activities.

6. IJM needs to increase its visibility in the communities by putting up big posters or bill boards discouraging property grabbing.
7. IJM needs to motivate volunteers and opinion leaders so that they do not stop sharing the information on Succession laws in their communities.
8. IJM's partnership with the police must be well known by the communities so that they are encouraged to build confidence in the Police Service and work with the police to curb property grabbing in the community. In most workshops, the participants have complained about the attitude of some VSU officers at the police stations in their areas. IJM's interaction with the police officers in workshops will help in making the VSU officers to be more sensitive to the needs of the community and also help build relations between the police and the community.

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35. Kasale Tresford. Zambia Police - Community Services Directorate.
36. Chisunka Kapala. Zambia Daily Mail.
37. Chakwe Masuzyo. The Post.
38. Ngalande Maureen – IJM client

APPENDICES

Appendix 1

Lusaka residents' questionnaire

THE UNIVERSITY OF ZAMBIA

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES DEPARTMENT OF MASS COMMUNICATION LUSAKA

QUESTIONNAIRE

Dear Respondent,

You were randomly sampled to take part in this research study focused on the Effectiveness of Communication Strategies Employed by International Justice Mission in combating Property Grabbing in Zambia. Your contributions in answering the questions in this questionnaire will go a long way in trying to find viable ways of effectively educating the public about their property rights, thereby curbing the scourge of property grabbing in Zambia. You are therefore kindly requested to answer each question truthfully and honestly and your answers will be treated with utmost confidentiality. Please remember not to write your name on any page of this questionnaire.

We thank you in anticipation of your favourable response.

Joy Chasha

MCD STUDENT/RESEARCHER

Specific instruction:

Tick [√] in the appropriate bracket(s) provided for you next to the answer of your choice, and/or write in the space provided where your opinion or comment is required. Please respond to all the questions asked.

SECTION A: BACKGROUND

1. Sex:
- | | | |
|----|--------|-----|
| 1. | Male | [] |
| 2. | Female | [] |
2. Age:
- | | | |
|----|--------------------|-----|
| 1. | 15 – 20 years | [] |
| 2. | 21 – 25 years | [] |
| 3. | 26 - 30 years | [] |
| 4. | 31 – 40 years | [] |
| 5. | 41– 45 years | [] |
| 6. | 46 years and above | [] |
3. Nationality of respondent:
- | | | |
|----|-------------|-----|
| 1. | Zambian | [] |
| 2. | Non Zambian | [] |
4. Marital status:
- | | | |
|----|------------|-----|
| 1. | Married | [] |
| 2. | Single | [] |
| 3. | Divorced | [] |
| 4. | Widow | [] |
| 5. | Widower | [] |
| 6. | Separation | [] |
5. Residential Area
- | | | |
|----|---------------------|-----|
| 1. | High density area | [] |
| 2. | Medium density Area | [] |
| 3. | Low density Area | [] |

6. Average income per month
- | | | |
|----|---------------------------------|-----|
| 1. | Below K600,000 | [] |
| 2. | Between K600,000 and K1,200,000 | [] |
| 3. | Above K1,200,000 | [] |

7. Educational level
- | | | |
|----|-------------------|-----|
| 1. | Primary 1-7 | [] |
| 2. | Basic 8-9 | [] |
| 3. | Secondary 10-12 | [] |
| 4. | College | [] |
| 5. | University | [] |
| 6. | None of the above | [] |

8. What language do you use in communicating with others in your area?

- | | | |
|----|---------------------------|-----|
| 1. | Nyanja | [] |
| 2. | Bemba | [] |
| 3. | English | [] |
| 4. | Lozi | [] |
| 5. | Luvale | [] |
| 6. | Kaonde | [] |
| 7. | Lunnda | [] |
| 8. | Any other, specify: | |

SECTION B: AWARENESS LEVELS ON SUCCESSION / INHERITANCE LAW AND COMMUNICATION BETWEEN IJM AND THE PUBLIC

9. Have you ever heard about the two laws that provide for Intestate Succession and Testate Succession (Chapters 59 and 60 respectively) enacted by parliament in 1989?
- | | | | | | |
|----|-----|-----|----|----|-----|
| 1. | Yes | [] | 2. | No | [] |
|----|-----|-----|----|----|-----|

10. If yes in question 9, do you understand what the two laws of Succession/ inheritance say about the legal way by which property is to be shared after the death of the owner?

1. Yes [] 2. No []

11. Which channel does International Justice Mission use to disseminate information on the two laws of Succession/inheritance? Tick in the appropriate box

Channel	1. Very frequent	2. Frequent	3. Often	4. Occasionally	5. Never
Radio					
12. Television					
13. Newspapers					
14. Magazines					
15. Publications					
16. Internet					
17. Workshops					
18. Other people					

19. Which communication channel do you consider the most appropriate for receiving information?

1. Radio []
 2. Television []
 3. Newspaper []
 4. Magazines []
 5. Workshops []
 6. Other people []
 7. Any other (specify)

20. Why do you consider it the most appropriate?

- 1. It is the most accessible []
- 2. It is the cheapest []
- 3. It is the fastest []
- 4. It enables quick feedback []
- 5. Others (specify) []

.....
.....
.....
.....

21. What type of information is passed on to you through IJM? Please tick in the appropriate brackets.

- 1. Historical background of Succession in Zambia []
- 2. Intestate Succession – in the absence of a written will []
- 3. The role of the administrator []
- 4. When the Act is not applicable []
- 5. How the estate is distributed []
- 6. Who can write a will []
- 7. What makes the will valid []
- 8. What to do if not pleased with the provisions of the law []
- 9. The role of the police []
- 10. Nothing useful []

22. What additional information would you like to receive from IJM?

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.....

23. Are the communication methods used by International Justice Mission participatory?

1. Yes [] 2. No []

24. If No in question 23, what can IJM do to make it more participatory?

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25. Who initiates the information?

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26. Is the information you have received from IJM relevant / useful to you?

1. Yes [] 2. No []

27. If yes in question 26, in what ways is it relevant / useful to you?

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.....

28. What information do you find “not acceptable” in the law of Succession?

.....
.....
.....

.....
.....

29. Is the language used in disseminating the information appropriate?

1. Yes [] No []

30. If yes in question 29, please specify the language

.....

31. If No in question 29, what is the most appropriate language you prefer?

.....

32. Have you seen any evidence of the reduction in property grabbing cases in your community that can be attributed to the exposure to information on the provisions of Succession law?

1. Yes [] No []

33. To which other source(s) of information on the law of succession have you been exposed? Please specify

.....
.....
.....
.....

34. How often do you share with others the information you have learnt about the provisions of the two laws of Succession regarding the distribution of a deceased's estate?

1. Very Often []
2. Often []
3. Rarely []
4. Very rarely []
5. Never []

35. What do you think should be done in order to stop property grabbing in Zambia?

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.....

THANK YOU VERY MUCH FOR YOUR CO-OPERATION!

Appendix 2

INTERVIEW GUIDE USED IN FOCUSED GROUP DISCUSSIONS AND IN-DEPTH INTERVIEWS

1.0 Demographic, psychographic and geographical information:

1.1.0 Demographic information

- 1.1.1 Age composition or distribution, gender distribution
- 1.1.2 Residential areas - in the low, medium and high density areas.
- 1.1.3 Language commonly used in the community.

1.2.0 Psychographics

- 1.2.1 Cultural values, beliefs and attitudes of the people in the community in relation to succession issues
- 1.2.2 The type of medium commonly used in the community
- 1.2.3 Peoples' general reaction and response to the mass media.

1.3.0 Historical characteristics-

- 1.3.1 Nature and make up of the existing audience.
- 1.3.2 Family types and composition, average number of children, dependants etc.
- 1.3.3 Traditional practices of succession.
- 1.3.4 The value of family ties

2.0 Audience's view on property grabbing in Zambia

- 2.1 What has perpetuated the vice of property grabbing in Zambia?
- 2.2 What causes people to continue with the vice despite knowledge of the law of Succession?
- 2.3 Are the different communication methods used to educate people on their rights to property (if they are beneficiaries) effective?
- 2.4 How do people view the Intestate Succession Act and the Wills and Administration of Testate Estates Act, 1989?

2.5 Do people share information they receive on Succession with others

2.6 What is the best medium for sharing this information with others?

3.0 **Problems faced by the public in dealing with issues of succession.**

3.1 What are the major problems faced by individuals who have learnt about the provisions of the law and want to do the right thing?

3.2 What does the community think is the best way to handle the problem of property grabbing?

4.0 **General information**

4.1 Peoples' suggestions and comments on how to strengthen community factors that deter would-be perpetrators of property grabbing.

Appendix 3

In-Depth Interview Guide

1. What is the police doing to curb property grabbing in Zambia?
2. What steps are you taking to help victims understand the counselling function of the Victim Support Unit?
3. How is the police handling the problem of corruption among police officers?
4. How can the police help protect whistle blowers in cases of property grabbing?
5. How is the police working with the community?
6. Many victims are afraid to report cases of property grabbing because of witchcraft, how can these victims be empowered to handle threats of witchcraft?
7. How is the IJM-Police partnership working from the police point of view?
8. How can we strengthen this partnership for the betterment of the community