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SOUTHERN AFRICA REPORT

WOMEN'S LEGAL RIGHTS INITIATIVE UNDER THE WOMEN IN DEVELOPMENT IQC

CONTRACT NO. GEW-I-00-02-00016-00



June 2005

This publication was produced for review by the United States Agency for International Development. It was prepared by Chemonics International Inc. in partnership with the Centre for Development and Population Activities (CEDPA), Development and Training Services Inc. (DTS), MetaMetrics Inc., Partners of the Americas, and Turning Pointe Marketing.

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SECTION I

Travel Dates, Destination(s) and Purpose

A. Travel Dates and Destination(s)

WLR Chief of Party David Vaughn and Nancy Kim

Feb. 21-22: Johannesburg, South Africa

Feb. 23-26: Benoni, South Africa

Feb. 26 – March 5: Mbabane, Swaziland

WLR Deputy Chief of Party Mary Theisen

Feb. 24-26: Benoni, South Africa

Feb. 26-March 9: Mbabane, Swaziland

March 9-11: Johannesburg, South Africa

March 11-17: Cape Town, South Africa

B. Purpose of Travel

David Vaughn, Chief of Party (COP), Mary Theisen, Deputy Chief of Party (DCOP), and Nancy Kim, Chemonics program manager, traveled to Southern Africa to assist the field office with the capacity building workshop, to monitor field office operations, to provide additional training to field office staff on WLR policies and procedures and to plan WLR future program activities. On March 5, the COP, along with Ms. Kim, traveled to Madagascar to attend to the WLR program there. The DCOP remained in Southern Africa to continue working with the field office and to attend meetings in Johannesburg and Cape Town.

This trip report covers activities in Southern Africa; the Madagascar leg of the trip is covered in a separate trip report for that program.

SECTION II

Trip Results

A. Capacity Building Workshop, Benoni, South Africa, February 22 to 25, 2005

WLR Southern Africa conducted a four day regional capacity building workshop designed to provide representatives from southern African NGOs tools to enhance sustainability, reduce their dependence on donors, develop mentoring relationships within their organizations and to encourage them to mentor lesser-developed, community-based organizations in their regions.

The workshop facilitators and trainers used a range of interactive techniques to engage the participants. The sessions focused on ways to pursue social change through earned income activities (“social enterprise”), revenue diversification in an era of donor fatigue, forging links with the private sector, and establishing and maintaining good relations with donors and other stakeholders. In the realm of organizational development, facilitators addressed succession planning (i.e., human resource planning), management theory and ways to motivate staff to optimize productivity. There was also a session on developing staff through mentoring, which, if done properly, harnesses organizational talent and develops needed leadership skills.

These activities were followed by an action planning session, where each participant was tasked with writing an action plan on an issue of their choosing in which to apply material they learned in the course of the workshop. All applied themselves conscientiously and gave detailed descriptions of their action plans to the group in plenary session. The seriousness with which the participants approached the action plans contributed to a richer, more productive overall group discussion.

Participants’ reviews of the workshop were overwhelmingly positive. They felt the information and materials were helpful to them in their daily work, and that they acquired a better appreciation of the type of planning that would enable their struggling organizations to become more sustainable and effective. The only criticism was that there was not enough time to delve deeper into some of the issues (specifically social enterprise and succession planning), although, as some suggested, this could be ameliorated through follow-up targeted programming.

Please find attached the capacity building workshop agenda (Annex A) and the list of participants (Annex B).

B. WLRSA Office Training and Strategic Planning Program, Mbabane, Swaziland, February 28 to March 1, 2005

After the capacity building workshop, the home office staff held a three-day retreat with the field office staff in Mbabane. There were a number of purposes of this retreat. First, staff discussed the successes and lessons learned from the workshop. While it went well, it could have been significantly better had the Regional Coordinator dedicated more time and effort to this workshop. It had become increasingly clear to the home office in the weeks prior to the event

that the field office was not taking full responsibility for the many administrative and financial issues good workshop planners routinely handle. As a result, some efficiencies and cost-effective practices were lost, and the home office staff had to become involved in resolving administrative problems best dealt with in the field.

The home office staff took this opportunity to help the field office develop a more systematic approach to organizing and conducting workshops of this type. It was a valuable learning experience for the field staff; not unlike a “capacity building” exercise for them as they had apparently never undertaken a task of organizing a regional workshop of this nature and scope.

The team also assessed the progress of the various projects and the performance to date of the various individuals and groups with which WLRSA has contracted to provide services. In the course of these discussion, it became clear that the Regional Coordinator needed to take more initiative in monitoring performance of partners who were providing WLRSA services. For example, the Regional Coordinator had not consistently followed through with partners who were providing content for the WomensNet-hosted WLR webpage, thus slowing the process of populating the site. The Regional Coordinator also had not dedicated enough time to plan programs to adapt the valuable Namibian advocacy manual in Lesotho, Mozambique, Botswana and South Africa. These and other oversights have hindered progress.

In response to these problems, the home office staff worked closely with field staff during the retreat to identify problems and attempt to solve them. (The DCOP continued to work on these technical issues with the Regional Coordinator the following week.)

During the retreat the staff collectively addressed internal administrative and budget issues to ensure continued smooth operations in the areas of communication and project planning. The discussions were helpful, serving to bridge the geographic divide between the home and field office staff.

WLRSA staff also planned activities through this year and into years four and five of the project, taking into consideration both funding levels and current human resources. While staffing and resources are sufficient for most of the projects underway, it was determined that more human resources would be needed to begin work on public awareness campaigns as envisioned in the work plans. Various solutions were discussed. Ultimately, given recent limitations of the Swazi field office, the COP and DCOP decided to explore greater use of CEDPA’s Pretoria office to implement both public awareness campaigns since they have expertise in developing radio programs on social justice issues and youth. CEDPA will also assist the Mbabane office adapt the Namibian advocacy manual to other WLRSA partner countries.

After the retreat, Mr. Vaughn and Ms. Kim traveled to Madagascar while the DCOP remained in Mbabane to continue to work on improving field office management and operations.

C. Customary Law Forum Consultations

Ms. Theisen and Doo Aphane, WLR’s Regional Coordinator, attended a number of meetings with stakeholders in Johannesburg and Cape Town to get feedback on WLR’s concept paper on convening an international forum on Southern African customary law issues. The input received

was very helpful for WLR in evaluating the advantages and disadvantages of convening the forum. Those meetings are described below.

SECTION III

Next Steps and Recommendations

A. Next Steps

The local team continues to implement the WLR Southern Africa Action Plan, focusing on coordinating planned activities with regional partners, and hiring local consultants and supervising their work and deliverables Tirana. The transition in project management from Ms. Bazilli, who left WLR at the end of January, 2005, and Ms. Theisen, has gone smoothly. During this process, WLR activities in Southern Africa continued without interruption.

B. Recommendations to Mission

Given scheduling conflicts, WLR did not have the opportunity to meet with the USAID Mission in South Africa or the USAID Regional Center for Southern Africa in Gabarone, Botswana. As programs are consistent with the USAID-approved action plan, WLR has no recommendations for USAID missions at this time.

SECTION IV

Key Contacts and Meetings

The Honorable Luis Luck, U.S. Ambassador to Swaziland, Mbabane, March 3, 2005

The COP, DCOP, Regional Coordinator and Ms. Kim met with Ambassador Luck to brief him on WLR activities and introduce the new DCOP. Ambassador Luck expressed strong support for the WLR program and its objectives. Ms. Aphane had requested funding from USAID/RSCA to adapt the Namibian Advocacy Manual for NGOs. She also sent the proposal directly to US Ambassador in the event he had discretionary funds. Ambassador Luck informed WLR at this meeting that he forwarded the request to the RSCA with his endorsement, and was hopeful the RSCA would respond positively.

Justice Joan Carlos Trindade, border town in eastern Swaziland, March 4, 2005

Mr. Vaughn, Ms. Theisen and Ms. Aphane traveled to the border of Mozambique to meet Justice Trindade, head of the Mozambique Judicial Training Center, to discuss customary law issues and southern Africa's dual legal systems. WLR sought to learn more about J. Trindade comprehensive research on customary law, its relation to formal legal system in Mozambique and the far-reaching judicial reforms currently underway in that country. J. Trindade has played an instrumental role in the drafting, passage and now implementation of Mozambique's new laws on restructuring the formal courts and regulating the relationship between the formal and customary courts. He also is closely involved in efforts to improve access to justice by the poor. WLR explored J. Trindade's willingness to participate in any future customary law forum, to which he responded positively.

Armelia Chononda, Acting Executive Director, and Catherine Brokenshire-Scott, consultant, CEDPA, Pretoria, March 10, 2005

Ms. Theisen and Ms. Aphane traveled to Pretoria to meet CEDPA staff to explore more concretely CEDPA's greater involvement in implementing the WLR project. This meeting was a follow-up to discussions previously held between Mr. Vaughn and CEDPA staff on February 21. Ms. Theisen described the WLR programs to give context, and the specific role envisioned for CEDPA Pretoria. Since CEDPA was winding down a number of projects, the timing proved auspicious to recruit Ms. Chononda for WLR. It was agreed CEDPA would assist WLR in developing and implementing a women's rights public awareness campaign to be aired on rural radio stations. CEDPA would adapt a methodology it has already used to air youth and social justice programs. The radio program would be limited initially to South Africa.

CEDPA has also readily agreed to assist in adapting the advocacy manual produced by the Legal Assistance Center of Namibia, a time consuming project which will require the input of many actors in the region and which will take much coordination effort by CEDPA.

Sally Shakleton, Executive Director, WomensNet, Johannesburg, March 10, 2005

Ms. Theisen and Ms. Aphane met with the director of WomensNet to discuss progress on populating the WLR web site and future sustainability post-WLR. Populating the web site is a collaborative effort between the WLR Mbabane office and partner organizations in Mozambique, Botswana, Swaziland, Namibia and Lesotho. WLR's partner organizations had committed to providing WomensNet with bibliographies of research and other resources on women's rights in their respective countries. Unfortunately, WomensNet was unable to use much of the information provided by the partners due to missing or incomplete URLs and other information. WLR discussed various ways to quickly address this problem. Ms. Aphane committed to working more closely with the partners to speed implementation of this valuable project. WLR also began discussing of means of sustaining the site once it is fully populated. A number of options are under consideration.

Ruth de Bruyn, Executive Director, Tswaranang Legal Assistance Center, Johannesburg, March 11, 2005

Ms. Theisen and Ms. Aphane had the pleasure to meet Ruth DeBruyn, Executive Director, Tswaranang Legal Assistance Center (TLAC), to learn more about each other's activities in advocating for women's legal rights, to explore areas of future cooperation and to review TLAC's performance on a research paper commissioned by WLR.

WLR had commissioned TLAC to research the extent to which women in South Africa's most traditional and conservative provinces, KwaZulu Natal and Limpopo, understand and take advantage of the Recognition of Customary Marriages Act, enacted in 1998 (the Act). The research also explored current notions of marriage, gender roles in marriage and abuses of women in marriage. The Act provides that all customary marriages entered into after 1998 in which a spouse is not a partner in any other existing customary, is a community property marriage, unless there is a prenuptial agreement stating otherwise. If the husband is already in a customary marriage and wishes to enter into another customary marriage, the Act requires him to draft a contract regulating the "future matrimonial property system of his marriages" and secure court approval. This later provision is to clarify the respective wives' rights to property in marriage and upon the husband's death.

WLRSA gave Ms. De Bruyn feedback on how to improve the draft and better highlight the research results, which were sobering. (The final report, titled "Women, culture and Narratives on Masculinity: Cases from KwaZulu Natal and Limpopo" will soon be available.

WLR also explored areas of programmatic cooperation with TLAC. TLAC was eager to assist WLR in developing a rural radio program. Ms. De Bruyn referred WLR to a number of organization and individuals who can be of assistance as WLR strategizes and plans the logistics of this new all encompassing program.

Ms. Melanie Dugmore, Director, University of Cape Town, Faculty of Law, Law, Race & Gender Research Unit; Tandazwa Ndita, Judge, High Court of Eastern Cape Town, Cape Town, March 14, 2005

The DCOP and the Regional Coordinator traveled to Cape Town to meet with legal experts in customary law working in academia, continuing legal education and advocacy. WLR sought to learn of current issues in customary law and gauge the contribution WLR could make to the field by convening an international forum of experts.

WLR first met with the Director of the University of Cape Town's Law, Race & Gender Research Unit and a judge of a high court formerly associated with the research unit. Both welcomed WLR's interest in customary law issues. However, regarding the convening of a regional conference, in light of the many of the complex cultural, social and political issues surrounding reform of customary law practices, they diplomatically advised caution. Judge Ndita expressed concern that any organization that tackles this difficult issue would need "legitimacy" in the eyes of Africans. They also saw that the topics were too broad, commenting that WLR could devote a three day conference solely to the South African Supreme Court's decision in *Bhe*, which had ruled unconstitutional the customary law practice which effectively disinherits wives on the death of their intestate husbands. The implications of this ruling on many customary laws can be fundamental. As such, Ms. Dugmore indicated they would heartily welcome WLR's assistance in conducting programs and trainings for South African jurists. WLR continues to correspond with Ms. Dugmore to explore possibilities.

Prof. Thandabantu Nhlapo, Vice Chancellor, University of Cape Town, March 14, 2005

The DCOP and Regional Coordinator met with Vice Chancellor Nhlapo, a former law professor and parliamentarian who drafted the Recognition of Customary Marriages Act, among others. The purpose of this meeting was to get the professor's feedback on WLR's proposed customary law forum and to inquire about his availability to serve as a key note speaker. Prof. Nhlapo welcomed WLR's interest in doing programming in this area, and readily agreed to serve as keynote speaker. However, echoing concerns voiced by Ms. Dugmore and Judge Ndita, Prof. Nhlapo cautioned us that delving into these issues can be politically very thorny, and one must be extremely careful regarding who to invite and how to frame the discussions. He also believed WLR was seeking to cover too many issues, and that it is difficult to address these issues regionally in light of the varying statutory and constitutional frameworks of Southern African countries. Moreover, he failed to see a "hook" that would guarantee continued regional cooperation after the conference. He encouraged WLR to re-think our plans for this conference.

Michelle O'Sullivan, Executive Director, Women's Legal Center, and Sibongile Ndashe, staff attorney, Cape Town, March 15, 2005

WLR's met with the Women's Legal Center (the Center) specifically to discuss the proposed WLR customary law forum. WLR had had some contact with WLC in the past, primarily through Ms. Bazilli, the former Legal Specialist. After briefing them on the initiative, Ms. O'Sullivan and Ms. Ndashe shared a number of concerns, both about the feasibility and desirability. From an understandable strategic perspective, the Center was opposed to any public

discussion that could in any way portray their work as seeking to eliminate customary law in South Africa, which apparently they are accused of supporting. They said the South African constitution clearly covers everyone, and the only analysis should be whether customary practices are consistent with the constitution. Only if they are not should they be rejected.

They also felt – and expressed diplomatically – that there is no need to discuss Bhe in a forum of the type we envisioned. Ms. O’Sullivan said there have already been innumerable forums on Southern Africa on customary law issues. Moreover, WLR, to do justice to this revolutionary and complex case, could easily spend three days talking about it. Echoing Ms. Dugmore, Ms. O’Sullivan saw a strong need for training magistrates on Bhe and funding a manual for judges to help them navigate this difficult decision, and suggested the WLR focus its activities there.

Finally, echoing Judge Ndita, the Center’s staff attorney, Ms. Ndashe, cautioned that addressing customary law issues in such a forum was risky since the issue is highly charged and is politically and culturally sensitive. To narrow a conference or forum down to reasonably manageable issues, the organizers – ultimately, the donors – would have to make certain assumptions about customary law that may be unpopular, e.g., whether it is to be retained.

Both attorneys also strongly resisted the notion that our regional approach would be of any help given the different constitutional and statutory frameworks, not to mention the different customary law practices, across the region. Those areas that can be mined for regional input, such as bringing together attorneys from the region to learn strategies in high-impact litigation and using international human rights laws and CEDAW in their cases, is already being done. Also, they cited Oxfam/FAO work on property rights and inheritance as another regional initiative that makes sense. In summary, both women saw little benefit in hosting this conference, and advised that WLR invest in training instead.

Scouting for Conference Facilities.

The DCOP spent her weekend in Cape Town scouting out conference facilities. After some frustrating visits to different, inappropriate sites, a most excellent location was found: the Vineyards Hotel. The facilities are good, and the conference planning staff organized and professional. See www.vineyardshotel.co.za.

Program

“Southern Africa Capacity Building Workshop” 22-25 February, 2005 Kopanong Hotel and Conference Center Benoni, South Africa

Day 1, Tuesday, Feb. 22, 2005

Time	Action / Activity	Facilitator
08:30 - 09:00	Registration, Distribution of Delegate Support Material	REDI
09:00 – 10:00	Official opening, Introductions Workshop Logistics and housekeeping	REDI and WLRSA
10:00 - 10:30	Introduction to Capacity Building Workshop, Expectations and Output	REDI and WLRSA
10:30 - 11:00	Tea / Coffee break	
11:00 - 13:00	Fiscal Issues •	Frank Mlotchwa
13:00 -14:00	Lunch Break	
14:00 -15:00	Fiscal Issues ... •	Frank Mlotchwa
15:00 - 15:45	Case Study	Frank Mlotchwa
15:45 – 16:00	Tea / Coffee break	
16:00 – 17:00	Group Discussions and Presentations	Frank Mlotchwa

This seminar is funded by The U.S. Agency for International Development (USAID)

Day 2, Wednesday, Feb. 23, 2005

Time	Action / Activity	Facilitator
08:00 - 09:00	Presentations and discussions	Frank Mlotchwa
09:00 - 10:30	Organizational Development	Dr. Gumbi
10:30 -11:00	Tea / Coffee Break	
11:00 -12:30	Organizational Development ...	Dr. Gumbi
12:30 - 13: 00	Management Theory (video)	M. Mthembu
13:00 -14:00	Lunch Break	
14:00 -15:00	Organizational Development...	M. Mthembu
15:00 -15:45	Case Study.	M. Mthembu
15:45 – 16:00	Tea / Coffee break	
16:00 – 17:00	Group Discussions and Presentations	Dr. Gumbi

This seminar is funded by The U.S. Agency for International Development (USAID)

Day 3, Thursday, Feb. 24, 2005

Time	Action / Activity	Facilitator
08:00 - 09:00	Presentations and discussions	M. Mthembu
09:00 - 10:30	Monitoring and Coaching	Dr. Walker
10:30 -11:00	Tea / Coffee Break	
11:00 -12:00	Monitoring and Coaching...	Dr. Walker
12:00 -12:30	Preparing the ground work	Dr. Walker
12:30 - 13: 00	Discussion	Dr. Walker
13:00 -14:00	Lunch Break	
14:00 -16:00	Monitoring and Coaching ...	Dr. Walker
15:00 -15:45	Case Study	Dr. Walker
15:45 – 16:00	Tea / Coffee break	
16:00 – 17:00	Group Discussions and Presentations	Dr. Walker

This seminar is funded by The U.S. Agency for International Development (USAID)

Day 4, Friday, Feb. 25, 2005

Time	Action / Activity	Facilitator
08:00 - 09:00	Presentations and discussions	Dr. Walker
09:00 - 10:30	Action Planning	M. Mthembu
10:30 -11:00	Tea / Coffee Break	
11:00 -12:30	Round Table Discussions with Donor Community	WLRSA
12:30 -12:30	Evaluation and Closure	M. Mthembu
13:00 -14:00	Lunch Break	

This seminar is funded by The U.S. Agency for International Development (USAID)

ANNEX B**WOMEN'S LEGAL RIGHTS INITIATIVE SOUTHERN AFRICA
SOUTHERN AFRICA CAPACITY BUILDING WORKSHOP****22-25 FEBRUARY 2005****KOPANONG HOTEL, BENONI, SOUTH AFRICA****PARTICIPANTS LIST**

NAME & DESIGNATION	ORGANIZATION	SEX	COUNTRY	
Participants				
1. Katriena Andrews -Acting Shelter Manager	United Sanctuary Against Abuse (USAA)-Women and Children	F	South Africa	
2. Gahsiena van der Schaff -Network, Advocacy & Campaign Coordinator	Aids Legal Network	F	South Africa	
3. Sishosa Tryphosa Motene -Provincial Coordinator	North West Network on Violence Against Women	F	South Africa	
4. Jugadambal Thevar (Susan) -Office manager	Gender AIDS Forum	F	South Africa	
5. Rev. Joseph Shoopala Shikuma -Reverend & Senior Volunteer Counsellor	Namibia Planned Parenthood Association (NAPPA)	M	Namibia	
6. Nadia Belete -Project Coordinator	Forum for African Women Educationalists in Namibia-(FAWENA)	F	Namibia	
7. Monika N. Thobias - Youth Coordinator & - Administrator Secretary	Young Women Christian Association (YWCA)	F	Namibia	
8. Thusuana Ntlama -Programme Coordinator	Federation of Women Lawyers (FIDA Lesotho)	F	Lesotho	
9. Libakiso Tsoho -Full Time Research Associate	WLSA-Lesotho	F	Lesotho	
10. Itumeleng Motekoane - Research Officer	Phela Health and Development Communications	F	Lesotho	
11. Gay M Motshome -Programme officer	WLSA Botswana	F	Botswana	

NAME & DESIGNATION	ORGANIZATION	SEX	COUNTRY	
Participants				
12. Thato Ephraim Molomo -Coordinator-Counsellor	Gabane Community Home Based Care Society	M	Botswana	
13. Lorato Moalusi-Sakufiwa -Director	Kagisano Society- Women's Shelter Project	F	Botswana	
14. Zakhe Hlanze -Full Time Research Associate	Women and Law in Southern Africa (WLSA) - Swaziland	F	Swaziland	
15. Albertina Zodwa Nyatsi -National Coordinator	Women together	F	Swaziland	
16. Phiwa Malima - Programme Officer	Swaziland Action Group Against Abuse	F	Swaziland	
17. Edna Sandra Reis -HIV/AIDS Prevention Coordinator	MULEIDE-(Association for Women, Law and Development (Associacao Muhler Lei e Desenvolvimento (MULEIDE))	F	Mozambique	
Observers				
18. Cathy Shilubana -Office Manager	CEDPA-Southern Africa	F	South Africa	
19. Armelia Chaponda -Technical Advisor	CEDPA-Southern Africa	F	South Africa	
Consultants				
20. Dr Sikhomba Gumbi -Executive Director	REDI	M	Swaziland	
21. Dr Frank Mlotchwa	REDI/Qondisa Development Facilitators (QDF)	M	South Africa	
22. Susan Bazilli	Consultant	F	South Africa	
23. Muzikayise Mthembu	REDI	M	Swaziland	
24. Dr Julialynne Walker	REDI / Communications CC	F	South Africa	
WLR Southern Africa				
25. David Vaughn -Chief of Party	WLR/Chemonics International	M	USA	
26. Mary Theisen -Legal Specialist	WLR/Chemonics International	F	USA	

NAME & DESIGNATION	ORGANIZATION	SEX	COUNTRY	
Participants				
27. Nancy Kim -Project Manager	WLR/Chemonics International	F	USA	
28. Doo Aphane -Regional Coordinator	Women's legal Rights Southern Africa	F	Swaziland	
29. Sizakele Hlatshwayo Mhlanga -Program Assistant	Women's legal Rights Southern Africa	F	Swaziland	