

Hlophe, Lomvula Grace, *Inheritance Rights of Women in Swaziland*, University of Swaziland, 1997

- The duality of Swaziland's inheritance law, its application to both married and unmarried women and its effects on women's rights to Inheritance .Discriminatory inheritance provisions as a violation of women's human rights.
- Suitability of existing customary inheritance law in "modern conditions"
- Recommendations for appropriate law reform.

Mabuza, Nester Gabsile N., *Matrimonial Property Rights of Women in Swaziland*, University of Swaziland, 1990

- Rules of law governing the rights of women to matrimonial property.
- Inequity towards women in the law governing the access to and control of matrimonial property due to women's diminished legal capacity in certain matrimonial property regimes.
- Discriminatory distribution of property on termination of marriage through death or divorce.

Mamogobo, Refiloe M., *Freedom of Testation in Swaziland: Theory and Practice*, University of Swaziland, May 2000

- Practical application of the principle of freedom of testation in Swaziland's law of succession.
- Customary and general law provisions regarding the capacity of women and children to execute valid wills in terms of both systems.

Mvududu Sara and McFadden Patricia, *Reconceptualizing The Family in a Changing Southern African Environment*, WLSA, 2001

- Women's position within the diverse conceptions of family as a women's human rights issue.
- Women's access to and control over resources: e.g. finances, credit, land, cattle, social relations and networks.
- Different marital property regimes and their implications for women's rights to own and register property as well as to inherit from their husband's estates.
- Adherence to customary rituals as a precondition for benefiting from the estate.
- Recommendations on future directions and areas of action.

Rous, Mary-Ann J., *The Dual System of Marriage In Swaziland and Its Legal Implications On the Law of Succession*, University of Swaziland, 1994

- Problems that arise where a surviving spouse seeks to have the estate of the deceased spouse distributed.
- Patrilineal succession under Swazi law and custom, the appointment of the heir and his obligations towards deceased's dependants.

Simelane, Nelson Nqaba, *Succession Under Swazi Law and Custom*, University of Swaziland (undated)

- Nature and characteristics of Swazi law and custom regarding ownership of property as well as inheritable estates of deceased persons.
- Difficulties faced by women with regard to inheritance under customary law.

- Comparison of the similarities and differences between succession under customary law and intestate succession under general law.
- Recommendations for equitable inheritance laws

Women and Law in Southern Africa Research and Educational Trust (WLSA), *Charting the Maze: Women in Pursuit of Justice in Swaziland*, WLSA Swaziland, 2000

- The multiple concepts of justice in Swaziland and how they differ between women and men in the context of other variables such as class, ethnicity, and age.
- The conceptualization of justice as determining choice of justice delivery structure to be approached in the event of conflict.
- Property-grabbing and disinheritance as conflicts catalyzing the search for justice.
- Implications of factors such as the duality of inheritance law, family location, internal family dynamics, types of marriage on the distribution of deceased estate property.
- Recommendations to improve women's access to justice and the justice delivery system.

Women and Law in Southern Africa Research Project, *Inheritance Law in Southern Africa*, Working Paper No. 6, August 1992

- Legal framework within which inheritance law operates in Botswana, Lesotho, Mozambique, Swaziland, Zambia, and Zimbabwe.
- Laws of inheritance and their application

under common, statutory, and customary law and the implications of this duality for the rights and obligations of women.

- Problem areas for women such as discriminatory provisions, the threat of disinheritance, as well as the non-suitability of outdated laws to present circumstances.
- Duality of the law in relation to marital property regimes the implications for succession.
- Recommendations to identify appropriate and sustainable interventions.

Women and Law in Southern Africa Research and Educational Trust (WLSA), *Inheritance in Swaziland: Law and Practice*, WLSA Swaziland, 1994

- Inheritance law and practices in Swaziland, including procedures and processes for devolution of estates and appointment of heirs and beneficiaries under custom as well as through the Office of the Master of the High Court.
- Evolution of customary law and its suitability for modern conditions and within context of women's multiple roles.
- Discrimination against women in inheritance law.
- Property-grabbing by in-laws.
- Recommendations on law reform and raising awareness on inheritance laws.

Women and Law in Southern Africa Research and Educational Trust (WLSA), *The Legal Situation of Women in Southern Africa, Volume II*, University of Zimbabwe, 1990

- Women's discrimination within the history, social life, political and cultural institutions of Southern African countries.
- The history of Swaziland; the Swazi legal

system; court structure; marriage laws and the consequences flowing there from; women's rights with regard to custody and guardianship of their children; women's access to employment and health.

- Discriminatory nature of inheritance in general and customary law and the impact of these laws on the rights of women.

Women in Law and Development in Africa (WiLDAF) and Co-ordinating Assembly of Non- Governmental Organisations (CANGO), *The Legal Status of Women in Swaziland: The Laws of Swaziland and their Impact on Women*, 2001

- Analysis of laws that impact on women in Swaziland: family law (including marital property regimes and inheritance), commercial law, and criminal law.
- Effect of the law in perpetuating women's subordinate position.
- Recommendations for equity all aspects of the law.



Compiled by:

Women and Law in Southern Africa (WLSA) -Swaziland



# Inheritance and property rights

## AN ANNOTATED BIBLIOGRAPHY

Women's Legal Rights Initiative (WLR)  
Southern Africa  
Tel/Fax: 404-7696  
e-mail: daphnewtr@africaonline.co.sz