

The Law on Property Grabbing 1: Property and Inheritance Rights of HIV/AIDS Orphans in International Law in Africa

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To a considerable extent, all African states are already obliged, under international law, to protect widows and orphans, including their rights to property and inheritance. These obligations are increased, in some cases, where the parents are victims of HIV/AIDS. This article surveys and comments on this area of international law, with particular reference to Rwanda, Mozambique, Tanzania and Uganda.

Property grabbing is not new; for example, it is denounced in Isaiah 10:1-3, Mark 12:38-40, and Qur'an suras 4:2 and 4:6. However, it persists in Africa to a greater extent than in most other parts of the world:

In Africa, property-grabbing has become so institutionalized that even some law enforcement agents—who themselves may have benefited from the practice—turn a blind eye to complaints of property-grabbing...Although in some countries intestate succession is governed by legislation, such legislation sometimes contrasts starkly with African customary law; thus, the extended family of the deceased will tend to ignore it...In Zambia, during a period of mourning for a deceased, validly executed wills are sometimes torn apart by the property-grabbing members of the deceased's extended family. (Mwenda *et al.*, 2005, pp. 957, 961.)

To keep its length moderate, this article takes a great deal of knowledge for granted, such as the prevalence of HIV/AIDS in Africa; the prevalence of widows and orphans of AIDS in Africa (*see especially UNAIDS-WHO, 2008, pp. 159-185; 2009, pp. 21-36*); basic facts about Mozambique, Rwanda, Tanzania and Uganda and their legal and cultural history; and even the general nature and serious consequences of property grabbing. This article speaks only to the obligations of African states under the relevant parts of international law.

TREATIES AND RATIFICATIONS

This is the first of at least three related articles or papers, of which the others, so far, are Schroth (2008) and Schroth & Martinez (2009). The others survey or are to survey the constitutional, statutory, Shari'a and customary law relating to the inheritance and property rights of widows and orphans in some or all of Mozambique, Rwanda, Tanzania and Uganda. Despite the generality of its title, this article

provides details of the status of international instruments only for the same four countries. However, the situation with regard to international law is similar in most other African states, as suggested by Table 3.

The primary topic for discussion is the rights of orphans whose parents owned some property when they died, including how the parents may provide for their children's future and how orphans may enforce their rights, for in many cases the parents' property does not in fact pass to their orphans. A related topic is the rights of widows (and possibly of widowers, *see, e.g., Mwenda et al., 2005, pp. 964-966*) to their lost spouses' property and to provide for their children's future, for in many cases a man's property does not in fact pass to his widow. Underlying these topics is a set of fundamental decisions about the nature of property, especially whether land, buildings and animals should belong to individuals, to extended families or to other groups. Some or all of those decisions have been made already, in the form of statutory, religious or customary law, constitutional law and international law. If any of those decisions are to be changed, the change must take one or more of these forms of law.

An overlapping network of international and regional treaties and instruments protects general rights of equality, nondiscrimination and development and specific rights, such as rights to property ownership, housing, inheritance and health. These begin with the Universal Declaration of Human Rights ("UDHR") in 1948, which is considered non-binding but evidence of the law accepted by the peoples of the world. UDHR was followed in the 1970s by the clearly binding International Covenants on Civil and Political Rights ("ICCPR") and on Economic, Social and Cultural Rights ("ICESCR"). These three, often called the "International Bill of Rights," are supported and extended by treaties that focus specifically on discrimination, namely the International Convention on the Elimination of All Forms of Racial Discrimination ("CERD"; *see Schroth & Mueller, 1975*), the Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW"; *see Okafor-Obasi, 2001, pp. 246-291*) and the Convention on the Rights of the Child ("CRC"; *see Okafor-Obasi, 2001, pp. 330-357*). *See Table 1; on HIV/AIDS and CRC, see Gruskin & Tarantola (2005).*

As shown in Table 2, almost all of these human-rights treaties have been ratified by Mozambique, Rwanda, Tanzania and Uganda and, although it will not be demonstrated here, the same is true for most other African countries. In particular, CRC has been ratified by every state recognized by the United Nations, except Somalia—if that can be called a state—and, to its shame, the United States.

In addition to the international human rights treaties, several African treaties address or affect property and inheritance rights, beginning with the 1981 Banjul Charter (*see Okafor-Obasi, 2001, pp. 127-177*) and its Protocol on the Rights of Women in Africa ("ACRWA Protocol"). The separate African Charter on the Rights and Welfare of the Child ("ACRWC"; *see Okafor-Obasi, 2001, pp. 365-371*) is based in part on under-representation of Africa during the drafting of CRC, which does not address displaced persons arising from internal conflicts, an African conception of the community's responsibilities and duties or the particularly difficult socio-economic conditions of the continent. Also, some consider that CRC fails to recognize the role of the extended family in its treatment of the upbringing of the child and in matters of adoption and fostering.

Table 3 lists these African states, among the 53 that have ratified the Banjul Charter, that have *not* ratified or acceded to one or more of ACRWC, CEDAW and CRC as of early 2010. From these lists, it appears likely that the conclusions drawn here about Mozambique, Rwanda, Tanzania and Uganda would be equally applicable to nearly all other African states. In this connection, it may be noted that, even if an individual state has not ratified or acceded to a specific treaty, many of these treaties are now widely considered to reflect customary inter-national law and thus regarded as binding on all states (*ius cogens*).

TABLE 1
DEFINITIONS OF TERMS USED IN TABLES 2 AND 3 AND THE TEXT

Term	Definition
ACRWA Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted 11 July 2003, entered into force 25 November 2005, <i>available at</i> http://www.achpr.org/english/_info/women_en.html Twenty-one states have ratified the ACRWA Protocol
ACRWC	African Charter on the Rights and Welfare of the Child, entered into force 29 November 1999, <i>available at</i> http://www.achpr.org/english/_info/child_en.html Forty-one states have ratified ACRWC.
Banjul Charter	African (Banjul) Charter on Human and Peoples' Rights, adopted by the OAU on 27 June 1981, entered into force 21 October 1986, <i>available at</i> http://www.africa-union.org/root/au/Documents/Treaties/Text/Banjul%20Charter.pdf Fifty-three states have ratified the Banjul Charter.
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, opened for signature 18 December 1979, entered into force 3 September 1981, <i>available at</i> http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm
CEDAW Optional Protocol	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 54/4, opened for signature 6 October 1999, entered into force 22 December 2000, <i>available at</i> http://www.un.org/womenwatch/daw/cedaw/protocol/text.htm
CERD	International Convention on the Elimination of All Forms of Racial Discrimination, G.A. Res. 2106 (XX), opened for signature 21 December 1965, entered into force 4 January 1969, <i>available at</i> http://www2.ohchr.org/english/law/cerd.htm
CRC	Convention on the Rights of the Child, G.A. Res. 44/25, opened for signature 20 November 1989, entered into force 2 September 1990, <i>available at</i> http://www2.ohchr.org/english/law/crc.htm
ICCPR	International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), opened for signature 16 December 1966, entered into force 23 March 1976, <i>available at</i> http://www2.ohchr.org/english/law/ccpr.htm
ICCPR First Optional Protocol	First Optional Protocol to the Covenant for Civil and Political Rights, G.A. Res. 2200A (XXI), opened for signature 16 December 1966, entered into force 23 March 1976, <i>available at</i> http://www2.ohchr.org/english/law/ccpr-one.htm
ICESCR	International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), opened for signature 16 December 1966, entered into force 3 January 1976; <i>available at</i> http://www2.ohchr.org/english/law/cescr.htm

TABLE 2
TREATY RATIFICATION STATUS
S – signed; A – acceded; R – ratified

TREATY	Mozambique	Rwanda	Tanzania	Uganda
ACRWA Protocol (2005)	S (15 December 2003), R (9 December 2005)	S (19 December 2003), R (25 June 2004)	S (5 November 2003), R (7 May 2007)	S (18 December 2003)
ACRWC (1999)	R (15 July 1998)	S (2 October 1991), R (11 May 2001)	S (23 October 1998), R (16 March 2003)	S (26 February 1992), R (17 August 1994)
Banjul Charter (1986)	R (22 February 1989)	R (15 July 1983)	R (18 February 1984)	R (10 May 1986)
CEDAW (1981)	A (21 April 1997)	S (1 May 1980), R (2 March 1981)	S (17 July 1980), R (20 August 1985)	S (30 July 1980), R (22 July 1985)
CEDAW Optional Protocol (2000)	R (4 Nov. 2008)	A (15 Dec. 2008)	A (12 January 2006)	
CERD (1965)	A (18 April 1983)	A (16 April 1975)	A (27 Oct. 1972)	A (21 November 1980)
CRC (1990)	S (30 September 1990), R (26 April 1994)	S (26 January 1990), R (24 January 1991)	S (1 June 1990), R (10 June 1991)	S (17 August 1990), R (17 August 1990)
ICCPR (1976)	A (21 July 1993)	A (16 April 1975)	A (11 June 1976)	A (21 June 1995)
ICCPR First Optional Protocol (1966)				A (14 November 1995) (with reservation ²)
ICESCR (1976)		A (16 April 1975)	A (11 June 1976)	A (21 Jan. 1987)

There are also several relevant declarations, which, like UDHR, may become binding customary international law if their contents are widely accepted. These include the U.N. Millennium Declaration, adopted by the General Assembly (G.A. Res. 55/2, 8 Sept. 2000), and the 1996 Istanbul Declaration (3-14 June 1996, *available at* <http://ww2.unhabitat.org/declarations/Istanbul.asp>) and Habitat Agenda (7 August 1996, *available at* http://www.unhabitat.org/downloads/docs/1176_6455_The_Habitat_Agenda.pdf), which address adequate shelter for all and development of sustainable human settlements. Specifically African instruments include the 2001 Lomé Declaration (14-16 March 2001, *available at* <http://www.nhri.net/pdf/LomeE.pdf>), the 2002 Kampala Declaration (14-16 August 2002, *available at* <http://www.nhri.net/pdf/African4thNhri/ANHRI%20-%204th%20Conference%20-%20Kampala%20Declaration.pdf>) and the 2005 Abuja Declaration (8-10 November 2005, *available at* http://www.nhri.net/pdf/Abuja_Declarations_2005_En.pdf).

TABLE 3
AFRICAN STATES THAT HAVE *NOT* RATIFIED SELECTED TREATIES

TREATY	
ACRWC	Central African Republic, Djibouti, Democratic Republic of Congo, Sahrawi Arab Democratic Republic, São Tomé and Príncipe, Somalia, Swaziland, Tunisia
CEDAW	Sahrawi Arab Democratic Republic, Somalia, Sudan
CRC	Sahrawi Arab Democratic Republic, Somalia

NON-DISCRIMINATION, EQUALITY AND THE RIGHT TO DEVELOPMENT

All of the aforementioned international and regional instruments aim to protect the rights of women and children. All stress the importance of non-discrimination and equality as the foundation for the effective exercise of other rights, including property, housing and inheritance rights. Numerous treaties also guarantee rights to economic, social and cultural development and require states to ensure each individual's right to development. The fundamental rights of equality, non-discrimination and development are the foundation for the more specific rights considered here, notably the right to secure and predictable mechanisms for the ownership of property, the right to inherit property and other resources necessary for survival and the right to adequate housing and an adequate standard of living.

Article 5(a) of CEDAW obliges states parties to “take all appropriate measures...[t]o modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority of or the superiority of either of the sexes or on stereotyped roles for men and women.”

CRC Article 3(1), ACRWC Articles 3 and 4(1), the U.N. Millennium Declaration Article I(2) and the Lomé Declaration all provide that the best interests of the child shall be a primary consideration. CRC Article 2(2) requires states parties to take “all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.” ICCPR Article 24(1) provides, “Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family society and the State.” ICESCR specifically recognizes the vulnerable position of children and orphans and requires, in Article 10(3), “Special measures of protection and assistance be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions.” Article III.19 of the U.N. Millennium Declaration expressly resolves “[t]o provide special assistance to children orphaned by HIV/AIDS.”

Article 17(3) of the Banjul Charter requires states to promote and to protect “morals and traditional values recognised by the community.” This requirement may at times conflict with and at other times reinforce the rights protected by the various international and regional human-rights treaties, but, in all cases, community morals and traditional values must be considered as the backdrop for the application of these treaties. For example, an individual's intentions in relation to inheritance may be manifested in a variety of ways: orally, through a written will, in a memory book or in a tribal decree. These intentions should be respected in so far as possible, but must yield where traditional values conflict with fundamental rights, as when customary law transfers a decedent's property to male children only.

PROPERTY RIGHTS

Both regional and international instruments, such as CEDAW Articles 13(3) and 14, UDHR Article 17 and ACRWA Protocol Article 19(c), guarantee the right to own property and require states parties not to circumvent this right arbitrarily, except when the community requires the subjugation of the individual property right for the benefit of the community's general interest. The General Comments to ICCPR hold

that the right of every person to be recognized everywhere as a person before the law implies “that the capacity of women to own property, to enter into a contract or to exercise other civil rights may not be restricted on the basis of marital status or any other discriminatory ground” and that states must ensure that the matrimonial regime contains equal rights and obligations for both spouses, with regard to the ownership or administration of property, “whether common property or property in the sole ownership of either spouse.”

CEDAW also protects a woman’s right to make decisions, to enter into contracts and to own, acquire, manage, administer, enjoy and dispose of property. The General Recommendations to CEDAW confirm that these property rights are essential to a woman’s right to enjoy financial independence, and, in many countries, are critical to women’s ability to earn a living and to provide adequate housing and nutrition for themselves and their families.

CEDAW Articles 16(1)(h) and (c) require states parties to “take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations,” including guaranties of “[t]he same rights for both spouses in respect of ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.” Although many treaty guaranties of widows’ rights do not address property rights specifically, language promising widows enjoyment of all human rights implies such protection. CEDAW Article 13 requires states “to eliminate discrimination against women in...economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular[, t]he right to family benefits [and t]he right to bank loans, mortgages and other forms of financial credit.”

CRC and ACRWC do not expressly regulate children’s rights to own property, but those rights may be implicit in others that are explicit, such as the right to adequate housing. It follows from CRC Article 3 that any individual holding property on behalf of a child, such as a trustee or guardian, must protect the interests of the child. CRC Article 36 requires states parties to “protect the child against all...forms of exploitation prejudicial to any aspects of the child’s welfare” and Article 16 requires that each child have “the right to the protection of the law against [any] arbitrary or unlawful interference with his or her...home.” These provisions may be interpreted to prohibit, with respect to conveyance of property, the subjugation of the child’s rights to the interests of his parents’ families or tribes.

RIGHTS TO HOUSING AND SHELTER

International and regional treaties, such as Banjul Charter Article 12(1), ACRWA Protocol Article 16 and ICESCR Article 11(1), guarantee the rights to adequate housing, residence and acceptable living conditions. UDHR Article 12 provides that “no one shall be subjected to arbitrary interference with his...home” and “[e]veryone has the right to the protection of the law against such interference or attacks.” The United Nations endorsed “universal goals of adequate shelter and sustainable human settlements development” during the 1996 U.N. Conference on Human Settlements and in the Istanbul Declaration that was adopted at that Conference, recognizing in the latter “the particular needs of women, children and youth for safe, healthy and secure living conditions” and declaring that governments must ensure “protection from discrimination and equal access to affordable, adequate housing for all persons and their families” and “enhance access to land and credit.”

In relation to women, the Beijing Declaration and Platform for Action (15 September 1995, *available at* www1.umn.edu/humanrts/instate/e5dplw.htm) called upon governments to remove all obstacles for women in obtaining affordable housing and access to land and to facilitate rural women’s equal access to and control over productive resources, land, credit, capital and property rights. CRC Article 27 recognizes “the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development, and...States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programs, particularly with regard to nutrition, clothing and housing.” Rights to adequate housing and acceptable living conditions

are guaranteed—in ACRWA Protocol Article 16, for example—regardless of a woman’s marital status and, by extension, regardless of whether a child was born in or out of wedlock. (See UDHR Article 25.)

INHERITANCE RIGHTS

Article 21 of the ACRWA Protocol provides, “A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it. Women and men shall have the right to inherit, in equitable shares, their parents’ properties.”

CEDAW requires states parties to take steps to eliminate discrimination against women in relation to their rights upon dissolution of a marriage, which may include inheritance rights. The General Recommendations to CEDAW state that, on the distribution of property upon the dissolution of a marriage or the death of a family relative, “any law or custom that grants men a right to a greater share of property...on the death of a relative, is discriminatory and will have a serious impact on a woman’s practical ability to...support herself or her family and to live in dignity as an independent person.” Similarly, the Beijing Declaration and Platform for Action instructs governments to enact and enforce legislation guaranteeing equal rights to succession and inheritance to girls.

The right to security can also be read to support widows’ and orphans’ inheritance claims, in so far as the Habitat Agenda links the right to inheritance to the right to security and specifically commits governments to (1) providing “legal security of tenure and equal access to land to all people, including women and those living in poverty,” and (2) undertaking “legislative and administrative reforms that give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources, and appropriate technologies.”

RIGHT TO HEALTH

The international community has recognized a right to health and several regional treaties specifically address the impact of the rapid spread of HIV/AIDS. For example, Article 14(1)(d) and (e) of the ACRWA Protocol address HIV/AIDS in the context of women’s right to health, guaranteeing women’s rights (1) to “self protection and to be protected against sexually transmitted infections, including HIV/AIDS,” and (2) “to be informed on one’s health status and on the health status of one’s partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognised standards and best practices.”

RIGHTS RELATING TO THE FAMILY UNIT

International and regional instruments, such as ACRWC Article 25(1), CRC Article 20(1), ICCPR Article 23(4) and ACRWC Article 18(2), call for special protection for orphans and children of dissolved marriages. ACRWC Article 25(2) requires states parties to “ensure that a child who is parentless, or who is temporarily or permanently deprived of his or her family environment, or who in his or her interest cannot be brought up or allowed to remain in that environment shall be provided with alternative family care, which could include, among others, foster placement, or placement in suitable institutions for the care of children.”

Very frequently, orphans of AIDS are raised by their grandmothers, straining the latter’s physical and material resources (see, e.g., Guest, 2001, *passim*). The Banjul Charter obliges States to assist the family and to care for its physical health. Under Article 18, “[t]he aged and the disabled” have “the right to special measures of protection in keeping with their physical or moral needs,” which may be read to mandate special protections for those affected by HIV/AIDS. CRC Article 5 requires states parties to “respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child,

appropriate direction and guidance in the exercise by the child of the rights recognized in the [CRC].” Comparable provisions are found in ICESCR Article 10(1) and ACRWC Article 20(2)(a).

RIGHTS TO INFORMATION AND EDUCATION

Equal access to and the promotion of educational opportunities among women and children are necessary for the development of women and children in the political, civil and economic arenas and also in order to understand the laws governing property and inheritance rights and the means by which complaints for the deprivation of such rights may be brought. Every individual has the right to receive information (UDHR Article 19, ICCPR Article 19(2), CEDAW Articles 10(h), 14(2)(b) and 16(1)(e), CRC Articles 13(1), 17 and 28(1)) and African states also have “the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the [Banjul] Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood” (Banjul Charter Articles 9(1), 25). States also must “take specific positive action to promote literacy among women” (ACRWA Protocol Article 12(2)(a)) and “provide free and compulsory basic education” to every child (ACRWC Article 11(1), (3)). As a practical matter, men’s misuse of their dominant position is often based in ignorance, so better education of males must be a priority also.

THE POSITION IN THE FOUR COUNTRIES

As shown in Table 2, all four of the states considered here have ratified or acceded to ICCPR, CEDAW, CERD, the Banjul Charter, CRC and ACRWC. All except Mozambique have acceded to ICESCR, whose provisions are often directly on point. However, as shown above, all of the most relevant provisions of ICESCR can be matched to similar provisions in instruments to which Mozambique is a party, namely ACRWC, the ACRWA Protocol and CRC. Thus it would be quite difficult to construct an argument that Mozambique is any less obligated to HIV/AIDS orphans and widows, under international law, than any of the others.

CONCLUSION

In all countries—although the member states of the European Union may be nearly an exception to this—most laws are adopted without being required by international law. It is therefore only one of many possible reasons for adopting and implementing laws that the state is already committed by international law to do so. To the extent human rights are involved, however, international law is increasingly a key basis, both at the level of treaties, *i.e.*, contracts between states, and at that of binding customary international law, or *ius cogens*.

On the basis of the information set forth in this article, it is reasonable to conclude that all of the four states considered are already obligated, under international law, to protect the property and inheritance rights of HIV/AIDS widows and orphans, overriding any customary law, or even interpretation of Shari’a, that violates those rights.

ENDNOTES

1. This and all other web sites cited in this article were last visited 31 August 2010.
2. Uganda’s reservation to ICCPR First Optional Protocol states, “The Republic of Uganda does not accept the competence of the Human Rights Committee to consider a communication under the provisions of article 5 paragraph 2 from an individual if the matter in question has already been considered under another procedure of international investigation or settlement.” Article 5(2) provides, “There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law,

conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.”

Note:

The original conference paper on this subject was presented at the 2007 conference of the International Academy of African Business and Development. It was based on research conducted during 2006, under the supervision of Dr. Schroth and Christina M. Storm, by about forty lawyers from the international law firms of Cleary Gottlieb Steen & Hamilton, McDermott Will & Emery, Pepe & Hazard, Shearman & Sterling and White & Case, under the auspices of Africare and Lawyers Without Borders. Some of the information and text are taken from or based on unpublished 2006 reports from this project; additional information and text 2007-2010 are solely by Dr. Schroth.

REFERENCES

Benschop, M. (2002). *Rights and Reality: Are Women’s Equal Rights to Land, Housing and Property Implemented in East Africa?* Nairobi: United Nations Human Settlements Programme.

Foster, G., Levine, C. & Williamson, J., eds. (2005). *A Generation at Risk: The Global Impact of HIV/AIDS on Orphans and Vulnerable Children*. New York: Cambridge University Press.

Gruskin, S. & Tarantola, D. (2005). Human Rights and Children Affected by HIV/AIDS. In Foster *et al.* (2005), pp. 134-158.

Guest, E. (2001). *Children of AIDS: Africa’s Orphan Crisis*. Scottsville, South Africa: University of Natal Press. The second edition (2003) was not consulted.

Mwenda, K.K., Mumba, F.N.M. & Mvula-Mwenda, J. (2005). Property-Grabbing Under African Customary Law: Repugnant to Natural Justice, Equity and Good Conscience, yet a Troubling Reality. *George Washington International Law Review*, 37, 949-967.

Okafor-Obasi, O. (2001). *Völkerrechtlicher Schutz der Frauen und Kinder unter besonderer Berücksichtigung der Rechtslage in Afrika südlich der Sahara*. Berlin: Berlin Verlag.

Schroth, P.W. & Mueller, V.S. (1975). Racial Discrimination: The United States and the International Convention. *Human Rights*, 4, 171-203.

Schroth, P.W. (2008). The Law of Property Grabbing 2: Inheritance Rights of HIV/AIDS Widows and Orphans – The Law of Uganda and the Standards of International Law. *Proceedings of the International Academy of African Business and Development*, 9, 605-616.

Schroth, P.W. & Martinez, L. (2009). The Law of Property Grabbing 3: Property and Inheritance Rights of HIV/AIDS Widows and Orphans – The Law of Mozambique and the Standards of International Law. *Proceeding of the International Academy of African Business and Development*, 10, 517-525.

Subbarao, K. & Coury, D. (2004). *Reaching Out to Africa’s Orphans: A Framework for Public Action*. Africa Region Human Development Series. Washington: World Bank.

United Nations Programme on HIV/AIDS and World Health Organization (UNAIDS-WHO 2008). 2008 Report on the Global AIDS Epidemic. Geneva: UNAIDS.

United Nations Programme on HIV/AIDS and World Health Organization (UNAIDS-WHO 2009). AIDS Epidemic Update 2009 (December). Geneva: UNAIDS.

Webb, D. (2005). Interventions to Support Children Affected by HIV/AIDS: Priority Areas for Future Research. In Foster *et al.* (2005), pp. 232-253.