

ACCESSING JUSTICE:
MODELS, STRATEGIES
AND BEST PRACTICES
ON WOMEN'S EMPOWERMENT





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ACCESSING JUSTICE / 2013

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GENDER EQUALITY ON THE HORIZON: THE CASE OF UUKWAMBI TRADITIONAL AUTHORITY IN NAMIBIA¹¹²

1

Introduction

The Namibian customary system and its administration was severely gender imbalanced and both opponents and proponents of gender equality long believed that women's rights and traditional rule were eternal foes. Whether or not this was the case in pre-colonial times is not certain, as the presumption of women's traditional inferiority within such systems is highly disputable.¹¹³ What is clear is that colonial intervention during the twentieth century promoted changes in local customary norms, resulting in extensive gender disparity in Namibia. Women leaders were all but purged from the local traditional arena and women were largely excluded from participation in traditional courts. As such, the emerging structures of the colonial tribal system evolved into all-male domains. Other factors, such as the emergence of male contract labor resulting in the introduction of a male-controlled cash economy, as well as the influence of Western missionaries and Christianity, exacerbated the subordinate position of women in society and combined to create a widespread

belief in Namibia that traditional rule could not and would not accommodate women's rights. In particular, the traditional system included norms that were detrimental to women's rights. A salient example is the customary inheritance norm that states that upon a man's death, his estate is inherited by his matrilineal family. Despite a customary obligation of the husband's family to support needy widows and children, widows and their children were often chased out of the house, back to the widow's matrilineal family, in a practice often referred to as 'widow chasing' or 'property grabbing'.

Notwithstanding these shortcomings, traditional leaders played and continue to play an important role in present-day rural Namibia, with evidence showing that despite regional differences and individual dissatisfaction, traditional leadership is considered a necessary and viable institution. Empirical studies undertaken in the mid-1990s showed a positive attitude towards traditional authority among respondents in both the north and south of Namibia. Notably, support for traditional leadership did not preclude negative feelings toward the incumbent traditional leaders. In this context, any intervention aimed at empowering women in Namibia would likely have considerably more impact if it addressed the customary sphere.

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The intervention

The traditional court system exists side-by-side the formal justice system in Namibia, and is specifically provided for by legislation.¹¹⁴ The legislation confirms that the designation of a Chief shall be regulated by customary law and defines the powers, duties and functions of traditional authorities.¹¹⁵

Since 1993 there has been a push in Namibia to increase women's participation in traditional courts, for example by appointing women as leaders and as representatives in village court cases. The Uukwambi Traditional Authority¹¹⁶ in northern Namibia sought to address gender inequality within the customary system in three ways:

i) Under the leadership of Chief lipumbu, the Uukwambi Traditional Authority (the Traditional Authority) embarked on a process to increase the number of women traditional leaders and women members of the traditional leaders' committee.

The Traditional Authority, and Chief lipumbu in particular, actively promoted women's leadership, both in public

¹¹² The full text of this case study, including references, is found in J Ubink, 'Gender Equality on the Horizon: The Case of Uukwambi Traditional Authority, Northern Namibia' in E Harper (ed), *Working with Customary Justice Systems: Post Conflict and Fragile States IDLO* (2011) 51-71.

¹¹³ According to Becker, writing specifically in relation to the role of women in pre-colonial Owambo, in many communities women had access to property, the matrilineal system tempered the control of men over women and especially of husbands over wives and women played important roles as healers and ritual leaders. H Becker, 'We want women to be given an equal chance. Post-independence rural politics in northern Namibia' in Meintjies, Pillay and Turshen (eds), *The Aftermath: Women in Post-Conflict Transformation* (2001) 255, 277, cited in Ubink, above n 112, 55.

¹¹⁴ The 1990 Constitution of the Republic of Namibia does not mention traditional authorities or traditional courts. However their existence can be deduced from arts. 66(1) and 102(5). The former stipulates the validity of the customary law and common law in force on the date of independence, subject to the condition that they do not conflict with the Constitution or any other statute. Art. 102(5) calls for the establishment of a Council of Traditional Leaders whose function is to advise on communal land management and on other matters referred to it by the President. An inquiry into traditional leaders led to the passage of the Traditional Authorities Act 1995 the provisions of which were largely reproduced in the Traditional Authorities Act 2005 (the Act). The Act currently regulates traditional leadership and provides for the establishment of traditional authorities in traditional communities, which comprises of a chief or head, senior traditional councilors and traditional councilors. Section 14(a) of the Act states that "any custom, tradition, practice or usage which is discriminatory or which detracts from or violates the rights of any person as guaranteed under the Constitution of Namibia or any other statutory law" shall cease to apply. Art. 10 of the Constitution prohibits discrimination on the grounds of inter alia sex, therefore rendering redundant any customary law that violates the norms of gender equality.

¹¹⁵ Their main function, according to the Act, relate to the promotion of peace and welfare in the community, the administration and development of customary law and the supervision of its observance, and the preservation of the local culture.

speeches and by appointing women at various levels of traditional leadership. This included the appointment of a woman deputy in the Traditional Council to preside over its meetings in the absence of the Chief. According to one headman in Onamega District, “the senior headman tells people around him that if they see a woman capable of leading, she must be the first choice”.

ii) The Traditional Authority formally opened up traditional dispute settlement meetings and actively encouraged women’s participation on an equal basis as men.

This was brought about in part as a result of the 1993 decision of the Owambo Traditional Authorities¹¹⁷ to allow women to participate fully in the work of community courts.

This resolution, which was subsequently written into Uukwambi’s written customary laws, gave momentum to a process to involve women more actively in political and judicial decision-making. Following the 1993 decision, the Traditional Authority decided that a female representative and advisor had to be selected in each village. It was also decided that women were to actively participate in traditional court meetings.¹¹⁸ At many court meetings women are now expressly encouraged to actively participate in the proceedings. At one of the senior traditional councils, the chairman always addresses the woman at the beginning of a court

session “You women have been neglected. Now it is time for change. So if you see something you don’t like, speak up. Everyone now, watch carefully. Stand up and speak if you think something is not right or if you don’t understand something”

iii) The Traditional Authority modified a number of customary norms that were detrimental to the position of women and sought to create broad local awareness of these changes.

At the 1993 Customary Law Workshop, leaders of six Owambo traditional communities came together to draw up recommendations to the various councils with the aim of harmonizing their customary laws. They unanimously decided that widows should not be chased from their lands or out of their homes, and that they should not be asked to pay for such land again. This decision was subsequently codified in the Laws of Uukwambi 1950-1995. This normative change reflected a widely felt need among society members to enhance the position of widows, both at the local and national levels. These measures were subsequently promoted by the Traditional Authority, with the active involvement of Chief lipumbu.

Before discussing these changes and their impact on the people of Uukwambi, it is useful to highlight that the achievements in Uukwambi were inextricably intertwined with change processes occurring in

➤ TRADITIONAL HEADMAN:
YOU WOMEN HAVE
BEEN NEGLECTED!
IT’S TIME FOR CHANGE ◀

Namibia at large. When Namibia gained its independence in 1990, the country experienced a tremendous momentum for change, including in gender relations. Women had played a prominent role in the period before independence, both as freedom fighters and in the functioning of the rural localities when men were away fighting or working on labor contracts at white owned farms. The notion of ‘women’s rights’ entered Namibian politics when women freedom fighters not only expressed their opposition to colonial occupation, but also to contrived custom and tradition. The collaboration of traditional leaders in indirect rule of the apartheid government, which cost them the respect of the population, was a determining factor in this articulation. Recent decades have seen further progression towards more gender equality. The Constitution of the Republic of Namibia, adopted February 1990, reflected the demand for gender parity in guaranteeing equality and freedom from discrimination on a number of grounds, including sex (section 10(2)).

¹¹⁶ The Uukwambi Traditional Authority is divided into five districts, each of which is headed by a senior headman or senior headwoman. Each district contains a number of villages, up to 70, which are headed by their own headman or headwoman. At the village, district and Uukwambi level, leaders are supported by a Council. Chief lipumbu is the Chairman of the Uukwambi Traditional Council, which comprises the five senior headmen / headwomen, as well as several other traditional councilors.

¹¹⁷ Uukwambi is one of the six traditional communities that constitute the Owambo Traditional Authorities.

¹¹⁸ The new representatives were expected to actively participate in hearings of customary courts and generally act as deputies to the headmen in order to enhance the equal representation and treatment of women in the customary arena.

GENDER EQUALITY ON THE HORIZON: THE CASE OF UUKWAMBI TRADITIONAL AUTHORITY IN NAMIBIA (continued)

3

Results analysis

The increased presence and participation of women leader does not necessarily correlate to positive gender outcomes. For this reason, between September 2009 and February 2010 data was collected principally through qualitative data collection methods in three districts of Uukwambi,¹¹⁹ which included semi-structured interviews with women, women leaders, traditional leaders, farmers, government authorities, academics, and the staff of non-governmental organizations (NGOs). Focus group discussions with women and NGO staff, as well as participant observation of traditional court meetings were also conducted to determine whether justice outcomes have changed with the inclusion of women leaders and participants. In addition, structured interviews based on a survey were conducted in 216 rural households to explore issues associated with access to, participation in and satisfaction with the customary justice system.

A. Perceptions of female leaders / leadership

Traditionally in Namibia, traditional leaders (i.e. headperson, senior councilors or traditional councilors) were selected from the family of the last leader.¹²⁰ Over time it became common for a headman to nominate one of his sons or grandsons. Today, the criterion of belonging to the same family is no longer decisive, although it is still often preferred if a suitable candidate is available.

Table 1. "My headman/headwoman does his/her job well"

	The village leader is a woman (n=51) (%)	The village leader is a man (n=101) (%)
Strongly agree	23.5	28.7
Agree	56.9	53.5
Neutral	7.8	7.9
Disagree	11.8	9.9
Strongly disagree	0	0

Table 2. "The relationship between you and your headman/headwoman"

	The village leader is a woman (n=54) (%)	The village leader is a man (n=108) (%)
Very good	33.3	34.3
Good	40.7	40.7
Neutral	11.1	10.2
Bad	13.0	13.0
Very bad	1.9	1.9

Table 3. "The senior headman/headwoman does his/her job well"

	Ogongo (SHW) Women (n=15) (%)	Ogongo (SHW) Men (n=17) (%)	Onamega (SHM) Women (n=21) (%)	Onamega (SHM) Men (n=11) (%)	Otuwala (SHM) Women (n=41) (%)	Otuwala (SHM) Men (n=35) (%)
Strongly agree	26.7	17.6	28.6	36.4	31.2	34.3
Agree	66.7	76.5	57.1	54.5	56.2	57.1
Neutral	0	0	4.8	0	3.1	5.7
Disagree	0	5.9	9.5	9.1	9.4	2.9
Strongly disagree	6.7	0	0	0	0	0

SHW = senior headwoman SHM = senior headman

Currently, one of the five district senior councilors in the Traditional Authority is a woman. In the three districts of the Traditional Authority where interviews were conducted, the proportion of women village headpersons range from approximately one out of four of the villages surveyed (in Onamega District) and one out of five (in Ogongo District), to a mere one out of 19 (in Otuwala District). Although still heavily outnumbered by headmen, this represents a significant change from the traditional rule of ten years ago.

Women appointed to leadership positions around the time of independence recall a difficult start: men were reluctant to accept their new role and largely excluded them from traditional court and village meetings. This seems to have changed over time: headwomen and the senior headwoman who took up their positions more recently have not reported any overt resistance. A number of respondents opined however, that women had a restricted scope of operation compared to their male counterparts. For instance,

¹¹⁹ These were Otuwala, Onamega and Ogongo districts.

¹²⁰ Originally there was a preference for a member of the former headman's matrilineal family, but it was not uncommon for the son of a traditional leader to succeed his father if no matrilineal family members were deemed eligible.

while a new headman can select his own council, a new headwoman must select her councilors in consultation with male elders.

In the survey, several questions were asked regarding the performance of men and woman leaders. The data indicated that a large majority of respondents believed that their headwoman was doing her job well, with no significant difference between male and female respondents. There was a slight, but insignificant difference in how the performance of headmen was regarded (Table 1). In the same vein, respondents in villages with female leaders described the relationship with their village leader almost identically to respondents in villages with male leaders (Table 2). Here also, the gender of the respondents did not account for a substantial deviation in opinion. The statistical data regarding the senior headmen/women reveal similar opinions: leaders of both sexes were assessed similarly and received strong support from men as well as women (Table 3).

One interesting finding from the survey data is that, while men and women assessed headwomen more or less similarly, and that this assessment did not substantially differ from women's assessments of headmen, these same headmen were assessed significantly more positively by male respondents (Table 1b). With regard to senior traditional leaders, the senior headwoman and the senior headman of Onamega District were assessed almost identically by male and female respondents. Only Otuwala District showed a significant difference between male and female respondents, again indicating that men assessed their male leader more positively than women did (Table 3b).

Table 1b. "My headman/headwoman does his/her job well"

	Villages with headwomen (mean)	Villages with head man (mean)
Men	2.05	1.78
Women	2.10	2.11
Total	2.08	1.99

Table 3b. "My headman/headwoman does his/her job well"

	Otuwala district (SHM) (mean)	Otuwala district (SHW) (mean)	Ogongo district (SHW) (mean)
Men	1.77	1.82	1.94
Women	2.07	1.95	1.93
Total	1.94	1.91	1.94

The interviews highlighted that the shift in mindset required for women to occupy a fully equal role in traditional leadership functions is not nearly complete. Many headmen still saw their sons as the preferred candidate to succeed them, and their daughters as substitutes if sons were absent or unsuitable. They often referred to tradition as the reason for this opinion. Others also favored a male leader, either pointing to tradition or to what they considered character traits of men and women. The latter provides an insight into the characteristics deemed important for traditional leaders, and in the interviews, these centered on the dichotomies patient/impatient, forgiving/resentful, active/lazy, and powerful/weak. In the survey, the respondents listed the following character traits of a good headman/woman: he/she needed

to be fair and honest (mentioned by 80 respondents); he/she needed to listen to and solve problems (49 respondents); he/she needed to treat people equally (41 respondents); he/she needed to be strong and powerful (39 respondents); and he/she needed to be educated and intelligent (33 respondents).

When respondents were then asked whether men and women have these above character traits in equal measure, a large minority of the women and more than half of the men answered that men possessed these qualities in larger measure than women (Table 4). This is consistent with the recorded preferences for male or female leadership. Headmen were preferred over headwomen by a majority of the male respondents, as well as a large minority of the female respondents (Table 5).

Table 4. "Do women and men have the necessary qualities for leadership in equal measure?"

	Women (n=89) (%)	Men (n=66) (%)	Total (n=155) (%)
Yes	41.6	36.4	39.4
No, men more	40.4	53	45.8
No, women more	15.7	9.1	12.9
Do not know	2.2	1.5	1.9

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Table 5. "If you could vote for a new traditional leader in your village, would you prefer a headman or a headwoman?"

	Women (n=92) (%)	Men (n=66) (%)	Total (n=158) (%)
Headman	37.0	57.6	45.6
Headwoman	26.1	7.6	18.4
No preference	37	34.8	36.1

Table 6. "It would be good if more traditional leaders were women"

	Women (n=90) (%)	Men (n=67) (%)
Strongly agree	12.2	3.0
Agree	31.1	20.9
Neutral	7.8	16.4
Disagree	47.8	44.8
Strongly disagree	1.1	14.9
Mean	2.94	3.48

In a similar vein, only 21 percent of male respondents and 43 percent of female respondents supported the statement that more traditional leaders should be women (Table 6). The answers to the statement "Men generally make better leaders than women" similarly show that men were still regarded as the most suitable leaders (Table 7).

With regard to the latter two statements, "It would be good if more traditional leaders were women" and "Men generally make better leaders than women", the gender of the respondents accounts for a substantial deviation in opinion. When the gender of the village leader was taken into account, the data show that male respondents living in villages led by a headman were significantly more negative towards increased women's leadership than the female respondents in the same villages, and more negative than male respondents in villages headed by women. Similarly, with regard to the statement "Men generally make better leaders than women", both male and female respondents in villages headed by women indicated significantly lower agreement to this statement than respondents, and in particular male respondents, in villages headed by men.

➤ JUST OVER HALF
OF RESPONDENTS
EXPRESSED SATISFACTION
WITH TRADITIONAL
COURT PERFORMANCE ◀

When aggregating the data discussed above, two patterns become visible. First, in villages led by a headman, male respondents had a significantly more negative view of female leadership than female respondents, a difference that was not found or was considerably less than in villages with headwomen. Second, male respondents showed a more positive general attitude towards female leadership in abstracto when living in a village led by a woman compared to males living in a village led by a man. The latter indicates that men's opinions about gendered leadership — whether based on traditional values or preconceived opinions regarding the character traits of men and women — undergo significant change as a result of exposure to successful female leadership.

B. Changed perceptions of quality and fairness of traditional courts

Customary courts in Uukwambi play a major role in the resolution of local disputes. Dispute settlement is by far the most time-consuming task of traditional leaders in Namibia. During the colonial period women were largely excluded from active participation in the traditional judicial arena. Today, both men and women are free to participate and women do so to a large extent.¹²¹ This subsection considers whether opening up of traditional courts has resulted in a positive perception of women and their role in the courts and whether such perceptions are influenced by the gender of the traditional leader in the respondent's village.

When discussing perceptions of the traditional courts, it is important to highlight that approximately two-thirds of the respondents had never attended a traditional court meeting in their village. Thirty-two percent of the respondents had participated in court meetings, but only 8 percent reported to have attended "many times" or "almost always". Traditional court meetings therefore do not engage the majority of the adult population of a village.

The 51 respondents who answered that they had attended court meetings showed high satisfaction with traditional court performance: only 18 percent reported a need to improve the performance of traditional courts. Male respondents reported a slightly higher need to improve the performance of traditional courts led by headwomen, compared to those led by headmen. Female respondents, on the other hand, were more negative about the performance of traditional courts led by headmen than those led by headwomen.

¹²¹ This should, however, be understood within the context of the high out-migration which characterizes the rural areas of northern Namibia. This phenomenon, caused by the poor economic situation in rural areas, has resulted in a high percentage of women-headed houses.

When these same respondents were asked whether they felt they could actively participate in proceedings, 72 percent of female respondents and 92 percent of male respondents answered positively, and 28 percent of female respondents felt that they could not actively participate. Notably, women were more positive about participation in villages led by headwomen than by headmen (Table 10).

When confronted with the question of whether men or women were more influential in the traditional court in their village, 56 percent of female respondents and 60 percent of male respondents believed that power was equally divided, with most of the others claiming that men enjoyed more power than women. Opinions of male respondents did not differ with the gender of the village leader; however, female respondents believed that there was more equal power sharing in villages with headwomen (Table 11).

When all respondents — including those who had never attended a traditional court meeting — were asked their opinion about the statement, “Men and women are treated equally in traditional courts”, only nine percent did not agree. Both male and female respondents were slightly more positive about this statement where the traditional courts were headed by women as opposed to men. Similarly, only six percent of respondents disagreed/strongly disagreed with the statement “In the traditional court, women and men have an equal chance to get a fair decision or settlement”.

Almost half of all respondents stated that they found it difficult to speak up and give their opinion at a traditional court meeting. These data show a significant difference between men and women (women reporting more difficulty than men). When disaggregated by court attendance, the data indicate that respondents who had never attended a traditional court felt that it was much more difficult to speak up than did respondents with actual court experience. Of those respondents who

Table 7. “Men generally make better leaders than women”

	Women (n=92) (%)	Men (n=67) (%)	Total (n=159) (%)
Strongly agree (1)	27.2	41.8	33.3
Agree (2)	17.4	20.9	18.9
Neutral (3)	3.3	1.5	2.5
Disagree (4)	42.4	25.4	35.2
Strongly disagree (5)	9.8	10.4	10.1
Mean	2.90	2.42	2.68

Table 10. “Do you feel that you can actively participate in traditional court proceedings?”

	Women (n=25) (%)	Men (n=25) (%)
Villages with head woman		
Yes	5 (83.3%)	10 (100%)
No	1 (16.7%)	0
Dont Know	0	0
Villages with head man		
Yes	13 (68.4%)	13 (87.7%)
No	6 (31.6%)	0
Dont Know	0	2 (13.3%)
N=51, missing=1		

Table 11. “In the traditional court in your village, who do you think are more influential, men or women?”

	Villages with headwoman (%)	Villages with headmen (%)
Women		
Men	1 (16.7)	7 (36.8)
Women	0	0
Equal	5 (83.3)	9 (47.4)
Don't know	0	3 (15.8)
Men		
Men	3 (30)	4 (26.7)
Women	1 (10)	1 (6.7)
Equal	6 (60)	9 (60)
Don't know	0	1 (6.7)
N=51, missing=1		

had attended a traditional court, 80 percent of the male respondents and 68 percent of the female respondents disagreed or strongly disagreed with the statement; 28 percent of the female respondents strongly agreed, compared to 4 percent of the male respondents. Further, the data indicate that male respondents found it easier to speak up in traditional courts in villages led by women compared to those led by men.

In summary, respondents generally perceived the treatment of men and women by the traditional courts as equal, as well as their chances of receiving a fair decision. Critically,

there was a marked difference between respondents in villages with a headwoman and those with a headman. Female respondents were significantly more positive about traditional court proceedings in female-headed villages, in terms of overall satisfaction, ability to participate in the proceedings and the equal division of power among the sexes. Male respondents were slightly more positive about traditional courts in male-headed villages, but indicated that they spoke up more easily in courts in female-headed villages.

GENDER EQUALITY ON THE HORIZON: THE CASE OF UUKWAMBI TRADITIONAL AUTHORITY IN NAMIBIA (continued)

C. Change in justice outcomes for women?

The semi-structured interviews conducted in the case study indicated that the changed norms had become widely known and enforced in the Traditional Authority. Many people were familiar with the new rules, and it was generally stated that there was a drop in the number of cases of property grabbing, both in traditional courts and at the Communal Land Boards (CLBs). Widespread awareness was corroborated through the survey data, which showed that of the 162 respondents in Uukwambi, 82 percent were aware of the norm prohibiting property grabbing and 81 percent of the norm prohibiting payment to the headman/woman by the widow. Of the 132 respondents who were aware of the norm prohibiting property grabbing, 92 percent stated that they were unaware of any case of property grabbing in their village in the past three years, compared to 8 percent who had heard of such a case. These figures are particularly striking when compared to another research project carried out in 1992-1993 in Uukwambi. In this research, when asked about property and inheritance in a customary marriage, 51 percent of the 600 female respondents answered that they were convinced that on the death of their husbands, all of the belongings of the husband would be transferred to his family. This was despite that when they were asked whether they agreed or disagreed with the statement "The husband's family should inherit all the property when the husband dies", 96 percent disagreed, and when asked whether "Women should be allowed to inherit land without having to pay", 97 percent agreed.

Property grabbing and payments by widows to headmen to retain land were first outlawed in the written Laws of Uukwambi 1950-1995 and later in statutory law. During interviews, both customary law and statutory law were referred to as sources of the new norm, and both the Traditional Authority and the Government were perceived as the enforcing agencies. It is difficult to clearly deduce which regulatory system has contributed most to the awareness of these norms. On the one hand, the data of the CLBs show that these institutions still received many property grabbing cases in 2003-2006 and then saw a gradual decline from this period to the present date, where there have been few cases. This coincides with the introduction of the Communal Land Reform Act 2002 (the Act), rather than with the abolishment of the customary norm by the Owambo Traditional Authorities in 1993.

On the other hand, the quantitative data show that 21 percent of respondents who were aware of the norm attributed its basis to statutory law, with 5 percent specifically referring to the Act; 64 percent referred to customary law as the source; 14 percent did not know. A further important point is that respondents often noted that when both parents die, the inheriting child is not exempted from making a payment to the headman to retain the land. The fact that this practice contravenes the Act but not the written Laws of Uukwambi 1950-1995 suggests that knowledge of the content of the Act is at best incomplete and that awareness of statutory norms may be stronger when they reflect customary norms.



Conclusion

A number of interesting observations concerning legal empowerment projects aimed at the customary justice sector might be drawn from this study.

First, it is important to increase participation of women in leadership roles. Having women in visible leadership positions has a positive impact for improving both women and men's views on the capabilities of women as community leaders and in improving justice outcomes for women.

Second, increasing the presence of women in court proceedings and encouraging them to take an active role, for example as participants as witnesses, leaders, or as representatives can positively affect women's feelings about the performance of the traditional court system.

➤ IN NORTHERN NAMIBIA
NEW 'TRADITIONAL' WOMEN
LEADERS ENJOY CROSS-
GENDER SUPPORT ◀

Third, active promotion and support by village chiefs on new cultural norms is essential in increasing awareness of rights. Codifying developing customary norms, for example by abolishing property grabbing, reflects the changes in the traditional views, can raise awareness for these new cultural norms that are promulgated at the village level.

Overall, the actions taken by the leadership to introduce gender equality into the customary system in the Traditional Authority appear to have enhanced the fairness and equity of traditional rule and the customary dispute settlement process for women, and thus present a successful approach to women's legal empowerment.

It is important to note three factors in the Uukwambi case study that set it apart from many other attempts to enhance the position of women regulated by customary law in Africa:

- *The simultaneous change undertaken in all three domains of traditional rule – leadership, dispute settlement, and normative content of customary norms. These three domains are interconnected in such a way as to suggest that any effort to promote normative change needs to be holistic.*
- *The complementarity of local, regional and national efforts. For instance, the change processes in Uukwambi were part of a broader effort in Owambo to harmonize customary laws and align them with the new Constitution. This harmonization process was encouraged, legitimated and, at least in part, driven by the Namibian Government.¹²²*
- *The momentum for change in Namibia following its independence.¹²³*



Image: eGuide Travel

Key lessons that may be useful for legal empowerment programming:

- (i) It is important to increase participation of women in leadership roles. Having women in visible leadership positions has a positive impact for improving both women and men's views on the capabilities of women as community leaders and in improving justice outcomes for women.
- (ii) Increasing the presence of women in court proceedings and encouraging them to take an active role can positively affect women's feelings about the performance of the traditional court system.
- (iii) Active promotion and support by village chiefs of new cultural norms is essential to increase awareness of rights.

¹²² The Owambi Traditional Authorities, in their bid to assert their relevance in independent Namibia, took heed of the government's 'suggestions' for reform. The decisions made by the Owambo Traditional Authorities in turn legitimized change processes in Uukwambi. The active engagement of the Uukwambi and the personal involvement of Chief lipumbu greatly influenced the success and vigor of the reforms.

¹²³ See the discussion at the introduction and intervention description in this case study.