



**WORKSHOP ON RULE OF LAW AND INCLUSIVE
DEVELOPMENT IN AFRICA: RHETORIC, CONTESTATIONS AND OPTIONS
FOR ACCESS JUSTICE FOR WOMEN
Workshop Report**



**Konrad Adenauer Stiftung
Rule of Law Program for Sub-Saharan Africa
Windhoek, Namibia
20th -21st January 2017**

Background

The Konrad Adenauer Stiftung Sub-Saharan Africa Rule of Law Programme hosted a workshop in Windhoek, Namibia, on 20-21 January 2017 entitled: **Rule of Law and Inclusive Development in Africa: Rhetoric, Contestations and Options for Access to Justice for Women**. The conference was widely attended by representatives from Kenya, Tanzania, Malawi, Zimbabwe, Zambia, South Africa, among others.

The Workshop: Brief Overview of the Discussions

The workshop examined the scope and limitations of the concept of rule of law, as an instrument of development in Africa, engaging with one of its core elements, access to justice. This entailed interrogating if African women's development is predicated on the rule of law, specifically, on inclusive access to justice.

Key interrogations by participants considered whether effective, responsive, accessible and fair equitable justice systems are a pillar for democratic governance and consequently development. In particular, the workshop critically examined how gender sensitive and inclusive law and justice can advance political, social, economic and cultural rights of women; strengthen their resilience in and after crisis; and drive growth that improves African women's quality of life.

Extractives Baraza's Contribution

Dr. Melba K. Wasunna, Director of the Extractives Baraza, was invited to make a presentation on the following topic: **Economic and Resource Inequalities and Women's Access to Justice in Africa: Just Options and Limitations**. The presentation focused on the *Kenya Justice Project* in which Melba was involved from 2013-2015 as the lead Kenyan consultant. The Kenya Justice Project was a Landesa-USAID initiative piloted in 2011-2015 in Ol Pusimoru location, Narok County, Kenya. The pilot aimed at enhancing women's access to customary justice related to land by building community knowledge of constitutional rights, including land rights, and increasing the capacity of customary or traditional justice actors, such as councils of elders, to support and enforce women's rights to access and own land.

In 2012, a qualitative and quantitative impact evaluation revealed significant improvements across all access to justice indicators, including: strengthening of procedures and processes in local dispute resolution institutions, including enactment of community bylaws to guide their actions; requirement of spousal consent for land transactions; enhanced recordkeeping of proceedings; consistent forwarding of criminal cases to the police; and a new election process for the Council of Elders, resulting in 14 women being elected as members of the Council, an unprecedented event in Ol Pusimoru. In 2014, during a follow-up field visit, it was revealed that there were 22 women serving as community elders. The pilot community had maintained, and in many cases improved upon, the gains made by the project and significant economic development was underway, which many of the elders attributed to the empowering effect of the project. For more information on the project, please see:

<https://www.youtube.com/watch?v=MoTqSZQVCiY>.