

Celebrating Women Ombudsman  
Opening remarks, Janine Hicks, School of Law, UKZN

- Chairperson of the African Ombudsman Research Centre Board; President of African Ombudsman and Mediators' Association and Public Protector of South Africa – Advocate Busisiwe Mkhwebane
- Founding Chairperson of the African Ombudsman Research Centre and former Public Protector of South Africa – Professor Thuli Madonsela
- Dean and Head of the UKZN School of Law and member of the African Ombudsman Research Centre board – Professor Managay Reddi
- Excellencies and Honourable Ombudsmen who are able to join us
- Distinguished participants/guests

On behalf of the Vice-Chancellor and Council of the University of KwaZulu-Natal, and the African Ombudsman Research Centre (AORC), a research and training arm of the African Ombudsman and Mediators Association, I welcome you to this webinar entitled Celebrating Women Ombudsman. As one of their series in celebration of Women's month in South Africa, this webinar addresses the challenges faced by women Ombudsman in a patriarchal African society and how women Ombudsman can make a difference in the lives of the poor and marginalized.

Through this webinar, we hope to generate suggestions and strategies within our community of practice on how these challenges may be overcome. Key to this will be how best we can draw on the unique strengths that women Ombudsman are able to offer, and the positive impact they bring to their work.

Peacebuilding studies reveal that women's participation in conflict prevention and resolution can improve outcomes before, during, and after conflict<sup>5</sup>. However in patriarchal societies, there can be local resistance to the inclusion of women and gender diverse stakeholders in mediation processes, and these stakeholders' effective participation may be limited. Gender mainstreaming theory clearly indicates the dangers of a gender-blind approach to development, which perpetuates women's inequality and their exclusion from decision-making processes. Such an approach also typically results in unsustainable strategies that do not respond to the interests and needs of poor women, the majority population group. Adopting a gender-inclusive approach to conflict resolution enhances the robustness of the DR process, the responsiveness of process outcomes, the sustainable and effective implementation of the resulting agreement, and its positive impact on poor and marginalised communities.

In this regard, I wish to share a very useful and practical tool developed by the Compliance Advisor Ombudsman unit of the World Bank Group, its Gender Guidance Note. The Guide highlights some of the challenges that may be experienced in adopting a gender-inclusive approach to mediation and dispute resolution, and offers a set of strategies and tools for mediators to use in addressing these.

It notes the following common challenges:

1. Cultural stereotypes, and religious and patriarchal justifications are used by parties to argue for the exclusion of women. This results in the marginalization of women in community dialogues and consultative processes, and the minimizing of their particular vulnerabilities, needs, and interests pertaining to the dispute. This can also lead to minimizing their ownership of the DR process and its outcomes.
2. Women stakeholders may not prioritize and speak up about women's representation and participation in CAO DR processes, or take up opportunities to participate in these processes.
3. It is difficult for mediators to challenge nominal women's representation that ignores the fact that not all women have the same views or that permits the domination of DR processes by powerful and elite women leaders.
4. The mediation team may inadvertently perpetuate and reinforce the existing power imbalance between gender groups within the community, while aspiring to be sensitive to the local context.
5. Mediators may not be able to address or mitigate parties' fears of retaliation, or acts of retaliation, for challenging gender norms and inequality.
6. Mediators do not have the resources to address barriers in access to information, confidence, and capacity for certain groups to participate meaningfully in a DR process.
7. There is a shortage of trained women mediators with local availability to assist DR cases.
8. Mediators lack capacity to ensure meaningful participation by diverse gender groups and to effectively encourage and support the parties to include gender dimensions in the DR process.

The guidance note suggests several very practical strategies and tools that can help address these gender challenges – I have asked the AORC team to share the link to this guide with webinar participants.

<http://www.cao-ombudsman.org/publications/documents/GuidanceNoteonGenderInclusiveDisputeResolution.htm>

Noting that on the African continent we are not alone in facing resistance to women's leadership and participation in mediation and dispute resolution, we welcome our honourable speakers today, who will share insights into particular challenges confronted by women ombudsmen, and their strategies and recommendations on how these can best be addressed, to benefit poor and marginalized communities.

1. Speaker 1: Hon. Martha Chizuma – Ombudsman - Malawi.
2. Speaker 2: Antónia Florbela Rocha (Deputy Ombudsman: Angola)
3. Facilitator: Adv. Kholeka Gcaleka (Deputy Public Protector: South Africa)