

**Centre for Indigenous Law**  
**Department of Public Constitutional & International Law**  
**College of Law**  
**University of South Africa**

**Conference Concept Note and Call for Abstracts**

**Theme: Reflections on Gender in the Context of Customary Law in the African Continent**

The centrality of gender in Customary Law has been a fundamental cause for deep reflection on the intersections between Customary Law and other laws in the 21<sup>st</sup> Century societies, which are predominantly premised on Eurocentric social and legal practices. It is in this respect that customary law and practices inevitably result in gendered roles in societies which invariably permeate various sectors of life such as labour wherein duties, benefits and privileges are dependent on one's gender.

Women have thus been at the receiving end of these practices as society has generally perceived them as inferior and thus allocated them subservient roles which confined them to unfavourable social, political and economic spaces as compared to their male counterparts. These social constructs of gender have been greatly problematized, more especially with regard to their relevance, alignment and resonance with contemporary life, which prizes the culture of human rights in the context of democratic values such as equality and human dignity. The inclusion of women in economic participation is one of the critical elements for social development. This realization influenced the United Nations to consider women equality as one of the goals for "sustainable development for the nations of the world agenda" (2015) as a sequel to the Beijing Platform (World Conference on Women: Action for Equality, Development and Peace, 1995).

The gender-differentiated character of Customary Law unavoidably gives legal expressions of cultural norms and values that are often responsible for the perpetration of discrimination between men and women, and thus translate into the

perpetuation of male dominance or patriarchy and indeed the subjugation of women. Despite the reality that such (customary) laws, values, beliefs and practices are passed from generation to generation, there is a strong view that these are fluid and ought to be adaptable to the changing world.

This conference therefore seeks to stimulate debate and contribute to the discourse on gender challenges, particularly in the context of the domain of African traditions and laws. In this regard, it is important to engage the often-held conceptions of gender and the antecedent discrimination and bias in the context of African Customary Law. The conference is further intended to interrogate how far constructs of customary norms under different themes have shifted to, amongst others, explore what challenges are faced when trying to introduce reforms to effect equality of genders in the milieus of private and public life participation in terms of customary law practice. For instance, in South Africa, evidence of gender imbalance and/or discrimination, especially in the traditional governance sphere still abounds despite constitutional values embodied in the country's constitution and clearly articulated in various court decisions. Women are still constrained from being outrightly recognized for leadership positions (and as equals to men), and even when they are recognized they have to first fight for such recognition. The Shiluvana and Princess Mphephu cases, and the recent developments surrounding the Princess Masalanabo of the Balobedu nation are instructive examples in this regard.

Scheduled for the Women's Month in South Africa, this online/virtual conference is set to be an important milestone during the times of the Covid-19 and gender-based violence (GBV) pandemics. As a highly interactive event, it is expected to provide robust discussions, engagements and working sessions on issues of Gender and the challenges facing Customary Law in South Africa and the rest of the African continent.

The Centre for Indigenous Law (CIL) in the College of Law at the University of South Africa (UNISA), the host of this conference, strives to *inter alia* promote and protect African Indigenous law and Traditional Knowledge Systems in the post-1994 constitutional order in South Africa. The centre focuses on five pillars, namely (i) indigenous knowledge systems, (ii) customary marriages, (iii) regional integration, (iv) traditional leadership and (v) succession.

The CIL (College of Law, Unisa) therefore invites law academics, legal practitioners, scholars from other disciplines, public servants, government officials, traditional leaders, students and non-governmental organisations to submit abstracts or papers for presentation at the conference to be held **virtually on 11-12 August 2021** under the theme, "*Reflections on gender in the context of Customary Law in the African Continent*".

The abstracts, written in +12 Arial font size, should not exceed 350 words and speak to the following sub-themes or any other sub-themes related to the overall theme:

- Marriage (Including marriage formation and other perspectives in family law)
- Land rights (Gender challenges in land tenure held Under traditional leadership)
- Succession to traditional leadership
- Regional integration
- Conflict of laws challenges (plurality of legal systems challenges and gender)
- Human rights and traditional law gender challenges
- Gendered perspectives in traditional court procedure
- Property ownership

**Abstracts should be sent to Adv NC Motsumi @ [malatnc@unisa.ac.za](mailto:malatnc@unisa.ac.za), Mrs N Dlamini-Ndwandwe @ [Dlaminf@unisa.ac.za](mailto:Dlaminf@unisa.ac.za) and Ms Unathi [poyou@unisa.ac.za](mailto:poyou@unisa.ac.za) no later than 02 July 2021.**

Full papers to be presented will be peer-reviewed and published in the special edition of the *Southern African Public Law Journal* in early 2022.

Further information, including details of the online platform, will be communicated in due course.