



## Gender Governance and Democracy: Southern and Eastern Africa

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## **Executive Summary**

This paper addresses how gender, governance and democracy have been addressed in Eastern and Southern Africa (ESA) following the ‘democratic turn’ of the 1980s. It explores first the gendered nature of power and authority in these post-colonial states since the end of the Cold War; secondly it explores the kinds of gender governance practices instituted by the states in the region in response to local, national and international demands and struggles for gender justice and gender rights. It suggests that these have been instrumentalised in ways that have benefited elites. The paper defines governance as the values, processes and relationships that make up the business of government, and suggests that in African contexts, because of the nature of the patriarchal states, civil society is implicated in the process. It suggests that the particularity of kinship is the reason that patronage politics is a dominant form of politics in African states. It is not the only form of politics, and gender activism plays a growing role in politics to challenge the masculinism of African state interests and governance. The paper

- Explores the relationship between governments and civil society organizations;
- Identifies the kinds of advocacy taken up by civil society and what these mean for the creation of a democratic culture that is sensitive to gender, in particular women’s rights, needs and interests;
- Explores state responses in terms of policy, legislation and institutional design and development insofar as gender and women’s issues are concerned.
- Asks how far these relationships and institutions have promoted appropriate gender policies, and implemented them to achieve gender justice and gender equality in these societies.
- Concludes with recommendations on where the IDRC might focus its funding for research.

## **1. Introduction**

Southern and Eastern African states have since the turn of the 21<sup>st</sup> century been amongst those with the highest numbers of women in national legislatures. This has occurred particularly in the wake of a ‘turn’ towards democracy that occurred in the late 1980s following the end of the Cold War. One-party authoritarian states faced popular democratic revolt and international isolation and many took the route of constitutional reform. Yet others emerged from years of war and civil war in this period. While women’s representation and participation in governance increased, this is also a region of the world where women are among the poorest, with the least opportunity for education and employment and, statistically, the most likely to be subject to violent abuse and infected or affected by HIV/AIDS.

Thus we need to ask if the presence of women in decision-making and in legislatures and the promotion of gender mainstreaming and a constitutional commitment to gender equality means more than symbolic equality with men? Research in ESA on issues of gender, democracy and governance, have on the whole had a country specific focus. But there are some important general studies that provide useful comparative material. Much of this research derives from

collaboration between locally based researchers and academics in ESA with those from the North. Some of the research agendas are thus developed in a collaborative frame, with concerns focused on women's participation in formal politics, where inclusion, patronage, and the effectiveness of participation are at issue (Goetz and Hassim, 2003). Even more focused has been work on women in African parliaments (Bauer and Britton, 2006). Civil society and women's movements has been another significant vantage point and entry point into understanding gender and governance issues (Mutua, 2009). The HIV-AIDS pandemic and gender based violence have been the two most intractable topics for researchers to deal with. It appears that research agendas, then, have been shaped by the political, social and cultural contexts in ESA. The research on gender and governance, understood as the values, processes and relations that make up the business and activities of government, has been particularly responsive to the shifts towards democracy that shook the continent towards the end of the 1980s and into the 1990s. Many of the feminist researchers who engaged in the research were also actors in these events (Tamale, 1999).

From a review of a wide range of literature, both general and country-specific, it seems clear that women politicians, who are members of an elite political class, are no more likely than men to champion women's rights, needs and interests. Even in the wake of international donor prescriptions inducing policies promoting women empowerment and integrating gender indicators into policy evaluation, there is little evidence of substantive transformation in the quality of life and status of poor women or gay people in ESA. While poor women have become the object of both government and non-governmental policy advocacy, political mobilisation has also begun to emerge among the urban poor particularly, as well as among lesbians. So it is important not to conceive of either category as either apolitical or powerless. Both have organised themselves into political constituencies, if unevenly.

While there has been considerable criticism of national gender machinery and gender mainstreaming in governance processes, there have, however, been some important gains for women. Without the 'paper rights', these gains, which include women's freedom of choice in marriage, rights to bodily integrity, as well as substantive rights to inheritance, to land, and to social grants would not have been possible. However, women's presence in governance structures does not appear to have made much of a dent in the pervasive patriarchal cultures and practices that dominate the region. Why not? It is this question that needs much further research, as this paper will show. Much has been achieved in opening up political spaces for women's political activism. But the real gap in our understanding is why this has not led to a diminution of patriarchal, or as Fallon calls it, 'masculinist', power and authority (Fallon, 2008). The reformed institutions of state in the post-1990s transitions to multi-party competition have promoted women-friendly policies but decision-making remains male dominated. Indeed, in the last decade, African societies have seen a veritable backlash against the gains that women began to make in the 1980s and the 1990s. The purpose of this paper is to identify current and emerging issues in the region and to suggest strategic directions for engagement.<sup>1</sup>

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<sup>1</sup> The countries covered in this paper include, in East Africa, Kenya, Uganda and Tanzania, with reference also to Mozambique; in Central Southern Africa, Malawi, Zambia and Zimbabwe, and in Southern Africa, Namibia, Botswana, Lesotho, Swaziland and South Africa.

## **1.1 Theoretical and Methodological issues**

African states can be distinguished from other states around the globe for their post-colonial status and the specificity and structural nature of their patriarchal and patrimonial androcentrism (male-centred, male dominated, male defined). In a comparative perspective, the argument for the patriarchal basis of the modern western state system is itself not new and has been made by a number of feminist scholars, among them Carole Pateman and Anne Phillips, who suggested that the legacy of European absolutism established what Pateman called the sexual contract which created the androcentric basis of western constitutionalism and law (Pateman, 1988; Phillips, 1995). The social contract reflected the overthrow of absolutism by a *fraternal* coalition of class interests, including both aristocrats and the bourgeoisie. At the same time all women of these classes, and the whole of the working class, men and women, were excluded from a social contract that appeared to be universal in nature. The fallacy of liberalism and democracy is that it establishes the idea of representing the political interests of all the people in society, when in reality it is androcentric – and some would go further to suggest that it is class based. It is for this reason that Pateman called the social contract, the ‘fraternal contract’.

While African states have a different genealogy, periodizing the historical changes wrought in different regions, charts the adaptation of patriarchalist, patrimonial and clientelist (or patronage based) pre-colonial and traditional relationships to new state forms. In all the states in the ESA region, modern democratic and bureaucratic institutions are deeply articulated with these earlier institutional forms and relationships, both structurally and normatively. Thus it is possible to trace a trajectory from the pre-colonial state systems, where aristocratic lineages were essentially patriarchal and authoritarian, through the subordination and maintenance of chiefdoms within the imperial colonial order which in ESA was characterized by indirect rule, to the post-colonial national and often nationalist state, which saw the reinvention and re-inscription of new forms of institutionalised patriarchal, patrimonial and clientelist or patronage political relationships. Colonialism transformed the structural and functional logic of African polities in the sense that a foreign, alien system articulated with pre-existing governance structures to fundamentally change their functions and relationships in ways that were irreversible. They lost their independence and their power was broken. However, the maintenance and perpetuation of chieftainship within the new national states in particular had repercussions for both the politics of gender representation and for the nature and practice of a reconstituted patriarchal political power and authority. Modern bureaucratic forms jostled with reinvented ‘traditional’ forms of governance.

A second, and perhaps controversial, aspect of non-democratic African states is their tendency to promote *disorder* in order to justify their continued hold on power at the centre (Chabal and Daloz, 1999). This is the case in Zimbabwe, where the state has since 2001 armed vigilante groups in the west of the country to disrupt villages and homesteads that support the opposition, the Movement for Democratic Change (MDC). Homes have been destroyed and rape and violence have been deployed against women and men. Millions of people have been displaced, and many have fled to neighbouring countries. Despite the institution of the Unity Government in March 2009, the ruling ZANU-PF continued its reign of terror in town and countryside. The difficulty of undertaking research in the countryside in the context of state instigated disorder and the consequent mistrust of outsiders is an important consideration in Zimbabwe. In Kenya, the International Criminal Court (ICC) began investigating cases against perpetrators of violence in

the 2007 elections, the names of whom were handed to the President of the ICC in 2008 by Kofi Annan, the United Nations (UN) mediator. In both of these countries, the violence was organised by the state, targeted and orchestrated for the purpose of intimidating opposition forces and instilling fear in the people. Some of the greatest ferocity has been directed against women and women's organisations, many of which have not been partisan so much as pushing human rights and a social justice agenda. The most militant of these is Women of Zimbabwe Arise (WOZA) whose members promote non-violent campaigns and are constantly harassed and imprisoned without trial ([www.wozazimbabwe.org](http://www.wozazimbabwe.org); <http://www.amnestyusa.org/individuals-at-risk/woza-demonstrating-under-dictatorship/page.do?id=1051288>). In October 2009, the organization received the Robert F. Kennedy Human Rights Award, presented by President Barack Obama.

## **1.2 The Nature of Post colonial states and societies : Patriarchalism and patrimonialism.**

The southern and eastern regions of the African continent experienced sustained colonial rule during the first sixty years of the 20<sup>th</sup> Century, with the exception of South Africa and the Lusophone colonies, which had a much longer period of colonial overlordship from as early as the 17<sup>th</sup> century. South Africa, though, was the earliest of the colonies to become independent in 1910, even before African polities had been pacified by imperial powers in the rest of the continent. However, in South Africa, independence brought racial domination by Afrikaner nationalists and the institutionalization of a kind of neo-colonial segregationist system combined with stringent racialized political exclusion that in the late 1950s and 1960s morphed into the apartheid system of Bantustans. While South Africa was subjected to a neo-colonial white segregationist supremacy for half a century after 1910, from the 1960s the rest of Africa became independent of colonial rule, apart from the then Rhodesia (which declared Unilateral Independence in 1961) and the Portuguese colonial territories. While in South Africa the white supremacists held sway, elsewhere the African nationalist dream of freedom was confounded by a growing authoritarianism and one-party system of rule. In all countries in the region, corruption became rife as political elites acted as kleptocratic gatekeepers. Patronage, a legitimate form of party political insurance used world-wide, in some African states has the additional element of unspoken permission for prebendal gain – that is, individual enrichment from office (Van de Walle, 2007; Chabal, 2009). The dominant political elites, moreover, were financially supported by the western powers, whose main fear before the late 1980s, was the influence of the Soviet Union and China on the continent. So these undemocratic and authoritarian states were sustained by western powers until the fall of communism at the end of the 1980s. At that point, African states were constrained by their western paymasters to accommodate the demands of popular movements for greater democracy and multiparty politics. New opportunities for human rights and women's rights emerged in the political transition.

What is significant about these struggles for democracy was that they included women. The momentum of women's movement mobilization has been uneven, and usually issue-based. Constitution-making in particular occasioned a rise in women's movement activism in the 1990s specifically. This dipped once the process was achieved. The irony is that while women's movements made an impact on the outcome of constitutional and legislative processes, the momentum of organizational mobilization could not be sustained. This is not unique to Africa, but is the case in women's mobilization worldwide. From the mid-1980s for about a decade, these movements had some effect in the context of processes of constitution-making and

transitions to democracy. Thereafter, the process of lobbying for new laws, of engaging with the law-making process itself, and of subsequently monitoring and evaluating the implementation of the law, was often one driven by NGOs with specific expertise. These NGOs, collectively known as human rights organizations, did not have a constituency to which they were accountable so much as a commitment to human rights and a democratic vision. Many grass-roots activists found themselves sidelined in the expertise required in the engagement with the state. Others, as in South Africa, were themselves drawn into politics and became members of parliament or councillors at local government level, as in Uganda. The Ugandan local government model provided for one-third, add-on, special seats for women councillors, parallel to the ordinary council seats. Women in these positions often complained of their not being taken seriously (Ahikire, 2007).

In South Africa, for instance, women organised both within nationalist liberation movements, where women's sections played an important political role, as well as in autonomous organisations where women specifically addressed their social and political concerns to the state. While women in the African National Congress (ANC) in exile had their own structures, inside the country, too, a plethora of provincially based women's political organisations emerged as part of the internal opposition of the United Democratic Front (UDF), well organised and dedicated to promoting women's equal participation and political mobilisation in the struggle against apartheid (Hassim, 2006; Meintjes, 1998). The UDF was allied to the Congress Movement. The end of the Cold War brought international pressure to bear on the South African state, which combined with the mass mobilization of opposition within the country, increased ungovernability and saw a negotiated settlement between the state and liberation movements in the early 1990s. A Woman's National Coalition (WNC) comprising women across the political spectrum was formed in 1990 to ensure that the negotiations and any new constitution would include the needs and interests of women (Hassim, 2006 *passim*; Meintjes, 1998, 79-83). This period saw the rest of the ESA region turn from post-colonial nationalist authoritarian and one party states into what appeared to be more open multi-party regimes. In all the countries in ESA, women lobbied and organised to ensure their participation in the new democratic movements and constitutionalism that developed in the 1990s (Tripp et al, 2009; Makua, 2009, *passim*).

All of the states that emerged from colonial rule in the 1960s and 1970s were deeply imprinted with what Mahmood Mamdani (1996) has termed antecedent 'decentralised despotic' state forms, by which he essentially means traditional structures of clan or chieftainship. These were characterized by the articulation of traditional political institutions, including those of chieftainship, with bureaucratic systems carried over from colonial rule. Colonial rule had bred a cadre of indigenous male civil servants who had been at the heart of implementing colonial policy. These institutions straddled independence and rather than disappearing, became entrenched and indeed formed the backbone of the administration of the new states. A central characteristic of these states both colonial and postcolonial, was, like their European models, their male centredness, a feature that conventional scholarship has neglected. Androcentric modernity melded with patriarchal tradition to form a particular kind of masculinist state. While Africanist scholars have debated the nature of the independent African state, whether it was different, and in what ways, from modern industrial states of the north, feminist scholars have been slow to engage with this debate until recently (Goetz & Hassim, 2003; Fick et al, 2002; INSTRAW, 2000). This paper attempts to draw out how feminist and Africanist debates might

intersect, while at the same time addressing the central question of how gender relations shaped the nature of gender governance and gender politics.

### **1.3 Conceptual Framework: governance, democracy, gender and kinship<sup>2</sup>**

Governance is a term with different meanings. Sometimes the term governance is used by scholars to refer to different *systems* of rule and *forms* of state. In this view, there is often a fine line distinguishing forms of governance and forms of state. So totalitarianism, pluralism, corporatism or neo-patrimonialism constitute different forms of governance. These terms refer to different values, processes and relationships that shape the ways in which government systems operate. They also refer to how citizens are included or excluded within decision-making and the business of governing. Lindberg suggests that governance refers to ‘the institutionalized practices in how holders of power in government actually relate to civil organisations and the public’ (Lindberg, 2001, 185). Thus governance is how states institutionalize their relationships with society. In this sense, then, governance refers to both the political ideology and the nature of power relations that constitute and shape the way that government works. There are two aspects to governance. The first refers to the manner in which decision-making occurs. Thus, it is concerned with who makes decisions in the relationship between the ‘representative’ sphere in which legislation is passed and the Executive sphere, which oversees implementation. The second aspect refers to the administrative spheres of operationalizing executive and legislative decision-making, which is undertaken by civil servants. This is the work of the various ministries or departments under each Minister in such areas as health, education, welfare, science, technology, the economy, foreign or internal affairs, water, mining and energy and communications. The various ministries provide a framework for ensuring the delivery of their particular services to citizens. Usually, these activities are delimited by the overall scope of a constitution.

In a democracy, it is the needs and interests of all citizens and of society in general that are the business of government. In some African polities the claim to democracy is based on a narrow conception that elections alone are evidence of its existence. In these contexts, the sectional interests, either of a nationalist party claiming to represent the interests of ‘the people’ or even more narrowly, an ethnic group, dominates decision-making. South Africa and Kenya are examples of both. In both cases, the objective is to pursue the narrow interests of one portion of society and to ensure that the group retains its control over power and decision-making. In Uganda, the existence of a ‘no-party’ system is seen as security from such sectionalism, but in reality a political elite still holds power. In Zimbabwe, the unity government that was formed in 2009, at the time of writing is struggling to survive in the face of ZANU-PF’s resistance to power sharing. Thus governance is not a neutral process that simply applies to the mechanics of government. And including women in the process would not necessarily change the dominance of a political elite. They would simply be absorbed into it, as has been the case in all countries in ESA, except for a few notable exceptions like Wangari Maathai in Kenya, who has resolutely retained her independence. To fully understand how governance operates in different states, we would need to unpack the institutional and ideological drivers that determine their functioning. In this paper, this is not possible. But it is important to understand that ‘the state’ is neither a unified

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<sup>2</sup>Although generation has become an increasingly important aspect of succession planning in African politics, and ‘youth leagues’ play a significant role in party politics, it will not be considered in this paper for reasons of space.



entity nor a neutral set of relationships in its interaction with society. Instead, the state ought to be conceived of as spheres of action and relationships in which power is in contention, both within and between the institutions of state but also with and within civil society. These intersecting and sometimes overlapping spheres 'condense' complex relationships within them that are, from a feminist perspective, both gendered and have gendered effects.

Patrick Chabal (2009) provides a useful interpretative approach to understanding the nature of African state-society relations by focusing on the fundamental features of family and kinship networks (including clan-based memberships). Chabal's approach provides a significant advance in theorising African political and social relations and is suggestive of the significance of patriarchal and patrimonial relations for understanding the nature of the state. He argues that African states that claim to be democracies display *sui generis* mechanisms which integrate technological modernity and cultural tradition in ways that are neither random, irrational nor an aberration (Chabal 2009, 146). Although he does not do so, understanding gender can be integrated into such an approach. Thus to adopt a moral or normative approach in analysing political relations in the region, in particular the nature of democracy, would be to miss the reasons for the specificity of the way that gender is constructed within the web of social and political relationships of these patriarchal states. One explanation for democratic failure in African states is that they are failing to 'implement democracy', including gender equality, because of the desire of political elites to restore patriarchal forms of control over the state itself. This is linked to another set of explanations which point to the need of political elites to establish clientelist and patronage relationships embedded within clan or ethnic relations in order to retain a political support base. Neither of these explanations will necessarily help us to understand women's exclusion. Instead it may be more useful to analyse the struggles for gender representation and gender governance, to explore their outcomes and to offer a critique of the strategies that have been adopted for promoting gender equality. But these occur within quite distinctive and fundamental features of family and kinship.

If we analyse governance in relational rather than in structural terms, we can begin to understand the instrumental way in which gender has been integrated into African states in the post-1980s period. All social relationships have political dimensions in the sense that they are constantly negotiated, from the most intimate domestic relationships to the more formal, civil and political ones. Thus gender, generation and kinship relations are aspects of the political. Common to all of the societies in Eastern and Southern Africa is a deep sense of belonging to a place and to a community, despite the migration of individuals and families across the region over the last 100 years. Society is quintessentially lived within the bonds of deep communal ties of kinship, that link the living to the dead, where ancestors play a very important role in the identity and wellbeing of everyone. In the context of the HIV/AIDS pandemic, perhaps the most serious human crisis in the sub-continent, southern Africa in particular has seen a resurgence of customary practices and beliefs that reaffirm kinship ties. While these relationships tend to have different meanings for different generations, even among educated people, where you would expect growing scepticism, belonging to a place, tied to ancestors and to a group has acquired new significance. This can have both conservative implications, especially for women but it might also open new ways of countering growing discrimination, including homophobia. While discourses about homosexuality are couched in a rejection of 'western practice', this renewed acknowledgement of the ancestors and past practices, might produce possible new arguments to

show its historical acceptance. This has not yet begun to emerge, but could be a fruitful route to take in promoting a shift from the dangerous homophobic discourse and behaviour in most of the region.

The crisis of life and death that is embodied in the HIV/AIDS pandemic as well as the economic and environmental crises in the region has deepened the importance of kinship networks – the importance of clan and ethnicity has gained salience in other than political ways, and intersects with them, in the struggles for democracy and gender equality. As the needs of people in increasingly fragile socio-economic environments increase, so party politics with its web of concentric overlapping circles that include family, locality and kinship, increases in importance. The latter comprise complex relationships of mutual reciprocity and redistribution of resources, including those of power and authority. In this web of networks, which draws in both the individual and the group, we can begin to understand how gender, generation and ethnicity intersect. In interjecting the Green Movement in Kenya, for example, Wangari Maathai reasserted women's central role in caring for the environment, and linked this to a new kind of democratic practice. It is also why she was so vilified. It is in this nexus, that nationalist and patrimonial narratives of home, locality and kinship at the same time construct gender power in the domestic as much as in the more formal realms of political power relations. Thus, ordinary gendered lives, (where socialisation constructs what it means to be a woman and a man) are shaped by historical context, place and kinship relations, and are embedded within these complicated networks of patrimonial power, clientelism and relations of domesticity. If these relationships are not understood, then it is almost impossible to understand the logic of politics and political networks in the region.

Gender is thus a lived relationship in which the roles of women and men imply a web of social obligation to the living and to the dead. So while it is easy to speak about gender as a construct, it is important to understand that culture, in which custom and tradition are central, is not about the past, but is about how modernity is negotiated. Thus, put simply, gender is about how men and women in specific historically constituted contexts have come to play certain roles in society, deeply embedded within webs of traditional relationships that span both the rural and the urban. In southern and eastern Africa, the term gender has been used within different national domains both as a synonym for women but also as a means for the promotion of women's interests and empowerment and for the recognition of women's equality with men. While women's power is respected, the conceptualisation of gender as women's rights and empowerment is deeply contested in all African societies, as it tends to challenge constituted roles and power relations. Women have authority in their sphere, while gender equality and gender equity seem to pose a threat to what are conceived as 'proper' and 'naturally constituted' gender relations.

In this context, young women in particular, but also professional and independent women, as well as gay and lesbian self-identified people, face threats from conservative elements in society. Women as a category in society do not necessarily share interests in common, however the nationalist discourse of the dominant parties has tended to elide differences and to essentialize women's needs and interests. The gender discourse as it is deployed by the state and hegemonic nationalist parties has tended to collapse the significance of class, ethnic, regional and even race differences among women. National states have naturalized and simplified the complexity of the meaning of difference which has been the subject of enormous debate among feminist scholars,

in their response to the demands that women's organisations, both nationally and internationally, have made. Instead, they have responded to international conventions and prescriptions in setting up a range of 'politically correct' institutional mechanisms that have largely been captured by the handmaidens of the ruling elite. The new gender bureaucracy, or what Stetson and Mazur first defined as a 'femocracy' (Stetson and Mazur, 1992) is staffed by women members of the political elite, whose feminist understanding is often limited.

#### **1.4 Conducting Research in ESA and Establishing Research Agendas**

Perhaps the first issue for researchers in this region is the difficulty of conducting research in communities. Transport, accommodation, language and trust are among the key issues. Public transport is not widespread, and often people have to pay for mini-bus taxis to take them places. The huge distances between cities and rural locations mean that accommodation can be an issue, and researchers have to stay with families in local communities. Unless the researchers are native speakers, and given that there are hundreds of different languages and dialects throughout the region, even local researchers require interpreters and translation. Rural people rarely speak English. This means that costs for research need to take these needs into account. Young researchers find it difficult to access information from elders, and have to spend time in the community before they will become accepted. Issues of access are sometimes difficult to gauge, and it sometimes takes considerable time to assess how to access different people in a community. It is sometimes easier for 'white' foreign researchers to acquire sensitive information than insiders. These are factors that the IDRC needs to consider in its awarding of research grants in the region.

## **2. Gender Institutions for Governance**

An unresolved question in Africa is whether gender equality policies depend upon democracy? What we do know is that democracy can exclude various categories of people from citizenship – women and foreigners come to mind. Tripp et al in their study of women's movements in Africa, show, however, that even in nondemocratic states like Ethiopia, Rwanda, Uganda and Zimbabwe, women's demands for representation, gender equity and gender mainstreaming, have been met by the establishment of gender machineries (Tripp et al, 2009). They suggest that part of the reason for women's success is that women have used 'motherhood' as a means to advance their political interests as well as to call for new institutions and new values in politics. Motherhood, or rather, the child-bearing role of women has always been a central and revered aspect of women's status in all African societies historically. Indeed, one could argue that African polities have been organised around control over women precisely because of this role. Historically, power rested not so much on control over land, which on the whole was plentiful, but on control over people, a scarce commodity. Thus 'Mother of the Nation' is a trope that has been used very effectively to promote the advancement of particular women in politics, but also to legitimate women's participation in politics. Indeed, all states in ESA were quick to establish institutional mechanisms to promote gender equality first mooted at the Mexico Women's conference in 1975. Byrne and Laier (1996) pointed out that the 'national women's machinery' were originally conceived as transitional mechanisms 'for accelerating equal opportunities for women and integrating them into national life'. This did not happen, and indeed by the end of the 1980s, the

United Nations was rethinking its strategy. The study by Tripp et al on African women's movements provides an important analysis of the history of the debates and the ways in which the African states in general, but ESA states in particular, in different ways, responded to women's demands for inclusion – as citizens and in political decision-making.

Their study confirms insights of many scholars about the determinants of women's integration into public politics. It draws on broad quantitative and qualitative comparative studies as well as more detailed case studies, to enable the authors to test hypotheses in a way denied to case studies. So their conclusions may be more reliable than more detailed studies. The variables they identify include the intersection of international norms with the existence and demands of women's organisations, which together prised open the public political space for women's inclusion. Regime change, particularly in the aftermath of conflict, provided new opportunities for women's political agency and the advancement of women friendly policies, as others have also argued (Meintjes, et al 2002; Tripp et al 2009). The pressure for regime change on one-party states in the 1990s was just as strong as in post-conflict societies. The role of international funders in both kinds of context proved to be singularly significant in enabling women's organisations to mobilise nationally. Meintjes et al, writing in 2002, additionally assert the importance of women's organisation *during* conflict as an important factor in the success of women's organisational intervention in the transition to peace. This was the case in South Africa's transition, for instance, and the campaigns of the Women's National Coalition were critical in ensuring that the negotiation teams included one-third women and ensured the progressive wording of the Interim Constitution in terms of gender equality. The difficulty of sustaining mobilization of women's movements, however, means that different kinds of strategies are required in the post-transition period. This is where women's civil society organization, particularly NGOs, play an important role. Their interaction with the state in lobbying or even in mobilizing protests can have an effect in promoting some accountability to a woman's agenda (Albertyn et al, 1999).

While Meintjes et al recognize, with others, that conflict disrupts the normal order of things, and provides new opportunities for women in particular to take on new roles – both in the home, when men are absent and in the bunkers as combatants and in leadership roles – it is the conjuncture of organised and independent women's political movements combined with institutional support from male allies in liberation movements and subsequent political parties, that advances women's agendas. The support of men in political parties, particularly those in leadership is thus an important factor as well. Post conflict constitution making provides opportunities for autonomous women's political organisations to engage in the process and to influence the nature of the peace and of the new legal framework. Thus, in the discussion about the emergence of a rights based culture in Africa in the 1990s, many studies show the influence and significance of conflict and of women's organisations. Tripp et al add that women's organisations in the 1990s have used the national and international media and the courts to shame states, including semi-authoritarian states, into conceding different substantive rights. In ESA, those countries that were able to take advantage of post-conflict transitions to assert women's agendas were Mozambique, Zimbabwe, Namibia, Uganda and South Africa. In all of them, women's organisations strengthened and mobilised with international support.

The term 'gender governance' brings to the fore the idea that states have been involved in

processes of institutional design that rearticulate the way they operate and adapt to demands of changing social and political interests and constituencies. States have restructured existing institutions and practices, in response to demands of women's organisations in particular – and this was true both for the period following independence and even more so after the democratic turn in the 1990s. But some states did not consult with women's organisations apart from those already associated with the dominant political party, such as SWAPO in Namibia. There was never any question of women as voting citizens but very few women were drawn into politics, despite having contributed to the struggles for national independence. Instead, during the initial post-independence period, women's issues were acknowledged in the attention given to education, welfare and family issues. Women's rights were not an issue per se in the period before 1985. The focus on education and welfare, for instance, were not as contentious as the later demands, as they did not necessarily challenge existing gender hierarchies and relationships.

The issue of women's rights, of the right to equal treatment, to land tenure in their own right, to inheritance and to bodily integrity were demands that challenged men's gender power. Men's rights and control over women were as much at issue as were their right to control resources. Thus the issue of women's rights as human rights were highly contentious. Nevertheless, equity legislation, which focuses on access, was easier to introduce into male dominated legislatures because it did not challenge gender roles per se (Tripp et al, 2009, 112). Issues that touched on men's control over women and challenged gender power relations were the most resisted. Customary law, even if trumped by constitutional law, remains a dominant block to women's autonomy, to equity in land distribution, inheritance and other aspects of women's rights. More research needs to be done on how modern constitutional law and customary law can be harmonised, if at all, in such a way that women will be able to enjoy full citizenship rights. Likhapha Mbatha undertook research into the impact of customary marriage reform in South Africa (Albertyn et al, 1999). Her research surmised that in time, the social change that shapes relationships, would in fact make aspects of customary practice redundant. However, this is moot, given the recent rearticulation of custom and tradition in the wake of the HIV/AIDS pandemic. Such research would need to explore the relationship between gender, democracy and tradition - women's role, status and quality of life in traditional systems of governance (chiefs and elder committees based in communal areas) within an overarching and hegemonic democratic system.

Broadly, the feminist literature on women in governance has focused on the manner in which women's organisations and women's movements have engaged the state in order to promote women's representation and to promote gender equality in society (Albertyn et al 1999; Ballington and Karam, 2005; Bauer and Britton, 2006; Fick et al, 2003; Hassim, 2006; Lowe-Morna, 2004). The second wave of feminism which emerged during the 1970s, culminated in successive United Nations Women's Conferences beginning with the first conference in Mexico City in 1975. The international women's movement and United Nations instruments and organization have intersected with national and local struggles for gender justice and gender rights in ways that have both provided an agenda for governments to pursue but also enabled women on the ground to promote their own issues. For example, the 1985 United Nations Women's Decade Conference held in Nairobi was the first to specifically identify gender mainstreaming as a policy issue for states to pursue. Throughout the ESA region the Nairobi conference provided the opportunity for the mobilization of women's organisation to send

delegates (INSTRAW, 2000). The conference was important in enabling a new relationship between NGOs and the state and initiated new forms of networking both nationally and regionally. A decade later, the flurry of organisation for the Beijing Conference deepened processes that had started in the previous decade. In particular the impact of the Beijing Plan of Action on the local political and governance landscapes in ESA were very significant for gender mainstreaming within state structures. While the earlier conferences had argued for the integration of women's concerns, focusing on a 'Women in Development' (WID) approach, there was a shift towards the idea of gender mainstreaming. The latter coincided with a new development agenda that criticised the 'add-on' of WID and argued instead for a more nuanced understanding of gender power relations (Kabeer, 1994). The point about the gender and development approach was that it recognised that women had been involved in development all along, but that what was required was women's empowerment within a web of social relations that determined their subordination. This was very much more difficult to achieve. In many respects the state centred 'gender mainstreaming' policies have effectively created openings for women-friendly policies within patriarchal states. So issues of women's right to land, to inheritance and so on have begun to be addressed. So has women's access to credit in their own right. However, reform of customary law has been more difficult to promote. There has been some constituency building for some politicians sympathetic to a woman's agenda, such as Wangari Maathai for instance, while the existence of women's sections within political parties has put pressure on parties to promote women's representation.

In the period of political liberalization from the end of the 1980s and into the 21<sup>st</sup> century, politics became increasingly open and competitive. Because of the pressure exerted by a combination of women's national and international movements, political parties and governments began to include women and to take up women-specific issues. International conditions for aid were another reason for states responding to women's demands. Engaging the state tended to change the nature of women's organisation from grass-roots activism to more professional research and advocacy based activities. Sabine Lange has called this the 'ngo-isation' of civil society (Lang, 1997). Thus the character of the women's movement has been reshaped by its interaction with the state. While the state has become more women friendly, women's organisation has tended to become more professional and institutionalised. This process has had costs for the women's movement. In some respects, the radicalism of the initial encounter has been tempered by the idea that the movement could make strategic gains by attending to 'winnable' demands from the state and putting more contentious issues on the back-burner. This has meant that the issues of political representation, questions of whether quotas should be introduced, and the impact of women's presence in representative institutions have been the focus of struggle and debate rather than more substantive issues of cultural subordination for instance (Goetz and Hassim, 2003; Fick et al 2003; Lowe Morna, 2004; Britton 2005; Bauer and Britton, 2006). Yet with the growing impunity at the public and private violence against signs of women's autonomy, such as attacks against young women wearing modern fashions or dressing 'queer', there is an urgent need to explore the intersection of culture and governance. The precise questions themselves require further research, however one suggestion is to ask why the police and justice system does not proceed to arrest and prosecute perpetrators? Why are complaints that are made to different arms of the justice system not followed up?

The debates about women's presence and the quota are addressed elsewhere, but it is worth

reiterating Goetz and Hassim's view that we need to distinguish between the effects of 'feminine presence' and a 'feminist activism' in understanding the effects of women's representation. The substantive effects of women's presence can only be measured in terms of the legislative and policy outcomes. The strong argument for women's presence is that once a critical mass (30%) is present in Parliament, it is likely that a proportion of these women will be activists who promote women's needs and interests. But on the whole, there is no necessary correlation between women's representation and policy outcomes that will benefit women (Hassim & Goetz 2003). However, this is not to suggest that these struggles do not reflect gains for women. As Hassim and Meintjes have argued, strategies for institutional inclusion are significant in that 'women are more firmly in control of their strategic aims, their ideological forms and organizational vehicles through their separate organizations' (Hassim and Meintjes, 2005). We suggest that in the opening up of political space, these organizations represent 'a growing sense of agency and the flowering of indigenous forms of feminism... [that] have been important in enabling democratization in many countries on the continent' (ibid). Aili Mari Tripp has shown how the transition to democracy in Uganda in 1986, created opportunities for the women's movement to develop autonomous organisations (Tripp 2000). This, as in South Africa's transition to democracy in the early 1990s, provided new openings of women's organisations to mobilise around an equality agenda. These associations were able to lobby for the inclusion of women in political office. It also drove the political elites to adopt 'a rhetoric of gender equality in state discourses' (Hassim and Meintjes, 2005).

### **3. Gender Governance Institutions and Women's Movements in ESA**

In response to national and international pressure, in the 1990s states in ESA have developed new institutions such as special Gender or Women's Commissions or Special Offices on the Status of Women specifically to promote gender equality, as South Africa did after 1994. Women's ministries have followed. It is not yet clear what the impacts – either positive or negative – that these bodies have had on gender governance and on the rights, wellbeing and welfare of those women who are in most need. There is something of a gap in the literature on this aspect of 'national gender machineries'. A comparative study of the different institutional mechanisms in the region would contribute both to an understanding of how they came into being and the impact they have had on the advancement of gender equality. Others have responded to the United Nations prescriptions for eliminating gender discrimination and gender inequality in decision-making by promoting special seats for women in their national parliaments or in local government, as in Uganda. Special seats were allocated to women from the District level in the national assembly based on a separate ballot by electoral colleges of local councils and women council executive committees from the districts – creating something of an anomaly compared to other parliamentary seats. At local government level, in addition to directly elected councillors, the general ballot also elected a further one third of the council seats in a woman-only contest (Ahikire, 2005, 100). Most of the governments in the region have instituted 'women' or 'gender' desks in different departments of state, as in the South African Office on the Status of Women at national and provincial level, with every Department of State having a gender desk as well. Whatever the case, the analysis of gender governance focuses on the ways in which states have addressed the new demands for gender, understood as women's, equitable representation and gender equality among citizens. But women's needs and interests have not always taken the form

of women mobilizing as women. Rather, the issues have been the focus, and mobilization has embraced both women and men.

The establishment of national machineries in African states has been seen as having both costs and advantages. Amina Mama argues that their establishment has allowed states to treat women's interests as 'special' rather than as important national issues unique to Africa? (Mama, 2002). Perhaps more significantly, the development of legislation and policy has been seen as requiring the patronage of powerful male decision-makers in government. Thus the issues become depoliticized and located within policy-making state bodies that are not elected and thus not responsible to a voting constituency. This tends to reduce and even remove the influence of social movements (Banaszek, Beckwith and Rucht, 2003, 6). The independent constitutional statutory body, the Commission on Gender Equality in South Africa, for instance has struggled to find authoritative voice and an effective role that straddles its mandate as policy advocate reflecting the needs and interests of women (not to mention gay and lesbian people) and a body that monitors the implementation of gender equality policy in the state (Seidman, 2003; Meintjes, 2009). It has become mired and hamstrung in what Hassim and Meintjes have characterized as the 'institutional hierarchies and systemic blockages' of bureaucratic governance (Hassim and Meintjes, 2005). A further dimension that has not received sufficient attention is the competition that has been engendered by the fact that both state bodies and NGOs compete for funding from the same sources. Jockeying for power and influence is another factor that has tended to prevent a strong relationship developing between civil society and the institutions set up to foster gender equality in society. This might be fruitfully included as an issue in a comparative study of national gender machineries in the region.

On the other hand, the establishment of women's machineries also provided opportunities for different women's constituencies to emerge, to take organizational form, and to develop alliances and coalitions across class, ethnic or regional difference. The Kenya constitutional process provided such an opportunity. Jacintha Muteshi provides a detailed analysis of the coalition building that occurred when a range of women's organizations, including FIDA – Kenya, an organization that promotes access to legal justice for women, the League of Kenya Women Voters, which is linked to grass-roots organizations and issue based organizations such as the Kenya Human Rights Commission and Institute for Education in Democracy, came together to campaign for women's constitutional rights (Muteshi, 2009). This process of NGO coalition building was very different however, from the women's national coalition building that occurred in South Africa in the early 1990s. The latter grew out of women's organizations that had mobilized for national liberation, and comprised women's sections and women's forums of political parties in alliances that transcended ideological differences. The WNC included also women trade unionists and apolitical women's national and regional organizations and coalitions. It was particularly effective in seizing the opportunities opened up by the political transition and negotiations for a new constitutional and political dispensation. In Kenya, the coalition included human rights NGOs as well as feminist organizations, but political parties were not involved. As Muteshi argued 'There is strategic value in linking women and human rights organizations because feminists are not only women and not all women are feminists... In working for an equal society, men must be women's allies' (Muteshi, 2009, 149).

Issue based mobilization around the needs and interests of different sections in society have



reflected this alliance building. This is reflected for instance in the organizations that have emerged to demand HIV/AIDS treatment. It is significant that the majority of the members of these movements have been women. Thus HIV/AIDS activism has mobilized large numbers of people demanding adequate and appropriate policies to deal with the pandemic, including the need for treatment. The most famous of these is the Treatment Action Campaign in South Africa, which has the character of both a social movement and an NGO. The majority of its support comes from women, although the leadership is comprised of both men and women.

The issue of violence against women, too, has generated a host of community organisations, often linked to NGOs, whose work has been to provide support for survivors of violence and more recently to work with perpetrators. Research and advocacy organizations have emerged to try and understand the endemic and pervasive nature of gender violence in ESA and to engage the state in developing appropriate legislation and policing. Another South African example reflects a general trend. Tshwaranang Legal Advocacy Centre Against Violence Against Women (TLAC) was established in 1997 specifically to provide legal training and advice for CBOs and NGOs working with women in communities. Its mandate was to follow up this work by engaging the state on policy and legal advocacy. TLAC was in some respects a creature of the funders, as it was set up after discussions between the Ford Foundation and a feminist lawyer, Joanne Fedler, who had been working with support organizations and saw the need for legal training of NGOs and research on domestic violence policy and legislation. Legal advocacy became a critical aspect of the organisation's mandate. TLAC played a central role in reforming the law on domestic violence (Meintjes, 1999; Vetten, 2005). Engaging the state required very specific expertise, pointing to the process of professionalization of civil society organisation.

An aspect of gender that was raised earlier, of the centrality of women's productive and reproductive role in society, intersects with issues of the control exerted over women and sex, sexuality and sexual identity. Sylvia Tamale suggests that 'sexuality lies at the heart of African women's oppression and that the patriarchal state has a vested interest in keeping a tight leash on women's bodies and/or their sexuality' (Tamale, 2009, 52). For Tamale, 'the law is used as a tool to institutionalise the control of women's bodies and their sexuality and link it directly to male dominance and female subordination' (ibid). She goes further, to suggest that women's NGOs are complicit in promoting sexual oppression.

Thus for gay, lesbian, bisexual and transsexual people's struggles for recognition and for rights have been more difficult in societies which, on the whole, and apart from South Africa perhaps, characterize these identities and relationships as unnatural at best. Thus gender governance in the region is viewed as a technical and institutional response to mainstream and promote the gender equality and gender equity of women in relation to men. In this process, gay, lesbian, bisexual and transgender and intersex people are marginalised. In South Africa, Uganda and Kenya, GLBT people have tried to organise, but have met with little support or sympathy, except at the state level and from feminist activists in South Africa. Both Uganda and Kenya have penalties for proponents of openly homosexual relationships and they are being increasingly criminalised. Their struggles for recognition have seen terrible acts of violence directed against lesbians particularly. Part of the explanation lies in the discursive construction of gay and lesbian rights and gender equality as 'western' and foreign ideas imported into African society, where they have no place. History itself needs to be deployed in new ways to pierce the heteronormative dyad that

has become so entrenched in Africa. This is a gap that can be filled by encouraging in-depth historical excavation of oral and literary history of the kind that Sylvia Tamale and the Women Writing Africa series published by the Feminist Press in New York are undertaking.

Androcentric prejudice also applies to women who display and perform ‘modernity’, especially young women and gay people, who transgress what is conceived to be ‘African tradition’. They find themselves vilified, and even physically attacked. The most recent examples of this are President Museveni’s determination to introduce legislation to criminalise gay relationships in Uganda in October 2009. In South Africa, hailed for its progressive constitution and legislation, including recognition of gay marriage, there has in recent years been a significant reaction and backlash. Openly lesbian women have been subject to severe abuse and sexual assault by men who have proffered ‘corrective rape’ as a cure and a number of women have been brutally murdered. In March 2008, a young woman was attacked by angry taxi-drivers and commuters (including women) at a taxi rank in Johannesburg for wearing a mini-skirt. While the attack was condemned by leading politicians in the province, and led to a mass protest march by women and men in support of women’s rights to autonomy and freedom, the perpetrators were never arrested. This kind of public violence against women is not unusual in South Africa and appears to be a manifestation of the resistance of conservative and patriarchal men to the meanings that democracy implies – freedom, tolerance, equality and respect for human dignity and human rights. Very little research has been undertaken to help us understand why in the twenty first century, control over women, their sexuality and their bodies, has become such an issue for men and what strategies might be adopted to transform these views.

### **3.1 The limits to Gender Equality Policies: the Political Opportunity Structures in ESA**

The African women’s rights movements arose in conjunction with the global movement – and in ESA specifically was particularly vocal and active during the run-up to the Nairobi conference in 1985. The development of women’s organization and the ways in which they engaged the states in the region, and their impact, were however, country-specific. The following case studies provide a brief background to the political opportunity structure, and how states and civil society interact around governance in ESA. In the discussion the issue of the gender gap in the participation of women in politics will also be addressed.

The following table provides a brief overview of the figures for the representation of women, of whether quotas pertain and of the institutional mechanisms that have been introduced in each of the countries under discussion.

Country	% of Women in Parliament <sup>3</sup>		Quotas <sup>4</sup>	Institutional Mechanisms
	December 2000	July 2009		
Botswana	17	11.1	Political Party Quota for Electoral Candidates	National Policy on Women in Development (1996); Department of Women's Affairs (1996-1997)
Kenya	3.6	9.8	Constitutional Quota for National Parliaments ; Political Party Quota for Electoral Candidates	Department of Gender; Ministry of Gender, Sports, Culture and Social Services; National Commission for Gender and Development
Lesotho	3.8 or 27.3	25 or 29	Constitutional or Legislative Quota, Sub-National Level	Adopted Gender and Development Policy in 2003
Mozambique	30	34.8	Political Party Quota for Electoral Candidates	Ministry of Women and Social Welfare Coordination (2000); National Directorate for Women (2001); National Plan for the Advancement of Women (2002); Gender National Strategic Policy (2003)
Namibia	25 or 7.7	26.9 or 26.9	Constitutional or Legislative Quota, Sub-National Level; Political Party Quota for Electoral Candidates	National Gender Policy (1997); National Gender Plan of Action (1998); Department of Women's Affairs
South Africa	29.8 or 32.1	44.5 or 29.6	Constitutional or Legislative Quota, Sub-National Level; Political Party Quota for Electoral Candidates	Office on the Status of Women; Commission on Gender Equality; the Standing Committee on the Quality of Life and Status of Women
Swaziland	3.1 or 13.3	13.8 or 40		Gender Coordination Unit
Tanzania	22.3	30.4	Constitutional Quota for National Parliaments ; Election Law Quota Regulation, National Parliament; Constitutional or Legislative Quota, Sub-National Level	Ministry for Gender and Community Development
Uganda	17.8	30.7	Constitutional Quota for National Parliament; Election Law Quota Regulation, National Parliament;	National Gender Policy (1997); National Action Plan on Women (1999); Ministry of Gender, Labour and Social Affairs; The Gender Forum

<sup>3</sup> Inter Parliamentary Union, "Women in Parliaments: World Classification", <http://www.ipu.org/wmn-e/classif.htm>. 12/09/2009

<sup>4</sup> Global Database of Quotas for Women, <http://www.quotaproject.org/country.cfm>. 21/09/2009

			Constitutional or Legislative Quota, Sub-National Level	
Zambia	10.1	15.2		Gender in Development Division (Office of the Vice-President); Strategic Plan of Action for the National Gender Policy; Committee on Legal Affairs, Governance, Human Rights and Gender
Zimbabwe	9.3	15.2 or 24.7	Political Party Quota for Electoral Candidates	Gender Issues Department (1997); Ministry of Women Affairs, Gender and Community Development

### **3.2. Case Studies**

In Mozambique the civil war ended in 1992, and exiles returned. The country was deeply divided ideologically, between areas dominated by the two contending political forces, RENAMO and FRELIMO. The country had declined economically under the socialist regime, and the war had further ravaged the development potential of the country. In addition, ecological disaster loomed with periodic floods and storms ravaging parts of the country. The HIV/AIDS pandemic was beginning, too, to cut a swathe through the whole southern African region. This was the context for the establishment of a separate Ministry of Women and Social Welfare Coordination in 2000, a National Directorate for Women in 2001, the work of which culminated in a National Plan for the Advancement of Women in 2003, and the following year a Gender National Strategic Policy. Part of the reason for the strong focus on women after the civil war, was the earlier experience of the Mozambican Women's Organisation (OMM), an arm of FRELIMO, which had subsumed the interests of women within the narrow socialism of the party. Feminism was perceived as western in origin, an ideology that promoted an individualism that undermined the communal nature of African society. Indeed women in Mozambique who made explicit demands about reproductive rights that challenged customary controls, were derided as unpatriotic by women and men alike (Tripp et al, 2009, 39). Yet the political demands of autonomous women's coalitions and organisations in the 1990s, led to women-friendly responses. The reasons for this shift to a more favourable response seems to have been the mobilization of women in the region such that by the 1990s, women were more of a force to be reckoned with. This deepened as the 1990s progressed.

Autonomous women's organisations mainly under the umbrella of the Women's Forum, but also the Mozambican Lawyers Association and others worked with the Legal Reform Commission after 1998 to align legislation with the constitution. Professional expertise was required for such specialised activism. These organisations not only helped to draft the legislation, but they mobilised funds to rebuild and train the courts and assisted in rewriting the legal codes. When the New Family Bill was delayed, they also mobilized a protest march, the state response to which saw the rapid promulgation of the Act (Disney, 2008). Another issue that mobilised a broad spectrum of support was land reform, around which a Land Forum of more than 200 organisations, many dominated by women, formed. Although land is state owned, the principle of access to those who work it guides usufruct in Mozambique. Women mobilized to ensure that they retained access. Nevertheless, as Da Silva et al (2005) have shown, the laws may be

progressive, but knowledge dissemination about new laws are not always undertaken, so many people in rural areas in particular are not aware of their rights. This is a critical gap in all the countries in the region, and is perhaps an area that donors might be drawn into to support further research and advocacy organisations in this task.

Land hunger was a critical factor, too, in the Zimbabwe settlement after the end of the war against the Smith regime. The Lancaster House agreement in 1979 ended nearly 90 years of colonial rule in Zimbabwe. Yet the end of the second liberation war did not bring peace or stability to the country. Robert Mugabe, the first President, presided over terrible human rights violations in Matabeleland against political opponents between 1982-1985. People's homes were destroyed, more than 7,000 people were killed and thousands of people were assaulted with consequent permanent grievous bodily harm. Whole communities were terrorised to destroy any will to oppose the new ZANU government (Catholic Commission for Justice and Peace in Zimbabwe, 1997). In the government, the elite party women, who had participated in the struggle, became mere ciphers for the patronage meted out by party leaders. But for the majority of the party faithful, not only did the women have to attend party meetings, prepare food, dance and sing praise songs to the leaders, they also had to wear clothes reflecting the president's image. Very few of them were drawn into the bureaucracy and decision making institutions of state (Tripp et al, 2009). The land settlement, which in the last ten years has consisted in a prebendary land-grab by the party elite, has largely excluded women. The 1979 constitution made no mention of gender equality, but there was an antidiscrimination clause relating to women. It was honoured in the breach.

Yet Zimbabwe endorsed CEDAW and in 1981 set up a Ministry of Social Development and Women Affairs. Women Affairs was later dissolved and replaced in 1997 by a Department of Gender. In 2005, a new Ministry of Women Affairs was established, headed by Joyce Mujuru, the Vice President of ZANU-PF. After Beijing, the state's gender machinery developed a National Gender Policy framework, for which the UN CEDAW Committee applauded the state, somewhat ironically in view of its authoritarianism. Research still needs to probe the reasons for the ineffectiveness of these mechanisms. Was it lack of funding, ineffectual and incapable officials, or was it that an independent women's movement had not reached a critical mass?

Twenty years after independence, a new constitutional process unfolded in Zimbabwe which was essentially driven by civil society, this time dominated by the Women's Coalition on the Constitution. Unable to agree on the new draft because it did not guarantee women's rights, the WCC mobilised so effectively against the draft constitution that it was rejected in the 2000 referendum. For many commentators in the press, this heralded the beginning of the end of authoritarian rule. However the government's defeat unleashed a tide of violence against opponents. The ensuing violence inflicted against opposition supporters perpetrated by the Zimbabwean state drove the Coalition and many other organisations to extend their demands for women's rights into a fight for democracy itself. Indeed, the Zimbabwe government simply ignored its own party quota and the SADC quota, to which it had been a signatory, in both the 2005 and the 2008 elections (Zimbabwe News, 2009). The new unity government remained male dominated.

If anything, though, this exclusion galvanized women to organise in the country. This is evident

from the activism of Women of Zimbabwe Arise (WOZA), an organisation of 40 000 women formed in 2003 with the demand for ‘bread and roses’ and whose slogan has become ‘tough love’, demanding gender equity and social justice for all. Members of WOZA have been beaten with sticks, bare fists, and batons by the armed forces of the Mugabe regime, they have been imprisoned without trial and held in solitary confinement. But they vow to continue until democracy has been won (see Zimbabwe Crisis Group and WOZA website).

Namibia became a colony of Germany after the Berlin Conference in 1885. An expansive and very dry region, most of it desert, South West Africa as it was called before 1988, was sparsely populated by a number of different ethnic and race groups. The Herero and Nama peoples were virtually exterminated in the German orchestrated genocide in 1905 - 1908. The country became a Trustee Territory after the First World War, was administered by South Africa and was treated as a fifth province, its peoples subjected to apartheid policies. The apartheid government ignored United Nations revocation of the Mandate and illegally occupied and ruled the country after 1945. As in South Africa, the formation and challenge of an underground national liberation movement, the South West Africa People’s Organization (SWAPO), saw the South African army occupy the territory and conduct a bloody war. This included South Africa attempting to influence the course of the civil war in Angola, with South Africa supporting Savimbi’s UNITA movement against the socialist MPLA. In 1988 South Africa agreed to a settlement in Namibia provided Cuban troops withdrew from Angola. In 1980 elections were held for a Constituent Assembly. SWAPO has remained the dominant party ever since.

Namibia’s gender policies were promoted specifically by the first president, Sam Nujoma, and were influenced by the Women’s Council of SWAPO. However, ironically SWAPO itself did not develop a party gender policy. Neither the Women’s Council nor women Members of Parliament have succeeded in persuading the party to adopt a quota in the Central Committee or in the nominated seats in Parliament. A private bill sponsored by the Women’s Manifesto Network, the Legal Assistance Centre and the National Society for Human Rights to promote gender equality was rejected both by SWAPO’s Women’s Council and by Parliament (The Namibian, 23.12.2004). The Minister of Women and Child Welfare argued strongly against a 50/50 bill as ‘a bureaucratic way of looking at things’, pointing to the conservatism within the governing party. Despite this conservatism, customary marriage was amended to protect women’s property and land rights, and the Roman Dutch law of marital power was also abolished. However, while law reform has been progressive and ‘women friendly’, women often remain ignorant of their rights and families and chiefs continue to breach the law with impunity. Even widows aware of their rights are afraid to report flouting of the law for fear that they and their children might lose family rights (The Namibian, 11.05.2008). For this reason, little advance has been recorded in Namibia promoting women’s substantive benefits to the paper rights in the law.

Uganda’s 1995 constitution recognised the specificity of the needs and interests of women, youth and the disabled. In particular, it gave effect to rights of the family – inheritance, marriage and duties of parents. However, the Constitutional Commission expressed concern that some of the rights would not be enforceable (Oloka-Onyango, 2009). Moreover, the one body that might address these – the Equal Opportunities Commission – has not yet been set up. Sylvia Tamale, a feminist academic and lawyer has been particularly sceptical of the capacity of the law and the will of state institutions to promote real emancipation for women (Tamale, 2009).

In Tanzania, the Tanzanian Media Women's Association undertook a survey of political participation in 2003 and found that while men were groomed for a political career, women were looked down upon (IPS News, 3 July 2008). This was after at least a decade of advocacy by the Tanzania Gender Networking Programme (TGNP), an NGO established in 1993 to promote civic education and promote women in politics. Mary Rusimbi, the Director of TGNP observed that political parties in Tanzania do not nominate or promote women, and because the Constitution does not permit independent candidates to stand, only a small proportion of women become representatives in parliament. Moreover, the costs to those who contest elections is considerable, and few women have the resources to do so. Only 4% of women are in paid employment in Tanzania, while in agriculture, which consumes 82% of all the labour force in the country, women provide 50% of the labour power. Women are both too poor and too busy to run for elections. What then, are the real incentives for women to become engaged in politics? So far, it looks as if the costs outweigh the benefits.

But women's advocacy has seen some gains for women's representation in Tanzania in the creation of 20% reserved seats for women at national level and 33% at local government level. Gender mainstreaming was also adopted in state structures in terms of the 2000 Women and Gender and Development Policy. In 2005 a National Strategy for Gender Development was developed. Moreover, gender responsive budgeting has been adopted by the country in direct response to the research and lobbying undertaken by the Feminist Activist Coalition, FemAct. The organisation played a very significant role in capacitating government officials and civil society in understanding what gender budgeting was all about. Its member organisations, particularly the TGNP, have established working relationships with the state to ensure that the national budget is gender sensitive. Most of this work is funded by UNIFEM. Diane Elson explains that gender budgeting 'requires a participatory and transparent process, an equitable base and a non-discriminatory rationale' to be successful (Elson, 2006). While there are clearly contradictions between the state's acceptance of gender budgeting as a process and the country's conservative gender norms, the fact that this process is still being undertaken gives cause for optimism.

Zambia and Malawi (formerly Northern Rhodesia and Nyasaland respectively) were both countries whose colonial past and present membership of the Commonwealth, shaped both their system of government and their present socio-economic position. Both were part of the Central African Federation (1953-1963), which established their position as satellites of Southern Rhodesia (now Zimbabwe). Zambia's copper mines gave it something of an economic edge, while Malawi, with no mineral resources, became a migrant labour reserve for the mines of both countries and of South Africa. At independence, neither Zambia nor Malawi had an educated class on which to draw for its political leadership. The decade of the 1960s, indeed, was the 'education decade' for both countries. For Malawi, a predominantly poor rural society, patriarchal control over their lives limited women's opportunities for political participation, despite the initiation of multi-party competition after 1993 (IPS News, 5.03.2009). In Zambia one party rule was replaced earlier, in 1991, by multi-party competition. The political system remained patriarchal, although from the 1970s and especially after the Mexico UN Women's Conference, women organised both to undertake research into women's exclusion from politics and to lobby women to become more active. The Zambian Association of Research and Development

(ZARD) showed that a combination of political party gate-keeping and low esteem, education and poverty, kept women out of politics, the National Assembly and local councils. A Zambian National Women's Lobby Group produced a Women's Manifesto in 2001, which raised awareness and recruited women to stand for Parliament. Although only 19 women gained seats, the campaign fostered 198 women candidates at national level and 800 women participated in campaigns at the local level, although only 64 won seats. In Malawi, a women's party was formed, the Rainbow Coalition Party, by a former MP, Loveness Gondwe, after the party to which she belonged would not endorse her running for President. While the Coalition Party retained no seats, it introduced a new discussion about the issue of women's political participation into this predominantly patriarchal society. The outcome of the election was a mere 27 seats held by women out of a total of 193. This result tends to support the argument that the First-Past-the-Post electoral system is less conducive to women gaining positions in Parliament.

The existence of an electoral system does not necessarily mean that a country is democratic. In Zambia, although the Gender in Development Unit in government has a cordial relationship with NGOs, the government has attempted to establish stringent control over their independence. It has taken particular exception to the criticism that NGOs level against the government. A new bill allows for government to interfere in the programmes and geographical reach of NGOs, to harmonise NGO activities with the National Development Plan, and essentially treat them as the 'service arm' of the government (The Guardian, 20 July 2009). In a recent memorandum to the government, ZARD spelled out the danger that this holds for 'good governance and democracy'. Instead, it urged government to commit itself to gender equality. NGOs and opposition parties also pressed the President, Ruprah Banda, to ensure that the constitutional process inaugurated by the late President Levy Mwanawasa in 2007, should be given a time-table, rather than simply allowing the National Constitutional Conference to 'share the \$80 million allocated to them' (IPS News, 28.10 2009). Banda extended the time for the new constitution-making process to 2010, much to the outcry of NGOs.

In Malawi, while the constitution provides for gender equality, no practical measures have been introduced to ensure that women's needs and interests are pursued. Moreover, in the Constitution, gender rights supersede customary law, yet women remain tied into subordinate relationships to men, unable to access credit or land on their own account (Pembazuka News, 29.05.2009). Tripp et al point out that the gender budgeting process that the countries in the region have adopted is anyway largely a result of the funding provided by the Engender Budgets Programme of the Commonwealth Secretariat, rather than the outcome of women's activism on the one hand or any substantive commitment to gender equality on the part of states on the other (Tripp et al, 2009, 191). This may be so, but it has at least played a part in raising awareness and opening a window of opportunity for women's organisations to promote a gender equality agenda.

### **3.3. Have gender norms changed in the public sphere?**

There has been wide recognition of the importance of implementing gender equity policies in official appointments since the 1990s in ESA. Gender equity policies have been integrated into the patronage systems of both authoritarian and democratic states, as the growing number of women parliamentary representatives attests to. Patronage remains a significant element in the mobilisation of support among different party factions, which were very often regional elites



whose support needed to be rewarded with office (Van de Walle, 2007). So even women politicians who were beneficiaries of gender mainstreaming, and might even wish to promote gender equality, remained beholden to their patron in the party. Thus women representatives who are linked to women's organizations face the dilemma of what Shireen Hassim calls the 'politics of dual representation' – a constituency of women's organizations that may have supported the political aspirations of a woman politician and the party to which she belongs (Hassim, 2003). Indeed proportional representation (PR) which holds sway in South Africa, does not provide the opportunities for constituency development that would enable women politicians to develop an independent constituency of women supporters. In Tanzania, this possibility is prohibited by the constitution. Thus political parties remain the gatekeepers of a parliamentary career and this depends upon loyalty to party mandates.

#### **4. Current issues and research agenda to promote gender governance and democracy in ESA**

Women's rights claims in Africa and ESA in particular take place in the context of states and societies that have been and remain in deep economic and social crisis. Globally, Africa faced deep structural inequalities and developmental challenges from the inception of independence, but after the oil crisis in 1973, these deepened and growth declined. Africa's infrastructure was poor and was geared toward exports rather than in developing local and regional developmental capacity and inter-relationships. Agriculture in particular was severely neglected. This is the realm of women's work in Africa, so their capacity has been further undermined during the period of structural adjustment from the mid-1970s, where they have been starved of credit and agricultural extension and training. Peasant producers remained the mainstay of the agricultural economy in ESA – a sector in which the exploitation of family labour predominated, in particular based on women's labour. The ecological crises of the 1970s had drastic effects on the capacity of small producers and endemic drought meant that migrant labour became the main export of the agrarian sector. Remittances became a major source of reproduction in rural areas. In some countries, this provided the impetus for modest industrial development, as in Kenya and Zimbabwe. Botswana has been hailed as a stable democracy and sustainable economy, yet it is a deeply economically divided society, with a growing AIDS crisis. Its stability has long depended upon the dominance of a single political party and political class, despite multiparty electoral politics, and upon its diamond wealth. Even South Africa the country with the strongest indigenous industrial base has a skewed economy that benefits a small elite capitalist class, mainly white. The black middle class is growing, as the benefits of democracy are spread through a state sponsored policy of Black Economic Empowerment, in line with the ruling party's philosophy of creating a black national bourgeoisie to promote a 'national democratic revolution'. But the economic crisis has seen an unemployment rate of nearly 40%, which combined with the high prevalence of HIV/AIDS, constitutes a massive crisis in compounding human misery. The impact of these crises on the wellbeing of everyone, and especially women, who bear the brunt of responsibility for family food security, requires more research in the 21<sup>st</sup> century.

## 5. Recommendations for Further Research in ESA:

1. There is a gap in our understanding of whether gender equality policies depend on democratic cultures and values. Thus a comparative analysis of how women's and social movement struggles have impacted on forms of state and governance in the region would contribute to such an understanding. What significance does gender representation and gender governance have for patriarchal, patrimonial states? Does it lead to more democratic forms of governance at different levels, from the national down to the local? Have these strategies in any way provided women across different social strata with rights and access to decision-making and to resources they could not access before? In undertaking such an analysis, it would be important to conceive of the state in the way suggested in the first part of the paper, as spheres of action and relationships in which power is in contention, both within and between the institutions of state but also with and within civil society. These intersecting and sometimes overlapping spheres 'condense' complex kinship and patronage relationships within them that are, from a feminist perspective, both gendered and have gendered effects.
2. Linked to the first question is a second that would require a study of its own, which is a comparative study of 'national gender machineries' in the region. A comparative study of the different institutional mechanisms in the region would contribute both to an understanding of how they came into being and the impact they have had on the advancement of gender equality.
3. A dimension of gender mainstreaming that has not received sufficient research attention, is the effect on outcomes of the activities and co-operation between state bodies and NGOs and of their competition for funding from the same sources. This must be tied to an understanding of how constitutional bodies funded by the state, such as Gender Commissions, jockey for power and influence. What factors enable or disable strong relationships developing between civil society and the institutions set up to foster gender equality in society? This might be fruitfully included as an issue in a comparative study of national gender machineries in the region.
4. In terms of gender governance, an issue that has not been discussed in this essay, partly because there is a paucity of regional information on the outcome of processes, is that of gender budgeting. This refers to the impact of country national budgets on women's needs and interests. Research might explore the ways in which national budgets have or have not benefited different sections of society. Although much work has been undertaken in the region to introduce gender budgeting, particularly through the Commonwealth Secretariat, it is specifically the implementation and outcomes of the process that require detailed research and analysis.
5. While law-making following the democratic turn and the integration of some gender equality policies in governments, such as South Africa, may be progressive, knowledge dissemination about new laws and policies have not always been funded by the state or appropriately developed by national gender machineries. This means that many women in rural areas in particular are not aware of their rights. This is a critical gap in our understanding and knowledge in all the countries in the region. Further research needs to be undertaken into how

states disseminate the new laws, and how far they reach ordinary people. Support for NGOs working in the field of Human Rights and who undertake this kind of research is pertinent in this regard.

6. A sixth major area that needs to be more fully explored, is the issue of what possibilities for transformation of gender power relations exist in the context of the highly patriarchal political opportunity structure in ESA. The HIV/AIDS pandemic has unleashed a renewed backlash against the very idea of gender equality within societies themselves. The rights of women, gays and lesbians, young children, girls especially, appear to be particularly vulnerable to renewed efforts to control their lives – their choices, their opportunities – and to restrict any possible autonomy. Traditions are being reinvented that threaten to completely undermine the social and political gains that women have made in the last 25 years. Research into the intersection of masculinist state institutional culture, gender machinery, gender advocacy and civil society mobilisation would provide new thinking on how a woman's agenda might best be developed.
7. The issue of violence against women was briefly discussed in this paper. A number of countries have managed to introduce Domestic Violence legislation. South African NGOs played a significant role in promoting the law and in monitoring it. Gender violence has generated a host of community organisations, often linked to NGOs, whose work has been to provide support for survivors of violence and more recently to work with perpetrators. Research and advocacy organizations have emerged to try and understand the endemic and pervasive nature of gender violence in ESA and to engage the state in developing appropriate legislation and policing. In some countries, NGOs have had less success in influencing the passage of such acts. It would be interesting to undertake a comparative study of what conditions promote or limit the political and social 'opportunities' for progress around this issue.
8. In response to the growing impunity that accompanies the public and private violence against signs of women's autonomy, such as young women wearing modern fashions or dressing 'queer', there is an urgent need to explore the intersection of culture and governance. The precise questions themselves require further research. However one suggestion is to ask why the police and justice system does not proceed to arrest and prosecute perpetrators? Why are complaints that are made to different arms of the justice system not followed up?
9. The issue of alliances with men and men's organisations is one that is much discussed in women's organisations and NGOs. This is an arena of contestation that has received little research attention. There is no doubt that without the support of men, legislation promoting women's needs and interests would not be passed. Men's organizations for campaigns against violence against women have provided moral support. Whether they have led to a change in how men think and behave in societies where women are not conceived as equal, but as 'subordinate' to husbands or fathers, or even brothers, requires research.
10. Finally, the issue of sexuality and its discontents is an important issue in Africa. With regard to the growing homophobia, often led by the state as in Uganda, history itself needs to be deployed in new ways to pierce the hetero-normative dyad that has become so entrenched in

Africa. This is a gap that can be filled by encouraging in-depth historical excavation of oral and literary history of the kind that Sylvia Tamale and the Women Writing Africa series are undertaking. In addition, very little research has been undertaken to help us understand why in the twenty first century, control over women, their sexuality and their bodies, has become such an issue for men and what strategies might be adopted to transform these views.

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