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Creating Voice
and Carving Space

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Creating Voice
and Carving Space

redefining governance from a gender perspective

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P.O. Box 95001
1090 HA Amsterdam
The Netherlands
E-mail: publishers@kit.nl
Website: www.kit.nl/publishers

© 2004 KIT Publishers, Amsterdam, The Netherlands

Editing: Kirsty Milward
Cover Design: GRAFFITI, Calcutta, India
Graphic design: Grafisch Ontwerpbureau Agaatsz BNO, Meppel, The Netherlands
Printing: Meester & de Jonge, Lochem, The Netherlands

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 5

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Foreword

This book owes its existence to the collaboration and partnerships between organisations and individuals in South Asia and Southern Africa. The aim of the partnerships was to develop approaches to gender and development that involve women from socially marginalised groups in politics and decision-making, make governance institutions and public officials respectful of and responsive to their concerns and interests and treat women as entitled citizens.

The three-year programme entitled 'Gender, Citizenship and Governance' was initiated in 1999 by KIT Gender at the Royal Tropical Institute in Amsterdam, with the objective of contributing a gender perspective to global debates on and approaches to international development. While 'good governance' became the mantra in international development debates in the 1990s, our concern was that the debates about and approaches to improving governance structures to obtain better development outcomes did not automatically address the question of gender inequality. An added concern was that the emphasis of the agenda was on technical interventions to improve state functioning with little recognition for the role of civil society, citizen action and political contestation involved in holding governance institutions accountable. In order to address these concerns the programme aimed to investigate what was involved in creating citizen 'voice' and accountability and responsiveness of public administration institutions to the gender differentiated public they are supposed to serve.

Partnerships were developed with sixteen organisations in two regions, namely, Southern Africa and South Asia. In the Southern Africa region the participating organisations were from South Africa, Namibia, Zimbabwe and Zambia. In South Asia, organisations from Pakistan, India, Sri Lanka and Bangladesh participated in the programme. The cornerstone of the programme was action research undertaken by each participating organisation on a theme of particular national and regional importance for gender equality. While the action research undertaken was on a range of issues, the initiatives sought to: enhance and sustain women's representation and political participation; create accountability and responsiveness of governance institutions to poor women's interests; and stake a claim to equal rights and citizenship.

All writing is an act of representation and this book is no exception because it claims to represent the work of sixteen organisations operating in eight

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different country contexts. We can only hope that our representation has done justice to the incredible work undertaken by our partners: the Centre for Applied Legal Studies (CALS) at the University of the Witwaterstrand and the Gender Advocacy Programme (GAP) in South Africa; Sister Namibia; the Zambia National Women's Lobby Group (ZNWLG); the Zimbabwe Women's Lawyers Association (ZWLA); Naripokkho, Bangladesh Mahila Parishad (BMP) and Prip Trust in Bangladesh; Confederation of Voluntary Associations (COVA), Durbar Mahila Samanway Committee (DMSC), Nirantar, North East Network (NEN) and Sakhi Women's Resource Centre in India; Aurat Foundation and Shirkat Gah in Pakistan; and the International Centre for Ethnic Studies (ICES) in Sri Lanka.

This book also represents the work of the KIT GCG team members who developed the programme and partnerships and undertook the analysis: Marguerite Appel, senior adviser at KIT; K. Lalitha and Nandinee Bandhyopadhyay, consultants and regional coordinators. Shamim Meer and Maitrayee Mukhopadhyay were also part of this team.

This book and the programme on which it is based would not have been possible without funding from Ford Foundation, the Women and Development division at the Netherlands Ministry of Foreign Affairs (DGIS) and the Royal Netherlands Embassy in Bangladesh. We are grateful to these institutions and we hope that this book will contribute to their strategy development to promote good governance with a gender perspective. In particular we are grateful to two individuals in these institutions – Srilatha Batliwala and Rita Rahman.

Maitrayee Mukhopadhyay
Shamim Meer

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Abbreviations

ANC	African National Congress
BMP	Bangladesh Mahila Parishad
CALS	Centre for Applied Legal Studies
CBO	Community Based Organisation
CDS	Community Development Service
CEDAW	Convention on the Elimination of Discrimination Against Women
COVA	Confederation of Voluntary Associations
CSW	Commission on the Status of Women
DC	District Commissioner
DMSC	Durbar Mahila Samanway Committee
DOJ	Department of Justice
ECO SOC	Economic and Social Council
GAD	Gender and Development
GAP	Gender Advocacy Programme
GCG	Gender, Citizenship and Governance
GRP	Gender Research Project
HDI	Human Development Index
ICES	International Centre for Ethnic Studies
ICPD	International Conference on Population and Development
KIT	Koninklijk Instituut voor de Tropen (Royal Tropical Institute)
MDC	Movement for Democratic Change
NANGO	National Association of Non-Governmental Organisations
NCA	National Constitutional Assembly
NCSW	National Commission on the Status of Women
NEN	North East Network
NGO	Non-Government Organisation
NVEC	National Voter Education Committee
NWMN	Namibian Women's Manifesto Network
NWV	Namibian Women's Voice
PPC	People's Planning Campaign
RWM	Rural Women's Movement
SADC	Southern African Development Community
SALC	South African Law Commission
SWAPO	South West African People's Organisation
UHAC	Upazila Health Advisory Committee
UNO	Upazila Nirbahi Officer
UNP	United National Party
UP	Union Parishad

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WCP	Women's Component Plan
WPF	Women in Politics Forum
ZANU (PF)	Zimbabwe African National Union (Patriotic Front)
ZNWLG	Zambia National Women's Lobby Group
ZWLA	Zimbabwe Women's Lawyers Association

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Glossary

Babu	(here) A regular client of a sex worker.
Gram Sabha	Village forum or meeting (India).
Mahila Mandal	Women's Group (India).
Mahila Samity	Local women's committee.
Mela	A fair or carnival, traditionally for trading, cultural performance, and fun.
Panchayat	Rural local government institution (India).
Pouroshava	Urban municipality (Bangladesh).
Shalish	Local court (Bangladesh).
Union Parishad	Rural local government institution (Bangladesh).
Upazila	Sub-district level (Bangladesh).
Upazila Parishad	Sub-district level government institution (Bangladesh).

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Chapter 1 – Creating Voice and Carving Space: Introduction

For us politics is about hunger, homelessness, the lack of education for our children, violence against women. Everyday life is thus politics. Women in our town first thought that participation in politics was only for men and not for women. Now that they have seen that they can participate in any political activity, they believe they can become councillors and governors. They cannot only be there to produce children, to cook mieliepap, to be battered or only to become teachers or nurses.

Thekla, 50/50 Campaign leader, Namibia

I What this book is about

Introduction

While it is clear for Thekla, the Namibian woman quoted above, that politics and power play a central role in decisions governing her life and that of people like her, international development agencies supporting the good governance agenda in the 1990s largely failed to acknowledge this in their approaches (Robinson, 1995). The 'good governance' agenda focussed on administrative reform of the state and not on the political arena. The international development establishment and the Gender and Development (GAD) sector of this establishment have mainly steered clear of engaging with the political arena of governance. The GAD policy prescriptions to increase women's presence in the state and exert policy influence focused on 'including' women in the bureaucratic architecture of the state. Setting up dedicated bureaucratic machineries such as women's commissions and ministries and gender focal points in important ministries has been the main strategy. But as studies have pointed out, starved of resources and isolated from the arena of politics, these machineries have had little influence on policy making. This approach has been characterised by researchers as an anti-political discourse of inclusion (Goetz and Hassim 2003).

The action research on which this book is based departs from such anti-political approaches in that these were attempts by civil society organisations linked to women's movements and grassroots associations, to increase the accountability of governance institutions to women through building women's voice and representation, and in particular the voice of the most marginalised women, while at the same time working within

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state processes. Enhancing voice and representation of women meant negotiating with political parties and navigating the political system. Thus engagement in the political arena was critical and the action research investigated governance as political process – that is how policies are made, the political interests constitutive of these policies, the gendered ways in which state institutions function and the scope and spaces for citizen voice and action in shaping policy and the functioning of state institutions.

A second feature which distinguishes the programme from the GAD establishment orthodoxy, is that the projects focused on enhancing women's citizenship rights rather than on 'mainstreaming' gender equality concerns in official development policies and programmes. Citizenship was interpreted as a way of defining personhood which links rights to agency (Kabeer 2002a). The focus was, therefore, on the rights and agency of the most marginalised women. The investigations focused on political contests over the formulation, interpretation and implementation of rights and on what ways women's participation and agency can be enhanced in the process of rights-claiming.

Operating in eight different country contexts across two regions – Namibia, Zambia, Zimbabwe and South Africa in Southern Africa, and Sri Lanka, Bangladesh, Pakistan and India in South Asia – sixteen organisations undertook the action research projects on which this book is based between 1999 and 2002, within the framework of the Gender, Citizenship and Governance (GCG) programme initiated by the Royal Tropical Institute (KIT).

While the political and social contexts differed across the eight different countries, a shared strategy pursued by all organisations was to negotiate and bargain with the state for recognition, rights, and resources and more equitable sharing of power between women and men. The state remained the main governance institution, the arbiter of rights and claims. However, new forms of state-society relations were being re-imagined in each of the endeavours, in which women as citizens have a right to participate in the business of government and to demand accountability and responsiveness from governance institutions for their interests. Thus on the one hand the focus was on getting women's voices heard and their role in governance recognised in policy-making institutions using a mix of agitational strategies and direct engagement. On the other hand, most of the projects worked in tandem with state institutions to make the promises and policies work for real women. The experiences of these organisations established that making gender equality a core concern in governing development involves engagement with institutions to change norms, rules and practices, as well as working with the most marginalised women and men to develop their 'voice' and agency.

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The political context and the state of democracy in each of these settings were of particular significance. The role civil society can play is dependant to a great extent on the democratic space available. The political system and culture, state-society relations, and the political space within civil society for *women's* specific organising were significant factors shaping democratic space and the strategic choices made by the organisations on how best to influence governance institutions.

On the basis of the empirical findings of these action research endeavours this book explores what good governance and citizenship means for poor women whose disadvantage is compounded by their belonging to groups excluded from power, resources and decision-making because of class, race, ethnicity, religion, caste or a combination of these.

Action and research – what we were investigating

The action research on which this book is based investigated how women among marginalised groups could be enabled to stake their claim to participation in governance, and how to create accountability of governance institutions to poor women's interests and rights. The objectives of the programme were to explore what constitutes good governance and inclusive citizenship from a gender perspective and to identify strategies to promote gender equality in governance and enhance citizen participation.

The sixteen organisations represented a wide spectrum of civil society organisations. They included university-based and independent research institutions, non-governmental organisations, autonomous women's organisations, and membership-based organisations. (See Annex 1 for details). The common ground between them was their activism in the field of women's rights and gender equality. The development of a partnership among these organisations and between them and KIT, and a collaborative process of action research, was the cornerstone of the programme. The programme provided a forum for linking and learning in the best traditions of participatory and action-oriented research, and it is envisaged that the insights generated will contribute to improving development policy and practice.

Different from 'conventional' research, action research emphasises participant's involvement in the research process and considers research to be an integral part of a process towards empowerment. Moreover, action research focuses on practical knowledge and the need to use this knowledge to inform social theory and achieve social change. To seek solutions and initiate social change is a complex learning process involving different stages: (1) achieving a clear understanding of the specific problem; (2) understanding how decisions are taken and the political and institutional context in which policies for the specific issue operate;

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(3) building alliances among strategic groups in society and specific decision-making institutions in order to act to change the situation.

The action research presented in the following chapters represents civil society initiatives to intervene in governance to bring about changes in institutional practices that secure strategic gender interests. Thus the projects are not just about decentralisation of government, or about getting more women into government and political office, or about law reform. Rather these themes represent the areas in which the participating organisations intervened with the objective of reforming and re-writing the 'rules of the game'. In order to change the 'rules of the game' and secure the position and interests of the most marginalised groups of women, it would be necessary to create access to governance institutions, act within these institutions to enable them to respond to women's needs and interests and finally, stake a claim to new entitlements arising from the needs articulated by those affected by lack of rights and influence. This logic formed the basis of the categorisation of themes and the organisation of the book: *Taking office* (Chapter 2), *Increasing responsiveness and accountability of governance institutions* (Chapter 3) and *Claiming citizenship* (Chapter 4).

II The context

The Gender, Citizenship and Governance (GCG) programme is located within, and is a response to, the international development context – a context that may be characterised by a changing policy environment, ongoing struggles over the meaning and purpose of development, increasing diversity of development actors in a globalising world, and a range of approaches to bring about gender equality through the development process. Of significance is the rise of civil society action in contesting and defining international development policy and the growing strength of social movements, such as the international women's movement, in expanding the notion of rights and participation. The changing context provides new opportunities for the realisation of rights and the inclusion of the most marginalised groups in the development process.

Governance on the agenda

The realisation in the international development community that conventional development efforts had failed to achieve desired ends – to eliminate poverty and inequality and to promote respect for human rights – gave rise to the 'good governance' agenda. The analysis of why development aid was failing to reach desired ends was traced to the inability of states to exercise political power efficiently in managing economic and social resources for development. Governance, according to the Commission on

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Global Governance (1995), is the sum of the many ways that individuals and institutions, public and private, manage their common affairs. In the context of international development, however, the term took on the specific meaning given to it by an influential report of the World Bank that broadly defined governance as 'the exercise of political power to manage a nation's affairs' (World Bank 1989:60). This definition set up the state as the main actor in governance and therefore reforming the state and 'improving' public administration became the key approaches.

Among some international development agencies there was concern for improving and strengthening democratic governance (Nunnenkamp 1995). However, the formula for democratic reform concentrated on the institutional design of the state and involved reform of electoral systems, decentralisation and devolution of government, and the reform of administrative and legal systems. While enhancing popular participation and empowering marginalised groups was recognised as a means for promoting better governance, these approaches received less attention and fewer resources. Further, international agencies had few means with which to reach out to groups and communities representing the interests of marginalised groups except through support to non-governmental organisations.

Added to this, the approaches to improving governance structures to obtain better development outcomes did not automatically address the question of gender inequality. For example, enhancing governmental capability to design, formulate and discharge its functions especially with regard to economic management did not necessarily entail recognising the central contribution of unpaid labour (mostly performed by women), thereby excluding from public accountability a significant area of priorities and exacerbating the gender divide. Establishing the rule of law did not automatically translate into the legal recognition of violence against women as a crime. Expanding the scope of citizen participation in governance through decentralisation of government did not by itself ensure that women and men would be represented on an equal basis. In all of these areas special efforts have been necessary to address gender equality concerns, which in turn has necessitated changes in institutional rules and practices to build accountability for these concerns and strengthening citizen voice to demand this accountability.

The rise of civil society

While official 'good governance' agendas saw the state as the main actor in governance, this role was being challenged in the 1990s by the rise globally of social movements representing the interests of groups marginalised by the processes of economic globalisation. Non-state actors increasingly staked a claim to represent public interest in global decision-making regarding development (O'Brien *et al* 2000).

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The rise of civil society is seen in the growing numerical strength of NGOs and their global networks – increasing in numbers from 23,600 in 1991 to 44,000 in 1999 (UNDP 2000a), and in the growing surge of social movements – women's movements, indigenous peoples' movements, and landless peoples' movements among others – struggling to re-define the priorities of the international development agenda. The rise of civil society is seen in their growing importance and influence in international forums. No longer relegated to NGO consultations, talk of partnership, participation and the role of citizens' groups in promoting sustainable development are being heard in the corridors of power – in global institutions (Edwards and Gaventa 2001).

While definitions of civil society are contested and undergoing change, in this book we refer to civil society as those groups operating outside of the state arena but who represent associational activity aimed at advancing the interests of people who are increasingly excluded from participation in development and from its benefits. The goal of this associational activity and representation of interests is not to forward profit making or commercial interests but to advance human development and human rights. Non-governmental organisations are non-profit organisations that often dominate discussions about civil society. However, NGOs are a part of what comprises civil society, which includes social movements, networks, associations and political parties.

In recent years, the rise of civil society is seen in the spread of networks linking organisations in different countries on specific issues, such as unfair trade regimes and environmental issues among others. Several recent studies point out that this rise of global civil society heralds a new form of multilateralism and with it new conceptions of governance. The old and dominant form of multilateralism represents a top down affair where state institutions are taken as given and minor adjustments in their operations are suggested in order to improve their capability to govern (O'Brien *et al* 2000). On the other hand, the new and emerging form of multilateralism is reordering civil and political society on a global scale, building a global system of governance from the bottom up.

All this is not to suggest that citizen action and civil society's role has an accepted and legitimate place in global and national governance. On the contrary, the struggles to establish civil society voice and create space for its articulation should be viewed as contests between different interests to pluralise governance and decision-making structures. This is critical for the project of gender equality since women's subordination within gender relations invisibilises their strategic interests and deprives them of agency in policy debates. Women's constituencies have emerged as global citizens as they have argued for the right to development, freedom

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from domestic and sexual violence, sexual and reproductive rights, the implementation of the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Beijing Platform for Action at international forums. This activism was greatly helped by the UN international conferences on women, the International Conference on Population and Development (ICPD), the Social Summits and the Human Rights conferences in the 1990s, all of which provided the space for the articulation of rights and the historical moment to organise around these rights. However, in each and every case it has been necessary to organise from the 'bottom up' to create awareness at a national and community level and among women themselves that women have a right to have rights. This book focuses on initiatives to organise from the 'bottom up' to construct a civil society that is inclusive and capable of representing the interests of women from marginalised groups, enhances participation and agency, and seeks responsiveness from governance institutions.

Civil society is deeply gendered in that women have fewer opportunities to participate in public life. The gender division of labour that obtains in most societies lays a disproportionate burden for fulfilling the tasks of social reproduction on women. The care and nurturance of children, the sick and the old, household maintenance and the provision of basic needs form a major part of women's work burden, whereas all these activities are necessary for the reproduction of households, communities and labour.

Civil society is also gendered in that women are not perceived as 'public' persons in the same way as men, nor are their associational activities seen as being for the common 'public' good. Studies from Latin America and the United States point out that the restructuring of state, economic and civil institutions consequent to the adoption of neo-liberal development policies in the 1980s resulted in mainly poor local communities having to seek independent survival and development strategies (Lind 1997). These studies also point out that, whereas women have collectively sought to organise the public provisioning of social reproduction services (e.g. organising communal kitchens, dealing with violence) as a response to growing poverty and economic hardship, the local power they derive from doing so does not automatically transfer into power for women when the 'hidden' transfer of welfare responsibilities from the state to the community takes place. Women's community participation continues to be perceived as 'outside' the planning and development process.

Governing development towards what end?

The international development policy agenda in the 1990s

The 'good governance' agenda aimed to make institutions of governance, especially the state, more accountable to people, their rights and development. The rise of civil society and citizen action signified contests over

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the meaning and purpose of development. In the 1990s the international policy agenda was characterised by what researchers have referred to as an ambivalent approach (Molyneux and Razavi 2002). On the one hand, there was greater emphasis on democracy and rights. The international human rights movement made many gains and there were positive changes in women's rights. The end of the cold war, the demise of authoritarian regimes and the advent of democracy paved the way for the advances in political and legal rights. On the other hand, there was consolidation of a market-led development model that while moving away from the market fundamentalism of the 1980s nevertheless remained hostile to re-distributive measures. Thus the advances in civil, political and legal rights were not accompanied by progress in the achievement of greater social justice. Poverty was persistent and income inequalities grew in most countries throughout the 1980s and 1990s (Molyneux and Razavi 2002). For the great majority of women (and men) living in poverty and deprivation across the world, the expansion of rights did not necessarily lead to their realisation since the material means necessary to make rights real were not available.

Nevertheless, the 1990s decade did inaugurate a new era in development thinking. The Human Development agenda of the UN placed the human person as the central subject and beneficiary of development. Informed by the work of Amartya Sen, the human development approach defined the basic purpose of development as expanding the choices people have to lead lives they have reason to value (Sen 1999, UNDP 2000a). Fundamental to enlarging people's choices is building human capabilities – the range of things that people can do or be. The most basic capabilities of human development are to lead long and healthy lives, to be knowledgeable, to have access to those resources that enable a person to have a decent standard of living and to be able to participate in social and political life. Without these basic capabilities many other choices are simply not accessible. The enhancement of human capability through education, good health and nutrition, and participation has direct relevance to the well-being and freedom of people, exerts an indirect influence on economic production and plays a role in influencing social change. In this framework, the role of *policy* is to provide the enabling conditions to enhance an individual's right to choose to lead the kind of life one values. The convergence of the human development and human rights communities in the common purpose of expanding freedom, well-being and human dignity for all put the onus of responsibility for fulfilling rights on duty bearers – institutions of governance that not only set the rules but decide on resource distribution.

This turn towards a more human-centred development approach led by the United Nations in the 1990s is significant for many reasons. First, it drew attention to the intrinsic value of human capability, providing thereby

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a countervailing discourse to the instrumentalist framework of international development discourses dominated by the financial institutions. Second, it provided a more favourable environment for social movements, NGOs and other civil society organisations to articulate rights, represent diverse interests and act to deepen democracy. Third, it introduced rights-based approaches in international organisations that have the potential to engage with the need to empower people to exercise 'voice' and influence decisions that affect their lives, to help state and non-state actors to realise their responsibilities for the protection and promotion of rights and to highlight the role of politics and power in development decision-making.

Rights on the gender and development agenda

Throughout the 1960s and 1970s the international policy agenda was less concerned with women's rights than with how to incorporate women into the development process. Both scholarship and activism at this time was concentrated on convincing international development agencies about the importance of women's roles in development. Feminist advocates constantly critiqued their own strategies for incorporating a gender perspective in development and consequently changed their approaches – from integrating women in development in the 1970s and 1980s, to emphasising the institutionalisation of gender issues in development policy and planning. In this period, gender and development advocates contributed to building technical capacity within development organisations by making a case for gender and development, and developing and implementing training programmes, frameworks, planning tools and checklists for the integration of gender equality concerns in development. These advances within the gender and development field challenged the way women were seen (and saw themselves) and coincided with the spread of feminist movements and ideas across the world.

At an international level, the setting up of the UN's Commission on the Status of Women (CSW) in the early 1970s introduced a new gender awareness. It was the only international institution at that time devoted to addressing issues of justice for women. While the CSW was responsible for the Decade of Women, the organisation of four world conferences and drafting CEDAW, it was mainly concerned with analysing and responding to the development-based economic and social issues concerning women rather than defining and pursuing rights issues (Molyneux and Craske 2001). Even the theoretical breakthroughs in analysing women's position, for example Molyneux's work on strategic and practical gender interests, were translated into the technical/ non-political development planning language of needs rather than rights.

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It was not until the 1990s that the focus shifted to rights and led to questioning of women's position in their own societies. In this decade, the UN summits on the environment, social development, human rights and population brought rights to the forefront of international debates. A major breakthrough was in getting women's rights on to the mainstream human rights agenda. Women's movements across the world mobilised and organised in the build up to the Vienna Human Rights Conference in 1993. The recommendations made by women's rights groups were included in the Vienna Declaration and Programme of Action. The mobilisation on rights continued into the Cairo Conference on Population and Development in 1994 where the difficult issues of sexual and reproductive rights were incorporated into health policy issues. The Beijing Conference in 1995, attended by 30,000 women, saw major advances in pursuing women's rights commitments. It took forward the Cairo agenda and crystallised core rights issues: equal rights in law; entitlement to productive resources; right to education and health; equal right to representation in decision-making, security and freedom from violence. The Beijing Platform for Action, ratified by 189 countries, became the basis for civil society advocacy. Many NGOs and other civil society groups used the policy recommendations and agreements reached in the various world conferences to monitor government performance and produce alternative reports (as in the case of CEDAW). The spaces provided by the review meetings became a forum for NGO networks to lobby their own governments and highlight specific areas of concern.

However as Chapter Four in this book elaborates in greater detail, feminists along with race and disability activists have challenged conventional notions of rights as limited since they do not take difference into account and tend to limit rights to formal and legal guarantees, and because while seemingly neutral, ideas of universal rights are in reality based on standards that take males of elite social groups as the norm. Yet feminists have not thrown out the rights discourse, but have rather reframed rights so as to claim the same standard of equality for all while at the same time ensuring that the specific conditions of women in specific situations be taken into account. Further, framing demands in terms of rights emphasises notions of agency and entitlement, and poor women are no longer framed as passive beneficiaries of development.

Gender mainstreaming: the bold new strategy

Alongside social movement activism which made issues of rights and legal reforms urgent and pressing matters, efforts were underway from within to make development institutions more responsive to gender equality concerns. Mainstreaming was the overall strategy adopted in Beijing to support the goal of gender equality. The political rationale for this strategy followed on from what gender advocates had been struggling to establish

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– that it is important not to tinker at the margins of development practice but to bring gender into centre stage (Razavi 1997).

Gender mainstreaming involves: (a) the integration of *gender equality concerns* into the analysis and formulation of all policies, programmes and projects and (b) initiatives to enable women as well as men to formulate and express their views and participate in decision-making across all issues. A mainstreaming strategy does not preclude initiatives specifically directed toward women. Similarly, initiatives targeted directly to men are necessary and complementary as long as they promote gender equality (OECD/DAC Guidelines 1998).

In practice this means that there are two interrelated ways in which gender equality concerns can be mainstreamed: (1) a*n integrationist version of mainstreaming* which ensures that gender equality concerns are integrated in the analysis of the problems faced by the particular sector, that these concerns inform the formulation of policy, programmes and projects and specific targets are set for outcomes, that the monitoring and evaluation of policies and programmes capture the progress made in the achievement of gender equality; and (2) *a transformative or agenda setting version of mainstreaming* which introduces women's concerns related to their position (strategic interests) in mainstream development agendas so as to transform the agenda. For example, one of the ways of ensuring that gender equality concerns are integrated in agriculture is to make sure that extension services address both women and men and that technological packages are appropriate for both women's and men's roles in agriculture. However, the issue might be that women in their own right, and not as wives or dependants of men, have no rights over land. Advocacy for women's land rights would thus set the agenda for change of mainstream programmes addressing gender inequality in agriculture.

Integration and transformation require work at two different institutional levels. While integration involves working within development institutions to improve the 'supply' side of the equation, a transformative agenda requires efforts to create constituencies demanding change. The latter requires understanding of the nature of political society, state-society relationships, and the extent to which in particular contexts the policy-making institutions are dependent on, or autonomous from, the influence of international development and financial institutions. Integration depends for its success on transformation because in order to build the accountability of policy making institutions to the gender differentiated public they are supposed to serve, the creation of the demand for democratic, accountable and just governance has to go hand-in-hand.

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Much of the work in integration has concentrated on institutions and involved improving technical processes in development and the capability of institutions to integrate a gender perspective in programmes. However, the challenge that feminist advocates in development have faced and continue to face is that their work straddles both worlds – the political and technical – but that the development business only tolerates the technical role. Why is this so? Both integrationist and transformative versions of mainstreaming require explicit acknowledgement of equality goals entailing redistribution of power, resources and opportunities in favour of the disadvantaged, which in the case of gender mainstreaming happens to be women. Development defined as a planned process of change in which techniques, expertise and resources are brought together to achieve higher rates of economic growth, however, does not envisage transformation of relations of power and authority and reduction of inequalities as the role of development except as instrumental to poverty eradication, improvement in children's health, family welfare, intra-household equity and fertility decline.

However, there are other reasons why the development business can barely tolerate the technical role of gender and development advocates while rejecting outright the political project of gender equality. And these have to do with deep-seated resentment of and consequent resistance to the project of equality between men and women and the language of politics that assertions of equality bring forward. The language of women's rights is deeply disturbing because it involves separating out the identity of women as citizen-subjects from their identity as daughters, wives and mothers, the subject of social relations. It is threatening not only for development institutions but also for communities and families who stand to lose when male prerogatives to rights and resources are in jeopardy. While feminist scholarship has devoted much attention to unpacking the inherent male bias in development processes (Elson 1991) and male bias in the construction of rights and law and interpretation and implementation of law (Smart 1989, Pateman 1992, Mukhopadhyay 1998c), the cumulative impact of these resentments and resistance has been the silencing of the project of equality and its rendering into an ahistorical, apolitical, de-contextualised, and technical project leaving prevailing power relations intact. The overall result of gender mainstreaming is that institutional change (except in a few corners) continues to be elusive, its interpretation reduced to getting rid of the focus on women, and accountability for promoting gender equality remains difficult to pin down within organisational practice. Gender mainstreaming in the absence of accountability becomes merely a technical exercise without political outcomes.

The approach adopted in the GCG programme tried to reverse this apolitical trend by focussing on creating voice of the most marginalised women,

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bringing these voices to bear on decision-making institutions, and developing a range of technical methods and tools to assist duty bearers to be accountable to poor women. The following section provides an in-depth analysis of the processes, strategies and tools, and outcomes of the action research projects.

III The empirical ground: Gender, Citizenship and Governance

This section introduces the main themes of our research and provides a synthesis of the key learnings and conclusions on the meaning and practice of good governance and inclusive citizenship from a gender perspective.

TAKING OFFICE

Introduction

The international women's movement over the past decade has articulated the demand for the equal representation of women and men in political and public office. The United Nations Conference on Women in Beijing (1995) resolved that equal representation was one of the critical areas of concern and called on member states to act to make this a reality. Civil society organisations representing women's interests have continued to lobby and campaign in favour of this demand. The demand for equal representation is the cornerstone of the good governance agenda from a gender perspective. It is based on three arguments: first, on the grounds of justice, fifty percent of the population should have fifty percent representation. Second, women's and men's different experiences need to be separately represented so that men's are not taken as the norm and the basis for political decisions. Third, since women's and men's interests are different and often conflict, they should both be represented in decision-making bodies. By 2003, more than 30 countries across the world had introduced gender quotas for elections to national parliament either by constitutional amendment or by electoral law; and political parties in more than 50 countries had stipulated a quota of a minimum percentage of women (usually 30 percent) as party candidates (Dahlerup and Freidenvall, 2003). Despite these measures, women's representation in national parliaments, except in some countries, remains low, as is the case with local government institutions except in those countries that have introduced affirmative action programmes.

The low representation of women in elected assemblies is a worldwide problem affecting both developed and developing countries. This low

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representation has been the subject of much attention. A key problem seems to be the pervasive understanding (among both women and men) that the public world of politics, the economy and decision-making is male, whereas the private world of the domestic, household and social reproduction is female. The fact that these worlds, the public and the private, are organised (both in terms of norms and activities) in ways that allow for participation of mainly one gender further exacerbates this problem. The gender division of labour obtaining in most societies and that assigns the main responsibility for social reproduction and familial responsibilities to women prevents their participation in extra-familial institutions. Equally binding are societal norms that characterise female identity and a 'good woman' as one who is not seen, heard or active in the public sphere. Thus we find that without some kind of affirmative action by political parties and/or governments to let women into the realm of public political competition, women's chances to be represented in elected assemblies remain poor.

In order to get women in, the demand for measures to promote their participation has to be seen as politically legitimate by all constituencies – political parties, the government, communities and families, men and not least women themselves. Three organisations – Sister Namibia, Zambia National Women's Lobby Group (ZNWLG), and the International Centre for Ethnic Studies (ICES) in Sri Lanka – worked to make the representation of women a political demand. However, even where affirmative action is instituted to bring women into political office there is no guarantee that they will be seen and treated as political actors or allowed to take office. The Confederation of Voluntary Associations (COVA) in India and Bangladesh Mahila Parishad (BMP) in Bangladesh engaged with women elected to local government institutions on quotas instituted by law. While legal legitimacy for women to take office existed in both these country contexts, in order for women to really take office this legal legitimacy had to be turned into political legitimacy. This section discusses the strategies and tools that the civil society organisations used on the one hand to create political legitimacy for women's inclusion in formal politics, and on the other to transform the legal legitimacy of quotas for women's representation into political legitimacy for women's participation in formal politics. In discussing the case studies from India and Bangladesh, reference will also be made to the initiatives undertaken by Sakhi in Kerala, India, and PRIP Trust in Bangladesh as part of the GCG programme.

Non-governmental organisations have generally not been involved in the formal political process in most countries. In fact in many countries it is against the mandate of such organisations to do so. Research institutions have studied the process of formal politics and told us what was wrong with the political process but not 'what should be'. The civil society

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organisations working on political participation and whose work is analysed in this section are both non-governmental organisations and research institutions. In seeking to enhance women's representation in formal politics these organisations have had to adopt new roles, adapt old strategies to meet the new situation and build new strategies and tools. Most importantly they have had to engage with the world of politics, political parties, electoral systems and power, arenas with which they were generally unfamiliar and in which they were not always an acceptable presence. In each case the political context had significant bearing on the constraints faced, the strategies pursued and the gains made.

Women's representation as legitimate political demand

Navigating the political context

Three organisations – Sister Namibia, and Zambia National Women's Lobby Group (ZNWLG) in Southern Africa, and the International Centre for Ethnic Studies (ICES) of Sri Lanka – engaged in activism to increase the numbers of women in political office. Despite differing contexts the common challenge faced by all three organisations was how to create a demand for equal political representation in ways which would enable this to be seen as a legitimate demand by political parties, the government, the wider community and be supported by a wide constituency of women.

The political context in Namibia is that of a new democracy, where there is a strong state and a relatively weak but growing civil society. The ruling party, SWAPO, was the former liberation movement that led Namibians in the struggle against apartheid, a struggle in which women were active participants and leaders. SWAPO held 76 percent of parliamentary seats and thus had no opposition to speak of, and saw itself as the only authentic voice able to bring anything good to Namibia. At local government level there was a high proportion of women (41 percent as at 1998) because of a party list system with quotas. This gain was under threat since electoral changes underway involved a shift from this system to a constituency-based system without quotas. At national level, although women made up 26 percent of parliamentary representatives, whether women's proportion would increase or not was entirely in the hands of political parties since there was no law in place requiring quotas at this level. It was in this context that Sister Namibia led the Namibian Women's Manifesto Network (NWMN) to campaign for a bill that would provide for 50 percent representation of women in local, provincial and national government.

Eighteen years of one-party rule ended in Zambia in 1991. The introduction of a multi-party system and political competition opened up spaces for civil society participation. The growing maturity of the new liberal democracy was seen in 2001 when the President was not allowed to run for a third term as a result of popular pressure, and in the overwhelming

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desire of civil society for a change of government. Women comprised 12.6 percent of parliamentarians in 2001 and six percent of local government councillors in 1998. The Zambia National Women's Lobby Group (ZNWLG), formed in 1991, argued that since women constituted 52 percent of the population they needed to be equals in decision-making, and worked to achieve an increased number of women participants in the 2001 presidential, parliamentary and local government elections as both candidates and voters.

Sri Lanka has been a multi-party democracy since 1948 when the country gained independence. It was the first ex-British colony in South Asia to achieve universal suffrage. The state has excelled itself in implementing formal measures designed for the empowerment of women and this was evidenced in the country's progressive human development indicators that are the best in the South Asia region. However, this was not reflected in the proportions of women representatives in national parliament and local government institutions, which are the lowest in the region. As in other countries in the region, women have held and continue to hold the highest political office of President and Prime Minister but this has not had any impact on equalising representation. Despite the existence of a vibrant women's movement, the demand for equal representation has not been on the agenda until recently. In this context and because electoral reform was under consideration, ICES (International Centre for Ethnic Studies) saw the need to mobilise women on the issue of increasing women's participation in formal politics.

The 'how' and 'where' of creating demand

Sister Namibia and the Zambia Women's Lobby Group (ZNWLG) are non-governmental organisations that have been involved in advocacy for women's rights. However, advocacy for women's equal representation poses specific challenges. One that has already been mentioned is the challenge of working with political parties and in the political arena. But a second challenge is creating wider legitimacy for women's role as political actors. As has been mentioned, a compelling reason for the absence of women in formal politics and in elected assemblies is the notion among all constituencies, women, men, organisations and political parties, that women's place is not in public life. This makes the issue of advocating for equal representation much more complex, since it means appealing to and getting consensus from all sorts of actors including women themselves. ICES in Sri Lanka, is a research institution that has been long involved in policy research, but not in direct advocacy for reform that involved constituencies affected by the lack of reform. For example, ICES had researched women and governance in Sri Lanka and unearthed constraints women faced in getting into politics, without mobilising for electoral reform. Nor were the governmental reform processes in which they were involved informed by the 'voices' of women on the ground.

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In Namibia the process began in 1999 with the sharing of Sister Namibia's research on women's participation in politics and decision-making with a wide constituency of interested agents – political parties, non-governmental organisations and research institutions, and elected women representatives. Agreement was reached on lobbying for 50 percent women candidates on party lists and on drawing up a Namibian Women's Manifesto leading to the formation of the Namibian Women's Manifesto Network (NWMN). This network attracted a wide range of civil society organisations, built consensus for the Manifesto and drafted a Citizen's Bill for equal representation of women at all levels of government. The question still remained as to how these demands for equality would enter the political arena and get recognised as political demands of an organised constituency, instead of remaining confined to a handful of non-governmental organisations. The task therefore was to engage women across Namibia in both developing and lobbying for the bill and to build women's organisational capacity and their consciousness as citizens and political actors.

Over a period of one and a half years between 2001- 2002, the bill and the Manifesto were taken to towns and villages all over Namibia by women leaders (facilitators) recruited from towns and villages, the majority of whom were poor women from rural and marginalised urban areas, including the unemployed, subsistence farmers, domestic workers and women living in squatter camps or small rural settlements. The decision to recruit poor women from diverse communities as facilitators was because they are the most excluded from formal political activities while maintaining families and holding communities together. It was also to demonstrate that it is possible for poor people to develop laws and lobby for them. The process of recruitment also put the campaign in touch with diverse community organisations and built ownership of the process in these communities. The facilitators were involved, together with Windhoek-based women, in two national consultations that discussed the current problems relating to women's political participation, and mechanisms to achieve equal representations including the proposed bill, and they were trained in conducting local consultations. The facilitators developed campaigns to contribute to local level organisation of women and carried out consultations in their villages. In total 105 local workshops were held in 55 towns and villages, involving 3500 people. As part of their local level lobbying work, local women's groups took the campaign message to 70 schools, 88 churches, nine traditional leaders, seventeen Regional Councillors and 32 Local Councillors. They held meetings with NGOs and leaders of all major political parties soliciting the support of government leaders. They distributed thousands of pamphlets, collected hundreds of signatures and held marches to local authorities to hand over the signatures and the 50/50 bill. A Windhoek march handed signatures and the bill to the head of the parliamentary petitions committee.

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The run up to the 2001 elections in Zambia provided the opportunity for intervention by civil society organisations like the Zambia National Women's Lobby Group (ZNWLG) to work towards increasing the number of women participants in the presidential, parliamentary and local government elections as candidates and voters. In a series of actions spread over one year ZNWLG worked with political parties to include women in party structures and nominate candidates for the elections; with aspiring women politicians to unite them across party lines, build an election manifesto and connect them to constituencies; and with voters to build awareness among women of the need to register and vote. ZNWLG also monitored the adoption of candidates, the campaigns and the election day events from a gender perspective in order to ensure women were not left out of the electoral process.

2001 Elections, Vote for women because more women in politics means: Better health services for our communities; more food for the family; more schools and quality and affordable education for children; access to water; clean environment.
Zambia, Election Poster 2001

In discussions with the leadership of six political parties including the ruling party, the ZNWLG advanced the idea that at least 30 percent of party executive committee members should be women. ZNWLG was invited to monitor party elections and to give support to women contesting these elections. ZNWLG attended party conventions, where they campaigned for women candidates. The outcome was that more women stood in party elections and more women were elected than in previous elections across all parties. Four of the six parties canvassed achieved 30 percent representation of women on their National Executive Committees. The efforts to influence political parties also resulted in more women being adopted by parties as candidates for the 2001 elections than in the past. In order to facilitate the coming together of a critical mass of female political leaders who could influence processes within and across political parties, the ZNWLG met with women from political parties and worked towards the establishment of a Women in Politics Forum (WPF). The Zambia Women's Manifesto was developed by the WPF as a non-partisan document, upholding gender equality within a development agenda. It was intended to raise awareness among women voters and candidates so that women participated in the elections and women candidates used the Manifesto in their campaigns, and voters were urged to use the content of the Manifesto as criteria for assessing candidates. While the number of women elected to parliament did increase, it was marginal. The number of women voters, however, did increase substantially and this was both because of campaigns to raise awareness and the prevailing mood for change in the country which brought out voters in unprecedented numbers.

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In Sri Lanka, the International Centre for Ethnic Studies (ICES) had conducted a research project on 'Women and Governance' during 1998–1999. Women respondents had articulated the constraints faced by women in entering politics and the need for a reservation at all levels of political bodies. However as there had not been concerted mobilisation of women around this issue this demand had not entered the political arena. The project therefore sought to mobilise women and civil rights groups at national and grassroots levels around women's representation in local government bodies and to politicise the issue as a critical issue of concern for women.

Between 2001 and 2002, ICES, in partnership with leading women activists, researchers and political leaders launched a series of consultations on the question of enhancing women's representation in politics with grassroots women's organisations at the provincial level, with women's and human rights organisations in the capital Colombo, with political parties, policy makers and relevant Ministries. These consultations culminated in a national consultation attended by women activists from the provinces and Colombo, government representatives and the major political parties, where the recommendations arrived at during the consultations regarding quotas were discussed and presented as a demand. During the entire process care was taken to keep the debate alive in the media through reporting in national newspapers and programmes on television, and a rally and signature campaign further visibilised the issue in the public domain.

First we have to struggle for the quota, and once it is obtained, at first naturally political parties will use it to put forward their own daughters and wives. But then we can slowly start to work to make it work for women.

Rural Activist, Sri Lanka

The consultations and lobbying activities served as vehicles for mobilising women around the issue of women's political representation and built a consensus for the need for quotas. Agreement was reached on the broad demand that electoral laws should be changed to provide for 30 percent reserved seats at local and provincial levels. The consultations succeeded in linking grassroots women from the provinces with city activists – something that had not happened previously in women's activism in Sri Lanka. In the process, grassroot women's voices and aspirations were linked to policy forums through the organisation of the national consultation where recommendations made at the provincial consultations were discussed and presented to the government and main political parties – also something that had not happened previously. An important outcome of the process was that women from the provinces set the agenda for how to proceed on enhancing women's political participation. This was evident from the fact that during the provincial consultations the need expressed was not for more information about quotas for women

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in politics as this was an accepted fact by women, but rather for concerted action and campaigns aimed at the political parties and the state to introduce regulations to make it possible for women to be elected to office.

The politics of legal legitimacy

The strategies pursued in creating political legitimacy for the demand for equal representation had different outcomes in the three different contexts and among different constituencies.

In Namibia the 50/50 campaign educated a nation about grassroots level democracy in a context where civil liberties for the majority black population were relatively new and a culture of political contestation and debate had yet to be universalised. It built awareness among the poorest communities about women's rights and their political role, developed legal literacy, developed women leaders and strengthened women's organisations. It transformed women's subjectivities, how they perceive themselves and how the wider community perceived them. It received widespread support from the media, regional and local government officials, among them SWAPO leaders, and qualified support from some national departments, for example the Ministry of Women Affairs whose deputy addressed the launch of the Bill.

While there was widespread support generated for this demand among multiple constituencies, including elected officials and political leaders, the political context where the ruling party is both the government and the main political voice was a formidable barrier to getting legal acceptance for the demand for equal representation. The political arena is seen by the party of independence as its domain. The government led by SWAPO has put in place a number of important policies and mechanisms to promote gender equality and as such cannot be held to account for not being supportive to gender equality agendas. However, gender equality as a political programme has to be seen to be conducted within the patronage of the party and not by other forces. Consequently, the immediate reaction to the campaign was one of denigration. The campaign was identified as a front for lesbians and opposition parties. Although the citizen's bill for equal representation was in the public and political arena, supported by women across the country, discussed in the media and handed over to the parliamentary petitions committee, it was not immediately taken up and not in the form that it had been presented. On the other hand, the ruling party could not dismiss the demand entirely and planned to promote the Southern African Development Community's (SADC) call for "at least 30 percent women by 2004" as a 'first step'. By 2003 this target was well on the way to being achieved in the National Assembly, not least through pressure from the 50/50 Campaign, as both the ruling party and the opposition replaced outgoing male MPs with women.

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The main obstacle to women's aspirations for political office in Sri Lanka remained the attitude of political parties and the culture of politics. At the time when the consultations were taking place there was a general election in 2001 and the United National Party (UNP) – the party that formed the government – launched a women's manifesto in the run up to the elections promising mechanisms for including women in nomination lists at local government level within five years. The large number of votes received by UNP was seen as stemming from women's votes. However, once in power the party did not include women in governance and legislative processes. In the build up to the national consultation organised by ICES, several meetings were held to lobby the UNP to make good its election promises. Leading members of the party, however, resorted to stereotypical explanations for not nominating women on party lists – for example, that women were not qualified enough, and not interested in politics. Sri Lanka does, however, have a tradition of quotas and electoral reform to include excluded groups. But both the institution of quotas and electoral reform from a 'first past the post' system to proportional representation, have been responses to crises and insurrection. The growing ethnic divisions in the country and the need to include diverse voices necessitated the change to a proportional representational system. The quota for youth in local government elections was instituted in the aftermath of youth insurrections in the south of the country. Women as a constituency have not posed similar threats nor has there been till recently a consolidated movement by women to be included in governance. The process initiated by the project, the generation of a demand for quotas and the fact that leading women's organisations continue to press for this demand, is likely to coalesce with constitutional reform processes to create the kind of pressure that will force change.

In Zambia the number of women elected to parliament only marginally increased, but the number of women voters increased substantially, due both to awareness campaigns and to the prevailing mood for change which brought out voters in unusually high numbers. Overall, the ZNWLG was able to challenge the notion that politics as usual, which does not include women, is fair and acceptable. In the process they also learned that creating a level playing field for women and men in politics requires electoral reform that will provide for mechanisms to facilitate women's electoral success. Despite the kind of access that ZNWLG had to political parties – access that was unimaginable in Sri Lanka and Namibia – political parties nominated women candidates for the elections on terms that were unfair and discriminatory. Many of the nominated candidates could not finally stand for elections because parties did not support their campaigns and made no provision for financial support. Some were assigned to constituencies where the party in question had no chance of winning, while others were dropped just before the election because the party

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leadership thought the women candidates would lose the seats. Thus while it is important to continue to work with political parties and to build cross-party alliances between women, in order to achieve substantive change in numbers it is equally important to have secure entitlements.

In all three of the above case studies the need for establishing a *legal basis* for affirmative action to enable the entry of more women into the political process was seen as paramount because political parties could not be trusted to nominate women as candidates for elections. However, these case studies also demonstrate that the work to establish *women's legitimacy as political actors* has to be undertaken alongside campaigns to demand legal recognition for affirmative action. In Sri Lanka the consultations and the lobbying activities served as vehicles for mobilising women around the issue of women's political participation, deepening their understanding and politicising the issue. The linking of grassroots women from the provinces with city activists created a constituency demanding change. Sister Namibia successfully engaged a broad range of Namibians in discussions on women's right to political participation, making this a political issue, strengthening women's organisation in Namibia, and raising women's awareness of their rights as citizens. In Zambia, creating cross-party alliances among women and publishing the women's manifesto served to visibilise women politicians as a special constituency deserving of public office. In aiming to get poor and marginalised women into elected assemblies all three case studies point to the need to define political participation and representation in its broadest sense as the awareness among women and men that marginalised women have a voice and place in politics. By focusing on the constituencies of women who face multiple deprivations these case studies also challenge prevailing political cultures that continue to reproduce elite representation in political power and decision-making.

From legal legitimacy to political legitimacy: women elected on quotas take office

The political context of quotas in India and Bangladesh

In both India and Bangladesh the legal basis for enhancing women's representation has been put in place, but only at the local government level. Both countries have laws ensuring that 33 percent of elected representatives in local government will be women and both have a 'first past the post' electoral system. The reservation of seats for women's election is different in Bangladesh as compared to India. In India 33 percent of all seats in local government elections are reserved for women candidates. In Bangladesh three seats were added to each local government body for which only women candidates could compete. In both cases thousands of women entered local government institutions in the 1990s as elected representatives. But were they able to take office?

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India, the world's largest democracy, has had a stable parliamentary system with regular elections at state and central level since the 1950s. Strong political institutions and several political parties contesting for power, networks of civil society organisations, and social and political movements characterise the political arena. Women have been heads of government, but overall representation in central and state legislatures is poor. Despite a thriving, active and influential women's movement, women's representation in formal politics has not until recently been a subject of activism, and the movement continues to be divided as to whether there should be quotas for women in politics and elections. However, when the Constitutional Amendments in 1993 paved the way for setting up local self-government institutions in India, it also provided for a 33 percent quota for women for the elections to local government institutions. This did not come about as a result of organised pressure from women's constituencies but as a result of state action in keeping with a tradition of affirmative action measures for disadvantaged groups. In India the question of representation of disadvantaged groups has been a matter of political debate since independence in 1947, with caste-based discrimination the major concern. India's constitution instituted quotas for historically marginalised castes and tribes in parliament, state assemblies, the public sector and in educational institutions. While the national state instituted quotas for representation of disadvantaged groups, making quotas work has been the job of political parties. As with the other quotas, the women's quota too has been 'worked' by the political parties to give them leverage. Whereas other groups that have quotas have organised over decades to negotiate with political parties to better represent their interests, ordinary women, unorganised as a constituency and new to formal politics, have had to play by the rules of the political parties. In many situations this has resulted in the nomination of women related to and/or in the control of men who in the absence of reserved seats were likely to have contested these seats. It is in this context that non-governmental organisations like the Confederation of Voluntary Associations (COVA) saw as a major task the challenge of establishing the legitimacy of women political representatives and intervened to prepare the ground to enable elected women to function as political representatives.

Bangladesh gained independence in 1971 and the party of independence, the Awami League, led the first government, which was replaced by a military coup and the installation of military dictatorship lasting for almost fifteen years. At present Bangladesh has a fragile liberal democracy with two main parties, both led by women, dominating the political scene, and a large non-governmental sector active in all aspects of development work but with little influence on the political process. By and large the 'woman question' has been subsumed in the developmental work of NGOs and supported by foreign donors. However, there is a small autonomous

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women's movement that has consistently campaigned for gender justice and for greater representation of women in political office. Women's organisations have campaigned for quotas for women in elections to parliament to replace the present system of nominated seats. As a result of this pressure, and also post-Beijing, a women's quota of reserved seats was introduced in local government elections in 1997. NGOs and women's organisations worked with the newly elected women representatives to strengthen their skills and capacities. From their involvement in such training it was clear to Bangladesh Mahila Parishad (BMP), an organisation that led the campaign for women's representation, that in addition to a lack of skills and experience, broader issues of power and representation were at stake and that interventions were needed beyond training. BMP engaged with issues of power and representation to enhance women's representation in local governance structures and to create an environment that would enable women representatives to function.

The 'how' and 'where' of political legitimacy

The existence of a legal basis for affirmative action like the quota system in local government elections in India and Bangladesh does ensure that more women come into politics, but it does not ensure that elected women will be seen as legitimate political actors. The experiences of BMP and PRIP Trust in Bangladesh, and COVA and Sakhi in India indicate that there is systematic exclusion of women elected to political office through the quota system by local government institutions, the aspiring male relatives of women and the political parties that nominate them to stand for elections on party tickets.

COVA, a network of 750 organisations, has its base in the southern Indian state of Andhra Pradesh. COVA worked in six districts with 28 women in urban institutions, fourteen of whom were elected to urban municipal councils and corporations on quotas while the rest were representatives of the government programme entitled Community Development Services (CDS). The representatives of CDS were also elected, but by their local community groups and not as part of the electoral law. They were included in this programme because they play a key role in the state government's urban development programme, command more resources than the elected councillors and to minimise conflicts between them and elected councillors. COVA deliberately selected women councillors from marginalised communities in the Indian context – Muslim, dalit and backward-caste women – because these women face the greatest constraints in exercising their right to political office.

COVA engaged with these women to enhance their capacity to function effectively as political representatives because they found that the majority of the women elected as councillors did not and could not function as

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elected representatives. Three of the fourteen elected women had been active in politics and the majority had either a husband or brother who was an active politician and that was often the reason why political parties nominated them. Most of these women were not expected to function as political representatives once elected, as it was expected that their male relatives would take on their tasks. Thus a major task was to establish the legitimacy of the women representatives as political actors in a context where individual politicians and political parties had worked the quotas to provide them leverage.

I was the one who was elected. But I was not allowed to go out, never to speak. I have learnt to speak, to use the microphone. Now the mike has come into my hand, it will remain with me for all my life – nobody can take it away.

Murawarunissa, Corporator, Warangal. India

Over a period of two years the elected women and CDS representatives were engaged in four workshops held at six monthly intervals, and aimed at building their capabilities as political leaders. Alongside these workshops COVA monitored the performance of each participant through eliciting feedback from voters, government officials, the media and political parties. The training strategy supported the women representatives in taking on their basic duties such as visiting constituents, addressing the media, speaking out more in council meetings and engaging with the administration. Through more active engagement women's legitimacy as political actors grew, both in terms of their self-perceptions and in terms of how others viewed them. Resistance from male relatives also grew and COVA addressed this as part of their support to the women. Women were able to make changes to facilitate their effective functioning in some councils. These included more appropriate meeting times, a special time slot for women to speak at meetings, women seated in a bloc across party lines so as to caucus with and support each other, and a separate room for women. Many were able to influence allocations for civic programmes for their areas. In the feedback surveys it became evident that the public, government officials and media representatives had noticed and were appreciative of the growing public role of the elected women, while political parties resented their role, claiming that women were in public office through favours by the government (because of the quotas) and that they neither had the legitimacy nor the skills to perform.

In Bangladesh, where quotas for women in local government institutions have been in place since 1997, civil society organisations like Bangladesh Mahila Parishad, the largest membership-based women's organisation, have been active in trying to make the quotas work for women. These efforts have mainly involved training and capacity building of elected women, strategies that have been found to be necessary but not sufficient

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in allowing women to function in local government institutions. Bangladesh Mahila Parishad worked with women representatives in one urban local government institution, the *Pouroshava*, and two rural councils or *Union Parishad*. Since the main problems faced by the elected women was their isolation, the disregard with which their male counterparts viewed and treated them, and the fact that their male family members were de facto performing their role, the main strategy was to end their isolation and achieve some autonomy for these women from their families. The project developed support groups for each woman representative, and created a support network of influential members of the public, the administration and the BMP network.

This is a Muslim country; she is a woman so she should not go out in the evening.
Husband of elected woman member of the *Pouroshava*, Bangladesh

The support groups gave confidence to the elected member, articulated the needs of women voters, and developed accountability from the elected women. The women's committees also developed an independent role in safeguarding women's rights. For example, these groups formed 'Women against oppression and violence' cells. The elected women were not invited to participate in the cells because this would have compromised the autonomy of the cells. In reviewing the activities that the women representatives and their support groups undertook it was found that these fell into two categories: (1) getting development projects sanctioned and obtaining resources from the UP based on needs that members of the public identified, and (2) intervening in individual cases of discrimination and violence against women (upholding women's property rights, right to maintenance and support if divorced, help to rape victims etc.). The representative who made the greatest strides in getting development projects sanctioned, in obtaining resources for development projects, and in intervening in individual cases was one with the greatest measure of freedom from her husband's involvement in her official role.

Getting support from influential members of the public and the administration to support the role of women in public office involved difficult negotiations regarding the right of women to be in public office. There was a clear division between the women and the influential members of the public and administration at the joint meetings organised by BMP as to how the role of women elected on quotas could be enhanced. The men were of the opinion that women lacked the skills and interest to perform public duties and that women's organisations should train and support them. Men as husbands were seen as benefactors whose influential position in society had got their women elected and whose beneficence extended to taking over the public functions of their women, especially since women should not be attending such functions in the evening or at the expense of

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their domestic role. The women on the other hand pointed to the local government structure which was biased against women. The reserved constituencies for women cover three general constituencies, which means that a woman candidate has to canvass for votes over a larger area and service a bigger population after being elected than those elected in general wards but with the same resources. They further pointed out that as women they faced specific constraints that their male counterparts did not – lack of mobility because of the prevailing social norms, intimidation by council members and officials, and lack of information regarding meetings, government projects and resources.

Making entitlements work: the role of civil society

Women representatives were constantly accused of being in office because of male patronage (politically influential husbands, brothers, fathers) and their legal entitlement to public office was perceived as usurpation of male roles made possible because of government favours. That many people come into political office through the patronage of more powerful people is not a phenomenon that is limited to women. The gender issue lies in the male and female subjectivities reproduced in the process – that women are 'illegitimate' occupants of public office and men are groomed into public life by patrons. Thus turning this legal entitlement into political legitimacy has been the role of civil society organisations.

This role has been all the more difficult because the quotas are at local government level. Contrary to the widely held assumption that political power and participation is more accessible to women at this level, experience shows that since local government is more embedded in local social structures than national government and since prevailing gender ideologies are more concentrated at the local level, it is more difficult for women to penetrate as independent political actors or for them to raise controversial gender issues at this level.

In these circumstances, creating political legitimacy for women candidates elected to office on quotas involved a dual strategy: building the capacity of the women and organising them into a political constituency. Making women aware of their public duties; helping them to perform their duties; putting them in touch with their constituency, government officials and political parties; providing information, education and skills necessary for their public role helped women to 'prove' to some extent (to themselves and others) that despite being housewives and private persons they were capable of performing. On the other hand, bringing elected women together in training forums, workshops and seminars, and building a reference group of women around an elected representative, built solidarity among women – something resembling a constituency – and created awareness of the injustice they faced. As has been mentioned, whereas other groups

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in India with political access through quotas have organised over decades to negotiate the representation of their interests with political parties, ordinary women who do not constitute an organised constituency and are newcomers to formal politics are at the mercy of political parties. This can only be reversed through solidarity, constituency building and the emergence of women as an interest group whom political parties have to take cognisance of.

Table 1 presents the key learning from the case studies regarding the strategies used, the tools developed and the key gains made in ensuring that poor and marginalised women get into elected assemblies and how to enhance and sustain their role once elected.

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Table 1: Taking Office – Key Learnings

Case Study	Context	Women's representation in political bodies	Strategies and tools	Gains
NAMIBIA – Promoting women's participation in law reform for affirmative action legislation.	• New democracy 1990. • Strong ruling party (almost one party). • Low literacy. • Weak civil society. • Good constitution. • Signed international conventions. • Electoral system: proportional representation at national, and local levels; 'first past the post' at regional level	• 26 percent parliament (voluntary party quota). • Four percent regional (no quota). • 41 percent local government (quotas) **Local government quota to be dismantled.**	• Research on women and political decision-making, 1999. • Formation of Namibia Women's Manifesto Network and publication of Manifesto. • Research on mechanisms to promote women's access and drafting of citizen's Bill for equal representation. • Selection and training of facilitators from all provinces on Manifesto and 50/50 Bill • Workshops at town and village level on Manifesto and 50/50 Bill. National, regional and village consultations, media mobilisation, signature campaign, lobbying politicians and parliament. Presentation of Bill to parliament.	• Generated awareness on women's rights in new democracy; • women's participation became a political issue; • broad consultation and legal literacy in drafting the bill; • strengthened women's organisation, • built leadership skills; • gained support of local and regional leaders for 50/50 Bill; • government under pressure agrees to adopt SADC proposal to ensure 30 percent women in political office which by 2003 was becoming a reality in the National Assembly.
SRI LANKA – Campaigning for a legal women's quota	• Democracy since 1948. • High HDI. • 86 percent literacy. • Strong women's movement. • Civil war and violence. • Signed international conventions. • Electoral system: proportional representation.	**Low political representation.** • Four percent national parliament (no quota). • 2.5 percent local government (no quota). • **But two women Presidents**	• Research on women and governance. • Formation of network. • Provincial consultations with women on enhancing participation and the need for quota. • National consultation on quotas with city and rural organisations, main political parties, government. • Lobbying political parties, signature campaigns, media mobilisation, participation in constitutional review committee.	• Built broad-based support for women's quotas; • linked city-based groups with village women's organisations; • intervened in constitutional reform process; • demand for women's quota became public demand; • recommendations regarding quota of 30 percent presented to political parties and government.

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Table 1: Continued

Case Study	Context	Women's representation in political bodies	Strategies and tools	Gains
ZAMBIA – Increasing women's participation as electoral candidates and voters	• Independence 1972. • Seventeen years one party rule then multi-party 1991. • Low literacy. • Signed international conventions	**Low political representation.** • 10.6 percent national parliament (no quota). • Six percent local government (no quota).	• **Lobbying** political parties to elect 30 percent women in party structures. • **Lobbying** political parties to nominate women as candidates. • All party **women's caucus** – Women in Politics Forum. • Development of **women's charter** as election manifesto. • **Media campaign, voter education** and **election monitoring** from a gender perspective.	• Number of women elected to party structures increased; • all party women's caucus for 2001 elections formed; • Zambia Women's Manifesto agreed and used as election manifesto; • party nominations for women increased; marginal increase in women elected to parliament; • large increase in women exercising their right as voters.
INDIA – Building political legitimacy for women from minority, dalit and backward caste groups elected to local government	• Parliamentary, multi-party democracy since 1947. • Quotas for marginalised groups since first elections. • 1993 constitutional amendment and introduction of 33 percent quota for women in local government elections	**Low political representation.** • 8-10 percent in National parliament and state assemblies (no quota); • 33 percent in local government institutions after 1993 (quotas). • **BUT 1 woman Prime Minister,** • **several women Chief Ministers of state assemblies.**	• **Capacity development** of women representatives. • **Networks** for support. • **Gender training for male members** of council and male relatives of elected women. • **Linking elected** women to constituencies, government officials, and political parties. • **Follow up** and **monitoring** of elected women. • **Research** to provide information to council. Formation of and support to **women's groups** in communities. • **Media** coverage.	Women elected on quotas assume their responsibilities: • start attending council meetings; • form cross party alliances in councils; • intervene in debates; • get development projects for their constituencies; • meet with members of constituency; • negotiate with government officials; • some take up gender specific issues such as violence against women; • discernible change in self-image and political aspirations.
BANGLADESH – Enhancing and sustaining the role of elected women through support groups and support networks	• Independence 1971. • Military dictatorships for 25 years. Now a multi-party democracy. Introduction of 33 percent quotas for women in local government in 1997.	**Low political representation.** • Fixed number of nominated seats in parliament. • Since 1997 33 percent quota for women in local government institutions. • **BUT 2 women Presidents.**	• **Support groups** for individual elected members. • **Constituency meetings; alliances** with influential political leaders; linking with government officials. • **Capacity development** of elected women. • **Joint training** for women and men elected members. • **Follow up and monitoring** of performance of elected women.	• Women elected on quotas - attend council meetings; - are more active; - obtain government projects for their area; - take up gender specific issues; • autonomous women's cells set up; • women's active presence in councils questioned procedures and developed transparency.

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INCREASING RESPONSIVENESS AND ACCOUNTABILITY OF GOVERNANCE INSTITUTIONS

Introduction

The 'good governance' agenda stressed the need for more responsive and accountable institutions capable of delivering on poverty and of removing barriers that constrain poor and marginalised groups from accessing public goods. Reform of administrative and legal systems, devolution and decentralisation of government, and in some instances reform of electoral systems constituted the main strategies to build accountability and greater transparency. However, the question as to how the powerful and those in charge of decision-making for resource allocation and public service delivery would be made answerable to the less powerful affected by these decisions remained largely unaddressed. For accountability to work in practice there have to be means and mechanisms available to those seeking accountability to enforce sanctions and penalties on those to be held to account. While most public institutions have measures to enforce accountability of public servants – whether bureaucrats or political officials – these measures are generally not available to the public they are supposed to serve. In liberal democracies the main mechanism available to the people to signal their displeasure is the 'vote'. Successive general elections in India, for example, have shown how the public can punish political officials for failing to meet popular expectations. Although necessary, this particular instrument, the vote, is not sufficient to ensure on a daily basis that public institutions will answer to the public for their decisions and actions/ inactions. This is evidenced by, for example, India's failure to remove poverty or universalise education and health care despite the thriving electoral democracy and a large public sector that exists to take care of precisely these problems.

Accountability is a relationship of power, a very specific form of power, between the 'object' of accountability, the one obliged to account for his/her actions and to face sanction, and the 'agent' of accountability, the one entitled to demand answers or impose sanctions. In other words, the 'agent' of accountability has to be sufficiently resourced to be able to demand answers and impose sanctions. When the agents of accountability happen to be poor and/or socially marginalised groups with few social and political resources at their command they are unlikely to be a counterweight to the considerable power of public officials and institutions. When these agents happen to be poor women the power equation gets even more unbalanced. For example, one of the reasons for the extremely high maternal mortality rates in Bangladesh is that the public health system, on which most poor people depend for health care, just does not perform. Health providers in rural areas answer to their bosses in the Ministry of Health against criteria which do not include whether poor women have received good care and

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whether deaths due to maternal causes have been prevented or not. How then can the 'objects' in this particular accountability relationship (health providers and the health system) be forced to pay attention to and pay for their poor performance? One way of equalising this relationship is through the generation of voice. 'Voice' in the context of governance is understood to 'describe how citizens express their interests, react to governmental decision-making or the positions staked out by parties and civil society actors, and respond to problems in the provision of public goods such as education and health services, infrastructure, or defense' (Goetz and Jenkins 2002).

In the real world 'voice' and accountability are two sides of the same coin because if public officials have to answer for their decisions and actions somebody has to be asking the questions. However, generating 'voice' does not automatically ensure accountability and is likely to be insufficient in a context where public officials do not see themselves as objects of accountability and do not recognise social groups such as poor women as agents to whom they are answerable. Making these voices heard, respected and responded to, without the formal means to do so, thus becomes the main challenge, the challenge that the civil society groups in the programme took up. Unequipped with formal powers to ensure accountability to the most marginalised groups of women, civil society organisations devised strategies and tools to make public officials and decision-making institutions listen to them and respond appropriately on a consistent basis. Three projects operated in the context of decentralised local government, two in contexts where provision had been made for women's participation on elected bodies, but with little space for women to hold governance institutions or their processes accountable. Sakhi, based in Kerala, India and PRIP Trust, based in Bangladesh, attempted to design strategic interventions in order to enable women to assert their interests and develop mechanisms for accountability within development planning processes. Naripokkho, based in Bangladesh, attempted to build mechanisms for holding sub-district level state health services accountable to poor women's health interests. Two organisations operated at a national level, to influence national processes. Aurat Foundation and Shirkat Gah, based in Pakistan, intervened to influence the process of setting up a government initiated National Commission on the Status of Women. Nirantar, in India, engaged in advocacy to influence institutional mechanisms to ensure greater responsiveness of the Government of India, non-governmental organisations and the women's movement to literacy as a crucial empowerment and citizenship need of poor women.

Civil society's role as agent in the accountability relationship is not new, although the growing number and visibility of civil society organisations and actions in the past decades is a significant change. Despite this increased

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volume and visibility, the objects of accountability have not changed very much. So what is so distinctive about the actions of the civil society organisations presented in this section? Researchers have noted that the change lies in the roles that civil society organisations are increasingly appropriating, from advocacy at the margins to direct engagement in accountability functions. It lies also in the diverse jurisdictions in which they are operating, the range of methods being used and the more exacting standard of social justice being demanded (Goetz and Jenkins 2002).

As has been discussed in the previous section, women's constituencies have emerged as global citizens as they have argued at international forums for the right to development, for freedom from domestic and sexual violence, for sexual and reproductive rights, and for the implementation of CEDAW and the Beijing Platform for Action. The gains made have been considerable. Mechanisms to promote women's participation in political life are in place in many countries. These include national machineries to protect women's rights, and the incorporation of the difficult issues of sexual and reproductive rights into health policy. Just as the gains made are considerable, the accountability failures are also numerous. Women elected on quotas and reserved seats find themselves excluded from public office because political parties and patriarchal interests have hijacked the mechanisms that got them there. National machineries do not function and have no political clout. And women continue to die in great numbers from complications in pregnancy and childbirth, despite the International Conference on Population and Development (ICPD). Clearly the roles played and the methods used by civil society organisations to get international standards of gender justice into place are not working. The case studies address this challenge as they seek new roles, devise a wider range of methods and set new standards of justice.

From advocacy at the margins to direct engagement in accountability functions

In all the projects we see a decisive change in the role of civil society organisations from advocacy at the margins to direct engagement in accountability functions.

Bangladesh has a very high maternal mortality rate at 450 per 100,000 live births, largely due to preventable causes. The women who are dying due to maternity related illnesses are primarily rural and poor. Bangladesh also has a public health system with a presence in the rural areas and designed to take care of precisely these kinds of problems. Since 1979 government services for primary health care have been organised around the sub-district or Upazila level. Health centres were built to a standard design, including operation theatres, x-ray facilities, basic laboratories, dental suites, delivery suites and indoor capacity for over 30 patients.

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400 such centres were built for the 460 Upazilas to service the rural population. This Upazila Health Complex is the comprehensive primary health service provider institution, and is administered by the Upazila Health and Family Planning Officer (a medical doctor and government employee). Thus the high maternal mortality rates can partly be attributed to accountability failures in the public health system. Accountability in the health system is organised vertically in that the employees of the Upazila Health Complex report to their bosses in the Ministry of Health for whom, as has been mentioned before, the criteria for judging performance of rural health units and staff are not necessarily whether poor women have received good care or whether unavoidable deaths due to maternal causes have been prevented or not.

Naripokkho, a woman's rights organisation in Bangladesh, has a well-established reputation as an advocacy group for women's health and rights. In earlier research Naripokkho identified the problems rural women face in accessing services at the health centres. These included lack of facilities and poor service, ill treatment by health staff, and extortionist fees charged by the doctors for apparently free government services. Poor women rarely went to the health centres even in emergencies. Appeals to the Ministry of Health by national organisations like Naripokkho resulted in a flurry of memos between the centre and periphery without any changes. It was clear that unless citizen pressure was brought to bear locally on the health centre staff, the situation would not change. Naripokkho discovered that there existed (on paper) an oversight mechanism set up by the government – the Upazila Health Advisory Committee (UHAC). The task of this committee was to ensure the functioning of the Health Complex, to solve as many problems locally as possible and to refer problems that defied local solution to the Ministry. Operating in Pathorghata, a remote sub-district in south Bangladesh, Naripokkho in partnership with a local NGO, Sankalpa, decided to revive this defunct committee. The UHAC membership was to include both government officials and elected representatives as well as non-governmental organisations and women representatives. The Pathorghata UHAC had met only once in five years and that too at the insistence of Naripokkho. In reviving this committee and making it function as a multi-stakeholder forum, Naripokkho and Sankalpa engaged directly in accountability functions.

The women's movement in Pakistan had for long demanded the setting up of national machinery to promote and protect women's human rights. The demand for the establishment of a permanent commission on the status of women, made since 1976, was periodically reiterated up until 1998 as a recommendation in civil society and government documents. However, successive governments did not act on this demand until, ironically, on 17 July 2000, the military government of General Pervez Musharraf set up

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the National Commission on the Status of Women (NCSW) as a statutory body. Concerned civil society organisations had mixed feelings about the establishment of the NCSW. While this had been a long-standing demand, the NCSW was set up without any transparent or consultative process to develop its terms of reference. Serious lacunae relating to its mandate, powers, and membership gave rise to civil society apprehension that without truly independent statutory status, enforcing authority, and a clear mandate, the NCSW would become yet another cosmetic body unlikely to make a significant contribution towards changing the position of women in the country. The process of setting up the NCSW was by all accounts closed to public participation. But was it?

In an earlier era women's organisations would have petitioned the government to review the commission's powers and mandate, and advocated for changes. However, the urgency of the situation – the fact that the government had already instituted the commission, weak and faulty as it was – prompted two leading civil society organisations in Pakistan to engage directly with the formation of the commission and to bring the voices of citizens to bear on the process. Shirkat Gah and Aurat Foundation made the strategic decision to initiate a post-facto consultative process involving all stakeholders – the government, commission members, civil society organisations and experts. This was done not only to develop a common understanding on structure, mandate and powers necessary for an effective commission, but also to reinforce the idea that in order to develop an institution accountable to the public, as opposed to one set up to make the government look good, the concerned public needs to be consulted and involved.

Constitutional amendments in 1993 paved the way for setting up local self-government institutions in India. A uniform three-tier system of local government was envisaged for the rural areas: at the apex was the district level body; at the intermediate level the block level body; and at village level the *panchayat* or village government. The constitutional amendments aimed at (1) setting up elected local self-government institutions; (2) devolving decision-making power for development projects to these bodies; (3) providing for a 33 percent quota for women for the elections to local government institutions. In the state of Kerala in India these constitutional amendments paved the way for the setting up in 1996 of a unique model of decentralised planning. Entitled the 'People's Planning Campaign' this model devolved both power and funds to local self-government institutions. Thirty five to 40 percent of the state's funds were to be put at the disposal of local government institutions for spending on projects formulated by them. Participation of the people in setting up priorities and deciding on projects was made a key principle and strict guidelines were set up to ensure this. An important stipulation for the 'People's Planning Campaign'

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(PPC) was that a separate chapter in the development report had to be devoted to women's development and that ten percent of the budget had to be specifically allocated for women's development. The stage was set for an inclusive and participatory process of self-government. But was it?

The question that Sakhi, a women's rights organisation in Kerala, faced was how to make the promises held out by the PPC real for poor rural women and for the newcomers to elected office, the women elected on reserved seats. In Phase I of their project they concentrated on budget and document analysis in two *panchayats* to find out how the ten percent allocation in the budget for women's development was being used, whether the general budgets included women's interests, and who the key institutional actors responsible for design and implementation of programmes were. The findings showed that although poor women were the main beneficiaries of the *panchayat* programmes because of strict pro-poor and pro-women guidelines laid down by the State Planning Board regarding beneficiary selection, there existed a yawning gap between the *intention* to ensure accountability to a participatory planning process which incorporated a gender perspective and the *reality* of the planning process and culture of local government institutions. At this stage Sakhi researchers took the decision to get involved in the planning process itself, as a way to ensure accountability to a participatory and gender-sensitive process. Armed with the analysis from Phase I, Sakhi researchers engaged directly with the planning process and an array of institutional actors in Phase II of the project.

Creating Voice and Carving Space: the 'how' and 'where' of accountability

The civil society groups in the programme were seeking accountability from state and public institutions often without the formal means and powers to do so. The 'how' question refers not only to the methods and tools used but also to the approaches adopted that would legitimise direct engagement by civil society organisations (without the formal means and powers) in the eyes of the objects of accountability. The 'where' question refers to the spaces within which accountability was being sought. These spaces often did not allow for citizen participation but had to be claimed as legitimate space.

In answering the 'how' question a common pattern is discernible in the approach adopted by participating organisations. The approach can best be described as one that combined efforts to reveal deficiencies with efforts to 'help' officials and institutions to do their 'accountability' job. Naripokkho and Sankalpa in Bangladesh revealed deficiencies in the health system through surveys, observation of procedures, and consultations. But they also had to help the health authorities to convene the UHAC, conduct the first few meetings, set the priorities and put pressure on the

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convener, the Member of Parliament, to negotiate with the Ministry of Health for equipment and staff. Similarly Sakhi in Kerala, India, revealed deficiencies in the planning process through budget analysis and observation but on the other hand also attended village forums and contributed project ideas, worked with the sectoral committees responsible for planning to finalise projects, and undertook research to inform the planning process. PRIP Trust, a national NGO, in collaboration with a local NGO, Racine, based in Faridpur district of Bangladesh worked in eleven *Union Parishads* of the same district in the decentralised planning process, with a focus on assisting the newly elected women members to function and to influence planning processes and resource allocation in favour of poor women and men. While a situational analysis of the *Union Parishad* helped reveal the corruption in the system, the lack of transparency in the planning process and the marginalisation of elected women, other methods like training elected members to undertake resource mapping and actually getting them to survey and prepare resource maps helped create transparency in the identification and use of resources.

Another common approach was to broad base the demand for accountability and to link the 'voices' of those most affected by accountability failures to accountability forums. In Bangladesh Naripokkho and PRIP Trust, both national NGOs, allied with local NGOs who had extensive networks among the people in the areas where the work was taking place. Naripokkho's partner Sankalpa is the largest NGO locally with access to women's organisations in the surrounding towns and villages. Aurat Foundation and Shirkat Gah organised consultations at provincial level linking members of the National Women's Commission, government officials and experts to civil society organisations who on an everyday basis handled appeals by poor women for justice. Nirantar, based in India, engaged in influencing institutional mechanisms to ensure greater responsiveness of the Government of India, non-governmental organisations and the women's movement to literacy as a crucial empowerment and citizenship right of poor women. A key tool to link the voices of women who were not literate to the policies and practices of governmental and non-governmental educational institutions was the collaborative action research study that analysed women's perceptions related to education and empowerment and was undertaken along with organisations working on gender and education. This study showed that contrary to women's own perceptions of the value of literacy in enhancing their self-esteem, the service providers, both governmental and non-governmental, regarded literacy as welfare and charity work and not as a right.

The direct engagement in accountability functions meant that the civil society groups had to use an array of methods, some of which were new and others oft-used but deployed for new purposes. For example, consultations at

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national, provincial and local levels were used to great effect by a number of organisations. Consultative processes have been much criticised in the development literature because they are often used by powerful actors – the government, donors, NGOs – to legitimise strategies without enabling the power of those consulted to make the power holders listen and act. However, the civil society organisations used consultation processes as tools to legitimise civil society engagement in accountability functions, to broad base the demand for accountability, to put pressure on power holders, to create a culture of accountability among the actors, and to get results.

In Pakistan there did not seem to be a role for civil society organisations in setting up what had been their demand – an independent, powerful National Women's Commission. Shirkat Gah and Aurat Foundation embarked on a strategy to use consultations to legitimise civil society's role in setting up the commission, to broad base the demand for a powerful commission, to link the commission members to their primary constituency and to enable the commission members themselves to take charge of recommending to the government that their powers and mandate be expanded. The process started with the International Conference on National Commissions on Women in July 2001 attended by representatives of the national commissions for women from four carefully chosen countries – India, South Africa, Philippines and UK –, members of the Pakistan NCSW, and representatives of civil society organisations. The international participants pointed out the strengths and weaknesses of their own commissions, and this provided the Pakistan NCSW with a framework for examining more critically the powers, mandate and independence of their own commission. Immediately after the international conference they convened their own workshop to deliberate on the weaknesses in their mandate and powers, and in the process took ownership of the serious constraints that would prevent them from being a truly independent body able to hold the government accountable for not performing on gender equality. Civil society organisations did not have to confront and criticise the NCSW, they did it themselves.

This was followed by consultations organised in the provinces of Pakistan. Here the commission members themselves were provided a space and a platform to voice their own concerns and suggestions regarding the commission. The provincial consultations enabled the NCSW members to directly interact with their primary constituency, civil society organisations and women's organisations. As a result of these consultations, commission members increased spaces for civil society participation on review committees, started addressing and intervening in prominent cases of violence against women and protested attacks on human rights activists. The strategy of inclusion also enabled the commission members to 'buy into' the recommendations emerging from the consultations. These

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recommendations were then compiled in the National Consultation on the NCSW. The NCSW members took up the recommendations in their Annual Report. They also adopted the conclusions of the consultations as their own recommendations to the government. Government measures to enlarge the future role and mandate of the NCSW are underway.

In Bangladesh Naripokkho found that the Pathorghata UHAC had met only once in five years. The ostensible reason for not convening was that the chairperson, the local MP, was never present and had not handed over authority to anybody else in the administration. The real reason was that nobody expected middle-class professionals like doctors to be answerable to poor people. It was almost as if the doctors were doing the rural poor a favour by their very presence. Thus the first task was to build a culture of accountability among the stakeholders – health centre managers, elected officials, women representatives and journalists. A series of activities galvanised support for reviving the UHAC. These included consultations with stakeholders, workshops to raise awareness about women's health and the need for accountability, surveys to ascertain women's health needs and constraints to accessing services, assessment of problems faced by the doctors at the Health Centre, staged visits by the Municipal commissioners to the Health Centre to oversee the quality of care, observation by Sankalpa and Naripokkho of the everyday working of the Centre, and reports by journalists in the local and national newspapers regarding malpractices. It was only then that convening the UHAC made sense, since the success of the accountability mechanism was dependent on the substantive participation of all stakeholders.

The necessary permission was obtained from the MP to convene regular meetings in his absence. The UHAC started functioning regularly, and in the first six months was able to solve a number of problems that had not been addressed in five years. All the stakeholders began to use the UHAC as a forum for solving their problems with the health system, including the doctors. Unable to put pressure on his bosses regarding the lack of equipment at the hospital (there was no x-ray machine), the understaffing (three doctors instead of nine), and the dilapidated state of staff residences, the Upazila Health and Family Planning Officer brought his problems to the UHAC. The MP was mobilised to get an x-ray machine out of the Ministry of Health, which he did, and to get more staff, which he managed. In return, the doctors were pressured to clean up their act, to stop charging fees in the hospital, and to attend regularly and on time. By end of 2002 the number of patients attending the clinics had increased, women reported that nurses were conducting health education classes, the wards were cleaner, the doctors attended more regularly than before and the practice of charging fees at the hospital seemed to have stopped (although of course they charged fees in their private practice).

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The spaces within which accountability was being sought varied although a common trend was to use those spaces as close to the site of accountability failures as possible. Thus Naripokkho and Sankalpa operated in the UHAC, Sakhi in the committees of the *panchayat*, PRIP Trust in the *Union Parishad*. Often these spaces were not open for public participation but had to be claimed. The consultation processes organised by Aurat Foundation and Shirkat Gah carved spaces where accountability could be sought. Nirantar organised a national consultation on Gender and Education to coincide with the planning phase for the Government of India's 10th Five Year Plan. Civil society organisations used this space to lobby Planning Commission members to expand resource allocation and programmes for literacy for adult women. As a direct result of this the government's largest women's education and empowerment programme, Mahila Samkhya, which was to have been axed in the new Five Year Plan, was retained.

The experiences also show that civil society organisations were able to insinuate themselves into spaces that were for public officials. The culture of bureaucracy and officialdom in India and to some extent Bangladesh is such that it discourages ordinary citizens from entering spaces deemed 'official'. To some extent this has begun to change with decentralisation although it must be said that admission to 'official' spaces has always been possible for citizens with the right characteristics – the right gender, class, and political connections. Elite men in India are more likely to gain entry than poor women who are also low caste. The reservation policy in local government institutions has led to the entry of precisely these kinds of citizens – poor, low caste women – into spaces that were not open to them before. The representatives of the civil society organisations gained entry into council chambers and other official forums in their role as researchers. Not only were Sakhi researchers allowed into the sectoral committee meetings and the *gram sabha* (village forum which has a legitimate official status since the initiation of the People's Planning Campaign) in Kerala, but also into the main council meetings where elected representatives of the *panchayat* made final decisions regarding resource allocation. While they were allowed in these spaces as observers, they were regularly consulted and their opinions were sought. Researchers gained recognition for the skills they brought to planning processes – skills in research and fact finding, training, and project formulation. Also, in the highly polarised political world that characterises Kerala institutions, Sakhi researchers were somehow seen to be 'objective' and neutral. Entry into these spaces gave the civil society organisations a vantage point from which to observe decision-making processes and to devise interventions to make the processes accountable to poor women and open to the participation of women. In Bangladesh PRIP Trust found that despite the corruption and lack of transparency in the local government institutions, their knowledge and skills regarding resources and resource mobilisation

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were in great demand by those elected officials who could not get this kind of information out of the chairpersons of the *Union Parishad*.

In Bangladesh Naripokkho and Sankalpa found that their very presence as observers and researchers at the health centre premises triggered apologies from nurses and doctors for inaction and dereliction of duty (even if it did not change their behaviour). Doctors would apologise to the researchers for coming late and refrain from charging fees in their presence. Neither of the researchers was in the Bangladeshi context 'heavyweight' in terms of class, educational background and gender. In fact quite the opposite – they were young women (age is a big hierarchy), from middle-income families. Their role as researchers carried symbolic weight and demanded answerability.

Setting standards for accountability

Accountability of public institutions and public officials has traditionally been judged according to whether the correct procedures have been followed or not, and not on whether a desirable outcome has been produced. This notion and practice of accountability has been the fundamental problem in getting development institutions to be accountable for gender equality, as seen for example when governments have set up national machineries to promote women's rights. While the aim of setting up these commissions is to protect women's rights, the independence, mandate and powers of these commissions do not ensure that these bodies can prosecute state and non-state actors for violations. In Pakistan, a key concern facing Aurat Foundation and Shirkat Gah and the reason why they intervened in the process of clarifying the powers and mandate of the NCSW, was to ensure an independent status for the NCSW with an enforcing authority and quasi judicial powers capable of securing and protecting *women's strategic interests* and not just their practical needs in development. The struggle was to establish an authority institutionalised in state structures that responds to women's appeals for security and fair treatment and is not hostage to patriarchal authorities in religious bodies, families, community and tribe. In concrete terms and in the context of Pakistan, the standard of accountability being set was the prosecution by the NCSW of Pakistan of those involved in 'honour killings' (and other atrocities perpetrated on women). The practice of 'honour killings' refers to the murder of women by male members of the family for perceived transgressions of the strict code governing female sexual conduct. A young, unmarried woman talking to a man who does not belong to her family can be punished for sexual transgressions. This practice is prevalent among certain groups in Pakistan and the authorities have been singularly ineffective in bringing perpetrators to justice.

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Setting more exacting standards for accountability, and focusing accountability on gender equality outcomes, has become the task of civil society organisations representing women's interests. The most intriguing case in this regard is that of the Peoples Planning Campaign (PPC) in Kerala, India. In this context all the correct policies and procedures had been put in place to ensure an inclusive and participatory process of self-government. Participation of the people in setting up priorities and deciding on projects was not only made a key principle, but strict guidelines were set up to ensure this. Women's place in the decision-making structures was assured by the reservation policy. Strict procedures were set up to reserve ten percent of the budget of each *panchayat* for women's development (the Women's Component Plan, WCP hereafter). The State Planning Board, the oversight body, reprimanded the *panchayats* for using the WCP funds for infrastructure projects and stricter guidelines were set up to ensure that money would be spent on women's development. Studies by Sakhi and other research institutions have shown that poor women are overwhelmingly the beneficiaries of *panchayat* programmes and this is because of the strict guidelines issued by the State Planning Board regarding the criteria for selection of beneficiaries (pro-poor and pro-women). So what more do women want?

Sakhi researchers' engagement with the planning process and with an array of institutional actors in local government development processes provided the insights as to what accountability standards mean in this context beyond the favourable numbers and procedures. The process revealed how fuzzy and complex the accountability relationship in this context is. There was no clear-cut elite capture of the development process, public officials were obliged to answer if asked questions, and poor women were beneficiaries of programmes. And yet ensuring accountability to a participatory planning process that incorporated a gender perspective remained a terrain of struggle. The analysis revealed that in this particular context there was real patriarchal bias. 'Bias' describes the leakage of patriarchal norms into purportedly impartial law and policy so as to ensure that women's access to justice systems, or to public resources, does not challenge male prerogatives or undermine women's domestic roles (Goetz 2003). This was manifested in two ways: (1) the deeply demeaning ways in which the women representatives were treated by their male counterparts, preventing thereby their active participation and the incorporation of their ideas in the planning processes; (2) the interpretation of poor women's roles (domestic, secondary income earners) which then entered into the planning process and biased the kind of projects designed (short-term projects to meet practical needs of women living in poverty rather than long-term investments to improve their position) and influenced resource allocation. The task for Sakhi and similar organisations was, therefore, to generate awareness among all accountability actors about the importance of judging the success and failure of the PPC by gender equality outcomes.

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Table 2: Increasing responsiveness and accountability of governance institutions: key strategies

While noting that each of the civil society organisations operated in different contexts, lessons can be drawn from the key strategies they employed for efforts in securing institutional accountability elsewhere. The following table highlights the key strategies and provides examples of how these were deployed in the contexts of the case studies discussed in this chapter.

Key strategy 1: Engaging directly in accountability functions.	**Naripokkho**, working in Pathorghata, Bangladesh, decided to revive the defunct Upazila Health Advisory Committee in order to press the public health system to be responsivene to women's health concerns. **Aurat Foundation** and **Shirkat Gah** in Pakistan drew government, commission members, civil society and experts into a post-facto consultative process to influence the development of the mandate and terms of reference for the Commission. **Sakhi**, in Kerala, India, got directly involved in the participatory planning process to ensure accountability to a gender-sensitive process and to demand that standards of accountability be set by gender equality outcomes.
Key strategy 2: Revealing deficiencies and 'helping' officials do their accountability job.	**Naripokkho** revealed deficiencies in the primary health system by conducting surveys and observing procedures, and highlighted these in consultations with stakeholders. They then helped the UHAC by getting clearance to meet from the local MP, conducting the first few meetings, and setting priorities for the MP to negotiate with the Ministry of Health. **Sakhi** conducted a budget analysis of the *panchayat* and observed planning meetings to show that women were not included in these meetings on equal terms, and that resources allocated to women were not spent to their best advantage. They then helped in the planning process by attending forums, contributing project ideas, and conducting research to inform the process. **PRIP Trust**, working in Faridpur district of Bangladesh to help women elected to local government to influence planning processes, undertook a situational analysis of the *Union Parishad* to reveal corruption in the system and women's marginalisation. They then trained the elected women in resource mapping, which put in their hands key information – and potential resources – to contribute to the planning process.
Key strategy 3: Building a 'constituency' for accountability.	**Nirantar**, working in India for greater responsiveness to women's literacy as a crucial empowerment tool, undertook collaborative action research to link non-literate women to government and non-government educational institutions. **Aurat Foundation** and **Shirkat Gah** arranged provincial consultations to link civil society organisations to members of the Women's Commission and government officials, in the process helping to legitimise civil society engagement in accountability functions. **Naripokkho**, a national NGO, allied with a large local NGO, Sankalpa, which had an extensive network and access to women's organisations in Pathorghata. The two organisations carried the work forward together.

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Table 2: Continued

Key strategy 4: Claiming spaces close to the site of accountability failure, and usually occupied by public officials.	**PRIP Trust**, working in the *Union Parishad*, generated information that ought to have been provided to elected members by the chairperson of the *Union Parishad*. **Sakhi** worked in local government, attending sectoral committee meetings and the *gram sabha* village meetings in their role as researchers. **Naripokkho** and **Sankalpa** worked inside the UHAC as meeting convenors and inside the health centre as researchers.
Key strategy 5: Setting new standards for gender accountability.	**Aurat Foundation** and **Shirkat Gah** wanted the NCSW to disengage women's security concerns from the patriarchal nexus of family, community and religious bodies, so that it would be able to address concerns such as 'honour killings' and be accountable to women's interests that go beyond material developmental needs. **Naripokkho's** concern was to include women's health concerns such as maternal mortality and the quality of pre- and post-natal care as accountability indicators in the health service, as these were not indicators of accountability in the present system. **Sakhi** wanted more than procedures for allocating resources to women and their nominal participation in planning: they wanted women's presence and interests to dismantle the patriarchal norms which bias the process. To achieve this they worked at shifting the focus of all accountability actors from gender-sensitive procedures to gender equality outcomes.

CLAIMING CITIZENSHIP

Introduction

Citizenship as a concept and practice began to interest the development community in the 1990s with the rise of rights movements internationally, in the wake of the 'good governance' agenda stressing accountability and responsiveness and simply from the pragmatic realisation that poverty alleviation and the realisation of rights would not happen unless people without rights and access to institutions raised their voice and had a say in decisions affecting their lives. Participatory approaches to development began to acquire new meaning in this context in that no longer was participation limited to projects and how these would be run but was extended to mean participation in policy forums and governance institutions (Gaventa 2002; Cornwall 2002). A plethora of new sites for citizen participation were opened up at the insistence of donors – from consultation exercises around the formulation of the Poverty Reduction Strategy Papers (the Bank-driven macro-economic framework for highly indebted countries) to decentralised government. While there is much talk that participation and institutional accountability must be grounded in a conception of rights, there is less attention to how marginalised groups in poor southern countries understand their entitlements. There is also little understanding of why formal citizenship as rights conferred by the state has such difficulty in taking root in poorer southern countries that emerged from colonialism.

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Citizenship is a way of defining personhood which links rights to agency (Kabeer 2002). Citizenship is a status that confers rights and obligations. In addition it is also a practice whereby people are able to participate in shaping their societies. To be a citizen implies not only rights and responsibilities but also interaction and influence within the community (Lister 1998; Meer and Sever 2004). It further implies that every person irrespective of their race, class, caste and gender is entitled to the same rights and treatment as any other person in his/her community. Thus entitlement to rights, resources and recognition is not based on ascribed social relations but on the value of being a human subject. It is through the linking of citizenship as rights to participation in wider decisions affecting one's life that the concept of citizenship bears particular relevance to the practice of development.

Women all over the world have found it difficult to access equal rights and exercise agency because the liberal conception of universal rights does not recognise difference or inequalities based on these differences. Women's responsibility for and roles in social reproduction in the private sphere of the family positions them differently in relation to rights and agency from men. For example, for women to have an *equal* right to work they may actually need *more* than men. They need maternity leave, workplace nurseries, extra safety conditions when pregnant, time off for menstruation, and as long as they remain principally responsible for reproductive labour at home, they need assistance to free them from household labour to enter the labour market equally (Phillips 1992). For women to be able to participate in public life they need not only to be emancipated from the material burden of domestic responsibilities but also from the ideological burden of being seen as private persons whose place is not in the public. Thus entitling all citizens to the same rights does not necessarily promote equitable outcomes and formal rights do not ensure substantive equality or agency. In addition it has been argued that rights standards, while seemingly neutral in that they are conferred on the human subject who does not have a gender, class, caste, ethnicity or race, are in reality standards built with elite males as the norm. This is manifested in the substance of laws and policies and in their interpretation and implementation. Thus while citizenship as equal rights may hold out the promise of liberating the human subject from ascribed social relations the reality is that women have found it very difficult to get away from the ascribed social relations of gender.

While women all over the world have found it difficult to be entitled citizens rather than the subject of social relations, women in poor southern countries that emerged from colonialism have faced even more difficulties. Citizenship holds out the promise of releasing the citizen subject from the bondage of ascribed social relations, from having to make claims based on norm,

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charity, benevolence or patronage, into a relationship with a neutral arbiter, the state (Mukhopadhyay 1998c; Kabeer 2002a). However, the nation-states that emerged from colonialism carried with them the legacy of state-society relations produced through years of the colonial enterprise, which they could not entirely undo. Prior to colonialism, both Africa and Asia were characterised by considerable heterogeneity in economies and cultures, with matching political arrangements and dispersed authority instead of a central state. The colonial state centralised authority and control in its hands through the development of statecraft that replaced the heterogeneous and fluid social and political arrangements within and between diverse communities by codification of practices. The effect was to set up separate 'bounded' communities based on ascribed relations (caste, religious community and ethnicity) each governed by its own customs and traditions. The centralised colonial state dispensed patronage along community and ethnic lines. The separate communities became politicised categories as they vied for the attention of the state (and against each other). With decolonisation these politicised communities did not disappear and accommodating them shaped state-society relations in the post-colonial era. In India this meant political conflicts between castes and between religious communities. In Africa it meant clashes of ethnic identity in relation to the state.

What has this got to do with the position of women in the present? One of the ways that codification was achieved in India and Africa was through the construction of personal law and customary law to govern private relations in the family. In India, this meant the 'discovery' of religious and scriptural tradition as the basis of customary obligations and morality, which was then turned into 'law' for the Hindu, Muslim, Christian and Parsee communities (Mukhopadhyay 1998c). In Africa, a dual legal system – a European system governing relations among the colonisers, and a subordinated and regulated version of indigenous law for the colonised – was instituted (Mamdani 1996). In both cases the personal law/ customary law was a product of a long history of collaboration between colonial administrators and indigenous elites (Currie 1994; Mukhopadhyay 1998c). In both cases the resultant laws produced through this process of collaboration regarding marriage, divorce, inheritance and guardianship discriminated against women. With decolonisation the new regimes were confronted with the problem of how to reform these laws to bring them in line with the principles of equality while at the same time not antagonising the groups/communities that claimed these laws as their cultural heritage and markers of their identities. In most instances the result was a compromise and in most instances the gender discriminatory features were retained as part of the compromise. Thus while national constitutions declared equality between the sexes, in everyday practice women remained subject to customary and personal law that subordinated their interests.

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However, there are other reasons why the promise of citizenship to release the citizen subject from the bondage of ascribed social relations has not been met. Unable and unwilling to provide social rights and effect social redistribution, post-colonial states made their populations even more dependent on ascribed relations for security and survival. For the majority of people, and particularly for women, entitlements and obligations continue to be shaped by hierarchical social relations. The power of the state to effect social redistribution was further undermined by international neo-liberal economic policies from the mid-1970s onwards when there was downsizing of the state. In the 1990s we see the role of the state being rehabilitated, as the 'good governance' agenda demanded that the state be more responsible, provide basic rights for citizens and remove poverty. But how capable are these states to undertake the kind of reforms necessary to ensure citizenship to all, caught as they are in a pincer movement between local elites who benefit from the unequal social, political and economic relations and the ambivalent international policy in the 1990s that on the one hand stressed democracy and rights, and on the other hand consolidated a market-led development model inimical to redistribution?

Should women's movements and other social movements seeking a more just society where the rights of the majority are respected, give up on states? All the case studies in this section, and indeed in this volume, seem to be suggesting quite the opposite. They represent struggles to get the female subject of social relations recognised as a rights-bearing citizen of the modern state. They also represent struggles to build a political community respectful of rights and equality. However, the case studies are also about creating awareness among the most marginalised women about their right to have rights, an awareness that is critical for their ability to exercise agency on their own behalf.

The six case studies discussed in this section represent initiatives by women to stake a claim to citizenship by making visible their needs and priorities in defining entitlements. More specifically this section focuses on how the needs and interests of the most marginalised women form the basis of these claims. Two of the case studies take on women's position in customary and personal law. The Centre for Applied Legal Studies (CALS) analyses its engagement in the process of customary law reform in South Africa. In Bangladesh, where personal law regards the father as the natural guardian of children, Naripokkho took up the issue of women's right to guardianship of their children and built public awareness of the issue prior to staking a claim to legal reform. In Zimbabwe, the Women's Charter drawn up by the National Coalition for Women in the run-up to the Constitutional Review process aimed at making sure that women's needs and interests entered the political debate on constitutional rights.

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The coalition struggled to keep the charter alive even after the defeat of the government and in the context of shrinking democratic space in Zimbabwe. The Gender Advocacy Programme (GAP) in South Africa worked to create a bridge between women elected to parliament and poor women who are the electorate in the context of a new democracy. The North East Network (NEN) worked in Manipur state in north-eastern India with women traumatised by long years of conflict, facilitating their coming together across ethnic lines to deal with the trauma and engage in the peace process.

Citizens' voices derived from identities that are not recognised or respected, and are likely not to be heard. In order to be heard and recognised, Durbar, the largest sex workers' organisation in India, staked a claim to re-defining issues involved in trafficking into the sex trade on the grounds that being the population most affected, they have a right to participate in articulating a programme and mechanisms to control trafficking.

Between 'community' and state: women's rights in customary and personal law

As has been discussed, customary law in Africa and personal law in the countries of South Asia evolved through a long process of colonial domination. In both customary law and personal law women's position is subordinate to that of men. It is important to reiterate that the reform of customary and personal law in Africa and Asia faced formidable difficulties because these laws had come to represent the authentic culture and identities of political communities based on ascribed relations of religious affiliation, tribe and ethnicity.

In the 1990s, South Africa underwent a transition to democracy which opened up space to negotiate a new constitution. Constitutional negotiations provided women the opportunity to set new standards of gender equality in political and legal life. The clash between claims to gender equality and to cultural autonomy became a key battle in these negotiations. Women's organisations, academics and politicians, who had mobilised around inclusion of gender equality within the new constitution, were quick to intervene. The Women's National Coalition (an alliance of women's organisations in civil society, including political parties) united a broad spectrum of women behind the issue. The existence of a rights-based organisation of rural African women – the Rural Women's Movement (RWM) – within the Coalition meant there was an organisation able to speak on behalf of those most affected by these conflicting claims, namely, poor black rural women. The issue as to whether gender equality or the right to cultural autonomy would define reform efforts was settled at the eleventh hour when the last ditch effort by traditional leaders to obtain a broad protection of cultural rights was defeated, and customary law was

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made subject to the equality clause. However the exact nature and extent of this was not clear, and while the Constitution opened the way for the reform of customary law in line with the constitutional guarantee of gender equality, the new government had to negotiate competing political claims around the status of women under customary law and ambivalence relating to the place of customary law in the new South Africa.

It was not until the South African Law Commission (SALC) was set up and started functioning in 1996 that the reform of customary law began in earnest. The law relating to customary marriage was reformed and became a reality in 1998. Although the Constitution opened the way for the reform of customary law in line with the constitutional guarantee of equality, much work remained to actually get a reformed law through. One of the first steps taken by the Centre for Applied Legal Studies (CALS), a university-based research organisation, was to undertake research together with the Rural Women's Movement on the marriage practices of women subject to customary law, and on their attitudes towards their status and the intended reform. The objective was to understand women's experience, needs and interests as they relate to marriage in the broadest sense and to make sure that the process of reforming the customary law of marriage was informed by the 'voices' of poor black women. As CALS found, the process of reform was full of compromises balancing the need to address gender equality in customary law while rehabilitating customary law from its inferior position vis a vis the civil law. Thus CALS had to agree to the SALC suggestion that a dual system of law relating to marriage – customary and civil – would be maintained so as to elevate the status of customary law. While CALS and the women's movements had demanded a uniform law for all South Africans, the compromise of a dual system became necessary because CALS chose to support the retention of polygyny in order to protect women living in polygynous marriages and this was not possible within civil law. CALS' decision created controversy at the time and continues to do so. Women's rights activists in South Africa and elsewhere see this as heretical as they have always called for monogamy as the basis for equality between women and men in marriage. So why did CALS propose this?

The answer seems to lie in CALS' concern with drawing on the experiences and interests of women affected by polygyny in order to forward a reform agenda that brings about substantive equality as opposed to formal equality. On the one hand was the widespread view that polygyny stood in the way of women's equality in the family and society and should therefore be outlawed. On the other hand the RWM and CALS became aware that to outlaw polygyny would leave women in such marriages with no legal protection. At a RWM Annual General Meeting in 1998 the CALS researcher noted that a section of women sat silently watching the mass of members who chanted as they danced: "one man one woman", a slogan against

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polygyny. When this silent group were asked why they sat apart from the mass of members they replied that as women who themselves lived in polygamous marriages they did not agree with the slogan since their livelihoods would be threatened if polygyny were not recognised. It became clear that the key issue was not whether to outlaw polygyny or not, but rather to find ways to address the key concerns of women living in polygynous marriages in the reformed law – their rights to property and their custody of children. A way was found to do this by framing the law so as to make polygyny expensive, and eventually lead to its disappearance, while safeguarding women's rights to marital property.

The success of the women's movement in South Africa in getting gender equality firmly established in the Constitution, in making this a key principle over and above the right to cultural autonomy and in getting through controversial legislation such as the customary law of marriage is in part attributable to the strength of the movement (Goetz and Hassim 2003 b). The success is attributable also to the wider political consensus during the transition. There was consensus on the urgent need to prevent the assertion of racial and ethnic identities from deteriorating into conflict, while at the same time redressing the unequal treatment suffered based on these identities under apartheid rule. Additionally, the African National Congress (ANC), as the main political party, supported women's rights by demonstrating its continued commitment to inclusion and redressing inequalities of the past. By supporting women's equality across race and ethnicity, the ANC was to rupture the connection made through years of apartheid rule between political identity based on ascribed identities of race and ethnicity and its relationship to the state.

This political consensus to disrupt the process of political identity formation along the lines of ascribed identities was not available to women's rights activists in Bangladesh. Ascribed relations of religious affiliation were already established as political identity and the basis of citizenship and state-society relations. Consequently raising the issue of women's equal right to guardianship of their children in a context where the personal laws of both the Muslim majority community and Hindu minorities deemed the father as the guardian meant questioning the basis of citizenship in Bangladesh. State initiated reform was out of the question because the state was captured by political communities based on religious affiliation. Thus for Naripokkho, a women's rights organisation, the space available for opening up a discussion about women's rights to guardianship existed in the community – among women, men and children affected by these unequal laws, non-governmental organisations, local government representatives who arbitrate family disputes and finally, government ministers and legal experts. Naripokkho deliberately chose equal rights to guardianship as the issue through which to interrogate the personal laws because

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its emotive appeal (mothers who bear the pain of childbirth are denied their guardianship) cut across all sections of the community – men, women and children. From a review of litigation on guardianship, Naripokkho found that most cases involved disputes over property and inheritance and that mothers' claims to guardianship were usually refused because to grant them guardianship would also grant them claims to property inherited by the children. Inheritance and succession are central to male interests and personal laws protect male succession and inheritance.

The outcome of Naripokkho's intervention was not legal reform but wider awareness in the community and among state officials about the need for reform. Because guardianship is such an emotive issue, even state officials had to agree that it was unjust to deprive women of this right. At the national seminar held on the issue the Minister of Law, Justice and Parliamentary Affairs proposed a way out. Since Bangladesh, like the rest of South Asia, has a dual system of civil and personal laws, it was possible to reform the 113 year-old Guardianship and Wards Act (in the civil law) to bring it into line with the equality clauses in the Constitution.

From agency to rights: the 'how' and 'where' of citizenship

Citizenship is a way of defining personhood which links rights to agency. However, the rights conferred are in most cases not 'real' in that marginalised groups cannot exercise these rights to obtain their just entitlements. This is both because marginalised groups have poorer access to the means to actualise their entitlements and also because these groups are often not seen and do not see themselves as worthy of having rights. The devaluation and disparagement by others leads to self-devaluation and self-denigration depriving people of agency. Women's subordinate position in the hierarchical social relations of gender makes for self-definitions that militate against rights-claiming over and beyond what ascribed relations entitle them to. For the civil society groups involved in this programme the question was how to create *recognition* for rights and how to *actualise* rights. The answers to the 'how' question of citizenship lay in developing agency as a means to obtain visibility for entitlements, as also in building a sense of entitlement among women.

Aiming to both visibilise women's entitlements and build a sense of entitlements in women, the civil society organisations used an array of methods depending on the political context. A key approach was to build a set of demands with broad-based participation and to place this in the political arena where contests for recognition of rights take place. In Zimbabwe, the Constitutional Women's Coalition was formed in a context where civil society organisations were challenging the government in ways unprecedented since independence. Among these organisations was the National Constitutional Assembly (NCA), established in 1997 by civil society

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organisations, and which called for a new democratic constitution for Zimbabwe. To ensure that women's concerns were considered by the NCA and that women were involved in NCA leadership structures, women members of the NCA set up the Constitutional Women's Coalition in 1999. Women's organisations were therefore part of the challenge to the government at the same time as they challenged the civil society movement to take greater cognisance of gender concerns. A key instrument for advancing women's interests within the constitutional reform process was a charter of women's rights, drawn up by the Coalition through a participatory process involving women across the country. Launched at a national conference of 1500 women, the charter included the range of issues women wanted addressed within a new country constitution. Because women were claiming their place as equal citizens of the country, they wanted their voices heard in this important process at the same time as they wanted their concerns addressed in a new constitution. Women's demands in the charter included economic and social rights and the protection of their rights in private and public arenas. As the tension between a strident civil society and the state increased in Zimbabwe women began to constitute a political force through the popularisation of the charter. The government responded to civil society demands for a new constitution by drawing up a constitution without consultation, and in 2000 called a referendum on this constitution. The response by civil society was to reject the constitution, and the government's defeat is partly attributed to the Women's Coalition's call on women to reject the constitution on the grounds that it did not reflect the demands made in the charter.

Building a sense of entitlement in women involves work to organise collectivities and develop awareness of the right to have rights. In South Africa with the advent of the new democracy in 1994 hitherto excluded groups were included in political processes for the first time. The Women's National Coalition had ensured that the ANC as the largest party would nominate women for elections to parliament. Twenty seven percent of the Members of Parliament were thus women after the first elections. On the other hand, black women and women from poor localities had gained the right to be voters for the first time. There was a need to keep the connection between women elected to parliament and the constituencies of poor women. The Gender Advocacy Programme (GAP), formed in 1993 with the mission to empower poor black women to hold elected parliamentary representatives accountable, undertook a programme that involved taking women from working-class communities to parliament to meet women parliamentarians and be exposed to parliamentary processes. Over three years – 1999 to 2001 – 450 African and Coloured working-class women were involved in these visits to parliament. As part of the GCG programme, GAP evaluated their own 'taking women to parliament' programme to

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ascertain the real gains and whether it had achieved the purpose of empowering poor black women to hold parliamentarians accountable. They found that the real gains for the women were that participation in these visits de-mystified parliament for community women, made them aware of parliamentarians as ordinary human beings, gained greater respect for them in their communities and their homes, and encouraged more women in the communities concerned to join local organisations involved in the visits. However, these visits in themselves were not sufficient to empower these women to hold their representatives accountable. The women did not have the organisation, the articulation of interests or a sense of entitlement to be able to ask questions that elected representatives have to answer. In the second phase of the programme, therefore, GAP concentrated on building capacity within these working-class communities to collectively articulate the key concerns they wanted elected representatives to address.

But what about citizens' voices derived from identities that are not recognised, nor respected? How can women who are sex workers make their claims visible and gain in self-respect and the respect of the wider community? According to Durbar, the largest sex workers' organisation in India, based in the city of Calcutta, the answer lies in agency, in the collective strength of the sex workers and in their demand to participate in the making of policy that affects their position. Durbar staked a claim to re-define the issues involved in trafficking into the sex trade on the grounds that being the population most affected, they had a right to participate in articulating a programme and mechanisms to control trafficking. Durbar joined the debate on trafficking at a moment when a bill to curb trafficking was being debated in the Indian parliament. Anti-trafficking lobbies that saw prostitution as a moral malaise were very active and influential in the debate and their intention was to put in place a law that would penalise sex work and criminalise sex workers. Barred because of their identity from consultation spaces where these debates were taking place, Durbar decided to inform the debate with research undertaken from the perspective of the sex workers (rather than the abolitionists perspective) on how and why trafficking takes place, and created spaces for discussion and debate on the practical mechanisms to curb trafficking. The space created to inform the public and to debate the issues was a unique, high profile event that captured the imagination of the national media. Durbar organised a *mela* in March 2001 (a tradition which they continued in subsequent years). A *mela* in many Indian languages means a huge fair, a traditional space where all classes of people, particularly the poor, gather to buy and sell and have fun and enjoy cultural performances. The *mela* invited participation from sex workers' organisations from the rest of India and from South and South-East Asia. Since it was a public space, the citizens of the city had access

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too. They organised public discussion forums as part of the *mela* where citizens debated with the sex workers about the status and rights of sex workers, on the role of the state towards the community, on issues of sexual minorities, the role of sex workers in the health sector as well as on the much-debated anti-trafficking bill. Beamed into every middle-class home via live coverage on television a much wider audience was exposed to the events and debates than those who actually attended the *mela*.

And what of the political fall-out of these initiatives? The organisation of the *mela* caused political controversy that reverberated in the corridors of power and added to the publicity that the *mela* received. While the state government in West Bengal, India had given permission to hold the *mela*, the message from the central government the day before it was about to commence was that it should be stopped. In India, as elsewhere, in order to organise large gatherings the appropriate permission has to be obtained. Since the state government had already given permission the Chief Minister could not retract short of saying that he was doing so on the grounds that the permission seeker was a sex worker organisation – an utterance that would go against every democratic credential the government had. The compromise reached through the intervention of the leader of the ruling party in the state was that permission would be withdrawn for the opening procession through the city on the way to the fair grounds but that the *mela* would be held. The ruling party made it abundantly clear that no government had the right to ban a peaceful public assembly, which was a constitutional right. Sex workers by implication were granted their constitutional rights as citizens.

The Durbar example shows that in order to get recognition and respect for rights it is not only state institutions that have to be targeted but that civil society and other institutional sites need to be the focus of attention also. It also draws attention to the fact that in order to change perceptions regarding who is entitled to what, it is important to be mindful of both the symbolic level at which meaning is constructed and the material level of practice through which rights get implemented. In monitoring the use and implementation of the new customary law of marriage in South Africa, CALS found that the deeply entrenched views both among civil society actors (including women themselves) and law implementation bureaucrats regarding women's entitlements in marriage posed real barriers to the implementation of the law. Thus no matter how progressive a law regarding women's position or how relevant and participatory the law reform processes, implementation will depend on whether the public at large and the court officials recognise that the female, as subject of social relations, has the right to have a right.

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Thus finding both the means as well as the spaces for creating wider acknowledgement of the rights of marginalised groups seems to be the task of civil society organisations. Thus Durbar, barred from the spaces in which formal policy was being debated, created their own space. In Bangladesh where women's bid for justice from the formal state institutions of the law in relation to their right to guardianship of their children was constrained by the law itself, the spaces for creating wider acknowledgement of this right was at the level of community – among collectivities of men, women and also children. Since women were not getting justice from the courts, Naripokkho worked with local elected representatives who are often called on to intervene and adjudicate in family disputes as a way to get the right to guardianship implemented. However, alongside this, the symbolic world of meaning had also to be created through public campaigns and appeals to children in schools to support their mother's claims. The symbolic value of GAP's 'taking women to parliament' programme should not be underestimated in that it gave the community women a sense of their entitlement as citizens in a new democracy and respect from their communities. That this was not enough to empower them to demand accountability meant that much work remained to be done at the level of material practice and in spaces other than parliament.

However, the availability of spaces for the articulation of rights is dependent to a large extent on the state of democracy as evidenced in the case of Zimbabwe. The brutal repression since the last elections in 2001 of all forces opposed to the government has meant the retreat of organised resistance. The women's National Coalition has found it very difficult to keep the charter alive and this is not for want of trying. It has lost members through migration because increasing repression and growing poverty has prompted many to leave the country. Thus while women's rights-claiming expands democratic spaces and culture, a democratic environment is a resource for rights-claiming.

Table 3 presents the key strategies used in the case studies to claim rights. While the case studies were located in specific national and local contexts the strategies used can be drawn on more broadly in efforts to stake the claim of women from marginalised groups to citizenship and make their needs and priorities visible in defining rights and entitlements.

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Table 3: Claiming citizenship: key strategies

Key strategy 1: Working for substantive equality	**CALS**, working on the reform of customary law in the new South Africa, realised that outlawing polygyny would leave women in polygynous marriages with no legal protection. To work towards substantive equality they needed to address concerns over property and child custody rights within polygynous marriages, while also framing a law which would make polygyny expensive and therefore less desirable. **Women's Coalition** in Zimbabwe, led a broad-based consultative process for drawing up a Women's Charter which claimed economic and social rights and demanded protection of rights in private as well as public spaces as part of a process of working for substantive equality.
Key strategy 2: Working on the Right to have Rights	**Naripokkho** in Bangladesh, worked on women's equal rights to guardianship of their children, building a sense of entitlement amongst mothers by addressing school children and parents, and publicising the issue through campaigns. **GAP** in South Africa found that there was a need to build the capacity of poor marginalised women to collectively articulate their key concerns as a prerequisite to their holding women parliamentarians to account. **Durbar**, an organisation of sex workers in India, used their collective strength, their research on trafficking, and the large public forum of the *mela* to wrest the right to have rights from the wider community.
Key strategy 3: Making claims visible	**Durbar**'s use of the *mela* as a forum for discussion brought their claims to public view and captured the imagination of the media. It also opened up the political stage, since the State and Central Governments disagreed on whether the mela should be allowed to go ahead. **Naripokkho** made women's right to guardianship visible at community levels through campaigns and appeals to children in schools. They also worked with the strategically placed local elected representatives who are often called on to adjudicate family disputes. The symbolic value of **GAP's** strategy of arranging visits to parliament by poor marginalised women was powerful and effective even when the meetings did not achieve articulate lobbying.
Key strategy 4: Identifying and working with duty bearers	**CALS** worked with traditional leaders and law implementation bureaucrats and not just with the SALC in order to ensure implementation of the new customary law of marriage. The **Constitutional Women's Coalition** of Zimbabwe revived the charter after the government's defeat in the referendum and used it to argue in different forums, such as government ministries, the NCA, and civil society organisations, for its adoption. **GAP** found that Parliament was not always the most appropriate level to seek accountability and had to identify the levels of government where accountability to women's interests could best be enforced. **Durbar** showed that in order to get recognition and respect for rights it is not only state institutions that have to be targeted but that civil society and other institutional actors need to be the focus of attention too. Thus through the organisation of the mela and setting up self-regulatory boards they invited the participation of different social and political actors.
Key strategy 5: Using technical skills to visibilise claims	**CALS** to identify the practices, needs and interests of women in relation to marriage gave voice to women's concerns in the law reform process. **Durbar's** qualitative study on how and why women are trafficked into the sex trade highlighted the real issues and concerns of sex workers themselves and helped them to articulate their position on trafficking. **Naripokkho's** study of court cases showed that the issue of custody and guardianship is inextricably bound up with women's right to property and inheritance and therefore the parameters within which the right to equal guardianship would have to be argued.

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IV A concluding note: Gender, Citizenship and Governance in development

The 'good governance' agenda in the 1990s while limiting itself to administrative reform of the state nevertheless provided development practitioners the opening to examine governance as political process. Additionally, the new turn in development thinking towards rights, participation and inclusion provided further impetus for the development of approaches that take cognisance of the role of power and politics in decision-making regarding development. The action research, on which this book is based, investigated how women among marginalised groups could stake their claim to participation in governance, and shift accountability concerns of governance institutions to poor women's interests and rights. In so doing insights were developed that have particular relevance to the theory and practice of gender and development.

A key insight is the crucial importance of focusing on the political, since power differentials lie at the centre of poor women's inability to enter institutions, to hold them accountable and to claim their full rights as citizens. Gender, race, class, caste and other social relations of power determine such access and the ability to make rights real, and because of this, approaches that are solely technical fail in effecting the redistribution of resources, in achieving justice, or securing entitlements for the poor in general and for poor women in particular.

A further insight is that focusing on the political and power differentials requires the rethinking of development strategies, of ideas of who constitutes legitimate development actors, and of the roles development actors need to play. As can be seen from the case studies as also the growing body of literature on civil society and citizen action in the 1990s, the role that civil society can play and is increasingly playing is changing. Instead of just being critics of government on the margins, or uncritically acting as the implementation arm of government, they look for room to manoeuvre and work on the inside, while maintaining their independence as outsiders and keeping a clear focus on the strategic aim of influencing and bringing about change in power relations.

A development approach that focuses on the political does not preclude the importance of technical strengths. In fact the evidence from our case studies seems to suggest that working at the political level on issues of power require a high level of technical proficiency and new skills – conceptual and strategic – to critically understand the ways race, class, gender and other relations of domination come together to shape access to resources and power, and the ways in which rights can be deployed in new ways, and be linked with entitlements and capabilities. It also requires

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local initiatives to link with national and international struggles, which in turn can be turned into strengths to reinvigorate the local, and doing this in ways that keep the interests of the most marginalised at the centre in order to avoid elite capture.

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Chapter 2 – Taking Office: Women's Political Representation

"A government without women is incomplete, undemocratic and unaccountable!"
Zambia National Women's Lobby Group (ZNWLG).

"The under representation of women is grossly unjust and undemocratic."
Women activists in Sri Lanka.

I Introduction

Activism to increase women's political representation is relatively recent, with women's organisations internationally and in national contexts engaged in concerted campaigns only since the 1990s. The five civil society organisations whose experiences and reflections form the core of this chapter focused on ways of increasing and enhancing women's representation in elected assemblies within specific national contexts. Their experiences provide deepened understandings of the constraints women face in entering elected assemblies and suggest possible strategies both for addressing these, and for enhancing the performance of women who have entered political assemblies on the basis of quotas.

The Zambia National Women's Lobby Group (ZNWLG) launched a campaign aimed at increasing the numbers of women candidates and voters in the 2001 national, provincial and local elections. Sister Namibia and in Sri Lanka the International Council for Ethnic Studies (ICES), launched campaigns for electoral reform so as to increase women's representation in elected assemblies through legal quotas. The Confederation of Voluntary Associations (COVA) in Hyderabad, India and the Bangladesh Mahila Parishad (BMP) looked for ways to free up the agency of women political representatives whose functioning in elected office was constrained as a result of societal and institutional hostility to women's presence in state institutions.

All five civil society organisations attempted to bring to the attention of the public, political parties and the state that women have a right to political representation. They realised that, in the face of prevailing ideas that political authority was the preserve of men, they had to engage in struggles not only to establish women's *right* to political office but also women's *legitimacy* as political actors. In order to do this they mobilised women as a constituency, engaged with political institutions (electoral

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systems, legal reform and political parties) and attempted to shift societal attitudes through public action and the use of the media.

II History of ideas and activism

Why are there so few women in elected assemblies?

The world of formal politics has been, and in many respects continues to be, the domain of men. In the older established democracies of the world such as the USA and Britain, women were historically excluded from public citizenship defined as it was in terms of ownership of property, bearing of arms and employment (Goetz, 1997). Women won the vote in these countries only as recently as the early 20th century, and although women also won the legal right to be elected to public office, by 2004 women made up only 14.3 percent of the USA Congress, 17.9 percent of the UK Parliament, and 15.6 percent of national parliamentarians across the world (Inter-Parliamentary Union, 2004).

Why is it that women make up such a meager proportion of elected political representatives? And why is it that we can call a country democratic even when the majority of its people – women and the poor – are excluded from political office? Feminist activists and academics have pointed out that a major deficit of democracy is that its promises fall short of its delivery (Molyneux and Razavi 2002). Democracy promises inclusion on the basis of ideas of equality, liberty, and choice for all human beings. Yet the actual experience of democracy for the vast majority of citizens in most democratic countries across the world is their exclusion from the seats of power and from the heights of the economy. Women's place in the world of politics and the economy as subordinates of men is determined by the deeply gendered conditions of their entry. Seats of political office are gendered male, and while individual women have at times occupied these seats – even that of Prime Minister in some countries – this has been on male terms, with women's entry into such office in most cases determined by their belonging to elite families. Institutions of formal politics such as electoral systems and political parties as well as societal attitudes have been hostile to women as a group. Women and their concerns were excluded from public institutions and were expected to be contained within the household. And it is precisely women's reproductive work within their homes that freed men to enter the institutions of the market and the state.

However, as has been noted, access to the market and the state are not on equal terms for all men – for the masses of working men entry into political office was hardly possible, and their entry into the market was as labourers who owned nothing but their labour power. Likewise, class and race cleavages among women resulted in differential access to political

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and economic power. While women, no matter what their race or class, were excluded from public life on the grounds that this was not a woman's proper place, their access to political and economic power was differentiated on the basis of the class and race of their fathers or husbands.

The relegation of women to the private world of the family is so deeply embedded in the institutions of most societies and within the public and individual consciousness that even though women won the vote and the legal right to be elected representatives, and despite other advances in women's lives, political office continues to be the preserve of men, even in the 21st century. Sex differences across all societies – whether the industrialised west or the underdeveloped third world – are overlaid with ideas of male dominance and female subordination. Deeply ingrained gender power relations determine what it means to be woman and man in all societies. To be male is to be privileged, an autonomous human being, able to own property and to control one's movement. To be female is to be sexually subordinate to men, to lack autonomy, to have conditional or no ownership of property, and for most women to be not in a position to control one's movement or time. Social practices and prevailing ideas thus construct women as subordinates to men, as people whose voice is unreliable and as second-class citizens (Goetz 2003, Pateman 1992). Cast as wives, daughters and sisters under the care of men, it is impossible for women to be taken seriously as political agents. Institutions, including political parties and electoral systems, not only mirror gender relations of male domination and female subordination, but also reproduce these relations (Goetz, 1997). Parties, as the key gatekeepers to entry into political office, have tended to marginalise women in women's wings, and see them as electoral threats.

Campaigns to increase women's political representation

Despite women's poor show in elected assemblies this was not a matter taken up by feminist and women's organisations until the 1990s. The second wave feminist movement in Europe and the USA of the 1970s focused on issues of workplace equality, sexual harassment, rape, and violence against women. A key contribution of this wave of feminism was the assertion that 'the personal is political'. While the struggles of third world women's movements required engagement with states, their focus on national liberation and post-liberation reconstruction did not include questions of women's representation. In the 1990s however, building on the gains made since the first UN decade of women (1975-85), women's movements both in the west and the third world began to engage states on rights, both nationally and in international conferences. Feminist activists attempted to link the personal political issues (such as childcare, violence against women, rape) with a greater focus on the state, and among the rights advanced was that of women's right to political office.

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The UN decade of women launched in 1975 ushered in an era of international networking of women's organisations in a series of landmark conferences on women's rights. In 1979 the UN Convention on the Elimination of Discrimination Against Women (CEDAW), subsequently signed by 163 governments, included the provision of equal opportunity for women in public life. The 1993 Vienna Conference proclaimed women's rights were human rights. The 1994 Cairo International Conference on Population and Development (ICPD) declared that women's empowerment and women's health needed to be considered central to sustainable development. The 1995 Beijing Fourth World Conference on Women adopted a Platform For Action geared at protecting and promoting women's rights, and called for 50-50 gender balance in all areas of society, and in particular in decision-making, as a prerequisite to the achievement of equality, development and peace.

National women's movements thus engaged in international arenas, shaped international debates and activism and drew on these to press states. In arguing the case for women's equal representation in elected assemblies (a case which needs to be argued since prevailing ideas cloud what should be a self-evident right) activists and academics include the justice argument – that since women make up half the population they have the right to half the seats; the experience argument – that women and men have different experiences which need to be represented; the interest group argument – that women's and men's interests may at times be in conflict and thus men cannot represent women's interests; and that women politicians as role models will encourage other women to follow into formal politics.

Given the deficit of women within the institutions of democracy, and societal views that a woman's place is not in politics, feminist academics and women's movements saw the need for special measures to guarantee women a specific number of seats in elected assemblies. A key mechanism advanced to achieve this has been the use of quotas or reserved seats for women. Sensitive to their international image, countries responded to the call for increased women's representation and by 2003, thirty one countries instituted legal quotas at national level and sixteen instituted quotas at regional and local levels (Dahlerup and Freidenvall, 2003). Among the countries that instituted legal quotas at local level were India and Bangladesh. However despite this activism and the resulting legal advances in some countries, women's poor political representation is hardly a relic of the past and by 2004 women made up only 15.6 percent of national parliamentarians world-wide (Inter-Parliamentary Union, 2004). Nor is women's low level of representation in political assemblies only a matter affecting the third world, as international statistics reveal.

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The case studies that follow highlight attempts by civil society organisations to institute legal quotas and to ensure that when quotas are instituted they work for women.

III Case studies: women's representation in elected assemblies

1. PROMOTING WOMEN'S PARTICIPATION IN LAW REFORM BY DEMANDING AFFIRMATIVE ACTION LEGISLATION AT ALL THREE LEVELS OF GOVERNMENT: SISTER NAMIBIA

Sister Namibia was formed by a group of women in 1989 on the eve of Namibia's independence to ensure that women's voices would be heard in the post-colonial society, and to challenge sexism, racism and homophobia. To achieve these goals Sister Namibia engaged in media education, training, research, advocacy and cultural activities. Starting in 1998, they organised women across Namibia in a campaign to increase women's representation in elected assemblies and to establish women's right to political office as a legitimate right.

Background

Namibia is a relatively new democracy, independent from colonial and apartheid rule since 1990, and marked by a strong state and a relatively weak civil society. The ruling party SWAPO (South West Africa People's Organisation) holds 76 percent of the total seats in parliament, derives its legitimacy from its historical role as the liberation movement which freed Namibia from apartheid rule, and sees itself as the key agent of political reform. While this limits the space for civil society engagement in Namibia, space for women's organisation in society is limited further by SWAPO's perception that women's struggles are subordinate to the national question, and that women's political needs are the preserve of its women's wing – SWAPO Women's Congress. SWAPO's hostility to women's organisations autonomous from the party was made clear in the past when just prior to independence SWAPO forced the closure of the only autonomous women's organisation in Namibia, the Namibian Women's Voice (NWV). SWAPO saw the NWV as a separatist feminist organisation diverting women from national liberation, and suspended its leaders from the party. Rather than risk further confrontation the NWV decided to disband. There had not been a women's organisation autonomous from the party, state or church in Namibia since.

As a party that stands for equality and liberation SWAPO has attempted to address gender equality and the President has on occasion made stirring speeches about the need to include women in political office. Within the party the SWAPO Women's Congress has over the years pushed SWAPO to

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include women on party lists, and in 1997 SWAPO agreed that 50 percent of all candidates in future elections would be women. However this was not carried through in practice.

In 1998 Sister Namibia conducted research on women's representation in formal politics, the findings of which they presented to a workshop held in March 1999. The representatives of NGOs, political parties, and the elected women representatives present at this workshop mandated Sister Namibia to lead a campaign to influence the December 1999 National Assembly elections. This gave rise to the 50/50 campaign which called for gender balanced 'zebra lists' (on which the name of a man and a woman alternated), the launching of the Namibian Women's Manifesto, and the beginnings of the Namibian Women's Manifesto Network (NWMN) – a loose structure of women leaders, women's groups and civil society organisations led by Sister Namibia.

The campaign resulted in considerable pressure on political parties to increase the numbers of women on their lists, and the 1999 election saw a marked increase in the proportion of women in the national parliament – from nineteen percent to 25 percent. Inspired by their success, Sister Namibia and the NWMN began to explore electoral reform as way of increasing women's political representation even further so as to come closer to their 50 percent target.

Sister Namibia's intervention

In order to establish women's right to political office as a legitimate right among women and the public at large within Namibia, and in order to pressure the government to increase the numbers of women in national, provincial and local elected assemblies, Sister Namibia built on their 1999 campaign between 2000 and 2002. The focus of this phase of the campaign shifted from influencing political parties within the existing electoral system, to campaigning for law reform as a more reliable means than voluntary party quotas to ensure the entry of women into political office. In order to arrive at clarity on the types of legal mechanisms needed to ensure that 50 percent of all elected representatives were women, Sister Namibia commissioned research into mechanisms to advance women's political representation, and on the basis of this research, and a process of consultation with women across the country, a bill – the 50/50 Bill – was drafted.

A key strategy of the campaign was the active involvement of ordinary women citizens in drafting and popularising the bill for 50 percent representation of women. Sister Namibia recruited potential women leaders (facilitators) from small towns and villages and involved them together with Windhoek-based women in two national consultations. At

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the same time the facilitators were drawn into the membership of the NWMN and were tasked with building local level units of the Network. The research on the specific legal mechanisms necessary to increase women's political representation was presented to the first National Consultative Meeting, where women discussed the findings of the research and agreed on the required changes to the law. This was followed by the development of a bill – the 50/50 Bill – which was launched at the second National Consultative Meeting of the NWMN, at which the Deputy Minister of Women's Affairs gave a message of support. The newly recruited grassroots leaders from the small towns and villages were trained in legal literacy, and in conducting local consultations and lobbying activities on the bill.

Following the two national consultations the NWMN facilitators held local workshops and lobbying activities all over the country, and an intensive national media campaign was launched. From September 2000, facilitators went out to the towns and villages and held a total of 105 workshops in 55 towns and villages, involving 3500 people. Women held meetings with NGOs, the leaders of all major political parties and solicited the support of government leaders. They distributed thousands of pamphlets, collected thousands of signatures and marched to local authorities to hand over signatures to regional officials. Local women's groups thus took the campaign to 70 schools, 88 churches, nine traditional leaders, seventeen Regional Councillors and 32 Local Councillors. Women marched to Parliament in Windhoek and handed signatures to the Speaker of the National Assembly. The entire campaign was publicised widely through the radio, newspapers and Sister Magazine. Sister Namibia and the NWMN distributed the 50/50 pamphlet and the Namibian Women's Manifesto in seven indigenous languages to ensure that these reached women throughout the country.

Outcomes and conclusions

Never before had there been such widespread mobilisation on the issue of women's participation in formal political structures, and such widespread awareness raising among women and the public of Namibia on women's concerns.

Despite their diversities, women came together under a common agenda as set out in the Namibian Women's Manifesto, a document that served as a programme for the nascent women's organisation, an election manifesto and a primer for understanding rights. As one woman participant said, "The manifesto helped me to understand the many forms of gender inequality and that I have rights as a woman". Through the campaign women were made aware of their right to political office: as another woman noted, "Women in our town first thought participation in politics was only for men and not for women. Now that they have seen that they can participate in any political activity they believe they can become

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councillors and governors. They cannot be there only to produce children, cook mieliepap, be battered or only become teachers and nurses".

The NMWM was strengthened and broadened to include grassroots women as an integral component of an emerging autonomous and unified women's movement. The campaign overcame party-political and other divisions which had previously stood in the way of organising women in Namibia into a national organisation. Significantly, state attempts to discredit the campaign as a lesbian front were challenged by women and deepened their commitment to support lesbian rights. A member of the NWMN said: "One question was why are lesbians involved in the Manifesto. I said that gay and lesbian people also have rights, they are our children, they are people of Namibia and cannot be chased out from the country".

Advancing women's organisation and consciousness not only opened up space for women's voices and actions but also strengthened civil society in a context where the state did not encourage its independence, and it did so in a way that placed women's concerns in the centre.

A key strategy was the development of a draft bill through a process which respected the right of ordinary women to be involved in the drafting of legislation and to be informed about legislation. Drawing on research and legal skills, the campaign increased legal literacy and understandings of electoral systems among poor and disadvantaged women. Women gained experience of three different electoral systems each resulting in very different outcomes for women and reinforced the demand for legal quotas within a proportional representative system. National elections held on the basis of a proportional representative system with a closed list and voluntary quotas for women on the part of political parties had resulted in women making up nineteen percent of national parliamentarians prior to the 1999 elections. This figure had increased to 25 percent during the 1999 elections after the successful campaign launched by Sister Namibia and the NWMN. However since this system depended entirely on the goodwill of the political parties, it did not guarantee sustainability or further increases. At regional level the barriers to women's entry in a majoritarian winner-take-all system was clearly illustrated by the miniscule four percent of women representatives. At local level the favourable outcomes of a proportional list system with a legal quota was illustrated by the large number of women at this level – 41 percent. However since this law was time-bound and to be replaced by a ward-based winner-take-all system, Sister Namibia was concerned that the current high proportion of women in local government would not be sustained. Sister Namibia and the NWMN were convinced that unless legal quotas within proportional representation systems were in place at all three levels – national, regional and local – women would not be in elected office in significant numbers. The 50/50 bill was drafted to realise this demand.

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Women's right to political participation was presented as a political issue to a broad range of Namibians through a political campaign. Namibian citizens were made aware of this issue through meetings, the media (including Sister Magazine) and marches in small towns and in the capital city Windhoek.

The campaign raised the awareness of political parties and state actors of the importance women attach to their increased political participation. While the NWMN campaign led by Sister Namibia won the support of SWAPO leaders at regional and local levels, and some support nationally – as when the Deputy Minister of Women's Affairs addressed the meeting to launch the 50/50 Bill – at the national level SWAPO and SWAPO Women's Congress refused to engage with the campaign. SWAPO saw civil society as interfering in the party's domain, and was loath to legitimise women's organisation outside of the party. SWAPO labelled the campaign a front for the parliamentary opposition party in an attempt to discredit it. In addition, SWAPO had been affronted by the legal representation made by two key leaders of Sister Namibia for the right to Namibian citizenship on the basis of their lesbian relationship. SWAPO leaders responded with homophobic verbal attacks which they extended to the 50/50 campaign, labelling the campaign a front for advancing lesbianism. Despite SWAPO's hostility to the campaign, the party has had to make some concessions to the widespread demand as evidenced by SWAPO's announcement of plans to promote the Southern African Development Community (SADC) call for at least 30 percent women by 2004.

The campaign generated widespread discussion throughout Namibia, won considerable support in many quarters, and raised awareness on the issue of women's representation in political office as a political and a rights issue. Sister Namibia and the NWMN realise that the goal of 50 percent representation of women is unreachable in the short term, and see as an ongoing challenge the strengthening of women's organisation and increasing public awareness in order to advance the right to political representation as a legitimate right.

2. REDEFINING POLITICAL LEGITIMACY: LOBBYING FOR A WOMEN'S QUOTA IN SRI LANKA: INTERNATIONAL COUNCIL FOR ETHNIC STUDIES (ICES)

ICES, a mixed gender research organisation of women and men, which works to advance human rights, national cohesion, peace and equitable development processes in Sri Lanka, initiated an advocacy and lobbying campaign to build consensus for a legal quota to increase women's participation in local elected assemblies.

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Background

Sri Lanka is the only South Asian country without quotas for women in local government. At the time of the ICES campaign women made up four percent of national parliamentarians and averaged 2.5 percent in local government. Thus despite formal measures to empower women, and progressive development indicators such as 86 percent literacy for women, the percentage of women in political office was the lowest in the South Asia region.

In a context of ongoing civil war, and a political culture marked by violence and deteriorating democratic values, women have been increasingly marginalised from political processes. In the past, women's organisations mobilised on election violence and lobbied political parties to nominate more women. However, given a militarised electoral process resulting from the ongoing civil war in the north since the 1980s and the two youth insurrections in the south, the government's concern was to institute quotas for ethnic and religious minorities and youth. Since women did not pose a threat, quotas for women were not addressed. Electoral reform, instituted to advance the representation of ethnic and religious minorities, and constituting a variant of the proportional representation system, tended to hinder women's participation, since the larger districts in the new system required greater resources, which women lacked, and encouraged monolithic party structures, which are male-centric and unsympathetic to women's concerns.

In this context, and particularly since electoral reform was once more under consideration, ICES saw the need to mobilise women on the issue of increasing women's participation in elected assemblies. Drawing on their research on Women and Governance in 1998-1999, ICES realised that unless legal mechanisms were in place for a quota of reserved seats, women would continue to be marginalised from political office. Moreover, ICES was concerned that action by women's organisations would be needed to ensure that quotas were not captured by elite women.

The ICES intervention took place between March 2001 and June 2002 in the context of a somewhat turbulent political climate. In October 2001, parliament was dissolved as a result of a no confidence motion in the ruling People's Alliance, only a year after being elected amid escalating political violence. Subsequent electoral and constitutional reform processes highlighted that women continued to be marginalised. While provision was made for the representation of ethnic and religious minorities on the Constitutional Council, no provision was made for women's participation, and not a single woman was appointed to this Council. During the December 2001 elections the numbers of women candidates dropped to almost half that of the previous year's election. However an important

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feature of the 2001 election was the widespread media attention sparked by the main opposition party's (the United National Party's) election campaign which included a women's manifesto promising mechanisms for women's inclusion on local government nomination lists. This was the first time a major political party had launched a women's manifesto and the United National Party's (UNP) success in the election – it won 46 percent of parliamentary seats – was seen as resulting from the women's vote. However the UNP continued to marginalise women within party and state structures and processes after the election.

In February 2002, when ICES involvement in the GCG project was at half completion stage, local government elections were announced for May 2002. No political party nominated women in significant numbers, ignoring the Ministry for Women's Affairs call that at least 25 percent of political party lists be women. Some parties linked women with the legal requirement to observe the youth quota and rejected aspiring women candidates on grounds that they were too old.

The ICES intervention

ICES worked in partnership with leading women activists and researchers to bring together a network of women activists and civil society groups across the country in a national advocacy campaign to increase women's participation in elected assemblies. Beginning in March 2001, ICES held consultations with grassroots women activists in five provinces; one consultation with activists, academics and policy makers in the capital city Colombo; a national consultation where provincial and city activists presented their demands to the Minister for Women's Affairs; and consultations with political parties, women politicians, policy makers and the media.

In partnership with provincially-based women's organisations, ICES organised and facilitated consultations in five provinces. At these consultations women shared information, increased their awareness on women's political participation and formulated a set of demands for the national campaign. A key demand was for a legal quota reserving 30 percent of the total seats in elected assemblies at all levels for women. Following the provincial consultations, city-based activists, academics and policy makers in Colombo met and endorsed the demands formulated in the provinces. This sequencing of events overturned the usual trend where discussion initiated in Colombo was taken to the provinces, and privileged provincial voices over those in Colombo.

Alongside this, and to build support for their advocacy campaign in various sectors, ICES held meetings with key government institutions – the chair of the Commission on Women, the Secretary of the Ministry of Women's

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Affairs and with key women's rights activists in the country. ICES hosted a panel discussion of leading activists on women's representation in formal politics, and at a March 2002 International Women's Day protest meeting launched a signature campaign for women's increased representation in formal politics.

ICES attempts to meet with political parties in order to get their support for the campaign were met with mixed results. Only one of the five leading political parties invited to a meeting prior to the National Consultation attended this meeting – the United National Party (UNP), a member of the ruling coalition which held 46 percent of parliamentary seats. At this meeting the UNP presented the stereotypical view that the party was unable to advance women's representation as there were no suitable women candidates. This reinforced the view of ICES and women activists that political parties were an obstacle to women's participation in formal politics. It also reinforced that political parties could not be trusted to implement voluntary measures to increase the numbers of women in politics. Nonetheless, ICES continued its attempts to bring the political parties to the National Consultation and three of the five leading political parties, including UNP, attended the consultation.

After ten months of networking and organising, ICES brought together 100 activists from the provinces and Colombo to a National Consultation which was conducted in Sinhala and Tamil, and where key issues were discussed and recommendations from the prior consultations finalised. Agreement was reached on the need to change the country's electoral laws so as to provide for 30 percent reserved seats for women at local and provincial levels. The demand did not include the specific legal mechanisms required and two activists were charged with the task of looking into amendments to existing laws in order to establish a legal quota. Women from the provinces and Colombo presented the demand to the Minister of Women's Affairs in the presence of the Secretary to the Ministry of Women's Affairs, the General Secretary of UNP, representatives from the Sri Lanka Muslim Congress and the Eelam People's Democratic Party, and the media.

Outcomes and conclusions

Women were successfully mobilised on the issue of increasing women's representation in formal politics. They increased their awareness of their right to political office and deepened their understandings on the issue. The consultations deepened understandings of women's exclusion from formal politics and of mechanisms needed to increase the numbers of women in political office. Obstacles included political parties and the prevailing political culture which were male dominant and hostile to women; family and societal dictates that politics was not a proper place

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for a good woman; violence against women in the home; violence during elections; women's inability to make independent decisions given their lack of resources; and women's work loads.

Discussion made clear that a proportional representative system in and of itself was not a sufficient condition for increasing women's presence in elected assemblies – testament to this was that eleven years of proportional representation in Sri Lanka had not resulted in gains for women's representation. Nor were quotas for women on their own a guarantee that women's seats would not be captured by elite women or women used as proxies by influential men. Women activists noted that in order for quotas to benefit women other conditions necessary were a strong women's movement, political parties committed to increasing the numbers of women in politics, and conducive social and cultural conditions. There was agreement that both legal reform and the sustained organisation of women were necessary in order to increase the numbers of women in political office.

The National Consultation reinforced the demand for legal quotas for women on the basis that such quotas had led to an increase in women in elected assemblies in other countries. However, discussion on the experience with youth quotas in Sri Lanka highlighted that quotas can be abused by powerful politicians who get their supporters elected as proxy candidates. It was noted also that not all women would be sensitive to women's needs. To counter these concerns it was suggested that activist groups identify and train prospective women candidates and pressure political parties to include these women on their lists. To counter the obstacle of lack of resources for women, it was agreed that steps be taken to set up a fund for women interested in entering politics. To work on support for women interested in entering politics two national networks agreed to carry forward the signature campaign and a training programme, and the Sri Lanka NGO forum began discussions on creating the fund.

Discussion on the intricacies of implementing quotas in different electoral systems was new to the women engaged in the consultations. The debate was raised to a new level and a need was identified for a study on how quotas work under different conditions.

The consultations and lobbying activities strengthened the women's movement and introduced a qualitative shift within the movement. The established women's movement in Sri Lanka was predominantly middle-class, and city-based, with no links with rural activists. ICES linked grassroots rural organisations and city-based organisations in a campaign whose more activist agenda was set by women from the provinces. The process thus established the role of community activists as significant in strengthening and building the women's movement.

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The campaign influenced Sri Lanka's oldest feminist publication to dedicate one issue to women's political representation. The campaign influenced the Sri Lankan Federation of University Women to include lobbying for quotas in their programme on leadership and democracy. ICES was invited as a resource to government and civil society consultations concerned with the question of women's participation in formal politics.

During the course of the ICES project, electoral reform came under discussion in Sri Lanka as a result of a motion tabled in parliament by a private member in June 2002. An issues paper is being drafted and ICES is engaging with this process in order to bring the voices of rural women to these proposals.

The process set the women's movement thinking on long-term strategies for equal representation of women, and for ongoing efforts by women to engage in political activism at the local level alongside efforts to lobby politicians nationally. There was thus agreement on the need to go beyond quotas in order to address the deep-rooted social and cultural barriers to women's political participation.

3. INCREASING WOMEN'S POLITICAL PARTICIPATION AS CANDIDATES AND VOTERS: THE ZAMBIA NATIONAL WOMEN'S LOBBY GROUP (ZNWLG)

The Zambia National Women's Lobby Group (ZNWLG) was set up in 1991 by women from business, church and NGO communities to promote women's equal representation and participation at all levels of decision-making in Zambia. Concerned with the low numbers of women in formal politics, the ZNWLG undertook a campaign to increase the numbers of women as candidates and voters in the 2001 presidential, parliamentary and local government elections, all held on the basis of a single member 'first past the post' electoral system.

Background

As a result of inherited colonial and cultural practices women have been excluded from leadership roles, and have not been significant players in formal politics in Zambia. In 1996 women comprised 10.6 percent of the total Members of Parliament, and in 1998 women made up six percent of local government councillors.

In addition to cultural practices, the ZNWLG saw political party resistance and a political system hostile to women's entry into public office as barriers to women's presence in elected assemblies. Zambian elections, based on a single member 'first past the post' electoral system, have been somewhat

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stormy with considerable harassment of opposition parties. Civil society in Zambia is relatively strong with women's NGOs including the ZNWLG playing a significant role within it. It was civil society pressure that resulted in the end of eighteen years of one party rule in 1991 and that prevented attempts by the ruling party in 2001 to change the country's constitution in order to allow the President a third term in office.

The 2001 election, which the ZNWLG sought to influence, took place in a climate where Zambians wanted a change of government. Numerous political parties emerged to contest these elections, with a total of thirteen participating parties. The election date was announced five weeks ahead of the elections, giving civil society limited time to plan campaigns. Nonetheless the ZNWLG took up the challenge and embarked on a campaign to facilitate women's participation as candidates and voters.

The ZNWLG intervention

Strategies undertaken by the ZNWLG included lobbying political parties to increase the number of women candidates and the number of women on party governance structures; setting up a Women in Politics Forum to influence political parties from within; linking women in political office with women in civil society; developing the Zambia Women's Manifesto to serve as an election manifesto for women candidates; providing direct campaign assistance to women candidates; developing a media strategy to put across the message "vote for women"; and developing a gender checklist for election monitoring.

The profile of the ZNWLG, and the relationship between parties and the NGO sector more generally, gave the ZNWLG access to party leaders and party conventions in ways not usually possible in many country contexts. Prior to the elections ZNWLG met with the leaders of the six largest political parties to discuss the problem of the low level of women's political representation. ZNWLG urged the party leaders to increase the proportion of women on party governing structures to at least 30 percent, and to field more women candidates in the forthcoming country elections.

ZNWLG backed up the request relating to women in party leadership by attending party conventions where they campaigned for women candidates on party structures through songs and pamphlets. In order to facilitate the entry of more women into formal politics, ZNWLG saw the need to build a critical mass of women political leaders who could influence processes within and across political parties. The ZNWLG met with women from political parties and worked towards the establishment of a Women in Politics Forum (WPF) which brought together women in political office across party political lines to support the call for more women in political office. The WPF was launched at a major conference which debated and

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discussed the impact of the socio-economic and political environment on women's participation in national affairs, the barriers to women's participation and strategies to address these. A highlight of the conference was the development of a draft Zambia Women's Manifesto – intended to serve as a common women's agenda for the 2001 elections.

A second conference brought together aspiring women candidates and women from civil society – NGOs, churches, the private sector, and traditional leadership – to adopt the Zambia Women's Manifesto and to give support to women in political parties. These discussions strengthened the resolve of women party members to work within their parties and across party affiliation in order to ensure an increase in the numbers of women in political office, and to work towards the women-centred development agenda set out in the Zambia Women's Manifesto. The Manifesto – a non-partisan document upholding gender equality within a development agenda – was launched, published and distributed widely. It was intended to serve as a means to hold political parties and the government accountable, persuading them to prioritise the interests of women, children, youth, and people with disabilities. Women candidates used the Manifesto in their campaigns, and voters were urged to use the content of the Manifesto as criteria for assessing candidates.

To influence the electorate to vote for women, and as part of their contribution within the National Voter Education Committee (NVEC), ZNWLG conducted voter education in specific provinces. Drawing on the Zambia Women's Manifesto the key message the ZNWLG put across was that voting for women would result in better health services, more food, better schools, access to clean water and a clean environment; and that a government without women was incomplete, undemocratic and unaccountable. Methods used to put the message across were drama, songs, posters, pamphlets, billboards and door-to-door campaigns. The ZNWLG designed radio and TV advertisements, paid for air-time for women candidates to promote their campaigns, and produced a video documentary – "Do not talk on our behalf". The ZNWLG tried in addition to counter negative media portrayals of women as husband-grabbers and lovers of mini-skirts – portrayals that called into question the sexual morals of women candidates.

During the election campaign the ZNWLG provided resources to women candidates – such as transport to visit vast constituencies, and funds for campaign material – and mobilised its mass membership to campaign for women candidates countrywide, and to neutralise negative publicity.

ZNWLG monitored the adoption of candidates, the campaigns and the election-day events from a gender perspective in order to ensure women were not left out of the electoral process. To do this, the ZNWLG developed

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a gender checklist drawing on the experience of the Tanzania Gender Network Project and the SADC, trained 432 ZNWLG members to monitor elections on the basis of this checklist, and deployed eight monitors in each of constituencies where women candidates stood.

Outcomes and conclusions

The campaign mobilised women in civil society and produced the Zambian Women's Manifesto which served as a set of demands, an election manifesto and a means to hold political representatives accountable. The campaign also brought together a network of women in political office and strengthened their resolve to work for more women in politics and towards a women-centred development agenda.

Through its impressive use of media the ZNWLG campaign created greater awareness among the Zambian public in general that women are political actors and that politics which does not include women is unfair and unacceptable.

As a result of the ZNWLG campaign, more women were elected on to the executive committees of all six key political parties, with four of these attaining 30 percent women's representation on their National Executive Committees.

The campaign seemed to have shifted political parties at least in meeting the required numbers of candidates, with women candidates making up at least 30 percent of three political parties, and with a significant increase in the numbers of women candidates overall – 192 as compared with 59 in the previous election. At local government level the increase in women candidates was also significant with 673 women candidates, as compared with 300 in the previous election. However very few of the women who stood were elected and the margin of increase was minimal: nineteen women were elected in the national election as compared with sixteen in the previous election; and 93 women were elected at local level as compared with 80 in the previous election.

In exploring this outcome the ZNWLG found that political parties continued to see women candidates as high risk. Some parties dropped women candidates just before the election as the party felt they would be assured of a win if they replaced the woman with a male candidate. ZNWLG found also that parties placed women candidates in wards they had no chance of winning. It was clear to the ZNWLG that more work needed to be done with political parties in the short term – for example encouraging them to place women candidates in wards where the party is strong, and getting them to create conditions more conducive to women's participation in elections. The ZNWLG realised the need for the ongoing education of

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voters so that they would be more supportive of women candidates. In the longer term, the ZNWLG realises there is need for electoral reform as a major hindrance to women's participation was the electoral system itself, and ZNWLG has embarked on a project to review the electoral system and mechanisms to facilitate women's electoral success.

4. BUILDING POLITICAL LEGITIMACY FOR ELECTED MUSLIM, DALIT AND BACKWARD CASTE WOMEN : CONFEDERATION OF VOLUNTARY ASSOCIATION (COVA)

COVA, a network of 750 organisations based in Hyderabad, India, works for communal harmony through participative community empowerment. In the 1990s, it embarked on a programme aimed at establishing the legitimacy of women political representatives as political actors.

Background

While quotas for the representation of groups disadvantaged as a result of caste have long been established in India – since at least 1950 – quotas for women in India are a more recent phenomenon. In 1950, India's constitution instituted quotas for untouchables in parliament, state assemblies, the public sector and in educational institutions, and in 1990 quotas were instituted for backward castes. While national level quotas are still a matter of debate in India, quotas for women at local level came into law in 1993 with the 73rd and 74th Constitutional Amendment Acts which decreed that one third of all seats in *panchayats* and municipal councils be reserved for women. This resulted in 350,000 women entering local government as elected representatives from 1994. Many of these women had no prior experience of politics and in many cases had never before operated in the public sphere. Civil society groups including COVA rallied to offer support, largely in the form of training newly elected women representatives.

COVA's intervention

COVA was concerned that political parties and male politicians had captured women's quotas making women's representation a sham. Many women political representatives had come into office as proxy candidates – their entry into office had been managed by political party heavyweights and individual politicians who served as de facto representatives, performing the actual duties of a political representative. Women representatives under such patronage relations were not expected to perform the duties related to their office, and did not act as legitimate political representatives. They were not seen by others, and nor did they see themselves, as legitimate political agents. Marginalised Muslim, dalit and backward caste women were most severely disadvantaged in these roles as a result of their social standing.

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Given their analysis of the situation, COVA's intervention was geared at establishing the legitimacy of a core group of women political representatives through enabling them to take on the tasks demanded of their office. The idea was that once the women representatives successfully performed their official responsibilities there would be a shift in their self-perception, and in the perception of significant others – such as male representatives, officials, political parties, the community and families – thus establishing women's legitimacy as political actors.

COVA involved a core group of fourteen women political representatives in four workshops at six-month intervals over two years. COVA's criteria for selecting the women political representatives was that they should be from marginalised Muslim, dalit and backward castes across six districts. However an unexpected hindrance – families refusal to allow women to participate in the programme – added a further element to the selection criteria and the fourteen women who participated in the programme were those women whose families gave them permission to do so.

In addition to the women representatives, COVA included fourteen members of the Community Development Societies (CDS) from the same six districts in the programme. The CDSs are women's structures set up at local level within the state government's urban development programme. CDS representatives are elected by local community groups (outside of electoral law), play a key role in the urban development programme, and command more resources than elected councillors. The relationship between CDS and political representatives tended to be conflictual and COVA's strategy of including the CDS representatives in the programme was geared at improving this relationship in the interests of women's political representation at the local level. In addition to this core group of 28 participants, a further eight women political representatives attended some of the workshops having heard glowing reports of the workshops from the core group – so that at some workshops participants numbered 36.

The workshops aimed at building the capabilities and skills of women political representatives as political leaders. The training focused on better understandings of council rules and procedures, developed skills in public speaking, and confidence in interacting with the media and government officials.

Key to COVA's strategy was to link skills-development with practical application and with engagement with key role players. At the end of each workshop participants resolved to undertake specific tasks such as visiting constituents, meeting officials, speaking at meetings, interacting with the media, gathering information on development schemes and being active in political parties. COVA monitored their performance of these tasks by

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meeting with constituents, officials, political parties and the media. COVA presented their findings to subsequent workshops, so that in addition to building skills and providing support the workshops acted as a forum for accountability.

COVA realised early on in their intervention that family resistance needed to be addressed as a precondition to implementing the programme. At the point of recruitment, COVA found that the women selected to participate in the programme were unable to do so in the face of family resistance. To address this resistance COVA needed to strategise on how to persuade families to allow the women to participate in the programme. COVA brought in influential community elders to persuade families and it was only those fourteen women representatives who got permission from husbands and families who attended the training. Getting permission to attend was however only the first hurdle. Some of these fourteen women representatives were accompanied to the first training by their husbands and brothers, and once these men were satisfied that the training was acceptable they allowed the women to attend subsequent training sessions unaccompanied. Allowing women to attend the workshops was one thing, but families had not bargained for the women's greater involvement in the duties of political representation. At the second training session women representatives brought to COVA's attention that their male family members were resistant to their active engagement in their political roles. The women asked COVA to counsel and train resistant male relatives. COVA responded by organising a training workshop for male relatives. However, unsupportive male relatives refused to attend this workshop, and the workshop served to reinforce the support of those men who attended, men who were already supportive of their female relatives. In one case of serious marital discord resulting from a woman political representative's visit to her constituents and her appearances in public, COVA provided counselling to the husband and wife.

Outcomes and conclusions

COVA's intervention went some way to challenging notions that women are not political actors, and enhanced women's political legitimacy. Support to women political representatives to perform more adequately in council meetings, to interact more effectively with their constituents, with male political representatives and with government officials, shifted the perception of the women themselves and of significant others so that they began to see themselves as legitimate political actors, and their constituents, government officials, the media and political parties began to see them as political agents. At the same time the process deepened understandings of the severe constraints that need to be overcome if women representatives are to function effectively and take up the concerns of women in their constituencies.

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Combining political and CDS representatives in the training had two positive impacts. Firstly, some differences were resolved and both sides saw the importance of working together to develop their constituencies. Secondly, some CDS representatives became interested in entering politics. Since CDS members tend to be leaders in their own right, not influenced by male relatives, their recruitment into politics is likely to have positive outcomes.

For many of the women political representatives the training and support they received enabled them to perform as political representatives for the very first time since they were elected. The COVA workshops provided them with skills and acted as a space within which they were able to draw support from each other. The skills and confidence they developed enabled them to visit their constituents unaccompanied by a male relative. Their new found knowledge on council rules and procedures enabled them to engage with officials, and address council meetings and the media. The positive feedback and the increased respect they received in turn heightened their confidence and self-esteem. The support they drew from each other enabled them to participate with greater confidence within the councils, even in the face of an often hostile two thirds male majority. Women were able to effect changes to enhance their functioning in some councils – such as arranging more suitable meeting times, a special time slot for their contributions in meetings, to be seated in bloc so as to caucus with and support each other, and a separate room for themselves. Their successful interventions in council meetings and in interactions with their constituents received positive media coverage and further established women as political actors in the public mind. All of this had a profound impact on the women representatives and they began to make the shift to seeing themselves as politicians. By the fourth workshop the majority was interested in continuing a career in politics, a shift from the second workshop where most had not wanted to continue in politics.

Feroze Begum who was drawn into political office by an influential party member, her husband's business partner, spoke of the shift in her self-perception as a result of the training, which shifted from 'sleeping' representative to active political agent. This shift was reinforced by positive feedback from other women representatives and the media.

> 'After victory I did not know about my role or responsibilities. I used to go once every month to the Corporation meeting, sign the attendance register and come back. I never went into the field or met the voters. I used to be afraid. For the first six months after getting elected I did not speak at all in the Corporation meetings. After the training I gained confidence and got up one day and spoke about the drainage problem in my constituency. Next day the papers reported my speech and I

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> felt very happy to read my name in the newspapers. I find many changes in myself. I do not want to go back to house work or even to teaching. I want to continue in politics.'

However the process also highlighted for COVA the many difficulties that still lie ahead in the struggle for establishing the political legitimacy of women representatives. COVA found that the social and cultural meanings of being women, the restrictions on women's mobility and the pressures on women to behave in specific ways stand in the way of women's autonomy – of women having control of their own time, being able to make their own decisions, being able to own themselves. Instead women were seen as the property of men. Women's lack of personal autonomy was evident at the stage of recruiting women into the training programme, and at each subsequent stage as the women became more active in their roles as political representatives

Neither families nor political parties had anticipated that these women would be active political agents. While families had agreed that the women enter office, this agreement was clearly based on women's non-activity during her term of office. One political representative, Sujatha, noted: "After I got elected my family members said there is no need to go to the Municipality and I should concentrate on the domestic work. They admonished me by saying 'don't think you have developed horns just because you got elected'".

Thus COVA encountered difficulties in recruiting women to attend the training, particularly since the training schedule required women to travel away from home and spend three days away unaccompanied. Prevailing gender norms prohibited such movement of women and it was only those women whose families could be persuaded who participated in the programme. Male relatives attended the first workshop, kept a watchful eye on proceedings, and having satisfied themselves that all was well, allowed their women folk to attend subsequent workshops unaccompanied. However attending the workshops was one thing – the women being more active in their constituencies was another matter. Families did not expect the women representatives to appear in public or carry out their duties as political representatives. When some women representatives began to be more active in public as a result of the training husbands, mothers-in-law and sisters-in-law objected, arguing that politics was bad and dirty and not for good people, and that these activities kept women from their rightful roles of performing household chores. COVA was able to convince family members to allow women to remain on the programme through individual counselling and running a training workshop for male relatives. Although resistant males did not attend the workshop, those sympathetic males who did attend became more supportive of their women relatives. Political

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representative Sujatha notes: "My brother attended the training programme for male relatives. Earlier he used to say that some work should be done only by men. Now his attitude has changed. He says it is your post and he has decided not to interfere with my work".

In addition to families, political parties, male representatives and male officials were major constraints to women's effective functioning as political representatives. In a context where women's quotas stand in the way of men's political aspirations, political party heavy weights maintained control over political office by putting forward women they could control and did not expect these women to actually take office. Women's quotas are a hindrance to male political aspirations because quotas for women have not been instituted through the provision of additional seats as in the case of Uganda or Bangladesh. Rather, one third of existing council seats are reserved for women. The seats reserved for women in one election become general seats in the next election, when a different set of seats are declared women's seats. The reserved seats for women are announced just prior to an election, so a male politician who may have occupied a seat over decades suddenly finds his seat no longer available to him because of the women's quota. To keep hold of their seats these males put forward women they can manipulate, pay for their election campaigns, and once the women are elected, the male politicians operate as de facto representatives. At the next election when these seats are no longer women's seats the male politicians are able to win these seats with ease, having maintained their legitimacy and control. This practice serves to make quotas unworkable as a means of advancing women's right to political office or to address women's concerns, and it keeps women with independent political aspirations out of office. Prevailing gender power relations within the household and community, entrenched ideas that women's place is not in politics, and the lack of an organised presence of women to make quotas work for them allows this capturing of women's quotas. In addition, the system of rotation of women's seats in each subsequent election does not allow women to be returned to their seats and thus stands in the way of developing experienced women politicians.

The negative perceptions by political parties that women representatives are political liabilities and in public life simply because of reservations did not shift in the course of COVA's intervention, even though women became more active in the party as a result of their engagement with COVA.

That women in office are linked to male politicians was confirmed in that fourteen of eighteen elected women representatives who participated in the COVA process had a husband or brother active in politics. That women with independent political aspirations were barred from political office was further illustrated in the May 2002 elections to the Municipal Corporation

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of Hyderabad. In the run up to these elections COVA identified and trained 30 women who were willing to contest the elections. However only six of these 30 were put forward by political parties, who had a preference for putting forward the female relatives of male politicians.

The lessons learnt from the COVA experience highlight that it is possible to make headway in establishing the legitimacy of women political actors even in the face of deeply ingrained resistance. Key in enabling women to make quotas work for them is to end their isolation and to advance opportunities for networking and organising, and to address the deep power differentials that result in women's marginalisation, alongside skills and confidence building.

5. ENHANCING THE ROLE OF WOMEN ELECTED TO LOCAL GOVERNMENT: BANGLADESH MAHILA PARISHAD (BMP)

Established in 1970, Bangladesh Mahila Parishad (BMP) is a mass-based organisation with more than 94,000 members organised in local units across Bangladesh. It aims to contribute to building a society based on gender equality, democracy and peace. BMP played a key role in promoting women's participation in formal political structures in Bangladesh, and has worked on training programmes for women political representatives. In the late 1990s, BMP set up structures and processes to support elected women representatives in three constituencies in order to end the isolation of the women representatives, and to help them deal with the hostility that prevented them from functioning as legitimate political representatives.

Background

Women entered local government in Bangladesh in large numbers since local government legislation in 1997 decreed that one third of the seats in urban municipalities or *Pouroshava* and rural village councils or *Union Parishads* be reserved for women. Many of these women came to political office with no prior experience of politics and often with no prior exposure to the public sphere. BMP's involvement in training women representatives made clear that in addition to a lack of skills and experience, broader issues of power prevented women's effective functioning and their very legitimacy as political representatives. These included institutional constraints, a hostile male political culture and family and community restrictions, all of which reinforced women's subordinate status and required interventions beyond training.

BMP's intervention

The main problem experienced by women representatives, in BMP's view, was their isolation, and the hostility and flagrant disregard from male

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representatives, male officials and family members. The main BMP strategy was therefore to end this isolation and to minimise the hostility through developing support groups and support networks for three women representatives – one in an urban *Pouroshava* and two in rural *Union Parishads*. Each support group was made up of fifteen women from the political representative's constituency and included BMP members. BMP trained the support group members in order to equip them with the capacity to support the women representatives and to enable them to constitute a political constituency that could hold the women representative accountable. The support groups worked with the women representatives in conducting their duties thus themselves becoming involved in development activities. BMP built alliances with influential members of the public and influential representatives of the local administration, and drew them into support networks which included BMP members, support group members and the women representatives. A core group of five BMP members implemented the project and accounted to BMP.

Outcomes and conclusions

By engaging in development activities, the support group members and BMP were able to gain first hand experience of the pressures under which the women representatives had to function. For the first time they became aware of the constraints under which the women representatives operated. These constraints were also made visible to the members of the support networks, and were discussed in the training workshops along with possible strategies to counteract the constraints. For their part the elected representatives became aware of what their constituents expected of them.

BMP noted that the women representatives were disadvantaged by structural constraints arising from the way in which quotas for women are incorporated within the electoral system. The *Union Parishad* is made up of nine wards and the electorate in each of these wards elects a general member – usually a man although women are not barred as candidates to general seats. The quotas for women were instituted by providing three additional seats within each *Union Parishad*, and potential women representatives to these seats are elected by and responsible for three wards. This meant that women candidates had to canvass across and be responsible for an area three times the size of the area covered by a general (male) member. Women were further disadvantaged by resource constraints because they received the same budgetary and other resources received by a general member, even though women covered a wider area. There was also role confusion, as the role of the one woman representative who operates in a constituency which also has three general members, was not clear.

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In addition to structural constraints and role confusion, women were symbolically devalued by being placed at the bottom of lists of elected representatives in the *Union Parishad* and *Pouroshava* offices, and they faced hostility from male representatives and male chairmen. The prevailing belief of these men was that political office was not women's proper place, and women were not legitimate political representatives. While male representatives were seen to have got into political office on merit, the women representatives were seen to have got into office through government favours in the form of quotas. Male political representatives and government officials suffered women's presence and treated them with disdain. Women's marginalisation was reinforced by council practices and procedures. Rules declared meetings quorate even if women representatives were not present, and since the council could function without women representatives, officials and male representatives did not inform women of meetings. When women's votes were needed the chair and general members approached women representatives with blank pieces of paper and solicited their signatures to resolutions they did not bother to discuss. When women representatives queried this practice they were victimised. Women representatives were often intimidated into silence by male representatives at committee meetings, and they were not taken seriously by male officials in the municipality office.

In discussions with the support networks, BMP led difficult negotiations in an attempt to advance the right of women to political office in the face of deeply ingrained prejudices against women. Men attending these discussions were of the view that women lacked the skills and interest to perform effectively in public office, and that women did not have an equal right to public office. Husbands of the women representatives were of the view that their wives had come into political office on the basis of their (the husbands') position in society and not on the basis of any attributes of the women themselves. Husbands informed the gathering that since their wives had domestic responsibilities and it was not the correct thing for a woman to be out of the home at night, they (the husbands) officiated at public functions for their wives. That these men could appropriate their wives' political office was possible because of deeply ingrained ideas that women are not autonomous agents but rather the property of men.

Women's reliance on their husbands for resources to travel within their constituencies, and for their campaigns, given the paucity of state resources, further entrenched their dependence. Husbands, brothers and brothers-in-law had put up the money for their wives' election campaigns and because of this laid claim to the women representative's office, taking on her official duties. In one case a husband used his wife's office as a stepping stone to establishing his own political aspirations – he demanded

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that his wife work in only one of her three wards, the ward he intended to contest in the next election. Although this woman political representative wished to continue a political career, her wish was unlikely to materialise since she was totally dependent on her husband's financial support.

Not only was women's right to political office challenged, but women's right to vote was also not a given. In one of the three project areas fundamentalist leaders had declared that women should not vote in elections.

The strategy of building support groups worked to some extent to end the isolation of the women political representatives in this hostile environment. Women representatives and support group members discussed the roles and responsibilities of the women representatives, the local structures and rules, and measures to deal with male hostility. They were trained in negotiation and strategising skills and went on to work together on development activities.

Of the three representatives, the woman with the greatest degree of autonomy from her male family members was able to engage with the support group unhindered by family interference. This allowed her to take initiatives in working with the support group and with BMP, and to benefit from the support. She was able to get development projects sanctioned, to obtain resources for a development project, and to intervene in individual cases of rape, women's right to property, and maintenance.

Family and community constraints stood in the way of the development of the other two women political representatives. Their mobility was constrained as women are not allowed out of the home after dark – as one husband said, "this is a Muslim country, she is a woman so she should not go out in the evening". He saw his wife's responsibility as caring for the children, while he 'helped' her by attending to her official duties.

In addition to working with the women representatives, the support groups took on an independent role in safeguarding women's rights through forming women against oppression and violence cells which acted as pressure groups to hold all elected representatives – women and men – accountable, and to make violence against women a concern that local government acts upon. In order not to compromise the autonomy of the cells, the women representatives were excluded from them.

The question of women's autonomy is one that has to be addressed over time. BMP, given its mass base throughout Bangladesh, is well placed to continue work in this regard. Their experiment with the support groups and support networks constitutes a start in bringing women's concerns and their right to participation in political assemblies into the public arena.

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The women elected members no longer operated in complete isolation, and in seeking re-election had allies they could depend on. The support groups potentially provide alternatives to the male patronage women representatives depended on. An important factor that allowed the support groups to make positive inroads was their linkage with BMP – the support groups and the elected women representatives could draw on BMP, given its track record and profile, as an important resource in negotiating for influence and development resources. In addition, BMP's mass-based profile and presence throughout Bangladesh enabled it to incorporate lessons learnt from this exercise into other efforts at the local level, into building a campaign to change the local government structure that is loaded against women, and into its long term campaign for the reservation of seats for women in national parliament. This campaign will now also include building a political constituency as an integral component, since BMP is convinced that a politically conscientised constituency and a broader political movement for gender equality may be the only way to ensure that women can act as political agents within formal political structures.

IV Deepened understandings of issues and strategies

Linking institutional change with organising women

Recent studies highlight, and the five case studies confirm, that legal and institutional change, while necessary, are insufficient in making quotas work for women. The institution of quotas has to be accompanied by shifts in societal and institutional biases against women, and by a strong women's movement to ensure adequate implementation. Hence women's movements realised that alongside international activism and national pressure to push governments to make legal changes, sustained gains depended on their continued engagement with state processes. The ZNWLG experience highlights that attempts at shifting public bias against women as potential political representatives without institutional change, do not go far in winning increased representation of women in elected assemblies. Despite all their efforts at public awareness, the ZNWLG realised that no amount of campaigning and organising by a women's NGO can overcome the institutional constraints. A major barrier to women's entry into political office was the majoritarian, 'first past the post' electoral system and unless there was electoral reform, women would continue to stand little chance of being elected.

All five civil society organisations attempted to reinforce among women that they have the right to political participation – a right some women did not realise was theirs. Three of the civil society organisations – Sister Namibia, ICES and ZNWLG – mobilised women nationally in processes

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that included consultations, articulating priority concerns, and in the case of Namibia and Zambia, drafting women's manifestos which brought together their demands. In Namibia women were also engaged in processes of legal literacy and in drafting laws necessary to legislate that 50 percent of all political representatives at all levels be women. Two of the civil society organisations worked at local level in supporting women representatives who had come into office on the basis of quotas, through the setting up of local support groups in the case of BMP in Bangladesh, and through a process of ongoing training and reflection which provided the space for women representatives to draw support from each other in the case of COVA in India.

All five civil society organisations were concerned to reach women from the most marginalised groupings of their societies. They saw this as an important strategy given that when women had entered office in most country contexts it was elite women who did so. Sister Namibia and ICES reached women not normally involved in taking the lead in political activism and ensured that these women played a lead role in their campaigns – women in the small towns and villages of Namibia, and women in the provinces in Sri Lanka. BMP worked in two remote rural areas, and COVA ensured that marginalised dalit, backward caste and Muslim women were prioritised in their programme. The overarching strategy of organising these women as a political constituency enabled the expression of their interests and voice. Through manifestos, signature campaigns, and the widespread use of the media these concerns were taken to the broader public in an effort to shift public perceptions. Through lobbying and discussions with political parties and government officials, women's concerns were taken to the seats of power.

COVA, ICES, BMP and ZNWLG all noted that party structures and the political culture were major obstacles to women's equal participation in politics. In Sri Lanka, parties mobilised women's votes during elections but women were not nominated as candidates and political parties held stereotypical views that there were no suitable women candidates. In Zambia, political parties saw women as electoral risks, as evidenced by their placing women candidates in wards the party had no hope of winning – it was too risky to place a woman in a ward the party was sure of winning as voter prejudice against women in politics would result in the loss of the seat to the party. In India, political parties saw women who had entered political office on the basis of quotas as usurpers of men's rightful seats. The women who were drawn into these campaigns were politicised, and women's organisation was reinforced.

Not only did the organisation of women serve as a *strategy* for building and articulating women's demands, and for bringing to societal and state attention that the calls being made were not only those of a minority fringe,

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but women's organisation was also of *intrinsic value* in itself. In the longer term women's organisation, and in particular the organisation of the most marginalised women, serves to end women's isolation, to develop alliances, and to provide information and skills needed to unleash women's agency as autonomous human beings who can determine their destiny.

Quotas, electoral systems and social relations of gender

In shaping their demands for electoral reform both ICES and Sister Namibia realised the complexity of making a demand for quotas and accordingly based their demand on extensive research into the issue. They realised the need to skill themselves in areas not normally the terrain of development civil society and non-governmental organisations or women's movements – understanding electoral systems, political parties, mechanisms such as quotas and reserved seats, at the same time as they needed to hone their expertise in strategising, organising, and building alliances. Studies and activism have highlighted that the type of quota, the manner of implementation and the type of electoral system all have implications for whether women's representation is in fact increased (Dahlerup and Freidenvall 2003, Goetz and Hassim 2003).

The two kinds of quotas widely in use are voluntary party quotas and legal quotas. Voluntary quotas which leave it to the good intentions of political parties to field or include on their lists a significant proportion of women candidates, have been seen as limited as there are often no external sanctions imposed to ensure they do so. Legal quotas which can be instituted either through law or the constitution of the country, are seen as more reliable than voluntary party quotas. However as Dalherup and Freidenvall (2003) note, legal quotas may be symbolic, unregulated and without sanctions. In other words, unless legal quotas are reinforced by regulations for their implementation, and unless sanctions are imposed if they are not implemented, they can remain a symbolic gesture by governments. Women's movements' continued engagement through implementation, the institution of regulations and the establishment of sanctions is therefore critical, as COVA and BMP experiences highlighted.

Quotas also result in different outcomes for women's representation within different electoral systems – proportional representation systems with closed lists result in greater representation of women, as compared with majoritarian, 'first past the post' systems. Additionally, it is important that quota laws and regulations focus on equality of outcome which takes into account the need to remove the obstacles in women's way, and not just on equal opportunity for women and men to run a race which women will not win anyway because of the disadvantages they face. Sister Namibia noted that both the international and the Namibian experiences point to the advantage for women in proportional representative systems

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with closed party lists, and formulated their demand accordingly. Further, quotas can lead to the stigmatisation of women with every woman political representative's presence read as the result of party or government favours, rather than on account of her worth. Ensuring the formulation of quotas in a gender neutral way can obviate this. Sister Namibia's demand for 50 percent women and 50 percent men is in effect a gender neutral quota since both women and men are to be elected on the basis of a 50 percent ruling – this should prevent women being seen as only in office as a result of quotas. However depending on gender relations and the extent to which women's right to political office is recognised, women's presence in elected assemblies may still be read as the result of the 50 percent rule while men's presence is read as their birthright to leadership.

In addition to the type of electoral system and regulations for institutionalising quotas and sanctions, another consideration concerning the success of quotas is whether these were initiated by the government or were the result of pressure from movements (Goetz and Hassim, 2003). When quotas come from above as a legal decree, without enabling social conditions in place, the intent of quotas can be subverted by hostile public perceptions of women in politics. Conversely, when quotas are won as a result of campaigns by a strong women's movement which continues to engage with implementation processes and the social and institutional context in order to work at changing these, there is greater possibility that they will open up space for women's representation.

The degree of egalitarian gender attitudes in the home, workplace, and public sphere and the degree of acceptance of women as leaders are further factors which determine the success of quotas. If there are deep prejudices that women cannot be leaders these will work their way into quotas and reserved seats, as was the case with both India and Bangladesh as COVA and BMP found. Like all policies, quota provisions get translated and can be defused in implementation – local actors in local institutions, the local discursive framework, and gender power relations that relegate women to subordinates, can subvert their equality intent (Goetz and Hassim, 2003).

ICES, for example, noted that politics was seen as a male activity not suitable for women, that the image of a good woman did not include participation in politics, and women activists were faced with public disapproval when they wished to enter politics. Women who stood for elections were threatened with rape if they did not withdraw. While there were no legal restrictions to women's participation in politics, the unequal playing field prevented women from enjoying a right they had in theory. In their consultations on formulating their demands for legal reform, ICES was aware of the possibility that women's quotas could get captured in Sri

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Lanka by party elites who place their relatives in these positions, thus ensuring their power base is not eroded. This had happened with youth quotas in Sri Lanka and to obviate this with women's quotas they saw an ongoing role for the women's movement as crucial – in training women candidates who were independent of party hierarchies, in negotiating resources for such women candidates, and in playing an ongoing monitoring role.

Prejudice against women as leaders entered the quota systems in Bangladesh and India in ways that made it almost impossible for quotas to work for women. In Bangladesh, BMP found structural limitations in that reserved seats for women were additional seats superimposed on the 'normal' ward system. This meant that over and above the nine general wards in a council, three 'artificial' women's wards were created in each council, each women's ward covering the constituencies of three 'normal' wards. It was not clear what the role of a woman representative should be, or how she would relate to the three male representatives whose wards overlapped with her wards. Women representatives were not given adequate resources, and were marginalised by male representatives through the withholding of information and not being informed of meetings, precisely because the male representatives did not want to have women representatives competing with them for voter support.

In India, where a third of seats in a local council were reserved for women just prior to an election on a rotation basis, the male incumbents (that is the representatives who normally held the seats) were unable to contest their seats and found themselves out of the running. To get around this obstacle male incumbents and political parties devised ways of capturing women's seats. They did this by sponsoring compliant women to occupy these seats on the basis that the woman would be the representative in name only, while the male incumbent would actually carry out the duties. Large numbers of women thus came into office as proxies of male politicians and neither their families nor the political parties who sponsored them expected them to carry out any of the responsibilities of office. That women's quotas could be used in this way was possible because of prevailing gender relations and the absence of strong women's organisations to oversee the implementation of quotas in women's interests.

The limitations of a one third quota in itself were evident since although women can contest the general seats, given the prevailing notion that political office is a male preserve, the public perception is that the general seats are for men. Thus the one third reservation for women operates to reserve two thirds of the seats – i.e. the general seats – for men, and women are contained in the quota. Government posters in Karnataka, India for example suggest that seats not reserved for women are reserved for men.

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In addition in the Indian case, given the way women's quotas are instituted, the chances of women remaining in their seats once these become general seats in consecutive elections, thus becoming skilled politicians, are extremely slim, making women's political roles unsustainable in the Indian context. The rotation system thus hampers women as they do not have the chance to return as elected representatives, to continue their work and rise in politics. Large numbers of women who complete one term are unable to continue their engagement in politics. The roster system, initially hailed as effective in bringing large numbers of women into local politics is being exposed as vulnerable to misuse to the disadvantage of women (Sujaya and Jain, 2000).

Further, contrary to expectations that women do better in local level politics, the political space for women to make quotas work for them appears to be more constricted at local level where ideas of legitimate political authority are deeply entrenched and social and cultural values tend to subvert legal changes even more so than at national level. Hence despite the expectation that decentralisation advances participation, women may have less opportunity at the local level given that traditional patriarchy is more intense, women's movements have limited presence, and gender equality concerns are seriously counter-cultural.

COVA and BMP found that despite the legal institution of quotas, social relations determined that politics was a male arena, making men resistant to women's presence in local councils and most women wary of politics. Women who entered office on the basis of quotas were seen as having gained entry on account of favours of the government. They were not seen as legitimate political actors and were treated in demeaning ways by local officials and male representatives. Public opinions, including women's opinions, needed to be shifted so that women's political participation could be seen as a right and not as a favour to women. Key concerns for both COVA and BMP were therefore to establish the legitimacy of the women representatives as political actors, and to provide support in order to end their isolation in councils as the one third minority faced with a two thirds hostile male majority.

To free up the situation that women representatives found themselves in, a key strategy COVA undertook was to activate the energies and agency of women representatives, getting them to take up office through the provision of skills and support, and by linking women representatives across a number of districts. This went some way to getting the women to see themselves as political actors and to getting their constituents, male representatives and male officials to take them seriously. BMP's intervention included recruiting support groups of women to work with three women representatives in skills training and in the implementation of

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development projects in their constituencies. Alongside this BMP engaged key individuals and organisations from the three constituencies in discussions in order to shift perceptions about women's right to political office. They thus intervened at the local level by bringing their presence as a national women's organisation to bear on women's political participation. They were able to link the women representatives with their constituents, who provided support as well as accountability. In order to address the structural constraints women faced, both COVA and BMP engaged with political parties and the political system in addition to continuing efforts to shift public perceptions and to mobilise women.

Family and community constraints

In addition to structural limitations and hostile relations in the councils, COVA and BMP had to deal with family resistance – constraints on women's time given the gender division of labour, women's lack of personal autonomy, restrictions on their movement, and deeply held ideas that public life is not for a good woman. COVA experienced difficulties recruiting women for their training workshops as the women representatives they attempted to recruit had never been to Hyderabad and were not allowed to travel unaccompanied to another town. COVA was also unable to get a women representative from Kerala to address their training workshop as no representative could get permission to be away from home for nearly six days. BMP found that women were not allowed to go out of the home unaccompanied and this constrained their ability to discharge their official duties. Family propriety extended to women's political office which husbands tended to see as their office. BMP found that husbands had paid for their wives election campaigns and continued to sponsor transport and other costs since these were not provided by the state. When the women COVA worked with began to be active, families objected – they had allowed the women to become representatives on the basis that their husbands would take up the actual tasks of office, and had not bargained for their absence from household tasks. Both COVA and BMP drew on the support of respected community leaders and engaged with families in order to reduce these constraints. COVA counselled families, and ran training workshops for male relatives in an effort to free the women representatives from family constraints.

Conclusions

The case studies reinforce the need for quotas and, together with the literature on the subject of quotas and reserved seats, highlight the need for women's movements and civil society organisations to explore the intricacies of these mechanisms, so as to be aware of the conditions under which quotas can work for women. There is a need to distinguish between legal and voluntary quotas, to be aware that quotas work differently within different electoral systems and that the creation of artificial constituencies

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as in Bangladesh can create a structural constraint to women's effective representation. Thus women's organisations need to become skilled in new areas in order to promote and support effective institutional change. As the Bangladesh and India case studies showed, institutional reform can get diverted, particularly at the local level, given deeply held ideas in most societies that the public world outside the home is men's domain. In particular, given deep seated gender relations which construct women as the dependents of men – as wife, sister, daughter, – women were not seen as legitimate political representatives even when they had been elected to political office.

Given the depth of resistance to women in public office, and prevailing ideas even among women that men are 'natural' leaders, the organisation of women is clearly needed in the long term to reinforce the right to equal political representation, shift public perceptions, and to continue efforts at institutional change. A key overarching strategy is to enable the expression of women's interests and voice, and to bring these voices to public discourses and to the centres of state power. The ongoing organisation of women as a political constituency engaging with political processes is necessary in order to ensure adequate implementation of available provisions and that the benefits of electoral reform are not captured by party and other male elites, as also to ensure in the long term that women are in control of their destinies.

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Chapter 3 – Increasing Responsiveness and Accountability of Governance Institutions

I Making state policies and processes accountable to poor women

Why is it that despite the adoption of gender equality as a key concern at least at the level of stated policy by states and other development actors, development processes still result in outcomes that are discriminatory to women? In addressing this question, gender advocates in the 1990s shifted strategy from interventions at the level of programme planning to placing organisations and institutions under the spotlight and highlighting that organisations themselves are gendered in ways that advantage men and disadvantage women (Kardam 1997, Goetz 1997, Rao, Stuart and Kelleher, 1999). Alongside discussion on the need for institutional change to redress this gender imbalance were growing concerns for searching out ways for ordinary citizens to hold institutions accountable on an ongoing basis.

This chapter is based on the experiences of civil society organisations in India, Bangladesh and Pakistan concerned with increasing the accountability of state institutions and processes to poor women. Operating from the perspective that ordinary citizens have the right to demand state accountability, these civil society organisations forged links with provincial and grassroots women's organisations, brought the voices of the most marginalised women to state processes, and moved from advocacy on the margins to operating within state institutions in order to ensure that these institutions and the officials within them would be more responsive to poor women. These initiatives both deepen our understandings of and highlight strategies to redress the constraints women face in pursuing institutional accountability.

Three of these civil society organisations worked at local level in India and Bangladesh, where quotas had resulted in women making up at least a third of the local elected representatives. They found that despite this affirmative measure, stated commitments to gender equality as evidenced in the signing of the Beijing Platform For Action and CEDAW, and additional state measures to enhance women's position within development planning, local state institutions and services were not accountable to poor women. In order to address this, each organisation devised and implemented strategies to overcome the constraints women face in development planning and service provision. Sakhi, based in Kerala, India and PRIP

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Trust, based in Bangladesh worked within village level development planning processes. Naripokkho worked at sub-district level in Bangladesh to make health services accountable to poor women's health needs.

Three organisations worked to influence processes at national level. Two organisations, Aurat Foundation and Shirkat Gah worked together in searching out ways to influence the process of setting up the National Commission on the Status of Women in Pakistan so that the commission would advance women's needs and interests, and not remain at the level of a symbolic government gesture. Nirantar in India worked at influencing the education policy and programmes of the national government, NGOs and the women's movement to prioritise literacy as a right of poor women.

These experiences reinforce that institutional culture, rules and procedures, as well as the attitudes of the agents of development, are biased against women, and stand in the way of advancing gender equality even when these are stated policy goals. Deeply held biases against women entered the development process resulting in women's views being undervalued and their presence diminished. At the root of this were power differentials which marginalised women, with women of socially disadvantaged class and caste groups being further marginalised on account of class and caste biases.

Each of these organisations worked both inside and outside state structures and processes. Their strategies to remedy the lack of accountability to poor women highlight that in addition to bureaucratic change, a political approach of building women's organisation and voice is crucial. Their strategies included advancing the political consciousness of women, searching out practical strategies to get power holders to be sensitive to women's needs, and building demands in ways that linked in with broader development priorities. They highlight that space exists, or can be expanded, within state institutions and processes to enable civil society to play a legitimate role in functions conventionally confined to state agents, to get women's voices heard and responded to, thus bringing in a new measure of accountability – accountability to gender equality. In engaging in state spaces in this way, those seeking accountability – in this case poor women – act as citizens and agents and not as passive beneficiaries of development. In order to engage with state institutions and processes the organisations needed to develop capabilities including understandings of how institutions function and how to promote change; a strategic sense for identifying spaces and opportunities; and skills to negotiate the complex and difficult role of working inside state institutions while located on the outside.

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II History of ideas and activism

Since the 1970s development theorists and practitioners have searched out ways of ensuring that women benefited from development initiatives. Approaches in the 1970s and 1980s focused on integrating women in development, with a shift by the mid-1990s to institutionalising gender equality in development policy and planning through the strategy of *mainstreaming*. More recently, with the emergence of women's movements as a visible international political force, human rights and development activism came together in the *rights-based approach* to development. A rights approach encourages a shift away from treating the poor as passive beneficiaries of development to treating them as citizens for whom development is a right. Added to this, growing concerns with good governance within development shifted attention to the state and state processes, and earlier concerns with project level participation shifted to concerns with participation in state processes and the accountability of state institutions. This led to greater engagement of women's organisations with the state – both through making demands of the state and through strategies to get women into state decision-making bodies. By the end of the 1990s most states had signed the Beijing Programme for Action and CEDAW. However this symbolic act was not accompanied by the necessary institutional and attitudinal shifts to enforce implementation of these conventions and a huge gap existed between the principles adopted and their application (Molyneux and Razavi, 2002).

In order to understand why states and other development actors continued to produce outcomes that disadvantaged women, despite their adoption of gender equality commitments, feminist theorists subjected development institutions and organisations to scrutiny from a gender perspective. Far from being insulated from the social and political relations within which they exist, they noted that institutions reproduce gender inequalities, with prejudice against women embedded within the organisational cognitive systems and work cultures. They highlighted that gendered preferential systems are more than discriminatory attitudes or irrational choices on the part of individuals. They are embedded within the norms, structures and practices of institutions, shaping the incentive systems, accountability structures and bureaucratic procedures in ways that derail gender equality efforts (Kardam 1997, Goetz 1997). Race, class and gender power relations construct the terms on which women and men enter and participate in public life and the market (Kabeer, 1994). Gender power relations that exist in the family and community result in organisational preferences relating to access, participation and incentive and accountability structures within institutions. These are gendered in ways not immediately obvious. Male bias is seen in the lack of recognition of reproductive work, and in male preference in the granting of entry to clients and members.

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In exploring these facets of discrimination, Goetz (1997) proposes that institutions be seen as historically constructed frameworks which continue to serve the political and social interests they were designed to serve in the first place. Historically, women were excluded from the public sphere, and while class, caste, race and other differences did not allow all men access to public institutions of power, men dominated decision-making and decision enforcing, and men's needs and interests were embedded in the structures and practices of public institutions. Institutions thus promoted male dominance and female dependence. Therefore when new agents (women) entered and new concerns (such as gender equality) were introduced, little seemed to change.

At the material level men are better able to pursue their interests within the public world of organisations because organisations grant entry to people who approximate men, that is human beings who are free agents, unencumbered by domestic or child care responsibilities, and who have women at home doing this for them. At the ideological level gender inequality is justified as the natural order, with both women and men viewing the gender order as fixed. Not only that, but the existing gender power arrangement forms the basis of the identity of individual women and men, and of their communities. Hence to question this is to disrupt traditional ideas and is met with resistance, opposition and hostility.

The problem is hence not just that the interests of women and the poor are not effectively articulated, and the solution therefore cannot be left at the level of increasing effective voice articulation, since public institutions have strong gender biases which undermine the impact of women's voice and presence. There is a need also to look beyond the level of individual public institutions to the broader context within which they exist in order to recognise that the problem is to do with deficits within democracy itself (Goetz, Luckham, and Kaldor, 2000). That citizens are generally unable to hold state institutions to account relates to the deficit within democracy that citizens are excluded from accountability functions with the state on an ongoing basis. Within representative democracies, citizen participation is generally restricted to choosing government representatives through the vote in five-yearly elections. In between elections ordinary citizens are unable to demand accountability and responsiveness from the state. Accountability mechanisms are usually internal to the state, hinge on preventing corruption, on promoting efficient delivery, and focus on procedure rather than on outcomes. Even when overt statements are for pro-poor and gender equitable outcomes, accountability mechanisms usually have anti-women and anti-poor biases. So when state institutions are open to citizens, class, caste, gender and race power relations intervene to determine that the powerful groups in society have access, while socially disadvantaged groups are denied access. Access to

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courts, for example, require financial resources and skills in legal literacy which disadvantaged groups usually lack. Not having access to state processes and not being in a position to enforce accountability is a function of being poor as well as a reason why the poor remain poor (Goetz, 2003).

Given that state institutions contribute to the maintenance of women's subordinate gender and poverty status, can these institutions become potential arenas of social change? Can the state be a potential arena of political struggle that might transform some aspect of people's lives? Given that democracy itself is flawed, what hope is there within democratic states for change? Alvarez (1990) notes that the state is not monolithic, and that areas open to political influence should be identified. She proposes that what is needed is a flexible, multi-dimensional strategy, which includes creating gender consciousness, and applying political pressure within and outside the state.

Earlier approaches to get state institutions to answer to poor women and to enforce gender equality commitments took the form of women's entry into elected assemblies and state bureaucracies, and the setting up of gender machinery and gender focal points within government departments. Femocrats, as the women who entered the state were called, worked from within the state to shift organisational priorities, processes and procedures in ways that would enable attention to gender equality as a goal. Gender machinery and gender focal points were seen as measures to ensure accountability to an equality agenda, alongside the adoption of gender mainstreaming as a strategy. However these measures failed as accountability measures and did not ensure gender equitable outcomes. Besides the constraints of unwieldy state institutions, meager resources for the gender machinery, and their technical bent which led them to evade unequal power relations that were at the heart of women's marginalisation within development, a key missing ingredient in these initiatives was women's agency as a political constituency within civil society (Goetz, 2003).

As the case studies highlight, a more political approach to development is needed which brings voice and politics to bureaucratic change, and which hinges on the mobilisation of women as a political constituency actively engaged in determining their own destiny. Concerns with accountability within such an approach, and noting that accountability has two dimensions – answerability and enforceability – shifts the terms of the discussion to action by poor women as agents who can inform priority setting and decision-making; demand answers from policy makers; and enforce punishment for poor decision-making.

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III Case studies

1. INFLUENCING PLANNING PROCESSES IN INDIA TO ENSURE ACCOUNTABILITY TO WOMEN: SAKHI

Sakhi Women's Resource Centre was set up in 1996 in Trivandrum, Kerala, to promote women's rights and support women's organisation through, among other things, a resource centre, a newsletter, gender training, addressing violence against women and supporting women elected to local councils. Sakhi was concerned that decentralised state planning processes in Kerala, despite an emphasis on broad-based people's participation and measures to include women, did not adequately address women's needs and interests. Working in four *panchayats* Sakhi carried out an assessment of how planning processes were responding to women's concerns, and on the basis of their findings attempted to influence the planning processes so as to ensure women's needs and interests were taken into account.

Background

India-wide constitutional amendments of 1993 legislated a one third quota for women on elected local councils, and devolved decision-making power for development projects to local government. A uniform three-tier system of local government for rural areas included a district level body at the apex, a block level body at the intermediate level and the *panchayat* at village level.

In 1996, the state government of Kerala put in place a unique model of decentralised planning – the People's Planning Campaign (PPC). This involved mechanisms for broad-based people's participation at village level in developing a people's plan that would serve as the basis for development programmes. Significantly, the PPC devolved both decision-making power and 35 to 40 percent of the state's funds to local government.

The cornerstone of people's participation was the *gram sabha* or village meeting. *Panchayats* or village councils were required to:

- convene *gram sabhas* in order to identify priorities;
- prepare development reports based on the priorities identified at the *gram sabha*;
- convene development seminars to present the development reports to *panchayat* residents;
- set up working committees of elected representatives and officials to formulate projects based on discussions at the development seminars;
- plan implementation.

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The PPC also included mechanisms to advance women's development. *Panchayats* were required to include a chapter on women's development in their development reports, and ten percent of the *panchayat* budget had to be allocated to the Women's Component Plan for women's development projects.

Sakhi's intervention

Sakhi was concerned that development planning processes were not adequately addressing women's needs at village level, despite the positive measures of quotas for women on village councils, the requirements for including women's development in the people's plan and the provision of resources for women's development programmes. Sakhi decided that an important starting point was to understand why this was so and phase one of their intervention accordingly explored problems in implementation. Armed with their findings from phase one, Sakhi researchers engaged in development planning processes at village level in phase two of their intervention, their roles straddling that of researcher, project participants and trainers.

In phase one of their intervention, Sakhi conducted a document study of two *panchayats* to investigate:

- whether gender equality was a concern in general projects;
- how the budget for women's projects was utilised;
- the institutional actors and strategies that facilitated the design and implementation of programmes with a gender perspective.

In phase two, the Sakhi researchers worked alongside women representatives in two other *panchayats* – one *panchayat* with a male chairperson and one *panchayat* with a woman chairperson – in order to influence budgetary allocations so that programmes would address women's livelihoods, women's health issues, and violence against women. More specifically the Sakhi researchers participated in processes to:

- assess women's needs so as to inform the planning process;
- prioritise women's needs and formulate projects;
- train women and men in gender awareness and practical project related skills;
- provide technical support for the setting up of committees for violence against women.

Outcomes and conclusions

Phase one: Document review

The general development goals of both *panchayats*, as reflected in their development reports, included increasing agricultural production, promoting industrial activities, and expanding physical infrastructure. Both *panchayats* fulfilled the mandatory requirement of a chapter on

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women's development but these chapters were extremely brief – three pages and two and a half pages respectively in the roughly 90 page reports – and did not adequately present women's lived realities or analyse women's actual condition. Instead, women were presented in unrealistic and idealised terms as goddesses and mothers whose problems stemmed from lack of paid employment.

Sakhi looked at the expenditure portion of *panchayat* budgets to assess the extent to which women benefited from *panchayat* spending. Sakhi found that in the first two years women were the largest number of beneficiaries. This was because guidelines for beneficiary selection stressed poverty criteria and this favoured women since female headed households predominated among the poor. Sakhi also found that both *panchayats* had underspent as a result of lack of absorption capacity due to limited technical expertise. Productive sector projects were the focus of *panchayat* spending in keeping with state guidelines that 40 percent of *panchayat* funds should be spent on the productive sector, 30 percent on infrastructure, and 30 percent on the service sector. Sakhi found an improvement in the quality of programmes over the two years studied, with housing programmes for the formerly shelterless being an achievement in both *panchayats*. Traditional agricultural projects had not expanded employment or assets, and benefits from infrastructural projects such as water development were not substantive. Family-oriented projects such as improvements to the health centre, and prohibiting alcohol were tabled as projects to benefit women – revealing a difficulty in identifying projects for women.

In assessing spending on the Women's Component Plan – the programme for women's projects – over a three year period, Sakhi found that in the first year both *panchayats* had spent only around four percent of the *panchayat* budget, falling short of the mandatory ten percent, and reflecting the situation across *panchayats* in Kerala. In the first year the focus of such spending was general physical infrastructure projects such as housing, roads, power distribution, water, and irrigation projects, with a smaller portion spent on women specific projects of kitchen gardening, poultry keeping and tailoring. In the second and third years, after intervention by the state planning board which instructed *panchayats* that infrastructure projects could not be passed off as women's projects, spending was diverted to women's economic activities, women's and children's health, and women's self-help groups.

However, even with this change, Sakhi found that the first three years of spending on the Women's Component Plan of both *panchayats* targeted women's practical gender needs arising from poverty, with little attention to women's strategic needs or the empowerment of women to address their subordinate position within village society and their households.

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Further the practical income generation projects were not taking off as these were dogged by faulty planning, lack of market surveys, and a lack of technical and management skills to run the projects. Sakhi noted that the women's self-help groups which were in the process of being formed at *panchayat* level, if nurtured, could potentially play a role in planning effective women's development projects.

Phase two: Engaging in planning from a gender perspective

From their engagement in planning meetings in two different *panchayats* from those studied in phase one, Sakhi found that while the PPC included participatory mechanisms, including mechanisms for addressing women's needs, in actual practice both community and women's participation was limited and project ideas did not reflect women's development priorities.

The cornerstone of participatory democracy in the PPC is the *gram sabha* or village meeting. This is where projects are formulated, prioritised and finalised. Sakhi found that while a number of *gram sabha*s were held in the two *panchayats* in 2001 and 2002 to formulate, prioritise and finalise projects, these were poorly attended, with attendance numbers on the decrease. Very few men attended these meetings, and the middle classes, for whom village development was not a concern, did not attend. Poor women who saw themselves as project beneficiaries attended these meetings, but since they did not constitute an organised force representing their interests, there was a lack of input on women's projects at these meetings.

Sakhi found that the officials meeting in the sectoral and *panchayat* committees, whose task it was to formulate the development plan and budget following the *gram sabha*, were disrespectful and disdainful of *gram sabha* suggestions and developed plans with little consideration to *gram sabha* decisions. Further, *gram sabha*s and sectoral committees tended to equate women's projects with income generation through women's traditional activities, even though such projects did not in reality generate income or shift women's subordinate position in the context of a stagnant economy. Non-traditional activities and marketing were not seen as important by the women and men on the sectoral committees.

Sakhi found that women representatives had difficulties functioning effectively on committees and this was so even for the woman president of one *panchayat*. Sakhi noted that the male secretary (a government employee and not an elected representative) took over proceedings from the woman president, effectively marginalising her. In the second *panchayat* where the president was a man, the woman secretary was ridiculed – so much so that the president had to be reprimanded by officials. Women representatives tended to occupy subordinate positions on *panchayat*

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committees, and were relegated to committees with low status and authority. Chapters on women's development in the development reports were based on stereotypical and derogatory views, which reinforced women's inferiority.

Sakhi observed that decision-making on the *panchayat* committee which took decisions on sectoral plans was hostage to gender power relations. The women elected representatives who served on these committees did not feel free to contribute during committee meetings in the face of the hostility of the male representatives who ridiculed and silenced women representatives, telling them the *panchayat* meeting was not the kitchen. In one *panchayat*, two of the seven women were vocal, and three did not say a word in twelve successive meetings. In the second *panchayat* three of the six women were vocal.

The experience of one *panchayat* provided graphic illustration of how male prejudices got in the way of women's attempts to design a project to meet their perceived needs. A suggested project from the *gram sabha,* which was attended mainly by women, was to make cheap sanitary napkins. The project was intended to provide employment for women and to help reduce leukorrhea, a common women's health problem. Although men at the *gram sabha* raised objections that this was indecent, the project was successfully steered through to the sectoral committee where it got the strong support of the woman committee chair, and made its way to the next level – consideration by the *panchayat* committee. Here the project was stonewalled. Elected representatives on the *panchayat* committee accused the woman sectoral committee chair of putting forward a vulgar and obscene proposal. The accused chairperson walked out of the meeting in protest, and despite attempts by the Sakhi researcher and others to intervene this project did not make its way into the *panchayat* plan.

Training

Sakhi held monthly training workshops for elected women representatives, focused on building skills and capacities to enable them to function effectively in development planning. These workshops fed into a longer-term project facilitated by Sakhi – the building of a network for elected women representatives of the Trivandrum district.

As a way of sensitising male representatives to women's concerns, Sakhi organised and facilitated training workshops for *panchayat* committee members. As a strategic move, the first day involved only men and initiated a discussion on gender issues and women's perspectives. Men expressed the need for change and proposed ways to make the *panchayat* more women friendly. The second day involved both women and men in discussion on making the *panchayat* women friendly. A follow up meeting

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with men focused on the construction of masculinity and helped men think through their own attitudes.

Conclusions

While broad-based participation is central to decentralised planning it does not in itself enable women's participation. Even when procedures and guidelines promoted people's participation in village councils, emphasised women as beneficiaries and made budgetary allocations for women's projects, these measures could not guarantee women's participation. This was because these procedures assumed women and men had equal power and status to be authoritative, and did not uphold a vision for transforming gender relations.

Gender power relations within the *panchayat* resulted in women being disempowered and in decisions being based on men's views of what is appropriate and proper for women. Sustained efforts are needed to free up unequal power relations through empowering women and initiating dialogue with male members about gender relations.

Sakhi found that there was a need to build the capacity of women's representatives so that they can facilitate discussions in the *gram sabha* and carry this through the different committees, and in this way improve planning and make gender concerns central to decision-making regarding resource allocation. The newly established women's self-help groups set up all over the state as part of the state plan to organise women and enable their development, could begin to constitute a political force, breaking out of their present more limited focus on income generation projects. Self-help groups need to be exposed to social and developmental issues and be enabled to organise themselves as pressure groups, to articulate and make demands concerning their needs and interests.

2. Enhancing the Participation of Elected Women Members in Development Committees: PRIP Trust

PRIP Trust, a national NGO, provides institutional capacity-building support to NGOs in Bangladesh, and has since 1997 worked with women elected to reserved seats in Bangladesh's local government structures. In this case, it worked in one sub-district in partnership with a local NGO, Racine, to explore institutional constraints faced in development planning by women elected to local councils, and strategies to enable their effective functioning.

Background

The reservation of elected seats for women in Bangladesh resulted in 13,533 women (13,402 from reserved seats, 110 from general seats and 23

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in the post of chairman) entering *Union Parishads*, the lowest administrative division in decentralised local government, in the 1997 elections.

From their work with elected women representatives in nearly 350 *Union Parishads*, PRIP Trust realised that the effectiveness of newly elected women representatives was undermined by a range of factors including their lack of political experience and skills, a non-participatory administrative culture, and the hostility of male elected representatives. PRIP Trust saw the need to explore in greater depth and detail the institutional constraints women representatives faced within specific development planning structures and processes, and the strategies likely to increase women's effectiveness in development planning.

The PRIP Trust intervention

PRIP Trust worked with eleven *Union Parishad* (UP) committees headed by women in one administrative division – the Faridpur Sadar Upazila – in partnership with a local NGO Racine in order to:

- build the capacity of elected women representatives in development planning from a gender perspective;
- enable women representatives to mobilise resources to implement development plans;
- create a gender sensitive environment to support the planning and implementing of gender development programmes.

The Faridpur Sadar Upazila administrative division was selected because women here would be relatively more aware of their rights as they had worked with a women's empowerment NGO over two decades; and since development objectives in this administrative division prioritised eliminating rural poverty.

PRIP Trust engaged with the UP members – both female and male – and the UP chairpersons in development planning processes. PRIP Trust and Racine conducted a resource mapping exercise; a situational analysis on women's participation in development committees; a central workshop with 33 women representatives; and eleven development planning workshops. In addition, women representatives were assisted in holding follow-up workshops at community level to initiate processes for the participation of community members in development planning.

A key problem of the *Union Parishads* was lack of finances to fulfil their functions, since budgetary allocations from the central government were insufficient. While UPs had powers to levy taxes and fees annually on values of buildings and land, on professions and trades, entertainment, licences, bazaars and ferries, they were not in a position to collect such revenue as they lacked adequate information on their resource base. To

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address this general planning need while at the same time building the capacities of women representatives in this aspect of development planning, PRIP Trust facilitated a resource mapping exercise.

The process began with women representatives, PRIP Trust and Racine collecting information on community-based resources from the 33 constituencies of the eleven UPs of the Faridpur Sadar Upazila through interviews with village leaders, school teachers, villagers and local government and NGO personnel. This was followed by resource mapping workshops attended by all representatives – male and female – of each of the eleven *Union Parishads*, their chairpersons, potential development committee members, and key local government officials. Women representatives presented the resource maps they had collected, and problems in mobilising resources and possible solutions were discussed. At the *Union Parishad* level meetings held later, PRIP Trust provided each UP with a resource map and information board, so as to increase the sense of transparency and accountability in local governance.

A workshop in Dhaka in March 2002 brought the 33 women representatives together to review their position on development committees, explore barriers to women's participation, identify areas for capacity building and develop an action plan. The action plan included: training on development committees; training on legal measures to address violence against women; training to develop women's leadership; meetings with the District Commissioner (DC), the Upazila Nirbahi Officer (UNO), and the Thana Education Officer to increase co-operation with these key officials; and advocacy with women members, the DC and UNO.

Field visits, interviews and case studies provided information on the status of women-headed development committees, the level of women's participation on development committees, and the factors that hindered or enhanced women's participation. Workshops in each UP involved chairpersons and UP members in discussions on the findings of earlier resource mapping workshops and in reviewing the development projects of each UP. At the community level, elected women members themselves conducted 48 meetings.

Outcomes and conclusions

The resource mapping exercise was an important step in developing women's confidence in engaging in development activities and in overcoming the paralysing sense faced by most of the women of having no resources at their disposal. The workshops contributed to a key UP function of revenue collection, at the same time as they demonstrated the effectiveness of women representatives in collecting and disseminating key information, and provided a space where women were able to share

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their views openly, without their usual fear of being marginalised or ridiculed. The process enabled women to interact with male representatives and officials from a basis of knowledge and information, thus turning around the normal gender power balance where men were more knowledgeable. Male representatives and administrative officials began to recognise women as development actors. The capacity-building workshops increased both capacities and confidence on the part of women representatives. Their overall involvement in the project enabled women representatives to develop greater bargaining power and better working relationships with officials. Women developed the confidence to approach officials for help.

At the meeting where the project findings were shared with the District Commissioner, the Thana Education Officer, the UNO, members and chairpersons of the *Union Parishads*, other NGOs and organisations, and journalists, officials spoke encouragingly of the contribution by the women representatives to the process, and articulated the hope that the links forged and capacities built during the project would help in their next term of office. These positive public statements were a start in shifting the discourse around women's participation in local governance in a positive direction.

However, at the same time some officials continued to refer to the women representatives in patronising and disparaging ways, and it was clear that considerable investment was needed to build women's capacities, and to establish their legitimacy as political actors. Ongoing strategies to address both male attitudes and the institutional constraints women representatives face should draw on the deepened insights gleaned from PRIP Trust's intervention, which highlights unequal gender power relations as a major constraint. Women representatives came up against hostile UP chairpersons who saw women as an unnecessary hindrance and who deliberately thwarted women's participation by withholding information from them and by making decisions without consulting them. The chairmen excluded women from key committees, placing them on committees with little authority and status. So pervasive was women's exclusion within local structures that in many cases women were not aware that they could be members of male-headed committees. Despite government provision for women-headed Social Development Committees as a means of ensuring women's needs would be addressed, these committees were not seen as a priority by male chairs and officials, and nine out of the eleven *Union Parishads* surveyed had not formed these committees.

When women's consent was required, women were coerced into signing documents without being informed of the content of such documents. Sajeda of Machhar, was asked by the chairperson to "sign on papers" without

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attending meetings. Chairpersons often forged or forcibly obtained the signatures of women "members" of Project Implementation Committees. Hasnehena of Aliabad told PRIP Trust how she had to fight her way into being allowed to attend UP meetings after the chairperson told her that the UP was no place for women, and she should "*Go upstairs and sit with my wife*". She tells of her experience:

> 'After my oath I went to the chairman and asked him to assign me some work. The chairman became annoyed and said the government has brought out the women from their houses to create unnecessary trouble in the *Union Parishad*. "What do you do in the *Union Parishad*? Go upstairs and sit with my wife and spend your time. I do not find any work for you. No specific work is mentioned in the manual for women". I replied: "Listen Sir I have come out from my house to serve our voters. My spouse did not send me to give company to your wife. I would like to go with you to attend the meeting." After a long argument he allowed me to attend the meeting. But I need to bargain in every step. I have learnt more from the workshops. I can understand that there are still many obstacles to our advancement towards gender equality. There should be more changes in social and political perceptions to bring real and lasting improvement to women's status.'

In addition to restrictions within committees stemming from male prejudice, women representatives faced restrictions from their families, who felt it was not women's place to work in the public sphere, or to work with men. In some cases husbands performed the duties of the women representatives, and at times families threatened violence against women.

In addition to these gender power relations which marginalised women, PRIP Trust noted that the entire system of inclusion of women in the UPs was both structurally biased against women and non-transparent. A fundamental structural flaw in the way seats have been reserved for women in local government in Bangladesh resulted in women in reserved seats operating with fewer resources and less authority than male representatives, and stood in the way of women's political effectiveness. As discussed earlier, each *Union Parishad* had nine wards, each with one elected member who could be male or female, but was usually male, totalling nine general seats. Reserved seats for women were additional seats superimposed on this system, in that for every three wards one extra seat was created as a reserved seat for a woman candidate. Each UP thus had three women members elected from seats reserved for women, nine general elected members and the UP chairman. Women members experienced two structural handicaps as a result of this system. First, although they had to represent three wards they were allocated the same resources as those of

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a general member representing one ward. They thus competed with male colleagues with unequal resources. Second, women had no real authority or jurisdiction over the wards they were supposed to serve as their three wards already belonged to three general members who were extremely territorial about their wards. Unless these structural flaws in the way women's quotas are inserted in the system are addressed, women cannot function effectively as political representatives.

Added to this were problems of corruption in the UPs, a lack of transparency, and the control retained by the central state since little power had been devolved to the local level and there was no clarity regarding devolution of power and governance. In this context, UPs tended to be quite disempowered; development committees had weak institutional and financial capacity, and undefined roles and responsibilities; and there was no clear demarcation of authority between members of the national parliament and elected representatives at UP level. The confusion over demarcation of power affected the administration and management of development programmes at the local level. In the confusion over who was responsible for what functions, the roles and responsibilities of women representatives were also unclear.

PRIP Trust found that chairpersons tended to pay allegiance to the local MPs rather than to their own electoral constituency. Members of Parliament, backed by powerful political party machinery and larger development budgets, had no local accountability, while local members instead of safeguarding the interests of the people they represented, acceded to MP's demands. Chairpersons also pressured the UNO to bend government rules for their own interests. Many UP committees were non-functional, as committee members were ignorant of the complexities of government procedural rules and were unskilled in budgeting, planning, resource allocation and resource mobilisation. In effect, power remained centralised and largely undemocratic.

PRIP Trust's intervention underscores the huge challenges that still lie ahead in order that women may effectively function in development planning at the local level. These include changes to the way in which women's quotas are incorporated into the system, the devolution of greater power to the local level, greater transparency of government processes, capacity building and shifts in perceptions of women's roles and place.

3. ENSURING ACCOUNTABILITY OF LOCAL HEALTH AUTHORITIES AND SERVICE PROVIDERS TO WOMEN IN BANGLADESH: NARIPOKKHO

Naripokkho, an NGO in Bangladesh founded in 1983 to advance women's rights, has over the years established its legitimacy as an advocacy group

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and contributed to the government's national health and population programme. In this project it worked together with a local NGO, Sankalpa, in one sub-district, Pathorgatha, in order to resuscitate an accountability committee which provided for civil society representation in holding health authorities to account. In embarking on this, the two civil society organisations brought in a new measure of accountability – accountability to poor people and in particular to poor women.

Background

A key concern for Naripokkho was that the health system was failing women. In particular Naripokkho was concerned that many of the high number of maternal deaths in Bangladesh were preventable and while such prevention was the responsibility of the health system there was little evidence of action on the part of health authorities to address this. Nor was this a priority concern of the health system. That poor women received good health care and did not die from preventable causes were not criteria by which the performance of health authorities and health personnel were measured. Naripokkho realised that ways needed to be found to bring women's priority concerns to the attention of health authorities and to find ways of forcing health authorities to act in the interests of poor women. Working together with Sankalpa, Naripokkho focused its efforts on Pathorgatha, a remote sub-district of Bangladesh.

Naripokkho's intervention

In looking at ways and means to hold health authorities accountable, Naripokkho found that a potential accountability mechanism existed in the Upazila Health Advisory Committee (UHAC) which formally provided accountability within local level decentralised structures and processes, but was neglected and therefore defunct. In the past five years only one meeting of the UHAC in Pathorgatha had been held. The UHAC was intended to improve health and medical services at the hospital, solve problems at the local level and send recommendations to the appropriate authority. It was potentially particularly useful as it allowed for civil society representation and thus could serve as a vehicle through which ordinary citizens could hold local health authorities and service providers to account. Committee members of the UHAC included:

- the chairperson of the sub-district level elected body (*Upazila Parishad*);
- a chairperson of one village level elected body (*Union Parishad*);
- a representative of a local NGO;
- a woman elected representative;
- a 'respected' community member;
- local administration officials.

Naripokkho worked in partnership with Sankalpa, the local NGO member of the UHAC, in resuscitating the UHAC in Pathorgatha. As a first step,

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the two civil society organisations forged alliances with key officials, health providers, elected representatives and local women's groups whose co-operation was vital in order to revive the UHAC. Drawing on their reputation as key civil society organisations, and on the relationships they had previously established in the area, Naripokkho and Sankalpa won the co-operation of the official responsible for health provision in Pathorghata – the Upazila Health and Family Planning Officer – and got his agreement to chair a meeting to introduce the project to the staff of the local hospital. In addition, Naripokkho forged alliances with journalists to encourage the media's role in changing current attitudes and prejudices regarding women's health rights, and drew them into the process of addressing local health services and holding local institutions to account.

Naripokkho held several meetings with the hospital authority and local administration to request that meetings of the UHAC be held regularly. The problem, Naripokkho was informed, was that while regulations required the local MP to chair UHAC meetings, he was not available to do this as he was based in national parliament. The Upazila Nirbahi Officer (UNO), the administrative authority at the Upazila or sub-district level, advised Naripokkho that a way around this was to get the MP's permission for the UNO to chair UHAC meetings in his absence. Naripokkho met the MP, discussed the importance of the UHAC's role in promoting women's health and got his agreement that the UNO could call and chair meetings regularly in his absence.

Naripokkho played a pivotal role in getting the UHAC set up and running. It facilitated a process of working out the roles and responsibilities of the UHAC, liaised with the MP, the local health authority, the UNO and other members of the committee to ensure meetings were held regularly. It encouraged members of the UHAC to be active in meetings, to monitor health services regularly, to look into ways of improving the quality of care for women, and to take up cases of violence against women. Six meetings of the UHAC were held over the next nine months and Naripokkho staff attended these meetings as observers. Naripokkho was able to bring women's voices to processes of setting up the UHAC through raising the awareness of all participants to women's needs, thus introducing a new measure of accountability. Sankalpa, as the NGO member on the UHAC, played key roles in monitoring service provision in the hospital on a daily basis, studying the health status of women and gaps in women's access to healthcare, and using their findings in the UHAC discussions. Sankalpa staff thus played an active role in monitoring compliance to the decisions taken at the UHAC through establishing a presence at the hospital. In addition, Sankalpa engaged with the media, who reported on the situation at the hospital on an ongoing basis.

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Naripokkho and Sankalpa conducted a survey of women patients and members of local women's groups to assess women's health status, their perception about health and rights, the quality of hospital services and the attitudes of providers. Problems highlighted by women in the survey were discussed in workshops with elected representatives, journalists, women's groups, health practitioners, service providers from the hospital, and college students. In all, Naripokkho held fifteen workshops with 335 participants. The workshops raised awareness on women's health, gender inequality, violence against women, male responsibility in sexual and reproductive health, and rights of health service users. In addition, Naripokkho raised general awareness on women's health rights through the publication of advocacy material.

A workshop held with 100 women community leaders discussed women's rights to health and the responsibility of the family (and especially men) and the state in safeguarding these rights. A list of priority demands were drawn up to serve as the basis on which women workshop participants could themselves take action in order to increase the accountability of health providers. One priority was to address the lack of affordability of health care for poor patients by asserting the right to access affordable health care from state institutions, and by negotiating lower fees with the authorities.

Key problems raised by women participants in all these workshops, and the priorities identified by the workshop of women community leaders, were brought to the attention of the UHAC. The serious problem of the complete lack of accountability of the doctors was highlighted. Doctors attended clinics for only two of the mandated six hours even while queues of up to 200 patients waited for their services. They charged fees for supposedly free services at the clinic, and spent their remaining hours running private medical practices. Other hospital staff took bribes from patients and were disrespectful. Local women preferred not to attend the hospital as they were dissatisfied with the quality of services. Poorer patients were not able to afford the hospital services.

Naripokkho's strategy was to highlight inadequacies in service provision at the same time as they drew in the service providers as allies and attempted to address their problems. Problems of lack of facilities affected both patients and service providers and included lack of equipment, lack of a delivery room, a shortage of personnel – the clinic was staffed by three doctors although posts existed for nine –, a shortage of drugs, inadequate waiting rooms, hospital buildings including the doctors quarters in disrepair, lack of instruments, a non-functional ambulance, and no women doctors.

Naripokkho engaged doctors in discussions on the lack of services and in so doing provided a forum where doctors were able, for the first time, to

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raise problems relating to lack of facilities which made it difficult for them to provide good quality services to women. At the same time these discussions served as a means of sensitising them to the needs of poor women.

Outcomes and conclusions

Naripokkho was able to get the defunct UHAC up and running and to galvanise local officials into taking action to improve the health facilities at the hospital. The UHAC put in place plans for a welfare fund for the disadvantaged in order to increase the access of poorer patients to health services. The MP arranged to make an x-ray machine available, and to secure the recruitment of an additional doctor and health worker, and undertook to raise funds for the reconstruction of the health complex. The UNO provided funds for repairing the doctor's accommodation. In addition, the UNO liaised with doctors and hospital authorities to ensure proper health care, and to stop bribes and unauthorised payments for services by putting up a notice informing patients that no payments should be made without proof of receipt.

The daily presence of the Naripokkho/ Sankalpa research team, the more regular visits to the hospital by the municipal representatives and the interest of the media in the process, served as pressures on hospital staff to perform better. The research team played a watchdog role monitoring health service delivery at the local hospital and observing the quality of services. Their presence acted as a pressure on doctors who began to apologise to them for late arrival and whose care of patients improved while the researchers were present. The researchers also engaged with nurses on the need to hold regular health education classes and nurses responded by providing this. Regular visits by the municipal representatives acted as a pressure in ensuring that women received better quality care, and resulted in improved hygiene and cleanliness. Monitoring by elected representatives had greater impact as it was based on the power of 'public mandate' that elected representatives bring with them to take decisions on behalf of their constituencies. Local journalists were especially useful in activating the new norms set up by the UHAC. Their presence at UHAC meetings, their frequent presence at the hospital, their contact with the patients, their monitoring of corruption and their media reports of lapses – such as extortion by doctors – created a public discourse about the need for health providers to be accountable to users, no matter how poor.

An additional pressure brought to bear on doctors was moral accountability, with Naripokkho highlighting poor women's disappointment with the failure of the health system to address their poor health status. An additional 'moral' pressure was built up by the statements of the MP in the UHAC

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that "doctors are educated on public money but they refuse to serve the people. They demand to be addressed as *Sir* and are holding the patients hostage for money like extortionists. All this should be published in the newspapers."

At the same time the process provided a non-threatening space where doctors and other health providers could raise their ongoing problems. Before the setting up of the UHAC, doctors had no avenue for raising their concerns to do with lack of facilities. The UHAC was therefore a useful forum for doctor's interests at the same time as it addressed the needs of poor women. Doctors were able to acknowledge inadequacies on their part, their responsibility in addressing the problems of poor women, and were sensitised to the social barriers poor women face in meeting their health needs.

In facilitating a functioning UHAC, Naripokkho provided support to Sankalpa to operate effectively as the UHAC representative of civil society. Sankalpa, as the largest local NGO, had legitimate access to the UHAC, but had not proactively played the civil society role of raising and safeguarding the health interests of poor rural women. Involvement with Naripokkho in this project enabled Sankalpa to take an active role in doing this. Sankalpa is well placed to continue playing this role. It has good links among all sectors of society, organises women's groups in every Union, has a good relationship with the local Press Club, and has as its chair the chairperson of the municipality.

Enabling the poor to hold the powerful to account is not an easy matter. And the time span of the project – eighteen months – was a short time in which to do this. Nonetheless, a significant increase was seen in patient numbers and a significant improvement in patient care, arising from civil society engagement on a state committee set up as a horizontal oversight mechanism. Naripokkho was able to spearhead a process of resuscitating a defunct committee, and set it up in a way that brought women's voices to the committee, making the committee aware of women's interests and thereby introducing a new measure of accountability.

Naripokkho was able to draw on its authority and access as a national organisation engaged in health policy and programmes to reach the MP and local officials, and to support the local NGO Sankalpa. In addition to working on the inside of a state committee – understanding the administrative set up and the critical individuals who could unblock blockages – Naripokkho also worked on the outside with women in the community enabling them to make their voices heard in interrogating the power holders and thus holding them to account.

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4. ADVOCATING WOMEN'S LITERACY FOR EMPOWERMENT: NIRANTAR

Nirantar, a resource centre based in Delhi, India, with a gender and rights perspective on education, was concerned that although education policy in India espoused commitment to women's empowerment this did not translate into adequate programmes to advance women's literacy – a key means to women's empowerment. To remedy this, Nirantar attempted to bring this key concern of poor women to the attention of state planning processes through a strategy of working with civil society organisations and key state actors.

Background

Nirantar's starting point was that women's literacy is a right and a critical aspect of women's empowerment. Lack of literacy has far reaching negative impacts for women, contributing to their lack of information, affecting their ability to access entitlements as citizens, and marginalising them as decision-makers in the public arena. Women are particularly adversely affected by their lack of literacy since boys' formal education is privileged over that of girls. This is reflected in national statistics with literacy rates for women in India at 54 percent as compared with the significantly higher 76 percent for men.

The government's lack of prioritisation of women's literacy was reflected in the lack of attention to literacy in the government education programme for women, Mahila Samakhya, and in the lack of a women specific or gender focus in the government's literacy programme.

Nirantar's intervention

Nirantar focused its efforts on influencing the government's 10th Five Year Plan through a process of research and advocacy culminating in a National Consultation on Gender and Education Policy. As a first step, Nirantar collaborated with a group of NGOs across India in researching education programmes aimed at facilitating women's participation in *panchayats* and community-based institutions. In addition, the policies and programmes of the government and donors were assessed. The views of women recipients on the quality and relevance of these programmes were used as a yard-stick against which to measure the extent to which the programmes and policies met women's actual needs.

In order to bring women's voices to state processes and to create a mechanism through which civil society could hold the state to account on literacy as a key concern of poor women, Nirantar organised a National Consultation on Gender and Education Policy. The idea was to bring together a forum of concerned persons and organisations, who could continue to lobby the government and engage in advocacy after the consul-

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tation, so as to ensure that key recommendations got included in the 10th Five Year Plan. Aware of the need to understand the stages entailed in formulating the Five Year Plan, Nirantar set about becoming familiar with the process, and on the basis of this understanding made strategic decisions on the scope and scale of the National Consultation, and on participants and resource persons who would be involved. Nirantar then met with critical persons from the Department of Education, the Mahila Samakhya Programme (a large-scale women-focused programme of the education department), and the Planning Commission, and invited them to the consultation.

The National Consultation provided a platform for civil society to discuss with government officials key concerns relating to recent government policies on education. A number of state representatives attended the Consultation, including the education advisor on the Planning Commission, and this provided the opportunity for the participating civil society organisations to influence opinions on key concerns. Presentations provided an overview of key issues and enabled participants to articulate priorities for the future. A co-ordination committee was set up to sharpen the recommendations of the Consultation after feedback from the Planning Commission, and to lobby key actors. Recommendations were subsequently presented to relevant policy makers.

After the National Consultation, Nirantar held a national workshop on continuing education in collaboration with the Directorate for Adult Education, taking up one recommendation of the National Consultation on the need for capacity building for those implementing Continuing Education Programmes. The outcome of this workshop is a set of recommendations for future advocacy.

Outcomes and conclusions

The process enabled Nirantar to deepen understandings on how non-literate women saw literacy, how the government and NGOs responded to this need, and this provided the basis for developing an advocacy strategy. The interviews with women involved in programmes to facilitate their participation in *panchayats* and community-based institutions highlighted the importance of literacy to women. The value of literacy for women went beyond the functional, to encompass their self-worth, their status in the family and their status as workers and citizens. The women interviewed saw literacy as increasing their confidence, their physical mobility, their opportunities to enter public life, and as important in enhancing their self-esteem. Literacy was thus linked for them to their empowerment, and they valued literacy to the extent that they were willing to participate in literacy programmes even in the face of family and community opposition. Women noted how being literate reduced their dependence on others. A

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community level worker noted that being dependent on others was a barrier to her advancement. Women weavers found that the traders they interacted with treated them with greater respect once they had started attending literacy classes. They were now not as vulnerable. Literacy had enabled women in some cases to become leaders of community development groups. As one woman said: "In the literacy class I could think about a future that is different from my present struggles as a labourer".

Nirantar found that the view of NGOs and government departments – who tended to view literacy within a welfare framework and did not link literacy to women's empowerment – did not match the views of the women interviewed. NGOs working with women elected representatives of *panchayats* had not considered their need for literacy, and donors had shifted their priorities away from literacy, resulting in the closure of the literacy programmes in one district. State policy and practice did not allow for women's input, did not engage with women representatives, and had no space for civil society monitoring.

The National Consultation led to the identification of several potential allies, some of whom were glad to have an opportunity and a forum to discuss women's literacy; and it built a working relationship with the state. The intervention helped to create a body of informed opinion among civil society and state actors regarding gender and education, and led to the formation of an interest group to work on women's access to literacy. Space was thus created for women's participation in state-controlled processes of policy making and resource allocation. A significant immediate outcome was that a major programme for women's empowerment, Mahila Samakhya, which the government had planned to subsume within an elementary education programme, was retained and expanded in the Five Year Plan.

Nirantar's intervention built a new understanding of women's own perspectives towards literacy, giving visibility to the voice of the primary constituency: non-literate women. The perspectives of poor women highlighted the crucial links between literacy and women's empowerment, providing a mandate for civil society advocacy on this neglected issue and serving as the basis for the formulation of a set of sharpened recommendations presented for the Tenth Five Year Plan to the Planning Commission. Bringing poor women's perspectives to the monitoring of state policies and programmes for women's education emphasised the state's failure to address a core need of poor women.

In the long term, Nirantar realised that ongoing advocacy campaigns were required with NGOs, since continued lack of priority of women's literacy by civil society organisations meant that there was little civil society

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pressure on the government to prioritise women's literacy as a means to women's empowerment. It was not possible to create a forum of civil society organisations to monitor the state and articulate literacy as a priority concern for women during the above process, as the women's movement and NGOs working on grassroots women's education did not see literacy as a priority issue. Most of the six local organisations involved in the collaborative study had worked with women in community groups or in *panchayats*, but none had offered literacy to elected women representatives. Additionally, it was difficult to get organisations focused on programme delivery at the local level to engage in advocacy directed at the state.

As a direct result of this project, Nirantar itself underwent transformation into an advocacy organisation. Nirantar's understanding of advocacy strategy increased with the awareness that nuanced approaches were needed for different actors, as each was likely to respond differently to a given set of arguments. Nirantar was committed to continuing advocacy work and to investing in building a civil society coalition.

5. STRENGTHENING THE NATIONAL COMMISSION ON THE STATUS OF WOMEN IN PAKISTAN: AURAT FOUNDATION AND SHIRKAT GAH

Aurat Publication and Information Service Foundation, a national civil society organisation, was established in 1986 to develop an enabling environment for women's empowerment in Pakistan, through influencing participatory democracy and good governance. Shirkat Gah Women's Resource Centre was established in 1975 to advance women's empowerment in Pakistan. In this case, Aurat Foundation and Shirkat Gah worked in partnership to engage women's rights activists, policy makers, and members of the National Commission on the Status of Women in Pakistan (NCSW) in a series of consultations aimed at ensuring that the NCSW would be accountable to women, and that it would have enforcing authority.

Background

Since 1976, the women's movement in Pakistan had demanded a permanent commission on the status of women to address women's unequal status and lack of rights. Over the years both civil society and the government stated the desirability of such a commission. In July 2000, the military government set up the National Commission on the Status of Women without any prior consultation with civil society, bypassing a civil society-initiated process of consultation and lobbying of the government for such a commission.

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In the view of civil society organisations such as Aurat Foundation and Shirkat Gah the commission seemed doomed to becoming yet another cosmetic body unable to contribute to changing women's current lack of rights. In addition to flaws in the process, serious structural flaws included an unclear mandate, limited powers, lack of autonomy from the state, no clear criteria for appointment of members, and with some appointed members such as religious leaders lacking the attributes and skills to address women's lack of rights.

The intervention

In embarking on their intervention, Aurat Foundation and Shirkat Gah in effect picked up on the national process planned by civil society organisations in 2000. Faced with an already established NCSW, Aurat Foundation and Shirkat Gah strategised to find ways to bring civil society concerns to state processes underway for setting up the NCSW rules and procedures and to hold the NCSW accountable to women's lack of rights. Drawing on their already established authority as key human rights NGOs in Pakistan, Aurat Foundation and Shirkat Gah took up the challenge and set up a consultative process involving government, commission members, civil society organisations, and experts, and aimed at:

- making the NCSW more accountable to women's empowerment interests;
- providing recommendations to strengthen the role and effectiveness of the NCSW;
- influencing policy makers and women's rights activists to interrogate the structure, role, powers and functioning of the NCSW.

Aurat Foundation and Shirkat Gah began their strategic intervention with a two-day International Conference of National Commissions on Women, held in July 2001, and at which representatives of Commissions on the Status of Women and representatives of civil society from other countries – Britain, India, Philippines and South Africa – shared their experiences with delegates from Pakistan, who included members of the NCSW of Pakistan, national NGOs, women's rights activists, and media and government representatives. This was followed by a consultation workshop of NCSW members.

Aurat Foundation and Shirkat Gah then held consultations in four provinces with civil society groups, the government, and the commission member from each province, so as to share the outcomes of the international conference and discuss problems and solutions of the NCSW.

Following the provincial consultations, Aurat Foundation and Shirkat Gah brought together the NCSW members with government and civil society representatives who had participated in the earlier consultations, in order to formulate a set of recommendations emerging from discussions at the

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international conference and the provincial consultations, that would feed into a process of amending the ordinance in terms of which the NCSW had been set up.

Outcomes and conclusions

A key component of the Aurat Foundation and Shirkat Gah strategy was to approach the NCSW members and government officials in a non-confrontational way, bringing in the experience of Women's Commissions of other countries as a basis for engagement, rather than initiating a full frontal attack on the basis of civil society disgruntlements. This enabled some measure of convergence between civil society and commission members on concerns with the structure, mandate and functioning of the NCSW. Civil society became a resource NCSW members could draw on, rather than a thorn in their side. The terms of the discussion set by the international conference served as the basis for interaction with civil society groups, and for ongoing processes whereby civil society could try to hold NCSW members accountable. That women's interests were the criteria for this accountability was ensured by bringing together civil society organisations concerned with women's rights.

Discussion at the July 2001 international conference focused on the structure, mandate and powers of Commissions on the Status of Women. Delegates from Britain, India, Philippines and South Africa emphasised, on the basis of their respective experiences, the importance of:

- links between national commissions and civil society, and in particular women's organisations;
- periodic reviews of the roles and mandates of commissions;
- distinct roles for each of the national machineries for women.

Discussion on the NCSW of Pakistan in the light of these criteria made evident flaws such as the lack of clarity regarding the roles of the NCSW as distinct from that of the Ministry for Women's Development; and that the terms of reference of the NCSW did not make it a truly independent watch-dog body with authority to hold government departments accountable, or to make inputs into government policy. Thus in addition to problems of accountability there were problems relating to lack of enforcing authority. The NCSW members became aware of the need to address these problems and in order to have further discussion on the issues raised at the national conference they held a two-day workshop with the representatives of women's commissions from the other countries. In this workshop NCSW members discussed in greater detail key issues relating to the commission's independence, its membership procedures and its mandate. NCSW members noted:

- The independence of the NCSW from the government was questionable. Its independence was not stated in the ordinance, and many of its members were government officials.

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- There was no clear demarcation of roles and responsibilities between the NCSW and the Ministry for Women's Development.
- The NCSW had a weak mandate with no provision to ensure compliance or even response from the government.
- Procedures for selection of members were unclear, and current appointments were by the government with no formal interviews or inputs from civil society.
- There was a lack of capacity, as commission members from civil society were appointed on a part-time and voluntary basis; ex-officio members had to perform NCSW duties over and above their duties in government offices which would take precedence over commission work; and the NCSW had no staffing provision.
- The NCSW had no presence at provincial level although appointments of members ensured representation of the Provinces.

The consultations held in the four provinces with civil society groups, the government, and the provincial NCSW members served as a forum for sharing problems and possible solutions discussed at the international conference with civil society more broadly, and provided the basis for links between the NCSW and civil society and in particular between the NCSW and women's organisations. Women's organisations and other civil society groups learnt about the NCSW, gave their views on women's expectations of the NCSW, and were mobilised to provide ongoing direct feedback to the NCSW. NCSW members, for their part, were put in touch with the citizens they were to serve, and with civil society groups who were concerned with improving women's position.

The entire process put in place a consultative process missing from the formation of the NCSW, and this consultative process formed the basis for reviewing the ordinance in terms of which the NCSW was set up, and for elaborating more effective rules of business. A national gathering of NCSW members and government and civil society participants of earlier consultations formulated a set of recommendations emerging from discussions at the international conference and the provincial consultations. These recommendations pointed to deficiencies with the present structure and powers of the commission and highlighted the need for democratic and transparent procedures in order that the NCSW be accountable to women's interests. Both civil society and commission members stressed the need for the NCSW to have independent status, with enforcing authority and quasi-judicial powers, and a role distinct from that of the Ministry for Women's Development. While the Ministry for Women's Development was seen as aiming to meet women's practical needs, civil society groups stressed that the NCSW's role should be to protect and secure women's strategic interests.

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Through their interaction with members of commissions from other countries and from their interaction with civil society groups in Pakistan, NCSW members became sensitised to the key civil society concerns of the accountability and enforceability of the NCSW. The process won NCSW members over to consultative processes. They began to see the need to build support from outside the NCSW, and began to make provision for civil society participation on review committees.

NCSW members began to develop a level of responsiveness to the concerns of women and the civil society organisations, as was evident, for example, in NCSW members' intervention in cases of violence against women, and their protests against attacks on human rights activists. The NCSW Annual Report gave prominence to the recommendations developed through the consultative process which, they noted, provided them with "considerable insight and opportunities for interaction and dialogue, ... as well as valuable information".

Recommendations in the NCSW Annual Report for amending the Ordinance that created the NCSW were almost identical to those developed during the consultative process. Recommendations related to NCSW powers and authority stressed the accountability and enforceability necessary for the effective implementation of a gender-equity agenda. Further, the report noted that unless the NCSW had real powers backed by political will at the highest level, it could not truly fulfil its mandate.

Aurat Foundation and Shirkat Gah were able to construct *democratic space* through the international conference, the provincial consultations and the national consultation. They were able to insert civil society concerns into the process of establishing the rules of the NCSW and to win over the NCSW members to realising the need for more democratic processes and the need to consider women's interests. Moreover, they had been able to do this even after the government had unilaterally set up the NCSW with no prior consultation with civil society groups.

IV Deepened understandings of key issues and strategies

The case studies highlight the importance of an overarching strategy of working for bureaucratic change through the political approach of building women's organisation and voice. Working on the outside enabled each of these organisations to bring women's voices to the attention of state actors and assert women as a political constituency demanding answers. Sakhi and PRIP Trust brought women's voices to development planning processes, Naripokkho made sure that women's concerns entered the framework of health accountability, Aurat Foundation and Shirkat Gah

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organised women as a constituency to hold accountable members of the NCSW, and Nirantar brought the voices of women who were not literate to the attention of government and non-governmental policy makers.

Realising that working exclusively on the outside would continue to marginalise their efforts, these civil society organisations inserted themselves within state processes, and through working on the inside were able to bring women's voices to state processes and actors, even without the formal authority to do so. They were able to do this through building strategic alliances and by drawing on the legitimacy they had built up over many years as development actors in civil society. From the vantage point of 'outside insiders' they were able to observe how these institutions functioned, how decisions were made, how resources were allocated and devised strategies to increase institutional accountability to poor women. They identified strategic entry points, were strategic in their timing, and adopted an approach that offered assistance even as they highlighted corruption, lack of transparency and the marginalisation of women.

Naripokkho, for example, had to understand the rules of the defunct UHAC and to draw on its access to the local MP and the municipal officials in order to spearhead its functioning. The UHAC was set up as an accountability mechanism for poor women at the same time as it served the needs of the doctors and other stakeholders, thus drawing broad support for its effective functioning. Sakhi had to understand the intricacies of the village level development planning processes in order to strategise ways of ensuring these processes were accountable to poor women. Nirantar timed their intervention to influence the drafting of India's 10th Five Year Plan.

The organisations offered their skills as a resource in ways that contributed to institutional priorities at the same time as they highlighted women's needs and interests. This allowed them entry into institutions that did not normally engage with civil society, thus expanding spaces for civil society participation as well as expanding civil society's roles in accountability functions. Sakhi researchers gained entry into sectoral committee meetings and meetings of elected representatives not normally open to civil society, and they were invited to give their advice in these meetings. Naripokkho brought its expertise to processes of setting up the UHAC, which served not only to highlight women's health needs but also to provide a forum for addressing critical problems faced by health service providers. The members of the NCSW drew on Aurat Foundation and Shirkat Gah's expertise in developing guidelines for the commission, and their interaction in the national and provincial consultation spurred them on to make changes that would allow for a commission with teeth, rather than one that was purely symbolic. PRIP Trust contributed to a key need of resource mobilization in development

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planning at the same time as they highlighted the constraints faced by women representatives.

In all five cases, women's voices and women as a constituency were not within the frame of thought or action of the state actors, confirming the existence of gender bias in favour of men and against women, as outlined in the literature. The Government of Pakistan had set up the NCSW without considering the needs and interests of women in civil society, and the proposed structure meant to safeguard women's rights was in danger of being nothing more than a symbolic gesture. The Government of India had been on the verge of scrapping a national women's empowerment and education programme without considering that this was a right prioritised by women who were not literate. In Bangladesh, reducing deaths related to pregnancy and childbirth was not a measure for health accountability even though large numbers of women lost their lives to these preventable causes. Within decentralised development planning, women in Kerala, India and in Bangladesh were subject to hostility, ridicule and were treated in demeaning ways. In addition to attitudinal hostility, institutional hostility was evident – for example in the way in which quotas to ensure that one third of local representatives were women were inserted within the electoral system in Bangladesh, seriously disadvantaging women by creating artificial wards across three normal wards, each with its own male representative. This led to the woman representative having to compete with three male representatives, with a smaller budget and no clear role.

The case studies highlight deficiencies in notions of democracy and participation. The People's Planning Campaign, for all its mechanisms to ensure broad-based people's participation, in actuality did not take people's input seriously, and this was so particularly since the people who came to the village meetings, meant to be the cornerstone of people's participation, were poor women. Decisions from the village meeting were ignored by elected officials in the sectoral committees who were meant to implement these decisions, with these officials instead basing their plans on stereotypical views of women. The Sakhi case highlights that people's participation does not mean women are taken into account. Procedures in the PPC did not take gender power relations into account, but were instead based on the incorrect assumption that women and men have equal power and status and the model for development did not consider the need to transform unequal gender relations. Hence despite strict guidelines for democratic decision making and women's participation, and despite budgets for women's projects, women's interests were not adequately addressed, and women's presence as representatives was barely tolerated.

The case studies challenge the view that decentralised government will improve governance, make governance transparent and participatory, and

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increase accountability to disadvantaged groups. Interrogated from the point of view of women it is clear that there are serious limitations to decentralisation in fulfilling these hopes. Decentralisation alone cannot overcome the political weakness of women and other socially excluded groups pitted against powerful local class and caste groups who tend to be more defensive of men's gender interests than national elites. These power differentials make it difficult for women to organise at the local level and to participate in local politics. This results in women's formal inclusion on the basis of quotas actually reinforcing the reality of their exclusion and the denial of their agency. Women entered the local structures in all three cases as elected representatives, yet social power relations of gender intervened to make it impossible for them to function. Ideas of male dominance and female subordination entered local state institutions, and local structures operated to marginalise women.

The challenge for the civil society organisations operating at the local level was how to free up this space in order to create political legitimacy for women and their claims. Sakhi, PRIP Trust and Naripokkho were able to uncover the ways in which unequal social relations circumscribed women's lives, and developed strategies to address these issues. They found that they needed to address the deeply demeaning ways in which women were viewed both in civil society and as political representatives in order to address ways of bringing women's interests to development planning processes. They built respect for women in the context of their denigration, with Sakhi organising gender training for men elected representatives in an attempt to free up oppressive gender power relations.

All the civil society organisations were able to insist on civil society participation and build accountability on this basis. They built women as a constituency, made women aware of their rights, and facilitated the articulation of their demands. They did this through consultation and through linking up with locally-based NGOs who had contact with grass-roots women's groups. Sakhi found that although women made up the majority of attendees at village meetings, because they were not organised as a constituency they were not able to articulate their interests and act as agents in the development process. Sakhi helped women to organise and provided information and training to enable them to function more effectively as development agents. Aurat Foundation and Shirkat Gah drew on locally-based NGOs to link women constituents with commission members in provincial consultations and in so doing enabled women to act as a constituency in holding NCSW commissioners to account.

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The civil society organisations were able to introduce a new measure of accountability – gender equality – in new ways. In devising their strategy of working on the inside while located on the outside, they neither rejected the state, nor whole-heartedly embraced the state. They retained their independence at the same time as they developed their capability to engage in state processes, thus allowing themselves to be accountable in the final instance to the women whose interests they sought to advance, rather than becoming agents of the state.

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Chapter 4 – Citizenship

I What this chapter is about

This chapter explores the meaning and practice of citizenship, drawing on initiatives by women to stake a claim to citizenship by making visible their needs and priorities in defining entitlements. More specifically, these initiatives focus on how the needs and interests of the most marginalised women form the basis of these claims. They also provide insights into the role of civil society organisations representing women's interests in making claims. While the strategies pursued in each context were shaped by the specificity of state-society relations, the extent of civil society organisation and mobilisation and the availability of political spaces for the articulation of interests, all these initiatives represent struggles to get the female subject of social relations recognised as a rights-bearing citizen of the modern state and in so doing re-imagine new forms of state-society relations. However, to achieve this all sorts of institutional actors had to be appealed to – families, communities, political parties, legal systems, state bureaucracies and women themselves. The case studies reflect on the strategies for and processes of rights-claiming, the outcomes of these processes and what this means for the theory and practice of development.

The Centre for Applied Legal Studies (CALS) brought women's needs and priorities to the process of reforming the customary law of marriage in South Africa. Naripokkho undertook a public awareness campaign on women's right to guardianship prior to staking a claim for legal reform in Bangladesh, where according to the personal law the father is regarded as the natural guardian of children.

The Constitutional Women's Commission in Zimbabwe aimed at making sure that the specific needs and interests of women entered the political debate on constitutional rights within the civil-society initiated campaign for constitutional reform. The Gender Advisory Programme in South Africa worked to link women elected to parliament with poor women in communities who are the electorate, in order to secure accountability and participation. North East Network (NEN) helped women affected by conflict in Manipur state in north-eastern India to come together across ethnic lines to share conflict-related problems and engage in the peace process. Durbar, the largest sex workers' organisation in India, demanded a right to participate in defining the issues involved in trafficking into the sex trade on the grounds that they were the population most affected, and

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claimed a right to contribute to the articulation of a programme and mechanisms to control trafficking.

Key learnings that emerge from these initiatives have to do with the meaning of 'rights' and the practice of getting claims recognised. First, these case studies help differentiate between formal and substantive rights. They highlight how important it is to insist on the honest representation of the lived experience of specific categories of women (the most marginalised or those who are most affected by the specific lack of rights) in constructing substantive citizenship as against citizenship as formal rights. A related point the case studies highlight is the need to be pragmatic, to tailor the construction of rights according to the needs of the affected population rather than to rely on orthodoxies about women's rights. While universal rights have an important role in defining standards, the differences among women need acknowledgement in order to fight for entitlements that will meet the needs of different groups of women. However, this is not an argument for cultural relativism or a privileging of identity interests. Rather, as the case studies show, this is about struggling for substantive equality – about making rights real.

Second, the practice of getting claims recognised involves not only appealing to the state and other related institutions that are clearly the duty bearers, but also to women themselves. While it is a truism that marginalised groups have poorer access to the means to actualise their entitlements although formal rights may exist, it is equally true that an important aspect of marginalisation is that people do not see themselves as worthy of having rights. Devaluation by others leads to self-devaluation, depriving people of agency. Women's subordinate position in the hierarchical social relations of gender produces self-definitions that constrain rights-claiming beyond those permitted by ascribed relations. Thus an immense amount of work has to take place to organise and mobilise constituencies and to develop an awareness of the right to have a right, and the right to participate in decisions.

Finally, the struggle for rights and equality entails work at both levels – that of material practices and of discourse. No matter how progressive a law regarding women's position, or how relevant and participatory the law reform processes, implementation will depend on whether the public at large and court officials acknowledge that the female, as subject of social relations, has the right to have a right.

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II Redefining citizenship: history of ideas and activism

Citizenship in development

The rise of international rights movements in the 1990s and the concern for 'good governance' stressing accountability and responsiveness stimulated an interest within the development community in citizenship as a concept and practice. Unless people deprived of rights and access to institutions raised their voices, it seemed that poverty alleviation and the realisation of rights would simply not happen. The meaning of participatory approaches to development, once limited to participation in projects, began to include participation in policy forums and governance institutions (Gaventa 2002).

The 1990s decade was exceptional in forwarding the international human rights agenda generally and in bringing about positive changes in women's rights specifically (Molyneux & Razavi 2002). The end of the cold war, the demise of authoritarian regimes and the advent of democracy provided new hope and impetus to social movements, like the women's movements, in their struggle for equality and rights. Global citizen action emerged, protesting unfair trade regimes and economic and social injustices brought about by the international neo-liberal economic policies. This new form of citizen action staked a claim to represent public interest in global decision-making and thereby challenged both the meaning of citizenship as belonging to a territorially defined nation-state and the legitimacy of the state as the only representative of peoples' interests at international forums.

At an international level the human development and human rights communities converged in the common purpose of expanding freedom, well-being and human dignity for all. In this framework, development is understood as a process that expands the real freedom that people enjoy (UNDP 2000 a). Expanding freedoms is thus both the primary end and the principal means of development. This understanding informed the development of rights-based approaches to development that, at least in rhetoric if not in practice, is subscribed to by many international development agencies. Key elements of rights-based approaches include participation of people (especially the most marginalised) in wider decisions affecting their lives, and their empowerment. While the concept of participation has been used in development discourse and practice in a sterile fashion to mean all kinds of consultative exercises with socially excluded groups by public and private power-holders without any promise that the views expressed by such groups will be acted upon, participation within a rights framework is linked to accountability, that is the obligation of power-holders to justify their decision and actions.

These changes in the international scene have far-reaching implications for the way development policy makers and practitioners think about and

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do their work. On the one hand, development agents have for the most part attempted to draw attention to the problems of poverty and marginalisation through 'planned attempts' to analyse and meet peoples' 'needs' through technical means. However, the failure to eliminate poverty and marginalisation and to prevent violations of human rights through technical means has called into question the adequacy of these means. On the other hand, development agencies have moved from perceiving the ultimate recipients of their work as beneficiaries to seeing them as either stakeholders or clients/customers. However, the interconnectedness of rights, accountability and substantive participation in rights-based approaches envisions a different relationship between development strategies and people than in other approaches. A rights-based approach sees people as citizens. A citizen connotes someone with rights rather than someone receiving welfare or buying services. People become agents and subjects, rather than objects, of their own development.

It is important to reiterate that the term 'citizen' connotes someone with rights and therefore imbued with dignity in and for themselves and not because they happen to be rich, powerful, or related through gender or other social relations to more powerful groups in society. It also connotes that the person has the possibility to act, to contribute to society and have a say. Thus citizenship is a way of defining personhood which links rights to agency (Kabeer 2002 a). It is a status that confers rights and gives rise to corresponding obligations. In addition, it is also a practice whereby people are able to participate in shaping their societies. To be a citizen implies not only rights and responsibilities but also interaction and influence within the community (Lister 1998, Meer with Sever 2004). It is through the linking of citizenship as rights to participation in wider decisions affecting one's life that the concept of citizenship bears particular relevance to the practice of development.

The concept and practice of citizenship is not new even though it has in the contemporary context given rise to new debates. Elevating hitherto excluded social groups to the status of citizens is currently seen as a panacea for all the ills facing world development – growing poverty, marginalisation and injustice. However, if the new turn in development thinking towards rights, participation and inclusion is to have any substance it is important to look at why and how the universalistic promise of equal rights and citizenship has excluded so many people throughout history and continues to do so.

The rights and wrongs of citizenship

While citizenship is a way of defining personhood which links rights to agency, the history of citizenship is a history of the denial of rights and therefore agency to specific categories of people in every society and this

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continues to the present. In long periods in history, propertied men were considered the 'community' of equals and women, slaves and non-propertied men, and until very recently black people in South Africa, were excluded from this exclusive club. Most people would agree that citizenship is a good thing, that being a citizen implies respect and dignity, but there is no universal agreement as to what it means to be a citizen. This is so for a number of reasons and can best be illustrated by taking the female subject of social relations as the starting point for understanding why and how citizenship continues to be based on exclusions.

Women all over the world have found it difficult to be entitled citizens, to access equal rights and exercise agency. The basis of the idea that irrespective of one's race, class, caste and gender a person is entitled to the same rights and treatment is the liberal conception of universal rights. In this sense, liberalism has profound emancipatory potential because it claims that one's identity and entitlement is not tied to ascribed relations. However, this universalistic promise of liberalism while fuelling struggles for equal rights has also been the reason for limiting rights to formal guarantees. This is because liberalism does not recognise difference or inequalities between people arising from these differences. In the liberal framework, rights are conferred on the individual, an individual conceived of as the human subject who does not have a gender, class, caste, race, ethnic or community status and is therefore not differentiated in any way in terms of resources and power as real people are. Legal personhood is conferred on the basis of this human core. The law is then seen to be a neutral instrument which confers rights based on this essence (Mukhopadhyay 1998c). The citizen thus created, who is the bearer of rights and who can act politically to secure more entitlements, is considered to be neutral (i.e. sexless, classless, etc).

Feminists, race and disability activists have challenged these dominant, universal conceptions of citizenship. They have shown that rights standards, while seemingly neutral in that they are conferred on the human subject who does not have a gender, class, caste, ethnicity or race, are in reality standards built with elite males in a given society as the norm. This is manifested in the substance of laws and policies and in their interpretation and implementation. Thus entitling all citizens to the same rights does not necessarily promote equitable outcomes and formal rights do not ensure substantive equality or agency.

Despite the reservations mentioned above, feminists come closest to the liberal tradition when they speak for equality and equal rights. This is for a number of reasons. First, feminism claims that the same standards of equality apply universally, that is to all women irrespective of where they come from, even though this might mean that context specific negotiation

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and translation has to take place in order for different groups of women in very different contexts to really benefit. Second, while stressing that women's difference must be recognised in order for rights to be real, the goal remains equality. The recognition of difference does not imply accommodation with specific cultural articulations of female roles and entitlements that treat women as inferiors. Finally, and for the reasons discussed, feminism rejects appeals to culture and tradition that legitimise female subjugation. Most importantly, by stressing equality and the rights of the individual over group or cultural rights, it asserts that ascribed relations should not define women's entitlements.

Framed in this way the meaning and practice of citizenship and equal rights holds out the promise of releasing the citizen subject from the bondage of ascribed social relations, from having to make claims based on norm, charity, benevolence or patronage, into a relationship with a neutral arbiter, the state (Mukhopadhyay 1998c, Kabeer 2002a). For women this means that their identities are as persons in their own right and not in relation to a man as a mother, sister, daughter or wife. It further means that a woman's access to education, health, control over her body and right to land and livelihoods should not have to be via her relationship to a man, subject to community and ethnic norms and/or arbitrated by local custom.

Gender, citizenship and the post-colonial predicament

Much of the feminist critique of the liberal conception of universal rights and citizenship has focussed on the issue of difference and how giving everybody the same rights does not guarantee equality because women's position within social relations is different and subordinate to men and their life experiences are therefore different. This critique while applying to most women across the world is particularly relevant in those societies where the liberal state guarantees rights and provides protection to the individual, an individual who is not enmeshed in ascribed relations. However, the specificity of third world women's position within state-society relations cannot entirely be explained within this framework because in many countries in Asia and Africa state-society relations were formed in a different way to those in the west. Thus the fact that in many countries that emerged from colonialism after the second world war customary and personal law exist side by side with civil law, is more binding and authoritative in regulating gender relations within the family (and community), and by and large treats women unequally has been put down to 'backwardness' and 'traditionalism' that would be cured by progress, modernisation and development. Post-colonial studies have contributed immensely to our understanding of why, despite the protracted anti-colonial struggles that led to the formation of nation-states in Asia and Africa and despite all the trappings of modernity, in these states identities based on religious affiliation, tribe and ethnicity continue to persist and form the basis of

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state-society relations. As has been discussed in Chapter 1, the nation-states that emerged from colonialism carried with them the legacy of state-society relations produced through years of the colonial enterprise that they could not entirely undo. In Asia and Africa, colonial rule set up 'bounded communities' each governed by its own customs and traditions based on ascribed relations of caste, religious community and ethnicity, destroying thereby the pre-colonial social and political arrangements through which diverse populations related to each other and were governed by dispersed systems rather than by a centralised state. The colonial state did this through the codification of practices along lines of caste, ethnic and religious community, thereby centralising power in its own hands.

One of the ways in which the delineation of these 'bounded communities' was achieved was through the construction of personal law and customary law to govern private relations in the family (Mamdani 1996; Mukhopadhyay 1998c). This had two kinds of effects. First, gender relations and women's position became emblematic of the authentic tradition of particular groups giving meaning to specific forms of ethnicity, caste and religious community belongingness. Second, the collaboration between indigenous male elites and colonial officers in the process of codifying custom and practice resulted in male elite interests being codified into law and reducing women to legal minors and dependents of men (Currie 1994, Mukhopadhyay 1998c). No matter how constructed these norms were, in contemporary societies these norms, rules and laws constitute the lived reality and identity of many groups and therefore have been difficult to change.

However, there are other reasons why the promise of citizenship to release the citizen subject from the bondage of ascribed social relations has not been met in post-colonial societies. In Europe, ideas of the Enlightenment with its assertion of free will and individual conscience fuelled the struggle for citizenship. However, it was industrialisation and the rise of capitalism that released individuals from feudal bondage and ascribed relations and provided the material conditions under which citizenship for the average person was won (Kabeer 2002a). While the rise of capitalism and industrial employment released the working man from feudal bondage, it also created huge differences between working people and others because the earlier forms of social security based on membership of village communities, guilds and feudal relations had broken down. The concept of citizenship was made more inclusive through the recognition of social rights and state provision of social welfare measures (Marshall 1950). Unlike post-colonial states that were unable and unwilling to provide social protection to all, this basis of social security and the protection of social rights in Europe helped to reduce social differences within the population.

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The power of the state to effect social redistribution was undermined by international neo-liberal economic policies from the mid-1970s onwards when there was downsizing of the state. In the 1990s we see the role of the state being rehabilitated, as the 'good governance' agenda demanded that the state be more responsible, provide basic rights for citizens and remove poverty. However, the international policy agenda in the 1990s is one of ambivalence, casting doubt on whether the 'state' by itself can achieve the kind of reforms necessary to reduce inequalities and ensure rights for all. While there was much talk about and actual expansion of the human rights framework, this was not matched by significant progress in the achievement of greater social justice. Income inequalities rose in most parts of the world and poverty was persistent. While there was progress on women's rights at an international level there was little progress in making these rights real on the ground. This state of affairs is attributable to the ambivalent international policy in the 1990s which was characterised by an emphasis on democracy and rights on the one hand, and consolidation of a market-led development model inimical to redistribution on the other (Molyneux & Razavi 2002). The question that remains in actualising the new development agenda of rights, participation and inclusion is how capable are these states of undertaking the kind of reforms necessary to ensure citizenship to all, caught as they are in a pincer movement between local elites who benefit from the unequal social, political and economic relations and the ambivalent international policy agenda?

Should women's movements and other social movements seeking a more just society, where rights of the majority are respected, give up on states? Should the development community give up on rights even before they have begun? All the case studies in this section, and indeed in this volume, seem to be suggesting quite the opposite.

III Case studies: the meaning and practice of citizenship

1. LAW REFORM PROCESS AROUND THE CUSTOMARY LAW IN SOUTH AFRICA: CENTRE FOR APPLIED LEGAL STUDIES

Since its existence, the Centre for Applied Legal Studies (CALS), a research organisation at the University of Witwatersrand, has been involved in and committed to applied research on democracy issues. The Gender Research Project (GRP) at CALS was formed in 1992 with the broad objectives of promoting gender equality, human rights and social justice for women and men, with a particular focus on women who are disadvantaged by race, class, geographic location and other factors. As democratic change was underway in South Africa, the GRP at CALS became involved in the constitutional negotiations, providing technical assistance to the Women's

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National Coalition, a broad based women's lobby that came together to influence the negotiations and constitution process, and to women in the main political party – the African National Congress (ANC). It also played a role in one of the key disputes during these negotiations, – the place of customary law in the Constitution.

Background

Customary law is a set of rules and practices governing the lives of indigenous people in South Africa. Prior to the onset of democracy in 1994, customary law did not enjoy a status equal to civil law. The customary system had been manipulated by successive white governments, in collaboration with state-supported male elders, into a system that entrenched and extended the subordination of women through codification, and denigrated African culture. While customary law did not enjoy the same status as civil law, its jurisdiction extended to the poorest black women living in the former rural homelands who were decreed minors, thereby limiting their ability to enter contracts or own property and making them dependants of their husbands.

In the 1990s South Africa underwent a transition to democracy. This opened up the space to negotiate a new constitution and the opportunity for women to set new standards of gender equality in political and legal life. The clash between claims to gender equality on the one hand and to cultural autonomy on the other became a key battle in the negotiations. Women's organisations, academics and politicians, who had mobilised around inclusion within the new constitution, were quick to intervene. The Women's National Coalition (an alliance of women's organisations in civil society, including political parties) united a broad spectrum of women behind the issue. The existence of a rights-based organisation of rural African women – the Rural Women's Movement – within the Coalition meant there was an organisation able to speak on behalf of poor, black rural women most affected by the law. The Rural Women's Movement (RWM) identified reform to customary marriage as a key priority and asked CALS to conduct research and advocacy with them in order to inform the customary law reform process.

The CALS interventions

The first step of the reform process was to ensure that the new constitution provided a framework conducive to promoting gender equality. Along with other women's organisations active in the constitution building process, CALS was involved in ensuring that the constitution would prioritise gender equality over and above the right to cultural autonomy.

A second step was to find out practices relating to customary marriage with the objective of understanding women's experience, needs and interests

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as they relate to marriage in the broadest sense and to make this the basis for engagement with the state in a process of law reform. CALS, along with the Rural Women's Movement (RWM), undertook research on the marriage practices of women subject to customary law, as well as their attitudes towards their status and toward legal reform. Simultaneously, RWM and CALS lobbied for a simple legislative amendment that would remove women's minority status in customary law without success. It was not until the South African Law Commission (SALC) was set up and started functioning in 1996 that the reform of customary law began in earnest. CALS provided technical assistance to the commission and advised the legislators. The law relating to customary marriage was reformed, became a reality in 1998 and was operationalised in 2000. CALS continued its engagement to draw up the regulations to ensure that the law would be operational and also monitored the implementation of the law.

Outcomes and conclusions

A Constitutional framework guaranteeing gender equality

From the perspective of women's lobbies seeking to influence the constitution-making process in South Africa the most important issue was to ensure that gender equality would be prioritised in the constitution over and above the right to cultural autonomy. This was achieved at the eleventh hour of the negotiations when the traditional leaders' last-ditch effort to obtain protection of cultural rights was defeated. Thus customary law, which was seen as emblematic of the cultural autonomy of specific groups, was made subject to the equality clause. This particular outcome defined reform efforts in ways that other countries in Africa and Asia who also have a system of dual laws – civil and customary/personal – were unable to achieve, highlighting thereby the importance of reaching a political resolution to the question of conflicting identities within the state. While traditional leaders no longer enjoyed priority access to the process, the new ANC government nevertheless had to move forward with the knowledge of competing political claims around the status of women under customary law and the place of customary law in the new South Africa.

Research to connect women's lives to policy-making processes

RWM and CALS identified the gap in information and knowledge as a serious impediment to putting forward concrete proposals for reform of customary law and began a research project on the practices, needs and interests of Black women in relation to marriage. CALS' research methodology in the initial phase of research was based on social science methods. It documented the marriage practices of women subject to customary law, as well as their attitudes towards their status and reform. The information collected during this research process provided a basis for engagement with the state in a process of law reform. Thus the CALS

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and RWM advocacy was not informed by 'books', but by the experiences, interests and needs of women who were affected by the law. The research enhanced the possibility of democratic participation by women, especially those respondents who were part of an organised constituency. In addition, care was taken to ensure that the voices of women who were not part of an organised constituency would also be heard through the use of research in the reform process.

First advocacy attempts

The first attempt to advocate for changes to women's minority status in customary law was not successful. This was for two reasons. First, in the immediate post-election period (1995), women's organisations were only beginning to come to terms with the form the advocacy should take and to organise around specific issues, and the government was just beginning the difficult task of developing policies. RWM knew what was needed to improve their members' situation, but was unable to act on this. Secondly, there was some degree of disorganisation in the government and a lack of clarity (on the part of the government and civil society) as to how reforms were to be made. Consequently, a simple legislative amendment proposed by RWM and CALS to remove women's minority status in customary law was unsuccessful as the policy making institutions were still being set up, and the Minister of Home Affairs, under whose jurisdiction this legislative amendment fell, was a representative of the Inkatha Freedom Party, a party based on Zulu traditionalism, and was unlikely to take decisions that undermined the role of traditional leaders as changes in the customary law were bound to do.

Intervening in the law reform process

In 1996, SALC was set up and the reform of customary law began in earnest. When SALC commenced the process of investigating reforms, CALS engaged in this process fully – by written submission, oral advocacy and attending SALC meetings and workshops. It relied on the research undertaken to inform the process.

SALC accommodates public participation at two stages. It first distributes an Issue Paper that outlines the problems encountered and invites submissions on possible solutions. Responses to this paper accompanied by further research then form the basis of a Discussion Paper, which sets out the SALC reform proposals and a draft Bill. A second round of public participation is accommodated when responses to the Discussion Paper are invited and incorporated into a final report that is submitted to the Department of Justice (DOJ). If accepted, the Bill is tabled by the Minister in parliament.

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In this case, the Issue Paper asked whether customary law should be recognised within a single or dual legal system, whether there was need for a common marriage law for all South Africans, or whether customary marriage should be dealt with in separate legislation. CALS argued for a single marriage law for all South Africans based on its research findings that women seek equal status and rights within marriage. The SALC disagreed with CALS and proposed a dual legal system in its Discussion Paper. This was justified 'by the years of prejudices against African cultural institutions and in order to remove the anomalies created by many years of discrimination'. In other words, this policy choice was dictated by history and politics.

While both CALS and the RWM continued to press the SALC for the recognition of marriage within a single legal framework, they eventually had to agree to a dual system of marriage for a very specific reason. The reason was safeguarding the rights of women living in polygynous relationships. Recognition of polygyny or the rights of women living in polygynous relationships could not be accommodated within a unitary system of marriage, as the basis of civil law of marriage was monogamy. The issue of polygyny had caused much debate within CALS and the RWM. On the one hand the RWM and CALS' research findings overwhelmingly rejected the practice as oppressive to women. However, questions were raised about the protection of women and children in existing polygynous marriages. Prohibition of polygyny would render these women even more vulnerable and marginal. In the CALS research, enormous concern had been expressed about the protection of property in polygynous marriages. In addition, certain events caused CALS to rethink the issue. Significant here was the Annual General Meeting of the RWM in February 1998, where members chanted the slogan 'one man, one woman'. CALS noticed that some members sat quietly, not chanting the slogan. When asked about this, they replied that they were living in polygynous relationships and this prevented them from chanting the slogan. During discussions facilitated by CALS, the divisiveness of the slogan was raised. CALS became aware that women were not a homogeneous group and they could not condemn polygyny with one voice.

CALS suggested that a middle way of extending legal protection to women and children be found. It was to prove difficult to translate this into workable legal provisions. Members of the RWM living in polygynous relationships lobbied for 'serial division of property' on second, third and fourth marriages. According to this view, marital property should be divided among existing spouses every time a man wants to take an extra wife into marriage. This group also wanted women to be given an option to choose whether to become parties to polygyny or not. They knew that one of the reasons why women continue to live in polygynous relationships was fear of losing their homes and the marital property to which they had contributed.

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CALS advocated for this 'serial division of estates' to be incorporated in the new law: that is, a new contract regulating property be drawn up and made an order of court before a subsequent marriage. Thus a way was found to protect women living in polygynous relationships by framing the law in a way that would make polygyny expensive, and eventually lead to its disappearance, while safeguarding women's rights to marital property. This was then included in the draft bill of the SALC.

The draft bill was submitted by SALC to parliament as early as 1998 because of the intense lobbying by the Women's Committee in parliament that the bill be fast-tracked. CALS was invited both before and after the bill was tabled to advise parliamentarians as to its contents. It also participated in the public hearings. This was critical since the bill, by recognising the rights of women living in polygyny, was extremely controversial and CALS had to explain how this could be justified from the point of view of the provisions being appropriate and relevant for the most vulnerable women.

Monitoring the law

The process of fast-tracking through parliament meant that the Recognition of Customary Marriages Act was made operational only two years after its enactment, in November 2000. It also meant that the Justice Department was unable to address questions of implementation, including infrastructure and necessary resources, prior to the enactment of the law, as was the usual practice. One of the main tasks, therefore, was to develop regulations for the operation of the Act. This went some way in addressing key infrastructural issues by identifying which government departments and courts were responsible for the Act. CALS lobbied the promulgation of these regulations through its newsletter (distributed to MPs, government officials, judicial officers and NGOs) and in discussions with stakeholders.

In monitoring implementation CALS, on the one hand, sought to identify the problems that the operational agencies of the state responsible for implementation experienced and to engage them in seeking solutions. They found that although the Act required registering officers to register all customary marriages, this could not be done because the Department of Home Affairs whose responsibility it was could not provide the necessary number of officers or facilities to undertake registration. They further found that while the Act required that High Courts and Divorce Courts adjudicate over disputes arising from customary marriages, there were less than twenty of these Courts for the entire country and most were situated in the urban centres, thus posing problems of access for those poor women from rural areas wanting to bring such disputes to court.

On the other hand, CALS identified the problems experienced by the users themselves and the social and cultural norms that posed constraints to the

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effective use of the new provisions. The majority of people to whom this Act applied were poor, uneducated and had little access to information about the new law or how to use it. Since the Act improved the position of women, it was women who were most likely to want to make use of it. But it is rural women who are the most impoverished and disempowered. Further, social and cultural norms that view women as minors persisted amongst women and men in many communities and women had internalised ideas of their own inferior status. These constituted barriers to the implementation of the Act and its recognition of women's equality, barriers that were exacerbated by women's financial dependence on men. And finally, although the reform of customary law of marriage made the state agencies mainly responsible for administering the law while taking away some of the powers of the traditional leaders, in some instances traditional leaders nevertheless resisted the provisions equalising women's status in customary marriage. This suggests that women may encounter resistance within communities when attempting to register their customary marriages using the new law and may mean that despite the positive reforms in the new Act, many women will remain unprotected by the law and the Constitution.

In monitoring the implementation of the new law, CALS learned that in order to ensure that the key principles of the law are adhered to and have the effect of improving the lives of poor women, women's rights advocates have to be attentive to the way in which the law is interpreted and implemented by the responsible state agencies, and build awareness among users about the law.

In drawing lessons from its involvement in the reform process of customary law, CALS reached the following conclusions that have relevance for similar situations in other countries. First, in order to reform a politically sensitive issue like customary law, an open, democratic and participatory governance system is a pre-condition. Second, a conducive, participatory and open system of governance does not guarantee that the law will reflect women's realities and concerns. It is important to visibilise women's concerns and to give them a voice in the law reform process in order to ensure that it reflects their needs and interests and involves them in the formulation. Bringing women's concerns and interests to bear on the formulation of provisions of the reformed law meant in this instance listening to and giving voice to the concerns of women living in polygynous relationships and foregrounding their suggestions for how best to deal with this issue. The aim was to ensure genuine equality between women and men in marriage rather than just attaining formal equality. Finally, advocates for change need to understand the nature of law reform processes in the state, work in partnership/alliance with others who are influential in the process, intervene in all phases of the process, including

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implementation, always mindful that strategic choices must be made but that in making these choices the impact on one's constituency should always be kept in mind.

2. NEGOTIATING WOMEN'S RIGHT TO GUARDIANSHIP: NARIPOKKHO, BANGLADESH

Naripokkho is a membership-based women's activist organisation founded in 1983, working for the advancement of women's rights and building resistance against violence, discrimination and injustice. Naripokkho's activities include advocacy campaigns, research, discussions, cultural events, and lobbying on issues of gender justice.

The Constitution of Bangladesh states that "all citizens are equal before the law and are entitled to equal protection of the law" [Article 27]; and "the State shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth" [Article 28 (1)]; and finally "women have equal rights with men in all spheres of the state and public life" [Article 28 (2)]. However, these general principles relating to non-discrimination on the grounds of religion and sex are contradicted by the Family and Personal Law that divide citizens according to their religion of birth and in which women and men's entitlements in the family are unequal and are determined by scriptural tradition. Naripokkho decided to use women and men's unequal rights to guardianship of children in the personal laws of the two main communities, Muslim and Hindu, as a way of raising awareness regarding the contradiction between the equality principles enshrined in the constitution and the international conventions that Bangladesh is signatory to including CEDAW, and inequality inherent in the personal laws that govern relations in the family.

Background

Personal law is a system of laws governing relations in the family codified in the nineteenth century by British colonialists on the basis of scriptural traditions. Whereas prior to colonialism, laws/ norms regarding marriage, divorce, guardianship of children, property transfers and succession were heterogeneous and localised (rather than being centralised), in the nineteenth century, in order to consolidate their rule, the British codified the diverse practices of communities and homogenised these, basing them on the scriptural traditions of the main religious communities, namely, Hindu and Muslim. For the Indian sub-continent (of which Bangladesh was a part) this meant the 'discovery' of religious and scriptural tradition as the basis of customary obligations and morality, which was then turned into 'law'. A long history of collaboration between the colonial rulers and Indian male elites resulted in what today are known as the personal laws

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of Hindus and Muslims. This collaboration entrenched both elite and male interests in the laws. In all personal laws women's rights in the family were subordinated to that of men. Further, with decolonisation the new regimes were confronted with the problem of how to reform these laws to bring them in line with the principles of equality while at the same time not antagonising the groups/communities that claimed these laws as their cultural heritage and markers of their identities. The association of the personal laws with 'religion' made these all the more difficult to reform since scriptural tradition was seen to be immutable. In reality, however, reform was possible when there was political consensus (as was the case with the Hindu personal law in India which was reformed in the 1950s).

In contemporary Bangladesh, the law relating to guardianship of children, in both the Muslim and Hindu personal laws, deem the father of the child the 'natural' guardian. The mother's right to custody and guardianship is limited and conditional. Besides the personal laws, adjudication on guardianship can also take place under the civil law on guardianship which in Bangladesh is the Guardian and Ward Act 1890, a law that has not been amended for over a century. In the Guardian and Ward Act too the father is deemed to be the natural guardian of the child and the mother's right to custody and guardianship is limited and conditional. The issue of guardianship and custody of children only arises when the marriage is at stake (divorce or separation) or if either parent dies, both because the responsibility for the welfare of the children has to be fixed and also because the inheritance to which a child may be entitled has to be held in custody till such time as he/she can claim it as an adult. Thus one of the reasons why the father, rather than the mother, is deemed the natural guardian of the child is because the laws relating to property ownership and transfer in both Hindu and Muslim personal law favour men over women. The laws regarding guardianship of minor children (as of their property) ensure that female members of the family (the mother for instance) cannot lay claim to family property.

Women's movements on the Indian sub-continent, as also in Bangladesh, have long campaigned for repeal of personal laws and for the institution of a uniform civil code to replace family laws based on religion. However, in the different political contexts of India, Bangladesh, Sri Lanka and Pakistan, this appeal has not been met and in some instances it created hostility and strife. In any case there is no guarantee that a Uniform Civil code would also be gender fair. In the absence of support for law reform, and especially reform of personal laws (seen to be immutable), Naripokkho and similar organisations were faced with the question of how best to expose legal inequality and question social norms and values that support discrimination. The answer seemed to lie in creating public awareness regarding just how unjust the personal laws were to women. The issue of

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guardianship seemed most appropriate to help expose the injustice since it was an emotive issue and had great cultural resonance in that it evoked the rights of mothers and values of 'motherhood'. Since state initiated reform of personal law was out of the question, the space to intervene and open up a discussion about women's rights to guardianship was in the community – among women, men and children affected by these unequal laws, non-governmental organisations, and local government representatives who are often called to resolve family disputes. Naripokkho, therefore, decided to raise awareness at a local and national level on the issue of guardianship and to link these 'voices' to political arenas in demanding policy change.

Naripokkho's interventions

The main objective of the interventions was to raise awareness and to create widespread public discussion about the unjust laws relating to guardianship and the need for reform. While guardianship was selected as the issue on which to build awareness, the objective was to expose the gender discriminatory nature of the personal laws and government inaction.

Naripokkho worked on public awareness and mobilisation of women's organisations at a district and national level. In collaboration with a district-level women's organisation, Naripokkho surveyed schools, consulted with mothers of school-going children and with the students from the schools selected in the survey, with a view to finding out their opinion about the right of mothers to guardianship of their children and to raise awareness about the issue. Further, at the district level consultations were held with Municipal commissioners (urban local government representatives) and *Union Parishad* (rural local government body) members with a view to sensitising elected members so that they could play a more active role in the *shalish* (local courts) committees in their localities to promote women's guardianship rights.

At national level Naripokkho held consultations/meetings and seminars with different stakeholders, and training events for non-governmental organisations and the national network of women's organisations on personal laws and specifically the guardianship laws. A review of court cases was undertaken to study the process of law, the basis on which guardianship cases are decided and how these judgements view women's entitlements. As part of the public campaign Naripokkho developed and disseminated materials on guardianship and personal laws. At the national level Naripokkho collaborated with Doorbar, a network of 400 women's organisations spread throughout Bangladesh.

The campaign and training activities at local and national levels led up to a national seminar on Women's rights to Guardianship that brought together legislators, state officials, lawyers and women's rights advocates.

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Outcomes and conclusions

Creating public awareness at the local level

Engaging children and guardians

As a first step to engaging children and their guardians on the issue of women's rights to guardianship, a survey of schools in Jamalpur (a district town in Bangladesh) was conducted to identify forums where consultations with mothers and children could be held regarding the issue. A series of meetings with mothers and children in the Jamalpur schools was held between September 2001 and February 2002. 119 mothers were consulted in parent-teacher forums. These consultations created an opportunity for understanding ordinary women's own perceptions about the issue; helped to introduce the issue to them within a rights-based framework; and explored the possible strategies and arguments for securing equal guardianship rights for women.

Although fathers are the guardians of the students in question, it is mainly mothers who attend the parent-teacher meetings at the school. Most of the mothers who attended consultation meetings had never thought of guardianship as part of their rights. However, once the issues were introduced to them, it resonated with the frustration they had always felt but never articulated about not being considered the rightful guardian of their children. Consultations with mothers proved to be emotionally charged. Some of the women were aware that mothers acquired guardianship rights only under special circumstances. They wanted a change in the existing situation. Some argued that guardianship rights should automatically follow the biological status of motherhood, that a woman who bears and rears a child must be given total guardianship rights over that child. Mothers proposed more dynamic actions including lobbying politicians and policy makers. They said that from then on they would place the demand for mothers' guardianship rights to candidates seeking votes during elections, and make their votes conditional upon the candidates' commitment to bringing about changes in the Guardianship Act.

Consultations were held with 150 school-going children (from classes six to ten) of two schools, a boys' and a girls' school, in Jamalpur. The issue was introduced to both the children and teachers while eliciting the children's' views regarding women's right to guardianship. While a third of the children mentioned their father as their guardian, more than two thirds of the children saw the mother as the favourite parent. Asked whether mothers should have the same right of guardianship as fathers, most children seemed to agree that this should be so. Only two students disagreed and the reasons offered were that Islam enjoins male authority in the family and fathers have the economic means and social authority necessary to be guardians. However, most children accepted the notion of women's claim to guardianship not within a rights framework but because they saw women as 'natural' carers of their children.

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Engaging elected representatives of local government bodies
Meetings were held in Jamalpur with Municipal commissioners and *Union Parishad* members. This was aimed at sensitising elected members to play a more active role in the *shalish* committees in their localities to promote women's guardianship rights. The greater exposure of these public representatives to formal and informal processes of adjudication meant that they were aware that guardianship of children was a contentious issue. While most agreed that women should have rights to guardianship over children this was argued from the point of view that women are mothers, and that it is cruel to separate a young child from its mother. Some argued that in a changing world mother's guardianship should be seen as a right. However, discussion regarding the right to guardianship inevitably led to discussion of property rights. While a mother's right to guardianship was acceded on the grounds mentioned above, it was not entirely clear whether this group would like to see the law changed to reflect this, since it would also mean that divorced women and widows would have access to and rights over their husband's property or at least that part of it that the child should inherit. Whether or not Islam permits the guardianship of children by both parents also featured prominently in the discussion. The consensus seemed to be that Islam was equitable but that the laws as they had been promulgated did not reflect this spirit. However, the local councillors were clear that Islam disallows equal inheritance rights for women and men and that this could not be changed.

A direct outcome of these meetings with local government representatives was that when called to adjudicate in family disputes in the *shalish* committees, these representatives showed greater sensitivity to the rights of mothers. Thus while women's bid for justice in relation to their right to guardianship of their children from the formal state institutions of the law is constrained by the law itself, the intervention by local elected representatives in family disputes and in favour of women was a way to get the right to guardianship acknowledged and implemented.

Engaging non- governmental organisations
A series of consultation meetings were held with five non-governmental organisations that provide support to 234 local women's committees (*Mahila Samity*) and with ten women's organisations with the objective of introducing the issue to them, acquainting them with the existing law and its discriminatory nature, and encouraging them to make the issue of women's equal right to guardianship a part of their work.

Creating public awareness at the national level
Raising the issue with the Doorbar network
Doorbar is a network of 400 women's organisations from all over the country. At the second National Conference of Women's Organisations,

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held in January 2002, Doorbar members discussed the issue of women's guardianship rights, along with other rights where women are deprived. As women's organisations attending the conference came from different parts of the country, this facilitated the task of spreading concerns about women's guardianship rights throughout the country. This conference enabled different constituencies of women to express their specific problems regarding the right to guardianship of their children. For example, sex workers pointed to the problem of not being able to admit children to schools and hospitals because they could not give the child's father's name.

Training workshops
Training workshops were organised for Naripokkho researchers and Doorbar members to develop a clear idea about the existing guardianship laws; to learn how to raise awareness about the issue at the field level; and to get familiar with how to advocate and lobby for a more equitable law.

Raising the issue at the International Women's Day network
Naripokkho adopted women's guardianship rights as the theme for the International Women's Day celebrations in 2002. Naripokkho celebrates this day through a committee of which 48 other organisations are members. A leaflet was printed and distributed throughout the country.

Auditing court cases on custody and guardianship
Naripokkho undertook a review of litigation on guardianship and found that in most cases guardianship was not the clear-cut issue that was the subject of litigation but that these cases inevitably involved disputes over property and inheritance. The father's unconditional right to guardianship enshrined in law was more often than not used to refuse a woman's claim on their children and also on the property her children had inherited. Inheritance and succession are regulated by the personal laws and are central to male interests since these laws protect male succession and inheritance. Naripokkho thus did not use rights to property and inheritance as the issue to talk about the inequality in the personal laws in its public campaigns because it would alienate men from supporting women's demands for equality.

National level information dissemination meeting
Naripokkho organised a national level Information Dissemination Meeting on "Women's Rights to Guardianship" in January 2003 to lobby the government to review the laws regarding guardianship. Around 100 participants were present in that meeting including politicians, leaders of women organisations, NGO executives, academics, researchers, leaders of human rights organisations and government officials. The key findings of the eighteen-month action research project were presented. The Law, Justice

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and Parliamentary Affairs Minister was also present. A keynote paper outlining the issues related to guardianship was presented along with the evidence collected about the practical difficulties faced by women as a result of not having guardianship rights over their children. Testimonies from women who have and are facing these difficulties were also presented.

In the ensuing discussions all the participants, including the Minister for Law, Justice and Parliamentary Affairs, seemed to agree that the laws as they existed at present were gravely unjust. The Minister for Law and Family Affairs offered a way out of this situation by suggesting the amendment of the Guardian and Ward Act of 1890 to ensure equal rights for women in relation to the guardianship of their children. He was willing to support this in parliament. However, he pointed to the need to proceed with law reform in ways that did not contradict Muslim religious principles especially those relating to property. While reform of the guardianship law, particularly the Guardian and Ward Act 1890, should not pose a major problem because it is a civil law, the laws regarding inheritance would be difficult to reform because these were part of the personal laws, based on Muslim scriptural traditions (and therefore immutable). He advised Naripokkho to consult senior legal experts and to come up with a clear briefing note on the issue of reforming the Guardian and Ward Act of 1890.

The pragmatic way forward

The preliminary auditing of the court cases on custody and guardianship showed that the issue of custody and guardianship is inextricably bound up with women's right to property and inheritance. Consultations with local government officials revealed that while they were willing to support women in their bid for guardianship of their children, they would not support division of property and inheritance patterns that went against 'Islamic' principles. At the national seminar too, this opposition to reforming any aspect of the law that derived from scriptural tradition (most centrally the law of inheritance and property) was echoed by the Minister himself. Thus while guardianship of children can be partly addressed at a legal level by amending the Guardian and Ward Act of 1890, property and inheritance issues cannot be addressed short of reforming the personal laws. Since the personal laws are seen to be based on religion, and since politicised religious identities have become the defining parameters of majority and minority identities in Bangladesh (as in the rest of the Indian subcontinent), reform of these laws cannot be achieved short of wider questioning of why this dual system of laws needs to be maintained, and who is a citizen of Bangladesh. Given these political circumstances, the present strategy adopted by Naripokkho to raise awareness about the right of mothers to guardianship of their children, to include this in the agenda of the women's movement, to encourage local government commissioners to adjudicate on women's behalf at a local level, and to

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proceed to lobby for changes to the Guardianship Act seems to be a pragmatic way forward.

3. EXPERIENCES IN USING THE WOMEN'S CHARTER AS A LOBBY AND ADVOCACY TOOL: ZIMBABWE WOMEN'S LAWYERS ASSOCIATION

The Constitutional Women's Coalition of Zimbabwe was set up in June 1999 by women activists in order to redress the marginalisation of women and their concerns from both the government-led Constitutional Commission and the civil society-led National Constitutional Assembly (NCA). A key strategy for achieving this was the development of a charter of women's rights through a process of broad-based consultation.

The Constitutional Women's Coalition is a network of around 66 women activists, researchers, academics and representatives of 29 women's human rights organisations. Its membership is drawn from trade unions, women's wings of political parties, and women's organisations. The Zimbabwe Women's Lawyers Association (ZWLA), a membership non-profit organisation made up of women lawyers in private practice, public service, commerce and NGOs, acted as the secretariat for the Coalition. ZWLA was formed in 1992, and its members are drawn from all parts of Zimbabwe. Its mission statement is to create a society where there is equal legal and social status between men and women. ZWLA provides free legal assistance to women and children, and undertakes legal education.

Background

The Constitutional Women's Coalition of Zimbabwe was formed in a context where civil society organisations challenged the government in a way unprecedented since independence. Among these organisations was the National Constitutional Assembly (NCA), established in 1997 by civil society organisations, calling for a new democratic constitution for Zimbabwe. The NCA sought to build a broad alliance around constitutional reform, but soon came into conflict with a government-initiated, non-transparent process of constitution making.

Although individual women and women's organisations were members of the NCA from its inception, they found that they were marginalised within it. The Constitutional Women's Coalition was set up by women members of the NCA to rectify this. Women's organisations were therefore part of the challenge to the government at the same time as they challenged the civil society movement to take greater cognisance of gender concerns.

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Interventions

As a first step to influencing the constitutional reform process and the NCA in favour of women's equal rights, women activists and organisations formed the Constitutional Women's Coalition in June 1999. A second step was the development of the charter of women's rights drawn up through a participatory process of consultations with women's groups all over the country and which became the main tool for negotiating women's rights. The Coalition popularised the charter through a series of actions aimed at civil society groups, the government and political structures, and the NCA. Since presidential elections were to be held in 2002, the charter was used as a tool to engender the governance agenda between 2000 and the presidential elections.

Outcomes and conclusions

Women emerge as a political constituency

The Coalition brought women together as a political constituency through a participatory process which involved women across the country in drawing up the charter. Launched at a national conference of 1500 women in August 1999, the charter included the range of issues women wanted addressed within a new country constitution. These included economic and social rights and demanded protection in private and public arenas. Women claimed their place as equal citizens, making their voices heard in this important process.

Ignoring civil society demands and processes in calling for a new constitution, the Government of Zimbabwe's Constitutional Commission unilaterally drafted a constitution which was put before the people of Zimbabwe in a referendum. Civil society had not been drawn into this process and the process itself was a slight on civil society as well as a display of government power. The civil society call was to reject the government's constitution. In addition to the issues raised by civil society generally, the Women's Coalition scrutinised the draft constitution from the perspective of the demands made in the charter. They noted that the draft constitution did not address the charter, and neither did it take care of the concerns of the majority of Zimbabweans that had been communicated to the Constitutional Commission. As a result, the Coalition made a political decision to campaign that women should vote against the draft constitution at the referendum. This decision was political in that the Coalition had put itself on the line in launching a campaign that opposed the government. The outcome of the referendum was that the people of Zimbabwe rejected the draft, and women had had a significant hand in obtaining this result.

This marked a sharp turning point in Zimbabwean politics. It suddenly dawned on the government that the people of the country could openly oppose it. In addition, the government faced the threat for the first time

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since independence of being opposed by a growing opposition party in elections to be held in June 2000, three months after the failed referendum. This marked the start of ever-increasing repression and the silencing of opposing voices.

Following civil society's role in influencing the referendum against the draft constitution, the government became even more repressive and began targeting NGOs through threats of de-registration. The period prior to the parliamentary elections was marked by violence, with a significant gendered violence. The women's Coalition during this period made a decision to focus on the election and launched a "Vote for Woman" campaign. This was seen as a strategic shift, aiming at the overall goal of the Coalition which was to see the rights of women in the country adequately protected and guaranteed by the state. Increasing the number of women in political office was one strategy towards that goal.

The Coalition and the Charter after 2000

In order to keep the charter alive in the political scene in Zimbabwe and use it to press for constitutional reforms in women's favour, the Coalition:

- disseminated the charter to grassroots women, NGOs, MPs and key government personnel;
- involved member organisations in using the charter in their daily work with political parties, government and other civil society organisations;
- involved NCA field workers in engendering their work on resuming the constitutional reform process through using the charter;
- promoted the charter as an agenda that MPs, political parties, women's wings and government personnel should respond to.

Training of field officers and engaging them in using the charter

A training workshop was conducted in April 2002 with a group of 25 women field officers of member organisations of the Coalition. This was followed by an assessment in June 2002 with some but not all of the field officers, as it was becoming difficult to hold meetings and consultations in the increasingly repressive political environment. The assessment indicated that the fieldworkers were able to use the charter in their respective areas of work because as an all-embracing document it covered issues of relevance to women's lives in a range of local contexts. So for example those working on violence against women were able to draw on those sections of the charter that dealt with this issue. Field workers gave the charter to local leaders in order to influence the political and governance process. After the training, some women who were part of the process of formulating the charter took the process a step further to use it within discussions and negotiations in their communities, especially with their local leaders. The Coalition found that it was vital to maintain a grassroots base in order to make the charter a living document, and this was done

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through member organisations of the Coalition with links with grassroots constituencies. To facilitate its widespread use at grassroots level the charter was translated into the two main local languages – Shona and Ndebele – and distributed widely to members and other stakeholders.

Dissemination of the charter to key government personnel, NGOs and MPs
By disseminating the charter to government personnel, NGOs and MPs, the Coalition was able to popularise women's demands and increase its own public profile so that it could influence a range of institutions. The Coalition disseminated the charter to the director and the policy department of the Ministry of Justice – strategic points for influencing the content of government policies. As a result, officers of the Department of Justice considered the charter when reviewing the marriage laws of Zimbabwe, and called on ZWLA to facilitate the analysis of marriage laws from a gendered perspective.

In addition, the Coalition disseminated the charter to women parliamentarians and made them aware of the broad range of demands in the charter. As a result, the women's Parliamentary Caucus called on women's organisations to help identify how they could influence change in specific areas of the law.

Various NGOs, including non-Coalition members, were given the charter. These included the National Constitutional Assembly and the National Association of Non-Governmental Organisations (NANGO) both of which adopted the charter as the policy document to guide them on women's issues. Engaging with these bodies displayed the potential of the charter to influence different institutions. What made this possible was the legitimacy of the charter because of the consultative and inclusive way in which it was drawn up. These institutions accepted it as an authentic embodiment of women's demands.

Dialogue with political parties
The Coalition held dialogues with three political parties – the MDC, the ZUD and the United Party – on the need for gender balance in top party positions and gender sensitive manifestos. The Coalition conducted a gender critique of party manifestos against the charter. The critique noted that no party had a clearly articulated gender policy. This result was widely publicised, and the MDC responded by drawing up a gender policy. The ruling party ZANU (PF), however, refused to meet or engage with representatives of the Coalition.

Engendering the NCA led constitution reform process
The Coalition continued its attempts to influence the NCA process, with a key strategy being that Coalition members would take positions on the various committees and the NCA task force. The chairperson and other

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members of the NCA task force were members of the Coalition who tirelessly drove the process to engender it. When the NCA renewed its drive for a new constitution at the beginning of 2001, it called for a national conference. At this conference, attended by over 1000 people, ZWLA made a presentation on behalf of the Coalition. ZWLA made clear that women's participation in the process was crucial and that the women's charter was the document that should guide the NCA on what women want to be addressed in a new constitution. Following that conference, the NCA decided that the charter be disseminated among its entire membership and be incorporated into the suggestions for reform. It is important to note that ZWLA and other members of the Coalition attended the NCA meetings, and in discussions drew on the charter to ensure that women's issues were not sidelined. In addition, the chairperson of the NCA, a woman who was also a member of the Coalition, worked to convince NCA members on the importance of adequately incorporating women's issues into the constitution.

The Coalition thus challenged the male domination of the NCA and was able to influence a decision that at least 30 percent of the members of the National Task Team of the NCA should be women. However, there was no quota at regional level, and only one of ten regional leaders was a woman. A woman has served as NCA chair for a term. From 2001 onwards, tension between the NCA and Coalition members increased, resulting in a decision by the Coalition to use the charter outside the constitution process, while remaining NCA members as individual women and individual organisations.

Although the NCA draft constitution did not contain all the demands from the women, it was a great improvement on the provisions of their previous draft. In its assessment of the draft document, the Coalition used the charter as its yardstick. The charter proved to be an invaluable tool to the Coalition in this renewed process. Negotiations were easier to handle from the standpoint of a document that came out of wide consultations. The overall outcome of the negotiation indicated that it pays off to engender a process from within. While the Coalition was not able to engender the entire reform process, strides were made in this direction.

National Gender Policy

The government-led process of drafting the National Gender Policy was concluded quickly due to the political call for the process to be expedited. The policy, however, fell far short of being a document that effectively addressed the needs of women in the country. The Coalition undertook an analysis of this document against the charter and sought to influence its amendment. At a workshop hosted by the Ministry of Gender, a ZWLA member made contributions from this analysis to show the shortcomings of the Gender Policy. It was one of the tasks of the women's movement to continue to lobby for a better policy.

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The Coalition and the Charter in a repressive political environment

It was difficult for the Coalition to sustain itself given the repressive political climate. The Coalition was formed in a context where democratic forces were on the rise and in a period where, for the first time ever, the government was confronted with a strong opposition party (the MDC). The government responded with increasing repression, pronounced that constitutional reform was not a priority issue and that land reform was the most pressing one. The volatile environment threatened to throw civic groups into disarray, dividing them by party lines. Like other civil society organisations, polarised party-political views have had to be negotiated within the Coalition. Like other civil society organisations, the Coalition has experienced a loss of members as individuals leave the country as a result of the political and economic turmoil in the country. However, in a situation of intense political division, the charter served as a rallying point for women. It did so because of the broad range of women, transcending party and other divides, who engaged in a participatory process and who saw the charter as being relevant to their lives.

4. WOMEN ACCESSING POWER: GENDER ADVOCACY PROGRAMME, SOUTH AFRICA

The first democratic elections in South Africa held in 1994 included hitherto excluded groups in political processes for the first time. Women were nominated for elections to parliament in large numbers so that after the first elections, 27 percent of the Members of Parliament were women. On the other hand, black women from poor localities had gained the right to be voters for the first time. The Gender Advocacy Programme, formed in 1993, whose mission it is to empower poor black women to hold elected parliamentary representatives accountable, undertook a programme that involved taking women from working-class communities to parliament to meet women parliamentarians and be exposed to parliamentary processes.

GAP (Gender Advocacy Programme) was formed on the eve of South Africa's first democratic elections by a group of activists who had lobbied for greater representation of women in the first elections and in parliament. Aware that an increased representation of women would not automatically translate into improved living conditions for poor black women, this group of activists formed the organisation GAP.

Background

GAP's project of linking newly elected women parliamentarians with poor women was intended to empower poor black women to hold women in parliament accountable. Over three years from 1999 to 2001, 450 African and Coloured working-class women were involved in these visits to parliament.

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However, the question was as to the real impact of these visits both on the lives of the community women who were involved and on the work of parliamentarians whom they visited. Were these visits able to hold parliamentarians accountable to the needs and concerns of women from poor communities? What kind of actions would ensure this accountability?

Interventions

Assessing the impact of the visits to parliament on community women who had been involved in the project and on the parliamentarians they had visited, was the first activity carried out by GAP as part of the action research programme. GAP undertook a documentation study and conducted interviews with community women, women MPs and GAP staff. In these discussions, GAP assessed the visits conducted up to 2001, explored the interests and concerns of community women, and strategies for addressing these concerns. GAP then compiled and discussed the findings with the community women and with GAP staff, and on the basis of the findings developed a new modus operandi for future visits to parliament.

GAP arranged visits to parliament by women from two communities in a way which centred on an agenda defined by these women. Together with the women from these two communities, GAP assessed the new form of visits to parliament and attempted to provide ongoing support to women.

Outcomes and conclusions

Assessing the impact of visits to parliament

The need for a project entailing visits to parliament was originally identified by GAP in discussions with women from marginalised communities. GAP learnt that these women felt alienated from their elected political representatives and that they saw women parliamentarians as an elite group not acting on behalf of poor women. Women from poor communities felt disempowered in accessing parliament, the provincial legislature and local councils. GAP decided to address this by bringing marginalised women to parliament, exposing them to parliamentary processes and providing them the opportunity to meet women parliamentarians. Individual women were recruited for the visits from communities least likely to access parliament and with whom GAP had previous contact. In assessing the impact of these visits GAP found the following:

- The visits in themselves were not sufficient to empower women to access parliament or to ensure that parliament was responsive to women.
- In one instance, where a woman Member of the Provincial Legislature (MPL) was involved in a visit by community women from the constituency she served, the MPL initiated follow-up after the visit. However, in most cases women who went on the visits did not initiate further contact with parliamentarians, nor did GAP have a strategy for ongoing contact with the community women, their organisations or communities.

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The visits however:

- de-mystified parliament for community women;
- made community women aware of parliamentarians as ordinary human beings;
- stimulated greater respect for the community women in their communities and their homes;
- encouraged more women in the communities concerned to join local organisations involved in the visits.

To meet the goals of empowering poor women to access parliamentarians and to ensure their concerns were addressed, GAP realised it would be necessary to shift to a community-based approach which facilitated poor black women to come together to hold political representatives accountable.

The previous visits were planned as one off events with no follow up, the idea being that community women would get exposure to parliament and women MPs. Discussions with parliamentarians were usually of short duration – around fifteen minutes. Discussions did not focus on a specific issue, and therefore did not allow for meaningful dialogue.

Community women selected for the visits tended to be individual women who did not belong to organisations, and this limited their ability to build on the experience. There were no specific selection criteria for women MPs involved in the visits – such as MPs covering the constituencies the community women came from, or MPs holding specific portfolios. Instead, a general invitation was sent to all women MPs with attempts made to ensure that MPs came from across all political parties.

Community women felt GAP should contribute to building the women's movement by developing the skills of grassroots activists involved in organisations in their communities. This required that the project should shift its focus from individual women to organised groupings of community women; that the group should bring a specific issue to the meetings with parliamentarians; and that GAP should provide additional support and follow up to the visits to parliament.

In exploring their interests with women involved in previous visits from six communities, GAP found key issues were unemployment, problems arising from changes in the state child support grant, HIV/AIDS, and domestic violence. In these discussions, GAP got a deeper sense of community dynamics and community concerns, and explored possible strategies with the women. It was evident in these discussions that parliament was not the most appropriate avenue for dealing with all the concerns raised by the community women. GAP and the women needed a

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clearer understanding of the issues different spheres of government were responsible for in order to target the appropriate authority.

It was agreed that GAP would create a space for more meaningful dialogue in future meetings. Future meetings would involve community-based women's groups, be focussed on specific issues, and MPs would be invited on the basis of their involvement in the particular issue and/or constituency. GAP would help community groups define more clearly the issue they wanted parliamentary women to respond to, and would help to identify the other relevant authority or sphere of government that needed to be addressed. In addition, GAP would provide support to community groups after the visits to parliament.

Reformulating the visits
GAP redesigned the visits on the basis of the above findings and involved two women's groups – one from the community area of Manenberg and one from Mfuleni – in these reformulated visits.
For future action GAP decided to:

- monitor the agendas of parliament and the various parliamentary committees and arrange inputs by community women on these issues;
- explore the possibility of visits to communities by parliamentarians to enable parliamentarians to get a better sense of community women's concerns.

Different groups and different outcomes
In assessing the reformulated community approach of facilitating dialogue between two community women's groups and parliament, GAP found that differences in the histories and experiences of the two groups were evident. However, both community groups felt they had gained from the training. They were encouraged to think through how they could hold politicians accountable. In particular, women in Mfuleni gained confidence in their ability to take up their concerns.

The group from the better-serviced and more settled coloured community of Manenberg had prior experience in lobbying and advocacy, had higher levels of formal education, spoke English and Afrikaans, had some knowledge about the issue of concern to them (i.e. the Maintenance Act), and this was also an easier issue for GAP and the MPs to relate to.

The group from the less developed African community, where most residents saw Cape Town as a temporary home – their "real" homes being in the rural areas of the Eastern Cape – had no prior lobbying experience, had lower levels of education, spoke Xhosa and needed translation in the training (something that had not been foreseen and that GAP was not prepared to provide easily), and their issue of concern, which was unemployment, was

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too broad and complex for GAP and the MPs to address easily. At the meeting in parliament, both groups had equal time, but since the Mfuleni group needed translation, less time was actually spent on their concerns.

Impact of the reformulated community approach

While the subsequent meetings were an improvement compared to past visits, the women were not able to get parliamentarians to commit themselves to specific actions. After the meeting with parliamentarians, the two community groups assessed the visits and follow up plans with GAP. A steering committee was elected from each community to meet, discuss next steps and decide on what further assistance they needed from GAP.

The Manenberg women asked GAP for assistance in holding a community workshop on the Maintenance Act. The Mfuleni group asked GAP to assist in developing a more specific demand on the issue of unemployment. They also planned to meet an NGO providing training in business and production skills for job creation.

Both groups had difficulties undertaking their planned follow up activities, and needed ongoing support from GAP. Their relatively intense involvement with the community groups gave GAP a better sense of these communities and enabled GAP to tailor assistance to communities more adequately. In the case of the Maintenance Act, GAP was able to refer the groups to appropriate levels of government. However, GAP was unable to direct the women concerned with job creation/unemployment to an appropriate level of government. It was clear that merely providing exposure to elected representatives does not sufficiently empower women from disadvantaged communities, and that GAP needed to reformulate the objective of its Gender and Governance Project.

The overall conclusion reached was that bridging the gap between women elected to government and working-class women at community level involves working intensively with women's organisations at community level, as well as being able to engage at all levels of government across a range of policy areas. Any organisation undertaking such an initiative needs to build capacity in the wide range of skills involved, and has to be well networked with other organisations that would be able to contribute to this process.

5. ENGENDERING THE PEACE PROCESS: NORTH EAST NETWORK (NEN), INDIA

The "Engendering the Peace Process" action research project was undertaken by NEN in Manipur, one of India's north-eastern states. The goal was to contribute towards solutions to conflict in the north-eastern region of India by strengthening women's networks for peace building in Manipur.

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The North East Network (NEN) is a women's organisation with its headquarters in the State of Assam in India. It works in the seven north-eastern Indian states on gender and development, and on peace building and conflict resolution.

Background

The common predicament of the seven states in the north-east of India is their geographical and economic isolation from the rest of India. The ongoing struggle of peoples in these states to establish their right to autonomy has led to political instability, ethnic conflict and outright violence. The conflicts are both between the Indian Government and insurgent movements, and between the insurgent movements representing different ethnic groups.

Manipur, the state in which NEN was active in this project, is inhabited by a diverse number of tribes and sub-tribes. It is divided into two distinct parts, the valley and the hills. The Meitei, Pangal, Loi, Yaithibi and Nepali communities dominate the valley. The Meitei community is the dominant ethnic group and their identity and distinctive form of Hinduism defines what outsiders know about Manipur. The hill areas have two distinct sections, one inhabited by the Naga groups and the other by the Kuki-Chin groups; in addition, there are numerous other tribes inhabiting the area. A majority of tribes are Christian while others practice traditional religions. The history of Manipur therefore has two distinct features – one, the history of the valley and the other, the history of the hills.

Since the accession of Manipur to the Indian Union in 1949, Meitei groups have been in conflict with the central Indian state, demanding autonomy and in some cases secession and independence. Similarly, the other groups in Manipur feel disaffected and have their own movements for autonomy. Military clashes between these movements and the Indian armed forces have resulted in the state of Manipur becoming a battleground. People's lives have been torn apart as a result of ongoing battles between armed insurgent groups and the Indian state, as well as by the battles between armed groups.

Manipur is known for women's activism. There are records of large women's movements from the beginning of the twentieth century mobilising against state authorities on behalf of citizens and helping to reverse anti-poor laws and regulations. Commentators attribute this to the historical control women in Manipur had over agricultural production and the markets, breeding the expectation that they should safeguard these interests against arbitrary state power.

While women from almost all communities have been organised and have been part of various movements, the most well known movement is the

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Meira Paibis. The Meira Paibis, or the "torch-bearing women", first emerged in the mid-twentieth century, patrolling the streets at night and punishing alcoholics and drug abusers. In recent years, Meira Paibis have been involved in humanitarian activities in Manipur, especially working on issues relating to atrocities by the state and the armed forces. They are the only section of people who have access to and – to some extent – moral authority over insurgents. In the 1990s, when the extension of the Armed Forces Special Powers Act transformed Manipur into a garrisoned state, women were in the forefront of the struggle against human rights violations by the security forces. However, despite a tradition of activism in Manipur, there was no effort by the state or non-state actors to involve women in the actual peace negotiations. In this situation, it was women's movements which came to be defined as the socially acceptable players in Manipur's peace process to act as the go-between, to play the role of the 'healer' or the 'pacifier'.

Interventions

In order to strengthen women's networks for peace building in Manipur, NEN decided to:

- strengthen women's advocacy skills in peace building, and in processes of mediation and negotiation;
- sensitise law enforcement agencies on issues of gender in the context of the conflict and trauma experienced by the majority of women and communities;
- contribute to restoring the capacities of women and men living in vulnerable conflict areas through the creation of participatory development initiatives.

In pursuance of these objectives NEN undertook consultations with key women's organisations in Manipur, conducted a survey of community-based women's groups and their activities and negotiated a programme for gender sensitisation with the state administration. However, six months into the programme a major crisis erupted in Manipur and hostilities between communities turned the state into a battlefield. In this situation, the fragile women's network built by the project through its activities was unable to function. After a semblance of peace was restored, NEN attempted to rebuild the network by bringing women (representing different ethnic groups) together in trauma counselling workshops and workshops on peace, and organising exposure programmes to other states with similar problems.

Outcomes and conclusions

Building the network

In January 2001, contacts with women's organisations in Manipur were formalised, and at an initial consultation representatives of key women's

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organisations welcomed the project and decided to hold a larger consultation to initiate the network and plan its activities. In March 2001, the first formal consultation of six women's organisations took place over a period of two days. The six organisations represented different ethnic groups but shared common problems of the conflict and the violence it generated. Since most of these groups worked at the local level in their immediate vicinity and community, they rarely had the opportunity to meet others in similar situations. Added to this, given the complex mosaic of inter-ethnic strife in the state, many had not had the opportunity to meet across ethnic groups. The consultation therefore provided an unusual opportunity to meet across divides of locality and ethnic identity.

Survey and other activities
In order to further the work of networking among organisations, the NEN project team met with the women's organisations in their own areas throughout April and May 2001. A survey was undertaken to document the history, objectives and activities of the organisations and their needs for capacity building. The compilation of this data showed that small and localised women's initiatives had grown in response to the most pressing problems faced by these communities. These are on the one hand the problems of growing alcoholism and drug addiction, and on the other hand the need to take care of people in the aftermath of violence and conflict.

Negotiations with the district administration
The NEN contacted the district and state administration in order to propose gender training for the district law enforcement bodies, and a one-day sensitisation programme was agreed upon as a beginning.

Conflict and breakdown
Wider events, however, radically disrupted planned activities to build a network of women's organisations working on peace, and to sensitise the district administration officials and law enforcement bodies about the problems faced by women. On June 14th 2001, civil and political order in Manipur broke down. The immediate provocation was the peace agreement between the Government of India and one of the ethnic groups, the Nagas. This fuelled misunderstanding and tension among other ethnic groups, specifically the Meitei. Violence erupted and people were killed. This put paid to the project activities since the main strategy was to build a network of women's organisations across ethnic divides.

Back to the future
It took six months for the situation in Manipur to calm down, and NEN began the painstaking task of rebuilding the fragile network of women's organisations and of bringing women leaders together from different ethnic groups.

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Trauma counselling

NEN decided to go ahead with plans for trauma counselling training in the following six months so as to contribute to building the capacity of women's organisations and to initiate a process of inter-ethnic dialogue. Three rounds of trauma counselling training for representatives from twelve women's organisations had the following outcomes:

- It provided a broader framework for looking at conflict and issues relating to conflict.
- By drawing parallels with other situations of conflict in India, the training helped participants learn from experiences of other women facing conflict.
- It provided a safe environment and the space for the women to discuss their feelings and issues affecting their lives.
- It resulted in developing a core group of members who network among each other, build on their strengths, and finally disseminate their learnings.
- It brought about a qualitative change in how the women view themselves and how they relate to others.

Exposure programmes

In pursuance of the strategy to build the capacity of organisations, women's groups in Manipur were invited to take part in two regional workshops held in the neighbouring state of Meghalaya. The first workshop discussed the *Tenth Five Year Plan Approach Paper* acquainting the participants with the national development plan and implications of the plan. The second workshop was on *Health, Vulnerabilities and Rights: Gender and HIV/AIDS*.

NEN also initiated a workshop on *Gender and Peace* in April 2002, which was attended by eighteen women's organisations from Manipur. The workshop was successful in bringing together leaders of women's organisations and in acquainting them with a rights-based framework on gender and development that cuts across ethnic divides.

Exposure of women's groups to discussions and debates on the above issues has greatly contributed to their wider understanding of issues of concern and ultimately in rebuilding the women's network.

Impact of NEN's work

NEN has succeeded in creating a forum in Manipur where women from different organisations come together and share issues that affect their lives. The trauma counselling training has proved to be a process of self-discovery for the participants, helping the women who participated to overcome ethnic barriers and build strong relationships. The activities undertaken across ethnic divides helped in initiating dialogue across ethnic lines and between women's organisations for the holistic development of the North-East.

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This network-building constitutes a beginning of a larger project to bring community-based women's groups together across ethnic lines. While larger and more traditional women's organisations will continue to play a significant role in peace negotiations, exposing human rights violations and seeking justice (e.g. Meira Paibis), the role being increasingly played by small and localised women's initiatives in responding to the most pressing problems faced by these communities means that efforts to build a more just peace on the ground are strengthened.

6. REFRAMING THE GLOBAL DEBATE ON TRAFFICKING FROM A SEX WORKERS' PERSPECTIVE: DURBAR MAHILA SAMANWAY COMMITTEE, INDIA

The action research project undertaken by Durbar examines the strategies that a sex workers' organisation can apply to claim space as agents and citizens within debates and action on anti-trafficking and from this perspective redefine the concept of trafficking, thus challenging their relegation to the margins as mere victims.

Durbar, based in West Bengal in India, with headquarters in the city of Calcutta, and working for the rights of sex workers, is an affiliation of autonomous sex workers' organisations, with a membership of about 60,000 sex workers. Durbar's initial concern was the promotion of sexual health and HIV prevention. However, the sex workers and workers of the HIV prevention intervention Sonagachi Project realised that the very basic aim of improving sexual health could only be realised if the social exclusion of sex workers was addressed. Durbar therefore mobilised sex workers across West Bengal in a political community of sex workers through creating a positive self-identity as sex workers.

Background

In the 1990s decade the issue of trafficking had become a major concern worldwide. The overriding assumptions on which the general understanding about trafficking are premised and on which anti-trafficking practices are based conflate trafficking with trafficking of women and children for sex work. Further, discussion and action on trafficking has too often been based on the perceptions of authorities or experts from the outside, rather than on the views, needs and interests of the very people who are trafficked. As a result, solutions offered ignore the possibility of involving sex workers as active agents to combat trafficking, thereby further exacerbating the problem rather than exploring effective and sustainable preventive measures.

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Durbar joined the debate on trafficking at a moment when a bill to curb trafficking was being debated in the Indian Parliament. Anti-trafficking lobbies that saw prostitution as a moral malaise were influential in the debate and their intention was to put in place a law that would penalise sex work and criminalise sex workers.

Interventions

As a community of sex workers Durbar did not have access to those spaces where decisions regarding how to curb trafficking were taking place. They therefore tried to influence the decision-making process by gathering information through research undertaken from the perspective of the sex workers on how and why trafficking takes place, creating spaces for discussion and debate, and putting in place practical mechanisms to curb trafficking.

Durbar investigated the root causes of trafficking into sex work and explored sex workers' understanding on how to prevent it. They developed and popularised an intervention model, the Self-Regulatory Boards, designed by sex workers to prevent trafficking into the sex trade. They created an advocacy forum, the international *mela* for sex workers, to discuss and debate with the public and key decision-makers regarding trafficking and the rights of sex workers. Through these interventions they attempted to build the capacity of sex workers to analyse factors determining vulnerability to being trafficked and also to run Self-Regulatory Boards effectively.

Outcomes and conclusions

The survey on trafficking

The qualitative study involved three components: in-depth interviews with 92 sex workers; fifteen focus group discussions each involving between ten and seventeen sex worker activists; and case studies on women who have been trafficked into the sex industry and their subsequent experiences.

The in-depth interviews explored the lives of respondents before they left home or were trafficked; the reasons that prompted these women to leave home in the first place; the circumstances under which some of them were then trafficked and the reasons for their remaining in the sex industry. The ways in which these women regained control over their lives and came out of the trafficked condition were also investigated. The respondents were asked about their perceptions of the changes that need to be made in order to make their lives more secure, and their reflections on whether their being women made them more insecure and vulnerable.

The research showed that contrary to popular belief, poverty per se *does not* inevitably lead to trafficking. Poverty and lack of viable livelihood opportunities can and do prompt people to migrate. Most of the respondents

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came from very poor households, where they had little or no access to education or training in marketable skills. However, many had left home in search of better livelihoods, to escape parental or marital violence or drudgery, or to seek love. When in search of employment and new opportunities they were introduced to future recruiters – brothel keepers or factory owners, money was exchanged for their services and they lost their freedom.

Not all the respondents got recruited into sex work directly after leaving home or being trafficked. Some were recruited as domestic help and a few in small, informal manufacturing units, where they got very low wages and sometimes none at all, were verbally and physically abused, sexually harassed and often summarily dismissed when they protested their conditions. Some were brought directly to red light areas and sold off to brothel keepers.

A significant number of respondents left home for love and it was the boyfriends they had absconded with who introduced them to the sex industry, sometimes after a brief and half-hearted attempt at conjugality, but more often directly. Many of the respondents never saw the man they left home with, once they had been paid off by the brothel keeper, while a few of the men stayed on for a while, living off the women's income.

The study found that rather than a well-organised mafia of traffickers controlling recruitment, a string of individuals carried out different functions in the entire trafficking process, such as helping undocumented migrants to cross international borders illegally or introducing them to potential employment sectors, in exchange for money. This may be because the sex trade in Calcutta is not a lucrative one (as compared to Bombay for example).

The study looked into the reasons that stopped women from going back home. None of the respondents of the in-depth interviews and focus group discussions had returned to their earlier homes or lives after getting out of the trafficked situation. Interestingly, none of the respondents cited coercion by brothel keepers or other gatekeepers of the sex industry as a reason for not going back. Rather, it was the stigma attached to being a sex worker and apprehension of social rejection that closed that option for them. Having become a sex worker, they feared that parents, family or neighbours would not accept them and that neighbours would socially ostracise them. The other important reason for the majority choosing to continue in sex work was that it provided them with a viable income, with which they could sustain themselves, look after their children and support their unsympathetic families.

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The study further helped to dispel another popular misconception regarding trafficking. The dominant discourses describe a trafficked person as eternally doomed, forever trapped in the condition of lack of rights and victimhood, without ever regaining control over her life. The experience of the respondents showed that the condition of being trafficked is a temporally bound and reversible phase in a person's life, and the condition does not persist inter-generationally in the context of sex work. At the time of the study, none of the respondents who were trafficked into the sex industry had remained with the original brothel keeper to whom they were sold.

The study revealed that police raids to rescue sex workers led to their imprisonment in remand homes meant for destitute people and delinquents. Sex workers found themselves in a situation over which they had no control, not dissimilar to their trafficked situation, with sexual exploitation and abuse common in the remand homes. In some instances the remand homes were authorised to free the sex workers under their 'guardian's' custody, even when the sex workers were adults. This created conditions for further exploitation since brothel keepers or petty impostors posing as guardians took charge of the sex workers, exploiting the situation to extort money from them or to make them work as bonded labour.

Factors that enabled sex workers to get out of the trafficked situation included support from fellow sex workers, especially those who were more experienced and street smart. These colleagues provided advice, courage, loans and contacts of more friendly madams. In some cases members of Durbar played this role of counsellor and guide. For some respondents their regular clients, or *babu*s, came to the rescue, offering support and financial help to set up independent establishments. In some cases the madam herself helped the respondents to change their situation. However, a madam helping out was an exception rather than the rule and many respondents recounted how they had escaped from the brothel where they were sold off in the middle of the night when everyone else was asleep. In these cases too, other sex workers often provided information about contacts in other sex work neighbourhoods where the respondents could find shelter and start working again. While outsiders, be they colleagues, friends, *babu*s or madams provided support and practical help, it was the respondents themselves who had to take the initiative and find the conviction to make the move.

The findings from the in-depth interviews and the case studies were discussed and analysed by the Durbar sex worker activists in focus group discussions. From the experiences of the respondents and the activists, both as sex workers and as anti-trafficking practitioners, they defined Durbar's position on trafficking. They defined trafficking as an *outcome* of a process where people are recruited and moved within or across

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national borders without their informed consent and coerced into a 'job' or occupation against their will and the trafficked individual loses control over his/her occupation and life. As sex workers' rights activists they were more concerned with the outcome of the trafficking than with the process itself. Their concern was that people lost their right to self-determination as a result of trafficking. In trying to understand why trafficking takes place, they looked at the instances of trafficking into sex work, as that is where their expertise and interests were located. The reason trafficking continues and flourishes in various sectors of the labour market is the persistent demand for trafficked labour, a demand based on the lucrative potential of trafficked labour which, being outside of the protection of the law, cannot claim fair wages or safe working conditions, thereby hiking the profit margins of the employers. Durbar concluded that to end trafficking into sex work efforts need to focus on ensuring that all madams and brothel owners abide by norms that would bar them from recruiting trafficked labour.

Self-Regulatory Boards

Members of Durbar have always been involved in helping other sex workers escape from situations they did not like. However, they realised that to make a real dent into the practice of trafficking, they would have to formalise their efforts. In 1999, Durbar established three local Self-Regulatory Boards. The idea of the Self-Regulatory Board is modelled on those that exist for other professions, for example the medical and legal associations. The primary objective of the Self-Regulatory Board was to prevent exploitation and violation of human rights within the sex trade. Sixty percent of board members are drawn from local sex workers including some Durbar activists, and 30 percent are made up from among local elected representatives, representatives of the state, legal professionals and medical doctors. However, after being constituted these boards remained fairly inoperative, while the Durbar activists continued their individual initiatives against trafficking. During the course of the present project Durbar set up Self-Regulatory Boards in nineteen areas including Calcutta city and the district towns of West Bengal state in India. Between 1999 and 2002, Durbar recovered 179 trafficked sex workers, of whom 59 were minors, and took them to safe custody. Durbar repatriated 21 minors from Bangladesh and reached 38 Indian nationals, who were trafficked within the country, to their homes. Durbar provides alternative livelihood training to some of the trafficked adults who do not want to engage in sex work.

The principal challenge for these Boards is that they do not have any legal or social standing and authority. State officials operate on the Boards as individuals rather than as representatives of the state. Since the activities of the Self-Regulatory Boards are not considered legal, the authority to 'rescue' women who are being trafficked is vested with the police. Conse-

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quently, Durbar activities to 'rescue' women who have been trafficked can easily be interpreted as taking the law into their own hands, as kidnapping or even trafficking them. Such tensions become even more obvious and acute when Durbar refuses to submit the rescued individuals into police custody. Durbar has taken a stand that their chief interest is in restoring a degree of control to the trafficked individual and not in convicting the trafficking agent, the latter being the responsibility and concern of the state. So they have decided never to put a trafficked individual in police custody, a normal police procedure in building a case against a trafficker.

The other challenge for the Boards is a more practical one. While the sex worker members take up actions against exploitation, the non-sex worker members are still more hesitant to participate in Board activities, even though in principle they had agreed to be members. Also the effectiveness of the Boards is dependent on the majority of the local sex workers having confidence in the Board and supporting its actions. Thus, in order to gain sex workers' trust and also to involve the non-sex worker members more actively, the Self-Regulatory Boards have embarked on a series of developmental activities in the red light areas. These include helping sex workers to acquire ration cards, repairing roads in the red light areas, arranging regular clearing of garbage, and proper water supply and so on. These activities bring succour to sex workers, increase the legitimacy of non-sex worker members such as councillors and *panchayat* members who are in any case supposed to provide such services to their constituency, and they make the Boards more visible, giving them a certain legitimacy in the area.

'Mela' as an advocacy space

Much of Durbar's activities have concentrated on opening up spaces in various public forums where sex workers can articulate their interests and demands and exchange views with representatives of other civil society organisations, the state and the media. Towards this end Durbar had organised workshops, seminars, state and national conferences in the past. However, during the project period Durbar did something new. Both in March 2001 and in 2002 Durbar convened a *mela* or carnival as part of their on-going programme to visibilise sex workers' rights.

The *mela* invited participation from sex workers' organisations from the rest of India and from South and South-East Asia. Since it was a public space the citizens of the city had access too. They organised public discussion forums where citizens debated with the sex workers about the status and rights of sex workers, on the role of the state towards the community, issues of sexual minorities, the role of sex workers in the health sector as well as on the much-debated anti-trafficking bill. Beamed into every middle-class home via live coverage on television, a much wider audience was exposed to the events and debates than those who actually attended the *mela*.

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The political controversies surrounding the organisation of the *mela* also helped to reach their message to a wide audience. There were differences between the state government in West Bengal and the central government in Delhi about whether the *mela* should be allowed to proceed or not. The decision to allow the *mela* to go ahead was taken by the state government although a compromise was reached that permitted the *mela* to continue but disallowed the procession of sex workers through the city. The decision was taken on the constitutional rights of all people to peaceful assembly whether they were sex workers or not. Sex workers by implication were granted their constitutional rights as citizens.

IV Deepened understandings and lessons about strategies

Between 'community' and state: women's rights in customary and personal law

Two of the case studies in this section tackled the archetypal citizenship problem faced by post-colonial states – the colonial legacy of state-society relations wherein 'bounded communities' based on ascribed relations are political communities; where claims to cultural autonomy of these communities become the bargaining point with the state; and where customary and personal law are emblematic of the authentic traditions of these political communities, making reform difficult even when these laws contradict constitutional guarantees of gender equality. In analysing their role in the reform of customary laws of marriage in South Africa, CALS provided insights into the issues at stake. In tackling the deeply discriminatory laws relating to guardianship in the personal laws (as also the civil law), Naripokkho in Bangladesh exposed the contradiction between the constitutional gender equality principles and the inequality in the personal law.

In South Africa the political moment when it was possible to reform the customary law of marriage was that of a new democracy. However, the fact that there was a new democracy did not guarantee in any way that the claim to gender equality would supersede claims to cultural autonomy of the diverse ethnic groups whose rights had been consistently undermined by the apartheid state. The Women's National Coalition (an alliance of women's organisations in civil society, including political parties) had to actively participate in the negotiations on what kind of society and democracy South Africa aspired to be and to insist on the principle of gender equality as being paramount. In this they were greatly helped by the position of the main political party, the ANC, which supported women's rights as a way of demonstrating its continued commitment to inclusion of all citizens in order to redress inequalities of the past. Political support for women's equality, which cut across race and ethnicity, also helped the

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ANC to rupture the connection made through years of apartheid rule between political identity based on ascribed identities of race and ethnicity and its relationship to the state.

Despite the conducive political climate the issue still remained as to what kind of reforms would meet the needs and interests of those women who were governed by customary law. RWM and CALS identified the gap in information and knowledge as a serious impediment to putting forward concrete proposals for reform of customary law and began a research project on the practices, needs and interests of Black women in relation to marriage. The results of the research were then used to formulate the recommendations that CALS made to the South Africa Law Commission when the reform process began in real earnest. CALS' insistence that the outcome of the reformed law should be substantive equality and not just formal equality also meant that they represented the actual needs and interests of black women living in polygynous marriages and accepted that polygyny would be retained as a part of the reformed law even though this was anathema to feminist orthodoxy and to many in the women's movement in South Africa and elsewhere. This also meant giving up on their original insistence that there be one law of marriage rather than a dual system because the civil law could not allow polygyny.

Thus what we learn from the experience in South Africa is that in order to break with the colonial legacy of state-society relations the advent of democracy and freedom is a necessary but not sufficient condition. The presence of a strong women's lobby insisting on gender equality as the overriding principle and the building of political consensus towards a plural and inclusive society based on respect and equality, but not on ascribed identities, is what can create the conditions for legal changes that will promote substantive equality. However, even this is not sufficient to ensure that the reformed law will reflect the interests of women. In order to ensure that the law will reflect women's interests, ordinary women have to be seen as worthy of consultation and participation in the process of law reform.

As has been discussed in Chapter 1 and shown in the case study, this political consensus to disrupt the process of political identity formation along the lines of ascribed identities was not available to women's rights activists in Bangladesh. Ascribed relations of religious affiliation were already established as political identity and the basis of citizenship and state-society relations. Consequently, raising the issue of women's equal right to guardianship of their children in a context where the personal laws of both the Muslim majority community and Hindu minorities deemed the father as the guardian meant questioning the basis of citizenship in Bangladesh. State initiated reform was out of the question because the

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state was captured by political communities based on religious affiliation. Thus for Naripokkho, a women's rights organisation, the space for opening up a discussion about women's rights to guardianship was in the community – among women, men and children affected by these unequal laws, non-governmental organisations and women's rights networks, with local government representatives who are often called to resolve family disputes and finally with government ministers and legal experts. To call attention to the discriminatory and unjust system of personal laws it was necessary to choose the issue of guardianship because of its emotive appeal among all sections of the population. In all the consultations with different stakeholders it was clear that while there was support for women's rights to guardianship of their children, this did not extend to property rights. In every situation where the discussion regarding equal property rights came up, the overriding discourse was of 'bounded communities', Hindu and Muslim, and the immutable scriptural traditions that are seen to be the basis of the personal laws of these communities, and therefore the impossibility of reform.

We learn from the Bangladesh case study that in the absence of political consensus to break with the legacy of state-society relations, the pragmatic way forward is the one adopted by women's lobbies – to raise awareness about the issue among all constituencies, to include this in the agenda of the women's movement, to encourage local government commissioners to adjudicate on women's behalf at a local level, and to proceed to lobby for changes to the laws that can be changed (in this case the Guardianship and Wards Act of 1890). The other important learning becomes apparent if we compare this example with that of South Africa and examine the space available to women's lobbies to make their claims. The difference seems to be that in the political consensus-making in South Africa, gender equality became the *political* tool for the dominant party to build the consensus. In Bangladesh the fate of political parties and governments is not tied to gender politics in society.

The meaning of substantive equality

While all the case studies engage with the question of how rights can be made real, two of these cases in particular are engagements with the question of how to ensure substantive equality and citizenship rather than formal equality. The experience of CALS with respect to the retention of polygyny is a key example. Was CALS subscribing to a form of cultural relativism by agreeing to polygyny? Feminism claims that the same standards of equality apply universally, that is to all women irrespective of where they come from, and this claim is made to ensure that specific cultural articulations of female roles and entitlements cannot be used to justify treating women as inferior to men. By tailoring the construction of rights according to the needs of the affected population (in this case

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Black women in South Africa living in polygynous relationships), CALS and the South Africa Law Commission were making sure that the outcome would be substantive equality, that women would be able to use the law to make claims to what was rightfully theirs.

In Zimbabwe, the Women's Coalition used the charter to represent all those rights that would ensure real equality rather than just formal equality. Women were claiming their place as equal citizens of the country; they wanted their voices heard in the Constitutional Review process, and issues of concern to them to be included in a new constitution. Thus women's demands in the charter did not remain confined to civil and political rights. They claimed economic and social rights and demanded protection of their rights in private and public arenas.

From agency to rights: the 'how' and 'where' of citizenship

In all the contexts represented in the case studies formal rights as in constitutional guarantees of gender equality existed but it meant little to the women who needed the protection of these guarantees the most. Thus in order to make these rights real it was necessary to resource rights-claiming, that is develop 'voice' and agency, build a sense of entitlement among women, and identify and work with those on whom the claim is made. This is the strategy that most of the civil society organisations pursued. A claim may be made by influencing fulfilment of rights at three levels: the definition, interpretation and implementation of rights. The best entry point for action depends on the context (Moser & Norton 2001). As we see from the case studies the specific context shaped where and how rights-claiming took place.

Building a sense of entitlement

Building a sense of entitlement in women involves work to organise collectivities that grow into an awareness of the right to have rights. GAP realised that it was not enough to take individual women to parliament because this in itself did not empower the women to be active political agents nor the parliamentarians to be accountable to women's concerns. Thus GAP had to work to build community organisations in the poor settlements and help them to identify and articulate their demands. In Manipur, NEN used the trauma counselling workshops to build bridges between women from different ethnic groups involved in the conflict, in order to organise them into a future force for negotiating peace. Naripokkho worked with mothers affected by unfair guardianship laws and with the national network of women's organisations to build a sense of entitlement among women to equal rights to guardianship of their children.

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Identifying and working with duty bearers

By appealing to the public at large through the organisation of the *mela* and setting up Self-Regulatory Boards that invited the participation of different social and political actors, Durbar showed that in order to get recognition and respect for rights it is not only state institutions that have to be targeted but that civil society and other institutional actors need to be the focus of attention too. In monitoring the use and implementation of the new customary law of marriage that had been put in place in South Africa, CALS found that the deeply entrenched views both among civil society actors (including women themselves) and law implementation bureaucrats regarding women's entitlements in marriage posed real barriers to the implementation of the law. Thus in order to get the law implemented much work was needed among traditional leaders and law implementation bureaucrats to build consensus and understanding in civil society that women were not legal minors and that they had equal rights in marriage. After the defeat of the government's referendum on constitutional reform and in an environment of growing repression, the Constitutional Women's Coalition of Zimbabwe revived the charter and argued for its adoption in different forums, such as government ministries, the NCA, and civil society organisations. GAP found that Parliament was not always the most appropriate level to seek accountability and had to identify the levels of government where accountability to women's interests could best be enforced.

Finding spaces for the articulation of rights

Finding both the means and the spaces for creating wider acknowledgement of the rights of marginalised groups seems to be the task of civil society organisations in enhancing women's citizenship claims. A key approach has been to build a set of demands with broad-based participation and to place this in the political arena where contests for the recognition of rights take place. In Zimbabwe, the Constitutional Women's Coalition was formed in a context where civil society organisations were challenging the government in a way unprecedented since independence. A key instrument for advancing women's interests within the constitutional reform process was a charter of women's rights, drawn up by the Coalition through a participatory process involving women across the country. Launched at a national conference of 1500 women, the charter became the bill of women's rights that was used as the criteria for judging whether the constitutional review met standards of gender equality. When it did not, women voted against the proposed constitution and defeated it. CALS used the opportunity provided by the new democracy in South Africa and the setting up of the South Africa Law Commission to intervene in the law reform process. Durbar used the *mela* as a space, and in Bangladesh Naripokkho worked in schools, with mothers, in local councils and with the women's movement and NGOs to raise awareness about a right that had little recognition even among socially aware groups.

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Technical skills to visibilise claims

Undertaking research, data collection and evidence building is a key strategy to visibilise claims. The research undertaken by CALS to identify the practices, needs and interests of women in relation to marriage gave voice to women's concerns in the law reform process. Durbar's qualitative study on how and why women are trafficked into the sex trade highlighted the real issues and concerns of sex workers themselves and helped them to articulate their position on trafficking. Naripokkho's study of court cases showed that the issue of custody and guardianship is inextricably bound up with women's right to property and inheritance and therefore the parameters within which the right to equal guardianship would have to be argued.

Democracy as a resource for rights-claiming.

Democracy is a resource for rights-claiming as is evidenced in the fact that in South Africa the reform of customary law could only take place with the advent of democracy and the initiation of democratic institutions, and that despite the fact that their identity is not respected or recognised sex workers could organise a public event on the grounds that it was a constitutionally guaranteed democratic right. In Zimbabwe, on the other hand, the shrinking democratic space and the widespread repression of voices opposed to the government has led to disarray among oppositional forces including the women's coalition. Democracy, therefore, is a resource and not a guarantee and must be treated as such, and rights-claiming by marginalised groups expands both the notion of democracy and the spaces for democratic action. This is often not acknowledged or recognised by those working in development who see the 'voicelessness' of marginalised groups as an eternal condition, a malaise of underdevelopment and traditionalism. The action research on which this book is based shows that creating voice of the most marginalised and carving space for its articulation impacts upon the self-esteem of the claimants and on their appreciation of the right to have rights, as well as on the institutions and actors that have a duty to meet the claims being made.

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Original Sources

Aurat Foundation and Shirkat Gah (2003) 'Final Report on Strengthening the National Commission on the Status of Women: A Consultative Process" in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

CALS Gender Research Project (2003) 'Final Report on Gender, Citizenship and Governance Project' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

COVA (2003) 'Orientation on Gender Issues for Muslim, Dalit and Backward Caste Elected Women Representatives in Municipal Corporations, Municipalities and Community Development Societies, Final Report on Action Research Undertaken in Collaboration with Royal Tropical Institute (KIT) Amsterdam' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Durbar (2003) 'Report on Durbar's action research project on reframing the global debate on trafikking from sex workers' perspectives in collaboration with Royal Tropical Institute (KIT), the Netherlands as part of Gender, Good Governance and Citizenship Programme of KIT Gender' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Goldman, T. (2003) 'GAP's Women Accessing Power Project: A report on action research undertaken as part of KIT's Gender Citizenship and Governance Programme' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

ICES (2003) 'Redefining Political Legitimacy: Lobbying for a Quota of reserved seats for Women in Sri Lanka's Political Institutions' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 190

Naripokkho (2003) 'Report on Establishing Women's Rights to Guardianship: An action research project in collaboration with Gender Citizenship and Governance Programme, Royal Tropical Insitute (KIT) The Netherlands', in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Naripokkho (2003) 'Ensuring Accountability of the Local Health Authorities and Health Service Providers to People, Especially Women in Bangladesh, Naripokkho, Bangladesh in collaboration with Royal Tropical Institute (KIT) The Netherlands Gender Citizenship and Governance Programme', in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Nirantar (2003) 'Action Research Study on Educational Opportunities for Women, submitted to Royal Tropical Institute Netherlands', in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Purokayastha, N. (2003) 'Report on Action Research Project on enabling Elected Women Members of Parliament to Participate in Development Committees at Grassroots Level' in KIT Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports, Amsterdam: Royal Tropical Institute.

Zambia National Women's Lobby Group (2003) 'Increasing Women's Participation in Political Decision Making as Candidates and Voters in Zambia' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Zimbabwe Women Lawyers Association (2003) 'The Constitutional Women's Coalition of Zimbabwe: Experiences in using The Women's Charter as a lobby and advocacy tool' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 191

Bibliography

Abers, R. (1998) 'From Clientelism to Cooperation: Local Government, Participatory Policy and Civic Organising in Porto Alegre, Brazil', *Politics and Society*, 26 (4): 511-538.

Afshar, H. and Barrientos, S. (1999) *Women, Globalization and Fragmentation in the Developing World*, Basingstoke: Macmillan.

Agarwal, B. (ed.) (1998) *Structures of Patriarchy: State, Community and Household in Modernising Patriarchy*, Delhi: Kali for Women.

Albertyn, C. (1994) 'Women and the Transition to Democracy in South Africa', in: Murray, C. (ed.) *Gender and the new South African Legal Order*,Kenwyn, Juta &co.

Alvarez, S. (1990) *Engendering Democracy in Brazil: Women's Movement in Transition Politics*, Princeton: Princeton University Press.

Aurat Foundation and Shirkat Gah (2003) 'Final Report on Strengthening the National Commission on the Status of Women: A Consultative Process' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Bacchi, C. (1996) *The Politics of Affirmative Action: Women, Equality and Category Politics*, London: Sage Publications.

Bangladesh Mahila Parishad (2003) 'Report of Action Research Project on Enhancing and Sustaining the Role of Elected Women Members of Local Governments as Political Agents', in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Bauer, G. (2002) 'The Hand that Stirs the Pot Can Also Run the Country: Electing Women to Parliament in Namibia', unpublished paper.

Bell, E. with Byrne, B., Laier, J., Baden, S. and Marcus, R. (2002) *National Machineries for Women in Development: experiences, lessons and strategies*, report prepared for the Ministry of Foreign Affairs, Denmark, February 2002.

Benhabib, S. (1996) 'Toward a Deliberative Model of Democratic Legitimacy', in: Benhabib, S. (ed.) *Democracy and Difference: Contesting the Boundaries of the Political*, Princeton: Princeton University Press.

Bernard, H. (2000) *Social Research Methods: Qualitative and Quantitative Approaches*, London: Sage Publications.

Brock, K. and Mc Gee, R. (2002) *Knowing Poverty: Critical Reflections on Participatory Research and Policy*, London: Earthscan Publications.

Bruyn de, J. and Seidman-Makgetla, N. (1997) 'Engendering the budget process', in: Budlender, D. (ed.) *The Second Women's Budget*, Cape Town: Idasa.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 192

Budlender, D. (1997) 'Introduction', in Budlender, D. (ed.) *The Second Women's Budget*, Cape Town: Idasa.

Budlender, D. et al (2002) *Gender Budgets Make Cents. Understanding Gender Responsive Budgets*, London: Commonwealth Secretariat.

CALS Gender Research Project (2003) 'Final Report on Gender, Citizenship and Governance Project' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Charlton, S., Everett, J. and Staudt, K. (1989) *Women, the State and Development*, New York: State University of New York Press.

Colas, A. (2002) *International Civil Society: Social Movements in World Politics*, Oxford: Polity Press.

Commission on Global Governance (1995) *Our Global Neighbourhood*, Oxford: Oxford University Press.

Connell, R.W. (1990) 'The state, gender and sexual politics: theory and appraisal', *Theory and Society*, 19: 507-544.

Cornwall, A. (2000) *Making a Difference? Gender and Participatory Development*, IDS Discussion Paper 378.

Cornwall, A. and Gaventa, J. (2001) *From users and choosers to makers and shapers: repositioning participation in social policy*, IDS Working paper 127.

Cornwall, A., Lucas, H. and Pasteur, K. (2000) 'Introduction: Accountability through Participation: Developing Workable Partnership Models in the Health Sector', *IDS Bulletin*, 31 (1): 1-11.

COVA (2003) 'Orientation on Gender Issues for Muslim, Dalit and Backward Caste Elected Women Representatives in Municipal Corporations, Municipalities and Community Development Societies, Final Report on Action Research Undertaken in Collaboration with Royal Tropical Institute (KIT) Amsterdam' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Cox, R. (1996) 'Civil Society at the turn of the Millennium: Prospects for an Alternative World order', *Review of International Studies*, 25 (1): 3-28.

Currie, I. (1994) 'The future of customary law: lessons from the lobola debate', in: Murray, C. (ed.), *Gender and the New South African Legal Order*, Kenwyn: Juta & Co.:

Dahlerup, D. (2003) 'No Democracy without WoMen', Paper presented at The Third Baltic Sea Women's Conference on WoMen and Democracy, 13-14 February 2003, Tallinn.

Dahlerup, D. and Freidenvall, L. (2003) 'Quotas as Fast Track to Equal Political Representation for Women: Why Scandinavia is no longer the model', Paper presented at the IPSA World Congress, June 29 to July 4 2003, Durban, and to the APSA Annual Meeting, August 28 to 31 2003, Philadelphia.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 193

Desai, M. (2002) 'Transnational Solidarity: Women's Agency, Structural Adjustment and Globalization', in: N. Naples and M. Desai (eds.) *Women's Activism and Globalization: Linking Local Struggles and Transnational Politics,* London: Routledge.

Dietz, M. (1992) 'Context is all: feminism and theories of citizenship', *Daedalus,* 116 (4).

Durbar (2003) 'Report on Durbar's action research project on reframing the global debate on trafikking from sex workers' perspectives in collaboration with Royal Tropical Institute (KIT), the Netherlands as part of Gender, Good Governance and Citizenship Programme of KIT Gender' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Edwards, M. and J.Gaventa, (eds.) (2001) *Global Citizen Action*, London: Earthscan Publications.

Edwards, M. and Sen, G. (2000) 'NGOs, social change and the transformation of human relationships: a 21st-century civic agenda', *Third World Quarterly,* 21 (4): 605-616.

Edwards, M. and Fowler, A. (2002) *The Earthscan Reader on NGO Management*, London: Earthscan Publications.

Elson, D. (1991) *Male Bias in the Development Process,* Manchester and New York: Manchester University Press.

Eschle, C. (2002) 'Engendering global democracy', *International Feminist Journal of Politics,* 4 (3) December: 315-341.

Fraser, N. (1989) *Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory,* Cambridge: Polity Press.

Fraser, N. (1996) *Justice Interrupts: Critical Reflections on the 'Post socialist' Condition*, London: Routledge.

GAP (2003) 'GAP's Women Accessing Power Project: A report on action research undertaken as part of KIT's Gender Citizenship and Governance Programme' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Gaventa, J. (2001) *Towards Participatory Local Governance: Six Propositions for Discussion,* Sussex: IDS.

Gaventa, J. (2002) 'Introduction: Exploring Citizenship, Participation and Accountability', *IDS Bulletin,* 33 (2): 1-11.

Geisler, G. (1995) 'Troubled Sisterhood: Women and Politics in Southern Africa', *African Affairs*, 94: 545-578.

Goetz, A.M. (1997) 'Introduction: Getting Institutions Right for Women in Development' in Goetz, A, (ed.), *Getting Institutions Right for Women in Development*, Zed Books: London.

Goetz, A.M. (1998) 'Fiddling with democracy', in: M. Robinson and G. White (eds.), *The Democratic Developmental state: Politics and Institutional Design,* Oxford: Oxford University Press.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 194

Goetz, A.M. (2000) 'Deepening Democracy: The Politics of Inclusion', in: R. Luckham and Kaldor, M. (eds.) *Democratic Institutions and Politics in Context of Inequality, Poverty and Conflict,* IDS Working Paper 104.

Goetz, A.M. (2002) 'Getting Institutions Right for Women in Development', in: M. Edwards and Fowler, A. (eds.) *The Earthscan Reader on NGO Management,* London: Earthscan Publications.

Goetz, A.M. (2003) 'Women's Political Effectiveness: A Conceptual Framework' in Goetz, A, and Hassim, S, (eds.) *No Shortcuts to Power* Zed Books: London and New York, David Philip: Cape Town

Goetz, A.M. and O'Brien, D. (1995) 'Governing for the Common Wealth? The World Bank's Approach to Poverty and Governance', *IDS Bulletin*, 26 (2): 17-27.

Goetz, A.M. and Hassim, S. (2000) *In and against the party: women's representation and constituency building in Uganda and South Africa,* Geneva: UNRISD.

Goetz, A.M. and Hassim, S. (2003) 'Introduction: Women in Power in Uganda and South Africa' in Goetz, A. and Hassim, S. (eds.) *No Shortcuts to Power,* Zed Books: London

Goetz, A.M. and Gaventa, J. (2001) *Bringing citizen voice and client focus into service delivery,* IDS Working Paper 138.

Goetz, A.M. and Jenkins, R (2002) 'Voice, Accountability and Human Development: The Emergence of a New Agenda', Human Development Report Office, Occasional Paper

Goetz, A.M. Luckham, R., and Kaldor, M. (2000) *Democratic Institutions and Politics in Contexts of Inequality, Poverty, and Conflict*, IDS Working Paper 104.

Govender, P. (1996) 'Foreword', in: Budlender, D. (ed.) *The Women's Budget,* Cape Town: Idasa.

Grey, S. (2001) 'Women and parliamentary politics: Does size matter? Critical mass and Women MPs in the New Zealand House of Representatives', Paper presented for the 51st Political Studies Conference 10-12 April 2001, Manchester, United Kingdom.

Grindle, M.S. and Hildebrand, M.E. (1995) 'Building Sustainable Capacity in the Public Sector: What Can Be Done?', *Public Administration and Development,* 15: 442-463.

Held, D. (1998) 'Democracy and Globalization', in: Archibugi, D., Held, D. and Kohler, M. (eds.) *Re-Imagining Political Community,* Cambridge: Polity Press.

Heller, P. (2000) 'Degrees of Democracy: some comparative lessons from India', *World Politics* 52, July 2000: 484-519.

Heller, P. (2001) 'Moving the state: the politics of decentralization in Kerala, South Africa and Porto Alegre', *Politics and Society* 29 (1): 131-163.

Heller, P. (1998) 'Civil Society in South Africa: Learning from Gender Themes', *World Development*, 26 (2): 227-238.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 195

Hirschmann, D. (1991) 'Women and Political Participation in Africa: Broadening the scope of research', *World Development*, 19 (12)

Huq, S. (2000) 'Gender and citizenship: What does a rights framework offer women?', *IDS Bulletin*, 31 (4): 74-82.

ICES (2003) 'Redefining Political Legitimacy: Lobbying for a quota of reserved seats for women in Sri Lanka's political institutions' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

INSTRAW (2000) *Engendering the Political Agenda: The Role of the State, Women's Organizations and the International Community*, Santo Domingo: United Nations INSTRAW.

Inter-Parliamentary Union (1997) *Democracy still in the making: men and women in politics*, Geneva: IPU.

Inter-Parliamentary Union (2004) Women in Parliaments: World Classification (http://www.ipu.org)

Inter-Parliamentary Union (2000) *Politics: Women's Insight*, Geneva: IPU.

Isaac, T. and Heller, P. (2001) 'The Campaign for Democratic Decentralisation in Kerala. An assessment from the perspective of empowered participatory governance', The Hague, December 7.

Isaac, T. with Franke, R. (2000) *Local Democracy and Development: People's Campaign for Decentralised Planning in Kerala*, New Delhi: Leftword.

Jackson, C. (2002) 'Disciplining Gender?', *World Development*, 30 (3): 497-509.

Jahan, R. (1995) *The Elusive Agenda: Mainstreaming Women in Development*, London: Zed Books.

Jaquette, J. (ed.) (1998) *The Women's movement in Latin America: Feminism and the transition to democracy*, Boston: Unwin Hyman.

Jaquette, J. (2001) 'Regional Differences and Contrasting Views', *Journal of Democracy*, 12 (3): 111-125.

Joseph, S. (2001) 'Democratic good governance. New Agenda for change', *Economic and Political Weekly*, March 24:1011-1014.

Kabeer, N. (1994) *Reversed Realities: Hierarchies in Development Thought*, London and New York: Verso.

Kabeer, N. and Subrahmanian, R. (1999) 'From Concepts to Practice', in: Kabeer, N. and Subrahmanian, R. (eds.) *Institutions, relations and outcomes: framework and case studies for gender aware planning*, London and New York: Zed Books.

Kabeer, N. (2002a) 'Citizenship, Affiliation and Exclusion: Perspectives from the South', *IDS Bulletin*, 23 (2): 12-23.

Kabeer, N. (2002b) 'Social Exclusion, Poverty and Discrimination. Towards an Analytical Framework', *IDS Bulletin*, 31 (4): 83-97.

Karam, A. (1998) *Women in Parliament: Beyond Numbers*, Stockholm: Information Services International IDEA.

Lind, A. (1997) 'Gender, Development and Urban Social Change: Women's Action in Global Cities', *World Development*, 25 (8): 1205-1223.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 196

Lister, R. (1997) *Citizenship: Feminist Perspectives,* Basingstoke: Macmillan.
Lister, R. (1997) 'Citizenship: towards a feminist synthesis', *Feminist Review,* vol. 57 Autumn:28-47.
Lister, R. (1998) 'Citizen in action: citizenship and community development in Northern Ireland context', *Community Development Journal,* 33 (3): 226-35.
Lovenduski, J. and Norris, P. (eds.) (1993) *Gender and Party Politics,* London: Sage.
Mahi, Pal (1998) 'Woman in Panchayat: Experiences of a training camp', *Economic and Political Weekly*, 33 (4) Jan.24-30: 150-152.
Mamdani, M. (1996) *Citizen and Subject, Contemporary Africa and the Legacy of Late Colonialism,* Princeton: Princeton University Press.
Mazumdar, V. and Agnihotri, I. (1999) 'The Women's Movement in India', in: Ray, B. and Basu, A. (eds.) *From Independence Towards Freedom: Indian Women Since 1947*, New Delhi: Oxford University Press.
Marshall, T.H. (1950) 'Citizenship and Social Class', Cambridge: Cambridge University Press.
Mbatha, L. (2002) 'Reforming the Customary Law of Succession', *South African Journal on Human Rights,* 18 (2): 259-286.
McEwan, C. (2000) 'Engendering Citizenship: Gendered Spaces of Democracy in South Africa', *Political Geography,* 19: 627-651.
Meer, S. with Sever, C. (2004) Gender and Citizenship, Overview Report, Bridge cutting edge pack, Brighton: Institute of Development Studies, University of Sussex. http://www.ids.ac.uk/bridge
Miller, C. and Razavi, S. (1998) *Missioners and Mandarines: Feminist Engagement with Development Institutions,* Essex: Intermediate Technology Publications.
Mohanty, B. (1999) 'Panchayat Raj Institutions and Women', in: Ray, B. and Basu, A. (eds.) *From Independence Towards Freedom: Indian Women Since 1947*, New Delhi: Oxford University Press.
Mohanty, C.T. (1991) 'Cartographies of Struggle: Third World Women and the Politics of Feminism', in: Mohanty, C.T., Russo, A. and Torres, L. (eds.) *Third World Women and the Politics of Feminism*, Bloomington and Indianapolis: Indiana University Press.
Mohanty, C.T. (1991) 'Under Western Eyes: Feminist Scholarship and Colonial Discourse', in: Mohanty, C.T., Russo, A. and Torres, L. (eds.) *Third World Women and the Politics of Feminism*, Bloomington and Indianapolis: Indiana University Press.
Molyneux, M. (1998) 'Analysing women's movement', in: Jackson, C. and Pearson, R. (eds.) *Feminist visions of development*, London and New York: Routledge.
Molyneux, M. (2000) *Women's movement in international perspective. Latin America and beyond,* Hampshire: Palgrave.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 197

Molyneux, M. and Craske, N. (2001) 'The Local, the Regional and the Global: Transforming the politics of rights', in: Craske, N. and Molyneux, M. (eds.) *Gender and the Politics of Rights and Democracy in Latin America,* Hampshire: Palgrave.

Molyneux, M. and Razavi, S. (2002) 'Introduction' in M. Molyneux & S. Razavi (eds.) *Gender Justice, Development, and Rights,* London: Oxford University Press.

Moser, C. and Norton A. (2001) *To Claim our Rights: Livelihood security, human rights and sustainable development,* Concept Paper prepared for the Workshop on Human Rights, Assets and Livelihood Security, and Sustainable Development. Mimeo unedited draft.

Mukhopadhyay, M. (1995) 'Gender Relations, development practice and 'culture'', *Gender and Development* 3 (1), February.

Mukhopadhyay, M. (1998a) 'Gender Training and social transformation: an agenda for change', in: *Gender training: the source book*, The Netherlands: Royal Tropical Institute

Mukhopadhyay, M. (1998b) 'Gender Equity and Equality: An Agenda for good governance', *Connections,* 10, June.

Mukhopadhyay, M. (1998c) *Legally Dispossessed: Gender, Identity and the Process of Law*, Calcutta: Stree.

Mukhopadhyay, M. (1999) '"Brother, There are Only Two Jatis – Men and Women"', in: Kabeer, N. & Subrahmanian, R. (eds.) *Institutions, Relations and Outcomes: A Framework and Case Studies for Gender-Aware Planning* New Delhi: Kali for Women

Mukhopadhyay, M. (2001) 'Introduction: Women and property, women as property', in *Gender Perspectives on Property and Inheritance: A Global Sourcebook,* The Netherlands: Royal Tropical Institute & UK: Oxfam.

Mukhopadhyay, M. (2003) *Governing for Equity*, The Netherlands: Royal Tropical Institute.

Mukhopadhyay, M. (2004) 'Introduction: gender, citizenship and governance' in *Gender, Citizenship and Governance: A global sourcebook*, The Netherlands: Royal Tropical Institute & UK: Oxfam.

Naripokkho (2003) 'Report on Establishing Women's Rights to Guardianship: An action research project in collaboration with Gender Citizenship and Governance Programme, Royal Tropical Insitute (KIT) The Netherlands', in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Naripokkho (2003) 'Ensuring Accountability of the Local Health Authorities and Health Service Providers to People, Especially Women in Bangladesh, Naripokkho, Bangladesh in collaboration with Royal Tropical Institute (KIT) The Netherlands Gender Citizenship and Governance Programme', in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 198

Newell, P. and Bellour, S. (2002) *Mapping Accountability: Origins, Contexts and Implications for Development*, IDS Working Paper 168.

Nirantar (2003) 'Action Research Study on Educational Opportunities for Women, submitted to Royal Tropical Institute Netherlands', in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Norris, P. (2000) 'Breaking the Barriers: Positive Discrimination Policies for Women', in: Klausen, J. and Maier, C.S. (eds.) *Has Liberalism Failed Women? Parity, Quotas and Political Representation*, New York: St. Martin's Press.

Norris, P. (2003) *Electoral Engineering: Voting Rules and Behaviour,* Electoral Engineering, Chapter 8. See: http://www.ksghome.harvard.edu/p.norris.shorenstein.ksg

North East Network (2003) 'Engendering the Peace Process by Building Bridges between Different Conflicting Communities in the North-East, Final Report on Action Research Undertaken in collaboration with Royal Tropical Institute (KIT) Amsterdam' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Nunnenkamp, P. (1995) 'What donors mean by good governance: Heroic Ends, Limited Means, and Traditional Dilemmas of Development Cooperation', *IDS bulletin*, 26 (2): 9-16.

O'Brien, R., Goetz A-M., Scholte J.A., and Williams, M. (2000) *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements,* Cambridge: Cambridge University Press.

OECD/DAC (1998), Guidelines

One World Trust (2003) *Power without accountability?,* The Global Accountability Report 1.

Pankhurst, D. (2002) 'Women and Politics in Africa: the Case of Uganda', *Parliamentary Affairs,* 55: 119-28.

Parpart, J. and Staudt, K. (eds.) (2002) *Rethinking Empowerment, Gender and Development in a Global/Local World,* London: Routledge.

Pateman, C. (1992) 'The Patriarchal welfare state', in: McDowell, L. and Pringle, R. (eds.) *Defining Women: Social Institutions and Gender Divisions,* Cambridge: Polity Press in association with Open University.

Phillips, A. (1991) *Engendering Democracy,* Cambridge: Polity Press.

Phillips, A. (1992) 'Feminism, Equality and Difference', in: McDowell, L. and Pringle, R. (eds.) *Defining Women: Social Institutions and Gender Divisions*, Cambridge: Polity Press in association with Open University.

Phillips, A. (1993) *Democracy and Difference,* Oxford: Blackwell Publishers.

Phillips, A. (1993) 'Must Feminists Give Up on Liberal Democracy?', in: Held, D. (ed.) *Prospects for Democracy: North, South, East, West,* Cambridge: Polity Press.

Phillips, A. (1995) *The Politics of Presence,* Oxford: Oxford University Press.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 199

Phillips, A. (1999) *Which Equalities Matter?*, Cambridge: Polity Press.

Phillips, A. (2000) 'Representing difference: why should it matter if women get elected?', in: Coote, A. (ed.) *New Gender Agenda,* London: IPPR.

Phillips, A. (2002) 'Feminism and the Politics of Difference: Or Where Have All the Women Gone?', in: James, S. and Palmer, S. (eds.) *Visible Women,* Oxford: Hart Publishing.

Philips, A. (2003) *Mainstreaming gender, democratising the state? Institutional mechanisms for the advancement of women,* Manchester and New York: Manchester University Press.

PRIP Trust (2003) 'Report on Action Research Project on enabling Elected Women Members of Parliament to Participate in Development Committees at Grassroots Level' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports,* Amsterdam: Royal Tropical Institute.

Rai, S. (ed.) (2000) *International Perspectives on Gender and Democratization,* Basingstoke: Macmillan.

Rai, S. and Lievesley, G. (eds.) (1996) *Women and the State: International Perspectives,* London: Taylor and Francis.

Rao, A. Stuart, R. and Kelleher, D. (1999) *Gender at Work – Organizational Change for Equality,* USA: Kumarian Press.

Razavi, S. (1997) *Fitting gender into development institutions,* Geneva: UNRISD.

Razavi, S. (2000) *Women in Contemporary Democratization,* Geneva: UNRISD, Occasional Paper 4.

Razavi, S. and Molyneux, M. (eds.) (2002) *Gender, Justice, Democracy and Rights,* Oxford: Oxford University Press

Reynolds, A. (1999) *Women in African Legislatures and Executives: The Slow Climb to Power,* Electoral Institute of South Africa.

Robinson, M. (1995) 'Introduction: Towards democratic governance', *IDS Bulletin,* 26 (2): 1-9.

Rule, W. and Zimmerman, J. (eds.) (1992) *Electoral Systems in Comparative Perspective: Their Impact on Women and Minorities,* Connecticut: Greenwood Press.

Sakhi (2003) 'Action Research Project: Gender and Decentralised Planning' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports,* Amsterdam: Royal Tropical Institute.

Sawer, M. (2000) 'Parliamentary Representation of Women: From Discourses of Justice to Strategies of Accountability', *International Political Science Review,* 21 (4): 361-180.

Schedler, A. (1999) 'Conceptualising Accountability', in: Schedler A. et al, *The Self-Restraining State: Power and Accountability in New Democracies,* London: Lynne Reinner.

Schneider, H. (1999) 'Participatory Governance: the missing link for poverty reduction', *OECD Policy Brief* 17.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 200

Sharan, S. (2000) 'Women in decision-making positions in political system', in: Sinha, N. (ed.), *Women in Indian Politics,* New Delhi: Gyan Publishing House.

Seidman, G. (1999) 'Gendered Citizenship: South Africa's democratic transition and the construction of a gendered state', *Gender and Society,*13 (3): 287-307.

Sen, A. (1997) 'Human Capital and Human Capability', *World Development*, Vol.25 No.12: 1959-1961.

Sen, A. (1999) *Development as Freedom*, New Delhi: Oxford University Press.

Sen, A. and Dreze, (1995) *India: Economic Development and Social Opportunity*, New Delhi: Oxford University Press.

Sen, G. (1997a) 'Globalization in the 21st Century: Challenges for Civil Society', UvA Development Lecture 1997, University of Amsterdam.

Sen, G. (1997b) 'Globalization, Justice and Equity: A gender perspective', *Development*, 40 (2): 21-26.

Sister Namibia (2003) 'Promoting Women's Participation in Law Reform by Collectively Developing Specific Demands for Affirmative Action Legislation with regard to Elections at All Three Levels of Government' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Small, S. (1995) 'Action-Oriented Research: Models and Methods', *Journal of Marriage and Family,* 57, November: 941-955.

Smart, C. (ed.) (1989) *Feminism and the Power of Law*, London: Routledge

Stammers, N. (1999) 'Social Movements and the social construction of human rights', *Human Rights Quarterly,* 21: 980-1060.

Subrahmanian, R. (2003) 'Introduction: Exploring processes of Marginalisation and Inclusion in Education', *IDS Bulletin,* 34 (1): 1-8.

Sujaya, C.P. and Jain, D. (2000) 'Role of Women in Decentralisation', in: Jain, D. *Contemporary Writings*.

Squires, J. and Wickham-Jones, M. (2001) *Women in Parliament: A Comparative Analysis,* Equal Opportunities Commission, Research Discussion Series, Manchester.

Staudt, K. (ed.) (1997) *Women, International Development and Politics: The Bureaucratic Mire,* Philadelphia: Temple University Press.

Staudt, K. (1998) *Policy, Politics and gender: Women Gaining Ground,* West Hartford: Kumarian Press.

UNDP (1998) *UNDP and Governance: Experiences and lessons learned,* Management Development and Governance Division Lessons Learned Series no. 1.

UNDP (2000a) *Human Development Report 2000: Human Rights and Human Development,* New York and Oxford: Oxford University Press.

UNDP (2000b) *Women's Political Participation and Good Governance: 21st Century Challenges,* UNDP.

2111.bw.CreatingVoice 15-11-2004 09:50 Pagina 201

UNDP (2002) 'Democratic Governance for Human Development', in: *Human Development Report 2002: Deepening democracy in a fragmented world,* New York and Oxford: Oxford University Press.

UNIFEM (2000) 'Accountability for the progress of women: women demanding action', in: *Progress of the world's women 2000: UNIFEM Biennial Report,* New York: UNIFEM.

United Nations (1995) *Beijing Declaration and Platform for Action*, Fourth World Conference on Women, 15 September 1995.

Washbrook, D.A. (1981) 'Law, State and Agrarian Society in Colonial India', *Modern Asian Studies*, 15 (3): 649-721.

Weiss, T. (2000) 'Governance, good governance and global governance: conceptual and actual challenges', *Third World Quarterly,* 21 (5): 795-814.

Werbner, P. and Yuval-Davis, N. (1999) 'Women and the new discourse of citizenship', in: Yuval-Davis, N. and Werbner, P. (eds.) *Women, Citizenship and Difference*, London and New York: Zed Books.

Westergaard, K. (2000) 'Decentralisation in Bangladesh: Local Government and NGOs', Paper presented for Colloquium on Decentralisation and Development at Department of Political Science, Yale University, April 7, 2000.

White, G. (1995) 'Towards a Democratic Developmental State', *IDS bulletin*, 26 (2): 27-35.

World Bank (1989) Sub-Sahara Africa: Irom Crisis to Sustainable Growth, Oxford: Oxford University Press.

World Bank (2000) *Engendering Development through gender equality in rights resources and voice*, Oxford: Oxford University Press.

Young, I.M. (2000) *Inclusion and Democracy,* Oxford: Oxford University Press.

Zambia National Women's Lobby Group (2003) 'Increasing Women's Participation in Political Decision Making as Candidates and Voters in Zambia' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

Zimbabwe Women Lawyers Association (2003) 'The Constitutional Women's Coalition of Zimbabwe: Experiences in using The Women's Charter as a lobby and advocacy tool' in *Gender Citizenship and Governance in South Asia and Southern Africa Action Research Reports*, Amsterdam: Royal Tropical Institute.

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Partner Organisations

SOUTH ASIA

Bangladesh

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Naripokkho (roughly translated as 'for women') is a membership-based, women's activist organisation founded in 1983 in Bangladesh, working for the advancement of women's rights and entitlements and building resistance against violence, discrimination and injustice. Naripokkho's activities include advocacy campaigns, protest activities, research, discussions, cultural events, and lobbying on issues related to gender justice.

Naripokkho's work is focused on four main areas: violence against women and human rights; gender issues in environment and development; representation of women in the media and cultural politics; and reproductive rights and women's health issues.

As an activist women's organisation that sees itself at the vanguard and as an integral part of the women's movement, Naripokkho recognises the similarity and affinity between itself and other local level women's groups and organisations. It is particularly well placed to recognise and respond to the needs of these groups for constituency building, solidarity building and the forging of a common vision of the future.

At the same time that Naripokkho has prioritised the mobilisation of local level women's groups into an active constituency of the autonomous women's movement, it continues to participate in collaborative activities and coalitions with other national level women's organisations on specific issues and programmes. The work of Naripokkho has also been recognised by the government. The organisation played a key role as a government delegate prior and during the International Conference on Population and Development (ICPD). Naripokkho was also included in various government committees for the follow-up of the ICPD and the development of the government health and population programme.

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Bangladesh Mahila Parishad (BMP)
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Established in 1970, Bangladesh Mahila Parishad (BMP) is non-profit, activist organisation with a mass base, working for promoting a society based on gender equality, democracy and peace. The committee members of BMP work in a voluntary capacity for the organisation. At present BMP has more than 94,000 women members within a well-structured organisational formation of several local units and 59 Thana and district committees in all parts of Bangladesh.

BMP sees itself primarily as an advocacy and lobbying organisation with strong linkages with earlier progressive socio-political movements in Bangladesh. Apart from undertaking broad based campaigns on issues of gender justice and democracy, it has diverse on-going activities on lines of income generation, health and environmental interventions with women, capacity building and mobilisation of women, organising legal support to women, and running research activities and bringing out publications. In recent years BMP has started taking on 'projects' funded by the government or international donors.

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PRIP Trust, Bangladesh, is a national non-governmental organisation that provides technical support for institutional capacity building to the NGO community as a whole, and particularly to smaller women's organisations and NGO networks. Since the elections in 1997 to the *Union Parishads*, in which for the first time in Bangladesh seats were reserved for direct election of women, PRIP Trust has been advocating the need for decentralisation of the management and administration of development programmes and ensuring the participation of elected representatives, particularly of the newly elected women members at *Union Parishad* level in development planning.

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India

Confederation of Voluntary Associations (COVA)
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Confederation of Voluntary Associations (COVA) is a network of 750 organisations working for communal harmony through Participative Community Empowerment in five states of India, viz. Andhra Pradesh, West Bengal, Uttar Pradesh, Gujarat and Jammu and Kashmir. COVA works with women, children, adolescent groups and men in programmes ranging from literacy, recreation, vocational training, thrift and credit to marketing and advocacy on policy matters.

COVA traces its beginning to an initiative of the Deccan Development Project to address the issue of inter-communal harmony in 1991-92, following widespread communal riots in Hyderabad and many other parts of India. The leading activists responsible for starting COVA soon realised that addressing the issue of communal harmony against such a context of underdevelopment and social exclusion would amount to an empty and ineffective gesture unless the social development of the community living in the old city, i.e. the urban Muslim poor, was taken up. In 1995, COVA was registered as a network of Community Based Organisations (CBOs), which were small *Mahila Mandals* in the old city slums, with a focus on community mobilisation rather than provision of services alone. At present about 100 *Mahila Mandals* are members of COVA.

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Durbar represents an affiliation of autonomous sex workers' organisations, with a membership of about 60,000 sex workers based in West Bengal, working for the rights of sex workers. The promotion of sexual health and HIV prevention was the original context within which the Durbar affiliates had emerged. However, right from the start the sex workers and other workers of the HIV prevention intervention (the Sonagachi Project) had understood that even to realise the very basic aim of improving sexual health, it was crucial to identify the environmental factors that determine the quality of sex workers' lives, locate these issues in the broader political and cultural context within which they live, and make strategic

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interventions to bring about radical changes in the social structures and institutional arrangements that underpin unequal distribution of power and reinforce social exclusion of sex workers.

This they had set out to do by mobilising sex workers across West Bengal and construct a political community of sex workers through creating a positive self-identity as sex workers. They defined and articulated explicit political objectives for the promotion and protection of the rights of the sex workers as a community. They demanded the recognition of sex work as 'legitimate work', akin to that of others who hire out their physical labour, or sell specialised services in the market. Sex workers also sought the same status as any other self-employed professional group with their own institutional mechanisms, such as the self-regulatory board, for the internal regulation of the sex trade. They argued that sex workers should come under the purview of general civil, criminal and labour laws of the land, and should not be criminalised, legally stigmatised and denied rights as full citizens by being confined to the jurisdiction of special laws for prostitution, which have historically acted against the interests of sex workers rather than in controlling those who exploit them.

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Nirantar is a centre for women and education set up in 1993. Nirantar seeks to bring back a gender perspective into education in the country, along with perspectives of class and caste. Nirantar works towards making education an empowering and enabling process for women. The organisation believes that education can be a decisive intervention towards women's equality. Nirantar argues that education should not be seen as a one-time transfer of reading and writing skills, but as an on-going process informed by a vision of justice and equality. An education which empowers must create circumstances where women critically analyse their life situation and become active participants in the process of change by seeking alternatives, breaking stereotypes and demanding new information.

Nirantar works in close collaboration with field-based NGOs and women's collectives in the following areas:

- Planning and implementing workable grassroots level strategies and methodologies in the field of Gender and Education;
- Developing curricula, manuals and teaching -learning packages that are gender sensitive and relevant to the needs of poor rural women;

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- Producing information resources and reading material catering to the needs of adult readers with low literacy levels;
- Conducting trainings with teachers in gender and pedagogy and with grassroots groups in participatory material production and curriculum development;
- Undertaking action-research and documentation of innovative experiences and case studies;
- Networking with NGOs, women's groups and other agencies on issues related to women, education and human rights.

North East Network (NEN)

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The North East Network was conceived in 1994 with the conviction that collective and decisive action by women can pave the way for societal progress. NEN came into being during the mobilisation process for the Beijing Conference. Women of the North-East were mobilised at the grassroots level around crucial issues of documenting and addressing women's problems in the region. NEN was registered in 1995.

NEN envisages a society where women are involved as decision-makers in all development interventions and peace processes. It hopes to usher in a shift in development perspectives in the North-East from 'needs' to 'rights'. To realise its vision, NEN's activities have been geared towards empowering women of the region around the issues of livelihood, reproductive health and environment.

NEN has attempted to provide forums to forge a feminist vision. It has endeavoured to build linkages between the North-East women's groups and the national and international women's movements. Believing strongly that the progress of society depends on peace both inside and outside the home, NEN has worked towards local and policy initiatives to: (a) get women at the grassroots to create their own space to achieve gender equity in their lives; and (b) support women in leadership roles.

NEN has been functioning against the backdrop of the armed conflict situation in the region. Its efforts have been directed towards helping women negotiate for peace from a rights perspective and from a position of strength rather than as a victim.

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NEN has been an integral part of CEDAW (Convention on the Elimination of Discrimination Against Women). It is a member of the South Asian CEDAW monitoring team and a core member of the Indian CEDAW network, collaborating with all members of both the regional and the national network. In this context, a baseline study was done by NEN on women in armed conflict situations.

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Sakhi, which in most Indian languages means 'woman friend', is a women's resource centre set up in 1996 in Trivandrum in the south of India. Sakhi was created to cater to the information needs of women's groups and empower them through trainings, as well as to network them into a movement capable of demanding accountability from the government and civil society. The groups have been helped to broaden their insights and to integrate gender perspectives into their programmes. The major aim of Sakhi is to mainstream 'gender' in the political discourse of Kerala. The organisation builds the skills and capabilities of women and men leaders of groups and movements on relevant issues through a process of information dissemination, leadership training, building up networks, supporting campaigns and advocacy on key issues and enabling joint action. The key focus areas of concern are on gender equity, reproductive and sexual health and rights of women. Sakhi is the first resource and documentation centre of its kind in Kerala.

Pakistan

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Aurat Publication and Information Service Foundation, established in 1986, is a civil society organisation committed to women's empowerment in society. The Foundation sees this empowerment in the context of women's participation in governance at all levels through their greater control over knowledge, resources and institutions. The Foundation is a national organisation, with headquarters in Lahore and five regional offices in the federal and provincial headquarters. It has an outreach

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extending to almost all 101 districts in the four provinces. Over the last sixteen years, it has emerged as a major support organisation working for social change at the community level.

Aurat Foundation's overall goal is to develop an enabling environment for women's empowerment at all levels through participatory democracy and good governance in Pakistan. It thus seeks to:

- assist women to acquire greater control over knowledge, resources and institutions;
- facilitate women's greater participation processes and governance;
- transform social attitudes and behaviour for a responsive and supportive social environment to address women's concerns and development;
- develop an enabling environment with strong civil society organisations to support women at the community and district levels;
- undertake advocacy with public servants and representatives for gender-responsive development planning, supportive legislation and increasing women's access to government programmes and services; and
- develop and strengthen networks of civil society organisations for strengthening citizens' participation in governance.

Aurat Foundation has three major programme areas: (i) information to build capacity for decision-making and action; (ii) capacity-building of civil society organisations for participation in social change and governance; and (iii) advocacy for developing an enabling environment for women's empowerment. The programmes run simultaneously at three levels: the community level; the intermediary level of civil society organisations; and the macro decision-making level of policy-makers and legislators.

Shirkat Gah

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Shirkat Gah Women's Resource Centre was established in 1975 as a non-hierarchical collective to integrate consciousness raising with a development perspective and to initiate projects translating advocacy into action. Today it has expanded into an organisation working in all four provinces of Pakistan with three offices, and an ECOSOC status. It adopts a participatory approach in its internal functioning and all its activities.

Shirkat Gah's vision is that of 'fully empowered women in a just and vibrant, democratic and tolerant and environmentally sound society, where equity and opportunity are ensured for all, resources sustainably used, where peace prevails and where the state is responsive'. Its mission is women's

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empowerment for social justice and social justice for women's empowerment. To bring this about, Shirkat Gah:

- promotes women appropriate development schemes, programmes, policies and laws;
- enhances women's autonomy, access to resources, and all levels of decision-making;
- helps catalyse a socio-cultural perspective premised on gender equality at all levels.

Shirkat Gah has an integrated approach to development and women's rights that combines advocacy and capacity-building based on research, networking and publications. It catalyses the empowerment of women through a participatory process, in which NGOs and CBOs are a primary channel for reaching women in their communities; it actively lobbies at the national and international levels, and undertakes innovative research, documentation and dissemination of information.

Its ongoing focus is on law and status, sustainable development and women's economic empowerment. Its new areas of focus include reproductive rights and health and globalisation. Gender awareness, popular education, analysis and training cut across all programmes and activities.

Sri Lanka

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The International Centre for Ethnic Studies (ICES) is a non-profit organisation with key objectives to advance human rights, contribute towards national cohesion, promote international peace and contribute towards a more equitable development process in Sri Lanka. The ICES has consultative status [Category II/Special status] with the ECOSOC/UN. Through extensive interactions with policy makers and detailed research work, ICES has been able to influence policy formulation in Sri Lanka specifically in the areas of ethnicity and nationalism, comparative federalism, minority protection, collective violence, multiculturalism, violence against women, women and governance, etc.

While ICES has focused on issues relating to peace, governance and constitutional reform in recent years, one study of particular interest has been the Women and Governance study, which was conducted as part of a larger five nation study in South Asia.

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The study, conducted during 1998–1999, drew on archival research and engaged in a survey and focus group discussions among women's groups across the country, to examine the nature of women's participation in governance, and their visions and experiences of the state amidst continuing violence.

SOUTHERN AFRICA

Namibia

Sister Namibia
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Sister Namibia is a feminist non-governmental women's organisation based in Windhoek, Namibia. Sister Namibia was founded in 1989 on the eve of Namibia's independence to give women a voice in the building of a democratic post-colonial society. The organisation works to raise awareness among women, men and young people of the ways in which political, social, cultural, legal and economic systems of power control and oppress girls and women. It advocates for democratic change through promoting the full protection of women's human rights and through opposing and challenging sexism, racism, homophobia and other discourses and practices that divide people. Sister Namibia also engages in the fields of media, education, training, research, advocacy and cultural activities in order to promote women's full participation in bringing about a world free from violence, discrimination and oppression.

South Africa

Centre for Applied Legal Studies (CALS) at the University of the Witwaterstrand
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The Gender Research Project (GRP) at CALS was formed in 1992 with the broad objectives of promoting gender equality, human rights and social justice for women and men, with a particular focus on women who are disadvantaged by race, class, geographic location and other factors. The

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GRP specialises in legal and socio-legal research that is used to:

- inform the public policy debate and law reform processes;
- ensure that policy and legislative processes are informed by the needs and interests of disadvantaged groups of women;
- enhance the participation of women in policy and legislative processes;
- develop networks and alliances on issues;
- educate and raise awareness of issues with targeted groups;
- develop indigenous and gender sensitive jurisprudential frameworks which are relevant and appropriate to the advancement of gender equality within the South African context; and
- develop strategic public interest litigation.

From its inception in 1992, the GRP at CALS became involved in the constitutional negotiations, providing technical assistance to the Women's National Coalition and to ANC women. It also played a role in one of the key disputes during these negotiations: the place of customary law in the Constitution. In particular, it made expert submissions on the position of customary law in the new Constitution and advocated (orally and in writing) for customary law to be subject to the Bill of Rights, including the equality right. During the course of this process, CALS was invited to address the Rural Women's Movement, a regional organisation of rural women committed to the advancement of the rights of rural women. It established a working relationship with this organisation through providing information on the constitutional negotiations and obtaining the views of the RWM on the issue of customary law and equality.

After the advent of democratic government in 1994, CALS became involved in a range of policy and law reform issues, including customary law. In 1995 the RWM identified reform to customary marriage as a key priority and asked CALS to conduct research and advocacy with them on this. This was the beginning of a more formal partnership with the RWM. CALS began a research project to find out more about how black South Africans marry and their understanding of marriage. This research, which sought to identify the practices, needs and interests of women in relation to marriage, and the CALS/RWM partnership were to be key factors in CALS' subsequent ability to influence the process of customary law reform that took place between 1996 and 1998.

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Gender Advocacy Programme (GAP)
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The Gender Advocacy Project (GAP) is a non-governmental organisation whose mission is to empower poor black women to hold elected parliamentary representatives accountable.

GAP was formed in 1993 on the eve of South Africa's first democratic elections. Women's organisations, active in the period running up to the elections, lobbied to ensure that at least one third of the candidates on party lists should be women. An outcome of this activism was that the 1994 elections resulted in an increased percentage of women in the national parliament from three percent under the apartheid government, to 27 percent. Aware that an increased representation of women would not automatically translate into improved living conditions for poor black women, a group of activists formed the organisation GAP.

GAP is based in Cape Town, where the national parliament is located. One of GAP's projects for empowering poor black women to hold women in parliament accountable, involved taking women from working class communities to parliament to meet women parliamentarians and be exposed to parliamentary processes. Over three years - 1999 to 2001, 450 African and Coloured working class women were involved in these visits to parliament.

Zambia

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The Zambia National Women's Lobby Group (ZNWLG) is a non-governmental organisation formed in 1991 to promote women's equal representation and participation in all levels of decision making through advocacy, lobbying and capacity building. The organisation is committed to empowering rural, peri-urban and urban women so that they can claim and occupy their equal place as decision makers in society. It emphasises the link between women's participation in decision making and development concerns, arguing that since women constitute 52 percent of the population they

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need to take part in deciding their future, in designing development programmes and in deciding how resources should be allocated.

The ZNWLG was formed in Lusaka, Zambia, in 1991 after eighteen years of one party rule, when political space opened up after pressure from trade unions, business interests, professionals, intellectuals and students for the reintroduction of a multi party system of politics. The ZNWLG has over the past eleven years established its legitimacy within Zambian civil society.

Zimbabwe

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ZWLA is a membership nonprofit organisation made up of women lawyers in private practice, public service, commerce and NGOs. It was formed in 1992. Members are drawn from all parts of Zimbabwe. Its mission statement is to create a society where there is equal legal and social status between men and women. ZWLA provides free legal assistance to women and children, and undertakes legal education. This is done through the establishment of a legal aid centre, the holding of workshops and media campaigns to educate women on their rights and the lobbying for law reform and policy changes on laws and practices that disadvantage women.

The main objectives of ZWLA are to promote and enhance the legal status and rights of women in Zimbabwe, to provide legal assistance to women and children, to educate women on their legal rights, to lobby for legal reform, to support and network with any organisation or institution that promotes and supports the enhancement of women's rights.

In addition to ZWLA's lobbying and advocacy activities, the organisation is carrying out activities such as: dissemination of information through media campaigns to enhance women's participation in the constitution reform process; making public statements on the marginalisation of women and their absence in positions of decision making; campaigning and supporting women candidates in the parliamentary elections; research on the violence that women suffered in the pre-run to the June 2000 parliamentary elections; and giving legal assistance to women victims.

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