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Introduction

In the past decade, women have become visible in African politics in unexpected ways, setting new precedents. In 2003, Rwanda elected a new parliament with the highest percentage of women in the world (close to 49 percent). Africa has some of the highest rates of female legislative representation in the world, with women claiming over 30 percent of the parliamentary seats in Mozambique, South Africa, Tanzania, Uganda, and Burundi. In November 2005, Liberia's Ellen Johnson-Sirleaf became the first elected woman president in Africa. Specioza Wandera Kazibwe served as vice president in Uganda for a decade (1994–2003). There have been six female prime ministers in Africa since the mid-1990s, with Luísa Dia Diogo serving as prime minister in Mozambique since 2004. At the regional level, Gertrude Mongella of Tanzania became the first president of the Pan-African Parliament of the African Union, and half the parliamentarians are women.

Women's new engagement with politics is evident in other ways as well. Women's movements have successfully lobbied for constitutional reforms to include gender equity and antidiscrimination clauses. They have sought the passage of new legislation to expand women's rights. Women are for the first time making bids to participate in an official capacity in national-level peace talks in countries where conflicts have come to an end. These are just a few of the dramatic changes in women's status that are under way in Africa today.

This book examines how and why women became more visible in politics and began to affect policy in ways not evident in the past. It also looks at why some countries have had more success than others in passing legislation to advance women's rights. Although there is considerable variation, basically the more successful countries saw a convergence of several trends: the emergence of active and autonomous women's movements; openness to changing

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international norms regarding women's rights and representation as there emerged institutional mechanisms to spread those norms within Africa; the availability *and* deployment of resources to advance women; and, finally, the opening of new opportunities as a result of a major upheaval in society, such as the end of conflict. All four factors were critical in bringing about the aforementioned changes in the countries that saw the most change.

ACCOUNTING FOR NEW FEMALE-FRIENDLY POLICIES

The introduction of new gender-related reforms has been tied first and foremost to the rise of new women's movements in Africa that started in the late 1980s, gaining full steam in the 1990s. For this reason, much of the book is preoccupied with these movements and their impact on reforms related to women's rights. The expansion of these movements often resulted in the introduction of a set of new policies that promoted women's rights. They represent a shift more directly into politics and advocacy and away from the earlier strictly "developmental" and welfare approach of women's organizations. Not only did the new women's movements focus on advocacy, they also provided women with the skills with which to advocate change. They carried out training in lobbying, research, grant writing, public speaking, civic education, and leadership skills. They also promoted consciousness raising (referred to as "gender sensitization" in Anglophone African countries). Moreover, they engaged the public through the media by publishing research findings, airing radio and TV discussions, producing newspaper features, and engaging in other such means of influencing public opinion.

Women's movements included organizations that represented a wide range of activities directed at advancing women's status, including both international and domestic nongovernmental organizations (NGOs) engaged in advocacy, social service provisioning, leadership training, business promotion, media reform, financial empowerment arrangements, as well as professional and labor associations and organizations that address the concerns of special groups such as disabled women. They also included a wide variety of local-level informal and formal associations. Femocrats, or feminists within the state and international bureaucracy, can also be credited with bringing about some of the changes discussed in this book, as can women and men parliamentarians, lawyers, media workers, academics, and many other sectors of society.

A growing body of scholarship has linked policy outcomes to women's agency. Many of the studies examine individual countries or policy areas and therefore the dynamics described are fairly country-specific. In a nuanced

study of women's movement agency and its limitations, Shireen Hassim (2006) looks at the various ways in which the state and the broader political movements created political opportunities for women's collective action from the late 1970s and 1980s, when the women's movement engaged in grassroots organizing, to the transition from apartheid to democracy in the 1990s, when women's formal political participation became possible. Hassim wrestles with the way the political discourse of nationalism constrained the women's movement in South Africa and the challenges of creating an autonomous movement that at the same time could draw strength from alliances with other progressive forces.

Some have emphasized the pretransition mobilization and its impact on posttransition gains by women's movements. Hannah Britton (2002, 2005), for example, links women's earlier mobilization in the anti-apartheid movement in South Africa to their ability to ensure later constitutional changes, influence party politics, and increase female representation. During the transition, women successfully built a broad coalition that developed a platform for action and raised awareness of women's issues nationally, built cross-party alliances to press for constitutional provisions regarding women, and adopted strategies to get women elected and into positions of power. These steps laid the basis for future gains. However, women's movements were by no means the only factor contributing to these changes in policy agendas, although they were critical. As Georgina Waylen (2007a, 2007b) has observed, they were necessary but not sufficient. Other factors were also at work.

Changing international norms as a result of the influences of global, regional, and national women's movements could be considered another contributing factor in influencing changes with respect to women's status. Most single-country case studies of the adoption of gender-related reforms in Africa only tangentially mention the international factors that have contributed to these changes, yet they have had considerable impact. These external influences were evident in the watershed United Nations conferences on women in Nairobi (1985) and Beijing (1995). These conferences, and the strategies and plans that came out of them, placed additional pressure on governments to respond to domestic and pan-African women's organizations. The merging of the development and human rights agenda in new rights-based approaches gave rise to a new normative consensus among governments and provided the conceptual basis for policies to advance women's status.

These new norms were diffused through (1) continental entities such as the African Union; (2) subregional organizations such as the Southern African

Development Community (SADC), which have in turn pressured national governments for gender-related policy changes; (3) multilateral bodies like the United Nations agencies, the World Bank, the Commonwealth, and the UN Conferences on Women; and (4) foreign donors, including bilateral agencies, international NGOs, foundations, and other such actors. SADC, for example, played a catalytic role in advancing women's representation in southern Africa. It set targets for its fourteen member states in 1997 and again in 2005 to improve women's political representation and to adopt policies to advance women's status in the region. Thus SADC countries have on average higher rates of female representation in their legislatures compared to non-SADC countries. Specific gender-related policies such as gender budgeting initiatives were also the result of diffusion among former British colonies, not just in Africa but also worldwide. This was because of contemporary networking among women's organizations in former British colonies, especially through the Commonwealth organization. Other effects of diffusion could be seen among left-leaning parties in power, which were also more inclined to promote key woman-friendly policies.

Similarly, the African Centre for Gender and Development of the United Nations Economic Commission for Africa (UNECA), the Gender Directorate of the African Union (AU), and its predecessor, the Organisation of African Unity (OAU), were instrumental in advancing women's rights on the continent. The OAU and UNECA helped organize regional and continentwide conferences in preparation for the Fourth World Conference on Women in Beijing (1995). The OAU and its successor, AU, periodically organized joint meetings of governments and NGOs together to discuss women's rights (Adams and Kang 2007).[1] African women's movements have influenced the work of these regional institutions while they, in turn, have helped bring African perspectives into international fora.

Why do governments succumb to pressures from such external actors? In this book, we explore possible explanations that range from the instrumental desire for foreign assistance (Mama 1995; Okeke-Ihejirika and Franceschet 2002) to the desire not to fall out of step with one's neighbors and to be able to present one's country as "modernizing" (Htun 2003).

Countries with greater economic resources (measured by per capita gross domestic product [GDP]) were more inclined to adopt some

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[1] As of 16 July 2008, Angola, Benin, Burkina Faso, Cape Verde, The Comoros, Djibouti, the Gambia, Ghana, Lesotho, Liberia, Libya, Malawi, Mali, Mauritania, Mozambique, Namibia, Nigeria, Rwanda, Senegal, Seychelles, South Africa, Tanzania, Togo, and Zambia had ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted by the Second Ordinary Session of the Assembly of the Union, Maputo, CAB/LEG/66.6 13 September, 2000; it went into force 25 November 2005).

woman-friendly policies, such as Universal Primary Education and gender budgeting initiatives, in part because of the availability of resources required to implement such policies. Donor support has also made a difference in the capacity of national women's machineries, for example, to implement various gender-mainstreaming initiatives. However, financial capacity is irrelevant if there is no political will or commitment. The limited resources committed by the relatively wealthier South Africa to its gender budgeting initiative resulted in its demise, while some of the poorest countries in Africa have continued to pursue such initiatives. Gender budgeting involves the analysis of budgets to determine how government spending impacts women and men differently and making recommendations for future budgets to equalize the way in which funds are allocated. Similarly, some of the poorest countries in Africa, such as Rwanda and Mozambique, have some of the highest rates of female legislative representation due to the commitments they have made in this area while some wealthier countries have less to show in this regard. Thus, the provision of resources must be matched by a commitment to gender equality.

Regime change or administrative transition has opened up political spaces for women activists to advance their causes (Accampo and Fuchs 1995; Gilmartin 1995). However, in Africa, it was more than regime change or administrative change that accounted for these changes: it was the end of conflict or major upheaval in society that became yet another important factor contributing to the adoption of female-friendly policies. There is already evidence that the end of conflict affects rates of female representation globally (Hughes 2004). The end of major civil conflicts since the 1990s from South Africa to Namibia, Mozambique, Rwanda, Burundi, Liberia, and Sierra Leone opened up new opportunities for women activists. Georgina Waylen (2007b) suggests that in South Africa it was critical that there were formal opportunities in the reconstitution of the polity in which women could participate during the transition from apartheid to democracy.

The postconflict period leveled the playing field and the process of rewriting constitutions and reconstituting the political order afforded women new opportunities to insert themselves in new ways into the polity. The disruptions of war dislodged traditional gender roles, opening up new possibilities for women. In some cases, it also disrupted potential opponents of gender-based reform and disorganized them. Women seized such opportunities in almost all constitution-making processes throughout Africa that came about as a result of the end of conflict.

To be clear, these observations are not in any way a normative prescription for or glorification of civil conflict and all its horrors, but rather an analysis of the opportunities that such disruptions may have presented to

women's movements. Since 1990, thirty-eight African constitutions have
been rewritten and six had major revisions. Some of these new constitutions
were adopted in the aftermath of major conflict, whereas others were intro-
duced in the context of shifts toward multipartyism and political opening.
For women's rights activists, the big innovation in many of these new consti-
tutions was the stipulation that the constitution and statutory law override
customary law, a provision that is generally understood to have clear impli-
cations for women's rights. Ten out of fourteen postconflict countries have
such clauses, and two refer specifically to gender in this context, whereas
only eleven out of thirty-two non-postconflict countries have such a provi-
sion. Similarly, thirteen out of fourteen postconflict countries have banned
discrimination based on sex, whereas only twenty-five out of thirty-two non-
postconflict countries have such a provision (see Table 5.1). Of the countries
that have passed land legislation in recent years to address women's right
to land, five out of seven were postconflict countries. Similarly, with the
exception of Tanzania, all the countries with the highest rates of female
legislative representation in Africa (where 30 percent or more the legisla-
tive seats are held by women) had come out of conflicts after 1986, such
as Burundi, Mozambique, Namibia, Rwanda, South Africa, and Uganda.
Thus, the most significant changes in Africa with respect to women's rights
have occurred when there were opportunities to rewrite "the rules" of the
political order, which generally occurred after major civil conflict.

In sum, countries that were most likely to adopt female-friendly policies
had stronger women's movements than those without. They were also likely
to be more influenced by transnational women's movements and changing
international norms, mediated by the United Nations as well as regional and
subregional organizations of states. They tended to be relatively wealthier
countries or countries with access to donor resources with which to imple-
ment various policy changes. Paradoxically, they often were countries that
had experienced serious disruptions, where the social and political order
underwent upheaval as a result of conflict. As they emerged out of years of
civil conflict, new constitutions were written and the rules ordering the pol-
icy were recrafted. This presented women's movements with opportunities
to assert themselves.

NEW GENERATION OF GENDER LEGISLATION AND POLICIES

The 1990s saw the passage of legislation, the adoption of new constitutions,
and the signing of international treaties addressing a new range of issues
in Africa, some of which were path breaking even by world standards. The

2003 Protocol to the African Charter on the Rights of Women, for example, is more radical than the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which has been signed by virtually all countries of the world and ratified by all but Iran, Oman, Qatar, Sudan, and the United States. The 2003 Protocol to the African Charter on the rights of women includes a provision that is the first recognition of a limited right to abortion in international law. It recognizes the right of a woman to self-protection and to be protected against sexually transmitted diseases, including HIV/AIDS. It also mentions women's rights to live in a positive cultural context and is the first international treaty to mention female genital cutting. The protocol provides for the rights of widows, the disabled, and elderly women, which are innovations in international law. Other examples of ground-breaking changes can be found in South Africa, which has the only constitution in the world that outlaws discrimination based on sexual orientation and recognizes the right of people in same-sex relationships to marry. In 2006, legislation was passed in accordance with the South African constitution to allow for same-sex marriages. This occurred on a continent where open homosexuality is still generally considered taboo and is illegal in Ghana, Kenya, Nigeria, Tanzania, Uganda, Zimbabwe, and many other African countries.

The vast majority of sub-Saharan African countries have signed CEDAW; the International Covenant on Economic, Social, and Cultural Rights; the African Charter; and the 2003 African Union Women's Protocol. This fact suggests that there is general acceptance of these norms regarding women's rights in Africa at the governmental level, even if implementation falls short. Opponents of gender-related reform have sometimes argued that the pursuit of women's rights is the product of Western feminist influences in Africa. In light of the aforementioned agreements, these objections to change ring increasingly hollow, given that it is primarily African women's organizations and networks that have spearheaded initiatives to build support for these treaties and protocols (Banda 2005).

The post-1990s policies reflect a new rights-based approach that incorporates both human rights and development concerns. These are distinct from earlier purely developmental approaches in several important ways: (1) The new post-1990 policies seek equal gender representation in political and other institutions, including legislatures, executive branches, judiciaries, nongovernmental associations, religious institutions, and other bodies. (2) New legislation and constitutional reforms challenge customary practices affecting familial relations and gender relations within the private sphere of the home, kinship group, and clan. (3) The new generation of policies seeks

to protect women's bodily integrity through legislation around female genital cutting, abortion, domestic violence, and other such concerns. (4) New policies have emerged to address women's rights to a livelihood through access to land, property, credit, agricultural inputs, and other resources. (5) And finally, these policies have sought equal rights for women as adult citizens and the abolition of women's status as minors in a few remaining countries (e.g., Lesotho and Swaziland).

Although it is beyond the purview of this book to evaluate the impact of these policies, it is important to recognize that in spite of the difficulty of implementing and enforcing them, the effects of the policies are being slowly but surely felt on the ground, where they matter. As a result of land legislation in Uganda, for example, increasing numbers of women are taking their disputed claims to magistrate's courts, especially in areas where land pressures are great, such as Kigezi (Khadiagala 2001). No longer can men sell land without the consent of their wife. Even in rural areas, lawyers who oversee such transactions will often strictly adhere to this requirement. The impacts are evident in girls' education levels, women's ability to access credit, women's leadership capacities, and the increasing presence of women leaders in a wide variety of nongovernmental arenas. Today in Uganda's universities, it is no longer only women who demand gender balance on committees and in leadership positions: Male faculty and administrators are requiring greater female representation. Thus, in a country such as Uganda, there is evidence of real changes as a result of the adoption of female-friendly legislation, constitutional changes, and policy reforms, even if there remains a long way to go.

does democratization matter?

It is not evident that the democratizing trends experienced continentwide after the 1990s directly contributed to the adoption of all of the female-friendly policies described in this book. The number of democracies in Africa doubled between 1980 and 2007, whereas the number of authoritarian states decreased from roughly one-half to one-third in this period. However, the largest number of countries remained neither fully democratic nor authoritarian. Democratization coincided with and shaped many of the changes with respect to women's status. Women's rights activists participated in movements of political liberalization as described in Chapter 4. Democratization certainly facilitated the growth of women's organizations. But one finds many nondemocratic countries that adopted woman-friendly policies, including Ethiopia, Rwanda, Uganda, and Zimbabwe. How they

actually implemented these policies and framed them is another matter and one that needs to be determined empirically.

Democratization in Africa in the 1990s not only included an expansion of political rights and civil liberties, it included a shift away from military rule toward civilian rule, the introduction of multiparty systems (away from single-party rule), the emergence of a freer press and greater freedoms of expression, and an opening up of political space for nonstate associations, including women's organizations. The freedoms of press and association were particularly important to women's organizations. But it is not clear that these changes directly affected the adoption of policies advancing women's status when looked at comparatively. Undoubtedly, democratization affects the substance of the changes and their implementation.

This book asks, in part, why do some authoritarian and semi-authoritarian regimes adopt pro-women policies? To date, there is a growing comparative literature on potential linkages between democratization and the adoption of women's rights policies. Ronald Inglehart, Pippa Norris, and Chris Welzel (2002), for example, in their study of seventy countries, find a global trend toward greater gender equality that is strongly linked with democratization and cultural change. They argue that economic development results in social and economic transformations that become the key to democratization. Simultaneous cultural shifts are reflected in increases in gender equality. According to them, democratic countries have higher rates of female representation, not directly because of democracy but rather because democratization causes cultural shifts that result in these changes. One change that occurs with democratization is the change in the perception that men make better leaders than women. The authors' evidence for this link between gender equality and democracy is their claim that democratic societies have higher rates of female parliamentary representation.

Inglehart et al. (2002) included only five sub-Saharan African countries in their study and drew on survey data looking at multiple waves from 1981 to 1997. The introduction of electoral quotas for women in Africa began in earnest around 1995 and expanded dramatically after 2000, resulting in sharp increases in the numbers of women legislative representatives. Thus the findings of Inglehart and his colleagues do not capture many of these more recent changes that we are describing in Africa, nor do they predict them.

In Africa today, there is no correlation between democracy and women's representation. Of the countries where women claim over 20 percent of all legislative seats, six countries, or 38 percent, of all authoritarian states fall in this group, 40 percent (eight) of all semi-authoritarian states are represented in this group, whereas only 20 percent (two) of democratic states have

higher rates of female representation. These findings are borne out in a global crossnational multivariate study using 2006 data (Tripp and Kang 2008).

Many countries that democratized in Africa were left in a holding pattern of illiberal democracy. In these semi-authoritarian states, violations of civil and political liberties continue. Indeed, what distinguishes semi-authoritarian regimes from democratic regimes is their lack of consistency in guaranteeing civil and political liberties. At the same time, it is their regard for some of these liberties that sets them apart from full-blown authoritarian regimes. They often manifest patterns of personal clientelistic-based rule reminiscent of African authoritarian regimes, with the executive holding a preponderance of power. Even within these systems, women's rights activists have been able to make modest gains on the policy front.

Nevertheless, in the literature, democratization is in one way or another implicated in many explanations for improvements in women's status in Africa, especially in the area of political representation, where the scholarship has been most extensive. Some, such as Kathleen Fallon, have argued that the transition to democracy opened up new possibilities for women to fight for political rights in Ghana and elsewhere in Africa (Fallon 2003). Staffan Lindberg (2004) suggests that women's chances for being elected into the legislature improve incrementally in all regime types with each consecutive election, but especially in democratic systems. Mi Yung Yoon (2004) looks at women's representation in African countries that held democratic elections between 1990 and 2001 and points to quotas and proportional representation to be important explanatory factors in enhancing women's representation in African legislatures, while culture acts as a constraint. Moreover, she argues that "the recent transition toward democracy in sub-Saharan Africa has significantly increased the number of female candidates for parliamentary seats . . ." (p. 458). Gretchen Bauer and Hannah Britton (2006: 1–30) find that "the diffusion of multiparty politics has paved the way for women's greater political gains." They also point to quotas as being often the "most immediate and successful tools for increasing the number of women in national office." They too see the postconflict influences, availability of women candidates, electoral systems, role of political parties, and influences from global women's movements as additional factors facilitating women's legislative representation in addition to the effects of multipartyism.

Clearly, democracy shapes the ways in which policies are adopted and framed. However, as indicated previously, the empirical data do not suggest a correlation between democracy and women's descriptive legislative