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THE WOMEN'S MOVEMENT IN AFRICA: CREATIVE INITIATIVES AND LESSONS LEARNT*

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I. INTRODUCTION

The Oxford Complete Word Finder defines a movement as a body of persons with a common object. However, there is no single accepted definition of the 'Women's Movement.' Rather, it can be considered as the whole spectrum of conscious and unconscious individual or collective acts, activities, groups or organisations concerned with reducing gender subordination, which is understood as intersecting with race and class oppression. A movement is not static; it is a process and can be modified as it comes into contact with various aspects of life, including politics and communication, to mention but a few. The Women's Movement has to some extent been viewed in a wider context as a social movement. In Africa, the Women's Movement is composed of different social actors who share the same history of oppression and therefore, come together to deliberately construct and reconstitute their identities. The Women's Movement may be defined with reference to different criteria. It may be international, regional, or national, which is the geographical context that determines the social context within which the movement operates. It is therefore, possible to talk of the Women's Movement within the Catholic, Buddhist and Islamic religious denominations.¹ The actors are at times individuals, groups of individuals, or organised communities. The efforts and the people involved collectively make up the Women's Movement.

The focus of the Women's Movement has been the systematic removal of the

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¹. FLORENCE BUTEGWA, THE WOMEN'S MOVEMENT IN AFRICA: REPORT OF THE 1ST AFRICAN WOMEN'S LEADERSHIP INSTITUTE 24 (1997).

barriers that prevent women from enjoying the full corpus of rights due to them. In Africa, efforts have been made to address imbalances created by culture as well as by the often discriminatory and marginalizing actions of the state. Often the Women's Movement has had to deal with patriarchal society as well as with the lack of an enabling legal and policy framework. In such circumstances, women have employed great creativity in addressing the often adverse conditions in which they find themselves. Sometimes they have engaged the state directly and demanded the legal recognition of women's rights. At other times they have lobbied the support of donors to enforce change in the legal regime. Often, they have relied on drastic measures to make their voices heard.² The Movement has greatly improved the social status of women and addressed social justice issues in many countries around the continent. This has been made possible through the creative initiatives undertaken by the women in Africa, despite the absence of facilitative legal and policy frameworks at the international, regional and national levels. In the process of implementing various initiatives, a number of lessons have been learned. This article outlines those lessons, and further explores the creative initiatives devised, and the challenges that still need to be addressed.

A. A Historical Perspective on the Women's Movement in Africa

The Women's Movement in Africa is as old as the history of their subordination. In African traditional society, women were definitely the lesser partners in a complex society based on mutual existence. Individual women rose above the challenges and gained considerable influence. In some African societies women had political power³ while others had economic influence. The fact that some traditional African societies were matrilineal cannot be discounted.⁴ However, the status of women generally was not enviable. Their position was made more precarious by the advent

². Women in Swaziland exposed their buttocks to the King's brother to protest the action of the King in firing two tribal chiefs and the appointment of his brother in their place. Women in Cameroon employed the *anlu*, a traditional practice of the Kom women that was intended to punish or chastise any man for offences against a woman; women in Mozambique denied their husbands sex in order to force them to make peace with the rebels; while women in Uganda declared International Women's Day 1998 a day of mourning to protest the exclusion of a co-ownership clause in the Land Act 1998. See, e.g., R.E. Ritzenthaler, *Anlu: A Woman's Uprising in British Cameroon*, 19 AFR. STUD. (1960).

³. Queen Amina of Nigeria, who ruled the Hausa State of Zazzau in the 14th Century, is a classic example.

⁴. CONRAD KOTTAK, CULTURAL ANTHROPOLOGY (10 ed., n.d.); WILL ROSCOE & STEPHEN MURRAY, BOY-WIVES AND FEMALE HUSBANDS: STUDIES OF AFRICAN HOMOSEXUALITIES (2001).

of colonial rule. The colonial state formally relegated women to an inferior position through the various laws and policies. The colonial state also formalised the separation of the public and the private spheres of life. The formal civil service was the preserve of the men, while women were pushed into the shadowy and often thankless role of homemakers. The education system was structured to reflect the status quo. Ownership of land was restructured and women lost what little control they had over land courtesy of the system of land registration.⁵

It is no wonder that during the colonial era, women in Africa forged a movement in the fight against colonialism. In Kenya, they took part in the *Mau Mau* Movement.⁶ In Uganda, a woman headed the anti-colonial Nyabingi Movement, and other women played an active role.⁷ In Nigeria, Igbo women staged an unprecedented revolt against the Administration in Calabar in 1929.⁸ In Cameroon, women staged a spectacular uprising against the colonial authorities in 1958-59.⁹ In South Africa, individual women such as Winnie Madikizela Mandela and the ANC Women's Wing played a pivotal role to end apartheid. The story of African independence is coloured with the contributions of women across the continent.

However, in spite of their crucial role in the struggle for independence, women's contribution was often trivialised. After independence, there was no marked improvement in the status of women. Women then re-directed their efforts towards the eradication of gender-based subordination. Africa witnessed groups of women organised to address some of the issues of concern to them like credit schemes and maternity services.¹⁰ Women in Africa challenged the social construction of gender, but also sought to create avenues to help women fulfill their expected social roles. The contemporary Women's Movement was birthed out of the efforts of women across Africa to demand equal treatment with men. The women did not demand anything peculiar, but simply to be treated like all other human beings without regard to gender.

⁵. See, Aili Mari Tripp, *Women's Movements, Customary Law, and Land Rights in Africa: The Case of Uganda*, 7 AFR. STUD. Q. (2004).

⁶. W. Oduol & M.K. Wanjiku, *The Mother of Warriors and her Daughters: The Women's Movement in Kenya*, in THE CHALLENGE OF LOCAL FEMINISMS: WOMEN'S MOVEMENTS IN GLOBAL PERSPECTIVE (A. Basu ed., 1995).

⁷. J. KWESIGA, THE WOMEN'S MOVEMENT IN UGANDA: HISTORY, CHALLENGES AND PROSPECTS (2002).

⁸. S. Tamale, *Taking the Beast by its Horns: Formal Resistance to Women's Oppression in Africa*, in 21 AFRICA DEVELOPMENT 6 (1996).

⁹. *Id.*

¹⁰. In other cases, women took on complex roles. For example in South Africa, they joined the armed struggle against Apartheid.

Events on the world stage and in particular the birth and activities of the International Women's Movement changed the face of the Women's Movement in Africa. After the 2nd World War, women became more prominent in the International Community. Women had played a vital role during the World War as nurses, advisers as well as fighters. When the war ended, it was not possible to ignore them and confine them to the kitchens. There were unprecedented efforts to elevate the status of women across the world. International efforts to address the plight of women started in 1946 with the establishment of the United Nations Commission on the Status of Women, under the auspices of the Economic and Social Council (ECOSOC) of the United Nations. The Commission was aimed at promoting the rights of women in the economic, social and cultural fields. In the early 1970s, the United Nations placed the issue of the promotion of equality between men and women on its agenda. In order to achieve this goal, 1976-85 was declared the UN Decade for Women. It was during this period that the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) was passed in 1979. This was a landmark document in the International Women's Movement; the first of its kind to highlight what constitutes discrimination against women. In a bid to achieve the goals of CEDAW, the Nairobi Conference (1985), and subsequently the Beijing Platform of Action (1995), were organised. After these important events, women organised themselves into regional and national Civil Society and Non-Governmental Organisations (CSOs and NGOs) in order to lobby their respective Governments to implement the contents of the International Instruments. To sustain the achievements gained in the international arena, the Women's Movement across Africa has become permanent and multi-faceted, with one of its major objectives being tackling the challenges brought about by political, social and economic change across the continent. During the 1980s and the 1990s the Women's Movement became the trailblazer in the fight against gender subordination across the African continent. The changed face of the movement has made it appealing to most women and the most visible social movement on the continent. The focus of the Women's Movement has changed from the traditional one where women were only prepared to bear and rear children, to one where it is recognised that women also can play public roles. In sum, a number of African women have moved from the bedroom to the boardroom and from the Kitchen to the Courtroom.

B. An Overview of the Current Situation

The Women's Movement in Africa today can best be described as broad based. It is spread throughout most countries of Africa and located at different levels of visibility and presence. Women's groups have grown in number over the last decade, partly as a result of greater consciousness of the oppression of women linked to economic and social inequalities. The Movement is aimed at responding to some of the problems that women face because of their gender. Women across the continent have forged a sisterhood that is unprecedented. Women have created strong women's organisations to address gender-based subordination at all levels of society. There are various categories of women's groups organised to deal with the specific issues that affect women depending on the expertise of the specific women concerned.¹¹ For example, women lawyers have come together to deal with legal issues. This they have done by affiliating to International Organisations like the Federation of International Women Lawyers (FIDA).

At the regional level, organisations include Women in Law and Development (WILDAF), whose membership now comprises over 600 organisations, 3500 individuals in 31 countries in Africa, with country networks in 26 countries. Its country networks have been set up in Benin, Botswana, Burkina Faso, Cameroon, Cote D'Ivoire, Swaziland, Tanzania, Uganda and Zambia, to mention but a few.¹² Another organisation that has impacted greatly on the Women's Movement is Akina Mama wa Afrika (AMwA), which is committed to leadership training for women across the continent.¹³ The Council for the Economic Empowerment of Women in Africa (CEEWA); the African Women's Development Communication Network (FEMNET); the African Women's Economic Policy Network (AWEPON); and the East African Sub-Regional Support Initiative for the Advancement of Women (EASSI), which was established to follow up the implementation of the Beijing Platform for Action (PFA) for the advancement of Women in Eastern Africa;¹⁴ are some of the women's organisations which are working in various parts of the continent to improve the lives of African women.

At the national level, there are thousands of autonomous women's organisations working in the political, social and economic fields. The women's organisations in Africa are as many as the issues that touch and concern women in Africa. The organisations, regional or national have played a pivotal role in advancing the women's cause. They deal with various thematic issues like health

¹¹. Butegwa, *supra* note 1, at 28.

¹². <www.wildaf.org.zw/about.htm>, accessed 7/4/05.

¹³. <www.akinamama.org>, accessed 10/12/05.

¹⁴. <www.eassi.org>, accessed 7/5/05.

rights, sexuality, education, legal aid, women and employment, women and the economy; women in politics; and many others.

II. A CRITIQUE OF THE LEGAL AND POLICY FRAMEWORK

Gender subordination is defined in terms of the legal and policy framework as well as the cultural setting. Women in Africa rely on the International law and policy framework to define the content and standards of their human rights. International Law and Policy also forms the foundation of advocacy efforts because it sets the benchmark to which states and society in general should aspire and to which many states have ascribed by signing and ratifying international treaties. Advocacy strategies using litigation to improve the status of women rely heavily on International Law. Various International fora i.e. conferences, workshops, etc. that are designed to discuss the International Instruments form a focal point where women meet and discuss issues that affect them and disperse to implement locally what has been discussed. The International legal framework also plays a crucial role in research and documentation on women's issues particularly the appointment of the UN Special Rapporteur on violence against women who had carried out extensive research and documented women's human rights abuses across the globe.¹⁵

A. *International Law and Policy*

In the Women's Movement, debate has raged as to whether International Human Rights Law forms part of the realm of International Law on the protection of women.¹⁶ In the evolution of what is becoming the global Women's Movement, the term Women's Human Rights has served as a locus for praxis. On the one hand, the idea of Women's Human Rights makes sense. The human rights framework equips women with a way to define, analyse, and articulate their experiences of violence, degradation and marginalisation. It is on this premise that International Human Rights Law is recognised as protecting women and therefore, within the ambit of the legal framework. On the other, Women's Human Rights are seen as having a transformative potential and therefore a revolutionary notion, which takes them out

¹⁵. <<http://www.ohchr.org/english/issues/women/rapporteur/index.htm>> Yakin E Turk from Turkey is currently Special Rapporteur, having replaced Ms. Radhika Coomaraswamy, who held the post from 1994 to 2003. The Special Rapporteur publishes annual reports as well as undertaking country visits to document incidences of violence against women.

¹⁶. J. Oloka-Onyango & Sylvia Tamale, "*The Personal is Political,*" or *Why Women's Rights are Indeed Human Rights: An African Perspective on International Feminism*, 17 HUM. RTS. Q. 691 (1995).

of the arena of Human Rights.¹⁷

According to the 1948 Universal Declaration of Human Rights, human rights are universal, inalienable and indivisible. This means that human rights apply to every one, everywhere and at all times. Women are therefore rights-bearers just like men. They are entitled to rights under the Declaration, for example, freedom of movement, security of the person and freedom from torture. They are further entitled to the whole range of rights provided for in the International Conventions such as the International Convention on Civil and Political Rights (ICCPR), 1966 and the International Convention on Economic Social and Cultural Rights (ICESCR), 1966. However, in the African context, a number of social factors have negatively impacted on the enjoyment of equal rights by women. Some cultures and cultural practices in Africa have relegated women to a position of second-class citizens. Women in many West African Countries, in Egypt, Sudan, Ethiopia, some parts of Tanzania, Kenya and Uganda are subjected to mutilation of their genitals in the name of culture.¹⁸ Often cultures deny women the right to own land. Widows in some parts of Africa are inherited in the same fashion as chattels that form part of a deceased person's estate.¹⁹

Human rights definitions and practices do not often account for the ways in which abuses affect women because of their gender. There are gender specific human rights abuses that have negatively impacted on women. Examples of such abuses are rape, widow inheritance, forced marriage, female genital mutilation, maternal mortality, and other forms of inhumane and degrading treatment. The rights of women ought to be recognised as human rights and not only as 'women's human rights.' The latter shows that the rights are on the periphery within International Human Rights Law. On the whole, the mechanisms for realisation of international human rights need to be engendered, for the benefit of both men and women.

As mentioned earlier, CEDAW was the first international legal instrument to define discrimination against women. It is formulated on the premise that "women must be as free as men to make choices not only in the political and legal sphere but also in such areas as marriage, the home and family life generally." Discrimination

¹⁷. See, Charlotte Bunch, *Women's Human Rights* (Background Papers and Lectures – First AWLI, 22 February-14 March 1997), at 58.

¹⁸. AMNESTY INTERNATIONAL, *FEMALE GENITAL MUTILATION: A HUMAN RIGHTS INFORMATION PACK* (1997).

¹⁹. See, J. OKUMU-WENGI, *WEEDING THE MILLET FIELD: WOMEN'S LAW AND GRASSROOTS JUSTICE IN UGANDA* (1997).

on grounds of 'sex' is particularly outlawed, and States are called upon to take appropriate measures legal or otherwise to end such discrimination. In a number of societies, there was and still is, a pervasive division of life into the public and private spheres. What individuals do in the public sphere is subject to regulation, whereas the private sphere is generally exempt from government scrutiny. Women are usually confined to the private sphere, while men dominate in the public sphere. The implication of this dichotomy has been that violations and abuses in the home are considered private, and therefore outside the realm of state intervention. CEDAW was a positive development in this regard, because it made it imperative for States Parties to penetrate the private sphere in a bid to ensure genuine equality between men and women.

In order to enforce the rights guaranteed under CEDAW, the Committee on the Elimination of all forms of Discrimination Against Women ('the Committee') was established.²⁰ The Committee can receive communications from individuals or groups claiming to be the victims of a violation of rights set forth in the Convention. The Beijing Declaration and Platform of Action²¹ is another important development in the progress of the Women's Movement. The declaration was passed by the Fourth World Conference of Women that took place in Beijing, China, in 1996. It identifies a number of critical areas of concern for women, calling upon Governments, the International Community, and civil society, including non-governmental organisations and the private sector, to take strategic action to address them. The areas identified include:

- The persistent and increasing burden of poverty on women;
- Inequalities and inadequacies in and unequal access to health care and related services; violence against women;
- The effects of armed or other kinds of conflict on women;
- Inequality in economic structures and policies, in all forms of productive activities and in access to resources;
- Inequality between men and women in the sharing of power and decision-making at all levels;
- Insufficient mechanisms at all levels to promote the advancement of women;
- Lack of respect for and inadequate promotion and protection of the human

²⁰. Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999, art. 1.

²¹. Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995).

- rights of women; and
- Gender inequalities in the management of natural resources and in the safe guarding of the environment; and persistent discrimination against and violations of the rights of the girl child.

The declaration recommends a number of strategic initiatives to address the above areas of concern, such as affirmative action, education, legislation, and other specific means of intervention. The Fourth World Conference on Women was instrumental in re-energising the Women's Movement all over the world, including Africa. Many civil society and non-governmental organisations addressing women and gender issues had their origins in this conference. It was therefore an important landmark that gave prominence and a new voice to women's concerns.

B. Regional Initiatives

The African Charter on Human and Peoples' Rights²² is one of the most prominent initiatives of the Organisation of African Unity (OAU)²³ to promote the protection of human rights on the African Continent. The Charter guarantees rights for 'every individual, every citizen, and all peoples.' This presupposes that men and women are given equal treatment in so far as the enjoyment of human rights guarantees is concerned. However, not all that glitters is gold. The enjoyment of human rights by all people in Africa, particularly the women, is greatly hampered by the fact that the virtues of African tradition and values of African civilisation are supposed to inspire and characterise reflection on the concept of human and peoples' rights under the Charter. The emphasis on African traditions and values can be seen in the belief that individuals not only have rights, but that they have duties as well. Such duties are owed to the family of the individual, to society, to the state and to other legally recognised individuals. While there is nothing wrong with emphasising the concept of duties, it may derogate from the notion that the rights of the individual are paramount.

At the same time, the attempt to make the Charter culturally relative is a fetter to the full enjoyment of rights by African women. According to Sylvia Tamale, arguments that seek to reinforce African traditions and values are invoked to justify cultural practices such as female genital mutilation and virginity testing for

²². Adopted on the 17th June 1981 by the Eighteenth Assembly of the Heads of State and Government of the Organization of African Unity.

²³. Renamed African Union (AU) and enacted at Lomé, Togo, July 11, 2000.

women. Tamale further argues that the false dichotomy created by the debate between the universality of human rights and cultural diversity is particularly damaging to the rights of women.²⁴ It is a fact that most African cultures have long subjected women to abuse and relegated them to a position of second-class citizens. Furthermore, the claw-back clauses in the Charter operate as a limitation to the guarantees enshrined in the Charter, rendering the rights more mythical than real. The claw-back clauses hinder the realisation of rights guaranteed in the Charter. For example, the Charter guarantees the rights of the individual subject to the existing legal regimes of state parties. Article 6 guarantees the right to liberty and security subject to existing law. Similarly freedom of conscience in Article 8 is expressed to be subject to law and order. This creates a dilemma because individuals must first have recourse to national legislation, which may limit the scope of rights. Many times, States Parties pass legislation that stipulates various conditions for the exercise of rights, or that specifically prohibit the enjoyment of the rights.

In 2003, the African Union took further steps to improve the human rights of African women by passing the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.²⁵ States Parties expressed their determination to ensure that the rights of women are promoted, realised and protected in order to enable them fully enjoy all their human rights. In reality, the Protocol mainly reiterates the provisions of existing international instruments such as CEDAW. There are, however, some innovations, such as the right of women to access judicial and legal services, including legal aid, the right to food security and the right to live in a "positive cultural context." It also contains a provision specifically for the protection of widow's rights, including the widow's right to automatically become the guardian and custodian of her children after the death of her spouse, the right to re-marry a person of her own choice, and to inherit an equitable share of her husband's property including their matrimonial home. On the whole, the protocol provides for a wide range of rights, which if implemented, would go along way in assuring the dignity and welfare of African women. While the Protocol has recently come into force with the requisite 15th ratification by Togo, the challenge is to move it from the realm of mere rhetoric into practice.

The 1990 African Charter on the Rights and Welfare of the Child also contains a number of progressive provisions that are useful in promoting the rights of the girl-child. States Parties are enjoined to take all appropriate measures to

²⁴. S. Tamale, *Fanning the Flame of Feminism in Uganda* (paper presented on the occasion of celebrating ACFODE's 18th anniversary, Kampala, November 17, 2003).

²⁵. Adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, 11 July 2003.

eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular; those customs and practices discriminatory to the child on the grounds of sex. It further provides that child marriages and betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory. Such provisions are a good starting point in the fight against cultural practices and traditions that have for long undermined the dignity of African women.

In the final analysis, the African Human Rights System has made a number of provisions for the protection of women's human rights, thereby providing the Women's Movement in Africa with a formidable arsenal that can be used to promote equality between women and men. However, there is still the challenge of realising the important linkages between the black letter provisions of the law and practice due to the fact that not all the provisions of these instruments have been successfully implemented in most African countries that are signatories to the various Charters. It is necessary to consider this level of operation because it is the basic point at which the realization of women's human rights must be effected.

C. The Question of National Legislation

Many African Countries have made significant strides in incorporating into their national laws, provisions geared towards improving the welfare and dignity of women. The Women's Movement has taken advantage of a wave of constitution making and or reform that has swept across some countries over the past decade and a half to ensure that gender responsive Constitutions are passed. Of all the Constitutions of African States, those of the Republic of Uganda and South Africa have been acclaimed as most gender responsive.²⁶ The Constitution of Uganda contains a number of articles that focus specifically on improving the status of women, including:

- Article 21, which provides for equality and freedom from all discrimination in all spheres of political, economic, social and cultural life, and equal protection of the law;
- Article 31 (1) provides for equality of men and women at marriage, during marriage, and at its dissolution;
- Article 32 (1) obliges the State to take affirmative action in favour of groups marginalised on the basis of gender, age, disability, or any other

²⁶ . See, Biniam Tekle, *National Assembly Urged to Make Constitution Gender-Sensitive*, DEHAI-Eritrea OnLine, 11 December, 2001.

reason;

- Article 33 (5) guarantees the women's right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom; and
- Article 36 (6) prohibits laws cultures and traditions, which are against the dignity, welfare or interest of women and undermine their status.

In order to give effect to these Constitutional guarantees, the Constitution further mandates Parliament to make laws for the establishment of an Equal Opportunities Commission (EOC).²⁷

In spite of the above provisions, there are still many shortcomings in Uganda's legal regime regarding its usefulness in protecting and promoting women's rights. The EOC has never been established ten years after the Constitution was promulgated. Reform of the laws to match the constitutional provisions on gender equality has also been very slow. Some of the few laws that have been revised in line with the Constitution are the Land Act and the Local Government Act.²⁸ The Local Government Act stipulates that women must occupy 30% of all positions of the Local Council structure while people with disabilities occupy 20% of these positions (male and female). The women are therefore to occupy 40% of the positions within the structure. In practice however, the effective representation of women is hampered by the lack of skills in advocacy and public speaking, the lack of resources to mobilise women, and the fact that the structures generally promote gender inequalities.²⁹

Although Uganda has embarked on some positive reform, many African States are still lagging behind, notably those that employ Sharia Law. Women are still discriminated against in certain aspects of the operation of this regime of law. An example is the case of the Nigerian woman Amina Lawal from the State of Zamfara, who, according to Sharia Law, was supposed to be stoned to death for having a child outside wedlock.³⁰ Thanks to the Women's Movement that widely criticised the intended stoning, Amina's life was spared.³¹ Recently, in the Nigerian

²⁷. UGANDA CONST. (1995), art. 32(2).

²⁸. Caps 229 and 265 respectively, Laws of Uganda, 2000.

²⁹. Sylvia Tamale, Women's Participation in Politics: Strategies for Parliamentary and Local Council Elections 2001 (Keynote Address, 2001).

³⁰. AMNESTY INTERNATIONAL, AMINA LAWAL: SENTENCED TO DEATH FOR ADULTERY (2003).

³¹. Amnesty International, Amina Lawal's Death Sentence Quashed At Last But Question Remains About Discriminatory Legislation (Press Release, 25 September, 2003).

State of Kano, a law was passed to ensure that women and men used separate public transport facilities.³² In Sudan, women who have children out of wedlock are ostracised. This leads to grave consequences especially in Southern Sudan where women are subjected to rape as a weapon of war.³³ Other countries like Somalia also face the challenge of promoting equality of the sexes, *vis-à-vis* the requirements of Islam. Several articles of the Somali Constitution that has been in place since May 2000 emphasize equality between men and women and respect for human rights. Article 36 of the Constitution provides that:

- (a) Women have equal rights as men as provided in the Constitution, except in the areas defined for each sex in Islam.
- (b) Government will encourage laws that protect women from harmful traditional practices which affect them physically and morally and which are also not permitted in Islam.

³². Nigeria: State Segregates Travel (BBC News, 27 July, 2005).

³³. AMNESTY INTERNATIONAL, DAFUR: RAPE AS A WEAPON OF WAR: SEXUAL VIOLENCE AND ITS CONSEQUENCES (AI Index AFR 54/076/2004).

Unfortunately in Somalia, Islam and traditional Customary Law (*xeer*), which is negotiated by clan elders, is used to compromise the provisions of the law.³⁴ Among the practices that affect women are female genital mutilation, polygamy, wife inheritance, and denial of the right to own property. In a nut-shell, most customs that are frequently followed in Somalia are not pro-women.

But it is not only Islamic countries that failed to accord sufficient protection to women. The Zimbabwean Constitution has nothing specific on women. There are however a few positive aspects in Zimbabwe covering women's rights in other laws like the Administration of Estates Amendment Act,³⁵ which allows for surviving spouses and family members in customary marriages to inherit property. To a great extent, the Zimbabwean Constitution merely glosses over women's human rights. Affirmative action is said to mean "temporary special measures aimed at accelerating de facto equality between men and women which shall not be defined as discrimination (which) shall be discontinued when the objectives of equality of opportunity and treatment have been achieved." The Declaration of Rights in Chapter 3 guarantees only civil and political rights. Even then, there are a series of restrictions (claw-back clauses) on the rights. The Constitution seems handicapped in protecting women. Despite the above, the Women's Movement in Zimbabwe is fairly vibrant. Several organisations have been formed to deal with different issues concerning injustices against women for example, the Zimbabwe Women Lawyers Association (ZWLA), which offers legal services to women, the Women's Action Group (WAG), formed to fight against the arbitrary arrest of women on grounds of prostitution, and the Musasa Project which offers shelter to traumatised women.

In Kenya on the other hand, it is recognised that there is no equality of sexes. Kenya is currently going through a Constitutional review process, which will hopefully bring about positive change in so far as the protection of women is concerned. On the whole, most African countries do not have adequate laws for the protection of women's rights. Even where there are progressive laws, implementation is slow or difficult due to a number of factors ranging from lack of political will to lack of financial resources.

III. CREATIVE INITIATIVES AND LESSONS LEARNED

³⁴. Suad Ibrahim Abdi, *Religious and customary laws used to deny women their rights*, in GENDER GAPS IN OUR CONSTITUTIONS: WOMEN'S CONCERNS IN SELECTED AFRICAN COUNTRIES (Esther W. Kamweru ed., 2002), at 48.

³⁵. Act No. 6 of 1997.

The Women's Movement in Africa has employed various approaches to ensure better standards for women. Women have lobbied for change in the legal and policy framework in order to create a suitable environment for the enjoyment of rights generally and of women's rights in particular. They have also taken a number of practical social and economic measures to improve their own lives. The initiatives employed are sometimes specific to the form of injustice being addressed and the intended goals.

A. Lobbying for Gender Mainstreaming of Policy

Policy and lawmakers all over the world now recognise that addressing gender issues in the legal and policy framework is important for the achievement of sustainable development. Some African Governments such as Uganda have enacted National Gender Policies to emphasise their commitment to gender responsive development. Such policies are meant to complement other policies and programmes and to define key structures and key target areas for ensuring that gender concerns are routinely addressed in all planning activities as well as in the implementation, monitoring and evaluation of programme activities. Ministries of Gender or of Women in Development are also a common feature of governments across the continent. However, it should be noted that in many countries, these ministries were not set up on the initiative of government, but as the result of lobbying and advocacy by the Women's Movement. In Uganda, Action for Development (ACFODE), a women's NGO formed in 1985 played a crucial role in pushing the government to establish a ministry for women, for women's representation in local governments, and for every ministry to have women's desk.

Civil Society and the Women's Movement in particular have played a big role in "putting gender on the agenda" of African Government's Policies and Programmes. The Gender and Economic Reforms in Africa Project, hosted by the Third World Network–Africa, has played a crucial role in this regard. Through research, training and advocacy, the GERA project has enabled women across the continent to reflect on and participate in economic decision-making. Also at regional level, the African Women's Economic Policy Network (AWEAPON) seeks to strengthen the capacity of women to influence the shape of economic policy. The Council for Economic Empowerment of Women in Africa (CEEWA) was established in 1995, during preparatory meetings for the Fourth World Conference on Women, held in Beijing, China. Its main purpose is to articulate regional and country-specific strategies to address the fundamental causes of poverty among

women, including strategies to ensure that economic policy makers take into account gender concerns. Both AWEAPON and CEEWA have chapters or branches in many countries across Africa.

B. Gender Budgeting

Closely related to the initiative to put gender on the agenda of the policy and planning process are the Gender Budget Initiatives (GBI) which have been taking place across Africa. Gender Budget Initiatives analyse how governments raise and spend public money, with the aim of securing gender equality in decision-making about public resource allocation and in the distribution of the impact of government budgets, both in their benefits and their burdens. The impact of government budgets on the most disadvantaged groups of women is a focus of special attention. A gender responsive budget initiative does not aim to produce a separate budget for women. The key question in gender budget initiatives is: What impact does this fiscal measure have on gender equality? Does it reduce gender inequality, increase it; or leave it unchanged?³⁶

Since the 1990s, Civil Society Organisations including women's groups have begun to play a bigger role in the budget process, with a view to seeking answers to the above questions. In Africa, South Africa was the first country to implement gender budget initiatives. The initiatives had their beginning in the Women's Movement of the African National Congress (ANC). In 1994, prior to the first democratic elections, representatives to the African National Conference on Putting Women on the Agenda were clear: the new government departments must 'indicate the impact of programmes on the status and condition of women when requiring funds. When making their reports they must make specific reference to wherever the objectives spelled out in this regard have been met.'³⁷

In 1995, the Parliamentary Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women and the Joint Committee on Finance formed the Women's Budget Initiative in partnership with two NGOs. Subsequently, the South Africa National NGO Coalition coordinated a two-year process of poverty hearings in many towns and cities throughout the country. The findings were synthesised into a set of priorities by commissioners and delivered to government for inclusion in the budget. Training and technical support was also provided to

³⁶. UNIFEM, GENDER BUDGET INITIATIVES: STRATEGIES, CONCEPTS AND EXPERIENCES 7 (2002).

³⁷. P. Govender, *Lessons from Practice: The Role of Parliament in South Africa's Women's Budget*, in *id.*

legislators through CSO initiatives. South African women's groups have worked hand in hand with Parliamentarians to achieve gender equality in the country. The Parliamentary Committees used budget debates to raise public awareness by holding hearings with civil society on poverty, gender, macroeconomic policy and budgets. Since 1994, the South African Parliament has been committed to ensuring that their budgets are gender responsive. The fact that the ANC emphasised this from the beginning has proved very important in ensuring that they did not set a "business-as-usual" pattern. Another important aspect of the South African Gender Budget Initiative has been its ability to unite people from different political parties and bring them together to achieve a common goal. When the initiative started in the 1990s, the Minister of Finance was from a different political party, yet he supported the idea from the beginning.

The Tanzania Gender Networking Programme (TGNP), together with the Feminist Activism Coalition (FemAct) set up a gender budget initiative in 1997. The initiative focuses on macroeconomic policies and planning with a stress on budgets and budgetary processes and their impact on men and women in Tanzania. The strategy was to lobby policymakers, economists, statisticians and researchers to adopt more progressive and gender-equitable approaches to development. The Women's Movement in Tanzania realised from the beginning that coalition building would be crucial to the success of the initiative. The GBI therefore worked to strengthen collective action through the FemAct Coalition, involving more than 15 like-minded NGOs/gender organisations in the reflection and planning sessions.³⁸ Action-oriented research was also a central part of the initiative. Research Teams included gender activists, academics and government planners and budget officers. The findings were compiled into a book, *Budgeting with a Gender Focus*, which was crucial in making dissemination and sensitisation on GBIs easier.

Capacity building on gender budgeting has proven to be a critical component of GBIs. In Tanzania, capacity building efforts focused on staff and coalition partners, as well as policy makers, planners and budget officers in selected government ministries. Capacity Building was crucial because there was low capacity and interest within civil society on gender, policy and macroeconomic issues. Many actors in the women and gender movement did not see macroeconomic issues as gender issues vital to address. This made it difficult to mobilise organisations and TGNP/FemAct for a while seemed like a lone voice on gender

³⁸. Mary Rusimbi, *Mainstreaming Gender into Policy, Planning and Budgeting in Tanzania*, in *id.*, at 119- 25.

budgeting.³⁹

Another challenge in this area has been the discomfort of working very closely with government structures. Some in the Women's Movement have felt that the GBIs pose a danger to the independence and autonomy of CSOs. The issue of autonomy from the state has always been looked upon as central to the Women's Movement. Women and gender organisations need to engage in GBIs while ensuring the protection of the civil society and gender agenda. North-South NGO partnership is a vital strategy in ensuring the success of GBIs. Northern NGOs have access to information and opportunities that southern NGOs may not have. Forming close ties is important to ensure that policies developed are relevant both locally and globally.

In Uganda, Forum for Women in Democracy (FOWODE) an NGO that advocates for women's rights has played the leading role in this area. The organisation has been implementing a gender budget project since 1999 in collaboration with some parliamentarians from the special interest group caucus, which is an alliance of women, youth, workers' and PWD representatives. The project has resulted in a new relationship between government officials and civil society representatives. Initially, the government questioned the right of activists to access information and critique government policy, but new attitudes have developed convincing them of the value of working together. Due to Uganda's long history of official secrecy enforced by the Official Secrets Act,⁴⁰ breaking the barriers between state and non-state actors to enable sharing of information has been a major achievement. GBIs have also proved to be an important way of moving the debate on gender issues away from mere sentimental or moral exhortation to concrete demands supported by economic arguments.⁴¹

C. Women in Decision-making and Politics: Advocating for and Taking Advantage of Affirmative Action Policies

International Human Rights Law establishes the right of citizens to participate in public affairs and government. For a long time in Africa, the enjoyment of this right was largely the preserve of men. In most African Countries, Women constitute over 50% of the total population, and yet their participation in decision-making was for

³⁹. *Id.*

⁴⁰. Cap 187, Laws of Uganda.

⁴¹. Winnie Byanyima, *Parliamentary Governance and Gender Budgeting: The Uganda Experience*, in UNIFEM, *supra* note 36.

many years, not considered a priority.

Since the 1990s, affirmative action policies in countries such as South Africa, Uganda and Tanzania have led to a significant rise in the number of women participating in decision-making. Across the continent, many of the women leaders that have been elected to political office have their roots in the national Women's Movement. The history of the movement in many African Countries is tied to faith-based or religious organisations, such as the Young Women's Christian Association (YWCA), which has branches in several countries; and the Mothers' Union of women members of the Anglican Church. Although such organisations insist on being non-political in nature, they have helped many women to develop leadership and organisational skills that have in turn helped them to take on leadership roles in public affairs. The political parties that have been part of the struggle for independence and democracy in many countries, such as the African National Congress (ANC) in South Africa, the National Resistance Movement (NRM) in Uganda, and Front for the Liberation of Mozambique (FRELIMO) in Mozambique actively incorporated women into their struggles, thereby providing a basis for women to later participate in government. However, in many countries such as Kenya, Zambia, Zimbabwe, Ethiopia and Sudan, there are no policies or laws on affirmative action geared towards increasing the number of women in decision-making positions.

Today, the Women's Movement has grown so vibrant in many countries, and women with no previous political experience have taken up the challenge to run for political office. For example, the Uganda Women Entrepreneurs Association Limited (UWEAL) had 4 of its members stand for office during the 1994 Constituent Assembly Elections. Many leaders of the Women's Movement such as Miria Matembe—one of the founding members of Action for Development (ACFODE)—also stood for election and were successful.

Women have begun to utilise the power of their vote to put pressure on politicians to improve their situation. During the 1996 Presidential elections, the Uganda Women's Network, UWONET, issued a "women's manifesto," raising key issues of concern to women in Uganda that could be used as a basis for evaluating candidates running for office. In Nigeria, the Women's Empowerment Movement (WEM) was set up in 1995 with a major focus on political empowerment and enabling women to participate in the political transition from military to civilian rule. WEM's initiatives took the form of participating in the voters' registration exercise and organising workshops and seminars on the issues. In conjunction with the Ministry of Women, they developed a radio jingle that was used during the

registration exercise to encourage women to come out and vote. WEM was also active in urging the Nigerian Electoral Commission to ensure that affirmative action would be put in place. This would be done by ensuring that registered political parties should have in their constitutions and manifestos, reservation of 30-40% of their positions for women.

In Zimbabwe, where there are no specific laws and policies on affirmative action, different women's organisations came together to form a Coalition whose purpose was to ensure the incorporation of women's issues into a proposed new Constitution. The Coalition came up with a draft Women's Charter, which was a synthesis of all the issues expressed by women in the consultative process that preceded the making of the draft Constitution. When the draft was eventually released, it was found that the Women's Charter had been ignored. The Women's Coalition was foremost in rejecting the draft.⁴²

In Somaliland, women came together under the umbrella of an organisation called *Nagaad*, with the main purpose of winning political space to exercise their rights. The government denied women the right to participate in politics on the basis that their clans had not nominated them to represent them in government institutions.⁴³ Hopefully, as Somaliland undertakes the road to political reform that it has embarked upon, the Women's Movement will be able to push for women's rights to be taken more seriously.

In Southern Sudan, August 1998 was a landmark date when grassroots Sudanese Women Representatives, including the internally displaced and refugees, as well as women in the Diaspora, held the first Women's Conference in Sudanese History. The outcome was a policy document outlining women's demands for greater and more effective participation in the policy and decision-making processes of the SPLA/M. The women decried efforts to sideline them from effectively participating in nation building, including peace efforts. On paper, the SPLM/A is committed to the protection of human rights, including women's rights. However in practice, there are no mechanisms in place to ensure the equal participation of women in public affairs.⁴⁴ Nevertheless, it is commendable that in the midst of untold suffering and deprivation, Sudanese women have risen up to form one voice and demand for their rights.

The National Women's Lobby Group (NWLG) of Zambia was formed in 1991 to address, among other things, issues dealing with women's representation in

⁴². GENDER GAPS IN OUR CONSTITUTIONS, *supra* note 34, at 37-45.

⁴³. Abdi, *in id.*

⁴⁴. Suzanne Jambo, *Women in Southern Sudan: The Oppressed of the Oppressed*, *in id.*

government and other institutions. It conducts civic education of voters, and lobbies for party constitutions and manifestos that are gender sensitive and incorporate affirmative action policies. They encourage political parties to reserve 30% of their seats for women parliamentarians. They also help female candidates with finances and provide moral support for them. This addresses the lack of economic resources, a factor which often hinders women from participating in politics.⁴⁵

The Movement has realised that it is not enough to simply occupy political office. Women in public office have to be able to utilise their positions in order to advocate for women's rights. Accordingly, there are initiatives geared towards improving the effectiveness of African Women Leaders. For example, Akina Mama wa Afrika (AMwA), a regional NGO based in Kampala, has initiated the African Women's Leadership Institute (AWLI), which has been training women aged 25 to 40 in critical thinking on gender issues, organisational and resource development and strategic planning since 1996. The goal of the AWLI is to encourage and train significant numbers of women for informed leadership positions that will promote a progressive African women's development agenda. AMwA believes that the development of a feminist constituency among the next generation of African women leaders is essential to the future of the African Women's Movement. The AWLI training seeks to create women leaders who will challenge the status quo and demand a better world for women, not to create an elite of "self-empowered" women who will only seek their own personal advancement at the expense of others. This thinking goes hand in hand with the recognition that women in decision-making positions need the strong support of the Women's Movement.⁴⁶

Similarly, the Forum for Women in Democracy (FOWODE) of Uganda was formed in 1995 to promote women's political leadership. It does this by carrying out training programmes for women both at the national and the local government levels. This training is geared towards building women's capacity as politicians. The training focuses on advocacy and lobbying skills, coalition building, campaigning, and other skills necessary for effective political participation. FOWODE has been so successful in this area that its services have spread from Uganda to other countries such as Botswana, Malawi, Namibia, Rwanda, South Africa and Zambia.

Women occupying political office have learnt that in order to enhance their effectiveness, they have to unite and speak with one voice. Alliances, caucuses and

⁴⁵. Liana Moosh Imakondo, *Zambian Women in Politics*, in *MOVING FROM ACCOMMODATION TO TRANSFORMATION: NEW HORIZONS FOR AFRICAN WOMEN INTO THE 21ST CENTURY: REPORT OF THE 2ND AFRICAN WOMEN'S LEADERSHIP INSTITUTE* (1998).

⁴⁶. *Id.*, at 7.

coalitions have proven to be effective ways of making sure that women's voices are heard and their concerns are taken into account. During the 1994 Constitution making process in Uganda, only 51 out of the 284 members of the Constituent Assembly were women. They formed a Women's Caucus and embarked on a series of Strategic Alliances. They joined with the representatives of youth, workers, and Persons With Disabilities to form a wider caucus, which cut across party and ideological lines. This caucus was effective and registered a number of achievements, for example, the Constitution was written in gender neutral language, it contained explicit statements of equality before the law, it provided for the establishment of an Equal Opportunities Commission, and contained provisions on affirmative action for women and other marginalised groups. This Women's Caucus was the beginning of the Forum for Women in Democracy (FOWODE) already referred to above, which has continued to play a big role in supporting women's political activities.⁴⁷

D. Women's Efforts to Improve Access to Resources

It is no secret that due to oppressive customary traditions, laws and policies, the majority of African women are poor and trapped in the vicious cycle of poverty because they have no access to resources. Many customary practices prohibit women from inheriting and owning land, and this in turn makes it difficult for them to access credit from financial institutions because they have no collateral security. The fact that many are uneducated makes it impossible for them to secure employment that would enable them to improve their quality of life. Despite the hurdles and obstacles they face in accessing resources African women have risen to the challenge and emerged with ingenious ways to access financial resources, increase their income and thereby improve their lives.

Grassroots women in Uganda have formed thousands of self-help groups, clubs and Community Based Organisations (CBOs) through which they pool resources and assist one another financially. Many take the form of Rotating Savings and Credit Associations (ROSCAs) formed by small groups of mutually trusting persons. With minimum members contributions, many such self-help groups ensure that women save small amounts of money which they can use to improve their homes or to start small businesses in the informal sector. Such groups form, expand

⁴⁷. Benigna Mukiibi, *Alliances for Gender and Politics: The Uganda Women's Caucus*, in WOMEN'S POLITICAL PARTICIPATION AND GOOD GOVERNANCE: 21ST CENTURY CHALLENGES (UNDP, 2000), at 59-62.

and dissolve as needs are met, and are therefore a dynamic and ever-changing dimension of the Ugandan Women's Movement.⁴⁸ Another interesting characteristic of such organisations is their non-sectarian character. In Uganda, where religious and ethnic affiliations are a significant feature of national affairs, women's savings and credit groups have a mix of ethnicity and religion that is commendable. Christians and Muslims come together to pursue common concerns. Women from different ethnic groups join together for economic survival and mutual support.

The Uganda Women's Finance Trust (UWFT) was established in 1984 to economically empower women by offering savings and loan facilities on terms that take into account women's lack of collateral security. Loans are secured by personal guarantees or movable assets such as furniture and cars. To date, the UWFT has over 10,000 clients and has offered thousands of loans of up to \$1000 each to many Ugandan Women. A number of other micro-finance institutions have also been set up with women as the primary beneficiaries. They include the Foundation for International Community Assistance (FINCA) and *FAULU*. However, one of the major lessons learnt regarding women's micro credit has been that the provision of loan services must go hand in hand with capacity building in business and entrepreneurial skills. Otherwise, the loan money may be used for business ventures that are doomed to failure. Some women have become even worse off after their businesses have collapsed and they have failed to repay the loans. On the other hand, other women have successfully utilised micro credit to set up viable income generating activities which have enabled them to buy land, build houses and send their children to school.

Regarding access to land, the Women's Movement has made significant strides in advocating for law reform geared towards doing away with oppressive customs, traditions and statutory laws that limit women's access to land. In Uganda, women's rights activists spared no effort in lobbying for the introduction of a provision guaranteeing the co-ownership of land by spouses under the Land Act of 1998.⁴⁹ They came together under two umbrella groups, the Uganda Land Alliance (ULA), and the Uganda Women's Network (UWONET), and employed a number of creative strategies to achieve their goal. These included threatening to boycott the

⁴⁸. Margaret Snyder, *Women's Agency in the Economy: Business and Investment Patterns*, in *THE WOMEN'S MOVEMENT IN UGANDA: HISTORY, CHALLENGES AND PROSPECTS* (A.M. Tripp & J.C. Kwesiga eds., 2002).

⁴⁹. The insistence on this clause stemmed from the fact that current legislation and customary land practices limited the possibility of women owning land and even claiming it by inheritance.

2000 referendum on political systems because women activists knew that government had a large stake in the exercise and badly wanted a favourable result.⁵⁰ International Women's Day (March 8, 2000) was declared a day of mourning rather than of celebration, because the co-ownership clause had been significantly watered down by Parliament and reduced to a 'consent' clause.⁵¹ Rural women were mobilised to carry big placards demanding the right to own land. They wore black T-Shirts with women's rights slogans emblazoned on them. They had such an impact that most of the President's speech that day addressed the issue of women and land.

Legal education has also been a significant part of the strategy to improve women's enjoyment of their right to land. The ULA has opened a number of Land Rights Information Centres all over the country, where people can access information about their land rights and obtain legal aid/paralegal services to help them realise their rights.

The ULA also employed a "winning and dining" strategy to achieve their goals, and held working lunches with Parliamentary Caucuses and Working Groups and lobbied them to vote in favour of the co-ownership clause. The co-ownership clause is yet to be enacted. The main lesson learnt by the Women's Movement was that a much broader solution to the struggle for land rights was needed; a legalistic approach might not be sufficient. The Uganda Women's Movement needs to pay more attention to the politics of land reform, and to the many powerful national and international actors on the stage. They need to accept the fact that governments are not beyond deceit and bad faith, and that aid donors cannot always be relied upon to use their position for the betterment of women's lives. For example, despite the fact that the British Department for International Development (DFID) had been closely involved in and funded the land reform process in Uganda, they did not use their position as Uganda's biggest bilateral donor to press the government to keep its promises on the co-ownership issue.⁵² On the whole, the Women's Movement in Uganda has showed a great deal of creativity in their struggle to improve women's access to land. Although the struggle for co-ownership continues, the Women's Movement has succeeded in making the co-ownership clause a buzzword, and the

⁵⁰. Tripp, *supra* note 5.

⁵¹. Whereas the original Bill had proposed that land be automatically co-owned by spouses, the final Act only made provision for a wife's consent to be obtained before a husband could transfer or make any other dealings in land.

⁵². AMBREENA MANJI, *THE STRUGGLE FOR KENYAN WOMEN'S LAND RIGHTS: LESSONS FROM TANZANIA AND UGANDA* (2003).

issue continues to cast a shadow over the significant gains that have been made so far in securing women's rights.⁵³

In Tanzania, too, the Women's Movement has played a role in securing women's right of access to land. In 1997, several gender-based NGOs came together to lobby for women's rights to be taken into account in the formulation of the national land policy. As a result of their efforts, a number of proposals to protect the rights of women were included in the policy. For example, it was proposed that village land certificates should carry the names of both husband and wife/wives; and that no transfer of land should be valid without the consent of the *Mabaraza ya Wazee*,⁵⁴ who were also obliged to ensure that the wife and adult children had consented to the transfer and were not left destitute as a result of the transfer.⁵⁵ However, the resulting law was not as progressive as had been hoped. This was blamed on the reactive approach to land matters adopted by the Women's Movement in Tanzania.⁵⁶ The urban and middle class focus of the women's groups meant that they awoke to the importance of the rural women's land rights too late to make a significant impact on the law and policy.

*D. Women's Role in Peace and Security*⁵⁷

The African Continent has been the location of various civil and international conflicts, and the main victims of these conflicts have been non-combatants such as women and children. Conflicts have exacerbated the abuse of women's rights in Africa. While women suffer the hardships of war, they are hardly involved in the decisions that lead to war. Accordingly, the Women's Movement has undertaken a number of initiatives to ensure that women play a key role in peacemaking and in the various responses to conflict situations.

The initiatives taken have included women seeking an equal role with men at the battlefield. In Eritrea, Mozambique, Zimbabwe and Uganda, women fought at

⁵³. Jacqueline Asiimwe, *Women and the Struggle for Land in Uganda*, in Tripp & Kwesiga, *supra* note 48.

⁵⁴. Swahili word that means Council of elders.

⁵⁵. GITA GOPAL & MARYAM SALIM, *GENDER AND LAW: EASTERN AFRICA SPEAKS* (1998), at 47-83.

⁵⁶. On the basis of the land policy, a team of consultants drafted the Land Bill, which was later passed as two separate Acts, the Land Act and the Village Land Act, Nos. 4 and 5 respectively of 1999. These new land laws came into operation in May, 2001. The shape of these laws on women's land rights would definitely be different if the women's movement in Tanzania was proactive.

⁵⁷. The examples in this section are taken mainly from the Report of the OAU Conference on Women and Peace in Africa, Kampala, November 1993.

the battlefield of so-called “liberation struggles.” They have also been involved in wars in less combative roles, as drivers, nurses and other military support services. In Uganda, women served the guerrilla fighters of the early 1980s by providing a link between their camps and communities.⁵⁸ They provided food and carried information.

In South Africa, women took the lead in demonstrating for peace.⁵⁹ In Somalia, women were interposing themselves between the fighters and the perceived enemy—the UN peacekeepers! In so doing, they provided a shield to their soldiers. In Kenya, the mothers of political prisoners in Nairobi went on a hunger strike for several weeks, thus mobilising international pressure that eventually led to the release of their sons and daughters.

Women have used their positions as mothers and nurturers in society to act as intermediaries in conflicts and to negotiate for peace. They are able to present views or appeals for clemency in a way that men are not able to do. During the Amin era in Uganda, it was often the women who sought out their male relatives in illegal detention and negotiated their release. In Uganda today, Betty Bigombe has been the chief mediator between the government and the rebels of the Lord’s Resistance Army (LRA) that has been waging a protracted war against the government since 1986.⁶⁰ In Angola, the women organised campaigns and marches aimed at attaining peace. They also wrote an “open letter to Bill Clinton” on their plight and asking him to assist in their efforts for peace.

In the on-going conflict in Northern Uganda, women continue to play a major role in the peace process. They have organised protest marches for peace in Gulu, a major town in Northern Uganda, which has been repeatedly attacked by rebels. They have set up the Gulu Support the Children Organisation (GUSCO), and the Peoples’ Voice for Peace (PVP), which provide counselling and psycho-social support to former child abductees of the LRA and women victims of the war. In June 1997, Sister Rachele Fassera, the Headmistress of Aboke Girls’ School from which 139 school girls had earlier been abducted by the rebels, met with the rebel commanders to seek their release. Her courage in meeting with the rebels provided hope to the weary parents who were on the verge of giving up the hope of ever

⁵⁸. J.H. Andama, *Women in the Struggle for Peace: A False Dilemma* (Keynote paper presented at the OAU Conference on Women and Peace in Africa, Kampala, 22-25 November 1993).

⁵⁹. *Id.*

⁶⁰. In her role as the chief peace broker, Mrs Bigombe did a great deal in the diplomatic efforts to end the war in Northern Uganda—including discussions on the draft peace terms with the rebels. *See*, THE NEW VISION, 12 January, 2005.

seeing their daughters again.⁶¹

The Women's Movement has also taken up the cause of research and documentation on women in conflict situations and women's peace building initiatives. In this regard, ISIS-the Women's International Cross Cultural Exchange (ISIS-WICCE) has played a major role. In 2003, ISIS-WICCE held a consultative workshop for women from various countries, including Burundi, Congo, Kenya, Liberia, Mozambique, Sierra Leone, South Africa, Sudan and Uganda, as the start of activities geared towards documenting women's peace initiatives in Africa. The goal of the project was to understand, learn from, and build on African Women's Peace Initiatives that have worked. Research on these issues is currently on going, and hopefully, the result will be more in-depth knowledge about women's peace building initiatives in Africa.

ISIS-WICCE also conducts training workshops on peace building. The training benefits women from all over Africa and is geared towards equipping women with skills to enable them examine the root causes of conflict in order to build sustainable peace. The training aims to help participants understand, manage, and transfer conflict in communities.

The Centre for Conflict Resolution (CECORE) is an initiative of primarily Ugandan women working to seek alternative and creative means of preventing, managing and resolving conflict in the Great Lakes Region and the Horn of Africa. CECORE conducts workshops for Parliamentarians, media personnel and other people occupying key positions where they can influence public opinion. It also conducts advocacy, networking, research and documentation activities, with an emphasis on traditional methods of conflict resolution, reconciliation and forgiveness.

E. Improving Reproductive Health and Dealing with the Hiv/aids Pandemic

Africa has been greatly ravaged by the HIV/AIDS pandemic. Women's infection rates have soared due to their disadvantaged position on matters of sexuality, including their inability to negotiate for safe sex from their sexual partners. Women have also borne the burden of caring for the sick and looking after HIV/AIDS orphans. In the midst of the bleak situation, women have nevertheless found ways to make the best of a bad situation and find solutions to the challenges posed by HIV/AIDS. The Society for Women and Aids in Africa (SWAA) is committed to

⁶¹. Deborah Mulumba, *The Women's Movement and Conflict Resolution in Uganda*, in Tripp & Kwesiga, *supra* note 48.

sensitisation, education and awareness raising on HIV/AIDS issues across the continent.⁶² They have initiatives in a number of African countries. SWAA targets school children, particularly girls. SWAA also makes an effort to tailor its interventions to the socio-cultural attitudes and expectations of African Women.

*AMANITARE*⁶³ is the only Pan-African effort geared towards improving the sexual and reproductive health rights of women in Africa. It is a partnership coordinated by an organization called the Research, Action and Information Network for the Bodily Integrity of Women (RAINBO). *AMANITARE* seeks to consolidate the work of the numerous women's groups and other organisations across the continent working in the area of sexual and reproductive health rights through exchange of technical skills, leadership training and institutional capacity building.⁶⁴ It is also committed to research and documentation; the development of user-friendly information; and establishing linkages between various organisations.

In Uganda, women living with HIV/AIDS have formed associations and support groups where they share experiences and carry out education and sensitisation on HIV/AIDS. These include the National Community of Women Living With HIV/AIDS in Uganda (NACWOLA).⁶⁵ The organisation also helps HIV positive women to set up self-reliance activities so that they can earn a basic living, including training in loan and credit management. It mobilises women to avoid the isolation of people living with HIV/AIDS. One of NACWOLA's creative initiatives is the memory project, under which HIV positive parents are encouraged to talk to their children about their status, the possibility of their death, and to start planning for the future. A crucial part of the project is saving family history and treasured memories of children and their parents. This enables the children to face up to the realities of their situation and helps them prepare for any eventualities.⁶⁶ Professional women have also played a role in mitigating the effects of HIV/AIDS. The Association of Uganda Women Medical Doctors has also played a role in health education and sensitisation for women and adolescents. Association of Uganda Women Lawyers FIDA-U runs projects in Kampala, Tororo and Luwero, where community volunteers provide legal aid services to Persons Living with HIV/AIDS

⁶². <www.swaainternational.org> (accessed 15/12/05).

⁶³. This is a name chosen to pay homage to a great queen among a ruling legacy of African queens known for their fighting spirit and strength in ancient Nubia. The first women rulers recorded in history to contribute to human civilization. See, <www.rainbo.org/amanitare/about.html> (accessed 15/12/05).

⁶⁴. *Id.*

⁶⁵. <www.wougnet.org/profiles/nacwola.html>

⁶⁶. *Id.*

(PLHAs).⁶⁷

Aside from HIV/AIDS, the practice of Female Genital Mutilation (FGM) has severely affected the reproductive health of many African Women. Millions of women across the continent have been subjected to FGM. The Women's Movement in Africa has played a significant part in on-going efforts to curb the practice.⁶⁸ In 1995 in Egypt where approximately 97% of women and girls are subjected to FGM, a coalition of NGOs including women's NGOs, joined forces and lobbied to reverse a ministerial decree legitimising the practice in public hospitals.⁶⁹ In July 1996, a new Minister for Health, Ismail Sallam, issued another decree banning the practice completely. In 1997, the highest court in the land overturned the ban. Judge Abdul Aziz Hammade stated that FGM was a form of surgery, which the doctors have the "legal" right to perform without interference. Women's grassroots organisations working in some villages achieved community consensus to abandon the practice.⁷⁰

In Uganda, the MIFUMI project has done a lot to discourage FGM among the Sebei of Eastern Uganda. Through education, sensitisation and the lobbying of traditional leaders, MIFUMI has scored significant successes in convincing the people of Sebei about the negative effects of FGM. Women "surgeons" have been convinced to abandon their work, and have been provided with some start-up capital to find alternative means of earning their living.⁷¹

Despite the widespread nature of the practice and the wide publication of its negative effects on women's reproductive health, few countries have taken the step of criminalising FGM. Change has been slow and costly. Research, documentation, lobbying and advocacy efforts have been undertaken, but the hold of tradition and custom was proven difficult to break.⁷²

The women's movement has employed other creative means to draw

⁶⁷. <www.fidauganda.org.ug/programmes.php> (accessed 17/12/05).

⁶⁸. For example in Uganda, the Uganda Women Lawyers Association, the Safe Motherhood Initiative, the National Association of Women's Organisations of Uganda, the Media Women's Association, and the Association of Ugandan Women Doctors are vigorously fighting the practice with the help of Government and the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC).

⁶⁹. See, <<http://www.amnesty.org/ailib/intcam/femgem/fgm9.htm>> for details on this and other countries.

⁷⁰. *Id.*

⁷¹. <<http://www.icomp.org.my/grh/inn05/inn062.htm>> (accessed 17/12/05).

⁷². See, FRANCOIS FARAH, A PROMISING SUCCESS IN DISCARDING FEMALE GENITAL MUTILATION: THE REACH PROJECT IN UGANDA (n.d). See also, *supra* note 69.

attention to other reproductive health issues such as maternal mortality and morbidity, lack of choices and control regarding their sexuality and fertility, and other vulnerabilities specific to women as a result of their natural reproductive and maternal functions in society. In Uganda, the Women's Movement recently organised the staging of the play, *The Vagina Monologues*, as a means of drawing attention to violence and discrimination against women that is connected to their sexuality and reproductive function. As soon as the play was advertised in the media, the government, religious leaders and various other sections of society, including some women and human rights' activists, came out strongly to denounce the play as obscene, abominable, and incompatible with African culture. Much of the furore was centred on the word "vagina," and not much effort was made to delve into the actual content and the literary, symbolic or dramatic value of the play. The Media Council banned the play and made a prohibition against its staging, much to the disappointment of the Women's organisations that had sponsored the play.⁷³ In an ironic twist of events, the women's movement was largely able to achieve its goal of drawing attention to issues regarding women's sexuality. For over a week, debate about the play raged in the electronic and print media, thus exposing the whole population of Uganda to the issues, as opposed to the few people who would have been able to afford the theatre fee to watch the play.

Generally, issues to do with reproductive health and HIV/AIDS continue to present a significant challenge to the welfare of African women. Maternal mortality, high fertility rates, HIV/AIDS and sexual abuse continue to affect women in all countries across the continent. Much more concerted effort is needed to assure women's safety and the protection of their natural reproductive functions. There is also the challenge of women in same-sex relationships, which are still criminalised in many African Countries such as Uganda and Zimbabwe.⁷⁴ The Women's Movement should not shy away taking up the cause of these women, who still lack a voice and are being forced to mobilise underground and in the shadows.

F. Law Reform Initiatives

African Women Lawyers have been at the forefront of the Women's Movement in Africa. Organisations such as African Country chapters of the International

⁷³. S. Kasyate, *Try Courts, Buturo Advises Vagina Monologues Organisers*, THE MONITOR (17 February, 2005).

⁷⁴. Article 31 of the 1995 Uganda Constitution provides to the effect that only a man and a woman can found a family. This implies that same sex marriages are illegal in Uganda.

Federation of Women Lawyers (FIDA), Women and the Law in Southern Africa (WLSA), Women and Law in East Africa (WLEA), Women and the Law in West Africa (WLWA), Women Living Under Muslim Laws (WLUML), Women in Law and Development in Africa (WILDAF), and the African Women Lawyers Association (AWLA) have all done a lot to promote gender equality using the law.

Women Lawyers have lobbied successfully for gender responsive legislation at the regional and national level. They have also played a key role in the introduction of affirmative action laws and policies in Uganda, Tanzania, South Africa, Eritrea and Burkina Faso. They have also provided legal aid services and legal education to women all over the country. Research and documentation has also been a key contribution of women lawyers to the Women's Movement in Africa.

Individual efforts have greatly advanced the process of legal reform. A number of women have engaged in strategic litigation to challenge repressive legislation and practices. Unity Dow, a Tswana legal feminist, found out that the Citizenship Act prohibited her children from acquiring Tswana citizenship because she was married to an American Citizen. Under the Act, children of a Mtswana woman married to a foreigner were not entitled to citizenship, whereas children of a Mtswana man married to a foreigner were. Dow sued the government alleging that the Act was unconstitutional and violated the principle of equality before the law. The Court of Appeal ruled in her favour.⁷⁵ In Uganda, the Association of Uganda Women Lawyers (FIDA-U), together with a number of other women's rights activists, recently successfully challenged the validity of certain sections of the Divorce Act which were discriminatory.⁷⁶ For example, the Divorce Act allowed a man to divorce his wife on grounds of her adultery alone, whereas a woman had to prove adultery and some other ground such as cruelty or desertion before she could secure a divorce from her husband. The same Act defined adultery differently for men and for women. A woman committed adultery if she had sexual intercourse with any man not being her husband. A man committed adultery if he had sexual intercourse with a married woman who was not his wife; in other words, if the woman was unmarried then it did not amount to adultery.⁷⁷

Across Africa, women have launched successful legal battles against customs and practices that discriminate against them. Holaria Pastory, a Tanzanian peasant widow challenged her nephew and the Haya custom that forbade her from selling customary land bequeathed to her by her father. The High Court of Tanzania

⁷⁵. *Attorney General v. Unity Dow* (1992) 103 ILR 128.

⁷⁶. *Association of Uganda Women Lawyers & ors v. Attorney General*, Const. Petition No. 2 of 2003.

⁷⁷. *Id.*

declared that the custom was discriminatory, violated women's property rights and was therefore unconstitutional.⁷⁸ Similarly, *Woitara Richard Sawe*⁷⁹ successfully obtained judgment against a supposed Wachagga custom that disentitled women to matrimonial property at the dissolution of the marriage. The appellant had obtained a divorce in the High Court. The High Court ordered that the matrimonial property be shared equally by both parties despite finding that *Woitara* was responsible for the break up of the marriage on account on her adultery. The husband appealed citing wachagga custom that he alone was entitled to the matrimonial property upon divorce. The custom was not proved but the Appeal Court held that even if it did exist, it would be void on account of being inconsistent with the constitutional provisions. *Virginia Muojekwu*, a Nigerian woman challenged the legitimacy of an Igbo custom that entitles a father who had no male heirs to keep one of his daughters at home to bear sons and raise them for him. This daughter would assume the symbolic status of a son and ensured the perpetuation of her father's lineage. The Court of Appeal found that the custom was discriminatory and violated the right to marry and the right to freedom of association.⁸⁰

It has long been accepted that violations of women's rights are not limited to state or cultural institutions but that they also pervade the private domain. Often, private actors formulate policies that dehumanize women as well as engage in or abet activities that are discriminatory. These have not been spared the brunt of the women's rights activists. *Sara Longwe*, a Zambian gender activist sued the Lusaka Intercontinental Hotel for sex discrimination.⁸¹ The hotel had a policy that prohibited women from entering its premises unless they were in the company of a man. The hotel justified the policy as a measure against prostitution. The High Court ruled in *Longwe's* favour and declared that the Hotel's policy amounted to discrimination and violated women's autonomy and freedom of movement.

Women in Africa have suffered greatly as a result of the plethora of conflicts that exposed them to egregious human rights violations. In Rwanda, Southern Sudan and the Democratic Republic of Congo women suffered rape and other sexual violations at the hands of the warring parties. Women across the globe criticized the practices and lobbied the International Community to classify these gender-based forms of violence crimes against humanity. In the trial of *Jean-Paul Akayesu* at the International Criminal Tribunal for Rwanda, the tribunal made

⁷⁸. *Ephrahim v. Pastory & Kaizingile* (1990) 87 LLR 106.

⁷⁹. *Sawe v. Sawe*, Civil Appeal No 38 of 1992.

⁸⁰. *Muojekwu v. Ejikeme* (2000) 5 NWLR 402.

⁸¹. *Longwe v. Intercontinental Hotels* (1993) 4 LRC 221.

history by including rape as a crime against humanity. For the first time, rape was removed from the private realm to the public one and was recognised as torture.⁸²

Although the above efforts are commendable, one of the main lessons learnt regarding gender and the law is that there is still a significant gap between the law as contained in the Statute books and the law in practice. Even where laws have been changed and become more progressive, the lives of the majority of women do not change much. For example in Uganda, many women have continued to lose land and their homes because their husbands have sold or mortgaged the land without obtaining the spousal consent that is obligatory under the Land Act of 1998. Similarly, despite the fact that the 1995 Constitution of Uganda explicitly outlaws laws, customs, and traditions that are against the dignity and status of women, many women continue to be oppressed by oppressive customs that forbid them to speak out, to eat certain foods, and to control their sexuality; to mention but a few.

IV. CONCLUDING OBSERVATIONS

In conclusion, it may be said that the Women's Movement in Africa has employed various creative initiatives that have considerably improved the status of women on the continent. Their success is attributable to a number of factors, such as the fact that women are very highly organised and have created strong lobby groups at all levels of society. Specialisation within the Movement has also helped to ensure the effectiveness of the initiatives. Professional women such as lawyers, doctors, accountants and politicians, have created professional bodies and organisations that have spearheaded the various efforts that have been pursued in the quest for gender equality.

The women's capacity to create effective linkages is also noteworthy. Women's organisations at various levels have created linkages that have informed and strengthened the Movement. The elite women have established meaningful contacts with the women at the grassroots in order to strengthen the Movement. The women's organisations have also enlisted the help of development partners in order to push for change. They have joined hands with other marginalised groups such as Persons with Disabilities (PWDs) to increase the size and power of their vote in Parliamentary forums dealing with issues that affect them. They have also forged strong links with the Women's Movements in Europe and America, which has not only supported them with financial and other resources, but morally as well.

⁸². *Prosecutor v. Jean Paul Akayesu*, Case No. ICTR-96-4-A.

Popular mobilisation has been the strongest weapon in the women's arsenal. The Movement depends heavily on the power of numbers. Whenever an issue surfaces that may have drastic consequences for women, they come out and protest. During the trial of Amina Lawal, women in Kampala marched to the Nigerian High Commission in an unprecedented demonstration of sisterhood. The examples of popular protests are endless. The success of popular mobilisation largely depends on the capacity of those in the movement to inform all women of the critical issues that affect them

Often the advancement of the women's cause has depended on the resilience of individuals. This has been mainly in the area of litigation. *Ephraim v. Pastory & anor*, a case that changed the landscape of women's rights in Tanzania was the labour of a lone peasant woman who refused to accept gender subordination. Sarah Longwe and Unity Dow took on the establishment as individuals and changed the status quo for the benefit of women in their respective countries. In Uganda, Sylvia Tamale, a lawyer and academician, has been a lone voice in advocating for the rights of gay people, including lesbian women.⁸³ Her insistence that this is a gender and not a moral issue has provoked the wrath of various sections in society, but she has nevertheless made her mark in promoting the rights of these marginalised people.

Although the Women's Movement in Africa has achieved a lot, a number of challenges remain. One of the most common criticisms of the movement is that elite middle class women dominate the Women's Movement, and that rural women are not very visible.⁸⁴ Accordingly, many initiatives may be dismissed as elitist and foreign, and not relevant to the majority of women. Furthermore, the movement is dominated by secular NGOs, whereas religious and faith-based organisations such as the Mother's Union, YWCA, Catholic and Muslim Women's Groups are an important factor in the mobilisation of the majority of women whose religious beliefs form a significant part of their lives and inform their outlook to life. The elitist nature of the movement can also be seen in the fact that some organisations that form part of the movement are not on the ground. They have their headquarters outside Africa even though they are working for the advancement of African women.

Elitism has blurred the goals of the Women's Movement. Often the elite women seem to be out of touch with the issues that affect rural poor women. This is clearly borne out by the examples of the cases of Pastory and Sarah Longwe. As an

⁸³. See, Behind the Mask, a website for gays and lesbian affairs in Africa.

⁸⁴. See sections of the judgment in *Ephraim v. Pastory*, quoted in CHRIS MAINA PETER, HUMAN RIGHTS IN TANZANIA: SELECTED CASES AND MATERIALS 385 (1997).

elite woman, it was important for Sarah Longwe to fight for the right of admission into the Intercontinental Hotel, an issue that would have little relevance for any rural woman. Pastory, on the other hand, is a case that deals with land; an issue that affects women across the board. The judge in Pastory's case put it very clearly when he stated;

It has taken a simple, old rural woman to champion the rights of women in this field but not the elite women in town who chant jejune slogans years on end on women's lib without delivering the goods.⁸⁵

Agreeing with the judge, Tanzanian academic Chris Maina Peter observes that the educated elite women, sometimes organised in NGOs, have done little to advance the cause of the suffering working women in town and the toiling poor women in the rural areas; they have quite a different pre-occupation.⁸⁶ Another writer put it very strongly when he said:

Many middle class women think that what is important are the brilliant parties which they are endlessly giving and attending. Passion of these women for display is one of the causes of corruption into which some of the leading personalities in Asia, Africa and Latin American countries have been drawn... they give themselves superficially radical airs by talking in their fine drawing rooms of "Women's lib" or discrimination against women, but it does not mean anything.⁸⁷

It is such criticisms that have robbed the Women's Movement of much credibility and have also threatened the unity of women.

Another challenge is that some key players in the Women's Movement are selfish and opportunistic. They use the movement to empower themselves and not to improve the situation of their fellow women. For example, some women politicians have been known to brag about their status and position in society and how they have managed to build houses and buy cars as a result of their positions. Such

⁸⁵ . *Id.*

⁸⁶ . *Id.*

⁸⁷ . R.R. ANDRIAMANJARO, ECONOMIC-POLITICAL FACTORS AND STATUS OF WOMEN IN ASIA, AFRICA AND LATIN AMERICA IN THE SEVENTIES (1974), *quoted in id.*, at 386.

women have a patriarchal mindset but are clothed in the Movement colours in order to earn a living and climb the social and political ladder. There is also pettiness and competition, which diverts attention from the challenges at hand to conflict management and soothing egos.⁸⁸

There is a lack of intellectual rigour in articulating women's issues. Often the issues are drawn up very narrowly and women tend to focus on specific injustices instead of dealing with the very formulation of society. The narrow formulation of women's issues has also led to contradictions. Thus, you find women fighting against polygamy, saying it promotes the abuse of women's, while neglecting the rights of lesbians. Women have also not challenged the patriarchal state that distributes political power. In Uganda, the participation of women in the political transition is limited to the "issues that affect women". They have not challenged the establishment on opening up of political space or the rampant corruption.

In some countries, there is no political will to formulate policies that promote the cause of women, for example, Somalia and Zimbabwe. On the other hand, some countries in Africa have the policies and not the political will to back them up for example, the Uganda Government recently let down the Women's Movement when it encouraged Parliament to shelve the Domestic Relations Bill (DRB) at its third reading instead of passing it, saying it was too controversial and more consultation was needed. This was in spite of the fact that the Bill has been pending for more than three decades.

Tokenism is another disease eating up the Women's Movement. Some women feel that they are beholden to the Government that "gave" them the opportunity to hold political office. Affirmative action is seen as an end in itself, a gift and not a right. They end up owing more allegiance to the government and not to the women's movement. Affirmative action may therefore result in having "token" women holding political office, whose effectiveness in articulating issues that affect women, and indeed other issues as well is questionable.

In some cases, the Women's Movement is reactive (fire brigade style), instead of being proactive. The women have tended to use a "crisis approach" to issues, which has hampered the success of some of their initiatives. For example, in Uganda, the issue of co-ownership of land by spouses came to the forefront after Parliament had passed the Land Act and omitted the provision, choosing to replace it with a consent provision.

⁸⁸. See, Mukiibi, *supra* note 47.

Institutionalization of gender issues makes it seem like it is about politics and not policies. The institutions are not exhaustive enough to redress the issues of inequalities between men and women. Further, the Movement is supposed to be transformative, but institutionalising it makes it static. For example, in the late 1980s and early 1990s, Uganda had a Ministry of Women in Development, which played a significant role in advancing the status of Ugandan women. Today, the Ministry has diminished to a mere Directorate of Gender, forming part of a larger Ministry of Gender, Labour and Social Development. As a directorate, there are less resources available than there were for a fully-fledged ministry.

Women's organisations have benefited a great deal from donor funds. However, the down side is that many programmes are donor centred, and NGOs choose issues for which funds are available. Donors may have different priorities from the women in the community. For example, donors may be prepared to fund initiatives to increase women's political participation, whereas women may be more concerned about simple bread and butter issues such as the distance they must walk to fetch water, or food security and nutrition. Accountability is owed to the donors, and rarely to the women for whose benefit we claim to be working.

The above challenges must be addressed even as the movement continues in the struggle for equality between women and men. Above all the movement must not be seen as a movement for educated elite women only. There is a need to find ways and means of making rural and other disadvantaged women more visible in the movement. Also, the movement must jealously guard its integrity and credibility, in order to ensure that women's concerns are taken seriously and given priority. Below are other specific recommendations on issues that need to be addressed in order to improve the image and the working methods of the movement.

Taking all these considerations into account, there is a need to widen the scope of initiatives and actions and to lobby for improved policies across the board. Women should be involved in advocating for a suitable political environment, which will provide them with a suitable environment within which to operate. Mere change of the laws regarding women without changing the patriarchal nature of society is not enough. All laws and policies which are oppressive must be challenged, and not only those which are seen as being specifically oppressive to women. For example, laws that curtail the freedom of the press should not be looked upon as an issue for the press, but an issue that affects the whole of society. Such an approach would also enable women to join hands with and find common ground with the men, whose involvement is crucial to the success of the movement. The women's organisations should streamline their operations so that they do not replicate each other. Having a

multiplicity of NGOs dealing with similar issues only leads to unnecessary competition and hampers effectiveness.

Some ideas seem theoretical and euro-centric. There is therefore a need to make the ideologies more acceptable to the African woman. Many women in Africa have strong religious beliefs that form their worldview. As a result, some of them consider the Women's Movement inconsistent with their beliefs. Hence there is need to find a way of engaging with them in a manner that they can understand and accept. There is a need to re-energise the Women's Movement and keep it transformative. The older generation of women activists and the younger generation should work together more in order to ensure that the gains that have been made thus far are not lost. The Women's Movement should engage governments in a firm and direct manner, instead of appearing to be eager to please. Lobbying for concerns in a manner that promotes the culture of women being beholden to the government will not get us far.

Some women have been in decision-making positions on the affirmative action ticket for so long. It is time for them to create space for other able women. No wonder the issue of term-limits in Uganda has been twisted and distorted to such an extent that its original purpose has been discarded. Accountability should shift from being donor centred to constituent-centred. This will help the rural and disadvantaged women we claim to be working for to feel included in programmes.

The above matters, if taken into account, would help to keep the Women's Movement on track so that it can continue with the good work that has already been done. Challenging patriarchy, which has characterised human society for centuries upon centuries of history, will take time. As the saying goes: "Rome was not built in a day." In the meantime, the Women's Movement in Africa should not be sidetracked from the real issues by internal and structural weaknesses within it; but must find ways of constantly renewing and re-energising itself while continuing to advance the women's cause.