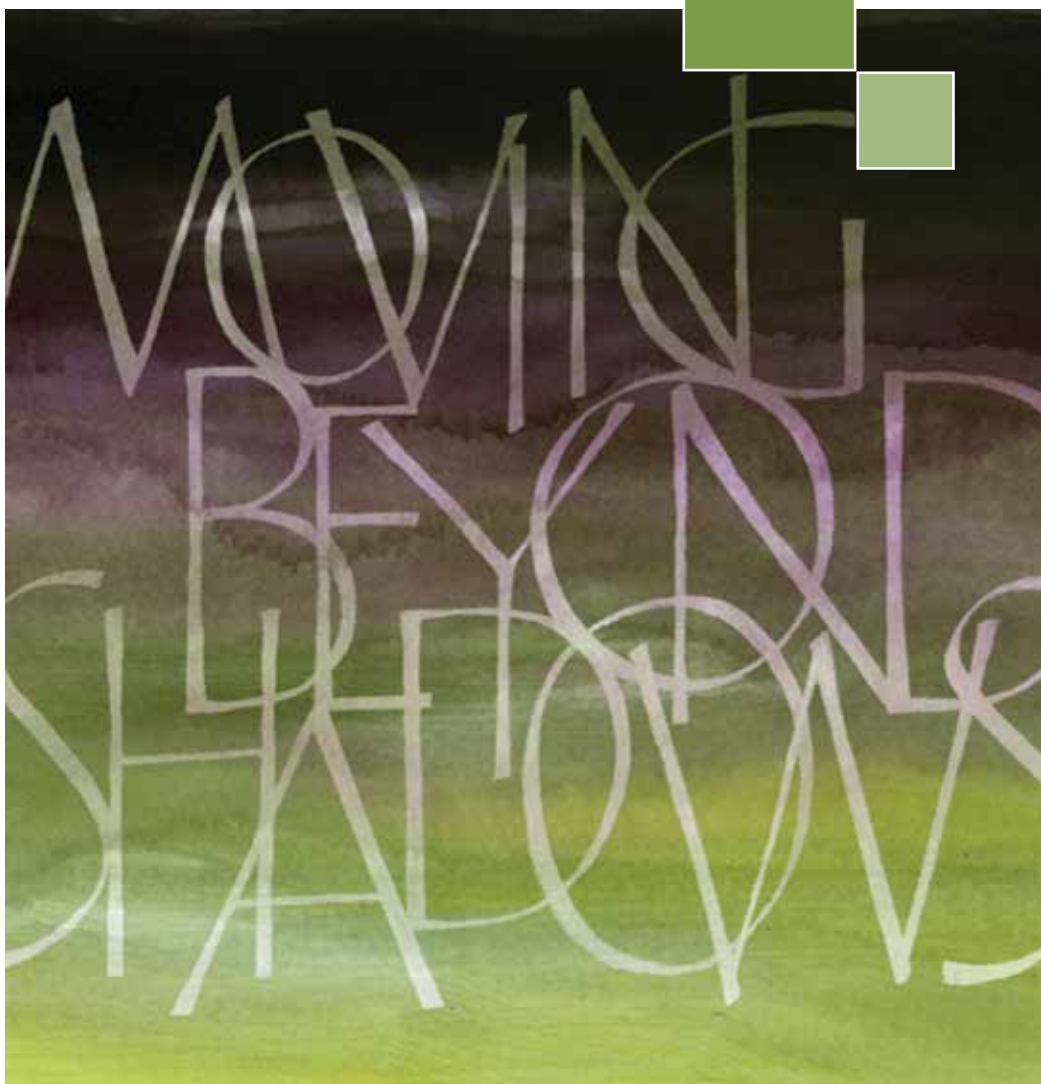




# Journeys from Exclusion to Inclusion:

Marginalized women's successes in overcoming  
political exclusion







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## Preface

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Increasing women's participation in politics and securing their access to political life is of particular importance to democratic development and sustainability. In order to achieve this, we need to understand the barriers preventing women's inclusion in both customary and democratic governance and identify effective measures based on successful examples in overcoming their exclusion from participation and representation.

The literature examining ways in which non-customary decision-making structures and institutions are biased against women's equal participation has tended to focus on the global North rather than the global South, while very few studies identifying barriers working against women's participation in customary governance have emerged that provide conclusive lessons. Even fewer studies have identified and described positive examples of women succeeding in moving from decision-making exclusion to inclusion in either customary or non-customary political systems.

It is particularly important for effective governance that political institutions are inclusive and responsive, benefiting a wide spectrum of social groups. In this context, International IDEA is committed to promoting the participation and representation of women in political life and specifically, their engagement in local, national and international political institutions, particularly the many women who have been marginalized from political decision-making.

To this end, *Journeys from Exclusion to Inclusion: Marginalized Women's Successes in Overcoming Political Exclusion* identifies critical factors preventing marginalized women's inclusion in customary and democratic decision-making structures and describes how women have worked with other stakeholders in overcoming barriers to their participation.

The report details the specific strategies marginalized women and their supporters have adopted ranging from direct action strategies in Somaliland to 'soft' advocacy strategies in Cambodia, and from these identifies lessons



that other groups engaged in overcoming similar obstacles to inclusion reforms can consider adopting.

The report's ten case studies gathers together knowledge and practical experience from the global South, drawing upon women's reform efforts to identify the ways in which women can impact on political processes through their participation in campaigns for gender equality in customary and democratic politics.

Our thanks go to the case study authors—Naomi Johnstone, Leah Kimathi, Janine Ubink, Lisa Heemann, Michael Walls, Vasu Mohan and Dr. Suraiya Tabassum, Jenny Hedström, Nicholas Henry, Sue Gollifer, Julius Lambi and Oussematou Dameni—for their rigorous research yielding a very rich, insightful and varied collection of lessons for democratic cooperation and reform practitioners and policy makers. Special acknowledgement goes to Julian Smith who was the key editor of this report.

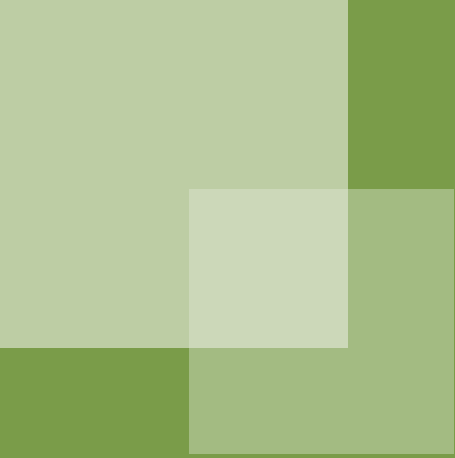
We also acknowledge the additional authors whose case studies were commissioned but not included in this report but whose research has also contributed to our understanding of reform strategies and whose work will be used to compile an additional paper of insights into how marginalized groups are moving from political exclusion to inclusion and the lessons we have gained from these experiences. Additional thanks go to David Prater for his professional input in editing this publication.

Finally, we thank our member states without whose support this publication would not have been possible.

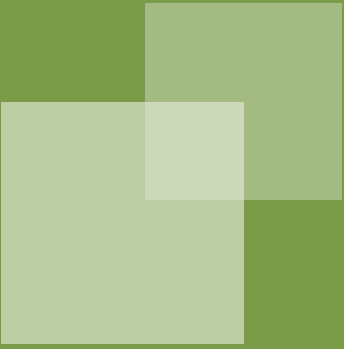
We trust that all our readers, including those involved in the practical work of democracy cooperation and promotion and through this, advancing women's political participation, will find this an illuminating and insightful collection of case studies.

*International IDEA*





# **Introduction: Journeys from exclusion to inclusion**



# Introduction: Journeys from exclusion to inclusion



JULIAN SMITH

The ten case studies in this report span themes ranging from gender equality challenges with customary local governance to political isolation arising from geographical remoteness. The report also includes case studies examining political exclusion due to the intersection of gender with ethnicity and with religion, reflecting how women and girls from different ethnic and religious backgrounds often confront multiple challenges in their quests to overcome exclusion from decision-making processes.

International IDEA's purpose in presenting these stories is based on its prioritization of political participation and representation as one of four key impact areas in its work. The remaining three impact areas are constitution building processes, electoral processes and the Institute's focus on the relationship between democracy and development. Overlaying these are the Institute's three cross-cutting themes: gender and women's empowerment; conflict and security; and democracy and diversity. Since 2011 the Institute's democracy and diversity programme has been developing a knowledge base concerned with improving the capacities of both democratic and customary governance structures to manage and accommodate diversity. The case studies collected here provide insightful examples of diversity-management successes.

Substantial evidence exists pointing to the exclusion of marginalized and minority groups from political decision-making as a key factor in political and ultimately civil conflict and instability (Baldwin, Chapman and Gray, 2007). Recent conflicts involving Serbs, Chechens, Tamils in Sri Lanka, Darfuris in Sudan, Kurds in Turkey, Christians and Turkomans in Iraq, Uyghurs in China, Palestinians in the Occupied Territories and Roman Catholics in Northern Ireland reflect minorities' rights to recognition and participation being ignored or confounded.

On the other hand, improving opportunities for previously marginalized groups to participate in democratic institutions and processes has often

prevented conflict, be it through constitutional and electoral system reform or equal participation in political parties and justice systems.

Providing space for marginalized groups to express and indeed celebrate their identities has been crucial in peace building processes, as exemplified by minority group engagement in post-apartheid South Africa's constitution and electoral system reform. The provision of these spaces has allowed South Africa's multiple ethnic, social and linguistic groups to enjoy a more representative level of participation in democratic politics (Baldwin, Chapman and Gray, 2007).

By providing examples of marginalized women successfully overcoming barriers to their participation in decision-making within both democratic institutions and customary structures, International IDEA hopes to persuade decision-makers—including legislators, policy makers, paramount or village chiefs and civil society stakeholders—of the benefits of broadening meaningful participation. The case studies presented here describe examples of such benefits while lessons stemming from the case studies are summarized in the Conclusion.

This Introduction provides a detailed overview of the case studies in each of the report's four parts and also describes some of the ways in which their authors' key inclusion strategies converge and overlap.

## **Part I: Overcoming political exclusion in customary governance**

The report's first four case studies cover marginalized women's struggles with customary governance in Melanesia, north-east Kenya, Namibia and South Africa. Our definition of customary governance describes situations in which traditional authorities exercise traditional customs and laws over their constituencies—including linguistic, ethnic, tribal and geographic constituencies—that may or may not have formal or informal connections to a state or government.

Each of these case studies provides clear examples of the highly significant interconnection between poverty and marginalization and the deficits in people's livelihoods, education, health and other basic services that are often associated with exclusion from political decision-making. They reflect the importance of adopting multi-dimensional approaches to addressing marginalization via legislative reform and through community education initiatives supported by broader interventions in the political, economic and social spheres, spanning all levels of governance.



## **Chapter 1: The intervention of PEACE during 'the Crisis': promoting the inclusion of women in customary systems in Bougainville**

Naomi Johnstone's study describes how conflict resolution training after the 1990–97 Bougainville civil conflict succeeded in increasing women's participation as mediators and decision-makers in dispute resolution processes, facilitating their involvement as leaders in dialogue between conflicting parties and ultimately in challenging discriminatory customary norms. Notwithstanding these gains, Johnstone points out that there is some way to go in overcoming women's lack of substantive legal rights and protection in the face of domestic violence and power imbalances.

Notably, the study is insightful in exploring the fluid nature of customary governance and its greater openness for reform in comparison to non-customary governance, opening the door for marginalized groups' inclusion. Johnstone outlines several advantages that customary governance structures have over formal state governance systems, including the fact that they are locally controlled and operated, are more geographically and economically accessible, and possess strong local legitimacy.

However, as noted in the other three chapters in Part I, customary systems also have their problems. Johnstone observes that throughout Melanesia, customary prescriptions have excluded marginalized groups because their unregulated processes lack accountability and consistency. Customary systems are therefore more susceptible to bias and elite control than other governance systems, often exposing marginalized people to 'coercive decisions that can be violent, discriminatory and/or exclusionary'.

Equally problematic is the fact that preserving social harmony in restorative—as opposed to punitive—customary justice is prioritized ahead of an individual's right to justice. Furthermore, power differences between disputing parties often expose vulnerable groups, including women, to discriminatory or inequitable dispute resolution processes.

Gender-based violence has been widespread in post-conflict Bougainville. Johnstone describes how violence against women in Bougainville is no longer seen as a serious issue warranting community-level adjudication. Rape is likely to be considered a threat to the survivor's reputation and her potential marriage and dowry prospects, rather than as a human rights violation. Johnstone describes how, within Melanesian customary systems, women have few opportunities to participate in hearings to resolve their grievances. The resulting penalties against perpetrators may be mild or exonerate

them altogether. As noted by UNICEF (2009) and cited by Johnstone, other marginalized groups, including young people and people living with disabilities, also have limited access to customary justice systems.

The People and Community Empowerment (PEACE) Foundation Melanesia (PFM) training programme described in the case study aimed to use local cultural beliefs and was delivered in a way that encouraged community discussion around principles of gender equality, power-sharing and human rights. This meant that these principles were woven into the discourse on local culture in such a way that the training was seen as a home-grown solution to the problem of violence rather than an externally introduced solution.

Both women and men were trained in conflict mediation and resolution, using a methodology drawing on sources that were locally recognizable and accepted. Importantly, PFM-trained mediators managed, at least in the disputants' eyes, to preserve the customary focus on restoring community harmony while empowering individuals. This involved a balancing exercise that their untrained mediator counterparts were less inclined to manage.

The story described in this case study is a key contribution to our endeavour to identify ingredients of successful inclusion policies and practices. Johnstone rightly highlights how important it is for inclusion reformers to review customary practices in light of underlying customary values. Although practices vary over time, their underlying customary values tend to evolve at a much slower rate. When such values align with human rights, it becomes easier for human rights to be woven into the cultural and customary law fabric.

### *Converging approaches*

Several of Johnstone's themes converge with those in other case studies included in the report. For example, she notes that Bougainville rape cases are often 'resolved' by perpetrators marrying survivors to protect the survivor's 'honour'. Such practices ensure dowry payments while bonding families and communities, preventing tensions and retribution within and between communities—a phenomenon examined in Leah Kimathi's Kenya case study (chapter 2).

Johnstone also notes that transitional periods such as Bougainville's post-conflict time can sometimes create space for marginalized groups such as women and young people to assume decision-making and leadership positions. The convergence of several events meant that the time was right for PFM to introduce its mediator training intervention. The same point is made by several other authors in this collection, notably by Janine Ubink in her case study of women's empowerment in Namibia's Owambo region





(chapter 3), Lisa Heemann in her study of progress by women in rural South Africa (chapter 4) and Jenny Hedström in her study of the Burmese Women's Union (chapter 7).

In Bougainville, having lost some of their previous power, chiefs finding themselves in a transitional phase were perhaps more prepared to support women and other community members becoming decision-makers, a theme also explored by Ubink in her Namibia case study. Furthermore, as noted by Douglas (cited in Johnstone), institutions or processes set up in transitional phases often continue functioning afterwards. This means that if marginalized groups' rights can be protected from the outset during such periods, there is a greater chance they will continue into post-transition and development phases.

PFM's conflict resolution training provided inclusion practitioners with some important insights into reconciling the rights of women and other marginalized groups with customary governance systems, a challenge often incorrectly viewed as a clash of western human rights values with 'fixed' and 'intransigent' cultural traditions.

Specifically, Johnstone highlights the strength of the PFM training as its employment of techniques consistent with traditional customary approaches to conflict resolution, emphasizing values such as preserving community relationships and consensus-based decision-making. PFM trained a wide range of community members as mediators, including traditional chiefs, church leaders and people familiar with local culture, customs, community dynamics and language. This involved training in inter-personal communication, negotiation and conflict management and resolution. Skills in women's empowerment also comprised an important training component.

As observed in many of the case studies throughout this report, engaging a wide range of groups through training had a vital alliance-building effect, and this was critical in modifying existing power structures as well as their defenders' attitudes. The success of the training in increasing conflict resolution skills in local communities and assisting intra- and inter-community social harmony and local ownership of justice processes was attributable to the fact that mediators were able to work with poor and geographically isolated people in accessing justice, a theme taken up by Kimathi in her study of the Wajir women's peace building efforts in northern Kenya.

Another important theme referred to in Johnstone's Bougainville study and by other authors throughout this collection, is the response of men when women achieve greater participation in governance. In the Melanesian

example, men and chiefs undertaking the PFM training largely supported women's empowerment, expressing a desire for more female mediators.

Heemann (chapter 4), Henry (chapter 8) and Mohan and Tabassum (chapter 6) also provide examples of instances where men's support has been crucial in changing attitudes and behaviours towards women as decision-makers. An additional International IDEA case study (Ruotsalainen 2012) discussed Massai women in Tanzania drawing on the support of their husbands, as well as other young men, in overcoming exclusion.

International IDEA's research suggests that, under certain circumstances, men are more likely to adopt a supportive role to women in reform efforts. A crucial factor in this support is the extent to which men perceive opportunities for mutual gain and self-interest. Notwithstanding this finding, more research is needed on the key factors determining when and how men and boys in Global South countries are inclined to support women and girl's empowerment, rather than simply establishing or continuing informal power structures. The conditions under which women who previously supported traditions that disempower other women change their attitudes also require attention.

## **Chapter 2: Breaking through the confines of traditions: the Wajir Peace and Development Committee in northern Kenya**

Leah Kimathi focuses on peace-building in her analysis of how Wajir women in north-east Kenya are overcoming their exclusion from decision-making through carefully planned and implemented strategies to manage and, in some cases, prevent the region's historically endemic conflict. This conflict has been caused primarily by intense inter-clan competition for scarce water and pasture resources.

Highlighting geographical isolation in an area bereft of state services as a major contributor to the strength of customary systems and gendered norms disempowering women, Kimathi describes how women gathering to celebrate a Muslim wedding in Wajir discussed the area's perpetual state of insecurity and decided to ignore clan affiliations and organize themselves into the Wajir Women Association for Peace (WWAP), a network of women lobbying strategically targeted clan elders while co-opting young people into district and county-wide peace-building networks. These groups formalized and merged with local government as civil service instrumentalities before expanding into conflict-affected neighbouring counties as a preventive approach.



Specifically, the WWAP and its youth counterparts, known as Youth for Peace, formed the Wajir Peace and Development Committee (WPDC), a committee combining both traditional and contemporary methodologies, including preventive approaches to overcome women's marginalization. They did this by carefully manoeuvring a respected group of non-aligned traditional elders to assume the public face of the peace-making role. The bulk of the work was completed by the WPDC, but allowing male elders to gain credit for the peace building outcomes. As women have begun to act in higher profile roles strengthening the WPDC's status, they have been able to challenge male elders' self-appointed role as the controllers of war and peace.

### *Converging (and diverging) approaches*

The approaches described in Kimathi's analysis echo those adopted by other marginalized groups in this collection. For example, the women's network used the timing of a particular event—an attack that killed five of the children of one of the women leading the WWAP—to motivate other women to join their peace struggle. Kenya's new constitution and its emphasis on women's participation also comprised a critical event, the timing of which played a vital part in creating a climate of change. The importance of timing is also referred to by Hedström in her Myanmar study, Ubink in her Namibia study and Heemann in her South Africa study.

As mentioned above, Wajir women placed strategic emphasis on the coordination of the peace groups by formalizing the coordination process and housing these groups under government administrative structures. The women also aligned peace-building with development—specifically, creating income generating credit schemes to provide small loans to ex-militia members, primarily unemployed young people. These constituted crucial conflict prevention measures, as did using community reconciliation meetings and peace festivals to bring people together to celebrate peace achievements, similar to the kutas and melas described by Mohan and Tabassum in their study of Rajasthan and Karnataka.

Finally, by investing in girl's education, including the involvement of Islamic religious scholars, the women in Wajir helped to secure future attitudinal changes towards women's and girl's empowerment. As noted in Johnstone's Bougainville study, Walls' Somaliland study and Mohan and Tabassum's India study, building local initiatives responding to locally identified needs invariably produces more effective results than responses relying on a one-size-fits-all approach using external players and resourcing for support.

The Wajir women also adopted several noteworthy approaches to overcoming exclusion differing from those of other actors referred to in this collection. For example, the WWAP's preventive approach to peace maintenance involved exporting their model to four neighbouring regions that have historically been in conflict with the Wajir district. Another example includes the women placing other actors comprising elders from neutral clans and young people, in the spotlight during the most important negotiating events, while continuing to work themselves behind the scenes to build broad alliances.

In the meantime, the Wajir women chose to prioritize resolving disputes involving domestic and sexual violence at the local level to prevent such disputes spiralling into neighbourhood, village and district conflicts through historically common retaliatory attacks. This approach had the additional effect of increasing the elders' receptivity to and support for the Wajir women's peace-building work.

Lastly, the WWAP's success in dealing with customary norms excluding women from decision-making bridged traditional and conventional belief and justice systems, a theme taken up in the next case study.

### **Chapter 3: The successful road towards inclusion of women in traditional governance institutions: the case of Uukwambi Traditional Authority, northern Namibia**

Janine Ubink's study examines how women in northern Namibia took advantage of a progressive tribal chief and other traditional leaders' needs to redeem popular support in negotiating their support for women's inclusion in traditional leadership. Building on the successes this brought, women gained the confidence to participate more fully in customary court processes and through their greater participation in traditional court meetings, they moved closer to making the protection of women's rights a reality.

The author identifies four key factors converging to assist women in moving from decision-making exclusion and, in the case of widows and their children, substantial discrimination and exploitation, to a dramatically improved status, both in terms of their property rights and women's involvement in community decision-making.

First, the Uukwambi Chief played a crucial role in promoting women's participation. Second, popular demand for gender equality throughout the Owambo region coincided with Namibia's traditional authorities' need to redeem popular support, support that had been lost largely because of these leaders' association with the former South African apartheid regime.



Third, the limited financial attractiveness of traditional leadership positions in Uukwambi explained men's reluctance to contest leadership vacancies, requiring positions to be thrown open to women. And fourth, the simultaneous changes undertaken in the three customary domains, they being leadership; dispute settlement and substantive norms; and the strong momentum for change resulting from the birth of an independent Namibia, are factors leading to women's increasing participation in traditional leadership structures and traditional court meetings—a rare phenomenon in Africa, as Ubink notes.

### *Converging approaches*

One dimension of change Ubink cites that is also evident in other studies included here is the interconnectedness of change and the need to work for change at the local, regional and national levels. Reform efforts directed to one or even two of these levels alone—as shown in International IDEA's case studies of Ugandans living with disabilities and their struggles for inclusion by Musyoka (2012), Sajjabi (2012) and Sebuliba et al. (2012)—are likely to be compromised.

Ubink's study underlines how important the impact of leadership can be, drawing attention to the District Chief's critical role in persuading other leaders to undertake training focusing on, among other things, women's empowerment. The Chief's own actions in appointing women to leadership positions were also crucial, establishing a behavioural model for other chiefs to follow. The fact that his actions were most likely motivated by political survival motives is by no means unique when it comes to political leaders.

Further, the importance political leadership plays in overcoming marginalized group's exclusion underlines the potential fragility of change when dependent upon political leadership alone. This is particularly apparent in the context of chiefs representing power structures that have been traditionally gendered in nature. In other words, what happens when the progressively minded chief is gone? Does this put positive change towards inclusion at risk?

Finally, Ubink notes the importance of timing in change efforts, a theme also taken up by Heemann in her South Africa case study. Changes in dominant groups' attitudes, behaviours and practices towards marginalized people most are likely to succeed when corresponding with other national movements for change.

The author cites a mood for change immediately following Namibia's independence. This mood was very strong in the Owambo region due to its centrality to the country's earlier liberation struggle and it coincided with women's inclusion in regional and national governments. This explains Ubink's conclusion that the gender equality discourses in nationalist politics

assisted in opening up possibilities for women in traditional decision-making structures.

## **Chapter 4: Living customary law in South Africa: a space for women to overcome exclusion**

The report's fourth case study, by Lisa Heemann, cites major obstacles to women's inclusion in decision-making stemming from the apartheid regime's Black Administration Act (1927) and Black Authorities Act (1951). This legislation worked in tandem with codified official customary law to exclude women from customary governance, effectively treating them as legal minors under their fathers, husbands or older brothers' guardianship. As legal minors, black women were not allowed to represent themselves in courts or address tribal authorities. The case study examines how constitutional reform, combined with equitable court rulings and women's community development and support work, yielded significant advances in women's status in customary governance.

Prior to these developments, women were barred from land ownership in their own right. This particularly affected women without male children, women disadvantaged by the inheritance rights of firstborn sons (male primogeniture), or those affected by the male relative's right to inherit land and other property from the deceased household head. In Chieftdom terms, this amounted to the eldest son, rather than the eldest daughter, succeeding a chief.

The end of the apartheid regime in 1994 led to the adoption of a new constitution prescribing gender equality, followed by a number of pivotal Constitutional Court rulings granting women rights and strengthening versions of customary law allowing women to access land. This produced a climate of change working to encourage women to participate in local council politics and ultimately transform the attitudes of traditional leaders and their councils towards women.

### *Converging approaches*

The domino effect described by Heemann is similar to that outlined by Ubink. The same theme is also developed in Lambi and Dameni's Cameroon case study (chapter 10), describing how actions at the national, district and local levels were needed to produce reforms.

Heemann notes that although the successful transformation of the country's customary governance structures depended on national laws, women were also



highly active in community level activities and fora. Further, their confidence and skills in decision-making and governance were mostly developed through their participation in women-only groups.

These collectives, often found in rural South Africa, have laid the ground for women in their battles to access land by providing household support to women through food production or other income generation. This income support, together with the educational opportunities and basic services provided by such collectives, was instrumental in assisting women to overcome marginalization. This story is a recurring theme throughout this collection, referred to by Hedström and Henry's analyses of women living in the Myanmar–Thai border areas and by Gollifer in her analysis of Banteay Serei's work with Cambodia women at the local governance level.

Other key strategies South African women have employed to overcome exclusion include forming alliances with young people (also referred to in Leah Kimathi's Kenya study); using action research to inform advocacy on inclusion issues and open up a national debate; and accessing legal assistance to change customary rules and practices.

While official customary laws continue to marginalize women, the constantly negotiated and evolving 'living' customary law (i.e. law evolving in response to changing circumstances) developed by local communities in response to local issues has created an expectation of change in women's customary governance roles and positions.

Heemann gives examples of how living customary laws have found creative solutions conforming with South Africa's 1994 constitution while still satisfying customary values. Customary law's capacity to adapt to new interpretations and applications is an important quality that is also highlighted in Johnstone's analysis of Bougainville, where the 'living' refers to the law actually observed by the people who created it. Nicholas Henry refers to the same phenomenon in his study of the Karen ethnic group on the Myanmar–Thai border, and in which the Karen National Union's inclusion of women is an example of how customary governance can change over time. In other words, as both Heemann and Johnstone note, the tradition and content of customary law is constantly re-negotiated.

While the domino effect created by the political and legal events unfolding in the post-apartheid phase has led to considerable progress, one challenge arising from the imposition of quotas in traditional councils has come from traditional leaders' bias in terms of the women representatives they select to fill the quotas. Analysts (e.g. Norris and Krook 2011) have pointed to the

undermining of quota systems designed to improve women's participation in non-customary electoral systems in certain countries, and Heemann notes a similar phenomenon in South Africa's traditional councils.

The electoral system empowers traditional leaders to appoint women to fill quotas, resulting in leaders choosing women loyal to them while remaining reluctant to advocate for women's issues. Moreover, the quota system itself does not increase women's meaningful participation in customary governance structures. Women councillors report that their voices go unheard in the male-dominated traditional council setting, a theme also examined in detail by Sue Gollifer's Cambodia study (chapter 9). Both Heemann and Gollifer refer to women taking time in such settings to gain the trust and confidence of men before attitudinal change emerges.

One challenge both authors allude to is the gendered division of labour evident in governance settings, with women who assume subordinate roles (e.g. secretarial duties) viewing their own participation as a considerable underutilization of their potential. In addition, the burden of domestic responsibilities referred to by many authors in this collection leaves women with little time to become politically active.

In this context, the impact of quota systems on women's participation in customary governance requires more research. What can be said from the analyses the authors in this report provide is that quota systems may not deliver their intended outcomes unless they are accompanied by attitude- and behaviour-changing interventions at other levels.

## **Part II: The intersection of gender and religion**

The collection next moves to case studies from Somaliland and India, where poverty combines with religion and gender in posing complex challenges to Muslim women grappling with systemic exclusion. These two case studies describe how women adopting networking and nuanced negotiating strategies or community education programmes featuring progressive interpretations of Koranic verses and Hadiths (the Prophet's sayings) are empowering themselves by sharing information on national legislative and constitutional protections and entering into political fora with encouraging and, in the case of India, very impressive results.





## Chapter 5: Women's political participation in Somaliland

In contrast with Ubink's description of men's recalcitrance in accepting women's right to participate equally with them in political decision-making, Michael Walls describes a different response from men in Somaliland. The case study describes how a non-government organization (NGO) known as Nagaad has assumed a key role in changing Somaliland men's attitudes towards women's political participation by promoting women's awareness of their political rights under Islam. Its success has been due to well co-ordinated networking facilitating the organization's considerable growth throughout Somaliland while providing it with representative credibility. Nagaad is also making a difference to women's and girl's lives by increasing their access to education, guaranteeing their reproductive rights, and improving their economic empowerment, well-being and political participation.

In a socio-political culture overwhelmingly controlled by men, Walls notes that men seem to be gradually accepting that women's increased presence in governance need not be seen as a challenge to their own right to participate. Walls provides two reasons for this: Somali society's high degree of male egalitarianism and its recent openness to allowing more progressive interpretations of the Qur'an to enter the women's rights discourse.

### *Converging (and diverging) approaches*

The progressive Qur'anic interpretations employed by Nagaad are also a central theme in Mohan and Tabassum's case study. Another theme emerging elsewhere in this collection is the use of research to underpin advocacy and lobbying strategies, a strategy referred to, for example, by Heemann in her South Africa study. Walls notes that Nagaad's research supported its advocacy while guiding its strategic thinking and investigating barriers preventing women from participating in Somaliland politics. Specifically, the research informed an advocacy campaign featuring progressive interpretations of women's rights in the Qur'an and the Hadiths, with Walls observing that public support for Somaliland women's political participation has subsequently increased.

Importantly, the Somaliland Government has supported Nagaad's work through its positive intentions, albeit falling short of its stated objective of achieving a 25 per cent electoral quota for women. The government has nevertheless succeeded in implementing advancements in family law, as well as employment and social reforms supporting women's protection from polygamy, domestic violence and other human rights violations.

The government's civil service reforms have at times brought women's civil service employment to near parity with men, a very significant although often underestimated development in redressing discrimination towards marginalized groups (Baldwin, Chapman and Gray 2007). This point is also emphasized in Mohan and Tabassum's analysis of Muslim women's inclusion in India.

Lastly, Walls notes an approach not used in any of the other case studies: a series of direct protests by Nagaad women at national conferences and meetings, including blockades in which women maintained uncompromising pressure on male delegates until their participatory demands were met.

## **Chapter 6: Inclusion of Muslim women in Indian democratic governance structures and processes**

Vasu Mohan and Dr Suraiya Tabassum also explore the theme of Muslim women's rights to political participation in their case study. However, while Walls describes a context in which Muslims constitute the majority group, this case study examines situations where Muslim women comprise a religious minority.

The authors present the view that the Qur'an provides Muslim women with political and legal rights, such as the right to education, choice of marital partner, divorce and participation in all fields of endeavour including governance and enterprise. Ensuring that Muslim women, men and community leaders fully understand the importance of such rights is a critical pre-requisite to overcoming women's inability to exercise them. This inability, the authors contend, is due to deeply-rooted social customs and traditions 'falsely legitimized in the name of Shariah' and the misperception—both within and outside the Muslim community—that gender inequity is a result of Islam itself, rather than the folk traditions that existed prior to Islam's arrival (see Wadud 1999 and 2006).

Muslim men and women in Rajasthan and Karnataka were largely unaware of these rights. In this milieu, the International Foundation for Electoral Systems (IFES) piloted the Muslim Women's Initiative (MWI), aiming to decrease Muslim women's isolation from the democratic mainstream by undertaking community education initiatives over a seven-year period. These initiatives, engaging around 30,000 people, focused on the rights of women enshrined in the Qur'an and the Indian Constitution and protected under Indian law.

Specifically, the initiatives included information dissemination workshops for women and men complemented by the formation of Muslim women's groups linked to rights advocacy and income-generating activities. In addition,



counselling and legal aid services were created, along with a community-based support structure for women's groups involving men, including religious scholars, as partners. The programme also provided leadership training and undertook outreach activities with female and male youth in schools and madrasas. This outreach work was critical in overcoming women's social and geographical isolation.

The authors note that the counselling and legal aid centres were crucial in providing assistance to women experiencing violence, as were the MWI's network of women's self-help groups, supporting both women dealing with violence and those embarking on new roles in representative politics. Most importantly, these self-help groups, continuing to operate beyond the MWI's funding period, provided community-based protection for individual women against conservative protests.

MWI's productive use of information kits and its employment of women as peer educators in addressing knowledge gaps on women's rights in both the Qur'an and under Indian law were also critical to its success. The programme also made use of interactive communication methods such as role plays and community theatre. Interestingly, these methods, found to be highly effective (Boal 2000; Moriarty and Plastow 1999) as awareness raising and community organization tools, do not feature prominently in the other case studies in this report. Nevertheless, Mohan and Tabassum found that these methods motivated Muslim women to speak up at workshops, participate enthusiastically in activities and willingly share their 'often-harrowing' personal stories.

IFES avoided the commonly observed problem of outside agencies imposing externally prescribed solutions to address local issues by developing implementing partnerships with existing organizations with credibility in and commitment to the community rather than creating and superimposing new structures.

### *Converging approaches*

The authors cite several factors as being critical to the programme's success, including the importance of adopting a coordinated, holistic and community-wide approach; developing leadership skills for marginalized group members through confidence-building measures supported by self-help groups; gaining the support of community leaders; and, importantly, translating this support into a change of orientation towards women and girls' rights as taught in madrasas. Similar observations can be found elsewhere in this collection, including in Ubink's study on Namibia and Walls' Somaliland case study.

Further, MWI's well-planned information dissemination processes, publicized by multiple means including, most importantly, word of mouth, are echoed in the community organizing work described by Julius Lambi and Oussematou Dameni. MWI also succeeded in coupling its community education efforts with corresponding initiatives addressing structural issues such as livelihood insecurity through income generation opportunities. Similar measures have been undertaken in the initiatives described by Heemann in South Africa, Hedström in Myanmar and Gollifer in Cambodia. Furthermore, as in the other studies included in this report, the programme's success in improving health and education services among local Muslim communities was crucial in generating community support for advocacy objectives.

Another observation worth noting concerns men's participation in the MWI programme. The authors note that men did not initially wish to participate, believing that the programme was for women only—a belief shared by men in the Namibia and Cameroon case studies. However, when IFES's implementing partners emphasized the important role men play in protecting the rights and well-being of their daughters, sisters, mothers and wives' rights, the workshops attracted far greater interest and participation from men. This reflects findings from the Melanesia, Kenya and Somaliland studies indicating that when power-holders, usually men, assume genuine ownership of an inclusion issue and this is anchored in local culture, values and discourse, they are more inclined to accept and support marginalized groups' inclusion. However, strategies to gain the buy-in of dominant groups need to carefully account for the possibility that there may always be certain segments wishing to sabotage the inclusion agenda.

Lastly, Mohan and Tabassum rightly note that empowering women requires changing community attitudes towards gender relations and, more importantly in the longer term, the attitudes of boys and girls. Moreover, the MWI project demonstrated that approaching male community leaders as vital allies in changing community knowledge, attitudes and behaviours ensures that inclusion initiatives enjoy broad ownership and endorsement.

### **Part III: Women's stories from Myanmar**

This Part features two case studies describing how Burmese and Karen women in the Thai–Myanmar border region have overcome the challenges of a patriarchal colonial legacy, ethnic divisions and decades of conflict with the Myanmar military. The case studies relate the ways in which these women have been able to show their male counterparts that they are equally capable of assuming positions of decision-making responsibility.



## **Chapter 7: Solidarity in exile? The influence of gender politics on the pro-democracy struggle in Myanmar**

The absence of men's cooperation in women's struggles to overcome exclusion in decision-making within Myanmar's pro-democracy movement is plainly evident in Jenny Hedström's case study. It details how the Burmese Women's Union (BWU) created the first multi-ethnic women's movement in contemporary Myanmar history through a series of intensive consultations and negotiations. These processes fostered a sense of solidarity between women from both Burman and ethnic minority backgrounds, culminating in the establishment of the Women's League of Burma (WLB).

The WLB, focusing on the Myanmar military as the common enemy in overcoming ethnic divisions, then embarked on highly effective skills development training and confidence building processes, mentoring younger women as prospective leaders able to productively influence the media's treatment of gender issues—a strategy that has not been emphasized as dramatically in other case studies throughout this report.

The BWU also invested heavily in trust building strategies, including facilitating training in counselling for survivors of violence, an experience central to many women's experience of the Myanmar conflict. In doing so, the BWU proved that, although extremely difficult, it is possible to overcome exclusion with a low degree of support from men.

Hedström maps the BWU's rationale and formation, detailing the military junta's 1962 takeover of a country split by post-colonial ethnic divisions and a legacy of divisive colonial policies fostering inter-ethnic strife. The military's targeting of specific ethnic minorities intensified tensions in the country. Military persecution convinced many minority groups that they would never be able to live peacefully with the Burman majority, while also serving to limit the ability of people from both majority and minority groups to find what Hedström describes as 'neutral, safe spaces to meet outside the realm of conflict'.

Hedström traces efforts initiated by women to overcome ethnic divisions characterized by long standing disagreement, resentment and distrust. She describes how the BWU attempted, by organizing a forum of women's groups, to build a coalition across ethnic divisions and unite women in their struggles against the Myanmar military, systemic poverty and marginalization from decision-making processes. When this failed, the BWU organized a second forum of women's groups. However, the second forum also came very close to failing to resolve long standing ethnic differences. Providing an example of the

importance of timely leadership gestures, Hedström describes how a highly respected senior female Karen National Liberation Army (KNLA) military leader exhorted her compatriots to overcome their differences to defeat their common enemy, the Myanmar military, or Tatmadaw. Her timely, eleventh-hour statement led to the forum at last resolving its long standing sticking points.

Another theme arising from Hedström's analysis of the BWU's formation is the significance of language in symbolizing conflicting interests. For example, the Burmese Women's Union chose its name after lengthy deliberation, as the words 'Burmese' and 'Union' created tensions with some minority ethnic groups' calls for independence, seen by some to be at odds with the idea of a union of Burma, irrespective of how inclusive that union actually was.

### *Converging approaches*

One aspect of the BWU's work warranting special attention is its investment in demonstrating its role in supporting rather than leading the development of a women's movement, a measure designed to overcome the strong legacy of historic ethnic mistrust. As with Kimathi's analysis of Wajir women's efforts to empower others to take the spotlight, and their subsequent status flowing from the WWAP's highly productive outcomes, the BWU appeared to prioritize solidarity and unity among women in Myanmar, achieved via its investment in the previously mentioned trust building strategies.

Finally, the critical importance timing can play in achieving marginalized groups' objectives—a point taken up by Ubink (Namibia) and Heemann (South Africa)—is illustrated very lucidly by the disastrous loss of the ethnic militias' headquarters, Manerplaw, to the military during the mid-1990s. This event motivated women activists from varying ethnic backgrounds to form the BWU in an effort to overcome the multiple issues confronting them, and also enabled them to contribute to resistance to the Tatmadaw on a more equal footing with men.

## **Chapter 8: A place on the platform: the participation of women in Karen community organizations**

Nicholas Henry's case study examines the intersection of ethnicity and gender, while adding religion as a third dimension. Set in the same Myanmar–Thai border region as Hedström's case study, it focuses on the strategies adopted by the Karen Women's Organization (KWO) to promote women's empowerment. These included promoting women's participation within the KWO itself; supporting community level initiatives strengthening women's inclusion and



leadership; working with other community based organizations (CBOs); and networking with international organizations to mobilize support for Karen women's empowerment.

Specifically, Henry describes how political education programmes for women were crucial in building the confidence and capacity of women activists to engage in their communities' political decision-making. Henry also highlights the importance of building relationships between women's organizations and other CBOs in achieving and maintaining women's participation in customary governance.

The case study begins by identifying two historic and systemic sources of disempowerment affecting Karen women, namely their exclusion from Myanmar's political institutions, and the exclusion of ethnic minorities such as the Karen from the civil service.

Also strongly evident have been the stereotyped roles straight-jacketing women resulting from both Christian and Buddhist religious traditions, prescribing that women are unsuited to leadership roles. Added to this is the impact of the conflict itself, the military exerting a strong gendered influence over decision-making in political, economic and social spheres. Indeed the military conflict has combined with colonial practices and the Christianity introduced with them to marginalize animism and its recognition of traditional female leaders.

Critical in developing the KWO's profile, the organization has improved women's status throughout the Karen community via its community organizing and networking with other CBOs, NGOs and international organizations. Significantly, its international lobbying and peace building work has strengthened its recognition and very positive reputation among the broader Karen community, its CBOs and NGOs, together with international observers of Myanmar's political developments.

Lastly, while the KWO has achieved impressive progress in overcoming women's marginalization, there appear to be many challenges ahead, summed up in Henry's reference to a problem that many women's empowerment agencies with mainstreaming intentions encounter—the KWO's struggle to overcome apathy by other organizations now perceiving the KWO as the organization responsible for 'gender'.

### *Converging approaches*

Henry makes the very important point that tradition is a concept often misused by dominant groups when attempting to justify women's marginalization. He

notes that an important component of the KWO's efforts to overcome this marginalization is the intensive leadership training and mentoring it provides to women, and particularly younger women—a point also made by Hedström in the context of the BWU, and Mohan and Tabassum in the Indian context.

Despite these similarities, Henry's study is unique in that the KWO provides an advanced level of training to leaders wanting to progress further in their organizational governance roles. Using a train-the-trainer model, the KWO training is field based and provides individualized follow-up support. This partly explains the KWO's effectiveness in generating attitudinal change in men's assessments of women's competencies while significantly enhancing its own reputation as an organization.

The KWO's provision of social services for community members—including literacy and special education initiatives for people living with disabilities, together with health services and advocacy for women and children in refugee camps—explains the organization's strong support base among the Karen people. This is a recurring theme in many International IDEA case studies, illustrating the importance of organizations moving beyond the political sphere to support communities. Organizations can best provide such support through practical assistance for people struggling to sustain their health and livelihoods in the face of severe poverty, deprivation and conflict-induced insecurity.

Henry provides examples of the importance of leadership in generating broader support for marginalized groups—a factor also discussed by Ubink (Namibia) and Hedström (Myanmar). The roles that village headwomen have played in responding to the Tatmadaw attacks on men, boys and village headmen labelled as suspected KNU members or supporters has significantly advanced perceptions of women's leadership capabilities.

In fact, since the 1980s, in order to counter the Tatmadaw's targeted killings, many communities have given women leadership roles, hoping that the military would hesitate prior to killing such women. While the tactic worked to some extent, village headwomen have still been targeted, with the practice spreading more recently. Their courage in holding their positions in the face of such threats and their ability to negotiate with military commanders in mitigating the Tatmadaw's demands for labour and materials have produced widespread respect from the communities they serve.

This negotiating quality and women's peace-making achievements in general are recognized in Kimathi's Wajir study and Walls' Somaliland study, as well as the analyses by Korac (2006), Cockburn (1998) and Pragna (1999).





## **PART IV: Including women in local decision-making processes**

The final Part of this report presents two very different case studies. The first examines the personal approaches of four Cambodian women attempting to overcome their exclusion by men in local government, a tier of government dominated by centrally based political parties. The case study identifies the personal strategies each woman adopted in gaining credibility among male councillors. The second identifies the factors required to make decentralization meaningful for women and young people in Bamenda, Cameroon, highlighting another theme emerging from the other cases in the report, namely the importance of working at multiple governance levels to effect meaningful change.

### **Chapter 9: ‘Beyond almost all politicians there are women in the shadows’: Cambodian women’s experiences of local governance**

Sue Gollifer examines the challenges confronting four women at the local government level in dealing with strong historically embedded norms devaluing women’s presence in Cambodian public affairs and negatively stereotyping their capacity to contribute to politics. She identifies the personal motivations the women have drawn upon to overcome these systemic barriers before highlighting the critical support provided by Banteay Serei, a Cambodian NGO concerned with developing women’s political representation and community development skills.

The strategies employed by each of the four women have valuable implications for democracy cooperation and community development agencies seeking to overcome marginalization and exclusion. These strategies included adopting a typically male approach to political theatre by assuming the benevolent patron role; making use of male council colleagues’ respect for women who played a role in the Khmer Rouge conflict era; and adopting the traditional strategy of carefully managing domestic and public roles and maintaining traditionally perceived female traits to demonstrate effective capacity as a councillor. In utilizing such roles, the women gained respect from their male colleagues.

Gollifer points out that while Banteay Serei adopts an empowering approach to its training of women (as opposed to women being passive recipients of technically-oriented training), it could go even further in dismantling systemic and cultural constraints limiting women’s participation in politics.

For example, challenging the influence of party affiliation at the expense of individual candidates' merits is not addressed in Banteay Serei training sessions.

Gollifer argues that Banteay Serei needs to clarify the approach it assumes in meeting its objective of supporting women's political empowerment, identifying three options for doing so: challenge constraints within the current context; work around the constraints; or identify an alternative approach. She produces several recommendations to facilitate women's participation in political processes, including developing context-specific awareness raising, training and advocacy strategies that do not put participants at risk of retribution, a reflection of the country's political history and the fact that despite a decentralization process, party-led politics fuels an environment of intimidation and mistrust.

The non-confrontational advocacy approach adopted by the four Cambodian women—in contrast to the more direct action and confrontational approaches adopted by the women in Somaliland described in Walls's study—is based on the notion that challenging the status quo does not necessarily demand direct action strategies.

Gollifer suggests that democracy cooperation and assistance organizations should examine the skills and motivations of staff members working for political empowerment, in order to ensure that their skills are adequate and that their motivations are consistent with the organization's own objectives. She also notes the importance of monitoring performance by looking beyond numbers in terms of increased political participation and instead measuring the impact of these numbers. She criticizes the preoccupation with 'gender balance in political institutions' rather than the change more equitable numbers may or may not be bringing about. Without examining the impact of more balanced gender representation, systemic constraints may remain hidden.

Importantly, Gollifer notes the need to base policy development in political inclusion on the articulated experiences of excluded groups themselves, rather than on 'expert' assessments. Further, a case needs to be built for debating the merits of individuals ahead of political parties. Unless political participation is personalized, political empowerment will fail to overcome deeply entrenched constraints limiting the capacities of marginalized groups to participate.

### *Converging approaches*

Gollifer observes that NGOs such as Banteay Serei play a vital role in helping women manage their conflicting identities as they engage in the political sphere while continuing to play roles in the private sphere. And as



mentioned in Hedström's Myanmar study, Ubink's Namibia study, Mohan and Tabassum's India study and Lambi and Dameni's Cameroon study, such NGOs are indispensable in mentoring women and other marginalized groups, in developing their leadership skills and in building their confidence to participate in political systems.

While this study differs considerably from others featured in the report by virtue of its focus on four individual women, the strategies adopted by each of these women reflect many similarities with strategies adopted elsewhere. These include persistent and patient negotiation; the power of dialogue in developing respect and shared development visions; the power of engagement and social interaction with a wide range of stakeholders; and the power of the collective voice working through networks.

Like many of the authors in this report, Gollifer refers to the importance of education, income generation and savings support, providing women with a stable economic environment in facilitating their entry into politics. She specifically refers to citizenship and human rights education, community activism, leadership and the importance of involving excluded groups as spokespeople, going beyond enhancing knowledge of political structures, laws and systems to make explicit links to socially constructed gender discrimination. She recommends analysing dominant groups' discourses to inform community and political education in addition to using case studies of marginalized people's experiences in awareness raising.

## **Chapter 10: Making decentralization meaningful for marginalized communities: lessons from the Integrated Development Foundation in Cameroon**

Julius Lambi and Oussematou Dameni's case study focuses on processes facilitating women and young people's inclusion in decision-making, beginning with national legislative empowerment measures. However, as the authors note, these measures have only succeeded because they were accompanied by initiatives undertaken at the district and local levels. The authors nominate several key factors—including, as a prerequisite, political momentum and action at the national level for a pro-decentralization constitution—that partly explain how women and young people have overcome exclusion resulting from long standing discriminatory values associated with male culture and traditional authority in north-west Cameroon.

However, in order to overcome entrenched and undemocratic power structures at the regional and district levels, the Cameroon Government had to pass

a decree restructuring councils and assigning the management of smaller autonomous sub-divisional councils to elected mayors. These measures disempowered non-elected delegates formerly appointed by government to administer local government matters. While these actions enabled great progress in the decentralization process, one dimension was lacking: the active inclusion of local populations—including historically marginalized groups—in the planning, implementation and monitoring of development projects.

Lambi and Dameni place this last dimension under a microscope, yielding some interesting insights and strategies for inclusion reformers. Their study examines a local NGO, the Integrated Development Foundation (IDF), within the context of long standing intra-community tensions between men and women, and between groups formed on the basis of age, ethnicity and religion. The IDF's work involved establishing a system of participation modelled on past structures and processes rather than introducing new ones, and enabling all stakeholder groups to contribute to development projects' design and implementation.

In addition, the IDF strengthened stakeholder groups' skills, enabling them to handle their administrative and monitoring responsibilities in operating participatory neighbourhood structures known as 'Quarter Development Associations' (QDAs). Finally, the programme built cooperative relationships between the QDAs, local governments and other state actors responsible for neighbourhood development issues.

### *Converging approaches*

The fact that, through the QDAs, women and young people were finally able to access political decision-making processes was a result of interventions at a number of government levels rather than at the local government level alone—a conclusion Janine Ubink's Namibia study supports by highlighting the importance of working at multiple governance levels to effect meaningful change.

While by no means unique in community participation and development practice, some of the inclusion steps the IDF and its partners undertook warrant emphasis, as they were critical in facilitating the participation of previously excluded groups. Among these were the means the IDF used to ensure people were informed about community meetings, engaging in interactive outreach approaches such as establishing question and answer focal points in common gathering places, hiring community mobilizers using vehicle-mounted loudspeakers and using home visits and word of mouth as



key communication methods. These methods are very similar to those the MWI deployed in India's Rajasthan and Karnataka states.

In doing so, the IDF specifically targeted marginalized groups, including women and young people, ensuring that they defined their own needs and the solutions to them. In addition, the IDF communicated through the leaders of various social, cultural and religious groups to announce projects, motivate group members to participate and, ultimately, build bridges between groups that had in the past been adversarial towards one another. Once again, the approach to religious leaders for support sounds not unlike that adopted by the MWI programme in Mohan and Tabassum's study.

Most importantly, the IDF—again, as in the MWI programme—went beyond community meetings to identify needs, issues and their respective solutions. Community meetings are often dominated by people familiar with and confident in expressing themselves in such fora, frequently older men. The airtime afforded to such people can often exclude marginalized group members from speaking, explaining why larger community meetings alone can be a poor indicator of a community's 'felt needs', while its 'expressed needs' are often biased in the dominant group's favour (Bradshaw, 1972: 640–43).

Another approach described by Lambi and Dameni converging with those found in the other case studies is how improving basic water and sanitation services provided the impetus for change, including employment creation and a sense of community control over its destiny. This reinforces the point, made elsewhere in this report, that linking inclusion strategies with poverty alleviation and land reform measures is critical to success.

As noted by Lambi and Dameni, and by Ubink in her Namibia study, once women, young people and other marginalized groups' confidence and decision-making participation is improved at the community level, men's participation may well decline. At the same time, men's willingness to let go of power at the highest levels is rare, suggesting that there is a danger that the decision-making locus may shift back to men via informal men-only structures or processes.

Finally, while highlighting considerable inclusion gains made by implementing comprehensive community mobilizing strategies, Lambi and Dameni—like Mohan and Tabassum in their case study on India—observe that many inclusion programmes rely on larger scale external resourcing rather than less expensive approaches built on local resourcing that may, as a result, be seen as more sustainable. However, to their credit, both the IDF and MWI programmes were built on existing local structures and implemented their

work through local CBOs rather than superimposing new structures over existing initiatives, thus enhancing their potential to achieve lasting results.

This and many other issues are addressed in an International IDEA report, *Overcoming political exclusion*.



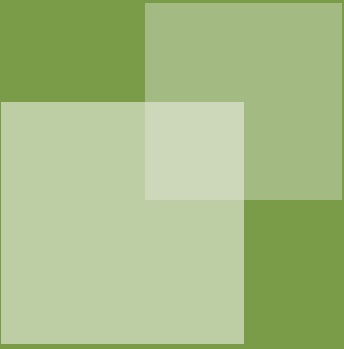
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# Chapter 1

**The intervention of  
PEACE during 'the crisis':  
promoting the inclusion  
of women in customary  
systems in Bougainville**





# Chapter 1

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NAOMI JOHNSTONE

## Abstract

The inclusion of marginalized groups in relation to customary governance and justice systems can be furthered through the provision of conflict resolution training based upon local cultural philosophies but delivered in a way that facilitates community discourse around principles of gender equality and power-sharing. This approach was adopted by the Papuan non-governmental organization People and Community Empowerment (PEACE) Foundation Melanesia during and following the civil conflict in Bougainville known as ‘the Crisis’. Research conducted in May 2010 suggests that this approach had measured success, particularly in relation to the participation of women in dispute resolution. The intervention itself had mixed results. On the one hand, it had negligible impact on the recognition of substantive legal rights, protection of vulnerable women victims of violence, and awareness of power imbalances. On the other hand, the intervention successfully promoted inclusion and empowerment in a number of respects. For instance, it increased participation, satisfaction, and the perceived importance of women’s involvement in dispute resolution. Most importantly, it created opportunities for and transferred skills to women to become mediators and dispute resolution decision-makers. This has enabled them to engage more effectively as leaders in internal dialogue processes, and to challenge the interpretation and application of discriminatory customary norms.



## Acronyms and abbreviations

<b>BRA</b>	Bougainville Revolutionary Army
<b>NZLC</b>	New Zealand Law Commission
<b>NGO</b>	non-governmental organization
<b>PFM</b>	People and Community Empowerment (PEACE) Foundation Melanesia
<b>PNG</b>	Papua New Guinea

## Background

Promoting the inclusion of marginalized groups, including women, within customary justice and governance systems is a complex but necessary task, given the primacy of customary systems for the many people in developing countries. A United Kingdom Department for International Development study (2004: 3) estimated that 80 per cent of conflicts in developing countries are resolved in customary fora. This is particularly the case in conflict and post-conflict environments, where the formal justice system is often inoperative or inaccessible.

In the Melanesian context, customary systems have several advantages: they are locally controlled and operated, which makes them geographically and economically accessible; and they hold strong local legitimacy, making them a natural partner for disputants in settings isolated from the state system.

For many customary systems, including those in Melanesia, the Western notion of a 'separation of powers' is incongruent. For example, many customary systems do not distinguish between legal or justice concerns on the one hand and governance concerns on the other. Often, other distinctions—such as between civil and criminal cases, and between religious and legal values—are irrelevant. However, it is beyond the scope of this paper to consider all aspects of the systems at play in Bougainville. The main focus will be on dispute resolution processes and women.

Moreover, the value placed on restoring community harmony and consensus-based decision-making reflects the needs of tightly-knit communities whose members share close bonds of social and economic dependency and experience conflict-related distrust and trauma. However, customary justice systems in Melanesia, like customary systems elsewhere, also carry disadvantages, which often combine to perpetuate the exclusion of marginalized groups. For example, they are largely unregulated and often lack procedural safeguards, accountability and consistency. As a result, they are more susceptible to bias and elite capture, leaving marginalized groups without a voice in governance or justice processes, and perpetuating power asymmetries. These factors expose marginalized community members to coercive decisions that can be violent, discriminatory and exclusionary.

These challenges and strengths, combined with the centrality of customary resolution for poor and marginalized populations, make efforts to engage with customary systems critical. A key challenge is how to advance these goals in a way that is locally legitimate and preserves the positive aspects of the customary justice system. The contested, dynamic and flexible nature of

culture and custom is a key factor in reform efforts. These characteristics make it possible for users to re-examine customary norms and distinguish between discriminatory and non-discriminatory aspects of custom (Charters 2003).

In recent years, various actors have trialled different techniques for reforming customary justice systems. One strategy has involved the provision of conflict resolution and mediation training based on local cultural philosophies but delivered in a manner that facilitates local discourse on principles of gender equality and human rights. This approach was adopted by People and Community Empowerment (PEACE) Foundation Melanesia (hereafter, PFM), a non-governmental organization (NGO) in Papua New Guinea (PNG).<sup>1</sup> PFM worked during and after the civil conflict in Bougainville. While its work is broadly acknowledged as having enhanced grassroots peace-building, to date no assessment has been carried out on the extent to which these activities have contributed to the inclusion and empowerment of marginalized user groups.

### *Bougainville*

Bougainville, an autonomous region of PNG, is composed of two main islands: Buka in the north, and the Bougainville mainland. It is home to more than 175,000 people and covers approximately 9,000 square kilometres.<sup>2</sup> Following World War I, Bougainville was politically split from the Solomon Islands—its closest geographical, ethnic and linguistic neighbour. The Australian colonial administration annexed Bougainville to its New Guinea territories, and in 1967 signed an agreement with an Australian mining company, Conzinc Rio Tinto Limited. In 1972 a subsidiary of the latter, Bougainville Copper Limited, proceeded to establish what was, at the time, the world's largest open-cut mine, in Panguna.

This led to an influx of thousands of international and mainland PNG employees to central Bougainville. In 1975, PNG gained independence from Australia. However, under the new Papuan Constitution, customary land ownership only extended as deep as just below the surface. Consequently, all mineral rights were vested in the PNG state. The Panguna mine accounted for around one-third of PNG's gross domestic product but also caused severe environmental degradation and a perception among Bougainvilleans of unequal benefits. These factors precipitated a civil war, instigated by the Bougainville Revolutionary Army (BRA) in 1989 and known locally as 'the Crisis'. In 1990 a ceasefire was declared and all PNG officials, politicians and security forces were withdrawn, leaving Bougainville under the control of the BRA.



### *'The Crisis' and customary law*

Colonization, the mine and the conflict each impacted on the customary system. For example, during colonization formal justice and governance systems were promoted over customary systems. With the advent of the mine, a new cash economy and change in local social dynamics played a significant part in breaking down traditional values. During the conflict, this theme continued, as power became associated with guns.

Shortly after the conflict started, Bougainvilleans' loyalties began to get very confused. Old feuds and grievances over land and others issues (including some that dated back to World War II) were re-contested. Further, *raskol* (criminal) elements that rejected hierarchical orders started to develop, opportunistically engaging in criminal activities and indiscriminate violence. Young men lost their sense of shame about the way they acted in the village, and held less respect for what elders and chiefs said, creating an authority vacuum (Howley 2002).

It was in this context that, from 1994 onwards, PFM conducted dispute resolution training with chiefs and other community members in a way that was seen as congruent with the customary systems that were then infrequently employed. The peace process, which began with the Burnham Declaration in 1997, culminated in 2001 when the Bougainville Peace Agreement was signed. This gave Bougainville autonomous status within PNG and provided for the establishment of the Bougainville Constitutional Commission.

### *After 'the Crisis'*

The Bougainville Constitutional Commission's report noted that Bougainvilleans 'want a justice system that is not solely focused on punishment of crime, but also on reconciliation and restoration of relationships damaged by disputes' (Bougainville Constitutional Commission 2004: 55.6). This was incorporated into the Bougainville Constitution, which was finalized in 2004. Section 13 of the Constitution provides for a strengthening of customary authority. Subsection four is particularly relevant. It states:

The customary system of justice in Bougainville, based on the restoration of peace through the restoration of harmony in relationships between people, shall be recognized and reinforced to the extent not contrary to Christian principles.

In addition, section 37(1) states: 'Customary values which enhance the dignity and well-being of Bougainvilleans shall be recognized, promoted and preserved.' Furthermore, section 51 extensively outlines the areas in the Constitution where the role and authority of the customary governance

system will be recognized. These include laws relating to criminal acts, land law, human rights abuses, the police service and many others.

The Autonomous Bougainville Government, established in 2005, is slowly building its capacity and legitimacy but continues to rely heavily on civil society, NGOs and customary institutions to maintain peace, order and security. Its governance functions lack legitimacy, with much of the Bougainvillean population seeing the government as distant and removed. Some are only willing to accede state legitimacy 'in a limited way, only if and as long as state institutions act in a complementary role to customary institutions' (Boege 2008: 16). Almost all government actors acknowledge the authority of customary governance systems, and many retain close ties to their local communities (Boege 2008: 30). In terms of the interface between the formal and customary systems, government representatives 'are aware that they have to collaborate with non-state institutions' and 'the Bougainvillean government and administration have taken a course of action which . . . is open to strengthening the role of non-state customary approaches' (Boege 2008: 26).

### **Melanesian customary systems: characteristics and challenges**

Many people struggle with the question of how to build institutions that are authentic, all-inclusive and reflect customs while meeting the needs of contemporary local-level government structures. Three features can be said to characterize customary justice systems in Melanesia. First, as noted by the New Zealand Law Commission (NZLC), customary systems, while often derived from tradition, are dynamic and constantly developing in response to changing social, economic, political and security conditions (NZLC 2006: 46).

In Melanesia, customary systems have adapted over centuries. The most influential forces of change have been colonial contact and Christianity. Together, these forces make it almost impossible to determine the content or application of pre-contact customary law in the Pacific. The few available accounts of pre-contact customary law have been discredited to some degree in academia because European male anthropologists, colonists and missionaries writing about cultural practices and norms are now recognized to have frequently ignored women's perspectives or roles (Zorn 2000: 11–12). More recent influences such as decolonization, civil conflict, emigration and globalization continue to affect how customary legal systems operate.

These internal and external factors have modified the operation of customary systems, as well as their standing within society. Such systems were once discrete



and coherent but this is no longer the case in the Pacific. Customary leaders must now deal with a variety of complex social issues, such as commercial sexual exploitation and criminality linked to alcohol and drug abuse. At the same time, as a result of urbanization and trends towards individual enterprise, in some areas the authority and strength of customary dispute resolution have been eroded and leaders have lost customary knowledge and dispute resolution skills that were common to earlier generations.

A second, closely-related feature is the inherent flexibility of customary law and customary systems. In areas where customary law is strong, there are a multitude of norms that are applied contextually and with qualifications (NZLC 2006: 54–55). This flexibility allows leaders to craft pragmatic solutions that suit local conditions and respond to issues at the crux of a dispute. However, this also means that customary systems may lack consistency and predictability. Rules may be applied differently to separate groups, resulting in arbitrary or discriminatory solutions. Moreover, such flexibility and negotiability, without recognition of essential legal rights, leave open entry points for bias or conflicts of interest, as well as other natural justice issues affecting a fair hearing and proportionality (NZLC 2006: 158).

A third feature of Melanesian customary systems is the centrality of social harmony to dispute resolution. Most Pacific peoples identify with a philosophy that focuses on restoring relationships and maintaining community balance. When conflict threatens this balance, the customary system responds by restoring and valuing relationships between parties and offering a framework for reintegration (Penal Reform International 2000: 24, 33). One of the consequences of this is that dispute outcomes are usually reconciliations based on consensus and negotiation. Further, decision-making is often based less on rules and legal rights and more on local perceptions of fairness and equity, and subjective notions of a sound outcome. In such negotiation processes, the preservation of social harmony may be accorded greater importance than an individual's right to justice (NZLC 2006: 156). Further, power asymmetries between parties to a dispute can expose vulnerable groups to discriminatory or inequitable solutions.

These three central characteristics—dynamism, flexibility and emphasis on social harmony—can combine to form complex obstacles to individuals accessing justice through customary fora. The emphasis on social harmony and negotiability often contributes to a failure of the customary justice system to provide sufficient protection to vulnerable groups, particularly women. However, the dynamic and flexible nature of customary systems also offers potential for reform. The next section outlines how these characteristics can operate, as exemplified in the case of gender-based violence.

## The impact of exclusion from political decision-making

In Melanesia, gender-based violence is a severe and widespread problem (Amnesty International 2006: 1). While there may have been, and still are in some cases, customary protections for women who are victims of violence in the Pacific, some modern customary institutions have been blamed for implicitly tolerating violence against women (Martin 2002: 227, 230). Some indigenous women have asserted that, in the past, women were treated with deep respect, and sexual offences were punished severely within the customary system. They attribute recent 'softening' to processes of colonization, which lowered the status of women, as well as unresolved post-conflict trauma, and the breakdown of customary governance mechanisms (Davis and McGlade 2006: 381, 403–404; and Behrendt 2006). It is extremely difficult to understand the historical application of custom, particularly with respect to women. While it is often claimed that respect for women is a customary value or principle, 'proper respect for women is often not apparent in customary practices today' (NZLC 2006: 84).

Whether or not it has always been so, domestic violence against women today is not seen as a serious issue worthy of community-level adjudication in many Melanesian communities. Rape, for example, is conceptualized more in terms of damage to the victim's reputation, potential marriage prospects and dowry implications than a violation of basic human rights. Where customary systems are open to dealing with such complaints, there are few opportunities for women to participate in the hearing or resolution of their grievances, and the penalties are normally mild and unduly exonerate perpetrators (although some form of revenge may be enacted in less transparent ways). It should also be noted that gender-based violence offences are inadequately addressed by both formal and customary systems in many parts of the Pacific (Imrana Jalal 2001: 15).

Flexible rules and the lack of procedural safeguards pose particular risks for women disputants in contexts of generalized gender discrimination. Outcomes are rarely consistent or predictable. Further, as a result of the emphasis on social harmony, the perspective and needs of the victim are often regarded as secondary or even overlooked. Even if victims are given the opportunity to participate in a dispute resolution process, they are vulnerable to being coerced by more powerful parties into accepting decisions that they find unsatisfactory, since they can be under significant pressure to agree to solutions broadly understood to be fair and equitable (World Bank Indonesia 2006). A woman might feel compromised by the reconciliation process, particularly when the maintaining positive relationship with the family is prioritised over the impact of the crime on her (Braithwaite 2002; and Dinnen, Jowitt and Cain 2003). This is illustrated when crimes of rape



are 'resolved' by the victim being married to the perpetrator. As Wojkowska explains, while this 'solution' may ostensibly be to protect the victim's honour and ensure the payment of a dowry, it also takes into account the way in which marriage forges bonds between families and within communities, thus stemming the possibility of subsequent retributive violence (2006: 21).

The difficulty in modifying norms and processes that discriminate against marginalized groups is based on the fact that they often operate to reinforce the power hierarchy that controls customary systems. As recognized by An-Na'im, powerful individuals and groups dominate the interpretation and application of customary and cultural norms, applying and manipulating them to their advantage (1992: 27–28). Similarly, customary systems may be used by chiefs to maintain positions of relative power—when under threat, they 'assert their position as the custodians of a custom presented as unchanging and unchallengeable' (NZLC 2006: 101). This is a reminder that apparently impenetrable assertions of the content, processes or custodians of custom should be seen as the exercise of contemporary politics rather than descriptions of 'tradition' (Nyamu 2000: 381, 405).

On the one hand, this can be viewed as encouraging—customary systems are not necessarily to blame for practices and outcomes that are inimical to the interests of women; rather, responsibility lies with individuals within the systems who apply, interpret and assert custom in a way that advantages them. On the other hand, any moves to displace chiefly domination of custom's interpretation, adaptation and application are likely to threaten vested interests and be strongly resisted (Griffen 1975).

### *Calling for re-examination, not rejection*

Despite the challenges faced by marginalized groups, including women, in accessing justice through customary fora, research in Vanuatu (Forsyth 2009) and the Solomon Islands (Merry 2001) has shown that such groups largely support these systems, even if they feel that some aspects should change to become fairer towards them. For marginalized women, empowerment does not require a rejection of custom, but a re-examination of norms and processes so that they 'support rather than victimize women' (Pacific Regional Workshop 2003).

The dynamic and flexible nature of Melanesian customary systems can therefore work for the empowerment and inclusion of marginalized groups. While it is often argued that this fluidity may lead to discrimination and abuse, it also renders customary systems capable of change and reform. It is not clear how such change can be best facilitated. Sudanese Islamic scholar

A. A. An-Na'im asserts that powerful groups' monopoly over cultural norms should be challenged through internal cultural discourse that allows for alternative interpretations (1992: 19, 27–28). Others believe that allowing customary systems to evolve naturally will not necessarily bring about the changes that marginalized groups such as women require (see e.g. Nyamu 2000: 393). However, since the gatekeepers of legal knowledge are often those who would benefit the least from a wide knowledge and understanding of such rights, they cannot always be relied on to disseminate such information. Further, there is a risk of perpetuating social and power inequalities when discourse is conducted solely from within the legal system.

Thus, while outsiders cannot undertake empowerment, a carefully crafted external intervention may be a necessary way of strengthening the empowerment process (Rowlands 1995: 101, 105). For example, Batliwala conceptualizes empowerment as 'a spiral, changing consciousness, identifying areas to target for change, planning strategies, acting for change, and analysing activities and outcomes' (1994: 132). An essential part of such an intervention must be to promote marginalized groups' access to leadership and decision-making positions.

Attitudes claimed to be based in custom throughout the Pacific exclude women and youth from positions in national and local government, as well as customary institutions. This exclusion means that disadvantaged groups are not best placed to facilitate change or to protect their rights (NZLC 2006: 90). Opening up space for such groups to become leaders and decision-makers within the customary sphere, therefore, is clearly important. Transitional periods following disaster or conflict, in particular, have the potential to provide such a 'space'.

### *Inclusion processes undertaken*

Given these insights, what form should empowerment-oriented interventions take? It is well established that grafting ideas and processes borrowed from foreign cultures onto customary frameworks is unlikely to result in sustainable normative change. Rather, if customary systems are to uphold rights, and users empowered to assert them, processes must be locally driven and owned: the 'local' will be the most powerful in influencing the operation of customary systems, as well as in moulding attitudes (Khair 2009; 33, 35). This is particularly important when discussing efforts to advance notions of human rights in the Pacific, where there is considerable resistance such concepts, which are regarded by many as externally-imposed and relegated to 'women's business' (NZLC 2006: 84).



One approach to such interventions is to look within customary systems and draw on internal values to develop cultural legitimacy for the idea of women's rights and, more broadly, individual rights. Many argue that the failure of Pacific customary systems to protect women from violence marks a significant departure from the past (Martin 2002; and Behrendt 2006). Carolyn Graydon, writing about Timor Leste, has suggested that 'entrenched human rights values already existing in the culture' should be used as the basis for sustainable human rights protection by influencing change in customary legal systems (Graydon 2005: 68, 66–70).

A related approach is to encourage a review of customary practices in light of underlying customary values. This is based on an argument, supported by many Pacific writers and leaders, that while practices may vary over time, customary values remain constant (NZLC 2006: 12). Where such values align with substantive or procedural human rights, they may be woven into the cultural and customary law fabric, and hence 'introduced in ways that are relevant to Pacific peoples and legitimate in terms of the peoples' own norms' (NZLC 2006: 79).

In summary, each of these approaches has potential for empowerment and reform. Due to the contested, dynamic and flexible nature of culture and custom, in certain circumstances actors can re-examine customary justice systems and distinguish between discriminatory and non-discriminatory aspects of custom. Appropriating processes of reinterpretation that are already recognized and approved by society is arguably a less contentious path to reform. Nuanced and pragmatic interventions can strengthen these processes in a way that empowers marginalized groups, including women.

### *PEACE Foundation Melanesia*

PNG's Attorney-General, Minister for Justice and former Supreme Court Judge, Bernard Narokobi, established PFM in 1989 based on his assessment that the formal court-based system was not adequately serving the people of PNG, especially the disadvantaged (PFM 2004). PFM information brochures, pamphlets and annual reports, as well as interviews with current and former directors of its Bougainville operation, indicate that the main objective of PFM is to build conflict resolution skills in local communities, and in turn promote intra- and inter-community social harmony and local ownership over justice processes.

In 1994, as part of an effort to begin resolving internal Bougainville disputes, the Bougainville Interim Government invited PFM to conduct a conflict-resolution training session. Participants immediately recognized the strong commonalities between PFM's dispute-resolution techniques and traditional

customary approaches to conflict resolution, both of which emphasized values such as preserving community relationships and consensus-based decision-making. Bougainville chiefs who attended the PFM training, and who were already involved in trying to revive customary practices, confirmed this (Howley 2007: 82). Following the first session, a variety of other local actors requested further training. In cooperation with local chiefs, PFM devised a training methodology that was thought to be congruent with Bougainvillean customary principles and processes.

### *Training courses*

The PFM community justice course (known until 2003 as the ‘people skills and conflict resolution’ course) targets a cross-section of community members including chiefs, women, young people, civil society leaders and church leaders of different denominations (PFM 2004: 5). This course deals with people skills, self understanding, relationships between men and women, listening skills, assertive communication, and power, negotiation and leadership. The aim is that participants will understand more about themselves and others, ways of communicating and problem solving, and that this will help them to overcome fears and insecurities (PFM 2005: 1). Because the course only has a very small written element, illiterate participants can easily participate. PFM has found that the impact is much bigger when there is a critical mass of around 20–30 participants in a village, so that they can support each other and continue to discuss issues, and collectively work towards empowerment (PFM 2005: 4).

Processes of mediation and restorative justice are seen as akin to Melanesian customary law, which emphasizes values such as preserving community relationships and consensus-based decision-making. Therefore a second module, on mediation techniques and on the idea of restorative justice, has often been provided. It seems that, at times, these two main modules have been combined, while at other times they have been separate. During and just after the Crisis it appears that there were two weeks for the people skills element, then a separate two weeks for mediation and restorative justice skills. Later on, these two parts were combined into two weeks of training in total.

The ‘empowerment of women as equal partners’ is an important and recurrent message of the training modules (PFM 2002). It is hoped that the course will increase the confidence of women to assert themselves and speak up among men and chiefs, while also promoting a community-wide appreciation of women’s rights and contributions. A related goal is to facilitate greater participation in decision-making, including by women and vulnerable groups, so that outcomes represent the perspectives, needs and expectations



of the wider community, as opposed to only those of 'the bigman and his followers' (PFM 2005: 3).

The modalities of the training are structured towards these ends. Men and women are put together in small groups of approximately six participants, where they discuss issues presented by the trainer, including relationships between men and women, discrimination and customary values. This places women and men in an unusual situation that arguably pushes cultural boundaries—women try out their skills as mediators and decision-makers, while chiefs and other men are compelled to observe women in these roles.

The training also utilizes role playing with Bougainville-specific case studies and examples, and tries to match introduced and potentially challenging ideas with values and principles people will already be aware of and accept. This facilitative 'space' is tightly controlled through established guidelines on issues such as mutual respect that are communicated at the beginning of the training and monitored by the facilitator. It also avoids the backlash that can sometimes happen when there are specific courses for women, which men see as preferential treatment (PFM 2002).

Another feature of the training is that it is carried out in the village where people live, and to which the trainers have been invited. This allows more people to come, especially women and young people who are less likely to have the time and money to travel to an urban location. During the Crisis, it allowed for the training of communities and groups (including BRA commanders) who were hiding in the remote hills of central Bougainville (PFM 2002). Locating the training within villages also allows for discussions to continue at night, when participants continue to exchange ideas over the evening meal and discuss what they have learnt during the day.

### *Trainers*

In each village, people who show particular interest and aptitude are invited to undertake further training. PFM found that people prefer trainers who understand the local variations in culture, custom and language, and who can build on existing relationships as they put their new skills into practice (PFM 2002). As noted above, the main objectives of PFM's programme are to increase conflict-resolution skills in local communities, to in turn assist intra- and inter-community social harmony, and increase local ownership of justice processes. Scholars and beneficiaries agree that PFM has had a positive impact in terms of reconciliation and peace building in Bougainville. However, whether and to what extent the intervention successfully helped the inclusion and empowerment of marginalized groups has not yet been

analysed. With a view to providing insight into this question, the following section presents the results of field research conducted in nine rural villages and one urban location in Bougainville.

### **Changes in knowledge, attitudes, practices and behaviours**

Field research was conducted in Bougainville in order to understand the impact of the PFM intervention for users of the dispute resolution processes, particularly focusing on women. Using a subject-centric methodology, a survey was developed that included indicators designed to (a) measure users' perceptions of the quality of justice in terms of process and outcome (see Gramatikov 2010 for an explanation of the indicators used here); (b) test the impact of the intervention on perceived positive aspects of the customary system, such as the restoration of relationships and community harmony; and (c) test whether the intervention resulted in attitudinal changes toward women and power-sharing in dispute resolution.

The survey was administered to over 400 people in communities where PFM training had taken place. Of these, 231 respondents who had been through a dispute resolution process with a chief or mediator in the 12 years since the Crisis ended at the end of 1997 filled out questions designed to gauge their satisfaction with the process and outcome. The responses of individuals who had resolved a dispute through a mediator who had received PFM training (e.g. a customary chief, or a member of the community, civil society or the church) were compared to responses from individuals whose disputes were resolved by a mediator who had not received PFM training (usually a chief). Of the respondents, 394 answered different questions designed to gauge the impact of the training on participants' attitudes. The responses of those who had participated in PFM training were compared with those who had not participated.

In order to assess the impact of the intervention on women, each area of quantitative investigation was statistically tested for gender differences. This was supplemented by qualitative data from 25 interviews with disputants, women members of civil society, mediators, and trained and untrained chiefs. The survey results are presented in the tables below according to satisfaction with and participation in the dispute-resolution process; perceptions of objectivity, power and rights in the dispute-resolution process; incidence of a resolution or outcome to the dispute, and satisfaction with that outcome; and attitudinal change resulting from the community training programme.



### Satisfaction and participation

An examination of the survey and interview data suggests that PFM training made a statistically-significant (henceforth, significant) positive difference to the satisfaction of disputants, and led to their increased participation.<sup>3</sup> Table 1.1 shows that over 84 per cent of the 146 respondents whose disputes were mediated by a party who had received PFM training agreed that they were encouraged to express their views; were satisfied with the dispute-resolution process; participated fully in this process; were satisfied with the mediator or chief; had their views considered during the dispute-resolution process; and experienced healing through this process.

**Table 1.1 Users' experience of the dispute resolution process**

Survey statement	Dispute handled by:		Respondents:	
	Trained 3 <sup>rd</sup> party (n = 146)	Untrained chief (n = 85)	Men (n = 103)	Women (n = 128)
	% of participants who agreed with the statement			
I was encouraged to express my views.	98**	65**		
I was satisfied with the mediator/chief.	91**	54**		
I participated fully in the process.	94**	55**	81*	66*
I was satisfied with the process.	97**	61**	89*	79*
My views were considered during the process.	89**	55**		
I experienced healing through the process.	85**	58**		
The process had a positive impact on my relationships.	86*	78*		

\* Statistically significant difference ( $p < .05$ )

\*\* Statistically significant difference ( $p < .01$ )

Total sample size:  $n = 231$

In contrast, respondents whose mediator did not participate in PFM training agreed with these statements only 50 to 70 per cent of the time (a significant difference at 1 per cent;  $p > .01$ ). There was also some significant difference when these data were disaggregated and analysed by gender; male respondents were more likely than female respondents to have been satisfied with and participated in the dispute resolution process.

An additional finding was the positive effect that training appeared to have on the disputants' relationships. However, the significant difference between the two groups was less than other findings ( $p > .05$  rather than  $p > .01$ ), with 78 per cent of those whose dispute was resolved by an untrained chief also agreeing that the process improved their relationships.

### *Perceptions of objectivity, power and rights*

Table 1.2 illustrates that 75 per cent of respondents whose mediator received PFM training and 52 per cent of respondents whose mediator did not receive PFM training had their legal rights explained to them. When the issue was framed negatively to check for positivity bias (i.e. 'I was confused about what my legal rights were') around one-quarter of all disputants agreed, with no significant difference between trained and untrained mediators. The gender of the disputants also seemed to have an impact on whether their rights would be communicated to them: men were more likely (regardless of whether their mediator was trained or untrained) to have their legal rights explained to them than women (72 per cent of men and 62 per cent of women).

Anecdotal evidence suggests that, although statutory legal rights relating to gender equality were not part of the PFM training, participants retained some knowledge of women's rights as articulated in the PNG Constitution, as well as women's decision-making rights in relation to land and land-related resources. For example, a mediator and youth leader from Atamo stated: 'I learned that women have rights too, for example, to take part in decision-making and in government'.<sup>4</sup>

Table 1.2 also shows that 90 per cent of respondents whose mediator received PFM training agreed that the dispute resolution process was objective and unbiased, compared to only 42 per cent of respondents whose mediator did not receive PFM training. Again, perceptions of bias were affected by gender: 80 per cent of men (regardless of whether their mediator was trained or untrained) agreed with the statement compared to 66 per cent of women.

A further topic examined in the survey was how power dynamics impacted on the resolution of disputes. Approximately 35 per cent of all disputants found it difficult to express their perspective because they felt that they were not as powerful as the other parties involved. Whether the third party had received training or not made no significant difference on this issue. However, female disputants overall were significantly more likely than male disputants to find it hard to express their view because of power asymmetries of parties involved (39 and 28 per cent, respectively). This finding was supported by interviews with trained mediators and untrained chiefs, most of whom had





very little awareness or understanding of how power asymmetries impact dispute resolution, nor practical techniques to ameliorate such imbalances within the context of a dispute.

For all of the process-related survey statements, no statistical correlation was found between training and gender—that is, the intervention did not improve, or make worse, the gap between men’s and women’s perceptions of the dispute resolution process.<sup>5</sup> Indeed, the PFM training improved satisfaction levels of both women and men, but in those areas where there were differences in men’s and women’s responses, the impact of training on this gender gap was neutral.

**Table 1.2 Users’ perceptions of the dispute resolution process**

Survey statement	Dispute handled by:		Respondents:	
	Trained 3 <sup>rd</sup> party (n = 146)	Untrained chief (n = 85)	Men (n = 103)	Women (n = 128)
	% of participants who agreed with the statement			
My legal rights were explained to me.	75**	52**	72*	62*
I was confused about what my legal rights were.	25	21		
The process was objective and unbiased.	90**	42**	80*	66*
It was hard to express my perspective because I was not as powerful as the other parties involved.	32	39	28*	39*

\* Statistically significant difference (p < .05)

\*\* Statistically significant difference (p < .01)

Total sample size: n = 231

*Satisfaction with the outcome of the dispute-resolution process*

As shown in table 1.3, 86 per cent of respondents whose mediator received PFM training agreed that the outcome restored community harmony, compared to 76 per cent of respondents whose mediator did not received PFM training.

Interestingly, however, PFM training seemed to make it significantly more likely (p < .05) that community needs were considered in obtaining an outcome to a dispute: 75 per cent of disputants whose mediator received

PFM training agreed that the needs of the community were considered in the outcome, compared to 67 per cent of respondents whose mediator did not receive PFM training. The lowest levels of agreement were in relation to whether individual needs were a material consideration in the outcome. Respondents whose mediator was PFM trained were more likely to feel that their individual needs were considered in the dispute resolution (69 per cent), compared to 49 per cent of respondents whose mediator was not PFM-trained.

With respect to overall satisfaction with the outcome and its restorative aspects, PFM training seemed to have significant positive impact ( $p > 0.01$ ). Between 84 and 89 per cent of disputants whose mediator was PFM trained agreed that the outcome restored their emotional balance; that they received an explanation for the outcome; that the outcome enabled them to move forward with their lives; and that they were generally satisfied with the outcome. For disputants whose mediator was not PFM-trained, the results for these four statements were all between 52 and 64 per cent; for those with a trained mediator, the results were significantly higher (between 84 and 88 per cent).

Women were significantly less likely than men ( $p > 0.01$ ) to agree with these statements, showing that they were less satisfied with the outcome and its impact. As with the process-related results, the intervention was found to have a neutral effect on the gap between men's and women's perceptions of the outcome of the dispute-resolution process.<sup>1</sup> These results reflect the emphasis in Melanesian custom on restoring relationships within the community. For example, in mediation and reconciliation ceremonies, which are attended by many family and community members, the participants are exhorted by chiefs and others to come together, to be unified once again, to support one another and forgive their differences.

While this approach is important for community cohesion—particularly in a conflict and post-conflict environment—it can leave marginalized groups without much final say in decision-making. A theme from several interviews was that while women subjected to domestic violence or rape would have the opportunity to share their thoughts and feelings, in the end the family would decide the outcome. This theme was more pronounced in interviews with chiefs (whether trained or not) but also came through with a few mediators.

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<sup>1</sup> See endnote 5 for an explanation of how this was reached.

**Table 1.3 Users' perception of the dispute resolution outcome**

Survey statement	Dispute handled by:		Respondents:	
	Trained chief or mediator (n = 146)	Untrained chief (n = 85)	Men (n = 103)	Women (n = 128)
	% of participants who agreed with the statement			
The outcome restored community harmony.	86**	76**		
The needs of the community were considered in the outcome.	75*	67*		
My individual needs were considered in the outcome.	69**	49**		
The outcome enabled me to move forward with my life.	88**	64**	86*	73*
The outcome restored my emotional harmony.	88**	59**	85**	70**
I received an explanation for the outcome.	84**	52**	82**	64**
I was satisfied with the outcome.	85**	60**	86**	68**

\* Statistically significant difference ( $p < .05$ )

\*\* Statistically significant difference ( $p < .01$ )

Total sample size:  $n = 231$

### *Community training and attitudinal change*

The final element of the survey sought to compare the attitudes of respondents who had participated in the PFM community training on dispute resolution ( $n = 178$ ) with the attitudes of respondents who had not participated ( $n = 216$ ). Table 1.4 shows that respondents who had participated in the PFM training demonstrated extremely high levels of agreement with the statements, 'men and women should have equal opportunities to participate in dispute resolution' and 'it is important for women to participate in dispute resolution' (98 and 92 per cent, respectively), compared to respondents who did not benefit from the PFM training (76 and 72 per cent, respectively).

A total of 114 respondents (53 per cent) who did not participate in the PFM training felt that domestic violence was a private issue, compared to 22 per cent of trained respondents. Similarly, while only 18 per cent of trained respondents believed that dispute resolution was the exclusive domain of community chiefs, one-third of untrained respondents believed this to be true.

**Table 1.4 Community training and attitudes**

Survey Statement	Community training (n = 178)	No community training (n = 216)	Total (n = 394)
	% of participants who agreed with the statement		
Men and women should have equal opportunities to participate in dispute resolution.	98**	76**	85
It is important for women to participate in dispute resolution.	92**	73**	81
The role of dispute resolution is reserved for the village chiefs.	18**	32**	25
Domestic violence is a private issue.	22**	53**	39
It is important for youth to participate in dispute resolution.	83%	68%	74%

\* Statistically significant difference ( $p < .05$ )

\*\* Statistically significant difference ( $p < .01$ )

## Lessons learned and their policy and practice implications

Two key findings from the research presented in the previous section provide insight into strategies for engagement with customary systems in Melanesia, the Asia–Pacific region and possibly more broadly. First, it demonstrates that participation and substantive legal rights are fundamental components of empowerment and inclusion of marginalized groups in dispute-resolution processes. By focusing on the former while largely neglecting the latter, PFM’s contribution may be viewed as a missed opportunity. This failure was increased by mediators’ lack of understanding or willingness to address power asymmetries and misunderstandings about ‘neutrality’. Second, while the intervention was unable to close the gender gap between women’s and men’s experience of dispute resolution, real gains were made in the training of women mediators, who addressed issues such as domestic violence and rape in different and more empowering ways than their male counterparts.

### *Sending the ‘rights’ message: participation alone is not enough*

Two elements are essential in the advancement of inclusion and empowerment for people seeking dispute resolution from customary systems: meaningful participation and the capacity to assert or uphold substantive legal rights. The first relates to procedure and process, the second to the outcome of the dispute.

Empirical research has shown that fairness is often perceived in terms of procedure and participation rather than outcome (Klaming and Giesen 2008). Meaningful participation is critical because sharing perspectives, views and experiences prevents exclusion, which is part of marginalization. Further, it significantly contributes to overall satisfaction with dispute resolution. The survey results indicate that PFM training greatly improved user participation: respondents felt that they were encouraged to express their views, felt they participated fully in the dispute resolution process and believed that their views were taken into consideration. Together, these factors likely contributed to the significantly higher levels of satisfaction of disputants with a trained third party.

This finding was supported by interviews with trained chiefs and mediators, most of whom stated that they consulted all concerned parties to the dispute, encouraging them to provide their own version of events and elaborate on how these events affected them. However, the degree to which empowerment results from this must be weighed against the power dynamics at play. As noted by Wojkowska and Cunningham, being able to express one's view does not guarantee equality and empowerment (2009: 7). Therefore, when analysing how marginalized groups fare within customary dispute-resolution processes, increased participation is not the only goal.

Three issues are crucial to understanding the success as well as the limitations of the PFM intervention for women: procedural rights as compared to substantive rights, power asymmetries and perceptions of neutrality.

First, PFM explicitly focused on the improvement of dispute-resolution processes through better, more inclusive mediation techniques rather than the application of substantive rights. In PFM's view, conflict was to be dealt with by mediators and chiefs 'not in the way of a judge but as a person who assists the two conflicting parties to come to a decision that suits them both' (PFM 2005: 2). The survey results confirm that substantive rights were only minimally addressed. Although they show that PFM-trained mediators were more likely to explain legal rights to disputants, the incidence of this was still relatively low compared to other topics covered in the survey. Trained mediators were likely to discuss procedural rights rather than substantive rights (e.g. the rights of both men and women to raise grievances and express their views on community issues). There was also recognition that women ought to be involved in decision-making in relation to land and land-related resources, although because of the matrilineal system extant in many areas of Bougainville, this is not quite as significant as it may seem.

These are undoubtedly very positive steps towards inclusion of women in customary dispute resolution and decision-making, especially when compared to interviews with untrained chiefs, which showed that they would rarely explain or talk about the rights of the parties. However, in a context of generalized gender discrimination, negotiated settlements and minimal recognition of substantive legal rights present particular risks for women disputants. This risk is increased by power asymmetries within a dispute.

The second key issue was that PFM did not adequately address how these power asymmetries affected the capacity of disputants to assert their opinions or legal rights. Despite some training on different types of power, only a handful of men mediators or chiefs appeared to be aware of possible power imbalances in their disputes, whether between victims of violence and offenders, men and women, the community and individuals, or chiefs and individuals of lesser status. This was not the case for everyone, however. A few mediators and trainers were aware of power issues, identifying that parties might be afraid of another, that some might have more wealth and status than the other, or that a victim of violence would be afraid of the offender. However, this relative lack of awareness regarding power dynamics was reflected in the survey results: over one-third of all disputants agreed that they found it difficult to express their perspective because they were not as powerful as other parties involved. For women, this rose to 40 per cent.

Therefore, while it was more likely that a disputant with a PFM-trained mediator would participate more fully, disputants were often under significant pressure to agree to outcomes that reflected certain notions of fairness (World Bank Indonesia 2006). Such understandings often favour more powerful parties, leaving less powerful parties vulnerable to having their legitimate grievances ignored or being pressured into accepting solutions they find unsatisfactory (World Bank Indonesia 2008: 44). This was most apparent when numerous power asymmetries were at play, for instance, in cases of gender-based violence.

The third consideration in this discussion on participation and rights is neutrality. In an effort to mitigate against bias and prejudice in decision-making, PFM training strongly emphasized the importance of neutrality and objectivity. This is reflected positively in the survey results: trained mediators were significantly more likely to be perceived as objective and fair. This finding was also supported by interviews with trained mediators and chiefs who emphasized that this was a feature of their decision-making and asserted that there should be no *wontok* system (i.e., no favouritism among members of the same clan) associated with mediators or chiefs. For example, one interviewee said that if mediators are asked to deal with a case where

one side is their clan, and the other is not, they are encouraged to bring in an independent mediator from a third clan. While at first glance this appears positive, interviews revealed a widespread misunderstanding among mediators about the meaning of neutrality. Many interpreted it as aiming primarily for a mutually-acceptable solution, as opposed to requiring the application of any legal boundary in the outcome of the dispute.

For example, cases were found where mediators 'resolving' a rape case did not feel able to condemn a decision where the victim was forced to marry the perpetrator provided that both parties were (at least ostensibly) in agreement, because they had to be 'neutral'. In another case of domestic violence described by a mediator, he stated: 'sometimes we try to tell them to stop, but for us, as mediators, we cannot tell a person his mistake—we have to beat around the bush.'

In cases of rape, some mediators stated that both the victim and her family decided on the outcome. However, one trained chief said that in reality the clan- and family-members of the victim make the decision. It also seems that mediators maintain a self-serving naivety or lack of understanding about the position of women: one mediator described the reconciliation of a rape case whereby the whole clan was involved, shell money was exchanged 'and then they were happy and they reconciled'.

In summary, increased participation in dispute resolution and strengthened procedural rights are critical elements for inclusion of marginalized groups, including women, in customary dispute-resolution and decision-making processes. However, in a context of generalized gender discrimination and power inequalities, these improvements only goes part of the way.

### *Women in mediation and as mediators*

Despite the challenges faced by marginalized groups in accessing justice through customary justice systems, research in Melanesia has shown that these groups largely support and have a preference for these fora over the courts (see Forsyth 2009; and Merry 2001). This is consistent with the view, voiced by many women in Bougainville, that empowerment does not require a rejection of the customary justice system or its processes. Indeed, most women are proud of *kastom* (the Melanesian pidgin word for customary law). However, they also maintain that a re-examination of norms and processes is necessary to address the problems they face when trying to obtain equitable solutions.

PFM intentionally gave community training and mediation training to women and young people, as well as to men and chiefs. PFM also intended that at least

one woman and one young person sat on each of the peace committees, thus giving decision-making power to these marginalized groups. While PFM did not reach its target of 50 per cent women's participation, former PFM staff estimate that around one-third of all mediators were women. Unfortunately, many of these women no longer practice.

One explanation that was given for this was the lack of funding, which meant that mediators were not paid; with their husbands at work, they had to return to look after their families. The two female mediators interviewed said they would not be mediating if it was not for the PFM training, and that they had continued because they were able to find outside funding. The first mediator started work in 2005 as a village court magistrate, where she said she does mostly the same work as before, but is paid for it. The other is based in an urban centre and was paid for her work by the Arawa Town Council Authority. Several other PFM-trained female village court magistrates, and other unpaid mediators were mentioned in interviews with men, but no definitive numbers of operational female mediators are available.

The PFM intervention was moderately successful in terms of its contribution to certain gender advancements. Gains were made in women's satisfaction with their dispute-resolution experience, even though the gap between men's and women's experiences remained the same. Similarly, while gains were made in modifying attitudes to women's involvement in dispute resolution, mediators' practice was found inconsistent. The most empowering aspect of the intervention was that it provided women with the skills and opportunities to be mediators (although many women also noted that this was part of a larger empowerment project that involved wider social, economic and political change). Each of these findings are discussed below.

The training led to improved responses by both men and women disputants on almost every survey question. There were several areas, however, where women responded significantly less positively than men (regardless of whether their mediator or chief had been trained), indicating a gender gap in their satisfaction with customary dispute-resolution processes. This gap was most pronounced in relation to the outcome of the dispute. For example, women were significantly less likely to believe that the outcome redressed their emotional harm or helped them to move forward with their lives. The training did not have any impact on reducing this gender gap.

The PFM intervention also appeared to have a positive impact on individual attitudes relating to gender. The survey found that respondents who had benefited from PFM training were significantly more likely (regardless of gender) to agree that men and women should have equal opportunities to





participate in dispute resolution and that gender violence was an issue to be dealt with in the customary system (as opposed to within and between families). Unexpectedly, no statistically significant differences were found between men and women respondents in relation to any of the statements in the attitude section of the survey. One explanation might be that both women and men interpreted the question in ways they could agree with but understood the concept differently. Another explanation is that the training process was extremely successful in engaging men in the process of change. Of course, the result might be a combination of both these explanations.

However, this touches on an important point: that it is critical to engage men in the process of change, and to work with them to increase their understanding of women's and young people's rights (NZLC 2006: 101). By engaging the dominant groups—not just men, but chiefs—in this process of change, it is more likely that the acceptance, and in turn, recognition and protection of women's rights will be more widespread and sustainable, rather than being viewed as a threat. In addition, as noted above, the transitional context in which the programme was undertaken may well have had an impact on how well it was received by customary chiefs.

There was some evidence of positive normative change in interviews with men. For example, one chief admitted he 'was using [his] wife as a slave before' and that the training helped him realize that women play a major role in the household and the community, that they also have rights and power to accomplish things as well as men. It made others aware of aspects of gender discrimination—for example, that often women 'get landed with a lot of work, lots more than men' and that women are frequently abused and exploited by men in Bougainville.

Some men realized, as a result of the interaction with women and discussions with them during the course, that men often 'squash women's rights', and that they should talk more to women and listen to what they had to say. One chief stated proudly that since completing the training he criticizes men, so that the women can know their rights.

Community training also helped provide women with the confidence to become involved in dispute resolution, and to collectively address issues in their community that are important to them. For example, in Atamo village the women were successful in getting rid of 'jungle juice', an extremely strong home-brewed alcoholic drink which contributed to many offences including assault, rape and murder.

However, interviews with participants also illustrated that, despite these changed attitudes, mediators' approaches to resolving gender-related disputes were inconsistent at best and, at worst, dangerous for women. This indicates that, despite some normative advancement, change in practice is slow and inconsistent. It must be acknowledged that these problems are not always amenable to quick or consistent fixes, and that change is incremental, contested and likely to meet resistance.

### *Power sharing in Polamato, a post-conflict village*

Polamato village, about an hour from the Panguna mine, was one of the villages from where the BRA originated. PFM undertook training in the village soon after the conflict, when most of the villagers returned from hiding or fighting in the hills. The training, combined with its timing, had a remarkable (and largely unforeseen) effect on the village. Based on the training and discussions about power sharing and gender equality, the chief and the community decided that he would delegate and share his governance and dispute-resolution powers. A number of committees—including a health committee, a village planning committee, a culture committee, a women's committee, and an orphans, disabled, widows and elderly committee—were set up to govern the village, and the chief's main task is now to ensure that these committees are carrying out their responsibilities. This ostensibly allows everyone, including members of previously marginalized groups, to discuss their needs in the community and to creatively come up with ways of reaching their goals. Around one-third of the committees' members are women; several young people are also members. Women have also been empowered to raise issues with confidence, not only in relation to disputes but also the way in which the village is being run.

The most significant change was in the establishment of women as mediators. Both men and women participated in the PFM training, and while not as many women were trained as had been originally hoped, a number went on to mediators. The establishment of women in decision-making roles is a legal empowerment outcome in itself; it has also contributed to enhanced access to justice for women disputants. The women mediators interviewed appeared more likely to be able to recognize substantive legal rights, especially in relation to violence against women, and had little hesitation drawing normative and legal boundaries in regard to acceptable decision-making by parties involved. They were also more inclined to refer cases to the formal justice system where they believed that they could not guarantee an equitable outcome for the victim and, almost exclusively, would prohibit a solution that involved a victim marrying her rapist.



Similarly, in cases of domestic violence the approach of female mediators differed from male mediators and untrained chiefs. Women mediators would threaten the perpetrator with action at the state court if the violence did not stop, simultaneously informing the victim of her right to refer the case to court and explaining how to do so. They would also counsel women victims of domestic violence on their options should they decide to change their situation, for example by providing referrals to NGOs that offered support to them and arranging for trauma counselling.

Women mediators also tended to have a greater awareness of gender-based power imbalances and the ability to use tools to address them. Where such disparities threatened a fair and equitable outcome, they were more likely to refer a case to the formal justice system. Another female mediator said that in cases of power imbalance (e.g. between the victims and perpetrators of domestic violence) she would carry out trauma counselling beforehand, and be very gentle with the women.

Together, these results indicate that female mediators were slowly but successfully challenging the interpretation and application of customary norms in order to offer greater protection to women. These mediators appeared to be largely accepted and supported by trained male mediators and chiefs, who expressed a desire for more female mediators. This is surprising, given the experiences of other countries where moves to displace traditional power-holders, and more generally to challenge men's interpretations and application of custom, have been strongly resisted.

Two factors are tentatively posited as an explanation for the lack of resistance in the Bougainville context. First, the PFM intervention was clearly regarded as locally owned and compatible with customary values. It was also seen to have helped to strengthen 'the Bougainville way' of resolving disputes. This can be credited to several elements. Rather than the initiative being imposed as part of a national or foreign development assistance programme, PFM was invited by the interim Bougainville Government to undertake training. Also, the presence of people who were not from Bougainville was minimal. Local staff were employed without delay to be trainers of trainers and then district and regional coordinators. Similarly, the training methodology drew on sources that were locally recognizable and accepted, including customary values and context-specific examples. This facilitated local debate on challenging concepts such as gender equity, power sharing and human rights, but in a way that would allow them to be woven into the existing fabric of culture and customary law. Finally, the PFM training engaged a broad range of stakeholders, including men, women, young people, religious actors and chiefs. This approach may have facilitated attitudinal changes towards the contribution and roles of women.

Second, due to the particular circumstances in Bougainville—including the impact of colonization, copper mining and the civil conflict—traditional power structures were already in upheaval. When PFM commenced its training programme, the chiefs had lost their previously strong power base, and this likely contributed significantly to them being supportive of, or at least open to, women and other community members becoming decision-makers. This state of uncertain power dynamics may also be present elsewhere during transitional periods, providing opportunities and space for reform and inclusion and historically marginalized groups. As noted by Douglas, many institutions or processes set up in transitional phases continue, if women's rights can be protected from the start, this increases the chance that this protection will be continued in post-transition and development phases (2007: 16)

A third contextual factor may be that many areas of Bougainville operate on a matrilineal system. However, due to the lack of research on this issue, it is unclear to what extent and how this may have influenced the dynamic.

## Conclusion

This case study has wrestled with a pivotal challenge: how to engage with customary systems to promote reform, particularly in relation to dispute resolution and gender discrimination, in a way that is locally legitimate and preserves the strengths of the systems. The contested, dynamic and flexible nature of many customary systems, including those in Melanesia, presents challenges for marginalized groups such as women, but also offers inroads and opportunities for inclusion and reform. Such potential can be harnessed through nuanced and pragmatic interventions that are locally driven and owned, and reflective of the local context.

One approach is to facilitate dialogue between all sectors of society that is stimulated by new information while drawing on recognized values and other accepted sources. The aim is to develop cultural legitimacy for ideas of inclusive process, gender equality and power sharing. A strategy for achieving this is to provide conflict-resolution training and leadership opportunities—not only to recognized customary authorities but also to marginalized groups, empowering them to challenge dominant interpretations of customary norms and processes. The PFM intervention described in this case study provided a platform to evaluate the impact that could result from this type of engagement.

The PFM intervention succeeded in preserving the strengths of the customary justice system relevant for access to justice for the poor, namely economic

and geographic accessibility. PFM-trained mediators similarly managed, at least in the eyes of disputants, to preserve the customary focus on restoring community harmony. They did this while advancing empowerment by taking into consideration the needs of the individual, in a balancing exercise untrained mediators were less inclined to conduct. Thus, it is clear that some advancement can be made, in a way that holds local legitimacy and does not dislodge positive and pivotal elements of the customary justice system.

A tension identified in this case study relates to how to protect the rights of marginalized groups when the customary norms and processes that facilitate discriminatory outcomes operate to reinforce the power hierarchy that controls and administers customary law. PFM neither dealt solely with recognized chiefs, nor alienated or ignored them. Rather, its training methodology meant that women and young people were brought together to discuss and practice dispute resolution alongside chiefs.

The women who were established as mediators have been slowly but successfully challenging the dominant interpretation and application of customary norms in ways that facilitate the better protection of women's rights. It may be that such advancements were only possible in the specific conditions created in Bougainville following colonization and the civil conflict. Even so, however, the example presented in this case study represents a potential opportunity for reform in various other contexts.

In summary, the PFM intervention highlights some of the key challenges and opportunities associated with promoting the inclusion of marginalized groups in customary dispute-resolution processes. It suggests that interventions encouraging local discourse on challenging ideas that are structured around locally legitimate change processes can have progressive results. However, such change is usually incremental and inconsistent, and the kinds of broad and deep issues that these kinds of efforts seek to address are not prone to quick or simple fixes. Nevertheless, by learning from each attempt and remaining flexible and reflexive, any change that does occur is more likely to be sustainable.

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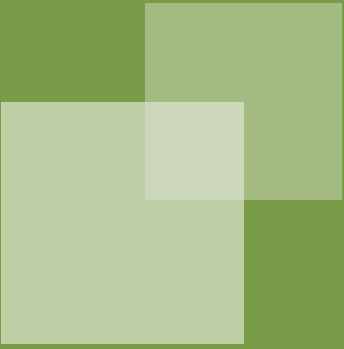
## Notes

- <sup>1</sup> PFM was known as the Foundation for Law, Order and Justice up until 1995, when the Bougainville branch separated from the main Foundation (based in Port Moresby) and became known as the Bougainville Centre for Peace and Reconciliation.
- <sup>2</sup> The last census was taken in 2000. This figure is from that census data. The figure is likely to be significantly greater now.
- <sup>3</sup> Most of the survey statements in the section relating to process showed statistically significant (either  $p < .05$ , or  $p < .01$ ) differences between the experience and perceptions of those whose disputes were handled by a third party trained by PFM, and those where the third party was not trained. In sum, statistical significance at less than 5 per cent ( $p < .05$ ) means that the chance of this result occurring as a coincidence was less than 5 per cent. Significance at less than 1 per cent ( $p < .01$ ) means that there was less than a one in a hundred chance that this occurred by coincidence. Statistical significance was tested using an independent sample T-test through the PASW (formerly, SPSS) software programme. Frequency tables were then used to work out the percentages of those who agreed (combining those who strongly agreed and those who agreed). The means relating to the 5-point response scale are available from the author. Results not found to be statistically significant are not shown in the tables.
- <sup>4</sup> A number of interviews with Bougainvillean mediators, leaders and community members were carried out during the research for this case study. Due to the sensitive nature of many of the disputes described, the names of the people interviewed are not included in this report.
- <sup>5</sup> This conclusion was reached by conducting a one-way analysis of variants (ANOVA) test for each of the results where there was a significant gender difference to test whether there was any correlation with third party training. No statistically significant correlation was found for any of the statements.



# Chapter 2

**Breaking through the  
confines of traditions:  
a women's perspective  
on the Wajir Peace and  
Development Committee  
in northern Kenya**



## Chapter 2

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LEAH KIMATHI

### Abstract

Endemic conflicts in Wajir, as elsewhere in northern Kenya, have historically been caused by intense competition for water and pasture among clans and exacerbated by general neglect of the region by the central government. Here, the state apparatus is weak and largely unable to respond to these conflicts. Given the ineffectiveness of formal state institutions, non-formal systems based on traditional and contemporary norms have often filled the vacuum. While these institutions have largely been successful, they suffer from several shortcomings, including their discriminatory nature on the basis of gender and social status. The Wajir Peace and Development Committee (WPDC), a local conflict resolution mechanism combining both traditional and contemporary methodologies, has overcome this challenge of women's marginalization. As an innovative prototype of a mediated state, in which traditional institutions and contemporary state structures synergize through comparative advantages, the WPDC model of peace committees has since been replicated throughout Kenya in order to resolve grassroots conflicts. The study is both descriptive and analytic in its approach. By use of secondary data and unpublished primary data, the paper gives a critical overview of conflicts in Kenya's arid and pastoral north-eastern frontiers, of which Wajir is a part. Primary data however form the bulk of data sources for the research. Using these sources, the research interrogates the formation and growth of WPDC since 1993 including the challenges it has faced and its achievements.



## Acronyms and abbreviations

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<b>CSO</b>	civil society organization
<b>DC</b>	District Commissioner
<b>DDC</b>	District Development Committee
<b>DPC</b>	District Peace Committees
<b>DSC</b>	District Security Committee
<b>FGM</b>	female genital mutilation
<b>MDPDC</b>	Madera District Peace and Development Committee
<b>MPs</b>	Members of Parliament
<b>MWPD</b>	Mandera Women in Peace and Development
<b>MWDPC</b>	Mandera–Wajir Development and Peace Committee
<b>NCCK</b>	National Council of Churches of Kenya
<b>NGO</b>	non-governmental organization
<b>NSC</b>	National Steering Committee on Peace Building and Conflict Management
<b>RRT</b>	Rapid Response Team
<b>WPDA</b>	Wajir Peace and Development Agency
<b>WPDC</b>	Wajir Peace and Development Committee
<b>WPG</b>	Wajir Peace Group
<b>WWAP</b>	Wajir Women Association for Peace



## Background

The northern part of Kenya, a vast remote and arid frontier bordering Ethiopia, Somalia, South Sudan and Uganda, has always remained peripheral and marginalized in comparison to the rest of the country. The exclusion dates back to the colonial era. Far from the capital, Nairobi, and with nomadic pastoralism as the economic mainstay, the region was viewed as a burden to the colonial economy whose guiding principle was extraction at minimal investment. Upon independence, the Kenyan Government, whose presence was negligible and mostly coercive, chose to continue with the policy of exclusion rendering the region one of the most insecure, impoverished and ungoverned zones in the country. Violence was instrumentalized as the ultimate means of conflict resolution. In the mid-1960s, in response to the call by the Somali Government for the return of parts of northern Kenya to Somalia, some members of the Somali population in the area mounted a low-level insurgency against the Kenyan Government known as the *shifita* wars. However, the insurgency failed to attract much direct support from the Somali Government and was subsequently quelled. Unfortunately, this resulted in the imposition of draconian emergency rule that was only lifted in 1992 (Menkhaus 2005).

This marginalization was especially prevalent in the three former districts—Garissa, Mandera and Wajir—that constituted the northern Kenya until the mid-2000s and which have since been turned into counties.

The endemic conflicts and violence in the region have been caused by a confluence of several factors. While the primary cause of conflict is the intense competition for water and pasture between clans, and occasioned by the frequent droughts and scarce natural resources, the persistence of the traditional culture of livestock raiding, the influx of refugees from Somalia and Ethiopia and the proliferation of small arms and light weapons in the region have all served to exacerbate the conflict. The state apparatus is weak and largely unable to prevent, respond to or pacify these conflicts. In particular, judicial institutions regularly lack the capacity to try perpetrators and their presence has little deterrent effect.

Law enforcement agencies have difficulties operating physically in the arid land's vast and harsh terrain and they receive little support from the local communities (Chopra 2008). The most prevalent problem undermining the work of both judicial institutions and enforcement agencies is that official laws and legal processes do not reflect the ideals and value systems of the local population, which define crime and prescribe how conflicts should be solved. The local population does not perceive formal law as dispensing justice,

especially because formal institutions are based on punitive as opposed to restorative justice. One of the underlying tenets of local justice is that the entire kinship group is responsible for a crime and should therefore pay compensation to the kinship group of the victim. This is contrary to the formal courts that single out only the perpetrator and victim. Within the context of the Somali community in northern Kenya, this does not serve justice or pacify clans.

In the face of this ineffectiveness of formal state institutions, non-formal systems based on traditional and contemporary norms have often filled the vacuum. In northern Kenya, these systems, based on family and clan systems, rely on mostly male elders as the vanguard of peace. The elders are able to carry out this role because of their control of access to resources, their membership of a network of clan and ethnic structures, and the respect and legitimacy they command on account of their age and gender. Elders are also regarded as the custodians of cultural norms and practices as well as being the depository of knowledge and cultural heritage (Adan 2011).

Over the years, these informal institutions have been successful in resolving disputes for a number of reasons. In practice, they are quick, carried out within walking distance, conducted in the local language, with procedures that are understood by all and enforced by people who are socially significant to litigants. Since their end goal is reconciliation as opposed to retribution, they are ideal for resolving disputes involving grassroots communities (Kimathi 2005). In spite of their remarkable successes, they suffer from several shortcomings: they are discriminatory on the basis of age, gender, social status and family circumstances; they have weak linkages with the judiciary and other formal institutions; and lead to highly-varied outcomes, sometimes even within the same community. These challenges have led to a steady delegitimization of their potential for conflict resolution.

### **The impact of exclusion from political decision-making**

Gender inequality is an especially big challenge. Among the Somali community in Kenya, women suffer from double marginalization. First, their roles and influence are largely confined to their family's domestic sphere and are not expected to undertake any public political responsibilities. Second, since the Somali community is traditionally marginalized, women suffer the consequences that accrue from this marginalization including lack of access to basic social infrastructure and facilities as well as underrepresentation in the country's decision-making processes. However, while men have traditionally been the providers in the family, the changing socio-economic and political

Somali landscape has led to altered gender relations, with women increasingly forced to provide for the family (Kenya Human Rights Commission 2010). These changes have not necessarily bettered the position of women since they are not accompanied with changes in power relations—in the highly patriarchal Somali society, men are still the family and clan heads.

The Wajir Peace and Development Committee (WPDC), a local mechanism in Wajir county (formerly district) that aims at the early identification, prevention and resolution of conflict, is an attempt to overcome the challenge of marginalization of women and young people from these non-formal institutions. It is a leading example of how women can effectively be a part of customary-based institutions and how their skills, long untapped in Kenya's patriarchal society, can be used to transform rampant communal conflicts.

Remote and arid, Wajir County sprawls over 56,000 square kilometres but contains a population of only about 600,000 people (Kenya National Bureau of Statistics 2010). Its landscape, scarred by erratic rainfall, is largely barren. The region's people, mainly ethnic Somalis, are divided into three major clans: Ajuran, Degodia and Ogaden. These clans are nomadic pastoralists, moving herds of camels, cattle, sheep and goats to wherever pasture and water can be found. Because of resource scarcity and negative competition, tensions are high and often lead to violent conflicts that result in death, destruction and displacements.

Frequent droughts compound the resource-scarcity problem. As in the rest of northern Kenya, internecine conflicts and drought have been part of Wajir's socio-political and economic landscape since independence. However, the period of communal violence between 1993 and 1995 that gave birth to the WPDC initiative proved to be one of the most intense in the county's recent history. The violence was multifaceted, encompassing intra- and inter-clan fighting as well as general lawlessness and banditry. Elders and government chiefs who would normally be expected to spearhead reconciliation efforts actively recruited and armed militias, including hired mercenaries from Ethiopia and Somalia.

This conflict had a devastating impact on Wajir; over 1,200 people were killed and another 2,000 were injured or raped. Approximately 1,000 camels, 2,500 cattle, 15,000 sheep and goats were stolen. An estimated 1,500 homesteads were looted and burned, over 500 businesses destroyed and about 30 vehicles robbed and hijacked. Schools were not spared from the violence, with 45 primary schools and five secondary schools with a combined population of over 15,000 students severely affected. Ten schools were forced to close down completely. Approximately 165 civil servants, including teachers, either left the district or refused to accept postings in Wajir, further disadvantaging the

already marginalized district in terms of the provision of government services (Ibrahim and Jenner 1996).

As residents present in the district at the time interviewed by the author affirm, no part of the county was safe and no one was spared from the turmoil.<sup>1</sup> Women, who had traditionally been relatively safe from the exigencies of inter-communal conflicts, had become directly affected. The involvement of women in the conflict was occasioned by the large scale devastation and the prolonged nature of the 1993–95 conflict. As more men were killed, forced to flee or impoverished as a result of their animals being taken away, women had to fend and take care of their families, signalling a change in gender relations. As a result, even traditional enclaves of women such as the local market mirrored the tension in the county.

These tensions turned to violence as fighting broke out in June 1993 between women traders in the market belonging to different clans, who also refused to sell or buy from each other. Attempts to seek intervention from the provincial administration were fruitless as the conflict was seen as a women's affair and, given the wider conflict dynamics in the county, unimportant.

### **Inclusion processes undertaken**

In June 1993, at the same time as conflict between women traders was intensifying, a group of elite Somali women gathered to celebrate a Muslim wedding in Wajir town. As one of the respondents who was at the wedding later observed, informal discussions inevitably turned to the state of insecurity in the area, with the women observing that they had all been hurt, regardless of clan affiliations, and that there were no outright winners and losers. All of them had become victims. Two of the women decided to search for a solution. The following day, they visited the market and held discussions with the rival market women about their disagreements. Soon, the women were joined by an older business woman and the three of them met with the market women every afternoon for about two months. Because the tensions and conflicts had severely affected their businesses, the market women unanimously agreed that even though men had started the conflicts, women and their children bore the brunt. Therefore, they resolved to come together and look for peaceful and sustainable solutions to the conflicts in the market.

After initial discussions, ten women formed a committee to monitor the situation in the market. This committee aimed to visit the market daily to ensure that all women traders and buyers had unrestricted access, and that they would be free to share space and conduct business among themselves



without discrimination. Anyone who failed to follow these rules would be expelled from the market. Soon enough, violence in the market place abated (Juma 2000). Buoyed by this success, the women sought to solidify their presence and reach, and ultimately to influence and be supported by the elders in the long term. However, at this initial stage, these women chose to deal with individuals and constituents who would be sympathetic to their cause so as to lay a foundation. The first target was the local government structures in the area. Given the Somali communities' traditional suspicion of the government, four of the women, drawn from different clans, approached the local District Commissioner (DC) for support. This official agreed to participate in the initiative and thus the Wajir Women Association for Peace (WWAP, also known as Women for Peace) was born.

The DC's support was crucial as it legitimated the women's concerns in the eyes of the community and government. At the time, however, the women largely avoided the men, particularly the elders, as they would kill the initiative before it was even born. Therefore, their work in these early days was either largely dismissed or ignored by the male elders.

The WWAP's initial activities comprised face-to-face and door-to-door lobbying for peace, and a recruitment drive among the identified sympathetic constituents, including women who were seen to be less traditional and conservative. Soon the group grew to 15 volunteer women from the municipality of Wajir. These women represented a cross-section of the community, including civil servants, teachers and health workers. Civil servants comprised the largest proportion of the group, as they were all located in Wajir town, whereas teachers and health workers were spread out in different parts of the county. The civil servants had also been affected by inter-clan rivalries. Therefore, the women members saw the urgency and immediate relevance of the initiative.

The women civil servants begun by focusing on their colleagues. They lobbied their male counterparts, initially to come together as civil servants and resolve the inter-clan conflicts in their place of work. The male civil servants, most of whom had experienced the disruptive influences of the conflicts at work, agreed to the office initiative. After several meetings, calm was restored and modalities for solving later conflicts were laid out. At this point, using the example of the success of restoring peace among the civil servants, the women pleaded with the men to join their initiative and replicate this success elsewhere. While not all the men agreed to the initiative, 14 young men who were mostly civil servants came together and founded a group, the Youth for Peace.

The WWAP and the Youth for Peace then went on to form the Wajir Peace Group (WPG). Regarded as elites, and going against the norm of the Somali community—according to which male elders were the peacemakers—the initial activities of the WPG were viewed with suspicion and contempt, and even attracted grave threats. Immediately after the launch of the group, five of one of the core’s members’ children were killed in an attack that was suspected of being motivated by her involvement with the WPG. Nevertheless, the woman vowed to stand with the group, thus greatly encouraging the rest of the members to continue with their campaign (Juma, 2000).

The women in the WPG employed a number of strategies in order to remain focused and overcome such challenges. These included forging closer ties with the provincial administration (which provided security at their meetings); ensuring that they were accompanied by male members of the group at public gatherings; and recruiting more members, including both men and women, and especially ordinary members of the community. This helped ensure that the WPG would be seen as a broad-based community initiative, as opposed to a collection of elite women. However, perhaps the most sustainable strategy the women employed involved reaching out to the elders, the constituent traditionally responsible for war and peace. While initially difficult, the women fully recognized that without the support, involvement and ownership of these elders, the peace initiative was doomed to failure.

### *Securing the support of elders*

The 15 core members of the WPG approached elders from their clans, convincing them of the need to end violence and restore peace and security in Wajir. These initial talks met with limited success but, critically, laid a platform for later interactions between the elders and the women. After the initial failure, the women changed their strategy, approaching elders from the minority Kona clans, which were not directly involved in the conflicts. Traditionally, the Kona are not involved in regional power struggles as their numbers make them almost insignificant. Their elders, like any other Somali elders, are nonetheless respected across clan lines. The women requested these elders to mediate between the warring elders. After lengthy talks, the Kona elders convened a meeting of elders representing all the clans. This was a major coup for the women. They had known all along that if they continued with the peace campaign without male involvement, the community would shun their efforts. It was, therefore, critical to not only incorporate the men but to allow them take the lead (at least in public). Furthermore, it was more face-saving for the elders of the major clans to come together via the mediation of elders of the minor clans than through the intervention of women.

As expected, the first meetings were very antagonistic. Many elders resented the fact that the peace initiative had been started by women, whom they referred to as children. The breakthrough came when one of the elders speaking in favour of the initiative stated that the elders as a group had failed in their primary responsibility to provide protection for the community. Reluctantly, the other elders—some of whom were known warlords—agreed that it was time to end the conflicts that had adversely affected all corners of Wajir (Ibrahim and Jenner 1996). In a society that privileges the opinions of men and the elderly over women and the young, this was a significant breakthrough. While the women had publicly allowed the male elders take the lead, they had maintained direct influence over the course of the negotiation meetings, a strategy they continued to adopt until peace was fully restored in Wajir.

The brave decision by the Somali women to take up the search for peace was informed by their predicament during the war as well as their re-imagined traditional role. Traditionally, the women of Wajir, as with the rest of the Somali community, are assigned inferior political, social and religious roles. This inferiority begins at birth—for example, the birth of a boy is celebrated with the slaughter of two animals, while that of a girl is celebrated with one, if any. Midwives attending the birth of a child will casually explain away the birth of a girl by saying that ‘the woman has given birth to herself’ (Gardner and El-Bushra 2004). In childhood, a boy is more likely to access education, as girls often drop out of school to help their mothers with domestic chores and to prepare for early marriage, which happens between the ages of 12 and 15.

Once married, the strict division of labour into private-public dichotomies—which confines the woman to the private domestic realm of fetching and preparing food, child rearing and collecting water and firewood—leaves women with no time to engage in public affairs, even if traditions would have allowed. As a result, Somali women in northern Kenya are generally supposed to be seen and not heard. Their opinions are rarely entertained in the public arena and they are not allowed to sit with men or to address political issues. Women are expected to submit to men and to fulfil their duties as daughters, wives and mothers. Culturally, violence against women is a way of life for too many of the women. Among other manifestations of this culture of violence, over 90 per cent of all Somali women in northern Kenya undergo female genital mutilation (FGM), causing lifelong ill-health and suffering (Abdi 2009).

In re-imagining their traditions, the Somali women borrowed and re-invented some of their traditional roles that were crucial for the survival of the society when faced with conflict. For instance, young girls would traditionally be given away for marriage in order to unite two clans and solidify their

relationship. Somali women carried with them their clan affiliations even after marriage, and this placed them in a unique position in cases of conflict between their own clan and that of their husbands. Often, they were the only people able to travel freely between the warring groups. As such, women were able to act as messengers and go-betweens during peace and war. Sometimes, women past child-bearing age would occasionally be invited to sit with the male elders and help them in resolving disputes. These were the spaces and opportunities re-invented by the WWAP when it chose to mediate in the 1993–95 clan wars.

Once the elders were brought on board, the peace-making work of the women had been officially recognized and sanctioned by the community. With more vigour, they traversed the county, recruiting more people into the peace initiative and organizing activities to explore avenues for sustainable peace. The peace activities included awareness creation meetings with self-help groups (especially women's groups), and peace talks with young people both in and out of school that were spearheaded by the Youth for Peace with the blessing of the DC. These talks helped popularize their initiative, especially among the lower cadres of the provincial administration. At this point in time, the women largely avoided the male elders at the grassroots, instead waiting for the elders who had already been engaged to buy into the initiative first. For their part, the elders held a series of meetings to form further strategies to stop the violence. In the course of the deliberations, they formed an additional committee, called the Elders for Peace.

### *The Al Fatah Declaration*

After the formation of the three critical committees representing young people, elders and women, the women set their sights on consolidating the various peace initiatives and activities that had taken place into something more lasting. They facilitated a meeting of elders from all lineages in the county, which culminated in the Al Fatah Declaration setting out guidelines for the return to peace and future relations between clans. While not represented in the actual meeting, the women were instrumental in its success, working with elders to mobilize other elders from various clans to attend. They also lobbied Members of Parliament (MPs) from Wajir to become actively involved and cover the costs of the meeting. Women also solicited funding from the local offices of the United Nations Children's Fund (UNICEF) and the Oxford Committee for Famine Relief (OXFAM), and used the funds to facilitate the travel of some of the elders as well as to defray other meeting costs (Juma 2000).

The elders met in a local Islamic learning centre (*madrassa*) known as Al Fatah and were selected in a process that involved all clans. Each of the three major

clans was asked to nominate 75 elders, while the smaller or Kona clans were asked to nominate four elders each. The selected elders met for seven days for the express purpose of discussing the issues that affected their particular clans. Thereafter, each of the major clans was asked to nominate 25 elders who, together with one elder from each of the Kona clans, formed a steering committee which then selected 37 recognized Al Fatah elders. Each of the selected elders took an oath, swearing to remain impartial. Drawn from a process considered representative by all clans, these elders would speak and act on behalf of the community regardless of clan divisions. A further seven days were devoted to building consensus on peace and setting up rules and codes of enforcing the peace and extracting allegiance (Ndegwa 2003).

This process resulted in the Al Fatah Declaration, which provided for the creation of justice structures that were based on the Somali culture and drawn from all of the clans in Wajir. The elders then set out to popularize the declaration by reaching out to all corners of the county. They especially targeted the communal areas that had been epicentres of conflicts—including mosques, water points and markets—as sites of reconciliation. This strategy was highly successful, since a number of those elders were also known warlords and their conversion to peace had the immediate effect of stopping violence. As the elders gradually took over the peace work, women retreated from the front, leaving the men to publicly handle the inter-clan conflicts while they sought to broaden the peace base, albeit in less public ways lest they were seen as competing with the male elders.

One of the earliest constituents that the women turned to was young people. In communal conflicts, young men were traditionally foot soldiers who actively carried out the violence. In contrast, the girls were mostly victims. Before going to war, young men would always seek the blessings of their mothers, which would be given through war songs. On rare occasions, the mothers would use the songs to try to convince the young men not to go to war. The WPG chose to re-invent this mother's role in a bid to ensure that the young men would not become involved in any future conflict. After a series of meetings it was decided that two key objectives would guide women's interventions among the young people. First, the women aimed to contribute to a sustainable peace by helping stop the violence. Second, they decided to engage in development projects to rebuild young people's economic base and, by extension, the economic base of the community.

### *Consolidating the peace in Wajir*

In terms of the first objective, a number of youth groups were rallied under the already-formed Youth for Peace Group. These groups were sent to all

corners of the district in search of young people still living in the bush, in order to convince them to end the violence and surrender their guns. The youth groups were also tasked with making strategic alliances with elders and women in areas hardest hit by the violence, to increase local ownership of the initiative.

In terms of the second objective, young people were encouraged to organize into income-generating groups which were then offered training. Funds were sought from local business people as well as NGOs operating in the area to jump-start income generating activities. A major watershed was the re-opening of the Wajir Youth Polytechnic, which had been closed during the clashes. Various activities, including sports, were jointly organized to enhance cohesion between the various youth groups.

Another group of concern for the women was the ex-militias. This group included both elders and young people who had become highway bandits or arms suppliers, and whose role in causing lawlessness and mayhem in Wajir had been greatly aided by the supply of light weapons from Ethiopia and Somalia. In order to reach these men, the women approached their wives and mothers and, without condemnation, invited them to become members of the WPG. Through the intervention of these significant others, and sensing the general movement against violence, a number of the men were able to convert. One notorious and wanted gangster surrendered himself to the police and also gave up 46 guns that had been used by his criminal group (WPDC 2009). To sustain the conversion, women collected money and created a credit scheme, which began giving small loans to the ex-militias.

The multi-pronged approach which involved widening the peace base while letting the elders take the lead soon bore fruits across the county. By 1994, violence had stopped in much of Wajir and tensions had reduced considerably. Business was slowly returning to normal. To celebrate the peace, a number of peace festivals, workshops and community reconciliation meetings were held, bringing together the previously warring clans, government representatives, business people, women, young people and NGOs operating in the area (Ibrahim and Jenner 1996).

As groups advocating for peace thrived, it became clear that there was a need for a central structure to harmonize and coordinate the various activities. The critical issue to decide on was the nature of this structure: should it be a non-governmental initiative, or one hosted by the local government? Government representatives—especially those in the office of the DC, who is traditionally charged with maintaining security at the district level—had been part of the peace process all along, and the DC, as well as the military personnel,

had worked closely with the WPG and the Al Fatah elders throughout the district. While the DC supplemented the traditional Somali conflict resolution methodologies employed by the groups by referring agreed cases to formal courts and police investigation, the military provided logistical support including vehicles, fuel and security to the groups as they travelled to the far-flung corners of Wajir. Due to the fact that Wajir, like other areas of north-eastern Kenya is extremely marginalized and remote, the DC wields a lot of power on the ground and largely determines the nature of cooperation between the community and government. Therefore it was vital that during this period the DC supported and encouraged the work of WWAP.

### *The creation of the Wajir Peace and Development Committee*

The WPDC was created in May 1995, when all of the stakeholders in the Wajir peace process held a conference to deliberate on the nature of the intended peace structure. The conference was organized upon the initiative of the WWAP, which argued for the need to formalize the peace structure in order to provide coordination to all the peace-building activities in Wajir and to ensure sustainable participation on the part of stakeholders with formal authority, especially given the regular changes in the district administration (Odendaal, 2010). The conference brought together all the community actors that had been active in the agitation for peace, as well as government administrators from the district, civil servants, police and the military.

Upon its inception, the WPDC comprised the WWAP, the Youth for Peace groups and the Al Fatah elders. As interviewees who were present at the meeting explained, it was important for the committee to emphasize the inter-dependence of peace and development, especially in the remote and resource-deficient Wajir county. A decision was also made to house the new initiative within the administration of Wajir, anchored by the District Development Committee (DDC). Therefore, the WPDC currently sits as part of the DDC and the District Security Committee (DSC), both chaired by the DC. According to the current DC of Wajir, the hosting of the committee by the DDC has made it an integral part of the decision-making process in the county, and has allowed peace concerns to receive attention from the highest security levels and in collaboration with various government departments, whose responses have often been swift and efficient. Politically, the move allowed the peace committee to retain local autonomy while benefiting from government support and coordination.

As the work of the nascent WPDC continued registering success and violent conflicts lessened, the initial division of labour began to solidify. The male elders became the face of the committee and often intervened in violent

conflicts, while the women largely attended to less public domestic conflicts including divorce, rape and domestic violence. While this apparent division of labour may have intensified traditional gender roles—and women’s marginalization—the women felt it was the only way to secure the continued presence and support of men as well as the overall legitimacy of the WPDC in the community. In 1998, however, a conflict between Christians and Muslims broke out. Although government officials and the local political leadership intervened, the conflict escalated into violence. As a lesson arising from this conflict, WPDC formed a Rapid Response Team (RRT) made up of both men and women. The RRT was constituted because simple and sometimes criminal incidents between (and even within) clans had the potential to flare up into large-scale conflicts. By getting to conflict sites quickly, the team was able to lessen resentment and the number of retaliatory attacks, thus de-escalating potentially violent conflicts.

Currently, the RRT’s membership includes women, young people, elders and the district security team. Once an incident is reported, the team visits the site, where it gathers evidence from all the parties and acts immediately and appropriately. In cases of civil crimes, its response typically includes mediation, while in cases involving a criminal offence, the response involves reporting to the police and facilitating the arrest of the perpetrator. Referral to sub-committees is reserved for specialized matters. In cases dealing with domestic violence, the team refers the matter to the women’s sub-committee which then refers it to the WWAP if required. Therefore, the RRT works as a fire fighter, putting out the fire before it engulfs the entire clan or clans.

Since the 1998 conflicts, the WPDC has been able to intervene in a number of potentially violent situations and contain them with the help of formal law enforcement agencies. The Garre–Ajuran conflict, which had been ongoing for over ten years, was one of its best intervention success stories. In 2000, violence between the two feuding clans broke out and by July of the same year, 42 people had been killed and over 7,000 head of cattle had been stolen. To stop the violence and achieve peace, the WPDC facilitated a four-day meeting between elders from the Mandera and Wajir districts. The initial meeting involved both sides airing their grievances—which revolved around banditry attacks and conflicts over watering points and pastures—in open discussions. Thereafter, the two groups agreed to peace-building resolutions after the traditional *sabeen* ceremony (payment of ram and lamb as apology by the feuding groups) and a fine of USD 150 was imposed on the Garre for breaking the peace. The WPDC was given the role of monitoring the implementation of the resolutions to ensure peaceful co-existence between the clans. Importantly, it helped establish the Mandera–Wajir Development





and Peace Committee (MWDPC), made up of members from the two feuding clans (UNDP 2010).

The WWAP also established a parallel process involving women from the two warring communities. After a series of meetings, the women from the two clans formed an organization called Mandera Women in Peace and Development (MWPD). As with the 1993–94 conflicts in Wajir, the conflicts in Mandera had adversely affected women, even though they were not directly involved in the wars. In late 2000, with advice and guidance from WWAP, MWPD brought together various stakeholders in Mandera district including women, elders, youth NGOs and community-based organizations operating in the area to form the Mandera District Peace and Development Committee (MDPDC). In this way, the women of Wajir successfully exported their peace model to Mandera.

While large-scale violence like that of 2000 has largely been avoided between the two clans, constant flare-ups of conflict continue to challenge the fragile peace. Unfortunately, the MWDPC did not survive the tensions and broke down in 2003. However, MWPD survived these tensions, partly because of the continued contacts with the WWAP. Women from the two districts have since held regular meetings to share experiences and conduct joint training in peace building to strengthen their committees. They have also formed various women's forums to deal with issues affecting peace and security in Mandera and Wajir. These forums deal with issues including the return of small arms and the mobilization of women for political participation (Halakhe and Pkalya 2011).

In recognition of the potential for conflicts in neighbouring counties to spill over into Wajir, the WPDC also 'exported the peace' in other areas, either by helping to resolve ongoing conflicts or by establishing similar structures. By 2003, and in collaboration with the Kenyan Government, similar structures had been established in Garissa, Isiolo and Marsabit. The WWAP specifically organized workshops with women from these regions and helped set up the women's committees. Regular meetings and workshops bringing together the members of the various committees have since been held. With the support of NGOs, women-only meetings have also been held to exchange ideas, since all the neighbouring counties are home to pastoralists who generally hold women as culturally inferior.

In February 2010, with support from Pact Kenya, the WWAP initiated a cross-border training programme for women mediators from Kenya and Somalia. Participants in this ongoing programme are drawn from Garissa, Wajir and Mandera counties on the Kenya side and from the Doble, Afmado, Kolbio

and Badade areas of Somalia. The aim of the programme is to equip women with mediation skills that will help them deal with the rampant cross-border conflicts. So far, 180 women have been trained for the sample programme.

### *Current status of the Wajir Peace and Development Committee*

The WPDC is currently made up of 27 members. These include four members of parliament, five NGO representatives, three religious leaders (two Muslims and one Christian), three women, two civil servants, three elders, two youth representatives and five members of the DSC.

However, the committee is in a transition phase as the former Wajir District has since been sub-divided into eight new districts and the former administrative structure of the district is also transitioning into the county administration, albeit in an uncoordinated way. The WPDC has so far set up four similar structures in the new districts and is in the process of setting up more. It has also set up an NGO, the Wajir Peace and Development Agency (WPDA), in order to help with fundraising and policy advice. Traditionally, the WPDC has relied on monetary contributions from the community as well as the women members to advance its work. Donor support has been unreliable and only provided to specific areas of the overall work of WPDC. Continued community support therefore enables the organization to undertake diverse activities that are relevant to the community but not necessarily attractive to donors.

The WPDC is organized according to four working sub-committees: the Al Fatah elders, the WWAP, the Youth for Peace group and the religious groups. While the sub-committees are independent, they regularly work together, drawing on each others' strengths. The WWAP currently has eight branches in the newly-created eight districts and is encouraging the formation of divisional and location-based committees under the new branches. These branches also act as early warning centres where any impending conflicts are resolved at the local level and also reported to the WPG at the county level for monitoring and follow-up. The WPG sub-committee also makes decisions on whether to escalate an issue to the level of WPDC, depending on the magnitude of the impending conflict.

Since the inception of WPDC, the role of women has been central to the survival and sustainability of the peace campaigns in Wajir. As noted earlier, women were the first to concretely articulate the search for peace by beginning the movement at the market place. While women in peace time have seemingly taken a back seat and concentrated on domestic conflicts, leaving the men to deal with the more public inter-communal conflicts, this picture is misleading since the potential for rape crimes and other domestic conflicts to ignite inter-

clan conflicts in Wajir is very high. A number of the conflicts that turned violent had rape either as a genesis or as one of the triggers. Women have also occupied leading positions in the WPDC. So far, two women—Nuria Abdilahi and the late Dekha Ibrahim—have served as secretary to the WPDC. In this position, they were part of and influenced decisions in the DDC and the DSC, the two highest administrative bodies in the district.

The WWAP has also contributed to the culture of peace through less direct avenues. As a quick intervention and to de-escalate violence, these women have, on various occasions, come together and contributed household goods, foods and clothing to victims of conflicts and attacks. The women have also engaged in human rights advocacy, framing conflicts within the human rights discourse. This has helped in dealing with deep-seated cultural practices such as domestic violence and early marriages.

The group has also embarked on a sustained girl-child campaign, especially with regards to education access, early marriages and FGM. They have formed partnerships with NGOs operating in Wajir for educational support, mostly through scholarships to young and bright girls who otherwise cannot access education. The group coordinator, Orai Adan, also runs a private primary school that privileges the recruitment of girls and supports them through strategic partnership in post-primary education. While campaigns to retain girls in schools and thus discourage early marriages have been fairly successful, FGM continues to be a rampant practice and requires broader and sustained partnerships to make noticeable changes.

The Wajir women's vocal and leading role in search of peace should not be viewed in isolation. Increasingly, women in conflict-prone societies have been at the forefront in agitating for peace and political participation in post-conflict reconstruction. Further, the language of inclusion increasingly emphasizes equal participation and gender equality in all facets of life. While this may be hard to achieve in the short term in traditional cultures such as that of the Somali, the fact remains that in the context of armed conflicts and the resulting societal breakdown, women face disproportionate suffering and are dislocated from their traditional roles and responsibilities. This is a compelling enough reason for the women of the war-torn Wajir district to engage in a search for peace. As Anderlini (2000) and Ayo and Sunthanthiraraj (2010) argue, women often shoulder additional responsibilities due to traditional gender roles, and because of their labour, strength and determination to maintain their families and communities during war and through the long, slow process of rebuilding the peace. As such, the extra demands made on the survival skills of women should compel them to wage peace in the face of conflicts and violence.

Furthermore, international consensus has already been reached on the need for women to be equal partners in all aspects of decision-making with regard to peace. The United Nations General Assembly has passed various resolutions calling for women's increased participation. These include the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the 1995 Beijing Platform for Action, and UN Security Council Resolution 1325 (2000) on women, peace and security. The new Kenyan Constitution also emphasizes inclusivity, requiring that no one gender should form more than two-thirds of members of any public decision-making body. This has given women's representation and participation impetus across the country.

### **Changes in knowledge, attitudes, practices and behaviours**

The pioneering peace work of the WWAP stands as the genesis of the peace movement in Wajir that is responsible for the relative peace that thrives in conflict-prone northern Kenya. Its work has impacted communities both in the area and elsewhere in Kenya. At the local level, the women's break with traditions had several implications, both intended and unintended.

Perhaps the biggest early impact was the male elders' acceptance of the women's initiative. Since women could not traditionally speak in front of elders or engage in political discussion, the breakthrough with the Al Fatah elders signalled a readiness by men to accept that times were changing and that women, too, could make a positive contribution to society. Since then, women have become more visible in public decision-making bodies and leadership positions. Wajir District currently has two women chiefs, an elected councillor and a nominated MP who is a founding member of the WPG committee. In terms of political participation a number of women, mostly allied to the Women for Peace, have showed interest in vying for elective positions in the 2013 Kenyan general elections.

In recognition of the central role played by secular and religious education, in terms of women's emancipation, the girls' empowerment campaign has been intensified, not just by the WWAP but also by ordinary women in the community who are increasingly encouraging their daughters to go to school in order not to be 'like them'. As of 2008, the primary school enrolment rate for girls stood at 16.4 per cent as compared to 10 per cent in the early 1990s (Ruto, Mugo and Ongwenyi 2009). While this increase is largely attributed to the introduction of free primary education in 2003, the role of the WWAP in mobilizing women to create space for girls' to access to free primary education cannot be underestimated.



Women have also become bolder in advocating for human rights issues within the community. Within this discourse, outdated practices like FGM and domestic violence are being challenged. Women are also aware and are now questioning issues that have traditionally been taken for granted, including the fallacy that only men can lead. In this respect, and in conjunction with professional women in Wajir, WWAP organized several political meetings in the run up to the 2013 elections. These campaigns were intended to support women candidates vying for elective positions. While no woman was elected, there were several women candidates, a radical departure from the past where very few women offered themselves for competitive positions.

Women are also increasingly engaging with and challenging traditional authorities. For instance, the institution of the chief remains a symbol of government repression in Kenya and is more feared than respected. In Wajir, male chiefs acting in cooperation with elders have largely made decisions in favour of men whenever there has been a dispute. As a result, women prefer not to go to the chief for arbitration in cases where they are involved in a dispute with a man, including domestic cases. Increasingly, women are thus turning to the WWAP, which then presents their grievances to authorities including the DC, the police and the courts. While this has dissuaded the chiefs from partisanship, many continue to loathe the new-found 'empowerment' of women.

Women are also engaged in networking and support to uplift their standard of living. Professional women organized through the WWAP volunteer their time to conduct outreach services for women living in rural Wajir. On weekends, they conduct door-to-door campaigns addressing issues deemed important to the women in their nurturing and family roles, including sanitation, nutrition, horticulture and income generation. To support these efforts, the current members of the WWAP committee contribute 500 shillings (USD 5) per month. The Catholic Church also regularly supports these efforts.

The fact that the WWAP has been able to achieve peaceful settlements in most interventions and has changed the community's attitude towards retaliatory behaviour is one of the organization's most notable achievements. Whether through the WPDC, or the actions of the women's sub-committee in promptly intervening in domestic disputes, rape and defilement charges, the women's work has ensured that these do not act as triggers for large scale communal violence. Further, the fact that there is a discernible peace infrastructure from the community to the county level through which women's peace and security issues can be dealt with has contributed immensely to women becoming more confident to take charge of not only their private affairs but also venture into issues of governance and public concern.

The emancipatory work of Women for Peace has, however, not been received with gratitude by all segments of the community in Wajir. In some instances, their work has been rejected and the women themselves exposed to great personal danger. As mentioned earlier, in the early days of the women's peace campaigns, five children of one of the group's founding members were killed to dissuade her from undertaking peace efforts. As the women's work has grown, so has been the resistance from some quarters, especially men who feel that women are questioning their traditional authority. While this is not unique to Wajir, and is a challenge for the women's empowerment movement throughout Kenya, it presents a unique challenge in Wajir because of the small numbers of women spearheading the movement as well as the remoteness of Wajir from the rest of the country. As such, these women are not able to draw strength and support from the national women's movement and mostly confront the serious challenges of women's marginalization alone.

The backlash from men has been such that these women can no longer employ the term 'empowerment' in their campaigns as this is negatively understood generally by men and even by some women as intending to wrestle power from the men. Even the human rights campaigns have to be carefully worded in ways that are not seen to be openly antagonistic to the status quo. This limits the women's effectiveness. A related challenge is that of men abandoning their traditional responsibility of providing for the family and leaving the role to the 'empowered' women. While this is also caused by other factors that have rendered men's traditional industries like pastoralism unproductive, it is also a consequence of the women's movement, especially among the more visible members. Since a number of these women do not have education or formal jobs, they have been forced to engage in menial jobs like selling firewood to sustain their families. Unfortunately, the abandoning of their responsibilities has not gone hand in hand with men relinquishing power at the family level. This has led to increased domestic conflicts and a rise in the number of divorce cases in the community. The empowerment of women is happening at a time when men are increasingly feeling powerless due to loss of livestock through drought and raiding. Traditionally, animals were solely owned by men and constituted the material basis of their customary control and claim to power in the household (and, by extension, at the clan level). These processes of empowerment and disempowerment among women and men, respectively, are increasingly generating conflict.

Another major challenge has been the rise in the number of rape cases, and especially the targeting of women peace activists by rival clan gangs. Among the Somali, as in other communities, rape during conflict is seen as an instrument of humiliating rival clans and undermining their morale. In



the frequent conflicts in Wajir, especially in the remote areas, women peace activists are often targeted for rape. In one such incident in 1998, three local women affiliated with the WWAP were gang-raped near the Kenya–Somalia border town of Liboi. They had gone there to quell simmering tensions between the refugees and local population that were threatening to turn violent. The women reported that the rapists accused them of prostitution and going against the Somali culture.

Despite these challenges, women—and especially the members of the peace movement under WWAP—have developed ways to propagate their peace work. The most effective strategy to date has involved women allowing the male elders take the lead in the more public cases, while providing the necessary background support themselves. As a result, elders have now become more receptive to the peace-building work of women, especially if they are not seen to be challenging them by taking on more public cases.

Elders are now more likely to call upon women to handle the more private causes while dealing with the public phase of the conflict themselves. However, elders also acknowledge that if the private and domestic aspects of conflict which women often deal with are not addressed, then they could easily lead to violent public conflicts. While this approach has the potential to marginalize women in the long run, it is currently seen as the best way to ensure that both women and men support the peace initiative.

Women have also created very efficient networks with formal institutions and professional organizations so that their work is reinforced and supported by the formal government machinery. They are also able to draw on the knowledge of lawyers and nurses to address abuses like rape and domestic violence from multiple perspectives. In particular, rape and FGM have been taken up seriously as challenges facing women and girls. The law enforcement machinery, professional bodies as well as the NGOs operating in the area are working together to eliminate these harmful practices in the community through cultural, legal and socio-political approaches. However, and as stated elsewhere, FGM is an age-old custom and concerted effort is required in order to eliminate it. Thus, while it is gradually being abandoned in towns and among the educated women, it is still rampant in the remote rural areas of north-eastern Kenya.

Perhaps the greatest source of the women's strength in the face of these challenges has been their solidarity. Unlike in other parts of Kenya, women in northern Kenya are increasingly forming very visible and active networks in response to their challenging socio-economic and political environment. In Wajir, most women are members of one or more self-help groups that

are ultimately linked up to local peace initiatives, since conflict is the most disruptive element in the region.

One of the biggest impacts of the women's campaign for peace was the popularization and replication of District Peace Committees (DPCs) in Kenya. DPCs are community representative institutions based at the district level. They bring together traditional dispute-resolution mechanisms employed by traditional elders, women and religious leaders, and more formal mechanisms for conflict resolution including those used by governments and security agencies and NGO initiatives (Kenyan Government 2009).

The earliest peace committees in Kenya were spearheaded by the National Council of Churches of Kenya (NCCCK) in the Rift Valley and Western Provinces in the early 1990s. The NCCCK led in facilitating the development of the village peace and development committees. Later, peace committees borrowing heavily from the NCCCK model were formed by the Pokot, Karamojong, Turkana and Sabiny (POKATUSA) cluster as part of a World Vision cross-border peace building project (Adan and Pkalya 2006). At the same time, local initiatives involving peace dialogues and reconciliation meetings had been going on in the northern part of Kenya to address the perennial conflicts between pastoralist communities. However, it was not until the rise of the WPDC that these initiatives took a more convincing form.

While it is not clear whether the women who founded the WPDC were influenced by the NCCCK model, the rise of the WPDC has clearly provided a model of peace making that has since been replicated in neighbouring districts. After the consolidation of the WPDC, and in recognition of the potential of conflict in neighbouring districts spilling over into Wajir, its members supported the formation of similar committees in Garissa, Mandera, Isiolo, Tana River Marsabit, Baringo and the POKATUSA cluster. After the post-election violence in Kenya in 2008, the DPC model was replicated in non-arid areas including the Central, Coast, Western, Nyanza and Rift Valley provinces.

In 2001, inspired by the development and success of the peace committees among the pastoral communities in Kenya—and the work of the WPDC in particular—the Kenyan Government and civil society organizations (CSOs) set up the National Steering Committee on Peace Building and Conflict Management (NSC). The NSC brings together representatives from relevant government ministries and departments, umbrella CSOs, development partners and UN agencies. As a multi-agency organization, the NSC is mandated with the coordination of all peace-related activities in Kenya. It also doubles up as Kenya's Conflict Early Warning and Response Unit for



the implementation of the Conflict Early Warning Protocol acceded to by Inter-Governmental Authority on Development member states in 2002. While the NSC has encouraged the formation of various peace committees at the provincial and local levels, it is at the DPC level that its work is most visible. This is because the district is seen as a unit small enough to allow for duplication and large enough to prevent peace efforts from becoming abstract. Like the WPDC, the DPCs are housed at the district headquarters and led by the DC.

The Kenyan Government faces a number of challenges in attempting to replicate the Wajir model throughout the country. These include the lack of clear operational boundaries between the government and other actors, especially in relation to security concerns; non-recognition by the community; the clash between formal law as espoused by government agents and traditional law; politicians' and DCs' encroachment upon the committees; and challenges related to funding the enormous peace work dedicated to these committees. While most of these challenges are generic and have already been faced by the WPDC, others have come about due to incorrect replication of the Wajir model.

One of the key mandates of the NSC is to ensure diversity in the formation of DPCs. This endeavour has remained largely illusory as most of these committees have ethnic, gender and age imbalances. Though women and young people have been incorporated, their impact has yet to be felt. Because the structures are partly based on traditions and customs which do not grant women the mandate to directly deliberate on the decisions of the wider community, women's voices and those of young people have largely remained unheard. Unlike the case of the WWAP, the vast majority of the DPCs, and especially those found in non-arid areas, do not have women-specific platforms where their peace concerns can be addressed.

### **Lessons learned and their policy and practice implications**

The WPDC's experiences provide a number of implications and lessons for both inclusion practice and policy development. The importance of gender equality and inclusivity cannot be overemphasized—they complement each other in the peace process and lead to a wider ownership of the outcomes. Therefore, while women were instrumental in starting the peace process in Wajir, their early recognition of the role of other stakeholder—including the Kenyan Government, the elders and young people—in a comprehensive peace process was crucial to the overall success of their work. The critical lesson arising from this cooperation is that no one group can claim the entire

peace process; rather, the interdependence of various sectors of society is paramount.

Even in cultures that are seemingly overly patriarchal like those of the Somali, and indeed a number of African cultures, women and other marginalized groups can always seize opportunities to better their position and situation in society. The challenge lies not so much in identifying the lack of opportunity but in defining the right moment and the strategies for intervention. In the Wajir case, when the entire community had been negatively affected by conflict, women saw in this stalemate a ripe moment for the introduction of non-traditional strategies.

In conflict resolution, it is important to create structures that define the role and place of the various stakeholders. These structures provide room for coordination and maximization of comparative advantage, so that each group concentrates on what it can contribute to the overall peace process. The creation of the WPDC and the emerging division of labour between the men and the women pre-empted any conflicts occasioned by overlaps in their work. As a result, elders are today more receptive to and supportive of women's peace-building work and recognize that both men and women must work together for a sustainable peace in Wajir.

Marginalization and its impact on vulnerable groups is directly related to the causes and implications of conflict. In the case of Wajir, the fact that successive colonial and post-colonial governments in Kenya systematically marginalized northern Kenya made it a haven for communal conflicts and other forms of lawlessness. Within this context of marginalization, the inferior social positioning of women meant that not only were these peripheral communities missing out on women's contribution in development but also, the less than human treatment of women had the potential to spark or escalate conflicts.

### **Key lessons for other marginalized groups concerning participation in decision-making**

Three points are worth considering for marginalized groups in other contexts striving to increase their participation in decision-making. First, the spirit of volunteerism and ownership of the process by members of the excluded groups is pivotal in challenging marginalization. Marginalized groups often escape the attention of governments and NGOs. Therefore, it is important for the people themselves to take up and own the work of fighting exclusion, even without the promise of material benefit. In the case of the Wajir women, they not only volunteered their time but also contributed materially until



their work attracted international attention and donors moved in to help. Since the initial publicity phase, donors have once again pulled out to more 'urgent concerns' and the volunteerism spirit of the women and elders has kept WPDC going. Volunteerism also ensures that the initiative is locally owned and that donors and other outside interests do not necessarily derail the agenda of the marginalized group.

Second, there is a need to build the capacities of advocates and leaders within marginalized groups. This is because while the members thoroughly understand their situation, they have to be in a position to package their advocacy in ways that make sense to national and international actors. They must also be in a position to frame their concerns in ways that take advantage of existing national and international legislation and legal frameworks. Furthermore, there is a need to build capacity at the local community level so that members are mobilized and vigilant enough to support the advocacy work. In Wajir, there is recognition especially among women that without peace, various other ventures that they undertake in their self-help groups cannot succeed. They have therefore formed networks with peace organizations, especially through the WWAP. This networking makes women's organizing more visible and is currently one of the biggest sources of strength for the women's peace movement in Wajir.

Third, there is a critical need to support collaboration and linkages between actors and issues by finding common ground. In the Wajir case, women quickly established collaboration with elders and young people, and with the local administration. This helped to legitimate their claims and win support from government. Further, the initiative bridged formal Kenyan law and Somali traditional justice and thus found acceptance by the community and the government. When challenging marginalization, it is important to establish collaboration with a wide range of stakeholders to ensure maximum support and ownership. Further, finding ways to bridge traditions and contemporary practice is critical and requires the grounding of actions in marginalized groups' traditions and contemporary realities. Establishing key networks with state actors, even if the state is the source of exclusion, is very crucial. While this linkage provides the state with the legitimacy it often lacks among marginalized groups, such groups benefit from the fact that the state is the only institution with legitimate and sufficient force to enforce sanctions against marginalization.

## Implications for democracy promotion

The WPDC's work produces a number of implications for organizations concerned with promoting democracy. One of the most critical lessons for democracy arising from the Wajir experience is the need for governance institutions to be home-grown. When such structures are imported from the outside—be it from donors or governments—and without adequate local support and ownership, the chances of success are minimal. While there is a need for peace committees throughout Kenya as a result of the myriad local conflicts, their success rate has been very low, especially since the national rollout following the 2008 post-election violence, and more so in the non-arid parts of the country. In these regions, peace committees have often been imposed from above, usually by the provincial administration, with minimal consultations with and ownership by the local community. Thus, they have largely remained abstract and become arenas where the provincial administration and the local political community contest their personal interests.

In Africa, and other traditional societies, the existence of both contemporary and traditional systems of governance is a reality. When most sub-Saharan African countries became independent in the early 1960s, the majority of Africans were organizing their communities and resolving their disputes using traditional institutions. Despite their popularity, these forums were regarded as obstacles to development. It was thought that as Africa became more contemporary, traditional institutions would eventually die out. However, this did not occur, and informal and traditional modes of community organizing are as widespread as ever (Penal Reform International 2000). Therefore, these systems' comparative advantages should be enhanced, while minimizing their disadvantages. This will ensure a democracy grounded in people's traditions but enriched by universal experiences and best practices. As Kimathi (2005) argues, the institutional crisis facing democratizing societies, especially in Africa, cannot be resolved by relying exclusively on either enclave transplant institutions or purely traditional institutions. The solution involves neither formalizing informal institutions nor de-formalizing formal institutions, but reconciling and encouraging convergence between adapted formal institutions and renovated informal, indigenous institutions.

In the frontier areas of many African countries, which remain conventionally ungoverned for various reasons including limited state capacity and lack of political will, a mediated state between traditional institutions and contemporary state structures would cater to the interests of both the state and the marginalized communities (Menkhaus 2008). In these locations, central governments with very limited power may rely on a diverse range



of local institutions to execute core government functions and mediate relations between local communities and the state. This would result in the creation of hybrid institutions that would promote democracy, employing elements borrowed both from traditions and contemporary governance. This hybridization of institutions has been responsible for maintaining peace in much of conflict-prone northern Kenya.

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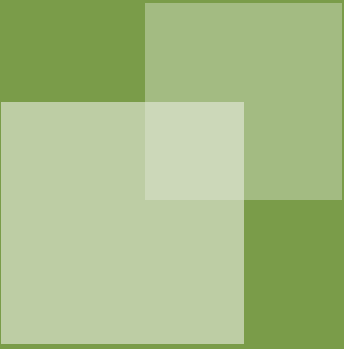
## Notes

- <sup>1</sup> Primary data was mainly collected from people and institutions in Wajir and Nairobi. In Wajir, key respondent interviews were used to collect data from leaders of the WPDC, community leaders and elders, women and youth leaders, and government officials. In total, 25 key respondents were interviewed in the county. Four focus group discussions were administered on two youth groups and two women's groups affiliated with the WPDC. In Nairobi, key informants included members of the National Steering Committee on peace building as well as members of NGOs that worked with WPDC. For comparative purposes, the study also sought information from the Naivasha and Turkana District Peace Committees through key respondent interviews.



# Chapter 3

**The successful road  
towards inclusion of  
women in traditional  
governance institutions:  
the case of Namibia's  
Uukwambi Traditional  
Authority**





## Chapter 3

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JANINE UBINK

### Abstract

Customary governance structures and processes are widely regarded as patriarchal. This case study addresses the question of how women's participation can be promoted and their exclusion overcome in customary decision-making processes and structures. It analyses the actions taken in the traditional area of Uukwambi in Owambo, northern Namibia to make its system of customary governance and justice more inclusive for and responsive to women. Change was initiated in three key areas: the inclusion of women in traditional leadership, the participation of women in customary court processes, and substantive change in customary rules to better protect women's rights. This paper analyses the process, timing and change agents of these three interconnected innovations, and their impact on the knowledge, understanding, attitudes and behaviour of both private citizens and authority figures. It concludes that they have not only significantly increased the inclusiveness of customary governance, but also its fairness and equity. Several important factors distinguish this Uukwambi case from other attempts to enhance gender equality in customary systems. The first is the active role of the Uukwambi leadership, which can be explained by reference to the personal role of the Uukwambi chief, the high popular demand for gender equality, the need of Traditional Authorities to redeem popular support, and the limited financial attractiveness of traditional leadership positions. In addition, the complementarity of local, regional and national efforts to empower women in the customary arena; the simultaneous changes undertaken in the three customary domains leadership, dispute settlement and substantive norms; and the strong momentum for change resulting from the birth of an independent Namibia, are factors that need to be considered when replication is considered in other areas.



## Acronyms and abbreviations

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<b>CLB</b>	Communal Land Board
<b>SWAPO</b>	South West African People's Organisation, Namibia's leading political party and former national liberation movement



## Background

It is commonly acknowledged in the literature that customary governance structures and processes are largely patriarchal and favour men's interests over women's. This critique is not only directed towards the fact that most traditional leadership positions are held by men, but also targets the domination by men of traditional courts, in particular the lack of women judges, cultural impediments to women's participation in court debates, and in some cases, even the requirement to have their interests represented by their husbands or male relatives. In addition, this critique is levelled against gender inequitable substantive norms. Customary norms generally, although not universally favour men (see Stewart 2008: 141). Men are seen as the recipients of most property rights, albeit under the obligation to support their wives, children and other needy relatives. Women largely have secondary rights, derived from their status as wife, daughter or niece. The patriarchal principles of traditional governance operate to create a gender bias and ensure that major decisions on issues such as land allocation, inheritance, and divorce are almost invariably taken by men (Ntsebeza 1999: 1). Some studies criticize the gender bias of customary governance as an incorrigible trait, and advocate for a complete disengagement with it (Khadiagala 2001; Whitehead and Tsikata 2003). Others reason that customary governance systems are unlikely to disappear in the near future and that an agenda of reform should be prioritized (Nyamu-Musembi 2003: 27). This raises the question of how women's participation can be promoted and their exclusion overcome in customary decision-making processes and structures.

This case study discusses the remarkable case of the Uukwambi Traditional Authority in Owambo, northern Namibia, which has succeeded in making customary governance structures and processes more inclusive of and responsive to women, by undertaking simultaneous action in the three domains of customary governance: leadership, customary dispute settlement and substantive norms. This paper begins with a concise description of the context within which women in Africa, and in Owambo in particular, have been excluded from engagement in customary structures and the impact of these exclusionary practices on women.

It then turns to a presentation of the processes undertaken in Uukwambi to address women's exclusion, and the effects of these processes on the knowledge, understanding, attitudes and behaviour of both private citizens and authority figures. Then follows a section explaining why the leadership of Uukwambi Traditional Authority decided to encourage and induce these changes. The paper concludes with the implications of this successful case for other marginalized groups as well as policy makers and development practitioners hoping to address similar barriers to women's exclusion.<sup>1</sup>

## The impact of exclusion from political decision-making

The role of women in pre-colonial Owambo is not easily ascertained. The ethnographic literature on Namibia written in the late 19th and early 20th centuries should be dealt with cautiously when assessing gender aspects, for a number of reasons: the authors were exclusively male and thus their access to the local communities was restricted to male domains; these authors were likely conditioned to perceive only those features that accorded with their 19th century European gender ideology; and, for missionary authors, their civilizing mission was to gain from a depicting of indigenous society as denigrating and oppressing women (Becker 1995: 56–57).

Several more recent sources, including documents issued by the national liberation movement South West African People's Organisation (SWAPO), describe a subordinate position of women in pre-colonial Namibian society and their exclusion from owning important status goods, such as cattle (SWAPO Women's Solidarity Campaign 1988: 352), and the well-established gender division of labour at least from the second half of the 19th century (Hayes 1998: 135). Moorsom describes the general inferior position of women as 'perhaps the most systematic social cleavage in pre-colonial society' (quoted in SWAPO Women's Solidarity Campaign 1988: 352). However, others point out that women had the right of possession and inheritance, and that although women were absent from public meetings and were excluded from military actions, they were always consulted before decisions were taken and had important charismatic power in situations of war (for a discussion of such literature see Soiri 1996: 21–22).

Among the Namibian population, there exists a strong belief that women in pre-colonial traditional society had no say in the political and judicial decision-making processes in their communities. Becker (2000) relays how this belief time and again manifested itself during her interviews and discussions in Owambo. In her opinion, however, 'the general assumption of women's traditionally inferior position is highly disputable' (Becker 2000: 177). She points out that in many communities women had access to property; the matrilineal system tempered the control of men over women and especially of husbands over wives; and women played important roles as healers and ritual leaders (Becker 2000: 177). She concludes that in the pre-colonial era, '[w]omen and men were ... conceived of as inhabitants of different spheres in a complementary social duality rather than as beings ranked hierarchically according to gender' (Becker 2000: 178; see also Soiri 1996: 24). Among the Owambo elite, belonging to the nobility was more important than gender in the constitution of identity, and elite women—such as female royals, the king's mother and the king's head wife—possessed significant political



power. Further, there were even women traditional leaders, although they were a minority (Becker 2005: 236–37, 249).

These elite women lost part of their power due to the centralization and militarization of Owambo polities in the late 1800s. As such '[t]he scales of gendered power were already tipped in favour of the male elite on the eve of colonisation' (Becker 2005: 250).

While definite conclusions cannot be drawn about gender positions in pre-colonial Owambo society, most authors agree that gender relations changed fundamentally during the colonial period and that pre-colonial societies afforded women more respect, protection and security than the colonial society did. For the purposes of control, and to ensure social order and stability, colonial authorities aimed to strengthen the authority of male elders over women and young people, and thus entrenched women's disadvantages within traditional society. With the backing of or even under instigation by the colonial government, tribal authorities manipulated African customs in a bid to subordinate women (Becker 1995: 90; Hayes 1998: 125; Unterhalter 1988: 549). In this process, specific features of customary rule were 'revived out of their historical and social context' (Ginwala 1988: 50) to strengthen the already existing patriarchal oppression (SWAPO Women's Council 1988: 347).

Simultaneously, the contracting of the labour of Owambo men in the mines, ranches and construction sites in the police zone of the country resulted in the introduction of a male-controlled cash economy which concentrated power in the hands of men. This deepened the exploitation of women as it weakened their financial position vis-à-vis men and increased their burden as the participation of men in cultivation decreased substantially and also other work traditionally assigned to men was added to women's workload when men were away on contract (Hango-Rummukainen 2000: 79; Moorsom, quoted in SWAPO Women's Solidarity Campaign 1988: 348). In addition, as a result of the conceptual equation of 'work' and 'wage labour' women came to be regarded as not-working and lost their recognition as important producers (Becker 1995: 97–98). Although the absence of men also has the potential to enhance women's independence and authority, this seems not to have materialized itself to a substantial degree in the case of Owambo societies (Becker 1995: 99).

The influence of Western missionaries and Christianity, and in particular the model of the nuclear family with a male breadwinner and a female house maker, also contributed to and deepened the subordinate position of women in society. Due to Christianity's ideology of domesticity for women, economic and political power came to be regarded as exclusively male affairs (Becker

2005: 251–54). However, some women were able to successfully negotiate missionary involvement to for instance shield themselves from polygamous marriages, or were able to attain a level of education that would otherwise not have been possible, resulting in a somewhat ambivalent impact of Western missionaries on gender power relations (Becker 1995: 104–105).

The colonial rulers' gender ideology also affected their dealing with women traditional leaders and other politically powerful women. The colonial rulers' gender ideology was not in consonance with the existence of powerful women. In the Owambo kingdom of Ongandjera, which had a strong tradition of female rulers, women leaders were all but purged from the local traditional arena, women were largely excluded from participation in traditional courts, and 'the emerging structures of colonial tribal authority evolved into all-male domains' (Becker 2001: 234). Similarly, in Ondonga the South African administration was unwilling to accept the authority of Mutaleni kaMpingara, the mother and grandmother of three Ndonga kings, because she was a woman (Becker 2005: 250–51). For example, C. H. L. ('Cocky') Hahn, who was the South African Native Commissioner of Ovamboland for almost three decades (1920–46) opposed 'power, authority and control being exerted by women' (Becker 2005: 251).

Interviews conducted for the purposes of this paper revealed that many people in Uukwambi believe there were very few or no women traditional leaders at all during the colonial period. Interviewees also related that women were largely excluded from active participation in the traditional courts before independence.

The Owambo gender ideologies in existence on the eve of independence, although a rather recent innovation resulting from many deliberate as well as unintentional transformations during the colonial era, are currently generally regarded as 'traditional'. This overlooks the disempowerment of women through the combined effects of colonial administrators' refusal to accept powerful women; tribal authorities' manipulation of custom to control labour and capital, migrant labour and the resulting monetization of the economy; and Christian missionary influence relegating women to the hearth.

After independence, Namibia's new constitution was to include a provision guaranteeing equality and freedom from discrimination on the ground of sex (article 10.2). In addition, the Traditional Authorities Acts of 1995 and 2000 require traditional authorities to promote affirmative action 'in particular by promoting gender equality with regard to positions of leadership'. Despite the standard of equality in domestic as well as in ratified international and regional legal instruments, 'the position of women in Namibian society



remains a challenge' (Namiseb 2008: 107). One space where this challenge is particularly salient is the traditional arena. Research carried out in 1992–93 in Owambo revealed that women had limited knowledge of and lacked access to the customary justice system. Many women perceived customary law and the customary judicial system as neglecting their concerns. They particularly complained that they were excluded from active participation in customary courts (Namibia Development Trust 1993: ES9).

The dominance of men in all three interwoven domains of customary rule—leadership, dispute settlement, and normative content—raises the question of the extent to which the constitutional and statutory equality provisions had an effect on life in the rural hinterlands, which were dominated by traditional leaders and administrative and judicial systems based on locally-applicable customary law. In a country where both opponents and proponents of gender equality believe that women's rights and traditional rule are 'eternal foes' (Becker 2001: 233), this paper will analyse the process and impact of a local attempt to induce gender equality into the system of customary governance.

In the last decades, the Uukwambi Traditional Authority has undergone change in three key areas: the participation of women in leadership, the participation of women in traditional court processes, and substantive changes in customary rules that better protect women's rights. In the following sections these three processes will be discussed and analysed.

### **Inclusive processes undertaken**

The selection of traditional leaders in Uukwambi is changing, at least at the village level, from a system based on ascription to one based on achievement. Where previously village leaders were generally selected from the family of the last leader, today this criterion is no longer decisive. Although candidates from that family still stand a good chance to succeed their relative, they now need to show the necessary leadership qualities and skills for the job, lest someone else who has proven his or her ability to meaningfully participate in community processes is preferred. In addition, someone unrelated to the former headman may be preferred in order to be able to make a fresh start, as it is sometimes feared that a family member will take over the preferences and hostilities of the former headman.

An interconnected change is that villagers in Uukwambi are demanding a bigger say in the selection of their village leader, which was traditionally a privilege of the senior headmen and the Chief. For instance, in Oshandumbala, a process of election was being negotiated after the death of an unpopular

headman. Among Uukwambi residents the election of traditional leaders is a widely shared wish: 93 per cent of 161 survey respondents agreed or strongly agreed with the statement: 'It would be a good idea if headmen or headwomen would be elected by the people'. During one of the group discussions, the fact that their current headman was not selected by the people was offered as explanation for his unpopularity.

The opening up of traditional leadership positions, the move towards meritocratic leadership and the increased popular say in this matter provide new spaces for female leadership. Women who have shown commitment to the welfare of the village, for instance through a role in the village leader's council of elders, now come into the picture. A special group of women eligible for the position of village leader consists of headmen's widows. These women are regarded as knowledgeable and skilled due to their proximity to their husband and their witnessing of his activities as headman. Another situation in which women are given an opportunity to lead is when no suitable men are available in the village.

The Uukwambi Traditional Authority, and Chief Iipumbu in particular, have actively been promoting women's leadership since the 1980s, both in public speeches and by appointing women at various levels of traditional leadership. As a result, Uukwambi has seen a significant rise in women traditional leaders, including a woman deputy in the Traditional Council. Currently, one of the five district senior councillors is a woman, and in the three districts where interviews were conducted, the proportion of women ranged from approximately one out of four (in Onamega District) and one out of five (in Ogongo District), to a mere one out of 19 (in Otuwala District). This difference between districts reveals the important role of the senior headman or headwoman. While headwomen are still heavily outnumbered by headmen, this represents a significant change from traditional rule ten years ago.

The introduction of new women leaders brings to the fore a number of pertinent questions: How do villagers feel about these new women leaders? Are they accepted and taken seriously? In interviews, it was often suggested that the acceptance of women traditional leaders is linked to their performance. So, how is their performance assessed? Are there any differences compared to villagers' perceptions of male leaders? How do villagers feel in the abstract about the suitability of men and women as leaders?

In order to answer these questions, and in addition to the qualitative research, a survey was conducted in 162 rural households in three districts in Uukwambi: Otuwala, Onamega and Ogongo. Uukwambi is actually divided into five districts (*oshikandjo*), four of which are headed by a senior headman



and one by a senior headwoman (*mwene gwoshikandjo*). Each district contains up to 70 villages, each of which is headed by its own headman or headwoman (*mwene gwomikunda*). At each level, leaders are supported by their councils. Chief Iipumbu is the Chairman of the Uukwambi Traditional Council, which comprises the senior headmen or headwoman as well as several other traditional councillors.

When confronted with the statement 'My headman/headwoman does his/her job well', a large majority (80.4 per cent) of the respondents who were living in a village headed by a woman answered that they agreed or strongly agreed. Respondents in villages headed by a man showed a slight but insignificant difference, with 82.2 per cent answering that they agreed or strongly agreed. The same pattern appeared when the respondents were asked about the performance of the two senior headmen and the senior headwoman: leaders of both sexes were assessed almost similarly.

When respondents were asked to describe the relationship with their village leader, there was no significant difference between the answers from respondents in villages headed by men and villages headed by women. In both cases, approximately three-quarters of the people (74 per cent and 75 per cent, respectively) answered that this relationship was either good or very good.

When the assessment data are aggregated by sex of the respondents, something interesting is revealed (Table 3.1). Men and women living in villages headed by a woman assess the performance of their leader almost identically. This assessment largely coincides with the leadership assessment by female respondents living under a headman. However, villages with headmen display a significant—albeit small—relationship between the respondent's sex and the assessment of headman, with male respondents more positive about their leadership than female respondents.

**Table 3.1 'My headman/headwoman does his/her job well'**

	Villages with headwomen (mean)	Villages with headmen (mean)
Men	2.05	1.78
Women	2.10	2.11
<b>Total</b>	<b>2.08</b>	<b>1.99</b>

Something similar can be found in the assessment of the senior traditional leaders: whereas the senior headman of Onamega district and the senior headwoman of Ogongo district are assessed almost identically by male and female respondents, the senior headman of Otuwala district is assessed significantly more positively by male respondents than by female respondents (Table 3.2).

**Table 3.2 'My senior headman/headwoman does his/her job well'**

	Otuwala district (SHM) (mean)	Onamega district (SHM) mean	Ogongo district (SHW) (mean)
Men	1.77	1.82	1.94
Women	2.07	1.95	1.93
<b>Total</b>	<b>1.94</b>	<b>1.91</b>	<b>1.94</b>

We can thus conclude that the performance of women traditional leaders is widely seen as satisfactory and largely equal to men's performance. The next question is: has this resulted in changing attitudes among traditional leaders towards the gender of their successor? The answer is no. Interviews revealed that many headmen still see their sons as the preferred candidate, and their daughters as substitutes if sons are absent or unsuitable. They often refer to tradition as the reason for their opinion. Perhaps this stance on the part of male elderly headmen was to be expected but how do common villagers think about the relevance of the gender of their village leader? When asked the question 'If you could vote for a new traditional leader in your village, would you prefer a headman or a headwoman?' the majority of male respondents opted for a male leader. Of the female respondents, about one-third also favour a male leader (Table 3.3).

**Table 3.3 'If you could vote for a new traditional leader in your village, would you prefer a headman or a headwoman?'**

	Women (n=92)	Men (n=66)	Total (n=158)
Headman	37.0%	57.6%	45.6%
Headwoman	26.1%	7.6%	18.4%
No preference	37.0%	34.8%	36.1%

When asked whether it would be good if more traditional leaders were women, 23.9 per cent of the male respondents agreed or strongly agreed, whereas 59.7 per cent disagreed or strongly disagreed. Of the female respondents, 43.3 per cent agreed or strongly agreed, as opposed to 48.9 per cent who disagreed or strongly disagreed (Table 3.4).

**Table 3.4 'It would be good if more traditional leaders were women'**

	Women (n = 90)	Men (n = 67)
Strongly agree (1)	12.2%	3.0%
Agree (2)	31.1%	20.9%
Neutral (3)	7.8%	16.4%
Disagree (4)	47.8%	44.8%
Strongly disagree (5)	1.1%	14.9%
<b>Mean</b>	<b>2.94</b>	<b>3.48</b>

Similarly, answers to the statement 'Men generally make better leaders than women' show that men are still regarded as the most suitable leaders (Table 3.5).

**Table 3.5 'Men generally make better leaders than women'**

	Women (n = 92)	Men (n = 67)	Total (n=159)
Strongly agree (1)	27.2%	41.8%	33.3%
Agree (2)	17.4%	20.9%	18.9%
Neutral (3)	3.3%	1.5%	2.5%
Disagree (4)	42.4%	25.4%	35.2%
Strongly disagree (5)	9.8%	10.4%	10.1%
<b>Mean</b>	<b>2.90</b>	<b>2.42</b>	<b>2.68</b>

The preference for male leaders also came to the fore in the qualitative interviews. Many villagers explained their partiality for a man with reference to tradition or to the suitability for the job based on perceived characteristics of the two sexes. We can thus safely conclude from both the qualitative and the quantitative data that the shift in mind-set required for women to occupy a fully equal role in traditional leadership functions is not complete.

The picture is not all gloom, though, as the survey data display an important insight here. When the data for the statement ‘It would be good if more traditional leaders were women’ are disaggregated not only by gender of the respondent but also by gender of the village leader, it becomes apparent that male respondents living in villages led by a headman are significantly more negative towards increased numbers of women in traditional leadership than female respondents in the same villages and male respondents in villages headed by women (Table 3.6).

**Table 3.6 ‘It would be good if more traditional leaders were women’**

	Villages with headwomen (mean)	Villages with headmen (mean)
Men	3.21	3.63
Women	2.83	3.00

Similarly, with regard to the statement ‘Men generally make better leaders than women’, both male and female respondents in villages headed by women scored significantly higher (indicating a lower agreement with the statement) than respondents in villages headed by men, with significantly lower scores from male respondents (Table 3.7).

**Table 3.7 ‘Men generally make better leaders than women’**

	Villages with headwomen (mean)	Villages with headmen (mean)
Men	3.00	2.09
Women	3.03	2.84

Two patterns thus become visible. First, in villages led by a headman, male respondents display a significantly more negative view of female leadership than female respondents, and this difference cannot be found or is much smaller in villages with headwomen. Second, male respondents display a more positive general attitude towards female leadership in the abstract when they live in a village led by a woman compared to male respondents living in a village led by a man. The latter is particularly important as it indicates that men’s opinions about gendered leadership—whether based on traditional values or preconceived opinions regarding character traits of men and women—undergo significant change as a result of exposure to successful female leadership.



## Changes in knowledge, attitudes, practices and behaviours

In 1993 the Owambo Traditional Authorities convened a Customary Law Workshop in Ongwediva. At this meeting, it was unanimously decided that women should be allowed to participate fully in the work of community courts. In response to this decision, the Uukwambi Traditional Authority proclaimed that each village needed to select a women representative, who would act as the village headman's deputy and would in that role actively participate in traditional court meetings. Two women interviewed for this case study explained why this new position was created:

The idea was that women in our villages were not free to talk to men, but more free to talk to fellow women. Women representatives are part of the headman's council. Women first go to them to explain the issue. Then the two go together to the headman.

The idea was that women were not given the same treatment as men. This position [of women representative] should minimize that and make women equally treated and represented. This new position has brought changes. In the past women who were mistreated were scared to go to the headman. Now they feel free to come to me.

The Traditional Authority furthermore communicated to the Uukwambi village leaders that women were to be encouraged to actively participate in traditional court meetings (Becker 1996: 7). These directives from the Traditional Authority initially met with resistance. Some headmen felt threatened by the new woman leaders, and critique and gossip came from many sides, including from other women. Some of the newly-elected women representatives became inactive as a result of this resistance, or else due to uncertainty about the content of the position and how to go about achieving its goals. Others persevered and seem to have served as important role models, encouraging other women to participate in village affairs. Over time, the women's participation in traditional court meetings, as well as at the level of the district court and the chief's court, has become an accepted feature of village life. Women often even outnumber the men in many villages. According to one headwoman: 'It is mostly women who attend the traditional courts in Oshipanda these days. The men—even though they know about the court proceedings—they don't show up. You might even see them pass by, on their way to the *shebeens* [bars]. It is everywhere now, also in church, at SWAPO meetings, it is only women.' A Traditional Councillor made a similar statement: 'At every gathering now, you will find women in big numbers. The men don't come. When you meet them on the road they ask how it went at the meeting, but they don't come. They say "the government sold us to the women, so let the women do it now".'

This situation should be understood within the specific context of the high out-migration which characterizes the rural areas of northern Namibia. This phenomenon, caused by the poor economic situation in rural Namibia, has resulted in a high percentage of women-headed households. A concomitant of this out-migration is that the majority of the men who do remain in the villages are either very young or very old, and not considered enterprising enough to take on leadership roles.

At many court meetings, women are expressly encouraged to actively participate in the proceedings. The author's personal observations of these court meetings indicate that many women in fact do participate: women as parties and as witnesses speak plainly, seemingly unafraid to vent their anger and irritation with the opposing party, and occasionally sternly refuse to cooperate with an amicable settlement that involves a compromise. Women in the 'audience' also actively participate in the discussion of cases, in questioning parties and witnesses, and in deliberating on the actions and decisions of the court. There does not seem to be a discernible difference of style in behaviour and speech between men and women as parties, witnesses and spectators. Many claim, however, that this is not the case for all women. In particular, older women still believe that only men can make sound decisions and therefore remain quiet during court proceedings.

At higher levels of the court hierarchy, men continue to make up the majority due to the still-skewed number of men compared to women traditional leaders. Nevertheless, change is also profound at this level, where women are said to be more active than men.

The increased participation of women in traditional courts—both on 'the bench' and as general participants in the audience—combined with the increased number of women traditional leaders, brings forth a number of questions. Are men and women satisfied with the performance of the traditional courts? Do they feel they can speak up and give their opinion at court meetings? Are women and men both able to genuinely participate in and influence the traditional court proceedings and outcomes? Do their opinions differ in villages headed by a woman and in villages headed by a man?

To answer these questions, a distinction needs to be made between the perceptions and opinion of people who actually attend court meetings (32 per cent of the survey participants) and the majority of respondents (68 per cent) who have never attended a traditional court meeting in their village.

The 51 respondents with first-hand experience of traditional courts reported a high satisfaction with their overall performance, with 75 per cent stating there was no need to improve the courts' functioning. Male respondents reported a slightly higher need to improve the performance of traditional courts led by headwomen, compared to those led by headmen. Female respondents, on the other hand, reported a slightly higher need to improve the performance of male-led traditional courts compared to female-led ones. Of this same group, 72 per cent of female respondents and 92 per cent of male respondents stated that they felt they could actively participate in proceedings. Women were more positive about participation in villages led by headwomen than by headmen (Table 3.8).

**Table 3.8 'Do you feel that you can actively participate in traditional court proceedings?'**

	Women (n=25)	Men (n=25)
<b>Villages with headwomen</b>		
Yes	83.3%	100%
No	16.7%	0%
Don't know	0%	0%
<b>Villages with headmen</b>		
Yes	68.4%	87.7%
No	31.6%	0%
Don't know	0%	13.3%

N=51, missing = 1

When confronted with the statement 'I find it difficult to speak up and give my opinion at a traditional court meeting', 80 per cent of the male respondents and 68 per cent of the female respondents disagreed or strongly disagreed with the statement, while 28 per cent of the female respondents strongly agreed, compared to 4 per cent of the male respondents (Table 3.9).

**Table 3.9 'I find it difficult to speak up and give my opinion at a traditional court meeting'**

	Women who have attended court (n=25)	Men who have attended court (n=25)
Strongly agree	28%	4%
Agree	4%	12%
Neutral	0%	4%
Disagree	48%	52%
Strongly disagree	20%	28%

Male respondents reported that they found it easier to speak up in traditional courts in villages led by women compared to those led by men. A majority of respondents (56 per cent of women and 60 per cent of men) regarded the division of influence between the sexes as equal, with most of the others claiming that men enjoyed more power than women in this regard. Female respondents believed more strongly in the equal division of influence when they were living in a village led by a headwoman than by a headman (Table 3.10). A large majority of all respondents—including those who had never attended a traditional court meeting—stated that men and women receive equal treatment in the traditional courts and have an equal chance to get a fair decision or settlement; only 8.6 per cent and 6 per cent respectively did not think so.

**Table 3.10 'In the traditional court in your village, who do you think are more influential, men or women?'**

	Villages with headwomen (n=16)	Villages with headmen (n=34)
<b>Women</b>		
Men	16.7%	36.8%
Women	0%	0%
Equal	83.3%	47.4%
Don't know	0%	15.8%
<b>Men</b>		
Men	30%	26.7%
Women	10%	6.7%
Equal	60%	60%
Don't know	0%	6.7%

N=51, missing=1





Respondents of both sexes were slightly more positive about the equal treatment by courts where the traditional courts were headed by women as opposed to men.

In summary, respondents generally perceived as equal the treatment of men and women by the traditional courts as well as their chances in receiving a fair decision. At the same time, whereas a majority of respondents felt that women and men were equally influential in decision-making, a substantial minority believed men to be more influential than women. There was a marked difference between respondents in villages with a headwoman and those with a headman. Female respondents were significantly more positive about the traditional court proceedings in female-headed villages in terms of overall performance, ability to participate in the proceedings, and the equal division of power between the sexes.

Male respondents were slightly more positive about the overall performance of traditional courts in men-headed villages but indicated that the division of power among the sexes was more equal, and that they spoke up more easily, in courts in female-headed villages.

### *Aligning norms to the constitution*

One of the aims of the 1993 Customary Law Workshop of the Owambo Traditional Authorities was the improvement of the legal status of women in line with the requirements of the Namibian Constitution. During the workshop, the issue of gender equality was explicitly addressed by Advocate F. J. Kozonguizi, the then Ombudsman of Namibia and the Chairman of the Kozonguizi Commission. He made it clear not only that 'the government is trying [to] uplift the women's situation in Namibia' (Minutes of the Customary Law workshop of Owambo Traditional Leaders, Hinz and Joas 1995: para. 5) but also that President Sam Nujoma had strong feelings on this topic and particularly wanted the Traditional Authorities assembled to address the inheritance position of widows. This same message was also brought forward by Ms Nashilongo Shivute, a representative of the President's Office in the Department of Women's Affairs:

We, the women, have come to hear and see what is being done, so that if there is anything that may suppress the women [it] be done away with. Traditional laws and general laws should be equalized. Traditional laws must be adjusted properly. We do not say should be abolished. Widows must also be protected (Hinz and Joas 1995: 56).

The references to the position of widows point to the customary inheritance norm that states that upon a man's death, his estate is inherited by his matrilineal family. This leaves the widow dependent on her husband's family.

Despite the husband's family's customary obligation to support needy widows and children, this often resulted in the widow and her children being chased out of the house back to her own matrilineal family, a practice referred to as 'widow chasing' or 'property grabbing'.

A related customary norm in Owambo is that when women remain on the land they had occupied with their husbands, they are required to make a payment to their traditional leaders for the land in question.

In response to the popular demand for gender equality, and particularly the severe public criticism of 'widow dispossession', it was unanimously decided at the Customary Law Workshop that widows should be allowed to stay on their land after the death of their husbands, and without payment to the village headman or headwoman. As the workshop was not a law-making body, its decisions were to be regarded as recommendations for the councils of the various traditional communities (Hinz and Joas 1995: 56, para. 8). In Uukwambi Traditional Authority, the protection of widows was included in the written Laws of Uukwambi (1950–95).

Gordon (2008) shows the deep historical roots of 'widow dispossession', which has been a subject of contention in Owambo for more than a century. He elaborately describes earlier attempts by traditional authorities, colonial administrators and missionaries to improve the inheritance situation for widows. According to Gordon, these attempts were largely unsuccessful, which leads him to question the 'much-vaunted power of "Traditional Authorities" who have shown themselves to be aware, sometimes keenly, of inheritance issues and yet their own "traditional laws" appear to be frequently ignored or side-stepped' (Gordon 2008: 9). This observation poses several questions: to what extent have the Owambo Traditional Authorities' latest efforts to enhance the position of widows been effective? Will the new 'traditional laws' be ignored or overlooked again? Are headmen and headwomen conversant with the new norm and its content, and are they willing to enforce it? Are common people aware of the changed norms and do these appeal to them? Has this resulted in behavioural change in Uukwambi villages?

Interviews clearly demonstrated that the changed norms have become widely known and enforced in Uukwambi, and that cases of 'property grabbing' in traditional courts and at Communal Land Boards (CLBs) had reduced, and now occur infrequently. Similarly, the survey results indicated that a large majority of respondents had knowledge of the norms prohibiting 'property grabbing' and renewed payment to the headman or headwoman (81.5 per cent and 81.1 per cent, respectively). Of the people who were aware of the



changed norm, only a small minority (8.3 per cent) reported knowledge of any case of property grabbing in their village in the past three years.

However, these changes cannot be fully attributed to customary law. Although land grabbing and renewed payment of widows to the headman to retain the land were first outlawed in the written laws of Uukwambi and other Owambo Traditional Authorities, provisions with similar effect have been included in the Communal Land Reform Act 2002 (sections 26 and 42).

It is difficult to clearly deduce which regulatory system has contributed most to the awareness of the norm. On the one hand, the data of the Communal Land Boards show that these institutions still heard many land grabbing cases in the period 2003–2006 and then saw a gradual decline to almost none at present. This coincides with the introduction of the Communal Land Reform Act 2002, rather than with the abolishment of the customary norm by the Owambo Traditional Authorities in 1993. On the other hand, the quantitative data show that 21.2 per cent of the people who are aware of the norm contribute its basis to statutory law, with 5.3 per cent specifically referring to the Communal Land Reform Act compared to 64.4 per cent who mention customary law as the source.

In addition, people quoting the norm for widows regularly add that when both parents die and a child takes over, this child is not exempted from making a payment to the headman to retain the land. The fact that this practice contravenes section 42 of the Communal Land Reform Act but not the written laws of Uukwambi (which only mentions the surviving spouse in section 9) indicates that knowledge of the content of the Communal Land Reform Act is at best incomplete and that awareness of statutory norms is greater when they reflect customary norms. Limited public awareness of the Communal Land Reform Act 2002 is also reported by Ambunda and De Klerk (2008: 80).

### **Lessons learned and their policy and practice implications**

The inclusion of women in traditional leadership structures, the encouragement and stimulation of their participation in traditional court meetings, and the alteration of norms detrimental to women's position were all undertaken by the Traditional Authority of Uukwambi. The fact that this is a rare phenomenon in Africa poses the question as to why the leadership of this Traditional Authority chose to encourage and induce those changes. Four explanatory factors need to be highlighted: the role of the Uukwambi chief;

popular demands for gender equality in Owambo; the need of Namibia's traditional authorities to redeem popular support; and the limited financial attractiveness of traditional leadership positions in Uukwambi Traditional Authority.

In terms of the first factor, Chief Iipumbu himself was a main actor in encouraging the inclusion of women in traditional judicial and political decision-making structures. He often supported women's leadership at meetings, and appointed women leaders at various levels of traditional leadership. In addition, he welcomed to Uukwambi and enrolled himself and some of his councillors in a training programme for improving the administration of justice in customary courts and traditional rule, which had a strong emphasis on gender relations (Becker 1996). The gender mainstreaming of traditional institutions of judicial and political decision-making is particularly salient, considering the soaring percentage of women-headed households due to high out-migration of men. It has been suggested that another reason for Chief Iipumbu's support for the wishes of the Uukwambi people may be found in his efforts to silence any interest in revitalizing the Uukwambi royal house, as the Chief is not a legitimate successor to the Uukwambi throne.

The high popular demand for gender equality is a second factor that explains the active engagement of the Uukwambi Traditional Authority. The notion of 'women's rights' first entered Namibian politics when women started to play a more prominent role in the struggle for independence. Although women freedom fighters mostly fought against the oppression of the South African colonizer, they also expressed their opposition to contrived customs and traditions and their subordination of women (Becker 2006: 47). Considering the emphasis of the liberation movement on national unity as a prerequisite to nation building, sectoral interests—including 'women's issues'—were perceived as divisive. Nevertheless, changing gender roles, increased educational opportunities and feminism within national liberation movements has played an important role in the emergence of Namibia's women's movement (Becker 1995: 35–40, 145–53).

When Namibia adopted a constitution in February 1990, this document included a provision guaranteeing equality and freedom from discrimination on the grounds of sex (article 10.2) as well as a provision for affirmative action for women (article 23.3). Women's concerns were prominent topics in Namibia's media coverage on the brink of independence as well as in the election campaigns of political parties (Becker 1995: 230–33). This seems to have resulted in broad knowledge among common Namibians of such issues, including of the constitutional provision on gender equality, which



was mentioned by almost every interviewee in the current research (see also Becker 2001: 231).

The precarious inheritance position of women after the death of their husbands drew especially heavy criticism. In the 1970s, Töttemeyer (1978: 146) found that a large proportion of Owambo interviewees believed that the widow/widower and children of the deceased should inherit all (60.9 per cent) or part (21.2 per cent) of the estate. Similarly, research published in the early 1990s indicated 95.7 per cent of Uukwambi residents disagreed with the statement 'The husband's family should inherit all the property when the husband dies' (Namibia Development Trust 1993: 63). Finally, in 1993 a group of more than 100 women protested against inequitable inheritance laws at the highest court of the Oukwanyama Traditional Authority (Becker 2006: 48). As mentioned above, a high-profile proponent of such a change was the Namibian President, Sam Nujoma. Shortly after independence, Nujoma made a public appeal that widow dispossession should be stopped, not long after which the National Assembly unanimously passed a motion demanding fair treatment for widows (Gordon 2008: 8).

To understand the third factor—traditional authorities' need to redeem popular support—we need to take a brief look at the history of traditional rule. Before the advent of colonialism, most Owambo societies were politically organized as kingdoms, with the King as the highest authority. He ruled with his Council, which acted as the chief executive, judicial and legislative body (Keulder 2000: 155–56; Soiri 1996: 20). The advent of European traders and the introduction of horses and firearms concentrated wealth and power in the hands of chiefs and a carefully selected group of headmen. The resulting increase of economic and political power reinforced social stratification and 'alienated the followers to a certain extent from the rulers' (Hartmann 1998: 283).

The colonial administrative system of indirect rule, characterized by the extensive use of indigenous political institutions, further affected the forms and functions of indigenous Owambo polities. It closely aligned most of the Owambo chiefs with the South African colonial regime and altered the relationship between traditional leaders and their people. This collaboration with the colonial regime included highly unpopular actions such as maintaining law and order, ensuring a steady supply of contract migrant workers to the Police Zone, and the forced removals of large groups of people in Owambo (Berat and Gordon 1991: 637, 641; Katjavivi 1988: 568). Traditional leaders, such as the kings in both Uukwambi and Uukwanyama, who openly resisted the South African authority were forcibly removed by the South African administration and replaced with a Headmen's Council (Katjavivi 1988: 561–62; Keulder 1998: 156).

When contract labourers returned home, influenced by the European way of life, they increasingly came to question the local political, social and economic order, which induced a gradual but irreversible process of breaking down the traditional norms and authority (Soiri 1996: 40–42; Töttemeyer 1978: 42). From the 1960s, Ovamboland became the centre of Namibia's independence struggle. From the 1970s until independence, SWAPO and the churches were seen as the main sources of authority by the population, as opposed to the chiefs or the Owambo tribal authorities (Becker 2006: 33; Soiri 1996: 50; Töttemeyer 1978: 104–05). In the 1970s, the South African Government had to introduce several proclamations to protect the Owambo tribal authority against the growing discontent of the population (Du Pisani 1986: 229–30; Keulder 1998: 49).

As in many colonized countries, the struggle against colonial rule was a struggle to reaffirm the right of Africans to their own way of life (Mkandla 1988: 473). The apartheid regime's denigration of 'native' culture and its near-complete disregard for 'native' life and lives arguably strengthened this process. However, this resurgence of indigenous culture did not coincide with an uncritical acceptance of an important role for traditional leaders on the eve of independence. On the one hand, the search for a new national identity made the new leaders hesitant to emphasize the distinctiveness of different 'tribes' with their own traditional leaders and customary laws. On the other hand, the negative role of traditional leaders in the colonial homeland administration had lost them much popular support. In addition, the widespread perception in Namibia that traditional rule and customary law intrinsically negate women's rights made many people, especially women, wary of incorporating traditional authorities in the structure of post-independence Namibia. More generally, at the time of independence, traditional authority structures were often regarded as intrinsically undemocratic, and their democratization was seen as part of a larger, much needed, democratic reform agenda for postcolonial Africa (Becker 1988: 1).

As a result, neither the report published in 1986 by the United Nations Institute for Namibia as a blueprint for an independent Namibia, nor the Namibian Constitution, mention traditional authorities. A year later, however, the topic moved up the political agenda when President Nujoma established a 'Commission of Inquiry into Matters Relating to Chiefs, Headmen and other Traditional or Tribal Leaders and Authorities'. In 1991, despite regional differences and individual dissatisfaction, this 'Kozonguizi Commission' stated the following:



The commission, having found that the traditional system is not only necessary but also viable, recommend that it be retained within the context of the provisions of the Constitution of the Republic of Namibia and having regard to the integrity and oneness of the Namibian Nation as a priority' (Commission of Inquiry 1991: 73; Düsing 2002: 188; Hinz 2009: 70).

The Kozonguizi Commission's proposals guided the development of the Traditional Authorities Act 1995 (Act 17 of 1995). This act was largely reproduced in the Traditional Authorities Act 2000 (Act 25 of 2000), which provides for the establishment of traditional authorities in traditional communities. Although the political acceptance of traditional leadership provided a new dawn for traditional leaders, it did not change popular sentiments about the institution of traditional leadership and its incumbents, and many traditional leaders still felt the need to redeem popular support, as well as improve relations with the SWAPO administration. The move towards inclusion of women in customary decision-making structures and processes 'may well be part of conscious efforts [of traditional authorities] to improve their standing' (Becker 2001: 240).

A fourth factor enabling—or at least not holding back—the inclusion of women in traditional leadership structures is that traditional leadership is not a very lucrative business in Uukwambi Traditional Authority. The resulting lack of financial incentives to become a traditional leader makes it possible and even necessary in some villages to open the positions up to new candidates. With the high out-migration of men characteristic of rural Namibia, this almost necessitates opening them up to women.

These four factors have induced complementary efforts at the national, regional (Owambo Traditional Authorities) and local levels to bring about change. The changes brought about in traditional rule in Uukwambi did not constitute an isolated local initiative of the Traditional Authority and its chief but formed part of a broader effort in Owambo to harmonize customary laws and align them with the new Namibian Constitution. This process was encouraged, legitimated and, at least in part, provoked by the Namibian Government, which was at the same time reluctant to impose the advocated change unilaterally, fearing that this would lead to conflicts and alienate parts of the Owambo constituency (Becker 1995: 346–47). The decisions made by the Owambo Traditional Authorities in turn legitimized change processes in Uukwambi. Finally, the active engagement of the Uukwambi Traditional Authority and the personal involvement of Chief Iipumbu greatly influenced the success and vigour of the reforms.

## Conclusion

This case study has analysed the measures adopted by the Uukwambi Traditional Authority to enhance the gender inclusiveness of traditional rule in three domains: the inclusion of women in traditional leadership, the participation of women in customary court processes, and substantive change in customary rules to better protect women's rights. It has demonstrated that the number of women traditional leaders has gradually increased and that, after an initial period of moderate resistance, these women are now generally accepted and assessed as good leaders. It is clear that the shift in mind-set needed for fully equal participation of women in leadership structures is not complete yet. However, the fact that men living in villages led by a headwoman are more positive about female leadership than men living under a headman is highly encouraging, as it suggests that exposure to relatively successful female leadership alters men's perceptions about female leadership more generally. This case study has also demonstrated the increased participation of women in traditional court meetings. Whether women can or should participate in traditional court meetings is no longer debated and is now generally accepted as a fact, although older women still report difficulties in engaging with the process. Those people who attended court meeting were highly satisfied with the court's performance and generally felt they could actively participate in the proceedings.

Respondents generally perceived the treatment of men and women by the courts, and their chances of receiving a fair decision, as equal. Female respondents were significantly more positive about the traditional court proceedings in female-headed villages in terms of overall performance, ability to participate in the proceedings, and the equal division of power between the sexes. Male respondents, although slightly more positive about the overall performance of traditional courts in men-headed villages, similarly indicated that the division of power between the sexes was more equal and that they spoke up more easily in courts in female-headed villages.

The third domain of change is the altered norm on inheritance by widows. This case study demonstrates that this norm is widely known—even by those people who do not attend court meetings—and enforced, and that the number of disputes regarding 'property grabbing' has seriously decreased.

The active role of Chief Ipumbu in bringing about these changes suggests that having an active and engaged local leader provides a positive impetus and indicates that finding a champion amongst credible leaders is a viable strategy elsewhere. The popular demand for gender equality, the traditional leaders' need to redeem popular support, and the possibility or even necessity to open



up traditional leadership positions due to the limited financial attractiveness of these positions have also been highlighted as determining factors.

Three additional factors that set the Uukwambi case study apart and explain its success need to be emphasised. First, the complementarity of national, regional and local efforts to bring about more gender inclusive traditional governance is crucial to success. Comparative experiences in other African countries show that leaving change in the customary realm entirely up to the traditional elite seldom leads to serious local change (see e.g. Ubink 2008). Similarly, mere intervention at the national level does not produce effective change in customary norms and processes. Second, simultaneous efforts at change in all three domains of traditional rule—leadership, dispute settlement and substantive norms—increase the chances of success.

These three domains are interconnected in such a way that progress in one field stimulates progress in another, and lack of development in one field may inhibit positive change in others. A third and final factor lies in the timing of the changes. In the first years after Namibia's attainment of independence, the country experienced a strong momentum for change. In Owambo in particular, where the high level of involvement in the liberation struggle created an intense identification with the new independent Namibia, the inclusion of women in national and regional government as well as the gender equality discourse in nationalist politics opened up possibilities for women in traditional rule. These factors should be taken into account when gender inclusiveness of traditional rule is propagated in other countries in Africa or elsewhere in the developing world.

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## Notes

- <sup>1</sup> The arguments presented in this case study draw on field research conducted in the Uukwambi tribal area between September 2009 and February 2010. Data were collected through qualitative data collection methods—comprising semi-structured interviews, focus group discussions and participant observation—as well as a survey among 162 rural households.



# Chapter 4

**Living customary law in  
South Africa: a space  
for women to overcome  
exclusion**



## Chapter 4

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LISA HEEMANN



### Abstract

South Africa's new, post-apartheid constitution promotes diversity as core value and contains clear provisions to guarantee gender equality. In balancing tradition and women's rights, the Constitutional Court has emphasized the dynamic nature of living customary law and its ability to develop in line with constitutional values. This case study is concerned with such transformations and the strategies that women and other stakeholders have employed to overcome exclusion within customary governance structures and processes. Women who live under customary governance structures in South Africa are a diverse group but share a common characteristic in that they are often marginalized in decision-making and barred from control over land. However, customary law has undergone dynamic change since the end of the apartheid regime. An examination of developments at the local level suggests that women affect gradual change within customary governance structures. At the national level, women and traditional communities have succeeded in making their views on government policies and practices heard. Their contributions to the national debate are proof of the diversity of interests and views within customary governance structures that policymakers need to take into account. The new constitution has played a central role in the process. The case study shows how the constitutional framework contributed to closing the gap between the constitutional ideal of gender equality and local realities.



## Acronyms and abbreviations

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<b>CLaRA</b>	Communal Land Rights Act
<b>CPA</b>	Communal Property Association
<b>MP</b>	Member of Parliament
<b>NGO</b>	non-governmental organization





## Background

Today an estimated 17 million South Africans live in rural areas under the jurisdiction of traditional authorities; 59 per cent of them are women (Rudman 2009). Despite therefore constituting the majority in rural areas, women are barred from participation in decision-making processes. They are often silenced in public meetings and might still need a male relative to speak on their behalf in front of traditional councils and courts. Women are also clearly underrepresented in traditional councils and courts and, with rare exceptions, do not hold traditional leadership positions. Finally, women living in traditional communities are likely to be excluded from control over land. Decision-makers regularly refuse to allocate land to women under customary law. In consequence, women have no access to land in their own right.

Women in South Africa face two main obstacles to their inclusion in decision-making. First, South African customary governance structures and processes are shaped by a tradition of patriarchy. The public sphere is a male-controlled domain where senior males hold leadership positions and dominate decision-making processes while side-lining the voices of women or junior men. Almost all South African traditional societies are patrilineal. The principle of male primogeniture provides that the eldest son succeeds to the position of the chief; similarly, a male relative usually inherits land and other property from the deceased head of the household. Patriarchal views see women subordinate to men. It is inappropriate for women to speak up in public, interfere in meetings or challenge men's decisions. Women are 'seen and not to be heard'.

Second, gender roles and the traditional division of labour posit women as the homemakers. Within the household, women are the caretakers while men provide the main household support and act as decision-makers. Women are largely confined to their homemaking role in the household, including food production, while men are more active in the public sphere. Recently, women have become the sole breadwinners as unemployment is high and many households rely on the welfare grants secured by women. Women might even seek paid work outside of the community and provide the cash income. Despite these changes to the division of labour and contribution to household support, women remain marginalized in decision-making and have no role in the public sphere. As one paralegal interviewed for this case study explains: '[t]hey can work now but they know that they have to respect the men'.<sup>1</sup>

## The impact of exclusion from political decision-making

Women continue to remain silent in public for different reasons. Some are prohibited from speaking at public meetings by their husbands and warned not to behave like a ‘bad woman, can’t keep quiet’. Often, women fear repercussions if they challenge authorities: ‘In particular they are concerned that if they are perceived as “troublesome” they will suffer should cases concerning their conduct ever come before the tribal court.’ (Claassens 2001: 30). Both women and men hold unfavourable views of vocal and active women. Women who aspire to public office are considered ‘irresponsible’ or ‘useless’ as mothers and wives. Women might also feel insecure because they have no experience in public debating and providing leadership. They are used to a male relative representing them in front of traditional authorities. Lang (2004) notes that women are also unaware of effective strategies within the traditional hierarchy. Therefore, even without outright prohibition, women feel ‘shy’ and insecure about speaking in the public sphere.

### *The legacy of apartheid*

Apartheid had a decisive and pervasive influence on the marginalization of women in customary governance structures and processes. As a result of a series of segregation laws and ensuing forced removals, black South Africans found themselves in overcrowded homelands that comprised only 13 per cent of the overall land mass of South Africa. The South African Government installed compliant traditional leaders as administrators and provided them with powers and functions that were not necessarily based on customary law but on the needs of the regime itself. The complexity and diversity of customary governance structures and processes was reduced to one official governance system under apartheid. Power was largely centralized in the hands of traditional leaders while other customary decision-making forums at the household or ward level were weakened. As a consequence, the voices of women, who were traditionally more influential and vocal at lower levels of decision-making, were further marginalized.

The apartheid system and chiefs relied on ‘official customary law’, a codified version of customary law that was mostly written down by colonial and apartheid authorities. This codification was a misrepresentation for a number reasons, including the fact that the process of writing down and thus trying to fix an inherently flexible system of law in writing is problematic. The codification of customary law relied mostly on the views of patriarchal elders and thus favoured the male and chiefly versions over others. Consequently, the official customary law presents a distorted version that is largely disadvantageous to women.



The apartheid laws (most notably the Black Administration Act and the Black Authorities Act), together with the codified official customary law, effectively excluded women from customary governance structures and processes. In principle, women were treated as perpetual legal minors under the guardianship of their fathers, husbands or older brothers. As legal minors, black women were not allowed to represent themselves in courts or address tribal authorities in their own capacity. They were thus effectively excluded from the public sphere and decision-making processes. Their legal status also meant that they were barred from access to land in their own right and could not hold any of the (limited) land rights available to black men (Bennett 2004).

Moreover, official customary law cements the principle of male primogeniture that excludes women from inheritance and succession to leadership positions. Through the application of official customary law, women were rendered insecure even where they had previously held strong interests and entitlements within the customary system of interwoven and reciprocal relationships within households. As official customary law is applied without regard to the customary obligations of care and responsibility towards family members and dependants, women's interest are curtailed (South African Law Commission 2004).

### *New constitution, old laws*

The apartheid laws and practices that discriminated against women did not vanish with the advent of democracy. Rights and gender equality were enshrined in the new constitution but the applicable laws and daily practices remained in force, awaiting legal reform. The constitution of the new democratic South Africa recognizes customary law as well as the institution, status and role of traditional leaders. However, the application of customary law and the recognition of traditional leaders are made subject to the constitution, particularly its Bill of Rights. The drafters of the constitution were aware that not all customary law norms would comply with the Bill of Rights and that aspects of traditional leadership are not compatible with constitutional values such as democracy and gender equality. However, the Constitutional Assembly deliberately left 'the complicated, varied and ever-developing specifics of how such leadership should function in the wider democratic society, and how customary law should develop and be interpreted, to future social evolution, legislative deliberation and judicial interpretation' (Certification of the Constitution: 197).

Although the South African Government succeeded in reforming the recognition of customary marriages in 1998, it made less progress in undertaking reforms on other issues like land tenure and traditional leadership until the passing of the Traditional Leadership and Governance Framework

Act 2003 and the Communal Land Rights Act 2004. The Repeal of the Black Administration Act 2009 and the Repeal of the Black Authorities Act 2010 finally put an end to the two major apartheid laws. However, commentators have noted that the new laws build on the apartheid laws, and preserve and entrench distorted customary structures and processes (Sithole and Mbele 2008).

### *Intersections between gender, geographical location and marital status*

It is important to note that the discrimination experienced by women in traditional communities is not only based on gender. The officially recognized traditional governance structures have replaced the former homelands tribal structures and exist almost exclusively in these areas. Under apartheid, black women were confined to the impoverished homelands while men found work in urban centres, on farms or in mines. The high poverty rate persists today, putting black women at particular risk of sexual violence and exploitation. In remote rural areas with only limited access to information, justice and basic services like health and water, rural people in general and women in particular are disadvantaged. The degree to which women are marginalized depends on their economic situation and education (Cross and Hornby 2002).

Higher education allows women to access information about their rights and options, and economic independence allows them to escape situations of inequality. Educated and well-resourced women are also more likely to participate in customary governance structures without fear of repercussions (Cross 1999). Marital status and the number of children (and their gender) are also significant factors. Budlender's 2011 survey of access to land in three communities suggests that marital status is the key determinant. Younger women or women who had never married were in a weaker position than widows, while women with only daughters were disadvantaged over mothers with sons. At the same time, widows experience particular problems in accessing traditional councils and courts while they are mourning. This makes them particularly vulnerable in cases of contested inheritance.

### *The link between land and power in promoting marginalization*

Clearly, control over access to land is linked to control over the social order. One of the most often-cited reasons for women's exclusion by men is fear of social breakdown if women were allowed to hold land in their own right and head a household (Cross and Hornby 2002). There are strong economic reasons to marginalize women in decision-making, as well as political reasons for men to exclude women from control over land. At the household level, individual men can benefit economically from women's insecure land tenure,



as they can easily evict women and take possession of the land after the death of a woman's husband or the breakdown of a marriage. At the community level, control over (often scarce) land and other resources plays a crucial role. Where land has become a marketable asset in the overcrowded and poverty-stricken former homelands, male decision-makers have an interest in maintaining control over land while women as well as other marginalized groups often continue to lose out (Whitehead and Tsikata 2003). Male domination over land requires control over decision-making and the power to define the content of customary land law.

Control over land and access to power are hence closely intertwined. The insecurity and contestation around their land rights causes women 'to stay low'. As Hornby and Cross (2002) point out, women living in more conservative communities seem to prefer not to attract the attention of authorities by speaking up, challenging the social order or being too successful as producers. In turn, studies have shown how control over land improves women's social status and their positions in community structures (see e.g. Rudman 2009).

### *Poverty, eviction and abuse*

Insecure land tenure makes women vulnerable to interference or seizure of their land, whether by authorities, family or other community members: 'Men can as a result withdraw women's land rights, or appropriate women's labour or earnings derived from the land parcel. In addition, the husband's relatives often have a strong stake in determining who can use the land and what can be done with it.' (Cross and Hornby 2002: 96) Insecure land tenure leads to difficulty in obtaining housing subsidies and other development finance opportunities. Land tenure insecurity confines women to low-risk subsistence farming and prevents them from developing and obtaining profits from their land (Cross 1999).

Another direct effect of women's insecure land rights is the constant threat of eviction. For example, one woman reported on how she was evicted from the homestead after the death of her husband:

Mrs S's own husband passed away when she was young and her husband's family took everything in his estate because they said she was going to spend everything in the estate with another man. In the process she was dispossessed of a property that she had acquired herself. Because in Zulu custom a woman cannot own property, she had to rebuild her life from scratch to provide for her children. (Traditional Courts Bill Workshop, Kwazulu-Natal 2008)

In other cases, women are evicted after the breakdown of the marriage or divorce. In Mpindweni, women describe the consequences of current

practices: ‘When men re-marry, the first wife and the children of the first marriage are left with nothing because the rights to the land and the house belong to the husband alone.’ (Claassens 2003: 21) Women who live in their parents’ home because they are unmarried, divorced or widowed face eviction from their brothers after their parents die.

Women’s weak position with regard to rights to their home and land makes them particularly vulnerable to abuse by husbands or relatives. Studies have linked lack of ownership rights in rural areas in South Africa to domestic violence (Cross and Friedman 1997). For instance, all of the women in a survey by Artz ‘feared losing “everything” if they laid a charge against their abusive partners, obtained an interdict or left the common home as a result of on-going abuse’ (Artz 1999: 56).

The exclusion of women’s voices has a significant impact on the immediate outcomes of decisions as well as the long term prospects for women’s participation. Due to the low number of women who actively participate in decision-making, outcomes are more likely to favour men. This has a considerable impact on women’s land rights. In the case of conflict between a woman and a man, the male-dominated councils are seen to sympathize with the man’s side (Claassens and Ngubane 2008).

In particular, the victims of abuse and domestic violence might feel intimidated and less inclined to present their case in front of an exclusively male forum. A woman from the Eastern Cape reports: ‘For example if a woman reports a case of abuse or assault by her partner the headman will ask her: “Why would your husband assault you without a reason? You must have provoked him for him to punish you” ’ (Traditional Courts Bill Consultation, Eastern Cape 2008). In the absence of vocal and active women’s representatives, other women lack role models. In this way, the pattern of non-participation is likely to be perpetuated.

## **Inclusion processes undertaken**

### *Developing living land law*

As the legal reform of land tenure and traditional leadership in post-apartheid South Africa made slow progress, women remained in limbo between the constitutional ideal of gender equality and the messy reality of discriminatory laws and practices on the ground (Oomen 2005). In this situation, women employed different strategies to overcome obstacles and affect change. In the process, new customary rules and practices developed that are more inclusive of women. While the ‘official customary law’ continues to marginalize



women, the constantly negotiated and evolving ‘living customary law’ allows for changes to women’s position. ‘The word ‘living’ refers to the law actually observed by the people who create it (Bennett 2004).

Development of living customary law is particularly dynamic in the area of women’s land rights. Access to land has become a pressing issue for single mothers. Traditionally, women live on their husband’s or father’s land and access land for agricultural use through marriage or inheritance. Allocation of land to women in their own right is uncommon, leaving unmarried women with limited opportunities to create an income for their families. However, since the end of apartheid, and in response to the growing number of unmarried women with children, the pattern of land allocation has clearly changed. In the context of debates on land reform policies, researchers have provided detailed descriptions of living customary land law in selected communities.

Budlender et al. (2011) have taken the issue a step further, providing quantitative data on the changes that have taken place since 1994. The authors administered a survey at sites in KwaZulu–Natal, Eastern Cape and North West provinces. There are stark differences between these three provinces with regard to their history of land dispossession under apartheid and their current land use. They also differ in their tenure systems, governance structures and mechanisms for land allocation, as well as marriage patterns and household organization. However, the comprehensive survey on these very different communities confirmed anecdotal evidence: single mothers have indeed been increasingly allocated land in their own right since the end of apartheid in 1994. The authors argue that the political context, together with the discussion of new constitutional values, has encouraged the changes, and that they have taken place within customary law (Budlender et al. 2011).

### *Negotiating access to land*

Looking at how individual women have succeeded in accessing land, the explanation often seems strikingly simple: women asked the traditional leader or headman to be allocated land and were given a plot. In communities with alternative tenure systems, the women addressed the chairpersons or allocation committees. Considering the traditional attitude (among men as well as women) that women should not speak in public or before a traditional council or chief, the act of ‘just asking’ is an important step in itself. Indeed, some of the women went instead through a male relative, who asked for a plot of land on their behalf. In the negotiations, women point to social change and their need to feed their families, claim a birth right as members of the community and refer to the constitution (Claassens and Ngubane 2008). Support also comes from paralegals working with non-government organizations (NGOs),

who reason with rights and gender equality. A paralegal in Sakhany explained how she approaches the traditional leader on behalf of another woman: ‘He says: “No, woman can’t have land.” And I say: “No, it’s not like this, things have changed, we have a constitution now.”’

In essence, the living customary law in many traditional communities now allows single mothers to establish their own homestead and head a household. In some areas, the only criterion today is age and membership of the community, regardless of gender. In other areas, mothers with at least one son are more likely to access land. The main reasons behind this qualification are patrilineal inheritance and patriarchal views of household structures—decision-makers are concerned that single women with land in their own right might marry sooner or later. In a patriarchal culture, the decision-maker assumes that the man would automatically be the head of the household and thus control the land. If the female landholder were to marry an outsider, he would gain access to land in the community ‘behind the skirts of women’ (Claassens and Ngubane 2008: 307). To avoid such an outcome, decision-makers allocate land to mothers in their son’s name in order to secure it from the control of possibly unsolicited outsiders, while mothers with only daughters continue to be excluded from access to land (Budlender et al. 2011).

Women in the Kalkfontein community faced the same concerns regarding the entry of outsiders when they requested access to land in their own right. However, they challenged the men in a community meeting and engaged them in a discussion about the allocation practices and the danger of outsiders acquiring land by marrying the female landholders. While the women shared the men’s concerns about the possibility of outsiders entering via their wives, they argued that the solution should not involve denying women their right to be allocated land (Claassens and Gilfillan 2008).

### *Building alliances*

Women who seek access to land for cultivation rather than residence are often especially successful as a collective. As land allocation to communal agricultural projects is not a new development in customary law, women find it easier to access land through these collectives. Women using land for agricultural purposes appear to be more culturally acceptable than single women holding (residential) land in their own right.

Another strategy that women have employed is forming alliances with other groups such as young people. In the case of Mpindweni, for example, the traditional authority initially denied a group of women access to land for a communal garden project. However, they eventually succeeded when they





raised youth support at a public meeting. In the end, the decision-makers gave in and allocated the women a plot of land for their purpose. The effectiveness of alliances between women and young people also became apparent in the case of Hoepakranz, where women claimed that ‘our new constitution says that anyone can wear what they want’. However, the chief refused to take a popular vote on women wearing trousers: “I am saying this for the last time: ladies should not wear trousers. I don’t care about votes—we have many youth and if we vote they outnumber us” (Oomen 2005: 204).

Many decision-makers support the development of new land allocation rules because of apparent social and political changes. While some decision-makers and members of the communities resist the changes, others have readily accepted or even actively promoted change. They explain the changes as necessary development of new rules of land allocation in view of both social changes and the economic needs of single mothers, as well as the constitutional framework: ‘It changed after the elections and voting that said everyone had rights’ (Budlender et al. 2011: 129).

There is a clear pattern of thriving women-only groups in rural South Africa. As discussed above, collectives are one way for women to access land outside of marriage, inheritance or individual allocation (all of which involve their own complications). The collectives focus on household support through food production or other income generation, and often include support for vulnerable groups in the community, such as HIV/AIDS orphans. Women-only projects have also been shown to have an empowering effect:

‘In all-women committees it appears that women overcome their sense of inferiority because they do not have to perform in front of men. They are reported to feel comfortable when surrounded by women and able to express themselves without fear of reprisal or embarrassment. The difficulties arise in the presence of men, which leads to a dramatic inhibition of women’s confidence and participation’ (Hemson 2002: 29).

These projects’ effects on the skills and experiences and general confidence are hence very positive for women. The Rural Women’s Movement is another example of a collective that provides critical support to women’s groups through training in leadership and business skills, information on rights and options as well as practical assistance in dealing with reluctant decision-makers. The Rural Women’s Movement also liaises with South African Government departments and thus links local women’s groups with necessary resources for their projects. One paralegal interviewed for this case study felt encouraged by what she called ‘affirmative action’ on the part of government and international donors who clearly favour women in their supportive measures for income generation projects.

In recent years, women have applied their experiences and skills gained through women-only groups to other community structures. Therefore, women not only initiate their own projects but participate actively in these autonomously organized 'claimed or created spaces' (Naidu 2011: 9) that stand in contrast to the formal structures of traditional authorities or local governments. They include a diversity of development committees and forums ranging from school and health committees, transport forums and water projects to craft and sewing groups or communal garden projects.

Women make active use of these spaces. The example of Kalkfontein shows that women's involvement progresses gradually: 'After 1994 women became more active in the affairs of the community. They started to attend the *kgotla* (community) meetings and, in time, to participate in discussions' (Claassens and Gilfillan 2008: 307). Women are often very vocal in development committees and other community structures. Although gender roles appear to be persistent within these structures, with men holding leadership positions and women serving as secretaries, women appear to become more vocal and active as they build on their positive experiences in women-only groups. In 2002 Hemson observed the transformations occasioned by the increase in the number of committees headed by and composed of women:

'Women feel they gain new knowledge and insights and are empowered by attending meetings; men accept their involvement and participation in committees and they have the opportunity to learn new skills, leadership and self-confidence. Women are also extremely positive about the personal improvement arising from participation. They feel that their relationships with other women and women's groups are better and that their standing within their family is reinforced.' (Hemson 2002: 30)

Women are thus increasingly active as participants and even leaders in informal community structures (Claassens 2001).

### *Making inroads into formal governance structures*

The obstacles to representation and participation are highest in the formal governance structures. The formal structures include headmanship and traditional councils and courts and traditional leadership. Oomen argues that there is a distinction between formal and informal structures: although women are active in the diverse community forums 'their access to chiefly politics is limited' (Oomen 2005: 188). These structures are at the core of patriarchal society and wield more decision-making powers. While informal development committees and diverse forums often deal with issues that fall under women's traditional responsibilities—including water, gardening and caretaking—the formal structures are clearly part of the political sphere. Therefore, men's resistance and women's shyness are particularly persistent in this arena.



Women are most likely to assume responsibilities at levels below the traditional community level—that is, as headwomen at the ward or village level (Lang 2004). This position is often not hereditary and the process of nomination by the traditional leader or election by the community members opens up a space for women to become leaders. As a number of cases illustrate, women become headwomen or traditional councillors because of the experience or leadership skills they have gained in other informal structures. For example, in the Zingwenya community the traditional leader, Inkosi Mzimela, appointed Ntombenkosi Gumede to be a *induna* (headwoman) for about 200 residents based on her longstanding active involvement in community matters. Her chance to prove herself as headwoman came when the headman fell ill:

‘So she was acting induna. And she proved even more capable and more successful than our men who are headman or induna. So people were not happy with that induna. Even before he got ill. We had agreed with my father while he was still alive and the community that I can if I want to, change the present induna and so use my own criteria to appoint an induna. So I decided to appoint that induna. And she was accepted’ (Lang 2004: 197).

In the same vein, the traditional leader appointed a woman as a traditional councillor in Mhambathini Municipality based on the experience and contacts she had gathered through her leadership position in an agricultural project. While headwomen probably still constitute an exception to the rule, their career paths are nevertheless instructive.

Women’s representation in formal customary governance structures has increased most drastically in traditional councils. The reason for the increase lies in the national legislation that provides for a quota in traditional councils. In terms of the Traditional Leadership and Governance Framework Act of 2003, 30 per cent of the members of the council must now be women. In terms of composition, 60 per cent of the members of traditional councils are elected by the traditional community, while the remaining 40 per cent are appointed by the traditional leader. Evidence from traditional communities suggests that the quota prompted decision-makers to include active and vocal women with experience in community structures.

Reportedly, the traditional leader felt in one community that the traditional council would benefit from a female representative’s experience and contacts: ‘She knows all the people.’ In Mchunu, the female councillor was chair of the youth committee at the ward level before being nominated for the traditional council by the traditional leader (Cousins 2011). However, the implementation of the new legislation has been slow and inconsistent. In 2012, almost ten years after the Act was passed, the North West and Limpopo provinces had yet

to conduct traditional council elections, while the process in other provinces such as KwaZulu–Natal was considered flawed (Heemann 2011).

### *Female traditional leaders*

Compared with the more dynamic transformations in the areas of access to land or representation in councils, less has changed in terms of the issue of succession to traditional leadership positions, which is still governed by the principle of male primogeniture. Therefore, the eldest son is the first in line to become the new traditional leader and women remain largely excluded from traditional leadership positions. Women who do occupy traditional leadership positions often act as regents, especially in cases where the male heir is still a minor.

The exclusion of women from traditional leadership positions is in clear and obvious conflict with the principle of gender equality. As such it has received a lot of public attention and scrutiny and has been debated passionately. The positions that are held by promoters of traditional values and advocates of gender equality, respectively, are not easily reconcilable. Changing the principle of male primogeniture has been equated with the total abolition of tradition (Bekker and Boonzaaier 2008; South African Law Commission 2000). The opposing view considers the succession of women to traditional leadership positions as the main indicator determining the inclusivity of customary governance structures and processes.

While the total number of female traditional leaders remains low, there has been an increase since the end of apartheid. An overview from KwaZulu–Natal, considered the most conservatively traditional of provinces, shows that more and more women are becoming traditional leaders. Goodenough (2002) states that only two female traditional leaders were officially recognized in 1995 compared to eleven in 2002. The number might be even higher if all regents were included. Holding the position of regent appears to be the most common way of women becoming traditional leaders. Although they only act on behalf of their minor son and absent husband they might hold office for extended periods and are accepted leaders of the community.

Bekker and Boonzaaier (2008) provide further examples of living customary law rules that permit women to succeed to traditional leadership positions, underscoring the diversity of succession rules in South Africa despite the predominant principle of male primogeniture. Two further examples suggest that women are appointed based on their merit and experience (as well as their royal descent). In the case of Inkosi Nzimakwe, the community welcomed her appointment ‘because she had already played a good role in the traditional



authority and had assisted when her husband was not available' (Goodenough 2002). The same is said of Ms Shilubana who stood out as an active Member of Parliament (MP).

Hosi Shilubana's case has become a famous test case for the authority of traditional communities and royal families to develop living customary law in line with the constitution. Ms Shilubana was nominated and elected by the royal family to be the traditional leader but her cousin contested her appointment in court, where she won. The case (which is discussed further in the next section) illustrates the concerns and difficulties in changing the rule of male primogeniture: who would be her successor? Her nomination required new paths and creative solutions. It was finally agreed that she was to marry a 'candle wife' chosen for her according to customary law as for any other (male) chief. An anonymous male from the royal family would then be chosen to father a child with the 'candle wife'. Ultimately, Hosi Shilubana would be the 'social father' of the child and the line of succession would be secured. This case shows that solutions are able to be negotiated and found.

### *Shaping the national debate*

The application of official customary law has proven to be one of the main obstacles to women's full enjoyment of rights. While communities never entirely and strictly adhered to codified versions, the position of women was still seriously affected. Women could not hope for legal redress if their rights were infringed and uncertainty over what rules would apply negatively affected their bargaining positions. The application of the distorted customary law thus contributed to the exclusion of women. However, in the past decade, the Constitutional Court ruled on a number of cases that dealt with customary law's compliance with constitutional principles like gender equality.

In the Richtersveld case, the court clarified the status of customary law under the constitution and discussed the nature of customary law: '[t]hroughout its history it has evolved and developed to meet the changing needs of the community. And it will continue to evolve within the context of its values and norms consistently with the constitution' (Alexkor Ltd. v Richtersveld community and others (2003) CCT 19/03: 53). In its judgment, the court confirmed that customary law is an integral component of the South African legal system on equal terms with common law. As it has a character that is distinct from common law, courts have to take its characteristics and flexible nature into account when establishing the content of customary law.

The Court built on the Richtersveld case in the Bhe case, in which it had to decide whether a woman whose partner had died interstate should be excluded

from inheritance. The applicable legislation was the Black Administration Act of 1927, an apartheid law that entrenched the principle of male primogeniture according to customary law. In its decision, the court described the effects apartheid had on customary law: '[t]he outcome has been formalisation and fossilisation of a system which by its nature should function in an active and dynamic manner' (Bhe and others v Khayelitsha Magistrate and Others (2004) CCT 49/03: 90). As a consequence, the court found that the rules of succession had not been given the space to evolve and adapt to social change. The court concluded that:

'It [the exclusion of women from inheritance] is a form of discrimination that entrenches past patterns of disadvantage among a vulnerable group, exacerbated by old notions of patriarchy and male domination incompatible with the guarantee of equality under this constitutional order' (Bhe and others: 91).

The decision confirms a commitment to gender equality and the need to develop customary law in line with constitutional principles. Although the Constitutional Court voiced its support for the living customary law in contrast to the distorted official customary law, it also acknowledged the difficulties in determining the content of such living law. Regarding legal reform, the court remarked that '[t]he rights implicated are important; those subject to the impugned provisions should not be made to wait much longer to be relieved of the burden of inequality and unfair discrimination that flows from section 23 and its related provisions' (Bhe and others: 108).

The development of customary law was also at the centre of the decision on Ms Shilubana's succession to traditional leadership discussed above. She is the daughter of a Valoyi traditional leader who died in 1968. As the law did not allow for a female heir at that time, the deceased's brother, Richard, took over. In the 1990s, he agreed with the royal family and the traditional community that his niece—Ms Shilubana, the daughter of the original chief—should succeed him rather than his own son. The parties made it clear that they wished to develop their law of succession in line with constitutional values:

'[T]hough in the past it was not permissible by the Valoyis that a female child be heir, in terms of democracy and the new Republic of South African Constitution it is now permissible that a female child be heir since she is also equal to a male child (...) The matter of Chieftainship and regency would be conducted according to the Constitution of the Republic of South Africa' (Shilubana and others v Nwamitwa (2008) CCT 03/07: 6).

As her overlooked cousin contested her appointment, the case was eventually taken to the Constitutional Court. The court again cautioned against relying on the distorted codified customary law, and by ruling in favour of



Ms Shilubana emphasized the right of communities to develop their own customary law. The court clearly intended to support the ‘constitutional fervour’ of the Valoyi traditional community in choosing a woman. However, the court also pointed to the challenges posed by the application of living law in South African courts, which have to balance the appeal for flexibility with the need for legal certainty, while at the same time ensuring the protection of constitutional rights. Commentators added that it remained unclear who was entitled to develop customary law—was it the community as a whole, the traditional authorities or just the royal family? The Shilubana case was a symbolic judgment in favour of development of customary law in line with constitutional values. However, the judgment was also criticized for leaving a series of methodical questions open and for lacking a principled and consistent approach (Bekker and Boonzaaier 2008; Bennett 2009).

Finally, in 2010, the Constitutional Court passed judgment on the Tongoane case, which dealt with the constitutionality of the Communal Land Rights Act (CLaRA) of 2004. The act was meant to fulfil the constitutional obligation to provide secure land tenure to people whose tenure was legally insecure as a result of the apartheid laws and policies. Four communities under communal tenure systems challenged the act in court because they felt that the act was undermining their land tenure security. The court agreed that the law imposed a new governance structure on the communities:

‘CLaRA replaces the living indigenous law regime which regulates the occupation, use and administration of communal land. It replaces both the institutions that regulated these matters and their corresponding rules. CLaRA also gives traditional councils new wide-ranging powers and functions.’ (Tongoane & Others v The National Minister for Agriculture and Land Affairs & Others (2010) CCT100/09: 96)

However, the court did not decide on the substantive matters but eventually declared the act unconstitutional on procedural grounds. Nevertheless, the hearings in court and the public debates and campaigns preceding the case opened a space for various stakeholders to debate customary governance structures and processes in democratic South Africa.

The stakeholders included the four communities that brought the challenge to court because they were concerned that the Act would impose a new governance structure on them that was more authoritarian and less participatory than their own customary structures. They also argued that women would be disadvantaged if the administration of land was to be centralized in the hands of traditional authorities, as proposed by the act. They drew support from a broad coalition of land rights activists and women’s groups who conducted consultations with rural communities across the country in order to identify

the relevant issues and make their voices heard at the national level through a series of publications.

The activists followed an ‘action-research’ approach with three goals: informing remote rural communities about the law, facilitating a discussion on the law and key problems within communities, and gathering information on living land law on the ground (Cousins 2011). Through this process, the communities and grassroots organizations became involved in the debate at the national level and some of them decided to submit their views to parliament. The Rural Women’s Movement, for example, was involved in the consultation process and later contributed as expert in the Constitutional Court hearing. The research component of the campaign led to the publication of books and articles that analysed the distorting effect apartheid had on customary governance structures; described the diversity and flexibility of living law that nevertheless evolved in South Africa; and proposed a living law approach to accommodate women’s rights (Claassens and Cousins 2008).

Other academics backed the South African Government and the traditional leaders who claimed that the projected governance structures and processes were rooted in customary law and provided enough safeguards to guarantee women’s rights. However, shortly before the Constitutional Court passed its judgment in 2010, the government announced a change of policy and its plans to repeal the CLaRA regardless of the court’s decision. The court case therefore eventually made possible a national debate that included views from the communities in general and women in particular. However, its impact on the government policy will only be known when the new bill is tabled in parliament.

## **Changes in knowledge, attitudes, practices and behaviours**

### *Changes in stakeholders’ attitudes*

Asked what had changed over the past 20 years, one paralegal in Qiko simply said that ‘women are the leaders now’. She referred to the various informal structures and the important role women play in generating an income for the household. Indeed, women in traditional communities across South Africa are often the leaders now—they are active in thriving women-only groups, participate in community structures and take leadership positions in committees and forums. Women’s active participation has had an impact on how they think of themselves and their abilities. When women see themselves as leaders, they are in a powerful position that cannot be easily reversed. It is





important to begin with this significant change, as ‘shyness’ was and still is a major obstacle for the inclusion of women.

In the process, men’s perceptions of women changed as well. Some of the traditional leaders and authorities who have allocated land to single women stress that their criteria are now limited to capability and responsibility, regardless of gender. This naturally implies that women are perceived as capable and responsible to begin with—and this is a clear departure from perceptions of women as perpetual minors. According to Claassens and Ngubane, women said that ‘nowadays women were respected for having the strength and capacity to look after their children independently’ (Claassens and Ngubane 2008: 177).

The changes in land allocation open a door for women to establish themselves as independent heads of households and eventually earn respect from the community (Cross and Friedman 1997). As women increasingly participate in formalized customary governance structures and processes they might also introduce a female perspective into the traditional councils. The inclusion of women seems to be more and more natural and unopposed as ‘even older men know that women are strong and hardworking’ (Cousins 2011: 73). In fact, traditional leaders have actively sought to include women in decision-making processes in order to better understand ‘women folks’ (Lang 2004: 210). Indeed, female representatives make a difference: Cousin (2011) notes, for example, a link between the vocal women in the traditional council of Mchunu and the body’s decision to allocate land to single women.

Evidence from traditional communities with women in prominent leadership positions shows that men acknowledge women’s work and the contributions they make to the development of the community (Goodenough 2002). One community member said of one of the few female traditional leaders: ‘We are lucky to have her as our leader because she is not only clever, but she is fearless and works hard to help everybody in the Nzimakwe community. She has brought development’ (Goodenough 2002: 104). In the Shilubana case, a headman who had initially opposed her appointment admitted that he was wrong to be doubtful: ‘I am asking for forgiveness, because I can see everything is in shape, we see development’ (Alcock 2008).

In many ways, timing is a critical factor in transformations in customary governance structures and processes. The end of apartheid was a window of opportunity for social change in general and the empowerment of women in particular. Negotiations over access to land have shown how rural women refer to the constitution as a common value and an agreed standard when appealing to traditional authorities for access to land. Along the same lines,

men accept the new allocations rules that ‘changed after the elections and voting, that showed that everyone has rights’ (Budlender et al. 2011: 129) Women and men refer to the constitution and democracy only in general terms—and sometimes referring even more vaguely to ‘the changes after 1994’—to explain the developments in customary law.

The introduction of elected local governments in post-apartheid South Africa might have contributed to transformations insofar as traditional authorities felt they had to pre-empt changes and secure the support base ‘by offering women an attractive and progressive alternative’ (Cross and Hornby 2002: 112). Indeed, women chose the forums and decision-making bodies that provide the most favourable outcomes. For example, women might approach municipal governments on particular issues and take their case to the magistrate rather than the traditional court (Oomen 2005).

Although transformations can be swift in periods of political and social change, they can also require time and patience. As one paralegal explained, her struggle to include women succeeded only after a couple of years that allowed the decision-makers to get to know her and build trust. Changes regarding land allocation rules appear to occur faster than changes to customary governance structures. Women might feel more urgency to press for their family’s primary needs than for a rather abstract right to participate, while decision-makers might be more responsive to obvious economic hardships than to fundamental changes to decision-making structures.

Many examples of inclusive governance structures and processes come from communities that follow customary law but have an alternative land tenure system and governance structure. Among them are communities that lived under freehold title even during apartheid, when the majority of black South Africans lived under traditional authorities that were recognized and regulated by apartheid laws. Kingwell (2008) argues that women have stronger land rights in these communities because they were more free to develop their customary rules and practices over the years in order to adapt to social and economic change.

After 1994, communities could opt for an alternative route to the more common traditional leadership structures by constituting themselves as Communal Property Associations (CPA) and holding individual title deeds rather than vesting land ownership in a traditional authority. Before registering as a CPA, the communities adopt a constitution that must ensure that the association is managed in a manner which is non-discriminatory, equitable and democratic and that the institutions are held accountable to their members (Rudman 2009). In practice, CPA structures vary from purely elected executive councils



to hybrid structures that incorporate chiefs by virtue of their position or at least offer them ceremonial roles (Claassens and Cousins 2008). The CPAs follow customary law but the adoption of a community constitution offers an opportunity to hold a debate and re-negotiate some of the rules, making their structures and processes more inclusive.

### *Unintended effects*

As with any quota or affirmative action measure, the requirement for 30 per cent women's representation on traditional councils has raised questions. The representation of women in the councils runs the risk of being merely formal, induced from the outside and even harmful to the cause of women if weak or unwilling female representatives become part of the governance structures. The provisions relating to traditional councils are particularly problematic because they allow traditional leaders to appoint women in order to fulfil the quota. Only a small percentage of the members of the traditional councils are elected by the community. Reportedly, traditional leaders have chosen to appoint women from the relevant local royal family or otherwise ensure their loyalty (Heemann 2011). Concerns remain that chosen female representatives are reluctant to stand up for the cause of other women (PLAAS/National Land Committee's Submission 2003). In consequence, the quota draws mixed reactions from practitioners and women activists (Bentley 2006).

The quota alone does not increase the meaningful participation of women in customary governance structures. Some female councillors report that their voices are not heard in the male-dominated traditional councils, and that women take on subordinate roles (e.g. as secretaries). As a result, women representatives begin to view their participation as waste of time, especially as they continue to be burdened with domestic chores—including fetching water and firewood, or providing food for the household—that leave them with little time to become politically active (Meer 1997). As long as other obstacles such as patriarchal expectations that women remain 'subdued' persist, and the gendered division of labour leaves women with little time to devote to political participation, quotas will only have limited effects on the effective participation of women. Affirmative action should therefore be accompanied by adequate empowering measures.

### **Lessons learned and their policy and practice implications**

The case of South Africa illustrates that the accommodation of diversity and gender equality is negotiated at different levels—within the community, in

the national government and at the constitutional level. In order to guarantee success in accommodating diversity and gender equality it is important to consider the level at which inclusive rules are to be negotiated. This case study focuses on the community level, and shows that the exclusion of women can be overcome within customary governance structures.

Certainly, the changes are uneven and the critical factors underpinning them are difficult to track at the local level, given the tremendous regional variety of historical, political, cultural and economic contexts. However, it is clear that women are determined to negotiate for change within customary law. It is also important to note that women do not affect change by claiming specific rights and threatening litigation. Furthermore, women do not bring constitutional rights and customary law in opposition but use the constitutional values to convince their communities and leaders of necessary developments in customary law. This case study also gives examples of how customary governance structures find context-specific solutions, such as selecting an anonymous father for the heir of a female traditional leader. In negotiations at the local level, women manage to alleviate the fears of men, for example over the impact of marriages with outsiders. Customary governance structures thus use the space they have been given effectively. However, successful transformation within customary governance structures depends on actions and laws by national governments.

### *Managing diversity*

The main challenge for national government policies and practises is diversity. A fundamental conclusion from the experiences of women in South Africa is that the economic, social, cultural and political differences between customary governance structures and processes across the country are vast. Despite some common cultural characteristics and the shared experience of apartheid distortions, customary law rules and practices—in particular, those related to land—vary enormously across the approximately 800 traditional communities in South Africa.

As a consequence, any legislation must be careful not to adopt a one-size-fits-all approach. In the Tongoane case, the affected communities explained that they had developed their own inclusive and participatory structures over time and asked not to be put under a more authoritarian customary governance structure. In addition to describing the detrimental effects on the rights of women, they also pointed to the discriminatory implications of establishing a uniform governance structure for all. They wanted to be treated as equals of white landowners, not to be governed by an imposed structure solely because they are black South Africans. Government actions and policies hence navigate a difficult terrain.



This case study also proves that the communities are diverse in themselves. Negotiations at the local level, cases brought before the Constitutional Court and debates around legal reforms have shown that rural women might have different experiences and interests than men. Just as the group of women in rural areas is heterogeneous (e.g. in terms of education, marital status or economic situation), communities are made up of a diversity of groups including women, young people, the elderly, migrant workers, the unemployed, wage labourers and farmers, elected councillors and traditional leaders, all of whom have disparate interests. This raises the question of who is authorized to represent the interests of traditional communities at the national level. Any approach to diversity management has to take diversity within the communities into account and ensure that all voices are heard.

Although a large part of the negotiations and the search for solutions takes place at the local level, ultimately it is the national government that needs to set parameters for a transformation of customary governance structures in line with gender equality. It is important not to mistake 'giving space' for absolute passivity on the part of the government. South Africa is only the most blatant example of how much influence the colonial and apartheid era had on the development of African customary governance. As a result, there is no uncontested, 'authentic' tradition to revert to. The meaning of tradition and content of customary law is constantly re-negotiated. In creating space for the development of customary law, government policy must ensure that all community members can influence the outcome of these negotiations. As women continue to be subdued in patriarchal cultures, government policies have to balance power relations.

The CPAs in South Africa can serve as examples of a careful re-balancing of such relations. The law requires the communities to draft their own constitutions in accordance with the principle of gender equality. The examples of many communities in this study show that women are not only often more actively involved but also enjoy more secure land tenure in these structures. A key objective of policy and law should therefore be to establish and support customary governance structures and decision-making processes that are open to popular participation in general and to women in particular.

Finally, the management of diversity and gender equality requires legal solutions. The decisions by the Constitutional Court can serve as an example for a legal approach to balance customary law with constitutional values such as gender equality. These decisions confirm that customary law is an established part of the South African legal system. In making clear that only living law deserves constitutional protection, they have opened a space for transformation. Although the court has not yet developed a consistent and

principled approach to determining the applicable living law, it has succeeded in showing that customary law can be inclusive.

### *Key lessons for other marginalized groups*

Women in traditional communities face very specific difficulties in striving for more inclusion, including the long tradition of patriarchy, the principle of male primogeniture and the persistence of gender roles that confine women to the private sphere and restrain them from speaking in public. However, other marginalized groups share also excluded from control over resources or participation in decision-making processes. Like women, other community members in non-dominant positions might not challenge existing structures and processes because it is considered disrespectful to male elders and amounts to ‘inappropriate’ behaviour. These people might also lack the skills and experiences they need to engage in decision-making in the public sphere.

The case of women in traditional communities in South Africa shows how marginalized groups benefit from organizing at the local level in order to share information, gain confidence and experiences and lobby for change as a group. Alliances with other groups in non-dominant positions have proven to be very potent. Traditional communities are not homogenous and the diversity of sub-groups and interests allows women to choose the right ally for the right cause. Another strategy used to help to achieve a favourable outcome is to identify other players or decision-making bodies. The option of ‘forum-shopping’ strengthens the bargaining position of marginalized groups.

The progressive inclusion of women in non-formal and formal community structures shows that chances for inclusion and meaningful participation vary. A careful identification of opportunities and barriers (e.g. elective offices versus hereditary positions with strict male primogeniture) might help in choosing the appropriate forum or level. Some of the more formalized structures might be more difficult to change, and the South African experience shows that participation in informal structures can serve to build up the standing and skills required in order to participate at higher levels. Eventually, women’s exposure to the community, and the contributions women make, can prompt decision-makers to include them in formal governance structures.

In South Africa, these strategies worked because the end of apartheid brought a spirit of transformation that encouraged renegotiations of customary rules and practices. In addition, the Constitutional Court created space for the development of new inclusive rules and adaption to social change. Oomen (2005) emphasizes the relevance of information about rights and options in the local negotiation processes. In this context, paralegals working with



NGOs are important brokers of information between the local and national levels. The Rural Women's Movement, which began networking and information sharing at the grassroots level, was very successful in bringing a gender perspective into the debate at the national level. The movement lobbied the South African Government to pay attention to the balance of power relations in traditional communities to ensure the inclusiveness of the outcome of the constant renegotiation of living law. It has successfully challenged the authority of traditional leaders to define and represent the interests of traditional communities at the national level.

Facilitators of inclusion and participation should focus on education about rights and options and pay attention to economic and political empowerment in informal and formal structures at all levels. In this context, the NGOs' strategy of 'action-research' was critical because it facilitated inclusive debates within the community, informed community members about the applicable laws and eventually provided empirical data on the status of living law that could be used to persuade courts and government.

### *Implications for democracy assistance policy makers*

The outstanding feature of the South African case is the new constitution, which enshrines a progressive Bill of Rights, promotes gender equality and aspires to be an instrument of transformation. For these reasons, South Africans hold their constitution in high esteem. Like other African constitutions, the South African Constitution recognizes customary law as well as the institution of traditional leadership. Many other African constitutions—in fact, most of the post-conflict constitutions of the 1990s—subject the application of customary law to the constitution (Tripp 2009: 108). It appears that this is a lesson already learnt.

However, the case of South Africa underlines the importance of making the progressive provisions work for gender equality while also promoting diversity. It also illustrates that effective consultation mechanisms and accessible courts are key to overcome exclusion. In South Africa, the diverse interests of groups and sub-groups within traditional communities are not adequately represented. While traditional leaders are well represented in Houses of Traditional Leaders from the local to the national level, other groups and interests within the traditional communities are not.

The constitution and national laws provide mechanisms for traditional leaders to advise the government on issues concerning traditional communities. Traditional leaders' privileged access to government could become problematic in view of the diversity within ethnic groups. Certainly, the effective

representation of diverse interests within ethnic groups could be given future thought and consideration. In South Africa, however, the Rural Women's Movement and various communities have made use of another opportunity. As the constitution places an obligation and a responsibility on parliament to facilitate public access and involvement in the legislative process, this has allowed various stakeholders to make parliamentary submissions. When these women felt that they were not being heard, they used the Constitutional Court as an arena to voice their concerns (Sithole and Mbele 2008).

In conclusion, laws alone cannot change the situation of women and overcome exclusion. However, in the South African context, the constitutional framework not only provides a favourable legal environment but also serves as a symbol for change. Similarly, the Constitutional Court works as an arena for debate through a fully justiciable Bill of Rights. Taken together, these features have and will continue to be crucial in closing the gap between the ideal of gender equality and the reality at the local level.





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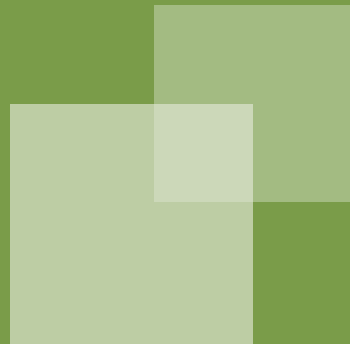
## Notes

- <sup>1</sup> Unless otherwise stated, all quotes are from interviews conducted in October 2011 with paralegal staff at Kwaximba Advice Office, Mkhambathini Municipality; Sakhanya Advice Office, KwaDukuza Municipality; Vryheid Advice Office, AbaQulusi Municipality; and Qiko Advice Office, Vulamehlo Municipality.



# **Chapter 5**

## **Women's political participation in Somaliland**



## Chapter 5

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MICHAEL WALLS'

### Abstract

While Somali tradition explicitly supports discursive decision-making, it consistently excludes women from decision-making processes. In making impressive strides towards establishing a durable representative democracy, Somaliland women have become increasingly vocal and active in calling for democratic institutions to be extended meaningfully to women. Women's groups have succeeded in winning unprecedented inclusion, but not without obstacles. In response to these challenges, a number of women activists decided to form an 'umbrella' organization—the Nagaad network—dedicated to pooling the resources of the many small and fragmented groups pressing for greater women's participation, and committed to collective advocacy and capacity building among member organizations.

For many years Nagaad has been agitating for the introduction of a quota for women and ethnic minority groups in parliament. In what would be one of the single most significant steps in their battle for improved political participation for women, that quota is again on the agenda. The Somaliland President now has a female advisor on women's affairs, and is has been actively reviewing a policy paper suggesting a 20 per cent quota for women in both the upper and lower houses of parliament. An attempt to introduce such a quota for local elections in 2012 failed at the final hurdle, but there is, again, hope for success; this time in the lower house of parliament.

The approach used by Nagaad builds strongly on Somali discursive custom, with members holding meetings and conferences, and talking actively to individuals both within the political establishment and beyond. Traditionally, women have played an often vital role in peace building and reconciliation, shuttling between the clan of father and husband relaying messages that could not be safely carried by males. However, to date women have not been offered a formal say in political decision-making.



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This case study seeks to understand the approach used by Nagaad, and outlines the socio-cultural, legal and political contexts necessary to understanding the significance of the network's work in Somaliland.<sup>2</sup>



## Acronyms and abbreviations

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<b>FGM</b>	female genital mutilation
<b>MPs</b>	Members of Parliament
<b>SWA</b>	Somali Women's Association
<b>SWDO</b>	Somali Women's Democratic Organisation
<b>SWM</b>	Somali Women's Movement
<b>UNDP</b>	United Nations Development Programme
<b>UNOSOM</b>	United Nations Operation in Somalia

## Background

The Republic of Somaliland (Somaliland) is situated in the northern tip of the Horn of Africa and is bordered by Djibouti, Ethiopia and the Puntland State of Somalia, with Yemen situated just across the Red Sea.

Somaliland unilaterally declared independence from Somalia in 1991, following a brutal civil war which caused the collapse of the regime of Major General Mohamed Siad Barre. While the southern areas of Somalia descended into endemic conflict despite internationally-brokered ‘top-down’ peace conferences, Somaliland embarked on a home-grown process of ‘bottom-up’ reconciliation and state building. This took place with relatively little foreign prescription or intervention. The country remains internationally unrecognized, but has held elections for the head of state (twice), as well as for the lower house of parliament and local councils.

The population is almost entirely ethnically Somali and religiously Sunni Muslim, with most traditionally deriving a livelihood from nomadic pastoralism. Customary political affiliation is based on kinship—culture, individual and collective rights, and livelihoods are mediated through clans. Decision-making has customarily relied on consensus among adult males, with all activities, including conflict, subject to widely recognized norms of behaviour. The social structure remains heavily patriarchal despite the presence of highly-educated women, many of whom have spent time in the diaspora or are otherwise involved in politics, civil society and business.

### *Socio-political organization*

Somali society is organized around specific sets of principles, with the explicit recognition that flexibility is necessary in dealing with the vagaries of day-to-day life. Those principles embrace the dual foci of protection of the rights of the individual to life, liberty and property; and support for the collective functions of family and clan (Van Notten 2005). Political institutions show a marked ‘lack of any clearly defined authority roles’ (Laitin 1977: 27), although delineation of responsibilities and rights reflect distinct differences between men and women.

All able-bodied men are expected to play a full part in political life, with many traditionally designated either *wadaad* (those learned in Islam), or *waranle* (literally ‘one who owns a spear’—see Gadhweyne 2009: 121n). *Wadaads* are expected to avoid calling for or participating in war, while *waranle*, as the name suggests, are expected to fight if necessary, with honour in large part relating to their demonstrated fighting prowess (Lewis 1999: 27–28; Gadhweyne 2009: 121).



Women also play vital roles but their spheres of influence are focused on the household during peaceful times, where they hold a dominant position as decision-makers relating to reproductive activities—feeding the household, raising children and maintaining sheep and goats close to the home. Women also typically manage the relocation of the physical household when there is a need to shift to locate better grazing for the small-stock (Rhoda M. Ibrahim in Gardner and El-Bushra 2004: 24–50).

Men, however, are expected to hold most large livestock including, at present, camels; in the past, horses; and in some areas, cattle. Traditionally, these stock-holdings are considered to embody the wealth of the household. With the exception of one or two camels for transport and some young milking females, women are excluded from ownership of large livestock. They are consequently also precluded from accumulating personal wealth (Gardner and El-Bushra 2004: 28; Lewis 1994: 128–29).

In politics, women also play a range of roles, particularly in times of conflict. For example, one—although by no means the only—way of consolidating exogenous alliances is through marriage. Sometimes this is explicitly intended as settlement of past grievances, in which case it is known as *godob-reebta gabadhaha*—literally, ‘the leaving behind of a grudge through women’ (Gadhweyne 2009: 129). More generally, as in most societies, marriage offers a useful means of confirming or consolidating friendly relations between groups. Consequently, women play an informal yet frequently pivotal as intermediaries between their clan of birth and their clan of marriage (interview, Hargeisa, 2007; Gundel and Dharbaxo 2006). While this role has been noted by a number of authors, it has also been suggested that the role itself consolidates distrust of women by emphasizing what is perceived as a lack of loyalty to one clan or other (Rayale 2011: 32).

Much of the more formal dimension of customary law focuses on inter-clan relations, with particularly clear principles governing the conduct of war (*heerka biri-ma-geydada*), the central element of which is *biri-ma-geydo*, meaning ‘immune to [or spared from] the spear’ (Bradbury 2008: 18; Hoyland 1999: 19; ICRC 2008). This principle states that mediating and senior elders, *wadaads*, women and those who are elderly or frail must be protected from any fighting (Bradbury 2008: 18; Gadhweyne 2009: 57). Furthermore, while the looting of camels and some other major assets might constitute acceptable practice, the theft of small livestock and household items is proscribed—thus, under ‘normal’ circumstances, limiting the impact of war on households (Bradbury 2008: 18; Notten 2005: 28).

## *Clan*

Underpinning Somali society is the segmented clan system, which is fundamental to what Kapteijns refers to as ‘the ideology of kinship’ (1995). The conception of clan as primarily ideological carries weight: clan affiliations are hotly debated and there are remarkably major differences in the traditions followed by different groups. In that sense, it is useful to consider the idea of the clan as a complex conceptual understanding underpinning Somali identity rather than simply a set of primarily objective historical kinship relations.

Clan affiliation is derived from a tradition of agnatic lineage, with male Somalis expected to trace descendants back by many generations. Among the primary lineages, Somaliland is dominated by two clan families and two clans that fall outside these families. The clan families are the more numerous Isaaq, who are distributed throughout central Somaliland and into Ethiopia, and the Daarood, who live in the eastern sections of Somaliland as well as in neighbouring areas. The two other clans, the Gadabuursi and ‘Iise, both live in western Somaliland. Each clan grouping is composed of a number of sub-groups.

In relation to alliance building, conflict resolution and the day-to-day issues of resource management and political decision-making, Somali society is marked by an active process of contact, often led by individual initiative, but always within the context of this dynamic kinship system. Clans provide an environment in which both conflict and resolution take place. The word of elders and respected individuals undoubtedly carries more weight than is the case for other members of the community, but the system is nevertheless characterized by a high degree of male egalitarianism. This is the basis on which I. M. Lewis entitled his seminal text ‘A Pastoral Democracy’ (1999), although it is worth noting that the style of democracy is more akin to classical direct democracy than to contemporary representative democracy.

There is, perhaps inevitably, a great deal of dissatisfaction with the innate conservatism of such a system among some Somalis, but it nevertheless underpins the process of state building that has taken place to date in Somaliland. In fact, one of the key struggles can be seen as a conflict between those who see a post-clan process of social ‘modernization’ as an essential enabler of contemporary Somali stability, and those who emphasize the continued importance of clan as a basis for such a situation. In many instances, Islam has served—and continues to serve—as the foundation for calls for ‘modernization’ and cross-clan unity; a ‘modernizing’ role for Islam that will be referred to later in this case study.



## The impact of exclusion from political decision-making

Women's roles in customary Somali society (*hiddiyo dhaqan*) were heavily constrained by the gendered division of labour contained within and enforced through *heer* (customary) contract. While Somali women have long played a vital role in facilitating communication, mobilizing resources and applying informal pressure in favour of specific outcomes, the formal socio-political process is overwhelmingly the preserve of men. All adult males are entitled to speak at meetings, and most decisions are made on a consensus basis, but women are generally excluded from such formalities, their voices being confined to the informal spheres of the household and, increasingly, small businesses and civil society.

In terms of political leadership, this situation is further emphasized. Control of 'productive' resources—generally equating to ownership of large livestock, and most particularly camels—confers considerable authority. Women, being unable to own camels, were therefore excluded from positions of political authority (Kapteijns 1995: 246). This does not mean that women were or remain powerless in Somali society, although the relationship is a profoundly uneven one, and arguably inequalities have worsened in a number of ways. Traditionally, women were granted significant rights under customary law, including guarantees of compensation in the event of injury or death, and specific protection under the clan system against rape and domestic violence (Gardner and El-Bushra 2004: 33). Women do have inheritance rights, although the most valuable assets, including camels and land, are generally excluded from female inheritances. Women are also able to divorce their husbands, although here too their rights are limited in comparison to men's (Brons 2001: 121; Notten 2005: 104–105). In the pre-colonial and early colonial periods, first marriage constituted a pivotal part of the social structure, with men relying on an ability to marry strategically in order to embark on a path that permits the accumulation of social standing. Once a man possesses productive and reproductive capacity in the forms of large livestock and a household, he can begin to accumulate greater leisure time and consequently more capacity to exert political authority.

The centrality of marriage to this social progress customarily gives women and their families considerable power. The bride's wealth generally amounted to much more than a single young man could accumulate by himself, so marrying 'well' required strong support from his family. The wealth that was paid then contributed substantially to the family of his new wife (Kapteijns, 1995). The rise of trade opportunities through the colonial period and since has changed this equation. Men are able to find alternative avenues for the accumulation of the capital necessary to finance marriage, particularly

through trading. This has opened the possibility of an urban life in which marriage no longer requires the same degree of support from the man's family. This shifted the balance for some individuals so that increasing numbers of men could negotiate marriage terms in a manner that maximized personal benefit. By reducing the influence of the young man's extended family, he was able to expand his search for a 'suitable' wife. Effectively, this enabled a shift in the power relations involved in marriage in favour of the man.

Of course, the arena in which women still tend to view their role as primary is the reproductive one, with additional spheres of influence and activity in the pastoral economy. Responsibility for childbearing and rearing and household maintenance involves constant duties, but those duties also extend to primary engagement in the trading of milk products and other surplus household goods. Typically, women own goats and sheep of their own and manage their herds and flocks, determining the amount of ghee and milk that will be retained for household use and trading any excess. In recent decades this has provided an opening for women to extend their involvement in small and non-capital intensive business activities. Women also coordinate the relocation of the family dwelling (*aqal*) when the time comes to shift the household in search of better pastureland (Gardner and El-Bushra 2004: 28–29).

Each of these activities provides a range of contexts within which a woman can build 'social capital' (Kapteijns 1995: 247; Aidid 2010: 107). Indeed, women's labour has long been so central to the survival of the pastoralist system that pastoral women in general hold real social power, albeit a power that has been exercised 'invisibly' so as 'not to undermine men's decision-making power' (Amina Warsame, cited in Gardner and El-Bushra 2004: 31; Forni 1980).

As Somaliland is an oral society, poetry occupies a central role in Somali social and cultural affairs, and one of the outlets that has permitted women to vocalize both their social role and their grievances has been the poetic form known as *buranbuur*. While custom emphasizes the purpose of this form of poetry as appropriate within the household and focused on personal issues, the form assumed a notably more political nature during the periods of contemporary conflict (Aidid 2010: 109–17; Rayale 2011: 31–32). As expressed through this poetry and also more broadly, conflict and migration have wrought profound changes in social structure. During the prolonged periods of conflict that have affected each of the Somali territories at different times, the men have tended to be able to enhance their status most significantly in the short term. As military leaders in communities mobilized to fight, conflict presents a unique opportunity to consolidate men's positions of authority. In recent conflicts, it is also notable that the *beerka biri-ma-geydada* tended to break down, especially



as a result of the politicized use of clan by Siad Barre. As a result, many of the protections enjoyed by women were substantially eroded, thus weakening their social position (Rayale 2011: 31).

However, the higher proportions of men killed, and perhaps even the extent of the gender inequalities that have been accepted during conflict periods, have led to movement in the opposite direction once the fighting has subsided. While some commentators have chosen to focus on an almost utopian motivation for Somali women in peacebuilding, it is surely more accurate to see the reclamation of an active political role as 'based on a pragmatic response to desperate situations rather than on an inherently pacifist orientation' (El-Bushra 2007: 135).

The pragmatism of women's responses is underlined when one considers their context. In many instances, women have been forced to assume responsibilities that would have been the domain of deceased husbands or male relatives. At the same time, women also suffered injustices during the conflict that are at least as great as their male compatriots, and exacerbated by the erosion of customary support mechanisms. Consequently, women—who in many cases would not accept being described as activists—have nevertheless sought to actively reclaim some of the rights ceded during conflict.

The result is that women in contemporary Somali society are beginning to challenge male authority in most areas. However, this challenge has yet to result in substantial change in representation in the political realm, although women's voices are increasingly in evidence. Within civil society, in particular, women's groups are notable for their vigour and also for their organization as they continue to advocate for extension of political rights (Gardner and El-Bushra 2004: 189–90; Jhazbhay 2009: 75–76).

With men significantly outnumbering women among those emigrating or killed as a result of the years of conflict, women are also playing a significantly expanded role in business, often as the primary household bread-winners. In recent years—in fact, since as far back as the extension of the sealed road connecting the different Somali areas in the early 1970s—women have tended to control retail trade in agricultural products and clothing. This trade involvement extends to the rental of trucks and full responsibility for commercial arrangements, a practice that has continued with increasing female involvement in the *qaad*<sup>B</sup> trade, in which women reputedly constitute a majority of stallholders in many Somaliland towns (Gardner and El-Bushra 2004: 119–21). The World Bank estimates that 14.3 per cent of Somali households in urban areas and 11.7 per cent in rural areas are female-headed, with 80 per cent of these women being widowed or divorced (World Bank

2003: 15). Although equivalent figures for earlier years are hard to find, this certainly represents a significant increase.

Remittances of funds from overseas, a very significant source of foreign exchange for all of the Somali territories and one which has grown enormously since 1991, are also disproportionately directed to, and therefore controlled by, women in the Somali areas. Women tend to be seen as the most responsible recipients of such funds as they are more likely to spend the money on household expenditure rather than *qaad* for personal consumption (Bradbury, 2008: 150; Gardner and El-Bushra 2004: 121). There is much evidence that this has served to further open commercial opportunity to women, and it is quite possible that it will also expand opportunities in the political sphere in the future. One can imagine that this might occur by securing a funding base for political campaigning by female candidates in parallel to explicitly patriarchal clan structures. However, to date, such a change in direct political participation has not occurred on a wide scale.

### *Post-colonial advocacy by women*

Nevertheless, there has been a fairly long contemporary history of women organizing and advocating for greater political involvement. Symbolically, one of the early monuments erected by the administration of General Barre was a commemoration of Hawa Taako, a woman who died in 1948 in clashes in Mogadishu between the newly formed Somali Youth League and a pro-Italian mob (Aidid 2010: 114).

From the outset, there was public debate about the political space available to women in an independent Somalia. Safia Aidid offers an apposite example from 1959, the year before independence. She quotes the future Somali president, Adan Abdulle Osman, as saying that women 'lacked education and did not have the necessary political consciousness' to serve as politicians. In response, the woman he was addressing aptly noted that his attitude mirrored that of the departing Italian authorities who argued that (male) Somalis were not yet ready for independence because they lacked 'sufficient education [and] political maturity' (2010: 116).

In the same year, the Somali Women's Association (SWA), was formed, composed predominantly of a group of wives of politicians. The SWA's focus was mainly on welfare, although the mere formation of the group one year before independence was significant (Maxamuud 2011). In 1960, dissatisfied with the conservatism of the SWA, a more radical group calling itself the Somali Women's Movement (SWM) was established. Dominated by middle-





class urban women, the SWM called explicitly for the formal extension of greater rights to Somali women.

Both organizations were disbanded in 1969 after the coup in which General Barre took power. However, the new administration continued to push hard for greater equality for women, recruiting many members of the SWM into a state-sponsored group designed to mobilize women in the political arena (Gardner and El-Bushra 2004: 176, 177; Rayale 2011: 26).

Women received considerable institutional support during the Barre era, with a 1972 Labour Code establishing equality in employment, and amendments to the Family Law in 1975 imparting equal rights in marriage, divorce and inheritance. Polygamy was also restricted and men could be formally prosecuted for domestic violence (Brons 2001: 198–99; Gardner and El-Bushra 2004: 176–77). The Somali Women's Democratic Organisation (SWDO) was established by the government in 1977 to promote public sector participation by women, and this achieved significant increases in the number of women involved in public administration. According to official records, representation of women increased by between 37 and 45 per cent across the civil service in the nine years to 1984 (Brons 2001: 199).

These were genuine advances, and while the legislated rights accorded to women were not evenly applied, there were many gains in the social and civil spheres (Forni, 1980). However, progress in terms of the presence of women among the political appointees of government remained glacially slow. The proportion of women parliamentarians never exceeded 10 per cent, and a survey by Elisabetta Forni, published in 1981, found that none of the five members of the politburo were women; a single woman sat on the 76-member Central Committee; only two of the 51 ministers were women; only 10 of the 176 parliamentarians were women; and only two of 49 ambassadors were women (cited in Bryden and Steiner 1998: 39).

With the collapse of General Barre's regime in early 1991, any gains that had been made were lost—a pattern that had begun earlier, with Somaliland political life becoming successively more constrained throughout the 1980s, as resistance to the Barre's regime grew.

The situation in contemporary Somaliland has therefore had to build from a very low base, with activism focussing on the post-conflict process of peacebuilding and reconstruction. In literature and in person, women express considerable disillusionment at the continued lack of recognition in Somali society of the role women play in peacemaking, in tending to wounded (male) combatants during conflict, and in supporting a process of state building.

The provision of food and services for conferences, sewing police uniforms and similar pursuits, in particular, are often singled out as unrecognized contributions. The comment of one interviewee is typical: 'women are always used when their services are needed, but not remembered when good things are shared' (interview, Hargeisa, 2007). Another member of the Women's Political Forum in Somaliland was direct in noting the cause for this lack of political progress when she commented that 'women have no chance of competing with men while clan remains the main basis for political life in Somaliland' (Gardner and El-Bushra 2004: 197).

### *Islam and Somali society*

Almost all Somalis identify themselves with a Sunni Islamic tradition, of which the majority favour the Qadiriya, the oldest of the Sufic orders, while adhering to the Shafi'ite rite of *shari'a* law (Brons 2001: 95; Jhazbhay 2007: 110–11; Lewis 1998: 8; Abdullahi 2001). However, alternate Sufic traditions also exist, with some Somalis identifying in particular with one of two branches of the Ahmadiya order. The largest of these groups is the *Salahiya tariqa* of Sheekh Mohammed Salah, of which that implacable adversary of the British colonial administration, Sayyid Mohamed 'Abdille Hasan, was an ardent adherent (Brons 2001: 96–97).

While Somali culture is reckoned to 'boast one of the highest percentages of adherence to Islam anywhere in the world' (Ali 'Abdirahmaan Hersi cited in Jhazbhay 2009: 111), majority Somali observance of Islam adopts three unique particularities. First, the mysticism of much Islamic interpretation allows space for the continuation of religious traditions, some of which can be traced back to pre-Islamic belief systems, and which extend to veneration of Somali saints. This approach to Islam finds accommodation in the Qadiriya tradition, but tends to be rejected by more literalist *tariqa*, including that of Salah. Both of these are Sufic traditions, and intolerance of what is seen as superstition is even greater among more recent Islamic imports, including the Wahhabism or Salafism of some contemporary Somali *jihaadis*.

Second, the specific requirements of living in a harsh environment, in which survival dictates a pragmatic approach, breeds an attitude to religion that is itself pragmatic.

Third, the Somali sense of identity is marked by a relationship with Islam as a bulwark against the animist and Christian beliefs of most of Somaliland's neighbours, thus constituting the basis for a powerful sense of Somali identity (Lewis 1984; Lewis 1998; Notten 2005: 29). For this reason, Said S. Samatar characterized the Somali approach as that of 'a frontier Islam, hemmed in on all sides by pagan and Christian interlopers. Characteristically, frontier Islam is bellicose, xenophobic and profoundly suspicious of alien influences' (2002).



The Somali attitude to Islam is complex and open to adaptation and adjustment in a manner that sets the Somali practice apart from some other Islamic societies. It is marked by a sense of pragmatic opportunism that is once again captured by Said S. Samatar:

A classic Somali adage holds that *'Ilaah iyo 'Atoosh baa nego degaallamaya, dhankii 'Atoosh baannuna u liicaynaa*: once upon a time, Allah and a warrior chieftain named 'Atoosh began to wage a terrific fight over us (Somalis), and we forthwith went with the chief against Allah, because the chief could deliver the goods faster than Allah.' That is, a Somali would promptly go against the law of Allah, if doing so turns out to be in his material interest (2002).

Indeed, as indicated in this myth, Islam frequently plays a distinct role in opposition to clan. Religion has long provided the basis for calls for unity among Somalis, while clan has tended to emphasize difference and sometimes division within Somali society. The historical basis for this tension is noted cogently by Cassanelli:

It is unlikely ... that rural Somalis in the past saw themselves as part of a larger Somali nation ... One can reasonably argue that it was the Muslim *shaykhs*, both Arab and Somali, who first planted the notion of a wider Somali identity ... We might speculate that through their activities of political mediation, social consolidation, and religious propagation, the saints helped both to forge and to reinforce the notion of a shared religious heritage among the Somalis (1982: 128–29).

### *Islam and women's political participation*

While many of the barriers to the assumption of authoritative leadership roles by women arise from socio-cultural rather than Islamic constraints, years of religious interpretation—albeit contested—clearly tend to privilege men. Furthermore, formal political processes in Somaliland, as in many predominantly Muslim countries, are largely dominated by men.

Nevertheless, while Islam is cited by some both within Somali society and beyond as the reason for women's political marginalization, it is also seen by many as offering a foundation for the promotion of women's political rights. Indeed, the women's advocacy group Nagaad has specifically identified a need to promote women's awareness of their political rights under Islam as an area of priority. This aspect of Nagaad's work, and the importance of Islam in the wider Somali discourse on women's political role, is examined in greater detail later in this case study.

Male domination of the political sphere is frequently justified by religious exposition on the *shari'a*, which today is generally seen as a fixed set of rulings which, among other functions, serves to determine gender codes. Historically,

however, *shari'a* was seen as much broader than simply codified law. It was a complex framework guiding social, economic and cultural life, with the pure legal elements comprising only one of many facets. Furthermore, the legal traditions and interpretations of the *shari'a* of the past were formed within a distinctly localized context. In fact, legal traditions were shaped in and by the local communities in which they existed. It is important to emphasize that *shari'a* was therefore not a single legal tradition but a combination of local variants. The *shari'a* operated at a very social level, with all interested individuals able to take part in and contribute to the dialogue surrounding legal education (Hallaq 2007). This contrasts sharply with today's conception of *shari'a* as a canonized body of law. Indeed, one of the major rifts within Islamic scholarship focuses on the question of context and the degree to which localized conditions in place at the time of their promulgation have shaped the elements of the Qur'an, *hadith* and *shari'a*. Jurists from the post-formative Islamic period have deliberated the issue of women's involvement as judges, leaders, and witnesses within the context of Islamic doctrine, and those deliberations are instructive in this case.

Taking a limiting view of the permissibility of political participation by Somali women, a number of the respondents interviewed for this case study voiced their belief that a woman could not be president under Islam. While the basis of this claim remains unclear, a review of Islamic exegesis provides some clues. Given that most Somalis follow the Shafi'ite school, the views of the prominent Shafi'i jurist al-Mawardi are particularly helpful. There is a specific Qur'anic verse, as well as a hadith that is often quoted by jurists, which together form the likely source of the belief. Al-Mawardi posits the argument that men hold authority over women and that consequently women should not act as judges as this would reverse the ordained hierarchy, bestowing authority to which women are not entitled. He bases this argument on the Qur'anic verse:

Men are in authority over women, because God made the one superior to the other, and because they spend of their property (4:34).

Al-Mawardi explains that this superiority is due, in his view, to women's deficiency in rationality and sound judgement. Secondly, he quotes the hadith:

A people who entrust their affairs to a woman will never prosper.

While not all jurists of the post-formative period held the same views as al-Mawardi, a general consensus has formed around gender hierarchy which tends to privilege men over women in line with his general arguments (Bauer, 2010). Ibn Hazm (d. 456/1064), Imam al-Tusi (d. 460/1067), and al-Tarabulusi (d. 844/1440) are among the many voices that have contributed to the debate over permissible roles for women within political and legal spheres.



While some argue that women can act as judges, most maintain that men and women are unequal as a result of inherent differences (Bauer 2010).

However, there are a number of dissenting voices and a variety of alternative positions which are based on a contextual analysis of the literature. For example, the hadith quoted by al-Mawardi is said to have followed the defeat of the Sassanians—who were ruled by a woman—at the hands of the Byzantines (Bauer 2010), thus explaining the sentiment at that moment.

Numerous scholars have gone on to point out contextual differences that might suggest circumstances in which that hadith is not applicable. Fatima Mernissi, another prominent voice in the debate surrounding women, has written on the subject of women as heads of states throughout Islam's medieval period (Mernissi 1994). She notes that in many eras women have held key positions in Islamic polities, including as heads of dynasties. Her argument is that history disproves the claim that women are not fit to rule.

The Qur'an itself was revealed in 7th-century Arabia within a highly (and already) patriarchal culture. When viewed within the historical context of their revelation, Qur'anic verses that deal with marriage, divorce or inheritance can in fact be seen as a loosening of social restrictions on women and a guarantee of greater protection from an often predatory patriarchy (Barlas 2002).

However, liberalizing trends are inevitably confronted by counter-arguments. A more recent tendency, labelled 'reformism', essentially seeks a return to a more 'pure' Islam than the one which has been 'corrupted' over the years. In the modern era, secularism has been commonly associated with Western 'corruption' and numerous Muslim leaders have felt the need to assert an Islamic world order (Nasr 2003). Interestingly, in spite of the obvious conservatism of such reasoning, this too marks a shift from the position elaborated by al-Mawardi. Instead of arguing that women are simply inherently inferior, they are seen as markers of cultural authenticity with an important role to play (Abugideiri 2004). The contemporary philosopher Seyyid Hossein Nasr was reflecting this approach when he stated:

*Shari'ah* ... envisages the role of men and women according to their nature which is complementary. It gives the man the privilege of social and political authority and movement for which he has to pay by bearing heavy responsibilities, by protecting his family from all forces and pressures of society, economic and otherwise (1966: 133).

Amina Wadud takes a holistic approach to her analysis and draws somewhat similar conclusions. Rather than examining one verse at a time, she looks at the social, moral, economic and political contexts behind each verse and

relates her interpretation to other sections of the literature. On this basis, one verse might accord men preference regarding inheritance but she insists that this be read in tandem with another which notes men's obligation to support women, thus justifying differential inheritance entitlements given the social circumstances of the time. The point is that for Amina Wadud, the Qur'an is a polysemic text—one with multiple meanings—in which responsibilities and rights must be understood against textual and social context (Roald 1998). This also offsets, explains and justifies gender inequalities rather than arguing against them—although, importantly, the justifications are based on balancing responsibilities rather than on a claim of inherent deficiency or strength. Asma Barlas also draws on the polysemic view but takes the argument further, contending that the literature should consequently be open to variant readings, with no one group, person or ideology allowed to monopolize its interpretation (2002).

Other scholars, both male and female, have employed a hermeneutical approach, and have drawn considerably different conclusions. They argue that the Qur'an and hadith provide a basis for equality between the sexes, permitting support for women's progress and involvement in societal affairs. The prominent Sudanese cleric and scholar Hassan al-Turabi<sup>4</sup> has stated explicitly that 'a woman can be the leader of a country, if she is the best of all the candidates, and the one most capable of meeting the challenges facing the country' (2006). For al-Turabi, jurisprudence must be based on contemporary experience rather than context-laden historical precedent. Ahmad Moussalli describes his position in the following words:

Islam has provided [women] with complete independence ... [and] if the Qur'an postulates her complete religious freedom, it follows that she is free in other aspects of life as well, in society and the state, in economics and politics. She has equal rights in public life. (Moussalli 2001: 118)

Contextual approaches are significant because they challenge the view that, being the direct word of God, the Qur'an is not open to interpretation. This view holds that Qur'anic scholars must solely focus on ascertaining fundamental truth. By introducing contextuality, more progressive scholars significantly expand the scope of Islamic scholarship.

In this vein, a Pakistani Commission of Inquiry found that Muslim scholars are agreed that Islam accords women virtually the whole gamut of rights, including the rights to property, to work and wages, to choice of spouse, to divorce if marriage does not prosper, to education and to participation in economic, social and political activity. These are guaranteed to Muslim women by Shariat (cited by Weiss 2003: 587). While it is difficult to say



that scholars 'are agreed', this statement clearly reflects an utterly different perspective to that of inherent inferiority claimed for women by al-Mawardi.

For most of its 1400 year history, male scholars have dominated Islamic discourse. More progressive commentators argue with considerable historical weight that the definitive works in Qur'anic exegesis, law and tradition were profoundly influenced by the misogynistic views of the formative period, which were consequently assimilated into the practice of Islam (Barlas 2002). This process has involved both men and women, as many Muslim women internalized their socially-constructed roles, focusing on their 'duties' as good wives and mothers (Abugideiri 2004).

While a number of scholars have found Islamic sources to be a source of liberation for women, it is important to note that these are emerging voices and not yet mainstream or majority views within many Muslim societies. However, with organizations such as Nagaad working to educate Somaliland women on their rights from a religious perspective and more women getting involved in educating themselves as well as partaking in societal affairs, perhaps the patriarchal lens that has dominated readings of the Qur'an and interpretations of Islamic law might be challenged.

### **Inclusion processes undertaken**

Agitation for a greater role for women in the formal system of representative politics in Somaliland started in the period immediately following the collapse of the General Barre regime in early 1991. Between the 1991 conference in Bur'o— at which the restoration of Somaliland sovereignty was announced—and the Booraame conference in 1993, women's groups began to take direct and outspoken action to press their claims. This extended to active protests on a number of occasions, with groups of women organizing themselves to present demands outside many of the significant reconciliation meetings. Not being permitted a role in active discussion inside, the women resolved to prevent male participants from concluding proceedings until specific agreement was reached on key points. As well as setting out their demands for decisions on specific topics, some women also pressed for a greater role in the meetings themselves. These were tactics that were repeated on a number of occasions. A number of examples illustrate the women's approach.

#### *Sheekh and Hargeisa meetings prior to Booraame conference (1991 and 1992)*

A number of the key meetings leading up to the 1993 Booraame conference were blockaded. In one instance, a group of women prepared a written

statement of their position. Beginning their demonstration at dawn, they proceeded to walk around the town reading their declaration, stating that (a) they would not stop their protest until key decisions had been made; (b) a letter must be written to the United Nations stating that UN Operation in Somalia (UNOSOM) forces should not be deployed to Somaliland; (c) a functional water reticulation system must be reactivated; and (d) the women would supply food and clothes for the police provided that a unified force was created. The women also purchased a microphone, which they placed inside one of the meeting rooms, and a connected speaker that enabled them to listen to proceedings. They sat at the entrance to the venue, maintaining vocal pressure on delegates not to leave until all issues had been dealt with (Shukri Harir Ismail in Walls et al. 2008: 20, 49).

### *Habr Yoonis in Oodweyne*

In another reconciliation meeting held at around the same time, two men left the building in which the meeting was taking place before a number of major decisions relating to community concerns—including water supply, a unified police force and other points similar to those listed above—had been reached. With Somali meetings traditionally adopting a consensus-building approach, departure from such a meeting by any of the agreed delegates effectively prevents those remaining from reaching binding decisions. With the two delegates making to leave the compound altogether, a group of women approached the security guards responsible for the meeting venue and requested that the men be called back. The fact that the guards acted accordingly startled the two men, who asked who had issued the order. When told it was the women sitting close by, they grumbled but returned to the meeting. The gathering then proceeded to discuss the issues raised.

### *Booraame (1993)*

In the town of Booraame, a group of seven women came together and decided to intervene as they felt that the men who should have been mediating were instead ‘sitting around chewing *qaad*’. Again, the women found a microphone and speaker and organized a protest—this time using the speaker to amplify their own demands. They initially gathered in a small group and started shouting:

*We don't want a sleeping father  
We don't want a crying mother  
We don't want spilt blood  
We don't want a civil war*





Gradually the small group was joined by other women and a group of young men. The crowd grew so large that they had to relocate to a nearby park. One or two members of the Gadabuursi Guurti stopped to watch and recorded the event and then played the tape to colleagues, saying 'we can't do more than the women are doing'. That recording proved pivotal in persuading the antagonists to stop fighting (interviews, Hargeisa, 2007).

### *Coordinated action: the formation of the Nagaad network*

The non-governmental organization (NGO) Nagaad was formed by a number of women's groups in 1997 in an effort to coordinate their activities and focus their efforts in a manner that improved their chances of winning meaningful concessions from the men involved in forming a new government. Approximately 20 active women's NGOs were at the core of Nagaad when it was formed.

The catalyst for the establishment of Nagaad was the Hargeisa Conference which was held from October 1996 until March 1997. This was the last in the series of interconnected national and local conferences that marked the seven-year transition from the collapse of General Barre's regime to the introduction of a new national constitution for Somaliland. As with each of the previous conferences, the conference in Hargeisa followed a renewed outbreak of conflict, which ended at the time of the conference (Walls 2011: 151–54).

Some progress had been made since 1991, with women allowed, after agitation, to attend both the Booraame and Hargeisa conferences in an official capacity, albeit only as observers. A few women had also been appointed to political positions by President 'Igaal, who had been elected in Booraame and reelected in Hargeisa. However, progress was slow and limited. In an effort to increase their effectiveness, members of about 18 women's groups decided that an 'umbrella' organization, of which they would all be members, would help to strengthen their voice. Meeting on the fringes of the Hargeisa conference, the result was the Nagaad network.

Nagaad now numbers 46 member organizations, representing groups from all parts of Somaliland, with their activities centred around five core themes: women's education, economic empowerment, political participation and peacebuilding, reproductive rights, and improved women's wellbeing through environmental sustainability (Nagaad 2011a). The network is widely credited with having been instrumental in expanding the opportunities available to women across a number of sectors, and it has established itself as one of the most respected and effective local NGOs. Nagaad has worked hard to promote links with other regional and Somaliland networks, and is

a member of the G10 Coalition of women's groups based in Kenya, as well as health and human rights bodies in Somaliland (Nagaad 2011a). Nagaad's members are now integrally involved in many political and civil society roles, as ministers, heading up major international NGOs, and in key positions in the civil service. Most retain their connections with Nagaad.

Most Nagaad programmes since 1997 have focused either on advocacy, including mapping the challenges facing women in Somaliland, or on capacity building for member organizations. Capacity-building efforts have focused on establishing a mentoring programme for Nagaad's 46 members and, through mentoring and more informal contact, providing support in preparing funding applications and materials for use in advocacy activities.

As Nagaad has grown in size, this has led to complaints from members that the umbrella is effectively winning funding for projects at the expense of the members. In an effort to relieve this dilemma, the Nagaad 2011–16 Strategic Plan establishes a new role for Nagaad as a secretariat for members (Nagaad 2011a), heralding a withdrawal from its former role as an implementing agency. It has also announced the creation of a 'common pot fund' (Nagaad 2011b). Nagaad will work with members on funding proposals, with funds placed in a 'common pot' to be distributed on the basis of implementation plans that see the members implementing projects while Nagaad retains sufficient funds to enable effective management of the 'common pot', and the provision of support in preparation of funding applications. The intention is that this approach will ensure that members expand their capacity to manage projects and develop proposals, while Nagaad continues to support that process.

The process of mapping the situation of women in Somaliland has extended to a number of studies, with the most significant including a report on violence against women, female genital mutilation (FGM) and women's human rights status (Tungaraza 2010).

Another study, based on focus-group research, was motivated by what was seen as the poor performance of female candidates in the 2005 elections for the 82-seat lower house of parliament, in which just two women won seats (Nour and Halas 2006). This study identified a number of specific barriers to increasing women's political participation that have since become a central part of Nagaad's planning. Indeed, the list is notably similar to that identified in Nagaad's 2011–16 Strategic Plan (Nagaad 2011a), and to the research conducted for this case study. The key points identified in all three reports can be summarized as follows.

1. *Clan structures.* The most common objection to women standing as candidates is that their loyalties are divided between the clan of their father and that of their husband. While not highlighted specifically in the study, it is worth noting that already-marginalized women from the Gaboye and Midgaan clans face a double barrier to participation.
2. *Conservative Islamic teaching.* There is little consensus within Somali society on the degree to which Islam permits women to assume political roles. As already pointed out, some argue that Islamic teaching considers women as fully entitled to stand for political office, while others suggest that any role is permissible with the exception of those of president and Imam, and still others promote a complete ban on women's active political leadership. This last and most conservative interpretation doesn't seem to attract the same enthusiasm in Somaliland as the two more liberal positions.
3. *Lack of education.* Women's higher levels of illiteracy compared to men result in reduced willingness and ability to engage in public debate and to understand the range of opportunities offered by constitutional, legal and religious sources.
4. *Lack of finance.* Women's cultural exclusion from ownership of the main indicators of wealth means they typically have reduced resources on which to draw, making it difficult to finance a political campaign.
5. *Lack of confidence.* Appropriately seen as an effect of the combined factors of high illiteracy, low educational attainment, conservative social attitudes and lack of resources, many Somali women suffer from low levels of self-esteem, particularly in relation to political activism.
6. *Male resistance to power sharing.* Less frequently cited explicitly, but apparently pervasive, is an unwillingness on the part of men to share political authority outside the household. In some instances the above-noted religious arguments are called upon to support the view that women are inherently less capable than men as political leaders. It is worth noting that these sentiments are expressed by women as well as men.

## Changes in knowledge, attitudes, practices and behaviours

The Nagaad network has already achieved some notable successes. Perhaps its main achievement—although the hardest to prove or quantify—has been the gradual shift in attitudes attested to by all of those interviewed. Men seem to be gradually accepting that women will increase their presence in politics in the future, and this need not be seen as a challenge to their own right to participate. The formal adoption of a National Gender Policy in 2009 was a milestone in showing that things were changing. This policy document suggests a number of legislative changes to improve or clarify women's social and political rights, as well as focusing on the collection of gender-disaggregated national demographic data. It also seeks to mainstream women's involvement in government offices at all levels. Nagaad strongly supported the development of the policy, although its actual production was instigated by the UN Development Programme (UNDP), which funded a similar project at the same time in Puntland, Somalia. The lead role in policy formulation was taken by Somaliland's Ministry of Family Affairs and Social Development (Fox et al. 2010).

While much remains to be done, each of the research projects carried out by Nagaad has helped to support and inform its advocacy work. In response to the barriers listed in the previous section, Nagaad has adopted a number of strategic objectives. The first centres on promotion of awareness of women's rights under Islam. This is not merely an awareness-raising project, as one of the major priorities for 2013 has been to conduct a literature review on Islam and women's rights. The intention is for that literature review to be developed by Nagaad and then circulated among member organizations, which will use it as the focus for an awareness-raising campaign among women in each region. The plan is for members to work through 60 secondary schools, plus a number of informal training centres and regional business associations. By 2013 Nagaad plans to have published 350,000 copies of a pamphlet on Islam and women's rights for distribution through member organizations (Nagaad 2011a). This programme forms a central part of Nagaad's activities, extending into broader public engagement through media and direct training and events across the country in the next five years.

The priority given to Islamic interpretation is clear evidence that although Islam is not generally cited as the primary barrier to enhanced political participation by women, it is seen as a key strategy for tackling cultural conservatism on the subject. This is not surprising. As noted above, there has long been a tension in Somali society between the strong but conservative identity base provided by clans and the unifying and often more socially



inclusive traditions of Islam (Walls and Kibble 2010). In this sense, Islam has the potential to provide the basis for calls for unity at times of (usually clan-based) conflict, as well as for social 'modernization'. In many ways, it is accurate to draw the conclusion that some of the most fertile grounds for both conservative and progressive positions on women's rights are found within religious discourses. If Nagaad is effective in presenting a compelling argument for women's political inclusion based on Islamic teachings, it is likely that this will provide a highly effective basis for their advocacy against the patriarchal elements of the clan system.

Other strategic initiatives intended to promote women's participation include the provision of training for aspiring women politicians, and a continuation of efforts to lobby male politicians and traditional leaders to support measures such as the introduction of a quota of elected women in both houses of parliament and in local authorities. Past advocacy work has focused on both men and women, employing networks wherever they exist. However, it is probably fair to suggest that Nagaad's work with the few women in positions of power has tended to be more methodical and engaging than has been the case with male contacts. This is also easy to understand, given the greater familiarity of women working in the area with their own gender networks. However, there is a need to work more effectively with male allies in the future. To date, advocacy activities outside women's networks have tended to be somewhat haphazard and opportunistic.

In the past, Nagaad and its member organizations have also assisted with fundraising for female candidates to enable them to campaign. A quota for women in future Somaliland elections now seems likely to be adopted, and the government signalled an intention to do so in time for the November 2012 local elections. In the event, they could not find a means of working around a popular commitment to operating an open list voting system, and the introduction of a quota has been delayed. There is still optimism amongst advocates that a quota system will be introduced in time for the next scheduled elections to the lower house of parliament and for the presidency. The quota itself seems certain to take the form of 'reserved seats' set aside for women and minority social groups. However, the level at which the quota will be set remains open to question. Some have suggested that 5 per cent would be an appropriate level. Given that there are currently two female members of parliament (MPs) out of a total of 82, that would see a doubling of the absolute number in parliament to four, but would be seen as little real gain by most Nagaad members. Nagaad itself requested a 25 per cent quota, and while its members acknowledge that they are unlikely to be granted that percentage in full, some are hopeful of 20 per cent. Most of those spoken to

for the purposes of this case study expected a quota in the range of 10 to 15 per cent. It is worth noting that the Transitional Federal Parliament in the south has an official quota of 12 per cent, which has never been met—at last count, the figure stood at 7 per cent (Ali 2011; Maxamuud 2011).

It is clear that training for women politicians is intended to address their perceived lack of education and confidence, while fundraising for women candidates attempts to directly address the lack of resources available to them. There is a risk that strategies such as fundraising for candidates will politicize Nagaad's activities, and indeed that accusation has been made in the past.

However, what is undeniable is that a combination of factors, including the ongoing efforts of Nagaad and its member organizations, have led to the current moment constituting an exceptional opportunity for the further advancement of women's political participation in Somaliland. The administration elected in mid-2010 includes among its senior ranks a number of women and men who have long been supporters of women's greater political involvement. During the election campaign the aspirant president, Ahmed Mohamed 'Siilaanyo', declared, perhaps rashly, that one-quarter of appointments in his government would be women. With the election won, this target has proven too ambitious to deliver. However, all respondents agree that the new administration is actively and enthusiastically attempting to expand the political opportunities available to women in Somaliland.

It is no coincidence that the current Minister of Education, who is a woman, together with a long time (male) civil society member working as the Director General in the ministry, is making significant strides in increasing the enrolment of girls in school. In the long term, it is likely that these are the kinds of successes which will have the greatest effect on the political participation of Somaliland women (interviews, Hargiesa, 2011).

### **Lessons learned and their policy and practice implications**

There is something of a paradox in Somali societies with regard to women's political participation. There have been substantial advances for women in most sectors, but progress in politics remains slow and difficult. While there have been articulate and vocal advocates of greater women's participation since the earliest days of independence (both post-colonial and post-1991), and women constitute the majority of Somaliland voters, entry by women to the processes of formal decision-making beyond voting itself has been extremely limited.



Islam is periodically employed to support criticism of female politicians but the overwhelming problem seems to be one of cultural conservatism. The nature of the clan-based social system in particular leaves women in an uncomfortable halfway position, in which their loyalty to the principal kinship groupings is questioned. This, coupled with practical manifestations of that cultural conservatism—including a lack of financial resources, education and confidence—explains the difficulties women have experienced in changing their situations.

Nevertheless, the changes that have been achieved since 1991 are significant. None of the subjects interviewed for this case study were in any doubt that the opportunities for women in Somaliland in the past few years have substantially improved in all spheres, including the political sphere, and this was a point made particularly clearly by interviewees (interviews 2004; Maxamuud 2011).

Frustration with a social system that tends to marginalize the contribution of women has not vanished but grievances now tend to be mixed with an optimistic view that things are changing for the better. Typical of this perspective was one interviewee's comment that while men still don't tend to readily acknowledge women's political contribution—'they mix up the religion and the politics' and presume that women have little role—men are now ready to entertain the proposal for a quota for women in both local and national parliamentary elections.

Recent progress has built incrementally on sustained advocacy over many years. In the period immediately following 1991, women began to feel increasingly frustrated by the sometimes slow progress in peace talks, and also by the resistance of male delegates who would insist that 'the space is not ready yet' for women's political involvement. The next big step should see the implementation of a quota of reserved seats for women in the lower house of parliament. While likely to be introduced at some level, the level itself will determine the immediate effect. If a quota of between 15 and 25 per cent is introduced and enforced, this will mark a substantial change, with far greater numbers of women entering politics. If the level is less than 15 per cent, then the change will still be real but will also be more incremental.

The presence of a woman (albeit only one) in the upper house, or Guurti, provides clear evidence that women can play an active and constructive part in even the most traditional of parliamentary settings. Numerically small advances of this kind carry great symbolic power, and it would seem that the current moment offers real opportunities for further significant breakthroughs. The current administration appears to be easily the most supportive that

Somaliland has had on this issue. Although it was unable to deliver on its campaign promise of filling 25 per cent of political appointments with suitable women, it has demonstrated a willingness to find ways to improve representation, and the public also seem open to such arguments.

The Nagaad network's efforts have been central to the achievement of what is now considered a rare opportunity to effect change. Since 1997, it has built an enviable reputation as the most vocal and effective of Somaliland's local civil society organizations. While there is of course significantly more work to do, Nagaad's achievements to date are highly significant. There are opportunities also for external agencies to support the gains made by Nagaad and others working to expand women's political participation. In this regard, the most important principle is one that also applies much more broadly—namely, it is essential that support for the transition in Somaliland from a discursive, patriarchal yet egalitarian form of democracy to a more representative one must build on local initiatives if it is to be constructive. Groups such as Nagaad show very clearly that Somali women fully comprehend the need to work actively towards an expanded space for women within representative democratic institutions. What they are asking for, and indeed need, is assistance that helps them undertake the advocacy programmes they are committed to in a more methodical way, drawing on lessons provided by activists in other polities.

Nagaad has identified formal quotas in parliamentary and local elections, along with Islamic scholarship focused on interpreting and fostering debate on women's political roles, as key pillars of its work in the immediate future. This case study supports the view that these are appropriate initiatives that enjoy broad support from members of constituent bodies and in civil society and government. The support most needed from external agencies lies in helping to identify, and sometimes to provide, the technical expertise and understanding of general political tactics and strategies to which many Somali activists have had relatively little access. This amounts to a recommendation which applies far beyond Somali societies: support for more inclusive and representative democratic institutions needs to be deeply rooted in an understanding of existing institutional structures.

In the Somali case, there is no need for 'democratization', as that term suggests that existing customary systems are undemocratic. In fact, Somali society is organized around patriarchal but highly egalitarian customs, meaning that for many men, a shift to representative systems looks more like a retreat from democracy than an advance. It is only in this context that one can start to understand the challenges faced by Somali women, whose political influence has remained limited even while their household and commercial roles have changed significantly.





It is crucial that policymakers and those offering support for electoral democracy find the means to engage with Somalis, both men and women. There is ample documentation attesting to the difficulties encountered when external actors attempt to introduce one or other model for democratic decision-making without sufficient understanding or space for local activists to set the agenda. This case study does not add to that literature: instead it argues that local successes in Somaliland are impressive and deserve support in the truest sense of the word. Many Somaliland women and men are fully engaged in the debate about female political participation. They do not lack ideas or initiative. What they do lack in some cases is extensive and intimate exposure to systems outside Somali society, technical skills in drafting policy documents and legislation, and mobilization techniques that are not primarily reliant on clan structure. It is in these areas that support could most effectively be lent.

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## Notes

- <sup>1</sup> The author is grateful to Rozina Kanchwala who assisted in conducting background research for this paper, and most particularly the material on Islam and women's political participation. Dr Karen Bauer, Research Associate, Qur'anic Studies Unit, Institute of Ismaili Studies, London was also extremely helpful on the same subject.
- <sup>2</sup> This case study is based on both primary and secondary research conducted both formally and informally by the writer since 2004. A number of interviews conducted by the author in 2007 for a different project addressed topics central to the case, and 13 additional interviews were conducted by the author in November 2011 specifically for this paper. In each case, the methodology employed for primary research has been one of semi-structured key informant interviews. The 13 interviews conducted in 2011 to provide primary qualitative data for this case study took place over five days. The scope of the project did not permit collection of quantitative data. Those interviewed in November 2011 are listed in the bibliography, and all those cited in the text from previous research are also detailed in the bibliography.
- <sup>3</sup> Qaad, otherwise spelled 'khat' or 'qat', and known as 'miraa' in Kenya, is a leaf that is widely chewed by Somalis, Yemenis and some communities in Ethiopia and Kenya. It is a relatively mild stimulant, classified by the World Health Organisation (WHO) as having 'low abuse potential in humans' <[http://www.who.int/medicines/areas/quality\\_safety/4.4KhatCritReview.pdf](http://www.who.int/medicines/areas/quality_safety/4.4KhatCritReview.pdf)>. However, the wide extent of Somali use, particularly amongst men, has led to considerable controversy.
- <sup>4</sup> As well as being a noted Quranic scholar, al-Turabi has also long been a controversial figure in Sudanese politics. This paper's interest in him lies in his scholarly work, though his notoriety in other areas is also acknowledged.



# **Chapter 6**

**Inclusion of Muslim  
women in Indian  
democratic governance  
structures and processes**





## Chapter 6



VASU MOHAN AND DR SURAIYA TABASSUM<sup>1</sup>

When there is an accumulation of disadvantages—women in lower-class families, possibly from lower castes and possibly from a backward region—you get a dreadful situation. [You need to] understand all the root causes of deprivation, rather than just concentrate on one. (Sen 1991: 1)

### Abstract

This case study investigates the triple marginalization of Muslim women in India—as women, as women in poverty, and as members of a religious minority—and highlights a pilot programme, the Muslim Women’s Initiative (MWI), which aimed to decrease the isolation of Muslim women and bring them closer to the democratic mainstream. Under the MWI, over 30,000 women, men, girls and boys learned about the rights of women enshrined in the Qur’an, in international covenants, and protected under the Indian Constitution and laws. Over 6,000 women formed active women’s groups, and over 1,500 male and female community leaders—religious leaders and scholars, academics, activists and lawyers—lent their support to the empowerment of women in their communities. Women’s groups formed under MWI began experiencing success in accessing justice and various service delivery systems, which had direct effect on the daily lives of women. Groups began to tackle common community aspirations such as income generation, education for girls, elimination of domestic violence, corruption, and access to clean water, electricity, health and sanitation. A key outcome of MWI was that women voted and ran for office at all levels, participating in the democratic process and attaining positions of political leadership. The case study concludes that a multi-pronged approach to reducing the marginalization of Muslim women—one that is founded on both international and Indian law, along with Islamic principles; involves community leaders from the outset; and is focused on both men and women—can reduce the isolation of women and result in their active participation in democratic governance structures and processes.



## Acronyms and abbreviations

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<b>IFES</b>	International Foundation for Electoral Systems
<b>MP</b>	Member of Parliament
<b>MWI</b>	Muslim Women's Initiative
<b>NGO</b>	non-governmental organization
<b>SHG</b>	self-help groups
<b>VAW</b>	Violence against women



## Background

### *Historical context*

Various Muslim dynasties ruled large parts of the Indian subcontinent for close to 1,000 years. This period saw the building of great architectural marvels, the composition of immortal epics and poetry, the evolution of the Urdu language, the development of a distinct Sufi Islamic tradition in South Asia and great experiments in both communal pluralism and extremism.

In the 20th century, the formation of the Muslim League and its opposition to Gandhi and the Congress Party, followed by independence and the partition of India and Pakistan in 1947, which in turn resulted in the migration of millions and the horrendous death of millions more, formed key elements in the modern history of Muslims in India. The majority of Muslims on the Indian subcontinent stayed in India after partition but many who remained felt that they could only be safe among members of their own community (Metcalf and Metcalf 2002: 218). This resulted in the isolation of Muslim communities in many parts of India. Discrimination, social stagnation and economic and educational deprivation gradually reduced their ability to access government development schemes and resulted in the social and economic marginalization of Muslims across the country. The number of Muslims employed in government services and other sectors also dropped drastically after partition (Action Aid 2006: 1).

### *Modern political and socio-economic context*

The development of democracy in India did not create permanent peace between Hindus and Muslims, with communal politics only exacerbating differences. Religious violence reared its ugly head—most notably in 1992 following the destruction of the Babri Masjid (mosque), and in 2002 in Gujarat—with enormous loss of life. Communal riots demoralized Muslims, caused a loss of confidence in secular forces and resulted in the entrenchment of a pre-existing siege mentality (Action Aid 2006: 1). One of the effects of this mentality has been the tendency of many Muslim leaders to further restrict women's rights in the name of protection, and to oppose voices wishing to improve the position of women in the community. It has also led to further ghettoization of Muslims, isolating the community—and its women in particular—from the mainstream.

Political representation of Muslims in India remains poor. Despite making up over 13 per cent of the population, their representation in the national legislature since partition has hovered around 5 per cent (Bhargava 2007: 8). Political representation by Muslim women is even lower. While India has

sustained an impressive economic growth rate of 9 per cent over the past few years, over 300 million Indians live on less than USD 1 per day and 700 million live on less than USD 2 per day. The picture is much starker for the Muslim community in India, with 84 per cent of Muslims living on less than 50 cents per day (Indian National Commission for Enterprises in the Unorganized Sector 2007: 2).

Within this impoverished community, Muslim women are on the bottom rung of the ladder. The more than 66.8 million Muslim women in India (Census of India 2001) are triply disadvantaged—as women, as women in poverty, and as members of a minority community. Key factors that define Muslim women’s low status in India are a lack of knowledge, economic power and autonomy (Hasan and Menon 2004: 241). Only about 14 per cent of Muslim women report themselves to be working, primarily in poorly paid home-based work. With a mean marriage age of 15.5 years (lower in the north), about 60 per cent of Muslim women are married before the legal age of 18, and over 75 per cent report that they need permission from their husbands for virtually every activity related to their personal, social, familial or health concerns (Hasan and Menon 2004: 76–77, 237).

Across the country, illiteracy is high among Muslim women (57.6 per cent), while less than 10 per cent have completed secondary school (Hasan and Menon 2004: 48). Only 23 per cent of Muslim women living in villages are considered literate, where literacy is defined as simply being able to read and write one’s name (Action Aid 2006: 5). According to Action Aid:

‘the high drop-out rates and low levels of Muslim girls’ educational attainment [is] owed to various factors, including poverty, withdrawal of girls from school to engage in household chores, opposition to co-education at puberty, opposition to girls’ working outside of the home, the belief that the right place for women is the home for which higher education is not required, difficulty of finding a spouse for a highly educated girl, and the fear that girls’ studying out of their home after a certain age might be assaulted by males’ (Action Aid 2006: 11).

The isolation of the Muslim community and its attitudes to education have affected the representation of Muslim women in India in mainstream public life. In recent years the 790-member Indian Parliament has included only two Muslim women as members of parliament (MPs)—that is, less than 0.5 per cent (Rai 2002: 3).



## The impact of exclusion from political decision-making

In many respects, Muslim women in India have fallen through the cracks, and the complexity surrounding the conditions of their deprivation and marginalization has served as an obstacle to improving their situation. According to a 2006 Government of India study of the social, educational, and economic status of Muslims in India (popularly known as the Sachar Report, after the former Chief Justice of the Supreme Court, Justice Rajinder Sachar, who headed the committee), the status of Indian Muslims is among the lowest of all segments of society, with Muslim women particularly marginalized and disadvantaged. The report found that both civil society and government blame the religious community for the position of Muslim women, rather than societal discrimination or faulty development policies (Sachar Report 2006: 12–13). The report also found that Muslims had not benefited much from government poverty alleviation schemes and other programmes (Sachar Report 2006: 187). While affirmative action programmes for deprived groups are common in India, historically these have not extended to Muslims, and this is one of the reasons for the lack of progress in education for Muslims (de Haan 2011: 17). The ghettoization of Muslims has also deprived them of government infrastructure such as schools, roads, garbage disposal and sewerage facilities, and health centres (Action Aid 2006: 5).

In this context, Indian Muslim women often face situations of extreme poverty, ill health, and domestic violence—and all of this in societal isolation. Many do not realize they have rights, least of all that their own religion accords them rights. They are not connected to other women in an empowering framework. Their lack of education restricts their ability to earn an income for themselves and their families, stand up for their rights, or to access government schemes and services. It also affects their self-confidence. They live in a cycle that is difficult to break: poverty and isolation leads to poor health and a lack of education, which is subsequently a barrier to gaining marketable skills and knowledge and emerging from poverty.

In a 2004 study, Zoya Hasan and Ritu Menon undertook comprehensive survey research and fieldwork on Muslim women in India—the first of its kind—analysing education and employment opportunities, marriage statistics and other key indicators of development. Hasan and Menon found that the Muslim woman in India:

‘... is typically among the poorest, whether she lives in urban or rural India, and is illiterate for the most part; if educated, she seldom progresses beyond primary school, she is married by the age of 15 years, usually has three children by the time she is 20 years old, and is plagued by ill-health for most of her life. Low skills and education,

as well seclusion and a severe lack of mobility, limit her chances of paid work outside the home, making for almost complete economic dependency on her husband—who is likely to be poor and disadvantaged himself. Violence, or the threat of violence within the home—where she spends the greater part of her life—and the lack of any viable options to it keep her in a highly subordinated and often abusive relationship, while cultural and social norms, suffused with a pervasive patriarchy, allow her little choice or decisional autonomy in practically every aspect of her life'. (Hasan and Menon 2004: 241)

The impact of Muslim women's isolation in society is damaging to Indian democracy. In India the socio-economic status of a community and participation in political life are interlinked (Action Aid: 6), and as the Sachar Report noted, 'in a pluralistic society a reasonable representation of various communities in government sector employment is necessary to enhance participatory governance' (Sachar Report 2006: 163). Without the full participation of women in social and governance structures, socio-economic development is severely depressed.

Beyond this, with such a significant portion of the community being marginalized, it becomes vulnerable to anti-national and extremist ideologies. At a relatively benign level, this can lead to a perception that mainstream political processes and institutions are not delivering for the marginalized, and many can lose faith in mainstream structures and political processes. On a more malignant level, it can lead to extremist violence.

The practice of so-called vote-bank politics in India—a process whereby leaders and middlemen bargain with political parties on behalf of a group of people or collective—can also lead to Hindu-Muslim electoral polarization and reinforce the marginalization of Muslims. It has been suggested that this kind of mentality suits some Muslim leaders, while in reality Indian Muslims espouse a range of political opinions (Siddiqui 2012: 1). Vote-bank politics is a threat to the plurality of the Indian political system and weakens the ability of Muslims to engage in the system in a meaningful way. Ultimately this is a threat to democracy, as individuals feel disempowered from having an individual stake in democratic processes and benefits.

This is particularly so for Muslim women, given their weak status and influence. While Muslim women have the same political and legal rights as the rest of the population, they face many barriers in exercising these rights (Bhargava 2007: 9). There is a general misperception, both within and outside the Muslim community, that gender inequity is inbuilt in Islam and that the gender disparity seen in many Muslim societies is a result of religion. In fact, the opposite is true. The Qur'an provides women with rights to education, inheritance, choice of marital partner, divorce and participation in all fields



of endeavour including governance and enterprise. Unfortunately, Muslim men and women are largely unaware of these rights. Many of the restrictions placed on Indian Muslim women are rooted in social customs and traditions and are legitimized in the name of Shariah. Asghar Ali Engineer conducts workshops on the rights of Muslim women, and has reported that ‘when they listen to what is written in [the] Qur’an [on the rights and status of women], they say they never thought [the] Qur’an liberates them. They thought Islam enslaves them.’ (Engineer 2007: 1)

Following the Sachar Report, there has been increasing demand for change, and some indication of political will to address development issues of Muslims, specifically Muslim women. The Indian Government’s 2008 budget included funds for special multi-sector programmes for districts with minority concentration and increased support to development organizations working for the welfare of disadvantaged groups including minorities. In its 11<sup>th</sup> Five Year Plan for 2007–12, the Indian Government’s Planning Commission specifically recognized the ‘double deprivation’ of Muslim women and recommended targeted interventions for Muslim women as a priority area of action (Government of India Planning Commission 2007: 20).

Eight years on, however, a follow-up to the Sachar Report has not been produced and little progress has been made in implementing its recommendations, which include improving access to quality education; enhancing access to credit and government programmes; improving employment opportunities and conditions; enhancing infrastructure provision; and encouraging community initiatives. Muslim women in India have recently begun a campaign to encourage the Indian Government to revive the ‘comatose’ report and to implement its recommendations effectively (Perappadan 2012:1).

## **Inclusion processes undertaken**

With this context in mind, the International Foundation for Electoral Systems (IFES) and its partners designed a model to arrest the negative cycle of marginalization of Muslim women. The model—the Muslim Women’s Initiative (MWI)—ran for seven years from 2004 to 2011 and employed a variety of top-down and bottom-up grassroots activities to draw Muslim women in India closer to the democratic mainstream. The initiative reflected the understanding that targeted interventions were needed to empower Muslim women and draw them back from the margins of society. At the same time, these interventions needed to be sensitive in their approach to ensure they did not reinforce constructed identities or stereotypes. The aim was not to empower Muslim women in isolation, but within the context of the wider

democratic society. This meant engaging women as individuals with unique perspectives and capabilities, and applying those capabilities within existing community and societal structures through the provision of information, access and support. On the other side of the coin, it also led to the sensitization of those in the mainstream toward Muslim women, removing perceptions of backwardness and victimhood.

The success of the MWI model lies in its holistic approach. If an individual transforms herself but does not contribute to the transformation of society then society as a whole does not move forward. Furthermore, if one dedicates her life for the transformation of society but does not simultaneously transform her own character then her efforts may not be seen as legitimate or enduring. Models of development usually fall into one of the two extremes: developing the individual to transform the society, or developing the social structures to, in turn, develop individual lives. Both need to occur, and the MWI demonstrates how this is possible. As the Institute for Studies in Global Prosperity has noted:

the human heart cannot be separated from its environment, for the inner life of every human being both molds the environment and is deeply affected by it. Enduring change then depends upon simultaneous efforts to transform both the individual and society (Institute for Studies in Global Prosperity: 2010, 75–76).

The MWI, implemented by IFES partner organizations in India, consisted of multiple layers of intervention. The basic building block was information-dissemination workshops for women and men. The workshops were complemented by forming groups of Muslim women, linking these groups with income-generating activities, providing counselling services and legal aid to women, creating a community-based support structure for women's groups consisting of religious leaders, academics, activists and lawyers, and youth outreach through classes on women's rights in secondary schools and madrasas.

Many within the Muslim community, broader civil society and the Indian Government have tried with varying degrees of success in the past to implement empowerment programmes within marginalized Muslim communities but not to this depth or scale. The MWI reached over 30,000 women and men directly and, through them, countless others. One of the most significant and visible outcomes was the emergence of Muslim women as leaders or change agents in their communities. Women who previously never left their homes ran for office and were successful. Once elected, they became active leaders in developing their communities and advocating for the basic rights of women within those communities.





## *Overview and development of the Muslim Women's Initiative programme*

The MWI was developed and implemented in four phases:

Phase I: Increasing awareness

Phase II: Creating community-based support structures

Phase III: Strengthening community support and building linkages

Phase IV: Consolidation and expansion

The MWI began with a consultative conference involving Muslim community leaders, convened in New Delhi. The conference recommended implementing an initiative aimed at Muslim women's empowerment at the grassroots level, undertaken through local non-governmental organization (NGO) partners. The IFES selected local NGO partners to work in villages and urban slums in the states of Karnataka and Rajasthan. These two states were chosen by USAID, the funder of the project, while the chosen NGOs were already working to improve health, education and other issues among local Muslim communities.

These NGO partners had valuable experience working on social and economic empowerment of Muslim women, but expertise and experience on legal and religious rights were notably absent.<sup>2</sup> Moreover, most partners were working with only a basic understanding of what these rights were and their legal and religious foundations. A two-day staff orientation programme was therefore designed to train all project staff and resource people who would be involved in carrying out MWI activities. The orientation aimed to instil among all partners a holistic understanding of the initiative and what it aimed to achieve, build the capacity of staff to nurture a favourable climate for intervention and equip staff to disseminate information with confidence.

Initial drafts of informational posters and brochures were shared and discussed with partners, and a final information kit, with standardized messaging and resources, was provided. This was done to ensure the programme content was accurate and that Qur'anic and legal references and interpretations were correct. It also ensured the commonality of content and approach among all implementing partners involved in the MWI programme.

Local partners all agreed on the importance of a respectful, principled approach to the Muslim communities they would be working with, and undertook to be mindful of the beliefs, values and practices of the community. To that end, partners agreed that they would employ Muslim women on their teams to assist in interacting with the target community, engage first with religious

and community leaders about the scope and objectives of the programme to build support and lessen resistance, and engage Muslim scholars and community leaders to present information and assist with other elements of the programme.

NGO partners first held meetings with local community leaders, overwhelmingly male, and explained the aim of the programme to alleviate any concerns they might have from the outset. They then conducted separate rights-awareness workshops for Muslim women and men that provided crucial baseline knowledge for communities, and on which other elements of the initiative could be built. The workshops focussed on outlining the rights guaranteed to women in the Qur'an and Indian law, as well as explaining the implications of these guarantees in practice. Information kits, posters, and brochures were printed in local languages highlighting rights that existed in these sources. Women participated enthusiastically. They willingly shared stories about rights violations they had experienced. Men joined the initiative reluctantly and with scepticism but eventually became full participants.

Following these workshops, women felt confident enough to ask for legal assistance, having now openly discussed incidents of violence and oppression in their lives and been given information to help tackle these issues. The project subsequently established counselling and legal aid centres. Organizations are continuing this work to date well after the programme has ended.

In order for the initiative to be fully anchored in the local community and be sustainable, women's groups were formed. These groups began meeting every week to discuss various rights issues and their role as change makers in the community. They also sought to support other women facing rights violations in their area. Simultaneously, local Muslim leaders, lawyers, academicians and activists were mobilized to form community support groups. The community support group members often helped provide information about government social welfare programmes and assisted the women's groups in solving issues faced by women in their communities. Importantly, they protected the groups from criticism that might otherwise have been levelled by conservative elements in the community.

To broaden outreach to young people, the IFES introduced a class on women's rights in local Muslim high schools and organized educational programmes for mid-level religious scholars and students at madrasas. The IFES also organized mentoring and training programmes for the women's groups on women's rights, counselling skills, enterprise development, networking, and leadership. Soon the women's groups started microcredit and other income-generating activities. Additionally, women went on exposure visits



to police stations, courts, government departments, counselling centres and banks to learn about the service delivery mechanisms of these institutions. The information women obtained through these activities increased their confidence in exercising their rights, accessing government benefits, and helping other women in need.

### ***Phase I: Increasing awareness***

#### *Pre-meetings with community leaders*

During the first month of Phase I of the project, each of the local partners met with community leaders (predominantly male) in the various Muslim communities in Karnataka and Rajasthan, including *maulavis* (Muslim clergymen who lead prayers and look after mosque affairs), *ulema* (religious scholars), academics, activists and lawyers. The main purpose of these meetings was to explain the fundamental need that the programme sought to address, and to seek their support. Project coordinators had anticipated that religious leaders, elders and other men would put up hurdles against women attending the workshops, as the empowerment of women often threatens conservative Muslims. Amazingly, the few concerns usually focused on the fact that the project was being funded by a US-based organization. Such concerns were addressed by MWI staff being forthright about funding sources, and then redirecting the focus of the community leaders to the content and benefit of the workshops.

These pre-meetings were useful in creating a favourable climate for the programme. Through a transparent approach to community leaders, and by inviting them to attend the workshops so they could see first-hand what was discussed, support for the programme was secured. The meetings were also helpful in ensuring good attendance by women at the programme—community leaders not only helped in the selection of the participants but also identified the venues where the workshops could be held. Many scholars, academics and lawyers subsequently became involved as resource persons and special guests.

#### *Informational workshops*

The two-day awareness workshops for women and men were the heart of the information-dissemination phase of MWI. Various interactive methods were used over the two days to convey crucial information, including role-playing, skits, group discussions and a film. Posters, brochures and charts in the local language were distributed to reinforce the learning acquired during the camp and to take home, both as a future reference and to share with other women in the home and community. Belying concerns that Muslim women would

hesitate to speak at the workshops, women participated enthusiastically in all activities and willingly shared their often-harrowing personal stories.

The workshops for men and boys were always held separately from those attended by women and girls. Most participants were the brothers, sons, husbands or fathers of the women who attended women's workshops. Initially it was difficult to convince men to attend, as they felt this kind of 'awareness-raising' programme was only for women. This was a key challenge for MWI as the involvement of men in the programme was critical to correct misperceptions or prejudices regarding women's rights and to secure their support for and ownership of the empowerment programme overall. Local partner organizations countered this perception by emphasizing the important role men played in protecting the rights and wellbeing of their daughters, sisters, mothers and wives. In the end, the workshops attracted far greater interest and participation of men than expected, and all partners had to conduct additional workshops. The Sachar Report observed a similar 'strong desire and enthusiasm for education among Muslim women and girls', even concluding that 'this was one of the most striking pieces of information the Committee gathered' (Sachar Report 2006: 19–20).

The content of the workshops was organized and presented in two key categories: the rights of women enshrined in the Qur'an, and the rights of women protected by Indian law. Importantly, there were commonalities between both. The underlying messages for the workshops were that the Qur'an considers men and women as equal, that both men and women are encouraged to study in order to practice their religion, and that this equality is protected under Indian law.

The following verse from the Qur'an was featured prominently in the informational materials. It also serves as an illustration of the verses from the Qur'an and the Hadith (sayings of the Prophet) that were used extensively during the programme to demonstrate the equality of women and men implied in the Qur'an and the rights guaranteed to women in it.

O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women;- reverence Allah, through whom ye demand your mutual (rights), and (reverence) the wombs (That bore you): for Allah ever watches over you. *The Qur'an, Surat An-Nisā' (4:1)*

Elaborating on this underlying message, a number of key issues related to Qur'anic teachings and practices were discussed in the workshop.

1. *Mehr*. There is a Qur'anic requirement to give *mehr* (a payment to the bride as a symbol of the man's earnestness of affection) as part of a marriage. Unless *mehr* is paid the marriage is not legal according to the Qur'an. Muslims are aware of this requirement, yet *mehr* has become only a token, mentioned in the *nikahnama* (Islamic marriage contract) but not paid to the woman. Many participants said that they had no say in deciding the *mehr* amount, nor any knowledge of how much *mehr* was eventually agreed upon. Most thought *mehr* was given only at the dissolution of a marriage rather than at the start of married life.
2. *Dissolution of marriage*. The conditions and prescriptions in the Qur'an for dissolution of marriage ensure that a couple is given full opportunity to reconcile. If this fails, dissolution does not leave the woman without means of support. Dissolution of marriage may be instigated by either the man (*talaq*) or the woman (*khula*). Yet there is not equal social acceptance of both: a woman who uses *khula* commonly loses respect in the community, while a man who utilizes *talaq* continues to enjoy the same status.
3. *Talaq*. Furthermore, in many parts of India, men pronounce *talaq* three times without providing time for reconciliation. Triple *talaq* is a form of divorce that is not legitimized by the Qur'an and is considered illegal in many Muslim countries but is commonly practiced in India.
4. *The husband's responsibilities*. Under the Qur'an, a husband is responsible for maintaining his wife and children. Poverty can be an additional barrier for women seeking family security and maintenance.
5. *Consent*. According to the Qur'an, a girl's consent is needed for marriage. In practice, however, the *Qazi* (cleric) asks her consent only at the time of the ceremony. It is very difficult for a girl to refuse marriage after the guests have arrived and expenses have been incurred. It becomes a ritual without meaning.
6. *Dowries*. There is no mention of dowry in the Qur'an. Despite the practice being un-Islamic, it is nearly impossible to get girls married in India without it, and non-payment or inadequate dowry leads to separation, divorce and domestic violence.
7. *Inheritance*. Both men and women are entitled to inherit property on the death of the relative under the Qur'an. However, women rarely get their share of property and the majority of women in the workshops did not know they had any rights to inherit property.

After the first day, participants in the workshops were asked to share the information acquired with family members, friends and neighbours to ensure it reached a wider audience. Engagement with participants during the women's workshops provided rare insights into their domestic situations. It became quickly apparent that a majority of Muslim women in these communities felt they did not have a voice in decision-making at the family level, let alone at a social or political level. There was also a general, pervasive belief (among both men and women) that girls should be married early and did not need to pursue their education beyond basic reading and writing—religious education was considered sufficient. Leading on from this, Muslim women were often forbidden from seeking employment or, if they were permitted to engage in employment, did not have any control over their earnings. In addition, as women who attended workshops organized in Mysore (Karnataka) stated, the mobility of Muslim women was restricted due to *pardah* (the practice of keeping the sexes segregated, with women being primarily confined to the home) and polygamy made them insecure. They were eager to know what the law and the Qur'an said about these issues.

### *Workshops to create community-based support*

After the completion of the workshops, ten follow-on workshops were organized to seek deeper cooperation from community leaders. Over 1,500 academics, lawyers, administrators, activists and religious leaders attended these workshops. Some women who had previously attended workshops were also invited, and statements from these women provided community leaders with insights into the reality of the lives of women in their communities and the violations of rights as the women perceived them.

These workshops focused on the issues that had emerged at the original workshops, what follow-up strategies might be, and action plans to implement these strategies. These strategies included organizing similar workshops in educational institutions for men and women in other Muslim communities; establishing legal and psycho-social counselling centres for Muslim women; organizing Muslim women into groups and introducing livelihood programmes; identifying a panel of legal advisors who could provide legal advice for women; requesting the *jamaat* (group of 10–12 religious leaders and prominent members of the community) committees and *Waqf* boards (boards that administer Islamic charitable trusts) to organize similar awareness-generation activities and encouraging the leaders to assume a proactive role; forming committees at different levels to take initiatives forward; establishing community resource centres to house information on all issues discussed; and forming committees to change the syllabus in the madrasas to meet the needs of changing times.



In each workshop a committee was formed to support the local MWI partner organization to continue improving Muslim women's lives in their region.

### *Legal aid and counselling*

Also during Phase I, a number of Muslim women brought domestic violence cases out into the open and requested legal support from IFES' local partners. In response, each partner established a counselling centre staffed by a counsellor, a lawyer and a social worker for 18 months, and over 7,000 women received counselling services and legal aid from the centres. Partners used their existing premises for the counselling centres and have integrated this activity as part of their core work. These counselling services have in fact continued well beyond the initial 18-month funding period.

### *Kutas and melas (meetings and fairs)*

The final component of Phase I was the holding of fairs (*kutas* in Karnataka and *melas* in Rajasthan), a common form of gathering in India. The fairs brought together participants from various workshops along with their family members, community leaders, and resource persons. At one level the *kutas* and *melas* were designed to reiterate the content of the workshops—ensuring information retention—and to inform other family members. At another level, they celebrated the solidarity of informed Muslim women, served as a demonstration of collective strength, and marked the culmination of the information dissemination phase of the programme. The mood was one of celebration: role-playing, skits, films, songs and food dominated the fairs.

## ***Phase II: Evolving community-based support structures***

The main objective of Phase II was to evolve a community-based support system that would safeguard Muslim women's rights. This was done through the formation of women's groups and the facilitation of training programmes for members of the groups; the introduction of a class on women's rights under the Qur'an and Indian law in secondary schools; the organization of orientation programmes for mid-level religious scholars and madrasa students; and the strengthening of community leader support groups formed during Phase I.

### *Women's groups and community support groups*

At the core of the MWI programme are the women's groups. These groups emerged out of the information workshops and began meeting every week to discuss women's rights and women's role as change makers. A total of 534 women's groups were established under the MWI, with a total of over 6,000

members. Through these groups, it was easy to identify women in need of counselling and legal support and to provide needy women access to a support system. Furthermore, support from neighbours instilled the confidence women needed to seek justice. The groups were also used as a further avenue for disseminating information on women's rights. Group members were trained in counselling skills and networking and taken on exposure visits to police stations, courts, counselling centres, banks and shelter homes so that they would be confident in accessing services when needed.

As the programme continued, women's groups began thrift and credit activities in addition to rights-based activism. Efforts were made to link groups to banks, so that women could access loans. The women in these groups became peer educators and change agents in their areas. Training programmes were organized on women's rights along with exposure visits to already-existing counselling centres. Discussion and support gatherings took place every month to bond members together, share experiences and challenges, and learn skills and solutions from each other. The groups not only supported the welfare of the women, but were also actively involved in solving local problems, reforming local schools, improving facilities at local hospitals, and applying for welfare schemes. Local partner organizations helped women to acquire self-confidence, pose questions to community leaders and government officials, approach free legal aid desks, courts, hospitals and the police and learn vocational skills in order to become economically independent. In this context, the Sachar Report concluded that Muslim women find that the only safe places are 'within the boundaries of home and community' and that such places as police stations, government offices and schools are seen as hostile. However, the report found that 'in many meetings women participants emphasized that given appropriate opportunities to work and get educated, they would "manage" all the issues' (Sachar Report 2006: 13).

In this phase, the partners also developed strong linkages with community groups, *jamaats*, other counselling centres, lawyers and police; organized workshops on women's rights for women who could not attend Phase I workshops; conducted workshops for more community leaders; and contacted *Waqf* boards to get financial support for deserted women. The Karnataka State *Waqf* Board provided space to one of the partner organizations for a counselling centre in Bangalore.

An example of the impact that women's groups could have on the lives of individuals is shown by the case of a woman who was a resident of Ajmer, Rajasthan. She was married to a man who drank heavily and beat her regularly. He tried to abandon her at her parents' home, but her parents were too poor to bear the expenses of her and her children. She was finding it





difficult to meet the basic needs of her children, and eventually approached some women's group members for help. They convinced her to join the group, learn about her rights and gain some income-generation skills so that she could meet her own economic needs, without relying on her husband or parents. She learned the skill of making caps (worn by Muslim men) and started supporting herself and her children.

### *Orientation programmes at madrasas*

A key challenge in promoting and protecting women's rights is gaining the support and cooperation of Muslim religious scholars and teachers, who form the centre of Muslim communities. Sensitizing religious scholars and community leaders on the rights of women is vital to improving the lives of women in Muslim communities and ensuring women can realize their potential without obstacles. Madrasas are often the only educational option for Muslim children of poor families (Sachar Report 2006: 17) and are therefore a vital part of the community and a key venue for providing information on women's rights. To build on the MWT's initial engagement with community leaders in Phase I, orientation programmes were organized for scholars and teachers in community madrasas. Resource persons, who had conducted the workshops in Phase I, led these three-day orientation programmes for mid-level religious leaders and teachers during Phase II.

It was a challenge to sensitize religious scholars, most of whom were familiar with civil family law issues, but not in any detail. Resource persons faced initial resistance, but were able to help participants understand that women have a broad range of rights in the Qur'an and under Indian law, and that, more importantly, the community was responsible for promoting and protecting these rights. Participants later confirmed the classes had changed their attitude about the conditions facing women in their communities and what the correct response to that should be. An important element leading to this change was that the programme recognized the importance of both universal rights protected by Islam, as well as a personal spiritual and ethical framework for responding to those rights. This method of empowerment sought to transform 'both the head and the heart' as some women put it. Following the orientation programmes, some religious scholars volunteered to be part of the team of people producing course material on women's rights for schools and madrasas.

### *Youth outreach through classes in secondary schools*

The course material developed with the assistance of religious scholars was provided to schools and madrasas for students in the 9<sup>th</sup> and 11<sup>th</sup> grades.

1,500 students attended courses on women's rights in Muslim schools. Three-quarters of the students were male and one-quarter female. The objective of the classes was to teach students not only about women's rights in the Qur'an and Indian law, but also to have them understand how engrained gender attitudes led to the unequal and unjust treatment of women. Classes focussed in particular on helping boys change their attitude towards women and girls by emphasizing their equal status in society and the very clear rights women and girls had to receive an education, earn a living and take part in political decision-making. The classes also sought to motivate boys to be agents of change by making them aware of their own capacity to bring about a change in attitudes and behaviour in their own homes and communities. The impact on the students was immediately visible, as they engaged in animated discussions on issues relating to the rights of women. Students took enormous interest in the classes and attendance was excellent.

Subsequently, the students consulted MWI partner organizations about how they could spread the information they were exposed to. The partners suggested forming groups, through which students used their free time to approach community members and talk about women's rights, domestic violence and the evils of dowry. Boys often helped their sisters secure and exercise their right to education and right to earn, as well as their right to decide the *mahr* on the occasion of marriage. During elections they convinced their mothers, sisters and other female relatives to exercise their right to vote. Interestingly, teachers later said that the courses had led to discussions between mothers and their children, with mothers frequently asking their children what had been taught each day in the class on women's rights. These positive results, along with encouraging feedback from teachers, students and parents, inspired the partner organizations to discuss continuation of the classes with school authorities. The course was later introduced in more schools and madrassas in Karnataka and Rajasthan without any financial support from the IFES.

### ***Phases III and IV: Consolidation of the Muslim Women's Initiative***

#### ***Strengthening existing groups and mechanisms***

During Phase III of the MWI, local partner organizations worked to strengthen MWI women's groups in Karnataka and Rajasthan. Regular interaction was maintained with these groups, which were the key to sustained change among Muslim communities in India. Partners facilitated monthly mentoring meetings that focused on imparting strategies to protect and promote women's rights. These included taking part in development processes in their areas, approaching banks, counselling centres, and police



stations for support, and establishing linkages with other support group members and service agencies.

Cases of violence against women were raised and discussed in these meetings, with a focus on implementing strategies to support affected women and rectify the situation. Other issues discussed were health, hygiene, sanitation and education. In Banda Basti locality in Jaipur, Rajasthan, members decided to take up hygiene and sanitation issues by first sensitizing residents about the issue and then by approaching the municipality. Using the slogan 'cleanliness is next to godliness', the group was able to motivate the community to clean up the area, making a visible difference both to the appearance of the community and to the sanitary conditions for those living within it.

To further entrench wider support for Muslim women and their families and bring them closer to the democratic mainstream, local MWI partner organizations approached relevant government agencies regarding education opportunities, health facilities, and enterprises regarding livelihood and employment opportunities. Muslim women's groups in Ajmer that received loans from the Bank of Baroda were invited to participate in an exhibition organized during the Rajasthan Chief Minister's visit. Women displayed their crafts and products and shared their success stories, emphasizing their new economic independence and empowerment. The Chief Minister expressed her surprise and pleasure at the mobilization of Muslim women into self-help groups and promised to provide support to these groups in the future.

### *Leadership learning*

Before the formal phases of the MWI ended, the IFES decided that a tailored, 'leadership learning' process for women's groups was imperative. This was a key building-block in the programme to ensure Muslim women could transition from being recipients to change agents who could move themselves and their communities towards the mainstream in India. The goals were to articulate an alternative framework of good leadership that was community-centred, service-oriented and ethics-based; to initiate a process centred on personal and social transformation; to recognize the defects and limitations in dominant forms of leadership; and to encourage women to become effective agents of development and social justice in the community. A total of 15 such programmes were conducted, reaching over 5,000 people.

The 'leadership learning' focused first on ensuring that women could build their sense of dignity and self-worth, which had been eroded through decades of marginalization and poor education, and on understanding and internalizing the equality of all people. Training then focused on understanding common

models of leadership and their shortfalls, appreciating the necessity to evolve a new vision for leadership and recognizing and utilizing the value of experience and knowledge that exists within communities. Trainers encouraged the women to approach women's rights advocacy with an attitude of service and a drive for excellence, and understand that development is not a process that an outside agency performs on a community but something that the community resolves to do itself.

This perspective was crucial to developing an alternative vision of what leadership should mean for a community. At the end of each leadership programme an evaluation was conducted to assess its effectiveness. The feedback was overwhelmingly positive. Participants emphasized that they considered leadership training to be the most critical need, and that it gave them tools to strengthen their established groups by nurturing healthy relationships among members. It had a direct impact for women who went through the programme and were later elected to public office at the village and city levels. Once empowered in this manner, women exercised their leadership in a transparent, accountable and community-centred way. For a country that struggles with corruption, this kind of leadership helped to build faith in a community that had become disillusioned with mainstream politics and power structures.

### *Programme summary*

All of the activities undertaken through the MWI contributed to the creation of a women-friendly environment within the districts in which the programme was implemented, along with the mainstreaming of Muslim women in their wider communities. Over 1,500 academics, lawyers, religious leaders, bureaucrats and activists became part of support groups and over 7,000 women received counselling services and legal aid from the counselling centres. Approximately 1,500 students attended a course on women's rights in Muslim schools. In total, more than 30,000 women and men, and girls and boys, directly received information on the rights of women. In addition, MWI partners reported enrolling hundreds of girls in schools, securing government benefits for members of the women's groups, their families and communities, a significant increase in women's role in family and community decision-making, a marked enhancement of women's political participation and the emergence of dozens of new women leaders.



## Changes in knowledge, attitudes, practices and behaviours

### *Changes in knowledge*

MWI staff designed two types of tools for assessing the comprehension, retention and impact of the informational material on participants in the programme. First, local NGO partners conducted an assessment of participants' knowledge at the beginning of each workshop and again at the close using case studies (Tool 1) to be able to track the changes in the participants' level of understanding. Second, a questionnaire (Tool 2) was administered at the *kutas* and *melas*. Analysis of the responses to the case studies showed a 70 per cent increase in the level of awareness about the rights of Muslim women. The results from the questionnaire, which looked at the retention of the information, showed that 80–90 per cent of the participants remembered the information correctly despite a gap of three to four months between the camp and the fairs. In short, participants had significantly increased their knowledge of the rights of Muslim women and how to exercise those rights. Crucially, they were retaining this knowledge.

The MWI programme had a knowledge multiplier effect in the community, whereby those who had attended MWI activities and become knowledgeable about the rights of Muslim women sought in turn to share this information with others. As a clear example, students who had attended classes on women's rights formed small action groups to sensitize family members, friends and neighbours on the status of women under the Qur'an and Indian law, and the illegality and immorality of practices such as dowry and domestic violence.

### *Changes in attitude*

The overall effect of the MWI was the gradual mainstreaming of Muslim women who had previously been marginalized and excluded from democratic processes. As this gradual change started to take place, non-Muslims in the MWI's geographic areas of operation were also affected as evidenced by law enforcement officials and the judiciary who began to see these women as individuals who wanted—and were capable of seeking—change, and not just as victims afraid or reluctant to go to the police or courts.

Reflecting this change in attitude, members of Muslim women's groups were invited to present their personal stories and strategies for community reform at mainstream platforms, and have subsequently served as resource persons for development projects. Furthermore, as Muslim women joined the democratic mainstream, their daughters began exercising their right to education, to

choose their marriage partners, and to work and earn an income. Women who sought political office were not only helped and encouraged by Muslim men in their own community, but also by male figures from other communities.

With men and boys supporting them, these communities are experiencing the dividends of inclusive development. This is a testament to the type of leadership role these women are playing. They are committed, honest, and eager to make a difference in society, and male figures in society have responded to this. Muslim men are now encouraging other women in their communities to take part in public life.

Male members of the community play different roles in promoting women's social, economic and political rights. They not only share information about welfare schemes with women's group members and NGOs but also help women in accessing these schemes. Some of the male stakeholders in the MWI programme are now involved in solving matrimonial dispute cases and providing legal redress for female victims of violence or other crimes. On the political front, men are helping women in their communities contest elections and promoting them through many platforms. They are also encouraging women to exercise their right to vote in local and national elections.

### *Changes in behaviour*

Simply learning what rights they had meant that women felt they had the confidence to exercise those rights and help other women to do so. Women's groups were not simply places to talk, but tackled very sensitive and controversial issues among the Muslim community such as polygamy, dowry, triple *talaq*, and establishing a higher amount of *mehr*. In some areas, these issues were worked on in cooperation with male community leaders—something that would previously have been unheard of.

Women participants in MWI did not simply see the programme as beneficial to their own situation, but actively sought to support other women in their communities by inviting them to be part of their groups, helping them to make a living, and assisting their safe escape from abusive relationships. Due to their active involvement in community issues, many women have begun approaching women's groups for information on accessing welfare schemes and widows' pensions, pursuing educational opportunities and employment, and escaping from domestic violence.

One of the key outcomes of MWI was the emergence of Muslim women as leaders or change agents in their communities who are able to promote the empowerment and mainstreaming of Muslim women. Women who had previously never left their homes ran for office and were successful. One such



success story is that of MWI groups in Bijapur, Karnataka, which saw eight members elected to influential village *panchayats* (local governance bodies). These candidates ran political campaigns that focused on women's issues and the need for greater investment in community development programmes.

One retired senior citizen became so empowered by the project that she contested and won a seat on the Bangalore Municipal Corporation, and has since secured hundreds of thousands of dollars in government funding for her constituency which is being spent in a community-centered, corruption-free, and transparent fashion. During the municipal elections in Hubli and Dharwad, Karnataka, women's group members actively campaigned for their candidates of choice. Crucially, all women's group members voted and mobilized other women to vote after learning that voting was their fundamental right, as well as an important way to participate in the democratic process and ensure effective representation of their interests as constituents. These outcomes are particularly significant in light of Hasan and Menon's findings that 69 per cent of the Muslim women surveyed were unaware that there were seats reserved for women in *panchayat* elections and that only 5 per cent had ever participated in a political campaign (Hasan and Menon 2004: 211–12).

Some women's groups decided to run campaigns to 'say no to polygamy.' They worked at convincing husbands of the ill effects of a second marriage, not only on the first wife but also on the children. As an example of the results of this campaign, one woman from Sakina colony, Jodhpur, Rajasthan, approached a women's group for help on the issue of polygamy. Her husband, wanted to marry a second time despite having three children from his current marriage. Group members, along with a legal advisor, met with the woman's husband. He was informed of his responsibilities towards his wife and children and the negative effects of a second marriage. After listening to his wife, the group members and the legal advisor, the man decided to take care of his wife and children and not to marry again. Other such cases have been amicably settled in numerous project areas. This is not to say that all cases were always resolved. What is important is that for the first time, there was a place for women to go to for support.

Women's self-help groups were successful in obtaining microcredit loans from local banks to help fund income-generating ventures. In Mysore, Karnataka, groups received loans of USD 21,000 from Canara Bank, while also receiving USD 14,000 from Larsen and Turbo, a private company. In Ajmer, Rajasthan, groups received just over USD 35,000 from the Bank of Baroda for income-generating activities. This went a long way towards enabling women to contribute economically to their households and in turn become economically empowered.

Students who attended classes on women's rights formed small groups to sensitize family members, friends and neighbours on women's rights and other social evils, especially dowry and domestic violence.

To an amazing extent, the MWI achieved its original objectives. The project addressed the knowledge gap among Muslim women about their rights in the Qur'an and under Indian law and saw many women actually exercise those rights. It fostered understanding among all sections of the Muslim community (including men and boys) about women's rights. Furthermore, it created community-based support structures for the protection and promotion of women's rights by forming women's groups with a total membership over 6,000, and support groups of secondary stakeholders (religious leaders, administrators, academics, lawyers and activists) totalling over 1,500 members.

In addition, the MWI initiated microcredit and income-generating activities for women's groups to increase economic independence; increased the demand for and acceptance of change within the Muslim community leading to improvement in the socio-economic status of Muslim women; and catalysed the emergence of Muslim women leaders who will promote the empowerment and mainstreaming of Muslim women, overcoming their exclusion from the economy and democratic processes.

### **Lessons learned and their policy and practice implications**

In some parts of the world, the resolution of conditions of marginalization may require large-scale social revolution or political or legislative change. This is particularly so where the rights of individuals are not recognized or protected in society. For Muslim women in India, resolution of their marginalization requires social change, but it also requires a movement of the marginalized community toward the democratic mainstream.

This calls for several things. First, it requires awareness within the community of the rights and protections afforded by Indian and Islamic law and the responsibilities of the community to uphold those rights. Second, it requires a willingness by leaders and community-influencers to break out of a perpetual cycle of isolation that had been influenced by an entrenched siege mentality and vote-bank politics. Third, it requires the development of tools and structures to enable women to not only be aware of their rights but also to exercise them, both within their own community and the mainstream, and to bring the whole community with them in the process. Fourth, it requires





a reciprocal sensitization process of those in the mainstream, choosing not to see Muslim women as a backward, victimized and monolithic group, but as legitimate actors, stakeholders and leaders in Indian society.

Looking ahead to the applicability of the model to other countries where Muslims are in the majority, the MWI approach should still be applicable given the programme is not based on Muslims being in the minority, but on women's lack of awareness of their rights both under the Qur'an and under secular laws. Hence, the model has the potential to be replicated not only in similarly marginalized communities, but within communities that are integrated yet remain disempowered. The following key lessons gleaned from the MWI programme can apply not only to the inclusion of women and minorities in mainstream democratic structures but also to empowerment programmes in general.

*1. People are not and should not be seen as victims or passive recipients of support, but rather as leaders and partners in the development of their own communities.*

Marginalized individuals are negotiating their complicated and often oppressive realities with enormous creativity and resourcefulness, and are capable of being active and inspiring agents of change. Providing individuals with the resources and structures they need to generate sustainable change for themselves is crucial. For example, in the MWI the formation of women's self-help groups helped to improve the socio-economic status of the Muslim women who participated and to ensure the overall benefits from the programme were sustainable. Even after the programme ended, a large majority of the groups continue to function and were very successful at inspiring women to become advocates for each other.

They were also an excellent place for women to share their problems and get support. As structures were developed, women enthusiastically utilized those structures, not only in addressing individual issues they faced, but in resolving wider development issues in their communities. One point to note is the importance of continued education about the rights of women, rather than a narrowed focus on economic activities. Without continued rights awareness training and discussion, self-help groups risk becoming only microcredit groups and the wider benefits of the group's existence are lost. This is an equally important point to bear in mind when establishing thrift and credit activities, which should only be done after the rights awareness and education phase has been implemented.

*2. Existing knowledge, beliefs, perceptions and strengths of the marginalized group should be taken into consideration in developing and instigating programmes.*

While it is important to draw on expert knowledge and precedents in establishing an empowerment programme for a marginalized community, every community is unique and should be engaged from the outset in any programme affecting its own destiny. This allows not only for endorsement and ownership of the programme, but also provides insights into the community that can ensure a programme is carefully targeted—addressing those issues that really matter in the community—as well as drawing on existing knowledge and strengths within the community.

*3. Education and awareness raising builds the confidence needed for greater social and political participation by marginalized groups.*

Lack of awareness of social, legal and religious rights is a fundamental barrier to exercising those rights within a mainstream community or wider democratic processes. Education is not a passive or isolated development activity, but a trigger for social transformation. The MWI demonstrated that through education and awareness-raising activities, along with building capacity and support, Muslim women in the target communities within Karnataka and Rajasthan developed the confidence to become leaders or change agents in their communities, promoting the empowerment and mainstreaming of Muslim women. Women who previously never left their homes ran for office and were successful. Once elected, they become active leaders in developing their communities.

Of equal importance is the transformation of women in women's groups who not only pursued the recognition of their own rights but helped other women in the community to do the same. As women joined the democratic mainstream, their daughters exercised their right to education, to choose their marriage partners, and to work and earn an income. Organizing exposure visits to government agencies and law enforcement facilities was very important in raising women's confidence so they could access justice, government welfare schemes and join the mainstream. They realized that their minority status did not stop them from enrolling in welfare schemes, and the visits removed a lot of the fear and intimidation that these agencies had previously evoked.



*4. Rights-based education programmes for marginalized Muslim groups should be based on the Qur'an as well as national (and, where appropriate, international) legal protections.*

Rights guaranteed by religions that conform with universal rights serve as a bridge to people's everyday realities. This is particularly true in Muslim communities, which are guided in daily life by principles drawn from the Qur'an. For marginalized Muslim women reached by the MWI, learning that they had rights under the Qur'an was particularly significant, and gave them a foundation of confidence that a pure human rights-based programme would not have. Learning that both the Qur'an and Indian law set forth rights for women was the major factor in the increase in the exercise of those rights by women. Once women learned that women's rights were supported and guaranteed by their religion and by secular laws, they started raising questions about the violation of those rights. They no longer felt hesitant to let people know that they had rights and would pursue them.

*5. In any project where the goal is to improve the lives of women, it is essential not to ignore the other half of the community. The involvement of men in Muslim women's empowerment programmes is particularly critical.*

Mason and Smith (2003) found that established gender norms in a community are a far stronger predictor of women's empowerment than individual traits such as age, education, marital age or economic experience. The implication from this finding is that to empower women, community norms and values about gender relations must be changed, and they must be changed among both women and men. The MWI demonstrated that male community leaders, if approached properly, would not stand in the way of development programmes for women—and, in fact, that they would become active supporters of the effort. Finding allies among men ensured that the effort had broad ownership and endorsement. Most men agreed that knowledge about rights in the Qur'an and Indian law was important for the women in their communities. The special workshops for men ensured they did not feel threatened by the nature of the information and could help to implement the programme. This approach, as well as awareness generation and the evolution of a community-based support structure, helped to create female-friendly environments in the intervention areas. According to Mason and Smith, this social transformation is critical to the success of women's empowerment programmes (Mason and Smith 2003: 19).

*6. Young people are a major source of idealism, energy and enthusiasm in communities. Harnessing this potential through school-based programmes can be a highly effective element of an overall programme.*

The addition and subsequent success of school and madrasa-based awareness-building courses in MWI demonstrated that young people not only take a keen interest in issues facing their communities, but are often active and vocal agents of change within those communities. School-based programmes had a multiplier effect, also reaching teachers, parents and education officials. It was also a good example of utilizing mainstream structures such as secondary schools to carry out empowerment programmes for marginalized communities. In this instance, the targeted marginalized group was not directly involved in the activity but was a direct beneficiary of its success.

*7. Combating the exclusion of marginalized groups requires the involvement of existing community leaders and development of new leaders within a marginalized group.*

Contact with existing leaders before starting a programme is crucial, as is presenting the programme's goals honestly. The involvement of community leaders in pre-meetings and workshops was unique to the MWI and produced community acceptance of the project, which went a long way towards ensuring its success. Male community leaders were willing to have local IFES partners conduct workshops in their communities because the organizations had been working in the communities for a long time. The MWI found that once the support of community leaders was obtained, women and girls generally felt more comfortable participating in all of the project activities, and their participation in self-help groups and women's groups developed effective agency and contributed to democratic participation.

In addition, the MWI leadership workshops were essential for introducing the idea of community leadership, as opposed to an individualistic approach, and further contributed to the sustainability of the programme. Leadership training programmes emphasized to women that the goal of their women's groups was to bring about change in their own lives and in the life of their communities. During the leadership training phase, assessment of common models of leadership and their pitfalls helped ensure that women held themselves and their leaders to standards that are often severely lacking in Indian politics, including transparency, accountability, and equity.

It is worth noting that while the IFES expected that a majority of the women who took part in the MWI would become vocal, active leaders in their

communities advocating for their own rights and those of other women, this did not happen. This may be because the partner organizations were not able to devote enough time to enhance the leadership abilities of all the women. It may also be that educational and family backgrounds prevented some women from becoming leaders, or that some of those who emerged as leaders did not provide space to others to share leadership. In any case, the women themselves identified leadership training as one of the most critical elements of the empowerment programme.

## Recommendations and practical steps

The following recommendations for policy makers focused on the inclusion of marginalized groups in society are based on these lessons.

1. A multi-pronged and sustainable approach is required to empower and mainstream marginalized communities. Education and awareness building is usually the foundation of empowerment programmes, but this important element must sit within a wider programme that establishes community-based structures for genuine change and provides access and linkages to existing mainstream systems and services.

*Practical steps:*

- *Begin any programme with a needs assessment of your community.*
  - *Design a programme that includes different activities and phases that seek to produce change in a holistic manner—for example, orientation for religious leaders, awareness building for women and education programmes for children.*
2. In empowerment programmes focused on marginalized women, the entire community must be part of the solution. Empowering women ultimately involves changing gender systems and their normative underpinnings. Men are key influencers in gender systems, and young people and children are agents of change for the future.

*Practical steps:*

- *Approach community leaders, particularly men, at the outset of a programme, explaining the programme's aims and seeking their support.*
- *Where possible, involve male and female scholars, leaders and teachers in the design and delivery of rights training programmes.*

- *Emphasize to male participants the wider benefits of women's empowerment for the whole community.*
  - *Provide information on women's rights in schools and madrasas to help ensure attitudinal change in new generations.*
  - *Encourage women to share information with their families and the wider community.*
3. Similarly, for empowerment programmes involving marginalized religious communities, religion can be a critical part of the solution. Depending on the nature of the religious community and how religion has impacted on the marginalization of the group (e.g. as a religious minority), drawing on religious principles and addressing any misperceptions or patriarchal interpretations and beliefs within the religious community can be a powerful form of personal empowerment. This is particularly true when misperceptions or misplaced beliefs have contributed to oppression of one segment within the marginalized groups or else to conditions of isolation and marginalization of the entire group. When legal principles can be linked to religious principles, this can reinforce a sense of empowerment and serve as a bridge to people's everyday realities.

*Practical steps:*

- *Ensure training programmes draw on rights and principles enshrined in the Qur'an as well as those in national law.*
  - *Take care to dispel any misconceptions about women's rights with sensitivity and with reference to both Qur'anic principles and national and international law.*
  - *Focus also on responsibilities, including the responsibilities of men to support women's Qu'ranic rights.*
4. Empowerment of marginalized communities cannot be truly successful in isolation. To put it simply, mainstreaming requires engagement in mainstream life, otherwise isolation will remain. Critical to this are linkages with mainstream structures and services, and engagement in mainstream political governance structures. Effective advocacy at the local, state and national levels is also important.

*Practical steps:*

- *Consider including programme activities (e.g. exposure visits in both directions) that build linkages between marginalized communities*

*and mainstream services (e.g. police stations, law courts, banks, local government offices and social services).*

- *Provide information not only on people's rights to participate, but also on how they can participate.*
5. Mainstreaming is more likely to be successful when it is built from demand within a community and seeded within in it, not imposed from outside. In many cases marginalization has occurred through or with the support of powerful social or religious drivers, and there must be a willingness of both leaders and community members to address those drivers. Endorsement and ownership of empowerment programmes by the marginalized community is therefore crucial.

*Practical steps:*

- *Involve the community in both the design and implementation of an empowerment programme, so the community owns not only the activities but also the drive for change.*
  - *This can be done, for example, through consultation meetings with community leaders, asking religious and community leaders who support the empowerment programme to contribute to the design of training material, supporting teachers to include training material within existing school curricula, and developing a community-driven support structure through women's groups and community groups.*
6. There may be more than one condition of marginalization within a community, and while they are likely to be interlinked, it is important to address all elements of marginalization within an empowerment programme. For example, economic empowerment may require the establishment of micro-credit schemes, access to mainstream services may require exposure visits, and changing gender systems may require rights education. Low literacy and education levels may be an overarching problem that also needs to be addressed for any change to be lasting.

*Practical steps:*

- *Carry out an assessment at the beginning of your programme of all factors that contribute to marginalization, and seek to address them individually, where possible.*
- *For example, a literacy or micro-credit activity may ensure women in the community feel equipped to exercise rights they have learned about in a wider awareness-building programme.*

7. Bearing the above point in mind, in order for true, sustainable mainstreaming to occur, empowerment programmes must aim for cohesive and permanent social transformation, not uncoordinated, individual responses to diverse marginalization issues.

*Practical steps:*

- *Design your programme in a manner that ensures it has a clear overall aim, focussed on permanent social change rather than temporary measures, and ensure each activity will directly contribute to realizing this aim.*
  - *Evaluate the progress of the programme at each new stage, measuring the progress toward the overall aim and making adjustments to activities as necessary.*
8. Finally, the entire programme should be based on principles of transparency, accountability, honesty, integrity, an appreciation of diversity and a firm belief in the power of unity not only within the marginalized community but also within the wider community of which they are an integral part. This unity is a strong force for change.

*Practical steps:*

- *Be up front in defining core values for the programme, using both religious and secular quotes and resources as appropriate.*
- *Reinforce these values through monthly newsletters and other communication mechanisms.*





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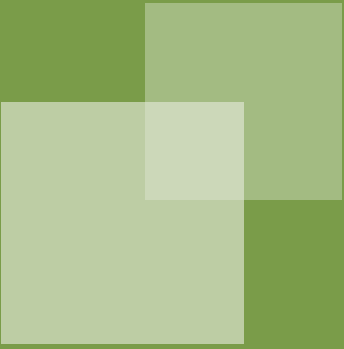
## Note

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- <sup>2</sup> Not all NGO partners were Muslim organizations. However, they all had extensive community working with Muslim communities on a range of issues including education and health.



# Chapter 7

**Solidarity in exile? The influence of gender politics in the pro-democracy struggle in Myanmar**



## Chapter 7

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### Abstract

This case study describes the negotiations and processes undertaken by the women who had the foresight and the courage to establish Myanmar's first multi-ethnic women's movement. In particular, it details the steps and processes undertaken by the founders of the Burmese Women's Union (BWU), resulting in the establishment of an umbrella group, the Women's League of Burma (WLB), under which the women's movement has since been structured.

By 1988, dissatisfaction with the military regime had reached a tipping point in the general population, culminating in nation-wide demonstrations that were brutally put down by the junta. Following the military crackdown on internal opposition, thousands of Burmese fled to the borders of Myanmar. There, the opposition re-emerged and re-formed, primarily on the borders with Thailand. An increasing number of women began to put forward claims for political recognition.

The BWU was the first multi-ethnic women's organization to appear on the border. The organization has attempted to promote a collective Burmese identity based on gender rather than on a minority ethnic nationalism. Significantly, the BWU's staff and members include not only women from different minority ethnic groups, but also women who are Burman (Myanmar's majority group) and therefore share the same ethnicity of the military regime.

Tensions between Burman and minority groups are high as the military regime promotes a policy of 'Burmanization', entailing the oppression of ethnic minority groups and the forced use of the Burmese language, customs and religion. Some even accuse the regime of advocating ethnic cleansing. Despite this, the BWU has, through the consultations and negotiations leading up to the first multi-ethnic women's movement in contemporary Myanmar's history, managed to foster a sense of solidarity between women from both Burman and ethnic minority backgrounds, culminating in the establishment of the WLB.



## Acronyms and abbreviations

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<b>ABSDF</b>	All Burma Students' Democratic Front
<b>BWU</b>	Burmese Women's Union
<b>CEC</b>	Central Executive Committee
<b>DAB</b>	Democratic Alliance of Burma
<b>DPNS</b>	Democratic Party for a New Society
<b>ENC</b>	Ethnic Nationalities Council
<b>KNLA</b>	Karen National Liberation Army
<b>KNU</b>	Karen National Union
<b>KWO</b>	Karen Women's Organization
<b>MWO</b>	Mon Women's Organization
<b>NCUB</b>	National Council of the Union of Burma
<b>NDF</b>	National Democratic Front
<b>NGO</b>	non-governmental organization
<b>NLD</b>	National League for Democracy
<b>NLD-LA</b>	National League for Democracy Liberated Areas
<b>WLB</b>	Women's League of Burma



## Background

More than one-third of the population in Myanmar belongs to one of several ethnic minority groups. The word Burma is an ethnonym, and refers to the majority Burman population and the language they speak. However, there are over one hundred different languages and dialects spoken across Myanmar, with many groups practising distinct customs and observing differing religious faiths. Minority ethnic populations living around the mountains and near the borders of Myanmar were independent before the British colonization, and roughly one-third of these groups have been fighting for degrees of autonomy from the Myanmar Government for decades (Smith 2007: 8). Due to the variety of contemporary and historical factors outlined below, a great deal of mistrust exists between the majority Burmans and most ethnic minority groups, and between various minority groups and sub-groups.

### *Colonization*

Several of Myanmar's minority ethnic groups lived in kingdoms prior to colonization, with sovereignty over their own territory and limited contact with the Burmans, who inhabited the central lowlands of Myanmar and the Irrawaddy delta, where the former capital of Rangoon is located. Skirmishes between the Burman kingdom and others occasionally broke out, as the Burmans attempted expansion of their domain. Conflicts between other kingdoms and ethnic groupings also occurred at times.

Myanmar as it exists today was created when British colonial rulers designated the province of Burma in British India, asserting control over the Burman kingdom in the Irrawaddy Valley and annexing outlying areas previously under ethnic minority control, including the Shan and Mon kingdoms, which lie close to present-day Thailand. Colonial rule over the territory relied on a central administration based in Yangon, while ethnic areas outside of the lowlands were allowed to keep their own forms of government. By retaining the so-called Frontier Areas apart from the Burman lowlands, the British effectively operated two distinct systems, which helped to keep interaction between Burmans and many minority groups to a minimum (Fink 2000). Moreover, Burmans were purposely excluded from the colonial apparatus by the British, who preferred to instead employ Indian administrators and members of ethnic minority groups who they thought better suited for work in the army and in the administration. This fostered Burman resentment towards both the British and some of the minority groups.

The struggle for independence exacerbated this tension further: the Burmans, temporarily backed by the Japanese, fought both the British and the mainly

minority ethnic army under British command. This culminated in bloody incidents of violence that affected both Burmans and minority ethnic populations (Steinberg 2010: 36). For many people, confrontations during the fight for independence served to inform future desires for autonomous, mono-ethnic states (Thant 2008: 206).

### *The outbreak of civil war*

Prior to Myanmar's independence in 1948, the British solidified the borders of colonial rule, including the largely minority-populated hinterlands whose borders were drawn along minority ethnic lines. However, the British colonial rulers minimized minority ethnic participation in constitutional design, and the post-independence government ignored requests for varying levels of self-determination. Within a year, the Communist Party of Burma took up arms against the central government, and the Karen, the Mon and the Karenni soon followed suit (Smith 2007: 84).

In 1962, a military junta took control of Myanmar, ostensibly to stabilize the country which was seeing the outbreak of conflict in several states. Faced with increasing resistance from ethnic minority armies, the junta decided to pursue what has been called a policy of 'Burmanization'. General Ne Win, head of the military government, banned the teaching of non-Burman languages, history and customs as well as the printing of texts written in minority languages. Buddhism was promoted at the expense of minority Christians, Muslims and others. Ethnic minorities' resentment grew as the regime forcibly tried to assimilate non-Burmans into the Myanmar/Buddhist majority (Salai Za Ceu Lian 2010).

In addition to these restrictive and discriminatory cultural laws, the junta's security apparatus deployed a 'four-cuts' strategy, under which ethnic areas were designated as being controlled by insurgents and targeted for destruction by the Tatmadaw (the armed forces of Myanmar). This convinced many minority groups that they would never be able to live peacefully with the Burman majority, and has served to severely limit the possibilities for people from both majority and minority groups to find neutral, safe spaces to meet outside the realm of conflict. This has resulted in the polarization of communities, and a lack of knowledge and understanding between different groups. People have simply lived very segregated lives, caught up in the ethnic projects underway in their own communities (Fink 2000 and Cockburn 1998).





## *Armed groups*

The conflicts in Myanmar have mainly involved minority ethnic forces, which have over the years had their territories encroached upon by the Tatmadaw, leaving them in control over rapidly shrinking areas close to Myanmar's borders. Some of the ethnic armies have their own administrative and governance systems, and exert tax on goods produced and sold. It is difficult to precisely count how many armed opposition groups exist in Myanmar because even though most of the ethnic forces focus their efforts on fighting the Tatmadaw, some have split into warring factions, consequently fighting each other. To further confuse matters, some factions have since realigned under the same command. However, by most accounts, up to 30 armed groups have fought or are actively fighting the Myanmar Government.

In addition, there has also been an array of armed groups with less of an ethno-nationalistic underpinning, such as the Communist Party of Burma and the All Burma Student Democratic Front (the so-called Student Army, or ABSDF). Furthermore, criminal enterprises control areas rich in opium production and other important economic resources. These various factions often generate funds from trade or taxation of goods being moved through their areas. Some are paid by international corporations in return for not disrupting corporate activities taking place in certain areas, while others are involved in cross-border trafficking of both goods and people.

Over the past six decades, about 25 armed groups have entered into cease-fire agreements in exchange for various degrees of control over their territories. Some of these agreements have been broken. A few key groups—including the Karen National Liberation Army (KNLA)—have never reached any kind of formal peace agreements with the regime, and others have simply dissolved. In 2004 the KNLA made a 'gentlemen's agreement' for a ceasefire, and in early April 2012 agreed to a de facto ceasefire but as of yet no formal agreement has been made. As it stands, the continuing civil war remains the longest on-going conflict in contemporary history (Smith 2007).

## *Women in the armed groups*

Several of the ethnic armies have a women's wing. These have historically been responsible for seeing to the perceived needs of the women and children living in their respective communities. As an auxiliary to the military organization, women have participated in ethno-cultural projects, such as teaching minority languages and history to children, and have performed traditional dances and songs on ethnically important days (Shan New Year, Karen National Day, etc.). A small number of women have also joined the

armed struggle against the Tatmadaw as soldiers, but most women have never seen a battlefield. In fact, the role of these women's branches have been to complement, rather than question, the male military authority of the ethnic armed groups. Thus, the women have gathered and cooked food, and greeted visitors to the camps. They have run shops and overseen communications efforts. They have taught in schools and managed informal day-care facilities. Many have served as medics. However, even in the midst of armed conflict, few have assumed roles traditionally inhabited by men (Hedström 2012: 53).

### *Socio-economic context: human development and economics*

The militarization of the economy has skewed investment priorities in favour of the ruling families. Consequently, Myanmar is today one of the poorest countries in the world despite being rich in resources such as minerals and natural gas. Before the military takeover, Myanmar was the world's leading rice producer, with average annual export figures of around two million tonnes (Steinberg 2010: 32). Today, it barely exports any rice at all, and the military has monopolized all the remaining major sectors of the economy, such as mining, logging and oil. Therefore the financial crisis does not necessarily relate to the lack of income or finances, but rather how they are distributed and invested (Boot 2012). Almost one-third of the population lives on less than USD 1 per day. Unable to make a living in Myanmar, many migrate abroad to find work.

The regime spends less than three per cent of GDP on health care and education, choosing instead to spend money on the military apparatus. As a consequence, civilians in rural areas have little, if any, access to health care clinics, educational facilities or a functioning infrastructure, despite constituting a majority of Myanmar's population.

Given the well-documented failures of the Myanmar Government has had in providing for its population, the role of international and local non-governmental organizations (NGOs) is nothing short of remarkable. The regime has had agreements with all major United Nations agencies, as well as with several dozen local and international organizations which provide basic services (World Health Organization 2008). This is in addition to significant and crucial unofficial services provided by cross-border aid organizations. For example, from its Thailand base the Mae Tao Clinic serves a population of almost 150,000 patients annually (Mae Tao Clinic 2012).



## The impact of exclusion from political decision-making

According to the Women's League of Burma (WLB), patriarchal societal values partly explain the discrimination experienced by women from Myanmar, both inside the country and in exiled communities. There is an emphasis on the domestic role of women—women and girls should be good daughters and obedient wives, polite and quiet and concerned with family matters only. This point of view is promoted by national agencies. The Myanmar National Committee for Women's Affairs (MNCWA), an official body charged with promoting the status of women and girls, states on its website that '[i]n Myanmar family...[t]he husband provides the financial needs...[t]he women may go out to work for the social development; they still have the major responsibility to look after the family' (MNCWA 2012). In reports to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee, the junta has frequently cited the cultural and moral obligations of women, highlighting the role of women as the bearers of traditional values (CEDAW 2008: 20). Women's abilities are generally considered limited, as demonstrated in a virtually uniformly male presence in official roles and in the public face of the government (as discussed further below). While exceptions of course exist, with Aung San Suu Kyi being a notable example, it can be argued that many of the most frequently-cited women have derived some of their initial legitimacy due to their patriarchal lineage.

Domestic violence is commonplace and in many instances unquestioned. There are no laws in Myanmar to combat this, or to penalize marital rape, which is not seen as a crime. In rural ethnic areas, the dropout rate for school attendance is higher for girls than for boys, because girls in conflict-prone zones suffer the risk of being attacked on their way to school. While official statistics do not show any discrepancy between boys and girls' educational rates, such numbers rarely include these rural, conflict-prone areas. Exiled women estimate the dropout rate to be significantly higher for girls than for boys (CEDAW 2008: 30). Educational surveys carried out in refugee camps in Thailand also point to higher literacy levels for boys than girls (ZOA Refugee Care Thailand 2005, 2010).

Women from ethnic minority groups thus suffered twice over: rape, sexual abuse and the murder of women and girls from these communities have been carried out as a strategy of warfare by the Tatmadaw, and these women are also at a higher risk of being enlisted as forced labour for the military troops stationed in the ethnic areas. Furthermore, lack of Burmese language skills often prohibits ethnic minority women from lodging complaints with the authorities (Shan Women Action Network 2002). Parents in rural ethnic

communities therefore keep their daughters at home due to real safety concerns, in the process reinforcing the belief that men are more able and better educated than women (National Coalition Government of the Union of Burma 2009; Women's League of Burma 2008).

Poverty in Myanmar, as elsewhere, has a female face. Women are responsible for the welfare of their family, and many girls are forced to leave school to earn extra money for their relatives. Many migrate abroad to find work, but because women from remote ethnic minority communities often lack travel documentation they must rely on smugglers, thus exposing them to the possibility of being trafficked. Once in exploitative work situations abroad, risking or already suffering abuse at the hands of employers, it is difficult to change the situation (Burmese Women's Union 2007). This is in part due to these women's irregular status as migrants but also to the fact that their families rely on the remittances they send home (Hedström 2012).

### *Militarization, power and women*

Today, the Tatmadaw commands the largest force in South East Asia with almost half a million troops, despite the fact that Myanmar is not involved in any external conflicts (Lwin 2011). State military structures permeate almost all spheres of society, resulting in the further exclusion of women from formal politics. As one former commander of the All Burma Students' Democratic Front (the so-called student's army, or ABSDF) North explains, 'all the leaders in the country are generals, and all the generals are men'.<sup>1</sup> Women are barred from entering military academies. This disqualifies them from leadership positions within the state military apparatus, a de-facto requirement for high political posts. As one-quarter of the seats and all important positions in the new legislative structures are reserved for the military, women are effectively banned from higher positions of power in public office. Up until the 2010 elections, women in Myanmar had no representation at the national level at all. Since the local elections held in 2012, women hold a mere 2.7 per cent of seats in the national parliament. Myanmar's women have no recourse to question this, as the constitution does not contain any measures to deal with discrimination. Formally, the constitution does adhere to principles of equality. However, article 351 states that 'nothing ... shall prevent appointment of men to the positions that are suitable for men only' (Myanmar Ministry of Information 2008: 150).



## Inclusion processes undertaken

### *Democracy uprising: the Four Eights*

At 8.08am on 8 August 1988—a day that has since come to be known as the Four Eights—thousands of people congregated on the streets in Myanmar’s major cities to show their discontent with the military regime. This day, chosen for its auspicious alignment of the number eight, was the culmination of many months of planning and smaller demonstrations led by a group of students from the then-capital, Rangoon. Hundreds of thousands of demonstrators walked the streets all across Myanmar, demanding democracy and freedom, in what was the largest protest in the country’s history. The regime tried to keep people from participating by declaring that protesters would be hurt in the bloodshed likely to follow: ‘When the army shoots, it shoots to hit,’ then-dictator Ne Win ominously stated (quoted in Hlaing 2007).

People from all walks of life were involved in the demonstrations, with many women joining the Burmese Housewives Association. Young women students actively participated in the planning and execution of the protests, and marched together with their male counterparts. A few of the more visible student activists were women, who did not experience any overt objections to their participation, as this was seen as a people’s demonstration in which everyone took part, regardless of gender, age or occupation: everyone faced the same risks. ‘We were equal,’ the former commander of the ABSDF explained, ‘because when the military took aim and shot at us, they did not discriminate in who they killed.’

Aung San Suu Kyi, who coincidentally happened to be in Myanmar to care for her sick and dying mother, involved herself in the protests. Suu Kyi is the daughter of famous independence hero General Aung San and was therefore an object of both curiosity and veneration by the Burmese people. Thousands of people turned up to hear her first speech, which convinced the audience of her abilities to lead the opposition movement. Soon, her name became synonymous with the fight for democracy in Myanmar, domestically as well as internationally (Lintner 2007: 64).

Despite harsh repressions, the demonstrations continued in the days and weeks following 8 August. By the end of September, martial law had been imposed and the military forcibly reasserted its control over the country. According to the opposition, more than 3,000 people were killed in the uprising, and women were physically and sexually assaulted by the Special Police (Women’s League of Burma 2007: 1). The regime puts the figure at just under 100 deaths. Over 10,000 people involved in the protests fled to

the ethnically controlled areas in the jungles and on the borders, where the students regrouped and formed the ABSDF.

### *The women sat in silence*

When the young women involved in the pro-democracy uprisings inside Myanmar fled to the jungles to continue their struggle, they experienced a shift in more than just setting. The student movement had become militarized, and gender roles within it were now traditionally structured, leaving women outside the military hierarchy. The men became soldiers and officers but the women were not expected to undertake military training. Rather, they were supposed to perform welfare duties, such as looking after visitors to the camp, cooking food and taking care of the children. Women were not allowed to have any direct influence on decision-making. Even the women who had been prominent within the student movement were relegated to supporting roles. As Mi Sue Pwint, a former member of the ABSDF and founder of the Burmese Women's Union (BWU) explains, people did not think it was appropriate for women to be leaders in an armed group. Consequently, the women sat in silence during meetings.

The ABSDF models some of its structure on that of the more experienced ethnic armies, with whom they shared their jungle camps. In the ethnic armies, women did not have political or military roles and were excluded from leadership. Army activities was seen as a dangerous male-only domain, in which women could easily be hurt. As one interviewee put it:

The role of the women was just for welfare, just to help the families, the wives of the soldiers who are fighting, so it was very strange for people at the time for women to go beyond this role.

Many women did not question the traditional role they had within the camps. Women were not seen as suitable army leaders: a good woman supported her husband and her family, and carried out orders without questioning the hierarchy. When camp committee elections were held, the few women candidates standing for election did not receive any votes at all:

There really wasn't much political role at all [for women around 1988]. There were a few women's groups, like the Karen Women's Union, but that was social welfare work, pretty much. That was the model, you know, that any women's groups who were there were sort of an extension, kind of a women's wing of the army. I think this was because of people's gendered expectations of what people should do, and the women themselves had not been exposed to anything different, so that is what they did.



### *The Birth of the Burmese Women's Union*

Life in the jungle camps was harsh, especially for former city dwellers. Many women left but those who stayed worked hard to gain the respect of the male leaders, and to prove themselves worthy of doing the kind of work usually reserved for men. A former soldier in the ABSDF explained that in his camp, women were not allowed to undertake military training but a few of the women there fought their way into the training anyway, despite jokes about their bodies and their perceived lack of strength:

The women tried hard to challenge this kind of hardship and they proved themselves. They picked up the arms, not real arms, we didn't have that, we had to cut from bamboo to make arms, and we had to do everyday morning drill and parades, and the women proved they could do this.

The remaining women's commitment to the armed struggle, and their abilities to participate in camp activities, were slowly being recognized by some of the men in the ABSDF leadership, as the women repeatedly demonstrated their capabilities as soldiers and their dedication to the cause. A few women were elected into the central executive committee, where they argued for women's increased participation in decision-making procedures. The idea of a women's organization, made up of the wives and sisters of the ABSDF soldiers, slowly took root within the organization. As the Tatmadaw launched major offensives against the ethnic armies and their allies in the mid-1990s, the ABSDF lost their base camps. Significantly, they lost their headquarters, Manerplaw, which they had shared with some of the ethnic militias. As a consequence, the armies were no longer able to provide sufficiently for their members, and space opened up for civil society organizations to organize relief efforts. A women's wing to provide welfare to the families of soldiers became increasingly more attractive to the ABSDF leadership. As the former commander of the ABSDF explained:

We just thought they want to form a union, like other women's organizations, to do welfare, to help families. So we did not realize about the gender issues. So we thought it was a good idea.

In 1995, leveraging the moment for change, a small number of female activists of different ethnic backgrounds officially formed the BWU on the Thai–Myanmar border. They demanded that women's rights be given equal consideration in the struggle for democracy and established themselves as an independent organization, much to the frustration of some in the ABSDF leadership, who would have preferred the BWU to be under its control. The name, carefully chosen after considerable deliberation, is meant to signify inclusive membership and, more radically, to include women from many different ethnic backgrounds.

The formation of the BWU on the basis of gender as opposed to ethnic identity or religion was a significant political statement. Myanmar's recent history of ethnically-based conflict has ensured that a great deal of mistrust exists between the majority Burmans and the minority populations. The use of the words 'union' and 'Burmese' in the name of the organization consequently creates some issues. For example, the calls for independence made by some of the minority ethnic groups are at odds with the idea of a union of Myanmar, irrespective of how inclusive it is:

[BWU] realized that other organizations see BWU as a Burman organization. They cannot cross that kind of ethnic lines to see all women together regardless of ethnicity ... It was very, very difficult to find the leaders who had a vision to accept broader ideas about crossing the ethnic lines ...

### *Organizing the Burmese Women's Union*

Up until 1997, the main objective of the BWU was to increase and organize its member base. All wives and daughters of ABSDF soldiers were automatically signed up. The BWU also reached out to women living in the refugee camps on the Thai–Myanmar border, female student activists resettled in Western countries, and women living in the border regions of India and China. Once they had a firm member base, the leaders began to organize small vocational projects for the new recruits (e.g. crocheting and weaving training). The vocational training was seen as a way to help the members earn an income while keeping them engaged with the union, and was used as a strategy to increase the women's economic independence:

We wanted to enable the women to earn their own money and not be dependent on their husbands, or the [refugee] camp committee. The aim was for the women to be able to stand for themselves.

They then began to organize adult literacy trainings to develop their member's reading and writing skills, and held workshops about women's rights, democracy and the politics of Myanmar. Up to this point, the men had not been taking much notice of the BWU—perhaps, as one Thailand-based activist speculated, because of their own inability to take women's political capability seriously. However, once the women were politicized in large numbers, some male leaders became upset. There was a fear that the women were dividing the movement, and anger with the women for upsetting the gender order. Another interviewee stated:

[T]here was lot of fear, distrust, ridicule. Not a very supportive environment. I think this was the general sentiment. And there was always that phrase, saying over and over again, 'we are fighting for democracy, we are fighting together, don't divide the democracy movement.' ... Over and over and over and over again.





### *Organizing the Women's Movement*

In 1998, the BWU decided that it had a firm enough member base and instead turned its attention to its next aim: building networks with other women's groups in order to create a strong and salient women's movement that bridges ethnic divides. In the same year the BWU held its first Congress in which it established an organizational structure modelled on the armed groups. This consists of three levels: Congress, the Central Committee and the Central Executive Committee (CEC). The CEC is made up of a chairperson, a general secretary, joint general secretary 1 and 2, and four additional members. Each CEC representative serves a two-year term, after which the Congress convenes and elections are held.

The BWU also took the decision to work towards the establishment of a multi-ethnic women's umbrella group to raise the voice and status of Burmese women. Mi Sue Pwint was assigned to reach out to different groups, a challenging task as the Internet was not yet in use and not everyone had access to telephones and fax machines. She sent letters, and dispatched messengers to disseminate information about the plans to establish a women's multi-ethnic movement. She travelled up and down the Thai–Myanmar border, and in and out of the refugee camps. She travelled to India, and to China, and approached (male) leaders of armed groups to gather information about women living in the ethnic areas.

However, many of the people Mi Sue Pwint reached were very suspicious of this new, seemingly Burman group that challenged not only the military dictatorship, but also traditional male hierarchy and prerogative. Male leaders were unhappy about their exclusion from the group's activities, and many women from ethnic minority groups did not trust the women from the BWU, as they believed these represented the Burman majority. As mentioned above, the BWU was the first women's organization welcoming women from all of Myanmar's ethnic groups as members. The women in the BWU believed in the idea of a federal union of Myanmar, as opposed to ethnic nationalism, and in promoting and safeguarding the rights of all women from Myanmar, including Burman women. This was and remains controversial. In addition, the BWU's working language was Burmese, the language used by the majority Burmans. To help overcome language barriers, the BWU organized some Burmese language courses with ethnic minority women, but this only furthered suspicions that the BWU was indeed a Burman proxy, whose real aim was to assert control over and subvert minority ethnic women.

In 1998, to overcome these challenges, the BWU decided to hold workshops on the Thai–Myanmar border and bring ethnic minority women together

in a space where they could build trust, increase their understanding of women's human rights, and talk about how to organize Myanmar women in a unified movement. At these workshops, the participants cooked and ate collectively, their children played together, and in the evening they slept in the same building. The BWU hoped that by creating these informal spaces in which women could meet naturally the divide between women from different ethnic backgrounds would be overcome. The workshop facilitators applied a discourse of commonality, and the meetings explored shared concerns and difficulties, and stressed gender solidarity. One interviewee described the meetings as follows:

First we introduced and explained carefully about BWU, saying we are not Burmans, but mixed... So we explain to them what does Burmese mean... [Then] we talked about women's issues, saying it is not ethnic issue but an issue of women. We put people in different shoes, sometime in majority position, sometime in minority position. So we let people talk about how they felt in the different positions, and when people talked other people listened, and said, 'oh this happened to me!'

The sharing of experiences enabled the women to reach out to and rely on each other for support. As another interviewee explained, relying on someone indicates a level of trust, and in this way the workshops also facilitated an understanding of the importance of developing and maintaining a support network:

I remember one of the first trainings we gave on the border. The women would leave the trainings and go home, and get the shit beaten out of them because they've come home from the trainings all like gung-ho, and knowing their rights, and of course the men had not changed in the least... We decided we'd do de-briefing sessions at the end of the sessions, to talk about, '...in the few days you've been here you've made huge leaps but outside nothing has changed, and you are going back to the same community and you have to stay safe. Talk to your mates from here when you get frustrated but, you know, don't expect the world to change out there.'

### *The first Forum of Women from Burma*

After months of preparations, the BWU believed it was ready to hold a formal meeting with the explicit aim of creating a multi-ethnic women's umbrella group. The women of the BWU were aware that they were still seen by some as being a Burman front. Because of this, they approached three ethnic minority women, external to the BWU, who enjoyed a great deal of respect in their respective communities. The BWU asked these three women to facilitate the formal meeting. They also asked them to send out invitations and handle the preparations for the meeting, as they feared women would choose to stay away if they saw the meeting as an event organized by the BWU. 'We had



faced so many challenges and confrontations’, Mi Sue Pwint explained. ‘We decided we needed a third party to arrange the first Women’s Forum’.

In November 1998 the first Forum of Women from Burma was held in Chiang Mai, Thailand. Women’s groups involved in a variety of social welfare activities were invited, as were individual women activists. Each organization was allowed to send a maximum of two participants; in total, 35 women attended the meeting. The aim of the forum was to provide an opportunity for women to openly discuss their work, identify commonalities and possible future cooperation in the form of a multi-ethnic women’s movement (Women’s League of Burma 2007: 18).

However, the BWU had yet to fully grasp just how wary and suspicious people were of their controversial organization, or the strength of the loyalty of many minority ethnic women to their communities. Some of the ethnic minority women participating were aligned with ethno-political organizations and armed groups that were resisting the Burmans—and actively fighting for independence—so for them to join an umbrella group that included Burman members was very radical. Moreover, many of the participants had been traumatized by the civil war, with many suffering abuses at the hand of the Burman military. Thus, the mistrust of Burmans ran deep. The discussions at the Forum dissolved as the meeting turned emotional, and it became difficult to facilitate an effective dialogue.

I don’t think people of different ethnicities were quite ready for this to happen. There was no movement then [of women], there was nothing really. I mean, there were these ethnic women’s groups who had been around forever, but ... it wasn’t, you know, independent. So things were very different. These ethnic groups that existed, they were very different from what they are now. And other ethnic women had no ethnic groups, or no background to come together as women, no spaces for them to do that. So there was quite a lot of resistance that some of the [BWU] leaders were Burmans ... and they felt pushed. They were not quite ready. Well, now, you know, to me ... BWU was ahead of its time, tried to set up a league ten years before anyone else was ready for it.

Many women were also concerned that the stronger and more politically forceful leaders of the BWU—who, unlike the majority of the participants in the Forum, were political activists—might usurp them. Many of the participants were women living in Thailand or displaced along the Thai–Myanmar border, and their involvement in activities was circumstantial rather than ideological. A gendered political agenda had not yet emerged fully among the exiled populations. Some of the women had never participated in a political meeting and felt uncomfortable with public speaking. Many of them attended without a set agenda, and therefore, the idea of forming a

radical political alliance felt foreign to them. To further complicate things, the language used was Burmese, as this was the one language all the women had in common, but some of the ethnic women were unused to expressing themselves in Burmese and therefore felt sidelined. In this way, education, experience, age, ability and awareness differed greatly and made the activities at the Forum challenging. As one interviewee put it:

I think the different backgrounds of who BWU are, and who many of the ethnic women are, are very different ... And think this was part of it, and the language, you know, [BWU] were already more politically astute, more eloquent, so I guess this must have played a role. Why some of the ethnic people must have felt concerned, if [some] could barely articulate what they felt, the feeling they could be subsumed into something, was probably part of the reason why there were tensions. This is not even an ethnic thing.

The Forum ended without any agreement to form an umbrella group. However, the meeting had for the first time provided an opportunity for women of different backgrounds to meet one another. Through this, relationships were forged. An informal network of women was established, and many agreed that although it was much too early to establish any kind of multi-ethnic alliance organization, it would still be beneficial for the women to meet again. It was decided that another forum would be held the following year, but that this time it should be arranged through an outside organization:

Things came to a head at the end, at the very end, when people were talking about the next meeting, this is where it came, this objection to BWU organizing this again ... BWU were distraught. Some people were crying. They were hoping for a [women's league] right from the beginning, and then to be told, that that would not be possible.

An unexpected outcome of the forum was the establishment of ethnic women's organizations including the Shan Women Action Network and the Kachin Women's Association Thailand. In some cases it was just formalizing activities that were already taking place, but the impetus to do so came as a result of the forum.

### *Negotiations for a second forum*

In early 1999, a few months after the first forum, the BWU held a meeting in which they evaluated the events that had taken place, to ensure that when the next forum was held, its end result would be the establishment of a multi-ethnic alliance organization. The BWU decided, as part of its strategy to build consensus and gain trust among women's groups, that it would organize workshops and celebrations at commemorative days, to which women from different communities were to be invited.



Consequently, in the year following the first forum, a number of events took place in the Thai–Myanmar border areas that brought the women who had attended the first forum into contact with one another again. Issues covered in these workshops included international women’s rights, community leadership, reconciliation and trust building. Through their participation, the women improved their understanding of women’s issues and the importance of women’s solidarity. Trust and empathy were increased as participating women discussed the events at the forum and plans to form a collective women’s movement inclusive of Burmans. The BWU stressed its mixed membership base and took great care to demonstrate that its role was purely to support and help to develop a women’s movement, not to dominate it. Simultaneously, activities carried out by the recently-formed ethnic minority women’s groups, as well as monthly political discussions (‘women exchanges’) arranged by a Burmese migrant action group, facilitated the politicization of women and provided significant networking opportunities (see MAP Foundation, no date).

In March 1999, together with the Karen and Karenni women’s organizations, the BWU organized International Women’s Day commemorations in two refugee camps on the Thai–Myanmar border. More than 300 women attended the ceremonies, in which the significance of solidarity and unity among women was emphasized. In June, training for counselling survivors of violence was held by the BWU in Thailand. This was something that affected women from all ethnic backgrounds but which had not been given much attention before. Two external experts facilitated the training, and ten women, most of them from ethnic minority backgrounds, took part. Also for the first time, the birthday of Aung San Suu Kyi was celebrated on the Thai–Myanmar border. This was initiated and jointly organized by the BWU, which signed a statement released by seven ethnic women’s organizations highlighting the suffering faced by all women of Myanmar, regardless of ethnic identity. Later that year, a four-day ‘Prayer for the Mothers of the Lost’ was carried out by the BWU in four different locations in Thailand. Women from different communities shared their stories of grief and violence, and took part in the symbolic prayer and healing ceremonies held (Burmese Women’s Union 2002: 5).

The celebrations on Aung San Suu Kyi’s birthday were particularly significant for creating consensus on how to move ahead with the idea to hold a second forum. The BWU believed it would be conducive for people to meet ahead of the actual forum, so that potential differences could be reconciled and problems solved in advance. In this way, the BWU hoped the second forum would run more smoothly than the first. During the birthday commemorations,

BWU met with minority ethnic women leaders and discussed their ideas for a pre-forum meeting. The BWU hoped that in this way it would be able to come to an agreement to form an alliance organization ahead of the forum. However, some minority ethnic women did not feel comfortable with this. According to one interviewee, ‘[t]hat’s when the negotiations began, and that was when some of the ethnic groups started reacting and didn’t want it to be BWU controlling it ... There were tensions. The negotiations went on for a few months.’

The ethnic minority women did not want to meet the BWU without having a clear agenda and purpose agreed upon among themselves. They were afraid they would not be able to articulate their demands and that the BWU would dominate the proceedings. So, without inviting the BWU, ethnic women’s groups discussed the plans to form a multi-ethnic alliance of women from Myanmar, inclusive of Burmans. Through this they were able to reflect on the advantages and disadvantages of forming a women’s movement, in their own time and in their own languages, without feeling pressured. The BWU felt excluded but also realized the significance of the ethnic women’s meeting. According to Mi Sue Pwint:

The ethnic women call for their meeting, so that they can get their agenda straight, so that they don’t just follow BWU but have their own plans. They want to show their willingness to form a group, [but] they don’t want it to be a BWU thing only ... The ethnic women made their decision to join the league in their meeting, so the decision to form and who made this possible was the ethnic women’s groups who agreed.

### *The second Forum of Women from Burma*

In September 1999, women representatives from ethnic minority organizations and the BWU met in Mae Hong Son, Thailand. This meeting was designed as a preparatory event for the second Forum of Women from Burma, scheduled to be held a couple of months later. Despite the ethnic minority women having informally agreed among themselves to form a kind of alliance, things again became very contentious. There were doubts about the actual intentions of the BWU in pushing for such an alliance, and disagreements and discontentment surfaced on everything—from the purpose of an umbrella group to its membership structure. Things were breaking down. The BWU feared that it would never be able to establish a united women’s movement, inclusive of Burmans.

Things might have ended there but for the intervention of a woman named Major Mary Ohn, a high-ranking officer in the KNLA and a member of the Karen Women’s Organization (KWO). She was charismatic and passionate,



and enjoyed a great deal of respect in the community, and used her influence to support the formation of a multi-ethnic alliance group. One woman recalls how Major Mary stood up to convincingly argue for the women to overcome their differences:

Major Mary Ohn said: ‘you have to remember we are not fighting the other ethnic groups, we are fighting the military regime. We don’t want to be hateful [towards each other]. We are all fighting the regime.’

The participants paid great attention to Major Mary and by the end of the meeting they were finally able to agree on the importance of forming a united multi-ethnic women’s movement.

The positive decisions at the end of the meetings were due in large part to [Major Mary Ohn]. Because other people, all younger, listened to her. She said we should support a women’s league. If Mary Ohn had not attended the meeting, the [Women’s League of Burma] might never have happened. Because of Major Mary, we could all agree.

The second Forum of Women from Burma was held in December 1999. The preparations of both the BWU and the minority ethnic groups had laid the groundwork for the forum, which facilitated reaching consensus on key issues. The 42 women participating agreed to form an umbrella group to head the women’s movement, inclusive of both majority and minority ethnic women. However, some amount of disagreement, resentment and distrust lingered, as demonstrated in the contentious issue of finding an appropriate name for this new group. ‘We found it even difficult to agree on a name,’ Mi Sue Pwint admitted. ‘We spent a whole day debating on the name!’ Finally, after much discussion, they held a vote to settle the matter.

On 9 December 1999, the last day of the forum, the Women’s League of Burma (WLB) was formally established. The founding members were the All Burma Democratic Lushai Women’s Organization; the Burmese Women’s Union; the Chin Women’s Organization; the Kachin Women’s Association Thailand; the KWO; the Karenni National Women’s Organization; the Lahu Women’s Organization; the Pa’O Women’s Union; the Rakhaing Women’s Union; the Shan Action Women’s Network; the Tavoy Women’s Union; and the Women’s Rights and Welfare Association of Burma (Women’s League of Burma, 2011: 38).

After months of preparation and negotiations the Burmese women’s movement—a multi-ethnic alliance radically inclusive of both minority and majority women—was finally born.

## Changes in knowledge, attitudes, practices and/or behaviours

Since the inception of the BWU in 1995, the organization has achieved success in several areas, often in cooperation with the WLB. Most importantly, they have managed to increase the number of politically active women in the exiled community, as well as the number of women in leadership positions; create a level of trust between majority and minority ethnic groups; and, to a lesser degree, influence the exiled community in terms of attitudinal change (gender mainstreaming).

### *Increasing the number of politically-active women*

Today, the BWU run a number of programmes aimed at increasing the political awareness and, by extension, the political involvement of Burmese women. In India, China and Thailand they have set up libraries, where Burmese exiles can borrow books and magazines, participate in discussions on domestic violence or simply exchange gossip and advice on where to go next. The libraries reach about 10,000 people per year in Mae Sot, Thailand, as well as 2000 in China and 1,000 in India (Author's communication with BWU 2011). Approximately 60–80 per cent of the lenders are women. Here, colourful posters using cartoons to depict the articles in the *Convention on the Elimination of All Forms of Discrimination against Women* and the *Universal Declaration of Human Rights* line the walls, alongside pictures of Aung San Suu Kyi.

In addition to the libraries, the BWU manages a drop-in shelter in Mae Sot, where an estimated 500,000 Burmese migrant workers live and work. This is primarily aimed at women escaping domestic violence, but where the use of a free washing machine and a large collection of Burmese karaoke DVDs also entice other women in the community. Printed leaflets containing information about disease prevention or an analysis of the Burmese elections are available for those who are interested. On some weekends the BWU organizes breakfast at the shelters, followed by an informal discussion on maternal health or politics.

Together with the WLB, the BWU publishes reports on violence against women, perpetrated by the men in their own communities. It also runs nurseries for children so that the mothers can go out to work, and if allowed in, the BWU visits the workplaces of Burmese migrants to share news from home and disseminate information on women's rights and labour laws. The women, in turn, share their new information with one another. In this way the knowledge extends throughout the community, as explained by one interviewee:





We introduce political topics in an indirect way through our libraries and discussions ... Then [the women] share with other women and the knowledge spreads, like a ripple effect.

Access to these non-political settings has allowed women that might not feel comfortable in an overly-political environment to causally network, and gradually increase their own political capacity and knowledge. Through this strategic use of social services, the BWU has been able to build trust with the families utilizing their facilities. They have in the process established venues of access to the community and a wide network, through which they can disseminate information, garner support for their work and recruit new members. As one person interviewed for this case study put it:

[Women's groups] underpin so much of what other organizations do; they work and influence a lot behind the scenes. They do a lot of social outreach and organize activities and efforts in their communities. This has a knock-on effect, in that they have a wide network and other organizations in their community turn to them to facilitate events. In this way, the women organizations are influencing the communities they live in. They are the backbone.

Moreover, the focus on social issues has allowed women's groups, including the BWU, a platform from which they have been able to intrude on the (male) political arena, such as entry into the central executive committees of leading oppositional organizations. A 2012 survey of six major exiled opposition organizations (DAB, DPNS, ENC, NCUB, NDF and NLD-LA) showed that the number of women in leadership positions has increased by 100 per cent since 2005 (Author's communication with Burma Relief Center 2013; Global Justice Center 2012). Their work on violence against women has allowed them entrance into the public sphere, to the point where public discourse on Myanmar now regularly includes a reference to gender issues.

In contrast to past analyses, women's groups are seen as the authorities on the military's violence against women, primarily due to the reports released by individual ethnic minority women's groups and published by the Women's League of Burma. They have adopted a rights-based discourse in their discussions of state-endorsed violence, which has enabled them to influence the political dialogue on Myanmar. As the new experts on violence and the military, the women's groups have successfully staked out a claim for recognition in the political sphere, even if the inclusion is sometimes embryonic. As one interviewee described it:

I think there's definitely more recognition of women as part of the struggle and women as part of the solution ... At the beginning, there were no women's voices at all, at least that's how it first seemed to me. There were a few women here and there,

but they did not have a voice. But now, even though the men might not be that supportive, there's no way they can completely ignore it as they used to do ... The acknowledgment is there. The women are saying things.

### *Increasing the number of women in leadership positions within the exiled community*

The BWU has managed two six-month programmes in Thailand aimed at increasing the political capacity of young women and girls: the Political Empowerment Programme and the BWU Internship Programme. The Political Empowerment Programme in Chiang Mai ran between 2006 and 2009 with a total of 28 women participants but had to close down due to security concerns, meaning that the 2009 participants were unable to graduate. The BWU Internship Programme ran in its first phase in Thailand between 1997 and 2000, with 70 participants in total completing the programme. In 2003 it was started up again, in both Chiang Mai and Mae Sot. A 2010 evaluation showed that 50 women had completed the programme, and that a majority of the graduates from both the Internship Programme and the Political Empowerment Programme had found continued employment within the pro-democracy movement or were engaged in further education (Author's communication with the BWU, 2011).

Women attending these programmes receive instruction on women's rights, democracy and politics, as well as public speaking, computer basics, and English and Thai language skills. They learn about Myanmar's history, and the challenges and achievements of the WLB. The participants in the BWU's programmes are drawn from the exiled communities as well as from different ethnic states inside Myanmar. They are migrant workers, refugees, and school students. They are young—most of them are teenagers, and few are above the age of 20. They learn about the importance of a united women's movement, and what can be achieved, and indeed has been achieved by women through perseverance and hard work. The BWU actively recruits young women and girls for these programmes, which have created a critical mass of vocal and astute female activists. According to one interviewee:

Definitely there are a much greater number of women on the border now who can articulately present, argue, advocate on many issues, with a very feminist perspective. Yes. Women on the border are now more confident, articulate. Many, many, many women now ... BWU has provided role models, not just for women, but for men too, and for Thai women. They've got consistency as well as perseverance.

The BWU also targets boys and men as participants in workshops and gender awareness education (e.g. discussions and commemorations). A survey of activity reports for the period 1998–2007 shows that the BWU had initiated



and led seven workshops on gender equality for male participants. This is in addition to weekly discussions held at the libraries and centres in which men also participate, and in addition to their participation at commemorative days such as International Women's Day and Four Eights day, in which the BWU frequently speak on topics related to gender equality and women's rights. In these efforts they are joined by other women's groups, who also conduct mixed-gender educational programmes. According to a Thailand-based activist, this has had a positive impact on the younger generation of male expatriates, who believes there has been a shift in the way men, especially younger men, are thinking about these issues.

The BWU gives participants the opportunity to gain political experience within their organization, aiming to support all (and especially new) members in their endeavours. One BWU member explains that when invited to attend meetings with alliance organizations within the democracy movement, the BWU sends two participants: a senior, more politically experienced member and a junior member. 'In this way we try to show the other organizations that younger members are important and should be supported', she stated. When someone is asked to hold a speech at a commemorative day, members write it together. The BWU leadership, which is made up of a multi-member board, is rotated on a regular basis in order for more members to gain management and public speaking skills. Membership in the BWU means the women have access to a network of like-minded people they can draw on for support. Many of the participants in the BWU's programmes today hold leadership positions with the exiled movement and provide role models for the younger generation:

I think the fact that women are being elected into bodies is because they have showed their ability over the past ten years, they have gained experiences. Generally they have gained that political experience of some kind within the women's organizations and this is recognized, whereas this could not have happened before because they hadn't showed the men that they were capable of it ... it is happening, slowly and not nearly enough, but it is happening.

### *Creating a level of trust between majority and minority ethnic groups*

The participants in the BWU programmes live together, eat together, and celebrate together each others' days of commemorations, both religious and ethno-nationalistic in character (e.g. Shan New Year, the Buddhist Water Festival, and Union of Myanmar Day). The BWU is in this way replicating what it learnt early on: by allowing people to meet and cooperate naturally, collectively prepare food, make store lists for the market and puzzle over

homework, the women learn to trust each other. In this way, the BWU is creating a network of young women able to bridge the ethnic divide.

Members of the BWU believe that more people these days understand the aim of the organization, and trust their Burman members. According to one interviewee, they do not have to defend or explain themselves as much as they used to. However, the women in the BWU still take care to introduce themselves to other groups and new people slowly and completely, explaining over tea or lunch their mandate and the makeup of their membership base. They facilitate training and aid other organizations in their work, for free, in order to build trust. The woman interviewed admitted that she sometimes gets tired of always having to be mindful of what other people think of the BWU, but realizes that due to Myanmar's violent history, trust does not come easily between people seen as belonging to different groups.

The creation of the WLB is itself an indicator of trust. It is an active forum for majority and minority women to debate issues, exchange information and work together on joint projects. At the time of writing, the WLB has 13 member organizations. The BWU is the only member organization that does not have a uniquely ethnic minority member base—the remaining 12 organizations structure their membership according to ethnic minority identity, and each represents a different ethnic group.

Through their activities, relationships and networks between different women have developed, enabling cooperative behaviour. However, it is recognized that the BWU's mandate differs slightly from the mandates of the other ethnic minority organizations, and that they are not promoting ethnic people's rights in the same way. The BWU is seen as a feminist organization, endorsing democracy and women's rights more generally in Myanmar. In this way, it does not advocate for mono-ethnic rights or for the advancement of independent ethnic states, in contrast to other groups which emphasize women's rights informed by a singular ethnic identity:

I think the concern is that BWU cannot speak on [the ethnic people's] behalf, on all of what they're trying to do, they just can't because it is different. Which is why WLB is important, that this forum exists where they can work together on women's issues and also try to represent the ethnic, you know, so it's a balancing act for BWU too.

### *Influencing the exiled community in terms of attitudinal change (gender mainstreaming)*

The democracy movement in Myanmar has been made more aware of women's rights and gender issues, due to the pressure exerted by both the women's groups and the international donor community, and the argument



that democracy without women is oxymoronic. Some speculate that this awareness is more cosmetic than real, and that male-dominated organizations are doing nothing more than paying lip-service to the ideas of gender inclusiveness. Mi Sue Pwint agrees that this is true to a certain extent and, as a result, women's groups try to identify the men who truly believe in gender equality. In this way, they are able to work through these men to influence other men in the community. Of course, pressure from donors affects the way exiled organizations run their programmes, but one cannot easily disregard the collective agency of the local women's groups united under the WLB umbrella. According to one interviewee:

Politically, the fact that there is a united umbrella voice, yeah, that's made a difference. WLB is like, scratching and scratching and scratching, and the men are like, go away, but you know, they won't, not until the men turn around and acknowledge them.

The BWU seeks to influence the exiled movement from within, by encouraging and supporting young BWU members to attend internships or take up jobs with male-dominated organizations. The Thailand-based activist speculates that once the women have been let in, they have an effect on the way things are run. There has been a change in the way the exiled media frames stories to be more inclusive of women's voices and issues, as more young female journalists are now taking up roles in these organizations, writing and broadcasting from a feminist perspective. This is partly a result of the education programmes mentioned above, but is also due to a real increase in (gender) awareness within exiled pro-democracy groups.

Some of what's changed is that people now know how to be more politically correct. And some has [really] changed ... When things are donor influence it's a bit blatant, you know, it's very clear when things are donor influence. There are more things that are happening that are not donor influenced, that are more meaningful. That there is acknowledged that women should have more space, and this space not just means cooking, which is what the space meant in the beginning. So yes, in the proposals and things, they have to write about gender, and they do that and they spout that, but what I think change things are women being strong, and carving out their space.

The issue is on the table now, for all to see. 'Even if they don't agree with the idea of women's equality, they know they cannot ignore us as they used to do', one interviewee argues. In the past, male-dominated pro-democracy groups would openly accuse women's organizations of dividing the movement, and of diverting attention away from their goal of achieving democracy. Today, at least on the surface, most agree that democracy, by its very nature, necessitates the full and equal inclusion of women and girls. One notable achievement is that the WLB, with active participation from the BWU, managed to insert gender-aware language and a 30 per cent quota into the Constitution of the

Federal Republic of Burma, a shadow constitution drafted by the exiled opposition groups.

The women's groups from Myanmar still have a long way to go but the increase of politically active women means that more women are now visible in exiled organizations, including exile media. In the process they are providing roles models for women and men, and boys and girls alike, proving that women are as able and capable as men. As a former commander explained:

On the border, the movement has changed a lot in the past ten years, for example women become involved in many areas, like in the organizations, trainings and many new young people started to become involved. Some [of these women] are now in the leadership ... Knowingly or unknowingly people have started to accept the importance of women's role.

### **Lessons learned and their policy and practice implications**

A number of lessons can be distilled from the experiences of the BWU. First, the importance of collective agency in overcoming the challenges posed by long-standing and deeply-entrenched divisions cannot be overestimated. The mobilization of the community was essential in order to facilitate action. By including women from both majority and minority groups in training programmes, workshops and events, the BWU was able to foster a climate of dialogue and understanding, which ultimately provided a breeding ground for the development of the women's movement. This allowed the women to create a support system of like-minded activists, which facilitated their engagement in successful change work.

Second and equally important was the identification of common ground and goals, as well as a common enemy, in order to support collaboration across difference. Here, the use of non-political spaces facilitated the creation of informal meeting venues, such as libraries for migrants and drop-in centres for victims of domestic violence, where women were able to meet and relate to one another across ethnic differences, without an overt political agenda. This provided the BWU with ready access to a wide network of migrants and refugees, through which they have been able to disseminate information about gender equality and draw on for membership development.

Third, capacity building of women in the community and the experience and responsibilities shared with young members created a critical mass of articulate, vocal and experienced women. Here, the use of a rotating management structure designed to afford opportunities to inexperienced

members and the matching up of senior and junior members for external meeting and representation purposes have proved especially important. Political training programmes targeted at young women were crucial for the development of politically astute and confident female activists. These strategies have empowered women to take up positions of leadership within the exiled community, in the process providing role models for younger generations.

Fourth, the identification of gender-conscious men to facilitate the mainstreaming of gender awareness within exiled organizations has proven to be an important strategy for overcoming opposition. By targeting male-dominated organizations, alliances and media groups for internship opportunities and work placements for young members of the BWU, the BWU has been able to influence male-dominated institutions from within. The visible representation of politically trusted and respected women in exiled groups and in the media has offered alternative and more inclusive interpretations of the role women and girls in Burmese communities can and should play.

Fifth, the endorsement of prominent role models lent support for their actions at a time where this support was crucial. This stresses the significance of external support when engaging in activities that may be politically sensitive or controversial.

Sixth, the fall of Manerplaw ultimately proved to be an opportunity, providing greater space for the emergence of various civil society groups. Thus, the importance of leveraging particular moments when change is on the table has to be highlighted.

Seventh, looking at the initial hesitancy of some minority ethnic women to engage with the BWU, it is important to recognize that some constituencies may require time and space to evolve and come around to joining in processes.

### *Key lessons for democracy cooperation*

International and local organizations engaged in democracy cooperation work can draw the following conclusions based on feedback garnered from the BWU. First, initiatives need to be organic in nature, rather than imposed from above. In this way, community ownership of the project is guaranteed, and the community buy-in will be higher.

Second, the involvement of local power holders from the outset of the programme is important for the continued success and sustainability of the project. Moreover, the use of non-political settings, such as drop-in centres

and libraries as well as community events such as prayer ceremonies and healing workshops can be effective in building trust and understanding among people of different religious and ethnic identities. These provided the BWU with ready access to a wide network of both women and men living in exile, and afforded opportunities for the incremental introduction of political topics among visitors and participants. Such initiatives are sustainable beyond the immediate funding-cycle, as the women receiving information share their increased knowledge with other community members, thus multiplying the effects.

Third, this sustainability also facilitates the development of female leaders, which in turn provides role models for new generations of activists. A fourth lesson is that donors should make their financial assistance conditional on the mainstreaming of gender throughout all projects, but especially in the funding of (exiled) media initiatives, as this is seen as crucial to informing public opinions.

Finally, the involvement of men and boys in gender equality programmes is crucial and, as such, women's empowerment initiatives targeting and including men and boys ought to be supported.





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## Notes

- <sup>1</sup> The methodology for this case study consists of a literature review including material sourced from books, civil society reporting, newspapers and key materials published by the Burmese women's movement. In addition, 15 semi-structured interviews were carried out in Sweden, Thailand and the Czech Republic, with regional and international donors, international advocacy organizations, Burmese civil society partners and Burmese Women's Union members. Due to the sensitive nature of many of the interviewees' comments, names and other identifying information have been removed.



# Chapter 8

**A place on the platform:  
the participation  
of women in Karen  
community organizations**



## Chapter 8

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NICHOLAS HENRY



### Abstract

This case study focuses on the collective agency of Karen women in organizing for change within the governance processes of their communities, primarily through participation in the Karen Women's Organization (KWO). The case study charts the development of the KWO as a political organization promoting the role of women within the Karen communities.

The contribution of the KWO to the inclusion and participation of women in customary governance has been achieved through inter-related processes: promoting women's participation within the KWO itself; engagement at the community level to support the inclusion and leadership of women; working with other community-based organizations (CBOs) such as the Karen National Union (KNU) to promote the inclusion of women; and networking with international organizations to mobilize support for the empowerment of Karen women.

Political education programmes for women are crucial in building the confidence and capacity of women activists to take part in the political life of their communities. Building relationships between women's organizations and other CBOs is also essential for achieving and maintaining women's participation in customary governance.

The case study identifies lessons for CBOs pursuing education-based strategies of women's empowerment, and seeking to balance organizational autonomy with customary affiliations. International organizations can help by supporting the independent activities of women's organizations, promoting networking opportunities, and mainstreaming gender issues in all projects.



## Acronyms and abbreviations

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<b>BWU</b>	Burmese Women's Union
<b>CBO</b>	community-based organization
<b>ELP</b>	Emerging Leaders Programme
<b>KNLA</b>	Karen National Liberation Army
<b>KNU</b>	Karen National Union
<b>KWAT</b>	Kachin Women's Association of Thailand
<b>KWO</b>	Karen Women's Organization
<b>KYO</b>	Karen Youth Organization
<b>MMCWA</b>	Myanmar Maternal and Child Welfare Association
<b>MWAF</b>	Myanmar Women's Affairs Federation
<b>NGO</b>	non-governmental organization
<b>UNHRC</b>	United Nations Human Rights Commission
<b>WLB</b>	Women's League of Burma
<b>YWLS</b>	Young Women's Leadership School



## Background

If the KWO or our staff are asked to be involved in an event, or training or anything, we will not only do the cooking or decoration, we have to be on the platform too. If we are not on the platform, we will not do other work. (Interview with KWO team leader 2011)<sup>1</sup>

This case study looks at the changing role of women in customary governance in Karen communities in Myanmar and on the Thai–Myanmar border, with a focus on the collective agency that Karen women have exercised through the Karen Women’s Organization (KWO). The success of the KWO in promoting women’s participation in customary governance was shown most dramatically by the election of former KWO leader Naw Zipporah Sein to the position of Secretary General of the Karen National Union (KNU) in 2008, a position she held until December 2012, when she was re-elected as vice-Chairman.

The success of individual women leaders such as Naw Zipporah Sein has been made possible by the ambitious programme of community organizing based on education, social services and advocacy pursued by the KWO over the past decade. Karen women have been able to overcome barriers to their participation in community decision-making through collective action to build the KWO as an autonomous organization that gives women activists a base from which to engage with male leaders as equals. While this process is far from complete, and barriers still remain, women’s participation in the customary governance of Karen communities has been significantly advanced by the activities of the KWO.

This case study is based on a review of reports issued by the KWO and other organizations, secondary sources, and interviews conducted with members of organizations based on the Thai–Myanmar border. Interviews with spokespeople for the KWO and Karen National Union (KNU) were conducted for this case study in October 2011. The focus of this case study is therefore on the insights and experience shared by the interview participants, with further material included for background and context. The case study is intended to complement existing material documenting the work of the KWO, including work reports available on the organization’s website (<http://www.karenwomen.org>).

Customary governance is defined broadly and includes a range of forms of decision-making which are based in Karen communities but not formally integrated into the governing apparatus of any state or government. As Boege et al. (2008: 10) point out, customary governance varies widely: authority in a community can be exercised in a hierarchical fashion by individual leaders, or more communally through various forms of participatory governance.

No clear lines can be drawn between customary and state governance, since traditional forms of community governance take on new meanings and functions in new political contexts (Pur 2002: 4283). Traditions themselves are re-invented and selectively mobilized to suit present purposes. Rather than define certain forms of governance as customary or traditional, the approach here is to examine the forms of non-state governance existing in Karen communities in terms of how women participate in decision-making and the constitution of political authority.

The KWO's participation in organizing women in Karen communities can be considered as part of the processes of customary governance. The KWO elects its own representatives in each of the seven districts in which the KNU operates, and in each section of the refugee camps on the Thai–Myanmar border. Through these parallel structures, Karen women can exert considerable influence over affairs in their communities. The KWO was first established in 1949 under the leadership of Daw Nita, the wife of the Karen leader and founder of the KNU, Saw Ba U Gyi. However, the organization was inactive until it was re-established in 1985, again at the initiative of the KNU, this time under the leadership of Naw Lah Po, the wife of then KNU chairman, General Saw Bo Mya (McCarten 2008).

The purpose of the organization in both incarnations was to support the participation of women in the work of the KNU at various levels. However, the role of the KWO has changed over time, from one of supporting the KNU and engaging in social work, to being an independent political organization in its own right. The political role of the KWO has been strengthened since the organization joined others representing women from various ethnic groups in Myanmar to form the Women's League of Burma (WLB) in 1999. Since that time, the KWO has taken on an increasingly engaged role internationally, which has in turn enabled the organization to raise funds from international non-governmental organizations (NGOs) and foundations to support local work in Karen communities.

The political legitimacy of organizations like the KNU and KWO is based on intensive processes of community organizing and relationship building in which non-state organizations compete with the state for political authority and become major providers of public goods (Henry 2011). Just as communities have come to depend on these organizations for representation and survival, the organizations depend on their base communities for support. As one member of the KNU described it: 'through the whole struggle we didn't get any support from outside, we only got support from our own Karen people from inside'. To maintain its base of support, the KNU has had to reorganize in response to challenges from Karen groups that were





marginalized within the original structures of the organization. The most dramatic split occurred in 1995 when the KNU lost the support of sections of its Buddhist membership who felt discriminated against by the predominantly Christian leadership. The defection of Buddhist Karen National Liberation Army (KNLA) soldiers, who formed the Democratic Karen Buddhist Army and allied themselves with the regime, led directly to the fall of the KNU's headquarters at Manerplaw.

In response, the KNU incorporated Buddhist members into its central committee and its religious affairs department, aiming to shore up support for the KNU among the Buddhist majority in Karen state (Aung Zaw and Moe Gyo 2000). A quieter, but equally dramatic, shift is now beginning to take place in response to the demand from Karen women that their voices be represented in decision-making within Karen organizations, including the KNU.

### *Background to the exclusion of women*

The KWO (2010) has argued that traditional beliefs about the role of women have constituted a barrier to women's participation in political leadership. According to Naw Zipporah Sein, traditional beliefs that women 'had to take responsibility for household work and social work, but not in political areas' have had a negative impact on the confidence of women in taking on political work. According to the KWO, women were historically seen as unsuited to leadership roles (e.g. as village headwomen) in Karen communities. Although individual women were particularly capable and chosen as leaders, they were seen as exceptions to the general rule that women were unsuited for leadership.

However, the KWO also acknowledges the importance and status of some of the roles traditionally taken by women. Oral histories record significant and powerful women—known as Kaw K'Saw Mu—who were recognized as animist spiritual leaders and as holders of knowledge and authority on land use and traditional practices. These women authority figures are remembered as being prevalent in animist Karen villages as recently as the 1930s (KWO 2010: 8). Western anthropologists have also noted the significant roles of women in Karen society, especially in hill areas, in the organization of social rituals, land rights and shifting cultivation (e.g. Marshall 1922; Aberle 1961). There are therefore traditional precedents for women's leadership and participation in Karen customary governance, although some of these roles have been displaced by the introduction of patriarchal institutions and the disruption of community life by military conflict.

As the WLB (2006: 6) has argued, cultures are not static and patriarchal leadership should not be treated as an immutable part of Karen or Burmese

culture, any more than of Western cultures. Interpretation of gender discrimination should therefore avoid the temptation to project the prejudices of the present onto a stable vision of the past, and should acknowledge that cultural tradition is always a product of social histories that are more complex than any one story that can be told about them. Conservative attitudes towards women which claim to be representative of tradition may actually be drawing on and produced by more recent histories. Aspects of customary governance in Karen communities which have been interpreted as reflecting traditional patriarchy, such as the system of village headmen, can actually be traced directly to the imposition of British colonial authority.

The system of headmen, instituted under martial law by the 1886 Village Act, cut across traditional forms of social organization to impose a singular, geographically defined unit of male authority (Taylor 2009: 82). The functions of this system—streamlining the extraction of taxes and forced labour and aiding in the ‘pacification’ of communities of resistance by instituting practices of collective punishment—have been carried over from the colonial administration to the counter-insurgency programmes of post-independence regimes in Myanmar. This process of social reorganization by the central state since the colonial period has involved the marginalization of complex and overlapping forms of customary governance through which women had previously exercised some degree of authority over land, knowledge and social practice.

Current ideas about the role of women in Karen traditional culture also owe much to the nation-building efforts of several generations of Karen leaders. Until recently, influential Karen leaders have tended to be Christian men from the S’gaw-speaking Karen group, such as Saw Ba U Gyi and General Saw Bo Mya. Leaders such as the late General Saw Bo Mya sought to promote a united Karen identity combined with strong Christian moral values (Kuroiwa and Verkuyten 2009: 395). These values can be seen as clearly influential in some of the early roles of the reconstituted KWO in the late 1980s, when members were ‘expected to help preserve the “traditional moral character” of Karen women—explained as being a reference to chastity before marriage’, as well as to promote the wearing of Karen traditional dress by women (Curwen 1989). As Karen leaders and intellectuals have sought to secure the place of Karen people within the political environments of both colonial and post-independence Myanmar, they have drawn on narratives of tradition, and consequently of the traditional role of women in a Karen nation, to support their cause.

This ‘narration of nation’ (Bhaba, cited in Rajah 2002: 518) has served a purpose in seeking recognition and legitimacy, both from outsiders such

as representatives of government and international organizations, and from members of Karen communities, reinforcing collective identity and solidarity through popular education. Outside observers of this process have sometimes argued that the idea of a Karen nation is therefore compromised by the 'politicization of ethnicity' (Harriden 2002: 84). If we accept however, that all nations are 'imagined communities' which are 'distinguished, not by their falsity/genuineness, but by the style in which they are imagined' (Anderson 2006: 6), then it becomes possible to discuss the political consequences of particular nation-building narratives without needing to attack the political movement within which they occur. The fact that those in a position to influence authorized accounts of Karen tradition have been predominantly male and Christian should allow some critical perspective on received ideas about the traditional roles of women in Karen society, without opposing the goals of gender equality to Karen tradition or to the Karen project of nation building as such. Indeed, the resurgence of women's leadership in Karen society associated with the growth of the KWO and the leadership of Naw Zipporah Sein as KNU Secretary General has taken place on the basis of a firm commitment to promoting the role of women within Karen nation-building.

Organized religion, both Baptist and Buddhist, has at times served as a vehicle for the introduction and entrenchment of new forms of patriarchal authority in the customary governance of Karen communities. Baptist evangelism in Karen areas during the colonial period was highly male dominated, with missionary organizations taking active steps to restrict and suppress the agency of women within churches and in evangelical work (Womack 2008). While Karen women now take more significant roles in Christian CBOs and as informal prayer leaders, they are unable to become pastors or take leadership roles within Christian churches (KHRG 2006: 17). Buddhist institutions in Karen state, as in other parts of Myanmar, are also based on an exclusively male leadership structure, with the role of women restricted to preparing temple offerings and alms for monks (KHRG 2006).

State regulation of the Buddhist *Sangha* (monastic community, including the religious leadership of prominent monks and abbots) in Myanmar has promoted conservative interpretations of scriptures implying the inferior status of women and moral obligations to be subservient to men (WLB 2008: 19). Organized religions, both Christian and Buddhist, have displaced animist practices, which persist in a significant minority of communities in more isolated areas, where women take a much greater role as spiritual leaders within extended families (KHRG 2006: 17). While both Christian and Buddhist institutions have provided education and social development opportunities for women,

and women are involved in a range of faith-based community organizations, religious leadership in Karen state continues to be a male-dominated affair.

Forced displacement of civilian populations as part of military counter-insurgency campaigns in Karen state has further undercut the economic and social basis of women's traditional roles, and hampered efforts by women's organizations to organize new forms of political participation. In Karen state, as in other conflict areas, the *Tatmadaw* (Myanmar Armed Forces) has systematically targeted the civilian population in an attempt to weaken resistance. Abuses reported by Karen community leaders included the systematic destruction of villages and crops, with villagers confined to their homes or forcibly relocated and cut off from their fields and food supplies. Abuses such as these led the International Committee of the Red Cross to publicly criticize the Myanmar regime in 2007 for creating 'a climate of constant fear among the population' (cited in Brees 2008: 4). These abuses have been official military tactics since General Ne Win introduced the 'four-cuts' policy in 1962 to deprive the rebel KNU of food, funds, intelligence, and recruits (Grundy-Warr and Wong Siew Yin 2002: 101).

In 2010 the Thai–Burma Border Consortium (TBBC) estimated that over half a million people are displaced by armed conflict in South East Myanmar (including Karen, Karenni, Mon and Shan states), and that 3,700 civilian settlements in the region have been destroyed by the state military and allied forces since 1996. The period from August 2010 to July 2011 was the worst in a decade for forced displacement, with the clearance of 105 settlement areas in South East Myanmar affecting 112,000 people. Karen communities were among the hardest hit as fighting broke out between the regime and elements of the previously allied Democratic Karen Buddhist Army, and counter-insurgency operations against the KNU continued to target civilians. The figures also include over 28,000 people from Karen communities who were forcibly displaced from areas affected by the KyaukNaGa dam project, which has flooded large areas of Karen and Eastern Bago states (TBBC 2011: 18). In the current situation of military oppression and economic hardship, the responsibility that women take for the survival of their families has become a full-time job. According to Naw Zipporah Sein, the impact of the need to focus on family survival has been to make it 'very difficult for women to explore outside and to have extra time to work, to focus on politics or to focus on extra things like community work'. This situation has entrenched existing gender roles in which 'men usually take the work, like revolutionary work, or economic work, while the women stay behind and work for the family and look after the children'.

The militarization of life in Myanmar, particularly in the border areas, is a gendered process. The WLB (2006: 2) points out that the *Tatmadaw* is an exclusively male institution and that military domination of political and social institutions therefore constitutes a direct barrier to women's participation in governance. Official women's organizations such as the Myanmar Women's Affairs Federation (MWAF) and the Myanmar Maternal and Child Welfare Association (MMCWA) were established by the government and remain firmly under the control of male government leaders. In Karen state, military units have been reported to force villages to 'buy' a set number of memberships in MWAF and MMCWA, even though women in these communities have no knowledge of these organizations or interest in joining (KHRG 2006: 38). Moreover, militarization has involved gendered violence against civilian populations, including the widespread and documented use of rape as an act of war (KWO 2004). The systematic use of sexual violence against women by military forces has impacted on the ability of women to travel and work independently, contributing to a 'culture of fear' in which women fear for their safety at all times (KWO 2004: 22). There is also evidence of sexual violence being deliberately used as a tactic by the *Tatmadaw* to discourage women from asserting themselves in positions of leadership. Many of the women village leaders interviewed by the KWO (2010: 14) reported that they or their family members had been raped by army officers, sometimes as punishment for non-compliance with orders. In many of the cases documented earlier by the KWO (2004: 17), women subjected to sexual violence were accused of supporting or having relatives belonging to the KNU.

### **The impact of exclusion from political decision-making**

While it has adopted a policy commitment to promoting women in leadership roles, the KNU has struggled to make progress towards this goal. While it supports the standard set by the WLB of a 30 per cent quota for women in leadership positions as an aspirational goal, the KNU has had difficulty meeting the current five per cent quota set by its own constitution. While the KNU is undergoing a process of change in recognizing the leadership potential of women, progress is uneven, especially at the district level. The KNU has no female district leaders and although some districts have women members on their governing committees, others remain completely male dominated. As a KWO spokesperson put it: 'at the KNU central level we can see the involvement of more women, but at the district level there is still some belief that they don't have women, they can't find women.'

In the past, a vicious cycle operated in which women were not recognized or promoted as leaders, and lacked the confidence and experience to put

themselves forward for leadership positions. The barriers to women's participation in Karen organization have not been formed by deliberate policy but by apathy and neglect of gender issues by a male-dominated leadership. Where women have advanced in the organization, this has primarily been achieved through the initiative of the KWO. Even as the KWO has achieved recognition of the importance of empowering women leaders and activists, it has struggled to overcome apathy in other organizations, which now perceive gender issues to be the responsibility of the KWO. As a KWO spokesperson states:

Traditionally they say we need more women participating, and it is up to KWO to send ... they think that KWO is the one who should provide women, rather than them bringing the women in and helping training them, or inviting them to meetings and trainings, building up their capacity like that.

Women taking on positions of leadership have had to overcome scepticism from male colleagues as to their abilities and experience. Naw Zipporah Sein described her difficulties after becoming KNU Secretary General:

I am the first women in this position, and I think that for the male leaders, for some of them it was difficult to accept a woman in this position. So I felt, sometimes at the beginning, a little bit different from the male leaders ... It was quite difficult for me at the beginning.

The combination of factors that allowed Naw Zipporah Sein to achieve this position, including her previous experience as leader of the KWO, is discussed later in this case study. However, even with training and organizational support from the KWO, many women find it a daunting task to break into previously male-dominated roles within Karen organizations. As a KWO spokesperson put it:

We are afraid because sometimes the organizations do not brief the women or hand over the work properly, or not give enough information. So of course, when she goes to a meeting she doesn't feel like she's capable of doing that. They need guidance and information.

The lack of support that some Karen women have experienced in joining CBOs has been a barrier to full participation in political work. When women are prevented from fulfilling their potential and working to the best of their ability by a lack of institutional support, this also serves to reinforce the distorted view that women are unsuited for political work.

Hostility and harassment in the informal culture of organizations is another barrier that women face in participating in CBOs. The KWO has received feedback from members who were harassed while working with male staff from



other Karen organizations: ‘sometimes, if women travel with the men they can be harassed verbally, joking or saying things that are not nice about women. It doesn’t make women feel comfortable working in those environments.’ This kind of harassment was one explanation that the KWO cited for the difficulty that CBOs and human rights groups have reported in finding female staff to work as field researchers inside Karen state. Human rights organizations explained this difficulty by referring to barriers at the level of the community, where women’s family responsibilities and traditional social roles made it ‘less common for women past a certain age to travel outside the village’, and to the physical dangers posed by military presence in the area (interview with KHRG staff 2011). However, KWO staff have countered this view, stating that ‘a friendly gender policy and environment’ was a more important factor in whether organizations could recruit female field staff, and that ‘if they have good policies, that understand our needs, then they would be able to recruit’. The policy approach that the KWO itself has taken to recruit, develop, and retain female staff and community organizers is detailed below.

A further barrier to participation in customary governance that women involved in organizations like KWO have faced is the perception that their organizations only exist to support and care for the needs of male-dominated organizations. Women from a range of organizations in Myanmar’s border regions have often described this problem as a key factor motivating the politicization and assertion of autonomy of their organizations. For instance, the multi-ethnic Burmese Women’s Union (BWU) was originally formed as a women’s organization within the rebel student army, the All Burma Students’ Democratic Front. However, as indicted by one interviewee, women organizers became frustrated that their role was seen as ‘to do for the soldiers what they need. Just preparing for them and this is their role as Burmese Women’s Union’.

This experience prompted the BWU to form an autonomous organization with a strong commitment to networking with existing ethnic women’s organizations to strengthen the women’s movement in Myanmar. A similar story was told by a member of the Kachin Women’s Association of Thailand (KWAT). When the association was first formed, it was expected to act as a kind of women’s auxiliary to the Kachin Independence Army, ‘helping the men from the background. They have to cook while they are fighting, you know. The women have to cook and send the food, the rice, to the front’. KWAT was formed as a separate organization in Thailand to support the goals of the Kachin organizations, while also networking with other women’s organizations as an autonomous group representing the specific interests of Kachin women.

When the KWO was first formed at the initiative of the KNU in 1949, it fulfilled a similar role as a humanitarian and support organization. Later, women were recruited to work as teachers and medics within the education and health departments of the KNU but were not expected to take on political roles or to have a say in the decision-making of the organization. Naw Zipporah Sein recalls meetings in the Karen refugee camps on the Thai–Myanmar border at which bamboo mats would be laid down for community members to discuss the issues at hand but ‘many women would sit far away near the door, feeling that their lack of education meant they did not have the right to sit on the mat and voice their opinions’ (Zipporah Sein 2003: 1).

Since the reorganization of the KWO in 1985 as a political organization, and subsequent efforts to improve educational opportunities for women, the situation has changed, but perceptions still persist that the KWO can be called on to offer services in a support capacity, without being offered a role in decision-making. As a KWO spokesperson described it, ‘traditionally we were seen as only caring for the people who were in need and in any ceremony, like a mother who is cooking for the children, we were always seen like that’. The effect of this long-standing expectation was that women were providing essential labour for community events at which their voices were not represented. This had a negative impact on women’s participation in customary governance, as they were denied the opportunity for public recognition of their political work:

If we are only cooking, it doesn’t match our objective to develop and promote women’s living standards and leadership. How can we become leaders if we are always in kitchen cooking and never at the front and never able to face the public?

The expectation that women will be primarily engaged in support work, while men take decision-making roles and act as the public face of organizations, extends beyond ceremonial events and affects the roles assigned to men and women in CBOs. This can be especially problematic in office environments where job descriptions are fluid and promotion within the organization often depends on demonstrating aptitude and initiative in a variety of tasks. Informal systems for distributing work tasks can be as much of a barrier to the advancement of women as formal hierarchies, depriving women of the opportunity to prove and develop their skills:

When they are recruiting and training new staff or trainers, they also need to find a gender balance, and then train them and give them important jobs. Because okay they have a number of women in the office, but what are their jobs that they do in the office?





This is why the KWO insists that measurement of opportunities available to women in CBOs needs to go beyond quantitative measures of numbers of women staff, in order to pay attention to the work experiences of those women. When organizations recruit women staff and then fail to develop and value their skills, this creates a barrier to the advancement of those individual women, but also deprives other organizations and communities of effective advocates and organizers:

while some are being promoted to higher levels, some remain the same, and we say ‘if you are not able to use them, we want them back’, and then the organization didn’t want to send them back either, but continued to give them the same work. Then later, they are not at the levels that we would like to see them.

The prevalence of informal organizational cultures in which women struggle to be recognized as worthy of responsibility and promotion is one explanation for why many Karen women feel that they ‘have to be much more skilful than the men at the same leadership level’ in order to be recognized as equals.

### **Inclusion processes undertaken**

The contribution of the KWO to the inclusion and participation of women in customary governance has been achieved through interrelated processes: promoting women’s participation within the KWO itself; engagement at the community level to support the inclusion and leadership of women; working with other CBOs such as the KNU to promote the inclusion of women; and networking with international organizations to mobilize support for the empowerment of Karen women. Women are now gaining recognition for their leadership roles, both from grassroots communities and from male colleagues.

The example set by the achievement of Naw Zipporah Sein exemplifies the success of the organizing strategy pursued by Karen women leaders. The appointment of a woman as the head of the KNU was hailed as an important sign of change, with the general secretary of the WLB, Nang Yain, describing it as ‘an acknowledgement that the KNU recognizes the role of women in the political movement’ (Saw Yan Naing 2008). The process by which Naw Zipporah Sein reached this point also highlights the extent to which the KWO remains the primary vehicle for the advancement of women within Karen communities. Her initial involvement in the KNU was as a delegate to the organization’s congress, nominated by the KWO. The right of the KWO to send voting delegates to the congress had been negotiated in recognition of the growing political status of the women’s organization. However, there were only a handful of women present, meaning that running a successful

campaign for election required persuading male delegates that she had the skills and commitment to represent the Karen communities as a whole.

Although she could not match the long careers within the KNU of some of the male leaders present, Naw Zipporah Sein was able to draw on other experiences, as a teacher in Karen communities and as an organizer and leader of the KWO, that gave her an edge. She counts the training she received through the KWO as the most important factor that has enabled her success: 'I have experience in my background of different kinds of training that give me courage'. In particular, just before the election she had had the opportunity to attend a training programme at Yale University for women running for political office, sponsored by a grant to the WLB. She credits the experience of taking part in this programme with giving her the confidence boost she needed to put herself forward for the position of KNU Secretary General, as well as developing the skills required to successfully lobby for support: '[i]t helped when we were there, how to work with the different leaders, to have the skills of communication.'

The path through the KWO and into other CBOs has been the main route for women to achieve positions of influence in Karen customary governance. Women such as Naw Blooming Night Zion, who rose through the ranks of the KWO before leaving to take up a position as joint director of the Karen Relief Committees, now command significant authority and respect among Karen refugee and internally-displaced communities. In moving into positions within a range of CBOs, Karen women leaders are following the lines of relationships established by the KWO.

The relationships between the KWO and other Karen CBOs combine characteristics of autonomy and affiliation. In some respects, the KWO is an autonomous organization with independent processes of decision-making and resource mobilization. In other ways, the organization is strongly affiliated with other Karen CBOs, both in formal terms as in the case of the KNU, and through informal ties of identity, common interest and personal connections, as in the case of Karen relief, human rights and environmental groups. Progress in women's participation and leadership in all facets of Karen community life has been closely linked to the developing relationships between the KWO and other Karen organizations. The earlier dynamic, in which the KWO functioned as a support organization while male-led organizations took the political limelight, is now changing as the KWO asserts itself as a political organization.

Where the KWO would have previously have been expected to cater for events in which male leaders took a central role, the organization now has a policy that 'if they have an event and they want the women to help, they



can cook but they should not be the only ones who cook, and they should also be on the platform'. As a result of this policy, the KWO is increasingly being included on the platform of public events in refugee camps and in Karen state, alongside leaders of the KNU and other organizations such as the Karen Youth Organization (KYO). As one KWO interviewee explained, this development is a sign of growing recognition of the KWO as a political organization, and is important for the continued growth of the organization:

now, the KWO is being asked to be on the platform, to talk or give a speech. Other organization, when they are given a chance to speak, they promote their organization and their work ... If we are never at the front line, talking about our role, we will never get that recognition. So we need to be on the platform so we can talk to the people and let them know about our work and how we are supporting the community.

The evolving relationship between the KWO and the KNU has been of central importance, with the growing recognition and respect afforded to the KWO as a political organization translating into a slow but steady improvement in the status of women within the governance structures of the KNU. The experience of the KWO has been that:

in our movement within KNU, we can see the changing attitudes of some men in recognition of women. In the work they are doing they think about women, like we should have KWO involved or have women's views on this. So we can say that this is a success. In the past, if they have a meeting they would not invite KWO for the meeting, but now within the Karen community based groups, women are recognized and we will be invited for the meetings, and involved in the planning and in the implementation. So we see that as progress.

There is no necessary contradiction between the autonomy of the KWO as a parallel structure to the KNU and the affiliation between the two groups, but there are tensions. As described above, the KWO has in some ways been a victim of its own success, with other organizations now seeing issues of gender equality and women's empowerment as the KWO's responsibility. This issue has become a key focus of the KWO's relations with other organizations, as it seeks to combine the advantages of an independent organization representing women with the need for mainstreaming of gender issues as a concern for all organizations:

So this is one thing that we always talk to other groups, to have women, to increase women's leadership and participation, is not only KWO's duty, it is also their duty to bring in. We have responsibility to empower women, to provide the opportunity for women to empower themselves and later to be involved in the leadership level, but it is also the organizations themselves that need to work hand in hand with women.

Communication about gender issues between organizations often takes place in response to specific feedback from women who have attended KWO

courses about issues affecting them within their organizations. KWO efforts to get action on gender issues from other organizations are also facilitated by contact with former KWO staff and trainees now working for those organizations. For example, Naw Zipporah Sein now provides a link between the KWO and the upper leadership of the KNU, and is able to ensure that women are included within training and decision-making processes within the KNU.

The support that the KWO is able to offer to emerging women leaders is based on long experience of working to overcome barriers that women face in engaging in politics. For example, the maternity leave and childcare policies developed by the KWO provide a model for other organizations seeking to support women to balance work and family commitments:

In KWO we have so many women who have had babies, but they continue to come to work, because you have to look at the needs so that women can be able to work. We try to provide childcare to every woman in the community, even if not a lot. Here also, we have a good policy on maternal leave and childcare issues. We encourage every organization to do this. They can recruit women, but when they have children of course they have to take leave.

The KWO also reports that its members are starting to gain more recognition from male partners of the importance of their work. Husbands of KWO members were reported to be increasingly 'supporting and encouraging their wives' KWO involvement, and sharing domestic duties more to facilitate this' (KWO 2011: 59)

In common with other women's organizations in the region, the KWO places a high priority on education in its efforts to promote the participation of women within the organization and in the community. Within the organization, the leadership capacity of young women members is developed through further education and internship programmes. A new generation of Karen women leaders and community workers is emerging through programmes such as the Young Women's Leadership School (YWLS), a ten-month intensive course followed by two months of field work. The YWLS curriculum covers community development and management; human rights, women's and child rights; basic law and administrative skills; information collection and documentation (e.g. library skills and interviewing skills); Karen history and politics; Burmese and English language; reading and research skills; practical life skills (such as typing, crochet, embroidery and cooking); and leadership skills (KWO 2011, 28)

The YWLS programme includes a focus on public speaking, both to develop this particular skill and to build the general confidence of women in speaking



on matters of politics, so that ‘through practising they feel more confident to speak out’. However, the confidence that young women leaders gain through their involvement with the KWO is based on more than public speaking practice alone. The organizing and education practice of the KWO offers a basis for collective strength which women can trust to support them in their efforts to speak out and take action for change. As one KWO interviewee put it:

We can say that because of KWO that if there is any problem that women have to face, that women don’t have to be afraid and keep silent, they can speak out and then they know that this organization will try to help them.

Many graduates of the YWLS have gone on to take up key positions in the KWO and other organizations. According to the International Women’s Development Agency, which funds the programme, 220 Karen women have participated in the YWLS, of whom 90 per cent are now working in Karen community organizations (IWDA 2013). Graduates of the programme have also been elected to leadership positions within refugee camp governance structures, including vice-chair, secretary, auditor and treasurer positions. These positions had not previously been held by women, and the KWO considered this development a highly significant ‘recognition of the capacity of young women’ (KWO 2011: 28).

One woman who has worked for the KWO and now serves on the executive board of the WLB was one of the first graduates to come through the school:

The first year, I attended that school. After that year the women go back and work with the community and we can see more women’s participation in the community and also in the decision-making.

The ongoing commitment of the KWO to follow up with training participants is crucial to the success of the programme. Participants who are recruited from other Karen CBOs return to their organizations on completion of the programme, and the KWO follows up with them to check on their progress. Graduates may also choose to join other organizations on their return to their communities, such as the KNU, where ‘women who are trained at the KWO young women’s leadership school have more chance to be involved at the district level’. As women trained by the KWO spread throughout other organizations in the community, the reputation of the KWO training programmes is enhanced, along with relationships between the organizations:

After these young women have graduated, they go back and work, and we hear very positive feedback, that they are talking more and have better critical thinking skills, and are reliable in their work. And they keep asking when we organize another one, and want to send more people.

To further develop graduates of the YWLS, and to support women seeking advancement within other Karen CBOs, the KWO also established a more advanced Emerging Leaders Programme (ELP). This programme, which ran over ten months, covered a wide range of subjects including an introduction to gender; the history of Myanmar and the Karen; democracy and federalism; public speaking; economics and development; policy making; lobbying skills and many others (KWO 2011: 30). The ELP ran twice in the period 2008–2010, with 28 participants graduating and returning to work in Karen CBOs. However, the programme was not able to run in 2010–11 due to a lack of secure funding (KWO 2011: 30). Nevertheless, the YWLS and ELP programmes have greatly enhanced the capacity of Karen women to make an impact in the governance of their communities, and have also helped to develop cooperative relationships between the KWO and other CBOs:

Other organizations have sent representatives to our Young Women's Leadership and Emerging Leaders programmes. When we organize training we invite other organizations including student groups, environment groups, relief and development groups.

Within the broader community there is also a strong focus on training programmes to communicate the political and practical aspects of women's participation. For example, to address the marginalization of women within the customary justice system in the refugee camps, the KWO took an education-centred approach:

KWO supported women in their participation in the traditional justice system ... To empower women and the community to participate in and access the traditional legal system, KWO gives training in customary law as part of its education programs. We also support and encourage women through the court process itself, assisting them with representation and explaining the process (KWO 2006: 15).

The KWO also contributes to general education for women and children in the refugee camps, running a nursery school project, adult literacy projects, and special education projects for disabled students, as well as providing direct support for women and children to engage in education. Education also features prominently in the organizing work undertaken by the KWO within Karen state:

Every year we have the organizing trip. We went inside, met with the women there, conduct the training, talk to them, so that to inform them about KWO activities and if they're interested they can involve or apply for the membership.

This approach, which combines appeals to collective solidarity with individual voluntary choice to join the organization, differs markedly from the forced recruitment approach of the official MAAF and MMCWA women's organizations.



## Changes in knowledge, practices and behaviours

Women in Karen state have responded to military conflict in ways that have won recognition of their leadership abilities. In response to gendered violence against men and boys, who would be killed as suspected KNU members or supporters, women in Karen state have increasingly taken on political roles where contact with the military is required. In conflict regions, village headmen had frequently been summarily executed for minor or perceived non-compliance with state forces occupying their territory. In response, from the mid-1980s onwards, communities began to put forward women as village heads in the hope that army officers would hesitate before ordering them killed. The tactic worked to some extent, although village headwomen have still faced abuses, and the practice has spread.

Many village headwomen have now held their positions for decades and have won respect from their communities for their ability to negotiate and mitigate the demands for labour and materials issued by military commanders. As headwomen they 'have to negotiate to protect their villagers, so there will be less work for the villagers and at least the villagers are not tortured or forced to do a lot of work'. Interviews with headwomen carried out by KHRG (2006) and KWO (2010) demonstrate that these women are exercising genuine positions of authority within their communities and are entrusted with the essential task of representing the interests of villagers in interactions with the military. As one KWO member said, 'we can see that in those difficult situations, the capacity and skills of women are recognized'. Speaking for the KNU, Naw Zipporah Sein also spoke highly of the courage of women taking on leadership positions in Karen villages:

Women have the confidence to face the problems, because they have different skills for dealing with the situation and, even though they have to face a lot of problems in taking the leading roles, but still they keep their courage to do that. Many of the women were also tortured and abused by the military, different kinds of violations, but they kept going. In this situation I see that women have the skills and the courage to take the leadership roles in the communities.

As Naw Zipporah Sein identifies, village headwomen have paid a high personal cost for their advocacy on behalf of their fellow villagers. As detailed in the previous section, women in positions of authority in Karen villages have faced extreme pressure to bow to the demands placed on their communities by the *Tatmadaw*, and have suffered abuses including rape, torture and murder. Despite these extreme difficulties, women leaders have been recognized for their persistence and bravery in negotiating situations of life or death for their community members.

Karen women have also responded collectively to the armed conflict in their territory through the peacebuilding efforts of the KWO. The mission statement of the KWO states as a core belief of the organization that ‘women’s contribution is an essential factor in the peace-building and national reconciliation processes of Burma’ (KWO 2006a). The KWO shares the view of the KNU that a only a political settlement that addresses the underlying causes of conflict with the Myanmar Government will bring about lasting peace in their territories. However, as an independent women’s organization with a commitment to non-violence, the KWO is able to access local and international networks not available to the KNU. Through local networks such as the WLB, and contact with international women’s organizations, the KWO is able to mobilize additional pressure on the Burmese government to negotiate with the KNU. In November 2011 KNU leaders including Naw Zipporah Sein began preparations for peace talks with the administration of President Thein Sein (Irrawaddy 2011). Although previous ceasefire agreements have faltered, the KNU hopes to make progress towards a political settlement.

The capacity of Karen women to engage in peacebuilding has been strengthened by networking with other women’s organizations, both local and international. Since establishing independent organizations and the umbrella WLB, the women’s movement has taken a leading role in international lobbying to challenge the legitimacy of the military regime in Myanmar. One of the BWU’s first actions internationally was to make submissions to the United Nations Human Rights Commission (UNHRC), following on from contacts made at the Beijing Conference on Women. This was seen as important so that general issues of human rights abuse would be linked to the particular abuses faced by women. Since the WLB was formed in 1999, with the KWO as a founding member, this group has taken on the role of coordinating these international lobbying activities. Representatives of ethnic women’s organizations such as the Shan Women’s Action Network and KWO have played high-profile lobbying roles, meeting state leaders and tabling reports on abuses against women by the regime in Myanmar.

Speaking about her role with the KWO, Naw Zipporah Sein emphasized the successful international lobbying work undertaken by that organization as a key factor in achieving recognition from other Karen organizations of the importance of the KWO within the political movement:

We also have a lot of activities for international advocacy where we talk about the Karen people’s suffering. We don’t talk only about the women, but about the whole people’s suffering. So this is something that is recognized.





Experiences gained in international networking have also fed back into local organizing work, particularly in the way that women's organizations relate to each other. Participation in the Beijing Conference on Women was a watershed moment for women's organizations from Myanmar in terms of recognizing the importance of local and international networking. A series of symposia for women leaders from different ethnic communities in the late 1990s led to the decision to form the WLB as a federation of women's groups. Naw Zipporah Sein describes the importance of this process for the KWO:

I think that women are stronger when they form networks with other women. Like for the Karen Women's Organization and other organizations, before we formed the Women's League of Burma, the women's organizations worked separately and we didn't develop as political organizations. But when the Women's League of Burma formed as an umbrella organization, it was more focussed on the political, and Women's League of Burma is a political organization. So that is where it benefited the member organizations because they came to focus more on politics. I can see the changes after we formed the networking and formed the League, that it strengthened the women and also supported the women's movement, and we see that the women's movement is not only for each ethnic group, but for the whole of women in Burma.

### **Lessons learned and their policy and practice implications**

For groups seeking to address barriers to women's participation in customary governance similar to those Karen women have faced, there are a number of lessons to be learnt from the experiences of the KWO. Although there are no shortcuts in terms of the kind of sustained community organizing approaches used by the KWO, there is some good news in their story for women's organizations struggling to attain recognition and respect in their communities.

First, a strategy of community organizing based on political education of women activists (training the trainers) takes time to show results but can then produce exponential growth in the base of the organization and sustained political change for generations of women. Second, networking with other women's organizations—locally, regionally, and internationally—can be an invaluable process, not just for mobilizing resources and practical support for an organization, but for the processes of change that networking initiates within the organization, broadening the perspectives of activists and inspiring further politicization of the organization's work. Third, insisting on organizational autonomy and democratic processes controlled by the women members of the organization can support the further integration of women into the structures of dominant customary institutions and community

organizations, as long as women leaders are prepared to sustain pressure and engagement in support of women's participation. The experience of the KWO suggests that male leaders will move to accommodate greater participation of women once they see the value to the broader community, and that this value is most easily demonstrated from a position of autonomous organizational strength.

The dynamics of the relationship between the KWO and the KNU are specific to the context of protracted conflict in Karen state and the particular articulations of Karen collective identity that have emerged in the process of resistance. However, women's organizations in communities facing similar challenges could study the details of the KWO's work to see what aspects apply to their situation. For women's organizations in developing countries, especially in marginalized communities and those affected by protracted conflicts, the KWO's focus on education-based strategies of women's empowerment will resonate. The KWO's programmes for women in grassroots communities show how practical training in areas such as literacy and income generation can be combined with political education to empower women to participate in decision-making and take leadership roles. The leadership development programmes of the KWO, including the YWLS and the ELP, have proven to be powerful drivers of political change in Karen communities and could provide models for other organizations seeking to build the confidence and capability of women activists.

The need remains for further work by both CBOs and international NGOs to develop strategies for gender empowerment based on long-term sustainable engagement and relationship building in Karen communities. Several points of feedback from the KWO are of particular relevance in this regard, and are instructive for organizations working in similar circumstances. First, organizations should focus on developing female staff as a long-term commitment, rather than relying on recruitment strategies that headhunt experienced staff from other organizations. Karen organizations already struggle to retain staff and organizers due to the unstable situation inside Karen state and the resettlement of refugees to third countries. NGO recruitment can be a further drain on scarce human resources in the community unless outside organizations commit to sustainable strategies for developing local staff. Second, organizations wanting to work on gender issues and women's empowerment within target communities should work with local organizations such as the KWO which are already doing this work and negotiate partnerships, rather than duplicate existing programmes.

Third, according to a KWO interviewee, international organizations and NGOs 'should look at the community based organizations, look at the skills

and abilities there and then continue to work with them, not to start from the beginning and ignore them'. International organizations should also work to understand and support the strategies that women's organizations are taking to combine organizational autonomy with customary and community affiliation. As well as supporting the independent work of women's organizations, donors should work to ensure the mainstreaming of gender issues including the promotion of women's participation and leadership through their programmes with other organizations. Finally, donor assessment of funding proposals should include 'looking at how the project will involve women and what the impact will be for women'.

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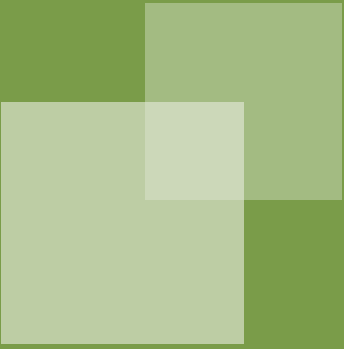
## Notes

- <sup>1</sup> Unless otherwise stated, all quotes in this case study are taken from interviews conducted by the author with various members of Karen organizations in October 2006 and October 2011. Due to the sensitive nature of these interviews, interviewees have not been named or otherwise identified.



# Chapter 9

**‘Beyond almost all politicians there are women in the shadows’:  
Cambodian women’s experiences of local governance**





## Chapter 9



SUE GOLLIFER

They looked down on me like they did not respect me, like I am a woman, they wanted to tread on me, make me fail but when they do this, I just spring back up, I get back up' (Sroeuung).<sup>1</sup>

### Abstract

This case study uses the narratives of four rural Cambodian women aged in their fifties to illustrate the diverse strategies they apply to overcome obstacles faced in their role as commune councillors. Cultural gender norms, hierarchical social structures and a patriarchal political culture dominated by party affiliation at the expense of individual candidate merits create the common base that these women operate in. The study identifies core character traits and dispositions of each woman and considers these in relation to historical and political transformation. This helps to identify distinct political motivations and also serves to highlight how these women have reconstructed gender identities in response to socio-economic and political shifts in a transforming society. It further analyses the role of a local non-government organization and the extent to which it has contributed to the women's engagement in local politics.

The study concludes that the four women have developed different coping strategies to address traditional marginalization from public political roles. These are informed by political motivation that has been influenced by family relationships; community engagement and activism; and experiences of personal humiliation and discrimination. Civil society organizations have also played a key role in the realization of these motivations and in assisting women to manage their conflicting identities as they engage in the public political sphere whilst continuing to play their role in the private sphere.

The findings have important implications for democracy assistance practitioners and policy makers in terms of highlighting the need to recognize and work with diverse and individual political motivations and coping strategies to better respond to the negative impact of gender socialization on women's engagement in politics.



## Acronyms and abbreviations

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<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CF</b>	community facilitator
<b>COMFREL</b>	Committee for Free and Fair Elections in Cambodia
<b>MDG</b>	Millennium Development Goals
<b>NGO</b>	non-governmental organization
<b>UNDP</b>	United Nations Development Programme
<b>VDC</b>	Village Development Committee



## Background

Given the current inability of the Cambodian democratic system to represent the interests of the Cambodian people (COMFREL 2010; 2011a), there are a number of distinct groups marginalized from the political decision-making process in Cambodia today. Due to certain actions taken by the current ruling party in Cambodia, marginalization of sectors of the voting population has become unnervingly common and has affected those in the 'wrong' party who dare to speak out and exercise their right to freedom of expression, or who have been denied access to quality education and information. Women constitute one of these marginalized groups.

An anonymous Cambodian author writing in 1954 observed that 'beyond almost all politicians there are women in the shadows' (cited in Frieson 2001: 1). While this statement may have been true in Cambodia for much of the 20th century, low women's political representation is not unique to Cambodia. The United Nations Development Programme (UNDP) reported that out of a total of 187 countries only seven—Sweden, Iceland, Finland, Andorra, Cuba, South Africa and Rwanda—have parliaments in which more than 40 per cent of representatives are women (UNDP 2011). However, when women in Cambodia experience political marginalization, it is necessary to ensure that their experiences are not neglected or hidden behind the struggle for social justice for all Cambodian citizens. Given their diversity in terms of age, ethnicity, ability, class and economic status, women do not represent a homogenous group. However, they do represent a 'subordinate position vis-à-vis men when measured against economic wealth, political power and social representation' (Frieson 2001: 2).

The aim of this case study is to better understand, from a gender perspective, the political experiences of four women—Sim, Sroeng, Pheng and Thavy—who work as commune councillors in Cambodia, in order to generate lessons for democracy assistance practitioners working for non-government, civil society and community based organizations, as well as more general audiences. The four women are all from rural areas of the two provinces in which Banteay Srei—a local non-government organization (NGO)—operates. All four are in their fifties; two are ethnic Khmer and two Khmer-Chinese.

The decision to focus on a gender analysis and to select rural women in their fifties is influenced by the focus of the work of Banteay Srei. In Cambodia, approximately 90 per cent of the population are ethnic Khmer; 85 per cent are farmers who depend on agriculture for their livelihood (Royal Government of Cambodia 2010); and the majority of commune councillors are aged over 49 (Vimealea et al. 2009). Banteay Srei works in rural areas

with female councillors who are ethnic Khmer and Khmer–Chinese and one of its key objectives is to address gender relations to increase women’s political empowerment in rural areas.

The narratives of the four women are not intended to present objective representative realities but to generate a deeper insight into motivational factors, challenges and coping strategies. They are also not intended to represent women as a homogenous group. Rather, they provide insights into shared life experiences that can assist in understanding the complexities and contradictions of human experience. The emphasis in this case study is on the gendered nature of these complexities and contradictions. The views of the women’s male colleagues are also included in the text to support the arguments presented.

### *Political context*

Cambodia is a constitutional monarchy with a liberal democracy and a multi-party system. National and commune (local) elections are held every five years. Opportunity for marginalized groups and the country’s overall development lies in the country’s decentralization process, and the role that rural women can play in the political decision-making process. Increasing women’s participation in public decision-making and politics is an essential prerequisite for poverty alleviation and has been shown to have positive effects in addressing gender inequality (Hoare et al. 2008). It is also a basic human right articulated in international treaties and conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the third Millennium Development Goal (MDG) on gender equality (Hoare et al. 2008). Cambodia is a signatory to these and other human rights conventions and the political rights of its citizens are also articulated in the country’s constitution (see box 9.1).

#### **Box 9.1**

The Cambodian Constitution is the highest law in the country and guarantees the Cambodian people the right to vote and stand as candidates for election according to articles 34 and 51. Other political and social rights are also guaranteed by the Cambodian constitution. In addition, Cambodia has signed and ratified several human rights treaties, including the International Covenant on Civil and Political Rights, under which the Cambodian Government is required by international law to respect the rights described therein (COMFREL 2010: 1).

In 2002, Cambodia held its first direct commune (local) elections (at this time, appointments at the provincial and district levels were still made by the Cambodian Government). In 2007 Cambodia held its second direct commune elections and government electoral reforms in 2009 led to the election of district and provincial councils by the commune councillors. A number of civil society groups, including the Committee for Free and Fair Elections in Cambodia (COMFREL), argued that these reforms were undemocratic in that they failed to reflect the principal of universal suffrage: 'Universal suffrage emphasizes inclusiveness and non-discrimination within the group of persons to whom the right to vote is granted' (COMFREL 2010: 3).

Despite the democratic principles upheld by the constitution and the ratification of international human rights treaties, the Cambodian people are unable to choose their own representatives at the provincial and district level, thus restricting the accountability of elected officers. This system highlights the extent of political power that commune councillors can exert if they are from the ruling majority party and the vulnerability of those from parties that hold fewer seats (see box 9.2).

### Box 9.2

As a result of the indirect election process at the sub-national level, the number of seats is proportional to the current number of commune councillors from the Cambodian People's Party (CPP, 70 per cent), the Sam Rainsy Party (SRP, 23 per cent), the Norodom Ranariddh Party (NRP, 4 per cent) and FUNCINPEC (3 per cent) (COMFREL 2010: 3).

The power of the party over the individual and independent candidate creates an environment that is open to corruption and coercion. Freedom and democratic space in Cambodia are limited, as illustrated by the government's increased intolerance of civil society responses to land grabbing and forced evictions. Parliamentarians, who have special immunity from prosecution, are also at risk of having their freedom of speech restricted and new internal rules for parliament have restricted the active participation of opposition parties (COMFREL 2011a). Freedom of the press is restricted in Cambodia, with newspapers threatened with defamation and disinformation lawsuits and journalists at risk of incarceration, while radio and television media are dominated by the ruling party or else indirectly by those with strong ruling party affiliations.

In response to the advocacy work of COMFREL and other human rights and civil society organizations, the government established a Mixed Technical Working Group in April 2010 to oversee the possibility of improving the voter registration and voter list processes (COMFREL 2011a). However, ill-defined laws and the judiciary system continue to be used as political tools to silence critics rather than address issues of suffrage, freedom of speech and equitable use of the media.

### *The masculinity of politics*

Cambodia has one of the lowest gender empowerment ratings in Asia and a gender development index of 0.500, and is ranked 99th out of 187 countries (UNDP 2011). Rural women are more likely to experience greater gender inequality with incidences of domestic violence, sexual assault, rape and land grabbing affecting them more than urban women (Ministry of Women's Affairs 2008; Nakagawa 2006). Cultural norms and traditions have created and perpetuated gender disparities in terms of educational access and achievement, levels of poverty and opportunities in the political public sphere, resulting in low representation of women in politics. The prime minister has verbally encouraged government institutions to appoint women to vice-chairwomen or deputy chief positions and also encouraged all political parties to include women on their party lists for the commune elections in 2012 (COMFREL 2011b). However, despite a political rhetoric that promotes women's political empowerment and the debates around the introduction of a quota system, at the time of writing no party had developed a written gender policy or action plan (COMFREL 2011b).

Cambodia has a long history as a neo-patrimonial society contributing to 'a strong tradition in which leaders have absolute power and so the concepts of power sharing, loyal opposition and elections are all unfamiliar' (Pat et al. 2007 in Vimealea et al. 2008: 22). The patron-client relationship in a hierarchical society, characteristic of patrimonial governance, legitimizes inequalities and informal exchanges between those with lower status (inferiors) and those with higher status (superiors): '[t]his kind of bond persists in a society of inequalities (of wealth, status, power) and of weak formal structures that are compromised by informal reciprocal relationships' (Pye 1985 in Vimealea et al. 2008: 21).

Hierarchical structures in Cambodia have traditionally placed women as the inferior sex. Hierarchy in this sense refers to a society consisting of a vertical chain of relationships between patron and client (Nishigaya 2005: 64). Assigned roles as articulated in the *Chbab Srey*, the traditional code of conduct for women, have resulted in traits such as domesticity, passivity and



submissiveness being associated with women and male traits of assertion, aggression and authority associated with leadership (Vimealea et al. 2008; MoWA 2008). The *Chbab Srey* stipulates that the ideal woman (Srey Krab Lakkana) does not go out alone in public and identifies with the merits of her husband, providing him with tactful advice (Nishgaya 2005: 64). Her role seems to be to complement rather than challenge the role of the man in the family (Frieson 2001).

The concept of gaining merit is important in Cambodia, stemming from the influence of Theravada Buddhism: '[i]n Cambodia the concept of "patronage" is usually ascribed to the political spheres of life, whereas "merit" is generally associated with religious spheres' (Zucker 2009: 33). Zucker argues that if we understand Buddhism in terms of local practice, in that it serves people's everyday needs, we can start to appreciate the 'structural similarities between the practice of patronage and merit making' (Zucker 2009: 33). The implications for women who are in positions of power, such as female commune councillors, is that they become caught up in a conflict of identity between the role of client (in their male/female relationships in both the private and public spheres) and the role of patron (in their local constituent/councillor relationships). Inevitably, this demands a process of negotiation that produces 'tensions and change on many levels' (Frieson 2001).

Literature on women in politics in Cambodia suggests that when women are elected into positions of power they either conform to gender stereotyping 'to avoid being perceived as a threat to men and the status quo' or they 'opt to "become like men" because challenging it is not a positive option' (Vimealea et al. 2009: 28). At the risk of generalizing, such behaviour can be explained by the socialization of gender—while it is acceptable for women to take on a dominant role in household affairs, this is not accepted in the political sphere.

As Frieson points out, female political roles in South East Asia tend to be associated with family ties and 'in the political realm, women are publically submissive to the male hierarchy rather than active and participatory' (Ibid 2001: 3). Internalization of gender norms has led to an acceptance of male behaviour towards female colleagues, characterized by dismissal or non-cooperation, and women leaders acting according to masculine norms (Vimealea et al. 2009). Breaking with such tradition can cause conflict in the private and public spheres.

## The impact of exclusion from political decision-making

The impact of gender socialization on women's public and private roles is well documented (Nussbaum 2000; MoWA 2008; Hoare and Gell 2008). Despite the fact that women make up 53 per cent of the voting population in Cambodia, their political representation remains low and women engaged in politics face discrimination, criticism, or eventual resignation (Vimealea et al. 2008).

### *The internalization of gender norms and stereotyping*

The number of registered women candidates increased from 16 per cent to over 20 per cent between 2002 and 2007 (SILAKA 2007) and increased again to 25 per cent in 2012 (COMFREL 2013). The number of women placed as one of the first three candidates on a party list doubled in the 2002 to 2007 period, with the proportion of women elected increasing from 8.5 per cent in the 2002 commune council elections to 16.8 per cent in the 2007 elections (SILAKA 2007; Vimealea et al. 2009; COMFREL 2011b).<sup>2</sup> Despite these increases, ensuring adequate representation of women remains a concern (MoWA 2008). Women make up only 4 per cent of all commune chiefs in the Cambodian People's Party (CPP), which won over 70 per cent of all seats in the councils (Vimealea et al. 2009). Given that parties decide on their list of candidates and the position of each candidate on the party list, even if women are included, they tend to be placed in lower positions than men, based on the results of a popularity poll among party members in the commune (Yip 2007). Inevitably, more men are elected as commune chiefs, and as first and second deputies. The majority of women who are elected to councils become the Commune Gender Focal Person and address the needs of women and children. Arguably, by placing women in this position gender inequalities are perpetuated rather than challenged, as it places women in a familiar domain that is culturally acceptable to society. Disengaging with cultural norms that have become an integral part of lived reality based on socially constructed gender norms is not a simple feat.

Sim is the only female commune councillor in a council of 11 members. She is responsible for the committee that focuses on women and children's issues. In contrast to the other women described in this case study, Sim's experience under the Khmer Rouge regime (1975–79) appears on the surface to have been less extreme in terms of fragmented family ties. She idealizes her father as a role model because of his good reputation in the village, which is based on his community activism throughout the Khmer Rouge period, the Vietnamese period (1979–89) and the post-conflict and development phase of Cambodia (1989–present). Sim's description of her father reflects the patron-client relationship:





Even when my mother blamed me, he (my father) told my mother that the child has no fault and sometimes if the child made a mistake, he only used a small thing to hit the child. It is an example of the good practice of my father until nowadays, most people know our reputation because of our family name and so the child [referring to herself] helps the society and helps women who face crisis, it flows from the father—between women and women, they do not have the same idea [implying that the influence of a good father is stronger than the influence of a good mother] (Sim).

Sroeung also idealized her father, whom she lost during the Khmer Rouge regime, and refers to him as a role model because of his position as head of the family and because of his work as court clerk before the Khmer Rouge came to power. In response to a question about whether her mother had acted as a role model or as an influence in her decision to stand for elections, she responded: 'No, my mother was only at home.' Her role models are instead a female parliamentarian who paid for her education and her father. If analysed from an understanding of patron-client relationships, both her father and the female parliamentarian are placed above her on the social hierarchy based on sex, level of education, financial standing and class:

Yes, I thought that if I studied hard that when I grew up I would be just like Madam and I wanted to have a salary, like my father and so my personal feeling kept telling me that when I grow up I wanted to be a person with a high position and a high salary. Just like my father.

Sroeung suggests that these two role models have influenced her approach to her work as a councillor. This internalization of gender stereotyping is also carried into other relationships. Sroeung describes her husband as a good man because he 'does not beat me or curse me and he takes me where I want to go'. This statement suggests an acceptance of male dominance in line with cultural norms. During the Khmer Rouge regime, both women and men endured hard physical labour, which lessened the division of labour between the sexes. However, the family unit was dismantled (Chandler 1991) and women 'were deprived of the duties which gave them value and respect' (Friesen 2001). They also remained vulnerable to sexual abuse (Nakagawa 2008). Forced marriages were also common during the Khmer Rouge era (Zucker in Ehrlich 1999) and the emotional and psychological impact of these marriages are manifested in attitudes of inferiority, guilt and submission:

My parents died during the Pol Pot regime, I and my brothers and sisters became orphans living in a miserable and desperate situation, and I was being forced to marry during the Pol Pot regime in 1979—with a disabled person. At that time I was lucky to get married to another man in the village (Sroeung).

Sroeung later explained that she refers to being lucky in relation to finding a husband rather than to avoiding a forced marriage: 'my status was improved through my marriage, for myself and my children'.

Gaining support from one's husband to successfully engage in politics is a common theme in the literature on women in politics in Cambodia, given the expectation that a woman should prioritize her domestic role to ensure family wellbeing (Vimealea et al. 2009). Women who are elected as commune council members face a 'double workday as even when they work outside the home, this does not change the deeply rooted expectation that they take care of the home and children' (Vimealea et al. 2009: 28). Renegotiation of gendered roles is required but 'since renegotiation is virtually always impossible' (Vimealea et al. 2009: 29) women either take up a double work day or choose not to pursue their political opportunities.

Some women have faced divorce as a result of participating in politics while others remained single or chose to become involved in politics after being relieved from family burdens (Vimealea et al. 2009). Sim chose to take on a double work day:

Before I go to work I always prepare the housework to be ready, such as food, water, prepare the firewood, for example, I always prepare food for my husband, yes, for him to take to the rice field and then I go to work, and when we come back home, there will be no problems in the family.

Verstad (2001: 111) argues that such negotiations 'take place on different levels and in different contexts, and are characterized by a desire for dependence and independence at the same time'. She relates this internal dilemma to a female identity that is 'more interwoven with relations to others' (Verstad 2001: 110). The male identity, on the other hand, is more independent and is 'constantly drawing boundaries with respect to others through ... their achievements' (Verstad 2001: 110). Both male and female councillors interviewed for this case study referred to the low salary of councillors. There is no doubt that an increase in salary would have a positive impact in terms of increased autonomy but the internal dilemma that Verstad refers to would still need to be addressed.

Thavy is the only female commune councillor in a council comprising nine members. She was once married but her husband disappeared during the Khmer Rouge regime, leaving her with their four children. Her experience of work therefore differs from Sim's in that she is not directly influenced by a husband's expectation of carrying out a double workload. However, she suggested that the internal dilemma remains when she speaks of her children and her work for the National Association of Women, established after the



collapse of the Khmer Rouge regime in 1979. She is active outside of the home but also experiences guilt at not being with her children:

... and I tried to raise all my children alone, I kept struggling to survive and the civil war became intense everyday ... and I travelled with the district level women and when I got home I saw my children lying on the beds and I started to cry and I tried hard to raise my children and do my work.

Pheng is unmarried with no children and so presents an interesting counterpoint to Sroeng, Sim and Thavy. Her family background does not have any strong male role models; instead, she refers to her mother and her siblings as her inspiration and support system. Pheng believes that her single status is an advantage as regards her political participation, especially in terms of mobility: '... if you do not have children it is not a problem. Those who have husbands ... well, sometimes the husband does not let you work'. However, Pheng still struggles with an identity conflict as demonstrated by her need to justify her public role:

Even others have said what are you doing this for? There's no salary but we have honour and this is my right, this is my work. When we go somewhere they come to respect us and recognize us. So when we are at home only, we are only known by our neighbours and relatives, but when we are volunteers or councillors, we can go places and village people recognize us and I want all women to understand that we need to struggle to achieve, they have to dare like me, even if they say something about you, don't care. Do whatever you need to do to achieve your work.

Unconsciously, male counterparts reinforce the gendered cultural norms in their discourse. In a description of the actions of a jealous husband of a female councillor, a male colleague recognises the constraints for women councillors, but by referring to cultural norms he justifies the husband's action rather than challenge it:

Her husband was very drunk and had a traffic accident while driving a motorbike and hit a water pipe [laughs], probably because he was so jealous of his wife, no, not probably, but I think that their husbands were very concerned and jealous when their wives were far away like that and did not know what they were doing as they could not see them with their own eyes so it is very difficult. For Khmers, that is the way that it is, frankly speaking.

Lack of self-confidence and self-esteem, and a lower capacity to perform public duties, are common weaknesses associated with women. Sroeng recalled being elected as a Village Development Committee (VDC) chief under the Cambodian Government's Seila Programme, an aid mobilization and coordination framework to support the country's decentralization reforms that was launched in 1996 as an experiment in poverty alleviation in rural

areas (Seila means foundation stone in Khmer Sanskrit). In the first five-year phase (1996–2000), considerable emphasis was placed on the village level and the election of VDCs. These VDCs were different from the previous top-down appointed village leadership. Special attention was paid to ensuring the inclusion of women as well as men through a quota system (Andersen 2004).

In Sroeueng's case, the commune chief rejected the results and she believes that this was because he wanted his son to become chief. Elections were held again and Sroeueng was re-elected. Three months later she was called to a meeting at the *sala khum* (commune office) and told that she had to resign:

They said that I did not have the capacity to be the leader because I was a woman. I was angry. They said, because you do not have the capacity, we want you to be replaced by X ... they sat down to write on a piece of paper, full of words and then they said stand up ... they were writing on the paper that was on their legs, and then they let me hold the microphone. I am not afraid but I do not know how to speak (referring to public speaking). At that time I could only speak a little not like now, only one word or so. And then I picked up the microphone and read the paper. When I had finished they said that I was lazy at talking.

Despite the fact that all four women have been affected by socially constructed gender norms, the extent to which these norms affect their public and private roles is shaped by political motivation and the coping strategies developed to realize this motivation. Understanding political motivation and identifying coping strategies can reveal important implications for the work of democracy assistance practitioners.

## Inclusion processes undertaken

It has been argued in the literature that the impact of gender stereotyping and cultural norms leads women to conform 'to avoid being perceived as a threat to men and the status quo', or else they 'opt to "become like men" and do not fight for inclusion of new issues such as gender' (Vimealea et al. 2009: 28). Based on the narratives of these four women, these arguments tend to oversimplify the complexities of gender socialization and in doing so fail to recognize the potential power involved in the process of renegotiation and reshaping of gendered identities that takes place when women address the conflict between their dependent and independent identities.

### *Shaping political motivation through lived experiences*

Each of the four women has gone through the same political history. In the 1960s, as children, they experienced local governance through state-appointed



agents such as the commune chiefs and the village chiefs. During the Khmer Rouge years, when these women would have been in their late teens or early adulthood, and during the subsequent civil war, the country's governance, economic and social institutions were essentially destroyed. Since the 1990s, intense international engagement in Cambodia's post-conflict state-building effort has led to political competition between the country's three main political parties. Up until 2002, the Cambodian Government still consisted of state-appointed agents. Even today, despite the decentralization process, party-led politics fuels an environment of competition, intimidation and mistrust. These three political phases have all left a mark on the lives of the four women and have served to shape their political motivations.

Sroeung identifies the pre-Khmer Rouge period, when her father worked as a court clerk and when a female parliamentarian paid for her education, as the genesis of her political motivation. These role models offered her an insight into a world different from her own, one that could only be reached through 'a high position and a high salary'. Despite her status as a poor woman with limited schooling, and despite the socio-cultural and political constraints to women's engagement in politics, Sroeung succeeded in becoming a female councillor. She described her success in terms of her relationship with villagers, referring to the villagers who seek her out personally for assistance in disputes or conflicts. While people mainly visit commune offices in groups, councillors mainly meet people as individuals. 'One possible explanation is that given Cambodia's political culture, councillors are more likely to be approached as patrons whereas the commune office is viewed more as an official authority. One meets patrons preferably in private to plead for a favour or pledge one's allegiance' (Ninh and Henke 2005: 27). Considering Sroeung's relationship with villagers in relation to this possible explanation, one interpretation is that she is more comfortable with these traditional forms of patronage because they are familiar.

However, Sroeung also needed to overcome her lack of self-confidence and self-esteem, perpetuated by the humiliating experience of being demoted as the VDC chief: 'I am still angry today when I see their faces, I hate them ... I am angry still now, when I see their faces I do not want to talk to them'. After her demotion, Sroeung joined the opposition party. She described this as an impulsive and uninformed act: 'I was very angry and because of this I got involved with X ... just because of these personal things, I left the party and joined X'. In reference to a male colleague alluding to her party affiliation during a council meeting, she related:

I pointed back at him and said: 'Don't talk about the X party. We all work together in this commune. Do I work for the party or do I work for all the people? I work for the people ... we all work here together in the commune council, not for separate parties.'

When Sroeung was asked to explain her behaviour she suggested that by adopting what she referred to as ‘male’ behaviour, she was able to feel more confident and less intimidated: ‘when I speak like this, like man, I am stronger ... they listen’. This suggests that her coping strategy is to adopt what she perceives as male traits to allow her to present her ideas and opinions in public meetings.

Both Sroeung and Thavy share an interest in addressing social injustice. However, Thavy’s life experience has shaped her character differently and so her coping strategies also differ. Her approach is not fuelled by a personal, but rather a communal sense of injustice. She discussed women’s marginalization in terms of lack of education: ‘they don’t understand about the rights as stated in the law ... the civil war took so long and so not many women could attend school’. Thavy was also unable to attend school and empathized with this denial of a basic human right. However, her education took the form of political activity when she joined the National Women’s Association in 1979. This seems to have provided her with a stronger sense of security than in the case of Sroeung. Thavy is perceived as ‘educated’ by her male peers because of her political activism:

The most important thing is that the candidates need to have commitment to serve the people, and I have been working here so long and passed through many stages but there are many people who are more capable (refers to schooling) than us, but sometimes people know and are capable of things, but they don’t have any intention to serve the people or the public but to serve their family’s interests/benefits.

Her political motivation for being a commune councillor reflects the need to serve the common good more than her desire for status and personal gain. Her previous role in the public political sphere seems to have legitimized her current role in the eyes of her male colleagues. This allows her to negotiate with them based on a shared sense of solidarity to rebuild family and community life, a strategy she draws on well.

Sim’s experience is very different from Sroeung and Thavy’s. While they received minimal schooling prior to the Khmer Rouge period, Sim was 16 in 1975 and had attended school, encouraged by her father. Her family survived the Khmer Rouge years. Her political motivation stems from her father in that she wants to continue his community activism and maintain his good reputation among the villagers. She was also involved in local politics before the commune elections in 2002 and was elected as a VDC chief, a role she held until she was elected as a commune councillor. Like Sroeung, she experienced discrimination and criticism, perhaps because she was perceived as a threat to male members who may have had lower levels of education. She has, however, dealt with this intimidation in a different way.



Sim's coping strategy demonstrates a more traditional approach. She has accepted that she needs to take on a double work day. Within the family, as a child and young adult, Sim played the traditional role of the good daughter and good wife. She believes that by persisting with her double work day she has managed to earn the respect of her male colleagues, who no longer criticize her. She agreed with a male colleague who describes her as having 'a good disposition and a good history' and believes that a person can only achieve in a political role if he or she has the support of male and female colleagues.

As Sim gained her colleagues' trust, she began to share with them the constraints faced by women, using herself as an example. This respect led to changed attitudes on their part and she now plays a more influential role on the council, exemplified by the fact that she is consulted on issues that arise in all the committees and not just in the committee responsible for women and children.

Pheng experienced the historical and political changes in her country as a single woman with no children. However, like Thavy, she has a history of working on community development programmes with male councillors, many of whom she still works with today. Male counterparts describe her as the woman who engaged in political activity for the common good after the Khmer Rouge era. According to one male councillor, these men use references that allude to the expected role of women during times of conflict: 'she used to be in the battlefield, collecting and giving food to the soldiers, she was at the frontline'. This description reflects the image of women as defenders of the nation, an image that, 30 or so years on, Pheng used to increase her influence as a local councillor. A good leader in Cambodia is described as:

'someone who can mingle well with villagers ... A leader, in order to be trusted and to get to know villagers well, has to mingle with those who drink, those who gamble, those who sing, those who work. When they are not able to mingle, they are not trusted or welcomed' (Vimealea et al. 2009: 85).

Pheng describes how she can go 'from one village to another ... talk and joke' and 'not have to prepare food for children'.

Her narrative seems to indicate the need to demonstrate her self-worth and her reputation because of her single status:

'I think that this has nothing to do with having or not having a husband ... it is very difficult if you are not married and you need to educate the men ... help them to understand ... women can take up work'.

Her political aim is to improve the lives of women and children so that they do not have to share her own struggle for recognition: ‘No. I do not want them to face my own struggles ... we need to challenge how things are today’. Her way of achieving this is by using her work on the committee for women and children as a source of power with which to negotiate. She argues that this role demands female skills of empathy and sensitivity, skills she believes that men do not have: ‘If they have problems they can share these with women, but not with men because they feel embarrassed with him and men will not understand’. Pheng bases her arguments on socially constructed male/female traits, whilst simultaneously adopting the traditionally-perceived male characteristics of networking and mobility.

The perspectives of these four women reflect different coping strategies to achieve their unique political motivation. Based on an understanding of Cambodian culture as patriarchal and hierarchical, it could be argued that Sroeung has adopted a benevolent patron role. Thavy and Pheng have drawn on their experience of solidarity with male counterparts during the post-Khmer Rouge era. However, while Thavy places importance on ensuring that she carries out her domestic role, Sroeung and Pheng’s behaviours reflect leadership traits culturally associated with men. Sim’s coping strategy has been to carefully manage her domestic and public roles and highlight the value of traditionally-perceived female traits as a means of demonstrating her capacity as a councillor to her male colleagues.

### *Shaping motivation through education: the role of Banteay Srei*

It is interesting to note the emphasis that all women have placed on education. Without education, they feel that they are disadvantaged in terms of being able to negotiate effectively with men and having the capacity to carry out their public political role. For example, Sim was educated but was still made to feel inadequate and insecure when she first started working as a councillor, implying that the education that she received had not prepared her for a public role. The women all refer to the need to develop what are perceived as traditional male leadership traits through education opportunities, such as management, planning and organization, public speaking and leadership.

I do not know how to speak [i.e. publically] but I do know how to speak out [i.e. say what I think] (Sroeung).

Women need both a good mind and knowledge and support and access ... I have to be idealistic [she explains that this is not the current reality but the one she strives for] (Sim).





... if we have the opportunity to publicize, if we have the time to present our ideas, we will have more confidence and we will not fear what is the right or wrong word. When I was not a commune council member, when they passed me the microphone I felt shaky and afraid (Pheng).

Banteay Srei has been working with women and men in the Battambang and Siem Reap provinces for over 19 years with the aim of empowering vulnerable women to improve their political, economic and social situation. The emphasis is on implementing community development projects, advocacy work, training and networking. All four women spoke of the organization's role in helping them to develop leadership skills, identify strategies to overcome discrimination and advocate for their increased participation in local politics. The women referred to relationships of mutual trust being built between organization staff and villagers, which enhanced a deeper understanding of an evolving local level political process.

The way in which Banteay Srei operates as a mediator and facilitator is important; it has served to both increase awareness of the experiences of local women and also made use of these experiences to advocate for women at the local, national and global levels. All the women were highly vocal about the impact of Banteay Srei in terms of addressing accountability issues. National-level policies and laws were discussed in relation to local reality allowing discussions on challenges to implementation of the law. As Thavy stated: 'each time that there is a meeting, we always have suggestions and they [Banteay Srei] always help us to make a request or submit a request to improve the land law, general laws'. Income generation and savings activities complemented by literacy development have also played an important part in addressing basic social and economic needs of the women:

Previously I was illiterate ... In the Pol Pot regime I could not write or read. In 1979 I got married, and then I was busy with the children and then in 1993, IWDA [International Women's Development Agency, which became Banteay Srei in 1990] started up here. They provided us with 300,000 riels (USD 75) to buy a plough for the rice fields and 500,000 riels (USD 125) for credit schemes. And then they recruited a committee and could not find anyone and then even though I could not write I was selected. I refused because I could not write. Then I started to hold a pen in my hand and learned to write and then my letters were like scribbles. Since 1993 up to 1997 they asked me to work as a volunteer for this commune in 5 villages ... and I started to understand and wanted to register for elections ... on my own, I would not know how (Sroeng).

Training and advocacy support from NGOs such as Banteay Srei needs to ensure strategic partnerships rather than create the perception that women are dependent recipients of training. The four women all described the

support provided by Banteay Srei in terms of empowerment, and referred to gaining or consolidating skills and knowledge that have since allowed them to challenge cultural gender norms:

Before I became a commune councillor I was a commune volunteer, working without any compensation. Banteay Srei worked with the commune volunteers and provided some training courses, at the beginning some training on how to set up a project, then training on leadership skills, then a chance to participate on exchange visits not only inside the province but outside the province ... in my life I never thought that I would have the opportunity to be a commune councillor like this, as I thought that women were weak and not able to implement work due to our emotional strength and struggles (Pheng).

Banteay Srei has developed a skills audit system that consists of identifying training needs in collaboration with the women that they work with, including the community facilitators (CFs). CFs are men and women elected by the community in each of the villages where Banteay Srei operates who become potential candidates for the commune council. Pheng was previously a CF. She felt strongly that without the opportunity to become a CF, she would never have decided to stand for the commune council elections. As well as helping her to define her political motivation, the experience of working as a CF developed essential skills and knowledge that she felt were needed when working as a commune councillor. Besides the skills that have been mentioned—management, planning and organization, public speaking and leadership, literacy and income-generation skills—the women also placed emphasis on a strong sense of solidarity and networking developed through field trips and participation in local, national and regional events.

What does not appear on the skills audit are skills related to addressing systemic and institutional constraints to women's political participation. When the impact of socio-cultural and systemic constraints was discussed during a follow-up session with Banteay Srei staff and the four women, it was interesting to note that they placed emphasis on the development of technical skills to overcome such obstacles, rather than on strategies to hold government institutions accountable for ensuring rights to political participation.

### **Changes in knowledge, attitudes, practices and behaviours**

The concept of 'success' is relative as well as subjective. For example, although the designation of women councillors to address the needs of women and children can be perceived as a perpetuation of gender stereotyping, Sroeng, Pheng, Thavy and Sim all agreed that this role can also be empowering. They

believed that they are better equipped than men to deal with important social issues that improve the lives of women and children, and thus the community as a whole. They saw this role as a way to assert their positions within the councils and to negotiate greater influence on committees that deal with affairs other than those specifically related to women and children. It is therefore necessary to describe women's own perception of 'success' to better understand the role of education and its strengths and imitations as regards addressing constraints to participation in political decision-making.

### *Perceptions of success*

Sroeung described the concept of 'success' in terms of being listened to and respected by her male counterparts. In reference to how she was treated previously, she explained that 'they looked down on me, like they did not respect me, like I am a woman, they wanted to tread on me, make me fail but when they do this, I just spring back up, I get back up'.

Sroeung and her female colleague had previously felt excluded from decision-making during council meetings. She described how they submitted a plan to improve the conflict-resolution process used to resolve disputes such as damage to property caused by animals. The plan was initially dismissed. Together, the two of them persisted in bringing up the improved plan at all meetings. This resulted in open and verbal criticism of her literacy skills: 'I want to tell you that the man who criticized me said that I could not spell.'

When Sroeung accompanied two villagers to the commune council meeting to discuss a property damage dispute, she listened to the commune council's final decision and waited for the villagers to leave. She then said that she felt that they had not made the right decision. A male colleague argued that she did not know what she was talking about due to her limited experience as a commune council member and her affiliation with a certain party. Despite the criticism, Sroeung continued to direct her discussion to the commune council leader, pointing out that the role of commune council members should be beyond party affiliation and should be focused on putting the needs of the villagers first. She believes that her strategy worked in that it led to the commune council approving a new *deykhbar khum* (commune notice). According to Sroeung and her female colleague, their patient persistence produced a more democratic decision-making process among the council members, inclusive of the two women councillors: 'after this experience we started talking together more easily. There are still some times that we disagree but whenever I start to speak, he [the man who criticized her publically] does not dare to speak down to me'.

According to villagers, increased transparency and accountability have also been addressed to some extent in the formulation of the new commune notice. Villagers indicated that they had previously felt obliged to go to the commune chief to resolve disputes, with decisions made based on what he alone decided. The villagers supported Sroeung in her belief that ‘with this notice, the commune chief can make fair decisions. The notice also helps people to work things out for themselves and this is fine. If they work it out they do not have to go to the chief.’

Thavy defined ‘success’ as identifying a need and then being able to see how this need is addressed through the Commune Investment Plan. She believed that as a commune council member she has the duty to make sure that the women and children that she represents have improved wellbeing as a result of village development, which requires advocacy and awareness raising at the village level:

The village lacked a school so I tried to communicate with the village representatives to develop the investment plan because I learned that to some extent, children could not go to school because of lack of roads. So I discussed the project and the needs of the children, and it was prioritized by the villagers ... the road construction is for them.

Communal support for the project has led to more children going to school, not just because of the new road but also because of an increased value for schooling. Thavy associated success with her capacity to influence others to meet the needs of the women and children that she works with. This involves changing the attitudes of both men and women to support her work:

Now only a small number of them [men] speak against me and say that I only help women [laughs], a lot of work comes my way, so I just try to do my best and I don’t have time to cook and serve the men ... I play a key role in advocacy, sometimes when a man [a male colleague] asked me to go and cook, I said everyone has their own work, when it is done we can then cook altogether’ (Thavy).

Sim had a similar definition of success. She believed that her success is evident in the way that she has achieved prioritization of women’s needs in the commune plans. She also believed that an indicator of success is changed attitudes and behaviours of male colleagues and her husband’s support of her work. Placed in the context of Sim’s recollection of intimidation and insecurity when she was first elected, these are understandable achievements. She witnessed funds allocated for women and children funnelled into her male colleagues’ respective projects and struggled to find a way to deal with this. Despite having been publically criticized for her actions by a male district chief, her persistence has now won the respect of the majority of her male colleagues. This is manifested in the role that she plays in all commune



committees and not just women and children's issues, an achievement pointed out by her male colleague:

Female CCs [commune councillors] now also play the same role as the male CCs, for example she can be responsible for disaster management, violence, floods, and also making plans. Yes, I have noticed it.

Pheng described her success in terms of making a difference that is recognized by the villagers. She provided an example of working on a project to develop a road that would allow the children to access the school more easily and that would make it easier for women to access local markets:

They (the villagers) were saying that they had listened and thought about what I had said. They understood the worth of the project because it reflected the reality of their village.

Her narrative implies that public recognition of what she fights for are indicators of success, especially if this recognition is accompanied by an understanding of the struggle she takes to achieve this as a woman: 'The respect we get is because of our struggle and hard work until we reach our goal'. In fact, she took this further by implying that success is also measured in terms of women's and men's changed behaviour that challenges traditional gender norms:

Yes, now more women attend the meetings, before they did not have the opportunity to participate ... or they said that it was a waste of time, better to stay at home to look after children and the house ... now they see what they can gain from the meeting, they come even when their husbands say no ... and so then we discuss with the husbands and now there is more understanding between husband and wife.

These examples of how the women perceived their success clearly indicate the influence of Banteay Srei in terms of helping develop technical skills to enhance the coping strategies that the women have adopted. For example, being literate allows women to participate with an increased sense of awareness of what is going on. All four women play an active role in the development of the community plans, with a specific focus on the needs of women and children. Solidarity and networking skills are also enhanced as a result of the Banteay Srei programme—skills that have enabled these women to support each other and their local constituents. Increased technical skills lead to an increased sense of confidence and self-respect, which can alter traditional norms that perpetuate the domestic image of women as more women engage in local politics through village meetings and the village development planning process. Women have access to a forum to speak out on issues that affect them and to seek redress through the local political system.

However, it could be argued that despite these perceptions of success, systemic and institutional flaws that constrain women's political participation are not addressed through coping strategies alone. It could also be argued that the coping strategies adopted by the four women—for example, taking on a double workload in order to gain the respect of male colleagues, as in the case of Sim and Thavy; or developing coping strategies that potentially perpetuate the notion that good leadership skills are associated with male traits of mobility and sociability, as in the case of Sroeung and Pheng—serve to perpetuate the socially-constructed role of women. Therefore, although it is important to recognize the success of the coping strategies that these women have developed—and which have been enhanced by literacy development, income generation, knowledge on political systems, networking and solidarity and an increased awareness of social justice and rights—it is also important not to lose sight of addressing institutional constraints.<sup>3</sup>

### **Lessons learned and their policy and practice implications**

At the time of writing, two of the women were in office for a second time and all four had decided to register as candidates for the 2012 commune council elections. This demonstrates that despite internalization of gender norms on the part of men and women and despite patriarchal systems and socially-constructed and gendered behaviour patterns, these women are challenging and reshaping traditional gendered roles. A combination of coping strategies informed by life experiences and support from an NGO has facilitated the realization of their motivations by assisting them to manage conflicting public and private sphere identities.

This case study has given a voice to rural women who form the vanguard of female representation in Cambodian local governance. While acknowledging the limitations of using four voices in a case study that proposes recommendations to guide the work of democracy assistance practitioners, their subjective experiences suggest important lessons in terms of addressing gender constraints to women's participation in politics in Cambodia and other country contexts. The case study therefore concludes with a set of recommendations specific to organizations working with women to promote political participation, followed by a more general set of recommendations for a wider audience.



## *Recommendations for organizations working with women to promote political participation*

*1. Technical skills such as income generation, savings and literacy/numeracy opportunities for women and men should be developed to ensure basic needs are met.*

In terms of addressing economically unstable livelihoods and low education levels and opportunities, the women all acknowledged the role of income-generation schemes and savings activities in opening up the opportunity to engage in local politics. Without economic stability within the family, it is impossible for women to engage in a public political role. The engagement of men in income generation, basic education and awareness-raising activities becomes especially important when promoting the concept of shared responsibility for the family division of labour, and thus challenging sociocultural stereotyping. Forums and education processes that enhance knowledge on local and national politics, literacy skills and leadership and communication were also felt to be effective in this respect.

*2. Organizations working with women to support their political participation need to focus beyond the development of technical skills to ensure that systemic and institutional constraints are also addressed.*

While the Banteay Srei training approach could be viewed as effective in terms of developing the basic needs of the women, the organization could go further in addressing systemic and institutional constraints. Basic technical skills as well as general gender and rights-awareness training, including protection laws and the legal system, were all highlighted as important during the skills audit conducted by Banteay Srei. Knowledge of protection laws and the legal system are important when seeking to develop self-confidence and self-esteem based on increased knowledge of the political system. However, in order to be truly transformative the role of organizations supporting women in politics need to include identifying and addressing constraints that technical skills development alone cannot solve, including the influence of party affiliation at the expense of individual candidates' merits, as is the case in the Cambodian context.

The narratives of the four women clearly highlight that a key obstacle to political participation lies in the current electoral system, which exacerbates the already marginalized position of women within society. The case study findings also indicate that the women have developed a strong sense of trust in the role that Banteay Srei plays. As an organization involved in political empowerment, part of Banteay Srei's role is to be able to read the political situation and understand the implications and the impact of the awareness

raising, training and advocacy role in responding to the political reality. Identifying root causes of marginalization of the women that the organization works with and developing public debate around these is important. The case study findings suggest that as women gain confidence through the development of technical skills such as literacy and public speaking, they are also more likely to articulate challenges that are systemic or institutional. Reflecting on these challenges and presenting individual experience at public forums is a starting point. However, the role of the organization should be to help women develop individual insights based on experience into strategic collective responses to address systemic and institutional barriers.

*3. Organizations should engage in and make use of quality research on the lived experience of marginalized groups to inform policy and practice. Data collection and analysis of the different types of constraints to women's political participation should become an integral part of the work of such organizations.*

It is important to recognize that the unique experiences of marginalized groups can act as excellent awareness-raising, training and advocacy tools. Research aimed at identifying and understanding the experiences of different stakeholders who are marginalized from the political process provides data that can inform the way that organizations work. For example, this case study's recognition of the diversity of experiences and responses to challenges faced by four women will hopefully help others better appreciate the risks associated with homogenous representation of women in policy documents and practices. The risks include missing the nuances of diversity that the lived experiences of these women reflect, thereby potentially perpetuating inequalities.

Rural women's views on the effectiveness of strategies such as the quota system are not well documented. The quota system is often criticized because it is argued that without popular demand and a developed system of accountability in public office, the general society will not 'embrace the concept of equality' (Miranda in Vimealea et al. 2009: 28). However, it could also be argued that without the voices of women like Sroeueng, Thavy, Sim and Pheng, it is difficult to engage general society in debates on equality. The experiences of those excluded from participating in the political system need to form an integral part of the public debate.

This case study also supports research findings that indicate women 'are given responsibilities suited only to their stereotyped traditional roles' (Miranda in Vimealea et al. 2009: 28). However, based on the testimonies of Sroeueng, Thavy, Sim and Pheng, taking on these roles can also serve to empower women





by placing them in roles that men are not considered skilled enough to act in. More often than not, debates about the effectiveness or non-effectiveness of quota systems and other strategies to increase the participation of excluded groups tend to be held at the academic or national policy level. This often means that the voices of women such as those represented in this case study are neglected. Understanding the importance of the experiences of women as a powerful tool to inform debate is important for democracy assistance practitioners.

*4. Democracy assistance practitioners should be able to articulate their own motivations for enhancing women's political participation before attempting to enhance the political participation of those they work with.*

The four women were all able to articulate what motivates them in their work as councillors. During the follow-up session when the women were invited to respond to their own quotes as used in the case study, it became apparent that Banteay Srei staff found it difficult to articulate their own personal motives as regards their role as democracy assistance practitioners, and to discuss their own political beliefs. This was because they were not used to open political discussion. Learning to articulate personal and political motivations for promoting women's political empowerment allows individuals to identify more closely with the cause of a collective group. In the context of Cambodia, where party affiliation is stronger than individual merit, a well-articulated personal motivation (i.e. understanding the personal experiences that drive your political engagement) and political motivation (i.e. understanding your expectations of the political system) is likely to enhance the work of the democracy assistance practitioner to support women to better articulate their own personal and political motivations. This in turn is likely to emphasize individual merit as opposed to the influence of the party, and to inspire discussions about systemic and institutional constraints.

*5. Modify development approaches in line with the country's socio-political environment.*

Perhaps one of the most important lessons that can be learned from the experiences of these four women is that political activism does not necessarily imply radical responses. The soft and safe approach adopted by the women seems to have been effective in chipping away at institutional barriers, especially in a political climate characterized by a culture of intimidation, systemic corruption and fear. The strategies adopted by these women reflect the power of persistence and patient negotiation; the power of dialogue to develop respect and shared visions of development; the power of engagement

and social interaction with a wide range of stakeholders; and the power of the collective voice and working through networks.

### *Recommendations aimed at a wider audience*

*1. Research is an important tool for addressing systemic and institutional constraints to women's political participation. Therefore, it should be prioritized as a strategy to promote women's political empowerment.*

The experiences of the four women in this case study highlight three areas of research that are relevant to increasing women's political participation in the Cambodian context and elsewhere. First, discourse analysis of dominant groups is important when discussing the engagement of excluded groups in politics (e.g. male commune councillors working with female commune councillors). Second, based on the interviews with the female commune councillors and their male counterparts, the role of young people in politics was a common topic and concern. Participants in the research process all felt that there was a need to increase youth participation in politics, especially given that the current average age in local politics participation is 49. Third, ethnographic studies over a period of time on the excluded group from the rural context, the urban context—or from both for comparative purposes—would provide deeper insights into the impact of marginalization on decision-making and leadership roles. In this context, excluded groups should be engaged in the planning, conducting and analysis of research activities.

*2. Ensure rights-based approaches that emphasize accountability and inclusion in order to increase marginalized groups' participation in politics.*

The decentralization experience in Cambodia is having an interesting impact on traditional hierarchical relationships and on the way that status is contested between political and state masters and local constituents (Vimealea et al. 2009). This creates 'different opportunities and constraints for leaders, different relationships with outsiders and perhaps different types of leaders with different personal villages' (Vimealea et al. 2009: 29). It also creates an opportunity to emphasise the role of the state in ensuring political participation, as articulated in national and international legal instruments. By placing emphasis on political participation as a fundamental entitlement, debates on the formulation of party gender policies and action plans, for example, hold more strength in that they become legally justified.



*3. Promote the integration of citizenship and human rights education into policy documents and curricula in the formal and non-formal school system and through informal training programmes for young people.*

The experiences of excluded groups help inform education processes aimed at increasing democracy and political inclusion. The experiences of the four women in this case study suggest that there is a need to address social justice issues in all types of education programmes at all levels and for all ages. Lessons from these experiences should be developed and communicated in consultation with—and the meaningful participation of—community members as a means of creating a sense of solidarity among young people and elders to pursue common political goals. A long-term education goal to promote education for democratic citizenship and human rights education within a broad range of education initiatives would complement the immediate responses reflected in these recommendations.

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## Notes

- <sup>1</sup> The real names of the women described in this case study have not been used. In addition, names of political parties are referred to as 'X' when using quotes from interviews.
- <sup>2</sup> The 2012 commune elections took place after the writing of this case study. The results of the elections indicate a slight increase in the percentage of women participating as political candidates (25 per cent) and in the percentage of women elected (18 per cent) (COMFREL 2012).
- <sup>3</sup> In assisting Banteay Serei re-formulate its training to address key systemic, structural and sociocultural barriers working against women's political participation, the author worked with International IDEA's support to produce a methodology for analysing the experiences of the women Banteay Serei is working with at an individual level and aggregating these experiences into a revised training and advocacy method. The methods used and outcomes produced by this process have been documented in a report which is available on the International IDEA website. The process is also described in some detail in the discussion paper accompanying the current report (appendix A).





# Chapter 10

**Making decentralization  
meaningful for  
marginalized communities:  
lessons from the  
Integrated Development  
Foundation in Cameroon**





## Chapter 10

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JULIUS LAMBI AND OUSSEMATOU DAMENI

### Abstract

Over the past three decades, the implementation of administrative decentralization in Cameroon has been slow and timid. Moreover, due to the absence of a practical model for engaging citizens in decision-making, decentralization reforms tend to reproduce, at the local level, the same accountability, transparency and responsiveness deficits criticized in centralized management. Donors and other development practitioners engaged in the decentralization process continue to grapple with the question of how the voices of community groups can be meaningfully included in local decision-making, project implementation and oversight without rendering these processes cumbersome and ineffective.

This case study describes a pilot model for citizen participation implemented by a non-governmental organization, the Integrated Development Foundation (IDF), in two neighbourhoods of Bamenda, the capital of the North West Region of Cameroon. The pilot model for participatory development effectively promoted the inclusion of marginalized groups, notably women and young people, by mobilizing these stakeholders, among others, into organized quarter development associations (QDAs). The establishment of written partnership agreements between the QDAs and the municipal councils gave these formerly-marginalized quarter residents a quasi-right to participation, as well as an effective channel for communicating their development priorities to council authorities.



## Acronyms and abbreviations

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<b>ATUDA</b>	Atuazire Quarter Development Association
<b>CIG</b>	common-initiative group
<b>CPDM</b>	Cameroon People's Democratic Movement
<b>IDF</b>	Integrated Development Foundation
<b>MUDA</b>	Mugheb Quarter Development Association
<b>NGO</b>	non-governmental organization
<b>QDA</b>	quarter development association
<b>SDF</b>	Social Democratic Front

## Background

Over the past three decades, international development agencies have increasingly identified centralized and non-inclusive forms of government as the underlying reasons for poor delivery of basic services in African countries. From the early 1990s, national and international advocacy for democratic governance, and the availability of donor support for local government restructuring, encouraged many governments in sub-Saharan Africa to implement power devolution reforms. The Cameroonian Government made its first step towards decentralization on 18 January 1996, when opposition parties pressured President Paul Biya to adopt a democratic constitution that favoured decentralization. Article 1(2) of the new constitution stipulated that 'Cameroon shall be a decentralized unitary State.' In addition, Article 55 (2) specified that 'regional and local authorities shall ... have administrative and financial autonomy in the management of regional and local interests; they shall be freely administered by councils elected under conditions laid down by law' (1996 Cameroon Constitution). This new constitution signalled great hopes for a progressive shift towards more inclusive governance at the local level.

The adoption of a pro-decentralization constitution, however, was one thing, and actually implementing decentralization was quite another. In the municipal elections organized shortly after the adoption of the new constitution, opposition party candidates for mayor achieved victory in some of the major urban areas in the country. Bamenda, the capital of the North West Region and stronghold of the Social Democratic Front (SDF) opposition party, was one of these areas. Although the constitution called for devolution of administrative and financial authority to elected mayors, the ruling Cameroon People's Democratic Movement (CPDM) was not willing to cede power to elected opposition party mayors in urban areas. In Bamenda and other towns, President Paul Biya appointed ruling party Government Delegates to head urban municipal councils, thus undermining the autonomy of elected mayors (Nyamnjoh, 1999; Sikod, 2001).

The nomination of a Government Delegate as head of the Bamenda Urban Council essentially thwarted the municipal election's aim of promoting inclusive governance under the tutelage of elected local officials. With an appointed government official as head, the council was not accountable to the local population. The allocation of powers to an appointed Government Delegate rather than to elected mayors, therefore, maintained a centralized system of administration that excluded local citizens from decision-making and project implementation. Rivalry between the Government Delegate and elected mayors characterized the day-to-day administration in the Bamenda Urban Council. This subversion of local democracy persisted for 11 years.

Over this time, exclusion of local citizens from council management became routine.

The Cameroonian Government made another important step forward in the decentralization process in July 2004 when the parliament passed two laws that laid a detailed legal framework for the structuring of local governments. The two laws—Law No. 2004/017 ‘on the orientation of councils’ and Law No. 2004/18 ‘on rules applicable to councils’—called for the transfer of council leadership to elected mayors and councillors. The greatest merit of the laws was the clear elaboration of the responsibilities which elected mayors and councillors should handle in council administration. Regrettably, however, the laws did not identify citizen inclusion in decision-making as one of the mandatory responsibilities of the council; nor did they elaborate a framework that councils could use to engage citizen in development projects. Since the decentralization laws made inclusion of citizens in council decision-making discretionary rather than obligatory, the Bamenda Urban Council, under the leadership of the Government Delegate, took very few steps to actively engage local residents in development projects.

Occasionally, the Bamenda Urban Council carried out limited consultations with quarter development committees before embarking on pre-planned development projects. This kind of involvement was veneer participation: participation without the power to change anything. The benefits of such consultations for stakeholder groups like women and young people were especially limited, because the quarter development committees themselves were not inclusive in nature. In underserved quarters like Atuzaire and Mugheb, for example, the development committees included only the quarter head and selected men from the traditional council.

The traditional chief of the locality nominated the individuals who served on the development committees in Atuzaire and Mugheb. Being male, elderly and a member of the traditional council were prerequisites for participating in the development committees.

The Atuzaire and Mugheb development committees were not bona fide civil society organizations, since they were under the control of the traditional councillors and the *Fon* (chief), who was an auxiliary of the state. The traditional authority had basically colonized the powers and responsibilities of civil society groups in the quarters. Cooperation and networking among the many cultural, social and religious groups in the quarters was extremely low. This poor organization of civil society set the stage for municipal council officials and state actors like the traditional authorities to dominate local development decision-making processes.



The development committees in Atuazire and Mugheb rarely called for public meetings—and when they did, turnout was often low. Furthermore, the committee members gave no account to quarter residents on whose behalf they engaged in occasional consultations with the Bamenda Urban Council. The undemocratic nature of the quarter development committees, and in particular their marginalization of women and young people, was the result of strong discriminatory cultural values associated with traditional authority in the North West Region of Cameroon.

According to these traditional values, decision-making from the household level to the wider society was a task for men, and it was culturally improper for women to defy or contradict men. A majority of women in the quarters lacked formal education, and men took advantage of this to assert their dominance and justify the marginalization of women in all decision-making spheres. In Atuazire, the chief exceptionally set aside convention and nominated a politically-prominent female quarter resident as one of the councillors in the development committee. However, this lone female member had very limited influence in the male-dominated committee. In Mugheb, there was no woman on the development committee.

In addition to its gender bias, the traditional culture of the North West Region associated old age with knowledge, experience and, ultimately, wisdom. Consequently, custom considered the elderly as those in the best position to take decisions on behalf of all groups in the community. Custom also required that the young revere and heed the instructions of the elderly, particularly the elders of the traditional council—the custodians of the sacred beliefs and cultures of the ancestors. Women and young people could only step in during development committee meetings to perform the role which custom designated for them, namely, to serve food and drinks to the traditional council members. These strong cultural values deterred women and young people from attempting to contribute to decision-making in the male-dominated development committees. In the implementation phase of development projects in the quarters, the inclusion of women and young people was limited to the provision of manual labour.

As in major urban areas in Cameroon where the population composition reflects the richness of the country's 250-plus ethnic groups, the quarter residents of Atuazire and Mugheb were considerably heterogeneous in ethnic composition. The quarter populations included the people of the Mankon, Mendakwe and Nkwen villages that make up Bamenda (indigenes), as well as settlers from diverse tribes within the North West Region and other regions or provinces of the country. The religious beliefs of the quarter inhabitants cut across Christianity, Islam and ancestral worship. The quarter populations

were, to a considerable degree, polarized along political party lines: the ruling CPDM party and the SDF, its main challenger, were the main political parties with which quarter residents identified. Unlike religion and ethnicity, political party affiliation was the basis of considerable discord in the quarters. As a majority of quarter residents were supporters of the SDF, their exclusion from the CPDM-dominated development committees only served to reinforce social discord, distrust and general contempt for the committees.

Decentralization in Bamenda had little meaning to the residents of Atuazire and Mugheb, particularly women and young people, because structural, policy and cultural factors worked concomitantly to keep them excluded from council administration. At the structural level, the appointment of a Government Delegate to rule over elected officials kept council administration centralized, thereby jeopardizing downward accountability. At the policy level, the decentralization laws failed to identify inclusion in decision-making as a citizen's right that municipal councils should grant local populations. In other words, the decentralization laws gave local communities no backing or encouragement to press their municipal council for opportunities to participate in the design and implementation of development projects that affected them. At the cultural level, traditional norms espoused male superiority and valued the knowledge of the elderly over that of the young.

These norms formed the basis for the exclusion of women and young people from quarter development committees – the only quarter structures that the Bamenda Urban Council occasionally consulted with.

This case study analyses the impact that marginalization had on the residents of Atuazire and Mugheb, and the key features of the government- and World Bank-funded programme that contributed to reducing the obstacles to inclusion. The discussion focuses on women and young people, as these were the groups whose participation in local level decision-making was directly limited by discriminatory traditional norms.<sup>1</sup>

### **The impact of exclusion from political decision-making**

Exclusion from municipal council decision-making had several negative effects on the populations of Atuazire and Mugheb, especially on women and young people who had little or no representation in the quarter development committees. The appointment of a Government Delegate as council head and the exclusion that ensued from this practice made the quarter residents acutely disillusioned with decentralization. For them, notions of decentralization and participatory governance were mere political rhetoric that had no real

meaning in their day-to-day reality. This disillusionment prompted many people to defy or deny support to council-led development actions in the quarter.

For example, given the low cooperation from quarter inhabitants, the Bamenda Urban Council with its manpower constraints found it challenging to enforce minimum standards for latrine construction in Atuazire and Mugheb. Exclusion also meant low access to information from the council, and hence low public awareness of the municipal council's housing and sanitation regulations. In Atuazire and Mugheb, low awareness of regulations translated into low compliance with these regulations, and this partly explains why housing and sanitation standards in these underserved quarters remained deplorable.

The poor sanitary conditions in Atuazire and Mugheb were also a reflection of the inability of the quarter development committees to enforce basic community rules for solid waste disposal. As the committees were non-inclusive in nature, they lacked the community support and legitimacy which were prerequisites to effective enforcement of community waste-disposal regulations. In Atuazire, many people did not respect designated spots for garbage collection—as one quarter resident noted, 'there was garbage everywhere'. Disposal of garbage into the stream that ran through the quarter obstructed drainage and created favourable breeding grounds for mosquitoes. In Mugheb, runoff from heavy rains swept uncollected household waste from the roadside into nearby drainage channels, eventually causing blockage and flooding. In both quarters, sustainable waste disposal was a priority development issue for women and young people, since these were the groups that invariably shouldered the responsibility of household waste disposal.

Given the exclusion of quarter residents from decision-making forums like the development committees, the development works that the council implemented in the quarters often missed the people's most pressing needs. In addition to their need for a safe and convenient scheme for household waste disposal, access to potable water was another priority development issue for women and young people in the two quarters. Women—the caretakers of households—and young people trekked long distances to fetch water. In Mugheb, the water crisis forced them to use stream water for laundry. In doing so, they put themselves at severe health risks since the stream also served as a dumpsite for household waste. In Atuazire, another unmet development priority for the quarter residents was the construction of steps and a safe bridge on a footpath which over 2,000 people, including 800 school children, used daily. Accidents occurred frequently on the treacherous footpath, and most of these accident cases involved children falling off the precarious wooden bridge.

As the non-inclusive quarter development committees in Atuazire and Mugheb lacked community backing, they were too weak to pressure the Bamenda Urban Council to address the problems the quarter inhabitants faced. The exclusion of quarter residents from the development committees eroded the spirit of community in the quarters. For most people in the quarters, the development committee was a self-serving group that demonstrated little vision or commitment towards broad-based community development. As the quarter development committees were themselves undemocratic, they were in no position to petition the municipal council to implement participatory decision-making.

The exclusion of quarter residents, particularly women and young people, deprived the quarter development committees of dynamism and new ideas for growth. The traditional councillors in the two quarters continued to run the committees the old-fashioned informal way: meetings were irregular, and minutes and record keeping were poor. Furthermore, there was no documentation on the rules guiding the committees, nor was there documentation on the committees' objectives, membership and organizational structure.

The committees also lacked legal registration as 'community associations' and, as a result, donor organizations working in Bamenda did not consider them bona fide 'civil society organizations' worthy of financial support. Exclusion of quarter residents from the Atuazire and Mugheb development committees also deprived the committees of financial contributions from many community members.

At the level of the municipal council, exclusion of local populations from the planning, implementation and monitoring of development projects resulted in mismanagement and poor service delivery. For example, as a result of poor monitoring, many service providers to whom the municipal council contracted out drainage channel and road construction projects in Atuazire and Mugheb either delivered substandard service or abandoned the projects altogether. Deprived of information and of the right to contribute to monitoring, the quarter residents could bring no pressure on the contractors that handled development projects in their neighbourhoods. Due to the poor execution of these contracts, roads in the quarters were extremely dusty in the dry season and pothole-ridden and muddy in the rainy season. The beneficiary populations in these quarters, therefore, paid the ultimate price of the municipal council's continuous non-inclusive mode of government. The exclusion of local populations from municipal council development projects created a transparency and accountability loophole that favoured corruption.



## Inclusion processes undertaken

In April 2007 the Cameroonian Government demonstrated renewed commitment towards decentralization by passing a decree which restructured the Bamenda Urban Council and marked an end to the disempowerment of elected mayors. The new legislation (Presidential decree No. 2007/117) split the Bamenda Urban Council into three autonomous sub-units: the Bamenda I, II, and III sub-divisional councils. In addition, it created a special council, the Bamenda City Council, responsible for planning and implementing development projects in collaboration with the sub-divisional councils. The decree was a huge step towards promoting local democracy because it assigned management of the three autonomous sub-divisional councils to elected mayors, leaving only the special-status Bamenda City Council under the control of an appointed Government Delegate.

The transfer of administrative autonomy to elected mayors was a giant stride in the decentralization process, but one issue remained pending: the active inclusion of local populations in the planning, implementation and monitoring of development projects. In 2007 the Ministry of Urban Development and Housing selected a local non-governmental organization (NGO), the Integrated Development Foundation (IDF), to implement a pilot project in Atuazire and Mugheb to address the exclusion of quarter residents from development issues. The IDF had extensive experience working with communities in the North West Region of Cameroon and had a track record of successful implementation of local economic development projects in the region.

The pilot participatory development project, which was co-funded by the Cameroonian Government and the World Bank, was supervised through a special unit called the *Project de Developpement des secteurs Urbain et d'approvisionnement en Eau* (Urban and Water Development Support Project) within the Ministry of Urban Development and Housing. The 3-year pilot project's main objective was to ameliorate access to basic services for the largest number of inhabitants in the two quarters through a participatory approach.

As the social engineer tasked with ensuring realization of the main project goal, the IDF had three main responsibilities: (a) to build strong cooperative relationships between the quarters and the local government, as well as other state actors responsible for development issues in the quarters; (b) to put in place a system of participation that permits all stakeholder groups in the quarters to contribute in the design and implementation of development projects; and (c) to strengthen the capacities of key stakeholder groups to

enable them handle their responsibilities in the participatory development scheme.

To overcome the barriers to participation in Atuazire and Mugheb, the IDF implemented a model for participatory development that consisted of four key steps: (a) diagnosing, identifying, mobilizing and engaging stakeholder groups in planning; (b) forming and formalizing quarter development associations (QDAs); (c) building partnerships between the QDAs and municipal councils; and (d) building the capacities of elected executive members of the QDAs (community delegates). This approach to promoting citizen's participation in development had previously produced positive results in two quarters in the city of Douala, Cameroon's economic capital. This encouraged the Ministry of Urban Affairs to extend the pilot project to the Atuazire and Mugheb quarters in Bamenda, with the IDF acting as the project's social engineer.

The first step in the participatory development model stemmed from the viewpoint that overcoming the barriers to participation required an in-depth understanding of the factors that sustained exclusion in the particular context. For the IDF Social Engineering Team, the groups which suffered exclusion in a particular context were in the best position to describe their situation and challenges, and to contribute to identifying the solutions to these problems. One of the major objectives of the diagnostic phase of the pilot project was, therefore, to obtain information from the various stakeholder groups within the quarters, and to analyse the existing or potential conflicts between them. By relying on the quarter residents themselves for information, the IDF Social Engineering Team was also using the diagnostic study to set the first foundation for inclusion of marginalized groups in development issues in the quarter. The diagnostic study also included a baseline survey component whose goal was to generate reliable data on the development programmes which the majority of inhabitants in the quarter considered a priority.

The IDF Social Engineering Team started off this first phase of the pilot project by providing detailed information on the project's goals and planned activities to the quarter heads and the traditional councillors of Atuazire and Mugheb. The quarter heads and traditional councillors were the gatekeepers of the quarters, and therefore winning their approval from the very start was essential for the programme's success. After securing the cooperation of the quarter heads and traditional councillors, the IDF launched a more widespread awareness-raising campaign in the two neighbourhoods.

The first objective of this campaign was to give quarter residents information about the project (e.g. information on the project's main goals, the source of funding, the expected duration and so on). The second objective was to

invite or mobilize all stakeholder groups to participate in the project; and the third was to collaborate with the stakeholder groups in setting criteria for evaluating project performance.

The IDF Social Engineering Team used diverse information transmission techniques to reach stakeholder groups in the quarters. First, it prepared a communiqué about the project, which local radio stations broadcasted repeatedly. It also recruited the local town-criers of Atuazire and Mugheb to announce the project throughout the quarters, particularly in the evenings when most residents were at home. Furthermore, community mobilizers selected from among the young people in the quarters went from door-to-door to provide information and invite people to participate in the project. The team also organized question-and-answer sessions at various road junctions in the quarters where people habitually gathered; and news of the pilot project travelled quickly around the quarters through word of mouth.

Furthermore, the IDF hired famous radio animators to spread information around the quarters, through the use of loudspeakers mounted on vehicles. The awareness-raising campaign also included information posters which the project team put up at strategic points in the two quarters; for example, at the quarter head's residence and in front of shops that quarter residents frequented. Furthermore, the Social Engineering Team established relationships of cooperation with the leaders of various social, cultural and religious groups in the quarters. The leaders of these groups then helped to announce the project in their respective meetings and also mobilized group members to participate. The quarter heads of both Atuazire and Mugheb contributed to the awareness raising by paying home visits to quarter residents to inform them about the pilot project. This increased the credibility of the project in the eyes of the local populations. The team's intensive awareness-raising and mobilization campaign continued throughout the diagnostic phase, which lasted two months.

In order to engage all stakeholder groups in discussions in the diagnostic phase of the project the IDF, with the help of the quarter heads, partitioned Atuazire and Mugheb into sub-units called Blocks. In each Block, the NGO organized numerous deliberation meetings which especially targeted the women and young people who were denied participation in the quarter development committees. The ongoing intensive awareness-raising and mobilization campaigns in the quarters guaranteed a high participation of women and young people in the discussion meetings. In these meetings, they described the exclusion and development challenges they faced and, most importantly, they also highlighted the actions they believed could work best in terms of fostering participation and improving the quality of services.

These suggestions formed a cornerstone of the project team's activities in the subsequent steps of the participatory development initiative.

The discussion sessions in both Atuzire and Mugheb revealed that 'old-versus-young' and 'male-versus-female' patterns of conflict existed between the quarter residents. In numerous meetings within the Blocks, quarter residents themselves emphasized that the solution to these tensions lay in the creation of a QDA that could bring together all quarter residents regardless of ethnicity, political party affiliation, age, religion, social status or gender. The quarter inhabitants also highlighted that attendance at the public meetings that the quarter development committee occasionally arranged was always low, because these meetings took place outdoors. For them, a community hall where quarter residents could hold meetings and deliberate on shared development problems would play a significant role in promoting participation. In the discussion sessions at Block level, women and young people actively participated in identifying a host of development needs that they considered a priority for the quarters. These basic needs included access to potable water; efficient garbage collection; decent roads, bridges and footpath infrastructure; construction of drainage channels; and employment opportunities for young people.

The project team complemented the discussion meetings with a demographic survey. One of the main goals of the survey was to assist the population in prioritizing or ranking the various development needs which they identified in the discussion sessions. To guarantee a high response rate, the IDF Social Engineering Team recruited competent and dynamic young people from within the quarters to carry out the survey in their respective neighbourhoods. Furthermore, in view of gaining an in-depth understanding of the relationships between different stakeholder groups in the quarter, the team held meetings with the quarter heads and traditional councillors, and also conducted interviews with key resource persons in the quarters. By engaging marginalized groups and key stakeholders like the quarter heads and traditional councillors at this very early or diagnosis stage of the project, the team cultivated a sense of project ownership within the populations. This feeling of ownership motivated quarter residents to step up their support for the project or mobilize others to participate.

### *Forming and formalizing quarter development associations*

In its diagnostic study, the Social Engineering Team observed that given their multi-ethnic populations, Atuzire and Mugheb each had at least 30 socio-cultural groups (tribal and/or solidarity-based community associations), in addition to numerous self-help or common-initiative groups (CIG). Within

these individual socio-cultural or self-help groups, the participation of women and young people was high. However, at the level of decision-making in the quarters (e.g. in the quarter development committees) marginalization of women and young people was the norm. Also, a strong spirit of solidarity and collaboration reigned among people who belonged to the same sociocultural or self-help group, as did high intra-group cooperation. However, this type of collaborative spirit was either non-existent or weak between quarter residents who belonged to different sociocultural or self-help groups. In fact, outside these individual groups, the personal interests of quarter residents trumped common interests.

The second step of the pilot model for participatory development entailed bolstering the 'spirit of community' in the quarters by mobilizing people in different sociocultural and self-help groups to come together in a common QDA. As the social engineer of the pilot project, IDF recognized that quarter residents would enthusiastically participate in a common QDA only if they 'felt at home' in this association. With this in mind, the IDF Social Engineering Team proceeded to mobilize the populations of the two quarters to develop, on their own, the principles and rules that would guide their future QDA.

First, the Social Engineering Team called general meetings in the respective Blocks that it had formed in the two quarters during the diagnosis phase of the project. In these meetings, the Block inhabitants designated four people—one man, one woman, one young person and one elderly person—to act as the representatives of the Blocks. This balance laid the foundations for equal involvement of all stakeholder groups in deliberations at the Block level, and subsequently at the quarter level. In Block level meetings, the quarter residents in both Atuazire and Mugheb compiled a directive or list of the principles, rules and values they wanted to see in their QDA.

Following the Block level meetings, the Social Engineering Team set up an initiative committee in each quarter made up of the various Block representatives. The role of the initiative committees was to develop a draft legal document, including by-laws, core principles and electoral codes for their respective future QDAs. Relying on the directives developed in Block level discussions, the members of the initiative committees debated and eventually produced a draft document of rules for their prospective QDAs. The Block representatives then presented the draft document to their respective constituencies for review and comments, after which the initiative committee reconvened and revised the draft document, using the feedback obtained from quarter residents in the different Blocks.

Once quarter residents at the level of the Blocks had validated the revised document of rules for the prospective QDAs, the Social Engineering Team called for a general assembly of the inhabitants of the respective quarters. In both Atuazire and Mugheb, turnout at the general assembly meeting was high—first, because of IDF’s continuous sensitization campaign, and second because quarter residents had played the leading role in developing the principles and laws that would guide their respective QDAs. Despite the fact that the QDA model had been proposed by the IDF, the fact that the residents devised their own rules meant that the local populations of the two neighbourhoods saw it as an initiative born of their own aspirations. In the general assembly meetings in both Atuazire and Mugheb, the quarter inhabitants in attendance unanimously adopted the laws and electoral code for their quarter development association. This symbolized the birth of the Atuazire Quarter Development Association (ATUDA) and the Mugheb Quarter Development Association (MUDA).

Adoption of the laws governing the QDAs marked a turning point for women and young people, who were traditionally marginalized in quarter level decision-making. First, the adopted laws of the QDAs gave all quarter residents the right to participate in the association, irrespective of gender, age, political party affiliation or social status. This was a big shift from the discriminatory values that prevailed in the quarter development committees. Second, the electoral codes underlined that selection of executive members of the association must be through fair and transparent elections in general assembly meetings. To ensure the inclusion of women and young people in the management of the association, the constitution of the QDAs designated one special executive post for women (the ‘person in charge of women’s affairs’) and one for young people (the ‘person in charge of youth affairs’). These special executive posts were: ‘person in charge of women’s affairs’. This was another major transition from the bias against women and young people that existed in the defunct quarter development committees. Furthermore, unlike the quarter development committees, the by-laws of the QDAs placed high value on deliberation. For example, the laws assigned most decision-making power to the general assembly, and only gave executive members powers for the monitoring of projects and the day-to-day management of the association.

After the adoption of the by-laws for ATUDA and MUDA, the Social Engineering Team in collaboration with the Block representatives then planned for elections in which quarter residents could elect the QDA executive members, the community delegates. In each quarter, the project team set up an Electoral College comprised of government representatives, council

officials and two quarter residents who waived their right to compete in the elections. The Electoral Colleges took charge of organizing the elections. This entailed compiling a list of candidates who were competing for the different executive posts, and registering quarter residents on the voters' list. At this point of the project, the Social Engineering Team intensified its awareness-raising campaign in order to mobilize quarter residents to register for the upcoming elections.

During the election preparation process, the IDF encountered a huge challenge in its role as social engineer. The quarter heads and some traditional councillors in Atuazire and Mugheb insisted on competing in the elections, even though the jointly-developed and unanimously-adopted electoral codes of the QDAs stipulated that state actors were not eligible for executive posts. The only executive position which quarter heads and traditional councillors could hold was the post of 'elder in charge of culture'. The members of the defunct development committee complained that IDF had stepped into their quarter and transferred their powers to the QDAs. Many of the traditional councillors in the two quarters verbally harassed and threatened the members of the Social Engineering Team. Furthermore, some of the traditional councillors in Atuazire and Mugheb started a smear campaign to discourage quarter residents from participating in the new QDAs.

This clash of interests between the traditional authorities who wanted to participate in the QDAs and the populations who wished to safeguard the autonomy of these QDAs, seriously threatened the success of the project. To address the problem, the Social Engineering Team organized negotiation talks with the quarter head and traditional councillors of the two quarters. In these meetings, the IDF in its role as social engineer clarified the pilot project's objectives of promoting participatory governance in the quarters within the framework of the decentralization process. The Social Engineering Team explained the decentralization process; the three main types of actors involved in the process (i.e. civil society, the local council, and the state, including the traditional authorities); and the importance of separation of powers and responsibilities between these actors.

The negotiation talks in Atuazire initially proved successful, as the quarter head and traditional councillors—although with some reluctance—agreed not to compete for executive posts in ATUDA. In Mugheb, the autonomy of the quarter development association was a less-acceptable idea for the members of the defunct quarter development committee. In the first QDA elections, the quarter head and some traditional councillors in Mugheb competed for executive positions, even though the association's constitution prohibited their candidacy. However, for the IDF Social Engineering Team,

this was not a sign of failure—changing deeply entrenched social practices required patience and continuous efforts. Participatory governance within the framework of decentralization was a new experience for Atuazire and Mugheb and it would take time for all actors involved to respect all its tenets, particularly the idea of the independence of civil society.

In both Atuazire and Mugheb, the election of QDA community delegates was a showcase of local-level democracy, as voting was by secret ballot and involved the use of a transparent ballot box. Furthermore, high-ranking municipal council authorities, namely, the Mayor of the Bamenda II Sub-divisional Council and the Secretary General of Bamenda City Council supervised the elections, thus giving them more credibility. However, the preclusion of traditional council members from executive positions in the QDAs again came up as an issue of conflict following publication of the election results.

Specifically, the quarter head of Atuazire lobbied the Government Delegate of the Bamenda City Council to cancel the election results of ATUDA, as no traditional council member featured on the list of elected executive members. The annulment revived the suppressed antagonism that existed between the quarter head and Electoral College of the association. As the social engineer, IDF stepped in to resolve the conflict. Given its long history of working in the region and its deep understanding of the context, IDF was well suited to promote dialogue between the quarter head and Electoral College. By underlining that democratization was a process and not an event, the IDF convinced the Electoral College of ATUDA to organize new elections. The IDF's strategy of cultivating a culture of dialogue was important because it enable the new QDA to take up negotiation and compromise as its roadmap for future conflict management. In the new elections, the quarter head competed for the post of Secretary General of the association. The outcome of this election was the same as the first, except for the post of Secretary General, which the quarter head won. The Electoral College, however, overruled the victory of the quarter head, arguing that according to the democratically-developed by-laws of the association his candidacy was inadmissible. The general assembly of the QDA backed the ruling of the Electoral College, and the Government Delegate of the Bamenda City Council accepted the election results as the voice of the people.

In Mugheb, the Electoral College with the support of the general assembly ruled that because the QDA was a new initiative, the quarter head and traditional councillors who were elected into executive posts would step down after serving one term. At the end of their mandate, however, these traditional councillors as well as the quarter head who held the post of Vice-



President of the association refused to step down. The general assembly—the highest decision-making power of the association—pressured the traditional councillors and quarter head to resign; thereafter, the Electoral College organized new elections, this time respecting all the by-laws of the association.

The tensions in the new QDAs demonstrated that the tendency for state actors (i.e. traditional councillors) to encroach on and take over the powers and responsibilities of civil society actors was highly institutionalized in the two quarters. To help the new QDAs build and uphold values that respect the rights of marginalized groups such as women and young people, the Social Engineering Team organized simple but effective presentations at the Block level on gender equality and the benefits of participation for development. Furthermore, following the election of the executive members of ATUDA and MUDA, the team assisted the two QDAs in applying for legal recognition as civil society organizations. This legal registration gave the new QDAs legitimacy, which would help them seek funding for future projects from the state and international donors.

### *Building partnerships between the QDAs and municipal councils*

Given the council's failure to address their most pressing developmental needs, people in underserved communities like Atuzaire and Mugheb had very little trust in the local government. In the third phase of the pilot project, the IDF focused on supporting the new QDAs and municipal councils in building mutual respect and trust that could form a basis for long-term cooperation in development issues. The Social Engineering Team's efforts to build this mutual respect hinged on changing the way the councils perceived the quarter populations. The team's specific goal was to shift this perception from 'quarter residents as mere recipients of development' to 'quarter residents as partners in development'—in other words, partners who had a crucial role to play in the quest for effective and equitable service delivery.

Supporting the quarter residents of Atuzaire and Mugheb to organize themselves under a common QDA was a key step in making the municipal councils recognize the contributions the local populations would bring to the development process. In consultation meetings with officials of the Bamenda City Council, the Bamenda II Sub-divisional Council and the Bamenda III Sub-divisional Council, the IDF Social Engineering Team highlighted that the inclusive QDAs could provide the councils with the most reliable information on the development needs of the populations. Therefore, recognizing the QDAs as partners in development would permit the councils to direct scarce resources towards the most pressing problems in the quarters. Furthermore, the Social Engineering Team underlined the important role

which the QDAs could play in monitoring projects in the quarters, informing residents of council house construction regulations, and bringing defaulters to the council's attention.

Inviting high-ranking council officials to supervise the election of QDA executive members played a symbolic role in nurturing a relationship of cooperation between the quarters and the council. The Social Engineering Team further developed this relationship by bringing the QDA executive members and municipal council officials together in one interactive training workshop on decentralization and the principles of partnership. The training module put emphasis on the tenets of successful partnership: mutual respect, communication, openness, accountability, joint decision-making, clear elaboration of the roles of partners, respect of the autonomy of partners, and the sharing of risks, credits and responsibility.

The joint training and consultative workshop also provided a forum for QDA executive members and council representatives to discuss and agree on the terms of a formal partnership between the quarters and the councils.

Following the consultative workshop, the IDF Social Engineering Team drafted formal partnership agreements, based on the resolutions which the council representatives and the community delegates had reached through joint deliberation. Each partnership agreement stipulated that the council would carry out all development activities in the quarters in close collaboration with the QDAs through collective decision-making. According to the partnership agreements, the community delegates were the focal points in the neighbourhoods with whom the councils would discuss all matters relating to the management of the development budget.

Furthermore, according to the partnership agreements, the responsibilities of the QDAs in development included monitoring the quality of infrastructure services and reporting complaints to the council, providing labour for development works and carrying out light maintenance on existing services. The QDAs were also responsible for informing the populations about council regulations (e.g. latrine construction and garbage disposal regulations) and for reporting defaulters to the councils. The partnership documents also required community delegates to present quarterly reports on how their quarters were fulfilling the terms of the partnership.

The IDF Social Engineering Team concretized cooperation between the quarters and the municipal councils by organizing an official ceremony for the signing of the partnership agreements. The public signing ceremony also served as an indirect campaign to re-establish quarter residents' trust

in the local councils. For the first time since Cameroon's adoption of a pro-decentralization constitution, the quarter inhabitants of Atuazire and Mugheb could boast of having a legal partnership agreement with their municipal councils—a partnership agreement that guaranteed their inclusion in development work for a period of ten years.

### *Building the capacities of community delegates*

The role of community delegates in the IDF pilot model for participatory development was of the highest importance. The community delegates were the key link between the quarters and the councils, and they were also the people responsible for management of the QDAs. The survival and growth of the QDAs and the degree to which they could influence the municipal councils depended on the competencies of the community delegates. In the fourth step of the pilot project for participatory development, the IDF paid considerable attention to building the capacities of the community delegates.

First, the IDF Social Engineering Team organized a training workshop on 'management of associations' for the community delegates of the two quarters. The training modules in these workshops addressed issues such as the structure of associations, the role of the executive, factors that determine success in associations, how to organize effective meetings, and conflict management in associations. Furthermore, the team imparted skills on resource mobilization, financial management and record keeping to the community delegates. These skills were vital because lack of transparency in the management of funds in the associations could demotivate registered members and alienate potential joiners. The community delegates also received training on conflict resolution and partnership building. In both Atuazire and Mugheb, this training helped the community delegates to improve the strained relationship that existed between the QDAs and the traditional authorities, particularly the quarter head.

Furthermore, thanks to capacity-building workshops on monitoring and evaluation, the Atuazire and Mugheb community delegates, in collaboration with the quarter heads, played an active role in monitoring and evaluating the construction work that contractors carried out in the quarters. In particular, the community delegates verified whether the quality of ongoing work met the standards laid down in the contract between the service provider and the City Council. The training in monitoring and evaluation also enabled community delegates to successfully keep track of how the Bamenda City Council managed funds earmarked for development projects in their quarters. This fourth step in the pilot model contributed to the fight against corruption and resulted in a remarkable improvement in the quality of basic services in the quarters.

## Changes in knowledge, attitudes, practices and behaviours

The pilot project for participatory development involved a peaceful procedural approach that put the development needs of community residents at the centre of municipal council development efforts. The specific benefits of the project for marginalized groups and for the quarters in general were numerous. For instance, the pilot project mobilized all stakeholder groups in the quarters to work together towards a common mission of ensuring better access to basic services. The initiative thus helped change the development attitudes of quarter inhabitants from a focus on individual interests to the pursuit of the common good.

The creation of the QDAs which included men, women, and young people of different ethnic origins and political party affiliations bolstered the spirit of community in both Atuzaire and Mugheb. Unlike the defunct development committees that included only a few traditional councillors, ATUDA had 150 registered members, while MUDA had 95 registered members. The creation of the QDAs made quarter inhabitants more motivated to contribute to council-sponsored development projects that provided benefits for the whole community. For example, in Atuzaire quarter, inhabitants readily made land available for a number of development projects, the most prominent of which was the construction of a community hall. The community hall was a comfortable place where the QDA could convene to deliberate on community problems. The hall became a symbol of pride for the inhabitants of Atuzaire, and signified civil society's successful transition from division to unity, and from weakness to growing strength.

The pilot project for participatory development contributed significantly to reducing the marginalization of women and young people in development issues in Atuzaire and Mugheb. In the QDAs, men, women and young people deliberated together in order to reach decisions. Although the community delegates were in charge of running the affairs of the QDAs, the major decisions that they executed came from the general assembly, which comprised all stakeholder groups in the quarters. In general assembly meetings, decision-making proceeded in four steps. First, the executive presented problematic issues that required attention. Second, the quarter inhabitants proposed different solutions to the problem. Third, the executive opened up a debate to allow members to weigh the merits of all proposed solution. Fourth, the general assembly settled on one solution either through general agreement or through simple voting (i.e. by a show of hands).

The general assemblies of ATUDA and MUDA operated on the principle that every opinion counts, and this encouraged women and young people to participate in their deliberations. Initially, many women and young people remained quiet during deliberations, but gradually they gained confidence and took an active part in discussions. As Pateman (1970: 42–43) argues, ‘participation develops and fosters the very qualities necessary for it; the more individuals participate, the better able they are to do so.’ In fact, as a female member of the MUDA noted, ‘nowadays in the general assembly meeting, women are always more active than men, because the meeting attendance rate for women is always higher than that for men.’

The active participation of women and young people in the QDAs gave these formerly marginalized groups the opportunity to directly influence how the Bamenda City Council used the development budget for their quarter. For example, the residents of Atuzaire, most of whom did not own cars and whose children trekked along dangerous footpaths to school, turned down the municipal council’s proposal to invest the development budget on highway construction. Due to the strong voice of women, ATUDA decided that the development budget should be invested in constructing steps and a safe bridge on the footpath that their children used daily. A woman in Atuzaire described the positive change: ‘now the footpath is very safe; we have not had any case of children falling into the stream.’

As in Atuzaire, the inhabitants of Mugheb decided on which priority development needs to propose to the Bamenda City Council through participatory decision-making in their QDA. MUDA influenced the Bamenda City Council to construct a community hall and to also focus on developing roads and footpaths. Women and young people in the association pushed for improvements to the waste collection scheme and for the construction of wells that provided safe and easy access to water. As one woman in Mugheb remarked: ‘the wells have helped the quarter inhabitants by making water more affordable; we no longer need to trek long distances to get water.’

The pilot project for participatory development made a significant contribution to eroding the cultural norms and values that excluded women and young people from decision-making in the quarters. It championed the election of quarter representatives over nomination of representatives. This gave women and young people access to leadership positions in the QDAs. For instance, the eleven executive members of ATUDA included five women; and in MUDA, six of the executive members were young people. Elected community delegates demonstrated more motivation, commitment and accountability in their role as representatives of their respective quarters. By creating a forum where men, women, young people and the elderly gathered to

deliberate on common development problems, the participatory development initiative contributed meaningfully to eroding the ‘male-versus-female’ and ‘old-versus-young’ patterns of conflict that existed in the quarters.

The creation of the QDAs initially sparked tensions between the quarter inhabitants and the traditional authorities who feared that the associations would rob them of all power and make them redundant. However, given the Social Engineering Team’s continuous interventions in managing conflicts and clarifying the respective roles of traditional authorities and QDAs in the decentralization process, the two parties eventually came to see themselves as partners. For instance, the quarter heads and traditional authorities in the quarters played the leading role in negotiating for the release of land for some of the development projects that the QDAs proposed to the Bamenda City Council. In both quarters, the quarter head and the president of the QDA collaborated in monitoring construction works.

Furthermore, working together, the quarter head and community delegates prevailed on construction companies to hire local labourers for development work in their quarter. The QDAs compiled the names of quarter inhabitants who desired to work and the quarter heads presented these lists to the construction companies.

The pilot model for participatory development was also a huge success because it established partnerships agreements between the quarters and the municipal council, which allowed quarter residents to play a strong role in decision-making, implementation and monitoring of development projects in their quarters (see table 10.1). The written partnership agreement was a major advancement over the decentralization laws because it gave the inhabitants of Atuazire and Mugheb a licence or quasi-right to participate in council development programmes. The partnership enhanced information flow between the Councils and the quarter populations. This increased downward accountability and transparency in the management of the development budget earmarked for the quarters.

**Table 10.1 A view of the partnership between QDAs and the Municipal Councils**

Activity	Responsibilities of community delegates (QDAs)	Responsibilities of the Councils
Decision-making	Identify priority development projects/needs. Make recommendations to the councils.	Review the merit of proposals from QDAs in relation to available funds. Deliberate with community delegates.
Implementation of projects	Facilitate access to land for implementation of projects. Select labourers in the quarters and present them to building companies for hiring.	Implement projects, or contract out to competent service providers.
Monitoring and evaluation	Assess quality of ongoing work and report complaints or anomalies to the councils.	Monitor quality of ongoing work Respond to reports from the QDAs.
Maintenance	Carry out light maintenance of existing infrastructure. Notify the councils when heavy maintenance work is required.	Carry out heavy maintenance works on infrastructure.
Supervision	Inform quarter residents about council regulations (on house construction, etc.). Report defaulters to the councils.	Share Council regulations (on house construction, etc.) with QDAs. Penalize defaulters as necessary.
Sanitation	Mobilize quarter residents to clean public spaces on the monthly clean-up campaign day. Ensure that inhabitants respect designated garbage collection spots. Remind the Council to collect accumulated garbage when the collection van misses its scheduled.	Provide garbage bins at designated garbage collection spots. Clear garbage from designated collection spots.
Information sharing	Send the Council quarterly report on the activities of the QDA.	Comment on QDA quarterly reports. Provide information to QDAs upon request.

Training community delegates and empowering them to cooperate with the quarter heads in monitoring the quality of construction work in the quarters resulted in more efficient use of financial resources. In both quarters, the community delegates on many occasions submitted complaints to the Bamenda City Council when the construction companies failed to respect the standard of work stipulated in their contract. Upon receipt of these complaints, the council officials instructed the contractor to honour the

terms laid down in the contract. The net result of this was high-quality and durable infrastructure services. The new community hall, roads, footpath, bridge, and wells in the respective quarters contributed to re-establishing the populations' trust in the municipal councils. This in turn strengthened the people's commitment to their partnership with the council.

### **Lessons learned and their policy and practice implications**

The concept of decentralization has gained widespread popularity among international donor organizations and development policy makers and practitioners. Many governments in sub-Saharan Africa have enacted and implemented decentralization reforms to varying degrees. In Cameroon, the decentralization policy lacks a detailed framework on how local populations can be engaged in decision-making, implementation and monitoring of development programmes at the level of decentralized municipal councils. As such, power devolution in Cameroon has often reproduced, at the lower level, the same accountability, transparency and responsiveness deficits criticized in centralized management. Decentralization programmes in many sub-Saharan African countries share this problem. The popularity of decentralization notwithstanding, governments are still in search of a workable model for introducing meaningful citizen participation in local government administration.

How can the voices of marginalized community groups be included in local government management without rendering the process cumbersome and ineffective? This is the most important question which development practitioners engaged in the ongoing decentralization processes in sub-Saharan Africa are grappling with. The pilot project for participatory development that the IDF implemented in the quarters of Atuazire and Mugheb in Bamenda offers an answer to this question. The project illustrates how the transparency, government responsiveness, and accountability merits attributed to participatory governance have materialized on the ground.

The general factors that contributed to the pilot project's success were the central government's renewed commitment towards implementing decentralization reforms in Bamenda and the availability of government and donor funding for the provision of basic services in the quarters. In addition to these, the project achieved its goal of promoting citizen participation thanks largely to its bottom-up approach, which placed marginalized groups at the centre of efforts to restructure local level decision-making processes. By mobilizing quarter residents to discuss the causes of exclusion and identify solutions, the



IDF Social Engineering Team gained an in-depth understanding of how to handle the power relations and antagonisms between different stakeholders. The bottom-up approach also gave the quarter residents a sense of ownership of the project and this resulted in strong community support and commitment, which facilitated the realization of the project's objectives.

The IDF model for participatory development effectively promoted inclusion of marginalized groups in the quarters because it identified and built on existing community structures of participation. The Social Engineering Team created QDAs from the available social infrastructure—namely, sociocultural and self-help groups, in which the participation of women and young people was already institutionalized. This 'home-grown' attribute of the project granted it high social acceptability within the quarters.

The success of the pilot project demonstrates that strategically linking quarter development associations and municipal councils is an effective way of bringing about meaningful inclusion of marginalized communities in local government administrations in sub-Saharan African countries. In contrast to the orthodox approach of holding public meetings to solicit community input, establishing QDA–Council partnerships is a more sustainable, focused, less time-consuming and hence more rewarding approach to promoting participation in decentralized municipal councils.

The failure of the decentralization laws to identify citizen inclusion in decision-making as one of the mandatory responsibilities of the council is perhaps the greatest barrier to participation in decentralized local governments in Cameroon. Policymakers and development practitioners who support decentralization in Africa should, therefore, bear in mind that a decentralization law which identifies participation in local councils as a citizen's right will go a long way towards facilitating inclusion of marginalized groups in local-level development projects.

The IDF pilot project for participatory development in Atuzaire and Mugheb is a rare case of 'good practice running ahead of policy'. The written QDA–Council partnership agreements gave the quarter residents a licence or quasi-right to participate in council development programmes. As researchers like Lowndes, Pratchett and Stoker (2006) argue, people participate in their local government when they are invited to participate; when clear channels are available for them to contribute their voice; and when they feel they are listened to. The council's written partnership agreement with the QDAs was an official invitation for the communities to participate in development programmes; and it was also an official declaration of the council's willingness to listen to the quarter residents.

In summary, the IDF pilot project for participatory governance holds five key lessons and implications for international development organizations and policymakers engaged in democracy promotion. To successfully promote inclusion and participation of marginalized groups in local governments in sub-Saharan African settings, democracy cooperation should:

1. *Ensure that appropriate legislations for participatory governance are enacted.* An appropriate legal framework is one that assigns local government administration to elected officials rather than government-appointed officials, and which identifies citizen's participation as a mandatory and integral part of the local government's strategy for ensuring accountability, transparency and responsiveness.
2. *Dedicate a great deal of attention to civil society strengthening by specifically supporting formal organization of marginalized groups.* No meaningful participation can occur when marginalized groups are fragmented, disorganized, informal and hence politically weak. In addition to supporting the Atuazire and Mugheb residents in forming formal quarter development associations, the IDF dedicated considerable efforts to training community delegates to play their role as the spokespersons of the quarters.
3. *Ensure that the delineation of powers and functions between government and civil society actors is clear and documented.* Where the line between civil society and government responsibilities is fuzzy, government actors tends to colonize the whole decision-making sphere. For example, prior to the formation of the QDAs in Atuazire and Mugheb, state actors (the traditional authorities) represented or spoke on behalf of marginalized groups.
4. *Develop a conflict resolution plan or strategy before implementation of the participatory governance programme actually begins.* Promoting the inclusion and participation of marginalized groups almost always means that marginalized groups gain more influence at the expense of some other actor or actors who previously dominated the decision-making setting. Having a negotiation and conflict resolution plan in advance is critical because without it, dominant actors who see their powers being eroded can sabotage a participation scheme before it has had time to take root. The IDF's timely intervention to resolve conflicts between the members of the traditional council and the new QDAs allowed the Atuazire and Mugheb participation schemes to become established and demonstrate results.

5. Use the ‘*demonstration effect*’ of pilot participatory governance initiatives to counter government inertia and stimulate political will for widespread inclusive governance reforms. Despite the high level of support for inclusive forms of governance in development discourse, those local government administrators who are accustomed to top-down management will believe only in what they can actually see. Introducing pilot projects that clearly demonstrate the practical merits of citizen participation can provide critical reference points for democracy or policy change advocacy.

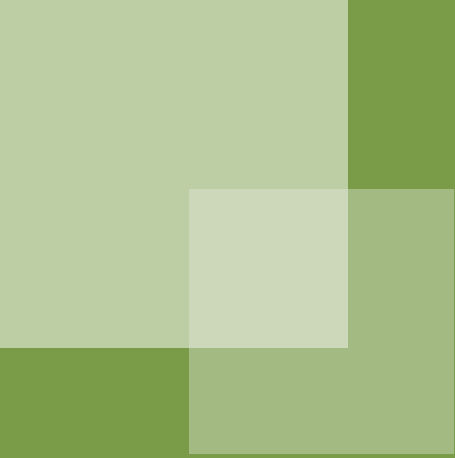
Overall, the high-quality social services that the IDF pilot project brought to Atuazire and Mugheb demonstrate that the best monitors and evaluators of development projects in a particular setting are the beneficiaries themselves, because they are always on the spot and they have the greatest incentive to ensure efficient use of resources. Nowadays, to the common man, woman and young person in Atuazire and Mugheb, ‘decentralization’ is no longer a hollow, fancy-sounding word. Given the active role that their QDAs play in council development programmes, decentralization for the quarter populations now has real meaning.

## References and further reading

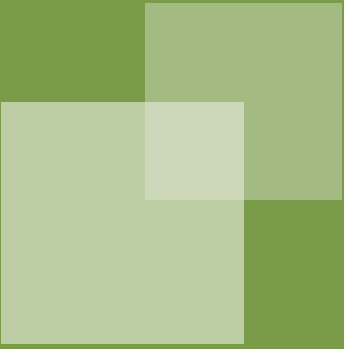
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## Notes

- <sup>1</sup> Qualitative data for this case study was obtained through one-day workshops organized in each of the two case study quarters. The workshop-style focus group interviews increased data reliability as the narratives from the different interviewees—15 participants in each quarter workshop—complemented and validated each other. The review of project reports on the donor-financed programme for participatory development provided supplementary information. As in the other case studies in this report, interviewees are not identified by name.



**Conclusion:  
Learning from  
the stories of  
marginalized  
women**



# Conclusion: Learning from the stories of marginalized women



JULIAN SMITH

This conclusion identifies the lessons materializing from the ten case studies included in this Report and their implications for those engaged in democracy cooperation and reform.

## Multi-dimensional interventions are crucial in overcoming political exclusion

A frequently referred-to link found in both customary and non-customary governance settings is the complexity of factors causing exclusion and the interconnectedness between poverty and marginalization. Marginalization and poverty have led to deficits in people's livelihoods, education, health and access to other basic services, and these deficits in turn are often connected to their exclusion from political decision-making.

The implication for democracy reform is that interventions must be multi-dimensional, involving legally-binding and monitored measures such as inclusive constitutional, legislative and legal reforms, together with income generating, literacy, community education and physical infrastructure initiatives. Most of the initiatives described in this report provide practical training in areas such as literacy and income generation combined with political education and leadership training empowering women. These measures are linked to peace processes and political campaigns designed to change community norms and address political exclusion.

Similarly, several case studies highlight the fact that inclusion reforms are very often required at the local or district, provincial and national levels, or even accompanied by international level interventions ensuring obstacles to exclusion are removed. This is particularly pertinent in situations involving multiple or intersecting discrimination, such as women from ethnic or religious minorities exemplified in the cases in this report on India and Myanmar.

Reforms targeting one or two of these levels alone have often been ineffective. Furthermore, constitutional and legislative reforms, together with those targeting political parties and other political institutions, must also be accompanied by community education initiatives promoting attitudinal change to overcome deep seated, systemic and institutional obstacles to gender equality. The case studies make clear that progress in one of these domains may lead to progress in another, causing a domino effect, as in the Namibia and South Africa examples.

### **Different types of research can be used as reform tools**

A number of cases study authors have cited evidence-based research canvassing the lived experience of women as playing a critical part in organizing information on the causes of exclusion, specific barriers preventing inclusion, the reform measures most likely to succeed and the impact of positive action measures such as quota systems in facilitating women's representation. However, the most critical role played by research in several case studies has been in its informing of advocacy and communication strategies, providing the data women's groups have required to help persuade decision-makers of the losses flowing from women's and girl's continued discrimination, exploitation and political exclusion, and the gains flowing from their genuine inclusion in decision-making.

The use of case study research methods in understanding women's experiences has also been recognized as a powerful tool for informing debates on women's empowerment, using women's own stories expressed in their own ways as the most effective means to raise awareness of exclusion issues.

Discourse analysis of dominant group's engagement with excluded groups in politics (e.g. male commune councillors working with female commune councillors in Cambodia) is also useful tool in understanding and analysing the power differential between men and women.

Finally, engaging excluded groups themselves in the planning, conduct and analysis of research activities and their results constitutes an important lesson in ensuring women own the research process and its outcomes and allowing them to better utilize those outcomes by translating them into advocacy gains, as was the case in Somaliland.





## **Women's representation in political institutions is often compromised**

Several case studies refer to the superficial or under-representation of women in existing customary or democratic institutions, with women often allocated responsibilities suited only to their stereotyped traditional roles, as seen in the Cambodia case study. This corresponds with a 2008 Inter-Parliamentary Union survey indicating that more than half of the women Parliamentarians surveyed cited difficulties in balancing family and political commitments as barriers to moving into leadership positions, and that women in parliamentary leadership positions had remained at around a lowly 10.7 per cent (i.e., 28 out of 262) of presiding officer positions in Parliaments and National Assemblies around the world for the ten years from 1999 to 2008 (Inter-Parliamentary Union 2009:76)

Notwithstanding this, the Cambodian study shows that women can use these circumstances to empower themselves by viewing the roles allocated to them according to gendered perceptions as roles that men are not adequately skilled to carry out—in essence, women can use such roles as a platform from which to build their political knowledge and authority and then branch out into other areas.

## **Positive action measures determining the proportion of women representatives in governance systems can be effective in overcoming political exclusion**

When compatible with the electoral system, quotas and reserved seats have often led to a significant increase in the number of women elected to office. However, it should be noted that inclusion does not necessarily translate into effective representation. Of the two studies included in this report dealing with this issue, one provides support for the practice of reserving seats promoting women's participation at the executive level in quarter development associations (Cameroon), while the other assesses the impact of quotas in South Africa's customary governance as considerably compromised. A third International IDEA study not included in this collection assessing the impact of quotas at the local governance level in Afghanistan also raises significant questions about the effectiveness of quota systems in terms of the quality of women's participation.

Furthermore, once elected to local government bodies, women councillors have reported in the South Africa and Cambodia studies that their voices go unheard in the male-dominated council settings.

What can be concluded from these studies is that the legitimacy of the process governing how women are selected as candidates for reserved seats or quotas is critical. In the Cameroon case study, both reserved and unreserved seats on local decision-making bodies were open to any community candidates prepared to stand and elections were governed by independent Electoral Colleges according to well understood by-laws, and these processes were free from political interference. In contrast, both the South African and Afghanistan studies describe traditional male power-holders selecting women representatives loyal to them in filling quotas, thus undermining the quota systems designed to improve women's participation. These conclusions correspond with IDEA's research findings on quota systems, revealing that while quota systems are moving in the right direction in balancing female and male representation in elected fora, gatekeepers such as political parties and in the cases reported here, traditional male power holders together with barriers such as financing, often compromise women's entry into politics.

### **Political, judicial and religious leadership plays an important role in overcoming marginalized women's exclusion**

Many of the case studies cite political, judicial or religious leadership as crucial factors in supporting and in some cases promoting women's inclusion in decision-making structures and processes. Many male leaders will move to accommodate greater women's participation if they see the mutual gains in doing so in terms of the value to the broader community they represent as well as to women's interests. In the Namibia case study, for example, men recognized positive spin-offs in terms of regaining lost support.

However, a key factor underpinning male leadership support for women's political empowerment in customary governance that is also relevant to democratic governance, is the anchoring of the inclusion issue in local culture, values and discourse. The Bougainville, Kenya, Myanmar Karen, Somaliland and India case studies provide very clear examples of the importance of this.

Despite this, when inclusion strategies depend upon political leadership alone—particularly in the context of male chiefs representing traditionally gendered power structures—reforms can easily be compromised and short-term in nature. An example of this appears to be evolving in Afghanistan, where, in spite of the Afghan Government's commitments to international conventions and its support in implementing the National Solidarity Programme (a programme based on equal opportunities for women and men in elections for Community Development Councils and participation in

Councils' decisions over local community development projects), traditional gendered power structures appear to have maintained their control over these processes.

Men's active engagement in women's empowerment programmes is particularly critical, and can only be achieved when implementing agencies emphasize the important role men play in protecting their daughters, sisters, mothers and wives' rights and well-being. The example of the Muslim Women's Initiative programme demonstrates that in communities where men have previously been reluctant to actively provide support, reform efforts anchored in local values and customary structures will likely overcome traditional resistance.

Another lesson is that while male leadership support is very important in generating broader support for women's inclusion from communities and their political institutions, it is not essential to achieve this at the starting point of an inclusion campaign. The Burmese Women's Union (BWU) case study provides an excellent model for identifying gender-conscious men to facilitate gender awareness mainstreaming within exiled organizations. This identification was achieved by targeting male-dominated organizations, alliance and media groups for young BWU women's internship opportunities and work placements, enabling the BWU to influence male-dominated institutions from within.

Lastly, the important role the judiciary plays and specifically its decisions upholding inclusive constitutional provisions—for example, in South Africa—has proven to be a critical mechanism for protecting women's rights when challenged by customary local government. This case study shows that effective consultation mechanisms and accessible courts are central to overcoming exclusion.

### **The advancement of human rights and democracy in customary governance must be aligned with the customary values underpinning traditional norms**

Cultural tradition is a concept often misused by dominant groups when explaining away women's marginalization. However, even among the most rigid of cultural traditions, there are ways of finding commonalities with human rights principles such as gender equality espoused by reformers. Customary governance also holds the potential, as shown in the South African case, to find creative solutions to conflicts between national principles of gender equality found in the country's constitution and the official customary law of inheritance based on the inheritance rights of first born

sons (male primogeniture). This is due to the flexibility and under-recognized openness of customary governance to change when change strategies are based on traditional values. Notwithstanding this, successful reforms within customary governance structures in reality often depend on national government actions and laws, as shown in the South African study, to inform change at the local level.

### **The media can be critical allies to inclusion reform campaigns**

The BWU's highly effective skills development training and confidence-building processes involve mentoring younger women leaders in how to productively influence the media's treatment of gender issues. This has had a cumulatively positive impact in changing attitudes and behaviours towards women's empowerment, within both organizations and communities. It has also led to more visible media representation of politically trusted and respected women from exiled groups, providing Burmese communities with alternative and more inclusive interpretations of the role women and girls can and should play.

### **The roles played by external humanitarian and political assistance/cooperation players can either provide critical support to inclusion reform campaigns or can compromise their progress**

In an environment where human rights advocacy is highly sensitive, the links Burmese and Karen women's groups have forged with international allies in focusing the spotlight on Myanmar and specific human rights issues have been crucial to their successes. Through partnerships with external humanitarian and other organizations, subsequent international exposure has increased the support Burmese women's groups have gained both from Burmese people in the Thai–Myanmar border regions and internationally. International organizations and NGOs can therefore play important roles in highlighting human rights injustices and political exclusion, on the international stage.

While broader recommendations to democracy co-operation/assistance organizations on how to work with national partners in democracy co-operation/assistance are referred to throughout this section, some more specific recommendations for international democracy co-operation/assistance providers are worth noting here. These include the requirement that external support, to be constructive, must be built on local initiatives,



as the Somaliland study concludes. Marginalized women fully comprehend the need to work actively towards an expanded space for women within both customary and conventional democratic institutions. What they are often asking for is support in undertaking their advocacy in more methodical ways, drawing on lessons provided by activists in other polities, such as those articulated throughout this report.

Specifically, external agencies can work with local partners in assisting to identify and sometimes provide the technical expertise and understanding of general political strategies and tactics that community based activists may have had relatively little access to. This amounts to a recommendation, as noted in the Somaliland study and repeated in the India and Cameroon studies, that international support in building more inclusive and representative decision-making institutions should be deeply rooted in an understanding of existing institutional and community structures and their underpinning values and norms.

Indeed there is ample documentation pointing to the difficulties encountered and harm produced when external actors attempt to introduce models for democratic decision-making without sufficient understanding or space for local activists to set and implement the agenda.

Lastly, an additional commonly cited recommendation to external democracy co-operation/assistance partners is to ensure programmes seeking to overcome women's political exclusion adopt a holistic approach to reform, exemplified in the India study, where interventions to increase Muslim women's political participation included orientation for religious leaders, awareness building for women and education programmes for children. Entire communities were involved in designing and implementing solutions. Empowering women ultimately involves changing gender systems and their normative underpinnings, involving men as key gender system influencers, together with young people and children as future agents of change.

Adopting a holistic approach to reform also requires recognizing that more than one group is likely to experience marginalization within a community or polity, and *within* marginalized groups there are hierarchies and excluded sub-groups. These layers of marginalization between and within groups are likely to be interlinked. It is therefore important that political reform programmes address all elements of marginalization.

## **Developing leadership skills among marginalized group members has been central to inclusion campaign successes**

Investing time and resources in confidence-building measures via leadership training, often coupled with literacy training and income-generating opportunities, have been common features of successful women's inclusion campaigns. These have been particularly effective in Myanmar, where the BWU has used ongoing mentoring by more experienced group members working with younger members for external representation purposes, together with a rotating management structure providing management opportunities to inexperienced members. Political training programmes for younger women have been crucial in developing confident, politically-astute female activists as role models for younger generations.

Similar successes flowed to the Karen Women Organization (KWO), basing its community organizing on the political education of women activists and a train-the-trainer process. While this approach has taken time to show results, its positive impacts have produced an exponential growth in the organization's support base, as well as sustained political change for generations of women. Graduates of the KWO's Young Women's Leadership School seeking advancement within other Karen community-based organizations (CBOs) undertook a more advanced Emerging Leaders Programme running for ten months, reflecting the considerable investment the KWO directed towards this strategy.

## **Educating young people in the importance of girls' and women's inclusion is a crucial longer-term strategy**

Several case study authors highlight the fact that there are no shortcuts in the task of overcoming obstacles to women's exclusion. This means that integrating citizenship and human rights principles, such as girls' and women's equality, into formal and non-formal education curricula will produce positive changes in community knowledge, attitudes and behaviours and considerably advance girls' and women's empowerment in the longer term.

Investing in girls' education—for example, in the Muslim context, by making use of Islamic religious scholars to secure future attitudinal changes towards women's and girls' empowerment—has been seen as a critical success factor in reform, as women are often themselves opposed to reforming women's rights. Basing education on the Qur'an as well as national and, where appropriate, international legal protections have been instrumental in the successes reported here.



Promoting the principle of political participation via education curricula as a fundamental entitlement—as found in most constitutions—also leads to political parties and other political institutions adopting gender and other inclusion policies and action plans as templates for change. Increasing young people’s active engagement with politics also comprises an important lesson in facilitating longer-term change. Indeed, many of the case study authors refer to the importance of women’s groups forming alliances with young people as effective partners in reform campaigns.

### **Change strategies are often determined by cultural and security contexts**

Strategies designed to facilitate changes in knowledge, attitudes, practices and ultimately behaviours towards women must be consistent with a country’s cultural context and socio-political and security environments. For example, political activism in Cambodia will not necessarily reflect the confrontational approaches women have used very successfully in Somaliland. For the Cambodian women, their own personal security and the security of their families are the prime determinants of their attitudes towards working for political change. This results in very non-confrontational approaches in dealing with gendered attitudes, in the context of an environment where many people have experienced conflict-related trauma and where central political parties rigidly control local council politics. The importance of activists undertaking ongoing context and risk analyses in politically and militarily insecure environments, together with crisis management preparation to deal with potential threats when undertaking change work, comprised a key recommendation at a 2012 International IDEA workshop on inclusion strategies for change activists.

In contrast to the Cambodia example, Somaliland women have emboldened themselves to be collectively confrontational after experiencing several direct-action protest successes. The lesson here is that democracy reform work must be cognizant of the fact that in each socio-political culture (and, indeed, sub-culture), the array of strategies adopted to facilitate change is best identified and adopted by women from within those cultural contexts. This is supported by an additional recurring lesson evident in each of the case studies, that externally-imposed as opposed to home-grown solutions most often don’t work.

## Well-coordinated collective action via networking and alliance building helps overcome exclusion

While change strategies need to be locally planned and devised, another common element in all of the case studies is the importance of collective agency in overcoming the challenges posed by long-standing, deeply-entrenched ethnic, religious and gender divisions. Alliance building through networking and coordination of often previously fragmented change campaigns are key elements in the successes the authors describe. Strengthening civil society's support of marginalized groups by organizing more formally into coordinated structures has been shown to significantly assist campaigns. As Lambi and Dameni note in the context of Cameroon, no meaningful participation can occur when marginalized groups are fragmented, disorganized, informal and therefore politically weak.

When religious, ethnic and gender divisions have led to conflict, forging alliances with neutral parties is strategically critical in swaying adversaries to accept one's position. In the case of the Wajir women advocating for peace in northern Kenya, the placement of neutral but well-respected elders in the negotiating spotlight also proved pivotal to their peace-making success.

Recruiting women previously reluctant to become involved in reform efforts may, as in the BWU case, require using non-political spaces including informal meeting venues such as libraries for migrants and drop-in centres for domestic violence survivors, where women are able to meet and relate to one another across ethnic differences without an overt political agenda. Using non-political settings and community events such as prayer ceremonies, healing workshops and festivals have been effective in building trust and understanding among people of different religious and ethnic identities.

These strategies provided not only the BWU but also other groups described in the case studies with access to a wide network of potential reform supporters and opportunities for incrementally introducing political topics. People receiving such information share their increased knowledge with other community members, multiplying the information-dissemination impact, an essential first step in recruiting new reform participants.

Lastly, and as referred to above, networking and alliance building with groups such as young people experiencing similar exclusion issues is an important strategy contributing additional human resources, enthusiasm, energy and political weight to reform initiatives.





### **Profile, and specifically the lack of a high profile, can produce considerable strategic advantages, as can the spirit of volunteerism**

A further lesson demonstrated by the Wajir women and other women's groups referred to throughout this report is the value of adopting a low profile by allowing others to take the spotlight and benefit from women's negotiating successes. This approach has enabled women to quickly gain the respect of all other stakeholders due to their effectiveness and lack of ego-driven motivation. Indeed, being perceived as working for selfless motives based on a spirit of volunteerism and without personal gain was instrumental in the Wajir women's ability to gain respect from all parties. This spirit of volunteerism and sense of ownership by excluded group members is pivotal in challenging marginalization. Often marginalized groups escape the radar of government or NGO support, making it important for people themselves to organize and fight exclusion, even without the promise of material benefit.

### **Timing inclusion campaigns with other events of national, provincial and local significance is likely to increase the pace and extent of change**

In several of the case studies presented here, traditional power structures were already in upheaval and local reform efforts coincided with these developments, while others dovetailed into national reform movements. Even in seemingly overly-patriarchal cultures, there are always opportunities that women and other marginalized groups can seize to overcome exclusion and inequality. As Walls points out in his Somaliland study, the challenge lies in defining the right moment to implement change strategies.

### **Language can be used to identify a common enemy in reconciling conflicting interests**

The use of neutral language has often been referred to in conflict resolution literature and its relevance in reconciling conflicting interests has again been evidenced in several case studies here. The clearest example of this comes once again from the BWU, which chose its name after lengthy deliberation, and despite the words 'Burmese' and 'Union' creating tensions with calls for independence by some minority ethnic groups. Timely reference to the common enemy therefore served to overcome many of the differences plaguing efforts to forge a unified position among conflicting ethnic and other women's groups. This again corresponds to much of the conflict resolution literature's

reference to the importance of identifying a competing ‘out-group’, as well as options for mutual gain across groups in conflict.

### **Develop clear strategic links with existing government instrumentalities and institutions to consolidate reforms**

Strategically linking initiatives, such as those in Cameroon and Somaliland with municipal councils or District Governors’ offices, can undoubtedly help to consolidate gains by local organizations in bringing about the inclusion of marginalized communities in local government. Notwithstanding this, it is also important to ensure clarity in relationships between civil society organizations and local government and to document these relationships. As noted in the Cameroon study, when the line between civil society and government responsibilities is ill-defined, government actors tend to ‘colonize’ the decision-making sphere.

To counter this, it is important for inclusion reformers to develop a conflict resolution plan or strategy before assuming any partnership with local government. Promoting the inclusion of marginalized groups almost always leads to the latter gaining more influence at the expense of actors previously dominating decision-making. As shown in Cameroon, possessing a conflict resolution plan in advance is critical—without it, dominant actors seeing their powers eroded can sabotage a participation process before it is fully established, or may simply set up an informal parallel process that maintains real decision-making power over the excluded group. The Cameroon study also exemplifies a preparedness to resolve conflict as well as adopting an effective conflict resolution process between members of a traditional council and a new participatory structure, allowing the latter to become established and demonstrate results.

### **Participation alone is not enough to ensure equality unless it is based on citizen’s control**

In her case study on Bougainville, Johnstone argues that the degree to which empowerment results from participation alone is limited and has to be considered in the context of prevailing power dynamics. However, this is arguably based on a limited definition of participation, Johnstone alluding to Wojkowska and Cunningham’s description of participation ‘being able to express one’s view’ (Wojkowska and Cunningham cited in Johnstone 2012:18). Participation should instead be conceptualized in a more multi-dimensional fashion, such as that developed by Arnstein in her classic 1969 essay describing



a ladder of citizen's participation. The Bougainville case study provides an example of a situation where engagement should be seen as something more akin to tokenism or consultation rather than serious participation. Another dimension of the participation process highlighted in some of the case studies is that participation by some constituencies will require time and space to evolve due to initial hesitation and lack of identification with the issues. The initial hesitancy of some minority ethnic Burmese women to engage with the BWU referred to above is a case in point.

A further lesson worth noting from Cameroon is that citizen's participation will be better facilitated if appropriate legislation for participatory governance is enacted via legal frameworks assigning local government administration to elected officials rather than government-appointed officials. Furthermore, people will most often participate in local government when they are invited to do so with clear channels available for them to contribute.

### **Exploring intersecting characteristics can facilitate unity and conflict resolution when divisions occur based on a single characteristic**

The BWU case study highlights how promoting a common identity on one dimension (in this case, gender) can work to overcome deeply entrenched differences on another dimension (in this case, ethnicity). This phenomenon was also evident in the Somaliland example, where women from different clan groups overcame their clan loyalties to forge a partnership based on both gender and their commitment to facilitate an end to the inter-clan rivalries that had been historically prevalent in Somaliland. The lesson these analyses provides is that promoting characteristics such as gender and shared experiences based on this characteristic can bind people together in de-prioritizing differences arising from other characteristics.

### **Reform processes must adhere to development ethics to ensure transparent and accountable outcomes consistent with the human rights principles pursued in reform campaigns**

This lesson has a number of implications for planning and implementing reform processes and programmes, particularly those involving partnerships with external agents. The following practical measures are based on the assumption that marginalized women themselves are directing and implementing activities, as opposed to external agents acting on their behalf.

### *Needs assessments*

The needs assessment processes that have been found to be most effective have prioritized methods canvassing needs expressed by women who are often overlooked in large-scale public meetings and written questionnaires. Smaller-scale meetings organized through word of mouth or assessments involving home visiting for less-mobile community members are more successful in identifying needs experienced by women facing double or triple forms of exclusion and marginalization, including religious and ethnic minorities, the disabled, the poor and geographically isolated, and women who are socially stigmatized on the basis of their sexual orientation or other characteristics.

Interventions building on existing structures and processes of participation will be far more sustainable than programmes creating new structures and overlaying these on existing structures, no matter how inefficient those existing structures are. Using available social structures such as self-help groups in which the participation of women and young people is already institutionalized will generate greater buy-in and ownership than structures and processes seen as externally imposed.

Similarly, reform initiatives based on local responses to locally identified needs invariably produce more effective and sustainable results than responses relying on a one-size-fits-all approach using external players and large-scale resourcing. As the India case study shows, people are not and should not be seen as victims or passive recipients of support, but rather as leaders and partners in the development of their own communities using the existing knowledge, beliefs, perceptions and strengths of marginalized groups to lead the reform process. In this way, community ownership of the project is guaranteed and community buy-in will be higher.

### *Implementation*

In terms of implementing reform programmes in local contexts, organizations should focus on developing female staff as a long-term commitment, rather than relying on recruitment strategies headhunting experienced staff from other organizations. NGO recruitment often drains scarce human resources in communities already experiencing conflict-related brain drains, unless such organizations commit to sustainable strategies for developing local staff. Organizations wishing to work on gender issues and women's empowerment within target communities should work with local organizations already undertaking such work and negotiate partnerships, rather than duplicating existing programmes.



International organizations should also work to understand and support the strategies that local women's organizations are undertaking in combining organizational autonomy with customary and community affiliation, rather than imposing external methods insensitive to local cultural contexts. Lastly, democracy cooperation interventions must reflect diversity and gender empowerment based on principles of transparency, accountability, honesty, integrity, the inclusion of diverse participants and a firm belief in the power of unity not only within the marginalized community but also within the wider community of which they should be an integral part.

### *Donors*

As well as supporting the independent work of women's organizations, donors should work to ensure the mainstreaming of gender issues by promoting women's participation and leadership through their programmes with other organizations. Indeed, donor assessments of funding proposals must be based on excluded women leading project design, implementation and monitoring phases.

### **Reforms should be negotiated with customary governance systems**

National, provincial and local reform endeavours failing to adopt policies and frameworks incorporating existing customary governance laws and processes will continue to result in discrimination and the exclusion of marginalized groups by powerful tribal social structures. Marginalized women continue to be adversely affected by dual legal systems operating in countries where both systems are recognized but customary law fails to recognize advances made in civil law, putting women at a political, social and economic disadvantage. This is especially problematic for women living with disabilities and for those minority women who identify as lesbian, bisexual, transgender or intersex.

Codified customary law often reflects the dominant ethnic group's customs, denying the customary rights of women belonging to minority groups or rights accorded to them by common law. The Bougainville, South Africa and Somaliland case studies offer insights into how human rights can be incorporated into customary governance systems, with the South Africa case providing an excellent example of how judicial interpretations of laws based on the country's inclusive constitution, together with creative applications of flexible customary laws, can ensure that customary systems conform to national law in protecting women's rights.

The South African Constitution enshrines a progressive Bill of Rights, promotes gender equality and aspires to be an instrument of transformation, making it something that South Africans hold in high esteem. Like other African constitutions, it recognizes customary law as well as the institution of traditional leadership. Many African constitutions—in fact most of the post-conflict constitutions of the 1990s—subject the application of customary law to the constitution. As noted by Lisa Heemann, it appears that this lesson, at least, has already been learnt.



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## International IDEA at a glance

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*Democracy remains a universal human aspiration and a powerful force of political mobilization for change, as witnessed by citizen-led movements which are demanding democratic reform.*

INTERNATIONAL IDEA'S STRATEGY 2012–2017

### **What is International IDEA?**

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with a mission to support sustainable democracy worldwide.

The objectives of the Institute are to support stronger democratic institutions and processes, and more sustainable, effective and legitimate democracy.

International IDEA is the only global intergovernmental organization with the sole mandate of supporting democracy; its vision is to become the primary global actor in sharing comparative knowledge and experience in support of democracy.

### **What does International IDEA do?**

International IDEA produces comparative knowledge in its key areas of expertise: electoral processes, constitution building, political participation and representation, and democracy and development, as well as on democracy as it relates to gender, diversity, and conflict and security.

IDEA brings this knowledge to national and local actors who are working for democratic reform, and facilitates dialogue in support of democratic change.



In its work, IDEA aims for:

- Increased capacity, legitimacy and credibility of democracy
- More inclusive participation and accountable representation
- More effective and legitimate democracy cooperation

### **How does International IDEA work?**

Because democracy grows from within societies, it is constantly evolving. There is no single and universally applicable model of democracy; the critical choices are best made, and the quality of democracy best gauged, by the citizens themselves. IDEA's work reflects this; the Institute's work is organized at global, regional and country level, focusing on the citizen as the driver of change.

IDEA's work is non-prescriptive and IDEA takes an impartial and collaborative approach to democracy cooperation; emphasizing diversity in democracy, equal political participation, representation of women and men in politics and decision-making, and helping to enhance the political will required for change.

The Institute brings together a wide range of political entities and opinion leaders. By convening seminars, conferences and capacity building workshops, IDEA facilitates the exchange of knowledge at global, regional and national levels.

### **Where does International IDEA work?**

International IDEA works worldwide. Based in Stockholm, Sweden, the Institute has offices in the Africa, Asia and the Pacific, Latin America and the Caribbean, and West Asia and North Africa regions.

International IDEA is a Permanent Observer to the United Nations.



## **Member States**

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## **Governance**

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*Journeys from Exclusion to Inclusion: Marginalized Women's Successes in Overcoming Political Exclusion* identifies critical factors preventing marginalized women's inclusion in customary and democratic decision-making structures and describes how women have worked in overcoming barriers to their participation.

The report's ten case studies gather knowledge and practical experience from around the world, drawing upon reform efforts to identify ways in which women can impact on political processes through their participation in customary and democratic politics. The report details specific strategies marginalized women and their supporters have adopted, ranging from direct action strategies in Somaliland to 'soft' advocacy strategies in Cambodia.



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