Section 3
Women in politics and public life

WOMEN QUEUE WITH THEIR VOTING SLIPS ON ELECTION DAY. JAVA, INDONESIA
The capacities of states to deliver on policy promises—to do with gender equality or anything else—are fundamentally shaped by politics, as are the outcomes of economic and governance reforms. As this has become increasingly evident, development analysts’ interest in political dynamics has grown; but the full dimensions of how political processes affect gender equality and ongoing efforts to achieve it are not yet well studied or understood.

This section explores the interactions between the wider political sphere and efforts to promote women’s rights and interests in public policy. In particular it examines the assumption that a greater presence of women in decision-making public bodies leads to more attention to gender concerns by the institutions of government, and more expenditure on meeting women’s needs.

The first chapter, “Women in public office: A rising tide”, looks at the encouraging trend which finds more women than ever before in elected national assemblies, and examines the related mechanisms and impacts. In the second chapter, “Women mobilizing to reshape democracy”, the impact of women’s movements around the world on public decision making is explored, together with questions surrounding women’s other political identities, especially as members of faith or ethnic groups. The current reform agenda for “good governance” in national and local-level public institutions has crucial implications for women and for gender equality, but has it been designed with a proper degree of gender sensitivity? The third and fourth chapters—“Gender and ‘good governance’” and “Decentralization and gender equality”—consider the impacts on women of a range of public-sector reforms designed to improve public accountability and to enhance popular participation in decision making.
One resolution in the Beijing Platform for Action to have enjoyed marked progress is that calling for women’s greater access to public office. Even if governments have been uneven in their responses and there is still far to go, nonetheless the entry of more women to representative office is an achievement that deserves celebration as a contribution to deepening democracy around the world.

Although the average proportion of women in national assemblies has only increased from 9 per cent in 1995 to almost 16 per cent in 2004, a level far short of the Beijing call for equality, 16 countries have managed to put 30 per cent or more women into their national legislatures (table 9.1). In 2003, Rwanda achieved a world record with a parliament in which almost half of members (MPs) were women, a higher proportion than in the highest-ranking OECD country. In the same year Finland achieved the simultaneous tenure of a woman head of state (president) and head of government (prime minister)—another “first” for elected women in political life. However, such achievements remain exceptional. In the absence of measures such as affirmative action to boost numbers of female candidates, the level of women in politics worldwide remains low, increasing at the painfully slow pace of only 0.5 per cent a year.

As we saw in chapter 1 (figure 1.3), every region in the world except for Eastern Europe and Central Asia has seen a slow increase in the numbers of women in office. In the ex-socialist states in these two regions, women’s share of seats in national legislatures plummeted by 50 per cent after 1989 when previous communist party quotas for women were dropped; but during the late 1990s there was some recovery. This experience is a salutary indication of how easily efforts to increase women’s participation in politics can be reversed.

The number of women to be found in formal politics is not the best indicator either of the intensity of women’s political participation, or of its effectiveness in orienting policy making towards gender concerns. Nor is it necessarily a reflection of the level of civil society activism on women’s issues. In the pre-1989 state socialist countries, the large numbers of women in formal politics bore no relation to the strength of women’s movements; women’s independent civil society activity was actually suppressed under these regimes. A contrasting experience is found in India and the United States; these countries have the largest women’s movements in the world in terms of number, variety of organizations and membership size, yet the presence of women in national office is among the lowest in the world.

The numbers of women active in women’s organizations, or even the numbers of active women’s organizations in a country, might be a far better indicator of women’s political participation than the level of formal female representation in elected bodies. But consistent cross-national data on the numbers and strength of women’s associations and movements is not available. Women’s political participation has to be understood more broadly than such figures would imply even if they were available: many women voice their interests and views through participation in a wide variety of political and civic associations.
Table 9.1  Countries achieving a “critical mass” (30 per cent and over) of women in national assemblies, April 2004

<table>
<thead>
<tr>
<th>Country</th>
<th>Electoral system</th>
<th>Existence of Quotas (1)</th>
<th>% Women in NA 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rwanda</td>
<td>Plurality: first past the post</td>
<td>YES Type 1: Constitution establishes quota for women. Type 2: 24 seats out of 80 are reserved for women in the National Assembly.</td>
<td>48.8</td>
</tr>
<tr>
<td>Sweden</td>
<td>Proportional representation: list system</td>
<td>YES Type 4: 50% quota for women in the Swedish Social Democratic Labour Party, the Left Party and the Green Party of Sweden.</td>
<td>45.3</td>
</tr>
<tr>
<td>Denmark</td>
<td>Proportional representation: list system</td>
<td>NO Used to have Type 4. Quotas were abandoned around 1996.</td>
<td>38.0</td>
</tr>
<tr>
<td>Finland</td>
<td>Proportional representation: list system</td>
<td>NO N/A</td>
<td>37.5</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Proportional representation: list system</td>
<td>YES Type 4: Labour Party has 50% quota for women; Green Left has a quota for women also (% not confirmed).</td>
<td>36.7</td>
</tr>
<tr>
<td>Norway</td>
<td>Proportional representation: list system</td>
<td>YES Type 4: 40% quota for women in the Socialist Left Party, the Norwegian Labour Party, the Centre Party, and the Christian People’s Party.</td>
<td>36.4</td>
</tr>
<tr>
<td>Cuba</td>
<td>Majority: two-round system</td>
<td>NO N/A</td>
<td>36.0</td>
</tr>
<tr>
<td>Spain</td>
<td>Proportional representation: list system</td>
<td>YES Type 4: Spanish Socialist Workers’ Party has 40% quota for either sex.</td>
<td>36.0</td>
</tr>
<tr>
<td>Belgium</td>
<td>Proportional representation: list system</td>
<td>YES Type 2: One third minimum quota for either sex; two top positions on party list cannot be held by members of the same sex. Type 4: 50% quota for women in Flemish Socialist Party and French Socialist Party.</td>
<td>35.3</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>Proportional representation: list system</td>
<td>YES Type 2: 40% quota for women in all public elections. Type 4: 40% quota for women in the National Liberation Party and the Christian-Social Unity Party; 50% in the Citizen Action Party.</td>
<td>35.1</td>
</tr>
<tr>
<td>Argentina</td>
<td>Proportional representation: list system</td>
<td>YES Type 1: Constitution establishes quota for women. Type 2: 30% of party’s lists must include women in winnable positions. Type 3: The capital and provincial laws include quotas. Type 4: Most parties adopted a 30% quota for women.</td>
<td>34.0</td>
</tr>
<tr>
<td>Austria</td>
<td>Proportional representation: list system</td>
<td>YES Type 4: The Green Alternative has 50% quota for women; the Austrian People’s party has 33.3% and the Social Democratic Party of Austria has 40%.</td>
<td>33.9</td>
</tr>
<tr>
<td>Germany</td>
<td>Proportional representation: mixed-member system</td>
<td>YES Type 4: The Party of Democratic Socialism and the Greens have 50% quota for women; the Christian Democratic Union has 33.3% and the Social Democratic Party of Germany has 40%.</td>
<td>32.2</td>
</tr>
<tr>
<td>Iceland</td>
<td>Proportional representation: list system</td>
<td>YES Type 4: The People’s Alliance and the Social Democratic Party have 40% quota for women.</td>
<td>30.2</td>
</tr>
<tr>
<td>Mozambique</td>
<td>Proportional representation: list system</td>
<td>YES Type 4: The Front for the Liberation of Mozambique has a 30% quota for women.</td>
<td>30.0</td>
</tr>
<tr>
<td>South Africa (1)</td>
<td>Proportional representation: list system</td>
<td>YES Type 4: The African National Congress has a 30% quota for women. 50% quota for women on party lists at local level.</td>
<td>30.0</td>
</tr>
</tbody>
</table>

Notes:  
(1) As of December 2003 (information as of April 2004 was not available).  
(2) The following types of quotas are considered:  
Type 1 = Constitutional quota for national parliament  
Type 2 = Election law quota or regulation for national parliament  
Type 3 = Constitutional or legislative quota for subnational government  
Type 4 = Political party quota for electoral candidates.  
TOWARDS A “CRITICAL MASS”

In spite of the risks of reading too much into the growth in numbers of women in representative politics, their presence, numbers and visibility are important. Women’s wider participation in formal electoral competition brings core issues of political structure to the fore. Reforms to electoral systems may be designed to progress towards equal gender representation; male-dominated political parties may be challenged; and the presence of more, and more visible, women among senior policy makers may improve responsiveness in both policy and practice to women’s needs.

This idea is expressed in the notion that a “critical mass” of women can change the culture, practice and outcomes of politics. The metaphor of the critical mass was first used in the 1980s to explain the impact that the presence of large numbers of women in local and national government bodies in Scandinavian countries had managed to make on policy making and spending priorities; the proportion regarded as necessary for this critical mass is around 30 per cent. The outcome of “critical mass” in Norway, for instance, was that measures were passed to increase subsidized childcare services, extend parental leave, introduce options for flexible working hours and improve pension rights for unpaid care work. In South Africa, important new legislation on rape, domestic violence and abortion rights was introduced as a result of its promotion by women office holders: they constituted 25 per cent of the total in the 1994 government.

Though effective as a mobilizing slogan, the notion of critical mass implies an automatic, even irreversible, causal sequence between increased numbers of women in politics and better policy outcomes for women. But many obstacles lie between women’s greater access to politics—a challenging enough project on its own—and their capacity to influence decision making in any direction, let alone to bring about gender equity. These obstacles include entrenched male bias in political parties, and as importantly in the formal institutions of government; from the fiscal policy and budgetary systems whereby spending priorities are set, to the mechanisms for law enforcement, justice and public accountability. It will require more than a rise in the numbers of women in politics to remove such obstacles as these.

WHY ARE WOMEN ABSENT?

A common-sense explanation for the low numbers of women in politics is that their resource endowments for public life—their education, spare time, employment, income and connections—are lower than those of men. However, as figures 9.1 to 9.3 show, it is difficult to establish a hard and fast correspondence between the levels of women’s education or economic activity and their political participation. Countries and regions with similar levels of female net secondary and tertiary enrolment have very different levels of women’s representation in formal politics. And the relationship between women’s economic activity rate and numbers of women in office is as uneven. The evidence does not suggest that women’s participation in formal politics simply increases in step with advances in their educational or employment status in comparison with those of men.

Evidence for this is confirmed in a study of 23 middle and low-income countries in Asia. The findings show little significant difference in the levels of women in formal politics regardless of whether there is near-universal education, as in the Republic of Korea, quite extensive female educational participation (as in Sri Lanka), or extremely low female literacy (as in Pakistan and Nepal). This implies that there are other gender-specific influences at work to discourage female political participation, which may well include selection and treatment biases in political institutions.

National income influences women’s access to formal politics, as shown in figure 9.4. Women in higher-income countries will tend to benefit from higher human capital, as well as from the fact that democratic institutions and accountability are better entrenched than in developing or transitional countries, and systems are more open. But averages such as these disguise considerable variation. For example, the world’s wealthiest country, the United States, suffers from persistently low levels
Figure 9.1 Women in national parliaments and female net secondary education enrolment, 2001

Notes: PR = Countries with a proportional or semi-proportional electoral system; HI = High-income countries
Sources: UN Statistical Division 2004; UNDP 2003.

Figure 9.2 Women in national parliaments and female gross tertiary education enrolment, 2001

Notes: PR = Countries with a proportional or semi-proportional electoral system; HI = High-income countries
Sources: UN Statistical Division 2004; UNDP 2003.
of female political representation; meanwhile some of the world’s poorest countries, such as Rwanda and Mozambique, have high levels of women in politics.

Differences of culture play an important role in determining levels of women’s participation, as is demonstrated by data from the Indian states of Kerala and Rajasthan. Kerala has a matrilineal tradition, which endows women with more autonomy and mobility than in other parts of India, and they marry much later than in other states. By contrast, communities in Rajasthan tend to be aggressively patriarchal and continue such traditional practices as child marriage. Female literacy rates in these two states are at the opposite ends of the spectrum: 86 per cent in Kerala in contrast with 20 per cent in Rajasthan, dropping to 12 per cent in rural areas. However, women’s cultural and educational advantage in Kerala has not propelled them into politics in greater numbers than in Rajasthan. In neither state has the proportion of women in state legislative assemblies reached even 10 per cent, peaking at 9 per cent in Kerala in 1993–7, and 8 per cent in Rajasthan in 1985–90.7

ELECTORAL SYSTEMS AND WOMEN’S ENTRY

Kerala and Rajasthan may be culturally divergent, but they do share a common electoral system. The evidence shows that electoral systems—the way in which citizens’ votes are assigned to seats in representative bodies—are the best predictor of the numbers of women in politics.8 Regression analysis using both

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**Figure 9.3 Women in national parliaments and female economic activity rate, 2001**

![Graph showing women's representation in national parliaments and female economic activity rate across different countries and income levels.](image)

**Notes:** PR = Countries with a proportional or semi-proportional electoral system; HI = High-income countries
Sources: UN Statistical Division 2004; UNDP 2003.

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**Figure 9.4 Women’s presence in national parliaments: change in averages by level of income, (1987–2004)**

![Graph showing change in women's representation in national parliaments by level of income.](image)

**Source:** Calculated from IPU 2004; UN Statistical Division 2004; UN 2003.
Out of a total of 174 countries for which statistics were available in 2003, those with electoral systems based on proportional representation (PR) returned assemblies with an average of 16 per cent women politicians, while those without proportional systems (plurality/majority systems or semi-proportional systems—see box 9.1) returned assemblies with 11 per cent women politicians. The contrast is most striking in certain regions: in sub-Saharan Africa, countries with PR systems have legislatures in which women constitute on average 12 per cent of representatives, in contrast with 5 per cent in other systems.

The experience with PR illustrates the way in which variations in institutional rules can have gender-specific impacts, intended or otherwise. PR systems are designed to encourage the representation of diverse interests, and have proved more open to women’s participation than are plurality/majority systems. In the latter, the one shot at office, all or nothing character of the electoral contest provides an incentive for parties to front the safest candidate, usually a representative of “the common man”. In multi-member PR systems where a particular party is strong and can expect to see a number of its candidates elected, more women candidates tend to be fronted.

However, even under PR systems there is still considerable variation in the proportions of women elected to assemblies. Some countries with PR persistently return tiny proportions of women to their legislatures; examples are Israel and Greece. Just as inconsistently, a few countries with single-member, simple-plurality systems return substantial proportions of women: New Zealand and Canada, for example. Thus the choice of electoral system cannot alone provide sufficient explanation for different country experiences. This confirms that a number of variables influence women’s electoral prospects, including the political culture and the nature of political parties.

**AFFIRMATIVE ACTION: BOOSTING THE NUMBERS**

**Women quotas**

During the last ten years, there has been considerable experimentation with the use of affirmative action or all-women quotas in order to meet the goal of gender parity in representative politics. Quotas on party electoral lists are the most common
means of promoting women’s political participation; today they are in use in over 80 countries. As shown in figure 9.5, they enhance the positive impact of PR systems on women’s electoral chances, and help return more women to office in non-PR systems too.

Quotas may be adopted by parties following pressure from women members, or they may be a requirement mandated by law. In single-member, simple-plurality systems the application of quotas can be difficult where local party branches are closely involved in selecting their candidate: they may resist pressure to exclude men. Some parties in these systems have tried to encourage those members responsible for candidate selection to choose women, setting internal “targets” rather than strict quotas.

Quotas alone have not guaranteed better female representation: party commitment is also needed. Quota provisions are evaded when women candidates are demoted to the bottom of a closed list, where they are unlikely to be assigned seats in parliament unless the party’s winning majority is overwhelming. Parties at local level will typically avoid applying quota provisions if there are no penalties for failing to implement them (see box 9.2). As a result, quotas in some countries have not produced as significant an increase in elected women as had been hoped. For example, Brazil, Venezuela and Panama all have an official quota of 30 per cent women in the national assembly, but during their elections returned respectively 9 per cent, 10 per cent and 10 per cent.

Quotas are most effective where there are large electoral districts, and requirements that women are spaced evenly on lists: a “zipped” list, known as a “zebra” list in southern Africa, contains alternating women and men. Where there are also penalties for non-compliance, such as withholding of government campaign subsidies, co-operation is better assured. These conditions hold in Argentina, Bolivia, Uruguay and Costa Rica; Argentina has a 30 per cent quota and placed women in 31 per cent of seats at the last national election; with an electoral quota of 40 per cent, Costa Rica placed women in 35 per cent of assembly seats. In both these countries the legal mandate for the system requires that women are placed in winnable positions.

Reserved seats and constituencies

In single-member, simple-plurality systems, measures to reserve seats for women have been preferred over quotas of women candidates. These systems of reservation vary according to whether the seats are filled by a direct or indirect election process. For several decades, Tanzania, Pakistan and Bangladesh have filled seats for women in parliament by assigning seats for parties’ own female nominees in proportion to the seats they have won. These reserved seats have simply been a way of further boosting government majorities, and have undermined the perceived legitimacy of the women who fill them.

Another example of seats filled by an indirect process comes from Uganda, where there is a special category of seat reserved for the “woman representative” of every district in the country. The majority of the women in parliament occupy such seats, and their selection is by district-level electoral colleges composed of local-government representatives, almost all of whom were men until very recently.
An alternative affirmative method is the reservation of a percentage of territorial constituencies for all-female competition; this enables women to compete for the popular vote rather than lobby for nomination by a party elite. Under a 1992 constitutional amendment, one-third of India’s local government seats are reserved for women, and these constituencies rotate in each electoral round, enabling—or obliging—a new set of constituents to choose a woman representative each time.

**Impacts of affirmative measures**

The design and application of quota and reservation systems influence the perceived legitimacy of the women politicians who fill them. They may also affect the relationships between women politicians and women’s movements and organizations, and the politicians’ desire or ability to promote gender-equity goals in the political arena.

As with any affirmative action system, the beneficiaries may be stigmatized. A candidate may be regarded as token and without representative credibility, especially if she has no geographical constituency. Where party executives determine which women to include on a list or place in reserved seats, aspiring candidates will be primarily accountable to the party leadership rather than to a potential gender-equity constituency. In Uganda, selection for reserved assembly seats by a district-level electoral college has been known to prevent aspirants from advancing a feminist agenda or confessing links to the women’s movement—this could be tantamount to electoral suicide if the electoral college is socially conservative.

Among affirmative-action measures, the voluntary adoption of party quotas for female candidates has probably been the most effective at normalizing women’s engagement in politics. The struggle to establish these quotas has sometimes helped to strengthen a party’s commitment to gender equity, and to forge connections between women politicians and women’s organizations in the wider society. Where parties have followed others’ examples—as has happened among conservative parties in continental Europe attempting to match leftist parties’ success in fronting women candidates—an “inter-party contagion” on the issue of women’s representation can ensue, informing wider debates on gender-equity issues. Quotas work very well in closed-list systems, but there are democratic deficits in these systems. Closed-list systems tend to detach representatives from their constituents, making them accountable less to voters than to party bosses. This problem is exacerbated in highly centralized parties, which, as it happens, also tend to be the most effective at promoting women’s participation: party command structures can overcome resistance to affirmative action and to gender equity itself.

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Box 9.2 Legal challenges to quota law violations in Argentina

In 1991, Argentina passed a quota law mandating that at least 30 per cent of electoral candidates must be women. During the 1993 elections for the Chamber of Deputies, party leaders in every political party and in every province failed to apply the law. Because the electoral judges at the time did not consider the quota law as a “public law”, only the wronged candidates were eligible to challenge the lists. Highly organized women’s groups, with the support of the state-sponsored Consejo Nacional de la Mujer, moved quickly to assist women from across the political spectrum in all 24 electoral districts to file legal challenges. These lawsuits produced rulings by the national electoral chamber and the Supreme Court certifying that the quota law was a public law and had to be enforced. A constitutional amendment granting women “equal opportunity … for access to elective and political party office … by positive action” was also approved. Today, women legislators hold more than one-third of the seats in both chambers of the Argentinean Congress, and party lists that do not comply with the 30 per cent minimum quota laws are rejected.

Clearly therefore, entrenched cultural obstacles to women in political leadership are difficult to reduce with affirmative action measures alone. Without supportive action from national women's movements, affirmative measures may end up by populating representative fora with women elites who differ little in social background or political approaches from their male colleagues.

THE MYTH OF VOTER HOSTILITY

An enduring obstacle to the effective promotion of women candidates for office is that parties perceive women to be unelectable. However, there appears to be less resistance among voters to female candidates than there is among party bureaucracies. A Vox Populis opinion poll carried out in Brazil in January 2000 showed that women were considered by voters to be more honest, trustworthy, competent and capable than male candidates; 84 per cent of the electorate claimed they would vote for a woman as mayor, 80 per cent for a woman as state governor, and 72 per cent for a woman president.10

This favourable attitude was echoed throughout the Latin American region. Fifty-seven per cent of respondents to a 2001 Gallup poll in five major regional cities believed that more women in politics would lead to better government; 69 per cent believed their country would elect a woman president in the next 20 years.11 Prior to the 1988 local elections in Belgium, the law was changed to make it mandatory for candidates’ first names to be printed on the ballots so that voters could more easily identify their gender. The result was an astonishing 26 per cent increase in the number of women elected.12

In India, figures show that although the number of women elected to the Lok Sabha (the lower house of parliament) has always been lamentably small, this owes much more to the reluctance of parties to field women candidates than to the reluctance of voters to elect women representatives. Since 1957, female candidates have enjoyed a consistently higher success rate than male candidates; on average a woman is twice as likely to be elected as a man.13 Voter attitudes elsewhere, however, remain ambivalent or opposed to women exercising equal power with men. A 2001 survey of the Zimbabwean electorate found that 29 per cent of respondents were in favour of equal representation, and only 25 per cent were in favour of having more women politicians.14 Eastern European voters have also been slow to accept women in public leadership positions and are still more likely than West Europeans to agree that “men make better political leaders than women do”.15

WOMEN’S PRESENCE AND PERFORMANCE IN PUBLIC OFFICE

In the past 10 years, political systems have made significant changes to enable higher levels of female participation. Although this has not taken place without considerable campaigning effort by women’s movements and organizations, the speed with which some of these changes have occurred suggests that public institutions can be highly responsive to social engineering. Experimentation with electoral systems and affirmative action has demonstrated that institutional design can have a profound impact on women’s prospects of bringing weight to bear in decision-making councils. But easing women’s access to office is just the beginning of the struggle to bring gender equity to state policy making. Their effectiveness in generating support for women’s concerns, in ensuring new policies are translated into new patterns of service delivery, and in setting new standards against which the actions of bureaucrats and officials can be judged, depends upon several factors. These include:

• the ideological climate and its openness to gender concerns
• the institutional leadership positions to which women are elected or appointed once in office
• the standing committees for debating legislation or reviewing government policy to which women legislators are assigned
• the responsiveness of political parties to gender-equity concerns
• the relationship between politicians and women’s movements
• the capacity of public institutions to implement policies or to regulate private providers so that they respect national gender-equity goals
• the existence of an effective institutional base for promoting gender equity in government planning within the bureaucracy; gendered “national machinery” can consist of a Women’s Ministry, an equal opportunities bureau, or an office on the status of women
• the gender-sensitivity of public accountability systems.

The changing ideological climate

The multiple and expanding roles played by women in political life depend to an extent on ideologies, especially on the association of specific political parties with feminist or anti-feminist views. Parties of the left have been more strongly associated than those on the right with the redistributive and social justice issues of concern to women’s movements. They have also traditionally been more responsive to women’s issues and more willing to support women candidates for office. This has been the case, for example, in Latin America, where left-of-centre parties have promoted ideas of gender equality and supported women’s citizenship rights. Revolutionary groups such as the Frente Sandinista de Liberacion Nacional in Nicaragua, the Farabundo Martí or National Liberation Front in El Salvador, or Guatemala’s Unidad Revolucionaria Nacional Guatemalteca have been particularly forceful on women’s behalf.

Historically, however, parties of the left have only shown more alacrity in fielding women candidates or addressing gender-specific concerns following concerted mobilization by women members. Labour-based parties drawing membership and resources from trade unions have often given rhetorical support to gender equity but been reluctant to promote women to leadership positions; women have made this complaint about the ruling Partido dos Trabalhadores (PT or Workers’ Party) in Brazil. In Eastern European countries, ex-communist parties and socialist parties have only been marginally more effective than right-wing parties at putting up women candidates; some of the new, still small, conservative parties in countries such as Poland have prominent and numerous female candidates.

“Left–right” ideological distinctions have recently become less meaningful given the global spread of neoliberal economic policies, and the simultaneous politicization of cultural and ethnic identities. In industrialized countries, political parties have typically campaigned on macroeconomic policies reflecting the interests of their principal class constituencies. Parties on the left have appealed to the working class, emphasized employment over inflation, promoted the taxation of capital, and fostered socially inclusive public services; parties on the right have associated themselves with corporate and landowning interests and pursued policies of the opposite stamp. But in developing and transitional economies, people’s interests may be secured less by supporting a class position than by exploiting family connections, or through networks and identities determined by ethnicity, region, religion and race. Thus political parties may be formed around the interests of particular ethnic, religious, or in India, caste groups. Old-style leftist parties, with their inclusionist and secular traditions, have had to respond to this phenomenon; at the same time they have had to deal with the discrediting of state socialism accompanying the dissolution of the Soviet bloc, and the onslaught on organized labour represented by liberalization and adjustment.

Links between parties and women’s movements

In these circumstances, parties of the left have set out to build alliances with social and popular movements, including women’s movements. Those seeking to appeal to women voters are most common in contexts where women’s movements have been strong and played a critical role in democratization; the most prominent examples are in Latin America and southern Africa. But these are not the only types of parties seeking to draw upon the vote-generating capacity of organized women. In South Asia this has been a notable trend amongst chauvinist Hindu, fundamentalist Islamic, and regional caste or ethnicity-based parties. Those representing lower castes, such as the Bahujan Samaj Party in Uttar Pradesh, have seen women not only as key bearers of caste or cultural identity, but as critical sources of electoral support. In regional parties such as the Telugu Desam Party (TDP) in Andhra Pradesh, appeals have been made
directly to women voters through populist gestures, such as the distribution of fuel-gas canisters, or the rapid extension of women’s self-help and micro-credit programmes at election time. Hand-outs to women have taken precedence over efforts to increase their numbers in leadership positions or revise party policy in women’s favour. This factor may account for women’s sudden and marked desertion of the TDP in the 2004 state elections.

The influence of women with a feminist agenda within parties and government administrations depends upon the sustained pressure they can bring to bear on the leadership. Party support for key legislation may be withdrawn at the last minute if more pressing priorities intervene. In South Africa’s African National Congress (ANC), where feminists have a significant presence both in the leadership of the parliamentary party and among the grassroots membership, the party’s commitment to gender equality can never be taken for granted. ANC women leaders had this lesson pressed home when, in 1998, the financial allocation for their Domestic Violence Bill was sidelined by the ANC in favour of a new arms deal.18

WOMEN’S EXPANDING AND CHANGING POLITICAL ROLES

Women in leadership positions

As numbers of women legislators begin to increase, their participation in decision-making processes is constrained by their limited access to leadership positions. Figure 9.6 shows that women tend to be assigned to ministerial and subministerial executive positions roughly in proportion to their share of seats in parliament. This means that they constitute a minority of executive decision makers.

Women rarely become heads of state or government. More women are to be found as deputy heads, or as presiding officers of parliament (for instance speakers) of lower and upper houses—especially the latter, as these have less direct power than lower houses. Beyond this, the types of ministerial and subministerial assignments women legislators hold tend to be clearly gender-typed. Powerful ministries such as foreign affairs, defence, home affairs, finance, trade and industry are still primarily the preserve of men, while women are found in ministries of environment, social affairs, health, education, family affairs, gender or women’s affairs, and culture. Ministries of justice and labour are being assigned to more women than in the past (figure 9.7).

Caucusing and working in committees

Women parliamentarians in a number of countries have taken steps to raise the profile of gender issues in legislative debates. Some have formed women’s caucuses to work across party lines and co-ordinate their work in legislative committees. Legislative decision-making processes are typically mediated by systems of standing committees. The gender composition of these committees clearly reflects the importance attached to their decisions. Women have struggled to be assigned to the most powerful committees: appointments, appropriations, ways and means, and finance or public accounts. But instead they tend to be assigned.
to committees dealing with health and welfare, youth, environment, culture, transport and consumer affairs, all of which are perceived as having jurisdiction over policy areas of direct interest to women.

Women legislators have sometimes sought to work against this pattern by creating standing committees on women’s rights or on equal opportunities. One of the most successful of these is the South African Parliament’s Joint Standing Committee on the Improvement of the Quality of Life and the Status of Women, initially set up to review the government’s performance in relation to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This body was later permanently incorporated into the parliamentary committee system, and is charged with assessing the gender impacts of new legislation. It also works on institutional changes in parliament itself, challenging sitting hours inimical to family life and the lack of childcare facilities, thereby contributing to women MPs’ increased effectiveness.

Although parliamentary committees on women’s rights may not have automatic rights of review over fresh legislation, they can be influential in politicizing government business of relevance to women. There are, however, drawbacks to legislative committees on women’s affairs, which can become ghettos for women legislators and women’s issues. In the Philippines, both houses of Congress have committees on women’s welfare; this means that labour measures affecting women are discussed there, not in the committee on labour. Similarly, women legislators are concentrated in “their” committees, not in other more powerful ones such as those on foreign affairs or public accounts.

### THE MOBILIZATION OF WOMEN IN AND BY POLITICAL PARTIES

Political parties are the main gatekeepers to women’s selection for office. They are also important arenas for debating policies, and are therefore key institutions through which to promote gender-equality concerns. Women’s movements need to be aware of “the conditions under which political parties serve as institutional carrying agents for advancing women’s interests and improving women’s status”. But political parties have not been notable promoters of women’s interests. Rarely have they anywhere assigned priority to gender issues or promoted women as candidates for office without prompting or obligation. Even though women are often key “foot-soldiers” in campaigning and fundraising, parties the world over appear hostile to women’s decision-making participation, especially at top leadership levels. From the scant available data, it appears that few parties anywhere have women in party leadership and management positions in proportion to their grassroots membership.

Parties with clear rules and hierarchies, transparent selection procedures, a distinct and self-standing organizational structure, and strong discipline are thought best able to support women’s participation. But without internal democracy—and
commitment—even well-institutionalized parties can be hostile to women’s participation. In the Central Committee of the Chinese Communist Party, women’s share of seats has never been high, peaking at 10 per cent in 1973 in the Maoist era, when seats were occupied by wives of prominent leaders. Since the 1980s, women’s presence in the Central Committee has declined continuously, with only five women elected among the 198 seats contested in the 2002 elections. In Eastern Europe, former communist parties likewise had few women on their central committees.

Parties in developing countries are often weakly institutionalized. Resources, seats and positions are determined by patronage, without reference to systems of transparency or internal accountability. Such parties often have highly personalized leadership systems based on family dynasties, and decision making is not open to internal challenge. One of the few routes open to women in such systems is to exploit their kinship connections to prominent male politicians to secure leadership positions. Where a woman has gained position within a party via such a route, there is less chance that she will seek connections with organized feminism or other expressions of women’s concerns in civil society, or challenge the masculine party hierarchy by supporting gender causes. In the Philippines, a gendered familial political duty has almost become institutionalized. Male politicians’ wives routinely step in to hold their husband’s seat for the family while husbands take a legally required break to comply with regulations limiting consecutive terms in office.

**Women’s party wings**

Parties have sometimes created “women’s wings” to help mobilize women voters and recruit women members. These, however, have often been captured by the spouses of male leaders and have not proven fertile arenas for the development of female party leadership or for promoting party policy on gender equity.

In sub-Saharan Africa, even the ANC’s Women’s League, the largest and most militant women’s wing of any party in the region, had difficulty in challenging the male party leadership over women’s representation on the National Executive Committee and quotas for women on party lists. Eventual success relied upon the actions of ANC women activists working outside the Women’s League in concert with feminist civil society organizations. In West and East African countries, women’s wings in dominant parties have sought to control and contain the wider women’s movement, harnessing women’s energies to support the president. Nana Konadu Agyeman Rawlings’ 31st December Women’s Movement in Ghana was a notorious example, but similar efforts by political spouses to monopolize international resources for women’s development and to limit women’s independent associational activity has made women wary of engagement with the state.

Elsewhere in sub-Saharan Africa, the discrediting of one-party “big man” politics has led to challenges to female support structures for male party hierarchies. In Botswana women in the rank and file of the main political parties have exposed the conflict of interests that prevent spouses of male politicians from advancing women’s interests, and are bringing new leadership and revamped structures to women’s party wings. A feminist civil society organization, Emang Basadi, has held regular conferences inviting women’s wings of parties to report on their progress in meeting quotas on party lists and in inserting women into the party leadership.

Quotas for women in party leadership positions have been one means of breaking down party resistance to women at top levels, but they have been harder to introduce than quotas for women on party lists. In southern Africa, only the ANC has a quota for women in its National Executive Committee, and this was agreed at a later date than the hard-fought battle to ensure that 30 per cent of the party’s lists were female. In Brazil four parties have internal quotas, and these are the only ones to have more than 10 per cent of women in their decision-making offices. Where there is marked resistance to women’s participation, quotas become ceilings, not entry points. The Partido dos Trabalhadores (PT; Workers’ Party) introduced its quota in 1993, and since then the proportion of women in the leadership has remained exactly the same at just under 30 per cent (figure 9.8), not even reflecting the 40 per cent proportion of the party’s membership that is female.
In some developing-country contexts, political parties are introducing a greater degree of internal democracy to give their branch-level membership a role in selecting candidates and internal party decision makers. For instance, in Mexico, the Institutional Revolutionary Party (PRI) was known in power for its centralized domination and lack of transparency in selection processes. In 2001, it responded to electoral defeat by introducing primaries—direct elections by members—enabling the party rank and file to elect about half the candidates. Other parties in Mexico have since followed suit. In Brazil, the PT introduced similar direct elections for candidates in 2001. In Puerto Rico, the use of primaries by political parties for their nominating processes during the 1990s resulted in a greater number of women being selected by the rank and file than had previously been selected by the party leaders, particularly in the two parties that account for the majority of seats. When primaries were introduced by the ruling party in Botswana in 1999 there was a dramatic upsurge in female candidates: 10 times more women competed for party nominations than the cumulative number for all past elections and parties combined. Opposition parties followed suit, resulting in a marked increase of numbers of women nominated to run for seats around the country.

The creation of women’s parties

Women’s frustration with the male bias of conventional political parties has occasionally led to the creation of women’s parties. In fact these are not a new phenomenon, having provided a means for women to engage in politics in some Nordic countries since the early years of the 20th century. In Iceland for example, women’s parties have been putting women into office.

Figure 9.8 National Board of the Partido dos Trabalhadores (PT) by sex of members, Brazil (1981–1999)

since the Women’s List won 22 per cent of the votes for the Reykjavik city council in 1908. Women’s parties have existed in the Philippines since the 1950s, and six women’s parties contested the 1998 national assembly elections. Two women’s parties contested the 1994 South African elections.

Revisions to electoral systems that enable non-government organizations to run for office, as in Armenia or the Philippines, can be helpful in giving certain social groups opportunities to gain electoral support when conventional parties will not embrace their interests. In the Philippines, the 1995 Party-List System Act reserved 20 per cent of seats in the House of Representatives for such groups. They campaign at a national, not local constituency level, appealing to cross-cutting interests all over the country, and are therefore able to appeal to a cross-national interest in gender issues.

Tough campaigning

Where political campaigns are regularly marred by crime or violence, women candidates may stand down because they are unwilling to engage in violence or seek strong-arm support from criminal networks. Much of the local “muscle” mobilized to intimidate opponents during elections is young and male, sometimes organized through party “youth wings”. The example of Winnie Mandela’s Soweto “football club” in South Africa shows that some women do access these kinds of support groups, but fewer women than men engage in this kind of politics.

The impact of corruption and violence on women’s participation in politics is evident in Zimbabwe. Political repression and a general climate of insecurity have made it extremely dangerous to engage in opposition. Since the early 1990s women’s participation in national and local elections has plummeted. In 1997, the Southern African Development Community agreed a target for women’s representation in public office in all member countries. The Zimbabwean Women in Parliament Support Unit thereupon wrote to all political parties, reminding them of the need to increase women’s participation at all decision-making levels. Few parties responded, but a spokesperson for the Movement for Democratic Change (MDC), the main opposition party, explained that given the current political violence and intimidation faced by MDC candidates, his party was not encouraging women to stand: “Everyone knows the kind of political atmosphere we are operating in. Unless there is a change that allows candidates to campaign freely, without fear of harassment and intimidation, we will continue to see less women being nominated as candidates for local councils.”

Another serious problem is the generation of campaign finance. Open lists in PR systems and single-member constituencies are thought to exacerbate the problems women face in mobilizing funds. The focus on individual candidates creates incentives for personal campaigning and direct appeals to voters. This in turn encourages patronage practices, in which politicians seek alliances with powerful individuals who can mobilize their “clients” or dependents as “banks” of votes, in exchange for state resources. Candidates also seek funding from their parties; however there is an impression among women candidates that parties spend more of their resources on financing the campaigns of “safe” male candidates. Most of the countries that have achieved a “critical mass” of women in elected bodies have some form of government subsidy for political campaigns.

Reducing gender voting gaps

Political parties need to attract women’s votes. This ought theoretically to promote better representation of women’s interests on party policy platforms and better electoral accountability to women. But parties only respond to the need to attract women in this way if there is a discernible “gender gap” in voting behaviour. Gendered voting gaps have only emerged recently in many Western democracies, after many decades in which there was either little difference in women and men’s votes, or else a slight female preference for conservative candidates. This began to change in the 1980s in countries such as the United States, Canada and Australia, where women’s support shifted to liberal or left-of-centre parties. In many developing countries, awareness of the gender voting gap is a relatively recent phenomenon. Votes may not be tabulated according to gender, and awareness is usually contingent on whether feminist organizations have
made efforts to measure and publicize a voting gap as a means of gaining political leverage. There are cases where the existence of a large gender voting gap has had a significant effect on policy choice (see box 9.3).

**ASSESSING WOMEN’S POLITICAL EFFECTIVENESS**

Do women politicians represent women’s interests and gender-equity issues effectively? Like male politicians, women address the issues of concern to their constituents and their parties, and for those representing traditional social groups or conservative parties, gender equality may not be on their agenda. Given the way in which party selection systems may eliminate outspoken feminists as an electoral liability, it is not surprising to find women politicians who do not advocate these concerns. Their links with activist women’s organizations may be weak or nonexistent. In Namibia, for instance, very few women MPs had been active in women’s organizations before joining Parliament. Where family-based hierarchies, identity politics, and the prejudices of male-dominated selection systems put a lid on the numbers of women in leadership positions, women with an autonomous base in civil society will tend to be weeded out. Where those dynamics prevail, the arrival at the “critical mass” proportion of 30 per cent women’s participation will not necessarily make a feminist difference to politics and policy making.

Women legislators are divided on a great number of issues, including those connected to their party, class, ethnic group or religious affiliations, and their legislative impact in the area of gender equality can therefore be uneven. In the Philippines, women’s participation in Congress has more than doubled between 1987 and 2001 to 18 per cent of members; but this jump has failed to translate into the tabling and approving of a greater number of bills addressing women’s concerns. On the contrary, deep divisions between women legislators on emotive issues such as abortion rights have served to stall advances in reproductive health legislation. Late in 2003, women opponents of a reproductive rights bill in the House Health Committee loudly recited rosaries to disrupt discussions about the bill. The Catholic Church mobilized opponents of the bill

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**Box 9.3   Chile: A case of votes rather than convictions**

In 1995, the government of President Eduardo Frei Ruiz-Tagle in Chile introduced a progressive Plan for Equal Opportunities for Chilean Women. The plan was notable for its feminist language and the inclusion of goals such as expanded reproductive rights and the recognition of non-traditional partnerships: controversial measures in a conservative Catholic society. The plan also signalled a relaxation of controls on the ambitions of the national women’s bureau, the Servicio Nacional de la Mujer, and an expansion of its budget.

The mystery of why President Frei’s Concertacion party should have suddenly taken this feminist turn is explained by the long-standing existence of a marked gender gap in Chilean voting. In every presidential election since 1952, there has been a gap between votes cast by men and votes cast by women, ranging from 14 per cent in 1964 to 3 per cent in 1993. Women’s voting clout has increased as they have reached and surpassed parity in voter turnout, constituting a majority (52 per cent) in the 1989 presidential elections.

Therefore the plan’s introduction seems to have been a bid to cultivate support amongst the country’s female electorate, rather than a response to pressure from women’s groups or an initiative of female legislators. In Chile, women do not tend to vote more conservatively than men, and have only been truly decisive in one election (1958); but they are still seen as a crucial group of swing voters, and particularly decisive in relation to presidential choices. With the Beijing Women’s Conference looming in 1995, the government needed to display feminist credentials to the women voters.

*Source: Baldez 1997.*
and condemned its supporters in public. The consequence was a dramatic decline in the number of female or male legislators willing to support it.

Uneven progress

The assumption that a heightened presence of women in politics may eventually work in favour of greater gender equality in public decision making appears, to date, to be borne out by the experience of some industrialized countries. Case studies of the legislative programmes of women in office suggest this finding, although no systematic cross-national comparative data is yet available. Even when women’s divergent party interests are taken into account, they do their best to introduce bills and pass legislation dealing with the expansion of women’s citizenship rights. In the United States, Canada, the United Kingdom and Australia, this has been the subject of research for at least two decades. Studies of participation in legislative debates, and bills introduced by politicians, shows unambiguously that although women and men share the same top policy concerns (in Canada for instance, economy, social policy and jobs⁴¹), woman legislators are more likely than men to introduce bills that address issues related to women’s rights, family or children.⁴²

It is difficult to say what impact increased numbers of women in developing country governments have had on policy making. One reason is that, with the exception of socialist states, too few women have been in office for long enough to have had a discernible impact on policy making. Another limitation on the capacity of women legislators to influence policy making is the rather limited scope for policy innovation in states highly dependent on support from international financial institutions. Although the extent to which liberalization limits the range of policy options facing governments is often exaggerated, there is no question that straitened economic circumstances and aid dependence limit resources available for progressive gender-related policies, and tend to sideline social concerns in favour of promoting national economic growth and improving the investment environment.

Hard as it is to measure women’s impact on policy making in different regions and in widely different circumstances, it is important to assess the validity of expectations that women in office will help advance gender equality. In time, relationships may become apparent between numbers of women in office and advances in women’s status, such as lower maternal mortality rates, higher levels of female education, less gender-based violence, and more even distribution of asset ownership and wealth between women and men. Although causal connections between women’s presence in office and such outcomes cannot yet be made, there is currently one arena in which a strong association between numbers of women in office and policy change is measurable: abortion rights (see box 9.4). The statistical association between women politicians and abortion rights, though much stronger than any other variable examined, does not indicate causality: it may be that socially progressive parties introduced abortion rights and this contributed to an environment in which it was easier for women to gain political office. Nevertheless, the association is striking.

In a different area—violence against women—one study finds, in contrast, only a weak and nonlinear relationship between proportions of women in the legislature and responsive policy outcomes.⁴⁵ The study concluded that focusing on the numbers or percentage of women in legislative bodies might well be the wrong lens through which to determine the ways in which women legislators influence public policy.⁴⁶ Although individual feminists or groups of women legislators are not unimportant as political actors in advancing women’s rights, the study found that the presence of a strong, autonomous women’s movement explained more about government responses to violence against women than the presence of women in the legislature.
Currently, only about 28 per cent of countries have legal access to abortion on request (see figure 9.9). Although this situation has improved in the last 15 years, around 34 per cent of countries still consider abortion illegal under any circumstances. What are the conditions under which some countries grant the right to abortion on request, while others refuse? To answer this question, an empirical logistic model was estimated using key variables such as the country’s level of income, the extent of women’s political and economic participation, female education, political regime and state religion. Countries were classified in three categories according to their abortion laws:

- Abortion is legal on request (“legal”).
- Abortion is legal under certain circumstances (“in between”).
- Abortion is illegal in any circumstances (except when the woman’s life is at risk (“illegal”).

The results of the model are striking. Women’s participation in the economy and in politics are the main variables explaining why abortion laws are granted in countries worldwide. A 1 per cent increase in either of these variables will increase (in a similar proportion) the chances of making abortion legal on request, and will reduce (in a slightly smaller proportion) the chances of having rigid laws that make abortion “illegal.”

Variables such as the level of female literacy, national income and whether the country is Roman Catholic also play an interesting role. The probability of a country legalizing abortion on request is reduced if the country is low-income and increased if is classified as “nation in transit” or “not free”.* Female literacy is only an important factor when there is a transition from a situation where abortion is never legal to one where it is granted under limited conditions. The probability of a country moving from a situation of no abortion under any circumstances to some limited abortion rights is reduced if the country is Roman Catholic and low or middle-low income.

It is important to add a world of caution. The empirical analysis shown here does not prove causality, but only reflects statistical relationships of the variables affecting the rigidity or flexibility of abortion laws.

Note: (*) Classifications used by Freedom House [www.freedomhouse.org]. Countries are “not free” according to a score obtained using a survey that measures political rights and civil liberties. “Nations in transit” is the term used for post-communist countries.

Source: Cueva 2004.
Notes

3 Dahlerup 1986; Beckwith 2002.
4 WEDO 2001.
5 Meintjes 2003.
6 Jayaweera 1997:421.
7 Narayan et al. 1999:2.
9 Matland and Studlar, 1996.
10 CFEMEA 2000:2.
12 Darcy et al. 1994:150.
19 Sobritchea 2004:5.
22 Jie 2004.
29 Bjarnhé_insdottir 1905.
31 Nicolau and Schmitt 1995:144.
36 Baldez 1997.
41 Usually, abortion laws are classified into seven categories: (i) legal on request, (ii) legal only for social and economic reasons, (iii) allowed on the grounds of foetal impairment, (iv) allowed in cases of rape or incest, (v) permitted to preserve the woman’s mental health, (vi) permitted to protect the women’s physical health, and (vii) illegal (with a provision in most countries when the woman’s life is at risk).
Women's activism in civil society is the main force behind women-friendly legislative change, and underpins the efforts of feminists in public office. A strong and autonomous women's movement can greatly magnify the influence of a women's caucus, providing "an external base of support and legitimacy to counterbalance internal government resistance to the enactment and implementation of feminist policies". Politicians committed to gender equality need to take their cue from domestic women’s movements. Their work would be much simpler if women’s movements were united around a common agenda, or if political parties had greater incentives to respond to women’s needs. Instead, gender concerns compete with many other priorities for women around the world, and may be subsumed by the requirement that they adhere to national or cultural codes whose versions of gender relations are decidedly inequitable.

Women are regarded as having low political efficacy because of their poor endowment in resources such as the time and money needed to create social and political influence, and because their interests diverge according to all manner of social cleavages. Yet women are well mobilized in civil society associations and social movements almost everywhere. The globalization of communications has created new opportunities, enabling women to experiment with new means for bringing key players—governments, corporations and international organizations—to account. Global summits and conferences on a wide range of topics including trade, health and human rights have enabled women to network across countries and regions, and have conferred legitimacy on their own national and international movements as key participants in global policy debates.

Before the role of women’s movements in political life is examined, the character of these associations needs to be understood. A useful general definition is that they can be “understood as female collective action in pursuit of social and political goals”. The collective action may take a distinct associational form, or may simply comprise a diffuse coalition of like-minded organizations and informal groups taking part in demonstrations. This definition does not insist that women’s movements necessarily have as their core purpose the rebalancing of gender power relations, or that they define themselves as feminist; they simply have to be led by, and to mobilize, women. The dominance of women indicates that they are grounded in claims of gendered identity: women have mobilized explicitly as women and because they are women, thereby asserting a female gendered identity distinct from other possible identities.

**WOMEN’S MOVEMENTS AND FEMINIST POLITICS**

Women’s movements are not necessarily feminist. Feminist politics specifically object to patriarchy and seek to eliminate the subordination and discrimination stemming from male dominance. Feminist groups within women’s movements may therefore seek to challenge the conventional gender roles that may have been the basis for organizing in the first place. The two types of movement should not be conflated; it cannot be assumed that female collective action is necessarily devoted to advancing women’s rights and seeking gender justice. Indeed,
certain forms of right-wing or conservative faith-based women’s activism seek to do the opposite.

A significant amount of female mobilization and solidarity occurs outside women-dominated organizations. Trade unions, political parties, state-sponsored mass organizations, and civil-society groups with other agendas may advocate on behalf of their women members. These other forms of female mobilization constitute a large part, possibly the greater part, of female solidarity in the world. Where female mobilization is not autonomous or independent, it may take the form of “associational linkages” with other social movements. This results in many parts of the world in strategic alliances between women’s groups and other, sometimes more powerful, civil-society organizations whose principal agenda is in such fields as the environment, peace, trade liberalization, globalization and human rights.

Alternatively, female mobilization may take the form of “directed mobilization”; here, it is under the control of another institutional authority, typically governments or political parties. Female mobilization directed by authorities in the name of collective, national or religious interests may not only exclude women’s emancipation as a central goal; it may actually work to abrogate rights women have already gained, as in the case of some faith-based movements. Women’s participation in this form of collective action has been actively sought by conservative leaders to demonstrate the popular legitimacy of proposals to strengthen patriarchal interpretations of women’s rights. A striking example was the participation of women in the Islamic revolution in Iran in 1979.

WOMEN’S ENGAGEMENT IN DEMOCRATIZATION

What has been described as the “third wave” of democratization peaked in 1989–90 with the collapse of state socialism in the old Eastern bloc and their transition to open economies. In the remaining authoritarian states, there has continued to be movement towards democracy during the last 15 years, as well as the establishment of new democracies following conflicts in the Balkans, and in Africa. Around the world, a number of countries are undergoing an extended process of democratic consolidation, in which legal systems are being amended to incorporate new constitutional rights, and political systems are being tested for their capacity to tolerate opposition. In Latin America, where the wave of revolutionary struggle and political liberalization peaked earlier than elsewhere, women have gone furthest in seeking constitutional and legislative changes which recognize their equality, followed by policy confirmation of these gains.

Women have played a central role in many democratization struggles, a role recognized as essential to their success, especially where conventional channels for political opposition have been closed. Where parties and trade unions have been banned, as in Chile under President Augusto Pinochet, or where the male leadership of national liberation movements was in exile or jail, as in South Africa, women’s grassroots mobilization provided an arena in which oppositional politics could be sustained. This contribution to democratization has not always provided a springboard for women’s subsequent engagement in politics. In Chile, for instance, during the slum-based protests of the late 1980s, decentralized organizations and diffuse leadership structures protected women activists, but did not generate women politicians able to gain leadership positions in the new democratic parties.

Patterns can be detected for women’s involvement in the democratization process, some of which are echoed in different settings from around the world; others are regionally specific. In some cases where there has been protracted social discontent and a resistance movement, women have not only been active in the upheaval stage, but their representatives have been able to participate in negotiations over new constitutions. The contribution of the Women’s National Coalition in South Africa to the constitution-writing process in the mid-1990s is the clearest case of a women’s movement capitalizing on its previous role to assert its interests in the new environment. A similar process occurred in Namibia, Ethiopia, Eritrea, East Timor, the Philippines and Mozambique.
Backlash: The Eastern European experience

Where authoritarian states such as those in the ex-USSR and Eastern Europe based part of their legitimacy on their inclusive attitude towards women in the workplace and public life, subsequent democratization has brought a backlash against women’s political participation. In Eastern Europe the role in public affairs previously assigned to women by repressive communist regimes encouraged women to downplay feminist interests; instead they sought to emphasize their role in the domestic sphere of family life as the guardians of privacy and family integrity. Dissident movements of the 1980s protested against invasive social engineering, and have been described as having an ideology of “anti-politics”. Women were not represented in the leadership of these movements; only 20 per cent of the signatories to Charter 77 were women, and although half of the members of Polish Solidarity were women, few held leadership positions.

The demise of state socialism and the transition to democracy brought a collapse in the numbers of women in public office and stagnation in their involvement in civil-society activity. Feminist groups are today described as very weak in many Eastern European countries, and even where there are a number of active feminist groups, as in Poland, these have been described as “more a curiosity than a real political force”. Some women’s organizations align themselves with conservative ideologies, idealizing women in motherhood and domestic roles and actively opposing abortion and reproductive rights. The Hungarian Christian Democratic Party, with the strongest appeal to women voters and the highest proportion of women members, celebrates women’s moral superiority and their responsibilities in a traditional Catholic household.

Paradoxes: North Africa and the Middle East

In some North African and Middle Eastern states, democratization has produced similar paradoxes. Where military, one-party or monarchical regimes suppressed Islamic associations—as in Algeria, Egypt, Jordan and Morocco—they often substituted social development programmes for democracy as a source of their legitimacy, and took steps to enhance women’s status. The promotion of women’s rights thus became linked to unpopular governments. Rapid top-down processes of political liberalization have been incomplete, and have seen few incumbents of the previous regimes unseated. The manifest bad faith demonstrated by the restrictions on effective political competition have discredited the political reform process.

In many of these countries, the only movements articulating coherent and credible opposition to the regime may be Islamic groups whose critique is grounded in antipathy to western democracy and consumer capitalism. The dilemma for women’s movements is profound. In the ongoing conflicts in Israel/Palestine and Iraq, the legitimacy of secular governments has been eroded, and the Islamic critique made all the more credible to women. Women’s movements do not have the social and political resources to contest powerful Islamist groups, and instead engage strategically with them. For many, this has meant working from within the Islamist camp, seeking to revise religious interpretations of women’s roles in order to expand the space for women’s political expression.

Imposed democratization: Sub-Saharan Africa

In several sub-Saharan African countries, the political liberalization process set in motion in the context of structural adjustment and as a condition for external loans has been half-hearted; women’s participation has been limited. Ruling parties accustomed to unchallenged power, as in Mali, Côte d’Ivoire, Guinea, Zambia, Tanzania, Burundi and Malawi, have tried to control democratization and contain the emergence of effective opposition. Traditional “big man” politics has had a tendency to limit women’s political engagement to activities that were marginal and uncritically supportive of the national leader; when the political process opened up in the 1990s, women’s movements were in weak positions to take part.
In 1995, for instance, the ruling party in Tanzania announced the resumption of multi-party politics and took the nation to the polls for the first time in 30 years. There was no opportunity to take stock of the past and renegotiate the rules of democratic politics. In Malawi, civil society was given only a few months to change the constitution in early 1994; in Zambia social upheaval and violent unrest in the mid-1990s provoked a hastily called multi-party election in 1996, with no opportunity for constitutional and institutional change. In post-civil-war Uganda, in contrast, a protracted transition enabled women to make a substantial contribution to constitutional debate, although this has taken place within constitutionally entrenched one-party rule.

As in North Africa, the slow rate of democratic consolidation in most sub-Saharan African states is shown by the absence of any significant change in governmental composition or leadership, although the encouraging exceptions of Ghana, Benin, Senegal and Kenya stand out. In some countries, opposition parties remain weak, and executives excessively powerful. This poses serious problems for women’s movements, as they rely upon state support for gender-sensitive policy development. A familiar cycle is reappearing: executives legitimate themselves in part through their patronage of the women’s movement, and this works to the discredit of the cause of gender equality. In yet other countries such as Angola, Burundi, Congo, Somalia, Sudan and Liberia, democratization remains a distant prospect as civil society tries to contain, or recover from, terror and war. Zimbabwe is an example of a country where the democratic process has lost ground in the face of violent state repression. In the run-up to the 2000 elections, women’s political mobilization across the political spectrum was held in check by widespread intimidation.

Women’s drive for constitutional change

Constitutional change has been a central focus of women’s recent participation in democratization. The 1990s saw women’s organizations around the world exposing the limits of basic civil and political rights that exclude the “private” sphere of marriage and family life from democratic scrutiny. Constitutional review has enabled women politicians to identify serious gaps in women’s basic citizenship rights, and to address the problem of gender-biased customary/religious law in the jurisdiction of family matters. They have also set in place provisions designed to make women’s access to public office easier in future, such as quotas or reservations in national and subnational governments.17

The importance of taking a strong position on women’s rights within constitutional review processes has galvanized women’s movements to unify, even if only temporarily, around constitutional change processes. In Uganda, women’s participation in the Constituent Assembly created the basis for effective caucusing there and in the first National Assembly to which many were elected. Participation has sharpened the strategic abilities of women politicians, and broadened the political understanding and skills of women’s groups that have tried to support and lobby women in office. Constitutional engagement represents a new front in the struggle for public accountability for gender equality: by insisting on participating in framing the rules of membership in the national community, and the rules on access to and exercise of power, women are suggesting that they will not be bound by political systems in which they have had no voice or representation.

Mobilizing for electoral gain: The 50/50 struggle

In the post-transition period, many countries have seen a demobilization of the women’s movement. In Latin America and South Africa in particular, some prominent feminist pro-democracy activists have been absorbed into government. In many settings, the unity provoked by opposition to authoritarianism has dissolved and long-standing differences re-emerged. But however profoundly divergent women’s positions are on many issues, there has been one patch of common ground on which the majority converge: the demand for gender parity in public office. Since the late 1990s, civil society campaigns for
equal representation with men have gathered momentum, aided by the international “50/50” campaign of the Women’s Environment and Development Organization. Women on all points of the political compass can agree to protest at the low numbers of women in politics and the poor take-up of their concerns by political parties.

The presence of growing numbers of women in office acts as a catalyst for a push to increase these numbers still further. For example, the growth in numbers of Ugandan women in politics has spurred a “new kind of political self-organization for Ugandan women”; gaining access to politics has become a common interest among diverse women's groups. In Namibia, an ethnically diverse and hitherto divided women’s movement has come together around the same purpose: electing women to office. Launched in 1999, the Namibian Women's Manifesto Network, a coalition of groups backing a women’s election manifesto, had as one of its main aims the achievement of a 50 per cent quota for women on lists of party candidates; these lists were to be structured “zebra” fashion with alternating women and men. This 50/50 campaign provoked country-wide mobilization to an extent unprecedented in Namibia, to the point that “politics is becoming the central point around which a new feminist consensus is emerging [in Africa]”, and where “the pragmatics of women's political representation in the 1990s are shaping the emerging African women's movement”.

Latin America has seen a similar development. Since the 1990s the goal of increasing women's representation in formal political bodies has become a unifying theme of women’s groups in the region. Many countries have passed laws mandating female quotas on party lists, and many parties still attempt to evade these requirements. In the circumstances, monitoring party compliance has become a shared concern of women’s groups across the political spectrum: women in conservative parties are as interested in political seats as left-wingers.

However, proposals for affirmative action measures do not always unify women. In India, a constitutional amendment to reserve 33 per cent of seats in parliament for women has been stalled since 1996. Although the amendment is supported by many women’s associations, this has not been a unifying issue for women in the political climate of today. The reasons for this cut to the heart of Indian politics. The recent expansion of democracy in India has included the emergence of many small ethnic and caste-based parties at state level, whose role in the successful formation of coalitions at the centre is often decisive. The rise of these parties reflects decades of affirmative action to support socially disadvantaged tribes and castes, through reserved places in schools, universities and public-sector jobs. Some of these parties oppose the 33 per cent women amendment on the grounds that it is a means of reasserting upper-caste dominance of national political institutions—which has been significantly eroded. The reservation bill does not make provisions for “quotas within quotas”, to make sure that the women who reach parliament are not the educated, wealthy and upper-caste women most likely to have the connections and resources needed to run for office.

WOMEN’S REACTION TO FAITH-BASED AND ETHNIC MOVEMENTS

While in many countries political liberalization has enabled secular women’s movements to flourish, in some countries democratization has stalled or become mired in economic or political crisis. When the state in its modern and secular guise fails to deliver physical security or service improvement, its image sours. In some countries, the discrediting of modernity as a solution to social ills has stimulated the growth of conservative ethnic and religious movements, often in spite of official repression. Gender relations are matters of central importance to many of these groups, particularly where “women’s liberation” is associated with failed or repressive modernization.

In a growing number of countries these groups have become important political actors, especially where they are effective at mobilizing socially marginal populations. Islamic groups in North African and Middle Eastern countries such as Tunisia, Morocco, Egypt and Jordan; in South and Southeast Asian countries such as Bangladesh, Malaysia and Indonesia; and in West African countries such as Senegal and Nigeria, may not
win large numbers of seats in parliament. However, they have tremendous political leverage as brokers and kingmakers in ruling coalitions. In other countries such as the Philippines or Algeria, they remain banned but have an increasing capacity to disrupt. Both conservative and radical Christian groups around the world have also experienced a surge, for example as social animators of grassroots self-help activities in Latin America and Africa. The institutional church also retains its impact on high-level politics in many Latin American and African countries and in the Philippines. In India, Hindu chauvinist cultural and religious movements have polarized the electorate on Hindu-Muslim lines and contributed to the electoral success of the parties with which they are associated.

There is no evidence that women are more attracted than are men to conservative faith-based or culturally extremist groups, but there is evidence from around the world that these groups are gaining in strength. Women form an unspecified but visible component, both in membership and leadership. Women’s deportment, mobility, dress and roles within the family are often central to the cultural revival or pious society envisaged by these groups; women’s behaviour is upheld as a marker of authenticity and moral integrity. When constituted as political parties, conservative religious associations have not given women access to institutional power either within the party or in public office. But as social movements they have encouraged women to engage in public activism, and even to become militant in ways that violate traditional gender roles; for example, in inciting violence as did Hindu nationalist women in the anti-Muslim pogroms in Gujarat in 2002. At the same time, these women articulate cultural and social agendas that propose the restriction of women’s rights. This simultaneous capacity of ethnic or religious groups to mobilize women while undermining their advancement is a matter of great concern to feminists. In particular, when there are few respectable means of taking up politically prominent roles in environments where women moving about in society on their own can expect to face sexual harassment. In India, the Rashtrta Sevika Sangh, which is the women’s branch of the militant Hindu cultural association the Rashtriya Swayam Sevak Sangh, even provides younger women with a means of postponing marriage while they make their contribution to the cause of Hindu nationalism through physical activity, social work, and training in the use of rifles and lathis (wooden batons). The Jamaat-e-Islami in Bangladesh and Pakistan gives its women recruits a distinctive burqa to identify them as Jamaat members to be defended by party activists from attack; this enhances their mobility.

Faith-based movements also have extensive resources and can provide social services where the state has failed. Islamic groups run madrassas—Koranic schools—for children in Bangladesh, Pakistan and other Muslim countries. Christian churches organize soup kitchens, schools and basic health services in low-income neighbourhoods in Latin American countries. Charity can be the only means of succour for women who fall out of the safety net of families and communities in societies with few state-provided services. In Bangladesh, when wives are arbitrarily divorced by husbands, have no property and no means of securing maintenance, the rural women’s groups of the Jamaat may be the only source of shelter and

Women in illiberal mobilization

There are many explanations for the appeal of conservative or extremist religious movements to women. A religious congregation can provide a socially acceptable arena in which women can express their concerns. Many faith or church-based movements provide a range of services that women need, and even support their gender-specific needs in a more credible and practical way than do progressive, but unimplemented, secular constitutional provisions. They appear to offer arenas of social approval, sexual safety, normative certainty and political agency, that have the advantage of inciting less resistance from husbands than does women’s feminist activism.

In conservative societies, women may find social leadership roles available to them through religious movements, particularly when there are few respectable means of taking up politically prominent roles in environments where women moving about in society on their own can expect to face sexual harassment. In India, the Rashtrta Sevika Sangh, which is the women’s branch of the militant Hindu cultural association the Rashtriya Swayam Sevak Sangh, even provides younger women with a means of postponing marriage while they make their contribution to the cause of Hindu nationalism through physical activity, social work, and training in the use of rifles and lathis (wooden batons). The Jamaat-e-Islami in Bangladesh and Pakistan gives its women recruits a distinctive burqa to identify them as Jamaat members to be defended by party activists from attack; this enhances their mobility.

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financial support. Religious groups can also offer vigilante services where state security systems have failed.

Central to the appeal of contemporary religious movements is their critique of the state, society and the cultural invasion associated with globalization, coupled with the concrete rights that they advance for women. Across Latin America the Catholic Church has re-evaluated its alliances and sought to support the struggles of the poor against traditional elites. In Brazil, Chile and El Salvador, the protests of the church against human rights abuses have brought it into conflict with military regimes; in Brazil, its protests brought feminists into direct alliance with the Church on some matters. Islamist, Hindu and Christian movements articulate critiques of official corruption and of invasive Western cultural decadence, and lay claim to a moral high ground. The authentic cultures they wish to propose promote complementary social roles for women and men; this can be attractive in contexts where economic change has eroded men's breadwinning capacity, and women are stretching their time and energies between poorly paid employment and domestic work.

At the same time as offering an attractive critique of political regimes and of neoliberal economic policy, religious movements appear able to combine conservative views on gender relations with prominent roles for women leaders. Some even provide support for areas of women's empowerment and rights. One of the most striking features of Hindu nationalism in India is the fact that the movement's most successful orators are women, some unmarried, who do not conform to conservative prescriptions for women's behaviour. Two of these, Uma Bharati and Sadhvi Rithambara, were instrumental in goading mobs to destroy the mosque at Ayodhya in December 1992. Their anti-Muslim recordings inciting people to violence were so virulent they were banned by government. Exceptionally militant women leaders like these live and work with great independence; yet they advocate women's subjugation to domesticity and subordination to their husbands. Nevertheless, the interests of the religious or nationalist programme outweigh in importance the fulfilment of traditional expectations to the extent that they inveigle women to abandon female modesty, engage in militancy and even take on suicide missions.

Socially progressive positions

Many religious groups have strong positions against violence against women, and against polygamy. They may also support women's inheritance rights, or oppose women's commercial sexual exploitation. Because women's social position and moral behaviour is of more importance to faith-based movements than to secular parties, some of them make great efforts to involve women and address their needs. Pentecostal groups in working-class areas of Brazil have put a particular emphasis on helping women tackle domestic violence. In Bangladesh, where urban and rural women's mobilization around livelihood issues and women's rights is significant, the Jamaat-e-Islami clearly regards women's support as important to its electoral prospects and social legitimacy. Its 1996 election manifesto promised to increase women's (segregated) employment, end dowry payments, stop violence against women, and support their inheritance rights, using Islamic precepts on human equality to construct a socially progressive image.

In some countries women have sought to take charge of this faith-based agenda by attempting to define a feminist Islamist position and challenging the clerics’ monopoly over the interpretation of Shari’a law. These efforts also represent a drive to establish greater consistency in interpreting women's rights; in many nominally secular countries—Egypt, Algeria and Jordan—religious law is used in a haphazard and inconsistent way to override women's constitutionally sanctioned rights. Similarly in Iran, where a dogmatic interpretation of Islam is used by an authoritarian theocratic state to restrict women's rights, there are few contexts where feminists can legitimately engage other than working within the Shari’a, offering new interpretations to justify an expansion of women's rights.

The work of feminist Islamist theologians has shown that the Shari’a is capable of accommodating many of women's needs in matters of marriage, divorce and inheritance. Feminist Islam has had an important cultural impact, expanding women's knowledge of their rights in Shari’a law. However, the entire enterprise would not have advanced so far were it not for the fact that the Islamic Republic of Iran has provided a model of a contemporary theocratic state to which Islamists can aspire.
Contemporary Islamist feminism is also a reaction against the cultural stereotyping of Islam.25 Thus the feasibility of Islamist control of the state, and contemporary vilification of the Muslim faith and its adherents, have made feminist Islam a credible option for women active in Muslim societies.

Secular feminists increasingly engage with women in faith-based groups, recognizing that they do have an interest in political openness, and that they do have space to challenge gendered inequality. In Malaysia, for example, Muslim women representing welfare-based Islamic bodies joined the Women’s Agenda for Change (WAC), a group formed after the debacle of Prime Minister Mahatir Mohamad’s persecution of his Deputy Prime Minister Anwar Ibrahim in 1998. The 80 non-governmental organization (NGO)-strong WAC is essentially a lobby for democratic reform in an authoritarian neoliberal state. Malaysian feminists are highly critical of the state’s repressive practices but have few practicable arenas for political activism. Islamic parties offer an alternative to the government’s repressive modernism. Both government and Islamic opposition see the value of appealing to women, and have begun to compete for their participation and allegiance. In 2001 the government set up a Ministry of Women’s Affairs, co-opted women activists from the WAC wherever possible, and has since derided the Islamic opposition for avoiding debates on gender equality. In the run-up to the 2004 election, the Islamic opposition retaliated by claiming feminist ground, announcing it would field a woman candidate in every state.

TRANSNATIONAL WOMEN’S MOBILIZATION

Transnational female mobilization has helped lay the foundations of global civil society over the past century. Its notable achievements include opposition to war, articulating an international treaty on women’s rights, and the politicization of violence against women.26 The last 10 years have seen an unprecedented growth in transnational women’s and feminist activism. The many UN conferences and summits of the 1990s, and the rounds of international negotiations on trade, environmental regulation, crimes against humanity and a number of other issues important to women, galvanized a search for alliances and enabled women’s movements to become increasingly sophisticated in their engagement with global institutions. The spread of Internet-based communication has helped women overcome in-built disadvantages relating to mobility and voice. The communications power and institutional strength recently shown by global civil society can boost the campaigning effect, making the kind of impact on national and international policy that domestic women’s movements rarely achieve on their own.

There is, of course, no one unified international women’s movement, nor is there any such thing as global feminism. Profound disparities of all kinds exist between women’s associations in different regions and countries. Nevertheless, alliance building among them has made a powerful impact on global norm setting and policy making in such contexts as reproductive rights,27 violence against women, and international criminal law. Women campaigning for economic justice have been closely associated with the loose-knit Global Justice and Solidarity Movement, which focuses on the negative implications of free trade and globalization for developing world populations, and whose base since 2001 has been the annual World Social Fora.28 Women’s peace groups were centrally involved in the largest one-day protest in history: the 15 February 2003 anti-war demonstrations in 800 cities involving 11 million people. The Women’s Caucus for Gender Justice made an important contribution to the drafting and adoption of the International Criminal Court (ICC) Statute in Rome in 2000, and helped assure the appointment of seven women judges (out of 18) to the ICC in March 2003.

The effectiveness of transnational women’s mobilization is limited by certain factors. Similar problems face all international civil society lobbies trying to influence those who make and implement national and subnational policies by demanding adherence to international norms and treaties. Transnational women’s campaigns have targeted UN organizations and the international financial institutions (IFIs), joining in demands for greater willingness on their behalf to address the expressions of policy-making concern coming from civil society through representative NGOs. They have also used the
occasions of their conferences and meetings as a staging arena for joint activism and an opportunity to develop cross-national positions. However, international treaties and resolutions do not necessarily lead to national enforcement, especially in states that are deeply conservative and opposed to a feminist agenda. Resolutions at international conferences are not binding, and rarely address deep structural problems in society. If changes are to take place at the national level, action is needed by women inside and outside government to hold states to account for their international commitments.

A further problem arises from ambiguities of working at both national and international levels. The goal of much feminist and women’s engagement with global institutions is to improve the accountability of individual states to female citizens. For instance, some recent “anti-globalization” activism has sought to strengthen the independent policy-making capacities of individual states in relation to bodies such as the World Trade Organization (WTO). Should the women’s network look to the same international bodies as potential advocates and enforcers of their agenda as are currently decried as the key perpetrators of programmes that reinforce social injustice in low-income countries? If women join in efforts to undermine these institutions’ importance, they may have even less hope of influencing national agendas in favour of women’s equal opportunities, or of galvanizing support for domestic women’s movements in anti-feminist states. Recently, US unilateralism has prompted transnational women’s groups to push for the strengthening of multilateral institutions, without which their own endeavours would not have flourished.

Transnational women’s activism is also in tension with itself, given the vast range of difference among and between movements in different parts of the world. The definition of problems, their prioritization, goals and targets, and strategies for reaching them may all be differently perceived. Some divisions are along classic divides such as North–South; others are grounded in ideological or religious dogma, and have no particular geographical association; yet others are culturally specific. The alliances into which transnational women’s movements enter also inevitably involve a lack of coincidence between agendas of different groups. For example, a useful ally in the international campaign to cancel debt (Jubilee 2000) has been the Catholic Church, whose current hierarchy is vehemently opposed to gender justice. The umbrellas provided by rights regimes and other sets of international norms and treaty obligations by no means invariably succeed in bringing all viewpoints together.

**Human rights as a unifying framework**

The concept of human rights appeals to a common humanity and human equality, universal standards of justice and fairness, liberal concepts of the individual and the community, and a responsive democratic state. Although its application across different cultures can be controversial, the human rights framework has nonetheless provided an umbrella under which diverse women’s movements have worked together for the last 15 years. The specific articulation of women’s human rights has also helped to centre gender equality and women’s rights in other global policy fields, including social development, humanitarian law, population and environmental protection.

The principal international women’s rights instrument is the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Due to increased mobilization by women’s movements, ratification speeded up over the 1990s and many countries that had earlier registered reservations withdrew them. The legitimacy of women’s organizations as credible monitors of CEDAW compliance was recognized in its 1999 Optional Protocol, which empowers the CEDAW Committee (a body of 23 independent experts charged with monitoring CEDAW performance at national level) to consider complaints brought directly by individual women or groups. Seventy-five countries have signed the Optional Protocol, but it remains to be fully ratified by many; it is also still too early to see whether it will improve states’ compliance. Women who have exhausted their options under national law, or who have found that “the application of such remedies is unreasonably prolonged or unlikely to bring effective relief”, can now directly seek redress under the terms of the Optional Protocol. The protocol is a recognition that state
reporting systems can suffer from the institutionalized male bias that normally inhibits reporting of women’s rights abuses, and there should be a mechanism whereby women can bypass them.32

The International Criminal Court

The experience of mobilization around CEDAW and its enforcement mechanisms led to the creation of a special women’s campaigning body in connection with the establishment of the ICC. The Women’s Caucus for Gender Justice, set up in 1997, grew out of the non-governmental Coalition for an ICC formed in 1995, and drew on the strength and sophistication gained in earlier international activity. The Caucus lobbied for the appointment of women and gender experts throughout all the organs of the Court, and for its independence from traditional power structures.33 The group also demanded better protection for victims of crimes, prompting the adoption of Article 15 of the Statute of the ICC. This empowers the ICC prosecutor to investigate allegations of crimes not only upon referral from the Security Council or individual states, but also on information from victims, non-governmental organizations and “any other reliable source”.34 The Women’s Caucus also demanded the inclusion of sexual violence as a crime against humanity (and a war crime). Thus all states that acknowledge ICC jurisdiction have a duty to co-operate with the ICC in the investigation and prosecution of these crimes, no matter where they are committed or by whom: sovereignty cannot be claimed as cover for domestic atrocities. Public actors responsible for sexual violence will now be held accountable to the global society, not just to citizens of their own countries. By insisting on women’s position at the centre of global civil society and by ensuring that sexual violence is a serious crime, the Women’s Caucus created a new instrument for making states more accountable to women for preventing and prosecuting the human rights violations from which they predominately suffer.

Polarized positions on sex work and trafficking

A context in which the human rights framework has failed to bridge ideological divides is over the issue of the trafficking of women and girls in the sex trade. In December 2000, over 80 countries signed the Protocol to Suppress, Prevent and Punish Trafficking in Persons, Especially Women and Children, sponsored by the UN Centre for International Crime Prevention, in Palermo, Italy. The definitions of trafficking and sex work, and disagreements about the nature and scale of the problem, were the subject of intense and deeply polarized debate between the key women’s groups in two transnational lobbies, the International Human Rights Network and the Human Rights Caucus. Both laid claim to the feminist and “human rights” label as a legitimating tactic; both also highlighted their networks in developing countries, particularly South and Southeast Asia.

The International Human Rights Network had at its core an international NGO with an “abolitionist” perspective on sex work: the Coalition Against Trafficking in Women. This group views prostitution as a form of sexual violence which women would not undertake if given a meaningful and free choice, and therefore sees sex work as a human rights violation; in this view anyone who helps women to migrate in order to engage in sex work is a trafficker.35 The opposing camp embraced the Global Alliance Against Trafficking in Women and the Asian Women’s Human Rights Council as well as other sex workers’ rights groups and human rights groups. Central to their position were the perspectives of the global sex workers’ rights movement, in which sex work is recognized as labour, as a form of employment chosen by women, and as an expression of women’s sexuality. Trafficking occurs in this perspective if women are forced to migrate for, or forced to engage in, sex work; official policies to deal with this problem must respect women’s agency and determine whether they have consented to sex work and migration.

At issue were conceptions of female agency, sexuality, consent, and the coercive impact of state-level efforts to “protect” women. A member of the sex workers’ lobby noted that
historically, anti-trafficking measures have been used against sex workers themselves, rather than against “traffickers”. They argued that force or deception was a necessary condition in the definition of trafficking; also that “trafficking” and “prostitution” should not be linked in the Protocol, as men, women and children are trafficked for a large variety of services, including sweatshop labour and agriculture. However, ultimately the UN Trafficking Protocol did not make a distinction between forced and free migration for sex work, and the victim does not have to demonstrate that she has been forced; a human rights abuse is assumed. This is seen by sex workers as feeding into contemporary anxieties about immigration and asylum seeking, and about female independence, where the socially accepted view is that women should be subjugated to the family (see also chapter 7).

Other instances where “human rights” have not proved inclusive

Similar problems associated with women’s agency and sexuality have divided women’s organizations and movements on issues of homosexuality, and abuses of people identifying themselves as lesbian, gay, bisexual, transgendered and intersexed. Indigenous people’s movements have challenged the individualistic basis of Western liberal human rights frameworks in contrast to notions of rights grounded in group identities, cultures and ways of being.

Another concern raised about the human rights approach in transnational feminism is that it privileges lawyers, and focuses on national laws and international treaties and their implementation. Critics argue that the stress on legality is misplaced,” and promotes standards of economic and social rights unattainable in many settings. Rights-based approaches presuppose a functioning and accountable state, where recourse may be had to the law by citizens or groups. In countries where legal systems are under-resourced or discredited through corruption, states may be less than efficient about prosecuting their own laws and bringing rights violators to book, let alone delivering on their international legal commitments. This realization has intensified the efforts of domestic women’s movements to improve national capacity to reform and implement legislation with a bearing on women’s rights. Their ambitions and horizons have expanded, and they have gone on to develop a feminist critique of contemporary “good governance” reforms.

Economic justice: New feminist activism

Transnational women’s movements have developed their own response to the impacts of the neoliberal macroeconomic policies of the 1980s and 1990s, particularly in the context of trade liberalization. A coherent feminist critique of market-driven and economic austerity policies emerged at the 1994 UN Social Summit in Copenhagen. At the Summit, the Women’s Global Alliance for Development Alternatives linked regional networks of women’s associations into a Women’s Caucus that proposed far-reaching amendments to the Summit’s Declaration and Platform for Action. These stressed the importance of regulating markets in the interest of reducing inequalities, preventing instability and expanding employment; sought the taxation of international financial speculative transactions and other politically destabilizing or environmentally harmful forms of profit seeking; and demanded that multilateral economic machinery such as the International Monetary Fund (IMF), the World Bank, and the WTO should be accountable to the United Nations Economic and Social Council (ECOSOC) and human rights treaty monitoring bodies. Subsequent feminist critiques of free trade have successfully exposed its failure to contribute to poverty reduction.

Activism on trade and investment is a fast-growing area of transnational women’s mobilization. Some groups focus upon creating new mechanisms to negotiate environmental and labour standards with international corporations, and monitor their compliance. The most visible activity is within the “anti-globalization” movement; here women’s groups have taken up the task of critiquing the WTO’s mandate and governance and examining regional trade agreements. The South-based International Gender and Trade Network focuses on the United Nations Conference on Trade and Development (UNCTAD),
the WTO, and the Free Trade Area of the Americas as well as the Cotonou/African Caribbean and Pacific (ACP) Agreement. The Europe-based Informal Working Group on Gender and Trade is evolving into a permanent Women’s Caucus at the WTO, using its Trade Policy Review Mechanism as an entry point through which to develop gender-sensitive impact assessment of trade policy. The Women’s International Coalition for Economic Justice attempts to influence macroeconomic policymaking via the United Nations Commission on the Status of Women.

A major concern of transnational women’s activism on trade issues is the way export-led growth may be premised on cheap female labour, and the way the ferocious competition involved in free trade can provoke a “race to the bottom” in labour standards (see chapter 3). Tactics to counter this, as well as the inequitable exemptions that rich countries are adept at negotiating through the WTO, have included putting pressure on the WTO to support sustainable development by employing existing “special and differential treatment provisions” to promote poverty reduction and gender equity in poor countries.

As in the broader anti-globalization movement there are several sometimes contradictory strands to women’s economic justice movements. Cheap female labour in the South draws jobs away from women in the North; thus the economic interests of Southern and Northern women tend to conflict—a division mirrored within international activist movements. Campaigns on labour and environmental standards may have the effect of driving women in the South out of work, or into impossible-to-regulate informal employment or enterprise. Anxiety about the environmental consequences of aggressive trade-led growth is counter-balanced by anxiety that environmental controls deny poor countries the capacity to export their commodities and develop their industries as rich countries have already done. These conflicts of economic interest pose a challenge to coalition building. Transnational women’s economic justice groups continue to debate whether their members should have a common agenda and critique, or whether they should simply act as solidarity networks to support members from the South.
Notes

1 Weldon 2002:97.
2 Randall 1987.
3 Molyneux 2001:3.
5 Beckwith 2001:372; Weldon 2004:3.
7 Molyneux 2001:145.
8 Molyneux 2001: 146.
12 Einhorn 1993.
13 Adamik 1993; Einhorn 1993.
17 Dobrowolsky and Hart 2003.
20 Jaffrelot 1996.
24 Paidar 2002.
31 Ackerly and D’Costa 2004:3.
33 Spees 2003: 1.
34 Prakash 2002: 4115.
37 Sen 2003:140.
Chapter 11

Gender and “good governance”

Whether policy makers can take steps to reduce women’s poverty or address gender injustice depends upon the implementation of policies on the ground. Signing up to international treaties and passing legislation—on issues such as women’s rights, equal access to education, rape in marriage, and equal eligibility to credit and property ownership—is only a first step. Legislation and policy has to be translated into government directives, budgetary allocations, institutional arrangements, bureaucratic procedures and monitoring standards. The connection between political commitment and effective policy implementation is expressed in the concept of “governance”. Programmes of governance reform have consumed considerable international and national attention in the recent past and present.

Definitions of “governance” range from a restricted view focusing on sound management of the economy, to an expanded view embracing such projects as the liberalization of politics and the reduction of social inequality. Governance is described by the World Bank as “the manner in which the State exercises and acquires authority”. For policy purposes, governance is broken down into two broad components: the capacity of the state to exercise authority, and its accountability doing so. “Capacity” encompasses the state’s “hardware”: its financial resources, the extent and effectiveness of its physical and administrative infrastructure for distributing public goods, the number and skills of its personnel, and the conduct of budgeting and policy-making processes. “Accountability” describes the “software”: the system whereby certain actors have the power to demand answers of others, and whether and how malfeasance is detected and punished.

The concept of “good” governance requires normative judgments to be made about what constitutes the legitimate acquisition and efficient exercise of power. For some external support agencies and social activists, good governance implies democratic governance, and therefore implies an agenda of participation, human rights and social justice. For others, it simply means the management of national endowments in human and natural resources in such a way as to generate public goods (including security and justice), and to distribute them so as to create wealth and promote human development. The international financial institutions (IFIs) have taken this more restrictive view of governance; in their perspective “good governance” concerns the effectiveness of the state rather than the equity of the economic system or the legitimacy of the power structure.

THE CONTEMPORARY GOVERNANCE REFORM AGENDA

Contemporary governance reforms address problems of low capacity, inefficiency and poor accountability in budgetary, judicial, legislative and administrative institutions. Reforms include the creation of independent central banks and autonomous tax boards, and measures to improve budgeting and auditing (to contribute to sound macroeconomic management); protections for private property, and assertion of the rule of law and enforcement of contracts (to promote economic growth); merit-based public service recruitment, results-oriented management in the
public sector, and civil service job cuts and retraining (to downsize inflated government); decentralization (to improve service delivery); oversight committees within parliament, and judicial reform (to combat corruption and improve accountability).

Critics suggest that although these reforms address issues of government legitimacy and the public participation of socially excluded groups, they are dominated by a narrower preoccupation: the use of “governance” reforms primarily to expand market activity and all its supporting institutions, especially the entrenchment of private property rights. They point out that the reform agenda is based on assumptions about the relationship between capitalist economic activity, legal systems and governance institutions that are drawn from a Western experience, and which may have failed to take certain considerations into account. In the first place, it produces institutional “mono-cropping”: the imposition of imported, usually alien, one-size-fits-all institutional arrangements; and it supports institutional “mono-tasking”: an unbalanced preoccupation with contracts and property rights so as to facilitate and regularize commercial exchange.

Even more problematically, the narrow focus on “capacity” produces a technocratic approach that may deliberately set out to evade subjecting to the messy process of political debate. Politics and politicians can be seen as problematic not only because they admit the entry of patronage and corrupt practice, but as far as policy is concerned, they tend to favour short-term incentives rather than long-term needs—such as lowering interest rates just before an election. Thus reforms in banking systems or tax administration often seek to build autonomy and exclude unwelcome political interference; but they also thereby put the new arrangements beyond the reach of democratic control. A danger arises that the process of supporting “governance” will entrench the power of technocratic (sometimes externally influenced) elites, and reduce the exercise of power over economic instruments by those with quite different priorities; for example, the attainment of social goals. The panicked reactions of the Brazilian and Indian stock markets to the electoral victory of parties committed to redistribution and social justice illustrate the nervous response of markets to democratic support for this type of agenda.

Efforts to place gender-equality legislation on the statute books and see it implemented must address gender-related capacity and accountability problems. Where they are narrowly occupied with market strengthening and property rights, governance reform programmes are not likely to be sympathetic to gender concerns, and may even undermine their prospects of advancement. For gender equality to be tackled strategically, programmes of reform must take into account the way in which the institutions, arrangements and procedures about to be restructured are shaped by unequal gender relations and will tend to reproduce gender-based inequality unless they are appropriately adjusted or redesigned during the reform process.

Gender equality has not been a fundamental concern of “good governance”. In the World Bank's early statements concerning governance reform, women's participation was explicitly addressed only in discussions of decentralization and the use of participatory approaches; and gender equity only raised in the context of human rights. Yet there are gender-specific capacity failures in all public institutions targeted for reform. Public expenditure management systems fail to acknowledge women’s needs or distribute budgetary resources equally. The civil service or judiciary may be dominated by men antipathetic to gender equality. Women public-sector workers clustered at the bottom of state bureaucracies may be the first to be fired when cost-cutting efficiencies are introduced. “Rule of law” reforms, even if limited to the stabilization of the market for commercial activity, may limit women’s scope to profit from informal private enterprise, or fail to enable them to secure assets over which they previously enjoyed customary rights. Legislative committees may be ill-equipped to conduct a gender analysis of the bills or accounts they review, and may therefore fail women in their oversight functions.

Recently a case has been made for increased participation of women in formal politics and public service on efficiency grounds: women, it is hoped, will prove more responsive and less corrupt as public sector managers. Public opinion surveys and studies have suggested that women in parliament, in the
bureaucracy or in the labour force are thought to be less inclined to engage in corrupt activity than are men. However, such studies are not based upon observation of actual engagement in corrupt acts, but on public perceptions that draw upon idealizations of womanly virtue. There are some practical reasons that women might engage in fewer corrupt acts than men—in many contexts opportunities for corruption might be gender-specific, and might not always be open to women newcomers to public office. In other contexts, where illicit transactions are virtually institutionalized in public office, the gender of the office-holder is not likely, on its own, to have much effect.

A recent study of women leaders and councillors in villages in two Indian states showed that neither gender nor education had an impact on corruption. The factors determining the chances that a politician will be corrupt included the high cost of campaigns, the number of terms in office, and the extent to which women were serving as “proxies” for men, whether husbands or other local patrons. Women—or their gender—ought not to be seen simply as possible agents of good governance. Instead, public-sector accountability to women must become an objective of “good governance” reforms.

GENDER AND ACCOUNTABILITY

In addition to gender-specific capacity problems in public institutions, governance debates should take account of gender-specific accountability failures. Power holders in the public sphere should be held to account for upholding laws and standards affecting gender equality. Accountability institutions are expected to act in an impartial, gender-neutral way, but even electoral institutions—which give citizens the means to demand answers of politicians, and to eject them from power if they are found wanting—contain hidden gender biases that fail to translate women’s political preferences into the selection of representatives who will advance gender-equity interests. A number of institutions exist whose task is to maintain oversight regarding state actions; these include audit institutions, the judiciary, policy review committees and special anti-corruption or human rights commissions. These too can reproduce gender and other biases in the standards they use for assessing probity in public action.

There are many informal accountability mechanisms, ranging from protest action and lobbying, to more structured efforts to engage citizens directly with state actors through public hearings, participatory planning exercises and social audits. But there is a limit to the informal power of civilian groups to hold leaders to account. Social mobilization to put pressure on officials and to call authorities to account takes time and media skills, and is rarely an option for poorer and lower-status women. Lack of accountability except through these informal channels contributes to the weak political “voice” of women, and their inability to challenge inequalities in access to resources and social justice.

Gender-sensitive reforms to accountability institutions should enable women, individually or collectively, to secure representation within such institutions, and ensure that power holders are made accountable for supporting the principle of gender equity in their public actions. They need to be scrutinized in the following areas: the terms upon which men and women participate or are appointed, investigation methods, the use of evidence, and standards of probity and fairness. There should be a remit in their terms of reference or articles of establishment to answer to women as a group; and their standards of conduct and procedural methods should view gender inequities as unacceptable.

CIVIL SERVICE REFORMS

The starting point of many governance reform programmes in the 1990s was civil service cutbacks designed to trim the cost of the public sector payroll, promote efficiency in service delivery and eliminate corruption. However, radical “downsizing” reforms had only modest successes, and today’s civil service restructuring programmes stress a package of “new public management” measures. These include the outsourcing of some public administration functions; encouraging better performance by changing incentives; and the introduction of performance
monitoring to improve accountability. The IFIs now recognize that there are key areas of state action where the goal must be service improvement rather than state shrinkage. These are areas such as primary health care, education and social protection, in which markets do not offer the tools for achieving full coverage or reasonable minimum quality.12

So far there has been little interest in gender equity as a component of public sector reform. Some areas to be considered include the impact of civil service restructuring on the gender balance of staff at all levels, and how changes to incentive and accountability systems affect the interactions between state agencies and women citizens. Privatization, or “outsourcing” of key state services and amenities, also has an impact on gender equity, especially where cost recovery has required the introduction or increase of user fees. This tends to discriminate against women, especially in low-income groups, who represent a significant proportion of the clients (see also chapter 8).

Comparable cross-national data on women’s share of public-sector employment, and on their position in public-sector hierarchies, are difficult to obtain; but evidence suggests that public bureaucracies display a marked gender asymmetry in their staffing patterns, with many more women at lower than at higher levels. International Labour Organization (ILO) figures show that women average less than 10 per cent of staff in “public administration, defense, and social security” around the world, and between 10 and 20 per cent in education and health.13 Only in some state-socialist and transition countries, and in some Caribbean countries, do numbers rise significantly above these low averages. Downsizing may target areas where female employment is scarce but where overstaffing is chronic, such as mining or transportation. However, in countries where women’s share of public-sector employment is high, such as was the case in Viet Nam, downsizing programmes have had a devastating impact. In the early 1990s, 70 per cent of the nearly one million employees laid off from state-owned enterprises were women.14

Where cuts are made at the lowest levels of public services, this can mean that the proportion of women losing their jobs is greater than that of men. A 2003 South African study into the effects on women of privatizing solid waste management in three municipalities found that women workers tended to suffer most because of the way in which collective bargaining took place. The jobs performed by most women were not protected by collective bargaining agreements, unlike those of men.15 Among clients, poor black women also suffered most from the new arrangements because they tended to bear responsibility for solid waste disposal and have to pay for the new services. The trade-off is that solid waste management is the urban service that improved most in the last few years, with the number of households receiving an acceptable level of service increasing dramatically between 1996 and 2001.16

The experience in China

China has not been immune from pressures to downsize and streamline its public sector in order to promote better economic management. Throughout the 1990s various measures were taken to abolish or merge ministries, to modernize recruitment patterns, and to lay off public sector workers. In 2001 the size of some central government units such as the State Council had been reduced by 50 per cent.17 It is not clear what proportion of those who left the civil service were women; women’s share of public-sector jobs had been falling since the 1980s,18 and by 1996, constituted just 19 per cent. Since the reforms, this proportion appears to have dropped.

In 1993, when greater transparency in recruitment and promotion within the civil service was introduced, the step was welcomed by women, who anticipated an improvement on the obscure party-controlled appointments of the past. Instead they appeared to be further disadvantaged, as their qualifications were inferior to those of male competitors. The Chinese President Jiang Zemin’s 2001 announcement that business people would actively be preferred for government jobs has likewise worked against women, who represent just one-third of entrepreneurs, and tend to be clustered in the micro-enterprise and service sectors. Thus they lack the big business expertise the government is looking for.19

China has no quota system for women in the public sector, nor even an anti-discrimination clause in its new civil service regulations. This experience shows how concern for equal
opportunities can be neglected in a control-oriented, fiscally constrained public-sector environment. There is a risk that the emphasis on short-term financial control that characterizes some public-sector reforms will undercut client responsiveness. Where market values dictate the allocation of resources and the shaping of preferences, women’s requirements will invite a poor response from public services because of market and political failures in translating them into consumer demand.

**Damaging impacts on education and health outcomes**

If public-sector reforms are trimming women out of the public service or confining them to insecure contracts, this will inhibit the attainment of global goals on female education and health. Gender parity in public-sector recruitment has distributive consequences beyond equal working opportunities; it also positively affects the equitable distribution of public resources. Case studies of interactions between public-sector workers and clients show that there are differences in the ways male and female staff interact with clients, with women staff showing greater sensitivity and responsiveness to women’s problems. The effect on service delivery is, however, only apparent where certain institutional factors overcome professional and cultural biases against women. These include supportive top-level leadership, a gender-equitable organizational mission, and at least 30 per cent women in the bureaucracy.

Where the service is underfunded or low-status, where conditions are poor, or where women staff are in the lowest-level jobs, they may replicate male-biased service delivery patterns, identify with male superiors, or disavow connections with women clients. Demoralized, underpaid and poorly resourced staff, women or men, may seek to limit the demands clients place upon them by providing limited information, curtailing their contact with socially marginal clients, and enforcing rituals of deference to augment their own status in relation to clients.

Incentive systems are probably more important than gender in shaping the way public-sector workers respond to their clients. Public-sector reforms have focused upon ensuring that incentives and performance measurement discourage corruption and promote efficiency, though there is an increasing interest in rewarding performance which assists poorer people. But where reform is designed to promote a market-like response in public-service provision, there are few incentives to encourage staff to invest in the time-consuming activities for which no financial gain to the service or individual is apparent. To visit families to ensure girls’ attendance at school or ante-natal check-ups at the health centre is time-consuming and requires strong motivation.

Performance measures for monitoring the work of public-sector staff need likewise to recognize gender-related achievements. Incentive systems often limit rewards to staff to delivering services more rapidly and cost-effectively. Another problem is that actions to promote gender equality are not always easily quantifiable; they may involve a long-term investment in gaining the trust of women clients, and engaging with them on matters not directly related to the service in question. A study of women community health workers in northeast Brazil, for instance, showed that one key to their excellent performance was willingness to spend time in non-health-related activities, helping women clients cook nutritious meals, bathe children, and so on. But these efforts are not recorded or rewarded in official performance-related pay systems.

**Tools for improving gender sensitivity**

Women’s associations and international institutions have prioritized several areas for gender-sensitive public-sector reform. These include recruitment quotas to ensure a stronger presence of women at all levels of the bureaucracy; the introduction of gender-equity concerns in performance measurement; consultation with women clients of public services, and measures to respond to their complaints. The creation of public services exclusively for girls or women—such as girls’ schools or women’s police forces—has been seen in some settings as a way of redressing gender bias.

Where there are no institutional channels for citizens to influence service providers directly, informal means such as social mobilization and media exposure are deployed to shame
officials into remedy. Exposure of malpractice in the public administration tends to be confrontational, and in many settings carries personal risks: people may lose their jobs or suffer ostracism. In reasonably consolidated democracies, the route is more practicable and developed. Organizations in India have taken this approach, conducting “social audits” in which public-spending accounts are exposed to and reviewed by the very people meant to have benefited. In New Delhi, an organization called Parivartan (Change) has used Delhi’s 2002 Right to Information Act in this way to secure service improvements from the city’s water board, road works and street-lighting departments. On behalf of more marginal populations, Parivartan used the Act to obtain information about government support for primary schools in low-income neighbourhoods, and exposed the failure to deliver on spending promises.26

**Gender budgeting**

A tool increasingly used for monitoring government spending is the “gender budget” method pioneered in Australia and South Africa.27 Gender budgets analyse the likely impacts of planned spending in order to make links between national gender-equity policies and actual spending allocations. These exercises by civil-society groups, sometimes undertaken in partnership with government departments, supply parliamentarians with gender-aware budgetary information in the hope that they will goad the executive into more appropriate spending patterns. In some places they have been highly effective in exposing the gap between government commitments to certain social policies, and actual spending. In South Africa, for instance, they revealed that government commitments to social equity were in danger of being overridden by arms procurement deals that threatened expenditures on social programmes. In the period since 1999, civil-society scrutiny of public accounts in the area of defence and intelligence has helped put pressure on the Finance Ministry to live up to its commitment to make savings in these areas and commit the resources instead to improving women’s and children’s well-being.

Although the South African gender budget analysis exercises have been notably successful, others have run up against constraints. Delays in producing these analyses are difficult to avoid since they can only be conducted after budget priorities are announced. And follow-up is limited: sympathetic parliamentarians are usually restricted to raising questions about gender-differential spending patterns, which may not lead to governmental action. A lack of access or even a right to information on government spending has been the main obstacle to producing evidence that can be used for the enforcement of social policy commitments. Even if this information were available, it is usually not gender-disaggregated. Data on gender differences in actual spending would equip critics with the means of illuminating and closing gaps between budgets and expenditures.

Recent gender budget initiatives have addressed some of these problems. In India, gender budgeting by civil-society groups has accessed audits of government expenditure to compare stated against actual spending. A focus on the outcomes of spending has enabled results-based gender budgeting activity in Rwanda to show publicly whether government spending is achieving its objectives. And in Mexico, gender budget analysts have been effective in briefing parliamentarians and making changes in budget appropriations.

**GENDER AND THE RULE OF LAW AGENDA**

Legal and judicial reform have always been major concerns for gender-equality activists because law and its enforcement play a central role in establishing people’s access to resources, social status and basic rights. Legal systems around the world, both in the content of law and its enforcement, provide a particularly striking case of the internalization and reproduction of gender biases. Enforcement systems frequently fail women. For instance, they may fail to define violations of women’s physical security as a crime, or fail to enforce legislation in this context, particularly if women have suffered violence at the hands of male relations. This is also a feature of informal justice systems governed by the norms of community rulings or religious law presided over by religious or tribal authorities such as councils of elders. The norms and standards prevalent in these informal institutions often infuse formal legal systems.
Formal and informal legal systems that subordinate women to men in the family, weakening women's citizenship rights and exposing them to violence and abuse, have served as powerful platforms upon which women of different political persuasions can unite. An example of a broad-based legal-rights struggle in southern Africa is discussed in box 11.1. But feminist legal-rights activism has been less effective in promoting gender equality in informal justice systems; and there has not been marked success in bringing gender equity into the contemporary “rule of law” reforms that address commercial issues and the business environment.

Legal pluralism and gender equality

Many feminist approaches to law reform take a “legal centralist” approach: they view the state as the central authority in legal systems and the ultimate unifying source of legal norms. The “rule of law” reform agenda promoted by IFIs also focuses mainly on formal legal systems, although there is recognition in the international donor community that non-state justice and security systems have much more impact on the lives of low-income groups and women than do formal systems. Legal pluralism, where two or more orders co-exist, is the norm in many developing countries where different communities’ own systems for matters such as marriage or inheritance are respected. In some contexts, informal justice systems severely limit the province or the legitimacy of formal law, casting doubts on the effectiveness of a feminist focus on the state as the medium through which to enforce changed rules and norms in gender relations.

The focus on formal law has also tended to create the impression that statutory law and formal judicial institutions are inherently more progressive than traditional legal institutions, which claim authority on the basis of their unchanging authenticity. But any legal system, conventional or customary, is an evolving reflection of social norms and power relations. Historical analysis has shown that “customary” law is often a reflection of colonial practices that have privileged certain social groups. Similarly, conventional or modern legal systems often reproduce profound gender biases, and modern judicial institutions sometimes resist feminist legal reform, limiting women’s access to justice. Feminists have become much more critical of legal universalism and modernism as a result.

When “universalism” and “uniformity” disguise gender and cultural biases, modern legal instruments can remain just as limited as customary law in promoting social change. This is illustrated by the case of India. Here, a uniform civil code to

Box 11.1 Women’s struggle over citizenship rights leads to improved representation

The Emang Basadi Women’s Association in Botswana, founded in 1994, set out to remove the restrictive provisions in the county’s Citizenship Act that denied citizenship rights to the children of women married to non-citizen men. Subsequently the movement has demanded legal reform in a number of other areas, particularly those that confer excessive power on husbands in marital relations, in matters concerning the control and ownership of family property, and consequent restrictions on women’s capacity to engage in legal contracts and financial transactions.

After some time, Emang Basadi’s tactics changed from lobbying for policy change to promoting an increase in women’s presence in the legislature. Before national elections, it developed a women’s manifesto, the first of its kind in Africa. The manifesto set out demands for redress against measures that had depressed women’s social and economic status, and established a framework against which government performance could be assessed and monitored.

override customary variations on personal law was a goal of the secular independence movement, and was embedded in the constitution. Subsequently, the notion of uniformity has been seen by the minority Muslim community as a ploy to obliterate their special and different cultural status. In recent years, the greatest champions of a uniform civil code have been Hindu chauvinist associations that promote legal uniformity as a means of highlighting the “backwardness” of the Muslim community. Muslims argue that behind the notion of “uniformity” are versions of family relations and social life that reflect the majority culture. Thus “uniformity” can disguise discrimination, instead of serving as the levelling or equalizing force originally, and usually, intended.

Informal justice systems
The enduring legitimacy and practical accessibility of informal justice systems, especially in the area of personal law, make them an important focus for gender-sensitive reform. These codes and their practitioners often reinforce gender and age-based hierarchies in their rulings, using normative frameworks at odds with constitutional rights. This gender bias is particularly pronounced in matters dealing with inheritance and other marital property issues, due to the deeply embedded perception of male heads of household as having the ultimate or sole authority to take major decisions concerning family property.

Exemption clauses for informal systems remain intact in many countries in Africa and South Asia. In Nigeria, for instance, federal states are given discretion to apply personal laws with respect to family matters. Some northern Nigerian states have gone so far as to extend the application of Islamic Shari’a law to criminal matters, which has generated heated debate on gender biases such as dress-code restrictions on women, workplace discrimination against unmarried women, and severe penalties for alleged adultery. The death sentences imposed on two women for adultery in 2000 illustrated the extent to which traditional authorities can act with impunity in imposing sentences declared unconstitutional by the federal government. The two women eventually won appeals against their sentences in the High Court, supported by local and international protests.

However, in countries where the formal judiciary has inadequate reach, the authorities are increasingly dependent on these informal institutions to settle disputes and bring offenders to book, in a pragmatic choice of customary law rather than no law. These mechanisms are accessible, cheap, and deliver judgments that may be seen by parties to disputes as more legitimate than those of distant courts using alien legal frameworks. They can also be effective at negotiating reconciliation and restorative justice, especially needed in war-damaged communities (see chapter 14). Thus there is mounting political pressure from religious and ethnic minorities and indigenous groups in many countries to legitimize community justice practices. This has benefits in allowing communities to own their justice systems, but can also compromise the advancement of women’s rights.

Proposals for the reform of traditional justice
Since women’s subordination to men is a central principle in many informal justice systems, challenges to gender-biased norms may seem impracticable. A pragmatic approach argues for expanding whatever space there is for women’s rights within traditional systems, particularly in the adjudication of family disputes, and otherwise opening these systems up to constitutional oversight. In some informal justice systems in sub-Saharan Africa, constitutional changes that give power to traditional leaders impose new accountability requirements upon them at the same time: they are enjoined to uphold constitutional principles on gender equality to the same level as any public body. This accommodative approach to traditional systems recognizes the legitimacy of customary laws, but insists that they do not override citizens’ rights to voice their dissatisfaction and seek redress from the national legal system when practices justified on the basis of personal laws produce unjust results.

There is often a marked gender imbalance in the staffing of informal justice systems, and a lack of interface with formal judicial institutions that could regulate their actions. Reform measures and proposals have included increasing women’s representation, linkages to social welfare services, and oversight measures. It is mandatory, for instance, that one-third of the
members of Uganda’s local council courts are women, and in Tanzania, three of the seven members on each village land council are women. The Rwandan Gacaca tribunals—traditional grassroots dispute-settlement forums that have been revived to deal with the local aftermath of the 1994 genocide—would in the past have been composed of male elders. But the government promoted the election of women magistrates, with the result that about one-third of the judges currently hearing cases are women.

Because informal justice tribunals hear a far greater number of cases of gender-based violence than do the police and the formal courts, women’s non-governmental organizations (NGOs) in some contexts work with them to provide support services. The Kenyan Coalition on Violence Against Women has proposed training for chiefs on how to use referral services such as the Child Welfare department, in order to improve the chances that victims of domestic violence are supported. Most efforts to regulate and monitor informal justice systems are still only at proposal stage. In South Africa, where it is proposed that headmen’s tribunals be given formal recognition as courts, the Law Commission has proposed that they should abide by minimum standards such as respecting the rights of litigants to appeal to higher customary or magistrates’ courts if issues remain unresolved, or if they do not agree with the judgments made by traditional leaders.

The formal justice system and gender

The “rule of law” element of the governance agenda contains underlying assumptions about the relationship between law, the economy and society. Critics suggest that the agenda promoted by the international development establishment is premised upon models of economic rationality and social activity that are highly mechanistic and unrepresentative of “real world” societies. This is especially pertinent for societies where informal institutions profoundly influence the practical workings of the judicial system and the enforcement of rulings. The outcomes sought by the reforms overestimate the extent to which individuals alter their behaviour in relation to such changes, and their core premise—that productive capitalism needs formal adjudication, scrupulously enforced contracts and inviolable rights—is regarded as exaggerated.

The principal intention of these “rule of law” reforms is to improve the capacity of the law and its enforcement to insulate private property and market activity from public regulation. This intention restricts the extent to which gender issues are explicitly addressed, or can be raised. The reform programmes also address the chronic problems of inefficiency, incapacity and corruption suffered by the formal justice system in many developing countries. Here, women’s interests in removing the obstacles to their access to justice can perhaps be served. Women’s activists in southern Africa have highlighted the following problems: the geographical inaccessibility of courts and the high cost of fees and professional legal assistance; delays, lack of legal aid and low levels of legal literacy. The lack of women judges and magistrates in most countries is also acute. Many Muslim countries and those in sub-Saharan Africa have no women at all in the highest courts. In others women have only a token presence: 1.3 per cent of judges in Nepal, for example.

While these problems are widely recognized, most “governance reform” packages are primarily concerned with the larger accountability role of the judiciary. The lending practices of the World Bank and the African Development Bank focus primarily on the role of law in creating a healthy environment for business transactions by guaranteeing the security of property rights and upholding contracts. Thus current lending activity for judicial reforms focuses on fiscal matters such as changes to tax administration systems, revision of commercial codes, and liberalization of the financial sector (banking regulation, bankruptcy law, corporate governance, insurance and securities regulation). Other areas include laws to facilitate privatization, the creation of markets in land through formal titling systems, and administrative and infrastructural improvements to judicial institutions such as courts, police and prisons.

Reforms to property law, labour law, commercial contracts and banking law have important implications for gender equity, but the gendered impacts of these reforms have not received much attention. The case of land-tenure reform, which is of critical importance both to the investment environment and
to the survival prospects of rural people, illustrates the problem (see chapter 6). Land in Africa is held and used under plural legal arrangements; it may be subject to different rules about use and ownership at different times, depending on the actors involved. The fixation with the market advantages of formal titling systems risks eroding the land-use rights of family members with undocumented interests in land. These invariably include women, whose rights to occupy or farm land in many cases depend on marriage to their nominal “owner”, and whose rights traditionally may be assumed to have lapsed if he dies or rejects her.

**Land titling and tenure**

The 1990s saw land-tenure reform introduced across sub-Saharan Africa, notably in Tanzania, Malawi, Uganda, Côte d’Ivoire, Niger, Namibia, Zimbabwe, South Africa and Ghana. Most of these programmes were originated to encourage the transition from family holdings to individually owned land parcels. In many African customary tenure systems, the needs of women agricultural producers are protected through community land-management rules that limit the power of a male head of household to alienate land. Formal titling programmes in practice, if not in intention, tended to result in the issue of titles predominantly in the name of male heads of household, and have created a new problem of female landlessness. In Kenya, where land titling has been under way since the 1950s, only 5 per cent of registered titles are held in women’s names.

This is a classic instance of a modernization programme reinforcing traditional ideas of male dominance and ownership of family resources in such a way as to reinforce and formalize gender bias. In the late 1990s some land-reform programmes took stock of the problem. Both in Tanzania and South Africa, the virtues of customary tenure as far as women’s rights were concerned were acknowledged, and steps were taken to ensure that women’s rights in land could be defended in law. South Africa has also provided for the legal recognition of communal ownership in the form of common property associations, with strong measures to defend women’s land access.

Gender bias in property ownership and in family legislation has significant follow-on effects for women engaging in market enterprises. The capacity of women entrepreneurs to finance investments is limited to their inability to offer land as collateral; yet reforms in the financial services industry take no cognizance of this factor. A study of financial-sector reforms in Uganda showed that they reinforced the biases of lenders against the agricultural and retail marketing sectors—those in which women entrepreneurs are concentrated.

Land and financial services reform demonstrates the gendered distributive consequences of legal arrangements, and show that it is critical for gender-equity advocates to mount more systematic challenges to the market-derived priorities in legal-system reforms. A commentator points out that in sub-Saharan Africa, “arguments for gender equality have always encountered a hostile reception: now there is a dominant discourse that gives even more legitimacy to such contestation in official circles, some of it couched in apparently neutral terms such as efficiency and competing priorities in the face of resource constraints.” Bringing gender equality into market-focused legal reforms is essential for extending the reach and enjoyment of women’s constitutional rights.

**DEDICATED INSTITUTIONS TO REPRESENT WOMEN’S NEEDS**

The importance of establishing a formal presence for the representation of women’s interests in public administrations has long been recognized by activists, and has produced 30 years of experimentation. Different types of “national women’s machinery” have been invented, ranging from dedicated ministries to bureaux in the office of the chief executive, or women’s units in key line ministries such as agriculture, health or education. A recent comparative analysis of women’s political effectiveness across Europe finds that the presence of these women’s units has had a major influence in promoting gender-equity policies. Studies in developing countries have been more equivocal, suggesting that women’s units have very often been captured by ruling parties or subordinated to women’s wings run by first ladies, and have been starved of resources and access.
to decision making. Nevertheless, they can be effective in forwarding the cause of women, depending on their powers and capacities, and the extent to which they are legitimized and supported by national women’s movements.

The Servicio Nacional de la Mujer (SERNAM) in Chile, whose executive head has a cabinet seat, is considered a successful example. It has worked through the Ministry of Planning to ensure that adequate resources are devoted to improving women’s economic opportunities and reducing their poverty. Although its connections to the women’s movement have enhanced the impact of its efforts, these relations have not always been smooth. During the first post-Pinochet democratic administration, SERNAM was criticized for failing to tackle discrimination against women. In 1995, under a new administration, SERNAM surprised its critics by bringing out a radical Plan for Equal Opportunities that firmly embraced many key feminist concepts and demands. This turn-around has been sustained, as evidenced by the passing of a gender-sensitive national health policy in 2004.

Overcoming constraints

Many national policy bodies for women—including SERNAM—lack formal oversight powers to review policy making in other sectors. They therefore have to rely on informal accountability controls such as popular pressure and public shaming. To tackle these constraints, some women’s bureaux rely upon women’s associations as “whistle blowers”, even recognizing this role by granting them formal status. The Commission for Gender Equality in South Africa offers accreditation to civil-society associations and rights of regular observation of its work, to both supply the Commission with information and act as a quality check.

A contrasting experience is that of the state-level women’s commission in Kerala. Set up in 1996, its six commissioners were so starved of resources, and its recommendations so ignored that in late 1999 it took the government to the High Court to demand resources and legislative attention. In its first three years the commission had proposed a revised law on child custody, stronger laws on rape and harassment, an increase in alimony, proposed measures to improve implementation of the Dowry Prohibition Act, and pressed for increased numbers of women in public-service posts. Not one recommendation was tabled in the State Assembly. Although it continues to struggle for resources and attention, the commission gained the respect of feminist women’s groups when, in 2000, it defended a senior woman bureaucrat who had been sexually harassed by a prominent state minister. While the government closed ranks around the offender, the commission reminded Chief Minister E. K. Nayanar that “it is the Government’s responsibility to create conditions conducive for women to work with honour”. The offender was forced to resign.

The establishment of commissions and similar bodies to defend women’s interests will undoubtedly continue and their ranks expand, under pressure from women’s movements and feminist groups. Sustained social and women’s mobilization is needed to obtain better accountability to women from public-sector actors. Also needed is the dissemination of basic information about decision making and policy implementation to enable civil-society groups to assess whether official commitments to gender equity are carried out. This is another area where the formal presence in government of a women’s bureau or unit can work with women in the wider society, opening up opportunities for dialogue and consultation. There is a long way to go before meeting the needs of women citizens is universally accepted as a measure against which the performance of leaders and officials is assessed.
Notes

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46 Nyamu-Musembi 2004:46.
50 Waylen 2000.
Since the 1990s, an important focus of governance reform has been the strengthening of local government by the decentralization of powers, resources and responsibilities to municipal councils and other locally administered bodies. The intention is to improve the quality and efficiency of services, strengthen fiscal management, enhance private sector development and increase local participation in decision-making processes. Decentralization is expected to produce these outcomes because, since government will be nearer to them, citizens will take a closer interest in how their taxes are spent, and will subject to closer scrutiny the actions of their local representatives than they do those who disappear to the capital, holding them accountable to local needs.

This part of the reform agenda has been more open than others to the active participation of women, both as elected local councillors and as the clients of local government services. Women generally, as well as low-income and other socially marginal groups, are expected to benefit from the accountability and service delivery improvements that government in close proximity should provide. This is particularly relevant where social programmes of importance to disadvantaged groups are to be developed and managed locally—programmes such as those for health outreach, primary schooling, employment and income generation, slum redevelopment, and low-cost water and sanitation services.

Local government is also regarded as a significant political apprenticeship arena for women. Barriers to their entry—such as the need to travel and spend time away from home, a large disposable income, a reasonable level of education, experience of political competition, and social connections—are lower at the local level. Local government is also regarded as appealing to women participants because of the focus on basic community services; women’s engagement in informal community management is believed to make them attractive as local planners and managers. Institutional innovations to broaden local participation in decision making, such as new participatory budgeting arrangements in Brazil and elsewhere, can also give women more incentive and better opportunities to engage in public debate.

The 1990s saw a number of legal and constitutional innovations around the world designed to enhance women’s participation in local government; these included quotas and other measures to bring women into local office. These actions were supported and promoted by the International Union of Local Authorities, which in 1998 issued a Worldwide Declaration on Women in Local Government to encourage national support for affirmative action at the local level. The implication to be derived from analysing some of these experiences is that specific institutional engineering is indeed needed both to encourage women’s participation in local government, and to make local governments accountable to female constituents. Women’s participation in local government will not make its institutions more responsive to women’s needs unless measures are put in place to counteract their capture by patriarchal elites.
The Prevalence of Women in Local Government

It is not possible to obtain globally comparable data on women’s participation in local government. The International Union of Local Authorities does not offer such data; there is such wide variation in the demarcation of subnational governments that they are barely comparable. Nevertheless, using self-reported country data from a 2003 survey conducted by United Cities and Local Governments (UCLG), a global network supporting inclusive local government, a partial impression of the current proportions of women in local government can be obtained (see figure 12.1).

![Figure 12.1 Women in local government and national parliaments, 2004](image)

Sources: UCLG 2003; Drage 2001; Svara 2003; OSKa 2002; Namibian 2004; Evertzen 2001; UN Statistical Division 2004.

This data shows that with the exception of Latin America, in no region of the world is there a consistently higher proportion of women in local councils than in national parliaments. The survey found that the average proportion of women in local councils for the 52 countries reporting was just 15 per cent—no different from the global average of women in national parliaments; and that in leadership positions, the proportions of women were even lower: for instance, 5 per cent of mayors of Latin American municipalities are women. In many of the cases where there are more women in local than in national government, this is because quotas or other affirmative action provisions have been applied locally, but not, or not to the same extent, at the national level. This is the case for Namibia, Uganda, India, Pakistan, Bangladesh, France and many Latin American countries.
The implication of this data is that local government is not necessarily, or has yet to become, the attractive and positive arena for women's participation that has been assumed. It may even be the case, contrary to conventional thinking, that women actually face greater obstacles to political engagement at the local than national levels in some contexts because of the intensity of local patriarchal norms.

**COUNTRY EXPERIENCES OF AFFIRMATIVE ACTION**

Most of the countries with measures in place to promote women's presence in national parliaments have related measures at the local government level. Some states have used the local level for experimentation before applying affirmative action at the national level. Namibia's 1992 Local Authorities Act required that, depending on the size of the local authority, between one-third to one-half of candidates in local elections be women; the success of this measure led subsequently to voluntary quotas in some parties at the national level.\(^5\)

In other contexts, local-level affirmative action has been something of an afterthought both for national administrations and for the women's movement, because so much attention was focused on improving women's rate of participation in national assemblies. In South Africa, for example, the relatively poor results for women candidates in the first local government elections prompted civil society action and legislative changes to boost their engagement in future rounds. Even though women's activism had been strongest at local levels during the anti-apartheid struggle, democratization drew many local women activists into national government, weakening their local participation.\(^6\)

The case for affirmative action measures at local levels is best made by women's poor electoral performance in local and other subnational elections lacking such measures. In Namibia, contrasting outcomes are evident in different electoral systems. For both local council and national elections, a proportional representation (PR) system is used, with both formal and informal quotas of female candidates. For the regional elections for the upper chamber, the National Council, a single-member, simple-plurality system with no affirmative action is used. The numbers of women elected show striking differences. For the local authorities, the 1992 elections produced 32 per cent of women, rising to 41 per cent in 1998. At the national level, the main political party, the South-West African People’s Organization, applies formal quotas, with the result that the proportion of women in parliament has grown from 8 per cent in 1989 to 29 per cent in 2003. However, in the regional elections only 3 per cent of those elected for the national council in 1992 were women, rising only to 4 per cent in 1998.\(^7\)

In South Africa the closed-list PR system that proved so successful in sweeping women into national office in 1994, 1998 and 2004, was not applied wholesale to local council elections. Only 40 per cent of seats at the local level are selected through a PR system; a ward system with only one representative per ward and the winner decided by simple plurality is used for the rest. The African National Congress (ANC) did not apply the national quota of 30 per cent women in its candidate lists for the first local government elections in 1995; nor did other parties. As a result just 19 per cent of elected local councillors were women. In 2000 women did much better, thanks to a provision in the Municipal Structures Act urging parties to ensure that half of their candidate lists are made up of women, while women also competed more successfully for the ward seats, capturing 28 per cent of local government seats overall.\(^8\)

**Reservation systems**

India's local government elections, which are ward-based, apply a different affirmative action method: the reservation of a percentage of wards for all-female competition. A 1992 constitutional amendment reserved one-third of local government seats for women, and in addition reserved seats for socially excluded caste groups in proportion to their numbers in the local population. This system, designed to overcome social resistance to the public participation of previously excluded groups in local affairs, has been celebrated for its success in putting about a million women in local government at any particular point in
time. However, there are some disadvantages. The location of the reserved territorial constituency rotates after each election, and this can discourage parties from investing in women’s political capacities. Women may also be seen as short-term participants in politics: after one term of office the constituency is released for open competition and the incumbent woman representative usually stands little chance of re-election. But since a portion of constituents are obliged to vote for women and to be represented by a woman, the attitudes towards their participation should change over time.

An alternative reservation method has been used in Uganda, where the 1997 Local Government Act reserves 30 per cent of local council seats for all-female competition. But these are added seats, not a portion of existing seats. New wards are created for women to represent, cobbled together out of clusters of two to three existing wards, in effect at least doubling the constituency size which women represent, compared with regular ward representatives. Instead of giving women an advantage in political contest with men, new public space is created for women’s exclusive occupation. The elections for the women’s seats are held around two weeks after the ward elections. In the 1998 local elections, voter fatigue and irritation with this drawn-out procedure led to a failure to achieve quorums in the elections for women all over the country. After several attempts to re-run the ballots, the results from poor voter turn-outs were accepted. This undermined the legitimacy and credibility of Ugandan women as local councillors. The system also undermined their efforts to compete with men in ward elections. Voters told them that their turn would come later, in the special women’s elections.

RESISTANCE FROM TRADITIONAL AUTHORITIES

One of the important factors inhibiting women’s participation in local governance systems is the endurance of traditional institutions for running community affairs, and women’s previous role—or lack of one—within them. Where local elites dominate existing systems, decentralization is likely to entrench them, with not very promising prospects for women. Local elites are often drawn from groups who held power traditionally, for example tribal authorities, religious councils or groups of clan elders. These were often groups created or co-opted by colonial authorities to extend their power over community affairs to the extraction of revenue or labour for public works. Their traditional roles included the adjudication of family life and property, including extending or refusing approval of marriage unions, assigning responsibility for widows and orphans, and settling land disputes. These mechanisms of community self-government derive resilience from the local respect and legitimacy they enjoy.

These institutions, sometimes called “ascriptive” or “first-tier” institutions, are the source of substantive norms that remain deeply meaningful to participants, enabling them to survive when formal institutions suffer decay or discredit. Where civil conflict and social disruption prevail, they may remain the only source of functional authority. They also, importantly, control access to resources: to land, water and livelihoods; to arbitration mechanisms over disputes; and to informal services such as education and health. These are of key importance to the survival prospects of people whose government-run services and employment prospects are shrinking, and where services and amenities are commercialized. Traditional authority institutions in most parts of the world are deeply patriarchal, offering little space for the independent authority of women (and also excluding youth and the socially disadvantaged). They make women’s participation contingent on conformity with the policy and spending preferences of masculine hierarchies.

The devolution of formal political and administrative powers to the local level may revitalize these systems and confer on them a new lease of life. The local chief or ruling group of landowning families typically assumes leadership positions or exercises patronage control over elected councillors. The continuity of power-holding may occur intentionally, when traditional rulers are politically powerful and demand protected space for their own authority, to exercise their traditional functions, for example in imposing order and enforcing security locally, and in the jurisdiction of petty local disputes.
Experiences in India

In Indian local government, where reservations in local government as already described are made for women and for representatives of scheduled castes and tribes, the old lines of authority may operate indirectly. A study of women elected to local councils in West Bengal found that 17 per cent of the women in reserved seats were married to men who had previously held the seat, in contrast to just 2 per cent of the women who held an open, unreserved seat. Another study of women councillors in the first term of office after the reservation system had been installed in Rajasthan, Madhya Pradesh and Uttar Pradesh, found that one-third of these women were stand-ins for husbands and sons. Thus some women in office act as proxies for influential male leaders in the locality who, had these wards not been reserved for women, would expect to have occupied these positions themselves.

Similar attempts are made to prevent certain members of scheduled castes and tribes from gaining seats on the council or being elected as sarpanch (council chairperson); where this position is reserved, traditional leadership groups often ensure that their own choice of candidate is elected. The prevalence of these “proxy politics” methods have delayed the erosion of traditional local power and patronage systems. Campaigns continue to be waged not on programmes and policies but on appeals to caste and community loyalty. Women councillors may be routinely denied access to records, knowledge of accounts, and even the right to sit with the male council members. In Rajasthan, where the traditional patriarchal system is deeply entrenched, there have been cases where women councillors and sarpanches (local council chairpeople) miss council meetings because they are not informed of them, and thereby can be removed from office for nonattendance at several consecutive meetings. No-confidence motions have unseated

Box 12.1 Ousting a Rajasthani women leader

Chaggibai was elected sarpanch of Rasulpura panchayat (council) in 1995, a position in this case reserved not just for a woman but for a member of a scheduled caste or tribe. Chaggibai was a member of the Bhil tribal group, and was encouraged to run for the position by members of the Rawat caste that made up over 60 per cent of the population in this Rajasthani constituency.

An independent-minded woman, Chaggibai was literate, had worked as a school administrator, and was known in the area as a participant in the national-level Mahila Samakhya (Women’s Equality) programme, and was therefore a surprising choice as a proxy candidate. But she had long ago separated from her husband and was seen therefore as more easy to manipulate than a married woman would be.

At the first village assembly after her election, the local Rawat strongman—who had always run the local council from the confines of his house—refused to allow Chaggibai to speak. She had assembled over 400 women and scheduled caste and tribal people to attend, but they were all ordered to go home. During the next months, Chaggibai mobilized the downtrodden groups in the community to support her efforts. She held open meetings to discuss local development plans, initiated construction projects concerning drains, school buildings and roads, and saw that the council office building was completed so as to accommodate open sessions.

When Chaggibai led local women in demonstrations against an illegal liquor store run by the deputy sarpanch, the Rawat community leaders counter-attacked, locking the council office doors against her, hiding files containing illicit transactions, and attempting to assault her. Subsequently, nine of the 12 council members including two women met privately and passed a vote of no confidence against her.

Chaggibai’s case was taken up by the People’s Union of Civil Liberties and by Rajasthan’s women’s movement, and a petition was filed against her removal in the Jaipur High Court. But she was never reinstated. She commented several years later: “They simply couldn’t tolerate a woman, especially a Bhil. If I had been their puppet, as they expected me to be, none of this would have happened.”

a number of lower-caste women sarpanches in Rajasthan, a case of which is described in box 12.1.

Not only may women councillors be silenced or undermined, but gender-equity proposals and policies emanating from the state or national level may be rejected. In 1995 the sarpanches of Bassi block, also in Rajasthan, unanimously passed a resolution condemning saathins (the word means “friend”), the women workers of the state’s Women’s Development Programme. The saathins were expected to engender a critical consciousness of gender relations amongst rural women, not simply to deliver development resources. Their work was therefore controversial in such a conservative society, and provoked the boycott by the sarpanches of Bassi. This in turn provoked the following observation: “As long as sarpanches of the Bassi type continue to dominate the panchayats, the women members will be bypassed, or even harassed, if they dare to oppose the male patriarchs of their villages”. Since the time of these incidents, there has been progress in the exercise of influence by women councillors and sarpanches; they have been able not only to articulate local women’s preferences regarding local services, but to change spending priorities in some areas.

Experiences in South Africa

In South Africa, some traditional bodies have been assigned direct powers, either in competition with, or directly over, democratically elected local councils. Under white rule, indirect rule in the black-designated apartheid territories was delegated to tribal authorities to help contain and depoliticize rural populations. When apartheid rule ended, these authorities fiercely resisted the loss of the considerable local power they had amassed. Both they and conservative Afrikaner associations have subsequently manoeuvred for as much local autonomy as possible. One of the democratization challenges in post-apartheid South Africa has been to undermine the racial and ethnic divisions that were previously exploited to help maintain political control.

The reorganization of local government in South Africa has proceeded in several difficult stages since the first round of local government elections in 1995/6. First came the merger of racially segregated areas to end the skewed distribution of public goods and services. Middle-class white ratepayers in cities put up most resistance, but traditional leaders also objected when new municipal boundaries cut across rural districts and tribal land.

The need to juggle the demands of various interest groups led to extensive negotiation and uncertainty between 1994 and 2000 over the ways local government should be constituted. Traditional leaders were able to use this period to entrench their already considerable local influence. Represented by the Congress of Traditional Leaders of South Africa (Contralesa) and supported by such powerful ethnically based political parties as the Inkatha Freedom Party (IFP) in Kwa-Zulu Natal, in 2000 the traditional authorities demanded the reservation of 50 per cent of local authority positions, in response to the ANC government offer of 10 per cent. The compromise agreement was a 20 per cent reservation for hereditary leaders, which by definition excluded women.

Not only are unelected traditional authorities given space on local councils, but in some areas where state service delivery systems are weak, they have been designated the gatekeepers of access to key public goods. New government-sponsored “traditional development centres” are presided over by local chieftaincies and serve as one-stop shops dispensing pensions, HIV/AIDS awareness services, small business advice, as well as providing sites for mobile clinics. It may well be the case that in the more remote rural areas where the apparatus of administration is thin, traditional routes are the only effective means of delivering these services. One observer has commented: “It is ironic that government closest to the people is occurring within the context of a system dominated by non-elected, patriarchal structures. The flurry of compromises aimed at placating traditional leaders has … in turn compromised rural women’s access and position, through the elevation of hereditary chieftainship to a privileged and protected position within local governance.”
GENDER-SENSITIVE INSTITUTIONAL INNOVATIONS IN LOCAL GOVERNMENT

Wherever women’s access to local government has been promoted through affirmative action measures, non-governmental organizations (NGOs) have rushed to offer training programmes to build women leaders’ capacity to engage in local decision making. These programmes make a valuable contribution to women councillors’ assertiveness and ability to analyse policies; but they need to be complemented by a matching programme of institutional reorientation. A minimum programme for institutional reform in local government to enhance the capacities of women councillors might include:

- systems to ensure that the voice of women and other socially marginalized groups is weighted effectively against the interests of more powerful groups
- safeguards on poverty-sensitive or gender-sensitive spending
- effective means of enabling women councillors and women local residents to engage in participatory budgeting, planning and auditing, to see that funds that have been committed for gender-equity and pro-poor efforts are spent properly
- incentives to encourage bureaucrats and elected officials to respond to the concerns of disadvantaged groups and women.

Any such programme would presuppose that decentralization has devolved to local authorities a degree of financial autonomy, access to sufficient revenue to make an impact on local development, and planning powers. However, this might not be the case. Local governments have access to revenue from local sources (such as taxation, service charges and duties), and other sources (state or central government grants, and sometimes external aid); but there is tremendous variation across countries and within federal states in the levels of revenue that local governments enjoy. In many cases, their decision-making powers over local spending are severely constrained. Local governments also vary in their mandates to design spending plans for local services, amenities and social programmes.

There is also considerable variation in the degree of control that local authorities have over lower-level personnel in line ministries.

ENABLING WOMEN’S VOICES TO BE HEARD

The extent to which local governments acknowledge unequal participation by women and other marginalized groups and try to compensate for it varies very widely around the world. In the Indian system of local government, the gram sabha, or village assembly, is the arena for participation in planning. Indian states differ in their regulations for membership and quorums in these assemblies, but some have tried to remedy deficits in women’s participation. In Madhya Pradesh, a quorum at a gram sabha meeting is not reached until one-third of the people assembled are women. In Rajasthan, a similar provision requires that women must be present in the village assembly in the same proportions that they are found in the local community—that is, at least 50 per cent.

Women may be present in councils and village assemblies yet may not feel free to voice their views. The Indian state of Kerala has instituted additional measures to elicit women’s views on local planning. About 10 percent of the local budget is ring-fenced for “Women’s development”, and decisions about the allocation of these funds must be taken by all-women subgroups in the special gram sabha annual planning meeting. A further measure is designed to make local planning fora less intimidating and more accessible to women. Legal recognition has been given to smaller assemblies, both at ward level and among even smaller neighbourhood units of around 50 households. These are somewhat better suited to women’s participation than the much larger gram sabhas; they are less intimidating and address locality-specific problems, enabling women to take active decision-making roles.

Reviews of local spending

In decentralization processes everywhere, the function or power most weakly institutionalized is that of monitoring and auditing
local spending. In India, each state’s Local Government Act has made some provision for the “watchdog” role of the village assembly in supervising and monitoring the village panchayat. In most states village assemblies are empowered, on paper, to examine annual statements of accounts and audit reports. But this audit function is vague: there is no assertion of the power of village assemblies to audit actual spending through certification of expenditure or to ensure propriety in financial dealings. Thus there are few known cases of the gram sabha seriously challenging spending decisions.

A more structured approach to participatory reviews of spending has evolved in Brazilian municipalities. This was pioneered in 1988 when the Partido dos Trabalhadores (PT) introduced participatory municipal budgeting in Porto Alegre and Belo Horizonte. Participatory municipal budgeting gives citizens’ neighbourhood associations a direct say in how local funds are spent. Their roles in monitoring the execution of public works, and in reviewing expenditures, are both institutionalized. The annual budgeting exercise involves citizen representation on sectoral committees in their neighbourhoods to establish spending priorities for amenities such as paved roads, drainage, sewerage and school construction. Two huge open assemblies are held annually, one to review spending on the previous year’s budget, the second to elect representatives from each city zone to the Participatory Budget Council. Members of this Council, which includes senior municipal officials, are responsible for compiling the municipal budget.

During the 1990s participatory budgeting produced much greater equity in the distribution of public funds. Between 1989 and 1996 the proportion of households in Porto Alegre with access to piped water rose from 80 to 98 per cent; those served by the municipal sewerage system rose from 46 to 85 per cent, and the number of children enrolled in public schools doubled. Levels of popular participation have grown over time, with previously powerless and marginal groups making up at least half if not more of the regional assemblies. However, women are still not represented at the top decision-making levels of the neighbourhood committees that they otherwise dominate.

Gender budgeting at local level

Gender-sensitive local budget analysis is a new tool with which feminist groups have recently been building the capacities of local councillors. Its use at local level is still in its infancy, not least because many local governments rely upon transfers from the centre to finance essential services, and therefore make few spending decisions of their own. In Uganda and South Africa gendered local budget analysis is pursued through feminist NGOs: the Forum for Women in Democracy in Uganda and the Women’s Budget Initiative in South Africa. Some progress has been made in South Africa towards raising awareness of the impact of local government spending on programmes relating to women. This has involved informing women about local government revenues and expenditures, and highlighting the types of resource allocation that promote gender equality.

Gender-sensitive local budget analysis has exposed a key constraint on building accountability to women in rural areas: the perception that women contribute little to local revenues and therefore deserve little say in their expenditure. In Uganda, a form of poll tax, a vestige of the colonial “hut tax”, is collected from men, although the payments may actually be taken from the income earned by women in the household. Other methods for raising local revenue, for instance in service cost recovery, have gender-specific impacts. User fees for health, education or water supply connections affect women if they are the family members chiefly responsible for generating funds to pay for basic services. Low-income women are particularly affected by the imposition of licences and taxes for informal entrepreneurial activity, such as street trade or market stalls. Although in urban areas African women see themselves as taxpayers and as entitled to know how their taxes are used, in rural areas women may not be seen as taxpayers in their own right. Efforts by women to ensure that revenue is collected and spent in certain ways may not be accepted as an appropriate focus for women’s participation.

Innovations in local governance should amplify women’s voice in local deliberations, support spending on women’s needs, and build the capacity of women councillors to uncover fraud or failure to match commitments with spending. However, insufficient attention has been paid to entrenched attitudes among
local government bureaucrats. Village accountants, land registration officials, officials in charge of local common property resources such as forests and water, tend to resist the transfer of authority from their line ministries to elected local councillors; these may seem to them to be socially inferior, technically ill-equipped for decision making, and to be assuming responsibilities rightfully their own. In some contexts these officials reserve special contempt for women councillors, whose authority they may undermine by refusing to co-operate with them.

WOMEN’S IMPACT ON LOCAL DECISION MAKING

In spite of the significant obstacles to women’s local political effectiveness, there is evidence from decentralization experiments around the world that women councillors and residents do manage to articulate priorities in local planning and decision making that differ from those of men. In Rajasthan, women councillors and leaders have been increasingly vocal in articulating women’s perspectives in matters such as access to water, fuel and health care. They are also active over such practices such as the illegal privatization of the commons by encroachment and tree-felling; these are often important sources of illicit “rents” for panchayat officials. Evidence from a few all-women panchayats in Maharashtra, Karnataka, Madhya Pradesh and West Bengal shows that women have introduced shifts in local spending, prioritizing land transfers to women, water supply issues, and toilets for women in low-caste areas.

Two systematic studies of the relationship between women’s stated priorities and actual spending patterns in village councils led by women in West Bengal and Rajasthan suggest that, despite the handicaps they may face in terms of education and prior experience, and the preconception that they will provide weak leadership, women have a real impact on policy decisions. These studies found an unambiguous association between women’s stated spending priorities—drinking water and roads—and changed levels of spending, as shown in figure 12.2. In both states, women expressed more interest in drinking water facilities than men, and spending shifted—even if only a little in the Rajasthan case—to reflect their priorities. Another review, this time of the quality of services under the supervision of panchayats led by women, found that drinking water supply services were generally better, and that women councillors were less likely to demand bribes from contractors. Unfortunately, the review also found that residents in these panchayats were less likely to be satisfied with the service. Even when objective measurements demonstrated the superiority of councils run by women in delivering certain services, they were held to harsh standards of performance.

Figure 12.2 Gender policy preference and investment in villages with reserved and unreserved leader position for women. Evidence from West Bengal and Rajasthan, India

<table>
<thead>
<tr>
<th></th>
<th>WEST BENGAL</th>
<th>RAJASTHAN</th>
</tr>
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<tbody>
<tr>
<td>Roads</td>
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<tr>
<td>Men/Unreserved</td>
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<tr>
<td>Women/Reserved</td>
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<tr>
<td>Drinking Water</td>
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<tr>
<td>Men/Unreserved</td>
<td></td>
<td></td>
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<tr>
<td>Women/Reserved</td>
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</tbody>
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Notes: * Villages (gram panchayats) with leader position (Pradhan) reserved for women. ** For the year 2002. The indicators for investment used were: for roads, condition of roads (100 if good); for drinking water, number of drinking water facilities built or repaired (bottom axis). *** Percentage of issues raised in the previous six months (among the total number of issues raised by women or by men); information collected in 2000 (top axis).

Source: Chattopadhyay and Duflo 2004.
POLITICAL REPRESENTATION: THE PROMISE FOR WOMEN

Local government will be the political arena of women’s participation to watch over the next decade. In spite of the formidable obstacles women face in gaining a presence in local government bodies and gaining a hearing for their major concerns, there is no question that in some contexts they are having an impact, and that this impact is being reflected increasingly in local spending patterns. Conflicts over local resource access may well intensify in coming years, but the numbers of women councillors defending women’s interests will increase also.

There is ample evidence to show, as the studies drawn upon have done, that women-responsive politics and policy making require changes to the conduct of politics and systems of governance that reach beyond simply putting more women in office. Strong and autonomous women’s movements are needed to debate priorities, to legitimize feminist policy demands, and press them upon political parties and government leaders at both national and transnational levels. Public institutions such as social service bureaucracies, public expenditure, audit and judicial systems have still a long way to go in developing sensitivity to women’s needs and to gender equity. Women legislators alone cannot compensate for gender-specific accountability failures in governance systems.

There is still much research to be done on the policy impact of women in public office in developing countries. Although

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**Figure 12.3 Gender equality in education, economic activity and political participation, 2001**

<table>
<thead>
<tr>
<th>Region</th>
<th>Primary Education Enrolment</th>
<th>Economic Activity Rate</th>
<th>National Parliaments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other developed</td>
<td>78</td>
<td>25</td>
<td>100</td>
</tr>
<tr>
<td>Western Europe</td>
<td>69</td>
<td>31</td>
<td>100</td>
</tr>
<tr>
<td>Latin America and the Caribbean</td>
<td>55</td>
<td>16</td>
<td>100</td>
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<td>Oceania</td>
<td>72</td>
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<td>99</td>
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<tr>
<td>Central Asia and Eastern Europe</td>
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<td>East and Southeast Asia</td>
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<td>West Asia</td>
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<td>North Africa</td>
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<td>8</td>
<td>90</td>
</tr>
<tr>
<td>Sub-Saharan Africa</td>
<td>73</td>
<td>12</td>
<td>100</td>
</tr>
</tbody>
</table>

Notes: All indicators are measured as female to male ratios, including “National Parliaments”, where the ratio calculated was the number of female to male members. Hence, a ratio of 100 means perfect equality among genders.

Sources: Calculated from UN Statistical Division 2004; UNDP 2003.
male bias in governance institutions can act as a counterweight to the efforts of women in office, the main drivers of gender-equity policy agendas around the world have been women’s political engagement and civil society activism. This is reason enough to pursue gender parity in politics with more vigour. A lot remains to be done. Whereas gender disparities in primary education and economic activity have been substantially reduced, gender disparities in formal politics remain striking, as figure 12.3 shows.

Figure 12.3 is a sobering reminder that the successful integration of larger numbers of women in politics remains exceptional; these are inspirational cases that do not yet indicate a trend. Finding ways of increasing women’s participation in public life—as elected representatives, as executive appointees, and in the rank-and-file of public service bureaucracies, from the police to the education system—remains a priority. And even then, it will not on its own necessarily result in women-friendly policies. The accountability of public and private power holders to women must be improved, and institutional frameworks reshaped to be more responsive to the needs of women and to the expression of demands by women activists inside and outside the formal machinery of government and political life.

Notes
1 Molyneux 2004:16.
3 UCLG 2003.
4 Massolo 2004:25.
6 Beall 2004:15.
7 Bauer 2004.
8 Beall 2004:17.
10 Tamale 1999.
12 Chattopadhyay and Duflo 2004:984.
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