

KENT LAW SCHOOL, UNIVERSITY OF KENT

# Refocusing Gender Equality on Gender Justice

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A Critique of the Politics of Gender Equality Interpretation in  
the Field of International Development Assistance

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THESIS SUBMITTED IN FULFILLMENT OF REQUIREMENTS FOR THE DEGREE OF PHD

JULY 2011



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## Acknowledgments

This thesis owes much of its substance, vision and engagement to the many women and men, met in the field during all the field missions undertaken in Africa and Latin America over the last 10 years. They have entrusted me with their personal stories, with generosity, openness and trust. The thesis was essentially written in the hope that it will bring some changes to their conditions.

Amidst the many inspiring authors encountered through the reading and studying of their works, I wish to pay a particular tribute to some outstanding women writers and thinkers whose works have given me immense sense of joy, inspiration and hope for critical changes to come. These are Prof. Hilary Charlesworth, Prof. Nancy Fraser, Dr. Chahdortt Djavann and Caroline Fourest.

I will remain forever indebted to my supervisor, Prof. Wade Mansell of the University of Kent, least for his patience in the countless reading of drafts, for remaining the primary source of inspiration over the last 20 years, for his tireless encouragements and faith in me, which have played a determinant part in the achievement of this work. My deepest thanks for their comments and revisions which have punctuated key parts of the work must be extended to Anne Bottomley and Belinda Meteyard of the University of Kent – they have always incarnated my idea of outstanding critical legal feminism. Special thanks to Prof. Harm Schepel of the University of Kent in Brussels for his enlightening comments and invaluable moral support.

Special thanks are extended to Anna Curado for all her care and professionalism in the editing process.

In particular, special thoughts and thanks are extended to my field mentors, guiding stars and friends whose outstanding professionalism and humanity have brightened and guided the path followed by the thesis: Dr. Britha Mikkelsen and Anette Arestrup.

I would also like to thank unforgotten mentors that have nurtured my desire for writing and creativity earlier on. Amongst these, I must thank Mrs Joyce Lucchesi, teacher of Italian Literature and Mrs Maddicott, teacher of History of Rye St. Antony School, Oxford and Mme Radulescu, teacher of French Literature of Notre Dame de Sion, Paris VIème.

On a personal note, I wish to give special and warmest thanks to my father, Augusto Forti, for providing me with the opportunity to study in such privileged conditions and for his love, support and firm anchorage in free and critical thinking which have marked my entire education.

I would like to thank my mother Mara Muscetta, my grandmother Lucia Galeota and my grandfathers Umberto Forti and Carlo Muscetta, for transmitting their most precious cultural heritage to me: their love for studies, books, music, foreign languages and literature.

Warmest thanks must go to my best friend Laura Pereira and beloved niece Camilla Forti for taking care of me and keeping my spirits high throughout this work.

Finally, it is with all my heart that I wish to thank my partner and life companion, Nicolaj Sønderbye for so many years of outstanding encouragements, endless support and deep love and for always believing in me.

The thesis is dedicated to Alma and Carlo, 'mes petits-chéris-adorés-du-fond-du-cœur-des-(n')étoiles-brillantes' and little companions of the many late nights work, to whom I would like to transmit, more than my everlasting love, all that is enclosed in these words.

## Abstract

'Refocusing Gender Equality on Gender Justice: A Critique of the Politics of Gender Equality Interpretation in the Field of International Development Assistance'<sup>1</sup> is a critical analysis of the interpretation of gender equality in the field of IDA. The various interpretations examined are extracted from key spheres composing the field of IDA, such as the theory, international legislation and international policy, donor and national policy and the programme sphere at field level. These reveal the prevalence of certain underpinning ideological perspectives and the absence of others. The thesis discusses the significance and implication of using hegemonic identity politics perspectives including Third Worldist, anti-essentialist, difference, cultural relativist and postcolonialist perspectives in the interpretation of gender equality in IDA. One of the key implications discussed is the eclipse of other relevant focuses such as redistribution, the universality of gender inequalities and violations of women's human rights. The thesis demonstrates that such eclipses form a recurrent pattern and have had consequences in the practice of IDA and its response and impact at programme level in terms of effectively addressing inequalities and injustices facing women. The research ultimately draws key orientations to refocus gender equality, beyond the politics of identity, towards gender justice in the field of IDA.

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<sup>1</sup> The title is inspired by the works of Nancy Fraser's, her understanding of 'Gender Justice' in N Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (Columbia University Press 2009) and the notion of 'the politics of rights interpretation' in her statement: 'It is crucial that progressive forces not assume that the content and meaning of rights is simply given or established once and for all. Rather, they need to engage in what I am tempted to call the politics of rights interpretation, in which the content and meaning of rights is a stake of struggle.' Nancy Fraser with Kate Bedford, 'Social rights and gender justice in the neoliberal moment: A conversation about welfare and transnational politics' (2008) 9 (2) *Feminist Theory* 238.



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## Abbreviations and Acronyms

<b>CAST</b>	Change Assessment and Scoring Tool
<b>CBO</b>	Community-based organisation
<b>CEDAW</b>	Convention on the Elimination of all forms of Discrimination Against Women
<b>CEDECHA</b>	Atlantic Coast Centre for Human Rights
<b>CGE</b>	Commission on Gender Equality
<b>Cida</b>	Canadian International Development Agency
<b>CMP</b>	Community Management Programme
<b>CS</b>	Country Strategy
<b>CSO</b>	Civil society organisation
<b>CUP</b>	Comprehensive Urban Plan
<b>DAC</b>	Development Assistance Committee (OECD)
<b>Danida</b>	Danish International Development Agency
<b>DFID</b>	Department for International Development
<b>DOC</b>	Drivers of Change
<b>DRB</b>	Domestic Relation Bill
<b>EC</b>	European Commission
<b>ECOSOC</b>	United Nations Economic and Social Council
<b>EEC</b>	European Economic Community
<b>EU</b>	European Union
<b>EVD</b>	Evaluation Department in DFID

<b>FGM</b>	Female Genital Mutilation
<b>FEMUM</b>	Federación de Mujeres Municipalistas de América Latina y El Caribe
<b>GAD</b>	Gender and Development
<b>GDP</b>	Gross Domestic Product
<b>GE</b>	Gender Equality
<b>GEAR</b>	Growth, Employment and Redistribution Strategy
<b>GEP</b>	Gender Equality Project
<b>GPC</b>	Gender, Poverty and Children's Issues Task Team
<b>GTZ</b>	German Technical Co-operation
<b>HIC/LAC</b>	Habitat International Coalition for Latin America and Caribbean region
<b>HIC-WAS</b>	Habitat International Coalition: Women and Shelter Network
<b>HIV/AIDS</b>	Human Immunodeficiency Virus /Acquired Immunodeficiency syndrome
<b>HR</b>	Human Rights
<b>HQ</b>	Headquarters
<b>IDA</b>	International Development Assistance
<b>IDB</b>	Inter-American Development Bank
<b>IDT</b>	International Development Targets
<b>IIDH</b>	International Institute for Human Rights (Central America)
<b>IMF</b>	International Monetary Fund
<b>INIM</b>	National Women's Institute
<b>IOs</b>	International Organisations
<b>IS</b>	Institutional Strategy
<b>IULA</b>	International Union of Local Authorities
<b>KCC</b>	Kimberley City Council
<b>LGDSP</b>	Local Government Development Support Programme
<b>MDG</b>	Millennium Development Goals
<b>MEFF</b>	Multilateral Effectiveness Funding Framework
<b>MIFAMILIA</b>	Ministry of the Family
<b>MINED</b>	Ministry of Education

<b>MINSA</b>	Ministry of Health
<b>MTEF</b>	Medium Term Expenditure Framework
<b>NDI</b>	National Democratic Institute
<b>NCP</b>	Northern Cape Province
<b>NGO</b>	Non-Governmental Organisation
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OPR</b>	Output to Purpose Review
<b>OSW</b>	Office on the Status of Women
<b>PAF</b>	Performance Assessment Framework
<b>PAHO</b>	Pan-American Health Organisation
<b>PfA</b>	Platform for Action
<b>PIMS</b>	Project Information Marker System
<b>PPP</b>	Public Participation Programme
<b>PRA</b>	Participatory Rural Appraisal
<b>PRAM</b>	Participatory Rights Assessment Methodologies
<b>PRBS</b>	Poverty Reduction Budget Support
<b>PRODEL</b>	Urban Development Programme
<b>PROSILAIS</b>	Program in Support of Local Integrated Health Systems
<b>PRS</b>	Poverty Reduction Strategy
<b>PSA</b>	Public Service Agreement
<b>RAAN</b>	North Atlantic Autonomous Region
<b>RAAS</b>	South Atlantic Autonomous Region
<b>RAP</b>	Regional Assistance Plan
<b>RBA</b>	Rights-Based Approach
<b>RDP</b>	Reconstruction and Development Programme
<b>ROLAC</b>	Regional Office for Latin America and the Caribbean
<b>SALGA</b>	South African Local Government Association
<b>SANGOCO</b>	South African National NGO Coalition
<b>SDA</b>	Social Development Adviser

<b>SGBV</b>	Sexual and Gender-based Violence
<b>Sida</b>	Swedish International Development Assistance
<b>SSAJ</b>	Safety, Security and Access to Justice for All
<b>StatsSA</b>	Statistics South Africa
<b>STDs</b>	Sexually Transmitted Diseases
<b>SWOT</b>	Strengths, Weaknesses, Opportunities and Threats
<b>SWAp</b>	Sector Wide Approach
<b>TOR</b>	Terms of Reference
<b>TPL</b>	Trees, Paving and Lighting Project
<b>TSP</b>	Target Strategy Paper
<b>UK</b>	United Kingdom
<b>UMP</b>	Urban Management Programme
<b>UN</b>	United Nations
<b>UN-HABITAT</b>	United Nations Human Settlements Programme
<b>UNICEF</b>	United Nations Children's Fund
<b>UNIFEM</b>	United Nations Fund for Women*
<b>URRACAN</b>	Autonomous University of the Atlantic Coast Region of Nicaragua
<b>UTV</b>	Department for Evaluation and Internal Audit
<b>WAT</b>	Women Advancement Trust
<b>WB</b>	World Bank
<b>WE</b>	Women's Empowerment
<b>WHP</b>	Women and Habitat Programme
<b>WHSDP</b>	Women in Human Settlements Development Programme
<b>WID</b>	Women in Development
<b>WLSA</b>	Women and law in Southern Africa
<b>WP</b>	White Paper

\*UNIFEM is now entitled UN WOMEN

# 1 Introduction

This chapter introduces the background, the research problem, hypothesis, thesis and research questions and the methodology in the following structure. Section 1.1 introduces the background that led to the research and section 1.2 presents the content of the research problem, hypothesis and thesis. The research questions are presented with a related summary of the subject of investigation for each chapter. Section 1.3 develops the methodology including section 1.3.1, outlining the approach which consists of a critical approach to the subject of investigation. Section 1.3.2 outlines the methods for data collection. The details of the following methods are presented: the literature and document review, the viewing of televised and e-debates, interviews with key informants and focus group discussions with beneficiaries of IDA programmes. The methods also include broader scale data collection through e-mail questionnaires responses, experts meetings and international conferences reports.

Special tailor-made methods for case studies are detailed for each of the four case studies, respectively case study N.1: evaluation of gender mainstreaming in UN-HABITAT; case study N.2: evaluation of Sida's support for the promotion of gender equality in partner countries: Nicaraguan and South African country case studies; case study N.3 evaluation of Sida's support to NDI Burkina Faso and case study N.4: evaluation of DFID's policy and practice in support of gender equality and women's empowerment. The chapter concludes with section 1.4, the presentation of the overall structure of the thesis.

## 1.1 Background

The reflection around paradoxes, complexities and conflicts in the field of gender equality, women's human rights and gender justice within International Development Assistance (IDA) began with a story. Twelve years ago, a young intern, with eyes full of idealistic vision and a desire to make a difference in people's lives, was sent to Dar-es-Salaam to assist one of the leading figures of the Fourth World Conference on Women.<sup>2</sup>

The intern's assignment consisted of assistance to a 'prominent Lady' in preparing for the Pan-African Women's Conference on a Culture of Peace<sup>3</sup> and designing specific projects addressing women and poverty in Tanzania. The conference took place in May 1999, in Zanzibar as planned, gathering some 300 participants and resulting in the Zanzibar Declaration 'Women of Africa for a Culture of Peace'.<sup>4</sup> Besides these 'results' which would normally qualify as successful outputs for a UNESCO sponsored conference, the process from the conference's back stage seemed at the antipodes of its noble vision.

The Declaration, presenting the culminant point of the conference, the expression of the common political will of 'women of Africa' taking the lead to making a difference on the poverty and war-stricken continent, had actually been drafted overnight by the 'subaltern', 'white and black heterosexual young interns and secretaries' together, whilst the 'black, powerful, rich, honourable ladies' had long gone to bed after having spending most of the conference day, queuing at the UNESCO accountant's office, filing claims to increase their per diem. They thus had to 'rely' on interns' and personal script assistants' notes, attending the debates for them, for their own Declaration and good-will speeches to come to light. The backstage processes of

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<sup>2</sup> 'Fourth World Conference on Women, Beijing' (4-15 September 1995)

<<http://www.un.org/womenwatch/daw/beijing/fwcwn.html>> accessed 27 February 2011.

<sup>3</sup> 'The Pan-African Women's Conference on a Culture of Peace' (Zanzibar, 17-20 May 1999)

<<http://www.unesco.org/cpp/uk/projects/zanzagenda.htm>> accessed 02 March 2011.

<sup>4</sup> 'Zanzibar Declaration, Women of Africa for A Culture of Peace' (The Pan-African Women's Conference on a Culture of Peace, Zanzibar, 17-20 May 1999)

<<http://www.unesco.org/cpp/uk/declarations/zanzibar.htm>>.

such Declaration, although made in the name of 'women of Africa living in poverty' shows at best the writing skills of the black and white young subalterns, and at worst the few signs of genuine interest from women in elite powerful position for their own people.

A similar paradox occurred when the intern discovered that the well-reputed 'Lady' she was supposed to assist in designing projects for African women living in poverty had her own special methodology. Shortly before the intern was to report back at UNESCO's headquarters in Paris and present her mission report (and possible attached budget) for the Lady's projects the Lady had stopped her four-wheel vehicle drive next to a slum area, called on four women to come over and asked them to clean the area next to her mansion (which she kept extending in the form of neo-classical towers, so strong was her desire to become Queen one day) paid them with a smile, and then drove off to the office to instruct her secretary to draft an imaginary budget of 10,000 USD for a project entitled 'gender and environment'. The story would have ended there and the bill probably footed by the United Nations (solely upon the aspiring Queen's good reputation) were it not for the fact that the 'subaltern' young intern, having witnessed the sham, refused to sign the imaginary budget and defied the Queen's might whose rage turned into blackmail and threatened to order the shut-down of all access to the airport. Still, the subaltern intern refused to sign the falsified budget and left the office, with a rather nervous foot step, but hoping that one day, she would be able to tell the story about the 'unsuspected' oppressor and the four exploited women from the 'gender and environment project'.

It would have also remained one of the many backstage banal stories in the field of IDA were it not for the fact that in the *fin de siècle*, *l'air du temps*, had changed and identity politics had become the new mantra: the presumed oppressor was almost inevitably the usual suspect, 'the white, heterosexual, middle class western man' and the presumed victim was almost inevitably the 'rest' of the world. Floating in the air, was also a strong presumption that women were 'culturally' more inclined to make peace – and thus in a supposedly advantageous position to make a better world – all they required was to be allowed to participate and be 'represented' in democratic

processes, their special gender needs 'recognised' and changes in the form of equality and justice would follow.

This story, if anything, struck as going against the mainstream current of thoughts and against false assumptions. For there was indeed not the shadow of the 'white, western, middle class heterosexual man' in the role of the oppressor, nor was there any more evidence that the interests of the highly reputable women participants were either genuinely concerned for the misery of their own people or interested in participating in development assistance projects for any other purposes than their own personal benefits. If anything, it showed that despite recognition and representation having been achieved, exploitation and injustices were still thriving. This story triggered the beginning of a reflection for this research: that gender justice may not be achieved through representation and recognition alone.

Since then, the drive to explore and reflect on whether exploitation, oppression and injustice has a colour and a sex or whether there are some fundamental commonalities in violations of women's human rights cutting across race, class and sex, grew as field experience was gained. Gender equality, women's human rights and their relevance to a broader idea of gender justice, became the main subjects of exploration from a practitioner's perspective through the evaluations of IDA policies and programmes undertaken by the author. Besides the six years spent living in Uganda, Sierra Leone and Ghana, some of the main field missions which the author has led or participated in and which have contributed to nurture, over the last eleven years, the reflection surrounding the subject of the thesis are summarised in the following table. The table shows the year, client and position held by the researcher for each assignment.



*Table 1 Assignments undertaken by the researcher*

Danida 2011-2010	Gender Expert	<i>Liberia. Review of Danish support to Gender Equality and Women's Empowerment (MDG 3) in Liberia.</i> The objectives of the mission were to assess the relevance, effectiveness and efficiency of the programme in light of OECD/DAC criteria in post-conflict countries and the latest Danida strategy linking post-conflict and governance.
Danida 2011-2010	Senior Gender Expert	<i>Benin. Review of the Support to Governance Programme and Support to Democracy and Gender Equality Programme.</i> The objectives of the review were to assess progress achieved by the two programmes, identify constraints and suggest possible adjustments in regard to the observed development at context and objective level.
Danida Fellowship Course (DFC) 2011 - 2006	Course Manager and Trainer	<i>Denmark. Training on Gender mainstreaming, Women's Human Rights and Gender Equality in English, French and Spanish.</i> The purpose of the series of training courses was to provide Danida local programme staff with conceptual and practical tools to improve implementation of the Danida Gender Equality strategy.
EC, Sida, Danida 2009 -2008	Team Leader	<i>Euro-Mediterranean Region. External Review of the EuroMed Human Rights Network.</i> The overall objective of the review was to assess the implementation and results of the interventions of the Network whose membership covers a diversity of human rights and democratic reform organisations from the European Union and South and East Euro-Mediterranean countries.
Sida 2008	Team Leader	<i>Burkina Faso. Evaluation of the National Democratic Institutes' Programme on Strengthening Women's Participation in Political and Decentralization Processes in Burkina Faso.</i> The evaluation consisted in an assessment of the effectiveness, relevance efficiency, impact and sustainability of the three year support to the programme.
Danida 2007	Gender and Law Expert	<i>Morocco. Final formulation of the Moroccan-Danish partnership project in the field of family law and violence against women.</i> The assignment concerned the development of a joint Moroccan-Danish partnership project in support of the implementation of the Mudwana – the new Moroccan family code from February 2004 within the framework of the Danish Partnership for Progress and Reform.

Danida 2006	Gender Expert	<i>Benin. Technical assistance to the implementation of Gender and HIV/AIDS Action Plan in the Ministry of Transport.</i> The purpose of this assignment was to assist the Ministry of Transport to assimilate the gender and HIV/AIDS action plans and to provide the Ministry with practical tools to implement it.
DFID 2006 -2005	Team Leader for two studies	<i>Asia, Africa and Latin America. Evaluation of DFID's Policy and Practice in support of Gender Equality and Women's Empowerment.</i> The purpose of the evaluation was to inform future DFID strategies, by assessing the results of policies and programming on gender equality and women's empowerment and any consequent effects on poverty reduction.
Danida 2004	Team Leader	<i>Burkina Faso. Democratic Governance programme.</i> The objective of the assignment consisted in the development of a Democratic governance programme following the new Danida programme management guidelines.
CIDA 2004	Team Leader	<i>Uganda. Baseline Survey on victims of landmine and war-related injuries in Northern Uganda.</i> The survey focused on the socio-economic integration of landmine victims and victims of war-related injuries within the communities and Internally Displaced Persons camps.
Danida 2004	Gender Expert	<i>Benin. Gender Action Plan for the Rural Transport Sector.</i> The consultancy aimed at the development of a gender action plan to be incorporated in Phase II of the Road Works Sector Programme supported by Danida.
Uganda Human Rights Commission 2003	Gender Expert	<i>Uganda. Corporate Plan for the Uganda Human Rights Commission.</i> The assignment consisted in developing a corporate plan for the Uganda Human Rights Commission for 2003-2006.
HRDP Danida 2003	Team Leader	<i>Uganda. Analysis of key women's human rights issues in Uganda.</i> This assignment entailed an analysis of the key socio-economic and cultural barriers women face in Uganda and how they were interrelated with violations of fundamental human rights.
UN- HABITAT 2003	Team Leader	<i>Kenya &amp; Ecuador. UN-HABITAT evaluation of Women and Habitat Programme and Gender Unit.</i> The assignment consisted of drawing lessons learned and forward looking recommendations for the gender unit within the organisation, gender mainstreaming within UN-Habitat programmes in urban

development areas and strategic relations with key partners NGO.

Danida 2003	Gender Expert	<i>Uganda. Development of a Gender Strategy for the Danida Human Rights and Democratisation Programme.</i> The assignment entailed developing a gender strategy, linking rights-based approaches, gender issues, poverty alleviation and conflict resolution.
Sida, Dutch Coop- eration 2002	Gender Expert	<i>Bolivia. Evaluation of Sweden's and Holland's Strategies for the Promotion of Gender Equality.</i> This Evaluation consisted in assessing how both development co-operation gender strategies worked in relation to the National Bolivian gender policies and international gender instruments.
Danida 2002	Team Leader	<i>Uganda. Project Appraisal of the Acholi Education Initiative, Special Scholarship for Interrupted Secondary Education for war-affected children, especially girls in Uganda's Northern Region.</i> This Appraisal entailed the mainstreaming of a rights-based approach and gender equality and its linkages to poverty reduction and conflict resolution.
Sida 2001	Team Leader	<i>Nicaragua. Mainstreaming Gender in phase 3 of the Sida Program on the strengthening of democratic institutions in the autonomous regions in the Atlantic Coast of Nicaragua.</i> This project entailed the analysis from a gender perspective, of the following components: legislative framework; institutional capacity at Regional, Municipal and Community level; participation of civil society and socio-economic development.
Danida 2001	Gender Expert	<i>Revision of the Danish Strategy for Women in Development (WID).</i> Global. The first part of this revision purported to address lessons learned in mainstreaming Danida's WID strategy into all sector programs and especially with regard to the following cross cutting themes: human rights and democratisation, poverty reduction and globalisation.
Sida 2001	Gender Expert	<i>Nicaragua, South Africa and Bangladesh. Consultant. Evaluation of Sida's Support to Development Co-operation for the Promotion of Gender Equality.</i> The overall objective was to assess the impact of Sida Gender Policy and Strategy through three country strategies from 3 different continent and specific programs in Health, Micro-credits, Urban Development, Democratic Governance and Education. It included qualitative interviews in the form of focus groups.

These assignments have also contributed to developing and testing methodologies in practice when assessing IDA projects and their 'actual' impact on the beneficiaries of the programme.

Therefore, a critical perspective developed over the last 10 years, is employed as the main approach throughout the thesis and is used as a relevant strategy to expose the reasons why certain interpretations of gender equality in the field of IDA have been privileged over others.

During the many years spent living in sub-Saharan Africa, the reflection carried out there and from Uganda in particular, led the author to try to link the realities of IDA from a field perspective with some of the most striking ideas in her early years at Kent Law School in 'Introduction to Law'. The connection between the two was obviously 'a critical approach' and the question that immediately followed was, 'but critical to what end?'

The critical approach of particular relevance to the research is thus best illustrated in *A Critical Introduction to Law*.<sup>5</sup> The book was the object of one of the first lectures attended at the Kent Law School and it began with an apocryphal story illustrating the central theme of the book, captured in the following fundamental question: 'Who drew the map?'<sup>6</sup> The question in the book applies to the field of law in order to critically reconsider what is usually taken for granted and to question common sense assumptions about the law.

The same question sparked the approach for this research in relation to the politics of gender equality interpretation in the field of IDA: Who drew the definition of gender equality in IDA? Likewise, this question is raised in relation to gender equality in

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<sup>5</sup> W Mansell, B Meteyard and A Thomson, *A Critical Introduction to Law* (3<sup>rd</sup> edn, Cavendish Publishing 2004).

<sup>6</sup> *ibid* 1.

order to reconsider what is usually taken for granted and to question common assumptions about the meaning of gender equality in IDA.

It was anticipated that a critical approach would lead to further reflection on issues such as the hegemonic ideologies underpinning the interpretations of the concept of gender equality, the interests at play underlying these ideological trends, and the extent to which these have addressed (or not) inequalities and injustices faced by women living in poverty in developing countries.

These questions constitute the central concern of the thesis and were raised as the author observed a fundamental gap between some hegemonic feminist theories and her professional practice as a gender consultant in the field of IDA. In her view, a critical approach to the field of gender equality in IDA is thus best positioned to shed light on these problematics.

In *A Critical Introduction to Law*, the critical approach undertaken could reveal the following premise:

‘Law in the Rule of Law form establishes its identity by excluding ideas of substantive justice, and it does so by equating justice with the idea of rules.’<sup>7</sup>

In other words, Wade Mansell explains that the rule of law version of justice has little to do with distributive social justice and merely ensures equal access to a set of formal procedures which are apparently neutral translations of and are independent from their political and social content.

This leads to the idea that a critical examination of common and recurrent patterns will not merely challenge specific interpretations of a subject, but at a deeper level, will question the adequacy of the theoretical framework which underpins the subject under investigation within a specified field.

Another aspect of Mansell’s analysis which relates to post-modern contestations of large and universal ideas<sup>8</sup> is exemplified in the following statement:

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<sup>7</sup> *ibid* 164.

(...) between being dominated by universal answers and being dominated by the fragmented knowledges of the market, there is a third way based on the recognition that the production of knowledge can be a collective and social process (...)<sup>9</sup>

Two ideas in this statement have catalyzed some of the need to apply a critical analysis at practitioners' level in the field of IDA. First of all, the paradoxical element that the very critique of hegemonic ideas could become hegemonic itself and thus could succeed in dominating a discourse in a given field with fragmented ideas thus further isolating local and individual realities. Such post-modern hegemonic critiques of hegemonies are thus as criticisable as the objects of their critiques. More fundamentally for the purpose of this thesis, they raise the question of the relevance of these stand points and the politics of identities in relation to addressing gender injustice and inequalities in IDA at all levels but especially in practice, in terms of impacting on poverty reduction. Secondly, together with the rejection of the grand ideas as illegitimate, lies the underlying rejection of universalism and commonalities that would, arguably, possibly justify much of social and collective processes towards achieving gender justice.<sup>10</sup>

Ultimately, it is anticipated that such a critique might be useful in formulating a re-envisioned focus underpinning gender equality. Such a focus would be expected to

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<sup>8</sup> See JF Lyotard, *La Condition postmoderne: Rapport sur le savoir* (Les Éditions de Minuit, 1979).

<sup>9</sup> Mansell and others (n 5) 175.

<sup>10</sup> Extract of a discussion on the critique of critique of metanarratives, which was never fully developed due to an interruption of the programme on the BBC Radio 3, Producer W Catlin, 'Mr Jenks Jumping Universe' (Loftus Production, London, 11 May 1997), in which interviews between Charles Jenks and several post-modern scientists such as Ilya Prigogine, Stuart Kauffman and Jean-François Lyotard took place. Jenks interpellated Lyotard in the following manner: 'But today we have a new metanarrative, coming from the post-modern sciences of complexity and the new cosmology, the idea of cosmogenesis, the story of the developing universe, the notion that the evolving cosmos is a single, creative, unfolding event that includes life and us in its narrative, one that locates culture in space and time: the universe in four jumps: energy, matter, life and consciousness.' Due to the interruption of the programme Lyotard's much expected response remained unspoken, leaving the conversation ironically 'fragmented'.

provide, through a renewed interpretation of gender equality in IDA, a more adequate response to gender inequalities and injustices faced by women in developing countries towards gender justice.

It is assumed that the implications of not rethinking current dominant theoretical perspectives relating to gender equality in IDA may have serious consequences. At best, the prevailing interpretation of gender equality may inadequately or merely partially address gender inequalities and injustices in practice, essentially being limited to monitoring progress in the quantitative participation of women in IDA supported programmes and anecdotal recognition of women's specific needs. At worst, to leave current ideologies intact may miss the opportunity to impact on poverty reduction, since the current framework does not focus on substantive social justice for women.

This research has been conceived to provide a much needed in-depth analysis of how key ideological shifts which underpin the interpretation of gender equality have played out at theoretical, international legislative and policy level, donor and national policy level and programme level in the field of IDA.

## 1.2 Theoretical and analytical framework model

In order to analyse such ideological shift, in order to investigate the research problem and associated research questions specified in the section below, the theoretical and analytical framework developed for this research draws on Nancy Fraser's three-dimensional gender justice model<sup>11</sup> as the most pertinent theoretical and analytical framework for analysing gender equality interpretations in the practice of IDA and for drawing out possible ways forward.

Such theoretical and analytical framework is appropriate to screen, analyse and categorise the varying interpretations of gender equality and respective underpinning

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<sup>11</sup> See N Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (Columbia University Press 2009) 16-18. An overview of the theoretical and analytical framework adapted from Fraser's gender justice model is provided here and is further elaborated in details in Chapter 6 in response to the third research question.

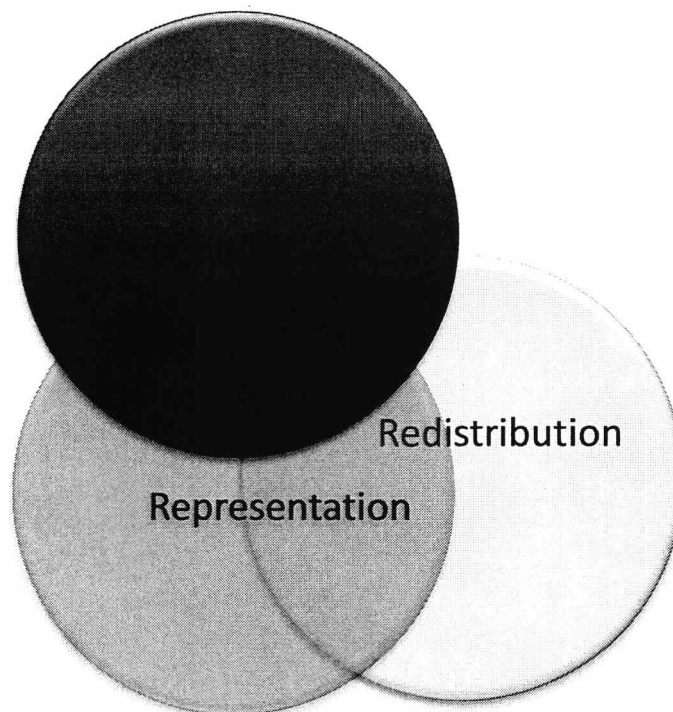
politics throughout the different levels of IDA. It provides a dynamic framework that is able to capture the extent to which eclipses of key notions and politics underpinning the concept of gender equality have occurred.

The figure below shows the author's interpretation of Fraser's ideal picture of third phase feminism focusing on gender justice – a balanced nucleus between what seem to have become conflicting and at times opposing focuses in the interpretation of gender equality in IDA, namely *representation, recognition and redistribution* – constituting together the notion of *gender justice*.

The theoretical and analytical framework for this research is illustrated by a dynamic model with variable degrees of connections or disconnections between the three focuses (illustrated by the circles in figure 1 below) throughout the different levels of IDA.



*Figure 1 Adapted dynamic three-dimensional theoretical model from Nancy Fraser's theory on gender justice in third wave feminism*



In the author's view, an adaptation of Fraser's three-dimensional model of gender justice offers a suitable theoretical and analytical framework to critically assess the varying definitions and interpretations of gender equality from theoretical, to international policy and legislative level, to donor and national policy level and to programme level in the field of IDA with a view to identify clear implications and provide indications as to possible ways forward.

### 1.3 Research problem, hypothesis, thesis and research questions

This section presents the hypothesis and research problem, the thesis and research questions.

### 1.3.1 Research problem and hypothesis

The research problem is formulated as follows:

The reason why gender equality has had so little impact in addressing injustices faced by women at programme and field level is because gender equality in the IDA field from theory, to international legislative and policy level to national and donor policy level has had little to do with redistribution.

The hypothesis is that in the analysis of the interpretation of gender equality throughout the different levels of IDA, it is possible to identify recurrent patterns of eclipses of redistribution which have been caused not only by the hegemonic neoliberal trend but also in part, by the hegemonic focus on recognition and representation favouring differences and cultural relativism over commonalities and universalism and quantitative participation over qualitative changes.

### 1.3.2 The thesis

Based on the research problem and hypothesis above, the thesis of this research is thus conceived as follows.

This thesis argues that the inadequacy of IDA's response to substantive socio-economic injustices affecting women living in poverty and deprivation has largely been due to a conceptual weakness in how gender equality is defined. This has coincided with shifts in feminist theory, as divergent schools of thought have promoted competing theories as to how gender equality is best understood. This has led to compromises being sought with those whose ideologies resist gender equality, or those who effectively limit the concept of gender equality to representation and recognition.

In particular, it is the contention of the thesis that the interpretation of gender equality in IDA has changed, and now reflects an insufficient focus on maldistribution and on the universal forms of violations of women's human rights. As a consequence, prevailing IDA discourse insufficiently challenges the common patriarchal structures entrenching substantive injustices for women across societies and throughout the

main levels of the IDA field. Furthermore, it is contended that such changes in focus form recurrent patterns across the main levels of the field of IDA.

Finally, it is argued that analysing these ideological developments not only deepens our understanding of the weak response to gender inequalities and injustices in IDA at present, but possibly also informs a refocus of gender equality to more adequately address gender injustices and inequalities.

### 1.3.3 Research questions

The research questions are thus formulated as follows:

Research question 1: *'How has the focus of the theoretical framing underpinning the concept of gender equality changed and what key elements have been displaced, dismissed and eroded?'*

Research question 2: *'How did this change in focus affect the interpretation of gender equality throughout the various spheres of the IDA field, from international legislative and policy level, to donor and national policy level, to programme and field level? If any, which common and recurrent patterns of changes can be identified and what are the main implications?'*

Research question 3: *'On the basis of the analyses and conclusions drawn under research questions 1 and 2, what should be the key elements of a renewed critical focus to underpin gender equality in IDA, and what pre-conditions, if any, should be considered towards the achievement of substantive gender justice?'*

#### First research question

Chapter 2 addresses the first research question as follows.

This chapter examines the key changes in feminist theories, and provides a critical examination of those which have posed the most significant challenges to the concept of gender equality. The chapter analyses the implication of these changes on the

key concepts and definitions underlying the notion of gender equality<sup>12</sup> such as International Development Assistance (IDA),<sup>13</sup> Women in Development (WID)<sup>14</sup> and Gender and Development (GAD).<sup>15</sup>

The chapter thus examines how such shifts in focus within the theoretical framework underpinning gender equality have dismissed, displaced or eroded fundamental notions in the interpretation of gender equality in IDA. In particular, the chapter critically assesses the eclipse of the notion of redistribution and the displacement of the

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<sup>12</sup> The notion of gender equality is undefined in the *Oxford Dictionary of English* (2<sup>nd</sup> edn, 2001) 763. For the online version see <<http://www.oxforddictionaries.com/noresults?dictionaryVersion=region-uk&isWritersAndEditors=true&noresults=true&page=1&pageSize=20&q=gender+equality&searchUri=All&sort=relevance&type=dictionarysearch> > accessed 02 March 2011. Thus gender equality is understood and examined throughout the research and for the purpose of the thesis through Fraser's three-dimensional matrix of justice thus encompassing equality between men and women in *representation, recognition* and *redistribution*. In the researcher's view, Fraser's three-dimensional matrix offers a sufficiently broad and pertinent framework to assess the varying definitions and interpretations of gender equality (and its focuses) in the specific field of IDA and their implications thereof. See Fraser (n11).

<sup>13</sup> See R Peet and E Hartwick, *Theories of Development: Contentions, Arguments, Alternatives* (2<sup>nd</sup> Edn, The Guilford Press 2009).

<sup>14</sup> See I Tinker, 'The Making of a Field: Advocates, Practitioners and Scholars' in N Visvanathan and others (eds), *The Women, Gender & Development Reader* (Zed Books 1997) 34-36.

<sup>15</sup> See K Young, 'Gender and Development' in N Visvanathan and others (eds), *The Women, Gender & Development Reader* (Zed Books 1997) 51-54.

universality<sup>16</sup> of women's human rights violations through the politics of identity's perspective<sup>17</sup> - which essentially focuses on recognition and representation.<sup>18</sup>

The first section of the chapter thus analyses the implications of the prevailing focus of identity politics in the interpretation of gender equality in the field of IDA. By

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<sup>16</sup> With the post-modern turn and the felt 'need to defend the small, the local and the plural against the large and the hegemonic, (...) [t]he grand narratives that underlie social cohesion – socialism, progress, belief in religious doctrines, or, for intellectuals, belief in Enlightenment reason, even the credibility of science – were faiths to which it was no longer possible to adhere. Following Critical Theorists Lyotard wrote that grand narratives were used ideologically by powerful institutions to legitimise their authority. He pointed out that in the post-modern period, the knowledge industries had taken over from the traditional productive industries, and their meta-narratives dominated over local micro-narratives.' C Jencks, *Critical Modernism: where is post-modernism going?* (Wiley-Academy 2007) 23.

<sup>17</sup> The politics of identity is used throughout the thesis in its broad sense. It is understood as encompassing prevailing theories in the second-wave feminism related to difference feminism, anti-essentialism, Third Worldism, postcolonialism and cultural relativism, which despite their diversities share a common focus: the challenge to universalistic perspectives and a prevailing focus on differences and cultural specificities rather than commonalities amongst women. See Fraser (n 11)101.

<sup>18</sup> Cultural relativism is understood as follows: 'Advocates of cultural relativism claim that rights and rules about morality are encoded in and thus depend on cultural context, the term 'culture' often being used in a broad and diffuse way that reaches beyond indigenous traditions and customary practices to include political and religious ideologies and institutional structures. Hence the notion of right (and wrong) and moral rules based on them necessarily differ throughout the world because the cultures in which they take roots and inhere themselves differ. (...) the strong relativist position goes beyond arguing that there is – as a matter of fact, empirically - an impressive diversity. It attaches an important consequence to this diversity: that no transcendent or trans-cultural ideas of right can be found or agreed upon, and hence that no culture or state (whether or not in the guise of enforcing international human rights) is justified in attempting to impose on other cultures or states what must be understood to be ideas particular with it.' H Steiner, P Alston and R Goodman, 'Comment on the Universalist-Relativist Debate' in H Steiner, P Alston and R Goodman (eds), *International Human Rights in Context: Law, Politics, Morals* (3<sup>rd</sup> edn, Oxford University Press 2007) 517.

For critique on the cultural assumption on the category 'women' see: A Bunting, 'Theorizing Women's Cultural Diversity Feminist International Human Rights Strategies' (1993) 20 (1) *Journal of Law Society* 6. For an illustration of 'the problematic role of cultural essentialism and a re-evaluation of the emancipatory potential of the victim subject in a postcolonial context,' see R Kapur, 'A Love Song to our Mongrel Selves: Hybridity, Sexuality and the Law' (1999) 8(3) *Social and Legal Studies* 353.

identifying cultural relativism as one of the most challenging issues for the field, this chapter assesses the extent to which cultural relativism has found a renaissance through a variety of feminist school of thoughts<sup>19</sup> from anti-essentialists,<sup>20</sup> to Third Worldists,<sup>21</sup> to postcolonialists,<sup>22</sup> and to difference feminists.<sup>23</sup>

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<sup>19</sup> For an analysis uncovering parallels and similarities between cultural relativists and feminists with a view to combining them into a joint critique of human rights see E Brems, 'Enemies or Allies-Feminism and Cultural Relativism as Dissident Voices in Human Rights Discourse' (1997) 19(1) *Human Rights Quarterly* 136.

<sup>20</sup> 'In contrast to cultural relativists and liberal pluralists, feminist anti-essentialists are centrally concerned with the interplay between culture and self, exploring ways in which culture constructs gendered individuals.' TE Higgins, 'Anti-essentialism, Relativism and Human Rights' (1996) 19 *Harvard Women's Law Journal* 89 in H Steiner, P Alston and R Goodman (eds), *International Human Rights in Context: Law, Politics, Morals* (3<sup>rd</sup> edn, Oxford University Press 2007) 545.

<sup>21</sup> Third Worldist is used throughout the thesis as conceptualised by Mohanty in her critical examination of feminist writings that produced 'the Third World woman as a singular monolithic subject in a process of discursive colonization which suppresses the heterogeneity of Third World subjects.' C Mohanty, 'Cartographies of Struggle: Third World Women and the Politics of Feminism' in C Mohanty, A Russo and L Torres (eds), *Third World Women and the Politics of Feminism* (Indiana University Press) 1-51; See also C T Mohanty, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses' in Mohanty, Russo and Torres, *Third World Women and the Politics of Feminism* (Indiana University Press 1991) 51-80.

<sup>22</sup> 'The idea of postcolonial criticism was to compel a radical rethinking of knowledge and social identities authored and authorized by colonialism and Western domination. Postcolonial critique sought to undo Europe's appropriation of the other.' G Prakesh, 'Subaltern Studies as Postcolonial Criticism' (1994) 99 *American Historical Review* 1475-1490. See also the interpretation of victims from an anti-essentialist perspective 'the victim subject has reinforced gender essentialism and cultural essentialism. These have been further displaced onto a Third World and "First World" divides. I discuss how this displacement resurrects the "native subject" and justifies imperialist interventions. (...) I show how the victim subject has been central to feminist legal politics in India and how this focus, in turn, is a symptom of post-colonialism (...)' in R Kapur, 'The Tragedy of Victimization Rhetoric: Resurrecting the "Native" Subject in International/Post-colonial Feminist Legal Politics' (2002) 15 *Harvard Human Rights Journal* 2.

<sup>23</sup> Examples of difference feminists is understood as illustrated by the following works: On the absence of consideration of lesbian consciousness in parallel with the consciousness of Third World women in feminism see A Lorde, 'The Master's Tools Will never Dismantle the Master's House' in C Morroga and G Anzaldúa (eds), *The Bridge Called Me Back: Writings by Radical Women of Color*

It is argued that this revival has been achieved largely by delegitimizing universalism, and with it, the notion of universality, which is inherent to i) fundamental violations of women's human rights such as violence against women and ii) the unequal distribution of power and resources. The chapter focuses on these two aspects as they constitute, amongst other issues, the core problematics faced by women beneficiaries of IDA, as is further evidenced in the first section of chapter 5.

The significance of these developments is further discussed in relation to the very conceptualisation and definition of key concepts and approaches which have formed the basis of the concept of gender equality in IDA. These are: IDA<sup>24</sup>, the Women in Development approach (WID)<sup>25</sup> and the Gender and Development approach (GAD).<sup>26</sup>

## Second research question

Chapters 3, 4 and 5 respectively address the second research question as follows.

### (1) International legislative and international policy level

Chapter 3 addresses the second research question at the international legislative and international policy level.

This chapter examines whether and how the changes in focus of the theories underpinning the concept of gender equality discussed in chapter 2 have affected the interpretation of gender equality in international policy and international legislative level.

In the particular context of IDA, it makes much sense to state that 'forging appropriate forms of solidarity across differences has never been more important than in

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(Persaphone Press 1981) 98-101. On cultural differentialism see: C Gilligan, *In a Different Voice, Psychological Theory and Women's Development* (Harvard University Press 1982). For a critique of distributive justice as prevailing over the politics of identities see IM Young, *Justice and the Politics of Difference* (Princeton University Press, 1990).

<sup>24</sup> See Peet and Hartwick (n13).

<sup>25</sup> See Tinker (n 14).

<sup>26</sup> See Young (n 15).

the precarious geo-political realities of today's world',<sup>27</sup> the challenge must be to focus on how to do this without risking the overshadowing of key theoretical elements discussed in chapter 2.

This chapter considers the interpretations of gender equality in key, relevant international legal instruments and international policy frameworks. These are the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW);<sup>28</sup> the Protocol to the African Charter on Human and Peoples' Rights, on the Rights of Women in Africa 2003;<sup>29</sup> the UN Women's World Conferences,<sup>30</sup> and contemporary dominant IDA policy frameworks such as the Millennium Development Goals (MDGs)<sup>31</sup> and the Paris Declaration on Aid Effectiveness (2005).<sup>32</sup>

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<sup>27</sup> A Cornwall, E Harrison and A Whitehead, *Feminism in Development: Contradictions, Contestations and Challenges* (Zed Books 2007) 16

<sup>28</sup> Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) (1980) 1249 UNTS 13, reprinted in 19 ILM 33 (CEDAW) <<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>> accessed 20 February 2011.

<sup>29</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 11 July 2003, entered into force 25 November 2005) (2003) CAB/LEG/66.6/Rev 1 (the Protocol on the Rights of Women in Africa) art 1(J) <<http://www.africa-union.org/home/Welcome.htm>. > accessed 20 February 2011.

<sup>30</sup> The main World Conferences on Women have been selected to represent a purposeful example of relevant policy framework underpinning the concept of gender equality at international level. These are: 'First World Conference on Women held in Mexico City' (19 June to 2 July 1975); See <<http://www.un.org/womenwatch/daw/beijing/mexico.html>> accessed 27 February 2011; 'Second World Conference on Women held in Copenhagen' (14 to 30 July 1980); See <<http://www.un.org/womenwatch/daw/beijing/copenhagen.html>> accessed 27 February 2011; 'Third World Conference on Women held in Nairobi' (15 to 26 June 1985); See <<http://www.un.org/womenwatch/daw/beijing/nairobi.html>> accessed 27 February 2011; 'Fourth World Conference on Women, Beijing' (n 2).

<sup>31</sup> United Nations Millennium Declaration, UNGA Res 55/2 (8 September 2000) UN Doc A/55/L.2 <<http://www.un.org/millennium/declaration/ares552e.htm>> accessed 10 February 2011.

<sup>32</sup> OECD, 'The Paris Declaration on Aid Effectiveness 2005 and the Accra Agenda for Action 2008' (OECD 2005/2008).



The first section of the chapter discusses gender equality at the international legislative level.<sup>33</sup> The section provides a critical analysis of the reservation process<sup>34</sup> and examines specifically the reservations to CEDAW which were entered by some member state parties on the grounds of incompatibility with Shari'a law.<sup>35</sup> The section shows that by critically examining the ideology underpinning these reservations, it is possible to challenge the cultural relativist argument upon which these reservations find justification - by excavating universal patriarchal patterns of resistance to the concept of gender equality.

In order to deepen the challenge against a cultural relativist position, the section further contrasts the interpretation of gender equality in CEDAW with the interpretation used in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003. This comparison highlights that whereas violence against women- arguably a key theme for women's human rights and the definition of gender equality - has been omitted<sup>36</sup> in CEDAW at international level, it was included in this regional human rights instrument. The section thus examines the reasons given for excluding violence against women at international level and observes how they were disputed at regional level.

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<[http://www.oecd.org/document/19/0,3746,en\\_2649\\_3236398\\_43554003\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/19/0,3746,en_2649_3236398_43554003_1_1_1_1,00.html)> accessed 10 February 2011.

<sup>33</sup> The international legislative level is understood hereby to include a purposeful example of key and relevant international and regional conventions providing the legal framework to the concept of gender equality in IDA mainly CEDAW and the Protocol on the Rights of Women in Africa.

<sup>34</sup> For the full list of reservations country per country and reservations principles see <<http://www.un.org/womenwatch/daw/cedaw/reservations.htm>> accessed 27 February 2011.

<sup>35</sup> Reservations to art.2 or art.16 of CEDAW on the grounds of incompatibility with Shari'a law were entered by Bahrain, Bangladesh, Egypt, Iraq, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Oman, Saudi Arabia, Singapore, Syrian Arab Republic, United Arab Emirates. See <<http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>> accessed 27 February 2011.

<sup>36</sup> Violence against women was not included in the main text of CEDAW but was only included as discrimination against women in General Recommendation N.19 made by the Committee on the Elimination of Discrimination against Women only. Recommendation N.19 was adopted at the 11<sup>th</sup> Session of the Committee on the Elimination of Discrimination against Women in 1992. See <<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>> accessed 28 February 2011.

This example is selected as a particularly interesting counter-example to the feminist theories discussed in chapter 2 which view the universality of human rights as another form of imperialism.<sup>37</sup> This example also seeks to demonstrate that paradoxically, at regional level (which is a step closer to the expression of cultural difference), that which was omitted on the grounds of cultural sensitivity at international level could be included without ambiguity and with rare explicitness.

The second section examines how similar patterns discussed in chapter 2 have been played out in international policy frameworks, namely in the UN world conferences on women and current IDA international policy frameworks. The second section thus begins by showing the devolution<sup>38</sup> of the meaning of gender equality at international policy level from the 1970s to 2005. The section examines specifically the changes in the interpretation of gender equality from the First World Conference on Women,<sup>39</sup> to a time of high international political momentum for gender equality during the Fourth World Conference on Women in Beijing in 1995,<sup>40</sup> to a more recent period characterised by key changes in IDA policy frameworks such as the MDGs in 2000<sup>41</sup> and the 2005 Paris Declaration on Aid Effectiveness.<sup>42</sup> Such devolution in the interpretation of gender equality is analysed in connection to the changes in focus in the underpinning ideologies discussed in chapter 2.

The final section turns to another significant example of Third Worldist position within the international policy framework of the UN. The section demonstrates how the Vatican, through its position as a permanent observer to the UN through its Mis-

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<sup>37</sup> See for instance: Mohanty, 'Under Western Eyes' (n 21); Kapur, 'The Tragedy of Victimization Rhetoric' (n 22).

<sup>38</sup> The term 'devolution' is used here to show that gender equality instead of evolving, has peaked in the mid-nineties and has steadily declined since within the significant and influential policy framework at international level – even though it was still included as an explicit goal within most key bilateral donor.

<sup>39</sup> 'First World Conference on Women, Mexico' (n 30).

<sup>40</sup> 'Fourth World Conference on Women held, Beijing' (n 2).

<sup>41</sup> 'United Nations Millennium Declaration' (n 31).

<sup>42</sup> OECD, 'The Paris Declaration and the Accra Agenda' (n 32).

sion of the Holy See,<sup>43</sup> has attempted to limit the concept of gender equality using key Third Worldist argumentation within UN World Conferences on Women. By critically examining the underpinning ideology behind the Vatican's lobby, which intends to limit the interpretation of gender equality to the notion of gender complementarity,<sup>44</sup> the section challenges the implied defence of cultural relativism and Third Worldism. Moreover, the section simultaneously seeks to draw parallels with similar attempts to limit the concept of gender equality by those member states which entered reservations to CEDAW on the grounds of incompatibility with Shari'a law. The section then explores whether there are common identifiable patterns between the ideological trends resistant to or limiting the concept of gender equality in IDA examined in albeit different socio-cultural and religious contexts. If so, it examines how these may have impacted on the weakening of gender equality at the international level.

## (2) Donor and national policy level

Chapter 4 addresses the second research question at the donor and national policy level. This chapter examines whether and how the changes in focus underpinning the concept of gender equality discussed in chapter 2 have affected the interpretation of gender equality in donor policies<sup>45</sup> and recipient country policies.<sup>46</sup>

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<sup>43</sup> 'In the context of the 40th anniversary of the Holy See's Permanent Observer Mission to the UN, on 1 July 2004, the General Assembly adopted a Resolution (UNGA Res 58/314 (16 July 2004) A/RES/58/314 ), by acclamation, confirming and strengthening the rights of the Holy See as a Permanent Observer in the UN. The Holy See enjoys the right to participate in the general debate of the General Assembly, the right of reply, the right to have its communications issued and circulated directly as official documents of the Assembly and the right to co-sponsor draft resolutions and decisions that make reference to the Holy See.' <<http://www.holyseemission.org/>> accessed 02 March 2011.

<sup>44</sup> 'Complementarity' is understood as maintaining traditional division of female and male gender role to uphold forms of patriarchal societal structures.

<sup>45</sup> Donor policies are overall frameworks that set the priorities and orientations for IDA of a given agency over a set period of time. They include, amongst others policy papers, strategy papers and action plans.

As discussed in chapter 3, following four decades<sup>47</sup> of uneven struggle to recognise gender equality in international law and international policies, several multilateral<sup>48</sup> and bilateral<sup>49</sup> development agencies have formally and explicitly incorporated gender equality into their policies. They have done so either by formulating specific gender equality strategies<sup>50</sup> and/or by recognising gender equality as one of their priorities in their main development policy and strategy documents. The first section does not purport to present an exhaustive catalogue of all multilateral and bilateral development agencies' policy documents. Rather, it offers an analysis of policies from selected development agencies which have been particularly influential in setting gender equality priorities in IDA during the last 10 years.

The examples of agencies selected reflect neoliberal perspectives such as those of the WB (WB)<sup>51</sup> and the Department for International Development in the UK (DFID)<sup>52</sup> and the socio-democratic perspectives of Scandinavian countries such as the Danish International Development Assistance agency (Danida)<sup>53</sup> and the Swedish International Development Assistance agency (Sida).<sup>54</sup> The section assesses the extent to

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<sup>46</sup> Recipient country policies are national policy frameworks that set the priorities and orientation for poverty reduction. These include poverty strategy action plans, national and sector policy papers as well as orientation speeches.

<sup>47</sup> The significant four decades in questions are defined from the 1970s and the first World Conference on Women up to 2010.

<sup>48</sup> Examples of key multilateral IDA agencies are the United Nations (UN), the World Bank (WB) and the European Union (EU).

<sup>49</sup> Examples of key bilateral IDA agencies are Swedish International Development Agency (Sida), Danish International Development Agency (Danida) and UK Department for International Development (DFID).

<sup>50</sup> Gender equality strategies are overall frameworks that provide the definition of gender equality of a particular agency and set the guidelines for mainstreaming gender equality in the IDA sectors and programmes.

<sup>51</sup> See < <http://www.worldbank.org/> > accessed 1 March 2011.

<sup>52</sup> See < <http://www.dfid.gov.uk/> > accessed 1 March 2011.

<sup>53</sup> See < <http://www.um.dk/en> > accessed 1 March 2011.

<sup>54</sup> See < <http://www.sida.se/English/> > accessed 1 March 2011.

which neoliberal<sup>55</sup> interpretations of gender equality have permeated the policies of agencies which have traditionally supported more socialist interpretations<sup>56</sup> of gender equality in IDA, limiting thereby gender equality to representation and recognition.

The second section provides a critical analysis of recipient country policies. It examines how divergent political contexts in IDA recipient countries - from neoliberal to Marxist<sup>57</sup> - interpret gender equality within a variety of policy instruments such as policies, strategies, political speeches and discourses. This section thus critically examines the varying interpretations of gender equality at policy level in different political and geographic contexts in the following examples: i) the case of abortion in Nicaragua and Third Worldist defences within the neoliberal<sup>58</sup> and neo-Sandinista<sup>59</sup> governments and the Catholic church; ii) Yoweri Museveni's postcolonialist interpretation of gender equality within Uganda's neoliberal reforms<sup>60</sup> and iii) a feminist

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<sup>55</sup> Neoliberalism within IDA is employed throughout the thesis in the following sense: "The key to economic reform," Sachs said, "was that several years had to pass amidst vale of tears before the fruits of change were fully evident, the amount of time depending on the boldness and consistency of the reforms – if there were wavering, it was easy to get lost in the valley." In one simple statement Sachs summarised the neoliberal approach to development – liberal in the classical (19<sup>th</sup> century) sense of lack of state control and reliance on markets and the price mechanism, liberal in the 20<sup>th</sup> century sense of concern for victims, but neo in the sense that suffering was accepted as inevitable consequence of "reform and efficiency" Peet and Hartwick (n13) citing J Sachs, *The Economic Transformation of eastern Europe: The Case of Poland* (P K Seidman Foundation 1991).

<sup>56</sup> By socialist interpretation of development is meant: 'the breaking down of the structures that fosters inequalities, reorienting production to meet the needs of the poor (...).' Peet and Hartwick (n13) 273.

<sup>57</sup> Marxist interpretation of development is understood in this context as the realisation that: 'Development takes place in class societies in such a way that the material benefits derived from hard work and increased productivity are unequally distributed.' Peet and Hartwick (n13) 16-17.

<sup>58</sup> Nicaragua neoliberal government refers to the period of 1996-2001 led by President Arnoldo Alemán from the neoliberal Right-wing party in Nicaragua. For a chronology of Nicaragua political history, see <<http://www.monde-diplomatique.fr/2009/07/A/17457>> accessed 02 March 2011.

<sup>59</sup> Nicaragua neo-Sandinista government refers to the current government of Daniel Ortega of the Sandinista National Liberation Front Party elected in 2006.

<sup>60</sup> For details on the neoliberal reforms of Yoweri Museveni, president of Uganda since 1986 from the National Resistance Movement (NRM) see <<http://apeaceofconflict.com/2009/02/24/the-other-side-of-assistance-the-neoliberal-agenda-in-uganda/>> accessed 02 March 2011.

vision beyond the politics of identity in Thomas Sankara's<sup>61</sup> speech on International Women's Day in 1987,<sup>62</sup> in Burkina Faso.

- i) Nicaragua was selected as a suitable example because it is a country in Latin America to which bilateral donors were committed, as is further evidenced in chapter 5. It also strongly illustrates the negative implications of applied Roman Catholic dogma on gender equality and women's human rights. Through this purposefully negative example, the section is able to question whose interests are served by the application of cultural relativist and identity politics theories and examines the implications for the interpretation of gender equality;
- ii) Uganda was also selected on the basis of donor involvement in sub-Saharan eastern Africa and as an illustrative example which allows an examination of the paradoxes involved in Museveni's use of anti neo-colonialist ideology to preserve what customary and colonial conservative ideologies have in common – amongst other, patriarchal values and maldistribution of resources;
- iii) Finally, Burkina Faso, at the time of Thomas Sankara was selected as a purposefully positive example of gender equality interpreted as gender justice. This example illustrates how the interpretations of gender equality at country policy level can challenge systemic injustice, Third Worldist and cultural relativists' critiques – from one of the most prominent African anti-imperialist male leaders.

These examples seek to demonstrate the implication pertaining to the use of Third Worldist, neoliberal and Marxist focuses in the interpretations of gender equality at national policy level.

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<sup>61</sup> For biographic details of Thomas Sankara, well-known anti-imperialist and Marxist revolutionary, who led the Burkinabe revolution of 4 august 1983 and led the country until 15 October 1987, date at which he was assassinated see < <http://www.thomassankara.net/>> accessed 8 March 2011.

<sup>62</sup> 'International Women's Day is marked on the 8<sup>th</sup> of March of every year when women are celebrated for their achievements. The first women's day was celebrated in 1911, a rally was organised to campaign for women's right to vote, to work, hold public office and end discrimination, amongst other rights.' < <http://www.internationalwomensday.com/>> accessed 02 March 2011.

From the findings regarding the interpretations of gender equality at both donor policy and national policy level, the conclusions discuss some broad implications on the extent to which the different interpretations are able to address gender injustices and violations of fundamental women's human rights.

### (3) Programme and field level

Chapter 5 addresses the second research question at the programme and field level.

This chapter examines whether and how the changes in focus of the theories underpinning the concept of gender equality discussed in chapter 2 have affected the interpretations of gender equality in IDA programmes. The chapter goes on to explore which interpretations have constrained the scope of such programmes and if so, in what ways, and which have on the contrary expanded the scope of the programme in addressing gender injustices.

The chapter begins by assessing whether it is possible to distinguish the universal from the particular in key examples of specific violations of women's human rights at field level. In this way, the chapter seeks to challenge the prevailing assumptions of identity politics perspectives that have tended to promote anti-essentialism through multiculturalism<sup>63</sup> resulting in the de-legitimisation of universalism and with it the claim that women's rights were human rights.

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<sup>63</sup> See N Fraser, 'Multiculturalism, Anti-essentialism, and Radical Democracy: A Genealogy of Current Impasse in Feminist Theory' in N Fraser, *Justice Interruptus: Critical Reflections on the "Post-socialist" Condition* (Routledge 1997) 173-188. For an example of interpretation of women's rights as recognition and representation, Caroline Bunch argues that 'feminist analysis begins with the recognition that each of us views societal concepts and institutions from a different lens depending on our consciousness and our place in society. Starting with female life experiences as the point from which to examine human rights, certain questions become important: Who has been excluded from exercising the rights of citizenship (...)? (...) Why have so many degrading life experiences of women not been understood as human rights issues? (...) Gender must also be analysed in relation to other factors such as nationality, race, and class in order to discern the multiple form of human rights abuse that women suffer.' C Bunch, 'Transforming Human Rights from a Feminist Perspective' in J Peters and A Wolper (eds), *Women's Rights Human Rights; International Feminist Perspectives* (Routledge 1995)11-12.



If asserting that there are both commonalities and differences in these violations across cultures would be stating the obvious, the first section examines whether it is possible to identify universal patterns whilst avoiding postcolonialists critiques. This section seeks to demonstrate that it is misguided to simply reject universalism altogether.<sup>64</sup> Rather, it is the nature of the approach utilised which needs to be challenged and refined.

Thus, the starting points for this chapter are women's human rights violations related to violence against women and gender inequalities related to the unequal distribution of resources in Uganda. By extrapolating the related data in Uganda, this section attempts to identify its commonalities with other neighbouring countries, regions and continents in order to uncover universal connections with similar patterns of violations of women's human rights and gender inequalities. The approach utilised thus explores the local contexts as a point of departure, as opposed to making abstract and 'ahistorical' generalisations.<sup>65</sup>

This chapter further seeks to show that violations of fundamental women's human rights and gender inequalities cannot be defined in disconnection from each other, as if locked within the boundaries of cultural differences and identities. Such an approach, ultimately risks the provision of justification and legitimisation of these very same inequalities and violations.

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<sup>64</sup> For similar critique and overview of feminist critiques to universalism see H Charlesworth and C Chinkin, *The Boundaries of International Law* (Manchester University Press 2004); H Charlesworth, 'Feminist Methods in International Law' (1999) 93 *American Journal of International Law* 379; PV Sellars, 'Individual' Liability for Collective Sexual Violence' in K Knop (ed), *Gender and Human Rights* (Oxford University Press 2004).

<sup>65</sup> The term 'ahistorical' generalization is cited as a purposefully counter example of the following premise: '(...) the application of the notion of women as a homogeneous category to women in the Third World colonizes and appropriates the pluralities of the simultaneous location of different groups of women in social class and ethnic frameworks; in so doing it robs them of their historical and political agency.' CT Mohanty, *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity* (Duke University Press 2003) 39.



The second, third and fourth sections of the chapter present the results of case studies that are representative of state of the art programmes in IDA in terms of gender mainstreaming. They were therefore selected on the basis that they were sufficiently implicated in the thematic to provide an illustration of the implications of shifts in feminist theory which underpin gender equality at programme level.

Case Study N.1: Evaluation of gender mainstreaming in UN-HABITAT<sup>66</sup> is presented as an illustration of the results and limitations of the institutionalisation of gender in a given organisation through gender units. The case study critically examines the results of the assumption that gender institutionalisation would result in impacts on gender inequalities and injustices.

On the one hand, case study N. 2: evaluation of Sida's support for the promotion of gender equality in partner countries: Nicaraguan<sup>67</sup> and South African<sup>68</sup> country studies and case study N.3 : evaluation of Sida's support to NDI Burkina Faso,<sup>69</sup> exemplify the consequences of employing an interpretation of gender equality under the prevailing focus of recognition and representation.

On the other hand, the impacts of the interpretation of gender equality and women's human rights when understood under the prevailing focus of redistribution and women's human rights are discussed in case study N.4: evaluation of DFID's Policy and Practice in Support of Gender Equality and Women's Empowerment.<sup>70</sup>

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<sup>66</sup> UN-HABITAT, 'Forward Looking Evaluation of Gender Mainstreaming in UN-HABITAT' (April 2003) Evaluation Report 1/2003.

<sup>67</sup> T Freeman and others, *Mainstreaming Gender Equality: Sida's Support for the Promotion of Gender Equality in Partner Countries*, Country Report Nicaragua (Sida 2001).

<sup>68</sup> B Keller and others, *Mainstreaming Gender Equality: Sida's Support for the Promotion of Gender Equality in Partner Countries*, Country Report South Africa (Sida 2001).

<sup>69</sup> S Forti and A Lamien Ouando, *Evaluation of NDI's programme on Strengthening Women's Participation in Political and Decentralisation Processes in Burkina Faso*, Sida Evaluation Report (Sida 2008).

<sup>70</sup> S Forti and CM Ljungman, *Evaluation of DFID's Policy and Practice in Support of Gender Equality and Women's Empowerment: Gender Equality through Justice and Rights-based Policies and Programmes*, Thematic Study, Evaluation Report EV669 (DFID, August 2006).

Ultimately, the chapter assesses the extent to which the IDA programmes presented adequately address the socio-economic gender inequalities and injustices.

This chapter therefore seeks to demonstrate the implications of the different prevailing focus underlying gender equality, by exposing the limitations and results at programme level.

### Third research question

Chapter 6 addresses the third research question as follows.

The chapter presents the summary of key findings and conclusions related to chapter 2, theoretical (mis)framing; chapter 3, gender equality at international legislative and policy level; chapter 4, gender equality at donor and national policy level and chapter 5, gender equality at programme and field level. The key findings and conclusions are thus distilled respectively from key sections' conclusions and overall chapters' conclusions. These provide a rationale for a deepened reflection on the third research question exploring the key elements of a critical refocus of gender equality on gender justice.

The section thus presents the main elements which have particular significance for the transformation of the deep structures of inequality and injustice affecting women in the field of IDA. It provides a challenge to a certain tendency to find consensus at all costs in conflicting theories<sup>71</sup> and proposes to take the following stand.

In light of Nancy Fraser's tri-dimensional matrix of justice,<sup>72</sup> the section proposes to refocus the interpretation of gender equality around the following: a clear political engagement with gender justice<sup>73</sup> through i) the notion of redistribution<sup>74</sup> and ii) the

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<sup>71</sup> See BH Lévy, *De la Guerre en Philosophie* (Grasset 2010) 41-47.

<sup>72</sup> Fraser (n 11).

<sup>73</sup> Gender justice is understood within Nancy Fraser's three-dimensional theory of justice. Fraser's understanding of the notion of 'justice' moves beyond that of John Rawls which can be understood as essentially 'egalitarian liberalist-nationalist denying that norms of egalitarian distributive justice may

universality of violations of women's human rights. The re-legitimization of the universality of women's human rights violations<sup>75</sup> is further discussed in connection with the need for a common political engagement within a wider notion of social responsibility, as defined by Hannah Arendt.<sup>76</sup>

The last section of the chapter concludes with the limitations of the study and an outline of the key elements for further research.

It is intended that this section will provide useful elements for decision-makers and practitioners, for their consideration when designing new IDA strategic frameworks, policies and programmes to sharpen the impact on gender justice in developing countries.

## 1.4 Methodology

The methodology used for this research is understood to be the methods and approaches that have been used to carry out the research. The methodology is situated in the context of IDA and therefore utilizes the approach and methods for social scientists. The methods have involved the collection of primary data and evaluation missions carried out in the field over the last ten years, and the consolidation and analysis of the data collected into evaluation reports which have then subsequently been reviewed in light of the research questions. Thus, key findings and conclusions from these evaluation reports have been further examined within the research scope in order to respond to the research questions as presented above.

Given the critique provided of prevailing feminist thoughts and prevailing feminist ideologies as discussed at length in chapter 2, feminist methodologies such as feminist standpoint and difference feminism have purposefully not been followed as the

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have any applicability at the global or international level'. *ibid* 33 citing J Rawl, *The Law of Peoples* (Harvard University Press 2001).

<sup>74</sup> Fraser (n 11).

<sup>75</sup> Political engagement is meant in the sense employed by Bernard-Henry Lévy. See Lévy (n 71).

<sup>76</sup> H Arendt, *Responsibility and Judgment* (Schocken Books 2003) 158.

purpose of the (self) critical approach here is less to uncover differences than identify commonalities to possibly strengthen feminist discourse.<sup>77</sup>

The researcher, does not situate herself solely as a 'neutral' external observer, but also as one of the stakeholders, as a professional independent evaluator in the field of gender equality in IDA with an interest to see IDA achieve results and impacts on gender inequalities and gender injustices. The perspective taken throughout the thesis is guided by this particular interest which is closely linked to the researcher's profession.

The sections below present and further develop the approach and methods which have constituted the methodology for this research.

#### 1.4.1 A critical approach

Given the professional interest highlighted above, the approach that has been selected is a critical approach to the field of research. Whilst remaining conscious of the limits of political and ideological engagement as a social being – the researcher has adopted both a critical and self-critical approach to for instance, both Right-wing and Left-wing perspectives underpinning the interpretations of gender equality in IDA.

In this study the purpose of research, the advancement of justice for women in developing countries, is inseparable from the origins of the research problem - the injustices faced by women in developing countries. In the researcher's opinion, the person in the best position to assess whether or not a situation is one of inequality and injustice for women may not necessarily be the victim herself - as she might perceive her situation to be normal and too natural for it to be at all questionable. Nor is it necessarily the local community or NGOs or other (self-proclaimed) Third World women's representatives speaking on their behalf, as it may be in the representatives' own interests to keep the victims in a position of inequality and injustice to serve

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<sup>77</sup> As sustained for instance by C Wood Sherif, S Harding, DE Smith in S Harding (ed), *Feminism and Methodology* (Open University Press 1987).

their own personal interests. Rather, in some instances, such as those illustrated in the selected case studies and examples throughout the thesis, it may be appropriate that a stranger witnesses and understands the situation from an external point of view with an interest to see positive changes occur in women's lives.

The approach taken is that by providing comparative data on similar situations of injustices and inequalities across borders, regions and continents, one might lift the problematics from the isolation and boundaries of socio-cultural identities to draw broader patterns of common and recurrent similarities that may deepen our understanding of otherwise isolated events.

With regard to a critical legal approach, while it is difficult to determine whether an approach as such exists, critical legal theory teaches us to raise critical questions in order to unveil political patterns beneath received ideas. This is the approach taken throughout the thesis. A critical approach is thus employed here as a relevant approach to challenge unquestioned realities and hegemonic ideological trends.

In so far as I have participated in the field missions of the evaluations presented as case studies, the approach undertaken has been that of facilitating the critical analytical processes of key stakeholders at field level. This has been done with a view to enable participants of a workshop, meeting or focus group discussion, key informants, and interviewees to place themselves in a critical position vis-à-vis the issues at stake and when possible, participate in the critical analysis of key findings. Whilst collecting data, I have thus been closer to the role of a facilitator of critical processes rather than someone collecting data and analysing it in isolation from the overall goal of poverty reduction in the field of IDA.

When 'critical participatory' approaches are integrated, they may also have an empowering effect on the participants, when occasionally, for the first time, participants are able to question the socio-culturally received ideas and realities they have been socialised into following without questioning. This is of particular relevance when the gender equality impacts of a programme are assessed at beneficiary level.

It has been found that at village level, whether in Latin American countries or in Sub-Saharan African countries, such an approach was producing empowering effects on participants, raising their self-confidence which almost inevitably affected the quantity and quality of the data collected and the depth of the critical discussions and exchange of ideas which would have otherwise not been identified.

## 1.4.2 Methods

Methods are here understood as evidence collection mechanisms for the purpose of research in social science. The methods selected for gathering evidence fall into the following categories of methods for social inquiry: i) demarcation of the research field; ii) reviewing literature, articles, conference reports, minutes of meetings and viewing televised news, debates, e-news and e-debates; iii) case studies which consisted in reviewing evaluation reports which have been conducted by the researcher and which are included for easy reference in Annex 2, have included the following methods: key informants interviews, focus group discussions in workshops, email questionnaires.

### Demarcation of the research field

The core environment of the research field is primarily situated within the field of international development policy and programmes. The main case studies and examples utilised to support the thesis and underpinning theories are international development programmes and international development policies at international, national and donor level. The research field is also to some limited extent connected with the legal field in specific instances, namely in the analysis of the interpretation of gender equality in relevant international, regional and national legislative frameworks as they often constitute the normative basis for IDA policies – especially in the case of mainstreaming gender equality in IDA policies and programme. The research therefore does not include case-law - although case-law is relevant for the interpretation of the notion of gender equality at international and national level, the purpose of the thesis is centred around how IDA through relevant policies and programmes interprets the notion of gender equality and not how gender equality is interpreted by the national and international judicial instances. The subject of the research field under

investigation which is the interpretations of concept of 'gender equality' is thus situated within the development field around which feminist thought, philosophy, politics, law and sociology<sup>78</sup> are influencing and shaping key concepts.

The underpinning focus to the concept of gender equality in IDA is examined through its interpretations by a sample of economically and politically influential agents in the field of IDA. These are donor agencies at multilateral and bilateral levels such as UN agencies, and the WB for the multilaterals and Scandinavian and UK bilateral development assistance agencies, part of the Nordic + group<sup>79</sup> at the forefront of integrating gender related concepts in their works. The study encompasses these agencies' policy and programming work. These agencies by no means represent the entire IDA field which is also channelled through NGOs<sup>80</sup>, private foundations<sup>81</sup> and other multilateral and bilateral development agencies<sup>82</sup>, but they do constitute an interesting and relevant sample of international development assistance agencies for the purposes of this research.

This is therefore a purposive sample of IDA policies and programmes.

As has been verified in IDA evaluations and annual reviews, there are often many gaps and contradictions between IDA policies and the results achieved in their applications by programmes at field level. Therefore, any in-depth study of IDA could not simply cover the policy level without considering the programme level and further relate it to the theoretical level. This is particularly important as the objective of this

<sup>78</sup> 'Both sociology and law are concerned with the nature of the legitimate authority, the mechanisms of social control, issues of civil rights, power arrangements, and the relationship between public and private spheres.' R Cotterel, *The Sociology of Law: An Introduction* (2<sup>nd</sup> Ed, Butterworths 1992) 5 citing S Vago, *Law and Society* (2<sup>nd</sup> Ed, Prentice-Hall 1988) 2-3.

<sup>79</sup> The Nordic + group, is a group of countries in Northern Europe with like-minded thinking on development assistance issues. These include: UK, Denmark, Sweden, Norway, Finland, the Netherlands and Canada.

<sup>80</sup> Such as the Norwegian Refugee Council (NRC) and the Danish Refugee Council (DRC).

<sup>81</sup> Such as the Nike Foundation.

<sup>82</sup> Such as the EU and EuropAid in particular, other UN agencies such UNDP, UNIFEM, UNICEF, UNFPA, UNHCR and other bilateral agencies such as CIDA, FINNIDA, NORAD, USAID, the Dutch Cooperation.

study is not a broad, empirical and comprehensive historical research of gender-related concepts in the IDA field, but an in-depth study to assess the adequacy of interpretations of gender equality in IDA in response to a specific problematic.

### Review of literature and documents and viewing of debates

The following methods involve data collection that is mainly undertaken from the study place as opposed to data collection from the field as follows:

*Literature review* covers all pertinent literature and includes books, articles of journals, magazines and news paper on subjects related to the topic such as Law, International Law, Human Rights, Sociology, Politics, International Relations, Development Studies, Economics, Women's Studies, Legal Anthropology, Philosophy, Religious studies and any other relevant subjects found in the course of the research process.

*Document review* consists of reviewing relevant documents and reports related to i) international development assistance policies, strategy and programme documents, and evaluation reports, ii) international legal instruments, regional legal instruments and national legislation, iii) reports stemming from international and national conferences, symposiums, and expert meetings, vi) witness reports and v) statistical data.

*Viewing televised debates* enabled the researcher to access other sources by viewing the presentation of new literature in the field, live parliamentary debates in the House of Commons, other European and African - parliamentary debates, discussion forums and expert analyses on politics, development, philosophy, literature and gender studies as well as the international world news.

*Internet browsing* is used both as a research engine and for access to relevant websites, documentation and e-debates and to acquire relevant literature.

### Minutes of Meetings and workshops and conferences reports

In the context of case studies, round table meetings and workshops were held with groups of primary and secondary stakeholders from sample of international devel-



opment assistance beneficiaries groups for the provision of primary and secondary evidence.

The researcher also integrated reports from UN World Conferences that had taken place in the last four decades to ensure the inclusion of analyses of expert opinions and relevant debates around the issues at stake.

Workshops in the field of IDA are a common means not only to collect data, but also for 'jointly analysing' data with stakeholders using different participatory methods such as the PARTICIPLAN.<sup>83</sup> This method was widely used to collect data for the case studies below.

## Case studies

Case studies focus on special cases that serve both as illustrations to underpin interpretations of gender equality discussed in chapter 2 whilst also being instrumental in informing the content of the theoretical framing. Indeed, the theoretical framing is based on the analysis distilled from the examples and case studies presented throughout the thesis.

The selected case studies are critical case studies in the sense that they carry strategic importance in relation to the research problem and questions. The case studies have thus been selected as they are considered to be either flagship interventions in the field of gender in IDA or negative examples, as these were more likely to provide critical examples and results that could be analysed in the context of the thesis.

The aim of analysing the case studies is to provide an insight into IDA's response to the socio-economic inequalities and injustices of women's situations in developing countries. Understanding this phenomenon may depend on choosing the case well. Each case has therefore been carefully selected for the purpose of advancing a critical understanding of the issues at stake, their potential for questioning assumptions

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<sup>83</sup> For further details see <[www.participlan.com](http://www.participlan.com)> accessed March 2011.

and outlining the potential implications for future development policies, strategies and programmes.

The selection of a purposive sample of case studies from evaluations that were conducted by the researcher of multilateral and bilateral international donor agencies' programmes therefore enable an examination of the interpretations of gender equality at IDA policy and programming levels.

The vast majority of international development donor agencies, which remain unconcerned with the issues at stake, have been omitted for the purposes of this research. This is not only to focus the research field on essential material but also because in the opinion of the researcher, besides illustrating the limited awareness of the concept at stake, it is unlikely that such gender-blind cases would contribute in a significant way to the findings and conclusions of this research.

The researcher, in all selected evaluation reports for each case study has followed a *general method for data collection* as follows:

*Individual semi-structured interviews* were carried out with key informants to obtain expert opinions on the issues at stake. Interviews were used to extract both primary and secondary evidence as well as triangulation of facts gathered and analysed. In semi-structured interviews open-ended questions were asked and unexpected issues were also followed up. This method enables more flexibility than questionnaires.

Key informants were selected in the context of the evaluation field missions carried out. These include multilateral and bilateral agency officials and programme managers, recipient country government officials and NGO staff.

Other key informants, namely experts, were selected to complete the evidence collected in the field missions and to extrapolate on the different perspectives of the analysis of the data collected. Such experts are crucial, as the work of the thesis is intended to fill the gaps and clarify contradictory statements and analyses. Experts were selected from different fields of expertise. The interviews with experts were carried out either orally or via email, depending on their availability.

*Focus group discussions* were carried out in the large majority of evaluation field missions undertaken. Focus group discussions were used when the dynamics of the group situation added additional useful information. This method enabled the researcher to interview a larger proportion of beneficiaries of IDA programmes and at the same time focused the debates and discussions around a specific question whilst encouraging critical participatory approaches. This ensured that the interviewer facilitated the discussions, whilst leaving participants to determine and prioritise the content of the debates. Particular attention was given to the understanding that the debate should not be dominated by set hierarchies, especially at community level, but that all participants were able to express their (possibly) critical opinions as freely as possible.

*E-mail questionnaires* were used in the collection of primary evidence, for both quantitative and qualitative data reaching a larger number of stakeholders at organisational level.

The outline of the content of the methodological tools mentioned above for each case study is presented in the sections below. Whereas the detailed tools and full list of field mission participants are systematically included in all the evaluation reports referred to and included in Annex 2 Case Studies. The researcher has followed a *particular tailor-made methodology* for each evaluation presented in each case study as detailed below.

(1) Case study N.1 Evaluation of Gender Mainstreaming in UN-HABITAT

The purpose of the Forward Looking Evaluation of Gender Mainstreaming in the United Nations Human Settlements Programme (UN-HABITAT)<sup>84</sup> which was based on Lessons Learned from the Women and Habitat Programme (WHP) and Gender Unit, was to assess UN-HABITAT's previous work on women's empowerment and gender mainstreaming through the WHP and the Gender Unit.

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<sup>84</sup> UN-HABITAT (n 66).

Amongst others, the following key objectives<sup>85</sup> guided the evaluation process:

- i) To identify lessons learned, both positive and negative, from the WHP and the Gender Unit and their input into other selected programmes and interventions of UN-HABITAT;
- ii) To analyse the effectiveness and value added of the WHP to the selected programmes of UN-HABITAT, based on information in-house, interviews and case studies;
- iii) To assess the value added of supporting women's networks as partners of UN-HABITAT in achieving the goals of women's empowerment and gender mainstreaming; and to identify the limitations in the present strategy which focuses mainly on the Huairou Commission<sup>86</sup> and its networks;
- iv) To make specific recommendations on how to strengthen gender mainstreaming, in the work of UN-HABITAT.<sup>87</sup>

In order to reach these objectives and assess the effectiveness and added value of WHP in UN-HABITAT programmes, two countries were selected as cases studies. For the purpose of the thesis this case study focuses on the findings of these two cases whose particular methods are detailed below. In Ecuador, the first case focused on the Community Management Programme (CMP). In Tanzania, the second case focused on one of the key partner organisation of WHP, the Women Advancement Trust (WAT). The latter was selected because it hosted the International Secretariat of the HIC-Women and Shelter Network (HIC-WAS).

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<sup>85</sup> *ibid* 13-14.

<sup>86</sup> The Huairou Commission is a global coalition of networks, institutions and individual professionals that links grassroots women's community development organizations to partners. The networks seek access to resources, information sharing and political space. At the same time, it links development professionals to on-the-ground practice. Currently, the network focuses its joint efforts on five campaigns: Governance, AIDS, Disaster, Land and Housing and Peace Building. The main objectives of the Huairou Commission are: To support and validate grassroots women's contributions to development; to promote tools and methodologies for peer learning and bottom-up research and negotiation processes among grassroots women and international development practitioners.

<sup>87</sup> UN-HABITAT (n 66).

The specific methodology was designed as follows:

- i) A desk study of case studies from UN-HABITAT's and partners' documents was undertaken;
- ii) Interviews with professional staff and management (in HQ and field offices), as well as with relevant partners and stakeholders in Tanzania, Ecuador and Kenya were carried out;
- iii) A questionnaire was sent via electronic e-mail and interviews were carried out with the former WHP director, former Co-ordinator of the Gender Unit and the Huairou Commission International Secretary during the Expert Group Meeting in Nairobi, Kenya;
- iv) Interviews with partners and networks members from non-visited countries were carried out during the Expert Group Meeting in Nairobi, Kenya.
- v) Key findings were first presented to key staff members, partners and stakeholders at the Experts Group meeting in UN-Habitat Headquarters (HQ) in Nairobi, in February 2003. A first draft of the evaluation report was sent for comments and amendments to UN-HABITAT's staff at HQ and in the field. The presentation of the final report took place in UN-HABITAT HQ in Nairobi on 16 April 2003.<sup>88</sup>

The questionnaire sent via e-mail covered *inter alia* the following key issues:

- a) An overview of all activities undertaken by former staff and partners with the direct support (financial or other) from WHP and the Gender Unit;
- b) The activities' specific scope and objectives and outputs;
- c) Any documentary evidence reflecting the outputs and impact of these activities per se and on other UN-HABITAT programmes. If evidence was not available, the interviewees were asked to provide an explanation as to why such documentary evidence did not exist;

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<sup>88</sup> UN-HABITAT (n 66)14. For the detailed methodological tools see UN-HABITAT (n 66) 13-14; For the full list of persons interviewed see UN-HABITAT (n 66)52-54.

- d) A specification of organisational mechanisms (such as document screening and Gender Task force) and approaches undertaken to mainstream Gender within the organisation;
- e) An overview of WHP and Gender Unit's partners, criteria used for selections and any tendering procedures undertaken to engage in co-operation with them.<sup>89</sup>

Thus topics in these questions were further systematically used in semi-structured interviews with primary stakeholders but also with secondary stakeholders for the purpose of triangulating the data collected and further evidencing individual statements.

- (2) Case study N.2 Evaluation of Sida's support for the promotion of gender equality in partner countries, Nicaragua and South Africa country case studies

The evaluation<sup>90</sup> consisted in an examination of four pre-selected programmes per country study through a specific methodology. These were pre-selected by the donor itself.

The objectives of the evaluation were, amongst other things, to assess 'what changes' in gender equality had occurred as a result of the four pre-selected programme interventions in each country or 'what changes' in gender equality had occurred with a partial contribution from these programme interventions among other factors.

In examining gender equality *changes* related to the interventions, the evaluation analysed amongst other, the following aspects of gender equality:

- i) What qualitative and quantitative changes in gender equality can be linked to the interventions or to situations which the interventions have contributed to?
- ii) Have the interventions had a positive effect on women's empowerment?
- iii) Have the interventions contributed to improvements in meeting women's practical needs and advancing their strategic interests?<sup>91</sup>

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<sup>89</sup> *ibid.*

<sup>90</sup> Freeman and others (n 67), Keller and others (n 68).

It is worth noting that although these questions were developed as part of the inception report and consultants' methodology, despite initially appearing both reasonable and relevant, on further reflection *a posteriori* they may have been quite ambitious given the extent of the results identified during the course of the field missions.<sup>92</sup>

The methodology used by each country case study team in Nicaragua and South Africa was largely identical with important operational variations to deal with the specific operational context of the Sida program of co-operation in each country. This methodology was reviewed in meetings with Sida staff in Stockholm in early March 2001 and was adjusted to take account of their observations. In addition, the methods and their application were refined in a team workshop over two days with the participation of at least three members of each country study team.

The basic methodological steps in the three country case studies were as follows:

- i) A structured review of Sida documents on the Nicaraguan and South African country strategy and programs, prepared from documents provided by the Evaluation and Audit Division in Sida HQ in Stockholm. This resulted in a preparation of documents review summary with information on gender equality relevant to each intervention;
- ii) Interviews with Sida personnel in Stockholm who had knowledge of either the evolution of the Nicaraguan and South African country strategies or of the specific interventions and thematic chosen for the Evaluation;
- iii) Preparation of draft study object grids for each intervention and for country strategies. The study object grids provided a matrix of the key issues, the specific sub-questions associated with those issues, key data sources and the methods to be used in addressing the issues and sub-issues;
- iv) In developing and refining the study object grids, concept papers and sector-specific prompt sheets developed during the inception phase of the study guided the process;

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<sup>91</sup> Freeman and others (n 67) 1-4.

<sup>92</sup> For the purpose of the thesis only the field missions in which the researcher participated are included, namely, the Nicaraguan and South African country case studies, which are presented here below.

- v) During the evaluation missions single and group interviews were conducted with a wide range of key stakeholders, participants and beneficiaries of each intervention as well as with Sida staff at the embassy and with project coordinators;
- vi) In addition, copies of recent evaluations and reviews were gathered. More recent Project documents which were not available at Sida headquarters were also gathered at field level, thus providing direct evidence of the gender equality content of specific interventions in areas such as strategic planning and curriculum development. Wherever they were available, from interviews or documents, quantitative data on the gender equality effects of the interventions were collected;
- vii) As far as was possible, a series of more structured workshops and participatory consultations were conducted with women, men and youth participants and beneficiaries associated with each interventions;
- viii) During contacts with primary stakeholders, 'Strengths, Weaknesses, Opportunities and Threats' (SWOT)<sup>93</sup> analysis workshop were carried out on a number of occasions, focusing on the strengths and weaknesses of efforts to address gender equality in the four interventions examined. Similarly, in assessing the extent of changes in gender equality, the Change Assessment and Scoring Tool (CAST)<sup>94</sup> as a means of categorising changes and their significance was also utilised;
- ix) In the third week of each field study, the preliminary findings and conclusions of the study relating to each of the interventions were presented in a series of debriefing discussions/workshops with stakeholders from interventions;
- x) A study mission, de-briefing and discussion of overall findings and conclusions was carried out with each Swedish Embassy staff on the final day of the field missions;

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<sup>93</sup> Britha Mikkelsen, *Methods for Development Work and Research: A New Guide For Practitioners* (2<sup>nd</sup> edn, Sage 2005) 288.

<sup>94</sup> *ibid* 312.



- xi) Results of the country case studies were compiled and consolidated in three country case study reports and one overall synthesis report.<sup>95</sup>

Thus all country studies which included Nicaragua, South Africa and Bangladesh followed the same methodological steps and analytical frameworks.

(3) Case study N.3 Evaluation of Sida's support to NDI Burkina Faso

The Evaluation of Sida's Support to the National Democratic Institute for International Affairs (NDI) programme: 'Strengthening Women's Political Participation in Political and Decentralisation Processes in Burkina Faso' 2005 to 2008.<sup>96</sup>

The objective of the evaluation was to assess the NDI programme against the OECD/DAC evaluation criteria, namely, relevance, effectiveness, efficiency, impact and sustainability.

The methodology used is described as follows:

- i) A field mission was organised for data collection in Ouagadougou and Bobo-Dioulasso and a final validation workshop was organised with the main stakeholders of the programme in Ouagadougou;
- ii) Desk study and document reviews were carried out prior to the mission and in the course of the mission as new written data and evidence were identified, gathered and collected;

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<sup>95</sup> Freeman and others (n 67) 10-11; Keller and others (n 68) 10-12. For the detailed methodological tools and evaluation questions of the Nicaragua report see Freeman and others (n 67) 118-131 in Annex 2; For the full list of persons interviewed for the Nicaragua study see Freeman and others (n 67) 107-113 in Annex 2. For the detailed methodological tools and evaluation questions of the South Africa report see Keller and others (n 68) 107-125 in Annex 2; For the full list of persons interviewed for the South Africa study see Keller and others (n 68) 140-147 in Annex 2.

<sup>96</sup> Forti and Lamien Ouando (n 69). For the detailed methodological tools and evaluation questions see Forti and Lamien Ouando (n 69) 7-9 in Annex 2; For the full list of persons interviewed see Forti and Lamien Ouando (n 69) 30-32 in Annex 2.

- iii) Email questionnaires were sent to key stakeholders to NDI Washington and Sida Stockholm;
- iv) Semi-structured interviews and meetings were carried out with key informants in Ouagadougou;
- v) Focus-group discussions with a sample of beneficiaries were carried out both in Ouagadougou and Bobo-Dioulasso;
- vi) The data was then analysed and consolidated into a draft report;
- vii) The draft report was submitted for comments and amendments to the key stakeholders;
- viii) During the validation workshop, a presentation of the draft reports' key elements was made and both oral and written comments were received and subsequently integrated into the final report.<sup>97</sup>

The evaluation also used both semi-structured interviews and focus group discussions to triangulate and further substantiate the evidence of the data collected.

(4) Case study N.4 Evaluation of DFID's Policy and Practice in Support of Gender Equality and Women's Empowerment

The evaluation report<sup>98</sup> on Gender Equality through Justice and Rights-based Policies and Programmes was one of three thematic studies forming part of the global evaluation of DFID's policy and practice in support of gender equality and women's empowerment.

The study was undertaken in 2005-2006 and included amongst its objectives, to assess DFID's contributions to gender equality and poverty reduction through DFID's justice and rights-based policies and programmes. It consisted of a desk review and analysis of five policy documents relevant to the subject area, and eight selected programme interventions that explicitly targeted gender equality in justice and rights-based interventions towards poverty reduction.

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<sup>97</sup> Forti and Lamien Ouando (n 69) 4-5.

<sup>98</sup> Forti and Ljungman (n 70).

The evaluation study undertook the following tailor-made methodology as follows:

- i) The first part of the study process focused on drawing up a clear methodological framework. It included identifying gender equality issues and indicators to help assess DFID's contributions to gender equality in justice and rights-based policies and programmes.
- ii) A set of criteria were devised to select the interventions to be studied.
- iii) This was followed by a desk review of five policy documents and eight selected interventions relevant to the subject area.
- iv) Concept notes, project memorandums, implementation and monitoring reports and project completion reports (if available) pertaining to the interventions were studied.
- v) Additional data was gathered on the policy and programme implementation processes through semi-structured interviews with key informants within and outside DFID Headquarters (HQ) via telephone.
- vi) The data collected were consolidated and analysed as follows. Firstly, the policy documents and interventions were assessed using indicators related to gender equality, poverty reduction and the Millennium Development Goals (MDGs). Secondly, DFID's contributions to gender equality and poverty reduction in this area of work were assessed in terms of results and impacts. The choice of policy documents and programmes to be analysed in the study was based on consultations between the consultant and the Evaluation Department (EVD).<sup>99</sup>

The study focused both on a selection of key DFID justice and rights related policies/strategies and eight interventions. The latter were selected according to the following criteria:

- i) Interventions addressing one or more women's human rights;

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<sup>99</sup> *ibid* 58-59. For the detailed methodological tools and evaluation questions see Forti and Ljungman (n 70) 91-101 in Annex 2; For the full list of persons interviewed see Forti and Ljungman (n 70) 102 in Annex 2.

- ii) A minimum of two interventions focusing on specific women's rights such as sexual and gender-based violence - including domestic violence and/or women's trafficking and prostitution interventions from different regions;
- iii) Interventions that integrate a 'Drivers of Change' (Dock) perspective challenging structural social inequalities and in particular gender inequalities;
- iv) Interventions older than one and a half or two years and Interventions in which programme documentation is available.<sup>100</sup>

It is important to note that the selection of interventions was a purposive sample of DFID's justice and human rights programmes – many of which may have either weakly included gender equality as one of the crosscutting issues, or may not even explicitly have targeted gender equality and women's human rights at all. Such cases would not have allowed for an in-depth analysis and further qualification of DFID's potential contribution to gender equality and poverty reduction. Thus, the DFID evaluation was more of a 'cherry-picking' exercise to illustrate good practices with regard to the ability of justice and human rights programmes to contribute to gender equality and poverty reduction.<sup>101</sup>

The methods described above are uneven and reflect the different length, scope and ambition of the different evaluation. The methods described for each case study also respect issues of confidentiality where required, by not citing the name of the person interviewed in his or her direct statement into the report. Unless approved by the person in question, his or her name was not included in the list of persons met which are, together with the detailed methodological tools then published with the evaluation report to form part of a public document included in Annex 2.

## 1.5 Structure of the research

Based on the approach and methods presented above, the thesis is thus structured as follows.

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<sup>100</sup> *ibid.*

<sup>101</sup> *ibid.*

*Chapter 1* This chapter introduces the background, the research problem, hypothesis, thesis and research questions and the methodology in the following structure. Section 1.1 introduces the background that led to the research and section 1.2 presents the content of the research problem, hypothesis and thesis. The research questions are presented with the related summary of the subject of investigation for each chapter. Section 1.3 develops the methodology including section 1.3.1, outlining the approach which consists of a critical approach to the subject of investigation. Section 1.3.2 outlines the methods for data collection. The details of the following methods are presented: the literature and document review, the viewing of televised and e-debates, the carrying out of key informant interviews, focus group discussions and e-mail questionnaires and finally the review of minutes of meetings and workshops and conferences reports.

The content of special tailor-made methods for case studies is outlined for each of the four case studies, respectively case study N.1: evaluation of Gender Mainstreaming in UN-HABITAT; case study N.2: evaluation of Sida's support for the promotion of gender equality in partner countries: Nicaraguan and South African country case studies; case study N.3 evaluation of Sida's support to NDI Burkina Faso and case study N.4: evaluation of DFID's Policy and Practice in Support of Gender Equality and Women's Empowerment. The chapter concludes with section 1.4, the presentation of the overall structure of the thesis

*Chapter 2* This chapter discusses how the theoretical underpinning to the notion of gender equality has become disengaged from its original theoretical framing. Section 2.1 opens the chapter with an introduction. Section 2.2 discusses changes in feminist theory, through section 2.2.1, the displacement of the notion of redistribution, section 2.2.2, the displacement of universality of women's human rights violations and section 2.2.3 the politics of 'misplacements'. Section 2.3 analyses the implications of the above for the definitions of international development assis-

tance (IDA) in section 2.3.1, the women in development approach (WID) and the gender and development approach (GAD) in section 2.3.2.

*Chapter 3* This chapter analyses the interpretation of gender equality at international legislative and international policy level. Section 3.1 introduces the chapter. Section 3.2 discusses the interpretation of gender equality at international level, through the analysis of the reservations to gender equality in CEDAW in section 3.2.1, and the omission of violence against women in section 3.2.2. Section 3.2.3 presents concluding remarks. Section 3.3 analyses the changes to interpretations of gender equality in the IDA international policy frameworks. Section 3.3.1 addresses the devolution of gender equality in international policy frameworks, in particular at the World Conferences on Women and within current development policy frameworks such as the Millennium Development Goals and the Paris Declaration on Aid Effectiveness. Section 3.3.2 discusses the significance of identity politics in drawing the boundaries of gender equality and section 3.3.3 provides the concluding remarks. The conclusions of this chapter are presented in Section 3.4.

*Chapter 4* This chapter analyses the interpretations of gender equality at IDA donor policies and national policy level. Section 4.1 introduces the chapter. Section 4.2 analyses gender equality interpretations in multilateral and bilateral donor policies. On the one hand, section 4.2.1 focuses on gender equality in the hegemonic neoliberal donor policies and on the other hand, section 4.2.2, focuses on gender equality in socio-democratic oriented donor policies. Section 4.3 analyses the interpretations of gender equality at country policy level through the following significant examples. Section 4.3.1 introduces the section; Section 4.3.2 presents the case of abortion in Nicaragua's neoliberal and neo-Sandinista governments and the Roman Catholic Church; Section 4.3.3 discusses the example of Yoweri Museveni's politics and gender ine-

qualities in Uganda; Section 4.3.4 concludes with the example of Thomas Sankara's speech on International Women's Day in 1987. Section 4.4 presents the conclusions.

*Chapter 5* This chapter analyses gender equality at field and IDA programme level. Section 5.1 introduces the chapter. Section 5.2 explores the universality of women's human rights violations and gender inequalities at the local level. Section 5.2.1 focuses on the universality of women's human rights violations and section 5.2.2 addresses the universality of power and resources maldistribution and unpaid labour. Section 5.3 assesses the impact and limitations of the *institutionalisation* of gender equality. Section 5.3.1 discusses case study N.1: the evaluation of gender mainstreaming in UN-HABITAT which includes two cases - the Ecuador Community management Programme (CMP) and the WAT / HIC-WAS in Tanzania. Section 5.4 assesses the impact and limitations of IDA programmes when gender equality is interpreted with a prevailing focus on *representation* and *recognition*. As an illustration of these interpretations, in section 5.4.1 case study N.2 discusses the results of the evaluation of Sida's support for the promotion of gender equality in partner countries: Nicaragua and South Africa and in section 5.4.2 case study N.3 discusses the results of the evaluation of Sida's support to NDI Burkina Faso. Section 5.5 assesses the impacts of IDA programmes when gender equality is interpreted with a prevailing focus on *redistribution* and *women's human rights*, in section 5.5.1 case study N.4, an evaluation of DFID's policy and practice in support of gender equality and women's empowerment is discussed. Section 5.5 presents the conclusions.

*Chapter 6* Based on the research summaries and conclusions, the final chapter engages in a reflection as to the key elements of a critical refocus of gender equality towards gender justice. Section 6.1 presents the research summaries and conclusions related to the first and second research questions under each relevant chapter. Section 6.2 addresses the third



research question with an outline of key elements of a critical refocus of gender equality towards gender justice and section 6.3 concludes the research with an outline of the limitations of the thesis and key orientations for further research.

- Annex 1* contains the bibliography.
- Annex 2* contains the four case studies.

## 2 Theoretical (mis)framing

This chapter discusses how the theoretical underpinning to the notion of gender equality has become disengaged from its original theoretical framing.<sup>102</sup> Section 2.1 opens the chapter with an introduction. Section 2.2 discusses changes in feminist theory, through section 2.2.1, the displacement of the notion of redistribution, section 2.2.2, the displacement of universality of women's human rights violations and section 2.2.3 the politics of 'misplacements'. Section 2.3 analyses the implications of the above for the definitions of international development assistance (IDA) in section 2.3.1, the women in development approach (WID) and the gender and development approach (GAD) in section 2.3.2.

### 2.1 Introduction

Chapter 2 addresses the first research question as follows.

This chapter examines the key changes in feminist theories, and provides a critical assessment of those which have posed the most significant challenges to the concept of gender equality. The chapter proceeds to analyse the implication of these changes on the key concepts and definitions underlying the notion of gender equality<sup>103</sup> such

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<sup>102</sup> The term 'framing' was chosen to reflect the dynamism in theorising work as opposed to the more static concept of 'framework'.

<sup>103</sup> See N Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (Columbia University Press 2009) 16-18.

as International Development Assistance (IDA),<sup>104</sup> Women in Development (WID)<sup>105</sup> and Gender and Development (GAD).<sup>106</sup>

The chapter thus first discusses how the shift in focus within the theoretical framework underpinning gender equality has displaced fundamental notions in the interpretation of gender equality in IDA. In particular, the chapter critically assesses the eclipse of the notion of redistribution and the displacement of the universality<sup>107</sup> of women's human rights violations through the politics of identity's perspective<sup>108</sup> - which essentially focuses on recognition and representation.<sup>109</sup>

The first section of the chapter analyses the implications of the prevailing focus of identity politics in the interpretation of gender equality in the field of IDA. By identifying cultural relativism as one of the most challenging issues for the field, this section assesses the extent to which cultural relativism<sup>110</sup> has found a renaissance

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<sup>104</sup> See R Peet with E Hartwick, *Theories of Development: Contentions, Arguments, Alternatives* (2<sup>nd</sup> Edn, The Guilford Press 2009).

<sup>105</sup> See I Tinker, 'The Making of a Field: Advocates, Practitioners and Scholars' in N Visvanathan and others (eds), *The Women, Gender & Development Reader* (Zed Books 1997) 34-36.

<sup>106</sup> See K Young, 'Gender and Development' in N Visvanathan and others (eds), *The Women, Gender & Development Reader* (Zed Books 1997) 51-54.

<sup>107</sup> See C Jencks, *Critical Modernism: where is post-modernism going?* (Wiley-Academy 2007) 23.

<sup>108</sup> See Fraser (n 103) 101.

<sup>109</sup> See 'Comment on the Universalist-Relativist Debate' in H Steiner, P Alston and R Goodman (eds), *International Human Rights in Context: Law, Politics, Morals* (3<sup>rd</sup> edn, Oxford University Press 2007) 517. Other examples encompassing the politics of identity, recognition and cultural differences: A Bunting, 'Theorizing Women's Cultural Diversity Feminist International Human Rights Strategies' (1993) 20 (1) *Journal of Law Society* 6; R Kapur, 'A Love Song to our Mongrel Selves: Hybridity, Sexuality and the Law' (1999) 8(3) *Social and Legal Studies* 353.

<sup>110</sup> See E Brems, 'Enemies or Allies-Feminism and Cultural Relativism as Dissident Voices in Human Rights Discourse' (1997) 19(1) *Human Rights Quarterly* 136.

through a variety of feminist schools of thoughts from anti-essentialists,<sup>111</sup> to Third Worldists,<sup>112</sup> to postcolonialists,<sup>113</sup> and to difference feminists.<sup>114</sup>

It is argued that this revival has been achieved largely by delegitimizing universalism, and with it, the notion of the universality which is inherent to i) fundamental violations of women's human rights such as violence against women and ii) the unequal distribution of power and resources. The chapter focuses on these two aspects as they constitute, amongst other issues, the core problematics faced by women beneficiaries of IDA, as is further evidenced in the first section of chapter 5.

The significance of these developments is further discussed in relation to the very conceptualisation and definition of key concepts and approaches which have formed the basis of the concept of gender equality. These are: IDA<sup>115</sup>, the Women in Development approach (WID)<sup>116</sup> and the Gender and Development approach (GAD).<sup>117</sup>

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<sup>111</sup> See TE Higgins, 'Anti-essentialism, Relativism and Human Rights' (1996) 19 *Harvard Women's Law Journal* 89 in Steiner, Alston and Goodman (109) 545.

<sup>112</sup> See C Mohanty, 'Cartographies of Struggle: Third World Women and the Politics of Feminism' in C Mohanty, A Russo and L Torres (eds), *Third World Women and the Politics of Feminism* (Indiana University Press) 1-51; see also CT Mohanty, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses' in Mohanty, Russo and Torres, *Third World Women and the Politics of Feminism* (Indiana University Press 1991) 51-80.

<sup>113</sup> See G Prakesh, 'Subaltern Studies as Postcolonial Criticism' (1994) 99 *American Historical Review* 1475-1490. See also R Kapur, 'The Tragedy of Victimization Rhetoric: Resurrecting the "Native" Subject in International/Post-colonial Feminist Legal Politics' (2002) 15 *Harvard Human Rights Journal* 2.

<sup>114</sup> Examples of difference feminists is understood as illustrated by the following works: A Lorde, 'The Master's Tools Will never Dismantle the Master's House' in C Morroga and G Anzaldúa (eds), *The Bridge Called Me Back: Writings by Radical Women of Color* (Persaphone Press 1981) 98-101; C Gilligan, *In a Different Voice, Psychological Theory and Women's Development* (Harvard University Press 1982); IM Young, *Justice and the Politics of Difference* (Princeton University Press, 1990).

<sup>115</sup> See Peet and Hartwick, (n 104).

<sup>116</sup> See Tinker (n 105).

<sup>117</sup> See Young (n 106).

## 2.2 Change of focus in feminist theorising

Feminist theorising underpinning the concept of gender equality in the field of IDA has neither reflected a linear process, nor has it resulted in neatly divided categories. Rather, it has been characterised by a dynamic process of interconnected, disconnected and conflicting focuses, critiques and counter-critiques.

This section identifies and discusses the claims of the prevailing focus of feminist theorising on the politics of identity and the implications vis-à-vis other fundamental notions underpinning the concept of gender equality. The section shows that one of the main implications of the prevailing focus on identity politics has been the eclipse<sup>118</sup> of two fundamental notions underpinning gender equality of particular significance in the context of IDA. The first fundamental notion underpinning gender equality is the notion of *redistribution*, which essentially encapsulates socio-economic justice,<sup>119</sup> and the second is the notion of the universality of fundamental violations of women's human rights.<sup>120</sup>

The section focuses on these two specific notions as they constitute the core and common problematics faced by women beneficiaries in the field of IDA and across diverse socio-cultural settings.<sup>121</sup>

### 2.2.1 Displacing the notion of redistribution

The relevance of the notion of redistribution relates to Mansell's idea of substantive justice<sup>122</sup> as presented above in the background section. The notion of justice as re-

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<sup>118</sup> The term 'eclipse' is understood here and throughout the thesis in its figurative sense, as a loss of significance, power and prominence, ultimately resulting in a loss of focus in the interpretation of gender equality.

<sup>119</sup> See J Rawls, *A Theory of Justice* (revised edn, Harvard University Press 1999) and R Dworkin, 'What is Equality? Part 2: Equality of Resources' (Fall 1981) 10 no.4 *Philosophy and Public Affairs* 283-345.

<sup>120</sup> 'Universality' is used throughout the thesis in the sense used by H Charlesworth and C Chinkin, *The Boundaries of International Law* (Manchester University Press 2004) which emphasises the notion of universality of inequalities.

<sup>121</sup> This is further evidenced with quantitative and qualitative data in the first section of chapter 5.

distribution is understood in connection with the problematics exposed by John Rawls' theory of justice as follows:

The idea of justice as fairness is to use the notion of pure procedural justice to handle contingencies of particular situations. The social system is to be designed so that the resulting distribution is just however things turn out. To achieve this end it is necessary to set the social and economic process within the surroundings of suitable political and legal institutions. Without an appropriate scheme of these background institutions the outcome of the distributive process will not be just. (...) It is clear that the justice of distributive shares depends on the background institutions and how they allocate total income, wages and other income plus transfers.<sup>123</sup>

The key problematics discussed by Rawls and which he sums up as follows '[w]hile some effort is made to secure fair equality of opportunity, it is either insufficient or else ineffective given the disparities in wealth and political influence they permit'<sup>124</sup> carries particular resonance in the field of gender equality in IDA by exposing the deficiencies of focusing solely on the notion of 'fair equality'.

The issue at stake is further problematized by Dworkin as follows:

So the question of what division of resources is an equal division must to some degree include the question of what powers someone who is assigned a resource thereby gains, and that in turn must include the further question of his right to veto whatever changes in those powers might be threatened through politics.<sup>125</sup>

As the notion of justice is defined as including the notion of distribution, which in turn includes issues of (re)distribution of power and rights, the concept of gender equality in IDA is thus problematized along the same lines. The key questions these

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<sup>122</sup> W Mansell, B Meteyard and A Thomson, *A Critical Introduction to Law* (3<sup>rd</sup> edn, Cavendish Publishing 2004)164.

<sup>123</sup> Rawls (n 119) 243-244.

<sup>124</sup> Rawls (n 119) xvi; see also J Rawls, 'Justice as Fairness' (1958) 67 *Philosophical Review*.

<sup>125</sup> Dworkin (n 119) 283.

reflections on the notion of justice raise for gender equality in IDA are: How has gender equality been interpreted? What did the interpretations provided include? Why did a particular focus prevail and at which cost?

In seeking to respond to these questions, Nancy Fraser's account offers a relevant and useful explanation of how 'gender equality' has been defined and what has been the changing hegemonic focus underlying its interpretation. Fraser provides a clear illustration and a historical account of the displacement of the notion of socio-economic justice<sup>126</sup> in the interpretation of gender equality as follows:

If the first phase of post-war feminism sought to 'engender' the socialist imaginary, the second phase stressed the need to 'recognize difference.' 'Recognition,' accordingly, became the chief grammar of feminist claims-making in the *fin de siècle*. A venerable category of Hegelian philosophy, resuscitated by political theorists, this notion captured the distinctive character of post-socialist struggles, which often took the form of identity politics, aimed more at valorising difference, than at promoting equality. Whether the question was violence against women or gender disparities in political representation, feminists increasingly resorted to the grammar of recognition to press their claims. Unable to make headway against injustices of political economy, they preferred to target harms resulting from androcentric patterns of cultural values or status hierarchies. The result was a major shift in the feminist imaginary: whereas the previous generation pursued an expanded ideal of social equality, this one invested the bulk of its energies in cultural change. (...) What distinguished the identity politics phase was the relative autonomization of the cultural project – its decoupling from the project of political-economic transformation and distributive justice.<sup>127</sup>

Fraser in this concise statement draws a picture of the dynamics within the ideological underpinning to the notion of gender equality. Her depiction is not within a static

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<sup>126</sup> The term displacement is used as socio-economic equality used to constitute the prevailing focus of socialist thought and in this context it has therefore been 'displaced' out that fundamental position.

<sup>127</sup> Fraser (n 103) 105.



theoretical framework but rather portrayed as a succession of fundamental changes in a dynamic theorising process which characterises the evolution of feminist thought in the last 60 years. It is within this idea of dynamic theorising process that different 'focuses' have emerged. The focuses described by Fraser as 'phases' in feminist thinking are both objects of investigation as well as overall orientations and framing of feminist thinking in a certain period of time. Such description of theoretical framing 'in movement' as it were, is particularly relevant and useful when trying to make sense of the succession of ideas that have informed, shaped and influenced, broadly speaking, the body of gender-related concepts in IDA.<sup>128</sup> The term 'focus' will be used rather than 'phase' as it more closely illustrates the act of concentrating on a particular object whilst at the same time framing and orienting the discourse within a particular perspective.

Nancy Fraser in her depiction further uses the word 'decoupling' to explain that one underpinning focus was substituted by another as opposed to different focuses coexisting through relevant interconnections in one overall theoretical matrix defined by the notion of justice. She contends that the focus on identity politics and cultural difference became the dominant framing in second wave feminism, disconnected from the previous and original focus on distributive justice. It is argued not only that a similar phenomenon is verified in the field of IDA but that it takes the form of an eclipse of the notion of distribution.

Further by denouncing the consequence of this shift in focus as *displacing* rather than *deepening* the socialist imaginary, Nancy Fraser assesses the implications of the hegemony of identity politics as follows:

The tendency was to subordinate social struggles to cultural struggles, the politics of redistribution to the politics of recognition. It was assumed, rather, by the proponents of the cultural turn that a feminist politics of identity and difference would synergize with struggles of social equality. But that assumption fell prey to the larger Zeitgeist. In the fin de siècle context, the turn to recognition dove-

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<sup>128</sup> See section 2.3.2 Women in Development and Gender and Development.

tailed all too neatly with a hegemonic neoliberalism that wanted nothing more than to repress all memory of social egalitarianism. The result was a tragic historical irony. Instead of arriving at a broader, richer paradigm that could encompass both redistribution and recognition, we effectively traded one truncated paradigm for another (...) at precisely the moment when neoliberalism was staging its spectacular comeback.<sup>129</sup>

The irony that Fraser is alluding to reflects well the fact that whilst many proponents of identity politics and especially proponents of Third Worldist and the cultural difference views were critical about Western liberal feminism, which in their view often amounted to imperialism,<sup>130</sup> they fitted, through their very anti-liberal critiques, into the neoliberal framework.

If Fraser assumes that identity politics 'fell prey' of the larger Zeitgeist, suggesting that it was an unfortunate accident, arguably, the focus on identities may well find more common grounds with individualism than with collectivism which de facto focuses on commonalities rather than differences. Thus the theory of the accidental coincidence is debatable. If good intentions within the Left<sup>131</sup> exist towards the reconciliation of divergent feminist focuses and perspectives into a single and richer paradigm, there is not yet unanimity on the choice of an overall framing for feminist thought. Following the post-modern turn, whereas it is difficult to foresee the return, and unanimous adherence, to a single overall grand feminist framework as in the modernist era, arguably and more realistically the coexistence of diverse focuses might prevail. The thesis supports the idea of attempting to refocus at least one of them in light of its relevance and significance in furthering the overall goal of poverty reduction to IDA.

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<sup>129</sup> Fraser (n 103) 106.

<sup>130</sup> See section 2.2.2.

<sup>131</sup> The 'Left' is here and hereafter defined as political groups and parties favouring radical, reforming and socialist views.

Whether neoliberalism coincided with identity politics out of accident or not, it was also an unfortunate timing for such a coincidence for the broader field of IDA as illustrated by the following implications:

On the one hand the end of bipolar competition between the Soviets and the West reduced flows of aid to the periphery. On the other hand, US led dismantling of the Bretton Woods financial regime encouraged the new neoliberal policy structural adjustment, which threatened the post-colonial development state. The result was to greatly reduce the scope for egalitarian redistributive projects in the South. And the response was an enormous surge of identity politics in the post-colony, much of it communalist and authoritarian. Thus post-colonialist feminist movements, too, were forced to operate without a background political culture that guides popular aspirations into egalitarian channels. Caught between downsized state capacities, on the one hand, and burgeoning communalist chauvinisms, on the other, they too, felt pressure to recast their claims in forms more in keeping with post-socialist *Zeitgeist*.<sup>132</sup>

Within the IDA field, this ‘coincidence of events’ - far from being a mere unfortunate theoretical turn - implied at a deeper level that ‘development’ and ‘poverty reduction’ could be and would be defined from then on outside the egalitarian paradigm and within a paradigm that ensured the exclusion of the interpretation of inequalities as *maldistribution* of resources and power, which are arguably inherent in the poverty problematics in most developing countries. This, to a large extent, explains the absence of the term ‘redistribution’ from IDA policies and programmes of the 1990s and 2000s.<sup>133</sup> The significant implication of this ideological turn is that the concepts of gender equality as well as its immediate and broader context, respectively that of ‘poverty reduction’ and ‘development’ could also be robbed of their focus on socio-economic justice.<sup>134</sup>

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<sup>132</sup> Fraser (n 103)107-108.

<sup>133</sup> See chapter 4 Gender equality at donor and national policy level and chapter 5 Gender equality at field and programme level.

<sup>134</sup> As further discussed in section 2.2.3.

However, to state that post-colonialist feminist movements were ‘forced’ to recast their claims within the hegemonic surge of identity politics indicates that at best, post-colonialist feminism at the time had not gained sufficient ‘independence’. If it had done so, it surely could not have been ‘forced’ into adhering to any further hegemonic ideologies. Arguably identity politics must have served the overriding interests of some proponents of feminist post-colonialists at the time. Rather than ‘forced’, post-colonialist feminists chose identity politics as their overall focus to cast their feminist claims, as it, amongst others, responded to a key underlying concern of the movement: anti-imperialism.<sup>135</sup>

This raises the question of: Who benefitted from disconnecting women’s individual experiences from the substantive egalitarian paradigm of social justice? In attempting to answer this question, the thesis’s objective is less to single out potential interest groups than to demonstrate that these manoeuvres have not played out in the interests of women beneficiaries of IDA.<sup>136</sup>

Based on Nancy Fraser’s work, Shirin Rai also raises concerns regarding the ways in which identity politics had cast a shadow over redistribution, (and in turn over social justice) as follows:

(...) the post-modern turn in social science and gender studies has allowed feminist academics and gender activists to be diverted from the fundamental transformation of social relations.<sup>137</sup>

Rai further emphasises the need to critically re-evaluate the influence of post-modernism with its focus on difference, exclusion, and anti-essentialism.<sup>138</sup> As Rai echoes Fraser, she demonstrates that this prevailing focus did not always translate

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<sup>135</sup> See sections 2.2.2 and 2.2.3.

<sup>136</sup> This is further evidenced in chapter 5 Gender equality at field and programme level.

<sup>137</sup> S Rai, *The Gender Politics of Development* (Zed Books 2008) 2.

<sup>138</sup> This is discussed and illustrated at greater length in section 2.3 Interpreting IDA, WID and GAD.

into the redistribution of resources, which implies, in her view, a drawback rather than advancement for the poorest women in development countries.<sup>139</sup>

Thus, without the redistributive notion, it is argued that the concept of gender equality loses a vital focus and overall orientation in the broader field of poverty reduction and IDA. As Fareda Banda illustrates, ‘as long as men have primary control over the resources such as land, women will never be able to overcome socio-cultural inequalities’,<sup>140</sup> thereby also pointing to the crucial importance of redistribution in the interpretation of the concept of gender equality within the field of IDA.

On this basis, it is obvious that the eclipse of the notion of redistribution has permeated the fundamental theoretical focus underpinning the concept of gender equality. The displacement of the notion of distribution – whether accidental or not – is thus identified as effectively denuding the concept of theoretical grounds with which to address socio-economic injustices within the field of IDA.

### 2.2.2 Delegitimizing and dismissing universalism

Further to the displacement of the notion of distribution, another central concern has been the trend to isolate injustices and inequalities from each other and from universal framing.

As Amartya Sen concluded in *The idea of Justice*:

(...) people need not be inescapably doomed to isolated lives without communication and collaboration. It is bad enough that the world in which we live has so much deprivation of one kind or another (from being hungry to being tyrannized), it would be terrible if we were not able to communicate, respond and altercate. When Hobbes referred to the dire state of human beings in having “nasty, brutish and short” lives, he also pointed, in the same sentence, to the disturbing adversity of being “solitary”. Escape from isolation may not only be im-

<sup>139</sup> This is further evidenced in chapter 5 Gender equality at field and programme level.

<sup>140</sup> F Banda, *Women, Law and Human Rights: An African Perspective* (Hart Publishing 2005) 308.

portant for the quality of human life, it can also contribute powerfully to understanding and responding to the other deprivations from which human beings suffer.<sup>141</sup>

Sen effectively argues with common sense, on a fourth dimension of justice which, if anything, appeals to a refocus out of the post-modern emphasis on differences and isolations of injustices. On the face of it, feminism did not follow that path. On the contrary, it chose to isolate differences in feminist claims.

The politics of identity surged in the fin de siècle and in the post-colonial feminist field, cultural relativism and thus, with it - the isolation of culturally different injustices and inequalities- found a renaissance through the process of delegitimizing many forms of 'universalism' that were thought to be *acquis* - including the universality of women's human rights violations.<sup>142</sup>

In the context of gender equality in IDA, the revival of cultural relativism through the politics of identity resulted in

the notion of subordination of women being thereafter constructed as a problem of culture and thus dissociated from political economy.<sup>143</sup>

The construction of women's subordination as a cultural problem provides a considerably limited theoretical focus for the interpretation of gender equality in IDA as it dissociates the problem not only from political economy, but also from the larger and global matrix of structural inequalities and social justice. This in turn, changes the perspective of how women's subordination is considered and analysed. At best, women's inequality is discussed largely in isolation from broader, global patterns of exploitation and at worst, is potentially justified by reference to differences in cul-

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<sup>141</sup> A Sen, *The Idea of Justice* (The Belknap Press of Harvard University Press 2009) 415 citing T Hobbes, *Leviathan* (first published 1651).

<sup>142</sup> See evidence in chapter 5.2 Excavating universality from women's human rights violations and gender inequalities at the field level.

<sup>143</sup> Fraser (n 103) 106.

tures, religions and identities. This perspective, risks undermining the achievements of many past struggles which had been undertaken to fight cultural and religious stereotypes - under the guise of which women's subordination finds a rejuvenating normalisation today.<sup>144</sup>

Nancy Fraser seems to suggest that the abandonment of the egalitarian and social justice paradigm for an inward-looking focus on identity, differences and culture which could justify a return to cultural relativism was unconscious, and the encounter with the broader neoliberal context, accidental. In contrast, Caroline Fourest views this ideological shift as emanating from a more conscious and fundamental political change of paradigm from within the post-socialist Left.

According to Fourest, opposed political standpoints dividing the post-socialist Left are competing for political and theoretical space. In Fourest's view, it would therefore be this competition which is responsible for the shift in feminist theorising rather than an accidental coincidence of identity politics emerging at the wrong time and in the wrong place.

In order to illustrate her point, Fourest takes two examples into consideration: The London European Social Forum of 2004<sup>145</sup> and the Durban World Conference against Xenophobia of 2001.<sup>146</sup> Interestingly Fraser selected the very same examples of global forums to illustrate, in contrast, the appropriate platform to explore a more comprehensive and harmonious common overall framework for a future third phase feminism.<sup>147</sup> Yet Fourest uses these examples to demonstrate how identity politics, embraced by many advocates of Third Worldist positions are drifting towards com-

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<sup>144</sup> See evidence provided in section 5.2.

<sup>145</sup> The European Social Forum was held in London, UK from 14-17 October 2004 see <<http://www.fse-esf.org/spip.php?article58>> accessed 2 March 2011.

<sup>146</sup> The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in Durban, South Africa from 31 August to 8 September 2001 see <[http://www.ngo-monitor.org/article/ngo\\_forum\\_at\\_durban\\_conference\\_](http://www.ngo-monitor.org/article/ngo_forum_at_durban_conference_)> accessed 2 March 2011.

<sup>147</sup> Fraser (n 103) 114-115.



munalism and authoritarianism, in conflict with social egalitarian and anti-authoritarian perspectives.

She argues that during both of these events, irreconcilable perspectives amongst the Left were played out. In Durban, according to Fourest, rather than seeing like-minded NGOs combating racism under a united front, the Conference was overshadowed by opposing pro-Islamist and anti-Semitic slogans.<sup>148</sup> At the London European Social Forum, a debate on the Hijab was overtaken by some anti-imperialist Left activists and some Third Worldists forging alliances with fundamentalists, paradoxically labelling feminists who perceived the Hijab as a symbol of oppression against women, as 'racists and Islamophobic'.<sup>149</sup>

These examples typify a recurring pattern of Third Worldist feminist critiques which were voiced around and against the birth of the slogan 'women's rights are human rights'.<sup>150</sup> Cultural relativist positions could essentially be summarised in the following statement:

there is - as a matter of fact, empirically - an impressive diversity. The critiques attached an important consequence to this diversity: that no transcendent or trans-cultural ideas of 'right' could be agreed upon and hence no culture or state

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<sup>148</sup> C Fourest, *La Tentation Obscurantiste* (Grasset 2005) 50, 135-145. See also on the same topic but related to the First World Conference on Women in 1975, M Snyder, 'Unlikely Godmother: The UN and the Global Women's Movement' in M Marx Ferree and AM Tripp (eds), *Global Feminism: Transnational Women's Activism, Organizing, and Human Rights* (New York University Press 2006) 24-50.

<sup>149</sup> Fourest (n 148). See also T Peace, 'L'impact de la 'Participation Musulmane' sur le Mouvement Altermondialiste en Grande-Bretagne et en France' (Été 2008)70 *Cultures & Conflits* 110-128 ; 'NGO forum at Durban Conference 2001' <[http://www.ngo-monitor.org/article/ngo\\_forum\\_at\\_durban\\_conference](http://www.ngo-monitor.org/article/ngo_forum_at_durban_conference)> accessed 2 March 2011.

<sup>150</sup> The slogan was particularly brought forward at the Second World Conference on Women held in Copenhagen from 14-30 July 1980.

was justified in attempting to impose [in an imperialist and neo-colonialist manner] their values on other cultures or states.<sup>151</sup>

Consequently, through a renewed form of cultural relativism, universal definitions of women's human rights gradually lost their legitimate basis. The result of such theorising was that 'tensions between First and Third World feminists on issues of substance and strategy, became evident and increasingly significant within the IDA arena'<sup>152</sup> and particularly within major World Conferences.

Most post-colonial, cultural relativist and anti-essentialist feminist critiques, despite several nuances and differences in their theories, seem to agree upon the rejection of the 'attempted wholesale application of so-called Western feminist theories on other communities and societies and in particular, the liberal feminist emphasis on the removal of sex-discrimination'.<sup>153</sup> However, if the original intention was to reject neo-liberalism, radical Left and Marxist analyses were also rejected in practice within the same anti-imperialist concern. Recalling Fraser analysis above,<sup>154</sup> this example illustrate how one hegemonic perspective was replaced by another hegemonic focus on identity and difference in the later global forums.

Naila Kabeer's position, supported identity politics and the wave of anti-essentialism by defining WID advocates as being primarily First World women who defined the idea of global sisterhood, Third World women and the idea of integration into devel-

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<sup>151</sup> H Steiner and P Alston (eds), *International Human Rights in Context: Law, Politics, Morals* (Oxford University Press 2000) 367. See also M-B Dembour, Following the movement of a pendulum: between universalism and relativism in J Cowan, M-B Dembour and R Wilson (eds), *Culture and Rights: Anthropological Perspectives* (Cambridge University Press 2001) 56-79.

<sup>152</sup> Charlesworth and Chinkin (n 120) 47.

<sup>153</sup> *ibid* 46.

<sup>154</sup> See section 2.2.1.

opment processes as being initiated by First World donors or elites in their countries.<sup>155</sup>

This critique led to a clear shift in focus in the context of feminism in IDA. A post-colonialist perspective on the one hand suggested that:

Third World countries had had little autonomy so far in determining their own development trajectories, as long as power and resources were concentrated in the hands of Western countries. Consequently, most men and women were and had always been integrated into development processes but on asymmetrical terms which were determined by the interweaving of relations of class, gender and the international economic order.<sup>156</sup>

Closely interrelated, this discussion raised anti-essentialist concerns about the notion of 'women'. The question was whether the concept of 'women' and in this case 'Third World women' could be said to belong to one category, reflecting western values, across the globe, transcending culture, sex, ethnicity and class. The perceived imposition of a universal 'sisterhood' amongst women of different cultural backgrounds was now heavily criticized.<sup>157</sup>

One of the most prominent example of such critique is illustrated by Chandra Talpade Mohanty who rejects 'the suggestion that women can recognize each other's

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<sup>155</sup> N Kabeer, *Reversed Realities, Gender Hierarchies in Development Thought* (Verso 2001) 31-32. Kabeer played a role in influencing feminist theoretical frameworks in IDA and conceptual changes from WID to GAD.

<sup>156</sup> *ibid* 33. For an example of attributing false consciousness to Third World women in the case of female genital mutilation see K Engle, 'Female Subjects of Public International Law: Human Rights and the Exotic Other female' (1992) 26 *New England Law review* 1509.

<sup>157</sup> For example: 'As white women ignore their built-in privilege of whiteness and define in terms of their own experience alone, then women of Color become "other", the outsider whose experience and tradition is too "alien" to comprehend.' S Mullally, *Human Rights Law Perspective, Gender Culture and Human Rights: Reclaiming Universalism* (Hart Publishing, 2006) xxx citing A Lorde, 'Age, Race, Class and Sex: Women Redefining Difference' in A Lorde, *Sister Outsider* (Trumansburg, 1984) 117.

experiences and problems across cultural, class and ethnic lines(...)'<sup>158</sup> which she argues erases material and ideological power differences within and among women.

The objective of this critique was to challenge the legitimacy of the notion of the universality of women's human rights, focusing on differences and thus challenging the category 'women' as a valid universal analytical category. Mohanty justifies this position by explaining how in her view, western women have defined Third World women solely in terms of their 'problems' or 'achievements', effectively removing them from history, freezing them in time and space.<sup>159</sup>

Mohanty's critique is not only relevant to show feminist cultural relativist perspectives in the universalist v. relativist debate<sup>160</sup> but is of particular significance to the field of IDA as development theory hinges on the analysis of 'problems' and the degree to which 'achievements' can be evidenced. Mohanty's critique not only delegitimizes the universality of women's human rights but at the same time the very grounds upon which IDA bases its justification.

Although in her revised writings she seems to soften her position through a re-discovery of the notion of solidarity, in her earlier analyses both solidarity and commonalities are eclipsed and substituted by cultural differences as the hegemonic focus of her feminist perspective. Indeed, her earlier views can be characterised as prominently based on anti-imperialist and anti-racist theories, as illustrated in her following well-known statement that typifies Mohanty's view of how the notion of Third World difference is produced:

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<sup>158</sup> CT Mohanty, 'Feminist Encounters: Locating the Politics of Experience' in M Barrett and A Philips (eds), *Destabilising Theory: Contemporary Feminist Debates* (Stanford University Press 1992) 83.

<sup>159</sup> *ibid* 84. For an example of Human Rights deconstruction as unidirectional, predictable and arrogant rhetoric see M Mutua, 'Savages, Victims, and Saviors: The Metaphor of Human rights' (2001) 42 *Harvard International Law Journal* 201.

<sup>160</sup> See AA An-Na'im, *Human Rights in Cross-Cultural Perspectives* (University of Pennsylvania Press 1992); D Kennedy, 'The International Human Rights Movement; Part of the Problem?' (2002) 15 *Harvard Human Rights Journal* 127; H Charlesworth, 'A response to David Kennedy' (2002) 15 *Harvard Law Journal* 127.

White western reads progressive/modern, while Third World women are necessarily defined as religious (read: not progressive/backward/traditional), illiterate (read: ignorant), domestic (read: backward) etc.<sup>161</sup>

If her critique might have rightly denounced a propensity of 'patronising' attitudes from some Western feminists<sup>162</sup> 'essentializing' the 'rest',<sup>163</sup> one of the most challenging implications is that a wider analysis of women's subordination was also displaced as 'patronising' and replaced by an analysis which focuses solely on differences of cultures and identities - de facto eclipsing the legitimate grounds upon which to defend women's human rights and the struggle against women's subordination. Mohanty in one sentence replaced the struggle against what Sen earlier called 'deprivation of one kind for another (from being hungry to being tyrannized)',<sup>164</sup> with the struggle against racism. This effectively collapsed the legitimate claims of women living in poverty, to education, to better employment opportunities, not to be confined to domestic work and child rearing, and any other cultural gender stereotypes.

Mohanty's statement thus synthesises the major implications of the use of identity politics in the interpretation of gender equality in IDA. It effectively eclipses the legitimacy of women's claims to the right to education, the right to develop a critical perspective vis-à-vis one's conditions and one's socio-economic, cultural and religious environment. By making racist theory the hegemonic framework through which the understanding of gender inequalities are confined, Mohanty erases the va-

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<sup>161</sup> CT Mohanty, *Feminism Without Borders: Decolonising Theory, Practicing Solidarity* (Duke University Press 2003) 40. See also Kapur (n 113) 2.

<sup>162</sup> For an example of an understanding of feminism as a Western notion see U Narayan, *Dislocating Cultures: Identities, Traditions and Third-World Feminism* (Routledge 1997).

<sup>163</sup> Other examples supporting this view are: E Spelman, *Inessential Woman: Problems of Exclusion in Feminist Thoughts* (Beacon Press 1980); J Kristeva, 'Women can never be defined' in Marks and de Courtivron (eds), *New French Feminisms: An Anthology* (Schocken 1981) 137,140; J Flax, 'Race/gender and the Ethic of Difference' (1995) 23 (3) *Political Theory* 500; NC Moruzzi, 'A Problem with Headscarves: Complexity of Political and Social Identities' (1994) 22(4) *Political Theory* 653.

<sup>164</sup> See Sen (n 141).

lidity of claims that are concerned both with the survival and the empowerment of women living in objectively verifiable and unacceptably poor conditions. By denying the legitimacy of perceiving their conditions as dire – a racist act in Mohanty's view - Mohanty effectively denies 'poor', 'women' living in 'Third World' countries none less than the right to be free from poverty and injustices defining not themselves but their conditions.<sup>165</sup>

Susan Moller Okin, further discusses such critique as follows:

During the 1980s and the early 1990s, postmodernist scholarship was highly influential in Anglo-American academia; at the same time, African American, lesbian and other critics of earlier feminism were, often rightly, critiquing it [feminism] for ignoring their needs, interests and perspectives. The feminist anti-essentialist critique that often combined the two was at times carried to the extreme of asserting that no generalizations at all, could or should be made about women, gender, mothering or many other topics that some feminists thought important to be able to discuss. In addition, it was sometimes claimed that whatever the quality of the evidence presented or the strength of the argument made, the suggestion by any white, middle-class feminist that women and girls in cultures other than our own are disadvantaged or oppressed by elements of their own cultures amounted to offensive cultural imperialism.<sup>166</sup>

Okin makes an important suggestion that difference feminists often used their, albeit challenging differences to build the basis of a 'different' framework. If there is an obvious point for claims of differences to be considered on the basis that they will help building a 'richer paradigm' as Fraser points out, what is the point of difference claims distorting, nullifying and replacing overall frameworks by one which is relevant to a minority of cases and cannot in and of itself address the most pressing prob-

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<sup>165</sup> cf de Beauvoir (n 750).

<sup>166</sup> SM Okin, 'Feminism, Women's Human Rights and Cultural Differences', in U Narayan and S Harding, *Decentering the Center: Philosophy for a Multicultural, Postcolonial, and Feminist World* (Indiana University Press 2000) 36-37.

lematics of women living in poverty in Third World countries – arguably not homophobia and racism?<sup>167</sup>

Okin, provides yet more evidence of Fraser's theory of one paradigm having been traded for the other with the serious implication of losing the achievements of the first, that is a theoretical framework upon which women's rights could be legitimately defended. In an attempt to explain some of the interests at play behind the main Third World critiques against universalism, Okin points out that difference feminist and Third World feminist critiques were directed at:

Feminists in the academia, who attempted to find anything but differences between women, were as a result, being taken to task for essentialism.<sup>168</sup>

As Okin further points out, anti-essentialist feminists had constructed a 'hardly conducive climate to the framing of women's rights as universal human rights.'<sup>169</sup> Yet at the same time and despite the divergent interests the Fourth Women's World Conference in Beijing in 1995,<sup>170</sup> resulted in an unprecedentedly strong rejection of 'cultural' justifications for violations and abuses of women's human rights.<sup>171</sup>

Nevertheless, some feminists living and pursuing academic careers in the Western world under the label of 'Third World feminists' continued to question universalism in the post-Beijing era, despite the fact that 'patriarchy and the devaluing of women, although manifested differently within different societies, had been clearly demonstrated to be almost universal.'<sup>172</sup>

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<sup>167</sup> See for an overview of pressing problematics faced by women in Third World countries section 5.2.

<sup>168</sup> Okin (n 166) 38.

<sup>169</sup> *ibid.*

<sup>170</sup> 'World Conference on Women held in Beijing' (4-15 September 1995);

<<http://www.un.org/womenwatch/daw/beijing/fwcwn.html>> accessed 27 February 2011.

<sup>171</sup> See 'Beijing declaration and platform for action' available at

<<http://www.un.org/womenwatch/daw/beijing/fwcwn.html>> accessed 27 February 2011.

<sup>172</sup> H Charlesworth, 'What are Women's International Human Rights?' in R Cook, *Human Rights of Women: National and International Perspectives* (University of Pennsylvania Press 1994) 60.



As Hilary Charlesworth points out:

one of the strategies to overcome the hazards of essentialism in feminist work in international law is to focus on problems women appear to face whatever their background.<sup>173</sup>

In the context of IDA, this approach resonates particularly well given the scope of the problematics at hand.<sup>174</sup> It is indeed first of all through the demonstration of the universality of violations of women's human rights that much of universalism's lost legitimacy can be regained.<sup>175</sup>

Arguably, cultural relativists and Third Worldists 'cannot criticise Western imperialism and at the same time ignore non-Western states' selective use of the defence of culture in the service of state power.'<sup>176</sup> Thus, it cannot be ignored that the striking proliferation of religious and nationalist regimes in the postcolonial eras - which in certain respects has even defined the postcolonial era - has actually placed women in a situation comparable to that in which they found themselves during colonialism.<sup>177</sup>

To circumvent increased criticism of top-down approaches in the application of international law more specifically, practitioners and researchers in development contexts have taken on board participatory and bottom-up approaches in the application of women's human rights. This is notable in the work of women's non-governmental organizations in Third World countries such as WLSA<sup>178</sup> with their focus on excavating women's rights' from customary norms, living law and cultural practices.<sup>179</sup>

The idea of digging women's human rights out of their cultural context is, in principle, a very valid one, as a strategy to counter internal resistance and fear of postcolo-

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<sup>173</sup> Charlesworth and Chinkin (n 120) 54.

<sup>174</sup> As illustrated in chapter 5.

<sup>175</sup> As will be further shown at all levels in chapter 3, 4 and 5.

<sup>176</sup> Steiner and Alston (n 151) 407.

<sup>177</sup> R JC Young, *Postcolonialism: A Very Short Introduction* (Oxford University Press 2003) 99.

<sup>178</sup> Women and Law in Southern Africa Research Trust.

<sup>179</sup> A Armstrong and others, 'Uncovering Reality: Excavating Women's Rights in African Family Law' (1992) Working Paper N.7 Women and law in Southern Africa.

nialism through a whole scale application of so-called western international human rights standards and values. This has been the subject of much research in the law and development framework, as researchers try to explore a middle way between universalism and relativism. Academics and field researchers such as Anne Hellum were able to demonstrate that in

exploring both the general characteristics and the unique features of social and legal relations (...) it is possible to make generalizations concerning women's common values and interests within a limited span of time and places.<sup>180</sup>

The pluralist middle ground between universalism and relativism has thus presented itself as the 'reasonable' compromise, doing away with unfruitful dichotomies by providing a limited version of universalism that would only be applicable in a limited geographical span and time – which defacto de-universalises them.

Arguably, this middle ground leaves a fundamental question without answer: if there are similarities that can be generalised, can be identified in a certain time and space, why would it not be possible to identify similarities which can be generalised throughout time and space across wider borders?

In contrast, Fareda Branda, points out that,

Indeed some of the 'customs' that we cling to as being uniquely African are not so. For example, we were not the first or only people to give bride wealth as a precursor to marriage - other cultures have done it, not least the Germans.<sup>181</sup>

Other examples such as the control of women's sexuality - from chastity belts in European middle-ages, to clitoridectomy in UK and US, to Female Genital Mutilation (FGM) in sub-Saharan Africa – all were considered by their defenders to be an affirmation of cultural womanly values and are, paradoxically quasi-universal prac-

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<sup>180</sup> A Hellum, 'Women's Human Rights and African Customary Law: Between Universalism and Relativism - Individualism and Communitarianism' (1999) 10 (2) *The European Journal of Development Research* 102.

<sup>181</sup> Banda (n 140) 305.

tices.<sup>182</sup>

One can add many other significant examples such as women's quasi-universal lack of control over resources; the exploitation of their domestic household work; women's status as a lesser citizens; and women's timid and often non-existent participation in parliament and public political life.<sup>183</sup> These are all examples which emerge in different societies, whether the colonized or former-colonizers, North and South, First and Third World, at different points in history and under infinitely different guises and variants. These are thus anything but single events taking place in limited span of time and place, in supposedly isolated corners of the world, and least entrenched in cultural specificities, unique historical moments.

Thus, arguably less relevant are the theoretical compromises between universalism and relativism, as these essentially produce truncated versions of universalism effectively limiting possibilities of historical, cross-cultural and cross-continental comparisons and still confine women's plight, if not to their individual experience, to a limited time and space frame, as does cultural relativism.

Instead, a collective response to commonly identifiable problems or a 'discursive universalism'<sup>184</sup> - rather than a fragmented and isolated local response - is arguably more likely to bring about social changes in the field of IDA. This is further underlined by Charlesworth, who suggests the concept of 'reflective solidarity'.

Another example is that of Jodi Dean, who has argued for the importance of coming to an agreement about those aspects of our lives affecting us all, and of working within our differences to find norms and practices worthy of the consent of each individual:

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<sup>182</sup> See Y Tamir, 'Hands off Clitoridectomy' (Summer 1996) 31 Boston Review 21; O Koso-Thomas, *The Circumcision of Women: A Strategy for Eradication* (Zed Books 1987).

<sup>183</sup> See UNDP, 'Gender Index Statistics' Human Development Reports (2001-2010). See also chapter 5 for further evidence and statistics.

<sup>184</sup> Charlesworth and Chinkin (n 120) 55.

The recognition of difference remains meaningless and useless so long as it is not included as an element of our common life context and incorporated into the struggle to end exclusion and oppression.<sup>185</sup>

Nevertheless and despite the arguably much needed legitimate framework to struggle against exclusion, oppression and injustices of all kinds, some Third World feminists such as Mohanty, persisted in their views that far from freeing women:

the application of the notion of 'women' as a homogeneous category to women in the Third World, colonizes and appropriates the pluralities of the simultaneous location of different groups of women in social class and ethnic frameworks, in doing so it ultimately robs them of their historical and political agency.<sup>186</sup>

There certainly exists a need to seek some clarity here, and to distinguish between the misguided trend of imposing a particular identity on others with the worthwhile task of identifying common problematics across different identities and different socio-cultural and socio-economic environments. Far from robbing women of political agency, the notion of commonalities across different violations of women's human rights for instance, aims precisely at reinforcing it.<sup>187</sup> Therefore, focusing not on difference in identities but on commonalities and socio-economic injustices across identities ought, if anything, to strengthen women's political agency. Whereas as on the contrary, confining women's socio-economic injustices to their specific locations, cultures and identity, may arguably rob women of their agency and the power to challenge the realities in which they live.<sup>188</sup>

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<sup>185</sup> J Dean, *Solidarity of Strangers: Feminism after Identity Politics* (University of California Press 1996) 174.

<sup>186</sup> Mohanty, *Feminism Without Borders* (n 161) 39. See also Kapur, 'A Love Song to Our Mongrel Selves' (n 109) 353.

<sup>187</sup> See evidence in section 5.2.

<sup>188</sup> This is demonstrated throughout the thesis and at all levels of IDA, from the theoretical level in this chapter, to international legal and policy level in chapter 3, to donor and national policy level in chapter 4, and finally to programme and field level in chapter 5.

Some Third World feminist critiques supported Mohanty's position and took further steps in marking differences in identity politics by advocating a return to motherism and womanism.<sup>189</sup> This return to 'mother nature' shared common ground with the definition of 'woman as mother', similar to that exported by Christian missionaries in the colonial times.

Many Third World feminists<sup>190</sup> have thereafter responded to this call to focus predominantly on identity by concentrating on a variety of compromises which exist in African contexts. Such perspectives have located the negotiation of cultural demands of high-fertility and the expectations of motherhood on the one hand, and self-realisation on the other, exclusively within the sub-Saharan African context.

However, this so-called cultural relocation is at the same time evidently reflecting one of the most basic and common dilemmas affecting most women across the globe, regardless of their culture. Surely women's emancipation from subordination is still very much linked, amongst other considerations, to women's ability and opportunity to decide if and when to have children in relation to other activities which also form an integral part of their identity, rather than considering 'motherhood' as the sole and ineluctable identity.

In stark contrast to this Third Worldist position, are the views of some young women parliamentarians in Benin, for instance. In 1994, they issued warnings to their male

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<sup>189</sup> A Walker, *In Search of Our Mothers' Gardens: Womanist Prose* (Harcourt Brace & Company 1967). The term 'womanism' was adapted from Pulitzer Prize winning author, Alice Walker. In her book *In Search of Our Mothers' Gardens: Womanist Prose*, Walker used the term to describe the perspectives and experiences of 'women of color'. Although most Womanist scholarship centres on African American women's experience, other non-white theologians identify themselves with this term. This discourse is strongly related to African feminism and postcolonial feminism. Many postcolonial feminists, such as Mills, argue that oppressions relating to the colonial experience, particularly racial, class, and ethnic oppressions, have marginalized women in postcolonial societies. Moreover, post-colonial feminists object to the perceived portrayal of women of non-Western societies as passive and voiceless victims, as opposed to the portrayal of Western women as modern, educated and empowered.

<sup>190</sup> S Arndt, 'African Gender Trouble and African Womanism: An interview with Chikwenye Ogunyemi and Wanjira Muthoni' (Spring 2000) *Signs: Journal of Women in Culture and Society* 253.

counterparts in the political elite specifying that ‘unless they were willing to give-up some political space, they will instead contribute to the increase of birth rate and thus contribute quite handsomely to the enlargement of poverty!’<sup>191</sup>

Arguably, promoting ‘motherism’ as a matter of importance in the recognition of identity difference in countries where women are not fully considered adult until they become mothers, in which the average birth rate is 7.5 children is at best unrealistic and at worst, irresponsible. It is difficult to see how such a theoretical matrix can serve justice for women living in poverty.

Mohanty has, since her early writing, taken a step back and modified her position by implying that her former analyses had been misread and misunderstood. However, she admits that 20 years ago – albeit, a crucial time for consolidating the women’s human rights agenda at the global level, to act as a much needed counter power to the hegemonic neoliberalist surge - she was instead more interested in challenging Euro-centric discourse and was not sufficiently critical of the valorisation of differences over commonalities.<sup>192</sup>

Although this may be interpreted as an admission of omission, it falls short of justifying the paradox that in the name of identity politics, the theoretical matrixes produced by some Third Worldists during this period did more to keep (real) Third World women in poverty and within their injustices by providing cultural justifications for local systems of oppression.

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<sup>191</sup> Interviews held with key informants in the context of the gender action plan for the rural transport sector in Benin. The consultancy aimed at the development of a gender action plan to be incorporated in phase II of the road works sector programme supported by Danida in Benin in 2004.

<sup>192</sup> Mohanty, *Feminism Without Borders* (n 161) 224. For examples of attempts to identify the middle grounds, a point of dialogue between identity politics in feminism and a focus on commonalities / universalism as mutually enriching discourse see S Benhabib, *Situating the self: Gender, Community and Postmodernism in Contemporary Ethics* (Polity Press 1992); S Benhabib, *The claims of Culture: Equality and Diversity in The Global Era* (Princeton University Press 2002).

### 2.2.3 The politics of dismissals, displacements and erosions

In order to put the implications of the problematics discussed above into a wider perspective, Caroline Fourest suggests that a key challenge to contemporary feminist theorising is a deep ideological divide, not as anticipated between the Left-wing and the neoliberal Right-wing but within the contemporary Left itself. This perspective sees opposing identity politics incarnated by recognition movements such as Third Worldists and anti-imperialists on the one hand and anti-totalitarians on the other hand, who are attached to fundamental human rights and social justice.<sup>193</sup>

Amidst this dichotomy, Fourest does not see an irreconcilable divide as she explains that one could easily be at once anti-fascist, anti-totalitarian and anti-colonialist, but rather, she argues that having a 'penchant' for one or the other will result in fundamentally different interpretations and readings of world events.<sup>194</sup>

It is argued that this 'fundamental difference' in the interpretation of world events is also reflected in the interpretation of feminist and development theories. Consequently, such differences in interpretation of 'reality' within the Left itself have arguably important consequences in the interpretations of gender equality in IDA.

If 'recognition' of and thus participation in 'cultural differences' becomes essentially a way of silencing or avoiding addressing fundamental violations of women's human rights,<sup>195</sup> then far from coexisting in harmonious albeit complementary analytical

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<sup>193</sup> Fourest, *La Tentation Obscurantiste* (n 148) 18-21.

<sup>194</sup> An example to illustrate the difficulty in bridging such a divide is the death threats received by the Philippe Val, Director of 'Charlie Hebdo', a French satirical news paper and who won the case for the reproduction of satirical cartoons on the grounds of freedom of expression. Philippe Val is a living example of a visceral anti-totalitarian and anti-fascist.

<sup>195</sup> Such examples are also reflected in different reactions and double-standards vis-à-vis international events. Fourest points out the contradiction of Third Worldists reaction, whom she explains whilst most of the time ready to denounce (and portray themselves as) the victims of imperialism /colonialism/racism and all forms of identity-based exclusion, were rather quiet when for example the time came to save Bosnian Muslims from Serbian genocide. She urges to compare this lack of action



matrixes, Third Worldist priorities and anti-totalitarian concerns are evolving in diametrically opposed theoretical focuses. Competing and contradictory priorities are being developed, out of which some of the most unlikely paradoxes are being produced, complexifying and blurring conceptual landmarks even further.

One such paradox may be illustrated by recurrent accusations that feminists defending secularism are neo-colonialists. In contrast, young veiled women in France may be perceived by proponents of the Third Worldist Left as being cutting-edge feminists.<sup>196</sup> This perception is supported theoretically not only by Mohanty's early critiques but also by Queer post-feminist movements which find the idea of the subversion of the veil 'hypermodern' because it challenges the hegemonic white, middle-class and heterosexual norm.<sup>197</sup> At times, this has resulted in both practical and theoretical paradoxes, with for instance, Queer feminist militants demonstrating alongside Islamist homophobic movements, as in the case of the pro-veil in schools demonstrations in Paris in 2005.<sup>198</sup>

In response to the wider implications brought forward by these immediate paradoxes, an association of Algerian and Iranian feminists wrote a letter to the 'so-called Third Worldists feminists' which they put to task as supporting 'the identity politics of exoticism', as follows:

This message is charged with anger, and is addressed to some of our feminist comrades engaged in struggles against racism, to some of Third Worldists and alter-globalists feminists, transcended by a certain colonial and post-colonial guilt. We do not understand, nor can we accept your support to those women

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in the face of such atrocities to that of Bernard Henry Levy, an anti-fascist at heart, and a pupil of Althusser and the biographer of Jean Paul Sartre who did go to Sarajevo to film *Bosna*.

<sup>196</sup> See E Macé and N Guénif-Souilams *Les Féministes et le Garçon Arabe* (Ed. de l'Aube 2004).

<sup>197</sup> C Fourest, 'L'intégrisme est-il Queer?' (Automne 2005) No 34 ProChoix

<<http://www.prochoix.org/cgi/blog/index.php/2005/12/14/369-prochoix-n-34-automne-2005>> accessed 18 February 2011.

<sup>198</sup> Fourest, *La Tentation Obscurantiste* (n 148) 98. See also I Abraham, 'The veil and the closet: Islam and the production of queer space' (2007) *Queer Space: Centers and peripheries*, UTS, 1-4.

that call themselves veiled/Muslim feminists, at the expense of secular Muslim feminism. (...) Is it exoticism or political naivety? Is it an unfortunate alliance between anti-imperialism and American capitalism? Remember other unfortunate liaisons between Islamists and communists in Iran, and what happened when Islamists were back in power. On a daily basis women were stoned, imprisoned and murdered. Can you hear their cry? Whether we come from Iran, Algeria, Afghanistan or Pakistan today we find each other on secular land in which freedom of conscience is guaranteed by the laws but ironically it is in this land that such universal values are threatened as we are forced to tolerate intolerance in the name of differences, cultural diversity and anti-essentialism.<sup>199</sup>

This letter points to the implication of identity politics on the extent to which justice will be afforded to (real) Third World women. By showing rather unequivocal examples of politico-religious compromises that have been undertaken at the expenses of secularism and universal human rights, the letter provides evidence of dire consequences of the politics of identity on women.

It ought to have become evident that an understanding of women's injustices and inequalities viewed not in isolation but within broader visions of exploitation and subordination would result in mutually enriching analyses. Instead, some of the most fundamental grounds upon which the fight against oppression could be justified such as the universality of human rights and the notion of solidarity were eroded under the guise of anti-essentialism and in the name of multiculturalism.

In practice, and as Fraser illustrated, Third World feminist critiques drifted towards a focus solely upon national identity and communalism on the grounds of anti-imperialism and neo-colonialist struggle, doing away with redistribution and Marxist analytical tools – which paradoxically, were the very lens through which exploitation, in all its forms, could be best analysed.

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<sup>199</sup> C Fourest, *La Dernière Utopie : Menaces sur L'universalisme* (Grasset 2009) 57 citing W Tamzali, 'Féministes, je vous écris d'Alger' *Libération* (Paris, 14 Janvier 2004).

This analysis thus challenges the grounds upon which some theoretical perspectives are sustained - that focusing on universal women's human rights would inevitably lead to the much apprehended material neo-colonialist threat of 'robbing women of their historical agency'.

The sections above have shown that excluding both *redistribution* and universalism weakens solidarity, robbing women of justice, if anything. Consequently, this challenges the grounds upon which redistribution and universalism were delegitimized by proponents of Third Worldist, anti-essentialist and difference feminism.

## 2.3 Interpreting IDA, WID and GAD

This section demonstrates how the theoretical developments discussed above have permeated the definitions and interpretations of key concepts for the interpretation of gender equality in the particular field of IDA. These are the concept of International Development Assistance (IDA) itself, the Women in Development (WID) approach and the Gender and Development (GAD) approach. Definitions and interpretations of WID and GAD are also analysed as the fundamental approaches which have anticipated, produced and defined the concept of gender equality in IDA.

### 2.3.1 Defocusing International Development Assistance

The term 'development'<sup>200</sup> within IDA has of course, been underpinned by the same theoretical debates discussed above. On the one hand, development may be defined as reflecting a neo-Marxist vision, and on the other hand, it may also be defined as

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<sup>200</sup> 'The notion of development stems from the (much criticised, in the age of postmodernism) Enlightenment notion of the use of the modern, scientific mind for improving existence entailing emancipation in two senses - liberation from the vicissitudes of nature through advanced technology and self-emancipation, that is, control over social relations, control over the conditions under which human nature is formed. This entails economic, social and cultural progress as well as refinement of ethical and moral values. Developmentalism, in this school of thought, is the belief in the viability and desirability of such political and economic progress' Peet with Hartwick (n 104) 1.

representing a neoliberal economic vision of society, while also containing any other variations within and in between these two paradigms.<sup>201</sup>

As with the change in focus in feminist theorising discussed above,<sup>202</sup> the underpinning focus of IDA under an apparent political neutrality, clearly shifted to neoliberalism. This maybe exemplified as follows:

The WB and other major players in the development industry, while appearing to accommodate different views of what should constitute development, give effective support to a particular capitalist-friendly, neoliberal version.<sup>203</sup>

This blurring of the lines by the use of neutral and technical language to mask underlying political inclinations is usually found in most IDA policy documents.<sup>204</sup>

A critical modernist version of the very definition of development would read as follows:

Development is a complex contradictory phenomenon, one reflective of the best of human aspirations and yet, exactly because great ideas form the basis of power, subject to the most intense manipulation and liable to be used for purposes that reverse its original intent. (...) In its strong sense, development means using the productive resources of society to improve the living conditions of the poorest people. In its weaker sense, development means more of everything for everyone, in the context of a lot more for a few.<sup>205</sup>

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<sup>201</sup> PF Leeson and M Minogue (eds), *Perspectives on Development: Cross-Disciplinary Themes in Development Studies* (Manchester University Press 1988).

<sup>202</sup> See section 2.2.

<sup>203</sup> U Kothari and M Minogue, *Development Theory and Practice: Critical Perspectives* (Palgrave 2002) 2.

<sup>204</sup> This, along with a few exceptions, will be further discussed in detail in chapter 4, through analysis of multilateral and bilateral donor policy.

<sup>205</sup> Peet with Hartwick, (n 104)1-2. See also R Douthwaite, *The Growth Illusion: How Economic Growth Has Enriched the few, Impoverished the Many and Endangered the Planet* (Lilliput, 1992); R Munck, *Politics and Dependency in the Third World: The Case of Latin America* (Zed books 1984);

This critical definition reflects a less consensual vision of development and arguably a more realistic one, highlighting the gap that exists and is often experienced by development practitioners, between definitions of IDA at theoretical and policy level and the realities in the field.

In a context in which definitions are riddled with conflicting underlying ideologies, Peet argues that amongst the fiercest and most damaging theoretical critiques of the humanistic project of IDA, are those who perceive it as a Western project, defining on behalf of the very beneficiaries the content and orientation of their own development.

In addition to the classic Right-Left divide, and reflecting the theoretical changes within the Left discussed in the sections above,<sup>206</sup> one of the most significant challenges to the definition and interpretation of IDA comes from some of the anti-imperialist critiques. Like Mohanty, these critiques question the Eurocentricism<sup>207</sup> of IDA as follows:

The real power of the West is not located in its economic muscles and technological might. Rather, it resides in its power to define. The West defines what is, for example, freedom, progress and civil behaviour; law, tradition and community; reason, mathematics and science; what is real and what it means to be human. The non-Western civilisations have simply to accept these definitions or be defined out of existence. (...) As a worldview the West is the dominant outlook of the planet.<sup>208</sup>

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S Ziauddin, *Postmodernism and the Other: The New Imperialism of Western Culture* (Pluto 1998).

<sup>206</sup> See section 2.2 above.

<sup>207</sup> See also V Tucker, 'The Myth of Development: a Critique of a Eurocentric Discourse' in R Munch and D O'Hearn (eds), *Critical Development Theory: Contribution to a New Paradigm* (Zed Books 1999) 1-27. For a nuanced example locating Africa between the desire to become modern and traditions see KA Appiah, *In my Father's House: Africa in the Philosophy of Culture* (Oxford University Press 1992) 173-193.

<sup>208</sup> See Z Sardar, 'Development and the Locations of Eurocentricism' in Munch and O'Hearn (eds), *Critical Development Theory* (n 207) 44-62.

Another example is expressed in this conclusion stating that:

The problem of Eurocentricism and hence the problem of development, is thus the problem of knowledge. It is a problem of discovering 'other' ways of knowing, being and doing. It is a problem of how to be human in ways other than those of Europe. It is also a problem of how the West could liberate its true self from its colonial history and moorings.<sup>209</sup>

Anti-imperialist views have also critiqued IDA in terms of power and antagonistic relations between western developed countries and non-western developing countries. 'Development' under this critique is essentially viewed as meaning 'a standard by which the West measures the non-West.'<sup>210</sup>

As discussed above, this argument has also displaced the notion of redistribution within the definition of IDA:

If the meaning of development has often been reduced to welfare or poverty alleviation or even free trade and foreign investment, arguably (...) poor people need fundamental changes in power relations to address the very structures that maintain them in these conditions.<sup>211</sup>

If the very theoretical framework that addresses these inequalities and conditions is supplanted by one focusing on representation and recognition, then the necessary structural changes needed to challenge the perpetuation of injustices for both men and women may well be left unaddressed. This is particularly true for women, who

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<sup>209</sup> Peet with Hartwick (n 104) 60. See B Sutcliffe, 'The Place of Development in Theories of Imperialism and Globalization' in Munch and O'Hearn (eds), *Critical Development Theory* (n 207)135-154.

<sup>210</sup> See Z Sardar, 'Beyond Development: An Islamic Perspective' (1996) 8 (2) *European Journal of Development Research* 36; A Michael, *Machines as the Measure of Men: Science, Technology and Ideologies of Western Dominance* (Cornell University Press 1989). See also E Crew and E Harrison, *Whose Development? An Ethnography of Aid* (Zed Books 2002)25-48, 132-152.

<sup>211</sup> S Batliwala, 'The Meaning of Women's Empowerment: New Concepts from Action' in G Sen, A Germain, and L Chen (eds) *Population Policies Reconsidered: Health Empowerment and Rights*, (Harvard University Press 1994).

constitute over half of the beneficiaries of development assistance and population in postcolonial states:

Whereas from a masculine perspective, independence ushered in the defining new condition of post-coloniality, for women there was no such break: the struggle continued, now against a patriarchal sphere that no longer required women's support, as independence often involved a transfer of power not to the people of the newly sovereign country but to (male dominated), local elites who inherited the whole colonial system of the army, the police, the judiciary and the law, government bureaucracy and development agencies.<sup>212</sup>

If such a statement can be verified in most sub-Saharan countries and some Latin-American countries, then it is evident that the Left anti-Eurocentric or post-colonialist theoretical critique in the field of IDA, focused on identity politics and communalism, is neither sufficient nor adequate to challenge the main problematics at hand. On the contrary, such ideologies maintain internal situations of social, gender and economic inequalities, unchallenged. Consequently, defining IDA without clearly challenging socio-economic inequalities and intra-cultural power relations runs the risks of maintaining poverty at its current levels.

As more recent reflections on IDA by policy-makers evolve, the term 'development assistance' is likely to become less frequently used as denoting partnership among equals, since mutual obligations and benefits in a globalised world are expected to supplant former power relationships with new geopolitical configurations linked to global meta-trends.<sup>213</sup> Accordingly, the focus on identity politics and critique of Eurocentricism is expected to become obsolete.

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<sup>212</sup>Young (n 177) 99.

<sup>213</sup> A Arestrup, 'Memo ISL-DA Input to strategy discussions in department 1103' (COWI, Lyngby, Denmark, 26 October 2008), 1-5.

### 2.3.2 Women in Development and Gender and Development

If the section above described and defined the problematics theoretical focuses underpinning the broader field of IDA, this section demonstrates how similar theoretical developments discussed above also underpin the definitions of WID and GAD and discusses the implications for the concept of gender equality.

Irrespective of the various nuances<sup>214</sup> in the interpretation of WID, its main contribution to the field of IDA has been generally understood by development practitioners as being the first step to bring women explicitly into the field through specific women's projects that either sought to bring women out of the domestic sphere and into the productive sphere<sup>215</sup> or addressed specific women's problematics.<sup>216</sup> The WID approach thus operated in a field in which women largely occupied the status of

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<sup>214</sup> C Moser, *Gender Planning and Development* (Routledge 1993) 56-57. If for the purpose of the thesis the broad and common (albeit less sophisticated) interpretation of WID as understood and used by development practitioners will be considered, it does not exclude the fact as highlighted by Moser that WID was, at least in theory more nuanced and encompassed the following trends :

'i) The welfare approach 1950-1970, a residual model of social welfare under colonial administration, seeking to bring women into development, as "better mothers"; ii) The 'original' WID equity approach developed in the course of 1975-1985, influenced (amongst other) by the publication of Esther Boserup. The purpose was for women to gain equity in development processes; iii) The second WID approach focused on anti-poverty from the 1970s onwards, toned down the equity approach and was linked to redistribution with growth and basic needs to ensure poor women increased their productivity; iv) The third WID approach focused on efficiency in post-1980s, due to the deterioration of world economy and policies of economic stabilization and adjustment, this approach relied on women's economic contribution to development, to ensure development became more efficient and effective; v) The fourth WID approach focused on women's empowerment from 1975 and was accelerated during 1980s. It arose out of the failure of the equity approach, to empower women through greater self-reliance. Women's subordination was seen not only as a problem in relation to men but also in relation to colonial and neo-colonial oppression.'

<sup>215</sup> See E Boserup, *Women's Role in Economic Development*, (St. Martin's Press 1970). For example, these are specific projects targeting access to micro-credits for women.

<sup>216</sup> For example, these are specific projects targeting violence against women, women's sexual and reproductive health projects or the advancement of women's status such as women's empowerment projects, typically awareness raising projects on women's human rights.



invisible recipient of IDA. This is what Tinker called 'the error of omission or failure to acknowledge and utilize women's productive role'<sup>217</sup> in IDA. WID thus mainly focused on the participation of women in a field in which they had been largely excluded.

However, WID did not explicitly seek to alter structural inequalities, power relations and social justice. Rather, it left all social and economic frameworks and structures unchallenged and in practice often resulted in the use of the known to IDA practitioners as the 'add-women-and-stir' approach. As Dixon mentioned, 'the real issue which was left behind under WID is that of "who controls the resources?"'<sup>218</sup> Thus, in its application, WID began by prioritising recognition, leaving much of the essential question of redistribution behind.

The WID approach has been further criticised, much in the same ways as was liberal feminism. Arguably though, the underpinning liberal perspectives in WID were not the only limitations. These further coincided 'all too neatly' with the identity politics surge of the 1980s and its hegemonic focus on *representation*<sup>219</sup> and *recognition*<sup>220</sup> at the expenses of *redistribution*. Consequently, development strategies based on WID were necessarily limited in their ability to bring about transformation of the injustices and socio-economic inequalities women face, since:

Development in WID was seen as economic growth that could only occur through formally productive activity. Since women's productive role in development countries is mainly operated in informal sectors and women also bear the large majority of the reproductive role and domestic burden, this led to a par-

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<sup>217</sup> I Tinker, 'The Adverse Impact of Development on Women' in I Tinker and M Bramson (eds) *Women and Development* (Overseas Development Council 1976).

<sup>218</sup> RB Dixon, *Seeing the Invisible Women Farmers in Africa: Improving Research and Data Collection* (University of California 1985) 32.

<sup>219</sup> Representation was translated through the participation of women in development projects.

<sup>220</sup> Recognition was translated through projects concerned with 'the advancement of women's status'.

tial analysis of women's role and relations, thus (...) sidestepping women's subordination and oppression.<sup>221</sup>

Thus, the WID strategy to a large extent failed to redefine the focus and political priorities of IDA, those being interpreted as reducing structural inequalities, and achieving social justice for women.

The dissatisfaction of WID translated into the introduction of a new approach towards gender equality in IDA: GAD. Accordingly, the GAD approach focused on analyzing much of what had been missed out in WID: 'women's subordination, drawing on Marxist analysis of social change and feminist analysis of patriarchy.'<sup>222</sup>

This approach further sought to replace the problematic identity-centred notion of 'women' in WID with the broader concept of 'gender equality' which in essence focused on closing the gender inequality gap between women and men. This marked a turning point in the redefinition of gender-related strategies in IDA, by the mid-1990s the concept of 'gender equality' was hailed as the overall goal and the concept of 'gender mainstreaming' was prioritised as the main strategy to achieve this goal across all sectors of IDA – now no longer confined to marginalised women's projects from the mainstream.<sup>223</sup>

As Moser explains, although in practice WID and GAD were used and are still being used interchangeably,<sup>224</sup> in donor agencies' policies and programmes these approaches differed fundamentally in terms of their focus, with consequent implications in terms of their policies and planning processes:

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<sup>221</sup> Peet with Hartwick (n 104) 182.

<sup>222</sup> See the definition of GAD by the research of the Institute for Development Studies at the University of Sussex in K Young, *Planning Development with Women* (St. Martin's Press 1993) 134.

<sup>223</sup> See the Platform for Action (PfA) of the Fourth World Conference on Women held in Beijing in September 1995 < <http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm> > accessed 02 March 2011.

<sup>224</sup> This essentially means that the 'add-women-and-stir approach' which over simplified WID could still be found under GAD, doing away with the transformational potential GAD was assumed to bring forward.

The WID approach - despite its change in focus from one of equity to one of efficiency (...), focuses mainly on women in isolation, promoting measures such as access to credit and employment as the means by which women can be better included into development processes. In contrast, the GAD approach maintains that a focus on women in isolation is to ignore the real problem, which remains their subordinate status to men. In insisting that women cannot be viewed in isolation, GAD emphasized a new focus on gender roles and relations.<sup>225</sup>

This shift further opened opportunities for a re-definition of IDA - its focus and priorities as a whole. Thus, beyond gender roles and relations, IDA could in principle, focus on changes in the following aspects 'systems for organizing rights, responsibilities and resources for members in the different social groups (...)'<sup>226</sup> which were keeping women in poverty.

Thus, in principle, IDA could have been transformed to focus on:

determining (...) how assets are to be distributed between occupants of the different relationships, how authority and status are to be assigned and how labour is allocated.<sup>227</sup>

Indeed, the notion of gender equality in its analytical framework offered greater scope and raised higher hopes for a social justice analysis to refocus IDA's priorities on *redistribution*, as it provided a comparative analytical framework within which allocations of resources, power and opportunities could be weighed and measured. At least in theory, GAD took a step further, in questioning underlying social, economic

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<sup>225</sup> Moser (n 214) 2.

<sup>226</sup> A Whitehead, 'Some Preliminary Notes on the Subordination of Women' (1979) 10, n.3, IDS Bulletin, 10

<sup>227</sup> Kabeer, *Reversed Realities* (n 155) 58.

and political structures, calling for and raising hope towards significant structural changes.<sup>228</sup>

However, if this was the potential at a theoretical level, it was rarely made as explicit in practice in development agencies' policy documents and programmes.<sup>229</sup> Despite all its theoretical premises, many GAD critiques would contend that in practice, the notion of gender equality:

had been eviscerated of any of its original political intent. Represented to technocrats and policy-makers in the form of tools, frameworks and mechanisms, gender (equality) became a buzzword in development frameworks in the 1990s. In more recent times, it has fallen from favour and has a jaded, dated feel to it. Diluted, denatured, depoliticized, included everywhere as an afterthought, gender (equality) may have become something everyone who works for an aid organisation knows that they are supposed to do something about. But quite what and what would happen if they carried on ignoring it, is rarely pungent or urgent enough to distract the attention of many development bureaucrats and practitioners from business as usual.<sup>230</sup>

If the comments above clearly reflect what many practitioners and gender focal points in IDA agencies have been observing and experiencing, the same feminist critiques which persisted throughout WID continued to emerge in the GAD era. Such critiques remained concerned with the representation of Third World women in constructing gender-related theory and concepts in the field of IDA.

Third World feminists' critiques have, to some extent, been useful in emphasising the following series of elements:

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<sup>228</sup> See EM Rathgeber, 'WID, WAD, GAD: Trends in Research and Practice' (1990) 24 *Journal of Developing Areas* 489-502

<sup>229</sup> As is further examined in chapters 4 and 5.

<sup>230</sup> A Cornwall, E Harrison and A Whitehead, *Feminisms in Development: Contradictions, Contestations and Challenges* (Zed Books 2007) 5-6.

The idea that the subordination of women cannot be divorced from an analysis of the political and economic structures within which women are located; the neglect of systemic interconnections between social processes of capital accumulation, class formation and the changing situation of women; the indifference displayed by WID advocates to the structural asymmetries within and between nations and their faith in the potential to reform market-led development processes.<sup>231</sup>

Arguably, such critiques also contributed together with neoliberalism to shift the underpinning focus of gender equality away from redistribution.

Silvia Tamale provides an interesting demonstration of this. Tamale argues for a richer paradigm which she calls a comprehensive multi-dimensional feminist theoretical framework in Africa. According to her analysis, this multi-dimensional framework ought to encompass the following elements in a holistic manner: i) elements of indigenous cultures; ii) religion; iii) capitalism; iv) imperialism; and v) postcolonialism. Tamale argues that all five aspects of oppression form an integrated matrix and therefore the dialectic relationship between gender, class, ethnicity, religion, imperialism and postcolonialism is especially pertinent for an analysis of gender relations in the African context.<sup>232</sup> In her view, clearly a framework that would privilege one aspect over the others would offer a truncated analytical framework for women in Africa.

Arguably though, having (mal)distribution on a par with the other dimensions may also offer a truncated perspective of realities in Africa as elsewhere, effectively diluting the overall problematics with other (albeit important) problematics and substantially diminishing the scope and relevance of gender in IDA.

According to other critiques, Third World women were still (mis)represented as 'others' whether in the case of GAD and as victims, sex objects or cloistered beings,

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<sup>231</sup> Kabeer, *Reversed Realities* (n 155) 31-32.

<sup>232</sup> S Tamale, *When Hens begin to Crow: Gender and Parliamentary Politics in Uganda* (Fountain Publisher 1999) 3.

in the case of WID.<sup>233</sup> They perceived WID as ‘embedded in neo-colonial/liberal discourse and GAD presenting a disrupted representation of women in the South as an undifferentiated “other”’.<sup>234</sup>

Mohanty’s critiques, rather than broadening and enriching the analytical matrix, essentially reduced WID and GAD to be representative of the perceived certainty and condescension inherent in Eurocentric/Western centric development studies, characterised by the silencing of local knowledge.<sup>235</sup> As the ‘add-women-and-stir-approach’ persisted from WID to GAD in practice, so did the Third-Worldist critiques, drawing parallels between WID and GAD as being both imperialist and colonialist projects – despite the fact that in the IDA practice, often, GAD ended-up meaning not much more than an empty shell.<sup>236</sup>

In conclusion, it is clearly demonstrable that recurrent and similar theoretical developments have occurred in the interpretation of IDA, WID and GAD, thus influencing the focus and meaning of fundamental approaches and notions underpinning gender equality in IDA.

The effects of these theoretical shifts have redefined IDA, seriously distancing the field from challenging social-inequalities and intra-cultural power relations. Moreover, remaining true to these perspectives runs the risk of maintaining poverty as it is. Shirin Rai<sup>237</sup> echoes this concern about the conflicting feminist ideological trends underpinning GAD discourse and gender equality. She stresses that feminist critiques have been played out in opposition, from a focus on difference (as emancipation from dominant trends of thought and patronizing perceptions of otherness) to a focus

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<sup>233</sup> Mohanty, ‘Under Western Eyes’ (n 112).

<sup>234</sup> *ibid.*

<sup>235</sup> F Apffel-Marglin and S Simon, *Feminist Orientalism and Development* in W Harcourt (ed), *Feminist Perspectives on Sustainable Development* (Zed Books 1994).

<sup>236</sup> See Cornwall and others (n 230) 5-6.

<sup>237</sup> Rai (n 137).

on the grounds of women's international and universal solidarity, which formed the original basis for feminist mobilization.<sup>238</sup>

Finally, the main implication of identity politics edified by Third Worldist critiques, combined with neoliberal trends in IDA, has been the erosion of gender equality and its legitimacy. Identity politics have effectively distorted IDA's original and intended focus on the struggle for socio-economic justice into a more or less conscious neo-colonialist project. This erosion has in turn, prevented the concept of gender equality from being supported by a sufficiently solid, coherent and legitimate theoretical framing to adequately address injustices facing women in the context of IDA.

## 2.4 Conclusions

The main change of focus in theoretical framing has been the eclipse of the notion of redistribution which has taken place at various levels. Such misplacement has permeated the fundamental theoretical elements of the framework underpinning the concept of gender equality. The eclipse of the notion of distribution – whether accidental or not – is thus identified as crucial and recurrent within a variety of key elements forming the theoretical underpinning of the concept of gender equality, effectively denuding the concept of theoretical grounds with which to address socio-economic injustices within the field of IDA. Sidelining redistribution thus extends to the definition of IDA, and to the definitions of WID and GAD.

Furthermore, the chapter shows that it ought to have become evident that an understanding of women's injustices and inequalities, viewed not in isolation but within broader visions of exploitation and subordination, would result in mutually enriching analyses and theoretical frameworks. Instead of an enriching and solidarity-based theoretical framework underpinning gender equality in IDA, weak critiques of cultural, religious and identity-related oppressions has prevailed under the guise of anti-essentialism and in the name of multiculturalism.

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<sup>238</sup> *ibid* 5.

In practice, and as Fraser illustrated, Third World feminist critiques drifted towards a focus solely upon national identity and communalism on the grounds of anti-imperialism and neo-colonialist struggle, doing away with redistribution and Marxist analytical tools – which paradoxically, were the very lens through which exploitations of all forms could be analysed.

The analysis thus challenges the justification upon which some theoretical perspectives argued that focusing on redistribution and universal women's human rights would have inevitably led to the much apprehended material neo-colonialist threat of 'robbing women of their historical agency'. On the contrary, the chapter demonstrates that excluding redistribution and universalism leads to a weakening of the solidarity dimension, robbing women of potential grounds for justice claims. This consequently challenges the grounds upon which redistribution and universalism were displaced, dismissed and eroded by the proponents of Third Worldist, anti-essentialist and difference feminism.

The analysis further demonstrates that as shifts in power-relations between north-south and east-west develop as new super-powers appear, a solely identity politics analytical matrix can no longer be justified as the dominant analytical framework. Increasingly more relevant is the extent to which post-colonial ruling elites are willing to integrate redistribution and power sharing in their policies, addressing in other words south-south as well as north-south exploitation and inequalities.

It is argued that whilst there are obvious advantages in enriching a socio-economic reading of the gender equality problematics by connecting with other dimensions relevant to exploitation and injustice, including representation and recognition, the challenge in interpretation lies when the recognition and representation matrix takes over as the overarching analytical framework and when all, and albeit competing, dimensions are put on an equal footing. For the choice to date has been an oscillating between either placing all dimensions on an equal footing resulting in multifocal matrixes, or supplanting socio-economic analysis and universalism with local identities and cultural relativism. In either case, as a result of this theoretical displacement, it has been increasingly difficult to frame the interpretation of gender equality within a



contemporary theoretical matrix which adequately addresses universal violations of women's human rights and systemic gender inequalities and injustices.

### 3 Gender equality at international legislative and international policy level

This chapter analyses the interpretation of gender equality at international legislative and international policy level. Section 3.1 introduces the chapter. Section 3.2 discusses the interpretation of gender equality at international level, through the analysis of the reservations to gender equality in CEDAW in section 3.2.1, and the omission of violence against women in section 3.2.2. Section 3.2.3 presents concluding remarks. Section 3.3 analyses the changes to interpretations of gender equality in the IDA international policy frameworks. Section 3.3.1 addresses the devolution of gender equality in international policy frameworks, in particular at the World Conferences on Women and within current development policy frameworks such as the Millennium Development Goals and the Paris Declaration on Aid Effectiveness. Section 3.3.2 discusses the significance of identity politics in drawing the boundaries of gender equality and section 3.3.3 provides the concluding remarks. The conclusions of this chapter are presented in Section 3.4.

#### 3.1 Introduction

In discussing the costs of compromises in feminist politics in IDA, Andrea Cornwall quotes Prudence Woodford-Berger's remark, as follows:

Alliances are always made at some cost, because they are made with those who share some but not all, political goals; and while many can agree on the

need for such alliances, it is much more difficult to agree on the point at which compromises become defeat.<sup>239</sup>

The same could be argued for the theoretical 'compromises' which turned into 'defeats' in the interpretation of gender equality at international law and policy level, as discussed in this chapter.

Chapter 3 thus addresses the second research question at the international legislative and international policy level.

This chapter examines whether and how the changes in focus of the theories underpinning the concept of gender equality discussed in chapter 2 have affected the interpretation of gender equality in international policy and international legislative level.

In the particular context of IDA, it makes much sense that 'forging appropriate forms of solidarity across differences has never been more important than in the precarious geo-political realities of today's world',<sup>240</sup> the challenge must be to focus on how to do this without risking the overshadowing of key theoretical elements discussed in chapter 2.

This chapter considers the interpretations of gender equality in key, relevant international legal instruments and international policy frameworks. These are the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW);<sup>241</sup> the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003;<sup>242</sup> the UN Women's World Conferences,<sup>243</sup> and contempo-

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<sup>239</sup> A Cornwall, E Harrison and A Whitehead, *Feminisms in Development: Contradictions, Contestations and Challenges* (Zed Books 2007) 15.

<sup>240</sup> *ibid* 16.

<sup>241</sup> Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) (1980) 1249 UNTS 13, reprinted in 19 ILM 33 (CEDAW) <<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>> accessed 20 February 2011.

<sup>242</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 11 July 2003, entered into force 25 November 2005) (2003) CAB/LEG/66.6/Rev 1 (the Pro-

rary dominant IDA policy frameworks such as the Millennium Development Goals (MDGs)<sup>244</sup> and the Paris Declaration on Aid Effectiveness (2005).<sup>245</sup>

The first section of the chapter discusses gender equality at the international legislative level.<sup>246</sup> The section provides a critical analysis of the reservation process<sup>247</sup> and examines specifically the reservations to CEDAW which were entered by some member state parties on the grounds of incompatibility with Shari'a law.<sup>248</sup> The section shows that by critically examining the ideology underpinning these reservations, it is possible to challenge the cultural relativist argument upon which these reserva-

tol on the Rights of Women in Africa) art 1(J) <<http://www.africa-union.org/home/Welcome.htm>. > accessed 20 February 2011.

<sup>243</sup> The main World Conferences on Women have been selected to represent a purposeful example of relevant policy framework underpinning the concept of gender equality at international level. These are: 'First World Conference on Women held in Mexico City' (19 June to 2 July 1975)

<<http://www.un.org/womenwatch/daw/beijing/mexico.html> > accessed 27 February 2011;

'Second World Conference on Women held in Copenhagen' (14 to 30 July 1980)

<<http://www.un.org/womenwatch/daw/beijing/copenhagen.html> > accessed 27 February 2011;

'Third World Conference on Women held in Nairobi' (15 to 26 June 1985)

<<http://www.un.org/womenwatch/daw/beijing/nairobi.html> > accessed 27 February 2011;

'Fourth World Conference on Women held in Beijing' (4-15 September 1995);

<<http://www.un.org/womenwatch/daw/beijing/fwcwn.html> > accessed 27 February 2011.

<sup>244</sup> United Nations Millennium Declaration, UNGA Res 55/2 (8 September 2000) UN Doc A/55/L.2 <<http://www.un.org/millennium/declaration/ares552e.htm>> accessed 10 February 2011.

<sup>245</sup> OECD, 'The Paris Declaration on Aid Effectiveness 2005 and the Accra Agenda for Action 2008 (OECD 2005/2008).

<[http://www.oecd.org/document/19/0,3746,en\\_2649\\_3236398\\_43554003\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/19/0,3746,en_2649_3236398_43554003_1_1_1_1,00.html)> accessed 10 February 2011.

<sup>246</sup> The international legislative level is understood hereby to include a purposeful example of key and relevant international and regional conventions providing the legal framework to the concept of gender equality in IDA mainly CEDAW and the Protocol on the Rights of Women in Africa.

<sup>247</sup> For the full list of reservations country per country and reservations principles see <<http://www.un.org/womenwatch/daw/cedaw/reservations.htm> > accessed 27 February 2011.

<sup>248</sup> Reservations to art.2 or art.16 of CEDAW on the grounds of incompatibility with Shari'a law were entered by Bahrain, Bangladesh, Egypt, Iraq, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Oman, Saudi Arabia, Singapore, Syrian Arab Republic, United Arab Emirates. See <<http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm> > accessed 27 February 2011.

tions find justification, by excavating universal patriarchal patterns of resistance to the concept of gender equality.

In order to deepen the challenge against a cultural relativist position, the section further contrasts the interpretation of gender equality in CEDAW with the interpretation used in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003. This comparison highlights that whereas violence against women - arguably a key theme for women's human rights together with the definition of gender equality - has been omitted<sup>249</sup> in CEDAW at international level, it was included in this regional human rights instrument. The section thus examines the reasons given for excluding violence against women at international level, and observes how they were disputed at regional level.

This example is selected as a particularly interesting counter-example to the feminist theories discussed in chapter 2 which view the universality of human rights as another form of imperialism.<sup>250</sup> This example also seeks to demonstrate that paradoxically, at regional level (which is a step closer to the expression of cultural difference), that which was omitted on the grounds of cultural sensitivity at international level could be included without ambiguity and with rare explicitness.

The second section examines how similar patterns discussed in chapter 2 have been played out in international policy frameworks, namely in the UN world conferences on women and current IDA international policy frameworks. The second section thus

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<sup>249</sup> Violence against women was not included in the main text of CEDAW but was only included as discrimination against women in General Recommendation N.19 made by the Committee on the Elimination of Discrimination against Women only. Recommendation N.19 was adopted at the 11<sup>th</sup> Session of the Committee on the Elimination of Discrimination against Women in 1992. See <<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>> accessed 28 February 2011.

<sup>250</sup> See for instance: C T Mohanty, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses' in Mohanty, Russo and Torres, *Third World Women and the Politics of Feminism* (Indiana University Press 1991) 51-80; R Kapur, 'The Tragedy of Victimization Rhetoric: Resurrecting the "Native" Subject in International/Post-colonial Feminist Legal Politics' (2002) 15 *Harvard Human Rights Journal* 2.

begins by showing the devolution<sup>251</sup> of the meaning of gender equality at international policy level from the 1970s to 2005. The section examines specifically the changes in the interpretation of gender equality from the First World Conference on Women,<sup>252</sup> to a time of high international political momentum for gender equality during the Fourth World Conference on Women in Beijing in 1995,<sup>253</sup> to a more recent period characterised by key changes in IDA policy frameworks such as the MDGs in 2000<sup>254</sup> and the 2005 Paris Declaration on Aid Effectiveness.<sup>255</sup> Such devolution in the interpretation of gender equality is analysed in connection to the changes in focus in the underpinning ideologies discussed in chapter 2.

The final section turns to another significant example of Third Worldist position within the international policy framework of the UN. The section demonstrates how the Vatican, through its position as a permanent observer to the UN through its Mission of the Holy See,<sup>256</sup> has attempted to limit the concept of gender equality using key Third Worldist argumentation within UN World Conferences on Women. By critically examining the underpinning ideology behind the Vatican's lobby, which intends to limit the interpretation of gender equality to the notion of gender complementarity,<sup>257</sup> the section challenges the implied defence of cultural relativism and Third Worldism. Moreover, the section simultaneously seeks to draw parallels with similar attempts to limit the concept of gender equality by those member states which entered reservations to CEDAW on the grounds of incompatibility with Shari'a law. The section then explores whether there are common identifiable patterns between the ideological trends resistant to or limiting the concept of gender equality in IDA examined in albeit different socio-cultural and religious contexts. If so, it examines

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<sup>251</sup> The term 'devolution' is used here to show that gender equality instead of evolving, has peaked in the mid-nineties and has recorded a steady decline since within the significant and influent policy framework at international level.

<sup>252</sup> First World Conference on Women (n 243).

<sup>253</sup> Fourth World Conference on Women (n 243).

<sup>254</sup> UNGA Res 55/2 (8 Septembre 2000) UN Doc A/55/L.2.

<sup>255</sup> OECD, 'The Paris Declaration and the Accra Agenda' (n 245).

<sup>256</sup> UNGA Res 58/314 (16 July 2004) A/RES/58/314).

<sup>257</sup> Complementarity is understood as maintaining traditional division of female and male gender role to uphold forms of patriarchal societal structures.

how these may have impacted on the weakening of gender equality at the international level.

## 3.2 Identity focused interpretations of gender equality in international legislation

The first sub-section discusses the reservations that were entered by some Member State parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>258</sup> and it explores the particular ideologies underpinning them. The second sub-section contrasts the interpretation of gender equality in CEDAW with the interpretation used in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003.

### 3.2.1 CEDAW reservations to gender equality

CEDAW<sup>259</sup> constitutes the most important international legal instrument for gender equality, providing the key international normative framework through which gender equality can be defined and further interpreted in IDA policies and programmes. CEDAW has been widely used as the main international legal instrument legitimising the promotion of gender equality in IDA donor and national policy and programmes.<sup>260</sup>

Contrary to general assumptions in IDA, CEDAW has been subject to at least a double layer of compromises. In the first instance, there are reservations<sup>261</sup> to particular Articles of the Convention which Member States were permitted to enter. In the second, there are compromises to the very text of CEDAW which have led to the eclipses of certain interpretations of gender equality. The reservation procedure, whereby Governments can reserve the right not to apply a specific part of a treaty

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<sup>258</sup> CEDAW (n 241).

<sup>259</sup> *ibid.*

<sup>260</sup> As is further discussed in chapters 4 and 5.

<sup>261</sup> For general discussions on reservations see: R Higgins, 'Introduction' in JP Gardner (ed), *Human Rights as General Norms and a State's Right to Opt Out: Reservations and Objections to Human Rights Conventions* (British Institute of International Comparative Law 1996) xix.

and have to declare so when ratifying by 'submitting a reservation' is a process designed to enhance global acceptance of treaty obligations by providing for exceptions to those obligations that governments cannot immediately and fully undertake.

Thus there are general reservations to CEDAW providing that in the event of a conflict between CEDAW and Shari'a law, Shari'a shall prevail. In this context Reservations to art.2 or art.16 of CEDAW on the grounds of incompatibility with Shari'a law were entered by Bahrain, Bangladesh, Egypt, Iraq, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Oman, Saudi Arabia, Singapore, Syrian Arab Republic, United Arab Emirates.<sup>262</sup> Some of the proponents of the reservations claimed that a restricted view of women's political rights is embodied in some interpretations of Shari'a law, in which women are disqualified from holding public office because they cannot be placed in a position of authority over men.

In response, the CEDAW Committee proposed a study into the status of women under Islamic law, but this was rejected by the UN General Assembly in 1987.<sup>263</sup> As of 2007, 77 out of the 185 member state parties to CEDAW had entered reservations or declarations either addressed to a specific provision or of a general character that embraced the Convention as a whole.<sup>264</sup> The reservation process was intended to promote an inclusive strategy which aimed to ensure that the largest possible number of countries worldwide would be able to ratify CEDAW. Consequently, two-thirds of the world's countries did ratify CEDAW and thus, quantitative inclusion took priority strategically.<sup>265</sup>

This inclusionary strategy of opening the Convention to a broad reservation process sent out a significant signal world-wide, indicating that gender equality and women's rights were generally recognised as being important, but were also de facto negotia-

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<sup>262</sup> For the full list of reservations see (n 247)

<sup>263</sup> See <<http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>> accessed 18 February 2011.

<sup>264</sup> *ibid.*

<sup>265</sup> Specifically on the universality of participation see: C Redwell, 'Universality or Integrity? Some Reflections on Reservations to General Multilateral Treaties' (1993) 64 *British Yearbook of International Law* 245.



ble. Moreover, under international human rights law, it showed that differences in standards concerning gender equality were acceptable within varying political, cultural and religious contexts.

Thus it can be inferred that underpinning the reservation process to CEDAW, the prevailing focus was to reach the largest number of member states thus privileging quantitative participation through *representation* and recognising cultural differences through *recognition*. These focuses clearly prevailed over the compromised content of CEDAW itself.

It could also be argued that the number of Member States that submitted reservations was an indication both of the universality of gender inequalities and resistance to the concept of equality among different political, cultural and religious contexts.

The reservation process affecting gender equality was accepted as an exception under international law but as discussed below, it scarcely satisfies article 19 of the Vienna Convention on the Law of Treaties<sup>266</sup> which stipulates that:

A State ratifying a treaty may make a reservation unless it is prohibited by the treaty or is incompatible with the object and purpose of the treaty.<sup>267</sup>

However, this provision has proven difficult to apply systematically in general<sup>268</sup> and specifically to CEDAW as demonstrated below.

Article 1 of CEDAW stipulates that:

for the purpose of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition,

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<sup>266</sup> See generally on the Vienna Convention: S Rosenne, *The Law of Treaties: A guide to the Legislative History of The Vienna Convention* (Oceana Publications, 1970).

<sup>267</sup> Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered force 27 January 1980) reprinted in 8 ILM 679.

<sup>268</sup> R Higgins, 'Human Rights: Some Questions of Integrity' (1989) 52 *Michigan Law Review* 1; L Linzaad, *Reservations to UN Human Rights Treaties: Ratify and Ruin?* (Martinus Nijhoff 1995).

enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.<sup>269</sup>

And Article 2 of CEDAW stipulates that:

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and to this end, undertake: a) to embody the principle of equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle (...).<sup>270</sup>

Clearly, therefore, a reservation to article 1 or 2 of CEDAW seems incompatible with the object and purpose of the CEDAW as per Article 19 of the Vienna Convention mentioned above.

Such incompatible reservations, acceptable under CEDAW make it more difficult for the CEDAW Committee to hold state parties to account (even on a pro-forma level). This incompatibility is reiterated by the CEDAW Committee in its reporting guidelines.<sup>271</sup> Moreover, it is also problematic for civil society working in the field to invoke gender equality and the non-discrimination principle.<sup>272</sup>

Consequently, the status of CEDAW and of the interpretation of the concept of gender equality is obviously undermined and weakened, as the reservations

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<sup>269</sup> CEDAW (n 241).

<sup>270</sup> *ibid.*

<sup>271</sup> See: UN Doc HRI/GEN/2/Rev.1 (9 May 2001) (CEDAW/C/Rev.3, entitled Guidelines for preparation of reports by State Parties.

<sup>272</sup> See reservations of the Republic of Maldives, which 'does not see itself, bound by any provisions of the Convention which obliges it to change its Constitution and laws in any manner'. See also reservations of Lesotho, Malaysia and Pakistan cited in H Charlesworth and C Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Manchester University Press 2000) 105.

'give the impression that the Convention is not as binding as any other international conventions and that these reservations need not be scrutinised against the yardstick of international standards of equality for women because of the sovereignty of religious and cultural ideologies of the subject matter.'<sup>273</sup>

At this stage, it is important to further consider and analyse what the underpinning ideologies to these reservations actually entail. For instance, when exploring the positions which prompted the reservations entered by certain Islamic Member States on the grounds of incompatibility with Shari'a law, it is important to consider exactly which principles under Shari'a law are said to be incompatible with Article 2 and the definition of non-discrimination. According to Abdullah Ahmed An-Na'im,<sup>274</sup> the most important (non-exhaustive) general principles of Shari'a law influencing gender equality and women's rights are the notions of *Qawama* and *Al-Hijab*. Both originate in verses of the Qur'an, respectively, verse 4:34 and verses 24:31, 33:33, 33:53 and 33:59.

Men have *Qawama* [guardianship and authority] over women because of the advantage they have over them and because they spend their assets to support them.<sup>275</sup>

An-Na'im understands that a Shari'a interpretation of Verse 4:34 of the Qur'an states that men as a group are the guardians of, and in that sense, superior to women as a group. Likewise the men of a particular family are the guardians of, and superior to the women of that family.<sup>276</sup>

It is this interpretation which has led to the seeming incompatibility of the Qur'an with the basic principle of gender equality and non-discrimination laid down in Articles 1 and 2 of CEDAW as well as with Articles 7 and 8 of the CEDAW on women's

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<sup>273</sup> *ibid* 107-108.

<sup>274</sup> AA An-Na'im, 'Human Rights in the Muslim World' in H Steiner and P Alston (eds), *International Human Rights in Context: Law, Politics, Morals* (Oxford University Press 2000) 393-394.

<sup>275</sup> *ibid*.

<sup>276</sup> *ibid*. cf Djavann (n 281). If An-Na'im provides a factual interpretation of the verses, Djavann, further below offers an analysis as to the causes of the guardianship in question.

right to participate on an equal basis with men without discrimination in political and public life.<sup>277</sup>

Shari'a provides that women are disqualified from holding general public office, which involves the exercise of authority over men, because, in keeping with the verse 4:34 of the Qur'an, men are entitled to exercise authority over women and not the reverse.<sup>278</sup>

The other key principle is the notion of *Al-Hijab* [the veil] which has been given paradoxical interpretations in recent years - from being portrayed as a symbol of women's submission and imprisonment, to the allegory of freedom of religion and cultural self-determination. According to An-Na'im, the notion of *Al-Hijab* reaches far beyond requiring women to cover their bodies and faces in public, for

Shari'a interpretation of Verses 24:31, 33:33, 33:53 and 33.59 of the Qur'an, specifies that women are supposed to stay at home and not leave it, except when required to, by urgent necessity. When they are permitted to venture beyond home, they must do so with their bodies and faces covered.<sup>279</sup>

Arguably, these underlying principles - although well anchored in socio-cultural and religious specificities - are not merely confined to Islam. These principles can be found in any patriarchal society in which deeply entrenched patrilineal hierarchies are an obstacle to women accessing positions of authority and decision-making roles. There is no better evidence of this than the gender inequalities in parliaments across

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<sup>277</sup> CEDAW (n 241). See also St Paul's Epistle to Timothy I, Chapter 2, Verses 9-14, Verse 12: 'But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence.'

<sup>278</sup> An-Na'im (n 274) 393.

<sup>279</sup> *ibid* 394. Whilst much of contemporary debates on the veil tend to focus on the length of the material, covering religious discrimination and in turn covering gender discrimination, the underlying principle as presented by An-Na'im here rarely seem to make the arena of public debates or attract media coverage. Yet far from the length of the piece of material, the problematic issue in relation to women's rights and freedom of movement seem to reside in the intention of its original theological source.

the world.<sup>280</sup> Only one country, Rwanda, currently has more than 50% of women in parliament. It is therefore reasonable to conclude that this underlying 'acceptable' inequality stems from cross-cultural and universal underlying notion of misogyny, a common characteristic of any patriarchal society.

The notion of Al-Hijab, much discussed in contemporary European debates, is hailed as a symbol of discrimination against religion and is further analysed below. In An-Na'im's edifying analysis, Al-Hijab is no more and no less than a symbol of control over women's freedom. This reflects an underlying notion that 'virtuous' and 'honourable' women ought to be modest, discreet and not often seen 'out of the house'. However, such ideologies which confine women's role to the domestic and non-productive sphere – a privilege implicitly reserved to men as the presumed breadwinner - is not specific to Islam either, as is evidenced in chapter 5 below.

One of the most powerful examples illustrating this cross-cultural and universal problematics is discussed by Iranian writer and anthropologist Chahdortt Djavann in her interdisciplinary analysis of the principle of *Al-Hijab*.<sup>281</sup> Exiled in France during the 1990s, she warns against culture becoming the alibi of religion, and then, in turn, becoming an alibi for gender discrimination.

Beyond An-Na'im's legal analyses of Shari'a which clearly expose the full underpinning ideology to the CEDAW reservations, Djavann critically examines what the principle of *Al-Hijab* supports and in whose interests. She argues that the *Hijab*

<sup>280</sup> See global statistics on women in parliaments, < <http://www.ipu.org/wmn-e/classif.htm> > accessed 20 February 2011.

<sup>281</sup> C Djavann, *Bas les Voiles!* (Gallimard 2003). See also V Teitelbaum, 'The European Veil Debate' (2000) V (1) *Israel Journal of Foreign Affairs* 89-99; N Geerts, *Fichu voile!: Petit argumentaire féministe et antiraciste* (Luc Pire 2010). Further, '[I]f someone wears the uniform of Ku Klux Klan and says « I am sorry, I am wearing this uniform but did not quite make the link with the fact that it was racist. » It seems reasonable to want to explain to that person that such outfit may be perceived as shocking (and oppressive, my addition) because it is politically, symbolically and historically charged. (...) What I dislike is when I am told this is not my concern. This vision is completely exotic and differentialist and consists in a refusal to see or understand the message that others are signaling within the public sphere, this attitude, is in my view, contrary to dialogue and contrary to antiracism.' (Evene.fr April 2010) *Un Choix Réactionnaire?* Interview Caroline Fourest.

(which she defines as a cloth that is supposed to cover the entire body and that therefore cannot be understood as a 'scarf' or a mere form of fashion accessory) has deeper symbolic implications for the construction of female and male sexuality and identity, not necessarily known to or understood by the person who wears it, whether by free choice, socio-cultural influence or coercion. According to Djavann's analysis, girls under the *Hijab* become the guarantor of their fathers' and brothers' male honour and thus, of part of their identity. The construction of both female and male identities is, she argues, intrinsically linked to the *Hijab* and the related requirements of female modest and obedient behaviour. According to this interpretation, the non-veiled Muslim woman represents a challenge to male honour and indirectly to their respective identity as Muslim men. Women's *Hojb* and *Hayâ* [women's modesty and shame] are respectively guaranteed and protected by the *Hijab*, which becomes the guarantee of Muslim male honour.<sup>282</sup> The veiled woman (whether veiled physically or mentally) is not considered to be equal to men by definition and exists, to a certain extent as a complement to masculine identity.

Through using comparative methodology, Djavann draws a parallel between the many 'visible' and 'invisible' non-Muslim veils which are worn today and have been worn across Europe, thereby extracting the practice from the specificity and possibly self-justifying identity, cultural and religious ghetto into a universal symbol of limitation and control over women's personal freedom.

'This veil,' she writes, 'goes back to the beginnings of times, a symbol of archaism that was disappearing in the most remote countryside and traditional churches in the old Europe, is now trying to make a rejuvenating come-back, pretending to be what it really isn't,'<sup>283</sup> - a symbol of freedom and an allegory of women's emancipation.

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<sup>282</sup> Djavann (n 281) 13-15. See also C Djavann, *La Mulette* (Broché 2008); C Djavann, *Comment peut-on être Français* (Broché 2007); C Djavann, 'Que pense Allah de l'Europe?' (Broché 2004); C Djavann, 'Autoportrait de l'autre' (Poche 2009).

<sup>283</sup> Djavann (n 281). 'In the Byzantine Empire, which included Sicily until the nineteenth century, head scarves were a sign of affluence for Christian and Jewish women. In larger cities these were made of silk and often quite colourful. As a sign of modesty, a Christian woman entering a church, like a Jewish woman entering a synagogue, would cover her hair. The custom was one which the

In this context, so-called 'cultural differences' that are left unchallenged in the name of identity politics and a misplaced multiculturalist perspective become an alibi for the pursuit of patriarchal values and violations of fundamental women's human rights. Thus the reservations entered in the name of cultural and religious differences, when 'excavated' from within their content become, according to the analysis above, nothing more and nothing less than banal and commonly shared expressions of patriarchal hierarchies, present in albeit different nuances, across societies and times in the form of gender stereotypes and which CEDAW itself was supposed to combat before becoming itself, one of its victims.

Furthermore and arguably, the reservations entered, alone may not have necessarily survived without the post-modern, anti-essentialist and anti-eurocentric turn in feminism which provided a suitable theoretical framework and moral justification for these reservations and a context-bound interpretation of gender equality.<sup>284</sup>

Interestingly, Charlesworth and Chinkin point out that whereas the Convention on the Elimination of Racial Discrimination (1965)<sup>285</sup> benefited from a wide political support in the UN (which was less due to the rejection of discrimination on the grounds of race, and more due to the fact that signatories simply failed to accept the existence of racial discrimination as a problem which applied to them), CEDAW 'in contrast, met with the reluctance to confront Islamic and oil producing states, undermining parallel support for the elimination of gender apartheid as demonstrated by

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Christians inherited from Judaic tradition. Into the 1950s it was normal for Roman Catholic women to wear hats or even scarves in church, and today they are still expected to cover shoulders and arms (especially in the more important basilicas in southern Europe).' ML Romano, 'Scarves, Veils and History' (2007) Best of Sicily Magazine.

<sup>284</sup> See D Otto, 'A Post-Beijing Reflection on the Limitations and Potential of Human Rights Discourse for Women' (Transnational 1999) Vol 3 Women and International Human Rights Law 115,135; TE Higgins, 'By "Reason of their Sex": Feminist Theory, Postmodernism and Justice' (1995) 80 Cornell Law review 1536; B Stark, 'Women and Globalization: The Failure and Postmodern Possibilities of International Law' (2000) 33 Vanderbilt Journal of Transnational Law 503.

<sup>285</sup> The Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969) (1965) 660 UNTS 195

<<http://www2.ohchr.org/english/law/cerd.htm>> accessed 3 March 2011.



the adverse response within the UN to proposals to tackle the reservations problem'.<sup>286</sup>

Indeed, there are no reservations on the article of the race convention that pertain to the very definition of discrimination on the grounds of race.<sup>287</sup> The reservation of significance that led other member states to enter objections on the grounds of article 19 of the Vienna convention<sup>288</sup> was entered by Yemen on article 5.<sup>289</sup>

Arguably, and on the grounds of this fact, there is a difference in the degree of cultural rejection of the notion of discrimination on the grounds of sex and the quasi universal acceptance of the notion of discrimination on the grounds of race. This in itself contradicts the anti-essentialist and anti-eurocentric arguments made against the

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<sup>286</sup> Charlesworth and Chinkin (n 272) 108.

<sup>287</sup> The Convention on the Elimination of All Forms Racial Discrimination (n 285) art 1 'In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.'

<sup>288</sup> The Vienna Convention (n 267).

<sup>289</sup> The Convention on the Elimination of All Forms Racial Discrimination (n 285) art 5 stipulates that: 'In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (a) The right to equal treatment before the tribunals and all other organs administering justice; (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution; (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service; (d) Other civil rights, (...) (e) Economic, social and cultural rights, in particular: (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; (ii) The right to form and join trade unions; (iii) The right to housing; (iv) The right to public health, medical care, social security and social services; (v) The right to education and training; (vi) The right to equal participation in cultural activities; (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.'



'universal' notion of discrimination on the grounds of sex, showing if anything, the limits of the politics of identity as an overall framework. Arguably if the notion of 'discrimination' is criticised as Eurocentric, surely the critique should not be 'à la carte' when convenient to the interest groups conveying such critique. If the notion of discrimination on the grounds of race is easily embraced as 'universal' then all other discriminations, including those challenging patriarchal values such as discrimination on the grounds of sex and sexuality ought to be accepted as 'equally' universal.

In conclusion, a full understanding of visible and invisible veils which limit women's freedom and fundamental human rights is only possible through the comparison and questioning of the defence of differences in cultural identities when used as an alibi not to have gender stereotypes challenged.

The extrapolation of data 'out of the boundaries of cultural identities' as it were, is particularly relevant if we are to grasp the underpinning ideologies informing the reservation process of some Member States to CEDAW as a significant example of the impact of hegemonic identity politics in international law. The reservations put forward to Articles 1 and 2 of CEDAW are not mere cultural and religious exceptions. Rather, they show the extent to which, the rejection of gender equality and basic women's human rights is being justified least by member states reservations, but justified by the theoretical framework of identity politics. Clearly here, the 'compromise' in question amounts to 'defeat' of the very purpose of the Convention.

### 3.2.2 The omission of violence against women as fundamental violation of women's human rights

This section examines the reasons why violence against women was omitted from CEDAW and compares these to the explicit condemnation of it in the Protocol to the

African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003.<sup>290</sup>

In the context of this research, violence against women is another striking example of one of many universal phenomena cutting across race, class, time and location.<sup>291</sup> Furthermore, as 'violence against women is often caused by the structural relationships of power, domination and privilege between men and women (...) often central to maintaining patriarchal hierarchies',<sup>292</sup> it provides a particularly illustrative example of universal patriarchal values.

In spite of such well-known global problematics, in CEDAW,

the term violence does not appear anywhere in the Convention. The closest the Convention comes to addressing the issue is Art. 6 on exploitation of women (trafficking) - no other forms of violence are mentioned, instead (...) Recommendation 19 attempted to repair the omission.<sup>293</sup>

Instead, violence against women is only explicitly condemned in the form of 'soft-law' not as binding and only in the form of Recommendation 19<sup>294</sup> which defines gender-based violence as a form of discrimination seriously inhibiting women's ability to enjoy rights and freedoms on a basis of equality with men. Furthermore, Recommendation 19 does not define violence as a fundamental violation of women's human dignity in and of itself. Rather, the notion of violence is inscribed within the non-discrimination egalitarian paradigm. Violence is thus not considered a breach of human rights *per se* and is therefore not recognised as part of the structure of the universal subordination of women.

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<sup>290</sup> The Protocol on the Rights of Women in Africa (n 242) art 1(J).

<sup>291</sup> As further evidenced in chapter 5 and section 5.2.

<sup>292</sup> Charlesworth and Chinkin (n 272) 230 citing C Bunch, 'Passionate Politics, Essays 1968-1986: Feminist Theory in Action' (St. Martin's Press 1987).

<sup>293</sup> F Banda, *Women, Law and Human Rights: An African Perspective* (Hart Publishing 2005) 162.

<sup>294</sup> UN Committee for the Elimination of All Forms of Discrimination Against Women (CEDAW Committee), 'General Recommendations No. 19 on Violence against Women' (11<sup>th</sup> Session 1992) UN Doc A/47/38 para 6.

Thus at the international law level, there are currently no legally binding law instruments defining violence against women in these terms and offering adequate protection. Instead the protection against violence against women is explicitly addressed at the regional level in two regional conventions covering both the Latin American and African continents,<sup>295</sup> one of which is discussed below. Whereas at the time of writing the thesis, Europe and Asia did not yet have conventions explicitly covering violence against women yet but only soft law declarations.<sup>296</sup> On these facts, the regional conventions defending women's human rights cannot be accused of Eurocentrism or imperialism. Rather, they show if anything, that regions of so-called Third-World countries are ahead in addressing violence against women explicitly in conventions and that, given the definitions, it is obvious that the problematics in question share much the same features across the continents.

Moreover, both regional instruments were able to overcome all the following obstacles that were brought forward at the international level to justify CEDAW not including explicit provisions on violence against women:

- i) the conceptual difficulty of compressing a harm characterised as private into the public frame of international law; ii) the fact that violence does not fit into the equality model based on non-discrimination; iii) the felt need for wider ratification of the Convention which led to compromises on themes considered by some member states and religions to be culturally sensitive.<sup>297</sup>

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<sup>295</sup> See The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (signed 9 June 1994, entered into force 3 March 1995) (1994) reprinted in 33 ILM 1534 < <http://www.oas.org/juridico/english/treaties/a-61.html> > accessed 3 March 2011; the Protocol on the Rights of Women in Africa (n 242) art 1(J).

<sup>296</sup> See The Committee of Ministers to Member States of the Council of Europe Recommendation Rec (2002)5 on the Protection of Women against Violence; The European Parliament Resolution on Female Genital Mutilation (200172035 (INI)); the European Parliament Resolution of 24 March 2009 on combating female genital mutilation in the EU (2008/2071 (INI)); the Declaration on the Elimination of Violence Against Women in the ASEAN Region (2004) <<http://www.endvawnow.org/en/articles/584-regional-instruments.html>> accessed 2 march 2011.

<sup>297</sup> See K Roth, 'Domestic Violence as an International Human Rights Issue'; R Copelon, 'Intimate Terror: Understanding Domestic Violence as Torture'; and J Fitzpatrick, 'The Use of International

Yet the right to liberation from violent and degrading treatment, not only in times of war covered by Security Council Resolution 1325,<sup>298</sup> but especially, in daily private and domestic life, whether in the public or private sphere, ought to have been recognised, as it was subsequently acknowledged, in both regional instruments.

In a sense, this highlights a fundamental contradiction

Although the empirical evidence of violence against women is overwhelming and undisputed, it was never adequately reflected in human rights law because it focuses on "public" actions by the state.<sup>299</sup>

As mentioned, in contrast, both regional instruments covering different continents offer examples of a far reaching, radical and comprehensive definitions of violence against women<sup>300</sup> as illustrated in Article 1(J) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003<sup>301</sup> (hereafter referred to as 'the Protocol'), which defines violence against women as follows:

All acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private and public life, in peace time and during situations of armed conflict or of war.

This definition echoes that of Article 1 and 2 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women<sup>302</sup> which defines violence against women as follows:

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Human Rights Norms to Combat Violence Against Women' in R Cook (ed), *Human Rights of Women: National and International Perspectives*, (University of Pennsylvania Press 1995) 326, 116, 532.

<sup>298</sup> UNSC Res 1325 (31 October 2000) UN Doc S/RES/1325.

<sup>299</sup> Charlesworth and Chinkin (n 272) 234.

<sup>300</sup> Convention of Belém do Pará (n 295) art 2.

<sup>301</sup> The Protocol on the Rights of Women in Africa, (n 242) art 1(J).

<sup>302</sup> Convention of Belém do Pará (n 295).

Article 1: For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.

Article 2: Violence against women shall be understood to include physical, sexual and psychological violence: a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse; b. that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and c. that is perpetrated or condoned by the state or its agents regardless of where it occurs.

Furthermore Article 4(2)(a) of the Protocol<sup>303</sup> under the section related to the rights to life, integrity and security of person stipulates that:

State Parties shall take appropriate measures to enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in public or private.

This ground-breaking clause is explicitly calling for a proscription of rape and violence within the private domestic sphere. This is further supported by Article 5 of the Protocol<sup>304</sup> in the section related to the elimination of harmful practices, targeting female genital mutilation, and Article 6 of the Protocol<sup>305</sup> on forced marriages and

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<sup>303</sup> The Protocol on the Rights of Women in Africa, (n 242) art 4(2) a).

<sup>304</sup> *ibid* art 5.

<sup>305</sup> *ibid* art 6.

Article 14(1) (d) of the Protocol,<sup>306</sup> on the right to self-protection on HIV/AIDS and other Sexually Transmitted Diseases (STDs).

CEDAW was adopted in 1979 by the General Assembly by 130 votes and with 10 abstentions. CEDAW was also pressed to be ready for the presentation to the Second World Conference on Women in Copenhagen the following year and thus compromises on the content ensued. As a result, on 3 September 1981, 30 days after the twentieth Member State had ratified it, CEDAW entered into force more rapidly than any previous international human rights treaty.<sup>307</sup>

In contrast, it took a longer time for the Protocol to come into force,<sup>308</sup> there was a demonstrable will not to compromise fundamental women's human rights. Indeed, for the first time at African regional level, both the concepts of violence against women and gender equality are addressed in one legal instrument, focusing on violence against women beyond the public sphere. According to Amnesty International, the Protocol filled a major gap in the regional human rights system.<sup>309</sup>

Arguably achieving more than filling gaps at regional level, the implication of the Protocol are far reaching. They challenge the grounds upon which previous inclusionary approaches based on cultural relativism and identity politics led to substantive negotiations and seemingly inevitable compromises.

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<sup>306</sup> *ibid* art 14 (1) (d).

<sup>307</sup> See 'Report of the Committee on the Elimination of Discrimination against Women' Fourth World Conference on Women (Beijing 4-15 September 1995) UN Doc A/CONF.177/7.

<sup>308</sup> Almost a year after the Protocol was adopted, only one Member State of the AU, The Comoros, had signed and ratified it. Twenty-eight member states signed but were yet to ratify it as of 12 May 2004. A minimum of 14 further countries had to ratify the Protocol in order for it to come into force. On 26 October 2005, Togo became the fifteenth state to ratify the Protocol. As a result, it came into force on 25 November 2005, 30 days after the deposit of the fifteenth instrument of ratification. As of 16 July 2008, out of 53 African countries, 45 have signed the treaty, and 24 have signed and ratified it.

<sup>309</sup> 'Africa: Entry into force of Protocol on the Rights of Women in Africa positive step towards ending discrimination' (Amnesty International Index: AFR 01/004/2005 (Public) News Service No 292, 28 October 2005)

<[http://www.ethiopianreview.com/archive/588109835108211102\\_ethiopia.html](http://www.ethiopianreview.com/archive/588109835108211102_ethiopia.html)> accessed 20 February 2011.

In conclusion, this Protocol could explicitly address what CEDAW had omitted and without reservations to gender equality. Thus, the difficulty at international level is not linked to the impossibility of addressing a private matter such as domestic violence in a public international law instrument, nor indeed to the fact that violence does not fit into the egalitarian paradigm. Rather, difficulties in addressing violence against women at the international level are due to the degree of influence of political and religious based ideologies condoned by identity politics and cultural relativism that are at best resistant to the idea of gender equality, and worst resistant to eradicating violence against women. Clearly the omission of violence against women in CEDAW, as the reservation process are no compromises, they both provide powerful illustrations of the extent of damage, the overshadowing of identity politics and cultural relativism can produce and of the fact that there is little compromise to be made on such fundamental resistance.

### 3.2.3 Concluding remarks

Thus, anxiety surrounding the possible exclusion of gender discriminatory Member States from CEDAW on the grounds of 'cultural differences' and religious perspectives resulted in gender equality being overshadowed. The strategy was intended to result in the inclusion of the largest number of countries irrespective of differences surrounding their degree of commitment to the essence of the Convention. By following an inclusionary strategy beyond the point of compromise and ultimately silencing fundamental notions such as violence against women, CEDAW was effectively weakened.

In contrast, the Protocol of 2003 demonstrates that all the arguments brought forward to legitimise the omission of violence against women in CEDAW and its reservation procedures are seriously questionable at best and invalid at worst. This leads to the conclusion that identity politics was prioritised over fundamental women's human rights, both regarding the limited content of CEDAW and in the reservation process surrounding its adherence.

It can be concluded that a universalist analytical grid is useful to uncover the common ideological patterns in patriarchal societies which consider both the struggle against violence against women and gender equality difficult concepts to commit to.

### 3.3 Eroding gender equality in international policy frameworks

As discussed above, while the concept of gender equality could not prevent being eroded at the international treaty level, this section investigates whether the policy framework at international level underpinning gender equality was any more consistent and resistant to changing ideologies. It is argued that there have been substantive changes to the interpretation of gender equality at international policy level between the 1970s and mid-1990s reflecting shifts in theory, as discussed in chapter 2. As noted, there was high international political momentum at the time of the Fourth World Conference on Women in Beijing. However, the more recent period is characterised by what is commonly defined by IDA practitioners as 'gender fatigue' and the gradual evaporation of gender-related concepts within key IDA policy frameworks such as the MDGs in 2000 and the 2005 Paris Declaration on Aid Effectiveness.

As specific reservations put forward by some Member States to CEDAW were examined in the sections above, the sections below, in turn, analyse the influence of the Vatican in relation to the interpretations of gender equality at international policy level in key UN World Conferences on Women. The last section explores whether parallels can be drawn between the different ideologies underpinning these resistances to the concept of gender equality and if so, examines how have these impacted on the weakening of gender equality at the international level.

#### 3.3.1 Gender equality in international policy frameworks: from revolution to devolution

This section presents an overview of the changes related to the interpretation of the concept of gender equality which have occurred in various IDA policy frameworks.



The table below illustrates at a glance the 'devolution' in gender momentum at international legal and policy level over the last 50 years.<sup>310</sup> It has been acknowledged that the pace and strength of gender policy development has declined.<sup>311</sup> Concerns have been raised about a loss of 'gender momentum' and a narrowing of focus with regard to gender equality objectives<sup>312</sup> in international development assistance.

*Table 2 Chronology of gender-related policies and legal frameworks and international development assistance 1946-2005*

<i>Year</i>	<i>Gender-related policies and legal frameworks and international development assistance</i>
<i>1946</i>	<p>Commission on the Status of Women</p> <p>A first Gender perspective on International Bill of Human Rights.</p>
<i>1967</i>	<p>Declaration on the Elimination of Discrimination Against Women</p> <p>A statement of moral and political intent, without the contractual force of a treaty.</p>
<i>1975</i>	<p>First World Conference of the International Women's Year, Mexico City</p> <p>Adoption of the World Plan of Action for the Implementation of the Objectives of the International Women's Year which called for a Convention on the Elimination of Discrimination Against Women (CEDAW), with effective procedures for its implementation.</p>
<i>1979</i>	<p>CEDAW</p> <p>Adoption of CEDAW. It had been prepared by the Commission on the Status of Women (CSW), in the UN General Secretariat during 1976 and extensive deliberations by the UN General Assembly from 1977 to 1979.</p>
<i>1980</i>	<p>Second World Conference on the United Nations Decade for Women: Equality, Development and Peace in Copenhagen</p> <p>At the special ceremony that took place at the Copenhagen Conference on 17 July 1980, 64 States signed the CEDAW and two States submitted their instruments of ratification</p>

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<sup>310</sup> The table is inspired by F Watkins 'Evaluation of DFID Development Assistance: Gender Equality and Women's Empowerment, DFID's Experience of Gender Mainstreaming: 1995 to 2004' (DFID, December 2004), 9. The table was further expanded with information from UN data base on U.N website < <http://www.un.org/womenwatch/daw/daw/index.html> > accessed 20 February 2011.

<sup>311</sup> *ibid.*

<sup>312</sup> *ibid* 8.

- 1983 Development Assistance Committee - Women in Development (DAC-WID)  
Guiding Principles on Women in Development
- 1985 Third World Conference on Women, Nairobi  
Shift from Women in Development (WID) to Gender and Development (GAD)
- 1995 Fourth World Conference on Women, Beijing  
Adoption of the Platform for Action (PfA) and establishment of Gender Mainstreaming as the main strategy to reach the development goal of Gender Equality.
- 2000 Beijing+5 Review  
Reaffirmation of commitment to the PfA
- 2000 Millennium Declaration, Millennium Development Goals (MDGs) and country-led approaches to development through Poverty Reduction Strategy Papers (PRSPs)  
Reduction of gender goals in MDGs down to two goals compared with the twelve goals of the PfA and weakness of PRSPs in incorporating gender equality.
- 2003 Declaration adopted on Harmonisation of Development Assistance in Rome
- 2004 Marrakech Roundtable  
Put forward the core principles on Managing for Development Results to increase the impact Aid has in reducing poverty and inequality, increasing growth, building capacity and accelerating achievement of the MDGs.
- 2005 Paris Declaration on Aid Effectiveness, Ownership, Harmonisation, Alignment, Results and Mutual Accountability  
Meeting of Ministers of developed and developing countries responsible for promoting development and Heads of multilateral and bilateral development institutions, in Paris on 2 March 2005, to resolve to take measurable actions to reform the ways they deliver and manage Aid.

The negotiations surrounding the interpretation of the concept of gender equality are discussed in the following sections in light of key examples of platforms of IDA policy frameworks, namely the four World Conferences on Women, the MDGs and the Paris Declaration.

## World Conferences on Women

According to Charlesworth, the four World Conferences<sup>313</sup> are in and of themselves examples of the capacity of women to agree on both shared problems and values which could be the focus of solidarity given their common situation across continents, cultures and races.<sup>314</sup>

The international events described in the examples below demonstrate that women were indeed 'able to use international arenas to negotiate a great range of differences to support both common projects and concerns of particular groups.'<sup>315</sup> Arguably, if they had indeed the opportunity to strengthen the meaning and content of gender equality, the section below shows that on the contrary, reaching consensual common platforms had a cost: that of substantively altering the content and the meaning of gender equality at international policy level changed from a revolutionary perspective to its almost complete evaporation.

In 1975, the Declaration of the First World Conference on Women in Mexico,<sup>316</sup> read as follows:

The World Conference of the International Women's Year, recognizing that women of the entire world, whatever differences exist between them, share the painful experience of receiving or having received unequal treatment, and that as their awareness of this phenomenon increases they will become natural allies in

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<sup>313</sup> As illustrated in section 3.3.1.

<sup>314</sup> 133 Member State delegations gathered at the First World Women's Conference in Mexico 1975 and 113 of those were headed by women. Women also organised a parallel NGO Forum, the International Women's Year Tribune, which attracted approximately 4,000 participants. By the fourth World Women's Conference in 1995 Beijing, there were 189 Member States Delegations and more than 5,000 representatives from 2,100 non-governmental organizations.

<sup>315</sup> Charlesworth and Chinkin (n 272) 47. As an illustration, Charlesworth highlights the campaign for recognition of violence against women, a phenomenon which is prevalent in all countries, cultures and [socio-economic classes], as being a [universal] violation of women's human rights and as an especially effective unifying force throughout the global conferences on diverse subjects of the 1990s.

<sup>316</sup> 'First World Conference on Women' (n 243).

the struggle against any form of oppression, such as is practiced under colonialism, postcolonialism, Zionism, racial discrimination and apartheid, thereby constituting an enormous revolutionary potential for economic and social change in the world today. (...).<sup>317</sup>

Arguably, two main points in this statement constitute the cornerstone of the original interpretation of gender equality in the 1970s, and are particularly relevant to this thesis. i) 'An enormous revolutionary potential for economic and social change'.<sup>318</sup> Thus anchoring the feminist struggles in IDA, including identity politics within a potentially revolutionary vision of redistributive justice, and within ii) 'Women of the entire world, whatever differences exist between them'.<sup>319</sup> Thus, it was applying a universalist perspective, as the overall focus over differences.

It is now argued that the changes which have occurred in the interpretation of gender equality from this perspective onwards have not merely altered the meaning of these statements but have substantially weakened their inherent political meaning and strength by substituting the original intended overall focus.

At that point in time, it was believed that the suffering and oppression experienced by women as a universal category, together with many other victims of oppression, could gather the necessary solidarity to create a strong global political movement with 'a revolutionary potential for achieving economic and social changes'.<sup>320</sup>

The initial objective was thus to establish a counter-political power to eradicate all forms of oppression, and to make the world if not a better place, at least a more peaceful one. There were at least two central assumptions in this vision. Firstly, that a politically engaged global feminist movement was about to be established in a

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<sup>317</sup> 'Report of the World Conference of the International Women's Year, Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace' (Mexico City 19 June – 2 July 1975) UN Doc E/CONF 66/34, 73.

<sup>318</sup> *ibid.* See also R Morgan (ed) *Sisterhood is global* (The Feminist Press at The City University of New York 1996)

<sup>319</sup> 'Report of the World Conference of the International Women's Year' (n 317).

<sup>320</sup> *ibid.*

united and coherent form and secondly, that it would have a strong influence on IDA policy reforms. Such reforms would result in concrete changes in terms of the structural transformation of societies.

Despite these declarations, the creation of a 'revolutionary' global women's movement did not materialise as the strong and united political force many had hoped for. This was partly due to divergent and conflicting feminist theories and schools of thought,<sup>321</sup> partly due to the negotiations which took place within the UN global policy forum of discussion in question - the World Conferences on Women - as will be explored below. Thus, it is argued that without the necessary theoretical and political cohesion, the expected influence of the international platforms for gender equality policy-making was weakened from the outset as the focus became building ideological consensus in order to create and agree upon a series of declarations and action plans, punctuating each of the World Conferences on Women. The Conferences thus adopted global declarations and plans of action which were intended to serve as global gender policy guidelines both for the international community and national governments and were especially used as background policy frameworks in the context of IDA.

The First World Conference of Women held in Mexico in 1975, negotiated a consensus on equal access for women to resources such as education, employment opportunities, political participation, health services, housing, nutrition and family planning.<sup>322</sup>

By the end of the United Nations Decade for Women in 1985, 127 Member States had responded to this 'consensus' by establishing some form of women's national machinery such as institutions dealing with the promotion of policy, research and programmes aimed at women's advancement and participation in development.

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<sup>321</sup> See chapter 2 above.

<sup>322</sup> Report of the World Conference of the International Women's Year (n 317).

In many developing countries the institutionalisation of women's concerns thus translated in the actual construction of buildings for ministries dealing specifically with women's affairs.<sup>323</sup> At international level, it tended to materialise in the establishment of women's units within multilateral organisations.<sup>324</sup> Such institutional developments were intended to provide a framework to deal (at a later stage) with the, albeit less consensual substantive issues hinging on impacts as to redistributive justice and poverty reduction.

The second World Conference on Women was held in Copenhagen<sup>325</sup> and culminated in Resolution 35/136<sup>326</sup> which highlighted amongst other things, the following points:

'The maintenance of a global policy framework to deal with the concerns of women; the need for the active participation of women in the achievement of just and lasting world peace and social progress; the establishment of a new international economic order; the complete respect for human rights and fundamental freedoms and the integration of women into the development process so that the equality of men and women could be affirmed and their situation improved.'<sup>327</sup>

In conclusion, the first two World Women's Conferences' interpreted gender equality within a universalist perspective, with (redistributive) justice as an overall goal even

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<sup>323</sup> Usually combined with children's affairs, for instance in Tanzania and Uganda.

<sup>324</sup> Within the United Nations system, in addition to the Division for the Advancement of Women, the Mexico City Conference led to the establishment of the International Research and Training Institute for the Advancement of Women (INSTRAW) and the United Nations Development Fund for Women (UNIFEM). They intended to provide the institutional framework for research, training and operational activities in the area of women and development.

<sup>325</sup> 'Second World Conference on Women' (n 243).

<sup>326</sup> 'The World Conference of the United Nations Decade for Women: Equality, Development, Peace held in Copenhagen' (14-30 July 1980) culminated in UNGA Res 35/136 (11 December 1980) A/RES/34/158.

<sup>327</sup> *ibid.*

though the second world conference on women was more evasive about the term 'redistribution'.

However, the definition and underlying ideological vision of gender equality which began in Mexico and Copenhagen, and culminated in the Third World Conference on Women held in Nairobi in 1985<sup>328</sup> in its Forward-Looking Strategies for the Advancement of Women<sup>329</sup> and finally in the Platform for Action (PfA)<sup>330</sup> at the Fourth World Conference on Women, held in Beijing in 1995,<sup>331</sup> was substantially altered.

The Fourth World Conference PfA aimed to achieve greater gender equality in participation and opportunities for women in relation to twelve sub-thematic areas<sup>332</sup> and framed the concepts of advancement and empowerment of women within the equality paradigm. Thus, gender equality was reinterpreted within a narrower focus of representation leaving behind all revolutionary and transformative aspirations. The hegemonic focus of the interpretation of gender equality was then translated as

Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace.<sup>333</sup>

The implication of this new focus was the eclipse of the arguably, much needed concept of social justice and the structural changes needed to realise women's empowerment as a goal in and of itself, and wealth 'redistribution'.

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<sup>328</sup> 'Third World Conference on Women' (n 243).

<sup>329</sup> 'Nairobi forward-looking strategies for the advancement of women'  
<http://www.un.org/womenwatch/confer/nfls/> accessed 2 March 2011.

<sup>330</sup> 'Beijing Declaration and Platform for Action'  
<http://www.un.org/womenwatch/daw/beijing/platform/> accessed 2 March 2011.

<sup>331</sup> 'Fourth World Conference on Women' (n 243).

<sup>332</sup> 'Beijing Declaration and Platform for Action' (n 330).

<sup>333</sup> 'Report of the Fourth World Conference on Women, Beijing Declaration and Platform for Action' (Beijing 4-15 September 1995) UN Doc A/CONF.177/20/Rev.1, 154 art 3.

The concept of 'structural causes of poverty' was toned down substantially compared to the emphasis it once enjoyed in the 1970s. Moreover, there was no clear strategy about how resources could be better re-allocated to achieve equality amongst women and men. In both the Beijing PfA and Declaration there was no reference to whether and how power would actually shift from the powerful to the powerless, from powerful men to powerless women and from powerful women to powerless women and men. Rather, the more politically neutral and consensual term of 'equal access to resources' was adopted as the standard phrase throughout the PfA.

'Equal access to resources' coupled with 'equal control of resources' was then largely mirrored in development policies, strategies and programme documents<sup>334</sup> without further specification as to whose resources would need to be accessed and controlled more 'equally' and by whom. Without assigning clear and politically stringent responsibilities to the 'praxis' of gender equality, Member States would be more inclined to commit as a gesture of good intention but without feeling a compelling obligation to adhere to commitments in practice.

The inclusion of diverse cultural sensitivities in gender policy-making processes resulted in the reinterpretation of gender equality into a seemingly apolitical and non-militant jargon which paved the way for its substantive weakening. This effectively stripped gender equality of its radicalism, leaving the concept opened to shallow and unclear interpretations.

The Beijing follow-ups, Beijing +5 in 2000<sup>335</sup> and Beijing+10 in 2005,<sup>336</sup> while essentially reaffirming previous commitments in Beijing, witnessed the loss of political

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<sup>334</sup> As further evidenced in chapters 4 and 5.

<sup>335</sup> 'Five-year Review of the implementation of the Beijing Declaration and Platform for Action' (Beijing + 5, General Assembly, 5 - 9 June 2000)

<<http://www.un.org/womenwatch/daw/followup/beijing+5.htm>> accessed 2 March 2011.

<sup>336</sup> Ten-year Review and Appraisal of the implementation of the Beijing Declaration and Platform for Action' (Beijing +10) and the outcome of the twenty-third special session of the General Assembly held during the forty-ninth session of the CSW, from 28 February to 11 March 2005 <<http://www.un.org/womenwatch/daw/Review/english/49sess.htm>> accessed 2 march 2011. Beijing +10's objective was a 'Review of the implementation of the Beijing Platform for Action and the out-



momentum gathered in Beijing. Beijing +5 consisted of a broad assessment of the implementation of the Beijing PFA and Declaration and further actions for implementation.<sup>337</sup>

In its resolution, ECOSOC noted with concern ‘the persistent problems in addressing the challenges of poverty eradication, gender inequalities, empowerment and advancement of women and employment as reflected in the outcome documents of the five-year reviews of the Fourth World Conference and the World Summit for Social Development.’<sup>338</sup>

Arguably, the weakening of the political potential of the term gender equality at international policy level, at a time in which global trends were not conducive to a more radical interpretation of the term, dovetailed with the narrower interpretation of gender equality by divergent feminist schools of thought.

## MDGs and the Paris Declaration

The decline of political clout of gender equality and the weakening of the international policy framework characterised by the post-Beijing is best exemplified by the re-definition of gender equality in the Millennium Development Goals (MDGs)<sup>339</sup> in 2000. The MDGs re-interpreted the concept of gender equality (which had already been well predisposed to negotiations, interpretations and malleability as discussed in

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come documents of the twenty-third special session of the General Assembly’; and an assessment of the ‘Current challenges and forward-looking strategies for the advancement and empowerment of women and girls’.

<sup>337</sup> This was adopted by the General Assembly at its special session, in the Report of the Secretary-General, ‘Implementation of the Outcome of the Fourth World Conference on Women and of the Special Century’ (A/55/341).

<sup>337</sup> ECOSOC, ‘The role of employment and work in poverty eradication: empowerment and advancement of women’ Res 2000/26 (28 July 2000); Session of the General Assembly, ‘Women 2000: Gender Equality, Development and Peace in the Twenty-first Century’ (A/55/341).

<sup>338</sup> ECOSOC (n 337).

<sup>339</sup> United Nations Millennium Declaration (n 254).

the sections above) from the twelve critical areas<sup>340</sup> of the Beijing PfA down to two less politically contentious areas, namely girls' education and maternal mortality. Donors and Member States could thus use the concept of gender equality and women's empowerment as the title of MDG 3<sup>341</sup> but actually focus solely on girl's education as being the main indicator against which 'progress' on gender equality was to be measured, together with maternal health in MDG 5.<sup>342</sup>

Whilst the latter is an important health issue in development contexts, it does not necessarily challenge less consensual issues such as women's rights to abortion, unequal power structures and social injustices. Girls' education is another fundamental issue which could achieve easily measurable quantitative equality in terms of school enrolment. Arguably, it needs to be coupled with other less consensual forms of equality such as equality in decision-making and control over resources to have a meaningful and qualitative impact on structural gender inequalities and injustices.

From a much less ambitious interpretation, gender equality culminated in its almost complete evaporation within the currently dominant international development assistance policy framework in the OECD/DAC Paris Declaration on Aid Effectiveness of 2005.<sup>343</sup> The policy framework has currently become virtually gender blind. Paradoxically, the Organisation for Economic Cooperation and Development / Development Assistance Committee (OECD/DAC) is an organisation which does officially

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<sup>340</sup> The Beijing 12 Critical Issues are enumerated as follows: 1) The persistent burden of poverty; 2) Unequal access to education; 3) Unequal access to healthcare; 4) Violence; 5) Armed conflicts; 6) Inequality in economic structures; 7) Inequality in the sharing of power; 8) Insufficient mechanisms; 9) Human rights violation; 10) Stereotyping in the media; 11) Environment; 12) The Girl-child. For further details on the content of each critical issues see <<http://www.undp.org/mdg/reports.shtml>> accessed 10 February 2011.

<sup>341</sup> Millennium Development Goal 3: Promote gender equality and empower women. Target 3a: Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015. <<http://www.undp.org/mdg/goal3.shtml>> accessed 2 March 2011.

<sup>342</sup> Millennium Development Goal 5: Improve maternal health. Target 5a: Reduce by three quarters the maternal mortality ratio. Target 5b: achieve universal access to reproductive health. <<http://www.un.org/millenniumgoals/maternal.shtml>> accessed 2 March 2011.

<sup>343</sup> OECD, 'The Paris Declaration and Accra Agenda' (n 245).

recognise that sustainable development must fully reflect the needs of both women and men as specified in the DAC guidelines on gender equality.<sup>344</sup> Furthermore, in 1995 and 1996, official statements were issued reflecting commitments to the Beijing Platform for Action. DAC's work in the area of gender equality has been primarily carried out through a well-established Network Party on Gender Equality which provides strategic support to Development Assistance Committee (DAC) Members. Furthermore, a DAC gender strategy was established based on a set of gender guidelines and partnership approaches. The partnership approaches emphasize the following responsibilities for DAC members:

‘ensuring the mainstreaming of gender equality considerations in their own processes and products such as analyses, policies, and position papers; and supporting the efforts of partner governments and local actors to promote gender equality - including support to partners' capacity to mainstream equality considerations into policies, strategies, and programmes.’<sup>345</sup>

Beyond these policy level premises, it is interesting to note that the DAC's source book on concepts and approaches linked to gender equality only defines gender equality in relation to culture and does not mention women's human rights.<sup>346</sup> A DAC evaluation of Programme Budget Support indicates that

‘it failed to allocate resources to gender mainstreaming processes. The result is that two thirds of OECD/DAC aid focusing on support for gender equality and empowerment of women was for basic education and health (including population and reproductive health) critical to achieving the MDGs 3 and 5 but lacking any further gender strategic perspective.’<sup>347</sup>

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<sup>344</sup> ‘The DAC guidelines for gender equality and women’s empowerment’ (1983) OECD/DAC.

<sup>345</sup> JD Winship, ‘A summary of Gender Strategies of Multilateral Development Agencies and Selected bilateral donors, Development and Training’ (September 2004) USAID Report.

<sup>346</sup> ‘Concept and approaches linked to gender equality’ (1998) OECD/ DAC Source Book 16.

<sup>347</sup> ‘Gender Evaluation, Aid to support gender equality, 1999-2003’ (March 2005) OECD/DAC Report 1.

It is against this internal policy background that the OECD/DAC Paris Declaration on Aid Effectiveness<sup>348</sup> was signed in March 2005 and evolved into the main current international policy framework for all key multilateral and bilateral donors. It establishes global commitments for donors and partner countries to support more 'effective' aid in the context of the recent significant increase of aid.

Donors and partner countries' interpretation of IDA is thus now focused on making aid effectiveness a high priority, especially in the following areas:

- i) Strengthening partner countries' national development strategies and associated operational frameworks (e.g., planning, budget, and performance assessment frameworks);
- ii) increasing alignment of aid with partner countries' priorities, systems and procedures and helping to strengthen their capacities;
- iii) enhancing donors' and partner countries' respective accountability to their citizens and parliaments for their development policies, strategies and performance;
- iv) eliminating duplication of efforts and rationalising donor activities to make them as cost-effective as possible;
- v) reforming and simplifying donor policies and procedures to encourage collaborative behaviour and progressive alignment with partner countries' priorities, systems and procedures;
- vi) defining measures and standards of performance and the accountability of partner country systems in public financial management, procurement, fiduciary safeguards and environmental assessments, in line with broadly accepted good practices and their rapid and widespread application.<sup>349</sup>

Beyond those commitments outlined above, which are macro-economic and managerial in nature, the only two socially related aspects which are included and which the declaration defines as critical challenges are HIV/AIDS and corruption. Gender equality or indeed any other gender-related concepts appear to have been sidelined.

Thus, the inclusionary strategies which were used both in the international legislative and policy frameworks and which relied upon 'consensus' to produce international

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<sup>348</sup> OECD, 'The Paris Declaration and the Accra Agenda' (n 245).

<sup>349</sup> *ibid.*

legal instruments and policy documents were aimed at targeting the broadest possible quantitative adherence rather than highest *qualitative impact* and preserving the early 'revolutionary' aspirations of the meaning of gender equality. As discussed, over the past four decades (amongst other things and with some exceptions), the negotiations at international level have been trading the conceptual meaning of gender equality in order to secure the widest number of ratifying or adhering Member States, as seen in CEDAW. It has thus been argued that the benefits gained from these negotiation processes were secured at the expense of key elements of gender equality being traded off or overshadowed. This was clearly evidenced by the erosion of its political strength, devolution and eventually by its evaporation from current key IDA policy frameworks.

Illustrating Nancy Fraser's point made earlier, 'the spectacular come back of neoliberalism'<sup>350</sup> exemplified as the period when neoliberal macro-economists took over the reins of IDA, 'coincided all too neatly'<sup>351</sup> with the little revolutionary political force left in the interpretation of gender equality at IDA policy level, to counterbalance these neoliberal visions. The Paris Declaration of 2005 had thus a free terrain and could expediently redefine 'development' from a neoliberal and macro-economic perspective, excluding gender equality interpretations which would relate to the notion of socio-economic justice or the need to reduce structural inequalities, without particularly challenging resistance.

In conclusion and based on the analysis above, the concept of gender equality at international policy level has been the subject of a steady decline from its early revolutionary aspirations, to a gradual weakening in its interpretation, to an almost complete evaporation in the principal international policy frameworks. It is argued that the politics of compromises on consensual definitions and interpretations of gender equality at international policy level has provided a fertile ground for the erosion of the concept.

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<sup>350</sup> N Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (Columbia University Press 2009)106.

<sup>351</sup> *ibid* 105.

### 3.3.2 The significance of identity politics in drawing the boundaries of gender equality

The examples in the section above related to the devolution of gender equality in international IDA policy frameworks clearly show the gradual political weakening of the meaning and interpretations of gender equality, resulting in its complete evaporation in examples of current IDA key development policy.

This section explores the underpinning factors that have contributed to the conceptual weakening of gender equality in the World Conferences on Women. Moreover, the section seeks to draw patterns of correlation with the underpinning ideological trends that have contributed to the weakening of the concept of gender equality at international legislative level.

If there was little political force left to counter neoliberalism, there was also little political force left to counter conservative religious interpretations of gender equality bounding the concept to cultural identities and Third World differences. The section above discussed how mainstream Shari'a law interpretations led to several Member States entering reservations on fundamental articles of CEDAW relating to the very concept of non-discrimination and gender equality. This section considers how similar patterns of bounding gender equality under cultural and religious identities occurred with the Vatican's active lobbying at UN conferences to challenge the interpretation and strength of the concept of gender equality.

Doris Buss, in her article on the Vatican and the Beijing Conference on Women,<sup>352</sup> provides a detailed illustration of the strategies utilised by the Vatican to bound gender equality interpretation under cultural identities:

The tactic of the Vatican was to argue for a core of rights, at the centre of which are the right to freedom of religion. (...) By challenging what it perceives as the over reliance on rights rhetoric, the Vatican sees itself as standing outside the dominant international framework within which questions of social relations are

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<sup>352</sup> DE Buss, 'Robes, Relics and Rights: The Vatican and the Beijing Conference on Women' (1998) 7 (3) *Social and Legal Studies* 3.

discussed. (...) the Vatican perceives itself as being at the margin of international human rights discourse challenging the views of mainstream thinking: white feminism and Western-centric governments.<sup>353</sup>

The Vatican therefore took a purely strategic opportunity to make a conceptual 'alliance' with certain feminist critiques<sup>354</sup> which were analysed in chapter 2 above. It positioned its mainstream dogma against white, western, neo-imperialist and colonialist governments. This was intended to exploit the fracture which polarised feminist schools of thought into perceived oppressive white western heterosexual middle-class feminism on one hand, and oppressed Third World and other communitarian feminisms on the other.

By aligning itself with female victims of oppression through the eyes of Third Worldism, the Vatican (although a part of ex-colonial power itself) could twist its position as anti-colonialist and ambassador of marginalised Third World women. Through this strategy, the Vatican succeeded in obliterating its colonialist evangelising heritage in Third World countries of Africa and Latin America. Beyond these immediate contradictions, most interesting is the way in which the Vatican found common theoretical grounds to align itself ideologically with certain Third Worldist feminist critiques.

Moreover, it is important to explore how these ideological underpinning relate to the ideological principles upon which some Islamic Member States entered reservations

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<sup>353</sup> Costas Douzinas, 'Justice and Human Rights in Post-modernity' in C Gearty and A Tomkins (eds), *Understanding Human Rights* (Mansell 1996).

<sup>354</sup> Examples of such feminist critiques are: A Bunting, 'Theorising Women's Cultural Diversity in Feminist International Human Rights Strategy' (1993) 20 *Journal of Law and Society* 6-22; N Dulong, 'Lessons of Difference: Feminist Theory and Cultural Diversity', (1990) 38 *Buffalo Law Review* 325-381; D Fuss, *Essentially Speaking: Feminism, Nature and Difference* (Routledge 1989); B Hooks, *Feminist Theory: From Margin to Centre* (South End Press 1984); C Mohanty, 'Introduction: Cartographies of Struggle' in CT Mohanty, A Russo, and L Torres (eds), *Third World Women and the Politics of Feminism* (Indiana University Press 1991); E Spelman, *Inessential Woman: Problems of Exclusion in Feminist Thought* (Beacon Press 1988) 57.



to CEDAW.<sup>355</sup> The Vatican's interpretation of 'gender equality' is found in the notion of 'gender complementarity'. It ensures that a conservative model of the family structure is protected. Men are maintained in their role, as bread-winners and decision-makers guaranteed by their overwhelming participation in society's public spheres and women 'complement' that role as unremunerated child rearers and domestic workers within the private sphere. As Doris Buss points out:

The concept of 'complementarity' in the Vatican's interpretation of gender roles, relations and hierarchies signifies a sexual division of labour in which women's reproductive capacity means that they will "inevitably" become mothers and wives.<sup>356</sup>

With this concept being the Vatican's preferred interpretation of gender equality, it rejects the possibility of men and women having equal power (interchangeable roles) and instead finds common ground with both the concept of *Qawama*,<sup>357</sup> as well as certain branches of Third Worldist feminism which advocate the notion of 'motherism'.<sup>358</sup> The common grounds with the principle of *Al-Hijab* is of course the implied confinement of women to their 'complementary' roles within the boundaries of the domestic and reproductive spheres.

In the context of developing countries, where inequalities - particularly gender inequalities relating to access and control of resources - are central to poverty, such views restrict women's access to alternative roles beyond the proposed non-remunerated domestic role. In these contexts, their chance of escaping the poverty cycle, let alone aspiring for self-emancipation, are effectively limited. As in those Shari'a interpretations which led to reservations on the concept of non-discrimination in CEDAW, the Vatican finds it difficult to promote equality in resource and power sharing between women and men. 'Whereas it considers women and men to being of

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<sup>355</sup> As discussed in Section 3.2.1 above.

<sup>356</sup> Buss (n 352).

<sup>357</sup> As discussed in section 3.2.1.

<sup>358</sup> As discussed in section 2.2.2.



equal “dignity” in all areas of life, it cannot concede equality of roles and functions.’<sup>359</sup>

Thus, through the strategy of identity-politics, the Vatican succeeded in up-keeping an archaic and conservative interpretation of gender roles and relations which clearly dismisses the principle of non-discrimination. The Vatican thus tended to support initiatives which protect women in their traditional and ‘complementary’ roles as mothers and/or ‘victims’ but not initiatives which empower women above or beyond their different complementary role with men in society, such as the freedom to define their own sexuality for example. Likewise, as the analysis demonstrates, Shar’ia law directly contradicts definitions of women as equal or in any way superior to men.

The Vatican and Shari’a Law thus find common grounds in their rejection of gender equality in international legal frameworks and policy-making processes. Arguably, such positions are not marginal or religion specific. These are little more than basic patriarchal expression and visions of society which, in the proponents’ views, ought not to be challenged by shifting the balance of powers in gender roles and relations, upholding traditional hierarchies. These visions, if anything, represents the ‘norm’, the status quo of mainstream values which patriarchal societies in Europe, in the US as elsewhere have in common, rather than that of a marginalised, cultural and identity-specific position in need of protection against Euro/ Western-centric mainstream thinking.

In conclusion, this section demonstrates that using the identity politics strategy valorising cultural/religious differences was indeed an ingenious strategy to shrink the interpretation of gender equality down to a justification of gender inequality.

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<sup>359</sup> J Navarro-Valls, ‘Report of the Holy See in preparation for the Fourth World Conference on Women’, (1995) para 2 (a); ‘To promote Women's Equal Dignity’ (6 September 1995) 36 *L'osservatore Romano* 2-4.

### 3.3.3 Concluding remarks

The analysis thus shows that religious and cultural oppositions to gender equality in IDA share common ideological grounds and are thus *political*, given their common objective in protecting patriarchal structures. Therefore, they ought to be analyzed and challenged as such, rather than considered as static components of identities whose differences need further valorisation and are worthy of inclusion in international legal frameworks and policies on an 'equal footing' with other standpoints and perspectives. It is this misguided process of 'inclusion' which took place during international negotiations which has ultimately weakened the concept of gender equality at the highest strategic level, both at international law and international policy level.

Consequently, it is argued that this weakened concept of gender equality ultimately leaves the existing structures of oppression intact. Instead of challenging patriarchal interpretations of gender equality, it served to protect them as legitimate and justifiable within the hegemonic trend of identity politics.

## 3.4 Conclusions

In conclusion, a holistic understanding of visible and invisible veils, limiting women's freedom and women's human rights is only possible through an analysis which does not confine itself to identity politics in one particular cultural or religious context disconnected as it were, from similar socio-cultural practices existing in other contexts. Rather, comparing underlying ideologies across cultures is crucial to avoid using cultural and religious differences as an alibi for justifying gender inequalities, violations of women's human rights and injustices facing women.

This is particularly relevant to capture the deeper and political understanding of the broader implications and underpinning ideologies informing the reservation process of some Member States to CEDAW. The reservations put forward to Articles 1 and 2 of CEDAW are not a mere technical compromise at international law level. Rather, they show the extent to which, by following the politics of identity, gender equality

and basic women's human rights are overshadowed to the point of being 'opted out' of the only international legal instrument which is supposed to defend them. It is thus demonstrated that the 'compromise' in question clearly amounts to a 'defeat' of the very purpose of the Convention.

The analysis demonstrates that identity politics and 'apparent' cultural differences were prioritised when defining both the content and the adherence process to CEDAW. However, the analysis also shows that 'cultural differences' are different in appearance only. As argued, the expression of such seemingly culturally grounded resistance share underpinning ideologies which have in common those patriarchal structures which allow misogynist dogma to become respectable under the (false) guise of the culturally distinct.

Thus, anxiety surrounding the possible exclusion of gender discriminatory Member States from CEDAW on the grounds of 'cultural differences' and religious perspectives resulted in the gender equality concept being overshadowed. The strategy of compromises was intended to result in the inclusion of the largest number of countries irrespective of differences surrounding their degree of commitment to the essence of the Convention. By following an inclusionary strategy beyond the point of compromise and ultimately silencing fundamental notions such as violence against women, CEDAW was effectively weakened.

In contrast, the Protocol of 2003 demonstrates that all the arguments brought forward to legitimise the omission of violence against women in CEDAW and its reservation procedures are seriously questionable at best and invalid at worst. This leads to the conclusion that identity politics was prioritised over fundamental women's human rights, both regarding the content of CEDAW and in the reservation process surrounding its adherence.

It can be concluded that a universalist analytical grid is useful to uncover the common ideological patterns in patriarchal societies which consider both the struggle against violence against women and gender equality, difficult concepts to commit to.

Based on the analysis of the second section of the chapter, the concept of gender equality in IDA international policy level has been the subject of a steady decline from its gradually weakened interpretation, to its discarding.

At international policy level, the section explores some of the common underlying reasons for the weakening of gender equality and thus the weakening of its potential impact in international conferences and policy platforms. The analysis shows that during UN international conferences, the Vatican, in its role as observer, tended to support initiatives which protected women in their traditional and complementary role as mothers and/or 'victims' but not initiatives which empowered women above or beyond their different complementary role with men in society. Likewise, as the analysis at international law level demonstrates with the process of reservation to CEDAW, Shari'a law contradicts any understanding of women being equal or in any way superior to men.

The Vatican's dogma and Shari'a Law thus find common grounds in their rejection of gender equality in international legal frameworks and policy-making processes. However, after closer examination it becomes apparent that such positions are not merely isolated cultural stances or religion specific. Rather, it is demonstrated that these are basic patriarchal visions of society which according to their proponents, ought not to be challenged by shifting gender roles and power relations. Thus, the analysis demonstrates that using the exclusionary argument based on cultural/religious differences is indeed a strategic move.

Consequently, it is argued that this weakened concept of gender equality ultimately fails to address the injustices experienced by poor women in Third World countries by leaving the existing structures of oppression intact. Rather, it serves to protect traditional patriarchal interpretations of gender equality as legitimate and justifiable within the hegemonic trend of identity politics.

In conclusion, the analysis above shows that whilst the change of focus in the interpretation of gender equality from its original revolutionary perspective was useful to the WB's neoliberal macro-economists vision of IDA when formulating the MDGs

and the Paris Declaration on Aid Effectiveness, it was similarly useful to conservative religious institutions in protecting traditional gender hierarchies. Arguably, this change in focus dovetailed with the identity politics focus underpinning the framing of gender equality, as discussed in chapter 2.

This chapter thus demonstrates that the construction of international women's legal frameworks and gender-related policy-making has essentially been the product of negotiation. Thus and to a large extent, the use of inclusionary strategies to prioritise a large number of ratifications and low-level consensus has been privileged before the *political* and once revolutionary content and force of gender equality in IDA.

This has become particularly problematic in the context of IDA as it falls short of providing an adequate international legislative and policy framework with which to address the socio-economic injustices faced by women living in poverty in developing countries.

## 4 Gender equality at donor and national policy level

This chapter analyses the interpretations of gender equality at IDA donor policies and national policy level. Section 4.1 introduces the chapter. Section 4.2 analyses gender equality interpretations in multilateral and bilateral donor policies. On the one hand, section 4.2.1 focuses on gender equality in the hegemonic neoliberal donor policies and on the other hand, section 4.2.2, focuses on gender equality in socio-democratic oriented donor policies. Section 4.3 analyses the interpretations of gender equality at country policy level through the following significant examples. Section 4.3.1 introduces the section; Section 4.3.2 presents the case of abortion in Nicaragua's neoliberal and neo-Sandinista governments and the Roman Catholic Church; Section 4.3.3 discusses the example of Yoweri Museveni's politics and gender inequalities in Uganda; Section 4.3.4 concludes with the example of Thomas Sankara's speech on International Women's Day in 1987. Section 4.4 presents the conclusions.

### 4.1 Introduction

Chapter 4 addresses the second research question at the donor and national policy level. This chapter examines whether and how the changes in focus underpinning the concept of gender equality discussed in chapter 2 have affected the interpretation of gender equality in donor policies<sup>360</sup> and recipient country policies.<sup>361</sup>

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<sup>360</sup> Donor policies are overall frameworks that set the priorities and orientations for IDA of a given agency over a set period of time. They include, amongst others policy papers, strategy papers and action plans.

As discussed in chapter 3, following four decades<sup>362</sup> of uneven struggle to recognise gender equality in international law and international policies, several multilateral<sup>363</sup> and bilateral<sup>364</sup> development agencies have formally and explicitly incorporated gender equality into their policies. They have done so either by formulating specific gender equality strategies<sup>365</sup> and/or by recognising gender equality as one of their priorities in their main development policy and strategy documents.

The first section does not purport to present an exhaustive catalogue of all multilateral and bilateral development agencies' policy documents. Rather, it offers an analysis of policies from selected development agencies which have been particularly influential in setting gender equality priorities in IDA during the last 10 years.

The examples of agencies selected reflect neoliberal perspectives such as those of the WB (WB)<sup>366</sup> and the Department for International Development in the UK (DFID)<sup>367</sup> and the socio-democratic perspectives of Scandinavian countries such as the Danish International Development Assistance agency (Danida)<sup>368</sup> and the Swedish International Development Assistance agency (Sida).<sup>369</sup> The section assesses the extent to

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<sup>361</sup> Recipient country policies are national policy frameworks that set the priorities and orientations for poverty reduction. These include poverty strategy action plans, national and sector policy papers as well as orientation speeches.

<sup>362</sup> The significant four decades in questions are defined from the 1970s and first World Conference on Women to 2010.

<sup>363</sup> Examples of key multilateral IDA agencies are the UN, the WB and the EU.

<sup>364</sup> Examples of key bilateral IDA agencies are Swedish International Development Agency (Sida), Danish International Development Agency (Danida) and UK Department for International Development (DFID).

<sup>365</sup> Gender equality strategies are overall frameworks that provide the definition of gender equality of a particular agency and set the guidelines for mainstreaming gender equality in the IDA sectors and programmes.

<sup>366</sup> See < <http://www.worldbank.org/> > accessed 1 March 2011.

<sup>367</sup> See < <http://www.dfid.gov.uk/> > accessed 1 March 2011.

<sup>368</sup> See < <http://www.um.dk/en> > accessed 1 March 2011.

<sup>369</sup> See < <http://www.sida.se/English/> > accessed 1 March 2011.

which neoliberal<sup>370</sup> interpretations of gender equality have permeated the policies of agencies which have traditionally supported more socialist interpretations<sup>371</sup> of gender equality in IDA, limiting thereby gender equality to representation and recognition.

The second section provides a critical analysis of recipient country policies. It examines how divergent political contexts in IDA recipient countries - from neoliberal to Marxist<sup>372</sup> - interpret gender equality within a variety of policy instruments such as policies, strategies, political speeches and discourses. This section thus critically examines the varying interpretations of gender equality at policy level in different political and geographic contexts in the following examples: i) the case of abortion in Nicaragua and Third Worldist defences within the neoliberal<sup>373</sup> and neo-Sandinista<sup>374</sup> governments and the Catholic church; ii) Yoweri Museveni's postcolonialist interpretation of gender equality within Uganda's neoliberal reforms<sup>375</sup> and iii) a feminist

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<sup>370</sup> For a neoliberal interpretation of development see R Peet with E Hartwick, *Theories of Development: Contentions, Arguments, Alternatives* (2<sup>nd</sup> edn, The Guilford Press 2009) 87 citing J Sachs, *The Economic Transformation of eastern Europe: The Case of Poland* (P K Seidman Foundation 1991).

<sup>371</sup> By socialist interpretation of development is meant: 'the breaking down the structures that fosters inequalities, reorienting production to meet the needs of the poor (...)' Peet with Hartwick, (n 370) 273.

<sup>372</sup> Marxist interpretation of development is understood in this context as the realisation that: 'Development takes place in class societies in such a way that the material benefits derived from hard work and increased productivity are unequally distributed.' *ibid* 16-17.

<sup>373</sup> Nicaragua neoliberal government refers to the period 1996-2001 led by President Arnaldo Alemán from the neoliberal Right-wing party. For a chronology of Nicaragua political history, see <<http://www.monde-diplomatique.fr/2009/07/A/17457>> accessed 02 march 2011.

<sup>374</sup> Nicaragua neo-Sandinista government refers to the current government of Daniel Ortega of the Sandinista National Liberation Front Party elected in 2006.

<sup>375</sup> For details on the neoliberal reforms of Yoweri Museveni, president of Uganda since 1986 from the National Resistance Movement (NRM) see <<http://apeaceofconflict.com/2009/02/24/the-other-side-of-assistance-the-neoliberal-agenda-in-uganda/>> accessed 02 March 2011.



vision beyond the politics of identity in Thomas Sankara's<sup>376</sup> speech on International Women's Day in 1987,<sup>377</sup> in Burkina Faso.

These examples seek to demonstrate the implication arising from the use of Third Worldist, neoliberal and Marxist focuses in the interpretations of gender equality at national policy level.

From the findings regarding the interpretations of gender equality at both donor policy and national policy level, the conclusions discuss some broad implications on the extent to which the different interpretations are able to address gender injustices and violations of fundamental women's human rights.

## 4.2 Gender equality interpretations in multilateral and bilateral donor policies

Following three decades of uneven struggle to recognise gender equality in international law and policies as discussed in chapter 3, several multilateral and bilateral development agencies<sup>378</sup> have formally and explicitly incorporated gender equality, either by formulating specific gender equality strategies and/or by recognising gender equality as one of their priorities in their main development policy and strategy documents. While donor agencies' policy documents<sup>379</sup> do not necessarily represent

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<sup>376</sup> For biographic details of Thomas Sankara, well-known anti-imperialist and Marxist revolutionary, who led the Burkinabe revolution of 4 August 1983 and led the country until 15 October 1987, date at which he was assassinated see < <http://www.thomassankara.net/> > accessed 8 March 2011.

<sup>377</sup> International Women's Day is marked on the 8<sup>th</sup> of March of every year when women are celebrated for their achievements. The first women's day was celebrated in 1911, a rally was organised to campaign for women's right to vote, to work, hold public office and end discrimination, amongst other rights. For more details see < <http://www.internationalwomensday.com/> > accessed 02 March 2011.

<sup>378</sup> For instance, at multilateral level the WB, UNIFEM, UNHCR, UNICEF, UNDP the EU and at bilateral level Sida, Danida, DFID, NORAD, FINNIDA, CIDA and the Dutch Development Cooperation are also at times referred to as 'the Nordic +' groups which share a common vision of IDA.

<sup>379</sup> Policy documents are, to an extent, inputs to internal battles for space, rather than well-anchored policies which guide the agency in a consistent way. A distinction should probably be made between different kinds of policy documents: the documents 'produced/owned' by the 'gender unit' [in a given

the political inclinations of all staff within a particular agency, they can nevertheless be taken to reflect the main political priorities and orientations of the most influential interest groups within a given organisation.

This section does not purport to present an exhaustive catalogue of all multilateral and bilateral development agencies' policy documents. Rather, it is concerned with policies from selected development agencies which have been particularly influential in setting gender equality priorities in IDA during the last 10 years.

The examples of agencies selected reflect neoliberal perspectives such as those of the WB (WB)<sup>380</sup> and the Department for International Development in the UK (DFID);<sup>381</sup> and the socio-democratic perspective of IDA in Scandinavian countries such as the Danish International Development Assistance agency (Danida)<sup>382</sup> and the Swedish International Development Assistance agency (Sida).<sup>383</sup> The following sections demonstrate how neoliberal interpretations of gender equality have increasingly permeated the policies of agencies which have traditionally supported social oriented interpretations of gender equality in IDA and examine the consequences thereof.

#### 4.2.1 The neoliberal wave: defining IDA and gender equality out of social justice

Nancy Fraser's expression 'neoliberalism's spectacular comeback'<sup>384</sup> as noted in chapter 2 to illustrate the unfortunate coincidence with identity politics, was certainly spectacular in the context of IDA. The World Bank (WB) and the UK Department for International Development (DFID), with their respective underlying neoliberal

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agency, my addition] and the policy document which are rather 'produced/owned' by the central management or Government which reflect the overall balancing between all these interests.' Written comments provided to this section by Göran Holmqvist, Senior Adviser, Sida, Stockholm, November, 2008.

<sup>380</sup> See WB (n 366).

<sup>381</sup> See DFID (n 367).

<sup>382</sup> See Danida (n 368).

<sup>383</sup> See Sida (n 369).

<sup>384</sup> Fraser (n 350).

vision did no less than frame the new development policy architecture as such: 'promoting economic liberalisation, privatisation and market mechanisms as instruments of growth and efficiency.'<sup>385</sup>

Both agencies have followed a policy of concessional finance through budgetary support to:

assist national governments to develop their own overall strategies for economic growth and poverty reduction through Sector Wide Approaches (SWAPs) and financing the cost of fiscal, governance and pro-poor reforms - such as privatising loss-making public sectors, cutting civil service, promoting decentralisation and anti-corruption measures.<sup>386</sup>

SWAPs, like general budget support, became the mantra of development. In practice, it was translated by the shift from project support to programme support using the rationale that rather than supporting isolated projects with individual country flags, recipient countries were expected to draw up their own Poverty Reduction Strategy Plans (PRSP). The PRSPs would then become the 'road map' for donors to collectively finance in a more harmonious and coordinated way, ideally resulting in a more effective and coherent aid package.

Mosse argues that:

this 'pro-poor' poverty reduction strategy was adopted by DFID, under the heading: "Making globalisation work for the poor" and thus re-legitimising continuing donor emphasis on trade liberalisation, macro-economic stability and fiscal discipline overseen by the IMF, while mobilising new and increased aid resources.<sup>387</sup>

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<sup>385</sup> D Mosse and D Lewis, *The Aid Effect* (Pluto Press 2005) 3.

<sup>386</sup> *ibid.*

<sup>387</sup> *ibid.*

This rationale was further consolidated in the new development architecture under the term ‘aid effectiveness’ in the Paris Declaration<sup>388</sup>, as mentioned in chapter 3, an international agreement that was endorsed in 2005 and to which the main recipient countries, donor agencies and organisations have all committed their joint will to improve harmonisation, alignment and managing of aid for ‘monitorable’ results. This was reviewed and consolidated by the Accra Agenda for Action (AAA)<sup>389</sup> in 2008 during the 3<sup>rd</sup> High Level Forum on Aid effectiveness to accelerate an effective use of IDA aimed at the achievement of the MDGs by 2015.

From a pragmatic perspective, the lack of coordination and harmonisation of aid as well as its effectiveness is an undoubted flaw of IDA. However, whilst these aspects focus on technical means and propose a way to improve aid delivery at the operational level, they are by no means clear political visions for IDA. The so-called new architecture is at first sight devoid of political orientation and commitment, presented in a seemingly neutral technical language, while actually allowing the lead development agencies to implement their respective neoliberal agenda more effectively and avoiding debating such political interpretation of IDA, as further discussed below.

According to Mosse and Lewis:

The WB has been reframing its “adjustment lending” as “development policy lending” in what it describes as a major overhaul of the Bank's operational policy. This new WB framework unifies policies that applied to a whole range of instruments, including sectoral adjustment loans, structural adjustment loans and poverty reduction support credits.<sup>390</sup>

Consequently, and most importantly for the conceptual interpretation of gender equality, DFID and the WB (using seemingly apolitical terminology) succeeded in reshaping IDA framework with their own priorities in mind. These failed to address social justice and the glaring inequalities within and across recipient countries.

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<sup>388</sup> OECD, ‘The Paris Declaration and the Accra Agenda’ (n 245).

<sup>389</sup> *ibid.*

<sup>390</sup> Mosse and Lewis (n 385) 29.

Indeed, International Development Targets (IDTs)<sup>391</sup> were the predecessors of the Millennium Development Goals (MDGs)<sup>392</sup> and were instigated by DFID and agreed to by a series of UN conferences in the 1990s. They included a reduction by one-half of the proportion of people living in extreme poverty by 2015; universal primary education in all countries by 2015; a reduction by two-thirds in infant and under-five mortality rates and by three-fourths in maternal mortality by 2015, according to DFID in 1997. These targets were reaffirmed and redefined as MDGs in September 2000.

The seemingly apolitical IDA terminology and new technical buzz words resembled the language of consumer products and commodities, such as ‘access to rights’ or ‘justice delivery’, and coincided with an unambiguous and yet political emphasis on trade liberalisation and macro-economic stability. It is thus within this politicised framework that the apparently politically neutral WB’s strategy for mainstreaming gender-responsive actions into its Development Assistance work was endorsed by the full Board of Executive Directors on 18 September 2001.<sup>393</sup> In this strategy, the WB pressed to make a ‘business case for mainstreaming gender equality’. It stated that the primary pathways through which gender systems affect growth are: the productivity of labour and the efficiency of the economy, investments in human capital, especially girls’ and women’s education and health, investments in physical capital,

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<sup>391</sup> DFID International Development Targets (IDTs) were: 1) A reduction by half in the proportion of people living in extreme poverty by 201; 2) Universal primary education in all countries by 2015; 3) Gender disparities in primary and secondary education removed by 2005; 4) A reduction by two-thirds in the mortality rates for infants and children under 5 and a reduction by three-quarters in maternal mortality by 2015; 5) Access through the primary health care system to reproductive health services for all individuals of appropriate ages as soon as possible and no later than 2015; 6) To implement national strategies for sustainable development in all countries by 2005, so as to ensure that current trends in the loss of environmental resources are effectively reversed at both global and national levels by 2015.

<sup>392</sup> United Nations Millennium Declaration (n 254).

<sup>393</sup> The WB, ‘Integrating Gender into the WB’s Work: A Strategy for Action’ (The WB January 2002) <<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTGENDER/0,contentMDK:20167522~menuPK:489177~pagePK:148956~piPK:216618~theSitePK:336868,00.html>> accessed 10 February 2011.

especially women's access to capital or to the formal sector employment it creates and the functioning of markets and institutions and good governance in particular.<sup>394</sup>

The WB gender policy research report *Engendering Development*<sup>395</sup> argues that gender inequality hinders development in terms of costs to well-being, productivity, growth, governance and further argues the case for economic development as being good for gender equality.<sup>396</sup>

The WB report specifically highlights that discrimination can be reduced through competitive markets<sup>397</sup> and closely links gender equality with economic growth, supported by relevant macro-economic studies.

In recent years, the WB has attempted to prioritise the social sectors of development such as the Health and Education sectors, as evidenced by the MDGs priorities. However, as to its interpretation of gender equality, the WB either confines this to these two sectors through MDG 3 related to gender equality and women's empowerment through girls' access to education and MDG 5 related to maternal mortality, remaining thus faithful to its neoliberal interpretation of development and focus on economic growth. In fairness there are also, some, albeit limited exceptions related to programmes on gender-based violence, women in post-conflict settings and women's power to influence at decision making level.<sup>398</sup>

But overall, beyond the two MDGs, the WB thus translated gender equality as providing women with access to productive resources<sup>399</sup> and as one of the 3 main focuses for current and future strategies in private sector development.<sup>400</sup>

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<sup>394</sup> *ibid.*

<sup>395</sup> The WB Policy Research Report, *Engendering Development Through Gender Equality, Resources and Voice* (The WB 2001).

<sup>396</sup> *ibid* 181-203.

<sup>397</sup> *ibid* 196.

<sup>398</sup> The WB, 'Improving Women's Lives: WB Actions Since Beijing' (The WB January 2005) 41.

<sup>399</sup> *ibid* 27.

<sup>400</sup> *ibid* 67.

Translating the concept of gender equality must have posed a fundamental problem for the neoliberal macro-economists working at the Bank. It was doubtful whether the WB could mainstream gender equality at all, if they were also to keep their policy in line with UN standards, without compromising the WB's fundamental political vision of the world, as exemplified through its structural reform programmes in Nicaragua and Peru. Unsurprisingly, in its definition of gender equality the WB does not explicitly mention social justice, wealth redistribution or power sharing. Instead, it focuses on the relevance of gender equality to economic development. The WB's interpretation of gender equality<sup>401</sup> thus legitimises the advancement of gender equality largely and only in so far as it makes economic sense, in order to retain it as relevant to its interpretation of development assistance.<sup>402</sup>

Another crucial element of the WB's gender policy<sup>403</sup> which carries a significant part of its neoliberal ideology, is the gradual slippage from the term 'gender inequalities' into the term 'gender disparities' throughout the document. The term 'disparities' used in the WB's gender policy document evokes the assumption that given the same chances and opportunities, a fair game can be played out amongst contestants - rich and poor, women and men. The underlying assumption is that through the establishment of a free market and the rule of law in which women and men would have equal rights, voices and opportunities, gender 'disparities' would be, de facto, addressed.

Arguably, the translation of gender equality by the WB does little more than uphold a system which protects those men and women (but mostly men in developing countries) who already enjoy access to and control over, resources and power. Meanwhile, those without or who have less access and control over resources and power are relegated to the domestic sphere, as illustrated by Mansell, as follows:

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<sup>401</sup> The WB Policy Research Report, *Engendering Development* (n 395) 73.

<sup>402</sup> See sections related to 'The Business Case for Mainstreaming Gender: The Empirical Links of Gender to Poverty and Growth, Gender Equality and Growth, Gender and Poverty Reduction and Development Effectiveness' in The WB, 'Integrating Gender into the WB's Work: A Strategy for Action' (WB January 2002) 4-12.

<sup>403</sup> The WB Policy Research Report, *Engendering Development* (n 395).

While wealth brings no obligation, poverty carries no claims or rights and this in turn legitimates a system in which, while all are equal before the law, the affluent are protected in their wealth and the poor in their poverty. And because those with wealth are successful and those without are unsuccessful in achieving the equally desired goal (that is wealth), it makes sense to assume that our essential human nature is identical. And here, this leads to a vital feature of the rule of law, equality before the law.<sup>404</sup>

The interpretation of gender equality by the WB understood as equality within the market and before the law refers to formal equality, thus avoiding altogether challenging structural inequalities and power relations between women and men which are rooted in social injustices. Notions of social injustice do not underlie the Bank's conception of economic 'development'. The WB's underpinning rationale in its work with gender equality as well as its potential influence on donor community and recipient aid countries can thus be summarised as follows:

To promote economic development and attain the MDGs - especially the overarching poverty reduction MDG - the global community must renew its attention to women's economic empowerment and increase investments in women. (...) Women's lack of economic empowerment imperils (...) growth and poverty reduction (...)<sup>405</sup>

If the reasoning behind this statement is taken to its logical conclusion, then gender inequalities are understood to be wrong in so far as they constitute a missed opportunity for economic production. Therefore, applying this rationale, women become an economic burden unless they are productive.

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<sup>404</sup> W Mansell, B Meteyard and A Thomson, *A Critical Introduction to Law* (Cavendish Publishing 3<sup>rd</sup> edn 2004) 145.

<sup>405</sup> The WB, 'Gender Equality as Smart Economics: A WB Group Gender Action Plan for the fiscal years 2007-2010' (The WB September 2006) 2.

<<http://siteresources.worldbank.org/INTGENDER/Resources/GAPNov2.pdf>> accessed 10 February 2011.



It takes little more than a journey through any Sub-Saharan African country to observe that, while constituting the majority and most active labour force, especially in the rural areas, women are at the same time the most heavily exploited. Their work is largely concerned with the domestic (economically unproductive sphere by definition) and in the productive but informal sectors of the economy. Yet the lion's share of the formal sector resources of the economy such as land assets, are owned and controlled by a minority of men. By ignoring the glaring socio-political reality of women's secondary status, labour exploitation and class inequalities which constitute the main barriers for women to access the formal sectors of the economy on an equal footing, the neoliberal analysis manages to turn the victims of exploitation into potential causes of the imperilment of economic growth.

However paradoxical this perspective of IDA may be, the WB has gained ground in influencing the IDA policy agenda of several key aid agencies and has seen the number of its followers grow in recent years. The International Monetary Fund has been a long-standing ally of the WB at multilateral level, as has DFID at bilateral level (irrespective of whether the UK government of the time was Conservative or Labour). Together, they have been nurturing Global Development Policy targets and orientations such as the MDGs, as will be further explored below. More surprisingly, these perspectives have also gained ground in long-standing social democratic bilateral aid agencies in Scandinavian countries.

By the end of the 1990s, DFID's focus had shifted towards the WB prioritised Millennium Development Goals (MDGs) and the associated country-level processes through Poverty Reduction Strategy Plans (PRSPs). Those committed to the 12 critical gender areas highlighted in the Beijing Platform for Action (PfA) raised concerns about the shrinking focus on gender equality in the Millennium Declaration. Since 2000, MDGs and DFID's gender policy commitments have narrowed down to cover essentially two social and uncontroversial sectors: health and education. As a result, in other important policy areas such as access to resources and inequalities in deci-

sion-making, DFID diminished its level of activity in mainstreaming gender issues.<sup>406</sup>

Nevertheless, DFID may not agree with its being categorised as one of the main followers of the WB in relation to the MDGs or with those critics who claim it has similarly narrowed down the gender equality thematic area. DFID might argue that these perspectives fail to provide an accurate picture of the official and unofficial long-standing relationship which has linked both agencies. As discussed above, in 2000, DFID was the instigator of the International Development Targets (IDTs), which were already reductive in their interpretation of gender equality. Yet one of the main strategies to reach these targets included a more comprehensive notion of women's empowerment, defined as being central to development, as follows:

Extending the idea of human development to encompass women's empowerment and gender justice puts social transformation at the centre of the agenda for human development and progress of women.<sup>407</sup>

Such a holistic interpretation of gender equality would have carried potential scope to have in-depth impact in the field. It was however, a difficult interpretation to maintain as it did not correspond to the narrowness of the new aid-effectiveness architecture and the current MDGs gender goals. An evaluation on 'gender equality and women's empowerment' which was undertaken between 2004 and 2006, raised much hope of improving DFID work on gender equality, a concept which, it was generally felt, had dropped off the main development policy agenda.<sup>408</sup> Following the

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<sup>406</sup> F Watkins, 'Evaluation of DFID Development Assistance: Gender Equality and Women's Empowerment, DFID's Experience of Gender Mainstreaming: 1995 to 2004' (DFID December 2004)10.

<sup>407</sup> UNIFEM Biennial Report 'Progress of the World's Women 2000' (United Nations Development Fund for Women 2000) 20–21 in DFID, 'Poverty Elimination and the Empowerment of Women, Strategies for Achieving International Development Targets' (September 2000)11–12.

<sup>408</sup> Francis Watkins argues that i) 'The growing importance since 2000 of the Millennium Development Goals (MDGs) in DFID's work has narrowed the focus of Gender Equality Policy to social sectors, such as girls' education and maternal health, with relatively little attention being given to gender in areas such as economic opportunities and decision-making and ii) Overall commitments to Gender Equality objectives appear to have declined since a peak in 2000, but with considerable variations

evaluation, a gender equality action plan was drawn up, a gender leaflet produced and a largely 'gender blind' White Paper 2006<sup>409</sup> was consequently introduced. The White Paper 2006<sup>410</sup> includes a 96-page long list of development commitments and only briefly mentioned gender equality in a single, short statement as follows. Under the first chapter, and clearly aligned to the MDGs orientation, the UK government claimed that it would: 'Give greater priority to our work in support of gender equality and women's rights.'

One could argue that whilst such a statement is limited, it does translate a political willingness to actually give greater priority to gender equality. However, it could also be argued that this statement is merely rhetoric to counter any possible critique of the gender blindness of the rest of the document. Neither the high-level foreword, nor the preface mentioned either gender equality or women's rights as being priorities. The White Paper's foreword, signed by the then Prime Minister Tony Blair in July 2006, stresses amongst other issues, the following points:

This new White Paper on eliminating world poverty sets out how the UK will work with others to deliver on the promises we made last year. This will need an effort right across Government, to put our pledges into practice, to promote better governance across the world, to tackle the threat of climate change, and to create an international development system that is fit for purpose.

In short, the top priorities highlighted were i) good governance, ii) environment and iii) institutional reforms of the international development system understood in terms of aid effectiveness. These priorities reveal the UK government's understanding of the most effective response to poverty, and thus its understanding of what develop-

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between country programmes. The reduction in commitments may be linked to decentralisation in DFID or to changes in Aid modalities.' Watkins, 'Evaluation of DFID Development Assistance' (n 406).

<sup>409</sup> DFID, White Paper on International Development, 'Eliminating World Poverty: Making Governance work for the Poor' (DFID July 2006).

<<http://webarchive.nationalarchives.gov.uk/+http://www.dfid.gov.uk/Media-Room/News-Stories/2006/New-White-Paper-on-International-Development/>? accessed 10 February 2011.

<sup>410</sup> *ibid.*

ment should be about. Furthermore, such prioritisation also sends a signal as to what is not included as a priority in poverty reduction strategies, namely social justice and structural inequalities, power relations and gender inequalities. These crucial aspects of development, which were very much present under Clare Short, the former Secretary of State for International Development (applying the definition of women's empowerment as mentioned above) have gradually become at best secondary issues and, at worst, silenced as irrelevant. Tony Blair ends his foreword by stating that 'We are making real progress. There is no greater or more just cause facing us today.'

'Real progress' is thus considered from a governance and macro-economic perspective and, although there is no mention of social justice to be found throughout the White Paper, the short but crucial leap is made from development understood as social justice to development as defined in terms of economic growth and governance. This leap relies on the assumption that growth obtained at macro level will naturally trickle down to the micro level to improve the lot of the poorest and (incidentally) that of women, without the need to specify and regulate any particular social justice targets or priorities. Blair's foreword precedes that of the Secretary of State for International Development at the time, (Hilary Benn), an in-depth and impressive 6-page preface presenting the White Paper's entirely gender-blind priorities with the exception of MDG 3 - which, as previously mentioned, deals with an uncontroversial interpretation of gender equality.<sup>411</sup>

However, DFID's gender equality action plan of 2006, insists that:

At its heart, gender equality and women's empowerment is a political issue, needing a political response, and not a technical one. It means that the international community has to address the wider issues of promoting justice for everyone, tackling discrimination and upholding women's rights.<sup>412</sup>

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<sup>411</sup> *ibid.*

<sup>412</sup> DFID, 'Gender Equality Action Plan' (DFID, 2007-2009): 2 <[www.dfid.gov.uk/pubs/files/gender-equality-plan-2007.pdf](http://www.dfid.gov.uk/pubs/files/gender-equality-plan-2007.pdf)> accessed 10 February 2011.

However, despite its good intentions, DFID's gender equality action plan apparently did not manage to influence the very political instrument which frames the overall orientation and priority of UK development assistance: The White Paper itself.

DFID was thus left with a largely gender-blind development assistance policy instrument and a willing but not legally-binding gender equality action plan<sup>413</sup> and related leaflet. In this leaflet, DFID explains that the gender equality action plan:

sets out our aim to ensure that gender equality and women's rights are central to development, and that we are able to meet the challenges ahead. So putting the plan into action means that from now on we will look at everything we do – and ask this question: what does this mean for women and for girls? We are committed to making sure that the plan marks a real change in the way that we do all our work – and that the end result is real difference for women and girls.<sup>414</sup>

The White Paper thus provides clear evidence of the minimal level of commitment to gender equality at the heart of DFID's policy – in contradiction to the commitment specified in the non-binding and secondary policy documents such as a leaflet referred to above.

The section demonstrates that DFID and the WB share the same core values, orientations and interpretations of development, and an agreement as to which themes ought to be prioritised – as evidenced in the MDGs. These priorities have little to do with social justice and power relations or structural inequalities, but are clearly aligned to a neoliberal and macro-economic understanding of poverty. It is thus difficult to fit

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<sup>413</sup> The plan covers four areas which have more to do with form and systems than substance: i) results ii) building partnerships iii) using our resources and iv) planning for the future. Given the expected results, DFID anticipated the following: i) quality evidence and information available to and used by DFID and decision makers ii) more accurate and comprehensive systems measuring practice on gender equality and to iii) promote accountability for gender equality and address reputational risk.

<sup>414</sup> See DFID, 'Gender Equality at the Heart of Development: Why the Role of Women is Crucial to End World Poverty' (DFID, 2007) 24.

<<http://webarchive.nationalarchives.gov.uk/+http://www.dfid.gov.uk/Media-Room/News-Stories/2008/Gender-Equality---why-the-role-of-women-is-crucial-to-ending-poverty/>> accessed 10 February 2011.

gender equality, together with its comprehensive and holistic approach, into a DFID and WB framework without changing quite fundamentally, gender equality's *raison d'être*. The fundamental question is thus not so much to ask what the already defined IDA donor policies mean for women and girls (otherwise known as the 'add women and stir' approach) but whether the political vision underlying these already defined objectives is adequate to challenge and respond to the injustices and inequalities faced by women and girls today.

The developments at this level illustrate the ways in which gender equality has been skilfully diluted and fundamentally altered to suit the particular policy framework and underlying political neoliberal orientations of the WB and DFID.

#### 4.2.2 The case of donors with socio-democratic traditions

The Danish International Development Assistance (Danida), like other Nordic bilateral Development agencies, has been at the forefront of promoting gender equality in international development assistance since its first strategy for women in development was published in 1987.<sup>415</sup> The strategy of 1987 underlined 'the need to provide women with basic services and to recognize and promote women's key role as economic actors'.<sup>416</sup> Thus, both the welfare and the economic growth approach linked Danish WID assistance to the development thinking of the 1980s.

The 1993 revised Danida WID Policy, 'Women in Development, Towards the Year 2000', outlined a two-pronged approach: On the one hand, gender mainstreaming was defined as follows:

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<sup>415</sup> Danida, 'Women in Development: Danida's WID Policy Towards the Year 2000' (Denmark Ministry of Foreign Affairs 1993).

<sup>416</sup> *ibid* 7. See also E Boserup, *Women's Role in Economic Development* (Earthscan 1970).

integrating WID in all development efforts – gender mainstreaming means that women must be accorded a place in Aid on a par with that of men, in addition to women's interests in minor projects.<sup>417</sup>

Therefore, this essentially meant targeting participation in the mainstream sectors of development and the inclusion of small 'women's projects', which usually targeted violence against women or focused on micro-credits. On the other hand, the strategy of agenda setting was said to necessarily entail addressing the following:

Women's perspective, sharpened by women's subordinate status, key position in the reproductive sphere, and lack of economic resources and political power, may provide a new understanding of old societal ills and bring forth a more humane social order. (...) The new agenda must aim at modifying the structures that generate and maintain inequality and exploitation (...) the prevailing sexual division of labour that prevents women from sharing fully in societal resources and power.<sup>418</sup>

This was the remnant of the original feminist intention towards redistribution which was beginning to be overshadowed in the background, although the policy still explicitly mentioned that:

In view of the new emphasis on the market brought about by the [IMF and WB's] structural adjustment policy, its incongruity between (paid and unpaid) production and (paid and unpaid) reproduction is likely to be strengthened, unless counterbalanced by enhanced WID efforts within the traditional social fields of health, education, and employment etc.<sup>419</sup>

If anything, this further illustrated Danida's awareness of the pitfalls of an overwhelming focus on economic growth in IDA and its willingness, under the social

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<sup>417</sup> *ibid* 13. See also B Keller, A-L Klausen and S Mukasa, *The Challenge of Working With Gender: Experiences from Danish-Ugandan development cooperation* (Danida, 2000).

<sup>418</sup> Danida, 'Women in Development' (n 415) 15.

<sup>419</sup> *ibid* 16. See also LA Richey, 'In Search of feminist Foreign Policy: Gender, Development, and State Identity' (June 2001) 36(2) *Cooperation and Conflict* 177.

democratic government, to 'counterbalance' the effects of the market economy and related structural reforms through its WID policy, with a political strategy for women in developing countries.

However, such awareness did not survive the election of the liberal conservative coalition government in 2002, or the sharp turn in the definition of gender equality<sup>420</sup> in the revised Danida strategy for gender equality in Danish development cooperation of 2004:

Gender equality is: (i) Equality under the law, (ii) Equality of opportunity (including gender equality of rewards for work, and gender equality in access to human capital and other productive resources that enable opportunities) (iii) Equality in terms of political and economic influence (including the ability to influence and contribute to the overall Development process).

Danida's 2004 gender strategy opens with a quotation that sums up a substantive political shift in its interpretation of gender equality:

Gender equality between men and women is neither social nor cultural cosmetics; rather it is an economic, political and democratic necessity.<sup>421</sup>

Whilst women's economic independence is a necessity and a pre-condition for emancipation and gender equality as a whole, this '*entrée en matière*' is nevertheless problematic for a number of reasons.

Firstly, it seems to imply a hierarchy in which economics and the neoliberal vision of democracy are viewed as primary, with social and cultural considerations being at best secondary or, at worst, irrelevant. Seen from a holistic interpretation, the quote could be expressed as follows: 'gender equality is neither number driven nor is it neoliberal cosmetics, but is rather a social and political necessity'. However,

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<sup>420</sup> Danida 'Gender Equality in Danish Development Cooperation, Strategy' (Denmark Ministry of Foreign Affairs, Strategy 2004) 10 <<http://amg.um.dk/en/menu/PoliciesAndStrategies/Cross-Cutting+Issues/GenderEquality/Strategy.htm>> accessed 10 February 2011.

<sup>421</sup> *ibid* 2.



Danida's original aspiration for a 'more humane social order', clearly expressed in the 1970s and 1980s, was no longer amongst its development priorities from 2004 to 2010.

The definition of gender equality which appears in the 2004 Danida gender strategy is presented as a quotation in inverted commas, but the source is not explicitly mentioned in the document. The definition was actually taken from the WB Policy document *Engendering Development*, which was more in line with the more conservative thinking of new Danish Government.<sup>422</sup> Consequently, gender equality was redefined following this change in political orientation, which effectively eclipsed the notion of redistribution and exploitation present in the former strategy.

Arguably, it remains surprising that Denmark should take on board such a neoliberal definition of gender equality. Indeed, Danish development policy was once said to represent the:

continuation of domestic Danish welfare policies which put emphasis on income transfer as a central element in the redistribution between the rich and the poor. In that respect, the Danish aid policy has been understood as a 'doubling' of or as a transfer of Danish welfare values onto the international scene. The strength of these values was an important explanation of the high degree of continuity which has characterised Danish development aid policy since the early 1970s.<sup>423</sup>

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<sup>422</sup> See G R Olsen and L Udsholt, 'The Danish Aid Administration: Between Politics and Technical Rationality' (Copenhagen Centre for Development Research, 1995) CDR Working Paper 1995 [95]12 <http://www.amazon.com/Danish-aid-administration-technical-rationality/dp/B0006F8UO2> accessed 10 February 2011: 'First, like it has been the case for other donors the WB has become an increasingly important international determinant of Danish Aid Policies. This is narrowly linked to the growing importance of the Bank in Development cooperation, particularly the poor African countries to whom Denmark has traditionally given priority in its Development cooperation'. See also P Mosley, J Harri-gan and J Toye, *Aid and Power: The WB and Policy-Based Lending* (Routledge 1991) 3-61.

<sup>423</sup> See Olsen and Udsholt, 'The Danish Aid Administration' (n 422); K E Svendsen, 'Danish Aid: Old Battles in Western Middle Powers and Global Poverty' in O Stokke (ed) (1995) Scandinavian Institute of Africa Studies and K E Svendsen, *Social Development and International Development cooperation*

In a bid to address this issue, the revised gender strategy mentions the following compromise:

The implementation of the strategy will demand changes to existing power structures, the status and roles of women and men. Therefore, working with gender equality will in many contexts be conflictual (...) <sup>424</sup>

The term ‘changes to existing power structures’ is all that is left of the original intention to address imbalances in power and resources (re)allocation and (re)distribution.

In its overall commitments to development priorities for Danish development assistance, the Danish government selected ‘women as a driving force for development’<sup>425</sup> as one of its top 3 priorities (after governance and before HIV/AIDS). This arguably gives ‘women’ (rather than gender equality) stronger visibility and political commitment when compared with DFID or the WB. Yet after having developed one of the most cutting edge and holistic WID strategies, Danida has retreated behind a borrowed neoliberal interpretation of gender equality.

Thus, the strategy explicitly mentions whose standards of measurement are going to be used:

The WB’s ‘Doing Business’ indicators – which describes the regulations for starting and running a business – will be applied in the Danish bilateral assistance in order to identify the precise obstacles to a favourable business climate in the respective Danish programme countries. The [WB] indicators provide a good starting point for a targeted Danish assistance, in which help to self-help is

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*in Welfare, Development and Security: Three Danish Essays* (The Danish National Institute of Social Research 1989) 35-58.

<sup>424</sup> ‘Gender Equality in Danish Development Cooperation’ (n 420) 11.

<sup>425</sup> Danida, ‘Commitment to Development Priorities of the Danish Government for Danish Development Assistance 2007-2011’ (Ministry of Foreign Affairs of Denmark) 3.

<[www.netpublikationer.dk/um/6784/html/chapter02.htm](http://www.netpublikationer.dk/um/6784/html/chapter02.htm)> accessed 10 February 2011.

given, aimed at eliminating the concrete obstacles to generating economic growth.<sup>426</sup>

As previously pointed out, women's economic emancipation is arguably the key to their achieving independence and autonomy, as well as being an important part in addressing gender inequalities. However, solely targeting women's participation in the private sector as the 'new driving force of (economic growth and) development' within societies which are structurally predicated on social inequalities is bound to have limited effect in eradicating the social injustices women face. This is further evidenced at programme level.<sup>427</sup>

In conclusion, Danida, DFID and the WB now have several convergent points in their respective interpretations of development and gender equality. As demonstrated, at present, both Danida and DFID have traded their previous and more socially inclined definition of gender equality with the WB's neoliberal interpretation of development and gender equality.

This begs the question as to whether any organisation has managed to resist the 'neoliberal spectacular come-back' and the conceptual eclipses it brings with it. The next section will consider whether Swedish Sida could afford a more effective resistance.

Since 1962, the overall goal for Swedish development assistance has been 'to improve the standard of living and quality of life of the poor people'.<sup>428</sup> An integrated Swedish development assistance agency called 'Sida' was created in 1995.<sup>429</sup> By the 1990s, beyond the overarching goal of poverty reduction, Sida had developed a total of six development objectives as follows:

- i) Economic growth (1978), ii) Social equality (1978), iii) Economic and political independence (1978), iv) Democratic development (1978), v) Sustainable use

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<sup>426</sup> *ibid* 9.

<sup>427</sup> See chapter 5.

<sup>428</sup> Government Bill 1962 (Sweden) 100.

<sup>429</sup> Sida was created by merging SIDA, BITS, Sweden Corp, SAREC and Sandö U-centrum international training and course centre. A sixth development objective was adopted in 1996.

of natural resources and protection of the environment (1988) and vi) Equality between women and men (1996).<sup>430</sup>

Basic policy documents within the areas of poverty, democracy, gender equality, and sustainable development were consequently developed in the years 1996–97. Poverty reduction and development concepts were thus broadened to reflect an egalitarian stance.<sup>431</sup> The starting point for the formulation of these objectives has been multi-dimensional, and based on the view that poverty must be challenged on a number of fronts – not solely on the economic level.

The priorities of the Swedish government for international development assistance could be summarised as follows:

Every person has the right to live in dignity. The elimination of poverty in our world is the greatest moral, political and economic challenge faced by humanity, but is absolutely essential for peace, stability and sustainable development. A world where there is flagrant injustice will remain a world in which all of us lack security not only poor people but prosperous individuals and states as well. Reducing poverty and creating a fairer world is in everyone's interests.... a world in which there is recognition of equal opportunities and rights for women and men alike.<sup>432</sup>

This interpretation of key concepts offered hope for many practitioners in the development field to implement and find appropriate methodologies to evaluate poverty reduction from a redistributive perspective. It also offered considerable hope to gender experts that gender equality was no longer considered a marginal issue in development assistance but figured high on the political agenda of one of the leading IDA bilateral agencies.

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<sup>430</sup> Government Bill (n 428) 15.

<sup>431</sup> Parliamentary Committee of Inquiry into Sweden's Policy for Global Development, 'The Role of Development Assistance' (Globkom, the Committee on Sweden's Policy for Global Development 2002) 207-273 <<http://www.sweden.gov.se/sb/d/574/a/93676>> accessed 10 February 2011.

<sup>432</sup> *ibid.* See also H Malmqvist, 'Development Aid, Humanitarian Assistance and Emergency Relief' in 'Building stability in Africa: Challenges for the new millennium' 46 Monograph (February 2000).

However, due to problems with Swedish government finances, the volume of development assistance was temporarily reduced in the latter part of the decade to a lowest level of 0.7 per cent of GNP in 1999.<sup>433</sup> This coincided with what began to appear, from different evaluations of Sida's international assistance, as a lack of clarity in the relationship between the overall poverty goal and the six specific objectives:

Specific objectives, which should have served as guidelines for the main goal, had instead been given far greater attention than the fundamental purpose and overriding goal.<sup>434</sup>

Sida missed an important opportunity for the implementation of its unique holistic and multidimensional interpretation of development and poverty reduction, as it could have included gender justice and redistribution, but chose to follow instead the neoliberal hegemonic trend.

As a result, 'the importance of particular specific objectives or sub-goals were underlined and different specific objectives counterpoised to one another, for instance, growth versus equality between women and men'.<sup>435</sup>

Nevertheless, the goal of gender equality was introduced as a response to the realisation that separate targeted projects or programme components for women alone were not proving to have the swift effect on development which had been hoped for. Gender mainstreaming was intended as a strategy which would enable gender equality to be dealt with alongside other policy issues such as the poverty goal and economic reforms – and not as a separate and marginal topic.

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<sup>433</sup> Parliamentary Committee (n 431). Sweden development assistance ranked high with Sweden's aid volume as a proportion of gross national income (GNI) amounted to 0.98 per cent in 2008 and 1.03 per cent in 2006. < <http://www.sweden.gov.se/sb/d/586/a/123522> > accessed 10 February 2011.

<sup>434</sup> Parliamentary Committee (n 431). See also the related DAC member peer review, OECD-DAC, 'Sweden (2000), Development Co-operation Review' (2000) <[http://www.oecd.org/document/15/0,3746,en\\_2649\\_34603\\_1883855\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/15/0,3746,en_2649_34603_1883855_1_1_1_1,00.html)> accessed 10 February 2011.

<sup>435</sup> *ibid.*

In practice and in many IDA agencies, this shift often led to the replacement of special central units and gender-focused functions at institutional level and to the assumption that gender equality was inevitably going to trickle down from policy to programme and across the different policy objectives without need for specialised knowledge or specially allocated resources. This assumption in many ways contributed to the dissipation or evaporation of gender equality at policy, programme and organisational level.<sup>436</sup>

In the late nineties and early 2000s this coincided with the fact that development co-operation as a whole was increasingly moving from individual projects to process-focused support to entire sectors, as seen in the sections above with regard to sector-wide support and budget support. In addition, Sida could choose whether to opt to be a 'silent partner' in certain cases, partly financing an activity but leaving the main responsibility to another financier. This demanded that Sweden adapt its rules, routines, working methods and knowledge to new forms of collaboration by participating in informal consultation group for sector programme support with a number of nations, for instance, as well as in working groups in SPA (The WB programme for partnership with Africa, Strategic Partnership with Africa) and DAC (the OECD Development Assistance Committee) or further development of programme support and harmonisation of development assistance procedures. This led to an increased emphasis on partnership across donors and with the WB, as Sweden undertook to work for the internationally agreed Millennium Development Goals and Targets.

Nevertheless, Sida's recent definition of gender equality differs in emphasis from the WB's, DFID's and Danida's:

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<sup>436</sup> See Sida, *Evaluation of Sida's Support to Development Co-operation for the Promotion of Gender Equality* (Sida Evaluations 2001); DFID, *Evaluation of DFID's Policy and Practice in support of Gender Equality and Women's Empowerment* (DFID 2006); UN-HABITAT, 'Evaluation of Women and Habitat Programme and Gender Unit' (UN-HABITAT 2003).

Equal rights, responsibilities and opportunity for all individuals should not depend on whether they are born female or male. Gender equality is a matter of human rights and social justice for all.<sup>437</sup>

Although equal rights, responsibilities and opportunities are mentioned in Sida's definition of gender equality as in Danida, DFID and the WBs' policies, they also exist in parallel to the concept of social justice for all, and not merely economic growth at macro level. Consequently, women's empowerment has not been omitted from Sida's gender policy document in 2005, but in contrast, was retained as a key concept and was defined as follows:

Empowerment of women relates to the process of women gaining power and control over their own lives. It involves expansion of choices, and increased access to and control over resources, information and actions.

Even though the 'equal redistribution' of power and resources is not mentioned and neither is it specified who ought to take control over whose resources, at least 'control' - and not just 'access' to resources is part of the definition.

In its main policy document, Sida understands gender discrimination to be one of the main causes of poverty.<sup>438</sup> However, contrary to neoliberal interpretations, it considers structural inequalities to be one of the 'five points of departure':

Power structures are fundamental for working towards equality between women and men, girls and boys. Unequal power relations have created structural obstacles for women and girls in all spheres of society – political, economic, social, educational, cultural and religious – as well as for their full enjoyment of their productive, reproductive and sexual rights and roles. Sida should therefore consider and act upon unequal power relations between and among women and men, as well as the structural causes and frameworks of these power relations.<sup>439</sup>

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<sup>437</sup> Sida, *Gender Equality: Sida's Policy and Methods at a Glance, Key Steering Documents* (Sida 2005) 1.

<sup>438</sup> Sida, *Policy Promoting Gender Equality in Development Co-operation 2005-2010* (Sida 2005) 4.

<sup>439</sup> *ibid* 6.

At the same time, in putting gender equality within the human rights system, Sida provides the clearest example of a bilateral agency taking a rights-based perspective in development most seriously.<sup>440</sup> The organisation explicitly grounds its work within a perspective in which:

Gender equality is a key element of the human rights system established by the Universal Declaration of Human Rights in 1948. The Convention on the Elimination of All Forms of Discrimination against Women, defines what constitutes discrimination against women and sets an agenda for national action to end such discrimination.<sup>441</sup>

Thus, Sida has compromised at policy level by keeping two traditionally opposed interpretations of gender equality - namely the neoliberal perspective focusing on rights and economic growth and the more holistic perspective focusing on social justice - while at the same time avoiding the use of the term 'redistribution'. Whereas this is thus not a full but a partial eclipse, it is not clear whether Sida is retaining both interpretations as part of its pragmatic approach or whether it is actually caught in a broader changing political landscape in IDA which leaves little alternative but to harmonise and thus trade off core Left political values to follow the larger *Zeitgeist*.

Thus, it is demonstrated, throughout the analysis that the political interpretation of 'development assistance' matters undoubtedly and has crucial consequences for the definition and incorporation of gender equality in IDA.

The section further shows that other bilateral donors which are at the forefront of mainstreaming gender equality, but with different political inclinations and with changing political orientations, find it difficult to resist neoliberal trends and opt at

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<sup>440</sup> 'According to the Swedish Policy for Global Development, a "rights perspective" and a "perspective of the poor" should influence all levels of interventions and work. The rights perspective includes human rights; the rights of the child; democracy; women's rights and equal opportunities for women and men.' *ibid* 5.

<sup>441</sup> Sida, *Gender Equality: Sida's Policy and Methods at a glance* (n 437) 1.



best for a compromise – an ‘all ideologies inclusive’ strategy. At worst, they simply trade their original social orientation for the hegemonic neoliberal trend. This is illustrated by the fact that both DFID and Danida had previously included in their gender equality strategies<sup>442</sup> a more holistic interpretation of gender equality, with elements such as ‘women's empowerment’ and ‘political and structural reforms’ as being central to their interpretation of gender equality, as an integral part of a holistic understanding of Poverty Reduction beyond economics. In both cases, such interpretation was overshadowed as neoliberal interpretations of gender equality were prioritised.

The ease with which this process happens further demonstrates that the lack of or weak overall conceptual legislative and policy framework discussed in the previous chapter, if anything, facilitated the overtaking of neoliberal interpretation of IDA and gender equality at donor policy level.

### 4.3 Gender equality interpretations at country policy level

This section provides a critical analysis of recipient country policies. It examines how divergent political contexts in IDA recipient countries - from neoliberal to Marxist<sup>443</sup> - interpret gender equality within a variety of policy instruments such as policies, strategies, political speeches and discourses. This section thus critically examines the varying interpretations of gender equality at policy level in different political and geographic contexts in the following examples: i) the case of abortion in Nicaragua's neoliberal<sup>444</sup> and neo-Sandinista<sup>445</sup> governments and the Catholic church; ii) Yoweri Museveni's politics<sup>446</sup> and gender inequalities in Uganda and iii)

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<sup>442</sup> Danida, *Women in Development* (n 415); DFID, *Poverty elimination and the Empowerment of Women, Strategies for Achieving the International Development Target* (DFID 2000) paragraphs 1.12 and 1.13, 11-12.

<sup>443</sup> Peet with Hartwick, *Theories of Development* (n 370).

<sup>444</sup> See Nicaragua neoliberal government (n 373).

<sup>445</sup> See Nicaragua neo-Sandinista government (n 374).

<sup>446</sup> For details on the neoliberal reforms of Yoweri Museveni (n 375).

Thomas Sankara's<sup>447</sup> speech on International Women's Day in 1987,<sup>448</sup> in Burkina Faso.

- i) Nicaragua was selected as a suitable example because it is a country in Latin America to which bilateral donors were committed, as is further evidenced in chapter 5. It also strongly illustrates the negative implications of applied Roman Catholic dogma on gender equality and women's human rights. Through this purposefully negative example, the section is able to question whose interests are served by the application of cultural relativist and identity politics theories and examines the implications for the interpretation of gender equality;
- ii) Uganda was also selected on the basis of donor involvement in sub-Saharan eastern Africa and as an illustrative example which allows an examination of the paradoxes involved in Museveni's use of anti neo-colonialist ideology to preserve what customary and colonial conservative ideologies have in common – amongst other, patriarchal values and mal-distribution of resources;
- iii) Finally, Burkina Faso, at the time of Thomas Sankara was selected as a purposefully positive example of gender equality interpreted as gender justice. This example illustrates how the interpretations of gender equality at country policy level can challenge systemic injustice, Third Worldist and cultural relativists' critiques – from one of the most prominent African anti-imperialist male leaders.

These examples seek to demonstrate the implication pertaining to the use of Third Worldist, neoliberal and Marxist focuses in the interpretations of gender equality at national policy level.

#### 4.3.1 The case of abortion in Nicaragua's and Third Worldist defences

In the context of the 2001 Sida evaluation on gender equality and the related country study of Nicaragua,<sup>449</sup> interviews with Sida staff and representatives of international

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<sup>447</sup> For biographic details of Thomas Sankara (n 376).

<sup>448</sup> International Women's Day (n 377).

donor agencies undertaken in Managua during the course of the evaluation mission, indicated that formal dialogue with the Government of Nicaragua on issues such as gender equality had virtually halted. Interviews and discussions with Sida staff at the Embassy in Managua and at Headquarters in Stockholm, supplemented by discussions with civil society organisations and with representatives of other donors provided evidence that the openness of the Government of Nicaragua to dialogue on gender equality had been subject to a steady decline over the years.

Indeed, the arrival in power in 1997 of President Arnaldo Aleman (1997-2002) was marked by a strengthening of neoliberalism and conservative ideology with regard to the general interpretation of the notion of equality, and the concept of gender equality in particular. In the course of the evaluation mission, one indication of the Government of Nicaragua's conservative political perspective on gender equality and women's rights was the fact that the choice of opening speaker of the 'Day of the Unborn Child' sponsored by the Catholic Church, was the new head of the INIM (the National Women's Institute).<sup>450</sup>

The nomination of a conservative anti-abortion militant at the head of the national women's machinery signalled a toleration of gender equality and women's rights in so far as they did not interfere with the patriarchal definition of women and their reproductive role.

This perspective was then complemented in 2001 by key development goals for the government of Nicaragua (related mostly to poverty alleviation, macroeconomic stabilisation and modernisation of the public and private sectors) with only one statement of intent on gender equality, as follows:

Alluding specifically to the Swedish objective of promoting equality of opportunity through development co-operation, emphasis has been placed on the strategic importance of activities which strengthen the productive capacity of women

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<sup>449</sup> See T Freeman and others, *Mainstreaming Gender Equality: Sida's Support for the Promotion of Gender Equality in Partner Countries*, Country Report Nicaragua (Sida 2001) included in Annex 2.

<sup>450</sup> *ibid.*

and in so doing improve their living standards and possibilities for participation in political life.<sup>451</sup>

Thus, gender equality was defined in terms of participation, in as far as it benefited economic growth, and representation and as a 'foreign' objective. Examples of this interpretation of gender equality were evident in Nicaragua as early as Beijing in 1995, where it contributed with a narrow economic interpretation of gender equality, also expressing strong reservations against paragraphs which could be perceived as legitimising homosexual relationships or which supported a woman's right to abortion.

The neoliberal government led by President Aleman, was clearly unwilling to address or even prioritise gender equality within its development priorities, only reluctantly including the concept when embedded in a strictly neoliberal interpretation and attributing this inclusion to 'foreign intervention' in the 'sovereign' national agenda.

But while Sida's policy was considered too avant-garde and interventionist for the government of Nicaragua, it was very much in line with some Nicaraguan civil society's views and NGOs such as Ixchen,<sup>452</sup> which had provided support for illegal but safe abortions in both urban and rural areas, and had defended women against violence throughout the country for the two decades.

According to the CEDAW committee report of 2001,<sup>453</sup> Nicaragua had the highest fecundity rate of adolescents in Latin America which was one of the highest in the

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<sup>451</sup> *ibid* 12.

<sup>452</sup> Ixchen was founded in 1989 with the aim of promoting sexual and reproductive health for women from a human rights and gender equality perspective. It receives funding from the governments of Switzerland, Norway, Holland and Denmark. There are 12 Ixchen locations throughout Nicaragua with a team of professional counsellors providing reproductive and general health care, sexual and reproductive health care, intervention and care for domestic violence victims both juridical and psychological support and educational activities that promotes women's rights, empowerment and domestic violence prevention. See Ixchen website <<http://www.fsdinternational.org/node/view/192>> accessed 10 February 2011.

<sup>453</sup> UN Committee on the Elimination of Discrimination against Women, 'Consideration of reports submitted by states parties under article 18 of the Convention on the Elimination of all Forms of Dis-

world. Two out of three births took place in a risk situation, 11% of which were due to the fact that the mother was younger than 18 years of age.<sup>454</sup> Other statistics at the time showed the gravity of the situation, such as the fact that 10% of 15 year old girls already had children and 46% of 19 year olds had children. Only 11% of 15 to 19 year olds girls used any kind of contraception. Maternal mortality was consequently a considerable problem for women in Nicaragua.<sup>455</sup>

The Pan-American Health Organization estimated that there were 150 deaths for every 100 thousand live births, but this situation was believed to be widely under-reported. These figures generally pointed to complications either during pregnancy or labour, or unsafe abortions. High maternal mortality rates were thus linked to both the large number of children per woman and high fertility rates in women aged under 19 and over.<sup>456</sup>

During the years from 1996 to 2005 there was an average of 1,260 cases per year reported of sexual violence against women. There was a steady increase in the figures, from 1,100 cases of sexual violence per year in 1996 to just over 1,300 cases in 2005.<sup>457</sup>

Unsurprisingly, the government of Sweden announced in 2007<sup>458</sup> that it was suspending economic aid to Nicaragua because of its laws defending the unborn from

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crimination Against Women, Fifth periodic report of States parties, Nicaragua' (9 September 1999) CEDAW/C/NIC/5 <<http://www.un.org/womenwatch/daw/cedaw/reports.htm#n>> accessed 2 March 2011.

<sup>454</sup> See PAHO, 'Nicaragua: Basic Country Health Profiles' (PAHO 1999).

<<http://www.paho.org/english/sha/profiles.htm>> accessed 10 February 2011.

<sup>455</sup> *ibid.*

<sup>456</sup> *ibid.*

<sup>457</sup> Ixchen, Centro de Mujeres and DFID, *No más vidas truncadas, Documentando delitos de violencia sexual contra niñas y adolescentes en cinco departamentos de Nicaragua* (Ixchen Centro de Mujeres and DFID 2006)100.

<sup>458</sup> 'Sweden suspends economic aid to Nicaragua for not allowing abortion' *Catholic News Agency* (Managua, 29 August 2007)

<[http://www.Catholicnewsagency.com/news/sweden\\_suspends\\_economic\\_aid\\_to\\_nicaragua\\_for\\_not\\_allowing\\_abortion/](http://www.Catholicnewsagency.com/news/sweden_suspends_economic_aid_to_nicaragua_for_not_allowing_abortion/)> accessed 10 February 2011.

abortion under any circumstances, including a ban on therapeutic abortions. More conservative and neoliberal aid agencies such as the WB continued doing business as usual in line with Aleman's conservative and narrow interpretation of gender equality.

With the end of Aleman's conservative neoliberal government, Daniel Ortega came into power in the footsteps of Latin America's Bolivarian Revolutionary leaders such as Hugo Chávez and Evo Morales.

Laura Mannen, a well-known Latin American solidarity activist, in an article entitled 'The government war on women's rights in Nicaragua' raised the following pertinent question:

What has become of the revolutionary Nicaragua, which electrified the globe by overthrowing Dictator Anastasio Somoza and establishing a workers' and peasants' government in the 1980s?<sup>459</sup>

In her article she highlighted several critiques of the Marxist movement as follows:

the Sandinistas did not fulfil their promises to the masses, and rather than advancing towards a promised socialism, they advocated a 'mixed economy' which included both state-run industries and profit-based enterprises. After the initial expropriation of Somoza family holdings, the Sandinistas slowed down land reforms and nationalization of vital industries.<sup>460</sup>

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<sup>459</sup> L Mannen, 'The Government War on Women's Rights in Nicaragua: Feminists stand up against Anti-Abortion Crusade and Daniel Ortega's Rightward Turn' (February-March 2009) *Freedom Socialist* (30) 1 <<http://www.socialism.com/drupal-6.8/?q=search/node/Laura%20Mannen>> accessed 10 February 2011. On further details of Daniel Ortega's rape allegations on his stepdaughter which to many Latin American feminists exemplify the non-credibility of Ortega's return as a left and pro-feminist revolutionary leader see T Rodgers, 'President Ortega vs. The Feminists' *Time* (16 October 2008) < <http://www.time.com/time/world/article/0,8599,1850451,00.html> > accessed 10 February 2011.

<sup>460</sup> Mannen (n 459).

But most importantly, they were accused of promoting the following interpretation of a so-called Left egalitarian society:

The Revolutionary front refused to recognize the national rights of indigenous communities along the Atlantic coast, demanding that they assimilate into Nicaraguan society and furthermore, female militants, who made up 30 percent of the Sandinista military forces, were told to postpone demands for Equality in favour of building the new society.<sup>461</sup>

This revealed a betrayal of Left ideals in practice by an apparently Marxist movement. It also illustrated that both patriarchal and racist tendencies are by no means the monopoly of one particular political ideology. However, when the Left do not make these a priority, it is somehow more disappointing, as expectations turn into unfulfilled promises, particularly since Nicaragua had ratified CEDAW on 17 July 1980.

According to Mannen, using the arguments of feminist cultural relativists and identity politics weakened the claims of women's human rights feminist activists as further exemplified:

This kind of political discourse illustrates how identity politics - whilst seemingly embracing the worthy goal of anti-imperialism - may turn feminist discourse against social justice and against the interests of women themselves. It also demonstrates that cultural relativism, in this case, is not so far removed from the views of nationalists and populist aspirations. Thus, Pro-Sandinista media have claimed that abortion rights are 'a flag raised by Nicaraguan pseudo-feminists with the intention of obtaining millions in foreign funds'<sup>462</sup> as well as

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<sup>461</sup> *ibid.* For a detailed portrait of the 'new' Daniel Ortega see P Davison, 'Daniel Ortega: Return of the Sandinista' *The Independent* (London, 8 November 2006)

<<http://www.independent.co.uk/news/world/americas/daniel-ortega-return-of-the-sandinista-423459.html>> accessed 11 February 2011.

<sup>462</sup> *ibid.*

accusing advocates for women's rights of being 'privileged imperialist pawns who are undermining the national culture'.<sup>463</sup>

This example shows the extent of the implication of the use of identity politics as a cultural shield against 'foreign scrutiny', whilst eclipsing social distributive justice and de-legitimising the universality of women's human rights.

As Jocelyn E. Getgen argues in her article on 'Reproductive Injustice: An Analysis of Nicaragua's Complete Abortion Ban',<sup>464</sup> in the first line of support towards the government political anti-abortion movement, the Roman Catholic Church was at the forefront, with the following legal outcome:

Thus, 'Nicaragua's legislature voted to approve Law 603 and rescinded Article 165 of the Codigo Penal (Penal Code), eliminating the only exemptions to the country's general ban on abortion and criminalizing, even the therapeutic use of the procedure for victims of rape or incest, or to save the health and life of the mother.'<sup>465</sup>

Since the law was enacted, 'Nicaraguan women in need of therapeutic abortions have died because doctors were not allowed to provide necessary emergency obstetric care

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<sup>463</sup> *ibid.* See also M Molyneux, 'The Politics of Abortion in Nicaragua: Revolutionary Pragmatism or Feminism in the Realm of Necessity?' (May, 1988) *Feminist Review* 29.

<sup>464</sup> JE Getgen, 'Reproductive Injustice: An Analysis of Nicaragua's Complete Abortion Ban' (2008) 4 *International Law Journal* 144.

<sup>465</sup> 'Nicaragua Outlaws Abortion Even to Save a Woman's Life' *IPAS* (Chapel Hill, October 2006) <[http://ipas.org/library/news/news\\_items/Nicaragua\\_outlaws\\_abortion\\_even\\_to\\_save\\_a\\_woman's\\_life.as](http://ipas.org/library/news/news_items/Nicaragua_outlaws_abortion_even_to_save_a_woman's_life.as)> accessed 10 February 2011. Before the repeal of Article 165, the Nicaraguan Criminal Code provided for therapeutic abortions and for legal purposes, called for three physicians and the consent of the spouse or nearest relative of the woman to intervene. See H Luz and M Reyes and others, 'Invoking Health and Human Rights to Ensure Access to Legal Abortion: The Case of a Nine-Year-Old Girl from Nicaragua' (2006) 9 *Health & Hum RTS* 62-66, cited in Getgen (n 464). See also D Lloyd, 'Nicaragua's Abortion Ban Is Inhumane and Backward' *Politics Daily* (24 February 2010) <<http://www.politicsdaily.com/2010/02/24/nicaraguas-abortion-ban-is-inhumane-and-backward/>> accessed 2 March 2011.



or other treatment.’<sup>466</sup> Thus, ‘in October 2007, 80 women's deaths could be directly attributed to the new “killer law”’.<sup>467</sup>

Beyond the obvious violation of the fundamental women's right to live, this law constitutes yet another obvious socio-economic injustice in practice:

For the Nicaraguan rich women, a problematic pregnancy need not be a death sentence. You can fly to Miami or bribe a discreet private clinic in Managua. But in the wretchedly poor districts of the country, most young women do not have money. Their choice is to go through with a pregnancy that may kill them, or attempt a DIY termination that may kill them as well.<sup>468</sup>

The Inter-American Commission on Human Rights responded to Nicaragua’s complete abortion ban by issuing an unprecedented statement declaring that: ‘the Nicaraguan government’s repeal of article 165 of the Penal Code endangers the protection of women’s human rights.’<sup>469</sup>

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<sup>466</sup> IAR Lakshmanan, ‘Nicaraguan Abortion Ban Called a Threat to Lives’ *Boston Globe* (26 November 2006) A1. To the best of the author’s knowledge, the total number of women who have died and the excess maternal mortality has not been officially reported. As of 27 November 2007, however, some reports claimed that eighty-seven women had died since the complete abortion ban. ‘Investigan denuncia a red de mujeres’ *MSN* (27 November 2007), <<http://latino.msn.com/noticias/articles/articlepage.aspx?cp-documentid=5429875>> accessed 10 February 2011. Of these eighty-seven women, seventeen would have been saved had the abortion ban not existed and twelve others committed suicide, cited in Getgen (n 464). See also IPAS ‘Analysing maternal deaths in Nicaragua’ (26 June 2008) <[http://www.ipas.org/Library/News/News\\_Items/Analyzing\\_maternal\\_deaths\\_in\\_Nicaragua.aspx](http://www.ipas.org/Library/News/News_Items/Analyzing_maternal_deaths_in_Nicaragua.aspx)> accessed 2 March 2011.

<sup>467</sup> R Carroll, ‘Killer Law: Special Report from Managua on Abortion’ *The Guardian* (London, Monday 8 October 2007 and Friday 13 June 2008). See also UNHRC, ‘Report on Violations of Women’s Human Rights to Therapeutic abortion and emergency medical care, and of the Rights of women’s Human Rights Defenders: In response to the Second and Third Periodic Report’ 94<sup>th</sup> Session (Geneva, 13-31 October 2008).

<sup>468</sup> See Carroll (n 467).

<sup>469</sup> Centre for Reproductive Rights, ‘Inter-American Commission Issues Landmark Statement Declaring Nicaragua’s Abortion Ban Jeopardizes Women’s Human Rights’ (12 January 2006)

In addition to this statement, the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) expressed its concerns regarding the ban and recommended that Nicaragua remove the criminal penalties imposed on women who obtain abortions and on the doctors who provide them.<sup>470</sup>

In contrast, Pope Benedict XVI affirmed the Catholic supporters' positions by issuing the following statement:

Reaffirming the Catholic Church's stance against abortion and calling on Catholic law makers around the world 'to introduce and support laws inspired by the values grounded in human nature'.<sup>471</sup>

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<http://reproductiverights.org/en/press-room/inter-american-commission-issues-landmark-statement-declaring-nicaragua%E2%80%99s-abortion-ban-je> accessed 2 March 2011.

<sup>470</sup> UN Committee for the Elimination of All Forms of Discrimination Against Women, 'Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Nicaragua' (2 February 2007) UN Doc CEDAW/C/NIC/CO/6. See also UN Committee for the Elimination of All Forms of Discrimination Against Women, 'CEDAW Shadow Report: Nicaragua' (December 2006)

<sup>471</sup> T Adeyemi and A Stevens, 'Nicaraguan Activists Press Abortion Legal Case' *Women's e-news* (16 March 2007) citing Pope Benedict XVI post-synodal apostolic exhortation: sacramentum caritatis of the Holy Father Benedict XVI to the bishops, clergy, consecrated persons and the lay faithful on the Eucharist as the source and summit of the church's life and mission § 83

(2007) <http://www.womensenews.org/article.cfm/dyn/aid/3099> accessed 10 February 2011, cited in Getgen (n 464). See also Letter from S A Canton to NC Cardinal, Minister of Foreign Affairs (10 November 2006)

[http://reproductiverights.org/en/search/google/Nicaragua?query=Nicaragua&cx=013411022521635236165%3Aqnmxyx\\_141c&cof=FORID%3A11&siteSearch=#1030](http://reproductiverights.org/en/search/google/Nicaragua?query=Nicaragua&cx=013411022521635236165%3Aqnmxyx_141c&cof=FORID%3A11&siteSearch=#1030) > accessed 10 February 2011; S Ertelt, 'Pope Benedict XVI Congratulates Nicaragua on Keeping Abortion Illegal' *LifeNews* (Washington D.C., 25 September 2007) < <http://www.lifenews.com/2007/09/25/int-446/> > accessed 2 March 2011.

Arguably, this is a striking example of how cultural relativism, identity politics and anti-imperialism can at best serve the interest of elite women and powerful clergymen, and at worst justify women's deaths. It also demonstrates how gender equality and women's rights can be interpreted in a manner which serves the conservative ideology of some, at the cost of women's lives which are, de facto, defined as being worth far less than that of an embryo.

In both supposedly diverse political scenarios of neoliberal Aleman's government and neo-Sandinista's government, in the best scenario on the basis of representation, gender equality is thus considered an issue at the margins of democratisation, a secondary matter that can wait, while in the worst scenario on the basis of identity politics and cultural relativism, it is rejected as an instrument of foreign interventionism, at all costs.

#### 4.3.2 Yoweri Museveni's postcolonialist interpretation of gender equality

If Nicaragua ranked as 124 in 2009<sup>472</sup>, Uganda's ranking figured as 157 out of a total of 182 UN Member States in the same year<sup>473</sup>. Uganda was for a long time hailed as the 'donors' darling'. In particular, 'adjustment policies supported by the IMF and the WB characterised mainly by a concentrated focus on management of government expenditures, retrenchment, trade liberalisation and privatisation, formed much of the cornerstone ideology of the expanding economy.'<sup>474</sup>

Early in 2000, the WB, the IMF and other bilateral donors such as Denmark, the UK and Sweden proclaimed that 'Uganda was a success story, an example of a very poor

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<sup>472</sup> UNDP, *Human Development Report* (UNDP, 2009)167.

<<http://hdr.undp.org/en/reports/global/hdr2009/>> accessed 10 February 2011.

<sup>473</sup> *ibid.*

<sup>474</sup> T Cargill, 'Uganda - Still the Donors' Darling' (December 2004) 60 /12 *The World Today* 26-27; A Baffour, 'Behind every "successful" darling...there is a WB (sorry) donor' *New African* (London June 2001) <[http://findarticles.com/p/articles/mi\\_qa5391/is\\_200106/ai\\_n21473476/](http://findarticles.com/p/articles/mi_qa5391/is_200106/ai_n21473476/)>accessed on 10 February 2011.

country which had successfully carried out fundamental liberalisation of its economy through economic reforms.<sup>475</sup>

Uganda had indeed implemented significant economic reforms, including 'a liberalization of the trade regime over the last decade and a half. This attracted foreign direct investment, mainly in manufacturing, and contributed to continued economic growth. Indeed, over the past six years, Uganda's real GDP had grown at around 6% per annum on average, and was expected to continue growing at about 7% per year in the medium term.'<sup>476</sup>

However, while macro-economic figures showed sustained growth, income inequalities were increasing. 'While Uganda's economy consistently registered an improved economic performance, with an average annual growth rate of about 6% since 1990/91, and an average annual increase in income per capita of 3.7% over the last decade, the socio-economic advancement of the majority of Ugandans lagged well behind such percentages, particularly in the rural areas.'<sup>477</sup>

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<sup>475</sup>F Kuteesa, E Tumusiime-Mutebile, A Whitworth and T Williamson, *Uganda's Economic Reforms: Insider Accounts* (Oxford University Press 2010); H Ware, *Africa on a Global Stage* (Africa World Press 2005) 168.

<sup>476</sup> WTO, 'Trade Policy Review (TPR) of Uganda' (Trade Policy Body of WTO, 19-21 December 2001) TPRB/182 <[http://www.wto.org/english/tratop\\_e/tp\\_r\\_e/tp182\\_e.htm](http://www.wto.org/english/tratop_e/tp_r_e/tp182_e.htm)> accessed 10 February 2011. See also 'A more hopeful continent, The lion kings? Africa is now one of the world's fastest-growing regions' *The Economist* (New York, 6 January 2011) <<http://www.economist.com/node/17853324>> accessed 10 February 2011.

<sup>477</sup> D Obot, 'A Fascinating Example of Successful Liberalisation' (Social Watch 2003) 166-167. <<http://www.socwatch.org/node/10811>> accessed 10 February 2011. See also SN Ssewanyana, 'Growth, Inequality, Cash Transfers and Poverty in Uganda: Country Study' (International Policy Centre for Inclusive Growth UNDP 2009) <[www.ipc-undp.org/pub/IPCCountryStudy19.pdf](http://www.ipc-undp.org/pub/IPCCountryStudy19.pdf)> accessed 10 February 2011; N Ndebesa, 'The Inequalities Will Soon Breed Tragedy' *The New Vision* (Kampala, 21 December 2010) <<http://allafrica.com/stories/201012220017.html>> accessed 10 February 2011.

One aspect which had particularly encouraged donors' funding was Uganda's progressive Constitution of 1995<sup>478</sup> which contained a willingness to explicitly promote and protect women's human rights. The Bill of Rights is enshrined in chapter 4 of the Constitution of Uganda 1995 and comprises 38 Articles that cover both substantive Human Rights and their procedural enforcement.

Under Chapter 4, Article 33 explicitly mentions gender equality and women's rights in the following terms:

Article 33 (1) Women shall be accorded full and equal dignity of the person with men.

Article 33 (2) The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement.

Article 33 (4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.

Article 33 (5) (...) Women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, traditions or customs.

Article 33 (6) Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited by the constitution. Prohibition of derogation from particular human rights and freedoms in Article 44 a) includes freedom from torture, cruel, inhuman and degrading treatment or punishment.<sup>479</sup>

Representation and recognition are thus understood to be the only legal solutions to redress 'imbalances' which are left as vaguely related to history, customs and traditions but without a clear allocation of responsibility as to who is perpetrating them. Social justice and the redistribution of resources as well as socio-economic rights

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<sup>478</sup> The Constitution of the Republic of Uganda (1995)

< <http://www.ugandaonlinelawlibrary.com/lawlib/constitution.asp>> accessed 03 February 2011.

<sup>479</sup> *ibid.*

related to health, shelter, food and adequate standards of living<sup>480</sup> are not mentioned in the justiciable portion of the constitution. As the evidence at field level shows in chapter 5 below, this is not because socio-economic injustices and maldistribution are not relevant issues in Uganda.

Likewise, civil and political rights for women in the Constitution were translated mainly in terms of participation of women through affirmative action rather than power-sharing and redistribution of resources. Thus, several Articles call for women's quantitative participation. For instance, Article 78 (1) makes provision for a constitutional quota for the National Parliament in which there is to be one female representative for every district.<sup>481</sup>

Arguably, despite the relatively progressive Chapter 4 of the Ugandan Constitution, the general typology of the whole document remains generally focused on an interpretation of gender equality as representation.

Thus, the constitutionally based affirmative action policy mainly resulted in visible quantitative participation gains for women in terms of their increased presence in the political sphere. In 2003, out of the 304 parliamentary seats 75 were held by women a total of 24.7% and one-third of the seats in Local Government are guaranteed for women.<sup>482</sup>

Although the increase in terms of the quantitative participation of women in high profile positions was an encouraging and necessary step towards the advancement of women in Ugandan high and middle-upper society, arguably it does not *per se* guarantee that the needs, concerns and interests of women from the poorest section of so-

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<sup>480</sup> These are relegated to the non-justiciable portion of the Constitution of the Republic of Uganda 1995, under 'National Objectives'.

<sup>481</sup> The Constitution of the Republic of Uganda (n 478) art 78(1).

<sup>482</sup> Statistics from the Global Database of Quotas for Women, Institute for Democracy and Electoral Assistance (IDEA) <<http://www.quotaproject.org/index.cfm>> accessed 19 February 2003. Quotas for women increased to 31% of women in the 2006 elections with 104 seats out of 304 <<http://www.quotaproject.org/uid/countryview.cfm?country=229>> accessed 10 February 2011.

ciety in Uganda were unanimously supported by all women in high positions.

If women's participation in the spheres of political power was increasing in numbers,<sup>483</sup> so was the expectation that it would have eventually made a difference in the daily lives of Ugandan women. Whilst many women MPs were not necessarily concerned with advancing women's conditions and addressing gender inequalities simply because they were female, those who had courageously voiced pertinent women's rights issues were often put under professional pressure to remain silent.<sup>484</sup> One of the most striking examples of this was best illustrated by the saga of the co-ownership of land clause in the Land Act<sup>485</sup> and the enactment of the Domestic Relations Bill (DRB),<sup>486</sup> as further discussed below.

In 1997, Ugandan women's movement organisations joined the Uganda Land Alliance (a civil society coalition) and conducted nation-wide research on women's land ownership patterns.<sup>487</sup> Consequently, the amended clause on spousal co-ownership

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<sup>483</sup> For a full historical account of the dramatic growth in a relatively short span of time of the Ugandan women's movement see AM Tripp, *Women & Politics in Uganda* (Fountain 2000).

<sup>484</sup> See S Tamale, *When Hens Begin to Crow, Gender and Parliamentary Politics in Uganda* (Fountain Publishers 1999); AM Tripp, 'Conflicting Visions of Community and Citizenship: Women's Rights and Cultural Diversity in Uganda' in M Molyneux and S Razavi (eds.), *Gender, Justice, democracy and Rights* (Oxford University Press 2002).

<sup>485</sup> Land Act 1998 (Uganda) c 227 <[http://www.ulii.org/ug/legis/consol\\_act/la199822757/](http://www.ulii.org/ug/legis/consol_act/la199822757/)> accessed 10 February 2011.

<sup>486</sup> Domestic Relations Bill 2003 (Uganda).

<[www.chr.up.ac.za/undp/domestic/docs/legislation\\_19.pdf](http://www.chr.up.ac.za/undp/domestic/docs/legislation_19.pdf)> Last accessed 11 February 2011. It was tabled in Parliament by the State Minister for Justice and Constitutional Affairs, Fred Ruhindi. See <<http://womensphere.wordpress.com/2009/07/03/domestic-relations-bill-tabled-in-uganda/>> accessed 10 February 2011.

<sup>487</sup> See UWONET, 'Women and Land Rights in Uganda' (FES, 1997): 'They highlighted the prevalence of widows being tragically forced off their homesteads by their husband's families. They also argued in favour of what became known as the spousal co-ownership amendment. This stated that without the wife's right to family property, husbands could not sell family land without the wife consenting or without gaining any financial benefit from the transaction. The lobbying of women's civil society organisations gained the support of some women MPs who championed the amendment in Parliament.'

and land used for the daily sustenance of the family was tabled and passed before Parliament on 25 June 1998 as follows:

Where land is occupied as a home, where land is used, it should belong to both husband and wife. In a polygamous situation (...) where the wives work on the same piece of land, they shall hold the land jointly with their husband.<sup>488</sup>

The Clause, albeit in its amended and watered-down form, was passed with unanimous vote in Parliament.<sup>489</sup> However, when the Land Act in 2003 was published,

to the astonishment of all, the Clause had mysteriously 'disappeared'. After months of research, and after official records justified the omission on the basis of 'procedural irregularities', President Yoweri Museveni eventually admitted that he had personally intervened and deleted the amendment himself, arguing that the Clause would more appropriately belong under the pending DRB.<sup>490</sup>

Given the "minimal likelihood that the DRB would ever be tabled before Parliament under Museveni's regime, and despite several failed attempts to reintroduce the Clause in subsequent amendments of the Land Act in 2003 it was indeed as good as 'lost',"<sup>491</sup> as various drafts of the DRB had been debated since 1964.

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<sup>488</sup> Land Act 1998 (n 485).

<sup>489</sup> For a full account of how the land clause was conceived and courageously presented and tabled before parliament see M Matembe, *Gender, Politics and Constitution Making in Uganda* ( Fountain Publishers 2002) 234-253.

<sup>490</sup> Tripp (n 484).

<sup>491</sup> A M Goetz, 'The Problem with Patronage: Constraints on Women's Political Effectiveness in Uganda' in A M Goetz and S Hassim (eds), *No Shortcuts to Power: African Women in Politics and Policy-Making* (Zed Books 2003).



In October 2002, President Yoweri Museveni wrote to Hon. Janet Mukwaya, Minister of Justice and Constitutional Affairs a ten-page statement expressing his views on the DRB.<sup>492</sup>

The President took personal responsibility for delaying the enactment of the family law when he caused the Ministry of Gender Affairs to withdraw the DRB under his administration 1996-2001. In essence, the President argued that in his view<sup>493</sup> the Bill was:

rather shallow and cannot address the issues of Ugandan society. I should warn the Ugandan population against the trends of "copying Western ways of life which have caused enormous damage to humanity and thousands of broken families (...) the stampede for self-destruction by the human species by imbibing everything Western."<sup>494</sup>

Siding thus with identity politics, Third Worldist, anti-imperialist and cultural relativist theories, Museveni would have presented a powerful anti neo-colonial argument, were it not for the fact that Uganda inherited most of its general laws<sup>495</sup> from Britain in 1902.<sup>496</sup>

Besides the law of succession<sup>497</sup>, which was amended in 1972 during Idi Amin's regime and the law relating to children<sup>498</sup> which was amended and consolidated in 1996, the rest of Ugandan family law is basically the same as it was at the date of

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<sup>492</sup> Response to President Yoweri Museveni's view on the reform of the Domestic Relations Bill by Hon. Sheila Kawamara Mishambi Member of East African Legislative Assembly (April 2003) <[www.wougnet.org/Alerts/drbrresponseSKM.html](http://www.wougnet.org/Alerts/drbrresponseSKM.html)> accessed 11 February 2011.

<sup>493</sup> *ibid.*

<sup>494</sup> The term 'Western' is presumably to be construed as referring to a combined European and American history into a sole socio-cultural concept and phenomenon.

<sup>495</sup> General Law in Uganda as in other East and Southern Africa's jurisdiction is supposed to apply to all persons regardless of their ethnic origins and customary traditions.

<sup>496</sup> Order in Council 1902 (Uganda).

<sup>497</sup> The Succession (Amendment) Decree 1972 (Uganda).

<sup>498</sup> Children Act 1996 (Uganda).

reception in 1902.<sup>499</sup> However, the date of reception does not correspond to the date of inception. The inception of these laws date back to the second half of the 19<sup>th</sup> century and would therefore necessarily base themselves in 19<sup>th</sup> century British Victorian values, ideology, customs and traditions.<sup>500</sup> In other words, the DRB did not merely challenge Ugandan traditions but the commonalities between contemporary Ugandan discriminatory customs and 19<sup>th</sup> century (western) conservative and discriminatory ideology. Arguably, it is therefore this intersection which forms the moral and ideological basis of current Ugandan General Law today and that of other Sub-Saharan countries<sup>501</sup> and which the President was paradoxically trying to preserve in the name of anti neo-colonialism.

Another illustrative example was the pending DRB<sup>502</sup> as mentioned above. The DRB aimed to protect social justice and equity as well as women's rights in relation to polygamy, bride wealth, child custody, divorce, inheritance, consent in sexual relations, and property co-ownership.

The DRB posed three major controversial challenges to any - and not only Ugandan - patriarchal context: namely i) new grounds for divorce ii) the criminalisation of marital rape and iii) land co-ownership grounded in concepts of equality and justice. These challenges are not solely directed at Ugandan socio-cultural context but also at 19<sup>th</sup> century Victorian ideology on very similar common grounds. Furthermore, the

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<sup>499</sup> I Mulyagonja, 'Family Law Reform in Uganda: a Tale of Petty Issues, Bitterness and Crocodile Tears' (South African Constitutional Litigation and Legal Development Project Conference, Windhoek, March 2001)

<sup>500</sup> Domestic Relations Bill (n 486).

<sup>501</sup> Ingrid Yngström argues that in Tanzania this was not always the case, as women used to be able to claim land from their families. But secondary rights became standard practice by the late 1950s when men began to 'assert greater control over land, by limiting land transfers made by lineage members to female family members. See I Yngström, 'Women, Wives and Land Rights in Africa: Situating Gender Beyond the Household in the Debate over Land Policy and Changing Tenure Systems' (2002) 30 (1) *Development Studies* 21, cited in SF Joireman, 'Applying Property Rights Theory to Africa: The consequences of formalizing Informal Land Rights' (Meeting of the International Society for New Institutional Economics, Wheaton College Boulder 2006).

<sup>502</sup> Domestic Relations Bill (n 486).

DRB's controversial character also derives from the fact that it attempts to set common standards for a multi-cultural population whose private lives are governed not only by the General Law but also by a multiplicity of customary laws.

In short, the DRB sought to consolidate six different statutes which covered all types of marriages and divorces in Uganda<sup>503</sup> into one and addressed crucial common problems faced by women across ethnic, religious and class affiliations, namely widow inheritance, bride price, marital rape, grounds for divorce, equity in polygamous marriages and co-ownership of land. These are further discussed in turn below.

Widow inheritance was originally intended as a social and economically oriented institution for men to take responsibility for their deceased brother's children and household through the practice of widow inheritance, whereby men inherit the wives of their deceased brother.<sup>504</sup> However, in practice, widow inheritance contributes to women's economic subordination. Arguably customary practice of widow inheritance considers the status of women to correspond to that found in the bride price negotiations discussed below. This is a quintessential product of patriarchal contexts and unequal power relations which reduces women to a mere commodity and secondary class citizen.

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<sup>503</sup> Namely, the Marriage Ordinance, the Marriage of Africans Ordinance, the Marriage and Divorce of Mohammedan's Ordinance and the Hindu Marriage and Divorce Ordinance.

<sup>504</sup> 'A new Bill on marriage and divorce in Uganda wants to ban widow inheritance, a common practice in Uganda where a widow is inherited by a husband's relative, mostly a brother-in-law. The proposed Bill also allows women to divorce their husbands when they are permanently impotent. The new Bill, which is to be tabled in Parliament, further outlaws forced marriages, makes bride price non-refundable and puts the age of marriage at 18. The average age girls marry in Uganda is currently 17. The Marriage and Divorce Bill is to be the successor of the highly contested Domestic Relations Bill.' See M Tebajjukiram, 'Widow Inheritance to be banned in Uganda' *The New Vision* (Kampala, 22 Nov 2007)

<<http://www.jamiiforums.com/jukwaa-la-sheria-the-law-forum/39793-widow-inheritance-to-be-banned-in-uganda.html>> accessed 11 February 2011.

The status of married women in Ugandan customary law, reflected through the bride price, is now akin to the purchase of wives and used as a justification for the subjugation of women. Sylvia Tamale, emphasised the following:

the customary payment of bride-wealth gives the husband proprietary rights over his wife, allowing him to treat her more or less like a chattel. This is especially so because it equates a woman's status in marriage with the amount of bride-wealth exchanged and not with her skills and abilities.<sup>505</sup>

The proposed DRB fell short of abolishing dowry altogether but only made it illegal to demand its return on the dissolution of marriage. The concept of dowry is not an exclusively Ugandan customary law and tradition, nor indeed one exclusively pertaining to Eastern African cultures, or exclusively found in Africa more generally.<sup>506</sup>

In Uganda as in many other sub-Saharan African countries, the concept of bride price is estimated in terms of cattle exchange, and is particularly disturbing as it calculates the worth of a woman in terms of a certain number of animals. No matter how highly a cow might be considered in certain tribes<sup>507</sup> as being the highest indicator of wealth, it remains a cow nevertheless. This, in turn, entrenches the idea that the bride is not fully human, deserving equal rights, equal respect and equal dignity as are her male counterparts. Arguably, this may expose women to various forms of abuse as

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<sup>505</sup> S Tamale, 'Law Reform and Women's Rights in Uganda' (2002) *East African Journal of Peace and Human Rights* 177.

<sup>506</sup> See S Afzal, 'To Estimate an Equation Explaining the Determinants of Dowry' (September 2009) <[www.icabr.com/.../Afzal%20Sarwat,%20Imtiaz%20Subhani.pdf](http://www.icabr.com/.../Afzal%20Sarwat,%20Imtiaz%20Subhani.pdf)> accessed 11 February 2011; JV Willigen and VC Channa, 'Law Custom, and Crimes against Women The Problem of Dowry Death in India' (1991) *Human Organisation The Society for Applied Anthropology* 50 (4) <<http://homepage.mac.com/johnpell/ANTH001/the%20problem%20of%20dowry%20death.html>> accessed 11 February 2011.

<sup>507</sup> For instance, for the Karamajong from Karamoja in north-eastern Uganda, the single most important activity and primary measure of strength is the accumulation of cattle, to the point where cattle rustling is an acceptable activity and expression of virility, and which degenerated into armed conflict and famine in the 1980s. See ABK Kasosi, *The Social Origin of Violence in Uganda* (Fountain University Press 1994).

their status on the onset does not carry the necessary importance to grant and guarantee the due respect a full human being deserves.

The DRB further recognised marital rape as an offence, which was not recognised under the Penal Code Act,<sup>508</sup> as the act of entering into marriage is taken as an irrevocable and unconditional consent to sexual intercourse, just as it was in the UK<sup>509</sup> This is possibly one of the most controversial clause in the DRB, as to many, the concept of rape within marriage is still incompatible with fundamental prerogative of the husband within the context of marriage, a concept which adheres to 19<sup>th</sup> century Victorian moral values.

The proposed DRB further abolished the traditional grounds for divorce, usually adultery - by introducing the broader concept of the 'irrevocable breakdown of marriage'.<sup>510</sup> The DRB challenged therefore the inequitable status of women and men to prove grounds for divorce. This clause would do away with the concept of 'adultery' as ground for divorce law, which is again a direct inheritance of Common Law, based on 19<sup>th</sup> century Victorian moral values. The clause would have thus challenged implicit patriarchal stereotypes of women's and men's roles in marriage.

The DRB also dealt with property rights of married persons during marriage and in the event of marriage breakdown, by introducing pre and post-nuptial agreements and laying down criteria for the equitable redistribution of marital property during divorce in diverse types of marriages, including polygamous unions. The DRB therefore sought to reintroduce the concept of property co-ownership, which was supposed to appear in the 1998 amended Land Act. The clause addressed the key issue that female spouses have no rights to co-own family assets and are often under threat of being left destitute in cases of disputes or divorces.

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<sup>508</sup> The Penal Code Act 1950 (Uganda).

<sup>509</sup> The marital rape exemption was abolished in England and Wales in 1991 by the Appellate Committee of the House of Lords, in the case of *R v R*.

<sup>510</sup> In the United Kingdom, the Divorce Reform Act 1969 was re-enacted by the Matrimonial Causes Act 1973.

Interestingly, the DRB challenged the legal concept inherited from colonial times and long enshrined in the notion of title ownership of lands by landlords in Victorian England. It is important to note that in the pre-colonial era, land in Uganda was by and large communally owned and its use and control were guided by customs which had the effect of protecting women's land use rights.<sup>511</sup> Arguably, far from challenging Ugandan traditions and customs from a supposedly western perspective as post-colonial and cultural relativist critiques would have it, the DRB actually challenges imported colonial rules that happened to fit local traditional and patriarchal interests very well.

Arguably, the Ugandan Land Act - without the co-ownership rights clause – thus consistently upholds common patriarchal concepts of land ownership held by the Government, former dictatorial regimes and former colonial powers. Alternatively, the DRB attempted to redistribute land ownership not only between spouses but also with various users of land who had a vested interest in it and thus directly challenges the exploitation of land workers who are, by and large, women.

Arguably, committing to gender equality when understood as participation and non-discrimination by ratifying CEDAW and adopting a new gender sensitive constitution, allowed Heads of States to appear gender sensitive on the international scene, and thus enabled them to attract donor funding without having to make drastic changes related to structural inequalities and social justice. On the other hand, enacting a co-ownership property regime, as discussed above, would have been a very concrete step in the direction of addressing social justice in the country, with a real potential to have an impact on poverty reduction - even if, in the few sub-Saharan African countries where there are laws providing for co-ownership of marital property, they have proven difficult to enforce in practice.<sup>512</sup>

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<sup>511</sup> See E Kharono, 'Feminist Challenge to the Land Question: Options for Meaningful Action: A Concept Paper' (The African Gender Institute, University of Cape Town, October 2010).

<sup>512</sup> J Fenrich and TE Higgins, 'Promise Unfulfilled: Law, Culture and Women's Inheritance Rights in Ghana' (2001) 25 *Fordham International Law Journal* 259. 'Inheritance Rights Still a Thorny Issue Integrated Regional Information Network' (*PlusNews* 2006) cited in Joireman, (n 501) 1.

Data compiled by the International Food Policy Research Institute (IFPRI) indicated that African women perform about 90 percent of the work of processing food crops and providing household water and fuel wood; 80 percent of the work of food storage and transport from farm to village; 90 percent of the work of hoeing and weeding and 60 percent of the work of harvesting and marketing.<sup>513</sup>

In practice, women can farm land they do not own because they have married a man who is of a particular kinship group or they have children who are seen as belonging to a particular kinship group.<sup>514</sup>

In conclusion, this example illustrates the paradoxes in the use of Third Worldist and anti neo-colonialist ideology to preserve what customary and colonial conservative ideologies have in common, namely patriarchal values and the maldistribution of resources.

#### 4.3.3 Thomas Sankara's speech on International Women's Day

During an evaluation mission in July 2008 to Burkina Faso, the author asked one of the Parliamentarians at the National Assembly in Ouagadougou why the portrait of Thomas Sankara was not displayed together with the rest of the leaders that preceded and succeeded him at the entrance of Burkina Faso's National Assembly. The researcher was told that only 'democratic' leaders had their portrait displayed on the wall.

Reports and testimonies from two students from the University of Perpignan, originating respectively from Gabon and Burkina Faso, and participating in the African

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<sup>513</sup> See LM Wanyeki, 'Introduction' in LM Wanyeki (ed), *Women and Land in Africa: Culture, Religion and Realizing Women's Land Rights* (Zed Books 2003); A Whitehead and D Tsikata, 'Policy Discourses on Women's Land Rights in Sub-Saharan Africa: The Implications of the Re-turn to the Customary' *Journal of Agrarian Change* (2003) 3 (1 and 2) 67 cited in Joireman, (n 501) 1.

<sup>514</sup> BW and J Ssenkumba, 'Gender, Land and Rights: Contemporary Contestations in Law, Policy and Practice in Uganda' in Wanyeki (n 513).

youth forum, were collected in Jean Brial's research<sup>515</sup>. They provided a powerful (anonymous) account of how the so-called 'undemocratic' leadership of Thomas Sankara was really felt to be:

It was with pride that the student told the story of the radical and unique changes towards greater equality that took place under Thomas Sankara's regime, recalling poignant examples of ceilings imposed on Ministers' wages before their nomination, the relinquishment of their limousines for Renault 5 cars, motor-bikes for police chief commissioners and Sankara's absolute integrity in hunting down corruption and gender inequalities even to the point of declaring 'a men's market day'. Supposedly on that day men were to be on market duty in order to sensitise them to the hardship of domestic chores, not to be taken for granted; remembering also the first school day's topic on apartheid and crimes against humanity and the week-ends spent in pioneering clubs to help build schools or health clinics.

Like many others, the students thought that Sankara's death gave only more scope to corruption and nepotism. They mentioned the luxurious residence of the current president Blaise Compaore in Ziniare, at 40 km from Ouagadougou, and its hectares of surrounding private land filled with wild animals and in which lions were being fed with sheep – a handsome meal, that could have well benefited the hungry neighbouring villages.<sup>516</sup>

Such anonymous testimonies have been corroborated by many interviews carried out with civil servants in 2004 and 2008, taxi drivers in the streets and key stakeholders focus group held in Ouagadougou and Tenkodogo.<sup>517</sup>

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<sup>515</sup> J Brial, 'L'assassinat de Thomas Sankara, Président du Burkina Faso, le 15 octobre 1987: Causes et Conséquences' (Mémoire de DEA, Université de Montpellier 2006).

<sup>516</sup> *ibid.*

<sup>517</sup> Sida, *Evaluation of the National Democratic Institutes' Programme on Strengthening Women's Participation in Political and Decentralisation Processes in Burkina Faso* (Sida, Evaluations 2008) 1-44; Danida, 'Draft Programme formulation on democratic governance in Burkina Faso' (Ministry for Foreign Affairs, Denmark 2004).



During Thomas Sankara's short-lived political life, his rather 'democratic' achievements included the following: Pioneering measures for women's emancipation such as a legal banning of female genital mutilations and restricted polygamy.<sup>518</sup>

On the 8 March 1987, in the year Sankara was murdered, he delivered a long and memorable speech<sup>519</sup> on the liberation of women in which his understanding and appreciation of women's condition and interpretation of gender equality were exceptionally far-reaching.

Sankara understood and interpreted the concepts of gender inequalities and women's condition in Burkina Faso within the broader and more radical framework of power relations, exploitation and social injustices, translating these concepts with far more insight than some contemporary First and Third World feminists:

In sum addressing gender equality in today's Burkinabe's society amounts to the abolition of the slave-like conditions in which women have been kept for thousands of years. It entails first of all, an understanding of how such system of slavery works, unravelling its true nature and all its subtleties, in order to succeed in devising actions that will ultimately set women free. (...) In other words, in order to win the common struggle shared by both women and men, it is important to acquire the knowledge of gender equality both at national and universal level and to understand how, today, Burkinabe women's struggle meets the universal struggle of all women, and ultimately, the fight for the entire rehabilitation of our continent. Consequently, women's condition is the crux of the human matter, here, there and everywhere. It is thus universal in nature.<sup>520</sup>

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<sup>518</sup> Sokari, 'African Revolutionaries: Remembering Maurice Bishop and Thomas Sankara' (19 October 2010) in African History, History Is A Weapon < <http://www.blacklooks.org/2010/10/african-revolutionaries-remembering-mauike-bishop-and-thomas-sankara/>> accessed 2 march 2011.

<sup>519</sup> T Sankara, 'La libération de la femme: une exigence du future' (8 March 1987). Sankara delivered this speech on international women's day in a meeting in Ouagadougou, Burkina Faso. The full text is available in French <[www.thomassankara.net](http://www.thomassankara.net)>accessed 21 February 2010.

<sup>520</sup> Sankara (n 519). See also Thomas Sankara, 'L'Homme Intègre' *Le monde Diplomatique* (Paris, 15 Octobre 2007).

In his speech Sankara contextualised gender equality and women's condition within a universalist perspective. He further unequivocally interpreted gender inequality within the field of social justice and structural inequalities. Although he acknowledged that gender inequality may be expressed in different forms, he stressed that these are merely, 'expressions of one fundamental inequality that remains unchanged in relation to men, confirmed and reconfirmed through times and geographies'.<sup>521</sup>

Thus, Sankara repositioned gender inequality within a universal framework, whilst also consistently denouncing postcolonialism.

Furthermore, and against the hegemonic trends and beliefs of his own socio-cultural context, it is without fear of being labelled radical or western white feminist, that he dared to define

masculine stupidity as sexism or machismo, as a form of intellectual and moral void, a more or less conscious physical impotence (...) no matter how oppressed a man may be, he will find somebody to further oppress: his wife.<sup>522</sup>

Whilst defining women's emancipation as that which makes women responsible and autonomous - through productive activities and political struggles, Sankara's revolution, could simply not have taken place without the struggle for women's emancipation.

Sankara was furthermore not afraid to be serious about challenging traditions and socio-cultural norms that in his view:

essentially existed to maintain oppression against women to the sole benefit of a 'churl' such as the institution of marriage and its cortege of oppressive traditions starting with dowry, virginity, domestic chores, domestic violence, polygamy,

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<sup>521</sup> Sankara (n 519). See the movement of women in black fighting against the impunity of the assassination of Journalist and writer Robert Zongo <[http://www.dailymotion.com/video/xej7dx\\_les-femmes-en-noir-du-burkina-faso\\_news](http://www.dailymotion.com/video/xej7dx_les-femmes-en-noir-du-burkina-faso_news)> accessed 10 February 2011.

<sup>522</sup> Sankara (n 519). See also B Jaffré, 'Thomas Sankara ou la dignité de l'Afrique' *Le Monde Diplomatique* (Paris, 15 Octobre 2007).

property title ownership often reserved for men, widows lack of inheritance rights and forceful marriage with the defunct brother, FGMs (...)<sup>523</sup>

In short, his speech summed up the content of what could have been the targets of Uganda's DRB and what could have suited in many ways the objective of many countries' effective gender equality policy in sub-Saharan Africa and beyond.

It is not without humour that Sankara encouraged women to free themselves from any unhappy marriage to join:

a blossoming celibate - with or without children - given that women have sufficiently proven to the world, their unquestionable capacity for child rearing and family nursing, their unquestionable capacity to act responsibly without having to become the object men's subjection or tutorage.<sup>524</sup>

According to Sankara, marriage ought to be 'a choice that increases self-esteem, not a lottery!'<sup>525</sup> Once again, Sankara differed here from certain feminist critiques that have argued for 'womanism', 'motherism' or other kinds of compromises<sup>526</sup>, by unambiguously advocating against oppressive misogynist cultural traditions, which in all fairness could clearly apply well beyond Burkina Faso and Sub-Saharan Africa.

It is clear from his speech that Sankara's social revolution could only be achieved when women would be entirely free and emancipated, as is further emphasised below:

Never again may my eyes be cast upon a society, my steps ever take me again to a country in which half of its people are kept in silence. I hear the uproar of

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<sup>523</sup> Sankara (n 519). See also A-C Robert, 'Président des Pauvres' (avril-mai 2007) 93 *Manière de Voir*; C Benabdessadok, 'Femmes et Révolution ou Comment Libérer la Moitié de la Société' (Décembre 1985) 20 *Revue Politique Africaine*.

<sup>524</sup> *ibid.* See also MS Kanse Lean, 'Le CNR et les femmes: de la difficulté de libérer la "moitié du ciel »' (Mars 1989) *Revue Politique Africaine*.

<sup>525</sup> *ibid.* See MA Waters and MP Cartes *Thomas Sankara parle: La révolution au Burkina Faso de 1983-1987* (Edition Pathfinder, 2007)

<sup>526</sup> As seen in chapter 2.

women's silence, I foresee their tempestuous rumble, I feel the fury of their revolt. I await the fecund eruption of their revolution, where power will be conquered from the womb of their oppression.<sup>527</sup>

This was Sankara's exceptional feminist dream and at the same time, it is impossible to have foreseen with any certainty whether he would have achieved it all, had he not been assassinated in October 1987. Surely though, his vision still defies biases in cultural relativist, anti-essentialist, Third Worldist and identity politics feminist thinking. He is a rare example of someone who was able to transcend these trends whilst still firmly remaining anti neo-colonialist and positioning redistribution and universalism still as the overall goal of his politics.

Most interestingly, for the purpose of this study, is that one of the most radical and comprehensive interpretations of gender equality in the context of IDA comes from a young African man - albeit amongst the few exceptional African and World leaders - with a sufficiently self-critical mind to challenge two systems. Not only the international community, with his early and visionary attacks on neo-colonial exploitation of African resources and the absurdity of the Third World debt,<sup>528</sup> but also on Burkina Faso's socio-cultural and traditional systems of oppression. This was not particularly easy, at a time in which Burkina Faso had barely won independence from the French, and nationalism was dominating many minds and discourses. His critique – a feminist critique - was an extraordinary act of self-criticism which still remains unprecedented today, whether in Africa, Latin America, Asia, the Middle-East or Europe.

If parallels could be drawn with current 'revolutionary' leaders of Venezuela, Libya, Iran, the Occupied Palestinian Territories or Zimbabwe, for example, one obvious similarity would be the denunciation of imperialism and capitalism as the main sources of world's oppression. However, it is difficult to imagine any of them, like Sankara, challenging traditions, socio-cultural stereotypes, nor indeed patriarchal

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<sup>527</sup> Sankara (n 519). For details on Sankara's politics and coherence with his vision of women's liberation see B Jaffré, 'Biographie de Thomas Sankara: La patrie ou la Mort', (L'Harmattan 1997).

<sup>528</sup> See Sankara's speech on Third World debt available at [www.thomassankara.net](http://www.thomassankara.net).

power structures which benefit their own position, for women's emancipation and freedom from oppression. Least of all, it is difficult to imagine any of these leaders proclaiming a 'men's market day' before the world's cameras.

On the contrary, the statistics and policies which most prominently characterise internal oppression against women in contemporary revolutionary and anti-imperialist led countries, is typically evidenced by the rate of violence against women, notably domestic violence and any legislative and policy framework that have been put into place (or not) to address this most obvious form of internal oppression.

Venezuela provides a good example of these dynamics. In a report published on Wednesday 16 July 2008,<sup>529</sup> Amnesty International urged the Venezuelan authorities to show the political will to provide the resources required to ensure that the new law on violence against women would not just exist on paper. 'The 2007 Venezuelan Law to protect women from violence is an example for the rest of the region but it will be useless for women unless it is fully implemented',<sup>530</sup> said Guadalupe Marango, Deputy Director of Amnesty International's America's Programme. 'Implementation of the law means more shelters, special tribunals and training for those who have to deal with these crimes.' The 2007 Law defines violence against women as a human rights violation and reaffirms the responsibility of the state and its officials to eradicate it. In spite of this, the 2008 Amnesty International's Venezuelan report<sup>531</sup> reported the following:

thousands of women in Venezuela suffer beatings, verbal abuse and rape at home. In 2007 alone, 4,484 women called a helpline set up by INAMUJER (Na-

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<sup>529</sup> Amnesty International, 'The Law is There, Let's Use It: Ending Domestic Violence in Venezuela' (Amnesty International Report 2008).

<sup>530</sup> *ibid.* See also OECD, 'Gender Equality and Social Institutions in Venezuela' (2007) SIGI <<http://genderindex.org/country/venezuela-rb>> accessed 02 March 2011.

<sup>531</sup> Amnesty International (n 529). See also M Fox 'Decision to Annul Section of Law on Violence Against Women' (Venezuelanalysis.com 13 June 2006) <<http://venezuelanalysis.com/news/1785>> accessed 02 March 2011; H Márquez, 'Anti-Domestic Violence Campaign Targets Men' *IPSNews*(Caracas September 2007).

tional Institute of Women's Affairs) to report abuse. Local organizations, however, estimate that only 1 in 9 women report violence to the authorities.<sup>532</sup>

This shows that even when they have enacted relevant laws, 'Marxist revolutionary' governments may not be as coherent in practice as was Sankara, in their commitment to implementation.

Another example symbolising prominent contemporary anti-imperialist movements is drawn from the context of the Occupied Palestinian Territories (OPT). According to the findings of the 2006 Human Watch Report,<sup>533</sup> there is a significant number of women and girls in the OPT who are the victims of violence perpetrated by family members and intimate partners. The findings of the report<sup>534</sup> show that while there is increasing recognition of the problem and although some Palestinian Authority officials have indicated their support for a more forceful response, little action has been taken, to address these abuses effectively. Indeed, there is some evidence that the level of violence is getting worse, while the remedies available to victims are being further eroded.

According to the Human Rights Watch Report of 2006:

Palestinian women and girls rarely report violence to the authorities. This is true regardless of whether the crime is spousal abuse, child abuse, rape, incest, or honour crimes. The low rate at which women and girls report such crimes is a symptom of the significant social and legal obstacles still in the way of meaningful gender-based violence prevention and response in the OPT.<sup>535</sup>

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<sup>532</sup> Amnesty International (n 529). See also C Wynter and J McIlroy, 'Venezuela: Women protest domestic violence' (November 1993) Green Left < <http://www.greenleft.org.au/node/33619> > accessed February 2011.

<sup>533</sup> Human Rights Watch, 'Occupied Palestinian Territories, A Question of Security, Violence against Women and Girls' (November 2006) 18 (N.7E) Human Rights Watch Report 3.

<sup>534</sup> *ibid.* For further findings see UNFPA, 'Towards a national Comprehensive Plan for the protection of Women against Violence' (UNFPA 2005).

<sup>535</sup> Human Rights Watch (n 533). R Choura, 'Killing For Honor – A Deadly Part Of A Larger Trend' *Palestine Monitor* (2 August 2007).

This is further corroborated by the Palestinian Central Bureau of Statistics (PCBS) survey:

of 4,212 households in the OPT conducted in December 2005 and January 2006, only a small number of victims of violence sought any form of redress with Palestinian institutions. 23% of the women surveyed had experienced physical violence, 61.7 percent psychological violence, and 10.5 percent sexual violence at the hands of their husbands. Just 1.2 percent of the women polled who had experienced domestic violence had filed a formal complaint against their husbands with the police; less than 1 percent had sought counselling and protection at the police station.<sup>536</sup>

It has to be mentioned that according to the Director of Palestinian Women's Research and Documentation Centre (PWRDC) in UNESCO, a number of initiatives are taking place in terms of both the documentation of discrimination against Palestinian women and promotion of the endorsement of the Palestinian Women's Bill of Rights. According to the PWRDC Annual Report 2007,<sup>537</sup> with the support of UNIFEM, one hundred stories were collected by sixteen trained field researchers in the West Bank and Gaza Strip through in-depth interviews, documenting different types of discrimination faced by Palestinian women.

Following Thomas Sankara's death, Burkina Faso went through a period which is recognised as being less favourable for the promotion of women's emancipation, between 1987 and 1992. The theme had dropped off the political agenda due to the fact that alliances had been struck with conservative forces such as the Catholic Church and traditional leaders - who had been challenged under Sankara - and members and activists of the ruling party.<sup>538</sup> For this reason, donor agencies from the Netherlands,

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<sup>536</sup> Palestinian National Authority, 'Domestic Violence Survey 2005' (Palestinian Central Bureau of Statistics, February 2006) 24 cited in Human Rights Watch (n 533) 33.

<sup>537</sup> PWRDC, 'Annual Report August 2007- December 2008' (PWRDC 2008)13.

<sup>538</sup> B Bayili, *Religion, Droit et Pouvoir au Burkina Faso : Les Lyèlà du Burkina Faso* (Editions l'Harmattan 1998).

Canada and Switzerland followed by Sweden and Denmark, began addressing women's participation and gender equality through specific projects and programs.

A few achievements in terms of the interpretation of gender equality as participation can be noted since then, such as the Constitution of Burkina Faso<sup>539</sup> in 1991. The Constitution guaranteed gender equality and saw the ratification of the CEDAW protocol in 2005. Nevertheless, Burkina Faso is today currently one of the poorest countries in the world, with a Human Development Index ranking as 177 out of 182 UN Member States.<sup>540</sup> It also has one of the lowest adult literacy rates in the world, standing at 28% in 2007.

In conclusion, it appears that gender inequality as interpreted and described by Sankara over 20 years ago, still provides one of the most relevant and radical interpretations of gender equality in the field of IDA. Such a position poses a direct challenge to Third World feminists, as it demonstrates the possibility of being at once self-culturally critical, universalist whilst remaining firmly anti neo-colonialist.

As an overall conclusion for the three examples, one can claim that with the exception of a visionary man who was never allowed to live long enough to put his ideals fully into practice, neither neoliberalist, so-called Marxist revolutionary, nor anti-imperialist regimes seem to have addressed effectively the challenges of patriarchal power structures and internal oppression faced by women.

From the theory to the practice, what still distinguishes Sankara from contemporary revolutionary leaders is both his self-critical eye, his adherence to a feminist radical perspective that also challenges contemporary hegemonic feminist thinking, and his independence from orthodoxies. In this sense, Sankara is a challenge to feminist culturalist theories that argue that women bring a different perspective by the mere fact of being women. Sankara in his speech, if anything, demonstrated a more radical feminist perspective clearly founded on gender justice (albeit useful perspective in the struggle against poverty and oppression) than most contemporary identity driven

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<sup>539</sup> The Constitution of Burkina Faso 1991.

<sup>540</sup> UNDP, *Human Development Report* (UNDP 2009).



feminists in the West<sup>541</sup> and certainly more than the female parliamentarians in Burkina Faso today.<sup>542</sup>

## 4.4 Conclusions

This chapter illustrates the ways in which gender equality has been interpreted at the national level, in donor policies and recipient country policies.

The first section shows that DFID shares its core values, its orientations and interpretations of development, and the themes which ought to be prioritised with the WB - as was evidenced in the MDGs process. These have little to do with social justice, and the challenging of power relations or structural inequalities, but are clearly aligned to a neoliberal and macro-economic understanding of poverty. It is demonstrated that it is thus difficult to incorporate gender equality - together with its comprehensive and holistic approach - into a DFID and WB framework without changing gender equality's *raison d'être* quite fundamentally. The crucial question is thus not so much what the already defined IDA donor policies mean for women and girls (otherwise known as the 'add women and stir' approach) but whether the political vision underlying these objectives is adequate to challenge and respond to the injustices and inequalities they face.

The contemporary situation in IDA exposes the ways in which gender equality has been skilfully diluted and fundamentally altered to suit the particular policy frameworks and underlying political neoliberal orientations of the WB and DFID.

This chapter demonstrates that the political interpretation of 'development assistance' matters, and has crucial consequences for the definition and incorporation of gender equality in IDA. The chapter further shows that other bilateral donors at the forefront of mainstreaming gender equality and who have different political inclinations, find it difficult to resist this trend. Their tendency at best is to opt for a com-

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<sup>541</sup> As discussed and exemplified throughout chapter 2, Theoretical (mis)framing.

<sup>542</sup> See section 5.4.2, Case study N.3 Evaluation of Sida's support to NDI Burkina Faso.

promise – an all ideologies inclusive strategy and at worst, to simply trade their original social orientation for the prevailing neoliberal trend.

This is illustrated by the fact that both DFID and Danida had originally included in their gender equality strategies a more holistic interpretation of gender equality, with elements such as ‘women's empowerment’ and ‘political and structural reforms’ as central to their interpretation of gender equality and as an integral part of a holistic understanding of Poverty Reduction beyond economics. In both cases, such interpretation was eclipsed to the benefit of a neoliberal interpretation of gender equality.

Sida has compromised at policy level by keeping two traditionally opposing interpretations of gender equality, namely the neoliberal perspective focusing on rights and economic growth and the more holistic perspective focusing on social justice, while being unwilling to explicitly use the term ‘redistribution’. However, it is not clear whether Sida is keeping both interpretations as part of its pragmatic approach or whether it is actually caught in a broader changing political landscape in IDA which leaves little alternative but to harmonise and thus trade off core Left political values.

The second section offers a critical examination of the varying interpretations of gender equality at policy level in different political and geographical contexts in the following examples.

- i) The Nicaraguan example focusing on abortion is a striking example of how certain Third Worldist perspective reviving cultural relativism and anti-imperialism can at best serve the interest of elite women and powerful clergymen and at worst justify women's deaths. It also shows how gender equality and women's rights can be interpreted in a manner that serves the conservative ideology of some, to the cost of women's lives that are, de facto, defined as being worth far less than that of an embryo. In the best scenario, gender equality is thus considered an issue at the margins of democratisation, a secondary matter that can wait, while in the worst scenario, it is rejected as representing foreign interventionism.

- ii) The example of Museveni's politics and gender inequalities in Uganda illustrates the paradoxes in the use of Third Worldist and postcolonialist ideology to preserve what customary and colonial conservative ideologies have in common, namely patriarchal values and the maldistribution of resources.
- iii) In the case of Thomas Sankara's speech on International Women's Day in 1987 in Burkina Faso, it is argued that gender inequality as interpreted and described by Sankara still provides the most relevant and radical interpretation and perspective in the field of IDA, despite being espoused over 20 years ago, by a man. It poses a direct challenge to Third World feminists, as Sankara demonstrated the possibility of being at once culturally self-critical and universalist, whilst still upholding an anti-imperialist position. This example shows that Sankara was and still remains an exception, not only amongst contemporary elite African leaders and contemporary Marxist revolutionary leaders around the world, but within the Left and the hegemonic feminist identity politics itself.

The examples presented above thus demonstrate that with the exception of Sankara, neither neoliberalist, so-called Marxist revolutionary, nor anti-imperialist regimes seem to have effectively challenged the patriarchal power structures and injustices faced by women in IDA.

Thus, from the findings regarding interpretations of gender equality at both donor policy and national policy level, the conclusions above outline the implications of overshadowing socio-economic and substantive justice for women at policy level in IDA.

## 5 Gender equality at field and programme level

This chapter analyses gender equality at field and IDA programme level. Section 5.1 introduces the chapter. Section 5.2 explores the universality of women's human rights violations and gender inequalities at the local level. Section 5.2.1 focuses on the universality of women's human rights violations and section 5.2.2 addresses the universality of power and resources maldistribution and unpaid labour.

Section 5.3 assesses the impact and limitations of the *institutionalisation* of gender equality. Section 5.3.1 discusses case study N.1: the evaluation of gender mainstreaming in UN-HABITAT which includes two cases - the Ecuador Community management Programme (CMP) and the WAT / HIC-WAS in Tanzania.

Section 5.4 assesses the impact and limitations of IDA programmes when gender equality is interpreted with a prevailing focus on *representation* and *recognition*. As an illustration of these interpretations, in section 5.4.1 case study N.2 discusses the results of the evaluation of Sida's support for the promotion of gender equality in partner countries: Nicaragua and South Africa and in section 5.4.2 case study N.3 discusses the results of the evaluation of Sida's support to NDI Burkina Faso.

Section 5.5 assesses the impacts of IDA programmes when gender equality is interpreted with a prevailing focus on *redistribution* and *women's human rights*, in section 5.5.1 case study N.4, an evaluation of DFID's policy and practice in support of gender equality and women's empowerment is discussed. Section 5.5 presents the conclusions.

### 5.1 Introduction

Chapter 5 addresses the second research question at the programme and field level.

This chapter examines whether and how the changes in focus of the theories underpinning the concept of gender equality discussed in chapter 2 have affected the interpretations of gender equality in IDA programmes. The chapter goes on to explore which interpretations have constrained the scope of such programmes and if so, in what ways, and which have on the contrary expanded the scope of the programme in addressing gender injustices.

The chapter begins by assessing whether it is possible to distinguish the universal from the particular in key examples of specific violations of women's human rights at field level. In this way, the chapter seeks to challenge the prevailing assumptions of identity politics perspectives that have tended to promote anti-essentialism through multiculturalism<sup>543</sup> resulting in the de-legitimisation of universalism and with it the claim that women's rights were human rights.<sup>544</sup>

If asserting that there are both commonalities and differences in these violations across cultures would be stating the obvious, the first section examines whether it is possible to identify universal patterns whilst avoiding postcolonialists critiques. This section seeks to demonstrate that it is misguided to simply reject universalism altogether.<sup>545</sup> Rather, it is the nature of the approach utilised which needs to be challenged and refined.

Thus, the starting points for this chapter are women's human rights violations related to violence against women and gender inequalities related to the unequal distribution of resources in Uganda. By extrapolating the related data in Uganda, this section at-

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<sup>543</sup> See N Fraser, 'Multiculturalism, Anti-essentialism, and Radical Democracy: A Genealogy of Current Impasse in Feminist Theory' in N Fraser, *Justice Interruptus: Critical Reflections on the "Post-socialist" Condition* (Routledge 1997) 173-188.

<sup>544</sup> See C Bunch, 'Transforming Human Rights from a Feminist Perspective' in J Peters and A Wolper (eds), *Women's Rights Human Rights; International Feminist Perspectives* (Routledge 1995)11;

<sup>545</sup> See H Charlesworth and C Chinkin, *The Boundaries of International Law* (Manchester University Press 2004); H Charlesworth, 'Feminist Methods in International Law' (1999) 93 *American Journal of International Law* 379; PV Sellars, 'Individual' Liability for Collective Sexual Violence' in K Knop (ed), *Gender and Human Rights* (Oxford University Press 2004).

tempts to identify commonalities with other neighbouring countries, regions and continents in order to uncover universal connections with similar patterns of violations of women's human rights and gender inequalities. The approach utilised thus explores the local contexts as a point of departure, as opposed to making abstract and 'ahistorical' generalisations.<sup>546</sup>

This chapter further seeks to show that violations of fundamental women's human rights and gender inequalities cannot be defined in disconnection from one another, as if locked within the boundaries of cultural differences and identities. Such an approach, ultimately risks the provision of justification and legitimisation of these very same inequalities and violations.

The second, third and fourth sections of the chapter present the results of case studies that are representative of state of the art programmes in IDA in terms of gender mainstreaming. They were therefore selected on the basis that they were sufficiently implicated in the thematic to provide an illustration of the implications of shifts in feminist theory which underpin gender equality at programme level.

Case Study N.1: Evaluation of gender mainstreaming in UN-HABITAT<sup>547</sup> is presented as an illustration of the results and limitations of the institutionalisation of gender in a given organisation through gender units. The case study critically examines the results of the assumption that gender institutionalisation would result in impacts on gender inequalities and injustices.

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<sup>546</sup> The term 'ahistorical' generalization is cited as a purposefully counter example of the following premise: '(...) the application of the notion of women as a homogeneous category to women in the Third World colonizes and appropriates the pluralities of the simultaneous location of different groups of women in social class and ethnic frameworks; in so doing it robs them of their historical and political agency.' CT Mohanty, *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity* (Duke University Press 2003) 39.

<sup>547</sup> UN-HABITAT, 'Forward Looking Evaluation of Gender Mainstreaming in UN-HABITAT' (April 2003) Evaluation Report 1/2003.

On the one hand, case study N. 2: evaluation of Sida's support for the promotion of gender equality in partner countries: Nicaraguan<sup>548</sup> and South African country studies<sup>549</sup> and case study N.3: evaluation of Sida's support to NDI Burkina Faso,<sup>550</sup> exemplify the consequences of employing an interpretation of gender equality under the prevailing focus of recognition and representation.

On the other hand, the impacts of the interpretation of gender equality and women's human rights when understood under the prevailing focus of redistribution and women's human rights are discussed in case study N.4: evaluation of DFID's Policy and Practice in Support of Gender Equality and Women's Empowerment.<sup>551</sup>

Ultimately, the chapter assesses the extent to which the IDA programmes presented adequately address the socio-economic gender inequalities and injustices.

This chapter therefore seeks to demonstrate the implications of the different prevailing focus underlying gender equality, by exposing the limitations and results at programme level.

## 5.2 Excavating universality from women's human rights violations and gender inequalities at the field level

In order to challenge a cultural relativist position, this section examines whether the universality of gender inequalities and women's human rights violations discussed in chapter 2 can be substantiated. In order to do so, this section takes local realities and

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<sup>548</sup> T Freeman and others, *Mainstreaming Gender Equality: Sida's Support for the Promotion of Gender Equality in Partner Countries*, Country Report Nicaragua (Sida 2001).

<sup>549</sup> B Keller and others, *Mainstreaming Gender Equality: Sida's Support for the Promotion of Gender Equality in Partner Countries*, Country Report South Africa (Sida 2001).

<sup>550</sup> S Forti and A Lamien Ouando, *Evaluation of NDI's programme on Strengthening Women's Participation in Political and Decentralisation Processes in Burkina Faso*, Sida Evaluation Report (Sida 2008).

<sup>551</sup> S Forti and CM Ljungman, *Evaluation of DFID's Policy and Practice in Support of Gender Equality and Women's Empowerment: Gender Equality through Justice and Rights-based Policies and Programmes*, Thematic Study, Evaluation Report EV669 (DFID, August 2006).

knowledge as its starting point, to further 'excavate' human rights violation and gender inequalities which are common to women across other countries and continents.

The starting point is thus women's human rights violations related to violence against women and gender inequalities related to the unequal distribution of resources in Uganda. By extrapolating such data from Uganda, this section seeks to identify commonalities with other neighbouring countries, regions and continents. The chapter will then go on to uncover universal connections which reveal similar patterns of women's human rights violations and gender inequalities. The approach utilised takes a local context as a point of departure as opposed to abstract and 'ahistorical' generalisations.

This section begins by examining whether, through factual evidence, it is possible to focus on commonalities rather than differences on two essential fields i) commonalities in fundamental women's human rights violations and ii) commonalities in inequalities in distribution of power and resources.

### 5.2.1 Universality of violations of women's human rights

A most compelling photo-illustrated report<sup>552</sup> presents a sample of individual women's experiences in the miner community of Chorolque, situated at 5552 m. above sea level in Bolivia. At this particular location temperatures can reach -20C and nothing but ice and stones cover the landscape inhabited by 5000 miners. In this quite unique poverty-riddled context, violence against women is commonplace as the following (anonymous) witness account testifies:

When I came back from hospital with my newborn baby, I was a bit late at home at about 12:30 p.m. My husband shouted at me 'do you think you can just go in and out and about as you please?' he shouted and started to beat me. Later, I was

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<sup>552</sup> P Lowe, *Fuego en el hielo. Mujeres mineras de Chorolque: Convierten el hielo en sopa y la piedra en pan*, (Dirección de Medio Ambiente de la COMIBOL 2005)

<<http://incabook.com/products.php?B60231&osCsid=71dcfd7bd7afc0642ed19161c814bb15>> accessed 11 February 2011.



about to serve him lunch, when he slapped me again to remind me that I made him wait for his lunch. I took the big spoon to defend myself but he was stronger and took it off my hands and started to beat me all over with it. I tried to escape to the other room where the newborn baby was sleeping to ensure it would not wake up. And even then, he came after me again shouting at me: 'how dare you go out without having cooked for me first?' He kicked me in my stomach, I fell back on the glass wardrobe that broke on me, he continued to beat me saying I was just a stupid and a disobedient wife and that all this was my fault! Until today I cannot walk properly as a result.<sup>553</sup>

In a compelling book about violent crime perpetrated by women in Uganda, Lillian Tibatemwa-Ekirikubinza<sup>554</sup> presents the results of her research into the case histories of women who have committed violent crimes in the country. By outlining the precipitating factors leading up to their action, the author argues that in Ugandan society women are often left with few real choices for recourse to justice. This is the testimony of Karugaba, one such woman:

He would abuse me as a bad cook and throw the food in my face. He used to say I was filthy dirty and that my bedroom stunk. He had even prevented me from sleeping in his bed. Together with my youngest child, I was permanently sleeping on a mattress on the floor of our bedroom, while my husband was using the bed. Before this event, he used to bring women in the house and I would have to leave my marital bed for him and his concubines.<sup>555</sup>

The third example occurred in Paris, on 12 January 2010 in the evening. Rayhana, aged 45, was walking home from the theatre.<sup>556</sup> Rayhana is a script-writer, actress and incidentally, a beautiful Algerian woman with long curly red hair. That evening, as on every evening that month, she played a part in the play which she had written

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<sup>553</sup> *ibid* 140-150.

<sup>554</sup> L Tibatemwa- Ekirikubinza, *Women's Violent Crime in Uganda: More Sinned Against Than Sinning* (Fountain Publisher 1999).

<sup>555</sup> *ibid* 63.

<sup>556</sup> 'le petit théâtre des Métallos' in the 9<sup>th</sup> Arrondissement of Paris.

herself and in which she tells the stories of veiled women, particularly the tragic story of a 16 year-old who is at risk of murder by her brother, who is trying to kill to save his honour, as she is pregnant. Rayhana told the journalist the following story:

As I was walking home after the play, two men started to shout at me, insulting me, by calling me a 'whore' and an 'infidel'. I accelerated my foot steps and lowered my head in silence, hoping they would leave. They continued to shout, 'do you think we don't know who you are? We have warned you already about your play!' All of a sudden, I felt I was caught from behind and something which smelled like petrol was thrown in my face. As soon as I realised what it was, I could distinguish a lit cigarette approaching my face.<sup>557</sup>

Before her attackers succeeded in disfiguring her face and in burning her unveiled hair, Rayhana managed to run away even though she could no longer see.

The three examples above relate events which took place in different cultures, within different religious contexts, at different times and locations. Reading these testimonies, one could choose to focus on the details which differentiate these three accounts and highlight the subtle nuances which exist in these three events. However, for the purpose of challenging patriarchal systemic violence which subordinates women by essentially humiliating them, how useful or indeed strategic would such an approach be? In whose interest would it be, to eclipse the obvious commonalities in these accounts?

Arguably, it would not serve the interests of the victims themselves as a perspective solely focusing on differences would effectively 'rob' each of these accounts of a theoretical framework with the potential to de-isolate these individual situations and connect them to a broader and systemic understanding of such violations towards gender justice. Eclipsing the common features stemming from these accounts whilst focusing only on their differences, effectively limits the possibilities of unveiling

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<sup>557</sup> M Desnos, 'Rayana Agréssée: Une Femministe qui Dérange?' *Paris Match* (Paris, 15 January 2010) <<http://www.pointdebasculecanada.ca/breve/2216-ecirctre-une-feministe-qui-derange-en-laquofranceraquo-des-laquohommesraquo-lui-ont-jete-de-lessence-et-un-megot-de-cigarette-laquoen-pleine-faceraquo.php>> accessed 11 February 2011.

universal patriarchal behavior and with it, a deeper layer of analysis which could reveal the wider common systemic forms of injustices faced by women.

To illustrate this perspective further, violence against women in Uganda is taken as the point of departure below.

Notwithstanding the importance of each and every form of violence against women in Uganda, one particular experience which combines domestic violence, marital rape and HIV/AIDS in Uganda was singled out in an entire Human Rights Watch report<sup>558</sup> as being one of the most lethal and yet common example of abuse or combination of forms of abuse which women have faced in Uganda within the domestic sphere.<sup>559</sup> In Uganda as elsewhere, intimate partner violence also includes marital rape and the inability to negotiate condom use to prevent HIV/AIDS infection. As in other poverty-riddled countries and in those in which women are largely or entirely financially dependent on their partner, the circle of domestic violence, marital rape and HIV/AIDS infection is often an inescapable spiral of breaches of fundamental women's human rights, leaving women with little alternative but to wait for death in silence, as illustrated in the testimony below

He used to force me to have sex with him. He would beat me and slap me when I refused. I never used a condom with him. . . . When I got pregnant I went for a medical check-up. When I gave birth, and the child had passed away, they told me I was HIV-positive. I cried. The doctor told me 'Wipe your tears, the whole world is sick.'<sup>560</sup>

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<sup>558</sup> Human Rights Watch, 'Just Die Quietly: Domestic Violence and Women's Vulnerability to HIV in Uganda' (August 2003) Human Rights Watch Report 15 (15 A).

<<http://www.hrw.org/en/node/12290/section/9>> accessed 11 February 2011.

<sup>559</sup> On the violence in Uganda see: ABK Kasozi, *The Social Origins of Violence in Uganda 1964-1985* (Fountain Publisher 1994); CM Madrama Izama, *The Problem HIV/AIDS: A Discourse on Laws, Marriage and The Subordinate Status of Women in Uganda* (Uganda Law Books 1996).

<sup>560</sup> Interview with Harriet Abwoli, Mulago, 9 January 2003 in Human Rights Watch, *Just Die Quietly*, (n 558).

Based on 120 interviews conducted in Uganda from 2002 to 2003, the Human Rights Watch report establishes a systematic correlation between domestic violence, marital rape and HIV/AIDS infection. Many of the women interviewed by the Human Rights Watch team for its report were afraid to introduce the subject of prophylactic protection with their husband for fear of being beaten, either for daring to suspect their husbands of having extramarital affairs, or because they might be accused of adultery<sup>561</sup> themselves. If they did raise the subject, violence and/or forced unprotected sex was typically the result. 34 out of 50 women interviewed by the Human Rights Watch team confirmed that their husbands physically forced them to have sex without protection.<sup>562</sup>

Determining the extent of domestic violence in Uganda as elsewhere comes up against several methodological challenges. Whilst the number of workshop reports and research analyses on the issue are often illustrated with the strength of powerful personal accounts, they often lack statistical data at regional and national levels to show the actual extent of the problem with accuracy. Evidence showing an increase in cases of domestic violence can be nevertheless found in specific reports, mini-surveys, media reports and articles addressing the issue as illustrated by the example here below.

According to a community-based study on domestic violence in rural Uganda,<sup>563</sup> out of 5,109 women of reproductive age in the Rakai District of Uganda, 30% had experienced physical threats or physical abuse from their current partner. Analyses of risk factors highlight the pivotal role of male partners' alcohol consumption and HIV/AIDS infection in increasing the risk of male domestic violence against women. 70% of men and 90% of women interviewed regarded beating a man's wife or fe-

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<sup>561</sup> Under the Section 154 of the Penal Code Act 1950 adultery is punishable with imprisonment.

<sup>562</sup> Human Rights Watch, 'Just Die Quietly' (n 558) 23.

<sup>563</sup> M A Koenig and others 'Domestic violence in Rural Uganda: Evidence from Community- Based study' (2003) Bulletin of the World Health Organisation 81(1) 53-60  
<[www.who.int/bulletin/Koenig0103.pdf](http://www.who.int/bulletin/Koenig0103.pdf)> accessed 11 February 2011.

male partner as a justifiable part of female/male relations in some circumstances when men have to show they are in charge.<sup>564</sup>

On a global level, the WHO First World Report on Violence and Health in 2002<sup>565</sup> echoed this by revealing the alarming extent of domestic violence worldwide. The report painted a global picture which showed that between 10 and 69% of women documented in 48 population based surveys from around the world had reported being physically assaulted by an intimate male partner, this being one of the most fundamental and persistent violations of women's human rights.<sup>566</sup> According to the WHO report, physical violence in intimate relationships entails common characteristics across the globe. It is often accompanied by psychological abuse and in a third to over one half of cases, it also involves sexual violence. Partner violence also accounts for a significant number of deaths among women. Studies from a range of countries showed that 40-70% of female murder victims were killed by their own husband or boyfriend, often during an ongoing abusive relationship.<sup>567</sup>

The WHO report shows that partner violence also affects reproductive health and can lead to the transmission of STDs and HIV/AIDS. Findings from the reported surveys showed that sexual assault by intimate partners is neither rare, nor unique to any continent, region, country, ethnic group or socio-economic and cultural background. Figures showing the percentage of women reporting sexual victimisation by an intimate partner in selected population based surveys from 1989 to 2000 range from 7.5% to 42% in Durango, Mexico; 28.9% in Bangkok Thailand; 23% in North London, UK; 25% in the Midlands province in Zimbabwe; 7.5% in Sweden and 7.7% in the US.<sup>568</sup>

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<sup>564</sup> *ibid.*

<sup>565</sup> WHO, *First World Report on Violence and Health* (WHO 2002).

<[http://www.who.int/violence\\_injury\\_prevention/violence/world\\_report/en/index.html](http://www.who.int/violence_injury_prevention/violence/world_report/en/index.html)> accessed 11 February 2011.

<sup>566</sup> *ibid* 89-100.

<sup>567</sup> *ibid.*

<sup>568</sup> *ibid* 100-103.

Whereas domestic violence still often falls outside both formal legal systems and customary law, sexual and gender-based violence has been recognised by the international community in the public international law domain as being a weapon of war and torture.<sup>569</sup> This includes the use of torture and rape of detained women in conflict situations and covers crimes against humanity of a sexual nature, including rape, sexual slavery, forced abortion or delivery, forced sterilisation and forced pregnancy. Rape has been used as a strategic tool of war and destruction during many conflicts across the globe, including in Korea during the WWII and in Bangladesh during the war of independence, as well as in a range of armed conflicts in Algeria, India and the Kashmir region, Indonesia, Liberia, Rwanda, Uganda and more recently in the DRC, for example.<sup>570</sup> In some armed conflicts such as the Rwanda genocide in 1994 and 1992 in the Former Republic of Yugoslavia and Sierra Leone in 1999, rape has been used as a deliberate strategy to subvert community bonds and as a tool of 'ethnic cleansing'. During the 1994 Genocide in Rwanda, approximately 500,000 women were raped and an estimated 5,000 pregnancy resulted from those rapes.<sup>571</sup> During the 1999 conflict in Sierra Leone, over 50% of women experienced some form of sexual violence, as this victim testifies:

I was captured together with my husband, my three young children and other civilians as we were fleeing from the RUF when they entered Jaiweii. Two rebels asked to have sex with me but when I refused, they beat me with the butt of their guns. My legs were bruised and I lost my three front teeth. Then the two rebels raped me in front of my children and other civilians. Many other women were raped in public places. I also heard of a woman from Kalu village near Jaiweii

<sup>569</sup> See UNSC Res 1325 (31 October 2000) UN Doc S/RES/1325.

<sup>570</sup> See S Swiss and JE Giller, 'Rape as Crime of War: A Medical Perspective' (1993) *Journal of the American Medical Association* 270(5) 612-615; C McGreal, 'Hundreds of thousands raped in Congo wars' *The Guardian* (London, 14 November 2006).

<<http://www.guardian.co.uk/world/2006/nov/14/congo.chrismcgreall>> accessed 11 February 2011.

<sup>571</sup> See statistics <<http://www.survivors-fund.org.uk/resources/history/statistics.php>> accessed 11 February 2011; Human Rights Watch, 'Struggling to Survive: Barriers to Justice for Rape Victims in Rwanda' (September 2004) Human Rights Watch Report 16 (10A).

<<http://www.hrw.org/en/node/11975/section/1>> accessed 11 February 2011.

being raped only one week after having given birth. The RUF stayed in Jaiweii village for four months and I was raped by three other wicked rebels throughout this period.<sup>572</sup>

In only 5 months of conflict in Bosnia in 1992, an estimated 20,000 to 50,000 women were raped.<sup>573</sup>

Although quantitative statistics are blatantly lacking with regard to the actual extent of women's human rights violations in the context of Northern Uganda conflict situation, an increasing number of reports and literature focus on experiences women face as a direct result of the conflict. Isis-Women's International cross-cultural exchange (Isis-WICCE) published a report on women's experiences of armed conflict situations in Uganda.<sup>574</sup>

The report examines the effects of one of the longest running civil conflicts in the history of Uganda, as specifically experienced by women and girls. The report provides details which are largely orally reported, about women's abduction and rape, forced marriages with member of rebel groups and of mutilations. Women who survived abductions by rebel forces, reveal the further cruelty of government soldiers in tales of individual and gang rapes, forced prostitution, unwanted pregnancies and a life of extreme deprivation in IDP camps and supposedly 'protected villages'.<sup>575</sup>

Furthermore, the report details a plethora of war-related physical, mental and psychological disorders encountered in Awer, an IDP camp close to Gulu in Northern Uganda. Nearly all women interviewed had experienced at least one episode of tor-

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<sup>572</sup> Human Rights Watch, 'We'll Kill you if you Cry: Sexual Violence in the Sierra Leone Conflict' (January 2003) Human Rights Watch Report 15 (1A) 31.

<sup>573</sup> A Riding, 'Rape is 'a Weapon of War' in the Bosnian Genocide' European Inquiry' (9 January 1993) Ocala Star-Banner 50 (131) 127<<http://bosniagenocide.wordpress.com/2010/12/09/rape-is-a-weapon-of-war-in-the-bosnian-genocide-european-inquiry/>> accessed 11 February 2011.

<sup>574</sup> Isis-WICCE, 'Women's Experiences of Armed Conflict in Uganda: Gulu District 1986-1999' (July 2001) Isis-WICCE Report Part 1.

<sup>574</sup> *ibid.*

<sup>575</sup> *ibid.*



ture and only a quarter of women survivors that experienced the subsequent effects, including infertility, chronic pelvic pain, sexual transmitted infections and vaginal tears, actually gained access to qualified health workers. The authors of the reports concluded that the war in Northern Uganda had debilitated the whole population living in the region.<sup>576</sup>

Based on the material examined above, it can be thus concluded that sexual and gender-based violence is a universal violation of women's fundamental dignity and human rights, as it is perpetrated in different countries, amidst different ethnic, religious and socio-economic backgrounds. However, one also has to conclude that there remains a major difficulty in recognising domestic violence as a crime. Far from being a Ugandan specificity, the notion of domestic violence, especially rape within marriage seems to be so structurally rooted as a husband's prerogative that the UN could only issue a resolution<sup>577</sup> denouncing rape in conflict situations, outside of the private/domestic sphere. Whilst making marital rape and domestic violence a crime is a common battle that feminists across the globe have had to struggle for, the resistance to its recognition and its recognition, *tout court*, cannot and should not be confined to cultural specificities.

Another example which has been the object of much debate between cultural relativists and women's human rights activists is Female Genital Mutilation (FGM), also referred to as female circumcision (FC). It was recently banned in Uganda as of December 2009 through a unanimous parliamentary vote.<sup>578</sup>

FGM is the collective name given to a number of cultural practices in Uganda and other countries which involve the partial or total cutting of female genitals for non-

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<sup>576</sup> Isis-WICCE, 'Medical Interventional Study of War Affected Gulu District, Uganda' (July 2001) Isis-WICCE Report Part 2.

<sup>577</sup> UNSC Res 1325(31 October 2000) UN Doc S/Res/1325(2000).

<sup>578</sup> See <<http://www.empowher.com/news/herarticle/2009/12/31/uganda-bans-female-circumcision-editorial?page=0,0>> accessed 22 February 2011. 'According to the United Press International, people who are convicted of performing FGM will have to spend up to 10 years in prison and will face life sentences in those cases where the girl dies from this brutal procedure. The Ugandan Parliament is considering an amendment that would give compensation to the victims of this form of mutilation.'



medical reasons.<sup>579</sup> FGM was performed in Uganda as early as infancy and as late as age 30 and most commonly, girls experience FC/FGM between 4 and 12 years of age. These cultural practices were perpetrated in light of traditional rituals by practitioners, were condoned and assisted by families, religious groups, and entire communities.<sup>580</sup>

Female Genital Mutilations often result in harmful physical and psychological consequences. Although FGM is paradoxically undertaken as a symbolic celebration of entering womanhood, supposedly without conscious intention of inflicting harm, its damaging physical, sexual and psychological consequences make it first and foremost an act of violence against women and children.<sup>581</sup>

Uganda is now amongst the 14 African Nations (out of 28 African countries where it is practiced to date) like Benin, Burkina Faso, CAR, Chad, Ivory Cost, Djibouti, Eritrea, Ghana, Guinea, Kenya, Senegal, Tanzania and Togo which have enacted laws criminalising FGM.<sup>582</sup>

If anything, the data above shows that FGM - whilst evidently a deeply culturally rooted practice - is still not confined solely within the boundaries of one particular culture. Rather, it is practiced in many countries under its current form, and is supported by an underlying rationale of men's control over female sexuality.<sup>583</sup>

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<sup>579</sup> For illustrated definitions of the three main types of female circumcision: clitoridectomy, excision and infibulation, see O Koso-Thomas, *The Circumcision of Women: A Strategy for Eradication* (Zed Books 1987)15-17.

<sup>580</sup> A Rahman and N Toubia, *Female Genital Mutilation: A Guide to Laws and Policies Worldwide* (Zed Books, 2000).

<sup>581</sup> *ibid.* See also on Female Genital Mutilation Ayaan Hirsi Ali, *Infidel: My Life* (The Free Press 2007).

<sup>582</sup> Rahman and Toubia (n 580).

<sup>583</sup> On the defence of female circumcision as a prevention of promiscuity: 'In many African communities it is believed that the clitoris, left intact, causes women to become over-sexed, to respond too readily to sexual approaches and may provoke them into making uncontrollable sexual demand on their husbands; and if their demand is not satisfied they may be driven to seek extra-marital sexual

In conclusion, the different categories of violence against women illustrated above show that the same types of violations of fundamental women's human rights are occurring across diverse spheres - private, public, cultural, ethnic, geographical, religious, historical, and socio-economic.

Thus, drawing universal connections across cultural identities is an approach which objectively, is anything but Western, Eurocentric, top-down and neo-colonialist, but rather, uncovers common systemic patterns of injustices. To connect problematics rooted in a given location, to similar problematics in different socio-cultural contexts, effectively frees the interpretation of the data from a sole focus on isolated cultural differences which could possibly be used to justify them, by uncovering cross cultural and cross religious patriarchal systems of oppression, underpinning universal violations of women's human rights.

### 5.2.2 Universal inequalities in the distribution of resources and power

This section turns to another common example of inequalities which disadvantages women, namely their unequal access and more importantly, unequal control over resources in formal economies, combined with their overwhelming participation in reproductive and the non-remunerated domestic sphere. Lack of access to and control over resources and women's overwhelming share of domestic chores and child rearing are key elements of their financial dependence on their male partners, their lack of autonomy and their exploitation worldwide.

Taking Uganda as the same starting point as the section above, where agriculture is the most important factor of production, Ugandan women play a central role in the agricultural production. In 2002, while women were responsible for 60% of cash

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adventures.' O Koso-Thomas, *The Circumcision of Women: A Strategy for Eradication* (Zed Books 1987) 8.

crop production and constitute 80% of the agricultural workforce, only 7% of registered landowners were actually women.<sup>584</sup>

The statistics speak for themselves in terms of gender inequalities as regards the distribution of resources. These inequalities in land ownership significantly limit the opportunity women would otherwise have to independently guarantee basic elements of their livelihood.<sup>585</sup> Women's economic dependency on their husbands or male counterparts restricts their choices and access to their socio-economic rights. However, in situations of domestic violence and abuse as discussed in the section above, this further impairs any opportunities women might have had to break free from a circle of violence and the imminent threat of HIV/AIDS infection. Women in Uganda are mostly socialised with a view to a future which is 'synonymous to domestic life - childbearing, rearing, cooking, subsistence, farming, scrubbing cleaning and other household chores – as an almost inescapable destiny.'<sup>586</sup>

Echoing this observation, evidence showing similar patterns of inequality in distribution of resources and the overwhelming participation of women in domestic chores, has been gathered from more than 200 participants in the Danida Fellowship Training course on Gender Mainstreaming between 2006 and 2010. Participants in these intensive three-week courses came to Denmark from i) Latin America: Honduras, Nicaragua, Guatemala, Costa Rica and Bolivia; ii) Western Africa: Benin, Burkina Faso, Niger, Mali; iii) Eastern, Western and Southern Africa: Tanzania, Uganda, Kenya, Mozambique, Zambia and Ghana and iv) Asia: Bangladesh, Cambodia, Vietnam, Bhutan and Nepal. All participants were asked to submit the same data over the division of labour, typical female and male gender roles country by country within

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<sup>584</sup> S Tamale, 'Gender Trauma in Africa: Enhancing Women's Links to Resources' (Unpublished research 2002). Available at <[www.codesria.org/IMG/pdf/TAMALE.pdf](http://www.codesria.org/IMG/pdf/TAMALE.pdf)> accessed 12 February 2011.

<sup>585</sup> For African studies on women's land ownership see L Muthoni Wanyeki (ed), *Women and Land in Africa: Culture, Religion and Realizing Women's Rights* (Zed Books 2003).

<sup>586</sup> Tamale, 'Gender Trauma in Africa' (n 584).

both private and public sphere, in small working groups in order to present their findings.<sup>587</sup>

Throughout all the differences in nuances in customary practices, an obvious common pattern across the three continents emerged: the overwhelming participation of women in domestic chores, child rearing and informal economies on the one hand, the low participation of women in those decision-making processes which affect the development of their village, community, district and country on the other hand.<sup>588</sup>

This trend is intensified in the rural areas, whilst changes are beginning to emerge in urban areas and within the different countries' elite having had access to secondary and tertiary education. This common pattern is followed by its reversal with regard to masculine gender roles, with the participation of men in domestic chores and child rearing ranging from low to non-existent, whilst their presence is overwhelmingly high regarding land ownership and decision-making from village, to district, to national levels and in formal economies.<sup>589</sup>

Where women can access markets, they at least have the possibility of selling their produce and accessing small revenues. Commonly, women in rural Africa often bear the triple load of child rearing, domestic chores and a full day of poorly or non-

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<sup>587</sup> DFC, 'Danida Fellowship Courses on Gender Mainstreaming' (2006-2011).

<[http://www.dfccentre.com/?Programmes\\_%26amp%3B\\_Projects:Interdisciplinary\\_Courses](http://www.dfccentre.com/?Programmes_%26amp%3B_Projects:Interdisciplinary_Courses)>

accessed 12 February 2011. The purpose of this series of training courses was to provide Danida programme staff with the conceptual and practical tools to improve implementation of the Danida Gender Equality strategy. Courses taught included international legal framework and women's rights, gender concepts and rights-based approaches. The courses were taught respectively in English, French and Spanish as participants came from Latin America, Eastern and Western Africa and Asia to Denmark.

<sup>588</sup> *ibid.*

<sup>589</sup> DFC, 'Danida Fellowship Courses on Gender Mainstreaming' (n 587). See also BM Magubane, *African Sociology Towards A Critical Perspective: Collective Essays* (Africa World Press 2000).

remunerated work. Participants repeatedly mentioned that women 'are usually the first to get up and the last to go to sleep'.<sup>590</sup>

The socio-cultural dimensions and sexual stereotypes which 'prevent' men from participating in domestic chores and child rearing are typically derived from patriarchal socio-cultural systems in which they benefit from a perceived higher socio-cultural and economic status. Entire villages and women themselves can often perceive a man entering the kitchen realm as demeaning - and would promptly condemn the woman as being a 'bad' wife.<sup>591</sup>

This data demonstrates that underpinning such gender inequalities are universal systemic patterns of exploitation pointing to an unequal distribution of power and resources. It is thus argued that both violations of fundamental women's human rights and gender inequalities are universal forms of injustice faced by women across countries, regions and continents in development contexts.

In conclusion and as discussed in chapter 2, the risk of confining gender inequalities to the boundaries of cultures not only leads to a partial understanding of the problematics but risks that such unjust practices remain insufficiently challenged.

Whilst it is important to ensure that a pre-defined vision of reality is not imposed from above in what could be characterised as top-down and possibly patronising approaches, imploding categories from within and extrapolating data across countries, regions and continents can, on the contrary, transcend cultural and identity boundaries, lifting problematics from their isolation into a more comprehensive, common and cross-cultural critical analysis.

In the context of violations of fundamental women's human rights and gender inequalities in IDA, the focus on commonalities responds much more towards the obvi-

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<sup>590</sup> DFC, 'Danida Fellowship Courses on Gender Mainstreaming' (n 587). See also IFRTD, 'Balancing the Load: Proceedings of the Asia and Africa Regional Seminars on Gender and Rural Transport' (IFRTD July 1999).

<sup>591</sup> DFC, 'Danida Fellowship Courses on Gender Mainstreaming' (n 587).

ous need to search for effective responses, towards changes in gender justice explored in the IDA programmes.

This section has thus set the scene for the problematics at field level, presenting the often eclipsed universal aspects of women's human rights violations. The sections below explore the extent to which the selected case studies of IDA programmes are able to provide an adequate response to the problematics at hand and if not, the section explores the reasons for the limitations in question.

### 5.3 The impact and limitations of the institutionalisation of gender equality

This section assesses the impact and limitations of the *institutionalisation* of gender equality. Section 5.3.1 discusses case study N.1: the evaluation of gender mainstreaming in UN-HABITAT which includes two cases - the Ecuador Community management Programme (CMP) and the WAT / HIC-WAS in Tanzania.

#### 5.3.1 Case study N.1 Evaluation of Gender Mainstreaming in UN-HABITAT

As discussed in chapter 3,<sup>592</sup> one of the turning points in the weakening of gender equality at international policy level, is its interpretation as the prioritization of institutionalisation through either women's machinery at national level or gender units in organisations, before any substantive actions on gender equality. Case study N. 1 presents an illustration of a common assumption that the institutionalisation of gender in a given organisation through the establishment of gender units results in the transformation of structural inequalities. The case study reflects on some of the direct implications this may produce and on the limitation of the expected outcome.

The case focuses on the evaluation of Gender Mainstreaming in the United Nations Human Settlements Programme (UN-HABITAT) based on Lessons Learned from

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<sup>592</sup> See chapter 3 Section 3.3.

the Women and Habitat Programme (WHP) and Gender Unit.<sup>593</sup> The purpose of the evaluation was to assess UN-HABITAT's work on women's empowerment and gender mainstreaming through the WHP and the Gender Unit. In order to assess the effectiveness and added value of WHP in UN-HABITAT programmes, two countries were selected as best practices. For the purpose of the thesis this section focuses on the findings of these two best practices. In Ecuador, the first best practice focuses on the Community Management Programme (CMP). The second best practice focuses on one of the key partner organisations of WHP, the Women Advancement Trust (WAT) in Tanzania, selected because it hosted the International Secretariat of the HIC-Women and Shelter Network (HIC-WAS).

### The Ecuador Community Management Programme (CMP)

Between 1984 and 1998, the Community Development Programme (CMP) developed strategies and tools for participation, community management and government capacity building through operational projects, training and research in more than 60 communities and municipalities in 7 countries, one of which was Ecuador.<sup>594</sup> The first two phases of the programme were jointly funded by Danida, the Netherlands cooperation agency and UNDP.<sup>595</sup>

The objectives of the programme in Ecuador focused on poverty reduction through participatory methodology on strengthening community management, in Quito, Guayaquil, Cuenca and Riobamba. The project had a gendered focal point in Quito as well as several gender experts and trainers in Guayaquil and Cuenca. The gender

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<sup>593</sup> UN-HABITAT (n 547).

<sup>594</sup> See UNCHS, 'Poverty, Participation, and Government Enablement: A Summary of the Findings, Lessons Learned and Recommendations of the UNCHS / Institute of Social Studies Evaluation Research' (1996-1998); G Lüdeking and C Williams, 'Documenting the Work of the Community Development Programme in 60 Municipalities and Settlements of Bolivia, Costa Rica, Ecuador, Ghana, Sri Lanka, Uganda and Zambia (1986-1996)' UNCHS / Institute of Social Studies Evaluation Research (June, 1999) <<http://www.scn.org/cmp/modules/iss00.htm>> accessed 16 February 2011.

<sup>595</sup> UN-HABITAT (n 547) 31. See also 'Programa fortalecimiento de la ciudadanía de las mujeres en América latina y el Caribe' (PGU/IULA 2001).

trainers on the ground were part of the 'gender catalysts' trained by the WHP. Accordingly, the municipalities of Quito, Guayaquil and Cuenca were visited.<sup>596</sup>

The added value WHP to the CMP that could be identified, was summarised in the following activities:

The organisation of a Regional Conference on Gender in Costa Rica in 1998 with women community leaders in co-operation with HIC, Women and Shelter Network<sup>597</sup> and HIC-WAS in Latin America. The objective of the conference was to open a space for dialogue, exchange and reflection on experiences and knowledge of women's contribution to the building of human settlements. The focus was clearly placed on women community leaders and the progress achieved in terms of gender roles in community management.<sup>598</sup>

The main quantifiable results were described by the various actors of the networks as follows:

- i) Development of local and regional strategies to address local situations related to habitat and gender;
- ii) Production of two training manuals within the Community Management Programme, respectively on women's civil and political rights, violence against women, labour rights, gender relations within the family, gender roles and gender perspectives in 1998;
- iii) Analysis on women's participation *vis-a-vis* men's participation in the process of development of human settlements: Gender equality indicators in the employment sector and public institutional mechanisms responsible for the development of human settlements at local and national level in 1998;

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<sup>596</sup> UN-HABITAT (n 547) 32. See also 'Las mujeres innovando la gestión de las ciudades FEMUM-PGU Cuadernos de 15 casos' (UN-HABITAT 1999-2000); UN-HABITAT 'City consultation towards participatory urban management in Latin America and Caribbean cities' (UN-HABITAT 2001).

<sup>597</sup> An International Women's Network, Member of HIC and the Huairou Commission.

<sup>598</sup> UN-HABITAT (n 547) 32. See also PGU-ALC, 'Memorándum Federación de Mujeres Municipalistas de América Latina y el Caribe y el Programa de gestión urbana' (PGU-ALC 1999).



- iv) The LAC Regional Network of "Gender Catalysts" - both men and women working in human settlements and urban development with a gender perspective who could act as "mentors" for other interested parties.
- v) Various capacity-building workshops held in Bolivia, Colombia, Costa Rica and Ecuador but due to the lack of funds, the catalyst role was not subsequently undertaken; The WHP further provided informal support through sending material and relevant documentation, networking through e-mail to the gender focal point of the Community Management Programme in Quito and sponsoring her presence at international events such as the conference in Costa Rica.<sup>599</sup>

The five points above represent the most tangible achievements, but on further analysis, they could all be described as activities which are usually part of network processes, rather than constituting results as such. In the context of an evaluation, the crucial task is essentially to identify, beyond the actual activities undertaken, the difference they might have produced in terms of changes in gender inequalities and structural transformation at field level.

According to the documents reviewed,<sup>600</sup> field visits and the interviews held in one of the poorest suburban districts such as that of 'Barrio Atucucho',<sup>601</sup> in Quito, the

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<sup>599</sup> UN-HABITAT (n 547) 32. See also S Magoye, J Malombe, D Mutizwa, 'Las Mujeres en el desarrollo de los Asentamientos Humanos: Aclarando las Cosas.' (UNCHS 1995); J Beall, C Levy, A Tornqvist, C Hinchey Trujillo, 'Gendered Habitat: Working with Women and Men in Human Settlements Development. A Comprehensive Policy Paper and Action Plan' (UNCHS 1996); M Faranak, 'Women's Empowerment: Participation in Shelter Strategies at the Community Level in Urban Informal Settlements' (UNCHS Training Materials, Winter 1996); E Kitonga, A Mascarenhas, 'Nuestros Hogares, Nuestras Vidas, Nosotras Mismas: Un libro divertido para ayudar a las/los jóvenes a entender cuestiones referentes a la mujer y el desarrollo de los asentamientos humanos' (UNCHS 1996).

<sup>600</sup> See UN-HABITAT, 'Community management project evaluation report' (UN-HABITAT 1999); P Palacios and I Munoz, 'Informe de investigación, participación de la mujer en relación a la participación, del hombre dentro del proceso de desarrollo de los asentamientos humanos en el Ecuador, Construyendo la autogestión comunitaria: cuadernos 1, 2, 3 & 4 de Género y Comunidad' (UN-HABITAT 1986-1996).

<sup>601</sup> Barrio Atucucho is one of the two Communities where the Community Management Programme operated in Quito. See <<http://www.indexmundi.com/z/?lat=-0.1166667&lon=-78.5166667&t=m&r=20&p=atucucho&cc=ec&c=ecuador>> accessed 16 February 2011.

attendance, for instance of the woman community leader to the Costa Rica conference organised by WHP contributed to the following results:

(...) enhancing her personal self-esteem and position as a community leader: It endowed her with the possibilities of meeting and networking with other women community leaders and sharing experiences in community leadership. However, the community leader expressed her reservation with regard to the concrete possibilities for other women living in her community to attend even a locally-based seminar or training workshops, let alone international events. The main constraints they are facing she explained, is a timetable overloaded with a daily struggle to bring food on the table and still being able to fulfil their domestic duties back home. In her opinion, within this socio-economic and cultural context, it was still unrealistic for many women to leave their husband and children at home to attend a seminar whether in the evenings or during the weekends.<sup>602</sup>

If anything, this signifies that participation of women in such conference may at best result in worthwhile but overall anecdotal self-empowerment for the participant rather than in the assumed transformative changes for the rest of the community.

With regard to the main outputs of the conferences which were supposed to be the two training manuals, the evaluation was keen to assess the outcome of the resources; namely, how they were used, by whom and what changes, if any, did they bring.

As the training manuals were designed as part of the UN-HABITAT project on Strengthening Community Management in Precarious Human Settlements in Ecuador, the content of the training manuals was developed based on the experiences collected from training workshops developed with women from communities in Quito, Guayaquil, Cuenca and Rio Bamba. This was thus an opportunity for community

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<sup>602</sup> UN-HABITAT (n 547) 33. See also J Pineda (ed) 'Guía para la Planeación Municipal Participativa con Perspectiva de Género: Modulo I Manual para la planeación Municipal Alternativa CNUAH y Fedevivienda' (UNCHS 1997); J Pineda (ed) 'Guía para la Planeación Municipal Participativa con Perspectiva de Género: Modulo II Estrategias para la Planeación Popular CNUAH y Fedevivienda' (UN-HABITAT 1997).

women to have a training manual in which they had directly participated. It was hoped that they would feel a greater sense of ownership, given the assumption that their concerns were to be addressed.

However, this resulted in the following missed opportunity:

production of these manuals occurred at the end of the funding which was abruptly terminated, these manuals were no longer utilised for training as originally intended but widely distributed to NGOs working with communities and thus difficult to track down as there were no indications or track records available (since the closure of the programme) on i) which NGOs used the training manuals and ii) what contribution did they make on the daily lives of women.<sup>603</sup>

This case demonstrates that gender institutionalisation may merely result in the organisation of conferences, meetings and the production of materials. Whilst these may be important in themselves, they may have little or no impact on structural gender inequalities in the field. This case also illustrates that even if attending a conference does have an anecdotal empowering effect on the participant, it is not obvious that this will automatically result in structural transformation at community level in the fight for poverty reduction.

This is further supported by the evidence provided by the analysis of the second selected case below.

### WAT / HIC-WAS in Tanzania

The Women Advancement Trust (WAT) and the Global Secretariat of the Habitat International Coalition Women and Shelter Network (HIC-WAS) were based in the same location and managed by the same Director. The mission of the HIC-WAS Network was to unite, promote and support women and their organisations in the development of human settlements in Africa, Asia and Latin America, whilst the WAT, more specifically sought to promote the advancement of women through education

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<sup>603</sup> *ibid* 34. See also UNCHS, 'A summary of activities gendered implementation of the Habitat Agenda' (UNCHS 1996-2001).

and training in human settlement issues in Tanzania. As the HIC-WAS Secretariat was rotational, the first one was established at the Mazingira Institute in Nairobi in 1989, then based in FEDEVIVIENDA in Colombia and at the time of the evaluation based at WAT in Tanzania.<sup>604</sup>

WHP and the Gender Unit had provided advisory and financial support to the HIC-WAS global secretariat for major networking activities, notably in supporting their participation in international events and organisation of meetings, workshops and conferences at international and regional level.

According to the evaluation, WHP added value to the network organisation could be summarised in the following results:

- i) The organisation of the workshop on gender-aware approaches to human settlements development in Africa entitled Women in human settlements management organised in Tanzania in 1992;
- ii) The support of the participation of women from Africa, Asia, Latin America and the Caribbean at the International HIC: Women and Shelter Network Meeting and the HIC General assembly in Manila, in 1993;
- iii) The support of the participation of women members of the Regional HIC: Women & Shelter Network to the following preparatory meetings: the Fourth World Conference on Women, held in Beijing, in 1995; the LAC conference in Mar del Plata, in 1994; the Arab World conference in Amman, in November 1994 and the Africa conference in Dakar, in November 1994;
- iv) Support to the participation to Interregional Networking and Preparatory Process towards Beijing and Habitat II, included the HIC-WAS interregional meeting, in Havana, Cuba, 2-4 March 1995 and "People Towards Habitat II" workshop, 5-7 March 1995, in Havana, Cuba;

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<sup>604</sup> See UN-HABITAT, 'Implementing the Habitat Agenda 1996-2001 Experience, Report on the Istanbul+5 Thematic Committee 25<sup>th</sup> Special Session of the United Nations General Assembly (UN-HABITAT 2001); J Beall and others, 'Gendered Habitat: Working with Women and Men in Human Settlements Development: A Comprehensive Policy Paper and Action Plan' (UNCHS 1996).

- v) The support to the participation to Women and Habitat NGO Forum coordinated by the "Super-coalition" made up of members of HIC-WAS, GROOTS International and ICW regarding a joint statement for Beijing, 9-16 March 1995;
- vi) The organisation of HIC-WAS/ UNCHS Workshop for Africa regional women networking towards Habitat II, Tanzania 1995; The organisation of HIC-WAS Regional meeting and basic networking activities in Africa, Asia and LAC 1998;
- vii) The HIC-WAS secretariat's office space, communication, networking and travel expenses as part of their role as the HIC-WAS Global Secretariat;
- viii) The women and shelter group meeting in Nairobi Kenya in 1999.<sup>605</sup>

Thus, the WHP and Gender Unit have been particularly active in providing invaluable support to the Secretariat's networking activities. Indeed, the networking activities and capacity building were the most important tools used by the WHP towards women's empowerment. From 1992 to 1998, the WHP's added value is clearly evident through its intense networking activities which reinforced and deepened strategic linkages with its key strategic partners such as: HIC-WAS, GROOTS International and the Huairou Commission. 'Networking' was used as a key tool for raising awareness on key issues related to gender and human settlements.<sup>606</sup>

Both cases demonstrate that despite the highly relevant topic of the conferences in question as well as their high frequency, it could not be assumed that these had any impact beyond the direct benefits to the participants themselves. This is especially seen in terms of the difference such events were assumed to make on women's lives at community level in terms of addressing gender inequalities, injustices and the

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<sup>605</sup> UN-HABITAT (n 547) 38-40. See also Groots Kenya, 'Action Plan' (Groots 2002); Huairou Commission, 'Draft Report of the grassroots women's international academy' (Huairou Commission 2001).

<sup>606</sup> UN-HABITAT (n 547) 40. See also Huairou Commission, 'Advancing Governance through Peer Learning and Networking Lessons learned from Grassroots Women' (Huairou Commission 2001).

poverty in which they live.

In conclusion, the institutionalisation of gender equality through gender units in large organisations may often lead to the organisation of platforms of discussions and networking such as conferences and meetings. These may have as key outputs interesting debates and the production of official documents and material but have little or no impact on gender inequalities and socio-economic injustices.

## 5.4 The impact and limitations of gender equality as representation and recognition

As with the section above, this section explores some of the impacts and limitations resulting this time, from the changes in focus in feminist theory as discussed in Chapter 2. This section seeks to illustrate the implication at programme level of the trading of the original focus of the interpretation of gender equality understood as *redistribution* with a focus on *recognition* and *representation*. This section seeks to examine specifically how the interpretation of the term 'gender equality' at programme level has reflected such shifts from redistribution to recognition and participation, examined at the theoretical, international legislative and policy level and donor and national policy level.<sup>607</sup> To that effect, this section provides a sample of selected gender evaluations carried out by leading bilateral donors.

In order to do so, two case studies are examined as follows: Case study N.2: Evaluation of Sida's support for the promotion of gender equality in partner countries: Nicaragua and South Africa country case studies and case study N.3: Evaluation of Sida's support to NDI Burkina Faso.

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<sup>607</sup> See chapters 2, 3 and 4.

#### 5.4.1 Case study N.2 Sida's support to gender equality, Nicaraguan and South African country case studies

The evaluation<sup>608</sup> consisted in an examination of four pre-selected programmes per country study<sup>609</sup> through a specific methodology. These were pre-selected by the donor itself.

The objectives of the evaluation were, amongst other things, to assess 'what changes' in gender equality had occurred as a result of the four pre-selected programme interventions in each country or 'what changes' in gender equality had occurred with a partial contribution from these programme interventions among other factors.

##### Nicaraguan country case study

The Nicaraguan country case study included four IDA programmes as follows: (i) The support for the National Police Academy (ii) The support for strengthening democracy on the Northern and Southern Atlantic coast in Nicaragua (RAAN/ASDI/RAAS), (iii) The Local Development Project (*PRODEL*) and (iv) the Support to Local Integrated Health Systems (PROSILAIS).<sup>610</sup>

The interpretations of gender equality and the results thereof for each of the four interventions in the Nicaraguan country case study are examined below.

(i) The support to the National Police Academy from 1998 to 2001<sup>611</sup> included an improvement in physical infrastructure at the police academy;<sup>612</sup> training of police

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<sup>608</sup> Freeman and others (n 548).

<sup>609</sup> There were a total of 3 country studies, respectively Nicaragua, South Africa and Bangladesh. For the purpose of the thesis only the Nicaragua and South Africa country study were selected.

<sup>610</sup> Freeman and others (n 548).

<sup>611</sup> *ibid.*

<sup>612</sup> See ASDI-IIDH-Policía Nacional, 'Informe Anual de Actividades: Enero-Diciembre de 1998' (ASDI-IIDH-Policía Nacional Abril 1998); ASDI-IIDH-Policía Nacional, 'Informe Anual de Actividades: Enero-Diciembre de 1999' (ASDI-IIDH-Policía Mayo 2000).

instructors and technical assistance on curriculum development,<sup>613</sup> and socio-political studies on policing issues.<sup>614</sup> This intervention explicitly targeted quantitative and organizational change in gender equality.<sup>615</sup>

During the evaluation, these were essentially quantified as follows:

5% increase in female police officers, 7% increase in female officers in charge, 3% increase of female officer in charge of operational units such as traffic, narcotics and criminal investigation and an increase of 40% of women into the police academy in 2000.<sup>616</sup>

At organisational level, the following improvements were indentified:

Women's basic needs such as infrastructures, medical supplies were improved. Improvements as to women's strategic interests were also identified in terms of better informed female officers about women's rights, increased self confidence and a potential challenge to traditional female and male roles in the police force.<sup>617</sup>

The findings in this intervention clearly show that the interpretation of gender equality mainly relates to representation in terms of increased participation of women and their wider recognition in a field largely dominated by men. However, these first steps were not followed by a broader analysis related to a redistribution of resources, neither in terms of employment and decision-making positions within the police

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<sup>613</sup> See Academia de Policía Nacional, 'Modelo Educativo de la Policía Nacional de Nicaragua' (Academia de Policía Nacional 15 Marzo 2000).

<sup>614</sup> See Academia de Policía Nacional, 'Programa de Modernización y desarrollo de la Policía Nacional de Nicaragua para el Fortalecimiento de la Seguridad Ciudadana, Republica de Nicaragua' (Academia de Policía Nacional Octubre 2000).

<sup>615</sup> See Academia de Policía, 'Proyecto de Cooperación Sueca a la Academia de la Policía Nacional de la Republica de Nicaragua' (Policía Nacional, Academia de Policía Junio 1997) 1-45.

<sup>616</sup> Freeman and others (n 548).

<sup>617</sup> *ibid* 70-72.



force, nor in terms of having a broader impact by addressing fundamental violations of women's human rights in Nicaraguan society.

This exemplifies the implication of eclipsing redistribution and the subsequent impact on fundamental violations of women's human rights in Nicaraguan society which, as this case shows, are largely left unaddressed. Thus, the limited interpretation of gender equality to representation and recognition, may as an underlying assumption, presume that issues of substantive gender justice will eventually be addressed by having more women enrolled in the police force. However, as this case shows, if such assumption is not substantiated with relevant activities, the IDA programme may well end up missing the opportunity to have a broader impact on gender justice.

(ii) The support for strengthening democracy on the Northern and Southern Atlantic coast in Nicaragua (RAAN/ASDI/RAAS)<sup>618</sup> was established to build on Swedish support for the democratic process of regional elections held in the North and South Autonomous Atlantic Regions in 1994. The support focused on the evolution and development of regional and municipal democratic institutions as well as the strengthening of electoral processes, regional councils and administrations, and direct support for the administrative capacity of municipalities.<sup>619</sup> In its latest phase, the RAAN-ASDI-RAAS also included investment in small scale local public works and an industrial development component.<sup>620</sup>

The evaluation concluded that since 'the RAAN-ASDI-RAAS programme evolved in a high level of conflict and political instability it did not include an explicit effort to

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<sup>618</sup> *ibid* 34.

<sup>619</sup> See ASDI, 'Agreement on Institutional Support to the Autonomous South Atlantic Region' (ASDI-RAAN 1997-2000); 'Specific Agreement Between the Government of Sweden And the Government of Nicaragua on Institutional Support to the Autonomous Regions of the Atlantic Coast of Nicaragua' (The Government of Nicaragua 1997-2000)1-5;

<sup>620</sup> See ASDI-BID, 'Minutas de Acuerdo y Ayuda Memoria de la Misión Conjunta ASDI-BID a la Costa Atlántica' (4-9 Febrero 2001); ASDI, 'Mujeres de la RAAN Construyendo el porvenir' (ASDI Noviembre 2000).

address gender equality in democratic governance on the Atlantic Coast'.<sup>621</sup> This is symptomatic of a political vision of the world which understands conflict and political stability as taking 'priority' over 'gender equality' and thus necessarily dissociated these issues from each other to justify a gender-blind response to the post-conflict and democratisation sector. However, keen to reach some kind of tangible positive results, the evaluation nevertheless highlighted that 'an increased quantitative participation of women especially in the local socio-economic development component was identified.'<sup>622</sup>

However, this left the other key components related to the development of regional democratic institutions largely gender blind. Clearly, this 'result' does not compensate for the obvious absence of women and subsequent missed opportunity for a more just redistribution of post-conflict power and resources. The increase in women's quantitative participation in a small part of such programme can neither be considered to be a significant outcome in terms of making an impact on gender inequalities in the RAAN – RAAS Region or addressing women's human rights violations in post-conflict zones.

Thus, the case shows, that the missed opportunities in terms of adequately responding to gender injustices can range from the lack of prevention strategies to reduce the risk of sexual and gender-based violence in conflict situations to the failure of building fairer post-conflict and so-called democratic institutions, not only in terms of a fairer distribution of resources amongst ethnic groups but more broadly, between men and women. The case shows that the impact on gender inequalities and gender injustices range from being very limited to non-existent and that it affects the very definition of democracy and development in the region.

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<sup>621</sup> ASDI, 'Evaluación de la cooperación de Suecia a Nicaragua en el área Democracia y Derechos Humanos (1997-2000)' (ASDI Noviembre 2000); HP Buvollen, MR Ortega, LV Zapeta, *Strengthening Democracy on the Atlantic Coast in Nicaragua: Sida Evaluation 00/19* (2000).

<sup>622</sup> Freeman and others (n 548) 70-72.

(iii) The Local Development Project (*PRODEL*)<sup>623</sup> which took place from 1998 to 2001 included improvements to urban infrastructures, micro-credit for housing improvements,<sup>624</sup> and micro-credit to micro-enterprises and institutional support to the executing agency.<sup>625</sup> The evaluation showed that PRODEL achieved a high level of participation of women, with beneficiaries of the housing and enterprise credits component being women and they had been explicitly targeted.<sup>626</sup> On the other hand, PRODEL's targets for women's participation were not accompanied, either by a gender equality strategy for the programme, or by a gender and poverty analysis. Such an analysis would have demonstrated the fact that the women, able to participate in the programme had to bring a minimum percentage of the capital. Thus the programme could not have been targeting the poorest socio-economic category of the population –those living without shelter or with very basic shelter and which arguably needed more than mild improvements to the infrastructure.

However, for the women that could afford it, the project did bring the following changes: 'more self confidence, improved infrastructure, living conditions and security in their homes which benefited from housing credits'.<sup>627</sup>

In this case, the impacts of access to credits are clearly an improvement in women's living conditions for those that could afford it. But beyond these anecdotal cases, there was no impact on the broader redistribution of resources to address gender inequalities and socio-economic inequalities at large and particularly for the poorest section of the population, who ought to have been prioritised but could not afford to become active contributors and beneficiaries of the programme. The results found in

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<sup>623</sup> *ibid* 34.

<sup>624</sup> See 'Informe final: Primera Fase del Programa de Desarrollo Local (PRODEL)' (Instituto Nicaragüense de Fomento Municipal Abril 1998);

<sup>625</sup> See 'Programa de Desarrollo Local, Plan Operativo' (Instituto Nicaragüense de Fomento Municipal 1997, 2000).

<sup>626</sup> I Vance and J Vargas, *Local Development Programme in Nicaragua (PRODEL)* (Sida Evaluation 96/47, 1996).

<sup>627</sup> Freeman and others (n 548) 70-72.

the course of the evaluation were nevertheless nothing more than anecdotal evidence of a slight improvement to middle lower class women's living conditions.

In its Terms of Reference (ToR), the evaluation did not ask the team to challenge the 'coincidence' of burgeoning micro-credit institutions with the Nicaraguan State's abandonment of structural efforts to fight poverty, particularly following the WB structural adjustment policies which effecting indebted countries such as Nicaragua for generations. The ToR merely requires the evaluators to identify changes in women's lives and qualify these changes, whether responding to basic need or strategic interests and not project these efforts into a broader social justice analysis at country level. If that had been the case, such analysis would have revealed that many efforts made either by NGOs or by private micro-finance institutions (indeed sponsored by foreign donors) coincided with the retreat of state action and responsibility towards social justice, conforming to a neoliberal vision of state non-interventionism.<sup>628</sup>

Viewed from this broader context, one may wonder about the meaningfulness of improving the housing conditions of a few women, for which they have to indebt themselves (and their communities when these were asked to assist in the contribution of the minimum capital), when their government relieves itself from its duty to reduce social inequalities with for example the provision of council housing.

Thus, this case demonstrates that at best, an interpretation of gender equality as representation in this programme reveals that a large proportion of beneficiaries of micro-credits are women, which results in anecdotal improvements of women's housing conditions. However, at worst, the results of the programme show that failing to interpret gender equality in terms of redistribution means that the broader social ine-

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<sup>628</sup> U Narayan, 'Informal Sector Work, Microcredit and Third World Women's "Empowerment": A Critical Perspective' (XXII World Congress of Philosophy of Law and Social Philosophy May 2005); G and H Eisenstein, 'A Dangerous Liaison? Feminism and Corporate Globalization' *Science and Society* 69 (3) cited in N Fraser, 'Feminism, Capitalism and the Cunning of History' *New Left Review* (March-April 2009) 56,112.

qualities within which the programme of micro-credits is inscribed are left unchallenged and eclipsed.

(iv) The Support to Local Integrated Health Systems (PROSILAIS)<sup>629</sup> from 2000-2003 aimed at establishing locally autonomous, integrated and comprehensive health systems in Nicaragua. The objectives of PROSILAIS included decentralization of management,<sup>630</sup> improved quality and coverage of health care, increased health knowledge by the population,<sup>631</sup> improved local capacity and health care for women.<sup>632</sup> Gender equality goals were present in PROSILAIS, but they tended to have different definitions of what gender equality should focus on, ranging from attention to women-specific diseases to efforts in the youth clubs to address gender relations in teenagers' sexual behaviour. PROSILAIS presents an example of the co-existence of different definitions of gender equality.<sup>633</sup> These were thus largely concerned with participation of women in health care systems and the recognition of women as a special target group for sexual and reproductive health care programmes.

The impact was identified as follows:

mainly quantitative impact, evidenced by some increase in the number of female personnel and acceptance of this increase by male personnel, and as a result, an improved access to free contraception and family planning available to women and improved acceptance from their male partners.<sup>634</sup>

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<sup>629</sup> Freeman and others (n 548) 34.

<sup>630</sup> See Republica de Nicaragua, 'Proyecto de Desarrollo de los Silais de Chinandega, Esteli, Leon, Madriz, Nueva Segovia y Raas: Prosilais' (Republica de Nicaragua 1998) 2-38.

<sup>631</sup> See ASDI-MINSA, 'Proyecto Prosilais: 1 Semestre Año 2000' (ASDI-MINSA-OPS/OMS-UNICEF 2000) 2-9.

<sup>632</sup> See Republica de Nicaragua, 'Proyecto III Fase: Julio 2000-Junio 2003' (Republica de Nicaragua, Ministerio de la Salud Mayo 2000)1-58;

<sup>633</sup> M Medina, U Färnsveden, R Belmar, *Apoyo de ASDI al Sector: Salud de Nicaragua* (Sida Evaluation 99/1 1999).

<sup>634</sup> Freeman and others, (n 548) 70-72.

In this case, the results are again limited to representation and recognition and are disconnected from the broader and systemic gender problematics discussed at national level above.<sup>635</sup> There was indeed insufficient evidence to prove a direct correlation between this project and a decrease in the number of teenage pregnancies, in domestic violence or sexual and gender-based violence. Moreover, it was not possible to assert a connection between the project and a challenge to the anti-abortion laws which constitute not only a cause of health complications but also women's deaths, following illegal and unhealthy abortion conditions.

In conclusion, the Nicaragua country study presents interpretations of gender equality as restricted to recognition and representation which are furthermore, disconnected from the broader socio-economic inequalities and injustices within the country. These interpretations thereby limit the programme results to an increased quantitative participation of women and anecdotal qualitative evidence of changes in women's self confidence, knowledge of rights, awareness of gender roles, and anecdotal improvements in housing conditions for a few. The results achieved are thus limited and many missed opportunities with regard to outcome and impact on socio-economic injustices remain leaving structural inequalities and poverty reduction largely unaddressed.

### South African Country Case study

The four programmes studied in the South African Country study<sup>636</sup> exhibited considerable variations with regard to the interpretation of gender equality goals in programme design.

The four programmes examined in South Africa were: (i) Statistics South Africa – Statistics Sweden Technical Assistance Programme (Stats SA) which included cooperation on a variety of statistical products and on strengthening the institutional infra-

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<sup>635</sup> See chapter 4, section 4.3.1.

<sup>636</sup> Keller and others (n 549) 34-36.

structure;<sup>637</sup> (ii) The Local Government Development Support Programme (LGDSP), Phase 1, was a programme to assist municipalities in the Northern Cape Province to improve their service delivery, based on the needs of the people;<sup>638</sup> (iii) The Comprehensive Urban Plan (CUP) consisted in the preparation of an integrated urban development plan for Kimberley;<sup>639</sup> (iv) The Trees, Paving and Lighting Project (TPL) improved aspects of the urban environment in disadvantaged city suburbs of Kimberley.<sup>640</sup>

With regard to specific changes achieved in gender equality, none of the South African programmes had adequate and sufficient targets or indicators except for TPL with a pro forma target for women's participation in some project activities:

Monitoring and evaluation systems had thus not yet been developed to allow the possibility of tracking changes over time. The evaluation team therefore grappled with the question of gender equality changes by asking diverse stakeholders whether the interventions with which they had been associated had produced changes, and if so – of what type and in which direction. Programme implementers reported modest concrete changes produced by interventions in the direction of gender equality – mainly in terms of women's participation.<sup>641</sup>

However, there was one result by the programme in the Northern Cape Province for the Local Development Support Programme (LGDSP) which was identified by the evaluation team. This was described as follows:

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<sup>637</sup> See 'Project proposal, Cooperation in the field of statistics between the Governments of South Africa and the Government of Sweden' (Stats SA March 1996); Sida, 'Review and Long-term Planning for the Co-operation in Statistics' (Sida November 1997).

<sup>638</sup> See Sida, 'Local Government Development Support Programme' (Sida-LGDSP 1997); 'Proposal by the Provincial Administration of the Northern Cape Province South Africa' (LGDSP 1997); LGDSP, 'Swedish Association of Local Authorities and Swedish Institute, Mission Report' (LGDSP 1997); LGDSP, 'Annual Reports' (LGDSP 1998-1999).

<sup>639</sup> See 'Gender Issues, Urban Planning and Environmental Projects in Kimberley and Port Elizabeth' (CUP October 2000).

<sup>640</sup> See 'Trees Paving Lighting, Project Proposal' (Kimberley City Council City Engineer November 1996).

<sup>641</sup> Keller and others (n 549)77-84.

The increased awareness of gender issues – expressed as ‘gender balance’, as ‘involving women’ and as a deeper understanding of engendered needs and interests.<sup>642</sup>

In principle and in official documents, the meaning of gender equality, as interpreted in key institutions in South Africa, covered the following aspects:

A human rights perspective: the equal and inalienable rights of all women and men that are enshrined in the Bill of Rights of the Constitution; unequal gender relationships that have to be challenged to move forward; empowerment of women, both as a means for achieving gender equality and a goal in its own right; transformative social change, to eliminate all inherited structures and practices of injustice and inequality; and representation, how many women/men of which races in which positions in which institutions.<sup>643</sup>

Although justice and transformative social changes are mentioned, ‘redistribution’ is not explicitly addressed and interpretations emphasised different aspects according to various stakeholders’ priorities. Secondary stakeholders associated with the programmes tended to single out representation - meaning gender equality had to do with achieving gender balance in numbers of women and men in an activity. In contrast, primary stakeholders explained the concepts more with reference to their social positioning and thus recognition. These were illustrated as follows:

Thus, men were comfortable with gender equality as ‘representation’ because they believed this would not significantly challenge their position of superiority, whereas (elite) women identified more broadly with a ‘rights perspective’ and with ‘women’s empowerment’. Gender equality meant to both sexes treating

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<sup>642</sup> *ibid.*

<sup>643</sup> *ibid* xv-xvi. See ‘A framework for transforming gender relations in South Africa’ (Commission on Gender Equality 2000); CEDAW Committee, ‘NGO Shadow Report: South Africa’ (June 1998); The Constitution of the Republic of South Africa (1996) Chapter 2 Bill of Rights 7-39; ‘Report on Government’s Implementation of CEDAW and the Beijing Platform for Action’ (Parliamentary Committee on the Improvement of the Quality of Life and Status of Women November 1998).



people with tolerance and respect and honouring their dignity as human beings.<sup>644</sup>

This exemplifies the fact that the interpretation of gender equality is limited according to the stakeholders' interests. Men interviewed preferred the interpretation of gender equality as representation without the more threatening term of 'women's empowerment', whereas elite women preferred to interpret it in terms of 'rights' and 'women's empowerment', as such interpretations ensured the protection of their interests, as opposed to an obligation to redistribute wealth and power to the poorest.

In conclusion, the South African country study presents a powerful example of missed opportunities, given the contextual historical advances gained in the field of social justice and redistribution of power and resources in the country.

The most interesting finding of this study is that there was a specific effort to identify local interpretations of gender equality and whilst the study found out similar variations which could be observed in other countries and continents, it also clearly observed that the quantitative interpretation of gender equality was the interpretation which was more socially accepted. This understanding of gender equality was welcomed particularly by the elite who did not feel threatened by an interpretation which would not require an effective sharing of resources and power with the poorest stratum of the population who were still living in townships long after the fall of the apartheid regime.

Overall, the Sida evaluation concluded that gender equality impacts were still at 'embryonic stages'. This was perhaps somewhat disappointing for the organisation, which in all fairness, had been and still is, at the forefront in its strategy to support gender equality and democratic processes in the field of IDA. Beyond the obvious fact that changes in gender equality are long term societal changes which may take a longer time beyond the usual life time of an IDA programme to materialise, there are key reasons behind the poor level of gender equality impacts. The most fundamental

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<sup>644</sup> Keller and others (n 549) 72-77.

of which, lies first and foremost, in the interpretations of the meaning of gender equality being limited to representation and recognition.

In conclusion, the hegemonic interpretation of gender equality understood as representation and recognition translated into the full eclipsing of redistribution and consequently disconnected the meaning of gender equality from systemic gender injustices. The case study demonstrates that at best, the status quo with regard to transformative changes in systemic injustices is maintained and at worst, the rights and power of elites are protected at the expense of the poorest section of the population and ultimately poverty is left unaddressed.

#### 5.4.2 Case study N.3 Evaluation of Sida's support to NDI Burkina Faso

The implications of limiting gender equality impacts to recognition and representation are further examined in the Evaluation of Sida's Support to the National Democratic Institute for International Affairs (NDI) programme - 'Strengthening women's political participation in political and decentralisation processes in Burkina Faso 2005 to 2008'. The objective of this evaluation was to assess the NDI programme against the OECD/DAC evaluation criteria, those being relevance, effectiveness, efficiency, impact and sustainability.<sup>645</sup>

The overall goal of the programme was 'to strengthen women's participation in Burkina Faso's political and decentralisation processes.'<sup>646</sup>

The programme had four immediate objectives<sup>647</sup> as follows:

- i) Increase women's roles and responsibilities within political parties and local governments.<sup>648</sup>

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<sup>645</sup> Forti and Lamien Ouando (n 550) 3. For Sida's strategic objectives in Burkina Faso see also Sida, 'Strategy for Swedish Development Cooperation with Burkina Faso 2004-2006' (Sida, 2004); Sida, 'Draft Country Report' (Sida 2007); NDI, 'Mid-Term Evaluation Report' (NDI February 2007); NDI, 'Semi-Annual Reports' (2006, 2007 and 2008);

<sup>646</sup> Forti and Lamien Ouando (n 550) 13.

<sup>647</sup> *ibid.*

- ii) Strengthen women's ability to compete in elections and to serve as elected officials.<sup>649</sup>
- iii) Enhance public understanding of democracy and its institutions.<sup>650</sup>
- iv) Strengthen partner NGO's ability to play an effective role in promoting women's participation in politics and the decentralisation process.<sup>651</sup>

During its early stages, the programme and its objectives were first and foremost targeting the quantitative participation of women in political processes. It was observed that the NDI programme, unlike most programmes evaluated in the sections above, had a monitoring and evaluation system in place which could identify whether gender equality objectives had been effectively reached.

Indeed, the objectives had been reached in accordance with the indicators specified in the original project document of 2005. However, the objectives and indicators tended to capture mainly quantitative results and activities undertaken rather than outcomes and qualitative changes achieved. Although the programme did set itself realistic targets in order to ensure their effective fulfilment, it was regrettable that important lessons learned and qualitative effects were not captured or critically analysed in the analytical reports.<sup>652</sup>

With regard to the results and possible impacts of the programme, the substantive difference made by the programme at political, legislative level could be identified as follows:

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<sup>648</sup> See NDI, 'Rapport, Atelier national des Femmes cadres de partis politiques' (NDI Février 2008); Sida/NDI, NDI, 'Rapport Atelier de Formation des Femmes Maires, adjointes aux Maires et responsables des commissions permanentes' (NDI 2007).

<sup>649</sup> NDI, 'Women's Political Participation in Burkina Faso' (Sida/NDI 2007); 'Le Manuel de la Candidate' (NDI/Sida 2007).

<sup>650</sup> NDI, 'Rapport du Forum élues – population Kakologho' (NDI 2007).

<sup>651</sup> NDI, 'Rapport du Forum National sur le Rôle et la Participation des Femmes à la vie politique' (NDI 2005); NDI, 'Rapport de Formations des Candidates aux élections législatives' (NDI 2007).

a) a unanimously recognised improvement of intra-party's political dialogue, b) the clear understanding that the political participation of women could be a precious election asset, c) the advances of the 30% quota legislation for women and consequently, d) advances towards gender equality (at least in numbers) in political participation at national and local level.<sup>653</sup>

With regard to making a substantive contribution towards women's rights and gender inequalities amongst the poorest strata of the population, the programme made a difference by 'creating forums of discussion where citizens (or their representatives) could voice their concerns.'<sup>654</sup> However, given the limited time-frame of the programme, the early stages of election processes and the fact that poverty reduction was neither part of the objectives of the programme nor part of the indicators of this programme, the impact on the poorest was next to non-existent.

The main challenge is that NDI, like many organisations and institutions, works on the assumption that by increasing the number of women, these issues stand a greater chance of being addressed. It is thus assumed, that women are 'culturally' more likely than men to address social issues and injustices facing women. However, the case demonstrates that if the individual commitment to address poverty, structural inequalities and gender inequalities is absent from the political vision of the women in questions, results and impacts on the reduction of structural inequalities will thus remain non-existent as demonstrated:

Without such individual (political) commitment, *substantive* and qualitative changes in Burkinabe's society towards the reduction of gender and structural inequalities are unlikely to occur.<sup>655</sup>

This was further demonstrated by the fact that during the course of the evaluation four women parliamentarians were interviewed including the vice-chair of the Parliamentary National Assembly. During the interview, it became apparent, from a ten-

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<sup>653</sup> Forti and Lamien Ouando (n 550) 31-33.

<sup>654</sup> *ibid.*

<sup>655</sup> *ibid.*

minute-silence when women MPs were asked about their understanding of their role as related to the reduction of poverty and social injustices, that there were no visible 'differences' between these women MPs and their male counterparts – except for the extensive jewelled looks and artificially whitened complexions. This apparently, anecdotal detail is a powerful and recurrent demonstration that merely focusing on increasing the number of women in parliaments will not, in and of itself, produce structural changes in society – whether or not it is maintained by some feminists that women are structurally different.<sup>656</sup>

Arguably, Thomas Sankara (albeit a man), faced with the same question might not have taken so long to provide a suitable answer for a country, ranking as one of the lowest - number 161 out of 169 countries - in the world human development index.<sup>657</sup> The ranking, if anything, clearly indicates that poverty in Burkina Faso, is all around and arguably ought to be the omnipresent preoccupation of parliamentarians. Thus, the apparent gender and poverty blindness of the women parliamentarians interviewed, demonstrates that there is little connection between the world they are evolving in, their role as parliamentarians and people's representatives and the major problems faced by their constituents. In particular, there seemed to be little connection between their political visions and the potential 'difference' they were expected to make in – at least – improving the lot of 'women' (as the community they were, amongst others, supposed to represent the interests of) living in poverty and transforming the balance of power towards gender justice. Rather, based on the evaluation interviews, the main 'difference' they seem to have achieved in accessing such high position, was a visible focus on the advancement of their personal status.

Thus, the study concluded that:

Whereas non-discrimination and participation of women is an important and necessary concept in securing gender equality, what constitute the linkage be-

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<sup>656</sup> See C Gilligan, *In a Different Voice, Psychological Theory and Women's Development* (Harvard University Press 1982); IM Young, *Justice and the Politics of Difference* (Princeton University Press, 1990).

<sup>657</sup> UNDP, *Human Development Report* (UNDP 2008)145.

tween non-discrimination and poverty reduction is a *substantive* focus, beyond the *quantitative* participation, on the reduction of structural inequalities and social justice for women and men.

NDI would thus meet Sida's substantive and strategic focus on poverty reduction, when after supporting the increase in the number of elected women, the programme would generate a greater critical mass of women political leaders concerned with and committed to addressing social development issues.<sup>658</sup>

Thus, the reason provided for not addressing qualitative and substantive changes related to gender justice and redistribution is the assumption that only after quantitative progress in terms of participation is achieved, can substantive issues in terms of redistribution and structural inequalities, be addressed.

Furthermore, it became clear from this programme that the extent to which gender equality is interpreted as redistribution essentially depends on how elected MPs from the elite tackle the issue of structural inequalities and to what extent they would be willing to share the power and resources which they might have long fought for themselves – whether women or men.

In conclusion, the case studies above demonstrate that redistribution has largely been left unaddressed when the focus in the interpretation of gender equality was overwhelmingly centred on representation and recognition. On the one hand, it can be argued that the results achieved in representation and recognition are 'first steps' towards gender equality and an achievement in its own right, compared with a previously gender blind situation or a situation that excluded women from participating on a par with men. On the other hand, the risk is that these 'minimum standards' as they ought to be considered, become 'maximum standards' and are considered as the hegemonic framework against which progress in gender equality is measured. It is demonstrated such a dominant interpretation of gender equality significantly reduces

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<sup>658</sup> Forti and Lamien Ouando (n 550) 25-27; See also NDI, 'Proposal for the program submitted by NDI to Sida' (NDI 2005) 6; Sida, 'Promoting Gender Equality in Development Cooperation: Policy' (Sida 2005-2010) 4-6; Sida, 'Gender Equality: Sida's Policy and Methods at a Glance: Steering Document' (Sida 2005) 1.

the meaning of gender equality to numerical performance. The interpretation of gender equality as representation and recognition also ensures that connections to the broader level of structural inequalities at national, regional and international level are discarded. This tends to isolate the programmes from broader socio-economic analysis which arguably, could have permitted a deeper insight as to the relevance of the programmes and their potential impact on the structural causes of gender inequalities and injustices.

The main implications of the interpretation of gender equality within the boundaries of identity politics are the opportunities IDA programmes miss in terms of achieving impact on structural inequalities and ultimately, on poverty reduction. Ultimately and within a broader perspective in mind, it can be concluded that the dominant framework of identity politics reduces the potential for impacting on poverty reduction and therefore alters the definition of IDA by lowering it to a minimum standard.

## 5.5 Gender equality as redistribution and universal women's human rights: results and opportunities

In contrast to the case studies presented in the section above, the case study in this section discusses the impacts and limitations of the interpretation of gender equality as redistribution and women's human rights. To illustrate this, case study N.4 focuses on selected examples from the 'Evaluation of DFID's policy and practice in support of gender equality and women's empowerment'.

Based on the researcher's experience, whilst the impacts and limitations presented in case studies N. 1, N.2 and N.3 above would tend to represent the 'norm' within the albeit limited number of IDA programmes that have 'successfully' mainstreamed gender equality with some form of results, case study N.4 represents the 'exception' in this field. Consequently, it is introduced not because it is representative of a particular trend, but rather to show that even if exceptions are few and far between, they

are indeed possible, even when the donor in question is not necessarily inclined towards explicitly mentioning 'redistribution' at policy level.

### 5.5.1 Case study N.4 Evaluation of DFID's Policy and Practice in Support of Gender Equality and Women's Empowerment

The evaluation report on Gender Equality through Justice and Rights-based Policies and Programmes is one of three thematic studies forming part of the global evaluation of DFID's policy and practice in support of gender equality and women's empowerment.<sup>659</sup>

The study was undertaken in 2005-2006 and included amongst its objectives an assessment of DFID's contributions to gender equality and poverty reduction through its justice and rights-based policies and programmes. It consisted in a desk review and analysis of policy documents relevant to the subject area, and selected programme interventions which explicitly targeted gender equality in justice and rights-based interventions towards poverty reduction.

The study attempted to distinguish between the different gender equality interpretations used in DFID's practice, in order to better understand their implications and expected results for gender equality and poverty reduction. For the purpose of illustrating this section, the following programme interventions were selected: (a) the Programme of Support for Integrated Actions in Gender and Race Equity in Brazil, 2003-2008<sup>660</sup> and (b) the Programme of Reducing Labour Exploitation of Children and Women: Combating Trafficking in the greater Mekong sub-region (GMS), Phase I 1999- 2002 / Phase 2 2003-2008.<sup>661</sup>

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<sup>659</sup> Forti and Ljungman (n 551).

<sup>660</sup> UNIFEM, 'Programme of Support for Integrated Actions in Gender and Race Equity in Brazil' UNIFEM (2003-2008).

<sup>661</sup> ILO/IPEC SE Asia, 'Reducing Labour Exploitation of Children and Women: Combating trafficking in the greater Mekong Sub region' (ILO/IPEC SE Asia Phase I 1999- 2002 / Phase 2 2003-2008).



(a) The Programme of Support for Integrated Actions in Gender and Race Equity in Brazil was initiated in 2003 for a period of five years.<sup>662</sup> The overall development goal for this programme was 'to reduce poverty by addressing the high levels of social and economic inequality which are directly related to bias by gender, race and ethnicity.'<sup>663</sup>

The programme aimed at increasing 'social equality through establishing and implementing a multi-institutional and integrated strategy addressing gender and racial equality.'<sup>664</sup>

The programme objectives were enumerated as follows:

- i) the support of equality in gender, race and ethnicity through public expenditure of municipal and federal programme area budgets;
- ii) the strengthening of institutions to demand and support equality in gender, race and ethnicity;
- iii) the mainstreaming of public policies and programmes with principles of equality in gender, race and ethnicity.<sup>665</sup>

The following results and findings were highlighted:

In Brazil, it is inconceivable to discuss poverty reduction without considering the need to address social, ethnic and gender inequalities. The concept of 'social equity' is not only enshrined in its constitution, but is historically owned by the Brazilian social and feminist movements that have been led by intellectuals, artists and trade unions alike. In Brazil, poverty has a color and a sex. It is the country with the highest rate of inequalities in the region together with Bolivia

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<sup>662</sup> UNIFEM, 'Programme of Support for Integrated Actions in Gender and Race Equity in Brazil' UNIFEM (2003-2008).

<sup>663</sup> Forti and Ljungman (n 551) 76-77.

<sup>664</sup> *ibid.*

<sup>665</sup> See DFID, 'Programme of Support for Integrated Actions in Gender and Race Equity in Brazil', Project, Concept Note header sheet (DFID 2002).

and shows a reality of extremes with high social and territorial heterogeneity and different social and economic profiles within the same country. In Brazil, as in other countries of the region, the most extreme poverty coexists with sectors of high development but the current political environment in Brazil is conducive to bringing explicit linkages between poverty reduction and inequalities to the forefront.<sup>666</sup>

This has provided an opportune political context for DFID in co-operation with United Nations Development Fund for Women (UNIFEM) to target the poorest and most marginalized sections of the population. The programme thus contributed to gender equality and poverty reduction efforts from a structural perspective through its attempt to create a framework whose overall goal is the (re)allocation and (re)distribution of resources to address socio-economic inequalities based on gender and race. Thus the programme clearly subsumes representation and recognition to redistribution.

The case thus demonstrates that by linking gender inequality at both macro and micro levels, by targeting the need for greater visibility in the (re)allocations of resources in public finances, inequalities in public resource allocation are thus lifted from an otherwise invisible status. The evaluation showed that at least potentially, the programme could influence wealth redistribution and promote greater influence over public resources by the most marginalized and poorest groups in Brazil.<sup>667</sup>

The project was one-and-a-half years old at the time of the evaluation and could only therefore show potential rather than actual impact, beyond evidence related to capacity building and advocacy activities which resulted in a greater sense of awareness and recognition of the need for a greater and more 'equitable' allocation of resources to address gender inequalities. At the time, the programme also seemed to

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<sup>666</sup> Forti and Ljungman (n 551) 78.

<sup>667</sup> For further evidence see also DFID, 'Programme of Support for Integrated Actions in Gender and Race Equity in Brazil, Social economic and institutional appraisals' (DFID 2003); DFID, 'Programme of Support for Integrated Actions in Gender and Race Equity in Brazil, Annual Review' (DFID 2005).

have influenced debates and budgetary discussions at the political level, such as the Brazilian Senate's website which offered information on the topic.<sup>668</sup>

If the assessment of gender equality impacts was set at too early a stage, the programme was an exception in its definition of gender equality and poverty reduction in terms of *redistribution* of resources as the overall goal before representation and recognition which were utilized as relevant parameters to identify the relevant beneficiaries for the reallocation of resources. Nevertheless, this was influenced by Brazil's socialist political context and the newly elected Lula, rather than a political re-orientation of DFID's neoliberal definition of IDA, poverty reduction and gender equality, albeit under a UK Labour government.

(b) The overall development goal of the programme Reducing Labour Exploitation of Children and Women: Combating Trafficking in the greater Mekong sub-region (GMS)<sup>669</sup> is to 'contribute to the eradication of labour exploitation of children and women in the GMS.'<sup>670</sup>

The programme's aim is

'to contribute to the elimination of labour exploitation of children and women, and in particular the trafficking of children and women in the GMS, through the development, implementation and monitoring of effective and integrated sub-regional and national strategies and actions.'<sup>671</sup>

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<sup>668</sup> Forti and Ljungman (n 551) 79.

<sup>669</sup> ILO/IPEC SE Asia, 'Reducing Labour Exploitation of Children and Women: Combating trafficking in the greater Mekong Sub region' (ILO/IPEC SE Asia Phase I 1999- 2002 / Phase 2 2003-2008);

<sup>670</sup> ILO, 'Reducing Labour Exploitation of Children and Women: Combating trafficking in the greater Mekong Sub region', Project Memo (ILO 2003-2008).

<sup>671</sup> Forti and Ljungman (n 551) 76-77.

The programme thus addressed human rights, women's human rights, children's rights and labour rights<sup>672</sup> by targeting those structural gender inequalities which are at the root causes of trafficking. These were further identified as unequal power relations and exploitation as evidenced by DFID's institutional and social assessment.<sup>673</sup> Although the programme alone could not, by itself, fully tackle all deeply entrenched root causes, it nevertheless provided efforts in this direction by contributing to changes in structural inequalities and power relations.<sup>674</sup>

The evaluation found that:

The programme addressed specific women's human rights related to trafficking and exploitation as well as women's economic and social rights. Thus, the target group is provided with an opportunity to free themselves from exploitation, degrading and abusive treatment and a concrete opportunity to increase their livelihoods.<sup>675</sup>

The results achieved in this case show that when gender equality is understood as targeting deeper structural causes of inequalities, as the overall aim of an IDA programme intervention, it is more likely to achieve impact on gender justice beyond participation and more broadly on poverty reduction.

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<sup>672</sup> See DFID, 'Reducing Labour Exploitation of Children and Women: Combating trafficking in the greater Mekong Sub region' Project Header Note (DFID 1999-2002); DFID, 'Reducing Labour Exploitation of Children and Women: Combating trafficking in the greater Mekong Sub region' DFID Header Concept Notes (DFID 2004).

<sup>673</sup> DFID, 'Reducing Labour Exploitation of Children and Women: Combating trafficking in the greater Mekong Sub region, Social issues and institutional assessment' (DFID 2003).

<sup>674</sup> See DFID, 'Reducing Labour Exploitation of Children and Women: Combating trafficking in the greater Mekong Sub region, Social issues and institutional assessment' (DFID 2003).

<sup>675</sup> Forti and Ljungman (n 551) 9.

## 5.6 Conclusions

As a general conclusion for this chapter, there is an obvious discrepancy between the depth and extent of the problematics of gender inequalities and injustices facing women in the field of IDA and across the continents presented in the first section and the limitations of attempts to provide effective responses discussed in the case studies presenting the results of selected programme interventions.

Even though the programme interventions selected are amongst the most advanced in terms of addressing gender equality and supported by IDA agencies which are at the forefront of mainstreaming gender equality in their policies and programmes, the results and impacts achieved seem a drop in the ocean at best and seem at worst, to miss qualitative impacts on gender inequalities and poverty reduction altogether.

The analysis of the first three examples presented in the first section of the chapter demonstrates that ignoring the universal and common elements at the heart of these accounts, whilst focusing solely on their differences, essentially limits and weakens the consolidation of international political claims based on solidarity across cultures and continents. For if one sets such examples in their wider universal context, they have the potential to expose commonly shared patriarchal behavior such as violence against women, a common feature across different local contexts. Instead, by viewing such examples through a sole stance of identity politics and cultural relativism, only a partial account is revealed. This effectively excludes a deeper layer of analysis which would have identified the common systemic and universal forms of injustices faced by women across the globe.

This argument is further reinforced by the evidence related to women's human rights violations regarding violence against women and gender inequalities defined as the unequal distribution of resources in Uganda. This example demonstrates that by extrapolating the related data in Uganda, commonalities with other neighbouring countries, regions and continents can be identified, in order to uncover universal connections with similar patterns of women's human rights violations and gender inequalities. This further demonstrates that drawing universal connections across cultural

identities as an approach does not have to be necessarily expressed in a Eurocentric, top-down and neo-colonialist approach. The approach selected may indeed take the local as its centre to then uncover common systemic patterns of injustices across regions and continents that are relevant to all despite cultural differences. This analysis shows that rather than projecting field data into 'ahistoricism', this method opens up the possibility of drawing analytical matrixes to uncover patriarchal systems of oppression which underpin universal violations of women's human rights.

It is thus demonstrated that violations of fundamental women's human rights and gender inequalities cannot be fully defined in disconnection from one another, as if locked within the boundaries of cultural differences and identities, as this approach ultimately risks providing a justification and legitimacy for such injustices. The different categories of violence against women illustrated in this chapter indeed demonstrate that the same types of violations of fundamental women's human rights occur across diverse spheres, amidst varied private, public, cultural, ethnic, geographical, religious, historical and socio-economic backgrounds. The data collected from diverse socio-cultural settings show that underpinning gender inequalities are universal systemic patterns of exploitation and unequal distribution of power and resources.

The case studies presented, attempt to illustrate both the quality of the response provided to such problematics and the extent to which this response at operational programme level has also been affected by the changes in the interpretation of gender equality discussed at theory level, at international legislative and policy level, and at donor and national policy level respectively in chapters 2, 3 and 4.

The conclusions from the assessment of the impacts and limitations of gender institutionalisation are presented in case study N. 1 Evaluation of Gender Mainstreaming in UN-HABITAT. The case illustrates some of the reason for the weakening of gender equality through the following two best practices.

The Ecuador Community Management Programme (CMP) demonstrates that gender institutionalisation may merely result in the organisation of conferences and meetings. Whilst this may be important in itself, it has little or no impact on structural

gender inequalities in the field. This practice also illustrates that even if attending a conference produces anecdotal effects on the participants, it is not obvious that this will automatically result in structural transformation at community level in the fight for poverty reduction.

This is further supported by the evidence provided by the analysis of the second selected best practice, the WAT / HIC-WAS in Tanzania. Echoing the practice above, the institutionalisation of gender equality through gender units in large organisations may often lead to the organisation of platforms of discussions such as conferences and meetings. These may have as key outputs the inclusion of interesting debates and the production of official documents and material but little or no impact is produced on gender inequalities and socio-economic injustices.

The conclusions from the assessments of the impacts and limitations of gender equality interpreted as *representation* and *recognition* are presented in case study N.2 and case study N.3.

Case study N.2: Evaluation of Sida's support for the promotion of gender equality in partner countries, the Nicaraguan country study, presents interpretations of gender equality as limited to recognition and representation and disconnected from the broader socio-economic problematics within the same country. These interpretations thereby restrict the programme results to noting an increased quantitative participation of women, anecdotal qualitative evidence of changes in women's self confidence, knowledge of rights, awareness of gender roles, and anecdotal improvements in housing conditions for a few. The results achieved are thus limited and many missed opportunities, remain as to the broader impact on structural inequalities and poverty reduction.

Case study N.2: Evaluation of Sida's support for the promotion of gender equality in partner countries, the South African country study presents a powerful example of missed opportunities, given the contextual historical advances gained in the field of social justice, equality, rights and the redistribution of power and resources in the country.

The most interesting finding of this study is that there was a specific effort to identify local interpretations of gender equality and whilst the study found out similar variations which could be observed in other countries and continents, it also clearly observed that the quantitative interpretation of gender equality – in terms of participation of women in development projects - was that which was more socially accepted. This understanding of gender equality was welcomed particularly by the elite who did not feel threatened by an interpretation which would not require an effective sharing of resources and power with the poorest stratum of the population who were still living in townships long after the fall of the apartheid regime.

Overall, the Sida evaluation concluded that gender equality impacts were still at 'embryonic stages'. This was perhaps somewhat disappointing for the organisation, which in all fairness had been and still is at the forefront in its strategy to support gender equality and democratic processes in the field of IDA. Beyond the obvious fact that changes in gender equality are long term societal changes which may take years beyond the usual life time of an IDA programme to materialise, there are key reasons behind the poor level of gender equality impacts. The most fundamental of these lies first and foremost in the interpretations of the meaning of gender equality being limited to representation and recognition.

In conclusion, the hegemonic interpretation of gender equality understood as representation and recognition translated into the full eclipsing of redistribution and consequently disconnecting the meaning of gender equality from systemic gender injustices. This led at best to maintaining the status quo with regard to transformative changes in systemic injustices and at worst to the protection of elites' rights and empowerment, as is further illustrated in the case study below.

Case study N. 3: Evaluation of Sida's support to NDI Burkina Faso, shows that the reason provided for not addressing qualitative and substantive changes related to gender justice and redistribution is the assumption that only after quantitative progress in terms of participation is achieved, can substantive issues in terms of redistribution and structural inequalities be addressed.



The case study demonstrates that the extent to which gender equality is interpreted as redistribution essentially depends on how elected women parliamentarians consider the issue of structural inequalities to be a priority and to what extent they would be willing to share the power and resources which they might have long fought to gain for themselves.

In conclusion, the case studies above demonstrate that redistribution has largely been eclipsed when the focus was mainly centred on representation and recognition. On the one hand, it can be argued in these case studies that the results achieved in representation and recognition are 'first steps' towards gender equality and an achievement in themselves compared with a previously gender blind situation or a situation that excluded women from participating on a par with men. On the other hand, the risk is that these 'minimum standards' as they ought to be considered become 'maximum standard' and the sole steps towards gender equality, thereby significantly reducing the meaning of gender equality to numerical performance. The overwhelming interpretation of gender equality as representation and recognition also entails that connections to the broader level of structural inequalities at national, regional and international level are not made. This tends to isolate the programmes from broader socio-economic analysis which could have provided a deeper insight as to the relevance of the programme and its potential impact on the structural causes of gender inequalities.

The main implications of such limited interpretation of gender equality are the opportunities these programmes miss in terms of achieving impact on structural inequalities, fundamental violations of women's human rights and ultimately, on poverty reduction. Ultimately, a limited definition of gender equality through the spectacles of identity politics reduces the potential for impacting on poverty reduction and therefore alters the definition of IDA by lowering it to a minimum standard.

The conclusions on the assessment of the impacts and limitations of the interpretation of gender equality when understood in terms of redistribution are presented in case study N.4: Evaluation of DFID's Policy and Practice in Support of Gender Equality and Women's Empowerment. The Programme of Support for Integrated

Actions in Gender and Race Equity in Brazil, 2003-2008 contributed to gender equality and poverty reduction efforts from a structural perspective through its attempt to create a framework where the overall goal is the (re)allocation and (re)distribution of resources to address socio-economic inequalities based on gender and race. A key contribution made by this programme is that it links gender inequality at both macro and micro levels. By targeting the need for greater visibility in (re)allocation of resources in public finances, the programme draws attention to inequalities in public resource allocation. It could thereby potentially change wealth distribution and promote greater influence over public resources by the most marginalized and poorest groups in Brazil.

However as the project was one-and-a-half years old at the time of the evaluation, it could only therefore show potential rather than actual impacts. If the assessment of gender equality impacts was set at too early a stage, the programme was an exception in its definition of gender equality and poverty reduction in terms of placing *redistribution* of resources as the overall goal before representation and recognition which were utilized as parameters to identify the relevant beneficiaries for the reallocation of resources.

The Programme of Reducing Labour Exploitation of Children and Women: Combating Trafficking in the greater Mekong sub-region (GMS), Phase I 1999- 2002 / Phase 2 2003-2008, shows that when gender equality is understood as targeting deeper structural causes of inequalities, as the overall aim of an IDA programme intervention, it is more likely to achieve impact on gender justice beyond participation and more broadly and significantly, on poverty reduction.

The chapter finally demonstrates that the shifts in theories and policy trends, eclipses and compromises in the interpretations of 'gender equality' analysed respectively in chapters 2, 3 and 4, have resulted in at best insufficient and at worst inadequate impacts in terms of addressing gender inequalities and injustices experienced by women living in poverty in developing countries.

## 6 Research conclusions and critical refocus of gender equality

Based on the research summaries and conclusions, the final chapter engages in a reflection as to the key elements of a critical refocus of gender equality towards gender justice.

Chapter 6 is thus structured as follows. Section 6.1 presents the research summaries and conclusions related to the first and second research questions under each relevant chapter. Section 6.2 addresses the third research question with an outline of key elements of a critical refocus of gender equality towards gender justice and section 6.3 concludes the research with an outline of the limitations of the thesis and key orientations for further research.

### 6.1 Introduction

This chapter presents the summary of key findings and conclusions related to chapter 2, theoretical framing; chapter 3, gender equality at international legislative and policy level; chapter 4, gender equality at donor and national policy level and chapter 5, gender equality at programme and field level. The key findings and conclusions are thus distilled respectively from key sections' conclusions and overall chapters' conclusions.

These provide the rationale for a deepened reflection on the third research question as to the key elements of a critical refocus of gender equality towards gender justice.

The section thus presents the main elements which have particular significance for the transformation of the deep structures of inequality and injustice affecting women in the field of IDA and which need to be included in the process of refocusing gender equality. These provide a challenge to a certain tendency to find consensus at all costs in conflicting theories<sup>676</sup> and propose instead to take the following stand. In light of Nancy Fraser's tri-dimensional matrix of justice,<sup>677</sup> the section proposes to refocus the interpretation of gender equality around the following: a clear political engagement with gender justice<sup>678</sup> through i) the notion of redistribution<sup>679</sup> and ii) the universality of violations of women's human rights.<sup>680</sup> The re-legitimization of the universality of women's human rights violations<sup>681</sup> is further discussed in connection with the need for a common political engagement within a wider notion of social responsibility, as defined by Hannah Arendt.<sup>682</sup>

The last section of the chapter concludes with the limitations of the study and an outline of the key elements for further research.

It is intended that this section will provide useful elements for decision-makers and practitioners, for their consideration when designing new IDA strategic frameworks, policies and programmes to sharpen the impact on gender justice in developing countries.

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<sup>676</sup> See BH Lévy, *De la Guerre en Philosophie* (Grasset 2010) 41-47.

<sup>677</sup> N Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (Columbia University Press 2009) 16-18.

<sup>678</sup> *ibid* 16. Gender justice is understood within Nancy Fraser's three-dimensional theory of justice. Fraser's understanding of the notion of 'justice' moves beyond that of John Rawls which can be understood as essentially 'egalitarian liberalist-nationalist denying that norms of egalitarian distributive justice may have any applicability at the global or international level'. See *ibid* 33 citing J Rawls, *The Law of Peoples* (Harvard University Press 2001).

<sup>679</sup> Fraser (n 677) 16.

<sup>680</sup> *ibid*.

<sup>681</sup> Political engagement is meant in the sense employed by Bernard-Henry Lévy. See Lévy, *De la Guerre* (n 676).

<sup>682</sup> H Arendt, *Responsibility and Judgment* (Schocken Books 2003) 158.

## 6.2 Research summaries and conclusions

This section presents the summaries, key findings and conclusions of the main chapters in response to each research questions, in support of the following thesis.

This thesis has argued that the inadequacy of IDA's response to substantive socio-economic injustices affecting women living in poverty and deprivation has largely been due to a conceptual weakness in how gender equality is defined. This has coincided with shifts in feminist theory, as divergent schools of thought have promoted competing theories as to how gender equality is best understood. This has led to compromises being sought with those whose ideologies resist gender equality, or those who effectively limit the concept of gender equality to representation and recognition.

In particular, it has been the contention of the thesis that the interpretation of gender equality in IDA has changed, and now reflects an insufficient focus on maldistribution and on the universal forms of violations of women's human rights. As a consequence, prevailing IDA discourse has insufficiently challenged the common patriarchal structures entrenching substantive injustices for women across societies and throughout the main levels of the IDA field. Furthermore, it is contended that such changes in focus form recurrent patterns across the main levels of the field of IDA.

Finally, it is argued that analysing these ideological developments not only deepens our understanding of the weak response to gender inequalities and injustices in IDA at present, but possibly also informs a refocus of gender equality to more adequately address gender injustices and inequalities.

### 6.2.1 First research question

The first research question is formulated as follows:

*How has the focus of the theoretical framing underpinning the concept of gender equality changed and what key elements have been displaced, dismissed and eroded?*

Chapter 2 provided the following response to the first research question.

## Chapter 2 Theoretical (mis)framing

### (1) Summary

This chapter examined the key changes in feminist theories, and provided a critical examination of those which have posed the most significant challenges to the concept of gender equality. The chapter then proceeded to analyse the implication of these changes on the key concepts and definitions underlying the notion of gender equality<sup>683</sup> such as International Development Assistance (IDA),<sup>684</sup> Women in Development (WID)<sup>685</sup> and Gender and Development (GAD).<sup>686</sup>

The chapter thus first assessed whether such shift in focus within the theoretical framework underpinning gender equality had displaced fundamental notions in the interpretation of gender equality in IDA. By identifying cultural relativism as one of the most challenging issues for the field, this chapter analysed the extent to which cultural relativism<sup>687</sup> found a renaissance through a variety of feminist schools of thoughts from anti-essentialists,<sup>688</sup> to Third Worldists,<sup>689</sup> to postcolonialists,<sup>690</sup> and to difference feminists.<sup>691</sup>

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<sup>683</sup> The notion of gender equality (which is undefined in the Oxford Dictionary of English 2010).

See Fraser (n 677).

<sup>684</sup> See R Peet with E Hartwick, *Theories of Development: Contentions, Arguments, Alternatives* (2<sup>nd</sup> Edn, The Guilford Press 2009).

<sup>685</sup> See I Tinker, 'The Making of a Field: Advocates, Practitioners and Scholars' in N Visvanathan and others (eds), *The Women, Gender & Development Reader* (Zed Books 1997) 34-36.

<sup>686</sup> See K Young, 'Gender and Development' in N Visvanathan and others (eds), *The Women, Gender & Development Reader* (Zed Books 1997) 51-54.

<sup>687</sup> See E Brems, 'Enemies or Allies-Feminism and Cultural Relativism as Dissident Voices in Human Rights Discourse' (1997) 19(1) *Human Rights Quarterly* 136.

<sup>688</sup> See TE Higgins, 'Anti-essentialism, Relativism and Human Rights' (1996) 19 *Harvard Women's Law Journal* 89 in H Steiner, P Alston and R Goodman (eds), *International Human Rights in Context: Law, Politics, Morals* (3<sup>rd</sup> edn, Oxford University Press 2007) 545.

<sup>689</sup> See C Mohanty, 'Cartographies of Struggle: Third World Women and the Politics of Feminism' in C Mohanty, A Russo and L Torres (eds), *Third World Women and the Politics of Feminism* (Indiana University Press) 1-51; See also CT Mohanty, 'Under Western Eyes: Feminist Scholarship and Colo-

The significance of these developments is further discussed in relation to the very conceptualisation and definition of key concepts and approaches which have formed the basis of the concept of gender equality.

## (2) Conclusions

In sum, Chapter 2 provided a response to the first research question as follows:

The Chapter has demonstrated that the focus of the theoretical framing underpinning the concept of gender equality has changed and that key elements have been displaced, dismissed, eclipsed and eroded as follows.

The main change of focus in theoretical framing has been the eclipse of the notion of redistribution which has taken place at various levels. Such misplacement has permeated the fundamental theoretical elements of the framework underpinning the concept of gender equality. The eclipse of the notion of distribution – whether accidental or not – is thus identified as crucial and recurrent within a variety of key elements forming the theoretical underpinning of the concept of gender equality, effectively denuding the concept of theoretical grounds with which to address socio-economic injustices for women within the field of IDA. The sidelining of redistribution was thus extended to the definition of IDA, and to the definitions of WID and GAD.

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nial Discourses' in Mohanty, Russo and Torres, *Third World Women and the Politics of Feminism* (Indiana University Press 1991) 51-80.

<sup>690</sup> G Prakesh, 'Subaltern Studies as Postcolonial Criticism' (1994) 99 *American Historical Review* 1475-1490. See also R Kapur, 'The Tragedy of Victimization Rhetoric: Resurrecting the "Native" Subject in International/Post-colonial Feminist Legal Politics' (2002) 15 *Harvard Human Rights Journal* 2.

<sup>691</sup> See A Lorde, 'The Master's Tools Will never Dismantle the Master's House' in C Morroga and G Anzaldúa (eds), *The Bridge Called Me Back: Writings by Radical Women of Color* (Persaphone Press 1981) 98-101; See C Gilligan, *In a Different Voice, Psychological Theory and Women's Development* (Harvard University Press 1982); IM Young, *Justice and the Politics of Difference* (Princeton University Press, 1990).

Furthermore, the chapter showed that it ought to have become evident that an understanding of women's injustices and inequalities, viewed not in isolation but within broader visions of exploitation and subordination, would result in mutually enriching analyses and theoretical frameworks. Instead of an enriching and solidarity-based theoretical framework underpinning gender equality in IDA, critiques of cultural, religious and identity-related oppressions have prevailed under the guise of anti-essentialism and in the name of multiculturalism.

In practice, and as Fraser illustrated, Third World feminist critiques drifted towards a focus solely upon national identity and communalism on the grounds of anti-imperialism and neo-colonialist struggle, doing away with redistribution and Marxist analytical tools – which paradoxically, were the very lens through which exploitations of all forms could be analysed.

The analysis thus challenged the justification upon which some theoretical perspectives argued that focusing on redistribution and universal women's human rights would have inevitably led to the much apprehended material neo-colonialist threat of 'robbing women of their historical agency'. On the contrary, the chapter demonstrated that excluding redistribution and universalism leads to a weakening of the solidarity dimension, robbing women of potential grounds for justice claims. This consequently challenged the grounds upon which redistribution and universalism were displaced, dismissed and eroded by the proponents of Third Worldist, anti-essentialist and difference feminism.

The analysis further demonstrated that as shifts in power-relations between north-south and east-west developed as new super-powers appeared, a sole identity politics analytical matrix could no longer be justified as the dominant analytical framework. Increasingly more relevant was the extent to which post-colonial ruling elites were willing to integrate redistribution and power sharing in their policies, addressing in other words south-south as well as north-south exploitation and inequalities.

In conclusion, the focus of the theoretical framing underpinning the concept of gender equality changed to either being dominated by recognition and representation or to placing distribution, recognition and representation on an equal footing. Thus key



element have been displaced, dismissed and eroded in the following manner: the choice to date at theory level has been an oscillation between either placing all dimensions on an equal footing resulting in multifocal analytical frameworks, or supplanting socio-economic analysis and universalism with local identities and cultural relativism. In either case, as a result and implication of this theoretical displacement, it has been increasingly difficult to frame the interpretation of gender equality within a contemporary theoretical framework which adequately addresses universal violations of women's human rights and systemic gender inequalities and injustices.

### 6.2.2 Second research question

This section addresses the second research question: *'How did this change in focus affect the interpretation of gender equality throughout the various spheres of the IDA field, from international legislative and policy level, to donor and national policy level, to programme and field level? If any, which common and recurrent patterns of changes can be identified and what are the main implications?'* through the respective summaries, key findings and conclusions of chapters 3, 4 and 5.

## Chapter 3 International legislative and international policy level

### (1) Summary

Chapter 3 addressed the second research question at the international legislative and international policy level.

This chapter examined whether and how the changes in focus of the theories underpinning the concept of gender equality discussed in chapter 2 affected the interpretation of gender equality in international policy and international legislative level.

This chapter considered the interpretations of gender equality in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW);<sup>692</sup> the Protocol to the African Charter on Human and Peoples' Rights on the Rights of

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<sup>692</sup> Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) (1980) 1249 UNTS 13, reprinted in 19 ILM 33 (CEDAW).

Women in Africa 2003;<sup>693</sup> the UN Women's World Conferences,<sup>694</sup> and contemporary dominant IDA policy frameworks such as the Millennium Development Goals (MDGs)<sup>695</sup> and the Paris Declaration on Aid Effectiveness (2005).<sup>696</sup>

The first section of the chapter discussed gender equality at the international legislative level.<sup>697</sup> The section provided a critical analysis of the reservation process<sup>698</sup> and examined specifically the reservations to CEDAW which were entered by some member state parties on the grounds of incompatibility with Shari'a law.<sup>699</sup> The section showed that by critically examining the ideology underpinning these reservations, it was possible to challenge the cultural relativist argument upon which these reservations find justification - by excavating universal patriarchal patterns of resistance to the concept of gender equality.

The second section examined how similar patterns discussed in chapter 2 were played out in international policy frameworks, namely in the UN world conferences on women and current IDA international policy frameworks. The second section thus began by showing the devolution<sup>700</sup> of the meaning of gender equality at interna-

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<sup>693</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 11 July 2003, entered into force 25 November 2005) (2003) CAB/LEG/66.6/Rev 1 (the Protocol on the Rights of Women in Africa) art 1(J).

<sup>694</sup> The main World Conferences on Women were selected to represent a purposeful example of relevant policy framework underpinning the concept of gender equality at international level.

<sup>695</sup> United Nations Millennium Declaration, UNGA Res 55/2 (8 September 2000) UN Doc A/55/L.2.

<sup>696</sup> OECD, 'The Paris Declaration on Aid Effectiveness 2005 and the Accra Agenda for Action 2008 (OECD 2005/2008).

<sup>697</sup> The international legislative level is understood hereby to include a purposeful example of key and relevant international and regional conventions providing the legal framework to the concept of gender equality in IDA mainly CEDAW and the Protocol on the Rights of Women in Africa.

<sup>698</sup> For the full list of reservations country per country and reservations principles see < <http://www.un.org/womenwatch/daw/cedaw/reservations.htm> > accessed 27 February 2011.

<sup>699</sup> Reservations to art.2 or art.16 of CEDAW on the grounds of incompatibility with Shari'a law were entered.

<sup>700</sup> The term 'devolution' is used here to show that gender equality instead of evolving, has peaked in the mid-nineties and has recorded a steady decline since within the significant and influent policy framework at international level.

tional policy level from the 1970s to 2005. Such devolution in the interpretation of gender equality is analysed in connection to the changes in focus in the underpinning ideologies discussed in chapter 2.

The final section turned to another significant example of Third Worldist position within the international policy framework of the UN. The section demonstrated how the Vatican, through its position as a permanent observer to the UN through its Mission of the Holy See,<sup>701</sup> attempted to limit the concept of gender equality using key Third Worldist argumentation within UN World Conferences on Women.

## (2) Conclusions

In sum, Chapter 3 provided a response to the second research question at the international legislative and international policy level as follows:

The chapter concluded that a holistic understanding of visible and invisible veils, limiting women's freedom and women's human rights is only possible to view through an analysis which does not confine itself to identity politics in one particular cultural or religious context disconnected as it were, from similar socio-cultural practices existing in other contexts. Rather, comparing underlying ideologies across cultures was found to be crucial to avoid using cultural and religious differences as an alibi for justifying gender inequalities and injustices.

This has proven to be particularly relevant to capture the deeper and political understanding of the broader implications and underpinning ideologies informing the reservation process of some Member States to CEDAW. The reservations put forward to Articles 1 and 2 of CEDAW were not mere technical compromises at international law level. Rather, they showed the extent to which, by following the politics of identity, gender equality and basic women's human rights had been overshadowed to the point of being 'opted out' of the only international legal instrument purporting to provide an adequate protection. It was thereby demonstrated that the 'compromise' in question clearly amounted to a 'defeat' of the very purpose of the Convention.

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<sup>701</sup> See Resolution UNGA Res 58/314 (16 July 2004) A/RES/58/314.

The analysis demonstrated that identity politics and 'apparent' cultural differences had been prioritised when defining both the content and the adherence process to CEDAW. However, the analysis showed that 'cultural differences' were 'different' in appearance only. As argued, the expression of such seemingly culturally grounded resistance shared similar underpinning ideologies which had much in common with those patriarchal structures allowing misogynist discourse to become respectable under the (false) guise of the culturally distinct.

Thus, anxiety surrounding the possible exclusion of gender discriminatory Member States from CEDAW on the grounds of 'cultural differences' and 'religious perspectives' resulted in gender equality being overshadowed. The strategy of compromises was intended to result in the inclusion of the largest number of countries irrespective of differences surrounding their degree of commitment to the essence of the Convention. By following an inclusionary strategy beyond the point of compromise and ultimately silencing fundamental notions such as violence against women, CEDAW was effectively weakened.

Thus a universalist analytical grid was proven to be useful to uncover the common ideological patterns in patriarchal societies which considered both the struggle against violence against women and gender equality, difficult concepts to commit to.

Further, the chapter showed that the concept of gender equality in IDA international policy level had also been the subject of a steady decline from its gradually weakened interpretation, to its discarding.

At international policy level, the section explored some of the common underlying reasons for the weakening of gender equality and thus the weakening of its potential impact in international conferences and policy platforms. It was demonstrated that there were basic patriarchal visions of society which according to their proponents, ought not to be challenged by shifting gender roles and power relations. Thus, the analysis demonstrated that using the exclusionary argument based on cultural/religious differences was indeed a strategic move.

Consequently, the analysis showed that this weakened concept of gender equality ultimately failed to address the injustices experienced by poor women in Third World countries by leaving the existing structures of oppression mostly intact. It served instead as a protection of traditional patriarchal interpretations of gender equality as legitimate and justifiable within the hegemonic trend of identity politics.

In conclusion, the change in focus at international legislative level affecting the interpretation of gender equality was characterised by a dilution of gender equality due to the privileging of inclusionary strategies to obtain a large number of ratifications and low-level consensus before the *political* and once revolutionary focus and force of gender equality in IDA.

The chapter further demonstrated that the focus in the interpretation of gender equality at international policy level changed from its original revolutionary perspective to fit neoliberal interpretations of IDA and conservative religious institutions' focus on preserving traditional gender hierarchies. Arguably, this change in focus dovetailed with the identity politics focus underpinning the framing of gender equality, as discussed in chapter 2.

It was demonstrated that the main implication of such a change in focus was that gender equality interpretation fell short of providing an adequate international legislative and policy framework with which to address the socio-economic injustices faced by women living in poverty in developing countries.

## Chapter 4 Donor and national policy level

### (1) Summary

Chapter 4 addressed the second research question at the donor and national policy level.

This chapter examined whether and how the changes in focus underpinning the concept of gender equality discussed in chapter 2 have affected the interpretation of gender equality in donor policies<sup>702</sup> and recipient country policies.<sup>703</sup>

As discussed in chapter 3, following four decades<sup>704</sup> of uneven struggle to recognise gender equality in international law and international policies, several multilateral<sup>705</sup> and bilateral<sup>706</sup> development agencies formally and explicitly incorporated gender equality into their policies. The examples of agencies selected reflected neoliberal perspectives such as those of the WB (WB)<sup>707</sup> and the Department for International Development in the UK (DFID)<sup>708</sup>; and the socio-democratic perspectives of Scandinavian countries such as the Danish International Development Assistance agency (Danida)<sup>709</sup> and the Swedish International Development Assistance agency (Sida).<sup>710</sup> The section assessed the extent to which neoliberal<sup>711</sup> interpretations of gender equality permeated the policies of agencies which traditionally supported more socialist

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<sup>702</sup> Donor policies are overall frameworks that set the priorities and orientations for IDA of a given agency over a set period of time. They have included throughout the thesis, policy papers, strategy papers and action plans.

<sup>703</sup> Recipient country policies are national policy frameworks that set the priorities and orientation for poverty reduction. The following were included: poverty strategy action plans, national and sector policy papers as well as orientation speeches.

<sup>704</sup> The significant four decades in questions are defined from the 1970s and first World Conference on Women to 2010.

<sup>705</sup> Examples provided of key multilateral IDA agencies are the United Nations (UN), the WB (WB) and the European Union (EU).

<sup>706</sup> Examples provided of key bilateral IDA agencies are Swedish International Development Agency (Sida), Danish International Development Agency (Danida) and UK Department for International Development (DFID).

<sup>707</sup> See < <http://www.worldbank.org/> > accessed 1 March 2011.

<sup>708</sup> See < <http://www.dfid.gov.uk/> > accessed 1 March 2011.

<sup>709</sup> See < <http://www.um.dk/en> > accessed 1 March 2011.

<sup>710</sup> See < <http://www.sida.se/English/> > accessed 1 March 2011.

<sup>711</sup> See Peet with Hartwick (n 684) 87 citing J Sachs, *The Economic Transformation of eastern Europe: The Case of Poland* (P K Seidman Foundation 1991).

interpretations<sup>712</sup> of gender equality in IDA, limiting thereby gender equality to representation and recognition.

The second section provided a critical analysis of recipient country policies. It examined how divergent political contexts in IDA recipient countries - from neoliberal to Marxist<sup>713</sup> - interpreted gender equality within a variety of policy instruments such as policies, strategies, political speeches and discourses. This section thus critically examined the varying interpretations of gender equality at policy level in different political and geographic contexts in the following examples: i) the case of abortion in Nicaragua and Third Worldist defences within the neoliberal<sup>714</sup> and neo-Sandinista<sup>715</sup> governments and the Catholic church; ii) Yoweri Museveni's postcolonialist interpretation of gender equality within Uganda's neoliberal reforms<sup>716</sup> and iii) a feminist vision beyond the politics of identity in Thomas Sankara's<sup>717</sup> speech on International Women's Day in 1987,<sup>718</sup> in Burkina Faso.

## (2) Conclusions

In sum, Chapter 4 provided a response to the second research question at the donor and national policy level as follows:

This chapter illustrated the ways in which gender equality was interpreted at the national level, in donor policies and recipient country policies.

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<sup>712</sup> See Peet with Hartwick (n 684) 273.

<sup>713</sup> *ibid* 16-17.

<sup>714</sup> Nicaragua neoliberal government refers to the period 1996-2001 led by President Arnoldo Alemán from the neoliberal Right-wing party.

<sup>715</sup> Nicaragua neo-Sandinista government refers to the current government of Daniel Ortega of the Sandinista National Liberation Front Party elected in 2006.

<sup>716</sup> For details on the neoliberal reforms of Yoweri Museveni, see <<http://apeaceofconflict.com/2009/02/24/the-other-side-of-assistance-the-neoliberal-agenda-in-uganda/>> accessed 02 March 2011.

<sup>717</sup> For biographic details of Thomas Sankara see < <http://www.thomassankara.net/>> accessed 8 March 2011.

<sup>718</sup> For more details see < <http://www.internationalwomensday.com/> > accessed 02 March 2011.

The first section showed that DFID shared its core values, its orientations and interpretations of development, and the themes which ought to be prioritised with the WB - as was evidenced in the MDGs process. These had little to do with social justice, unequal power relations or structural inequalities, but were clearly aligned to a neo-liberal and macro-economic understanding of poverty. Incorporating gender equality - together with its comprehensive and holistic approach - into a DFID and WB framework was proven to be difficult without changing gender equality's *raison d'être* quite fundamentally. The section thus exposed the ways in which gender equality was skilfully diluted and fundamentally altered to suit the particular policy frameworks and underlying political neoliberal orientations of the WB and DFID.

This chapter demonstrated that the political interpretation of 'development assistance' mattered and had crucial consequences for the definition and incorporation of gender equality in IDA. It further showed that other bilateral donors at the forefront of mainstreaming gender equality and who had different political inclinations, found it also difficult to resist this trend. Their tendency at best was to opt for a compromise - an all ideologies inclusive strategy and at worst, to simply trade their original social orientation for the prevailing neoliberal trend.

This was illustrated by the fact that both DFID and Danida had originally included in their gender equality strategies a more holistic interpretation of gender equality, with elements such as 'women's empowerment' and 'political and structural reforms' as central to their interpretation of gender equality and as an integral part of a holistic understanding of Poverty Reduction beyond economics. In both cases, such interpretation was eclipsed to the benefit of a neoliberal interpretation of gender equality.

Whereas Sida compromised at policy level by keeping two traditionally opposing interpretations of gender equality, namely the neoliberal perspective, focusing on rights and economic growth and the more holistic perspective focusing on social justice, it was still unwilling to explicitly use the term 'redistribution'. However, it was not clear whether Sida kept both interpretations as part of its pragmatic approach or whether it had found itself caught in a broader changing political landscape in IDA



with little alternative but to harmonise and thus trade off core Left political values pertaining to social justice.

The change in focus thus affected the interpretation of gender equality at donor level which could essentially be modified according to the priorities and political inclinations of the agency in question. The WB being one of the most influential agencies, it could effectively influence the interpretation of gender equality from a neoliberal perspective to all other key bilateral agencies including those that had traditionally positioned their political inclinations on the Left. The second section provided a critical examination of the varying interpretations of gender equality at policy level in different political and geographical contexts in the following examples.

The Nicaraguan example focusing on abortion was a striking example of how certain Third Worldist perspective reviving cultural relativism and anti-imperialism could at best, serve the interest of first ladies, elite women and powerful clergymen and at worst justify women's deaths. It also showed how gender equality and women's rights could be interpreted in a manner that served the conservative ideology of some, to the cost of women's lives that were, de facto, being defined as being worth far less than that of an embryo. In the best scenario, gender equality was thus considered an issue at the margins of democratisation, a secondary matter that could wait, while in the worst scenario, it was rejected as representing foreign interventionism in Nicaragua neo-Sandinista's political context.

The example of Museveni's politics and gender inequalities in Uganda further illustrated the paradoxes in the use of Third Worldist and postcolonialist ideology rejecting gender equality as a product of neo-imperialism, to preserve what customary and colonial conservative ideologies had in common, namely patriarchal values and the maldistribution of resources.

In contrast, the case of Thomas Sankara's speech on International Women's Day in 1987 in Burkina Faso, showed that gender inequality as interpreted and described by Sankara still provided the most relevant and radical interpretation and perspective in the field of IDA, despite being espoused over 20 years ago, by one of the most prominent anti-imperialist man. The example posed a direct challenge to Third

World feminists, as Sankara demonstrated the possibility of being at once culturally self-critical and universalist, whilst still upholding an anti-imperialist position. This example showed that Sankara was and still remains an exception, not only amongst contemporary elite African leaders and contemporary Marxist revolutionary leaders around the world, but within the Left and contemporary feminist schools of thought.

The change in focus thus affected the interpretation of gender equality at national level, in the same manner than at donor level: the concept of gender equality was sufficiently malleable and weakened, to fit any political agenda. The possible implications exemplified at national policy level show that with the exception of Sankara, neither neoliberalist, nor so-called Marxist revolutionary, nor anti-imperialist regimes seemed to have interpreted gender equality in a way that it effectively could challenge, the patriarchal power structures and injustices faced by women in IDA – clearly against their respective interests.

Thus, from the conclusions outlined above, a recurrent pattern of overshadowing socio-economic and substantive justice for women at policy level in IDA is largely identified, save where political engagement to the contrary is revealed.

## Chapter 5 Programme and field level

### (1) Summary

Chapter 5 addressed the second research question at the programme and field level.

This chapter examined whether and how the changes in focus of the theories underpinning the concept of gender equality discussed in chapter 2 have affected the interpretations of gender equality in IDA programmes and at field level. The chapter explored which interpretations constrained the scope of such programmes and if so, in what ways, and which on the contrary expanded the scope of the programmes in addressing gender injustices.

The chapter began by assessing whether it was possible to distinguish the universal from the particular in key examples of specific violations of women's human rights

at field level. In this way, the chapter sought to challenge the prevailing assumptions of identity politics perspectives that have tended to promote anti-essentialism through multiculturalism<sup>719</sup> resulting in the de-legitimisation of universalism and with it the claim that women's rights were human rights.<sup>720</sup>

The second, third and fourth sections of the chapter presented the results of case studies that were representative of state of the art programmes in IDA in terms of gender mainstreaming.

Case Study N.1: Evaluation of gender mainstreaming in UN-HABITAT<sup>721</sup> was presented as an illustration of the results and limitations of the institutionalisation of gender in a given organisation through gender units.

On the one hand, case study N. 2: evaluation of Sida's support for the promotion of gender equality in partner countries: Nicaraguan<sup>722</sup> and South African<sup>723</sup> country studies and case study N.3: evaluation of Sida's support to NDI Burkina Faso,<sup>724</sup> exemplified on the consequences of employing an interpretation of gender equality under the prevailing focus of recognition and representation. On the other hand, the impacts of the interpretation of gender equality and women's human rights when understood under the prevailing focus of redistribution and women's human rights were discussed in case study N.4: evaluation of DFID's Policy and Practice in Support of

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<sup>719</sup> See N Fraser, 'Multiculturalism, Anti-essentialism, and Radical Democracy: A Genealogy of Current Impasse in Feminist Theory' in N Fraser, *Justice Interruptus: Critical Reflections on the "Post-socialist" Condition* (Routledge 1997) 173-188.

<sup>720</sup> See C Bunch, 'Transforming Human Rights from a Feminist Perspective' in J Peters and A Wolper (eds), *Women's Rights Human Rights: International Feminist Perspectives* (Routledge 1995)11;

<sup>721</sup> UN-HABITAT, 'Forward Looking Evaluation of Gender Mainstreaming in UN-HABITAT' (April 2003) Evaluation Report 1/2003.

<sup>722</sup> T Freeman and others, *Mainstreaming Gender Equality: Sida's Support for the Promotion of Gender Equality in Partner Countries*, Country Report Nicaragua (Sida 2001).

<sup>723</sup> B Keller and others, *Mainstreaming Gender Equality: Sida's Support for the Promotion of Gender Equality in Partner Countries*, Country Report South Africa (Sida 2001).

<sup>724</sup> S Forti and A Lamien Ouando, *Evaluation of NDI's programme on Strengthening Women's Participation in Political and Decentralisation Processes in Burkina Faso*, Sida Evaluation Report (Sida 2008).

Gender Equality and Women's Empowerment.<sup>725</sup> Ultimately, the chapter assessed the extent to which the IDA programmes presented, adequately addressed gender inequalities and injustices. This chapter therefore sought to demonstrate the implications of the different prevailing focus underlying gender equality, by exposing the limitations and results at programme level.

## (2) Conclusions

In sum, Chapter 5 provided a response to the second research question at IDA programme and field level as follows:

As a general conclusion for this chapter, there was an obvious discrepancy between the depth and extent of the problematics of gender inequalities and injustices facing women in the field of IDA and across the continents presented in the first section and the limitations of attempts to provide effective responses discussed in the case studies presenting the results of selected programme interventions.

Even though the programme interventions selected were amongst the most advanced in terms of addressing gender equality and supported by IDA agencies which were located at the forefront of mainstreaming gender equality in their policies and programmes, the results and impacts achieved seemed a drop in the ocean at best and seemed at worst, to miss qualitative impacts on gender inequalities and poverty reduction altogether.

The analysis of the first three examples presented in the first section of the chapter demonstrated that ignoring the universal and common elements at the heart of these accounts, whilst focusing solely on their differences, essentially limited and weakened the consolidation of international political claims based on solidarity across cultures and continents. For if one were to set such examples in their wider universal context, they would have the potential to expose commonly shared patterns of patriarchal behavior such as violence against women, a common feature across differ-

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<sup>725</sup> S Forti and CM Ljungman, *Evaluation of DFID's Policy and Practice in Support of Gender Equality and Women's Empowerment: Gender Equality through Justice and Rights-based Policies and Programmes*, Thematic Study, Evaluation Report EV669 (DFID, August 2006).

ent local contexts. Instead, by viewing such examples through a sole stance of identity politics and cultural relativism, only a partial account could be revealed. This effectively excluded a deeper layer of analysis which would have identified the common systemic and universal forms of injustices faced by women across the globe.

This argument was further sustained by the evidence related to women's human rights violations regarding violence against women and gender inequalities defined as the unequal distribution of resources in Uganda. This example demonstrated that by extrapolating the related data in Uganda, commonalities with other neighbouring countries, regions and continents could be identified, in order to uncover universal connections with similar patterns of women's human rights violations and gender inequalities. This further demonstrated that drawing universal connections across cultural identities as an approach ought not be systematically considered as a Eurocentric, top-down and neo-colonialist approach. The approach selected may indeed take the local as its centre to uncover common systemic patterns of injustices across regions and continents that may be relevant to all despite cultural differences. This analysis showed that rather than projecting field data into 'ahistoricism', this method opened up the possibility of drawing analytical matrixes to uncover patriarchal systems of oppression which underpinned universal violations of women's human rights.

The case studies presented attempted to illustrate both the quality of the response provided to such problematics and the extent to which this responses at operational programme level had also been affected by the changes in the interpretation of gender equality discussed at theory level, at international legislative and policy level, and at donor and national policy level respectively in chapters 2, 3 and 4.

The conclusions from the assessment of the impacts and limitations of gender institutionalisation were presented in case study N. 1 Evaluation of Gender Mainstreaming in UN-HABITAT. The case illustrated some of the reasons for the weakening of gender equality through the following two best practices.

The Ecuador Community Management Programme (CMP) demonstrated that gender institutionalisation may merely result in the organisation of conferences and meetings. Whilst this was important in itself, it had little or no impact on structural gender inequalities in the field. This practice also illustrated that even if attending a conference could well have anecdotal effects on the participants, it was not obvious that this would automatically result in structural transformation at community level in the fight for poverty reduction.

This was further supported by the evidence provided by the analysis of the second selected best practice, the WAT / HIC-WAS in Tanzania. Echoing the practice above, the institutionalisation of gender equality through gender units in large organisations resulted in the organisation of platforms of discussions such as conferences and meetings. While these resulted in the inclusion of interesting debates and the production of official documents and material, there was little or no impact on gender inequalities and injustices.

The conclusions from the assessments of the impacts and limitations of gender equality interpreted as *representation* and *recognition* were presented in case study N.2 and case study N.3.

Case study N.2: Evaluation of Sida's support for the promotion of gender equality in partner countries, the Nicaraguan country study, presented interpretations of gender equality as limited to recognition and representation and disconnected from broader gender socio-economic problematics within the same country. These interpretations thereby restricted programme results to noting an increased quantitative participation of women, anecdotal qualitative evidence of changes in women's self confidence, knowledge of rights, awareness of gender roles, and anecdotal improvements in housing conditions for a few. The results achieved were thus limited and many missed opportunities remained as to the broader impact on structural inequalities and poverty reduction.

Case study N.2: Evaluation of Sida's support for the promotion of gender equality in partner countries, the South African country study presented a powerful example of

missed opportunities, given the contextual historical advances gained in the field of social justice, equality, rights and the redistribution of power and resources in the country.

The study showed that there was a specific effort to identify local interpretations of gender equality and whilst the study found out similar variations which could be observed in other countries and continents, it also clearly observed that the quantitative interpretation of gender equality – in terms of participation of women in development projects - was that which was more socially accepted. This understanding of gender equality was welcomed particularly by the elite who did not feel threatened by an interpretation which would not require an effective sharing of resources and power with the poorest stratum of the population who were still leaving in townships long after the fall of the apartheid regime.

Overall, the Sida evaluation concluded that gender equality impacts were still at 'embryonic stages'. This was perhaps somewhat disappointing for the organisation, which in all fairness had been and still is at the forefront in its strategy to support gender equality and democratic processes in the field of IDA. The case studies demonstrated that the interpretations of the meaning of gender equality had largely been limited to representation and recognition.

Case study N. 3: Evaluation of Sida's support to NDI Burkina Faso, showed that the reason provided for not addressing qualitative and substantive changes related to gender justice and redistribution was the assumption that only after quantitative progress in terms of participation was achieved, could substantive issues in terms of redistribution and structural inequalities be addressed.

The case study demonstrated that the extent to which gender equality was interpreted as redistribution essentially depended on how elected women parliamentarians considered the issue of structural inequalities to be a priority and the extent to which they were willing to redistribute the power and resources to other women in less fortunate positions.



The conclusions on the assessment of the impacts and limitations of the interpretation of gender equality when understood in terms of redistribution were presented as a counter example, in Case study N.4: Evaluation of DFID's Policy and Practice in Support of Gender Equality and Women's Empowerment. The Programme of Support for Integrated Actions in Gender and Race Equity in Brazil, 2003-2008 contributed to gender equality and poverty reduction efforts from a structural perspective through its attempt to create a framework which overall goal was the (re)allocation and (re)distribution of resources to address socio-economic inequalities based on gender and race. A key contribution made by this programme was that it linked gender inequality at both macro and micro levels. By targeting the need for greater visibility in (re)allocation of resources in public finances, the programme drew attention to inequalities in public resource allocation. It could thereby potentially change wealth distribution and promote greater influence over public resources by the most marginalized and poorest groups in Brazil.

However as the project was one-and-a-half years old the time of the evaluation, it could only therefore show potential rather than actual impacts. If the assessment of gender equality impacts was set at too early a stage, the programme was an exception in its definition of gender equality and poverty reduction in terms of placing *redistribution* of resources as the overall goal before representation and recognition which were utilized as parameters to identify the relevant beneficiaries for the reallocation of resources.

The Programme of Reducing Labour Exploitation of Children and Women: Combating Trafficking in the greater Mekong sub-region (GMS), Phase I, 1999- 2002 / Phase II, 2003-2008, showed that when gender equality was understood as targeting deeper structural causes of inequalities, as the overall aim of an IDA programme intervention, it was more likely to achieve impact on gender justice beyond participation and more broadly and significantly, on poverty reduction.

In conclusion, the chapter demonstrated that at programme and field level too, the change in focus affected the interpretation of gender equality as representation and recognition, which in turn translated into the full eclipsing of redistribution. Conse-



quently, this disconnected the meaning of gender equality from systemic gender injustices at field level, leading at best, to maintaining the status quo with regard to transformative changes in systemic injustices and at worst to the protection of elites' rights and empowerment.

On the one hand, it could be argued that the results achieved in representation and recognition were 'first steps' towards gender equality and an achievement in themselves compared with a previously gender blind situation or a situation that excluded women from participating on a par with men. On the other hand, the main risk presented by these case studies clearly was that that these 'minimum standards' as they ought to be considered became 'maximum standard' and the sole steps towards gender equality, thereby significantly reducing the meaning of gender equality to numerical performance. The overwhelming interpretation of gender equality as representation and recognition also entailed that connections to the broader level of structural inequalities at national, regional and international level were not made. This tended to isolate the programmes from broader socio-economic analysis which could have provided a deeper insight as to the relevance of the programme and its potential impact on the structural causes of gender inequalities.

The main implications of such limited interpretation of gender equality were the opportunities these programmes missed in terms of achieving impact on structural inequalities, fundamental violations of women's human rights and ultimately, on poverty reduction. Ultimately, a limited definition of gender equality through the spectacles of identity politics implied a reduced potential for impacting on poverty reduction besides altering the definition of IDA to a lower standard of change in poverty reduction.

Finally, the analysis of shifts in theories, policies and programmes showing the changes in focus and compromises in the interpretations of 'gender equality', analysed respectively in chapters 2, 3, 4 and 5 uncovered the following common patterns: a consistent pattern of eclipse of the notion of redistribution leading to weakened and politically disengaged interpretation of gender equality. This in turned left the concept opened to political interpretation radically different from the original in-

terpretation of gender equality (with some rare exceptions) which could effectively ignore substantive inequalities and injustices suffered by women in IDA and focus on quantitative issues of representation or anecdotal recognition of special women's needs. In parallel, the cultural relativist renaissance through the form of identity politics implied that gender injustices and inequalities suffered another layer of further isolation as commonalities across cultures and identities were no longer in focus and dismissed as neo-imperialism or foreign interventionism – an argument that had particular resonance with political and religious entities with an interest in keeping women's conditions and status well within the boundaries of patriarchal rules.

## 6.3 Refocusing gender equality towards gender justice

This section addresses the third research question: *'On the basis of the analyses and conclusions drawn under research questions 1 and 2, what should be the key elements of a renewed critical focus to underpin gender equality in IDA, and what pre-conditions, if any, should be considered towards the achievement of substantive gender justice?'*

The section will first provide a brief summary of the main theoretical arguments that have been made throughout the thesis and in response to research questions one and two in order to summarize the rationale for moving forward on to research question three. The section will then present the main elements in response to research question three which need to be included in the process of refocusing gender equality in IDA towards gender justice.

### 6.3.1 Introduction

The main rationale for focusing on the third research question consists of the challenges that have been revealed through the analysis and response to research question one and research question two. As discussed, in response to the two first research questions, under the dominant focus of 'representation' and 'recognition' in the in-

terpretation of gender equality lie much of the same claims expressed by Third Worldists such as Mohanty as well as difference feminists such as Young as follows:

Sexual, ethnic, and national groups are often understood as entirely other and opposed, sharing no attributes with the defining group, locked in despised bodies and fixed natures.<sup>726</sup>

If anything, whilst such critiques of monolithic definition of otherness may have their place in racist and homophobic contexts, this research has demonstrated the interest of breaking through the boundaries of identities and differences precisely not to confine the so-called 'other' into the isolation of his or her condition and socio-cultural context. In providing a response to research question one and two, the thesis has so far and to the contrary argued for that for the purpose of addressing effectively gender justice in the specific field of IDA, reconnection of the so-called 'other' with the similarities and commonalities that bind all human beings and especially women facing inequalities and injustices together, was the way forward towards addressing the problematics at hand.

As discussed throughout the thesis, the de-legitimization of universalism in women's human rights and the misplacement of distribution have had the following wider implications, as further evidenced in Siobhan Mullaly's conclusion:

In recent years, feminism has had much to lose in abandoning its roots in a commitment to universalism, individual autonomy and human rights. The alternatives proposed do not provide the resources necessary to build a truly global feminism, global in the sense of addressing discrimination, inequalities (and injustices) in all its complex variety and monotonous similarity. (...) In recent years feminism's preoccupation with difference has meant that class politics and questions of economic injustices have been ignored. Yet, at both national and in-

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<sup>726</sup> Young, *Justice and the Politics of Difference* (n 691) 260. In this statement Iris Marion Young, attempts to redefine the theory of justice as dominated by the politics of difference, largely conceptualised through oppression and exclusion claims from the ethnic and sexual minorities in the USA projected onto the rest of the world.

ternational levels, distributive injustices threaten the pursuit of justice. Extreme poverty persists throughout the world and income inequalities continue to grow in many countries, both rich and poor. Gender remains against this background, a significant factor of poverty and inequalities (...).<sup>727</sup>

The thesis argued for a clear rejection of cultural relativism as a possible justification, 'exotification' and isolation of violations of women's human rights.

Thus, from the example of interpretations of gender equality related to both Islam and the Roman Catholic church,<sup>728</sup> it seems obvious that blind tolerance and inclusion regarding religious differences does not ensure an adequate response to inequalities and injustices faced by women and nor does it adequately challenge common patterns of patriarchy across the different religious and political contexts as evidenced in chapters 4 and 5 in the examples provided relating to violence against women including the denial of medical treatment for therapeutic abortion.<sup>729</sup> Violence against women, whether occurring in the private or public sphere, must be unequivocally condemned and freedom from such violence must be recognised as being a full and integral part of core international human rights without any possible option for 'opting out'.<sup>730</sup> Furthermore, reservations on the definition of equality between men and women ought to be inadmissible on the grounds that following deeper analysis as exemplified in chapter 3, it becomes clear that reservations in spite of their claims, have little to do with cultural or religious differences and much more to do with patriarchal power structures which ought, if anything, to be questioned and challenged rather than protected and justified by cultural differentialism.

In the absence of quick fix to these basic problematics and the little overwhelming signs of forthcoming renewed and cohered international feminist movement to effec-

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<sup>727</sup> S Mullaly, *Human Rights Law in Perspective, Gender, Culture and Human Rights: Reclaiming Universalism* (Hart Publishing 2006) 25, 223.

<sup>728</sup> See chapter 3 sections 3.2.1 and 3.3.2 and chapter 4 section 4.3.1 above.

<sup>729</sup> See chapter 4 section 4.3.1 above.

<sup>730</sup> See chapter 3 section 3.2.1 above.

tively address them, the importance of a continued critical appraisal of identity politics in feminism could not be more emphasised.

In this context, Andrea Cornwall emphasises the need to re-politicise radical feminist engagement in development and also suggests that the 'most pressing task for feminist engagement with development in these troubled times, based on Kandiyoti's reflection is that of precisely finding an appropriate politics of solidarity.'<sup>731</sup> Rather than a politics based on individual differences and identities, the most pressing task, given the extent of the problematics in terms of gender injustices as illustrated in chapter 5, is indeed to focus on how to address these.

Cornwall proposes to 'find new ways of working with difference, expanding the possibilities for building appropriate forms of solidarity to create new alliances for influence and action that bridge old divides (...).'<sup>732</sup>

Thus, the section will respond to the third research question as follows. In light of Nancy Fraser's tri-dimensional matrix of justice,<sup>733</sup> the section proposes to refocus the interpretation of gender equality around the following: a clear political engagement with gender justice<sup>734</sup> through i) the notion of redistribution<sup>735</sup> and ii) the universality of violations of women's human rights.<sup>736</sup> The re-legitimization of the universality of women's human rights violations<sup>737</sup> is further discussed in connection with the need for a common political engagement within a broader notion of social

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<sup>731</sup> D Kandiyoti, 'Political Fiction meets Gender Myth: Post-Conflict Reconstruction, 'Democratisation' and Women's Rights' in A Cornwall, E Harrison and A Whitehead, *Feminisms in Development: Contradictions, Contestations and Challenges* (Zed Books 2007) 15.

<sup>732</sup> *ibid* 5-6.

<sup>733</sup> Fraser (n 677).

<sup>734</sup> See Fraser (n 677) 16. Gender justice is understood within Nancy Fraser's three-dimensional theory of justice. Fraser's understanding of the notion of 'justice' moves beyond that of John Rawls which can be understood as essentially 'egalitarian liberalist-nationalist denying that norms of egalitarian distributive justice may have any applicability at the global or international level'. See Fraser (n 677) 33 citing J Rawls, *The Law of Peoples* (Harvard University Press 2001).

<sup>735</sup> Fraser (n 677)16.

<sup>736</sup> *ibid*.

<sup>737</sup> Political engagement is meant in the sense employed by Bernard-Henry Lévy. See Lévy (n 676).

responsibility, as defined by Hannah Arendt.<sup>738</sup> Finally, the section will discuss a key precondition pertaining to the critical refocus of gender equality on gender justice: a political engagement against the status quo.

### 6.3.2 Redistribution as the key orientation of a critical refocus of Gender Equality towards Gender Justice

Nancy Fraser remains hopeful that the third phase of feminism will develop a three-dimensional politics, holding in her view, tremendous promise for a third phase of feminist struggle. This era would simultaneously challenge linked injustices of maldistribution, misrecognition and misrepresentation. Fraser maintains the assumption that such a third phase would harmoniously balance and integrate those, arguably, fundamentally divergent concerns.

Developing such a three-dimensional politics (...) could overcome the chief weaknesses of phase two (of feminist politics, my addition), by rebalancing the politics of recognition and the politics of redistribution (...) and could overcome the blind spot of both previous phases of feminist politics, by explicitly contesting the injustices of misframing. Above all, such a politics could permit us to pose, and eventually to answer, the key political question of our age: How can we integrate claims for redistribution, recognition, and representation so as to challenge the full range of gender injustices in a globalizing world?<sup>739</sup>

In her three-dimensional theoretical matrix, consisting of a nexus between recognition, representation and distribution which would overcome the recognition/representation-redistribution divide, Fraser focuses on 'axes of injustices that are simultaneously cultural and socioeconomic.'<sup>740</sup> Her third way out of feminist divides is achieved by placing gender justice as the overall aim focusing on 'the circum-

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<sup>738</sup> Arendt (n 682) 158.

<sup>739</sup> Fraser (n 677) 115.

<sup>740</sup> N Fraser, *Adding Insult to Injury: Nancy Fraser Debates her Critics* (Verso 2008) 12.

stances under which the politics of recognition can help support the politics of redistribution.<sup>741</sup>

This is well illustrated, by case study N. 4 in the example of DFID's programme in Brazil and through its opposite by case study N. 3 focusing on women's political participation in Burkina Faso. When the politics of recognition does not support the politics of redistribution the result achieved may have little to do with gender justice.

However, whilst it is agreed that a new phase in feminism ought indeed to aim at gender justice, a choice as to which key 'elements' of gender justice should take the lead in pointing at the overall direction, needs to be made. This is considered in particular, in light of the critique that placing all key elements on an equal footing may not provide an adequate theoretical framing and response to the problematics at hand within the field of IDA.

It is sustained that given the key findings and conclusions under research question one and research question two in the specific field of gender equality in IDA, it is evident that the overall focus of the tri-dimensional gender justice analytical matrix ought to be 'redistribution' for an impact on poverty reduction.

It is further argued that whilst 'recognition' and 'representation' ought nonetheless underpin gender equality and gender justice claims, they ought not be positioned on an equal footing with 'redistribution' if poverty reduction is maintained as the overall aim of IDA and gender justice is to be one of the effective means to achieve it. There are many reasons for this, but a key argument is the fact that whereas 'recognition' and 'representation' often lead to quantitative results which are in themselves insufficient to address substantive injustices and structural inequalities, 'redistribution' tend to lead to qualitative results impacting on substantive justice and structural inequalities.<sup>742</sup>

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<sup>741</sup> *ibid.*

<sup>742</sup> As evidenced in chapter 5, see case studies 2, 3 compared with case study 4.



This de facto places 'recognition' and 'representation' on the one hand, and 'redistribution' on the other hand, on different levels. The research has shown that they differ both in terms of significance and in terms of their potential implication both in the specific field of gender equality as well as within the broader field of IDA, which aims at poverty reduction as an overall goal. This choice thus implies a clear rejection of trading 'redistribution' for 'representation' and/or 'recognition' as the underpinning focus to gender equality in IDA.

Repositioning 'redistribution' as the overall goal, further implies that those living with more will necessarily have to re-learn to live with less. The solution for addressing gender inequalities from a redistributive justice perspective is disarmingly simple but at the same time next to impossible to achieve without international and national enforceable norms and political will. The underpinning focus of existing and future international norms and policies addressing gender inequalities need also to change from one of 'representation' to 'distribution' towards substantive gender justice.

From a wider perspective, the key elements outlined above, call for a broader change in political paradigm. Such a change in paradigm must come from and be firmly anchored within the Left to challenge hegemonic ideologies both within the Right and the Left itself, whilst at the same time emancipating terminology such as 'redistribution' from the ghost of failed 'Communist era'. 'Redistribution' is the Achilles' heel of poverty reduction and gender justice. The end of the cold war, together with the end of Communism and the illusions of Marxist ideals cannot be solely to blame for the silencing of the (sadly and particularly in such economic crisis times) still much relevant and contemporary notion of 'maldistribution'.

In conclusion, such a renewed focus ought to move the underpinning theoretical framework towards reasserting the political nature of the argument which must be made to achieve social and economic justice for women. It would do so by making the notion of gender equality move from apparent neutrality to becoming instead a politically charged concept which may be accepted or rejected but not open for compromises that pertain to avoid conflict whilst only weakening the meaning and scope of gender equality down to an innocuous term.



### 6.3.3 The universality of women's human rights as a common social engagement

As Fraser acknowledges, the main pre-condition for achieving a would-be harmonious nexus in the three-dimensional gender justice matrix is an assumed universal perspective underlying fundamental human rights:

In proposing to assess recognition claims from the standpoint of social equality, I assume that varieties of recognition politics that fail to respect human rights are unacceptable even if they promote social equality (...) I assume that no identity politics is acceptable that fails to respect fundamental human rights, of the sort usually championed by left-wing liberals.<sup>743</sup>

In the context of IDA this very caveat constitutes a significant challenge in and of itself, as an unresolved debate. It has been argued in Chapter 2 that universalism has been de-legitimised by the politics of identity, the subsequent revival of cultural relativism and with it, the very structures which support the universality of fundamental women's human rights. The significance of this caveat is such within the field of gender equality in IDA that it cannot be considered to be an assumption taken for granted.

In Flores d'Arcais view, the works of Hannah Arendt provide

'a response and antidote to the almost obsessive anti-essentialism which has induced many hermeneutical philosophies to uncover the suspicious postcolonial-white-Christian-heterosexual-man beneath every universalism and every 'normativities'.<sup>744</sup> Instead, Arendt clearly shows that one cannot do without at least one form of universalism, and that is the opportunity for everyone to dare, the authenticity of existence within the equality of the public sphere. Thus, she argues that all human beings (*universalism!*) are entitled to this opportunity and all

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<sup>743</sup> *ibid* 12-13.

<sup>744</sup> See as one example: K Bedford, 'Loving to Straighten Out Development: Sexuality and 'Ethnodevelopment' in the WB's Ecuadorian Lending (2005) 13(3) *Feminist Legal Studies* 295-322.

governments (*universalism!*) ought to respect the multiple rights that, de facto, constitute its primary justification.<sup>745</sup>

In this context, Flores D'Arcais describes a fundamental connection between human rights, individual choice and 'engagement' when he writes that:

Human rights are not universal in the sense that they are intrinsically connected to human nature as such. They are on the contrary so disconnected from human nature, that mankind has lived through thousands of years violating them. Many hard fought struggles had to be won, with generations of sacrifices to finally, making human rights, only temporarily acknowledged. Human rights are in fact, so uncertain, that their violations are occurring on a daily basis in our societies.<sup>746</sup>

On this basis, d'Arcais concludes that human rights are not that 'human' after all - meaning not inscribed in human nature as it is assumed. Rather, they are *civil rights*, in that they do not depend on nature, nor do they descend from heavens. Human rights are rather and indeed a matter of choice of values upon which to base our short collective co-existence on earth and to relieve some of the overload some of us are unjustly carrying.

If women's human rights too, do not depend on nature, then they must also be considered a matter of choice of values, upon which to base our short common co-existence on earth. Without a chosen social and collective engagement and without political force, women's human rights and gender equality cannot be expected to become safe *acquis*. Universal women's human rights and gender equality are indeed a matter of choice of values in the actualization of everyone's joint individual and collective *responsibility*. At the same time, the choice of such values ought not to be a limited privilege for a few, but indeed accessible to all and especially those bearing the largest brunt of socio-economic and political injustices. It is in this sense that

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<sup>745</sup> P Flores D'arcais, 'Undici Tesi su Hannah Arendt' (2007) 1/2007 MicroMega 97-98.

<sup>746</sup>J Ratzinger and P Flores d'Arcais, 'Dio Esiste?: un confronto su verità, fede, ateismo moderato da Gad Lerner' (2005) supplemento al n.2/2005 di MicroMega, il fondaco di MicroMega 40.

‘universalism’ in women’s human rights needs to be understood rather than as an imperialist or neoliberal project.

Engaging ‘collective responsibility’ in Hannah Arendt’s reflection entails the superiority of collective responsibility over personal identity claims and further provides the ethical grounds for a universal responsibility of solidarity as follows :

No moral, individual and personal, standards of conduct will ever be able to excuse us from collective *responsibility*. This vicarious responsibility for things we have not done, this taking upon ourselves the consequences for things we are entirely innocent of, is the price we pay for the fact that we live our lives not by ourselves but among our fellow men, and that the faculty of action, which, after all, is the political faculty par excellence, can be actualized only in one of the many and manifold forms of human community.<sup>747</sup>

Thus, to achieve transformative changes in gender justice, a critical refocus of gender equality in IDA must re-legitimize universalism of women’s human rights and gender equality as a common, global, individual and collective notion of *responsibility*, in Arendt’s sense. The collective notion of responsibility must thus be the underpinning politically engaged framework to a re-legitimized universalism and chosen common values of women’s human rights and gender equality towards gender justice.

Possibly, in response to what may appear as a major deadlock within the Left feminist thought and as Anne Bottomley suggests, it is indeed necessary, more than ever before, to think: ‘in Deleuzean terms, if we think more of feminism as a force, a movement of potentials, rather than an identity (...).’<sup>748</sup> If feminism ought indeed to be considered as a force, which may result in impetus towards necessary change in the context of development assistance, then the underpinning feminist theoretical

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<sup>747</sup> Arendt (n 682) 158.

<sup>748</sup> A Bottomley, ‘Shock to Thought: An Encounter (of a Third Kind) with Legal Feminism’ (2004) 12(1) *Feminist Legal Studies* 29-65

framework must obviously be socially and collectively *responsible* and *engaged* in challenging social injustices.

Over a decade ago, Tracy Higgins already warned that whereas the risk of coercion (e.g. definition of the problematics by one group over another) could not be fully eliminated, the risk of inaction was ever present. She further highlighted the inevitable dichotomy of either

dismissing culturally distinct experience of women as false consciousness or ignoring pervasive limits on women's freedom under simple tolerance of cultural differences.<sup>749</sup>

If it is indeed the risk of inaction, predicted by Higgins that seems to have prevailed as a result of the hegemonic focus on the politics of identity. Such foreseeable theoretical unfolding, was clearly a misinterpretation of original feminist thinking and arguably did misplace the main purpose of feminism.

As early as 1949, *The Second Sex* was published and became a land-mark text<sup>750</sup> which arguably foresaw all subsequent trends in feminist thought, including difference feminism.<sup>751</sup> In her question 'what is a woman?' de Beauvoir was not looking for an immutable and static definition of womanhood in order to impose it as universal dogma, even less to 'rob women of their agency' – but quite the contrary. The answers she provided echoed Satres' answer to the question: what is a human being? in 'existentialism is a humanism'.<sup>752</sup> It is that choice, will and agency should precede the essence.

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<sup>749</sup> T Higgins, 'Anti-essentialism, Relativism and Human Rights' (1996) 19 *Harvard Women's Law Journal* 408.

<sup>750</sup> S de Beauvoir, *Le Deuxième Sexe* (first published 1949, Collection Folio-Essais, Gallimard 1986).

<sup>751</sup> See Gilligan, *In a different Voice* (n 698); Young, *Justice and the Politics of Difference* (n 691); R West, 'Jurisprudence and Gender in K Barlett and R Kennedy (eds), *Feminist Legal Theory: Readings in Law and Gender* (Westview Press 1991) 201.

<sup>752</sup> JP Sartre, *L'Existentialisme est un Humanisme* (first published 1946, Collection Folio-Essais, Gallimard 1996).

In her famous statement 'one is not born, but rather becomes, a woman', de Beauvoir emphasises that the choices and struggles to be set free from cultural, religious and ethnic stereotypes are the key elements that will ultimately define women as emancipated human beings, rather than second class citizens. Clearly, in de Beauvoir's definition, women are not homogeneously encapsulated in their cultural, social, ethnic or religious background. Rather, their essence is defined by their own agency and their 'free will' to challenge gender stereotypes and to bring change to their conditions, characterised by inequalities and injustices.

The unequal and unjust conditions referred to by de Beauvoir are still contemporary more than half a century later and given the problematics exposed in Chapter 5, are clearly not limited to the white, French middle classes.

In de Beauvoir's view, becoming a woman meant a self-chosen dynamic process of emancipation towards greater justice. It is in this sense that de Beauvoir, and some feminist theorists such as Charlesworth, carries the most useful theoretical framing for gender equality in IDA -within a visionary ability to distinguish the intrinsic universality in women's subordination and conditions across time, localities and cultures worldwide. Moreover, de Beauvoir, like the existentialist movement, places the responsibility for challenging these conditions with women themselves.

Whereas many arguments may be made about the varying degrees of freedom of choice available to women in different socio-economic and cultural conditions, the view that such an existentialist position is likely to 'rob women of their agency'- in Mohanty's terms - is clearly a misreading of the existentialist position as de facto postcolonialist. Thus, it could be deduced that the displacement of the legitimacy of fundamental women's human rights is partly based on a misreading of existentialism - justifying to some extent non-interventionism and the status quo in the face of violations of women's human rights.

### 6.3.4 A political engagement against the status quo as key precondition

In this field, Bernard-Henry Levy offers one of the most thought provoking arguments against contemporary indifference and the status quo that has been experienced most acutely in the field of international development assistance as well as humanitarian aid, certainly over the past two decades. He argues that

the concept of women's human rights ought to challenge the bleak outlook for all fields in which totalitarianism and patriarchy impose domination and oppression upon women – irrespective of whether these women may be perceived as willing victims or not and without being distracted by the specificities of individual accounts.<sup>753</sup>

Arguably, it should be possible to include an infinite range of diverse cultural situations by engaging socially and collectively in a recurrent critique of patriarchal and totalitarian patterns of social injustices – which remain a 'monotonous' common feature of women's realities, as further illustrated in chapter 5.

According to Levy, there are no satisfactory compromises between universalism and relativism from an ethical and politically engaged standpoint, since Levy had rarely seen:

anyone emerging from a philosophical debate, or from any debate, with a fundamentally altered conviction, from the one he or she had held, before entering the debate. There are some exceptions of course, such as Benny Lévy and Sartre, in 'L'Espoir maintenant',<sup>754</sup> Deleuze and Guattari in *L'anti-Oedipe et de Mille plateaux* (...).<sup>755</sup>

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<sup>753</sup> Lévy (n 676).

<sup>754</sup> B Lévy et JP Sartre, *L'Espoir maintenant: Les entretiens de 1980* (Verdier 2007).

<sup>755</sup> See

<<http://www.webdeleuze.com/php/texte.php?cle=115&groupe=Anti%20Oedipe%20et%20Mille%20Plateaux&langue=1>> accessed 23 March 2010.

Beyond these few exceptions, Levy argues against the philosophy of the ‘reasonable man’, pacified, always preoccupied with finding consensus at all costs, common senses and middle grounds. Such reasonableness has the key aim of reducing all conflicting theories to a lowest common denominator which, he argues, ends up not being much useful to either side and achieving little more than settling upon an insipid at best, and irrelevant at worst, middle ground:

The philosophy that seeks to resolve once for all, all oppositions in conflicting stand points, and view them only as expression of misunderstanding and false dichotomies, which a good consensual debate and focus on interconnections has the duty to resolve, (...) Kant used to define it as “sensus communis”. In other words, “the right middle ground” (...) which he thought was nothing better than flat ideology, without aspirations or strengths, and which, after trying so hard to bring consensus between everyone, only end-up embracing sheer emptiness.<sup>756</sup>

Thus, Levy contends that a crucial question that ought to be raised, rather than leading to compromise, is the challenge in which a particular theory is engaged with:

Engaged intellectuals and philosophers do not remake the world neither do they save us all from the draughts of misfortune. They can merely seek to make living on earth, a little more bearable, merely relieving us a little of our burden. Wars and injustices are not thereby prevented but at least some of their (worst) victims are taken care of, thus ensuring that inhumanity does not have the very last word.<sup>757</sup>

If only key feminist focus underpinning gender equality in the field of IDA could fulfil this role – that of caring for those whose life situations and conditions are dire whether because of hunger or whether because they are tyrannised and if indeed, rather than seeking shallow compromises between relativism and universalism, a courageous stand was taken on the universality, beyond all reasonable doubt, of

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<sup>756</sup> Lévy (n 676) 41-47.

<sup>757</sup> Lévy (n 676) 105-106.

women's human rights violations, it is argued that there would be scope for moving forward, well away from status quo.

Arguably, this research has striven to demonstrate that there are non-ethnocentric violations of women's human rights and inequalities and that if anything, third wave feminism ought to be focusing on how to effectively address these.

In short, philosophy, according to Lévy, 'never really changed its adversary, once defined as the Public Opinion, and today as relativism, differentialism and cynicism.'<sup>758</sup>

Indeed the example above shows that focusing on differences is a choice not an inevitability with which compromise need necessarily to be made. Whilst being careful not to fall into messianic positivist interpretations of 'progress' (which is often a temptation in the field of IDA, but more in the name of a Utopian bid to find solutions to the immensity of the problems at hand, than a compelling postcolonial instinct), Lévy calls for an unambiguous rejection of cultural relativism as a means of making one's political engagement and social responsibility clear. In his view, there are no possible compromises on these issues and to be lured by hegemonic trends of political correctness and tolerance for religions, cultures, differences and diversity is no excuse for inaction which protects the status quo on unacceptable violations of women's human rights.

Arguably, some of the broader implications for not rejecting oppressive traditions, dogmas and theories, is that i) neoliberalism, as Fraser argued, is succeeding in having egalitarian and social justice claims unattended and ii) the extreme right in Europe, especially in France is rapidly regaining ground (Marine Le Pen, the daughter and successor of Jean Marie Le Pen at the head of the extreme right wing party the 'Front National' is at 24% in opinion polls for the 2012 French presidential election)<sup>759</sup> in appropriating the empty political space abandoned (and at times silenced) by the identity-politics-focused Left, but this time, with a genuine colonialist and rac-

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<sup>758</sup> Lévy (n 676)124.

<sup>759</sup> See JF Khan, 'Accusés, levez-vous!' *Marianne* (15 au 21 Janvier 2011).



ist project – such as the exclusion of foreigners from Europe under the guise of defending women’s human rights.<sup>760</sup>

Much of today’s development world is bedevilled by crimes against humanity, another terrain abandoned by the Left. In seldom publicised wars in places such as Sudan, Darfur, Rwanda, and Congo, violations of fundamental women’s human rights, together with oppression and inequality, occur on a massive scale. The direct implications of the status quo can be quantified in death tolls and rape tolls in all these instances.

In such context, Levy asks:

Where are indeed, the pacifists that marched in hundreds as a human shield to try and prevent the war in Iraq? Why are the (Left-wing) intellectuals so ready to denounce imperialism and all of a sudden, faced with the worst atrocities in violations of fundamental human rights, remaining silent?<sup>761</sup>

Similarly, one may wonder indeed where Left-wing feminists have gone, when much needed, to denounce such massive violations of fundamental women’s human rights occurring in non postcolonialist struggles but within a variety of ethnic and religious related conflicts. Diversity and identity politics should not include tolerating intolerance. In his ‘Critique of Pure Tolerance’<sup>762</sup> Herbert Marcuse echoed precisely this point in 1969.

Thus, if there is to be a tangible impact on socio-economic injustices women face in IDA, then a collective and political ‘engagement’ towards substantive, distributive socio-economic justice must be reclaimed as the appropriate focus of the underpinning theoretical framework to gender equality within IDA.

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<sup>760</sup> *ibid.*

<sup>761</sup> BH Lévy, *Pièces d’Identité* (Grasset 2010) 103-4.

<sup>762</sup> RP Wolff, Barrington Moore and H Marcuse, *A Critique of Pure Tolerance* (Beacon Press 1969).

### 6.3.5 Conclusion

On the basis of the summary of the research chapters 2, 3, 4 and 5 and respective conclusions presented in the sections above,<sup>763</sup> the key elements of a refocus of gender equality are envisaged as follows:

The first element of a refocus in the interpretation of gender equality is a (re)legitimization of universality based on the awareness in the Arendtian sense, of universal collective sense of social responsibility. A re-appropriation of a universalist perspective is the basis upon which gender equality in IDA can legitimately impact on injustices and inequalities facing women, towards gender justice.

It seems that such an adequate framing for such an element can be, for the main part, found in the past, notably in the original intentions of early feminists or in some hypothetical future, in which current feminist theoretical divides - notably those discussed above - would be harmonised as Fraser's third phase feminism suggests. If finding agreement on the content of a possible third phase in feminism towards gender justice, in light of the deep political and theoretical divides discussed above still seems a long way ahead, most important and urgent in the field of IDA is to reposition discarded key elements at the core of the meaning and focus of gender equality as relevant to IDA, in order to redirect its significance towards solidarity and gender justice.

The key pre-condition is the collective and political 'engagement' towards substantive and distributive socio-economic justice and universalism.

The underlying intent behind some anti-essentialist critiques to serve the interests of Third World women and other excluded groups in the context of IDA, seems to provide a justification for non-intervention at best and at worst, grounds for the perpetration of culturally accepted violence, repressions, exploitations and other women's human rights abuses to continue with the silent consent of the dominant school of feminist thought.

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<sup>763</sup> See section 6.2 above.

Therefore and as a pre-condition, in order for the concept of gender equality to be useful in addressing these social injustices across cultures, locations and ideologies, it needs to be reinterpreted and refocused to reach beyond self-contemplation on identities. Indeed, it needs to move towards a clear and unambiguous goal of redistribution as its overall orientation, based on an understanding of the universality of women's human rights violations and supported by a collective sense of engagement and responsibility towards gender justice.

Thus, these are the basic key elements and pre-conditions of a critical refocus of gender equality in IDA towards gender justice.

Finally, the thesis' conclusions may be further read in light of the wider contemporary geo-political context crystallised by relevant recent events<sup>764</sup> that have brought much hope for the (re)legitimization of universal human rights in Tunisia<sup>765</sup> and Egypt<sup>766</sup>:

'It was both 'bread!' and 'freedom!' that the demonstrators were shouting in the streets of Cairo and Tunis. The evidence is now firmly produced that human rights are not mere Western values, but Universal ones. This ought to have been obvious for a long time. But not quite, as some people in our countries, driven by postcolonial guilt as far as denying all values stemming from former colonial powers (including human rights and gender equality, my addition). This differentialist bigotry led at times to excuse the worst dictatorships, as long as they were anti-Western. The Tunisian and Egyptian uprisings have broken the preju-

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<sup>764</sup> The Tunisian Revolution of 2011, or 'Jasmin Revolution' is a series of demonstrations that took place in Tunisia in December 2010 and January 2011 and that led to the departure of President Zine el-Abidine Ben Ali in power for 23 years. Inspired by the Tunisian uprising, the Egypt Revolution of January and February 2011 led to the resignation of President Hosni Mubarak on 11 February 2011. See more generally, live coverage of BBC World News, Middle East: January-February 2011 <[http://www.bbc.co.uk/news/world/middle\\_east/](http://www.bbc.co.uk/news/world/middle_east/)> accessed 26 February 2011.

<sup>765</sup> 'Tunisia protest against Ben Ali left 200 dead, says UN' (BBC News Africa 1 February 2011) <<http://www.bbc.co.uk/news/world-africa-12335692>> accessed 26 February 2011.

<sup>766</sup> M Abdelhadi, 'Egypt army's "helped oust" President Mubarak' (BBC News Cairo 19 February 2011) <<http://www.bbc.co.uk/news/world-middle-east-12514316>> accessed 26 February 2011.

dice that pretended to be understanding and sensitive to diversity (by denying human rights, my addition) only proving to be mere condescendence.<sup>767</sup>

The current times show at least *prima facie* that a wind of hunger for freedom and decent standards of living for all (which implies a challenge to inequalities and exploitations) is blowing over north-Africa and it is difficult to foresee how it will transform. Clearly though, it shows that suppression, exploitation and maldistribution, in any forms do not last indefinitely and that more than ever, socio-economic inequalities and violations of human rights are not only relevant issues indeed but bound to explode after having been suppressed and eclipsed for so long. This observation if anything, proves that the focus and orientation of cultural relativism and identity politics are out of phase with people's claims in the so-called 'other' Third World countries.

This begs the question of the whole point and orientation of feminism – was it not conceived to address and hopefully to bring some form of change in women's condition? The title of Charles Jenck's book<sup>768</sup> on *Critical Modernism: Where is Post-modernism going?* in the field of architecture could be fairly posed to post-modern feminism with its prevailing focus on identity politics.

This thesis has shown that if anything it is not going where it was intended: in addressing women's conditions and in particular it is not relieving those living in poverty from carrying the overwhelming burden of gender injustices. The thesis has argued that it ought to be possible to challenge culture, difference and religion where they clearly interfere with fundamental women's human rights, gender equality and gender justice.

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<sup>767</sup> J Julliard, 'Imprévisible Liberté' *Marianne* (5-11 Février 2011).

<sup>768</sup> C Jencks, *Critical Modernism: where is post-modernism going?* (Wiley-Academy 2007).

## 6.4 Limitations of the study and orientations for further research

This section concludes with the limitations of the study and presenting possible orientations for further research.

### 6.4.1 Limitations of the study

As indicated in the methodology, the research is based on purposive examples and case studies reflecting gender evaluations undertaken in the field, rather than a comprehensive comparative analysis. Thus, the research takes a limited sample of recurrent critical examples in the field of IDA and attempts to identify common patterns and trends to support the thesis.

Based on these analyses, whilst the thesis implicitly suggests the need for a change of paradigm, elaborating the full content of it, is beyond the scope of this research. Nevertheless, some orientations and key elements are drawn from in this chapter which might be useful to policy makers, donor officials, national programme officers and other practitioners alike to incorporate in their wider and respective fields of work.

The implied suggested change of paradigm would further imply a rejection of a ‘certain tendency’<sup>769</sup> that dismisses the idea of ‘grand theories’ as inadequate and at the same time aware that normativism occurs within dynamics. (hence the term ‘framing’) This implies that before embarking on a full re-conceptualizing an entirely new focus and paradigm underpinning gender equality which is beyond the scope of the thesis, there is a need to first and foremost renew and re-legitimise relevant funda-

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<sup>769</sup> According to Honneth: ‘With the great exception of Jürgen Habermas –alongside whom Antonio Gramsci should perhaps be placed – for various reasons a certain tendency to anti-normativism has prevailed, which essentially prohibited from being endowed with normative expectations vis-à-vis society. (...) If the adjective ‘social’ is to mean anything more than ‘typically found in society,’ social suffering and discontent possess a *normative* core.’ A Honneth, ‘Redistribution as Recognition: A Response to Nancy Fraser’ in N Fraser and A Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (Verso 2003) 129.

mental ideas (key elements) of gender justice. This is the reason why the thesis focuses on and is limited to these.

## 6.4.2 Orientations for further research

It is suggested that further research be undertaken as follows.

In light of the recent event in the uprisings in Northern Africa<sup>770</sup> and the overwhelming presence of men in the demonstrations, it is suggested that the same background and analytical framework, applied in the field of IDA be applied the field of post-conflict and fragile countries.

It is suggested that the first proposed further research (long term) is oriented at analysing how key ideological shifts which underpin the interpretation of gender equality have played out at theoretical, international legislative and policy level, at national and donor level and programme level, in the field of fragile states and post-conflict zones.

The main approach would keep the same critical perspective throughout the research and will also be used as a relevant strategy to expose the reasons why certain interpretations have been privileged over others and to reveal the hegemonic ideologies underpinning the interpretation of gender equality in post-conflict zones.

Thus the critical approach as illustrated in *A Critical Introduction to Law*,<sup>771</sup> would be retain as a useful methodology to spark similar questions in relation to the interpretations of gender equality in the field of post-conflict zones: 'Who drew the definition of gender equality in post-conflict zone and fragile states?' As with the Law

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<sup>770</sup> The Tunisian Revolution of 2011, or 'Jasmin Revolution' is a series of demonstrations that took place in Tunisia in December 2010 and January 2011 and that led to the departure of President Zine el-Abidine Ben Ali in power for 23 years. Inspired by the Tunisian uprising, the Egypt Revolution of January and February 2011 led to the resignation of President Hosni Mubarak on 11 February 2011. See more generally, live coverage of BBC World News, Middle East: January-February 2011 <[http://www.bbc.co.uk/news/world/middle\\_east/](http://www.bbc.co.uk/news/world/middle_east/)> accessed 26 February 2011.

<sup>771</sup> W Mansell, B Meteyard and A Thomson, *A Critical Introduction to Law* (3<sup>rd</sup> edn, Cavendish Publishing 2004).

and IDA field, this question is raised in order to 'reconsider what is usually taken for granted and to question common assumptions about the meaning of'<sup>772</sup> gender equality in post-conflict zones.

It is expected that a critical approach would equally lead to further reflection on issues such as the hegemonic ideologies underpinning the interpretations of the concept of gender equality, the interests at play underlying these ideological trends, and the extent to which these have addressed (or not) inequalities and injustices faced by women living in poverty in post-conflict zones.

Thus the same questions will constitute the central concern of this further research as follows:

Is gender equality a means towards broader social changes and poverty reduction in conflict-zones? Is the interpretation of gender equality in the field of post-conflicts and fragile states, as neutral and apolitical as it is presumed to be, or has it also excluded key elements of substantive justice to the benefit of equal participation in structurally unequal and unjust environments?

Through adopting a critical approach, further research will seek to uncover whether, like the interpretation of the rule of law and that of gender equality in IDA, the interpretation of gender equality has, over the years, changed to displace substantive distributive socio-economic justice for women as well as other key elements and pre-conditions such as the universality of women's human rights.

This therefore may also involve systematically analysing the broad levels of the post-conflict field: the theory level, the international legislative and international policy level, the donor and national policy level, and finally the programme and field level. It is by critically examining the changes in focus in the interpretations of gender equality throughout these different levels, that one might, through the same analytical matrix employed in the field of IDA, identify common and recurring patterns of these phenomena in a wider context.

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<sup>772</sup> *ibid.*

It is expected that critical examination of these common and recurrent patterns will not merely challenge specific interpretations of gender equality, but at a deeper level, question the adequacy of the theoretical framework which underpins the concept of gender equality in the specific field of fragile states and post-conflict zones in relation to gender justice.

Ultimately, it is anticipated that such a critique might be useful in formulating a re-envisioned focus underpinning gender equality in the field of post-conflict. Such a focus should provide, through a renewed interpretation of gender equality in post-conflict, a more adequate response to gender inequalities and injustices faced by women in fragile states.

This further research takes the Review of the Danida supported MDG3 programme in Liberia<sup>773</sup> as a first case study and point of departure as follows. The main objective of the review was to critically assess progress made in the implementation of the MDG3 Programme, identify gaps and challenges in the implementation and make recommendations for improvements. The review could show that some activities implemented had shown positive and tangible effects on women's basic needs and strategic interests especially in the poorest rural areas of Liberia.<sup>774</sup>

If the methodology and analysis developed in the context of this thesis, is applied in the context of post-conflict countries, it might broaden the programmes that have usually a narrower scope in the humanitarian field, to integrate issues of gender justice that would centre around redistribution of power and resources. The post-conflict context provides both precarious conditions and at the same time, a unique opportunity to rebuild a society anew, refocused on gender justice

The second proposed orientation for further research (short term) is more strategic and seeks to achieve a wider impact. The strategy consists in targeting an influential

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<sup>773</sup> Danida, 'Joint Annual Review Danish Support to Gender Equality and Women's Empowerment (MDG3) Programme in Liberia 2009-2012. Aide Mémoire' (7-18 June 2010).

<sup>774</sup> *ibid* 1.



donor agency and influencing its policy by applying the methodology developed in the thesis. The selected agency is the WB which has been highlighted in the thesis for applying a narrow interpretation of gender equality from a neoliberal perspective but also with the power to influence a wider audience, namely most key IDA agencies and beyond the field of IDA, other financial institutions.

The author submitted a proposal to carry out a study for the WB combining gender and human rights approaches that are expected be used as training for WB staff. The tender was successful and the author is now leading the team of experts for this study that reflects the theoretical framing and methodological model developed in the thesis as follows.

The following are examples from the technical proposal submitted by the author to the WB and Nordic Trust Fund, showing the impact of thesis at various levels.<sup>775</sup>

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<sup>775</sup> GHK/ Critical Rights & Gender Consult, 'Technical Proposal for the Study on Gender and Human Rights for the WB and Nordic Trust Fund' (March 2011).

*Impact of the thesis in changing conceptual understanding of gender equality, human rights and underpinning theories.*

Gender and human rights are fluid concepts and the source of much discourse. The first challenge of this study is thus to provide a useful classification of concepts and definitions that would clarify the various and at times confusing interpretations of key concepts. The study should not be limited to a glossary of definitions but rather provide an analytical framework. This would pave the way for a deeper analysis as to the reasons why certain interpretations of gender and rights related concepts have been used, and link them to specific development outcomes. The second challenge is to explain why it makes sense to combine gender and human rights approaches. This should not merely present a chronology of shifts towards rights-based approaches, but rather explain *how* and *why* have these shifts occurred. Such a framework should i) clarify terminologies for development practitioners who are not necessarily gender and rights experts and ii) provide guidance on the integration of gender and human rights approaches. In presenting the reasoning behind the shift towards human rights and rights-based approaches to gender in development, the Terms of Reference requires consideration of key academic and practitioners discussions on such integrated approaches. The ToR points to some of the most complex and challenging discussions in the field. We see important dimensions to these challenges. For example,

- cultural relativist approaches emphasize identity and differences and that have often provided a justification for violations of fundamental human rights and women's human rights. This needs to be re-positioned at strategic and policy level in the development agenda by re-shifting the emphasis on commonalities across cultures as opposed to an emphasis on cultural differences and identities in the post-modern era. However, unless the approach to Human Rights implementation in the field of IDA is upwards-focused as opposed to top-down, and unless it cuts across regions and socio-economic groups, results will be difficult to achieve. The challenge is to identify and focus on commonalities across diverse cultures.

- one of the major hurdles in addressing violations of women's human rights that international law instruments have been by nature limited to the public sphere, and not always effective at national levels, and in the private sphere, such as in households.

- With the revival of cultural relativist approaches emphasizing differences and local customary practices, the clash between religious and customary rights and women's human rights has been accentuated. Such clashes have to some extent always existed from the inception stages of Women's Human Rights – for example, Shari'a law Member States have consistently questioned the CEDAW principles on gender and human rights, and there have been constant attempts to water down the concept of gender complementarity<sup>5</sup> in international policy platforms such as the World Conferences on Women. Although the eli-

mination of socio-cultural stereotypes and harmful customary practices was explicitly targeted by CEDAW, it has clearly been in tension with certain religious and customary norms.

*Impact of the thesis in formulating hypothesis and understanding problematics* *The hypothesis is formulated as follows:* Gender work in the WB would be strengthened and achieve added value through better outcomes if a human rights and rights-based approach were applied and integrated to it.

*The problem is formulated as follows:* To what extent have human rights and rights-based approaches been explicitly or implicitly included or omitted in WB gender related work? What evidence can be provided that can demonstrate that the inclusion of human rights and rights-based approaches to gender leads to added value and (potential) better development outcomes?

The importance of the problem relates to the fact that although gender work in IDA, has increasingly progressed towards greater visibility and has been increasingly considered in a variety of development sectors, the results and impacts yielded, safe from some exceptions, often fall short of addressing structural gender inequalities, substantive justice and qualitative changes. Rather, gender evaluations have demonstrated that most results achieved through the gender mainstreaming approach have largely focused on increasing the quantitative participation of women and the recognition of their special needs. This study is groundbreaking in not only seeking to combine gender and rights approaches comprehensively but in directing them towards development outcomes.

*Impact of the thesis in devising new approaches* To address this problem the technical approach envisaged in this study is thus three-fold as follows:

*A Human Rights (HR) and Rights-Based Approach (RBA)*

*A Human Rights Approach (HR)* to gender work will essentially entail an assessment of the level of integration of CEDAW and other relevant women's human rights and human rights frameworks. These include both conventions and soft laws. The objective of using a human rights approach is to identify the extent to which human rights and women's human rights have been included and the extent to which interlinkages with gender-related development activities have been made. This approach will also reveal the extent to which opportunities have been missed by omitting human rights and women's human rights.

*A Rights-Based Approach (RBA)* places an emphasis on States having duties to facilitate the

fulfillment of their people's rights and fundamental freedoms. RBA is evolving within the overall framework of international law that specifies obligations that are legally binding through the ratification of international treaties and covenants examined through the HR approach above. Non-legally binding instruments are also used to hold governments accountable to their expression of good will.

Strengthening duty-bearers' capacity to be accountable and fulfill their obligations; and Empowering rights-holders to claim their rights.

Thus an RBA applied to gender work would focus on assessing the degree to which duty bearers' capacity to be accountable and fulfill their obligations, has been strengthened, notably in relation to obligations specified in CEDAW (if ratified and save for possible reservations). It also includes the extent to which the capacity of States to fulfill obligations has been strengthened in respect of more stringent regional women's human rights normative frameworks. On the Rights-holders side, the approach will focus on the extent to which women have been empowered to become aware of and to claim their rights.

#### *A three-dimensional Gender-Justice Approach*

Nancy Fraser, who is a key authority on the cutting-edge notion of Gender-Justice foresees the third phase of feminism beyond the identity-locked boundaries of current post-modern and second wave feminism. In her view, a three-dimensional justice matrix holds potential for better substantive outcomes in Gender-Justice. This would simultaneously challenge linked injustices of misdistribution, misrecognition and misrepresentation.

In her three-dimensional theoretical matrix, consisting of a nexus between recognition, representation and distribution, Fraser focuses on axes of injustices that are simultaneously cultural and socioeconomic.

Adapted and simplified from this theoretical framework, we have devised a tailor-made gender-justice approach to WB gender work, with three dimensions based on the Human Rights and Rights based approaches.

The three dimensions are:

*Representation* – includes the quantitative participation of women in development processes, activities and programmes.

*Recognition* – includes the particular and different voices of women, special problems and violation of women's human rights such as SGBV.

*Redistribution* – includes a just and equal distribution of access and control over resources and decision-making powers.

*An Evidence-Based Approach*

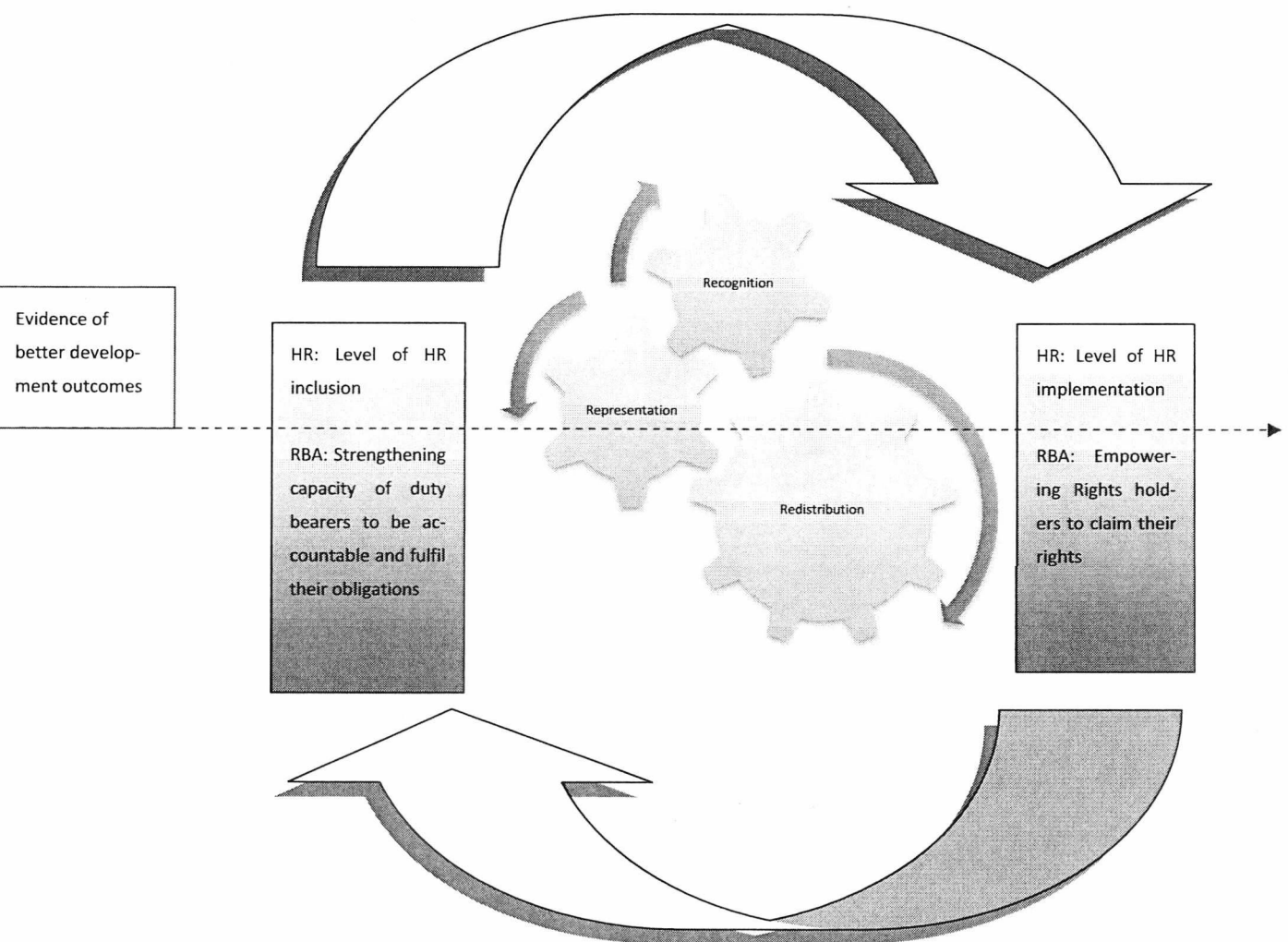
An evidence based approach seeks to collect and analyse data on programmatic outcomes. Ideally experimental paradigms are used to isolate the critical factors which underpin successful outcomes – however, in reality there are few if any programmatic approaches which plan for this kind of rigorous approach. However, evaluation studies provide a wealth of evidence which indicate the relative success or otherwise of gender and rights based approaches.

In this context, it may be possible to rate the relative success of a range of comparable objectives between different programmes. Using this data, it may then be possible to link successful outcomes with approaches.

Evaluation studies may assist additionally by providing qualitative evidence indicating the success of particular approaches.

Thus the impact of the thesis on developing new analytical model is illustrated in the model below that was specially designed for the study:

*Analytical model: a three-dimensional approach to Gender and Right in Development.*



The combination of these approaches is expected to provide a useful and insightful technical approach to assess the extent to which human rights, women's human rights and rights-based approaches have been explicitly or implicitly included or omitted in WB gender related work. The study is thus expected to identify relevant evidence that can demonstrate that the inclusion of human rights, women's human rights and rights-based approaches to gender-related work potentially lead to better outcomes in IDA.

The analytical model above shows that these approaches are evolving in a dynamic movement which provided it is steered in the right direction, could potentially produce and lead towards added value through better development outcomes.

Ultimately, the analytical model seeks to respond, in a simplified manner, to the complexities of this field, highlighted in the understanding of the ToR which have clearly indicated that a mere wholesome application of human rights and gender equality frameworks is insufficient per se to achieve better development outcome. Moreover, the model reflects the need for all stakeholders to be actors of their own development rather than passive recipient.

It is thus hoped that this study, readapting the theoretical framework and analytical model developed in the thesis will have positive impacts in terms of broadening the understanding of WB staff working in this field, so that they may influence WB policy reforms and programme design accordingly. Furthermore, it is hoped that this study will provide a ground-breaking analysis that may influence not only other IDA's agencies beyond the WB but also beyond the field of IDA, other financial institutions. However, the author also expects this study to be met with much resistance.

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## Annex 2 Case Studies

*Annex 2 Case Study 1*

*Annex 2 Case Study 2*

*Annex 2 Case Study 3*

*Annex 2 Case Study 4*