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Globalisation for the Common Good: African women's human rights in a globalised world

L. Muthoni Wanyeki

(Transcript of an oral presentation)

Introduction

Would like to begin by thanking you for inviting me to speak to you today

Am not an academic or a religious person, so am not sure why I was invited to speak

But am happy to be here to share some thoughts on African women's human rights

To illustrate the urgency of the issues, some statistics: African women constitute just over 50% of the African population, yet own less than 10% of African resources and constitute 70% of Africa's impoverished

Less quantitatively and more qualitatively, African women's impoverishment—or underdevelopment—is seen in African women's lack of control (that is, effective ownership and decision-making power) over our own bodies as well as the economic and financial resources that we have access to with respect to productive labour, African women's disproportionate share of reproductive and community labour and the differential impact of all the critical development issues facing Africa—the most stark being armed conflict and HIV/AIDS—on African women as compared to African men

Despite the recent peace agreements for Somalia and south Sudan, armed conflict is still being experienced in almost every sub-region of Africa. Conflicts in Africa are increasingly experienced internally, even where there is significant external involvement. And they are increasingly fought by and

affecting civilian populations, particularly women and children. The result is that Africa is now home to the largest internally displaced and refugee populations in the world, the majority of whom are women and children

HIV/AIDS is now the leading cause of death in Africa, having reduced average life expectancies by 15 years. The most recent estimates are that 29 million people living with HIV reside in sub-Saharan Africa, of whom 58 per cent are African women. And, as African women remain responsible for reproductive and community labour in Africa, African women are not just the majority of those infected, they also bear the brunt of family and community care responsibilities around HIV/AIDS

Despite these facts, reproductive and sexual rights remain so low on the development agenda as to be almost invisible—despite new international commitments to maternal health in the Millennium Development Goals

And economic and political policy-making continues to be gender-blind—both within African states and on the part of those who purport to offer financing for development

In this context, human rights provide a useful framework for both naming the injustices which the African majority survive on a daily basis as well as for staking a claim to and for state protection and redress for these injustices

Realising reproductive and sexual rights as well as gender analysis and mainstreaming in development policy-making is imperative

Will quickly go through each area, focusing on African gender interests under each

Development Policy-Making

The United Nation's 2001 Financing for Development Conference in Monterrey was heralded by the African women's movement (and others) as being a necessary attempt for the UN, including the International Labour Organisation and the UN Commission on Trade and Development to reclaim the development agenda from the Bretton Woods institutions and the World Trade Organisation

The Monterrey Consensus focused on six main areas related to financing

for development: the mobilisation of domestic resources; the mobilisation of international resources; trade; overseas development assistance; debt; and systemic issues

ODA

With respect to the quantities of ODA, real levels continue to fall, even though new commitments for Africa are expected this year

The UN has estimated that meeting the MDG of halving poverty by the year 2015 will require USD50 billion per year—this was the figure that overdeveloped states committed to reaching in terms of ODA in Monterrey. This sounds good. Until we consider that the United Kingdom and the United States spent USD70 billion in the first month in their illegal war against Iraq. Or the fact that commitment amounts to less than half of what the overdeveloped states committed to during the 1970s—spending 0.7% of their Gross Domestic Product on ODA. Currently, the Group of Eight spends less than 0.3% of its GDP on ODA. As a little footnote, in Monterrey, the overdeveloped states dismissed this earlier target, saying that it amounted to granting ODA on the basis of supply rather than demand

But the concerns around ODA do not just have to do with quantity—they have to do with quality

A second concern with ODA is that it continues to be tied by many of the overdeveloped states—that is, granted on condition that significant proportions of it are spent on goods and services from the granting state. During the 1980s, for example, 80% of Canadian ODA was tied. Tying ODA not only prevents us from seeking out the best deals for a required good or service. It amounts to a form of subsidisation of the granting states' economy

A third concern with ODA is that it is increasingly used to impose not only economic, but also political conditionalities on our states. While we ourselves have often made use of these conditionalities to support our own advocacy for reform on the national front, we have to question this stance. In recognition of the outcry around conditionalities, the International Monetary Fund and the World Bank as well as most bilaterals have recently made poverty reduction rather than structural reform their priority

conditionalities

The fourth and final concern about ODA is that the manner in which it is referred implies dependency, that we are getting something for nothing. The fact is that ODA, as mentioned above, is granted on the basis of a commitment by overdeveloped states in recognition of the fact that Africa is actually a net exporter of capital. UNCTAD, for example, has estimated that for every USD1 that flows into sub-Saharan Africa, USD1.06 flows out—30 cents in reserve build-ups and capital outflows, 51 cents in trade losses and 25 cents in debt servicing and profit remittances

With respect to gender, ODA has differential impacts on women as compared to men. This came through clearly in the results of the contentious and disputed Poverty Reduction Strategy Process in Africa—mooted by the Bank and the Fund as a means of targeting government expenditure in national budgets. The priorities put forward by the Africa women's movement differed substantially from those eventually incorporated in the PRSPs. More fundamentally, gender concerns were totally excluded from the fundamental basis of the national budget—the macroeconomic framework

Debt

But only a minute proportion of ODA is, of course, received in the form of grants. What we commonly refer to as 'aid' is therefore not only a misnomer in the senses referred to above. The majority of 'aid,' particularly from multilaterals is received in the form of loans

Debt accrued on the basis of these loans is the primary means by which African capital and other resources are externalised

To clarify this point, here is a little, paradoxical statistic. Africa has paid its debts paid three times over during the last ten years. And yet, Africa is now more than three times in debt for what it has already paid

Monterrey saw the overdeveloped states block all proposals for innovative ways of debt re-structuring, beyond the discredited Highly Indebted Poor Countries initiative, which has essentially re-packaged Structural Adjustment Programmes (SAPS). UNCTAD's proposals for a debt standstill were ignored. And the Fund's proposed Sovereign Debt Restructuring Mechanism—essentially a bankruptcy process for states—was blocked by

the United States (US)

Mobilising Domestic Resources

The decreasing levels of ODA and the refusal to deal with debt have been obscured by calls for underdeveloped states, including African states, to explore other sources of financing for development

The virtues of micro-credit and micro-finance have always been heralded as a means out of impoverishment, particularly for African women. But, although micro-credit and finance may provide practical, short-term options for African women, they are not sufficient solutions. For they essentially ensure the re-distribution of resources among the impoverished, rather than address re-distribution from the enriched to the impoverished, both within and between states

A bigger question is to ensure the latter kind of re-distribution at the national level through gender budgeting—including a gender analysis and review of the macroeconomic framework and at the international level by questioning how domestic savings can be conserved and utilised rather than externalised. Africa's domestic savings rates are relatively high—the problem is, as explained above, that Africa is a net exporter of capital and resources

International Resources

Worse are the attempts to obscure failures with respect to ODA and debt by calling for the mobilisation of international resources through Foreign Direct Investment

FDI is presented as an opportunity for Africa. The implication is that those African states who fail to attract FDI are ourselves to blame—because we are too corrupt and undemocratic

Many African states are indeed corrupt and undemocratic. But that is not the issue here—we need to distinguish between issues which we ourselves have to resolve and the use of these issues to obscure responsibility

The argument above presents FDI as though it is demand-driven. While no African state would say it does not want FDI, the fact is that FDI is supply-driven. To drive this point home, note that all African states have bent over

backwards to do the necessary to attract FDI. African economies are the most liberalised in the world. And yet, only 4% of FDI came to sub-Saharan Africa in 2002—the majority of which went to (of all places) Angola, which can hardly be said to be going by the book in terms of the standard exhortations around creating a favourable investment environment

The example of Angola proves the point. The fundamental aim of FDI is to increase the asset holdings of transnational corporations in our states—to make profit, to use local resources (including both skilled and unskilled labour) and to capture local markets (against both foreign and local competitors)

African CSOs, including African women's organizations, have repeatedly raised what is now being experienced as the negative consequences of FDI in terms of gender and labour standards, environmental standards, income distribution and the externalisation of African capital and resources

What is needed is an understanding of FDI as consisting of more than capital—FDI is a bundle including capital, contacts, management and technology. To make FDI work for us, nationally determined conditions and performance requirements for each aspect of this bundle must be in place so as to provide a basis for negotiating the entry of FDI into African states. Such conditions and requirements must, of course, be gendered, including conditions on the specific needs of women with respect to technology transfer and mandatory codes of conduct for TNCs with respect to African women (for example, on harassment, discrimination, day care and maternal and other reproductive rights)

Trade

Which brings us to trade

Another mantra hiding the need for accountability on the part of the overdeveloped states is that of 'trade not aid'

At the WTO round in Doha, Qatar and Cancun, Mexico, the underdeveloped states, including Africa, opposed the expansion of the multilateral trading system until the terms of trade for commodity exports were improved to earn surplus for Africa. UNCTAD has estimated, for example, that simply changing the terms of trade for Africa would raise the USD54 billion required to finance 7% growth rate target for Africa mooted in

the New Partnership for African Development

This issue was not resolved in Cancun. Earlier, the G8 Summit had failed to adopt even the limited French proposals for a moratorium on export subsidies on agriculture. Larger and related questions such as the dumping of agricultural products from the overdeveloped world on Africa were ignored at the WTO Ministerial. The consequences of trade liberalisation on domestic industries and national development strategies are still insufficiently acknowledged

Systemic Issues

In conclusion, there is clearly need for a popular deconstruction of the myths around 'aid' and the 'dependent' relationship of Africa with the rest of the world

Coherence between the Bretton Woods institutions and the UN (including the ILO and UNCTAD) needs to be sought, with the UN taking supremacy with respect to development

Further, there is need for:

- More democratic global governance with the institutionalisation of gender-balanced civil society access and participation in economic and financial decision-making and norm-setting both nationally and internationally;
- Mandatory corporate social responsibility to environmental, gender and human rights standards;
- Redistribution of resources within and among states; and
- Changes in power relations within and among states—inclusive of the impoverished, the majority of whom continue to be women

Reproductive and Sexual Rights

Moving to the relationship of globalisation to reproductive and sexual rights, what is important is:

- First, that globalisation is facilitated by cultural content—information developing and reinforcing consumer values—delivered and mediated by transnational media corporations and information and communication technologies

- Second, that, despite the hype about 'emerging markets,' that cultural content cannot be realised in Africa given the real drops in both GDP and per capita incomes experienced across Africa in this stage of globalisation—despite the changes in consumer expectations that that cultural content may have engendered. While capital is moving, we increasingly cannot. The frustration that this has created has yet to be quantified, although we experience it qualitatively every single day

  What I want to do is make a couple of points regarding how globalisation and this impoverishment are impacting upon African women's reproductive and sexual rights

  Let us return to HIV/AIDS as an example

  Obviously, reproductive and sexual rights are—or should be—at the heart of efforts to stem the spread of HIV/AIDS

  For obscured in the messages about safer sex are issues relating to women's rights to control their own sexuality—to determine when, with whom and how to have sex, to have respectful sexual relations and to enjoy pleasurable and safer sex

  There has been much talk of Samuel Huntington's theory of the impending 'clash of civilisations'

But in no area is the synchronicity of the world's two most dominant religions seen than with respect to women's reproductive and sexual rights—whether we are talking about the coherence of strategy at the international level between Christians and Muslims with respect to challenging legal and policy gains made over the years as evidenced during the Beijing review process, about Christians and Muslims joining hands to burn condoms in Kenya or about punishments disproportionately imposed on women as compared to men for supposedly 'adulterous' behaviour in Nigeria

Culture, Religion and Human Rights

I am not going to go into the debates that exist—both within and without—on the interpretation of religious edicts with respect to reproductive and

sexual rights

I will only note that they exist

What I want to stress here are two things:

- That both culture and religion are not contained and static—they are constantly evolving, subject to the individual choice and both internal and external influences and pressures
- That interpretations of culture and religion that claim otherwise are usually advanced to serve particular interests, often in reaction to individual non-conformity and those internal or external influences and pressures—sometimes justifiably so, but usually with severe consequences for those individuals subsequently forced to adhere to rigid interpretations

To support these two claims, want to share some of the findings of a book I recently edited titled *Women and Land: culture, religion and realising human rights*, which was published by Zed Publishers. The primary objective of this book was to examine women's land rights and evolutionary prospects with respect to the customary, religious and statutory regulation of land in seven African countries: Cameroon, Ethiopia, Mozambique, Nigeria, Rwanda, Senegal and Uganda. So the overall aim was not only to assess the ways in which culture and religion impede human rights, but also to assess the possibilities for culture and religion to reinforce human rights

Some findings relevant for this meeting:

- In rural areas (as well as in some peri-urban areas), customary law still tends to supersedes statutory law with respect to women's rights
- Customary law does allow for women's access to social capital that impacts on women’s capacity for leadership. But, such access is still dependent upon women’s marital status
- And women's customary rights are changing, evolving as a result of economic and social change within the communities giving rise to the conclusion that tradition and modernity are not mutually exclusive—tradition can be and is dynamic, being influenced by modernity
- Christianity has had a minimal influence on women's rights, with mixed impacts depending on whether the variant of Christianity

practised is in favour of women's equality or not
- Islam has had greater influence on women's rights—or rather, a greater potential influence. In principle, Islam grants women greater rights than customary law but, in practice, these rights are generally not respected
- This is because, in the African Islamic communities researched, almost without exception, in practice, customary law has been accommodated by religious (Islamic) regulation, to women's detriment. Similarly, without exception, customary law is accommodated by statutory law, also to women's detriment. Within statutory law itself, there are unresolved tensions with implications for women's rights. Thus, even the nominal rights customarily or religiously enjoyed by women are diminishing

In African Islamic communities, customary law contrary to women's rights has tended to be accommodated by Sharia in accordance with the principle of ahafu dharayn (choosing a lesser evil). Islam allows for syncretism, with all customary practices in a (conquered) community which are not contradictory to Sharia being accepted. But, in practice, although some women's rights are protected by Sharia, in the communities researched, they were overturned so as to maintain societal equilibrium. Where this gap between theory and practice has eventually been acknowledged, that acknowledgement was not been on the basis of the principle of radd al-Mazahlim (redressing of injustices) to restore women's collective rights violated by previous regimes. Instead, individual Muslim women have had to put countless cases forward which are still being dealt with by the Sharia courts

The Roots of State Inaction

All that said, the apparent unwillingness of the state, as well as of cultural and religious organisation, to assert a positive and progressive position on the reproductive and sexual rights at the heart of the conflicts in the examples given above, to intervene on behalf of 50 per cent of its citizenry is surprising

Why? Why is the state responding so—or, more accurately, not responding?

As the state retreats from service delivery due to globalisation, service delivery has been increasingly picked up by civil society—including not just

non-governmental organisations, but also religious organisations. In the north of this country, for example, there is practically no evidence of the state's presence, except for periodic military and security incursions against the population. Religious organisations run the hospitals, relief programmes, the schools and so on

In such situations, in addition to the moral weight that religious organisations in any case command among 'believers,' they now also command a secular weight that the state knows it must contend with

The 'believers' increasingly tend towards nationalism—partly in reaction to the state's absence and their impoverishment, but also in reaction to what they perceive of as being the cultural content the state is encouraging through accession to the accelerated processes of globalisation referred to above

History shows us that, whether implicit or not, women's sexuality inevitably becomes the flag-bearer, the symbol of narrowly defined struggles around nationalism—cultural or religious

In such instances, when push comes to shove, the state will not openly go against cultural or religious positions—especially when those positions seem 'harmless' in that they 'only" affect that 50 per cent of the citizenry again

This failure to provide a unifying vision for all its citizens only serves so as to compound fragmentation along cultural or religious grounds

And this inaction only serves so as to send out the message that yes, that 50 per cent of the citizenry is indeed 'irrelevant'

So, with respect to HIV/AIDS, then the state decides to ignore fundamental questions around women's reproductive and sexual rights

Conclusion

To conclude, it is clear that both customary and religious law offer some (albeit limited) opportunities to enhance women's enjoyment of rights in relation to law

Not only statutory law (and its supporting policies) but also customary and religious law can, in fact, support enhancing women's enjoyment of our

rights—including our rights to leadership at all levels. Among women, legal literacy, not just of statutory law, but also of customary and religious entitlements, is critical to enhance our relative bargaining power

But women's ability to act in our own self interests is also dependent on our self-worth, our ability to accrue resources and the value assigned to those resources. This ability can therefore be realised through reform processes that address both the external (the constraints to the realisation of our self-interest, to our collective organisation) and the internal (our own perceptions and understandings of our rights)

Factors which would enhance women's enjoyment of our rights include legitimising women's claims to rights through changing gender stereotypes, roles and gender-based divisions of labour. We are all—not just states or cultural and religious leaders—responsible for doing this legitimising work. The question is whether we will choose to exercise the courage of our convictions—in effect, whether each one of us will take leadership on this

We need to examine not only the links between globalisation and African women's human rights not only in a literal sense, but also a metaphorical sense—the cultural and religious reactions being induced by various processes of globalisation and the effects of those reactions on reproductive and sexual rights

And finally, we need to impress upon our states the need to address these reactions to as to secure rights—by outlining exactly how in terms of law and policy the state is letting 50 per cent of its citizenry down and by sharing, among ourselves and with the state, the models that do exist for resolving those tensions

I thank you

About the Author

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FEMNET works towards African women's development, equality and other human rights through advocacy at the regional and international levels, training on gender analysis and mainstreaming and communications.

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