Narrating ‘Gender’ in Africa:  
The Limits of a Rights Approach

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Introduction

A recent book on regionalism and ‘gender’ rightly notes that literature that examines the development of gender equality norms often focuses on how these norms move from the global governance level to local levels (Van der Vleuten et al, 2014).

The existing focus on norm diffusion move in relation to regional governance leads to a two-fold assumption. First, that norms designated as global are unidirectional in that they originate at the global level from institutions like the United Nations (UN), and then move down to the local level. Second, that the local level is the nation-states – the micro. This second assumption justifies why much of the focus on gender equality/justice in Africa tends to focus on National Action Plans (NAPs) and how African states implement gender perspectives. These studies fill an important gap in the still limited knowledge on the implications of ‘gender’ in global governance, and achievements towards gender equality/justice. However, because of this approach to understanding the construction of gender equality as a global norm much of what we know about gender equality and justice has discounted the impact of new forms of governance, such as regionalism.

Regional governance is ‘the system of rule at the regional level where authority is exercised by state and non-state actors in formal and informal ways and where global, regional, national and subnational levels are linked’ (Van der Vleuten and Eerdewijk, 2014, p. 18). Constitutive of regional governance is two distinct but interrelated processes – regionalisation and regionalism. Regionalisation is the motivation for regionalism – it is how regionalism is integrated (Haastrup, 2013). Regionalism refers to that aspect of governing regions through formal structures which provides a new regulatory framework. It is therefore a top-down process of managing regionalism.
As with other forms of governance, it is necessary to heed feminists’ calls to investigate the gendered governance structures in order to understand how these structures seek to be transformative in attaining gender equality/justice (Rai and Waylen, 2008). The study of this new type regulatory framework is important because it also provides a new site of contestation that is distinct from the state and the global level, which have evolved within the processes of globalisation.

‘Gender equality’ in the regional domain has been examined significantly with regards to the European Union (EU) (see for example Hoskyns, 1996; Kantola, 2010; Liebert and Sifft, 2003; Stratigaki, 2005; Verloo, 2007; Walby, 2004) this is the exception of the linking of regions with issues and strategies of gender equality and gender justice rather than the rule. As Van der Vleuten and colleagues (2014) note, the most important works on regionalism leave out gender considerations completely.

The contribution of this paper is to the turn in global governance studies to examining processes at the ‘meso’ (regional) level. In other words, this paper is a ‘gendering’ of regional governance. In a broad overview of the African ‘meso’ level, I suggest that the dominant narrative of gender justice through human rights actually constrains the realisation of substantive gender equality in Africa and the transformative potential of strategies aimed at attaining equality and justice, including gender mainstreaming. Presently, narrating of women’s rights and gender equality within a human rights discourse is not enough without feminist interventions, a condition for attaining gender justice. A feminist approach to gender equality is an explicit acknowledgement of the challenges faced by women because of their sex (see Nussbaum, 2002) and thus challenges the tendency of the neutralising and detrimental effects of the (new) dominant discourses that link attaining gender equality/justice and human rights in the context of a neoliberal regional order.
To be clear, the argument that frameworks without explicit feminist concerns on issues of gender equality are limited in their ability to transform prevailing gendered hierarchies is not entirely new (Nussbaum, 2002). What is new, and what I aim to unpack here is the context within which women’s rights and gender equality as human rights is being deployed – neoliberalism. I conclude that in Africa, the promise of a transformative human rights agenda underscored by feminist perspectives is being retrenched despite the continued use of the language of rights.

This paper acknowledges that ‘gender’ is a contested concept and this is why the African narrative on how to attain gender equality/justice is relevant for examination. Nevertheless, in line with feminist perspectives and with this awareness that this has theoretical implications, I see the overarching aim of gender equality/justice in practice to be eradicating the subordination of women to support societal transformation for all.

The subordination of women to varying degrees across all cultures is inherent and this was not different in 1948 when the Universal Declaration of Human Rights was adopted. While Nussbaum acknowledges that adoption of human rights discourses has made demands that have proven valuable to women and other subordinated groups (p.47), the rights framework is problematic. First, the idea of human rights itself if contested despite the language of universality (Nussbaum, 2002 p.47). Second, human rights’ by itself assumes neutrality that is almost immovable. This neutrality has consequences. By framing Men and Women’s rights in this manner, there is no interrogation of the standard of equality and obfuscates gender as a power relationship. Women’s demands and urgent claims therefore retain a marginal position over political and civil liberties. Third and finally, while human rights may convey essential legal status, this is not translated to practice inasmuch as what is acceptable as a standard of universal right is the male norm.
Human Rights, Women’s Empowerment and Africa’s ‘Gender’ Regime: A Story

It is important to be clear from the onset that that there are multiple discourses of gender equality in Africa. This is to be expected given the number of countries on the continent and different historical trajectories. It is acknowledged for example that countries like South Africa and Rwanda have progressive gender equality approaches while other countries like Niger lag behind not having ratified the Maputo Protocol for instance. However, it makes analytical sense to refer to a dominant continental/African narrative of gender equality that is situated in human rights discourses given the various commitments of African women’s groups, leaders and elites. These human rights discourses tend to promote individual rights, and women’s political participation through physical representation of parity. These discourses are politically neutral allowing for example the influence and importance of African culture and tradition over what may be deemed cultural imperialism if unacceptable to those in power. Importantly, human rights as an organising frame does not aspire to dislodge prevailing power structures although this may be a consequence of a more human rights conscious system.

Much of the scholarly focus on gender equality/justice still tends to be on the EU or North America because these two regions have a longer history of institutionalising gender equality frameworks. Nevertheless, in Africa, debates on gender equality itself are not new on the continent. This is what makes it interesting. While comparatively ‘emergent’, one might expect Africa’s gender regime to also be receptive to other more experienced polities and indeed a global historical context. Importantly and as feminist new institutionalists have noted, the creation of new institutions (like the African Union) further provides the opportunity to realign norms so that they reach their transformative potential. Importantly, as Lomabrdo, Mier and Verloo (2009) note, ‘gender equality’ gains new meaning in its various journeys
across time and contexts requiring us to question how it is understood within the specific whole-of-Africa context. How gender is understood has not been explored in any depth in the African Union (AU) context. The AU context is important because it is now the key agenda setter on issues of gender equality policies through its Directorate for Women, Gender and Development.

Most recently is the commitment of AU member states, represented by relevant ministers and other senior officials to the goals of post-2015 development goals, promotion of gender equality and women’s empowerment to adopt strategies that build ‘African Solidarity’. The idea of gender equality is consequently firmly ‘ingrained in the fabric of Africa’s new drive towards greater regional integration’ (Haastrup, 2013, p. 104).

Thus, taking the AU as the key protagonist in this narrative, this paper focuses on the history and context of the dominant human rights discourse through which the ‘story’ of gender equality is being told in the African context. In terms of formal institutionalisation, it is also important to acknowledge their links to global frameworks. For example, African women’s groups and civil society groups initially contributed to the 1975 First World Conference on Women in Mexico City, helping to shape the message of the conference. Further, UN Women which seeks to put gender equality on the policymaking agenda of global, regional and national actors by being a clearinghouse for gender initiatives, proposing policies and implementing them. As part of its dedicated partnerships with Regional Organisations (ROs) UN Women has a liaison office to the AU. A Memorandum of Understanding (MOU) first established in 2005, governs UN Women’s partnership with the AU through the Women, Gender and Development Directorate. The establishment of the AU Gender Policy in 2009 has been touted as a key success of the UN Women – AU relationship.

In order to understand how the meanings of gender are derived in the African
context however, it is essential to understand how ‘gender equality’ has developed as a policy option or norm for the AU. It is important to note that there is also a regional element, which is irremovable from the global when trying to understand how gender equality is understood in Africa. Indeed, it is based on historic linkages albeit sometimes ineffective attempts to address the challenges of inequality.

Arguably, the inclusion of gender concerns that uses a human rights discourse is first articulated in the African Charter on Human and People’s Rights (1981), which helped to elaborate on the continental commitment to equality. It is widely recognised that this Charter places a lot more emphasis on social and cultural rights, thus putting a primacy existing ‘African’ traditions and values. A fundamental milestone for the region, it even goes so far as to assert a right to development.

Development as understood in New Partnership for Africa’s Development (NEPAD) refers focuses on poverty eradication, sustainable growth, the reintegration of Africa into the global political economy and to ‘accelerate the empowerment of women’ (NEPAD, 2001). NEPAD was adopted as a strategic framework in 2001 as a response to decades of marginalisation and the failures of externally imposed structural adjustment programmes. Perhaps even more importantly and despite the regionalism slogan of ‘African Solutions to African Problems’, the process through which NEPAD is to actualise is dependent on neoliberalism given the intention to integrate into the global political economy and the focus on poverty reduction by enmeshing in the processes of globalisation. This will have implications, as it fundamentally set the tone for the narrative on gender equality.

In 1981 however, the Charter, which clearly embraces the language of human rights did not really address women’s empowerment or issues of gender equality. This Charter did not recognise the rights of privacy or the rights to freely choose one’s spouse. These have clear very gendered consequences. On the right to privacy for example, there are clear implications for reproductive rights of women for example
and the right of women to bodily integrity.

On a continent that refuses to denounce polygamy concerning the right to choose one’s spouse directly disadvantages women. Others have criticised the deviation of the Charter from universal standards due to its emphasis on communal rights and allowances from national interpretation. While there has been push back against this particular criticism for not recognising the diversity between African states (Enemchukwu, 2011), both the initial criticism and its response miss the point when gender lenses are applied due to the lack of strategy for enabling gender equality or women’s empowerment. As Ebeku (2004) noted, at this time the regional progress still left women and girls without the appropriate inheritance rights and the space to participate in national and regional governance.

Applied broadly then, while the Charter is seemingly progressive in the legal sense through its aims to satisfy so-called cultural mores while using the language of human rights in the promotion of neoliberal economic/development systems and liberal democracies it fails to challenge the status quo of patriarchy that invariably subordinates women. It is unsurprising then that for over 20 years women’s movements and feminists in particular campaigned ceaselessly against a structure that support the subordination of women to men.

In 1989 following a conference organised by the United Nations Economic Commission for Africa (UNECA), The Abuja Declaration on Participatory Development: The Role of Women in Africa in the 1990s was developed. Guided by the Women in Development (WID) approach, there is an emphasis to the inclusion of women in male dominated domains of decision-making, through training, education. The WID approach concentrated on issues around maternal health and the pay gaps in the labour market. However, despite the innovation of this approach, it is critiqued because women and women’s issues were treated as a special category. As one critic noted [WID] ‘fails to undertake a full scale analysis of
the relationship between patriarchy...and women’s subordination and oppression’ (Rathgeber, 1990). In seeking the integration of women, it does not go far enough in the attempt to upend dominant practices and societies that are inherently disadvantageous to them.

In 1994, the African Platform for Action was developed and adopted in 1995. This Platform for Action emphasised the necessity of enhancing women’s ‘status and skills’ (UN, 1994, p. 10 cited in Van der Vleuten et al, 2014, p. 172). Although there are references to gender in the context of gender mainstreaming, as a gender equality strategy, ‘gender’ mainly equals women. The upshot of this is the ‘add women and stir approach’, which has been criticised significantly by feminists.

In Article 4 (I) of the Constitutive Act of the African Union (2000), the AU commits to the promotion of gender equality. As the founding document of the reconfigured pan-African institution, its inclusion in the Constitutive Act is significant as it suggests that gender equality underpins the new iteration of institutionalised African integration. Further, it is an explicit mandate for the Commission of the AU to promote gender equality in every aspect of the AU’s governance. Moreover, this suggests some attention to gender concerns at the regional level, at least rhetorically.

A Feminist Human Rights Agenda for Africa? The Maputo Protocol and beyond

As a response to the feminist criticisms of the ACHPR and subsequent initiatives, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003) was drafted and adopted at the continental level. This is presented as an addendum to the initial Charter on Human and People’s Rights, which many women’s rights activists felt did not go far enough – but far enough for what? The Protocol begins with an explicit denunciation of discrimination against
women and advocates the elimination of harmful practices against women and girls. One of the key innovations of the Protocol over the actual African Charter is that it begins to underscore issues around bodily autonomy against accepted (African) cultural norms. For example, it explicitly disavows Female Genital Mutilation; sexual harassment; and gender-based violence. Moreover, this articulation of gender equality for the first time introduced a dimension of intersectionality, by acknowledging the interactions of oppression for disabled women, and widowed women, often isolated in public discourses.

Importantly, this Protocol took on areas usually circumscribed as cultural inalienable. For example, it fixed the minimum age for marriage at 18 and emphasised the importance of property rights for women. The latter was a significant achievement given that in many African customs, the woman/girl’s identity and rights on property was tied to that of the male head of the household. This Protocol further inscribes abortion as a right to a certain extent countering the ACHPR’s lack of attention to issues around privacy for example, and individual bodily integrity (see Ngwena, 2010).

As a legal framework, this Protocol was/is unparalleled in the African context. Importantly, the Protocol epitomises the gains that can be made through feminist interventions to human rights discourses. While acknowledging that (a) there is no one feminism and (b) feminism is consistently contested. However, as Mohanty (2003) writes, it is still useful to identify and acknowledge Third World feminisms that seeks to consolidate ‘national identities that mobilise anti-imperialist movements...’ (p. 52) and thus acknowledges and seeks to counteract the intersectionality of oppressions. Yet, despite these innovations, for example, this Protocol and indeed all African initiated frameworks on gender equality are silent on the issue of sexualities, which perhaps again exposes the reluctance to take on the issue of bodily integrity.
Still, if policies on gender equality in African depended on the framework of the Protocol that used a Third World feminist approach and the rights language, the story of gender equality would indeed be the ideal. However, this is not the case. Despite the existence of the Protocol, the continued contestation of women’s roles, women’s rights and substantive gender equality, that is equality beyond legal status, is being retrenched despite a more vigorous application of the language of human rights.

The Protocol, while signed by 46 of the 54 recognised African states, has only been ratified by 28 of them. Additionally, there was opposition to the marriage clauses, eradicating the harmful practices of FGM and the right to health and control of reproduction.

The Solemn Declaration on Gender Equality in Africa (2004) follows the Maputo Protocol and is the attempt to further entrench ‘gender equality’ into how national and regional institutions function. Importantly, it emphasises parity as a goal for Africa, exemplified by equal sex representation within the AU itself. Further, gender equality is linked explicitly to health, economic and development concerns. The AU commits to:

- gender specific economic, social, and legal measures aimed at combating the HIV/AIDS pandemic and effectively implement both Abuja and Maputo Declarations on Malaria, HIV/AIDS, Tuberculosis and Other Related Infectious Disease. More specifically we will ensure that treatment and social services are available to women at the local level making it more responsive to the needs of families that are providing care; enact legislation to end discrimination against women living with HIV/AIDS and for the protection and care for people living with HIV/AIDS, particularly women; increase budgetary allocations in these sectors so as to alleviate women’s burden of care;

Furthermore and consistent with a new global focus on the Women, Peace and
Security Agenda, there is emphasis on the status women before, during and after conflict. The emphasis here is on

the full and effective participation and representation of women in peace process
including the prevention, resolution, management of conflicts and post- conflict
reconstruction in Africa as stipulated in UN Resolution 1325 (2000)

And the prohibition of

the recruitment of child soldiers and abuse of girl children as wives and sex slaves in violation of their Rights as enshrined in the African Charter on Rights of the Child;

And importantly to launch

public campaigns against gender based violence as well as the problem of trafficking in women and girls; Reinforce legal mechanisms that will protect women at the national level and end impunity of crimes committed against women in a manner that will change and positively alter the attitude and behaviour of the African society

The Solemn Declaration is interesting because despite its use of ‘gender equality’ the emphasis is on women; indeed this is a consistent conflation. Further, through the emphasis on the strengthening of legal mechanism, there is clear allusion to the continued reliance on the legal duties required by a human rights framework. However, unlike the Protocol, it does not go to any length to challenge

Five years later, the AU Gender Policy was issued as a way to implement all previous legal frameworks. Perhaps more than any other framework, it constructs how the gender is seen at the African ‘meso’ level. In the Introduction the document states

The growing recognition of the leadership role of women in all spheres of development …are recognised in the creation of platforms of action related to gender. It is in this context that the AU has developed a Gender Policy that focuses on closing the equality gap between men and women in general and particularly
addressing gender inequalities which have resulted in women’s disempowerments and the feminisation of poverty in order to have a better understanding of the contribution of women in development (emphasis added).

Here, we see that while there is now a recognition that gender inequality ought to examine the relations between men and women, it is for the instrumental purpose of development. In this section, the Policy goes on to emphasise the importance of the framework contributing to higher living standards and ‘enhance the efforts exerted by African peoples to play their rightful role in a globalising world’ (AU Gender Policy, 2009, p. 8; emphasis added).

Interpreting Africa’s Gender Regime and its Implications

But what does this really tell us about how ‘gender’ in understood in the African context? Gender in the majority of the policy frameworks tends to equate women. Within the policy documents that frame the regional governance of gender, there are also inconsistencies. Whereas there are references to gender and an acknowledgement that equality ought to benefit both men and women, there remains a very strong emphasis on women’s rights without the interrogation of the power dynamics within African societies and their institutions.

The focus on ‘gender equality’ or women’s rights in the African context relates to health, development and increasingly (and recently,) peace and security. Gender equality appears to be something that is done for or to women, despite the acknowledgement that women are already engaged in public life. It does not hold men to any accountability. To illustrate this, the Gender Policy (p.8) states:

The desired effect and impact of this Policy is to offer opportunities for empowerment of women, guarantee their protection against violence and rape, as well as ensure their participation in public and economic life (emphasis added)
The result of this conflation of gender with women that is emptied of feminist ambitions is a narrative of women who lack agency, are victims and who should be objects of interventions (Ahikire, 2008). Human Rights as a frame does not challenge this narrative. Moreover, this narrative also suggests that elites, mostly men, determine the standard of ‘opportunities’ and set out the ‘rules’ about protection and participation. The feminist ambitions of gender justice, which aspire to redress the social relations between men and women and interrogate assumptions about femininities and masculinities, are mostly unacknowledged. In this understanding of gender then and as Eveline and Bacci (2005, p. 498) note, ‘men and masculinity [are] treated as [the] unremarkable standard’ (see Eveline 1994). While acknowledging issues around the feminisation of poverty for example, there is no interrogation of the system within which poverty prevails. Herein lies the fundamental problem – the use of human rights language within a clear neoliberal context that does not engage with the feminist interventions clearly realised in the Maputo Protocol. Indeed, given that much of the AU’s support for ‘women’s empowerment’ ‘gender equality’ or ‘women’s rights’ is tied into the ultimate end of economic development, it is important to understand the context within which gender equality through human rights is intended to flourish.

Neoliberalism is the ideology driving the present global political economy (see Harvey, 2005; Saad-Filho and Johnston, 2005). As has been shown, African elites aspire to integrate into this global political economy while at the same time attempting to counteract some of the generally negative aspects of the neoliberal system. Thus, neoliberalism constitutes the broader context through which human rights are promoted and gender equality linked to development is being promoted. Neoliberalism or economic liberalism, which the Oxford dictionary defines as ‘based on belief in free market capitalism and the rights of the individual’ (Oxford Dictionary, 19; emphasis added). It has been suggested that while this ideology has driven the global political economy for several decades, we are at phase that has a
human face (Molyneaux, 2008).

Human rights in general with women as a focus can appear consistent with neoliberalism (see Elson, 1992, p.52; Kabeer, 2008). However, as Cornwall et al (2008, p.2) argue, ‘mainstream development institutions who have championed neoliberal economic policies have never really been able to grasp the concept of gender...have acquired a growing interest in women.’

This has real implications as critics of neoliberalism contend that the system exacerbates inequalities; and consequently, it makes sense that it would resist feminism’s aims of transformation. Perhaps most important is the idea that this approach to the issue of gender equality, or more aptly women’s empowerment has a ‘marked tendency to reproduce and reinforce deeply conservative notions of womanhood and the role of women within the family’ (Cornwall et al, 2008, p.2).

The real implications of this play out in African societies, with detrimental impact on public discourses on gender equality and women’s lives. Here I use the example of Uganda. Uganda is useful example because it has been lauded especially by international development agencies because of its extensive adoption of neoliberalism which despite its rhetoric on opening up the space that prioritises rights has been retrogressive for gender justice and consequently has far-reaching consequences beyond just the economy. In development parlance, Uganda is recognised as the ‘donor darling.’ Furthermore, Uganda is also considered an influential (sub)regional actor.

Importantly, despite having signed and ratified all continental frameworks relating to gender equality and human rights, some of Uganda’s recent public discourses on issues relating to sexuality and gender has been heavily criticised by women’s and civil rights movements on gendered issues. I use two examples to illustrate how the permissive space provided by neoliberal pracises allows for the reinsertion or
continuance of patriarchal norms despite the use of the language of rights.

The first example is the case of the defeat of the Marriage and Divorce Bill lead by members of the current ruling elite, the National Resistance Movement (NRM). This bill, which was widely supported by Women’s groups, was defeated with support from parliamentarians, religious groups and the admittedly conservative media. By most accounts, the Bill’s goal was to ensure equity and equality in heterosexual partnerships. For married couples, upon divorce the bill made it illegal for the husband to claim back the ‘bride price’ (in itself a disturbing practice). Women groups had suggested that fear of demanding back the bride price had often kept many women in abusive relationships as they felt they had no other recourse, and their families could not afford the refund (Heuler, 2013). The Bill also sought to give property rights to women as a way to empower them following the dissolution of their intimate relationship. Despite the frameworks discussed above, the Ugandan Constitution, and despite the neoliberalism support for individual property rights, when it comes to women this is not the case (WLLA, 2010).

The challenge to this Bill, however, was not on based on the opposition to the idea of women’s empowerment in the abstract, but rather their equality. Tradition, culture and religion are used as defence against real changes. According to one women’s rights activist and MP, male parliamentarians actively campaigned against the bill without having read it (Amogi, cited in Naubega, 2013). Essentially, empowerment is only relevant when it does not disturb the status-quo, and consequently cannot address gender based inequality. It is as a manager at ActionAid Uganda put it:

The key players o this have been like the proverbial grass whose aim is to ensure that the status quo remains. Marriage and divorce has left many lame, landless, propertyless. Unequal power relations are at the centre of poverty and injustice... (Ogwal, cited in Naubega, 2013)
This may seem surprising in a country whose long term leader, as far back as 1988 stated that

‘the challenges of development enjoin us to pay more than just lip service to the core issue of unequal relations between men and women in our Society (Museveni, 1988)’

The second example was indicative of what has been called the return to the good woman narrative. It is illustrative of how the universalism of rights, and the rhetoric of ‘gender equality’ that emphasises protection is actually detrimental to women’s freedoms. This example concerns the proposed legislations that spawned the hashtag SaveMiniSkirt.

In mid 2014, Uganda’s ethics and integrity minister, Simon Lokodo, proposed to criminalise the wearing of skirts above the knee in public. In defence of the proposal, which was framed as an effort to curb pornography – long campaigned against by women’s rights organisations as demeaning – the minister stated:

Any attire, which exposes intimate parts of the human body, especially areas that are of erotic function, are outlawed. Anything above the knee is outlawed. If a woman wears a miniskirt, we will arrest her (Lokodo, cited in Smith, 2013, emphasis added).

He further linked the wearing of so-called provocative clothing as reason for sexual assaults. Lokodo, sought to also curb access to images of Madonna and Beyoncé, pop culture idols, held up as corrupters of women. So while all Ugandans now have more access to pop culture, they are restricted if this do not conform to male norms of ethics and integrity. When asked however if men too would be banned from wearing shorts, he responded

1 Speech on the Occasion of International Women’s Day, 8 March, cited in Uganda, Country Gender Profile 1996
Men are normally not the object of attraction; they are the ones who are provoked. They can go bare-chested on the beach but would you allow your daughter to go bare chested (Lokodo, cited in Smith, 2013, emphasis added).

From the forgoing, it becomes clear that this is about restricting women/girls sexuality and bodily integrity. The language of human rights does not contravene these measures and the perspectives that encourage them. On the one hand a campaign against pornography protects women/girls from sex crimes; but women too must take responsibility by not being provocative. Neoliberalism covertly imbues these debates with clear implications for gender equality and the status of women. The law was passed in early 2014 despite the opposition of Women’s rights groups.

Of course, Uganda could be taken as an extreme case. Yet, if Uganda is extreme, what about those countries whose leaders never came out for equality between the sexes or speak of the ills of ‘gender chauvinism’ on regional insecurity? From the forgoing, the narrative of gender equality that is conveyed

**Gendering the Regional Space: Prospects for Gender Equality in Africa**

When examining the narrative of ‘gender’ in Africa the question asked by veteran feminist scholar Cynthia Enloe: where are the women, hardly seems relevant. The rhetorical commitment to ‘women’s empowerment’ and gender equality within a human rights legal framework seems to confirm this. The framing of ‘gender equality’ at the meso level is being reinforced at the national level ad evidenced by the Ugandan case with deleterious effects on women’s lives and indeed the society. The absence of feminism from so-called human rights supported ‘gender’ equality frames aligned with the neoliberalism and practices is deleterious.

What this paper has tried to do is show the ways in which ‘gender’ concerns have entered the regional domain in Africa; how this meaning of gender is framed and its
implications for attaining equality. I have argued that the dominant human rights
discourse through which the story of gender equality in Africa is being told is
ineffectual. Human rights, used in the legal sense within a neoliberal order is
reluctant to dislodge patriarchy. This allows African elites not only to turn a blind eye
to gender justice, but also create conditions that are unfavourable for gender
equality.

I argue that the inclusion of feminist perspectives is needed to move the gender
equality project forward. Historically, feminism in the African, indeed ‘Third World’
context has been fraught with contestations. For example, feminism is often rejected
as a product of ‘White’ middle class women in the ‘West’, and consequently
distanced from the struggles of African women. Some of these perspectives seek to
position women outside of the West in the position of victim. Consequently, the
‘Western Feminist’ is juxtaposed against the ‘Third World Woman’.

Yet, it is clear that when considering the indigenous context, by taking into account
women’s rights groups and other civil rights groups, there is a concurrent discourse
of gender equality, which is excluded from the dominant narrative of gender justice.
This discourse does rely on feminist interventions, that is, those interventions that
seek to transform the status quo and dismantle the power dynamics that sustain
patriarchy have also learnt from international perspectives. However, the voices that
drive these parallel discourses are being silenced through the support of a
neoliberal agenda, which decries inequality, promotes human rights but is loathe to
challenge hierarchies that may disrupt market forces. To drive the project og gender
equality and attain justice for women in Africa, feminism then is essential.
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