



Graduate School of Development Studies

Claims to Success:

Advocacy for The Protocol on the Rights of Women in Africa –
Solidarity for African Women’s Rights and the Use of Information and
Communication Technologies

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Abstract

The goal of this particular research has been to examine the role of information and communication technologies (ICTs) in policy advocacy as carried out by civil society. Taking the Solidarity for African Women's Rights coalition and their work towards the ratification of the Protocol on Women's Rights of Women in Africa as a case study, this research has looked at the opportunities and challenges in using Pambazuka News as a way of promoting the Protocol. Evaluated according to the theoretical notions of participatory, political and public spaces, this research has utilised concepts related to civil society and representation, policy advocacy and awareness raising as well as ICTs and their particular characteristics. The findings of this research suggest that at the level of civil society communication and network building, using ICTs in fact strengthens their work. With regards to political lobbying, however, the usage of ICTs as a tool remains underutilised and is dominated more by the relationships held between civil society members and political structures and individuals. At the level of grassroots awareness raising the issue of access remains a barrier and thus requires a much broader strategy.

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List of Acronyms

AU	African Union
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
COVAW	Coalition on Violence Against Women
CSO	Civil Society Organisation
DFID	Department for International Development (United Kingdom)
FAMEDEV	Inter-African Network for Women, Media, Gender and Development
FEMNET	African Women's Development and Communication Network
FIDA Kenya	Federation of Women Lawyers Kenya
ICT	Information and Communication Technology
KEWOPA	Kenyan Women Parliamentary Association
MOU	Memorandum of Understanding
NGO	Non-Governmental Organisation
Oxfam GB	Oxfam Great Britain
SMS	Short Message Service
SOAWR	Solidarity for African Women's Rights
UN	United Nations
UNDP	United Nations Development Programme

Chapter 1: Introduction

According to the Overseas Development Institute (2006), the past fifteen years have seen significant changes in the contexts affecting the relationships between civil society organisations and governmental policymakers. This shift in relationships has resulted in opportunities in the policy arena for an increasing number of actors. Civil society organisations constitute some of these players, and are embracing a range of methods to assist in their new roles in order to instigate networking, information sharing and capacity building. Information and communication technologies (ICTs) are playing a large function in this new environment, and their role in international development is growing, as can be seen in the types of projects that agencies such as the United Nations (UN), World Bank, Ford Foundation and others are supporting, both ideologically and financially.

In the arena of women's rights, a coalition of civil society organisations from across the African continent has capitalised on this policy making space in an attempt to promote the Protocol on Women's Rights to the African Charter on Human and People's Rights. The Solidarity for African Women's Rights group, referred to as SOAWR, has been working at the level of the African Union, with Member State governments and in local communities in order to ratify, popularise and implement the Protocol. Their work as a coalition of different organisations engaging with governments has an explicit strategy of using ICTs, namely Pambazuka News, an electronic newsletter about social justice in Africa. SOAWR thus provides the basis of a case study for this research due to the fact they have claimed success around the ratification and popularisation of the Protocol, and their usage of ICTs is a significant aspect of this success.

1.1 Women's Rights in Africa

Despite their varied positions, roles and relationships in communities across the African continent, women undeniably face inequality and discrimination due to their sex and gender. Legal instruments protecting their rights exist, and owing to much local as well as international attention, continue to be created and applied. The Protocol on the Rights of

Women in Africa is one such instrument, but is unique in the sense that it has been created and supported by a community of African women's rights advocates and civil society members, and contains a number of provisions not offered anywhere else; the Protocol addresses the widest range of women's rights so far in African law.

Of course, it is impossible to generalise about "all African women." Women belong to many other intersecting categorisations, whether they are based on class, education level, religion, ethnicity, geographical location, political affiliation, etc. This makes it so that women across the continent face varying degrees of oppression, but at the same time, possess a range of abilities and resources to counter that domination and claim their rights. The Protocol thus provides concrete actions that can be taken to protect women's rights and is therefore a framework to address these and other issues that are integral to realising African women's rights.

1.2 Background Context

As of November 2005, the Protocol has been adopted by the African Union (AU). However, governments have been slow to ratify it, and those which have done so have not generally taken the initiative on their own to begin popularising or implementing this new tool. African civil society organisations, all of which are Non-Governmental Organisations (NGOs) who campaigned for many years around the Protocol, worked alongside the African Union starting from the 1990s to draft and promote the adoption of the Protocol; it was adopted in 2003. Civil society from across the continent came together in a different formation in 2004 to form the Solidarity for African Women's Rights coalition in order to work at ratification, popularisation and implementation of the Protocol.

The primary mechanism put in place for civil society participation within the AU includes the accreditation or observer status that NGOs are eligible for. These organisations, which need not necessarily be African or Africa based, can go through the various AU departments with which they work or may apply directly to the AU general body. This status allows them to participate in the opening and closing ceremonies of the AU Summits.

Civil society organisations have been credited with successful collaboration alongside the Commission in influencing the Protocol. Prior to the ratification of the Protocol, a number of Commissioners as well as representatives from the African Centre for Democracy and Human Rights, the International Commission of Jurists and Women in Law and Development in Africa (WILDAF, which is now a member of SOAWR, and sits on the steering committee) were significantly involved in drafting and promoting the Protocol.

SOAWR, working in a different environment, and requiring a broader strategy in order to influence not only the AU but also its Member States, has needed a completely new approach in order to encourage ratification, and also to popularise the Protocol and begin the work of its implementation. Existing in an age of information and communication technologies, where the internet dominates offices around the globe, SOAWR has had an explicit strategy of capitalising on this means of sharing information and communicating with various players.

1.3 Research Problem

This research will offer an illustration of how civil society coalitions can engage in governmental policy processes and the significance of ICTs to that work. ICTs are being used to contribute to the work of SOAWR in ratifying and popularising the Protocol, namely as a platform for information sharing, but also as a means of networking and coalition building. The role that SOAWR has played, using Pambazuka News as a tool, is therefore what this research seeks to examine. The work of SOAWR has taken place in a complex and elaborate environment; having to reach a wide range of target audiences, from constituencies of rural and urban communities, local and national governments and African Union bodies and individuals, implies a variety of different tactics. Being a part of an elaborate and complex group of institutions and players, and requiring different strategies for these various groups and stages of the process, the work of SOAWR raises interesting issues about what those strategies have been, and to what extent ICTs have been relevant at each phase of their work.

A preliminary hypothesis would propose that advocating for the ratification of the Protocol via ICTs at the level of National Governments and the African Union may have been successful, owing to the increasing political space being given to civil society organisations, but that using ICTs as a tool for popularisation may not be as successful due to ongoing issues of access to ICTs.

1.4 Research Objective

The aim of this research is to examine the role that ICTs can play in policy advocacy as carried out by civil society. Taking the case study of SOAWR and their usage of Pambazuka News in the ratification and popularisation of the Protocol on Women's Rights in Africa, I wish to situate this case within the discourse around the usage of ICTs in development as well as the political space being given to or created by civil society organisations (CSOs). These are important topics, and in many ways interconnected. The objective, therefore, will be to look at how civil society has best been able to utilise ICTs as a tool in their work.

Theoretically, I wish to situate this research within the literature that describes spaces – that is, political, participatory and public spaces. The usage of ICTs will be examined as a public space intersecting these other spaces, with specific reference to the various campaign strategies and phases.

1.5 Justification and Relevance

Civil society organisations are increasingly coming forward to mediate between states and citizens, as can be demonstrated in the growing number of NGOs and their wide involvement in providing services, responding to humanitarian crises, and advocating on behalf of those they represent. There is also growing support for ICTs to be used in all of these efforts. But these are contested ideas – the concept of civil society in Africa has been subject to a wide range of debates and the usage of ICTs in development has equally been criticized and promoted. Regardless of these challenges, many civil society organisations are utilizing ICTs as both means and ends in and of their work. Further, trends in thinking and

funding mean that donor agencies and countries are increasingly supporting many of these initiatives around the world.

With regards to this particular case study, as of November 2005, the ratification of the Protocol on the Rights of Women in Africa has been realised. SOAWR, a coalition of civil society actors, has claimed to have contributed to this process, and points to their usage of Pambazuka News as one of the tools in this process. The case study presents a number of questions, relevant to current debates, with regards to what factors/players influenced the ratification of the Protocol, SOAWR's usage of ICTs in an African context and whether or not they can really play a meaningful role in places where their usage generally remains with the elite.

1.6 Methodology

Primary data for this research was gained through interviews conducted in Oxford, the United Kingdom, and Nairobi, Kenya, between July 29 and August 14, 2008. These interviews were all semi-structured: an outline of questions to be addressed was provided, but there was time and space for other issues to be raised and likewise, those questions which had been answered elsewhere or were deemed irrelevant were left out. In Oxford, Firoze Manji, director of Fahamu, the organisation which produces Pambazuka News, was interviewed.

Kenya was chosen as the primary field work location due to the fact that it had the largest concentration of SOAWR members, with seven organisations based there (Fahamu East Africa office, Equality Now, Coalition on Violence Against Women (COVAW), African Women's Development and Communication Network (FEMNET), Women Direct, Oxfam Great Britain (Oxfam GB) and the Federation of Women Lawyers (FIDA)-Kenya). One focus group discussion was held with four out of the seven organisations, and the other three were interviewed separately. Further to the SOAWR members, interviews were held with the East Africa liaison office of Hivos, the Dutch funding NGO, as well as four of the Kenyan Hivos partners in their human rights programme (three were held in person, while another answered a questionnaire by email). An intergovernmental organisation, the

Kenyan Women Parliamentary Association (KEWOPA), charged with promoting women's participation in government was also interviewed. With regards to governmental offices, it was difficult to establish contact with the Gender Ministry and Ministry of Justice, but I had a brief meeting with the State Counsel in the Department of Treaties and Agreements in the Attorney General's office, where I was told I needed clearance to interview them; however, I did manage to elicit some interesting information before leaving. Electronic questionnaires were also answered by two SOAWR funders, including the Global Fund for Women and the Ford Foundation.

Secondary data has included academic, peer-reviewed literature related to the concepts and theories of civil society, policy advocacy, information and communication technologies and participation. Documents, reports, strategic plans and promotional materials from various non-governmental organisations, government bodies, as well as the African Union have also been consulted in order to triangulate the research.

My interest in this particular topic and case came about during a year long internship, funded by the Canadian International Development Agency (CIDA), with Fahamu, the organisation responsible for publishing Pambazuka News. It was my first experience working in the realm of international civil society in an environment where ICTs dominated, and challenged some of my preconceived notions about their usage in relation to Africa. To that end, this research has a more personal connection to me, as do the people with whom I have interacted along the way. Nevertheless, my initial objective in undertaking this research project was around ideas of effectiveness – I wanted to know if Pambazuka News did really create change on the level it claimed to. A re-focusing of the research question has narrowed down the research to examine challenges and opportunities in using ICTs for advocacy.

1.7 Research Questions

As mentioned above, this research has changed from its original conceptualisation. This has likewise been reflected in the research questions. Initial questions were broad, and in the process of the research, the questions have become much more focused and feasible. It

proved impossible to interview a wide range of sources, given constraints in time and capacity. African Union officials and Member State governments were incredibly difficult to contact. Some preliminary responses were received after requests for interviews from several African Union officials, but follow up contact was not reciprocated. Constituents of women were also difficult to contact; the NGOs I visited in Nairobi had a mixture of different kinds of membership and beneficiaries, however, due to their own limitations on time and the inability to organise any meaningful focus group discussion, it was decided that this would not form a part of the research. To this end, the research questions have been reformulated to entail the following leading question:

At which stages or levels of civil society policy advocacy work can ICTs be most relevant and effective? How can civil society collaboration be strengthened by the usage of ICTs?

Sub-questions have been reduced to fit more with the ideas and themes which emerged from the research. In order to answer the main question, it is necessary to ask the following questions:

What are the opportunities and challenges related to utilising ICTs in the context of policy advocacy in Africa?

Who are the actors involved in the policy advocacy of the Protocol? What are their relationships and interactions, and how do these affect advocacy work?

What are the opportunities and challenges faced by SOAWR when engaging in policy advocacy?

1.8 Scope and Limitations

Evaluating projects for impact is a large undertaking, and as this particular case presents work being done across the entire African continent by a large number of players, assessing the influence of one group of actors among so many others is also difficult. Thus, this paper will not look at the ten year process which led to the adoption of the Protocol, and will not

address implementation of the Protocol in any way – doing so would involve another range of actors, and would draw attention away from the real issues to be examined.

As was mentioned above, the particular constraints in this research process included gaining access to interviews with officials in the African Union and at national governmental levels. Electronic questionnaires were sent to a number of AU officials in relevant departments, as well as the Gender Ministries of the fifteen countries which first ratified the Protocol, and attempts were made to interview, in person, staff in the Ministry of Justice and Ministry of Gender in Kenya. However, none of these institutions or individuals responded, despite repeated efforts. This has led to difficulties in cross-referencing, or triangulating the research data. However, on a very preliminary level of analysis, it does point to a potential finding about the lack of the usage of ICTs (email) at the level of the AU and governments. While the African Union maintains a well designed website, with many different points at which users are invited to contact different departments, and email addresses are given for a number of the staff, previous experiences, along with this particular research project, raises questions about how, or even whether they are being used. The same is true for the websites and email addresses of national governments. The government of Kenya has websites dedicated to each Ministry, and lists email addresses for a multitude of personnel, yet repeated attempts to contact these staff members went unanswered.

1.9 Structure of the Research Paper

This research paper is divided into six chapters. This introductory Chapter (One) presents the issues to be examined, and provides a preliminary background on the case study which will be used to highlight these issues. It also provides some context to the situation. Chapter Two will take the form of a literature review, and will offer the concepts and theories which will underpin the analysis of the data. Chapter Three will provide contextual background to the Protocol, SOAWR and Pambazuka News, while Chapter Four will present the data collected during the field work, along with the secondary sources which support it. Chapter Five then evaluates that data in terms of the academic literature in the form of analysis done in line with the research objectives and questions. The conclusions are offered in Chapter Six.

Chapter 2: Conceptual and Analytical Framework

Below is an outline of the concepts which are used in this research paper. Additionally, an analytical framework is presented.

2.1 Information and Communication Technologies

Samuel defines advocacy as a “set of deliberate actions designed to influence public policies or public attitudes in order to empower the marginalised,” and says that communication is one of the cornerstones of this work (2007: 616). Advocacy campaigns often involve a combination of approaches, including direct lobbying to governmental bodies, social mobilization and public education. Information and communication technologies (ICTs) are becoming increasingly important in realising the goals of social development. There are a myriad of types of information and communication technologies, but at the same time there is a convergence of broadcasting and publishing (like television, radio, newspaper) with telecommunications (phones, mobile phones, satellite), all of which are overlapping and appearing together online. Therefore, more traditional forms of media – televisions, radio, print – are excluded from ICTs, until, that is, they come online. The internet is at the core of this field, and while many believe it to be a solution to social, economic and political problems due to its numerous unique features (outlined below), there are ongoing debates with regards to its usefulness with respect to development.

Tetty (2001) summarises a number of the features of ICTs, including their ability to disseminate and share information, as well as the opportunities that can result for decentralized participation and interaction through communication. Sharing knowledge, according to Hamelink, is one of the most basic elements in improving lives of people, as is the ability to access spaces for debate and exchange in a public setting. Hamelink also argues that ICTs can provide access to these spaces (1999). The potential for civil society actors to capitalise on the knowledge and experiences of people from diverse places and backgrounds stands at the forefront of the internet in its usage in the ICT for development movement. Local, contextual knowledge of people who work in their own communities, increasingly

globally connected and able to tap into resources, information, and networking opportunities are also a potential benefit. Sharing information quickly and efficiently across the globe has meant a closing of the global/local divide and has, in some places, resulted in an increasing integration of actors in the realm of development - governments, financial institutions, multilateral donors, large development organisations and small grassroots or community organisations – all can use ICTs in a way which encourages decentralised and democratic participation and interaction through communication. Building transnational linkages and drawing on the ability to communicate means an increased sharing of knowledge and experiences, and in advocacy work, this is crucial.

There is, however, a debate in this particular field with regards to the effectiveness of ICTs meeting development needs. In a paper aptly named “The Development Divide in a Digital Age,” Hewitt de Alcantara argues that the “title of the paper reflects its central argument. The digital divide is an integral part of a much broader and more intractable development divide,” and goes on to say that improving lives in developing countries will not drastically improve simply with access to ICTs (2001: v). Central to this debate are issues over access to ICTs where resource bases are lacking and who is able to participate in the usage of these tools.

The question, therefore, in examining the usage of ICTs to meet social and political goals, is to what extent the specific characteristics of ICTs prove useful, but also how they impose certain limitations.

2.2 Communication for Development

Communication for development, owing much to theories of modernization, has its basis in the belief that the transformation of societies into “modern” or “developed” societies can come from the practical facilitation of information via the media. Many debates exist around how this can best be done (top-down, diffusion, participatory, etc.), but the general idea is that development (whether it be addressing issues of poverty, health, education, rights) requires interventions which translate information into the vernacular, so they may be more sensitive to local contexts, thus ensuring that people know about the issues which affect

their lives (Inagaki 2007). Further, communication “can create a favourable ecology for development programs by re-linking and facilitating interactions between economically, politically and culturally disconnected groups and ideas – between indigenous knowledge and science, elite national policymakers and rural communities, donor agencies and local NGOs, men and women, and didactic pedagogy and participation” (Inagaki 2007: 2).

The importance of communication for development has made it such that this tool, once a supportive mechanism for development objectives, has become a goal in and of itself. Enabling expression, and allowing voices that might not have been heard before to become vocal, encouraging dialogue, raising awareness and potentially cultivating reflection and empowering change are some of the potentials that communication for development proponents generally cite as both the process and the outcomes. Information and communication technologies are being used to facilitate the knowledge sharing and awareness raising that comprises communication for development.

2.3 Civil Society

Owing to its existence in between the realms of theory and practice, defining civil society is a challenge. At the level of theory, Mitlin, Hickey and Bebbington understand civil society as a neoliberal concept which promotes a reduced role for the state and encourages the transformational effect of social movements. Conceptually, civil society “is usually treated in terms of associations (so called civil society organizations) or as an area within which ideas about the ordering of social life are debated and contested” (2007: 6).

Civil society is characterized by relationships between state and non-state actors. While their interactions can in some cases be considered to be characterised by conflict, they can also be “mutually constitutive, rather than separate,” according to Mitlin, Hickey and Bebbington (2007: 7). There are increasing partnerships between civil society and state and Clark argues that “civil society has become as much a part of global governance today as governments” (2006: 137). But it is important to note that civil society does not replace government; the need for well functioning governments and processes remains – without those frameworks in place, civil society would in fact not be able to function.

Civil society, however, is not without its critics. In an article entitled “The Illusions of Civil Society,” Chabal and Daloz turn their attention to Africa and question whether civil society even exists there. Arguing that the relationship between society and state is not so clear cut as it may be elsewhere, they claim that “the notion of civil society would only apply if it could be shown that there were meaningful institutional separations between a well organised civil society and a relatively autonomous bureaucratic state” (1999: 17).

In defining civil society as comprising of issue based organizations, working in the realm of social, political and economic issues to contest ideas or actions controlled by the state, the boundaries between state and civil society are sometimes blurry, with potential implications.

2.4 Participation

For the past twenty years, argues Gaventa, the participation of citizens in their own development has been used to refer to participation in the social arena – in communities or development projects. Increasingly, however, there has been a shift towards more political participation, that is, “related to the rights of citizenship and democratic governance” (2004: 25). Further, in recent years, according to Gaventa and Valderrama “there has been a convergence of concern with citizen engagement in policy formulation and implementation and with good governance, broadening political participation to include a search for new, more direct ways through which citizens may influence governments and hold them accountable” (cited in Cornwall and Gaventa 2001: 2).

Herein lies the link between citizens and governments, and their ability to interact and engage with one another in meaningful and transformative ways; citizens must have channels through which to access governments, and these take the various forms of trade unions, social movements, church groups and NGOs – in short, civil society.

However, in their discussions of civil society, Chabal and Daloz interrogate notions of who exactly it is that participates in these arenas. They question how representative of

real people civil society can be: does civil society include only formal organisations, leaving behind more traditional functional groupings; does it refer only to high or elite associations, like those of lawyers, journalists and academics, or should we also count the “low,” popular movements such as village associations, squatter defence committees, and market traders; should it include those with direct political influence or can it also consist of those who are more marginalised? (1999: 20) If civil society has the potential to encompass so many different players, or if this is contested, then how can civil society claim to represent the needs and voices of those whom they are working on behalf of? And if, as Chabal and Daloz suggest, civil society does in fact refer to those associations which represent the country’s various groups and act in order to counter state hegemony, those with marginalised voices might not be able to access political decision-making to influence policy in any way.

2.5 Policy Advocacy

Eade recalls the Latin origins of advocate to define the act of arguing for a “cause or recommended course of action” (2002: xiv). Jordan and Van Tuijl argue that it is non-governmental organizations who have taken up this task, and now “manifest a new political reality in the global realm” where they have “come to mobilize, articulate and represent people’s interests or concerns at different levels of decision-making” (2000: 2051). Jordan and Van Tuijl define advocacy as “an act of organizing the strategic use of information to democratize unequal power relations” (2000: 2052) and further define advocacy as an expansion of communication between NGOs and governments to exchange opinions (1998: 4).

Worth quoting in full, Scholte argues that the role of civil society in policy advocacy has the following characteristics:

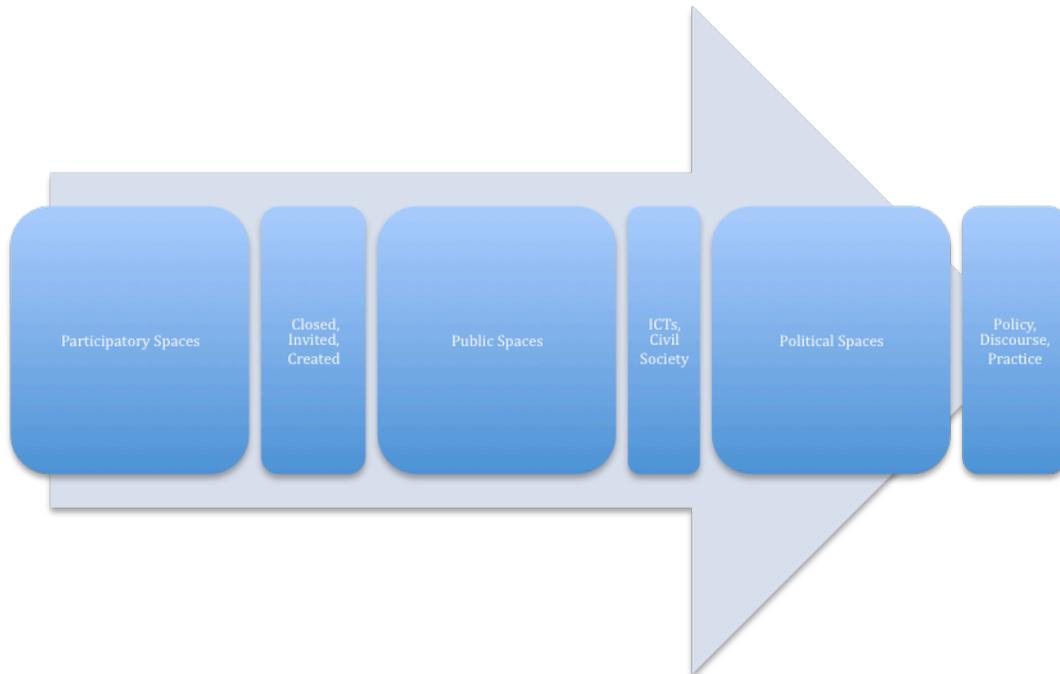
“competent inputs from civil society actors can enhance policy development in operational work in global governance. Civil society groups can inject valuable information, insights, methods and advice into policy processes. Sometimes these data and perspectives replicate, confirm, reinforce and strengthen existing policy knowledge. On other occasions civil society interventions prompt adjustments to policy, for example, by bringing the latest news fresh from the field or by providing

alternative views from quarters that official circles do not readily access (2007: 313).

Tandon sees policy advocacy as a process as opposed to an event, and argues that it is only from advocacy which happens “on the basis of the cumulative experience of working at the grassroots that we actually can come up with interesting, insightful, relevant, appropriate suggestions for the content of public policy itself,” thus placing civil society at the core of advocacy work. His definition of policy advocacy includes “formulation, influencing, altering, modifying, implementing, discarding, resisting and encouraging,” but leaves out “organizing, awareness raising, conscientising or skill building,” (1994: 8) which I, on the other hand, would include. These latter aspects can actually be seen as some of the most important facets of advocacy work, as they serve to strengthen not only the policies which are being put in place, but also the capacities of the people to understand and engage with those policies.

As Jordan and Van Tuijl argue, advocacy “goes beyond influencing decision makers to influence public opinion . . .” (2000: 9), and includes a wider scope of people and organisations if any real change is to take place. Thus, there are two aspect of policy advocacy – upwards, towards the policy makers themselves, and downwards, towards those people who are affected by the policies.

2.6 Analytical Framework



The diagram above represents the way in which participatory spaces blend with political and public spaces to affect change. While in reality this is not a linear progression this diagram serves to show that it is in fact a process combining many factors. It is explained in more detail below.

The majority of studies examining ICTs in Africa focus on what they can do to Africans, not about what Africans themselves can do with ICTs (van Binsbergen, cited in Njamnjoh 2005: 9). In an article detailing the use of ICT amongst Tanzanian NGOs, Mercer argues that effective participation in political and economic decision-making requires the usage of ICTs in terms of email for communication and network building and internet for information sharing (2004). The link between ICTs and participatory democracy is supported by Kedzie (1997), and further held up by Tettey, who says that “the literature is filled with arguments to the effect that ICTs have the potential for transforming political interactions among citizens and political authorities in a manner that suggest the empowerment of the former and enables them to influence policy decisions” (2001: 135). Characteristics of ICTs in this view include “reciprocal interactivity among many people; a global network that is not constrained by territorial boundaries; uncensored speech; the ability to challenge and cross check official views; and the development of a transnational

civil society” (Tettey 2001: 136). Further, ICTs offer the ability to work in a decentralised manner and can enable the dissemination of large amounts of information to diverse audiences. However, the issue which always remains is with regards to access – when few people in Africa, compared to North America or Europe, for example, have the capacity to use the internet or regular access to it, then its ability to contribute to participatory political changes can be called into question.

Information and communication technologies are being used by civil society, in what Gaventa, Engberg-Pedersen and Webster, and Castells are calling spaces – which refer to both the practical and theoretical realms where people can actively engage in the communities in which they live. Much of this literature overlaps, and I wish to here use Gaventa’s concept of participatory spaces as it interacts with the political spaces defined by Engberg-Pedersen and Webster, to look at how governments are increasingly being pushed to be accountable by citizens who feel their needs aren’t being met. In the words of Engberg-Pederson and Webster, these citizens are increasingly exploiting opportunities and political spaces to have their voices heard. Usually used in connection to the role of the poor in poverty reduction, political spaces can also be taken up by other marginalised groups, in the case of this particular research, women are the actors who seek to influence spheres or spaces. Understood as the different ways and possibilities that exist for creating political change, political space is generally engaged with by groups representing their constituents (Engberg-Pedersen and Webster: 2002). To this end, Gaventa offers ideas of participatory spaces which allow for the access of civil society to political spaces. This concept of participatory spaces includes a range, including closed spaces (where decision-making remains out of the hands of citizens), invited spaces (where civil society takes advantage of political opportunities to participate) and claimed/created spaces (where citizens create opportunities to have their voices heard) (2005). Engberg-Pederson and Webster outline a framework around political space for poverty alleviation, but I wish to use their concepts but apply them to issues related to women’s rights. Therefore, political/participatory space in this case is characterised by opportunities for citizens to affect institutional channels where policy formulation and implementation can be accessed, discourse where women’s rights play a significant role and social practices that can result in women accessing their rights (Engberg-Pedersen and Webster 2002: 9).

Characterised by relationships between state and citizens, civil society organisations can be seen as strategically working to secure their interests by affecting change in actions and policies. Here, policy advocacy as engaged with by civil society organisations becomes about actors, who use another kind of space to engage with political spaces. In this sense, the usage of ICTs falls into what Castells calls public space – a public sphere between state and society which exists specifically for communication. Castells argues that within this space, which can be either physical or virtual, debates become globalised, and shift from laying solely in the hands of decision makers to a wider space. This “network society” becomes a repository for information to become more widely available and for deliberations about citizen rights to be opened up to allow many more voices and this can potentially have the effect of influencing the state (Castells 2008). Merry offers the theory of the translator, or in other words, of civil society acting as the intermediary between different institutions and meanings. Merry, an anthropologist who writes about the relationships between transnational and local notions of rights, argues that ideas of human rights exist on different levels (from global to local). With information moving both up and down, civil society exists in the middle and must adapt that information; they must speak an international language in order to get their agenda into political realms, maintain funding and attract media attention, but that they must also translate these messages into ways which will be understood and accepted at local levels (2006).

Analysing the effect of civil society participation in policy advocacy must take into consideration different forms and particular stages throughout the process. To this end, keeping in mind the above concepts, I propose the above theories against which to measure my findings. Basing these on the perceptions of various players I hope to examine of the role of civil society and interrogate their usage of ICTs through the processes and levels of advocacy work.

Chapter 3: Setting the Scene

3.1 The Protocol on Women's Rights to the African Charter on Human and People's Rights

Generally referred to as The Maputo Protocol, or simply The Protocol, The African Union (AU) adopted the Protocol on Women's Rights to the African Charter on Human and People's Rights in 2003, after 10 years of work on behalf of women's groups from across the continent. The Protocol is the only women's rights instrument originating in Africa; while a number of other legal instruments meant to protect the rights of women have been adopted by African Union Member States, including the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, the Millennium Development Goals, the United Nations Declaration on Human Rights and the United Nations Security Council Resolution 1325 on Women, Peace and Security, actual changes have been meagre. The Protocol (see Annex) was therefore not only an attempt to reinforce international human rights provisions, but also to adapt them to be more context specific. Further, the Protocol attempts to influence the African Commission on Human and People's Rights to incorporate women's rights into their human rights frameworks, and perhaps more importantly also provides African women a sense of ownership over their own rights at a legal level (Murray 2005: 252).

That the African Commission on Human and People's Rights, and this subsequent Protocol came from African men and women themselves is a significant aspect of its existence, and is also a point of leverage for campaigners of the Protocol. The drafting of the Protocol was led by a Special Rapporteur on Women's Rights, whose mandate included working with both African governments and non-governmental organisations to develop and implement policies to promote and protect the rights of women in Africa (Banda 2008: 445). Participating in the drafting of the Protocol were civil society representatives from some, but not all Member States (which in fact raised criticism against the process.) The organisations involved in the earliest stages of drafting the Protocol included the African Centre for Democracy and Human Rights, the International Commission of Jurists and Women in Development Africa.

The final draft of the Protocol was considered to be a hybrid of different human rights instruments, reflecting neither CEDAW, for example, nor the African Charter (Banda 2008: 447), but was none the less adopted by the Member States of the African Union. The Protocol includes a clarification of the concept of discrimination, provisions for gender equality, legal conditions for the protection of women in situations of violence, the prohibition of harmful traditional practices against women, marriage rights, and requirements for the participation of women in political and decision-making spheres. The Protocol represents many “firsts” in terms of legal protection for women, including the right to abortion in the case of rape, as well as a required principle of equality between men and women in national constitutions and other legislation. As Ebeku points out, while the Protocol is generally in line with existing human rights laws in Africa, “it can be said that the adoption, ratification and the recent entry into force of the Protocol indicates, perhaps a new determination by African States to ensure gender equality and non-discrimination” (2006: 177).

In order to take force, the Protocol required signatures and ratifications by 15 African governments. This occurred in November of 2005, breaking historical records with regards to the speed at which it was ratified (most continental and regional human rights instruments in Africa have taken from eight to ten years to obtain the ratifications needed for them to enter into force, according to SOAWR (Strategic Framework Draft).

The Women, Gender and Development Directorate, which has offered instrumental support to the Protocol, is established in the office of the Chairperson, which is the key organ charged with playing a central role in the day to day management of the AU, including mainstreaming gender into all activities and policies of the various organs as well as within AU Member States. One of eight portfolios, the Political Affairs Commissioner is responsible for human rights as well as civil society organisations. In addition, the African Commission on Human and Peoples’ Rights, based in The Gambia, is charged with promoting and protecting individual and collective rights across Africa. It is to the African (Banjul) Charter on Human and People’s Rights treaty of which the Protocol is an addendum, and the Commission, as it is generally called, reports to the Assembly of Heads of State and Government of the African Union.

With regards to which countries have not signed, signed and ratified, the following is an indication, as of May 2008.

Not Signed	Signed	Ratified
Botswana, Central Africa Republic, Egypt, Sao Tome & Principe, Sudan, Tunisia	Algeria, Burundi, Cameroon, Chad, Congo, Cote d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Ethiopia, Gabon, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Mauritius, Niger, Sahrawi Arab Democratic Republic, Somalia, Sierra Leone, Swaziland, Uganda, Zimbabwe	Angola, Benin, Burkina Faso, Cape Verde, The Comoros, Djibouti, The Gambia, Ghana, Lesotho, Libya, Malawi, Mali, Mauritania, Mozambique, Namibia, Nigeria, Rwanda, Senegal, Seychelles, South Africa, Tanzania, Togo, Zambia

(SOAWR Strategic Framework Draft)

3.2 Solidarity for African Women's Rights (SOAWR)

A concerted push for the Protocol's ratification, popularisation and implementation was taken up by a coalition of civil society organisations in 2004, at which point only one country (The Comoros) had signed and ratified the Protocol. The Solidarity for African Women's Rights group (SOAWR) was established by a small group of African civil society members (who now mostly comprise the steering committee). About 15 organisations were involved at the outset, though they now have 29 members, which range in size from local organisations to pan-African as well as international organisations (see Annex for a full list). Their goal was universal ratification of the Protocol, and the subsequent popularisation and implementation necessary to make this legislation truly effective.

While the structure of SOAWR is loose, there is a Steering Committee which meets every quarter, and sometimes even monthly; it is comprised of FEMNET, Oxfam GB, Fahamu, the African Centre for Democracy and Human Rights Studies, Akina Mama wa Afrika and Inter-African Network for Women, Media, Gender and Development (FAMEDEV). Equality Now, a women's rights advocacy organisation, acts as Secretariat, and the Committee is charged with generating strategy for summits, exploring fund-raising

opportunities, approving statements and other materials for publication as well as membership applications and proposals submitted by members for the funding of campaign activities. Membership criteria for joining is open – interested organisations are required to submit an application stating their reasons for wanting to join the campaign. They must submit a profile of their organisation and any work they are doing related to the Protocol and a list of activities it plans if granted entry (with indication that it has financial support already in place). Candidates are asked also to be supported by references in their applications, and it is preferred that these are already SOAWR members.

The coalition has as its main objectives to achieve universal ratification of the Protocol, to popularise the Protocol and to ensure that the Protocol is implemented in all countries as it becomes part of domestic law. To this end, the strategies that it lists to meet these goals include:

- Influence public opinion and build constituencies in favour of the ratification, domestication and implementation of the Protocol, nationally and regionally
- Expand SOAWR's relationship with the African Union Commission, the Pan-African Parliament and other bodies to ensure commitment to the provisions of the Protocol
- Raise awareness of the importance of the Protocol in addressing conditions facing women and girls
- Actively engage with the mass media and make use of the internet to popularise the Protocol
- Strengthen the leadership capabilities of women's organisations

(SOAWR Brochure)

Their strategies have been broad, and to meet their goals, they have produced advocacy material which has been received at both the level of national governments as well as the African Union. A key approach has involved participation in AU Summits and engaging with its various departments, as well as with Member State governments. Their usage of ICTs has included the electronic newsletter, Pambazuka News, and the creation of an SMS (text messaging) petition to campaign for popular support. A key aspect of their work comes from the projects and programmes carried out by member organisations at the

community level. Member organisations include a range of organisations, and many work locally as well as regionally. These organisations carry out a wide range of thematically oriented work, and in doing so, address different aspects covered by the Protocol in their grassroots work.

The Memorandum of Understanding (MOU) signed by all member organisations clearly outlines working relationships (see Annex), and specifically denotes an explicit role for Pambazuka News in disseminating information about the campaign via ICTs. Equality Now is responsible for coordinating and supporting national organisations, Oxfam GB has taken the lead on resource mobilisation, media support and research. FEMNET is responsible for organising pre-summit strategy conferences around the African Union meetings, and maintains an ongoing relationship with them in order to inform them of SOAWR activities, seek input and advise. In order for the work to be effective, country based organisations will be led by an in country focal point and will be mandated to coordinate the campaign locally. A review of SOAWR campaign updates from the past several years shows that a large amount of work has been undertaken both regionally and locally. One strategy that has been used by SOAWR members is to take individual components of the Protocol, say for example the issue of female genital mutilation, and organise awareness raising and policy pressure around that particular issue at a local level. Local members have also worked to organise symposiums and meetings with their respective governments to lobby for the ratification of the Protocol. Other actions have included simplifying the Protocol or translating it into local languages and disseminating it to local populations, sensitizing the media on the Protocol and women's rights, organising around international days of commemoration while making specific linkages to the Protocol and collecting signatures for petitions.

SOAWR is currently moving into the third phase of their work. The first phase pushed for popularisation of the Protocol, while the second phase pushed for universal ratification of the Protocol. While this work has progressed unevenly across the continent, the third phase seeks to bring the work down to the community level in an attempt to domesticate the Protocol in those countries that have ratified it, as well as to sharpen its focus to specific issues. Freedom from violence, increasing the representation of women in

public and political office as well as addressing reproductive rights and sexuality will be at the centre of the coming campaign work, and will be targeted not at an elite constituency, as has been done in the previous phases, but at the women who the Protocol aims to assist.

Initial funding came from the Ford Foundation, and Oxfam Novib, the Global Fund for Women; the United Kingdom's Department for International Development (DFID) has recently began to provide financial resources.

In Nairobi, the SOAWR member organisations include local, regional and international NGOs. Below is a brief background to these seven organisations.

Equality Now, which serves as the Secretariat of SOAWR is an international women's rights organisation which works with national human rights groups and individual activists across Africa. According to their website, Equality Now documents violence and discrimination against women and mobilises international action to support their efforts to stop these abuses. By bringing attention to these issues, Equality Now seeks to put an end to rape, domestic violence, trafficking of women, female genital mutilation and the denial of equal access to economic opportunities and political participation. In Africa, they support funding for adolescent defence where they seek to "highlight issues about girls in the home and community" including violence, and try to give these women assistance. They also fund grassroots organisations which fight female genital mutilation, supporting small organisations which do not have access to mainstream funding, due to their work on the ground. Working through lawyers in different countries who identify cases that need attention, Equality Now uses the Protocol as the basis for any of their legal work.

Fahamu's Nairobi office supports their programmes in East Africa. Working to build the capacity of social justice organisations, they provide trainings, which include thirteen different distance learning and in person courses, ranging from an Introduction to Human Rights, Campaigning for Access to Information, Leadership and Management for Change and Fundraising and Resource Mobilisation. Another current project supports young women bloggers, who are assigned a mentor and then taught how to use blogging as a tool for advocacy. Fahamu also undertakes policy analysis – a current focus is trade justice,

including China's involvement in Africa. Working alongside the Africa Mobile Network, they are also involved in sharing experiences of using mobile phones in social justice work. Fahamu produces Pambazuka News, which has been a central aspect of the strategy of SOAWR and is described in further detail below.

FEMNET, or the African Women's Development and Communication Network, is a pan-African advocacy group. According to their website, their origins lie in the identified need to "share experiences, information and strategies among African women's NGOs through advocacy, training and communications so as to advance African women's development, equality and other human rights." Focusing on advocacy, FEMNET seeks to promote the implementation and mainstreaming of international frameworks for women's rights into national processes and institutions, and in this regard works with the African Union. Their communications programme deals with ICTs as a tool for information access and improved networking amongst women's organisations. The capacity building aspect of FEMNET's work incorporates a training of trainers in gender mainstreaming, and has been used at the national level in a number of African states.

FIDA-Kenya is a federation of women lawyers, and their organisational goals include increasing access to justice and improving the legal status of women in Kenya, and enhancing public awareness on women's rights issues. Their main programmes include legal aid support with advice, representation in court, mediation and psycho-social support for women who have been abused, as well as women's rights monitoring and advocacy. Community monitors are trained across the country on international standards for gender issues and lobbying is undertaken for new gender sensitive laws.

Women Direct is a network of women's organisations, and has membership from community based organisations, national NGOs and women's agencies from across East Africa, including Kenya, Ethiopia, Burundi, Rwanda, Tanzania and Uganda; their network will soon include Somalia and Sudan. Three objectives form the core of their programming, including supporting the collective voice of women in AU policy, building the capacity of partner organisations, and linking those partners with regional and international political and legal processes.

The Coalition on Violence Against Women (COVAW), is a registered non-profit organisation which focuses on women's rights and trying to break the cycle of violence against women. Working at the community, national and regional level, they advocate for reform at the judiciary and legislature, and also work with the magistrate and prosecution to ensure that whatever justice women in Kenya receive, it is in line with the needs of these women. They train paralegals to be sensitive to women's issues, and also build their capacities to assist where rights have been violated. Working in three main provinces of Kenya, as well as the capital, COVAW engages with both grassroots community organisations, as well as at the level of national government.

Oxfam Great Britain (commonly referred to as Oxfam GB) has offices across Africa in the capitals of Senegal, South Africa and Kenya. Their programming addresses a wide range of issues, including climate change, conflict and natural disasters, health, education, debt and aid, gender equality, the right to be heard, the global food crisis, trade and the private sector. Their overarching goal, however, is to end poverty, and their view of poverty is a wide one; due to these views, it is inclusive of gender equality. A number of gender programmes have been undertaken in Kenya, where the focus is on challenging abuse of women and increasing representation of women in decision-making spheres.

3.3 Pambazuka News

In Kiswahili, Pambazuka means "to arise." Created in 2000 by the pan-African social justice network Fahamu, Pambazuka News began as an email newsletter out of the recognition of the relationship between information and communication technologies (ICTs) and the struggle against impoverishment and injustice. Manji and Burnett note that this relationship has four dimensions: to improve access to information and knowledge, to strengthen the voices of people in decisions and processes which affect them, to enable networking amongst people and organisations dedicated to issues of social justice and to assist in the building of a base of citizens who actively participate in holding policy makers and governments accountable (2006). The name, therefore, links directly to the Pan-Africanist vision of self-determination and self-confidence that Pambazuka News is trying to nurture.

To date, over 1200 people have contributed articles of analysis and commentary, news and debates about social justice in Africa to Pambazuka News, and currently available statistics show that over 500 000 people access the website weekly to read the newsletter online, while over 15 000 subscribe to receive it to their personal emails (Pambazuka News). Both the contributors and readers range from interested citizens, politicians, UN officials, grassroots activists and academics, although the majority of readers come from various civil society organisations. This, in fact, fits with the goal of Pambazuka News, which is to build “an innovative and influential web forum for social justice in Africa” (Pambazuka News). The organisation which produces Pambazuka News, Fahamu, has as its mission to “support the strengthening of human rights and social justice movements by promoting innovative use of information and communication technologies, stimulating debate, discussion and analyses, publishing news and information, and developing and delivering educational courses” (Fahamu). Their strategy for the future includes working to “expand the forum for human rights and social justice in Africa, expand public awareness of human rights, strengthen civil society organisations and to root Fahamu in Africa” (Fahamu).

The newsletter, now produced three times a week in English, and weekly in French and Portuguese, has a readership based both in Africa and the Diaspora. A survey published in 2005 found that most readers were educated, with either Bachelor or Master level degrees. Many used it as a reference for academic reports, to write press releases or policy briefs, as training material, in teaching as well as for advocacy purposes. Respondents felt that Pambazuka News provided them with information they found difficult to obtain elsewhere, as well as an in-depth background to current events, issues and debates on the continent. One of their main observations was that it provided an African perspective that was seldom heard; Pambazuka News claims to provide a “vital forum for vast communities in the South generally marginalised by the corporate media” (Fahamu 2006).

The creators of Pambazuka News affirm that they know access to information and communication technologies (ICTs) is not widely available to many people on the African continent. However, due to the economic, social, cultural and political significance of ICTs, it was decided that rather than let that gap between those with and those without access widen, Pambazuka News could be used strategically to aid in helping civil society

organisations strengthen their capacities, as well as to participate in the discourses concerning their societies and the issues they were addressing.

This “digital divide” is not simply a technical one – information, and the sharing or networking of that information which Pambazuka News facilitates, aims to strengthen Africa’s social justice community. A key aspect of Pambazuka News is that it is not neutral – it consciously takes the side of social justice campaigns and movements – and by providing a platform in this way is of political significance. To this end, Pambazuka News has won a number of awards, and was the only African related website nominated for Politics Online’s Top Ten Who Are Changing the World of Internet and Politics. It was announced in October of 2008 that Pambazuka News had won this honour for the second time, receiving more votes than the websites of MTV, Barack Obama and Avaaz (which bills itself as a global web movement with over 3.3 million subscribers interested in social justice) (Pambazuka News).

When SOAWR was first created at a meeting in Nairobi, Fahamu, as a member of the coalition, offered the use of Pambazuka News to the group. This has resulted in the creation of advocacy material, much of it used at African Union summits, as well as with Member States. These advocacy materials have included special issues of Pambazuka News dedicated specifically to information about the Protocol, as well as space within Pambazuka News’ African Union Monitor, which provides up to date information for civil society about the AU, including events, issues and debates. This, according to SOAWR members, has been especially useful at the African Union Summits themselves. In addition, Fahamu/Pambazuka News and SOAWR have published two books about the Protocol, the first entitled “Not Yet a Force for Freedom: The Protocol on the Rights of Women in Africa ,” and the second called “Grace, Tenacity and Eloquence: The Struggle for Women’s Rights in Africa.”

Another unique strategy employed by SOAWR, facilitated by Pambazuka News, was the initiation of a “Colour Card Campaign,” which issued cards to AU member states based on the status of ratification. Member States which had signed and ratified the Protocol were given a green card, those which had signed and were in the process of ratifying given yellow

and those which had not ratified were given a red card. The purpose of this campaign was to name and shame governments – those who had ratified could be proud of their green card, while those countries which held yellow or red cards were meant to be embarrassed, perhaps into ratifying the Protocol. In addition to this, Pambazuka News set up an online and mobile phone campaign entitled “Text Now 4 Women’s Rights,” where people could send an SMS (text) message to urge countries to ratify – the messages would be displayed online, thus acting as a petition. Because many people in Africa use mobile texting facilities, this was quite an innovative means of not only reaching a wide audience, but also received widespread media attention owing to the fact that this technique had not been used before in advocacy campaigns. Coverage of this particular tactic moved from beyond Pambazuka News and into the mainstream media (including the BBC). However, SOAWR members noted that without an accompanying mass media campaign, the method of text messaging had only limited success (in this particular instance, the numbers of people signing onto the petition spiked only around events, activities, press releases and the like).

Chapter 4: Findings

4.1 Methodology

As mentioned previously, field work was undertaken briefly in Oxford, the United Kingdom, and then in Nairobi, Kenya. One focus group discussion was held with four of the seven SOAWR members, and the remaining three were met with individually. Other civil society groups, one intergovernmental organisation, one government official, as well as several funders were also interviewed (see Annex for a complete list of interviews). The purpose of the field work was to gather information on the work being undertaken by SOAWR, and also to undertake an evaluation of the perceptions held by the larger civil society community about that work.

Initial research questions were very broad, focusing on many different actors and processes in the Protocol; they have since been narrowed down to become more focused. As mentioned in Chapter One, contacting African Union and Member State government officials was difficult. An attempt was made to supplement this information with an internet search, looking for any press releases from key government ministries (Gender, Justice, etc.) from the first 15 countries which ratified the Protocol, but did not yield any significant information. This means that the research will focus heavily on the perspectives of civil society about their work, which is reasonable, given that some of these members occupy relatively effective or influential positions within government/civil society relations.

The seven SOAWR members based in Kenya agreed to meet in a focus group discussion, held in the Equality Now office in Nairobi. The focus group was casual, and it was made it clear that even though a list of questions (see Annex) was prepared, extra information SOAWR members thought was pertinent was welcomed, and if questions were deemed irrelevant they could be skipped; the interviews were thus semi-structured. Questions centred around the programme theory or logic behind SOAWR and their expectations from the usage of Pambazuka News in their advocacy work. Other civil society members interviewed were comprised of organisations funded by Hivos (see Annex for

questions). The aim in meeting with them was to gather their perspectives on civil society generally in Kenya, but also to ascertain whether or what they knew about SOAWR and to gauge their familiarity with Pambazuka News.

The findings are presented here according to the academic concepts which were provided in Chapter Two. Organising them this way provides the basis from which I can analyse the data and also points to the way in which they all overlap in practice.

4.2 Communicating

Enabling expression and allowing voices that have not been heard before to become vocal, encouraging dialogue, raising awareness and potentially cultivating reflection and empowering change are the prospective characteristics in communicating, and are facilitated, in the instance of SOAWR, by Pambazuka News, the online newsletter about human rights and social justice in Africa. Information and communication technologies, or ICTs, have been characterised by the convergence of radio, television and print media online. Used to disseminate and share information, but also to enable decentralised participation and interaction, Hamelink argues that ICTs can offer a public space and network for deliberation and exchange. Here, local and contextual knowledge can be spread. In the case of SOAWR, they have explicitly mandated that some of their work be facilitated by ICTs, using Pambazuka News to reach civil society across Africa. Their approach is to create a platform for social justice, which they do by encouraging a diverse range of activists, academics, officials, lay people and whoever else is interested to contribute news, information, analysis and debate to the newsletter, which reaches over 500 000 people each week. With over 1200 contributors to the 400 plus editions it has produced so far, Pambazuka News, according to editor Firoze Manji, is unique in that it is not as staunchly sectarian as civil society in Africa has traditionally been. Thus, news about women's issues appears alongside articles about safe water access, political analysis of current conflicts and debates about homosexuality in Africa. This, according to Manji, is about building a Pan-African movement of unity; Pambazuka was offered to SOAWR as a "platform for coalitions, organisations, alliances that are working on social justice, to use as their platform to achieve what they want." To this end, SOAWR members argue that having Pambazuka News as a tool that they use in

their strategy has enabled a greater visibility for their campaign – people who may not work in areas related directly about women’s rights are therefore afforded the opportunity to learn about the issues which are relevant to women in Africa, and about what the campaign is doing with regards to those issues.

Pambazuka News and SOAWR work together, often producing special issues around themes – for example, for International Women’s Day, Pambazuka News will carry articles about women’s rights issues tied specifically to the Protocol. This is one way in which the coalition can keep the Protocol relevant, especially when there are so many things occurring across the continent which may distract attention from their campaign. By linking violence against women and what the Protocol can offer to, for instance, what is going on in Zimbabwean politics, or the refugee camps in Darfur, SOAWR uses Pambazuka News to highlight the benefits of ratifying the Protocol. But Pambazuka News also offers information oriented to a more practical nature, which, claims SOAWR, is one of the best things about having access to the newsletter. As a platform for organisations, Pambazuka News publishes not only updates about SOAWR activities, but analysis and reflection about the campaign. These articles offer lessons learned and “best practices” which can then inform other SOAWR members about how to best carry out their work; in this way Pambazuka News is also used as a means of communication amongst SOAWR members. This links to what Tettey outlines as some of the features of ICTs, which include decentralised participation and interaction through communication (2001). SOAWR members work across Africa, and while most of them rarely get the chance to work in the same physical space, they engage with and learn from one another via Pambazuka News. Providing local stories about issues affecting women in their communities, for example, informs other members in another region about ways to address these issues.

In addition to Pambazuka News, Fahamu has recently begun publishing the African Union Monitor, which, according to its website, will “enable African CSOs to engage constructively with the African Union and its organs in the interests of promoting justice, equity and accountability through the provision of high quality and timely information.” The AU Monitor is a clear example of what Africans are doing with ICTs and not what ICTs are doing to Africans (van Binsbergen, cited in Njamnjoh 2005: 9). In their increasing

engagement with the AU, SOAWR members found it difficult to work productively with the institution due to their lack of knowledge about its structures and processes. The AU Monitor therefore, has in some ways filled the gap for civil society. Citing that the AU was often a “mystery,” the AU Monitor has filled in these gaps with debates about current events at the AU, official documents, as well as analysis about the way in which the institution works. This provides a basis for civil society, including SOAWR, to engage with the AU.

But the AU Monitor does not reach civil society alone. At the African Union Summits, which have played a key role in the lobbying strategy of SOAWR, Pambazuka News, the African Union Monitor and special publications about SOAWR’s work and the Protocol are distributed, in print version, to politicians and journalists. At one of the most recent Summits, a Fahamu staff member was distributing copies of the AU Monitor and was told by the South African delegation that they read it every week. They claimed that the AU Monitor was the source of all of their information about what was going on at the AU Summits, and that prior to its publication, they often didn’t know what was going on. According to SOAWR:

They depend on Pambazuka News, or the AU Monitor to know what the issues are, and what the key issues are . . . they’ve been sent the official documents – but Pambazuka is what puts it together for them. So they depend on it a lot. I was surprised – throughout the summit, every time someone saw me they would ask me, ‘Where’s the AU Monitor? What’s going on today?’ They were waiting for it! And these are official government delegations. And everyone – and at some point everyone recognized the AU Monitor as, ‘Oh yes, that’s where we are getting our information and news.’

One of the most pervasive criticisms of the use of ICTs for development has been the issue of access. According to statistics from March of 2008, only 3.6% of internet users reside in Africa (Association for Progressive Communications), and most likely a large proportion of these are in South Africa. Further, internet users in Africa, according to Nyamnjoh, are most like to be journalists, NGO workers, business people, that is, well educated, urban men(2005). This is a small percentage and is one of the reasons why, despite having an explicit mandate to use ICTs, SOAWR and Fahamu also work to provide this information offline. As was mentioned previously, print copies of special editions of Pambazuka News, the African Union Monitor and other campaigning materials get

distributed at each African Union Summit, and a specific promotional pack has been developed so information can easily be compiled and put into a folder that has been printed for SOAWR. This makes it so that those politicians at the Summits have easy access to the information SOAWR wants them to have.

Reaching politicians and civil society members is only part of the work of SOAWR. Using the internet to connect to people who do not have access to computers clearly requires a different strategy, which SOAWR recognises. To this end, as was mentioned before, local partners translate the Protocol into local and plain languages, and make printed materials about rights available to people who do not have internet access. Hewitt de Alcantara argues that the “digital divide” is often extended from ICTs to development projects when ICTs are used as a means of development (2001). Director of Fahamu, Firoze Manji, says that Pambazuka News must “go beyond the electronic” if it is ever to have any impact. To that end, Pambazuka News has created relationships with newspapers across the continent, and stories are being published in print. In the coming months Pambazuka News will be released in a monthly print edition, either in newspaper or magazine. This will be sold in North America and Europe by subscription, in this way it will be subsidized and can then be sold in Africa by street selling at a cheaper cost so it is more accessible. The same is true for the books that Fahamu publishes, which range in topic from the Protocol to trade justice in Africa. Partnerships with publishers and distributors across the continent are being developed, and again, will be sold at a profit margin in the North, and then very cheaply in Africa. Donors will also be asked to buy these books for libraries across Africa, which, says Manji, will put progressive African writing into libraries and universities. Podcasts – electronic audio clips posted on the Pambazuka News website which contain interviews and news stories, will be brought back down to be used in radio. In fact, Manji argues that even though many people have been listening to the podcasts, the purpose of producing them in the first place was not for the audience, but in thinking strategically and about learning how to produce audio specifically for radio. Partnerships with community radio groups in various regions of Africa are being built, and FEMNET and Fahamu have recently partnered to create a series of radio shows about the Protocol that can be used as part of a teaching kit in communities, or on their own simply for radio distribution. Here, says Manji, is the irony:

while industry is moving into the electronic realm, Fahamu is casually moving in the opposite direction.

4.3 Translating

Civil society uses a number of tools in their campaigning work, and one of the most important means of facilitating awareness and convincing politicians of the need to make change is through communication. Inagaki argues that linking and facilitating interactions between diverse ideas and groups is a key way of creating a “favourable ecology” for change. Contributing to what Manji says Pambazuka News provides as a platform for information sharing and linking diverse communities of development practitioners and human rights activists is another aspect of communication for development.

Communication for development can be enacted in many ways, but Inagaki argues that “interventions in the vernacular” are the most ideal, that is, by translating ideas and concepts into ways which are understood at local levels, is key. These local contexts need not be only at the grassroots - information targeted at the level of the African Union, or at Member states, must also be translated, just as it must be into local or plain language. COVAW, for example, has translated the Protocol into local languages, as well as simplified it and made fact sheets which are for general dissemination. In this way, SOAWR translates what goes on at the level of the African Union to national campaign work. With regards to constituents, the purpose of translating the Protocol into local languages and disseminating fact sheets makes the Protocol easier to understand and apply. Some of this work may not even mention the Protocol, but addresses women’s rights in general, contributing to the Protocol in a broader way. In this case, SOAWR works more in a top down manner – they take women’s rights legislation – which comes from the first instance from an international perspective, gets international funding, and then adapt it to make it more relevant to local conditions. SOAWR has also made different fact sheets for legislators, and have there raised key tactics that they can work towards in their political roles in terms of the Protocol. In addition, an information package for AU officials has been created, keeping in mind the fact that they are busy and do not have time to read a lot, therefore gearing it towards these requirements.

4.4 Influencing

Bebbington, Hickey and Mitlin argue that the theory civil society promotes a reduced role for the state (2007). However, this particular case study shows quite the opposite, as the aim of SOAWR is to hold governments accountable to the concepts and practices of women's rights. SOAWR, lobbying at the level of the African Union and to Member States, is looking for states across Africa to ratify the Protocol, which will enshrine women's rights into law, and then to uphold them through the implementation of that Protocol in judiciaries and a host of other state led institutions.

With civil society increasingly involving itself in work of a political nature, the relationship between state and civil society becomes important. To this end, the questions posed by Chabal and Daloz with regards to whether or not civil society exists in Africa is also relevant (1999). They argue that civil society only stands on its own if there are clear institutional separations between civil society and the state. Of course it is impossible to generalise across all of Africa, but as was discovered in Kenya, these clear boundaries do always not exist. Regardless of what the relationship between the government and various civil society members was like (in terms of productive working relationships), it was remarked by several of the people I interviewed that the civil society in Kenya acted rather like a member of the political opposition. In this particular case, it appears as though these boundaries are fluid, but separation is still upheld. To the extent that the Kenyan government still maintains final decision-making power, and has not yet ratified the Protocol, their argument, while interesting, does not hold.

None the less, at the level of civil society working within the structure of the African Union bureaucracy, for example, we can situate the work of SOAWR within the idea put forth by Clark - that civil society has become part of a structure of global governance (2006), which is most certainly reflected in some aspects of the work that SOAWR does. Members, especially at the higher levels, have been invited to join various African Union meetings and even more permanent groups. To this end, Clark's idea that civil society still plays alternative roles is applicable (in the sense of putting pressure with regards to rights, and bringing to the table new agenda items and solutions, etc.) – they do not replace government, but in fact

need government to have in place well functioning processes and institutions in order to have their demands met. The Protocol is a fitting example in that it is a legal document, meant to be used by states to uphold the rights of women and ensure that legal rights are protected and enforced, with the help of a variety of state and non-state institutions.

For example, the Special Rapporteur on Women's Rights from the African Union frequently updates SOAWR members on what is going on, even using the email list serve (that all SOAWR members have access to) to post information and updates. In fact, this woman was the former director of a SOAWR member organisation, and in her new role brought in SOAWR to work together closely, claiming that she needed civil society to help with her work.

Further to this, SOAWR members, who in some cases have many years of experience with this kind of work, are said to be "players in their own right," possessing good relationships with various political figures both nationally and at the AU. This, for example, has led to the Africa Regional Director of Equality Now, Faiza Jama Mohamed, being appointed to the Women's Advisory Committee to the Chairperson within the AU. In addition to this, SOAWR has managed to cultivate a good relationship with the African Union Women, Gender and Development Directorate, which has resulted in swift accreditation to participate in Summits, and even the use of physical space at Summits to print off copies of special editions of Pambazuka News and the African Union Monitor.

In Kenya, again, there was this political question about the role of civil society. I met members of an organisation which was drafting a new constitution, for example, a responsibility normally confined to government. SOAWR members talked of the multi-sector approach that the Kenyan government had adopted, especially after 2002 (when Moi was elected democratically), which had resulted in a shift. Prior to 2002, civil society roles were confined to more of a watch-dog function, whereas now government was willing to engage with civil society and work with them to a greater extent. Parliament was also credited with being more open and easier to work with. However, the Kenyan government had still not ratified the Protocol. Various Ministries were claiming that they had already

done their part and had passed it on to the next relevant department, thus the reason for the hold up in ratification.

This aspect of fluidity in engaging with Members States and the African Union is further strengthened by the fact that SOAWR is a collaborative effort on behalf of organisations across the continent. The fact that they work together, with a variety of groups and people, lends credibility. To be taken seriously at governmental levels these individuals or organisations must have some sort of legitimacy and SOAWR has gained that in a number of different ways. As mentioned previously, individual players within the SOAWR network have used their own reputations to lend authority to their work. As Firoze Manji puts it, they are already engaged in the African women's rights movement:

Most of the people who deal with the leadership, in their own right are significant players, so it's not just them reaching or trying to find a way to contact the AU, it's often the other way around - they are being asked to play a particular role - Faiza, for example. They are key players in the movement - they've been around a long time, so they know these intricacies very well - they get invited to everything, some of them.

Another aspect that lends to the coalition's credibility is the fact that they are a network, or collaboration between numerous countries and organisations. That the membership comes from across Africa and has organised itself relatively well in each country it works in means that it provides an example to countries which are not so active. For example, Women Direct organised a forum in Tanzania, where women leaders and Members of Parliament came together. One of the agenda items was the Protocol, and the Speaker of the Tanzanian National Assembly had never heard of the Protocol, but in listening to what their Rwandan counterparts were saying about their work, committed to working to ratify the Protocol in Tanzania, which it recently did. Gaining best practices and lessons learned is thus another aspect of this.

These aspects of civil society collaboration are important also because the need for sufficient financial, technical and human resources is crucial. Many civil society organisations spend the majority of their time and resources on service delivery, leaving little time to put their first hand experience with government policies and processes into concrete

suggestions for improvement. When asked what the strength of working in a coalition were, SOAWR members repeatedly stressed that the ability to pool resources was key in their work. This is linked with the Memorandum of Understanding, where certain organisations are assigned specific tasks respective of their capacities and areas of expertise. For SOAWR, this means that the member organisations who focus in certain areas – legal issues, advocacy, media – are then able to step in if SOAWR has, for example, a legal issue that cannot be dealt with alone, and provide assistance. This was cited as a strength, not just in Kenya, but across Africa, which SOAWR could call on. This sharing of resources – especially in terms of knowledge, lessons learnt and best practices is also seen as integral to the work of SOAWR. Further benefits of working in a coalition relate to the strength of a united voice, which can act politically. One SOAWR member argued that having the support of other organisations meant that if SOAWR as a group took a controversial stand that no one individual group would be targeted alone, because there was seen to be support from across Africa, and also that their work in general was seen to be more serious because it had a continent wide focus.

4.5 Advocating

Working collaboratively can be used in lobbying from the national level to the African Union, where SOAWR claims to be positioned in the middle. It also relates to what Jordan and Van Tuijl define as policy advocacy, that is, organising to democratise unequal power relations (2000). When a coalition of coordinated organisations come together, with one issue in mind, they can act strategically, delivering their messages “to the right people, by the right people, in the right way and at the right time” (Chowshury et al. 2006: 14). SOAWR does this by splitting up the work (as in the MOU) and by targeting most of their recent work (aiming for ratification) at the African Union Summits, held twice annually. In doing so, they can direct their message to particular Ministers and other Member State government officials. They do this by fanning out – each SOAWR member is assigned a particular official they are responsible for introducing the Protocol and SOAWR campaign to, and they have developed special information packages to give out to them. In this way, a wider array of opinions and perspectives than is normally heard at the African Union is given space. According to one SOAWR member:

However limited the space is, we are also many in number and we are able to target the specific people. So we divide the tasks – if you are one person . . . to talk to - there are 53 ministers and things are not always the same. Sometimes it's easy, sometimes it's not easy – you never know the situation. So once you have a target, you divide yourself up in terms of language ability – who can speak French, Arabic, English – so you can easily speak. That way you are able to be efficient because you can maximise your time. And then thereafter once you have identified the Minister you want to speak with you can bombard them in the corridor and throw questions at them. So it's important that even at the national level we are engaging prior to the Summit and then it becomes easier to meet - all the noise making of these women are met together!

In addition to this work, working at the level of constituents, or people affected by these issues, is also a part of advocacy. While my interviews dealt more with the high level, elite political strategy, SOAWR also engages with communities at a more grassroots level, although this work has been less of a priority until recently. This aspect of policy advocacy that includes awareness raising is the feature which Tandon leaves out of his definition of policy advocacy, but is in fact quite important. SOAWR has to deal with a number of different aspects in their work around the Protocol, so while the ratification of the Protocol requires an elite strategy to deal with political figures popularisation and domestication require working at a more grassroots level. According to the SOAWR member working with one of the international organisations involved in the campaign, this third phase will work towards closing the gap between the elitist policy making at the level of the AU, and “women’s own capacities at the community level to challenge what’s happening around them.” The third phase of SOAWR’s will look more at an additional theory of change, that is “to work directly with the women who are affected, so we need to carve out direct constituencies – with them and empower them to articulate concerns that may end up in local courts, dispensaries, management committees.” SOAWR now plans to work in three areas, including freedom from violence, increasing the representation of women in public and political office and reproductive rights and sexuality. This seems to be an attempt at making the Protocol more concrete for it to have an impact on women’s lives.

SOAWR also works through local focal points to have a presence at the grassroots level. These organisations coordinate marches and rallies, street dramas, community sensitisations, working with public bodies to uphold standards for women’s rights and

engaging in legal cases protecting women's rights. SOAWR publishes a quarterly update on the campaign activities of each organisation, which is disseminated on the website of Pambazuka News and distributed via the listserv. The most recent update, published in April of 2008 lists a number of activities across the continent; the activities in Kenya were of a more political nature (owing to the fact that the Protocol has still not been ratified), but in other countries, for example Burundi, International Women's Day was celebrated by a march to publicise the World Charter on Women for Humanity, and the focal point in Sudan produced a calendar for 2008 with messages drawn from the Protocol about elderly women, reducing military expenditure and women in conflict.

4.6 Participating

One main criticism of civil society interrogates representation. Chabal and Daloz question who is involved in civil society, asking if it refers just to formal groupings, elite associations of lawyers, journalists, academics, etc., or if it includes what they term "traditional functional groupings," that is, popular movements such as village associations, squatter defence committees and market traders, etc (1999). This relates to questions of participation, which, claims Gaventa, has in recent years increased in the political arena (2005). As political issues have become more relevant for civil society, so have the mechanisms for engagement with political structures and institutions. The formalisation can be seen, for example, in the African Union Commission, which has a specific mandate to deal with NGOs. But the effect of this formalisation can have the opposite effect of promoting participation, having the potential to elevate policy advocacy to an elite level. This can be seen in the work of SOAWR, but is recognised as part of a strategic plan for the first two stages of the advocacy work around ratification and popularisation of the Protocol. African Union departments and Member State governments require certain processes and formats for engaging, and the people and organisations involved in SOAWR are able to fulfil these requirements. The third phase of SOAWR's strategic plan acknowledges that it is missing the voices of "ordinary" people, and needs to include those voices at the level of the AU, but also plans more awareness raising at the grassroots level. This then means that SOAWR partners, and especially their country based focal points, will need to work more with constituents in

making sure that people are aware of what the Protocol is and does, and in providing the services required to implement the Protocol.

In the case of Kenya, the Nairobi based SOAWR members include seven organisations, the majority of which work on a Pan-African or regional scale. Only two organisations work solely in Kenya with local constituents, while the others have members or partners who do work on the ground, in some ways mediating the aspect of elitism. This is a crucial aspect of the strategy to popularise and implement the Protocol, and if not done properly, the Protocol may be ratified, but will never be implemented.

An aspect of reaching out beyond the higher levels of civil society participation includes the strategy of capacity, which has been built into the work of SOAWR as a group, as well as the organisations involved with the coalition. SOAWR has recently begun training journalists at the African Union Summits. Through internships, young African journalists have been trained on the issues of the AU and how it runs. They produce a daily newspaper on the Summit, becoming more sensitised to issues of social justice and women's rights; they are then available not only to SOAWR but to wider civil society. In doing so, SOAWR consciously builds alliances amongst individuals and organisations which do not normally interact, and also extend their journalism to a wider audience. Another example of this capacity building is Fahamu's development of a project entitled "Blogs for African Women," or BAWO, which trains African women to use blogs (a type of online journal). Here, the point is to build a constituency of women from outside of civil society who are engaging with the issues of women's rights. By pairing these women with mentors, they are exposed to a range of issues and in actively blogging within a community of other bloggers, raise some awareness, but more importantly become engaged with the issues and perhaps empowered to become more actively involved in women's rights.

Chapter 5: Analysis

Theory relating to the relationships between political and participatory spaces, which are enabled by the public spaces of communication in order to potentially influence institutional policy channels, discourses and social practices will be utilised in order to analyse the role of Pambazuka News in the advocacy work done by SOAWR around the Protocol on the Rights of Women in Africa.

5.1 Spaces

In this particular case, the relationship between participatory spaces and political spaces is significant. SOAWR, as a coalition, has worked to a large extent with the African Union, as well as Member State governments, although my findings detail this work less than is necessary to properly analyse. At the level of the African Union, SOAWR was able to participate in some political processes and events, exploiting opportunities in different ways to access a variety of different spaces. They did so in a variety of different ways, but following what Gaventa terms closed, invited and created spaces I will analyse their work according to this framework (2005). Adding on to this framework I will add Castells' idea of public spaces, that is, that communication offers the potential to move decision-making from a political realm to a more public one. Arguing that when debates become globalised and more voices are heard, Castells maintains that public spaces can act as the means through which policies, discourse and practices can be changed (2008).

Of course, while theoretically it may be easy to maintain divisions between closed, invited and created spaces, in reality those are less prominent. In the case of SOAWR's advocacy work at the level of the African Union, there is much overlap.

In the instance of closed spaces, where there is little space for participation, it was repeated in my interviews that despite having policies laying out regulations for civil society engagement with the African Union, the roles and responsibilities of the various bodies, institutions and even individuals themselves were difficult to understand. Dealing with the

AU as a structure was in some ways, then, a closed space for SOAWR. To counter this, in what is perhaps a sister publication to Pambazuka News, the African Union Monitor, as mentioned above, was created in order for civil society to understand better the institution that has such influence over the continent. In this way, civil society is better able to understand the institutional policy channels that impact their work, and can also add to the political discourse around the AU by publicizing that it is being watched, or “monitored.” Further, even Member State governments are made more aware of the institution (as was demonstrated in the case of the South African government). This is an example of a closed space being transformed into a created space, by way of communication. By putting information into a public space SOAWR is able to interact with the African Union in a manner which not only monitors, but allows for interaction between governments and civil society.

Published online, but handed out in print copy at the Summits, the AU Monitor plays a complementary role to Pambazuka News, which is also distributed in hard copy at Summits. Special editions of Pambazuka News profile issues related to women’s rights and the Protocol, and linking current events, political situations or themes to this issue, keep the Protocol relevant and pertinent so that officials can be convinced to support the Protocol. This links to invited spaces, where opportunities for civil society to participate are offered by decision-makers. To this end, at AU Summits, which SOAWR has decided to strategically target as a means of accessing decision makers, SOAWR has used their good working relationships with the AU Directorate for Women, Gender and Development as well as other key officials to use that space more effectively. They do this by engaging in joint campaigns and activities, and this has enabled SOAWR to have more access to other AU departments as well as state officials. The process of getting accreditation to participate in the opening and closing ceremonies of these Summits has also been facilitated by these relationships, which SOAWR has nurtured and exploited in order to further the cause of the Protocol. Further, SOAWR members have used their own reputations to be invited to participate in various African Union functions and even committees. This works at the level of institutional policy channels, which has to do with the first stage of SOAWR’s work, an elite strategy to target political figures. But this also serves a function in terms of political discourses. By engaging with civil society in such an official manner, a clear signal is sent

with regards to the fact that they are in fact a part of the process of decision-making and that their input is valued, allowing civil society to hold some sort of legitimacy in terms of their work. With regards to the way in which this work affects social practices, I would argue that its purpose is more political, and that the second and third phases of the SOAWR strategy address this issue more concretely. Another way in which SOAWR has been able to access invited spaces is perhaps with regards to funding and trends in development. Several people I interviewed mentioned that women's rights were a popular issue, and further, that it had been quite easy for SOAWR as a coalition to attain funding due to this trend, as well as an increased commitment to good governance, which included supporting a wider variety of actors engaging in political issues.

Created spaces for participation are those opportunities that have been initiated by civil society. In this sense, again, there is much overlap, especially in terms of countering the closed political space of the African Union, but the usage of Pambazuka News is an area in which discourses are affected. Taking advantage of characteristics of the internet that promote what Tettey lists as interactivity between many different voices, a global network, uncensored speech and the ability to challenge and cross check official views, Pambazuka News publishes news that often cannot be found in other places and is a uniquely African voice around issues faced by communities across the continent. An example of "what Africans are doing with ICTs," (van Binsbergen, cited in Njamnjoh 2005: 9) Pambazuka News provides a space for debate and analysis, thus providing discourses about Africa, by Africans, which promote communications between various communities, linking them in a way that fosters a collective movement. By providing lessons learned and best practices, civil society talks with one another, and in using Pambazuka News as a platform to share these stories, SOAWR members cited that this collective effort provided support, encouragement, motivation and momentum for their work that they would not otherwise feel. This in a sense has created a community for SOAWR members, where they can update one another about their activities and share experiences. In speaking with a staff member from KEWOPA, an intergovernmental organisation charged with promoting women's participation and representation in Parliament, I was told that Pambazuka News was crucial in keeping her up to date with what was going on in order for her to do her job effectively. Civil society members outside of SOAWR were familiar with Pambazuka News and most

subscribed to receive it weekly. SOAWR members claimed that Pambazuka News helped with visibility in terms of the SOAWR campaign, and that having space in a reputable publication like Pambazuka News also meant that a certain legitimacy was acquired for their work. This serves also to add to the public spaces defined by Castells – by putting this information into a domain where it can be accessed by a diverse group of people, SOAWR has raised its profile and built a reputation that lends political credibility. In addition to these created spaces, SOAWR has built in a further aspect of capacity building in their work; through training journalists at African Union Summits, and in promoting women bloggers, not only is the potential visibility about women's rights in Africa increased with an online presence, but more importantly the capacity of individual women is targeted, creating not only women who are more aware of their rights, but also engaging these women in a discourse they may not have previously been conscious of. On the level of created participatory spaces, Fahamu and FEMNET have also recently created a series of radio programmes for SOAWR's usage. This is aimed towards the third state of SOAWR's work, which is to popularise the Protocol and create a constituency who is aware of their rights and knows how to claim those rights. This is done on a much more local level – country level focal points spearhead these initiatives, and disseminate, for example, the radio programme, which can be used as is, or as part of a tool kit, to grassroots organisations and communities. Thus, relationships between communities and SOAWR are mediated through awareness building.

5.2 Opportunities and Challenges

The above analysis demonstrates a number of interesting points which examine spaces for participation. What remains to evaluate are some of the challenges and opportunities that exist for SOAWR, in terms of both the usage of ICTS in their work as a coalition and for policy advocacy.

The usage of information and communication technologies across the African continent presents numerous potentials. However, the facilities for and culture of email, obtaining online news and utilising electronic information and research databases is not embedded in Africa in any significant way for those opportunities to reach their full

potential. Internet users remain within certain elite circles. From my limited interviews, it appeared as though Pambazuka News, as it exists online, did not reach official or political figures. The intergovernmental organisation, KEWOPA, which works with Parliamentarians, described having to physically go and speak with those officials, because they did not check their emails. At the level of government advocacy print materials seemed to be the most effective means of projecting ideas and recommendations. Pambazuka News remains more as a tool for those active in civil society, which is in fact the target of Pambazuka News, and these civil society members do in fact see Pambazuka News as strengthening their work as a movement. Providing an online community, lending credibility and exchanging news and information which strengthens their work are some of the characteristics that were cited. At the same time, Pambazuka News does not reach those people who are the targets of civil society's work; the awareness raising at the grassroots level is still most effectively carried out via radio. Thus, in terms of using ICTs to promote the Protocol, besides for SOAWR and a small group of civil society members, their usage is limited. However, providing a platform for these civil society members to voice their opinions and debate and analyse social, political and economic issues and policies does serve to create a community that has the potential to result in widening the discourses around these issues, which can then move into a more political realm.

With regards to policy advocacy around the Protocol, SOAWR has faced numerous challenges, most of which have revolved around governmental structures and resistance. At the level of the African Union this has been characterised by a lack of understanding of structures, but it appears that for the most part, partly due to the fact that the African Union itself had already adopted the Protocol and was urging Member States to ratify it quickly, there was less resistance at this level. SOAWR members cited that most resistance was in fact felt at the level of Member States, much of it owing to conservatism, strong religious ties and internal politics. However, SOAWR used some creative campaigning techniques, including a SMS (text messaging) campaign and a Colour Card Campaign, which not only raised attention outside of the usual actors, but also served to name and shame governments into responding to the Protocol. These creative techniques were carried out by SOAWR members for the first time on the continent – they had never been used before, and therefore brought interest from other civil society organisations, funders and governments.

Further, that SOAWR members had strong relationships with a number of African Union figures has allowed them some degree of support for their work. Further challenges with regards to policy advocacy exist around bringing the policies back to the people which they affect. In the case of SOAWR, their initial strategy has been at an elite political level, and in fact the organisations participating in the campaign are, in some cases, quite removed from constituents, existing in a realm of international donors, other global civil society actors and the like. While this has also been a strength of the coalition, because being able to speak the language of politics has indeed been necessary, any real change will need to be carried out at a more grassroots level, which is a real challenge for the organisations involved in SOAWR; the process of implementing the Protocol, for example, will require genuine partnerships between more local actors – governments, service providers, community based organisation, and will need to take place across the whole of the continent. This relates to Merry's theory of translating (2006) whereby civil society acts as an intermediary between local and international ideas, institutions and meanings. SOAWR has indeed done this at the level of the African Union, but in some ways has been aligned more closely at that level than at the grassroots. Thus, local organisation, and the networks they belong to will become increasingly important.

6. Conclusion

This research set out to examine the success of the Solidarity for African Women's Rights coalition in their work around the Protocol on the Rights of Women in Africa. The usage of information and communication technologies, having played a central role in their strategy, was considered in relation to policy advocacy done by civil society in an African context. While the analysis has shown that Pambazuka News has indeed played a role in pushing women's rights and the Protocol into a wider arena of discourse, it has also demonstrated that a number of factors have resulted in SOAWR's success. Perhaps most significant among these has been the relationships that individual SOAWR members have been able to take advantage of in gaining access to political spaces not normally opened to civil society. This has proven to be the most effective means with regards to the political lobbying that SOAWR has carried out. But, as SOAWR members recognise, the ratification of the Protocol by Member States will in fact be the easiest part of their work. Making the Protocol known, respected and practically used means a completely different kind of approach, and requires an even wider range of actors. It also necessitates that women know about the Protocol, and the rights accorded to them under it. This will not come from online debates and emails, but will rather require a more realistic approach of using radio and print media. The potential for utilising mobile phones also exists, but as has been demonstrated by the "Text Now 4 Women's Rights" campaign, must be carefully implemented.

This is not to say that the usage of ICTs is misplaced – for African non-governmental organisations to be effective and integrated into an inevitably globalised civil society, they must have access to this important means of communication and network building. Working across wide physical spaces and in varying contexts means that the potentials that exist in creating an online community that can provide support and a sense of cooperation is invaluable.

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Annex

1. Complete List of SOAWR Members

African Centre for Democracy And Human Rights Studies (ACDHRS) – The Gambia
Akina Mama wa Afrika – Uganda
Association des Juristes Maliennes - Mali
Cellule de Coordination sur les Pratiques Traditionnelle Affectant la Sante des Femmes et des Enfants - Guinea
BAOBAB for Women’s Human Rights –Nigeria
Centre for Justice Studies and Innovations (CJSI) – ?
Coalition on Violence Against Women –Kenya
Collectif des Associations et ONGS Féminines de Burundi (CAFOB) - Burundi
Eastern Africa Sub-regional Support Initiative (EASSI) –Uganda
Equality Now-Africa Regional Office – Kenya
FAHAMU – Oxford and Nairobi
FAMEDEV-Inter-African Network For Women, Media, Gender and Development – Senegal
Girl Child Network – Zimbabwe
FEMNET - African Women’s Development and Communication Network – Kenya
Federation of Women Lawyers Kenya (FIDA-Kenya) – Kenya
Forum Muhler – Mozambique
Inter-African Committee on Harmful Traditional Practices (IAC) – Ethiopia
Human Rights Law Service (HURILAWS) –Nigeria
Oxfam GB –Kenya
Sister Namibia - Namibia
Strategic Initiative for the Horn of Africa (SIHA) – Sudan
Union Nationale des Femmes de Djibouti - Djibouti
Voix de Femmes – Burkina Faso
University of Pretoria Center for Human Rights – South Africa
Women Direct - Kenya
Women of Liberia Peace Network (WOLPNET) - Liberia
Women in Law and Development in Africa (WiLDAF) - Ghana
Women’s Rights Advancement and Protection Alternatives (WRAPA) – Nigeria

2. List of Interviews

Oxford, United Kingdom

Firoze Manji, Director of Fahamu

Nairobi, Kenya

SOAWR Members:

Evelyne Opondo, Senior Legal Counsel at FIDA Kenya

Anne Mitaru-Mumina, Programme Officer at Women Direct

Carlyn Hambuba, Communication Officer at FEMNET

Grace Maingi-Kimani, Deputy Coordinator/Advocacy Manager at COVAW

Irungu Houghton, Pan Africa Director at Oxfam GB

Stella Chege, Programme Manager at Fahamu Kenya

Faiza Mohamed, Africa Director of Equality Now

Caroline Muthoni Murithi, Programme Officer at Equality Now

Hivos:

Will Janssen, Regional Representative East Africa

Hivos Partners:

African Women and Child Feature Service

Citizens for Constitutional Change

Women's Shadow Parliament

Legal Resources Foundation Trust

Intergovernmental:

Maureen Gitonga, UNV Programme Officer, KEWOPA

Government:

Officer of the Attorney General

Funders:

Willy Mutunga, Ford Foundation

Maudi Mukenge, Global Fund for Women

3. SOAWR Memorandum of Understanding (MOU)

COALITION STRUCTURES AND WAYS OF WORKING

Coalition membership is open but guided by the criteria for membership (see Annex). Most members were sought out on the basis of their prior demonstrated commitment to the Protocol. Members are connected by a list-serve through which they share progress on the campaign. Pambazuka maintains a column on the campaign. In 2008, SOAWR shall launch its own website. Some members receive funding through the campaign for country level work as well as support for attending regional meetings. Any materials designed for the public have carried the names of all organisations and reflect their joint ownership.

Meeting quarterly and at times monthly, the steering committee has expanded to include FEMNET, Equality Now, Oxfam GB, Fahamu, the African Centre for Democracy and Human Rights Studies, Akina Mama wa Afrika and FAMEDEV. The steering committee generates strategy for summits, explores fund-raising opportunities, approves statements and other materials for publication and approves membership applications and proposals submitted by members for funding of campaign activities.

Core activities have been, and will continue to be devolved to lead organisations supported by others. For instance, Equality Now coordinates and supports national organisations and networks, FAHAMU is responsible for Internet based campaigning and the website, Oxfam has taken the lead on resource-mobilisation, media support and research. Country based organisations lead on in-country mobilisation. Different members act as fund managers for funding from foundations.

REVISED MEMORANDUM OF UNDERSTANDING

Overall Coordination

1. The Coalition will take the form of a loose alliance coordinated by one organization and steered by a steering committee that will meet at least quarterly. The campaign members shall meet once a year to review progress and plan future strategies.
2. Representatives from the following organizations will form a steering committee; Akina Mama wa Africa, Equality Now, FAMEDEV, FEMNET, FAHAMU, Oxfam GB, African Centre for Democracy and Human Rights, WILDAF and at least one national organization.
3. This committee will meet quarterly or when required to review progress and agree on public materials.
4. Any disputes, confusion or conflict will be managed at this level through consensus. Failing this, the committee shall seek an arbitrator that is agreeable to disputing parties and abide by the decision.

Activities

5. The activities shall be decentralized according to guidelines reflected in proposals generated to secure funding.

Media

6. Any materials designed for the public will bear the agreed campaign logo and in a separate box the names of all organizations and will reflect their joint ownership.
7. A set of policy positions shall be developed and pre-approved by member organisations. This will allow SOAWR to be able to move quickly to capture media opportunities.
8. All publicity documents may be placed on the websites of the member's organizations or wherever appropriate

Coordination with national and regional partners

9. While the Coalition encourages open horizontal relationships between members working in countries and those at a regional level, it is understood that Equality Now will act as the Secretariat for the campaign and will collate information as updates for the campaign. This information will be forwarded to Fahamu for distribution through the SMS facility and/or where appropriate the Pambazuka website.

Coordination with the African Union and hosting of the continental pre-Summit conference

10. FEMNET will coordinate the hosting of lobbying conferences, formally liaise with the AU to inform them of our plans, seek input and advise.

Fundraising and grant-making

11. Fundraising will be in line with the activities listed in strategy/proposals
12. A lead organisation will be designated for each funding relationship. The lead will be primarily responsible for receipt of grants on behalf of the Coalition, expenditure/disbursement and reporting. Other members shall not correspond or communicate with the funder without putting the issues before the steering committee and allow the lead organisation to respond.
13. The Coalition actively encourages its members to search out and secure funding for its activities. Any representation to a third party for the purposes of raising funds shall be fully shared with other members of the Coalition.
14. Fundraising in the name of the Coalition and for these activities shall be in line with the activities listed in a current strategy plan and must be approved by the Steering Committee.

4. Interview Questions: SOAWR - Focus Group Discussion

Facts and figures about SOAWR

- How many organisations belong?
- What kind of work do they do?
- What is the structure of SOAWR?
- What are some of the benefits or challenges of working in a coalition?
- How is the work decided on and carried out?
- Have there been different phases of the work? Describe

Pambazuka News

- Why was it decided to use Pambazuka News?
- What is the programme theory or the story behind this work?
- How is the usage of Pambazuka News expected to meet the goals of SOAWR?

Advocacy/Lobbying

- Who have been the targets of SOAWR?
- What kind of access to decision-making spheres does SOAWR have?
- What have the interactions been like?
- Does SOAWR ever get feedback from these individuals/organisations? What kind?
- Does SOAWR pay particular attention to issues of participation? How does it reach constituents/beneficiaries?

5. Interview Questions: Hivos Partners

What sort of work does your organisation do?

Does your work relate to the Solidarity for African Women's Rights coalition at all? Do you have any contact with, or experiences in working with them?

What experiences do you have:

- with working in coalitions
- doing policy advocacy
- using the internet to spread information or build networks

Has your organisation been involved in any way in contributing to the work done around the Protocol?

What are your perceptions of a coalition like SOAWR? What are your perceptions about their contribution to the Protocol? Do you think there was a need for them?

What do you think about their usage of the internet and Pambazuka News?

6. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

The States Parties to this Protocol,

CONSIDERING that Article 66 of the African Charter on Human and Peoples' Rights provides for special protocols or agreements, if necessary, to supplement the provisions of the African Charter, and that the Assembly of Heads of State and Government of the Organization of African Unity meeting in its Thirty-first Ordinary Session in Addis Ababa, Ethiopia, in June 1995, endorsed by resolution AHG/Res.240 (XXXI) the recommendation of the African Commission on Human and Peoples' Rights to elaborate a Protocol on the Rights of Women in Africa;

CONSIDERING that Article 2 of the African Charter on Human and Peoples' Rights enshrines the principle of non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

FURTHER CONSIDERING that Article 18 of the African Charter on Human and Peoples' Rights calls on all States Parties to eliminate every discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions;

NOTING that Articles 60 and 61 of the African Charter on Human and Peoples' Rights recognise regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as being important reference points for the application and interpretation of the African Charter;

RECALLING that women's rights have been recognised and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the African Charter on the Rights and Welfare of the Child, and all other international and regional conventions and covenants relating to the rights of women as being inalienable, interdependent and indivisible human rights;

NOTING that women's rights and women's essential role in development, have been reaffirmed in the United Nations Plans of Action on the Environment and Development in 1992, on Human Rights in 1993, on Population and Development in 1994 and on Social Development in 1995;

RECALLING ALSO United Nations Security Council's Resolution 1325 (2000) on the role of Women in promoting peace and security;

REAFFIRMING the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union as well as the New Partnership for Africa's Development, relevant Declarations, Resolutions and Decisions, which underline the commitment of the African States to ensure the full participation of African women as equal partners in Africa's development;

FURTHER NOTING that the African Platform for Action and the Dakar Declaration of 1994 and the Beijing Platform for Action of 1995 call on all Member States of the United Nations, which have made a solemn commitment to implement them, to take concrete steps to give greater attention to the human rights of women in order to eliminate all forms of discrimination and of gender-based violence against women;

RECOGNISING the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy;

BEARING IN MIND related Resolutions, Declarations, Recommendations, Decisions, Conventions and other Regional and Sub-Regional Instruments aimed at eliminating all forms of discrimination and at promoting equality between women and men;

CONCERNED that despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices;

FIRMLY CONVINCED that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated;

DETERMINED to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights;

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

For the purpose of the present Protocol:

- a) "African Charter" means the African Charter on Human and Peoples' Rights;
- b) "African Commission" means the African Commission on Human and Peoples' Rights;

* "Assembly" means the Assembly of Heads of State and Government of the African Union;

* "AU" means the African Union;

* "Constitutive Act" means the Constitutive Act of the African Union;

* "Discrimination against women" means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life;

* "Harmful Practices" means all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity;

* "NEPAD" means the New Partnership for Africa's Development established by the Assembly;

* "States Parties" means the States Parties to this Protocol;

* "Violence against women" means 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 or public life in peace time and during situations of armed conflicts or of war;

* "Women" means persons of female gender, including girls;

Article 2

Elimination of Discrimination Against Women

1. States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall:

- a) include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application;
- b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women;
- c) integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life;
- d) take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist;
- e) support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.

2. States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.

Article 3

Right to Dignity

* Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights;

* Every woman shall have the right to respect as a person and to the free development of her personality;

* States Parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women;

* States Parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.

Article 4

The Rights to Life, Integrity and Security of the Person

1. Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.

2. States Parties shall take appropriate and effective measures to:

a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;

b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;

c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;

d) actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women;

- e) punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;
- f) establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women;
- g) prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk;
 - * prohibit all medical or scientific experiments on women without their informed consent;
 - * provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;
 - * ensure that, in those countries where the death penalty still exists, not to carry out death sentences on pregnant or nursing women.
 - * ensure that women and men enjoy equal rights in terms of access to refugee status, determination procedures and that women refugees are accorded the full protection and benefits guaranteed under international refugee law, including their own identity and other documents;

Article 5

Elimination of Harmful Practices

States Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognised international standards. States Parties shall take all necessary legislative and other measures to eliminate such practices, including:

- * creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes;
- * prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them;
- * provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counselling as well as vocational training to make them self-supporting;
- * protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.

Article 6

Marriage

States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

- o no marriage shall take place without the free and full consent of both parties;
- o the minimum age of marriage for women shall be 18 years;
- o monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including in polygamous marital relationships are promoted and protected;
- o every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised;
- o the husband and wife shall, by mutual agreement, choose their matrimonial regime and place of residence;
- o a married woman shall have the right to retain her maiden name, to use it as she pleases, jointly or separately with her husband's surname;
- o a woman shall have the right to retain her nationality or to acquire the nationality of her husband;
- o a woman and a man shall have equal rights, with respect to the nationality of their children except where this is contrary to a provision in national legislation or is contrary to national security interests;
- o a woman and a man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children;
- o during her marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.

Article 7

Separation, Divorce and Annulment of Marriage

States Parties shall enact appropriate legislation to ensure that women and men enjoy the same rights in case of separation, divorce or annulment of marriage. In this regard, they shall ensure that:

- * separation, divorce or annulment of a marriage shall be effected by judicial order;
- * women and men shall have the same rights to seek separation, divorce or annulment of a marriage;

* in case of separation, divorce or annulment of marriage, women and men shall have reciprocal rights and responsibilities towards their children. In any case, the interests of the children shall be given paramount importance;

* in case of separation, divorce or annulment of marriage, women and men shall have the right to an equitable sharing of the joint property deriving from the marriage.

Article 8

Access to Justice and Equal Protection before the Law

Women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure:

- * effective access by women to judicial and legal services, including legal aid;
- * support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid;
- * the establishment of adequate educational and other appropriate structures with particular attention to women and to sensitise everyone to the rights of women;
- * that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;
- * that women are represented equally in the judiciary and law enforcement organs;
- * reform of existing discriminatory laws and practices in order to promote and protect the rights of women.

Article 9

Right to Participation in the Political

and Decision-Making Process

1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:

- a) women participate without any discrimination in all elections;
- b) women are represented equally at all levels with men in all electoral processes;
- c) women are equal partners with men at all levels of development and implementation of State policies and development programmes .

2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

Article 10

Right to Peace

1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.

2. States Parties shall take all appropriate measures to ensure the increased participation of women:

a) in programmes of education for peace and a culture of peace;

b) in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;

* in the local, national, regional, continental and international decision-making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;

* in all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees and displaced persons, in particular, women;

* in all aspects of planning, formulation and implementation of post conflict reconstruction and rehabilitation.

3. States Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular.

Article 11

Protection of Women in Armed Conflicts

* States Parties undertake to respect and ensure respect for the rules of international humanitarian law applicable in armed conflict situations which affect the population, particularly women.

* States Parties shall, in accordance with the obligations incumbent upon them under the international humanitarian law, protect civilians including women, irrespective of the population to which they belong, in the event of armed conflict.

* States Parties undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes

against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.

* States Parties shall take all necessary measures to ensure that no child, especially girls under 18 years of age, take a direct part in hostilities and that no child is recruited as a soldier.

Article 12

Right to Education and Training

1. States Parties shall take all appropriate measures to:

a) eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training;

b) eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination;

* protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;

* provide access to counselling and rehabilitation services to women who suffer abuses and sexual harassment;

* integrate gender sensitisation and human rights education at all levels of education curricula including teacher training.

2. States Parties shall take specific positive action to:

a) promote literacy among women;

b) promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology;

c) promote the enrolment and retention of girls in schools and other training institutions and the organisation of programmes for women who leave school prematurely.

Article 13

Economic and Social Welfare Rights

States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall:

a) promote equality of access to employment;

- b) promote the right to equal remuneration for jobs of equal value for women and men;
- c) ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;
- d) guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognised and guaranteed by conventions, laws and regulations in force;
- e) create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;
 - * establish a system of protection and social insurance for women working in the informal sector and sensitise them to adhere to it;
- g) introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat and punish all forms of exploitation of children, especially the girl-child;
- h) take the necessary measures to recognise the economic value of the work of women in the home;
- i) guarantee adequate and paid pre and post-natal maternity leave in both the private and public sectors;
- j) ensure the equal application of taxation laws to women and men;
- k) recognise and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children;
- l) recognise that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the State and the private sector have secondary responsibility;
- m) take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.

Article 14

Health and Reproductive Rights

1. States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:

- * the right to control their fertility;

* the right to decide whether to have children, the number of children and the spacing of children;

c) the right to choose any method of contraception;

d) the right to self protection and to be protected against sexually transmitted infections, including HIV/AIDS;

e) the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognised standards and best practices;

* the right to have family planning education.

2. States Parties shall take all appropriate measures to:

a) provide adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas;

b) establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding;

c) protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

Article 15

Right to Food Security

a) provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food;

b) establish adequate systems of supply and storage to ensure food security.

Article 16

Right to Adequate Housing

Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, States Parties shall grant to women, whatever their marital status, access to adequate housing.

Article 17

Right to Positive Cultural Context

1. Women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies.
2. States Parties shall take all appropriate measures to enhance the participation of women in the formulation of cultural policies at all levels.

Article 18

Right to a Healthy and Sustainable Environment

1. Women shall have the right to live in a healthy and sustainable environment.
2. States Parties shall take all appropriate measures to:
 - a) ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels;
 - * promote research and investment in new and renewable energy sources and appropriate technologies, including information technologies and facilitate women's access to, and participation in their control;
 - * protect and enable the development of women's indigenous knowledge systems;
 - c) regulate the management, processing, storage and disposal of domestic waste;
 - * ensure that proper standards are followed for the storage, transportation and disposal of toxic waste.

Article 19

Right to Sustainable Development

Women shall have the right to fully enjoy their right to sustainable development. In this connection, the States Parties shall take all appropriate measures to:

- a) introduce the gender perspective in the national development planning procedures;
- b) ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes;
 - * promote women's access to and control over productive resources such as land and guarantee their right to property;
 - * promote women's access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women;

* take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and

* ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.

Article 20

Widows' Rights

States Parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:

- a) that widows are not subjected to inhuman, humiliating or degrading treatment;
- b) a widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children;
- c) a widow shall have the right to remarry, and in that event, to marry the person of her choice.

Article 21

Right to Inheritance

1. A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.
2. Women and men shall have the right to inherit, in equitable shares, their parents' properties.

Article 22

Special Protection of Elderly Women

The States Parties undertake to:

* provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs as well as their access to employment and professional training;

* ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.

Article 23

Special Protection of Women with Disabilities

The States Parties undertake to:

- * ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;

- * ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.

Article 24

Special Protection of Women in Distress

The States Parties undertake to:

- * ensure the protection of poor women and women heads of families including women from marginalized population groups and provide them an environment suitable to their condition and their special physical, economic and social needs;

- * ensure the right of pregnant or nursing women or women in detention by providing them with an environment which is suitable to their condition and the right to be treated with dignity.

Article 25

Remedies

States Parties shall undertake to:

- * provide for appropriate remedies to any woman whose rights or freedoms, as herein recognised, have been violated;

- * ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by law.

Article 26

Implementation and Monitoring

- * States Parties shall ensure the implementation of this Protocol at national level, and in their periodic reports submitted in accordance with Article 62 of the African Charter, indicate the legislative and other measures undertaken for the full realisation of the rights herein recognised.

* States Parties undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognised.

Article 27

Interpretation

The African Court on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application or implementation of this Protocol.

Article 28

Signature, Ratification and Accession

1. This Protocol shall be open for signature, ratification and accession by the States Parties, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission of the AU.

Article 29

Entry into Force

1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15) instrument of ratification.
2. For each State Party that accedes to this Protocol after its coming into force, the Protocol shall come into force on the date of deposit of the instrument of accession.
3. The Chairperson of the Commission of the AU shall notify all Member States of the coming into force of this Protocol.

Article 30

Amendment and Revision

1. Any State Party may submit proposals for the amendment or revision of this Protocol.
2. Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission of the AU who shall transmit the same to the States Parties within thirty (30) days of receipt thereof.
3. The Assembly, upon advice of the African Commission, shall examine these proposals within a period of one (1) year following notification of States Parties, in accordance with the provisions of paragraph 2 of this article.

4. Amendments or revision shall be adopted by the Assembly by a simple majority.

5. The amendment shall come into force for each State Party, which has accepted it thirty (30) days after the Chairperson of the Commission of the AU has received notice of the acceptance.

Article 31

Status of the Present Protocol

None of the provisions of the present Protocol shall affect more favourable provisions for the realisation of the rights of women contained in the national legislation of States Parties or in any other regional, continental or international conventions, treaties or agreements applicable in these States Parties.

Article 32

Transitional Provisions

Pending the establishment of the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application and implementation of this Protocol.

Adopted by the 2nd Ordinary Session of the Assembly of the Union

Maputo , 11 July 2003

http://www.achpr.org/english/_info/women_en.html