CHAPTER SEVEN

POLITICAL RIGHTS OF WOMEN IN NIGERIA AND SOUTH AFRICA

The male is by nature superior, and the female inferior. One rules and the other is ruled.

- Aristotle, 4th Century BC

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7.1 INTRODUCTION

This chapter examines political rights of women in Nigeria and South Africa. Politics remain the greatest way in which women can change their subordinate status. All over the world, women constitute almost fifty per cent of the population, but the number of women active in politics is very few. This chapter starts by examining the political status of women internationally. The historical antecedents to female's participation in politics in Nigeria and South Africa are examined. The constitutional guarantees of political rights in both countries are examined, factors limiting the participation of women in politics are considered and, finally, the political rights of women in Nigeria and South Africa are compared.

In no country in the world do women have political status, access, or influence equal to that of men. The sweep of women's political subordination encompasses the great variety of cultures, economic arrangements and regimes in which they live. In most cultures there is a complex matrix of political power composed of many social

hierarchies, of which gender is only one component. Men of any group are more able to be active in politics than women of their group.

Women's secondary political status demonstrates how politics is intertwined with other aspects of life. Politics, economics, culture, religion and law are mutually constitutive, each creating itself and the others at the same time. The secondary status of women in each realm is reinforced by the total pattern of men's privileges. Each sphere of society also creates unique elements of gender inequality and its own opportunities for resistance, innovation and transformation.

Political systems, whatever the ideology, form and mobilisation capacity, rest on the exclusion or marginalisation of women from formal politics. Attention ought to be given to the natural exclusion of women from politics by the international communities.

Why is it that half of the world's population routinely holds only 5 to 10 percent of the formal positions of political leadership?² Why when disparities in ethnic and racial representation engage the attention of politicians worldwide, are calls for efforts to research and remedy the barriers to women's formal political participation greeted with concern about special interests?³

There is a general bleak picture of women's participation as national leaders, cabinet ministers, members of national legislatures and incumbents holding senior positions in the civil service. For example, at the end of 1990 only six of the 159 countries represented in the United Nations had women as chief executives. In more than 100 countries men held all the senior and deputy ministerial positions in 1987 – 1988. Worldwide only 10 percent of national legislative seats are held by women. The percentage is declining because the legislative quotas allotted to women (usually 20 to 30 percent) in the former Soviet Union and the State Socialist regimes of Central Europe are no longer in effect. The democratic regimes that replaced them have failed

Nelson & Chowdhury (1994) 3.

² Ibid.

³ Ibid.

⁴ Ibid.

United Nations *The world's women: Trends and statistics 1970 – 1990* United Nations, New York, (1991) 31-36.

to mobilise women for legislative offices in the same proportions. Cross-national figures comparing women's representation in the top echelons of civil service are not readily available. Less than five percent of senior managers in the UN systems are women.⁶ In no country in the world are there more women than men in the civil service.

The irony of women's exclusion from formal politics can be seen form the situation of women in India before and after the ousting of the British. In the decades before independence, women constituted 10 percent of those jailed for anti-British activities. In the decades since independence, however, women have never held more than eight percent of the seats in the Lok Sabha (the lower house of Parliament). "It was easier to get arrested for supporting democracy than it is to get elected to the democratic institutions that Indian nationalists are fighting to obtain".

To explain women's exclusion form formal politics, it is necessary to look beyond the two traditional theories of women's exclusion from formal politics: women's socially shaped 'choices', especially to concentrate on child rearing and homemaking, and social norms, which comprise the thousands of big and little gender-based rules about proper political activity that make up "political socialisation". These explanations are inadequate because they make women's absence from formal political institutions either their own fault or no one's fault. These explanations are either too individualistic or epi-phenomenal. The traditional explanations focus only on the supply of women for formal activism not the demand. The traditional explanations focus only on the supply of women for

In contrast, political institutions mould the expectations, careers and activities of those who aspire to participate in them.

The male culture and ethos of formal politics, is fashioned by male lifestyles and characterised by an aggressiveness and competitiveness that are often viewed as male traits. The maleness of politics has two aspects, both of which are theoretically and

⁶ Ibid.

⁷ Swarup et al (1994) 363.

⁸ Ihid

⁹ Randall (1987) 123-130.

¹⁰ Randall op. cit. 127.

practically important. One construction is founded on the traditional fatherly connotations of patriarchy, in which politics is seen as having patron-client relationships that reiterates patriarchal father-son family structures. This political form excludes women from the material rewards of politics in much the way they are excluded form the material rewards of other male-controlled economic obligations and reciprocity networks. The patron-client quality of the "men-made political machinery" is one of the primary reasons for the development of policies and programmes that rarely respond to women's needs. Men always think that they know what is good for women. 12

The significance of fraternism as a source of political power is that the exclusiveness of brothers is just as effective as the protection of fathers in limiting women's access to formal politics. In France, fairly typically, the political costs of fraternism are extracted by the eternal dilemma between equality and difference faced by French women elected to office. They have the choice of a male-defined equality that renders them invisible or a male-defined difference that renders them secondary.¹³

The clear message is that the culture and processes of formal political institutions – especially parties, their affiliated labour or employer groups, their youth wings, and even their women's auxiliaries – are major barriers to women's equal participation in institutional politics. ¹⁴ The barriers include the concrete expressions of patriarchal and fraternal privileges found in men's expressive and problem solving styles, their networks, their workday, their domestic and child-care obligations, and even their traditions of making sexual access to women one of the perquisites of power. Even the Green Party in Germany, whose platform include gender equality, was tainted by a scandal arising from the sexual exploitation of women by a Green parliamentarian. ¹⁵

Moments of system change, when the distribution and forms of power are in flux, underscore the importance of parties in structuring women's opportunities to participate in formal politics. There has been growing recognition that even though social dysfunctions like war, revolution or economic distress may temporarily increase the

Nelson & Chowdhury op. cit. 15.

¹² Ibid.

¹³ Jenson & Sineau (1994) 243.

¹⁴ Ibid

Lemke (1994) 261; Schnid (1990) 238.

range or intensity of women's political activism, these changes do not endure after political consolidation.¹⁶ The role of parties in returning politics to the gender status quo can be seen in the roles given to women within the political parties, in most cases there are women wings in almost all the political parties. Women play secondary roles in politics while mainstream politics are left to men.¹⁷

7.2. POLITICAL RIGHTS OF WOMEN IN INTERNATIONALLY

Political rights are widely recognised in most international human rights instruments.

The Universal Declaration of Human Rights (UDHR) recognises the right to take part in the government of one's country. Article 21 UDHR states as follows:

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Article 1(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognise the right of the people to freely determine their political status and to freely pursue their economic, social and cultural development.

The Preamble to the International Covenant on Civil and Political Rights (ICCPR) recognises the right of everyone to civil and political rights among other rights. Article 3 of the ICCPR enjoins states parties to undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights. ¹⁸

CEDAW also recognises political rights.¹⁹ Nigeria and South Africa have both ratified CEDAW without reservation. The African Charter on Human and Peoples' Rights, following other regional instruments, provides for the right of every citizen to have the

¹⁶ Berkin & Lovelt (1980).

¹⁷ Ibid.

The UDHR, the ICESCR and the ICCPR together form the International Bill of Rights. The UDHR is a declaration and not a treaty, but it has come to be regarded as customary international law. Nigeria has ratified both the ICESCR and ICCPR. South Africa has ratified ICCPR but has only signed ICESCR.

right to participate freely in the government of his country, either directly or through freely chosen representatives.²⁰ Nigeria and South Africa have ratified the African Charter, and the African Charter is incorporated into Nigerian law.²¹ The proposed Draft Protocol to the African Charter on the Rights of Women also recognises the political rights of women.²²

The right to political freedom is recognised in the European Convention of Human Rights (ECHR).²³ Article 23 of the American Convention on Human Rights (ACHR) recognises the right of citizen to participate in government, to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters and to have access under general conditions of equality to the public service of his country.

Political rights enshrined in all the above instruments provided for both men and women but in reality, politics is almost the sole preserve of men. To ameliorate this state of affairs, the United Nations in 1952 adopted the Convention on the Political Rights of Women.²⁴

The Preamble to the Convention express the desire to implement the principle of equality of rights for men and women as contained in the Charter of the United Nations and recognises the fact that everyone has the right to take part in the government of his country directly or through freely chosen representatives.

Article 1 of the Convention recognises the right of women to vote in all elections on equal terms with men without any discrimination. The right of women to be eligible for elections to all publicly elected bodies established by national law on equal terms with men, without any discrimination.²⁵ By article 3 of the Convention, women shall be

¹⁹ Article 7 CEDAW.

²⁰ Article 13 African Charter.

See Cap 10, Laws of Federation of Nigeria, 1990.

Article 10 Draft Protocol to the African Charter.

Article 14 ECHR; See also Article 16 ECHR on restrictions on the political activity of aliens.

Resolution 640 (VII) of 20 December 1952.

²⁵ Article 2 Convention on the Political Rights of Women.

entitled to hold public office and to exercise all public functions established by national law, on equal terms with men, without any distinction.

This Convention containing only three substantive provisions, is the shortest UN instrument. The Convention only affirms the right of men and women to vote and be voted for in all elections. The Convention is the starting point in recognising the political rights of women internationally. It entered into force on 7 July 1954 about 18 months after its adoption and only six instruments of ratification or accession are necessary for it to come into effect.²⁶

Given the fact that the inequalities between men and women are enormous, the Convention, in addition to providing for equal participation of men and women in politics, should have provided for affirmative action for women to enhance their political rights. Privileges like quota (for example specifying that at least 30 percent of political offices must be occupied by women) should have been provided in the Convention. Such privileges are to exist until such a time as the inequalities are balanced and such privileges should not be deemed as discriminatory.

Nigeria ratified the Convention on the Political Rights of Women on 17 November 1980. South Africa signed the Convention on the Political Rights of Women on 29 January 1993.²⁷

7.3 POLITICAL RIGHTS OF WOMEN IN NIGERIA

7.3.1 Introduction

With 115 million citizens, Nigeria is the most populous country in Africa. The area that it occupies has a recorded history of states and empires extending back to the 10th century and earlier.²⁸

Article 5 Convention on the Political Rights of Women.

Available on the internet (<u>www.unhchr.ch/htm/menu3/s/treaty</u>) accessed on 10 October 2000.

Okonjo (1994) 513. See generally Nwabueze (1982) and Nwabueze (1992).

At the confluence of the lower Niger and the Benue rivers is the original homeland of many of Nigeria's ethnic groups. The groups speak about 268 languages and have various social structures and religious traditions, with language and religion being the principal cleavages.

Nigeria, a British colony from 1884, (the colony of Lagos was first ceded to the British in 1861) inherited a bureaucratic organisation and the framework of the nation-state when it gained independence in 1960. Along with European political institutions, the British imposed the system of political control known as indirect rule. The country was carved into divisions and districts, each under the supervision of a white official. Each native state fell within one of the new political divisions.²⁹ The Nigerian elite, headed by the kings or chiefs who governed the states, are allowed control of most of their internal affairs, provided that they accepted overall British authority and the advice of the white supervisor supervising their area of authority. Many of the indigenous customs and rules concerning women like marriage, divorce and the possession of children thus persisted under British rule.

Besides the political and trading systems that Britain imposed, the third prong to its attack on local values, traditions and cultures was religion. The British brought Western religions and educational "opportunities" to select regions of the country. Responsibility for matters involving souls, culture and education fell to the missionaries. They are not, however, allowed to evangelise in the North, where Western (Christian) religion and secular education are regarded as a challenge to Islam and Arabic (Islamic) education and would disturb the status quo.

Thus the new nation inherited not only the many indigenous states but also a federal government and the regional governments modeled on the British parliamentary system plus the social and economic legacies of colonialism. Since independence rapid changes in the form of government, weakness in democratic institutions, and militarism have meant that participation in formal politics has not be prevalent for either men or women.

²⁹ Okonjo op. cit. 514.

The massive corruption of members of the federal government in the first post-independence regime, members' economic mismanagement and the political instability cause by the jockeying for positions of influence resulted in a loss of confidence in that government. After a failed military coup in 1966 civilians relinquished political control to the armed forces.

The military thus ruled Nigeria for almost 30 years since the first military intervention with civilian ruling for four years between 1979 and 1983. Nigeria also suffered through a bitter civil war when the Eastern region seceded to form the Republic of Biafra in 1967. The war cost more than a million lives and ended with the collapse of Biafra in January 1970.³⁰

In some respects, the various political experiments with the imported central system of government can be seen as an attempt to govern and administer a heterogeneous group of indigenous states as one entity while trying to transform them into a unified nation state. The experiments started with the British, who needed to create a political framework for governing their new colonial state and they continue with present efforts to implement the third Constitution.³¹

Presently, Nigeria consists of 36 states and the federal capital territory of Abuja. In May 1999 a democratic government was installed after almost 30 years of military rule.

In all these changes in territorial politics, women are only minimally involved, if at all. The colonial dispensation – the system of rules, promises and values handed down by the British – initially excluded not just Nigerian women, but also Nigerian men. As the British formed executive and legislative councils for the central government and later moved from a colonial to a representative type of government, they felt the need to associate Nigerian men with the organisation that they established. From the beginning politics was an arena into which only men are admitted. By 1960 when independence was achieved, it had become accepted in Nigerian societies, where the gender division roles is normal, that national politicking was reserved for men. Such a division of roles does not, however, characterise the politics of the indigenous states. Both civilian and

Nwabueze op. cit.

³¹ Okonjo *op. cit.* 515.

military governments have therefore tried to obtain legitimacy by associating individual women with their governments.

Such tokenism has not given the post independence governments the desired legitimacy. Women experience a lot of obstacles while trying to participate in national politics.

To fully understand the groupings in the political system and the nature of the variations in the political participation of women in the indigenous states, an examination of the position of women in the three dominant cultures (Hausa-Fulani, Yoruba and Igbo) reveals the formidable obstacles that must be overcome to establish a unified and gender-neutral nation state.

7.3.2 Political position of Nigerian women

At independence in 1960, no woman held any sensitive party position in Nigeria. There was only one woman senator out of the 36 members of the Parliament.³² None was elected into the 312 member House of Representatives. There was also no female in the federal cabinet.³³

In understanding the political positions of Nigerian women efforts will be made to divide Nigerian women along the three major ethnic groups: the Hausa-Fulani, the Yorubas and the Igbos.

7.3.2.1 Hausa-Fulani women

The Muslim Hausa-Fulani society in Northern Nigeria is feudal.³⁴ It is founded on inequality, organised hierarchically and characterised by unequal interaction and services, as well as obedience to superiors.³⁵ Its most essential feature is its division

See Fury of the Amazons *The Guardian* (Nigeria) 9 July 1999.

³³ Ibid

The different migrating people who had adopted Hausa as their common language by the 16th century are collectively known as the Hausa to distinguish them from the Fulani, a nomadic people who conquered the Hausa states in the jihad (holy war) of the early 19th century.

³⁵ Galtung (1978) 315 – 32.

along gender lines, reflected in everything from household architecture to the rules of public discourse. Because women in this society are not to be seen by men who are not their husbands, they live their lives separately from men, and even within the household women's activities are confined to special quarters. Buying and selling in the market and the other social interactions necessary to running a household are handled by husbands and children.

In the past, group survival required that women bear numerous children to replenish the constantly declining population, so women produced children from the onset of puberty to menopause, if indeed they survive that long. Conditioned to accept this duty, girls are married off by their families between the ages of 9 and 14 years (always by puberty). Women thus remained and are treated as minors throughout their lives, first as daughters by their fathers and then as wives by their husbands.

Islam institutionalised women's subordination in Hausa land. Women are instructed to be obedient and submissive to their husbands and conditioned to accept marriage as the only true means of personal fulfillment, women believed that the world was as limited and restrictive as their experience suggested.

Tragically, although women in Northern Nigeria won limited rights with respect to marriage, inheritance, divorce and child custody through the introduction of Islam, other aspects of Islam and cultural practices of Hausa society negated those rights. The cultural convention of patriarchy (the state of social development characterised by the supremacy of the father in the clan or family), patrilocality, child marriage and polygamy all combined with Islam to reduce the rights granted to women. Women are confined to their homes and could not engage in public work, travel, trade or have public roles in government or religion. Up till today 60% of Hausa women have never gone out after they have married.³⁷ British imposition of indirect rule institutionalised the feudal state structure. Autocracy reinforced by British Victorian gender biases eliminated whatever minimal political participation remained for women.

³⁶ Okonjo *op. cit.* 515.

³⁷ See Callaway (1987) 49.

With the enfranchisement of women in the North in 1978, mobilising women voters became important. In an area where less than 1 percent of the adult women over the age of 21 are literate and 98 percent of all adult women are still in near-total seclusion, the political parties found it difficult to find women with the political and administrative experience to help implement their programmes.

After the 1979 election, girls' schools are built, women's centres are also established and evening literacy classes for women only are also established in Kano state. ³⁸ Women for the first time are appointed to public posts – three women Commissioners (state ministers), one permanent secretary (head of a government department) and ten women (one each to parastatal boards). Thus women appeared in public affairs in Muslim Hausa states for the first time in 1979. ³⁹

The appointment of women to public positions in Kano state also had an effect on the Federal government. Two women are appointed ministers and six other Northern women are appointed as Commissioners in their states. General Muhammadu Buhari the military head of state who ruled Nigeria between January 1984 and August 1985 directed that all state governments must include one woman as a member of each state cabinet. Presently all states in Northern Nigeria has at least one woman Commissioner. The Chief judge of Sokoto State is a woman. This is highly remarkable considering the fact that Sokoto State is the spiritual home of Islam in Nigeria.

None of the Southern States has a woman as its chief judge.

7.3.2.2 Yoruba women

The Yoruba, numbering more than 25 million people in Nigeria, have a common linguistic heritage. They populate virtually all of the area known as the western part of Nigeria comprising the state of Lagos, Ogun, Ondo, Ekiti, Oyo, Osun as well as parts of

All these are done by the Peoples' Redemption Party that won the election in Kano and Kaduna states.

Callaway op. cit. 51.

the Edo, Delta, Kwara, Kogi and Benue states.⁴⁰ The portions of Nigeria in which they live inlcude coastal swamps, a dense rain forest, and savannah, which reaches in some places to the banks of the Niger river.

Between the 15th and 19th centuries, the Yoruba country was one of the most fertile sources of African slaves to work in the Americas and so earned itself the name Slave Coast.

Perhaps as an adaptation to the insecurity of their existence, the Yoruba evolved a characteristic diplomatic style likely to preserve their way of life, they are typically seen as polite, restrained, cautious and subtle in their dealings with others.

As with other parts of Nigeria, British 19th century left the indigenous kingdom much to themselves in their daily political activities. The colonial government was not interested in exerting influence over those matters of greatest concern to women at the time, that is those involving matters of personal law in activities such as marriage, child custody and child rearing as well as health, home maintenance, and the scientific support of agriculture and manufacturing. There was little conflict between the colonial government and Yoruba women in these matters.

British activities are in many ways useful to women. The Pax Britannica brought internal peace and, with the abolition of the slave trade, greater personal security. Yet Yoruba women resisted British-made laws that are inimical to their interests. The Yoruba women aligned themselves with educated elites to fight their cause, including press campaigns, petitioning the colonial office and government authorities in Britain. Militant women's organisations like the Lagos Women's Party and the Abeokuta Women's Union pressed further and asked for female representation in local government bodies and the right to vote in municipal elections. Both organisations sought to establish a broad base of political, social and economic activity for women, setting up branches throughout the country that linked elite women and traditional market women in a common cause.

Yoruba speaking peoples also live in Togo and Benin, the neighbouring countries to the West. They can also be found in some parts of Sierra-Leone.

With the introduction of party politics in 1950, and representative government in 1951, Yoruba women became politically active, organising women's wings of political parties. But in the decade of transition to political independence (1950 – 1960), even though women in Southern Nigeria are enfranchised in 1957, not one woman was elected to the national legislature. During the subsequent 20 years, Southern political parties are genuinely reluctant to nominate women as candidates.

The Second Republic (1979 – 1983) did not see many Yoruba women in political positions. Only one woman Ebun Oyagbola was appointed minister of National Planning and another woman Janet Akinrinade was appointed a minister of state in the Federal Ministry of Internal Affairs (the equivalent of a Deputy Minister). Though a few Yoruba women attained elective or appointive office, their presence in a sea of male legislators was sheer tokenism.

More than half of the 65 million registered voters in Nigeria are women, but women's presence in the national political organs was meagre. The women's wings of political parties worked tirelessly and energetically for their parties but merely to ensure the election of men. If the record of women's participation in national political office was poor under the civilian governments, under the military regimes, which have been in power longer, it has been dismal.

Under military rule not one woman has been appointed to the Supreme Military Council, the Armed Forces Ruling Council or the Provincial Ruling Council (the highest political organs in Nigeria during military administrations). The government of general Obasanjo (1976 – 1979) left out women when he constituted the 50 "wise men" of the Constitutional Drafting Committee in 1977.⁴²

The Constituent Assembly that ratified the 1979 Constitution has only three women members in a country where women make up more than 50 percent of the population. It is therefore not surprising that the Assembly ratified the provision for including Shari'a

⁴¹ Denzer (1989) 38.

⁴² See *African Topics* Issue 27 – 28, May – July 1999, 11.

(Islamic law) in the 1979 Constitution.⁴³ Shari'a law is generally seen as the greatest obstacle to achieving women's rights in the Northern part of the country.

Yoruba women, like other women in Nigeria have not awakened to basic flaws and gender bias of the various institutions in Nigeria. Women have yet to realise, for example, that government investment decisions can make the difference between prosperity and poverty and that scientific research can be applied to solve the problems of health and agriculture.

7.3.2.3 Igbo women

The Igbo's constitute almost a third of the over 115 million population of Nigeria. They can be found in Abia, Anambra, Enugu, Imo, Awka, Ebonyi, Rivers, and Bayelsa states of South-eastern Nigeria. Over two million of them, sometimes referred to as the Ika-Igbo, live in the West of the Niger River. They can also be found in Delta states. The Ika-Igbo are greatly influenced by their neighbours further to the West in the powerful Yoruba and Benin Kingdoms. Their political system is a republican type of village democracy. They have established a constitutional type of village monarchy.

Among the Igbo, group thought and action takes precedence over individual concerns. This strategy has allowed the Igbo to survive the harsh environment in which they live and to guarantee the reproduction of society in a context where individual survival still remains the central question of existence. Because much of the Igbo heartland is in the wet forest zone of South-eastern Nigeria, it is one of the most disease-ridden regions in the world. The prolific insect life and the prevailing ignorance about the causes of most diseases made life in pre-colonial times precarious. Death rate was high, and in response, birth rates, sustained by culture and religion, are also high.⁴⁵

The insecurity of living with disease and the five centuries of slavery combined to make the survival of the group important. Like the Yoruba and the Hausa, the Igbo are

See S.s 242(11), 243, 241(4) and 240(1) of the 1979 Constitution of Federal Republic of Nigeria Cap 602 LFN, 1990.

⁴⁴ Manfredi (1989) 336.

⁴⁵ Caldwell (1968) 183.

farmers and traders. Among the Igbos however, gender roles tend to be the reverse of those in other Nigerian societies. Igbo men engaged in trade while farming has remained a shared responsibility of both men and women, with men clearing the land and tending the yam crop and women doing the other backbreaking work that agriculture entails.

Power is dispersed between Igbo men and women. In both the democratic republican and constitutional monarchy political systems, each sex manages its own affairs, with separate kinship institutions, age grades and secret and title societies. In the home women are subordinate to their husbands and defer to their authority in decision-making, outside the home women display a good measure of resourcefulness and courage, tackling issues that men lack the courage to approach. For example, in recent years women are the driving force behind the provision of better water supply, the building of maternity homes, health and day care centres as well as the use of the UNICEF expanded programme on immunisation and adult literacy programmes for women. It is among the Igbo that one encounters the most illustrative historical examples of Nigerian women's participation in politics.

Perhaps the most memorable of women's mobilisation in the colonial period was the Women's War of 1929.⁴⁷ Without consulting the Igbo, the British colonial authorities created a decentralised prefecture system to implement indirect rule and appointed local male agents to act as warrant chiefs. Because the Igbo did not have a chieftaincy system, they are offended not only by the exclusion of women but also by the warrant chief's often blatant misuse of power. The Igbo could not even imagine how one man could arrogate to himself the responsibility of speaking for all the people and the white ruler at the same time. When the news spread that the women's property (usually livestock) was to be assessed, women assumed that this was an initial move toward female taxation.⁴⁸

The prospect of taxation without consultation aroused their fury. Igbo women resisted the census and expressed their dissatisfaction with the native administration, the colonial system and the exclusion of women from politics by holding demonstrations

See generally Leith-Ross (1965); Afigbo (1972); Mackeson (1965).

⁴⁷ Okonjo op. cit. 520.

across the Igbo heartland. They are met with volleys of bullets from the colonial army and police that left more than 50 women dead. 49

The prospects of women's participation in public life in Southeastern Nigeria underwent important changes immediately after the civil war in January 1970, when the unity of the country and the rights of every citizen to live unmolested and earn a livelihood in any part of the country are reaffirmed. Since then there has been an upsurge in the employment of women and in their education. The experiences of the war also proved that old people could be maintained just as well by their daughters as by their sons. Only in the then two Igbo states (Anambra and Imo) of the federation is there a preponderance of girls over boys in primary and secondary schools and an ever increasing number of women in universities.

Igbo women, conditioned by their culture to expect group solidarity as well as shared political authority, have a history of activism in politics and development. Having also shouldered the burdens of the civil war along with men, they have earned a greater measure of independence in their affairs than have Hausa and Yoruba women, and they serve as models of what Nigerian women can achieve.⁵⁰

7.3.3 Political rights of women under the Nigerian Constitution

The Constitution of the Federal Republic of Nigeria⁵¹ guarantees the right to peaceful assembly and association. Section 40 of the Constitution guarantees the right of every person to assemble freely and associate with other persons, and in particular to form or belong to any political party. This section entrenched the right of every Nigerian, male or female, to join any political party and participate in the governance of the country. The only limitation is that persons may only join a party that is accorded recognition by the National Electoral Commission and that no person can participate in politics if the party to which he or she belongs is not recognised by the National Electoral Commission.⁵²

⁴⁸ Okonjo *op cit*. 523.

See Leith-Ross op cit 109; Perham (1937); Afigbo op cit.

⁵⁰ Okonjo op. cit. 520.

¹⁹⁹⁹ Constitution of the Federal Republic of Nigeria

Section 40 1999 Constitution of the Federal Republic of Nigeria.

With the above provision women can participate generally in politics. However, women are not able to participate actively in politics for a variety of reasons. The most important is the fact that Nigeria is a patriarchal society where women have been conditioned to believe that only men are best suited to participate in politics. Another reason is that participation in politics in Nigeria involves the payment of huge sums of money to political parties before a person can win the party nomination for any post. Women are not always able to muster the required money because in most cases they are not financially independent and are poor.

Women's numerical strength in the population is not reflected in the political life and decision-making processes and structures of Nigeria. They are inadequately represented at the Senate, National and State Legislatures and the House of Representatives. At the State Houses of Assembly and the Local Government Councils, women are either completely absent or grossly under-represented as well as at the highest decision-making levels (executive, legislature and judiciary) in the country. There is the need to correct the situation to ensure the full realisation of democracy.

In 1995, a survey by the Nigerian Federal Office of Statistics (FOS) showed that "though women are more involved in mobilising people for elections, they feature less than men as top party executives or candidates". The survey which is the latest conducted on the subject in Nigeria was carried out in 1995. According to the survey, only 4.1 per cent of women occupied top executive posts in the defunct National Republican Party Convention (NRC) and the Social Democratic Party (SDP) while men occupied the remaining 95.89 per cent. The survey showed that both parties had 20,503 and 24,194 executive posts each at all political levels. The proportion of women holding such top executive posts are almost equal – 4.23 per cent for the NRC and 4 per cent for the SDP. 34

To encourage women to effectively participate in politics, the amount required as deposit from candidates before being nominated by their parties should be greatly reduced if not cancelled outright.

The Guardian 9 July 1999.

⁵⁴ Ibid.

The Constitution should also be amended to provide for affirmative action for women's participation in politics by reserving at least 30 per cent of the total representative seats in each of the legislative houses, executive arm, party hierarchy and structures for women for a trial period of at least ten years.⁵⁵

Women should be encouraged to set up political networking organisations. Women should further be enlightened to understand the need to support each other to achieve equal representation in major power locations. All channels of mass communication should be used to reach all women for effective participation in politics and to compete for elective positions.

Traditional and religious leaders should be sensitised to encourage women participation in politics. Women should also be advised not to sell their votes (in Nigeria some politicians pay people including women to vote for them). At present the participation of women in politics in Nigeria is limited to membership of women wings of political parties, clapping and dancing and cooking for the men at political rallies and party meetings.

Political parties in Nigeria should have gender policies and women should be taught how to measure the performance of political parties and candidates against their electoral promises and parties that fail to perform should be voted out.

7.4 POLITICAL RIGHTS OF WOMEN IN SOUTH AFRICA

7.4.1 Introduction

South Africa was originally inhabited by the nomadic Khoi and San peoples. Thereafter, Bantu-speaking peoples moved down from areas further North and settled in South Africa. The country experienced its first contact with the Dutch in 1652.

This is in line with art. 4(1) and (2) CEDAW which provided for the adoption of temporary special measures aimed at accelerating *de facto* equality between men and women and that such special measures shall not be considered discriminatory.

⁵⁶ Klugman (1994) 640.

British colonial rule began at the end of the 18th Century.⁵⁷ With colonisation, the native population was forcibly removed from its land and compelled to seek employment on white farms or in cities as part of the growing industrial economy. Rural African women are prohibited from migrating with their men and are not allowed to settle permanently with their families in white areas.⁵⁸ This led to the destruction of the social and economic life of the African society. However, some black women are allowed to work mostly as domestic labourers in white homes. Black women remained the most exploited and oppressed women in the South Africa.

South Africa is known internationally as the country of apartheid – the system in which blacks are denied political, economic and social freedom by a minority white ruling class. "The population was legally divided into different "race groups" known as Asian (primarily people of Indian descent, 3%), African (the indigenous population prior to colonisation, 75%), Coloured (people of mixed-race origins, 9%) and white (primarily people of European descent, 13%)". The race groups had differential access to political power and to economic and social rights, and they are segregated in terms of housing settlement, land rights and schooling.

South Africa was colonised by the Dutch during the 17th Century. The Dutch established the new colonies of Orange Free State and Transvaal. The discovery of diamond around these lands around 1900 resulted in an English invasion, which sparked the Anglo-Boer War. The Dutch descendants – called "Boers" (from the Dutch word for 'farmer') or "Afrikaners" revolted against English Rule in 1899. The Anglo-Boer War lasted until 1902. The Transvaal, Orange Free State, Cape Colony and Natal are all combined to form the Union of South Africa, which was allowed semi-independent status from Great Britain. South Africa declared its independence on 31 May 1910 from the United Kingdom. ⁶⁰

The Republic of South Africa in 1910 officially consist of four provinces – the Transvaal, Natal, the Cape and the Orange Free State – as well as ten "homelands" designated for the African population. These homelands cover a mere 13% of South

⁵⁷ Ibid.

Groups Area Act 30 1950

⁵⁹ Klugman op. cit. (19) 640.

⁶⁰ Klugman op. cit. 639.

Africa's territory, but are meant to be occupied by 87% of the population.⁶¹ Four of these homelands are made "independent" (TBVC)⁶² by the South African government, which set them up with puppet leaders. They did not have international recognition, nor are they recognised by the majority of South Africans.

Following independence, an uneasy power sharing between the English and Dutch held sway until 1948 when the Afrikaner National party was able to gain a strong majority. Strategists in the National Party invented apartheid as a means to cement their control over the economic and social system. Apartheid is an Afrikaans word meaning "apartness". Initially, the aim of the apartheid system was to maintain white domination while extending racial separation.

The early colonial history of South Africa set the stage for the formal imposition of apartheid in 1948. With the start of National Party rule, apartheid laws became entrenched. The Group Areas Act⁶³ ensured that African men and women who came to "white" towns lived in separate, adjacent townships. Coloureds and Asian people are likewise forced to live separately. During the 1950s there are a number of forced removals of people within cities as non-racial areas are divided and black people are transported to townships outside the white cities. With apartheid came the imposition of the infamous Pass Laws, which required all Africans over the age of 16 to carry a pass when they ventured into white cities to work.

Apartheid was a system based on racial discrimination and segregation. Under this form of government, the South African population was divided up into sections according to race, education and political power. The three main groups that Apartheid created are whites, blacks and coloured/Indian. The group of people that had the most power was the whites. Each group had different rights and some groups had more rights and power than the others. Whites had the most power, while blacks had few if any rights. Blacks are not allowed to participate in political matters and are subjected to repressive laws and regulation.

⁶¹ Klugman op. cit. 642.

TBVC - Transkei, Baputhatswana, Venda and Ciskei.

Group Areas Act 30 of 1950.

White South Africans controlled the political system and until 1982 are the only group eligible to vote or hold office. Under the 1983 Constitution people defined as "coloured" and "Asian" are given the vote, but in parliaments separate from the white parliament. They could only consider issues of relevance to their "population group". This tricameral Constitution was accompanied by legislation that set up so-called community councils in the African townships, which the township dwellers considered illegitimate. The Constitution still denied Africans the vote and representation in any of the parliaments. 64

Form the earliest period of colonisation the African population fought against white settlement and for the right to their land and citizenship. The National Party's coming to power provoked a major co-ordinated national protest through the 1950s, particularly around the Pass Laws. The central actors are the African National Congress (ANC), which along with allied white, coloured and Indian organisations, called for equality of all races in a united South Africa, and the Pan African Communist Party (SACP), a mixed-race body with ties to the international communist movement. During the 1950s, the ANC mobilised women through its Women's League, which with other anti-apartheid women's groups set up a broad federation called the Federation of South African Women (FEDSAW). 65

The protests of all these organisations are met with brutal repression, including the massacre of 76 anti-pass protests in Sharpeville in the Transvaal in 1961 and the banning of the ANC, PAC and SACP. The popular anti-apartheid resistance collapsed. Many people both men and women are jailed, including ANC leaders Nelson Mandela and Walter Sisulu, who are sentenced to life imprisonment. Many others are exiled, including well-known women leaders like Gertrude Shope, the head of

⁶⁴ Klugman op. cit. 440.

The organisation is remembered primarily for the women's march to Pretoria on 9 August 1955, when leaders such as Lilian Ngoyi, Helen Joseph and Francis Baard gained their fame. "August 9" every year is now being celebrated in South Africa as "Women's Day".

When an organisation is "banned", it is declared illegal. Belonging to and meeting with other members of such an organisation, possessing its literature, talking positively about it in public, and even promoting it in informal discussion, is illegal.

the ANC Women's League and Barbara Masekela, a member of the ANC National Executive Committee.⁶⁷

In the 1970s political resistance resurfaced when African students, under the banner of the Black Consciousness Movement, which called on black people to stand together and fight their white oppressors, protested the compulsory use of the Afrikaans language in their schools. These protests began a long struggle against inferior and inadequate schooling known as Bantu Education. They also resulted in the deaths of hundreds of people, beginning with a massacre in Soweto on 16 June 1976. Female students also participated in the resistance. Other student initiatives to organise women into the Black Women's Federation and into a Women's Wing under the Black Peoples' Convention are defeated with the 1977 banning of all the organisations involved in the uprising. By detaining people without trial, charging others, torturing many and preventing any meetings from taking place, the iron rod of the apartheid government again smothered mass political protest.

People continued to struggle against this in their own ways, in particular by defying the Pass Laws and moving to the cities to find work and in the case of women to join their husbands. There are also isolated community struggles around specific problems. On a national level, a few organisations that had not been banned continued to speak out against the system. Most notable of these are the National Union of South African Students, based on the campuses of white, liberal universities, which spawned some powerful women leaders over the years and the Black Sash, an organisation of Middle Class white women formed in 1955 to protest the removal of mixed-race people from the voters' roll in the Western Cape – a step taken by the National Party to entrench white rule.

Although the number of women jailed for subsequent underground activities is small, their presence is nevertheless free.

⁶⁸ Klugman op. cit. 642.

June 16 every year is being celebrated as Youth Day in South Africa in remembrance of the Soweto Massacre of 16 June 1976.

⁷⁰ Klugman op. cit. 643.

In the early 1980s the face of South African politics changed. The National Party realised that it could not continue with its racist policies and had to acknowledge that millions of black people had settled permanently in urban (white) areas. The 1983 tricameral Constitution offered only cosmetic changes to the system of apartheid. Antiapartheid individuals of all races in South Africa started to mobilise against the legislation and implementation of this Constitution, unleashing a national political protest largely under the umbrella of the United Democratic Front. In 1994 an interim Constitution was adopted to usher in a constitutional democracy. The 1996 Constitution is the present Constitution in operation in the country. The Constitution is novel and progressive. The Bill of Rights of the Constitution recognised among other rights political rights of all citizens including women. ⁷²

7.4.2 Women's participation in politics in South Africa

It is a rather complex task to study the way in which women are politically involved in South Africa, because the country's history has created vast divisions among women. The whole disparity between rich and poor and the fundamentally different experiences of people legislated into "race groups" – into positions of domination and subordination – make it impossible to generalise about women in South Africa. Moreover, patterns of protest and anti-apartheid ideologies differ across regions, as does the makeup of the poor in terms of ethnic and religious interests. ⁷³

One should not get the impression that women are substantially involved in the political process in South Africa. The book *Who's who in South African politics*, for example, mentions only seven women among 122 entries. Although it is possible that this only reflect the bias of the author, it also reflects social reality. Patriarchal attitudes keep most women – across racial divisions – under the control of their fathers or husbands. Poor women tend to carry primary responsibility for providing for their children both

In addition, Helen Suzman, who for many years was the only woman member of Parliament and the only parliamentary member of the liberal opposition (the Progressive Party now known as the Democratic Party), spoke out and took up the causes of the disenfranchised majority.

⁷² S. 19 Act 108 of 1996.

Klugman op. cit. 648.

⁷⁴ Gastrow (1990) 16.

materially and domestically, and they are left with little time and energy to be politically active. The interaction of gender, race, and class oppression means that most women are unable to challenge their situation.

In South Africa, the majority of women are engaged in a daily struggle for survival and have not participated in organisational politics. Forty-eight per cent of working age African women are not economically active, 50 per cent of adult African women are either divorced or widowed or have never married. Apartheid struggles left many women widowed and many children fatherless and also many men are incarcerated. Women are locked into a struggle to obtain food and shelter, to educate their children, to cope with violence in their homes, and in certain parts of South Africa, to protect themselves and their families from police vigilante violence.

Women of all races and classes who do get involved in women's organisations tend to choose apolitical service groups, helping poorer people or working within their communities. In addition, there are few, but significant, rural women's co-operatives: vegetable-growing groups, craft making groups, or bulk buying schemes. These initiatives give women the opportunity to take more control over their lives.

Few women's organisations in South Africa focus on women's rights, during the apartheid days except for a number of middle-class predominantly white organisations in the political centre. For example the Women's Legal Status Committee, lobbies particularly through the legal profession, to improve the legal status of women across racial lines, and others played a significant role in influencing pro-women changes in South Africa's marriage and divorce laws. The Abortion Reform Action Groups lobbies for reform of the abortion law. The National Council for Women, a white middle-class group, and the more conservative, predominantly white women's Bureau both see their task as providing their members with information about women's rights. The Housewives League (white) and the Black Housewives League address consumer issues, which affect women most directly."

⁷⁵ Budlender (1991) 8, 11.

See generally Walker (1982).

Klugman op cit. 650.

The most vocal of all women's organisations in South Africa, the Black Sash, was not specifically concerned with women's issues from its beginning. As a political protest organisation, it has focussed on human rights questions – abolishing capital punishment, unbanning organisations, opposing detentions without trial and forced removals of blacks and fighting the demolition of squatter camps. The members of the Black Sash have engaged racial politics by using their whiteness where it is most powerful: in challenging the white minority government by showing that not all whites support apartheid and by standing between African Communities and members of the South African Defence Force or its puppet vigilantes, with the knowledge that their white skins protects them from attack.⁷⁸

Although the Black Sash recognises that women have specific problems and even employs an organiser to work with rural women, women's issues did not form part of their Agenda until 1990. Pressure came from young white feminists who are frustrated at the lack of concern for women's rights in other anti-apartheid organisations and felt that the Black Sash should focus on women's rights as well as human rights.

The European and North American feminist movements of the 1970s touched only those women, mostly whites, who are students in the few liberal universities. Feminism did, however, make one significant impact: it led to the establishment of the first rape crisis centre in Cape Town in 1975. The Cape Town centre offers a counseling service and housing to battered women and rape survivors. Although originally set up by white feminists, it now has members of all races and actively works with community-based organisations across racial lines to provide support services as well as workshops and training to fight violence against women.

Women in general are not active in women's rights groups or other political organisations. Rather, women in South Africa are involved in their daily lives and in social groups that give them personal support. To the extent that women have been involved in political activity, it has been in anti-apartheid politics (or pro-apartheid politics) rather than women's rights.⁷⁹

E.g. members have attended funerals that the police are expected to break up. The presence of some white women tends to dampen the enthusiasm of the police.

7.4.3 Constitutional guarantee of political rights in South Africa

The Constitution of South Africa⁵⁰ makes provision for political rights in the Bill of Rights.⁵¹ These provisions are contained in section 19(1) and (2) of the Constitution. Under this section, every citizen is free to make political choices, which includes the right to form a political party, participate in the activities of, or recruit members for, a political party, and to campaign for a political party or cause. Every adult citizen also has the right to vote in elections for any legislative body and to stand for public office and, if elected, to hold office. What is remarkable about this provision is that every South African irrespective of colour is free to join any political party of his choice, to vote and be voted for (unlike in the past, where only certain categories of people may vote).

Political rights are fully justiciable in South Africa. The reason for this is not difficult to understand given the past history of apartheid. South Africa's history of denial of political rights is well known. In the light of this history it is hardly surprising that rights are entrenched in the Constitution. In fact, democracy, along with openness, freedom and equality are the cornerstones of the Bill of Rights.⁸² The right to vote is in turn the central pillar of a representative democracy.

The main political party in South Africa, the African National Congress (ANC) has a 30 per cent quota for women, this means that at least 30 per cent of the people on the party list must be women. So Other political parties do not have official affirmative action policy in favour of women. However, nearly all of them have women representatives in Parliament. The African Christian Democratic Party (ACDP) has no quota for women but 13 per cent of their candidates for the 1994 elections are women. 35.7 per cent of ANC candidates were women (more than the 30 per cent quota), the National Party (NP) stated that quotas are offensive, but 11 per cent of their candidates were women. The

See Klugman *op cit* on the efforts of women in anti-apartheid crusades.

Constitution of the Republic of South Africa 108 of 1996.

⁸¹ Chapter 2 Act 108 1996.

⁸² S. 7 Act 108 of 1996.

See Redefining Politics op. cit. 17.

⁸⁴ Ibid.

PAC has no specific policy on quotas because it viewed women as equal. However, twenty per cent of its representatives in the Parliament are women. The Democratic Party (DP) is opposed to quota on grounds of tokenism. However, 30 per cent of its candidates are women. For the parliament are women.

The combined average of women in the National Assembly and in the National Council of Provinces is 26.2 per cent, placing South Africa seventh in the world league of women in Parliament.⁸⁷ This compares favourably with the global average of 11 per cent, and regional average of 17 per cent.⁸⁸

The Speaker and the Deputy Speaker are women. There has also been a steady increase in the number of women Ministers and Deputy Ministers in the South African Cabinet. South Africa's 16 per cent women in cabinet compare favourably with the global figure of 5.7 per cent; and regional average of 11.9 per cent. 89

7.5 A COMPARISON OF THE POLITICAL RIGHTS OF WOMEN IN NIGERIA AND SOUTH AFRICA

Nigeria and South Africa both have past histories of oppression:. Military rule and dictatorship in Nigeria and apartheid in South Africa. Both countries have ratified a number of international instruments concerning political rights.

Nigeria has ratified the UN Convention on the Political Rights of Women, the ICCPR, ICESCR, CEDAW and the ACHPR. The African Charter on Human and Peoples' Rights is directly enforceable in Nigeria. It has been incorporated into the Nigerian law. 90

⁸⁵ Ibid.

⁸⁶ Ibid.

See Redefining Politics 17.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Cap 10 LFN 1990.

South Africa has not ratified the UN Convention on the Political Rights of Women and the ICESCR. The country has however ratified CEDAW, ICCPR and the ACHPR. Women in Southern Nigeria gained the vote in 1957. Women in Northern Nigeria only gained the right to vote in 1978. In spite of the fact that women in Nigeria had the vote before the black women in South Africa, the participation of women in politics in South Africa is more pronounced than in Nigeria.

In South Africa all white men are the first to have the vote in 1910. White women are allowed to vote for the first time in 1930. People classified as "Coloured" and "Asians" of both sexes are given the vote in 1983. Black people of both sexes are only given the vote in 1994 when they are allowed to vote in the first democratically conducted election in 1994.

One major difference in the political rights in Nigeria and South Africa is that in South Africa, political rights is guaranteed separately from the freedom of association. In Nigeria, political rights are incorporated into the right to peaceful assembly and association. The Nigerian Constitution also does not provide for the right to free, fair and regular elections.

There are presently more women actively involved in politics in South Africa than in Nigeria. Women constitute more than 30 per cent of Members of Parliament in South Africa. Both the Speaker and the Deputy Speaker of the South African Parliament are women. There is even one woman amongst the nine Provincial Premiers and almost half of the National Ministers (including Deputy Ministers) are women. Women also occupy important political positions at the provincial level.

The improved political status of women in South Africa can be attributed to the Constitution. Section 9(2) of the Constitution provides for affirmative action. 94

⁹¹ S. 18 of the 1996 Constitution Act 108 provides for freedom of Association.

⁹² S. 40 1999 Constitution of the Federal Republic of Nigeria.

Regulations guiding elections is provided for in the National Electoral Commission Act Cap 255 LFN 1990.

⁹⁴ Act 108 of 1996.

Although the Constitution does not specify a quota for women participation in politics, several of the political parties have quotas for women on their electoral list. 95

The political status of women in Nigeria is appalling. Women participation in politics is limited. Nigeria women had the vote much earlier than Black women did in South Africa. Yet the reality shows that women in South Africa are very active in politics with almost 30 per cent of Members of Parliament being women and almost half of the Ministers are women. Politically, women in Nigeria are still being relegated to the background.

During the 1991 elections, there are 330 candidates for the gubernatorial positions, only seven are women and none of the seven made their parties ticket. There are only two deputy governors out of 30 governors. There are also 27 women out of the 1,172 State assembly legislators. Only seven out of 600 local government chairpersons are women. There are also only 39 women out of the 2,000 councilors. 98

The political status of women has not changed. In the last general elections held in 1999 to usher in a democratic government after more than 15 years of military rule, the above pattern of tokenism was also maintained.

Currently there are only two women in a 109 Senate and there are only 12 women in the House of Representative consisting of 366 members. There are no female governors, and women constitute about twelve per cent of the Ministers. Participation of women in governance in Nigeria has been reduced to mere tokenism.

The government in Nigeria has been described as government of men for men. 101 Affirmative action is urgently needed in Nigeria to increase the participation of women

See generally Redefining Politics South African women and Democracy op. cit.

National Concord, 22 July 1991, 7.

⁹⁷ At 16.

⁹⁸ Ibid.

Democracy Monitor Vol 1. No. 1, August 1999, 5.

¹⁰⁰ Ihid

Statement credited to Olagbegi (a member of an NGO in Nigeria) while being interviewed by the Mail & Guardian Newspaper in February 1999.

in politics. Nigeria politics is money politics and women are not as economically empoared as men for their presence to be felt in politics. The Constitution of Nigeria should be amended to expand the equality clause and to provide for affirmative action measures to improve the participation of women in politics.

Women in Nigeria should also be educated of their numerical advantage. This advantage can be used to improve the position of women in politics. Women should be educated on the need to vote more women in power.