

The Paradox of Representation in Sudan: Muslim Women's Diverging Agendas



Photo: Liv Tønnessen

The international discourse on gender and peacebuilding presupposes a common agenda among all women across religion, ethnicity and class in any given post-conflict situation. This brief challenges this position by exploring the attitudes and priorities of Muslim female activists in Sudan. Disunited and politicized, they have multiple and competing priorities rather than a common gender-based agenda.

WOMEN'S REPRESENTATION AND THE QUOTA

Presently, women occupy 13% of the seats in parliament. The 2008 Sudanese National Elections Act provides women with a fixed quota of 25% of the seats. This is a milestone and an important victory, and comes as a result of internal demands by women activist and pressures by international NGOs and stakeholders. The immediate result of the quota will be tested in the first post-conflict elections in the country in April 2010.

Although representation of women in political processes is important for the overall advancement of women in society, the use of quotas merely facilitates a *formal access* for women to the political system. The belief that such a formal or descriptive representation of women in parliament leads to a substantive representation of women, that is, to "*performing acts in favor of women [...] that deal with issues of specific importance to women situated in the private*



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and/or public sphere and/or aiming at feminist goals" (Celis et al, 2008, p. 101). This policy literature fails to take women's diverging agendas into consideration. When interviewing members of parliament and actors within the opposition and civil society in Sudan it becomes clear that women's issues are very politicized and sensitive. According to Nahid Muhammad Hassan, a female

"We are not as different as women we are different as political parties"

Mariam al-Mahdi from the oppositional Umma Party (Sudan Tribune, July 9, 2008).

human rights activist, "women stand against women themselves. Women's issues are politics. It is a very politicized issue". Nonetheless, the quota is regarded as vital by female political activists in Sudan. Balghis al-Badri writes that "the hope is that the method to obtain a large number of women in Parliament inspires [a raising of] consciousness concerning the issues of women, contributing to the solution of many of the problems that women suffer from (...) and denying them opportunities, resources, development, capacity building, and self-realization" (Badri, undated, p. 8).

In the words of Sara Nugudallah of the Umma Party, "the quota is not a goal in itself. It is a process" which will eventually lead to a legal reform of current discriminatory laws against women – that is, if women agree on what is considered discriminatory.

DEBATING WOMEN'S RIGHTS AND ISLAM

Several articles within the Muslim Family Law (1991), the Criminal Law (1991) and the Public Order Act (1996), codified during the reign of the Islamists, discriminate against women and girls when it comes to social and civil rights. Except for the women's quota itself, discriminatory laws concerning women have not yet been reviewed and amended in parliament. These laws are unconstitutional.

Article 32 of the Constitution (2005) states:

"The State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights."

Sudan is one of many post-conflict countries that have taken steps to increase women's political participation. The dominant parties in South Africa (ANC), Mozambique (Frelimo), and Namibia (Swapo) established women's quotas on candidate lists. In most of the 14 countries where the 30% target has been reached (namely, Rwanda, Sweden, Denmark, the Netherlands, Norway, Belgium, Costa Rica, Austria, Germany, Argentina, Iceland and Mozambique), some kind of affirmative action measure has been instituted. It is encouraging to note that a number of post-conflict countries – Rwanda, Mozambique, South Africa, Namibia, East Timor, Uganda and Eritrea - appear in the top 30 countries with regard to women's participation in legislative bodies, averaging between 25 and 30% of women legislators.



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According to female human rights activist Nahid Jbar Allah, today's battles for Sudanese women have to be fought within the realm of social and civil rights:

"the battles we have today are also a consequence of the shortcomings of civil society. We have mainly focused on political rights. We need to focus on civil rights and social rights. In those areas we are not so empowered. It is clear when it comes to law reform. We are not ready. The laws need a critical reading".

Increased representation of women in parliament has not yet led to substantive representation, i.e. to legal reform of discriminatory laws. The present Muslim Family Law (1991) stipulates that women need a male guardian to contract their marriage, allows marriage at puberty, polygamy, and restricts women's rights to file for divorce. Liberal Muslim activists fight to abolish the need for guardian, for a woman's right to refuse co-wives, and for equal rights to divorce. They argue, as Asma Muhammad Taha of the Republican Brothers does, that *"pushing for equality in the public sphere does not matter unless you do not reform the most important area: family law (...) a woman is equal to a man. We want to reform the Islamic law. (...); to give the woman her right to divorce in the marriage contract (...) It should also be stipulated that a man cannot marry a second wife"*. All of this is argued from an Islamic point of view. Women of a fundamentalist persuasion want to reinforce the inequalities between men and women in the Muslim Family Law and they even argue to further restrict women's right to divorce. Surayha Muhammad Ahmad Kheir of the fundamen-

talist Ansar al-Sunna says: *"the family is the most important thing. It is important to maintain the family as an institution and women as mothers. We believe in Islam; to repair. We do not believe in divorce. This stems from the Quran. Islam does not like divorce. We try to convince women not to seek divorce"*.

In contrast to what the discourse on women and peacebuilding suggests, women in parliament have not been able to bridge the political and religious divides and stand together as women. Despite immense efforts by women activists, article 13 of the new draft of the child act which criminalized female genital mutilation was taken out. About 89% of Sudanese women are circumcised and the article could have contributed to stopping this practice. But women are continuously and bravely putting women's issues on the agenda, despite non-democratic constraints such as a weak parliament, lack of judicial independence and media censorship. There is a high degree of feminist awareness or consciousness about women's issues among female parliamentarians and among women activist within civil society. But it is important to note that Sudanese Muslim women's perception of gender equality is not unitary. They all frame their arguments within Islam, offering different interpretations of the Islamic law (Sharia). Whereas liberal Muslim activists advocate for gender equality in all areas of law, the fundamentalist women do not deem gender equality neither necessary nor desirable.

THE PARADOX OF REPRESENTATION?

The policy literature on women's representation has a feminist bias as it wrongly presumes that all women hold common goals about gender equality in public and private spheres of law. The assumption is that *"on the basis of their women's (feminist) interests, they are able to form coalitions bridging deep political, ethnic and religious divides"* (Bouta and Frerks 2002, pp.8). Our findings suggest that Sudanese women are not only divided between Muslim and non-Muslim activists, but also Muslim women activists are politicized. The views advocated among women within parliament and civil

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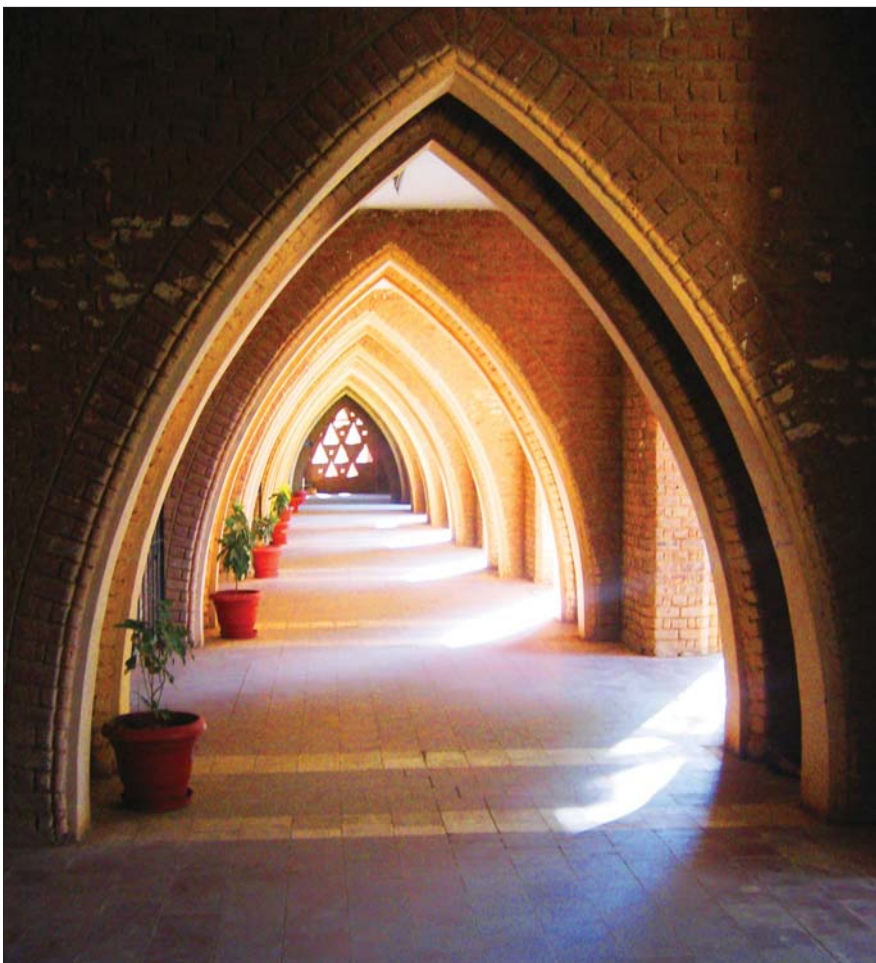


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society at large are far from coherent. There is no such thing as a women’s agenda or a women’s movement in Sudan. It is important that international stakeholders take this into consideration. Muslim women activist hold that gender equality is possible and desirable. But, there are also women activist who do not see the need for gender equality. The debate is intense and fierce as competing interpretations of Islam is at stake.

Increased representation or “strength in numbers” does not automatically translate into legal reform of discriminatory laws concerning women. Simply to ‘include’ some elite women’s voices in a politics that is flawed will have little transformative effect for Sudanese women generally. Legal reform as a tool to better the situation of women is important, but it is not enough. The rights claim must be closely linked to development and fighting poverty. Our impression is that the political and social interests of the elite driven women’s organizations take precedence over contributing to empower grassroot women

There are important authoritarian constraints which forms the backdrop of Sudanese women’s activism both among the elites and the grassroots; a weak parliament, lack of judicial independence and media censorship. But women are continuously and bravely putting women’s issues on the national agenda. Our impression is that the level of consciousness around women’s issues is very high, whether their activism promotes liberal or conservative positions on gender equality within the frame of Islam.

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