

Worldly Encounters:

The Politics of Global Governance and Women's Human Rights in East Africa

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## **Dedication**

*To Phil and Esmyr.*

*In loving memory of our friend, Jan Fixen.*

## Abstract

Global governance and international women’s human rights campaigns are always translated and negotiated locally. This dissertation examines the complex politics of international women’s human rights campaigns in East Africa by focusing on the social practices that characterize these projects. I investigate three campaigns to promote women’s human rights and empowerment. First, I examine efforts to promote legal redress for Rwandan victims of sexual violence during the 1994 Rwandan Genocide at the International Criminal Tribunal for Rwanda. Second, I study projects seeking to eliminate “harmful traditional practices” such as female genital cutting in East Africa. I focus on initiatives in pastoralist villages in northern Tanzania, as well as efforts in Kenya and Uganda. Third, I turn my attention to emerging campaigns to promote African women’s “empowerment” and entrepreneurialism through microcredit and microfinance. By exploring the socially-situated practices of international women’s human rights campaigns – their translations and negotiations – this project seeks to illustrate how the boundaries and identities of global governance are unstably reconfigured and reproduced.

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“‘The global’ so often is imagined, implicitly, as somehow always out there, or even up there, but as always somewhere else in its origins. In fact it exists in very concrete forms in local places.”<sup>1</sup>

## CHAPTER ONE

### Introduction:

#### Women’s Human Rights as Worldly Encounters

The proliferation of international efforts to promote women’s human rights has been widely documented. In particular, researchers have extensively examined the emergence of a transnational women’s human rights movement and the institutionalization of norms addressing gender-based violence since the 1980s.<sup>2</sup> Yet few scholars of international politics or international law have paid attention to the day-to-day struggles that surround efforts to promote, negotiate, and translate these very consequential ideas in particular places. As a result, the study of international women’s human rights norms has largely focused on the people, places and spaces we describe as “global,” such as transnational activists, international conferences in Mexico City, Copenhagen, Vienna and Beijing, or international agencies based in Geneva, New York, and The Hague. Researchers do not usually concern themselves with the ways in which high-profile international ideas about women’s human rights are discussed in everyday situations, translated in specific settings,

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<sup>1</sup> Massey 2007, p.16

<sup>2</sup> For example, Bunch 1994; Friedman 1995; Keck and Sikkink 1998; Brown Thompson 1997 and 2002; Ashworth 1999; Meyer and Prügl 1999; Joachim 2003 and 2007; Gaer 2009

debated in community meetings, negotiated by rural outreach workers and village leaders, or promoted through the routine practices of international agencies.

These are consequential and unfortunate omissions. International women's human rights do not float in the global ether; they are always bound to social sites. As such, this dissertation is an examination of the global governance of women's human rights in East Africa. My goal is to understand the politics of international women's rights campaigns and their social meaning in particular places. I propose an examination of women's human rights campaigns not as socially abstracted norms and institutions but as socially situated practices which are always "locally" translated and negotiated. These inherently political practices of negotiation and translation help to produce and reproduce the categories of global governance, its social subjects, and its social hierarchies.

### *Outline*

In Part One of this introductory chapter, I set the scene for this study of global governance and women's human rights in East Africa. I provide a brief sketch of global governance in East Africa, paying attention to its historical legacy. I illustrate ways in which women's human rights campaigns defy conventional spatial designators such as local, national and global. In Part Two, I show how the commonplace binaries of space and place, local and global, and culture and global governance undermine our ability to understand the politics of international women's rights campaigns and their social meaning in particular places. I propose an understanding and theorization of international women's human rights norms that emphasizes their social meaning in particular places. In this view, women's human rights norms are always locally translated and negotiated, they are inescapably socially

embedded. Accordingly, I argue that the study of international ideas about women's human rights must emphasize the global politics of local places and, just as importantly, we must take seriously the politicized social practices of global governance. In Part Three, I examine how rethinking global governance and women's human rights as socially-situated practices enhances the study of the politics of location, activism and culture. Finally, I provide an overview and outline of the dissertation. Throughout this introduction, I draw on my fieldwork in East Africa to highlight specific encounters, discussions and negotiations of the global governance of women's human rights.

### **Women's human rights between the global and the local**

#### *Setting the scene: East Africa as an arena of international governance*

Africa, as we now know it, was constituted in part through international governance. Pre-colonial modes of extraction and formal colonial relations were established and maintained through international organizations, diplomatic conferences, treaties, bilateral agreements, mandates, and trusteeships. These international arrangements carved out mandates, trusteeships, and colonial borders. Colonial maps were drawn up through multilateral great power agreements and formalized through international conferences in Berlin (1884-5) and Brussels (1889-90).

These settlements were often framed in the emancipatory language of liberal international society. As Wm Roger Louis writes, great powers were viewed as the trustees of international peace and order: "free trade was connected with the open door policy of equal commercial opportunity; 'native welfare' flowed from the anti-slavery tradition; and

self-determination appeared to be derived from European nationalism.”<sup>3</sup> Imperial agreements emphasized inter-imperial free trade, the “moral and material well-being” of “native tribes,” the international obligations of trustees, and the suspension of slavery.<sup>4</sup> After World War One, the League of Nations formalized and administered a mandate system designed to secure indefinite European “tutelage” over the “tribal people” of sub-Saharan Africa.<sup>5</sup>

Facilitated by inter-imperial institutions and internationalist ideals, European colonial projects in East Africa were pervasive. By the late 1800s Belgian, German and British colonial projects established concession-owning companies in the Congo and colonial monocultures, mines, and plantations in Uganda, Kenya and Tanganyika. These economies relied on forced labor and labor-reserves.<sup>6</sup> Campaigns focused on “women issues” were part of these projects of imperial governance and economic extraction. Colonial authorities, missionaries, corporations, and individual European women launched infant and maternal health campaigns, for example. Notably, historians trace early missionary campaigns against “traditional practices” in Kenya back to at least 1906, escalating in the female circumcision controversies of the 1930s.<sup>7</sup> In 1931 delegates at a Save the Children Fund Conference in Geneva spoke out against the “barbarous custom” of female circumcision in Africa.<sup>8</sup> In the Belgian Congo, health programs aimed at women and children were designed to enhance the African labor force in the Congo copper belt. The Union Miniere company, for example, sought to “breed” its labor force by promoting

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<sup>3</sup> Louis 1984, p.204

<sup>4</sup> Bull 1984, pp.109-111

<sup>5</sup> Louis 1984, pp.201, 210

<sup>6</sup> Amin 1972; Shivji 1986

<sup>7</sup> Tignor 1976; Presley 1992

<sup>8</sup> Kenyatta 1938 [1953], pp.131-2

women's fertility and offering infant feeding programs from the 1920s.<sup>9</sup> By 1940 the Belgian Congo had a "massive network of maternal and infant health programs" run by colonial authorities, companies, philanthropists, and colonial wives.<sup>10</sup> In some cases, colonial authorities also established women's organizations. For example, Lady Twining, wife of the British colonial governor, founded the Tanganyika Council of Women in the early 1950s, later chaired by the wife of Julius Nyerere.<sup>11</sup>

Today, a white United Nations' jeep roaring down a dirt track does not raise an eyebrow in East Africa.<sup>12</sup> Webs of international institutions, NGOs, aid foundations and other organizations span the length and breadth of the region. With institutions and offices headquartered in Dar es Salaam, Arusha, and Kigali, Nairobi has become the regional hub of UN agencies. These international institutions, their programs, and their ideas are intimately woven into the structures of local and national governance. The UN Millennium Goals and related campaigns focus on Sub-Saharan African poverty. East African economies heavily rely on international aid and donor agencies and international financial institutions guide macro-economic policy through Poverty Reduction Strategies,

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<sup>9</sup> Hunt 1997, p.300. The company management hoped to promote African women's fertility by reducing the time they nursed their infants.

<sup>10</sup> Hunt 1997, p.430 and p.421.

<sup>11</sup> Geiger 1982, p.47 (Also note that efforts to rescue African women from "barbarous practices" and to promote maternal health were usually considered the responsibility of European women in divisions of labor that characterized colonial rule.)

<sup>12</sup> The porous nation-states of East and Central Africa are closely tied together not only by pre-colonial and colonial history, migration, and language groups but also through interweaving and overlapping conflicts. While the geographical designator East Africa usually refers to Kenya, Tanzania and Uganda, for the purposes of this study on women's human rights I include Rwanda. I do so because important efforts to promote women's rights in Rwanda are administered by international organizations in Tanzania and Kenya. Not incidentally, the post-1994 Rwandan ruling class overwhelmingly hails from Uganda, bringing with them distinctly East African political traditions, connections, and the use of the English language in public life. This in turn has further facilitated connections between Rwanda and its East African neighbors. That said, this very brief sketch of the history of global governance in East African is not able to convey the distinct colonial history of Rwanda-Urundi, regional civil wars, or Rwanda's experience of genocide. Since 1994, Rwandan women's organizations are heavily supported by international agencies, dominated by political elites, closely associated with the regime, and often fractured along ethnic lines, unlike the increasingly independent and multi-ethnic women's rights movement of Kenya, Uganda and Tanzania. For a fuller elaboration, please see Chapter Three.

the successors to structural adjustment programs. International courts increasingly exercise jurisdiction over ongoing, complex and deeply interconnected conflicts in the region, while an amorphous “international community” sporadically intervenes through UN Security Council-administered peacekeeping missions and sanctions.<sup>13</sup> The UNHCR, humanitarian organizations, and innumerable NGO partners try to manage and discipline the flows of large numbers of refugees and internally displaced people in refugee camps. Human Rights NGOs estimate that approximately one million refugees - one third of all African refugees - are “hosted” in Kenya, Uganda and Tanzania.<sup>14</sup>

*Defying global and local: Contemporary women’s rights campaigns in East Africa*

Whether they are “grassroots,” government-led, donor-funded, or *all-of-the-above*, contemporary women’s human rights campaigns in East Africa are situated in this extensive web of global governance. In this expansive orbit, distinguishing between so-called local, national and global initiatives is often a fruitless undertaking. In fact, the women’s human rights campaigns that are the focus of this dissertation challenge conventional spatial and legal designators.

While not the central focus of this project, the scholarly literature on East African women’s organizations usefully illustrates this point. As superpower patronage of one-

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<sup>13</sup> The ICC has jurisdiction over conflicts in Northern Uganda, the DRC, and Darfur, as well as the Central African Republic. The ICC’s Prosecutors Office is reportedly investigating war crimes in Côte d’Ivoire. The UN Security Council established the International Criminal Tribunal for Rwanda (ICTR) to prosecute the leaders and planners of the 1994 genocide. UN Security Council sanctions target African states or region, including Somalia (1992), Rwanda (1994), Sudan (1996), Sierra Leone (1997), Ethiopia and Eritrea (2000) and parts of the DRC (from July 2003), among others. In 2005, UN sanctions were in effect for Côte d’Ivoire, parts of the DRC, Liberia, Sierra Leone, Somalia, and Sudan (Darfur).

<sup>14</sup> Approximately 80,000 refugees from Sudan, Somalia, Ethiopia, and the Great Lakes region are located in Kakuma. 120,000 Somali refugees are based in Dadaab, Kenya. Many refugees from the Great Lakes conflicts were based in camps such as Lukole, Lumasi and Kitali Hills in northwest Tanzania. Many of these refugees have recently been relocated or coercively repatriated to Burundi and Rwanda.

party states crumbled in the wake of the cold war, some commentators enthusiastically hailed a “political renaissance” of African multiparty democracies and burgeoning civil societies of NGOs and grassroots organizations across the continent.<sup>15</sup> Since the 1990s, contemporary efforts to promote women’s human rights in East Africa span “a world of BONGOs, RINGOs, ENGOs, QUANGOs, DONGOs, PVOs, CSOs, GROs, and a bewildering array of other impenetrable and seemingly random collections of letters.”<sup>16</sup> Should we view these women’s groups as global or local, governmental or non-governmental entities?<sup>17</sup> Like so many other phenomena in contemporary African politics, where the nation-state itself is constituted in part by international governance, women’s organizations defy straightforward characterization.

While colonial authorities, missionaries and European women organized infant and maternal health programs, contemporary women’s rights activism in Africa has its roots in nationalist and anti-colonial movements. Notably, the All Africa Women’s Conference

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<sup>15</sup> Harbeson 1994. However, the political liberalization of this period is often overstated. See Tripp 2000; 2001. In fact, the Uganda, Kenyan and Tanzanian governments continue to monitor, limit and “coordinate” NGO activities. In Tanzania, NGOs are often reminded by government representatives to focus on development issues rather than “political” agendas. Tripp (2000) notes that TGNP came under government scrutiny as it sought to recruit women for the Beijing Conference. Moreover, a government minister told the Tanzanian Women Miners Association “to distance itself from ‘politics’ and concentrate on economic, technical, and commercial activities” (p.203). As Tripp (2001) argues, the “cooptation of women’s organisations and leaders has had the net effect of keeping women’s mobilisation apolitical, and of narrowing the agenda to issues that do little to fundamentally change gender imbalances” (p.112).

<sup>16</sup> Jennings 2008, 9. BONGOs are business-oriented NGOs, RINGOs are religious international NGOs, ENGOs are environmental NGOs; QUANGOs are quasi-NGOs (however, I believe the acronym stands for quasi-autonomous government organizations in the UK); DONGO stands for donor-organized NGO; PVOs are private voluntary organizations. The acronym CSOs stands for community service organizations or civil society organizations. GROs are grassroots organizations. During my fieldwork, I also encountered CBOs (community-based organizations) and FBOs (faith-based organizations). I employ these acronyms as little as possible except to illustrate their widespread use.

<sup>17</sup> In 1968 ECOSOC specified that an NGO was an “international organization that was not established by international governmental agreement, that pursued economic and social objectives that matched those of the UN Charter, and that functioned within an internationally representative structure.” In 1996 ECOSOC redefined NGOs as independent representative bodies accountable to their members, with democratically adopted constitutions. See Jennings 2008, pp.11-12; Fernando and Heston 1997; Salamon and Anheier 1995.

brought together women in the independence movements.<sup>18</sup> Umoja wa Wanawake wa Tanzania (UWT), the Tanzanian national women's union, originally emerged from the dynamic "women's section" of the TANU nationalist movement under the leadership of Bibi Titi Mohamed.<sup>19</sup> In the Cold War politics of the post independence era, however, many women's organizations such as the UWT and Maendeleo ya Wanawake (MYW) in Kenya were subsumed by ruling parties and often chaired by female relatives of senior politicians.<sup>20</sup> After Tanzanian independence in 1961, the UWT became a TANU affiliate charged with the responsibility of overseeing women's projects and advising the government on women's affairs. Despite a membership of two million by 1978, scholars argue that the UWT never developed a grassroots constituency independent of TANU's successor, Chama Cha Mapinduzi (CCM).<sup>21</sup>

As new civil society women's groups in East Africa gained ground in the 1990s, they helped to undermine the hegemony of mass women's organizations and party women's wings and developed a broader advocacy agenda.<sup>22</sup> These "NGO-like" organizations increasingly focused on women's rights and legal standing, political representation, gender and development issues, credit initiatives, and policies to end violence against women.<sup>23</sup> Kenyan, Tanzanian and Ugandan women's coalitions addressed issues such as quotas in national legislatures, national budgets, poverty reduction strategies,

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<sup>18</sup> In 1962 the All Africa Women's Conference met in Tanzania, bringing together women in the independence movements under the leadership of Jeanne Martin-Cisse. Renamed the Pan African Women's Organisation (PAWO) in 1974, the group maintains observer status with the OAU. See Sheldon 2005, p.17

<sup>19</sup> Geiger 1982 and 1987.

<sup>20</sup> Other examples include the 31st December Women's Movement of the National Democratic Congress in Ghana, the Organização da Mulher Moçambicana (OMM) affiliated with the FRELIMO, and the Malawi Congress Party's League of Malawi Women, and the Zambian Women's League, part of the United National Independence Party. The National Council of Women in Idi Amin's Uganda and the National Council of Ghana Women in Kwame Nkrumah's Ghana replaced all independent women's organizations.

<sup>21</sup> Geiger 1982; Tripp 2001; Tripp 1994

<sup>22</sup> Tripp 1994, p.153

<sup>23</sup> Tripp 2000



marriage laws, inheritance rights, and land reform.<sup>24</sup> They also initiated new government policies on domestic violence and female genital cutting.<sup>25</sup> In doing so, they departed from the remits of mass women's organizations and colonial women's initiatives, which had largely focused their attention on women's domestic responsibilities and maternal roles through nutrition, hygiene, childcare, housekeeping, and income generation projects.<sup>26</sup>

Aili Mari Tripp argues that these women's organizations, particularly those in Tanzania and Uganda, are "among the most organised and vibrant sectors of society in many parts of Africa, [...] even in the authoritarian and semi-authoritarian states that dominate the African political terrain today."<sup>27</sup> In Tanzania, for example, a visible and vocal coalition of women's organizations comprises an estimated 80 percent of the NGO community and has led efforts to democratize the political system.<sup>28</sup>

At the same time, Jane Guyer has argued that many analyses and celebrations of African civil society tend to ignore "the obvious: that [African] civil society is made up of

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<sup>24</sup> Women's organizations in Kenya, Tanzania, Rwanda, and Uganda, among others, have promoted women's participation in electoral politics through quotas and "special seats." See Meena 2003; WLAC 2007; Daily Monitor 2009; Tripp 2001 and 2003, Goetz 2002.

<sup>25</sup> Tripp 2001, pp.112-3; Tripp 1994, p.153; Kamau-Rutenberg 2008.

<sup>26</sup> Tripp 2001, p.102; Geisler 1987; Geiger 1997; Tsikata 1989; Hirschmann 1991. Tripp 2001 notes that the focus of party women's organizations was "on a narrow set of 'development' issues, such as family planning, nutrition, health, women's morality, childcare and homemaking skills. Often the local groups sang, danced and cooked for celebratory functions, in welcoming official guests of local dignitaries or in political celebrations" (p.110). The UWT sponsored projects on women's literacy, nutrition, health care, hygiene, domestic skills, for example. Geiger 1982, pp.49-52. After TANU became Chama Cha Mapinduzi (CCM) in 1977, the UWT declared itself to be "an organ of liberation for all Tanzanian women from exploitation and all customs and traditions which are hampering their progress and that of the Nation as a whole. The UWT adopted a new Constitution that emphasized the "liberation of women" and the "building, expanding and intensifying [of] revolutionary attitudes among all women, and through them to all children" (Kanuni Za Jumuiya Ya Wanawake Wa Tanzania 1978 cited in Geiger 1982, p.50). In the 1980s the UWT began to promote legal aid and economic development activities in rural Tanzania through its economic wing, Shirika la Uchumi la Wanawake (SUWATA).

<sup>27</sup> Tripp 2001, p.101. After Museveni came to power in 1986, Uganda women's organizations managed to advocate for women's rights clauses in the 1995 constitution, advocated for women's land rights, and proposed a Domestic Relations Bill. Tripp 2001, pp.112-3

<sup>28</sup> Tripp 2000; Tripp 2001

international organizations.”<sup>29</sup> Although this may be a deliberate overstatement, Guyer’s point does suggest that a focus on national civil society organizations without an analysis of the international context of these developments may be misleading. An emphasis on the (apparent) development of national coalitions can obscure the way in which East African women’s organizations were facilitated, at least in part, by transnational women’s advocacy networks. High profile organizations such as the Tanzanian Media Women’s Association (TAMWA) and the Tanzania Gender Networking Programme (TGNP) were officially established in preparation for United Nations women’s conferences.<sup>30</sup> These international conferences also provided the impetus for the formation of national and regional coalitions. In 1993, for example, 120 activists gathered for the East African’s Women’s Conference in Kampala to prepare for the 1995 UN Conferences on Women in Dakar and Beijing. The Kampala meeting also set the stage for coordinated policy advocacy on women’s political representation and lobbying on policy issues.<sup>31</sup>

International donors, financial institutions, and UN agencies have also encouraged the development of African women’s organizations. International agencies in East Africa promote government political liberalization and encourage extensive civil society oversight of government activities. For example, international financial institutions and donors such as the World Bank, CIDA and SIDA require the Tanzanian government to hold formal consultations with civil society organizations on national budgets, joint assistance strategies, and poverty reduction strategies proposals.<sup>32</sup> Moreover, international agencies in Kenya,

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<sup>29</sup> Guyer 1994, p.225 also cited in Ferguson and Gupta 2002 [2005], p.119

<sup>30</sup> TAMWA began as a group of professional urban women journalists in the late 1970s but was registered as an official civil society organization after the Nairobi Women’s Conference in 1985. See Sheldon 2005, p.241.

<sup>31</sup> Tripp 1994, p.154

<sup>32</sup> See United Republic of Tanzania 2007; Interview with CIDA Gender consultant, Dar es Salaam, Tanzania, 15 May 2007; Interview with World Bank Advisor I, Dar es Salaam, Tanzania, 15 May 2007.

Tanzania and Uganda have shaped the agendas of national women's coalitions by funding activities centered on the themes of women's political representation, constitutional reform, and rights-based advocacy.<sup>33</sup> Moreover, as I discuss in Chapter Four, the UNHCR has since 1997 led efforts to promote women's legal, political and cultural participation in Rwanda, funding women's organizations and development projects through the Rwandan Women's Initiative.<sup>34</sup>

These developments also shed light on the porous boundaries between global governance, national government bureaucracies, and civil society. The Tanzanian, Rwandan and Kenyan governments established separate government ministries for women in the late 1980s and 1990s following their respective ratification of the CEDAW convention.<sup>35</sup> In turn, ministries often establish their own "NGO-like" women's initiatives and quasi-autonomous organizations. International organizations and UN agencies have also required government bureaucracies to appoint "gender specialists," engage in gender planning, and institutionalize gender mainstreaming.<sup>36</sup> Interestingly, where presidential spouses once chaired mass women's organizations, politicians' wives now often establish

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<sup>33</sup> Tripp 2003a, p.239; Tripp 2009; Barnes 2004. One example is the Foundation for Civil Society (FCS). Funded by major donors such as the UK Department for International Development (DfID) and the Norwegian and Dutch embassies, the Foundation has supported local women's groups, women's human rights advocacy and "safety nets." While the Foundation for Civil Society supports a wide variety of groups, in 2006 an independent assessment of the organization encouraged the Foundation to increase their focus on women's organizations. See Foundation for Civil Society 2005; Interview with the former Chair of the Foundation for Civil Society, Dar es Salaam, Tanzania. 22 May 2007.

<sup>34</sup> See Barnes 2004, p.99; UNHCR 1999, p.99, paragraph 33

<sup>35</sup> The Tanzanian government created the Ministry for Community Development, Women's Affairs and Children in 1990 (renamed Ministry for Community Development, Gender and Children in 1995). Similarly, Uganda formed a Ministry of Women in Development in 1988. See Tripp 1994, p.153

<sup>36</sup> See United National, Office of the Special Adviser on Gender Issues and Advancement of Women 2002. The Tanzanian government, for example, appoints "gender focal points" in its ministries and other government agencies, although a 2007 World Bank Report by Ellis finds that these low-level officers are often unable to exert influence in government bureaucracies. See URT/CEDAW 2007, p.3; Ellis 2007, p.116

their own NGOs.<sup>37</sup> As such, the commonplace prefix “non-governmental” can often be misleading when examining African women’s organizations.<sup>38</sup>

This cursory survey alludes to ways in which East African women’s organizations and, more generally, international women’s human rights campaigns that are the focus of this dissertation tend to defy local, national and global designators, not to mention the labels civil society, governmental and international. James Ferguson and Akhil Gupta challenge the very distinction between state and civil society in Africa with the examples of Oxfam, the Anglo-American Corporation, John Garang’s army in Sudan, and international religious missionary organizations. “Like much else of interest in contemporary Africa,” the authors write, none of these examples are strictly local, national or international phenomena. Each “embodies a significant local dynamic, and is indisputably a product and expression of powerful national, regional, and global forces.”<sup>39</sup> In this project, I develop the premise that women’s human rights campaigns cannot be confined to distinct local, national or global scales. In doing so, I examine how the politics of women’s human rights is implicated in the translation and negotiation of the categories *global* and *local*, which are central to the practices of (global) governance.

#### *Global women’s human rights in Enguiki village*

The East African women’s associations, briefly surveyed above, are not the central focus of this dissertation.<sup>40</sup> While these urban organizations are important in international women’s

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<sup>37</sup> See Tripp 2001, p.109

<sup>38</sup> Of course, the NGO-ization of government agencies is not limited to the African continent. See for example Sharma 2006.

<sup>39</sup> Ferguson and Gupta 2002, p.991

<sup>40</sup> These organizations have been extensively examined by authors such as Geiger, Tripp, Goetz, and Geisler, among others.

human rights campaigns, the global governance project of women's human rights extends much further. Let me demonstrate this point by introducing a women's human rights project in Enguiki, a village in the Monduli District of northern Tanzania. Located within the unstable, shifting boundaries of *Maasailand*, Enguiki could appear to a visitor as traditional and remote; a place where one might perhaps expect to find anthropologists studying pastoralist rituals.<sup>41</sup> With its circular grass-roofed *waarusba* housing, the village does not immediately strike one as a place to study contemporary global governance.<sup>42</sup>

First impressions are so often deceptive. Compared to neighboring villages, Enguiki is comparatively modern and connected. It has a functioning dispensary, an iron-roofed church, and a primary school. The village was the childhood home of former Tanzanian Prime Minister Edward Sokoine. At times, Enguiki seems to be buzzing with "global ideas." On June 2006, for example, a group of people from Enguiki and surrounding pastoralist villages came together in the evangelical Lutheran church following Sunday service to discuss some very "global" acronyms: FGM and HIV/AIDS. A congregation of 56 women and 22 men including the village chairman, a high-ranking

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<sup>41</sup> Maasailand is geographic-psyche space rooted in the colonial reserves that confined the movement of Maa-speaking pastoralists in northern Tanzania and southern Kenya. As Coast (2001) writes, "Maasailand is not a tangible entity, to be defined by exact cartographic points. Rather, it is a widely accepted expression of the area traditionally inhabited by the Maasai..." (paragraph 3.2.1).

<sup>42</sup> The apparently "traditional" mud huts are in fact a relatively modern phenomenon; their design is not historically associated with pastoralist Maasai. Burford notes that the cattle dung plastered igloo type huts (*ink-ajjik imodiok*) historically associated with the Maasai all but disappeared in Monduli in the mid 1980s. Many were removed as part of villagization programs on the grounds that they were "old-fashioned" and "backward." The construction of such houses was banned by village governments eager to present an image of themselves as committed to 'development.' Moreover, the village has a few basic, rectangular cement houses with corrugated iron roofs (*nyumba za bati*, Kiswahili), which were financed with loans from the Tanzania Housing Bank and strongly encouraged by the local government as "symbols of 'progress'." See Burford 2002, p.7; Ndagala 1992, p.145; Talle 1999, p.106. Corrugated roofs are often viewed as status symbols and as evidence of "modernization" because these are the only building materials pastoralist people cannot make or obtain from the land (see Chapter Five).

*oloiboni* (spiritual leader), and a traditional age-set leader attended the meeting.<sup>43</sup>

Representatives from a small non-governmental organization, Aang Serian, a historian from the UK, and I were also present.

The gathering, conducted in Maa, was opened by the Village Chairman and led by two residents, Edward N. and Mama P. Mama P. (pictured in Figure 1.1) discussed her experience of female circumcision and the complications she suffered during the births of her children.<sup>44</sup> She also spoke of the problems that arise “when women are not respected in society.” Subsequently, Edward N., a community leader and church elder, spoke of the links between female circumcision (often known as female genital mutilation or by the acronym FGM) and “cultural factors that contribute to the spread of sexually transmitted diseases among the Maasai.”<sup>45</sup>

How did the Enguiki community come to discuss *female genital mutilation*? As it turned out, the gathering in “remote” Enguiki was not just a local event. Mama P. and Edward N.’s efforts to discuss female circumcision and sexually transmitted diseases in the Church were inspired by a training program led by Agnes Pareyio in late 2005. Pareyio is a prominent anti-FGM activist who founded the widely publicized Tasaru Ntomonok Initiative in Narok, Kenya.<sup>46</sup> The efforts to train Monduli villagers, including Mama P. and Edward N., were facilitated by a small NGO, Aang Serian. Based in a neighboring

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<sup>43</sup> In her demography of the Maasai, Coast (2001) writes that “Along with clans, age sets (*olaji*) are among the primary forms of non-spatial social organizations among Maasai pastoralist groups. Age sets are comprised of groups of men, roughly the same age, who underwent circumcision at the same time.” Age sets help to determine male social roles and status (paragraphs 3.5.1 and 5.1.2).

<sup>44</sup> As I discuss in Chapter Two, I use pseudonyms for most project participants and interviewees, even where individuals did not request anonymity. Please note that I refer to some female participants with colloquial gendered moniker “Mama” to reflect the way in which these participants were addressed in the context of the campaign. While this sounds overly familiar and even disrespectful in an academic context, it did not to my knowledge carry such connotations in Monduli.

<sup>45</sup> Field notes, Enguiki, Monduli, 18 June 2006; Citations taken from Aang Serian June 2006.

<sup>46</sup> Tasaru Ntomonok is a Maa phrase that translates as ‘rescue the woman.’ TNI provides advocacy and services for girls escaping excision and forced marriage, including a safe house sponsored by the US-based organization V-Day. Telephone interview with Cecile Lipworth of V-Day, 4 October 2007.

Monduli village, Aang Serian is usually described as a “grassroots” organization but it also maintains international connections and hosts overseas volunteers.<sup>47</sup>

Two Aang Serian activists, Martha L. (often known as Mama M.) and Fran V., had invited Agnes Pareyio to travel to Monduli. They had met her at an annual gathering of activists committed to ending FGM convened by the NGO Equality Now in Nairobi, as I discuss in more depth in Part Three of this chapter. By all accounts, Agnes Pareyio’s training sessions in the Monduli District villages were very successful. Along with the Kenyan advocates who accompanied her, Pareyio trained 170 village delegates to discuss female genital cutting and sexually transmitted diseases.<sup>48</sup> Inspired by Pareyio, the trainees - including Mama P. and Edward N. - subsequently initiated efforts to discourage female circumcision in their own villages with logistical and programming support from Aang Serian. The NGO, in turn, received some funds from the Kenyan office of Equality Now, a feminist foundation headquartered in New York City, to support these efforts. The Enguiki meeting in the Lutheran Church and numerous other gatherings in neighboring villages in 2006 were the fruits of Pareyio’s training program. Almost two months later, Edward N. and six other Monduli villagers traveled to Narok to learn about campaigns to end FGM in Kenyan Maasai communities.<sup>49</sup> In 2008, Edward N. led campaigns against female circumcision in seven upper Monduli villages.

Thus, conversations in villages like Enguiki are rarely entirely isolated from the “global” projects of development, progress, and human rights. “Remote” Enguiki is

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<sup>47</sup> Although Aang Serian is a self-consciously “local” and “grassroots” organization, Gemma Burford Enolengila acts as an international liaison officer, hosting dozens of overseas volunteers and maintaining international connections with various US foundations and individual donors in Britain. Aang Serian also has charity status in the UK under the organization Serian UK.

<sup>48</sup> Aang Serian and Olomayani Women's Group (December 2005).

<sup>49</sup> Aang Serian August 2006. The trip was funded by Equality Now’s Kenya office. The Narok projects are funded in part by V-Day.

implicated in international campaigns to end genital cutting and is, indirectly, the subject of heated debates among U.S. feminists (among others).<sup>50</sup> The discussions about female circumcision in the Monduli highlands, which I will examine in more depth in Chapter Four, go some way to demonstrate that a lot of global politics happens in apparently “out-of-the-way” villages.<sup>51</sup> This putatively local project is “constitutively global.”<sup>52</sup>

### **Writing global and local**

Scholars across the social sciences and humanities increasingly focus their attention on the wide-ranging phenomena captured by the term globalization and the mesh of abstract, sweeping macro-processes and intangible ideologies associated with this expansive concept.<sup>53</sup> Arturo Escobar notes that “the notion of place has dropped out of sight in the ‘globalization craze’ of recent years...” This *globalocentricism*, Escobar argues, may detract from attention to politics “down there” or “on the ground.”<sup>54</sup>

This focus on the global (“up there”) has shaped research on global governance and international women’s human rights. Authors view women’s human rights standards as *international norms*. Researchers might study the UNDP and the UNFPA, institutions with global jurisdiction, or research the New York-based Human Rights Watch, an international NGO. However, studies of international women’s human rights norms are unlikely to examine the conversations among women in a bush clearing in a pastoralist

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<sup>50</sup> See Gunning 1998

<sup>51</sup> See Tsing 1993

<sup>52</sup> See Katz 2001, p.1214

<sup>53</sup> Escobar 2001; Nagar 2002

<sup>54</sup> This intervention is part of a wide-ranging debate about the politics of place among critical, interdisciplinary scholars in the fields of anthropology, geography and feminist studies, among others. See for example Escobar 2001; Massey 2002. While these critics disagree (sometimes very strongly) amongst themselves on some fundamental theoretical and political questions about the nature and relationship of space and place, I will emphasize here some common points of critique.



village in northern Tanzania, viewed as a “grassroots group.” These global/local distinctions obscure the ways in which international women’s human rights campaigns always take place in particular locations, whether Tanzanian villages or conference rooms in New York. Moreover, as I will argue below, this emphasis on *the global* detracts our attention from the “cultural practices” of international agencies; the grounded encounters and everyday negotiations that characterize the work of global governance.

*Global space, local place, and other unhelpful juxtapositions*

Global governance permeates local life. International ideas shape conversations in apparently remote places. By design and by accident, international campaigns can profoundly reformulate local politics and transform social relations, often in unexpected ways. As Akhil Gupta and James Ferguson suggest, even our most basic ideas about what constitutes a place or a community are “inevitably constituted by a wider set of social and spatial relations.”<sup>55</sup> Nevertheless, discussions of global governance and women’s human rights are frequently structured and limited by global/local distinctions.

Reliance on spatial designators merits critical reflection. The categories global and local are neither identifiable entities nor strictly geographic designators. As Raymond Duvall and Latha Varadarajan have pointedly emphasized,

the international system is not composed of discrete entities or events that can simply be observed in their objective reality by actors who are outside of it and can survey it through a panoptic gaze. [...] It is not possible to ‘see’ or make sense of events in the international system [...] without (implicit or explicit) recourse to

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<sup>55</sup> As Gupta and Ferguson (1997a) argue, even our most basic ideas about what constitutes a place or a community are “inevitably constituted by a wider set of social and spatial relations” (p.6).

theoretical categories and assumptions.<sup>56</sup>

In this light, *the global*, as it is often invoked, is a powerful and consequential imaginary.<sup>57</sup> Global governance is not “up there;” it “exists in very concrete forms in local places.”<sup>58</sup> There is no *global* that is independent of “local” encounter.

The analytical categories of global and local also map onto other unhelpful binaries. When we view the global as “up there,” and the local as “grounded,” we tend to discuss the global in the abstract terms of *space*, while continuing to view the local as confined to *place*. Yet, as Doreen Massey reminds us, space “is no more than the sum of all our relations and connections,” it is “continually being made.”<sup>59</sup> Global spaces, the focus of much research on global governance and women’s human rights norms, cannot stand apart from “local” life. When scholars view global governance and women’s human rights campaigns in terms of abstract global spaces or international norms, they detract from its dynamic, place-specific politics, and cultural negotiations. When commentators describe the *global* as intangible forces “from elsewhere,” they often obscure the dynamic politics of global governance and detract from the “grounded” encounters that characterize women’s human rights campaigns.

When contrasting global and local, space and place, scholars and practitioners often implicitly characterize global governance in terms of agents and objects. The everyday jargon of international bureaucracies betrays this tendency. International lawyers working for the ICTR are sent on “missions” to “the field” (“the field” could be anywhere in

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<sup>56</sup> Duvall and Varadarajan 2003, p.77

<sup>57</sup> Kamola (2008) shows how this global imaginary is produced, in part, through academic scholarship.

<sup>58</sup> I draw here on Massey’s (2007) analysis of *the global* (p.13).

<sup>59</sup> Massey 2002, p.25. Massey’s critique also emphasizes academic constructions of place as confined and bound. She emphasizes that place, too, is “open and porous.” By emphasizing global governance in terms of *place*, I do not seek to recapitulate the space/place binary but draw attention to the socially situated practices of global governance.

Rwanda outside of a UN compound, see Chapter Three). Global activists and international NGOs promote anti-FGM campaigns in “target communities,” remote villages that cling to “traditional cultural practices.” International financial institutions discuss microcredit for the “poorest of the poor” or “the bottom of the pyramid.”<sup>60</sup> In these juxtapositions, “*the global does its stuff*”<sup>61</sup> while other people - often local, poor, traditional women - are posited as the recipients, even the objects, of its jurisdiction. When we fail to “ground” the international campaigns to promote women’s rights, we detract from the ways in which global governance is embedded in, reliant on, and productive of social and political relations.

The commonplace juxtaposition of (global) governance and local culture is similarly unhelpful. Many international women’s human rights advocates focus their attention on “local cultural practices” that result in violence against women. As I will argue in the following chapters, culture is often described as local, traditional, parochial and particular, while (global) governance is posited as a rational, universal, and cosmopolitan remedy.<sup>62</sup> In this unstable binary, it can be tempting to envision international institutions (or state bureaucracies, or urban NGOs, to name but a few examples) as if they stand aloof from social relations and the messiness of culture. When scholars or activists describe culture as “local,” they obscure the ways in which culture - and the associations between particular ‘peoples’ and cultural practices - are produced through ongoing historical and

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<sup>60</sup> See Rangan et al. 2007

<sup>61</sup> Roberts 2004, p.130

<sup>62</sup> I loosely draw on Ferguson and Gupta’s (2002) discussion of vertical state-society-community distinctions in the context of the Indian development programs. The authors argue that routine state practices reinforce the notion that state bureaucracies (and by extension international agencies) are rational and universal, informed by “a better sense of the general [universal] good” (p.988). In this view, international and state agencies mediate the particularistic and parochial “local” interests, reining in “the irrationality and passions and uncontrollable appetites of the lower region of society” (p.982).

political relations.<sup>63</sup> In doing so, they fail to explore the ways in which women's human rights campaigns are themselves implicated in construction of culture, identity and spatial location (and their mutual association). By viewing women's human rights campaigns as social encounters, this dissertation aims to complicate this picture. I emphasize the ways in which culture does not simply play out "over there" in ostensibly remote villages; global governance and women's human rights campaigns are themselves characterized by cultural practices.

Thus, the hierarchical frames of global and local detract from the ways in which global governance and international women's human rights campaigns are always characterized by grounded, *everyday* encounters. The binaries of local/global, place/space, agents/objects, and culture/governance obscure the dynamic politics that invariably characterize efforts to promote women's human rights. These campaigns can never simply be about implementing and disseminating international ideas about human rights, empowerment, and gender equality. International agencies can never rise above the political or cultural fray. The practices of women's human rights always involve socially situated negotiations. As I will discuss below, international development workers and human rights advocates cannot go about their work without attempting linguistic and cultural translations.

### *The grounded global*

In a glossy UNDP publication titled *The United Nations in Rwanda Ten Years On: Helping to Rebuild a Nation*, Ahmed Rhazaoui celebrates what he calls "The UN Return" to Rwanda in August of 1994. Rhazaoui details how the United Nations in "emergency project mode"

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<sup>63</sup> Gupta and Ferguson 1997a and 1997b

helped the new Rwandan government “re-establish law and order, provide relief to a traumatized populace, rehabilitate the basic services and mobilize the international community for urgently needed aid.”<sup>64</sup> Funded by major donors, the brochure focuses on the UN’s humanitarian agenda in Rwanda but remains silent on the history of the United Nations’ work in Rwanda before August 1994. In Rhazaoui’s account, United Nations’ agencies in Rwanda appear to be operating above the political fray. (The United Nations also appears to be outside of history; nowhere does the brochure mention the rapid departure of UN workers and UNAMIR peacekeepers during the genocide.)

Rhazaoui’s depoliticized narrative is often replicated in scholarly analyses. Like the UNDP’s brochure, many academic accounts of international institutions are characterized by an absence of *social density* and social relations.<sup>65</sup> In their study of international organizations, Michael Barnett and Martha Finnemore make a similar point. The authors argue that international relations scholars often treat international bureaucracies as conceptual black boxes and, in doing so, rarely consider the “social stuff” of which these organizations are made.<sup>66</sup> As a result, Barnett and Finnemore suggest, we know very little about the bureaucratic culture, social relations, and politics that characterize these complex agencies. This an unfortunate oversight, not least because international institutions and agencies cannot promote international ideas about human rights or women’s empowerment without engaging in politicized negotiations. It is noteworthy that, even in emergency project mode, UN workers in Rwanda could not go about their work without attempting contentious linguistic and cultural translations, as I document in Chapter Three.

Academic studies of international tribunals are a case in point. Scholars of

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<sup>64</sup> UNDP 2004

<sup>65</sup> Barkawi and Laffey 2002, p.110

<sup>66</sup> Barnett and Finnemore 1999, p.701; Barnett and Finnemore 2004

international politics and international law have studied the mandates of the *ad hoc* Tribunals for Rwanda and Yugoslavia. They have also celebrated their legal and institutional innovations in indicting and prosecuting those responsible for sexual violence against women in conflict.<sup>67</sup> Yet international institutions, such as the International Criminal Tribunal for Rwanda, are often treated in academic studies as organizations that stand aloof and far removed from everyday dilemmas. Few researchers reflect on the social practices of the participants of these institutions. With the exceptions of the italicized names of the Accused and periodic references to judges or high-profile prosecutors, we rarely hear about any people at the Tribunal. Thus, in academic studies, the politics of international tribunals can appear as a sparse realm largely void of complexities, culture, and social life.

My study of the Rwanda Tribunal, in contrast, emphasizes that the ICTR is a complex *place*, characterized by a particular (perhaps even peculiar) bureaucratic culture. Located at the Arusha International Conference Centre in northern Tanzania, the Tribunal complex is heavily protected by guards, fences and walls.<sup>68</sup> Outside the AICC perimeters, local women sell fruit, young men sell dusty plastic mobile phone covers, taxi drivers compete for passengers, and children beg for coins. Due to its location, most Rwandans do not have easy access to the Tribunal. Binaifer Nowrojee writes that “Little or no information about the trials at the ICTR reaches the majority of Rwanda’s population” and Tribunal witnesses have complained that they are not informed of the outcome of the

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<sup>67</sup> Notably Askin 1997; Askin and Koenig 1999; Rudolph 2001

<sup>68</sup> Not incidentally, the location of the Tribunal is itself a subject of considerable controversy. In a 1995 resolution, the United Nations Security Council determined the Tribunal should be seated outside Rwanda at the Arusha International Conference Centre in northern Tanzania, as part of efforts to remove the Tribunal from Rwandan power struggles and “allay suspicions of vengeance and summary justice.” See Dubois 1997, p.2; UN Security Council, Resolution 977 (1995). But, of course, no location is entirely neutral, even if Arusha is sometimes referred to as the “Geneva of Africa.” See Barnes 2004.

trials. It is in this context that “local” Rwandan women are flown to Arusha from “the field” to testify about sexual violence in “global” courtrooms with international lawyers, interpreters, and judges. I examine these encounters and negotiations in depth in Chapter Three, *The Culture of Global Justice*.

#### *Practices of global governance*

In their dominant registers, the concepts of human rights, women’s rights, international justice, and global governance are expressed as universal in their intended scope and reach.<sup>69</sup> Yet international human rights and global justice are not empirical descriptions but *possibilities*. These universal aspirations are also political projects, institutional goals, and contextually situated ideas. The anthropologist Mark Goodale argues that there is a disjuncture “between the conceptual scale within which the idea of human rights in its major form must be understood – the global, or universal [...] – and the scale within which human rights is *encountered in practice*.”<sup>70</sup> Anna Tsing writes that global aspirations and universal ideals are always conceived and implemented, enacted and produced through local encounters.<sup>71</sup> Similarly, Harri Englund argues in his study of human rights in Malawi that “Engaged universals never actually take place over the world; their universalism is situational.”<sup>72</sup>

With this in mind, this project does not directly engage theoretical debates about the universal applicability of human rights principles; nor am I primarily concerned with

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<sup>69</sup> “[T]he notion of scale,” Goodale (2007) suggests, “...is embedded in the idea of human rights itself (universality) and [is] a feature of human rights that serves as an ordering principle in practice (universalism)” (p.12).

<sup>70</sup> Goodale (2007) continues, “There is an unfortunate tendency,” he suggests, “for analyses of conceptually global categories like human rights to devolve into an analytical globalism...” (p.11).

<sup>71</sup> Tsing 2005

<sup>72</sup> Englund 2006, p.26

questions of national legal “compliance” with or enforcement of international women’s human rights norms.<sup>73</sup> Instead, this study examines efforts to promote and translate global ideas about women’s human rights in northern Tanzanian villages like Enguiki, at an International Tribunal, and in campaigns to promote empowerment and microfinance among poor African women. I move between international institutions and “local” organizations, between “grassroots” activists and village leaders, between international lawyers and genocide survivors, and between competing systems of meaning to tease out the negotiated practices of the global governance of women’s human rights. I view these multifaceted women’s human rights campaigns as practical projects and, to employ an unfortunate spatial metaphor, grounded encounters. I seek to glimpse women’s human rights at work, describe salient aspects of their incarnation as engaged projects, and point to ways in which these encounters are politicized.

To do so, I characterize women’s human rights not as international norms, ideas, or institutional developments but as *practices of global governance*. In doing so, I draw on frameworks developed by critical scholars of international relations and international political economy. I employ the term global governance to capture an interconnected machinery of formal and informal institutional arrangements, pervasive systems of meaning, and *ways of doing things*. This concept of global governance encompasses a range of activities that transcend the spatial designators: international, national, and local. As Martin Hewson and Timothy Sinclair argue, “The global governance concept does not

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<sup>73</sup> Goodale (2007) argues that when scholars of international relations take local-global connections seriously, they tend to “reframe the global/local dichotomy in terms of relations between the international and domestic (or national) levels” (p.17). Interestingly, the author needs to explain to his audience – anthropologists, presumably - that the term “domestic” in international relations literature usually means the “national level, not the individual domestic unit, or home, which would actually come closer spatially to the places where transnational human rights discourse takes root and is in part constituted.” The logic of the Westphalian system, he suggests, continues to “structure the questions that can be asked and answered in the discipline of IR” (ibid.).



refer to a distinct sphere or level of global life. It is not monopolized in special organizations. On the contrary, it is a perspective on global life, a vantage point designed to foster a regard for the immense complexity and diversity of global life.”<sup>74</sup> Global governance is characterized by the institutionalization of social practices, “ways in which things are thought and done.”<sup>75</sup>

Global governance, in this view, is more than just the sum of its parts, its formal and informal institutions, organizations, agencies and offices, NGOs, multilateral agreements, declarations, or international conferences. As critical scholars have emphasized, global governance should be broadly understood as an apparatus of ideas, practices, routines, structured social relations, and systems of understanding that help shape the very categories of political action, constituting the actors, activities, and scope of international politics.<sup>76</sup> In other words, the diffuse practices of global governance, always negotiated in particular social settings, help to transform the very conditions of human existence, its social meaning, and politics.

“Who is to be governed by global governance?” Ronen Palan has asked. “...One suspects that global governance is written in the name of and for someone; there is a hidden voice that struggles to express its grievances.”<sup>77</sup> Michael Barnett and Raymond Duvall locate the productive power of global governance in the constitution of its “social

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<sup>74</sup> Hewson and Sinclair 1999, p.7

<sup>75</sup> Sinclair 1999, p.157 and p.158. Global governance is intimate. Phillip Darby (2004) argues that international processes are never “detached from ordinary life, from the way people respond to and make sense of the impact of the international on their own lives” (p.22). Timothy Sinclair, a critical international political economist, writes that “the substance of global governance is not exhausted by the activities of state decision makers and the usual trappings of sovereignty. It is also about *everyday phenomena* in our lives which support the incursions of processes of change...” To be sure, Sinclair’s study of business and financial practices persuasively argues that global governance is fundamentally characterized by the “expectation that diverse societies will adjust themselves to the functional requirements of global capital” (p.158). While I tend to agree with this line of argument, it is not the primary focus of my argument in this examination of global governance and women’s human rights.

<sup>76</sup> Cox 1996; Hewson and Sinclair 1999; Duvall and Varadarajan 2003, Barnett and Duvall 2005

<sup>77</sup> Palan 1999, p.56 and p.57

subjects with various social powers through systems of knowledge and discursive practices... the social processes through which meaning is produced, fixed, lived, experienced, and transformed.” These systems of signification “situate ordinary practices of life and define the social fields of action that are imaginable and possible.”<sup>78</sup> In other words, the socially-situated practices of global governance *produce social categories* and the subjects who instantiate them. This project examines how international women’s human rights campaigns, understood as socially situated practices, construct *the local* as the object of global governance.<sup>79</sup> I look at the ways in which women’s human rights campaigns, which claim to embody universal values, constitute certain people and places as local, parochial and as the subjects and objects of governance; as “the field,” “target communities,” “the disempowered,” and “the bottom of the pyramid.” In doing so, through their own logic, the encounters that characterize women’s human rights campaigns produce and reproduce hierarchical social relationships, categories which are continually translated and negotiated in new contexts and locations.

### *Translation and negotiation*

I view women’s human rights campaigns as complex, politicized encounters between systems of meaning, or “interconnections across difference.”<sup>80</sup> Attempts to end female circumcision, promote empowerment, and provide judicial redress for victims of sexual violence invariably entail contextual negotiations. Not least, these campaigns require interactions, conversations and communications between representatives of international agencies, government officials, members of civil society organizations (to name just a few)

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<sup>78</sup> Barnett and Duvall 2005, p.20 and p.21.

<sup>79</sup> Ferguson and Gupta 2002, p.988

<sup>80</sup> Tsing 2005, p.4

and “local women” from communities these campaigners hope to transform. These encounters depend on efforts to forge connections across systems of meaning and signification.

Drawing, in part, on the work of Gayatri Chakravorty Spivak, I use the term *translation* to capture efforts to negotiate the meaning of women’s human rights in particular places. Spivak has extensively discussed literary (“narrow”) translation, particularly in relation to her translations of Mahasweta Devi and Jacques Derrida. Yet her writings also refer to the politics of cultural (or “general”) translation. For example, Spivak maintains that the “impatience of human rights interventions” can be “failure[s] of translation.”<sup>81</sup> More broadly, Spivak argues that there is an “irreducible cultural translation in any claim to identity.”<sup>82</sup>

I argue that the far-reaching, much-encompassing (“global”) concepts like human rights, women’s rights, bodily integrity, empowerment, and development depend on the politics of translations. In order to do their work, the meanings of these purposefully-abstract ideas must be continually framed, negotiated and articulated in relation to particular (“local”) concerns. This politics of translation is not just about vocabulary and grammar. It is not just about finding appropriate phrases in Maa, Swahili or Kinyarwanda that convey global governance *buzzwords* like gender, human rights, and empowerment (although I will suggest in the following chapters that these efforts can be an important challenge too<sup>83</sup>). The politics of translation is a relational problem of connection across

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<sup>81</sup> Spivak 2001, p.16. Somewhat cryptically, Spivak continues, “The patience and the respect required to weave the discourse of the subjectship of human rights on to the right-to-responsibility conflict-resolution systems historically available to the so-called beneficiary group, invariably stagnant under earlier regimes, is always lacking” (ibid.).

<sup>82</sup> Spivak 2005, p.105

<sup>83</sup> See also Merry 2006 on *vernacularization*.

systems of meaning and signification. As Spivak argues, translation is itself part of a “process of meaning-construction.”<sup>84</sup> Thus, the process of translation, in the sense I will use the term, is inherently political.

The politics of translation is necessarily dynamic. Transnational women’s human rights advocates do not just *implement* particular women’s rights campaigns; they also seek to promote particular ways of doing things and ways of thinking about the world, attempting to relate their rights-based frameworks to the specificities of particular places (as they understand them). Moreover, “local communities” do not simply receive or reject women’s human rights campaigns. As my discussions in the following chapters illustrates, people on all sides of the ever-fluctuating global/local binary actively seek to make sense of abstractions such as “women’s human rights” by creatively interpreting these concepts and ideas, strategically connecting issues and events, and continually trying to relate these “global” concepts to other understandings of the world. I use the term *negotiation* to convey the ways in which attempts to translate women’s human rights are dynamic, creative, and always politicized.

Spivak’s work on literary and cultural translation provides a helpful guide on the question of whether the process of translation can ever faithfully signify its original. “Do I believe ‘in fidelity to the original,’” Spivak rhetorically asks. “Yes, yes, not because it’s possible, but because one must try.”<sup>85</sup> Instead, Spivak suggests, it may be more helpful to think of translation as a “rich reading” of the multiple meanings and levels of a text.<sup>86</sup> This

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<sup>84</sup> Spivak 1993, p.197; Spivak 2000, p.397; Spivak 2005, p.105

<sup>85</sup> Spivak 2001, p.14. Elsewhere she writes, “I should suggest the thinking of trace rather than of achieved translation: trace of the other, trace of history, even cultural traces.... If translation is a necessary impossibility, the thought of a trace looks like the possibility of an anterior presence, without guarantees. It is not a sign but a mark and therefore cannot signify and “original,” as a translation presumably can...” (Spivak 2005, p.105)

<sup>86</sup> Spivak 2005, p.105

impossibility of fully, faithfully, and completely signifying an original meaning through translation is even more apparent in the realm of human rights where there can be no original, authentic, or definitive meaning to be deciphered or uncovered. The self-consciously-expansive and purposefully-universalizing concepts of human rights and women's rights must always be contextually negotiated. These strategically-abstracted ideas *cannot do their work without the politics of translation* (and, I would add, these ideas cannot even not be very meaningful without such translations). This politics of translating human rights always depends on the unwieldy encounters – *negotiations* - which Anna Tsing wonderfully conveys through the metaphor of friction, “the awkward, unequal, unstable, and creative qualities of interconnection across difference.”<sup>87</sup>

In other words, the task of translating women's human rights is a contingent, on-going and, often, incomplete process of negotiating and renegotiating its contextual meanings. In these unwieldy, dynamic and, at times, vibrant negotiations, there are rarely definitive winners, losers, or definitive resolutions. As such, we cannot take translation for granted. As Spivak argues, translation is “not an irreducible guarantee.”<sup>88</sup> In fact, translation across difference may always and inevitably be inadequate or incomplete.

Whether or not women's human rights projects are deemed successful in their desired outcomes, these efforts to translate women's human rights are invariably “active site[s] of conflict.”<sup>89</sup> Attempts to build connections, links and bridges through the language of women's human rights depend on on-going, contextual negotiations and reconfigurations of identity claims, social relations, and the boundaries of location, which, in turn, may invoke new solidarities, responsibilities, and relationships. For this reason, I

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<sup>87</sup> Tsing 2005, p.4

<sup>88</sup> Spivak 2005, p.105 and p.94

<sup>89</sup> Spivak 2005, p.105

do not approach the study of the politics of women's human rights in order to evaluate or assess the apparent success or failure of any particular women's human rights campaign. My aim is instead to examine the productive, dynamic politics of these ventures. (Anyway, even a hypothetical women's human rights campaign that declares itself to have failed miserably in all its objectives will likely have far-reaching implications!)

Moreover, I maintain that it is both unhelpful and thoroughly misleading to think of the politics of women's human rights as a struggle between "global" norms and "local" ideas (even if scholars and proponents of human rights often depend on such a narrative). As I will discuss in more depth later, the politics of translating human rights is much less straightforward and much more interesting than this. The ideas we think of as "global" and "universal" cannot exist without local encounters. Indeed, the boundaries of these global/local spatial categories are continually renegotiated and reconfigured. Similarly, in the following chapters I examine ways in which *outsiders* have sought to tackle "local" problems and examine responses to these interventions. These so-called outsiders can be international organizations, colonial authorities, national civil society organizations, and even "local" activists. The point is that the politicized boundaries of "global" and "local" ideas, the relationships between putatively global women's human rights advocates and their "local beneficiaries," and the categories *outsiders* and *insiders* are always negotiated.

### *Rethinking*

In sum, this project emphasizes the way in which global governance is always and inevitably translated and negotiated locally. Global ideas about women's human rights are always enacted through "local" social practices and negotiations over competing systems of

meaning. To be clear, my goal is not to redirect attention “down there” to small villages or individual women’s lives (although I consider this a very important challenge and try and do so in limited and incomplete ways).<sup>90</sup> My primary concern in this project is to challenge the widespread view of global governance as disembodied, as “up there” and “elsewhere” in international institutions and norms. There is no global governance apart from socially situated translations and negotiations: the global is always local to somewhere. That framework guides this study of the global governance of women’s human rights.

### **Rethinking location, activism, and culture**

Questions of location are thoroughly politicized in the study of human rights and women’s rights. Activists, politicians and scholars engage in heated debates about the geographic and temporal “origins” of important ideas, concepts and social movements. Many question whether human rights are western ideals or if development is a modernist European notion, for example. These discussions can be particularly heated when they concern issues associated with women, family, and children. Contentious debates rage, for instance, over the origins of Middle Eastern and Chinese feminisms. Scholars and activists alike have asked if these are “indigenous” or “western” phenomena.<sup>91</sup> Others consider whether modern notions of gender equality are universally relevant or predicated on western conceptions of the autonomous individual rooted in the European Enlightenment.

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<sup>90</sup> I also do not focus primarily on global links or spatial connections. As such, this approach departs from Saskia Sassen’s influential work on global networks, circuits, and the “multiple scales of the global.” For example Sassen locates global political practices “through the knowing multiplication of local practices [...] sociability and struggle deeply embedded in people’s actions and acuties.” Sassen 2008, pp.90-91.

<sup>91</sup> For a discussion of this phenomenon see for example Abu-Lughod 1998; Barlow 2001; Li Xiaojiang 1999. See also Chanda and Owen 1990.

These concerns about the origins of ideas are, of course, not just straightforward questions about geography or chronology; such debates usually have other political and theoretical issues at stake. It is not surprising, then, that international agencies, donors, transnational activists, development workers and so many others are also very concerned about the perceived *localness* of their projects and campaigns. To borrow some professional jargon, almost everyone now agrees that “community ownership” and “local buy-in” are important factors ensuring the sustainability of development projects in East Africa. International agencies explicitly attempt to develop local support for their initiatives and “empower” women as local leaders. Along similar lines, NGOs and transnational activists promoting women’s rights in Sub-Saharan Africa are often keen to dispel accusations of western bias by emphasizing their efforts to foster indigenous female leadership and highlighting their wide-ranging grassroots support.

Yet efforts to identify the geographic or temporal origins of particular ideas or social movements rely on the (implicit) assumption that cultures are phenomena one can somehow identify, pinpoint, isolate, and differentiate. As Lila Abu-Lughod points out in her study of Middle Eastern feminism, debates about *origins* often obscure the complex, messy histories of cultural entanglement. Even where feminist scholars seek to “uncover” local agency, they often unwittingly reproduce the idea that there is an underlying cultural difference between the East and the West, rather than dynamic differences *produced* by ongoing social relations, including the relations of imperialism.<sup>92</sup>

It was with these controversies in mind that I asked Gemma Burford Enolengila, a British-born activist and anthropologist working with Aang Serian NGO in Tanzania, how she saw the origins of the campaign against female circumcision in Enguiki and

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<sup>92</sup> Abu-Lughod 2001, p.106; see also Abu-Lughod 1998.



surrounding Monduli villages. Did she view this as a local project or an “outsider” initiative, I asked.

“It’s kind of a mesh of local and foreign,” Gemma explained. “...it was Maasai women from Kenya who started [the initiative]. But why did they start it here? Because we [Aang Serian] invited them.” She then corrected herself: “Or rather [Aang Serian activists] Fran V. and Mama M. invited them. And Fran is English and Mama M. is Maasai.”

Gemma went on to trace the connections: “And how did Fran and Mama M. meet Agnes [Pareyio]? They met at an Equality Now conference [in Kenya].” In Kenya, Equality Now is run by Kenyans but internationally it’s run by *wazungu* (white people).<sup>93</sup>

Gemma and I traced the transnational connections that enabled the village campaigns against female circumcision in Monduli. We noted, for example, that Mama M. [Martha L.], one of the Maasai activists who had initiated the FGM project in the Monduli villages, attributes her involvement in part to her own secondary schooling at a Lutheran boarding school. The project donors in Nairobi were Kenyan, but they were responsible to their bosses in New York. Similarly, Agnes Pareyio’s safe house initiative in Narok receives support from US-based philanthropists, such as Eve Ensler’s V-Day organization.<sup>94</sup>

These local/foreign, insider/outsider identities are never stable, however. When Mama M. and Fran V. invited Agnes Pareyio to travel to Monduli they thought of Pareyio as a “simple Maasai mama” who would communicate with the Maa-speaking villagers in their own language and through the use of pastoralist cultural references. However, when Pareyio and her co-facilitators arrived in Monduli, the Aang Serian organizers soon came to

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<sup>93</sup> Interview with Gemma Burford Enolengila of Aang Serian, Monduli, Tanzania, 25 May 2007.

<sup>94</sup> Cecile Lipworth of V-Day, Telephone interview, 4 October 2007.

understand that Pareyio is a prominent activist of international stature. In fact, Pareyio has been named Kenya's UN Person of the Year in 2005 and a "vagina warrior" by Eve Ensler, founder of the Vagina Monologues and its spin-off philanthropic organization V-Day.<sup>95</sup>

These divergent interpretations were most noticeable in the practical arrangements for the visit. While the issue of compensation was never formally discussed among the "grassroots" Aang Serian activists and the "international" Narok-based women's rights advocates, it became clear during the visit that each had different expectations about how the Narok educators would be reimbursed. Typically, NGOs like Aang Serian provide a few thousand Tanzanian shillings (around \$1-5 dollars) to Maasai women who participate in rural seminars or other programs. These small funds may help to compensate women for lost earnings or transportation costs. They are also viewed as a symbolic mark of respect for the participants' time. In the case of "international" women's rights advocates, however, it is standard practice to provide a *per diem* stipend (often around 100 USD a day). While the Narok advocates waived their fees on realizing this misunderstanding, it was clear that Mama M and Fran V. had not anticipated or budgeted paying an international *per diem* to the "Maasai mamas."

The Aang Serian project in Enguiki is just a small node in a dense web of activists, organizations and scholars engaging in conversations about women's human rights. This web depends on much more than just the transnational connections mentioned here, as I examine in Chapter Four. For now, the point I wish to reiterate is that the boundaries of global and local are unstable and contextually renegotiated.

*Vignette: Global and grassroots*

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<sup>95</sup> See for example Gacheri 2005; See also *The Nation*, 25 October 2005.

While some women's human rights advocates are described as global actors, others are called grassroots activists. These individuals and their organizations are said to be "on the ground" and engaged in political struggle "from below."<sup>96</sup> They are portrayed as *so local* that they are "rooted" in their communities.

Lesikar Ole Ngila, who is usually known by his first name, is the Director of Aang Serian, the group of Monduli-based activists working on campaigns to preserve indigenous culture and promote women's rights. Lesikar grew up in Eluwai village as the second son of a Village Chairman who is also a traditional leader. He is widely regarded as a Maasai leader and often wears *shuka* (robes) in the style of his age-set (see Figure 1.2). He emphasizes that these clothes "are not traditional, they are modern," pointing out that Maasai age-set groups frequently redesign their clothes, hairstyles and ceremonies.

Lesikar estimates he was probably born in the late 1970s or early 1980s. He attended primary school and was consistently top of his class, though his teacher told him and his classmates they "could never expect to make progress in life, as long as we clung to these *outdated* [Maasai] superstitions."<sup>97</sup> Lesikar never graduated primary school because his final examinations coincided with a drought and he had to take his family's animals far afield to find water.

In the mid 1990s Lesikar founded Aang Serian (meaning "house of peace" in the Maa language) in collaboration with other activists, including a Tanzanian of Indian and Maasai decent, a British student, and hip-hop artists from a variety of Tanzanian ethnic

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<sup>96</sup> Ferguson and Gupta 2005, p.107. The term *grassroots* is of course a "vertical metaphor" used by academics, development practitioners, activists and in common parlance "[implying] a kind of localism that actually burrows into the earth itself" (Goodale 2007, pp.23).

<sup>97</sup> Ole Ngila recalls ways in which pastoral practices were dismissed as outmoded: "After we were circumcised, we were supposed to grow our hair long, to show that we had a special status in the community. But our teacher made us stand in a line, shaved off our sacred hair and cut off our jewelry, and threw it all into the latrine" (cited in Aang Serian 2006n).

groups. Initially, Aang Serian provided classes for displaced *askari*, the watchmen who guard houses and businesses at night but are often unwelcome around town during daytime. Many *askari* are young Maasai men who travel to town to earn some cash income in Arusha, where a growing tourism industry and the International Criminal Tribunal for Rwanda provided an influx of wealthy foreigners.<sup>98</sup> Though he is not a watchman, Lesikar has also been thrown out of buildings and greeted by abrasive drunks with a dismissive “hello, Maasai” (I have noticed he responded with dignified tact, at least when I was present). On one occasion, he was knocked down and seriously injured by a UN jeep that left him for dead.

“Local” NGO activists, like Lesikar Ole Ngila, must constantly confront and negotiate global-local, indigenous-foreign, modern-authentic tensions. Lesikar may be “grassroots” but he must always consciously and purposefully straddle the so-called local and the global. To people in many of the Monduli villages, Aang Serian activists are worldly figures. Unlike many people in his home village, Lesikar speaks fluent Swahili and good English. As a Maasai activist he has been invited to several United Nations’ conferences on indigenous rights, including one in New York. In preparation for this trip, he applied for a passport. The travel document lists an arbitrarily-chosen date of birth and describes Lesikar’s profession as “herbalist.” At the UN Building in New York, security guards asked him to surrender his traditionally decorated Maasai herding stick, a request he declined.

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<sup>98</sup> Ethnic stereotypes circulate widely that Maasai men are well suited to work as night watchmen because they can stand for long periods of time, walk for miles without food or water, and go without sleep for days. Most importantly, perhaps, Maasai *murran* (warriors) are widely believed to fiercely and skillfully wield their knives and spears.

Lesikar Ole Ngila married Gemma Burford (now Enolengila), the British anthropologist whom I have cited above. Their relationship was documented – although not always very accurately - in the British media, including UK tabloids and a *Channel 4* documentary. The couple commute with their children between a concrete house in Arusha town, a cement building in Upper Monduli, and a *boma* in Eluwai to see to various Aang Serian projects in the villages, including the ever-expanding secondary school, a women’s cultural center in Eluwai, and the six-village campaign against female circumcision which received financial support from Equality Now.

Not only do “grassroots” activists negotiate between global and local, they must simultaneously mobilize and reconcile ideas about modernity and cultural tradition. Members of Aang Serian are concerned with Maasai cultural survival but they do not see their cultural forms as static. In a discussion on modernization in 2002 with Tanzanian activists and UK-based anthropologists, Lesikar reflected on the concept of modernity in terms of Maasai generational rites, “our [Maasai] traditions have always been modern,” he explained, “if by modern you mean ‘new.’”<sup>99</sup> In a statement that resonated with me, a Ph.D. student, Lesikar also pointed to the commodification of indigenous cultural identity in a 2001 speech. He asked, “why do they allow students to come into our communities, to study and write about our indigenous knowledge for their degrees and doctorates, while we are forbidden even to speak about it in school?”<sup>100</sup>

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<sup>99</sup> Lesikar Ole Ngila explained, “Among the Maasai, everything was renewed when our young men were initiated into a new age set. We’d have completely new leaders, new names, new ideas. We would follow the old system, but each time it would be new. It would be modern.” Cited in Rafiki et al. 2002.

<sup>100</sup> Lesikar Ole Ngila 2001

*Rethinking activism*

Transnational activist networks often support local protests and movements in East Africa.<sup>101</sup> As argued above, Aili Mari Tripp shows that international donors have funded African women's organizations working on issues related to women's political participation, constitutional reform, and women's rights advocacy.<sup>102</sup> For this reason it can be tempting to portray efforts to promote women's human rights as initiatives led mainly by "global" outsiders, colonialists, western-trained missionaries, western NGO workers, or a donor-driven "western agenda."<sup>103</sup>

But grassroots activists can never simply be proxies for foreign entities. Indeed, women's human rights activism defies such straightforward characterizations. As Lesikar's brief biography shows, commonplace distinctions between indigenous and foreign are often misleading. Grassroots activists often straddle "global" and "local" identities and interests. In fact, *localness* and *indigeneity* must sometimes be performed for audiences that celebrate the "authenticity" of the grassroots. Some development agencies may even demand evidence of localness. "Many a women's organization and its leadership have had to provide physical evidence of links with the grassroots poor," Everjoice Win argued in a 2004 *IDS Bulletin*. "This can even go to ridiculous lengths, for example women's rights NGOs have been forced to take their grassroots poor to a UN meeting or an international conference just to prove their legitimacy."<sup>104</sup> In this way, well-meaning efforts to engage "local people" can turn into exotic displays, somewhat reminiscent (perhaps) of Spanish

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<sup>101</sup> Tripp 2003; Keck and Sikkink 1998, See also Ferguson and Gupta 2005, p.116.

<sup>102</sup> Tripp 2003, p.239

<sup>103</sup> See for example Mutua 2001

<sup>104</sup> Win 2004, p.63

conquistadors who brought indigenous people back to European courts, or the slave owners who brought Saartjie Baartman to London and France as an exhibition.

My analysis questions straightforward juxtapositions between “grassroots” women’s human rights initiatives and global campaigns. Village activists in Monduli, urban advocates employed by Tanzanian civil society organizations, and Uganda-born women leading survivors associations in Rwanda invariably draw on globally circulating ideas, strategies and resources but they must always negotiate “local” contexts. In her study of the local translation and *vernacularization* of international standards against gender violence, Merry suggests that women’s human rights norms and standards depend on “local” intermediaries and translators. (At the same time, of course, these “local” interlocutors draw on their knowledge of transnational discourses to formulate their translations.) Ideas about women’s rights, Merry argues, “become localized through the work of individuals who serve as translators between transnational and local arenas.” These individuals occupy an ambiguous status within the global-local binary. They are not simply grassroots activists, nor purely transnational advocates; they are simultaneously local and global actors. Merry suggests they “hold a double consciousness, combining both human rights conceptions and local ways of thinking about grievances. They move between them, translating local problems into human rights terms and human rights concepts into approaches to local problems.” These local intermediaries, Merry argues, “have one foot in the transnational community and one at home.”<sup>105</sup>

Although my analysis questions the assumption that global and local are distinct physical places implicit in this argument (see Chapter Two), Merry’s point about activism is well taken. In today’s world, grassroots activism and local advocacy movements are rarely

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<sup>105</sup> Merry 2006, p.229

entirely outside of the institutions or vocabulary of global governance - and global governance cannot exist without local translations and negotiations.

### *Rethinking culture*

As I explore in Chapter Four, human rights activists and international organizations often describe culture as local, traditional and unchanging. Women's rights campaigners fight to eradicate outmoded "traditional or customary practices"<sup>106</sup> in international campaigns and declarations. In East Africa, local and national human rights advocates campaign against female genital mutilation, an "outdated custom and tradition that violates human rights."<sup>107</sup> Similarly, the Tanzanian government describes female excision as "deeply entrenched in the cultural values of the community." I argue that these characterizations of culture as traditional and local are unhelpful. "Cultures" are not mysterious codes waiting to be discovered and deciphered by anthropologists or dismantled by development workers. They are dynamic expressions of encounters, connection, and translation.

Efforts to promote cultural change and development in semi-nomadic societies in Tanzania illustrate this point. Concerned about the "cultural conservatism" and the status of women in Maasai societies, international organizations, national coalitions and urban advocates in Tanzania have sought to promote development and individual rights in rural pastoralist communities since the colonial period. *Maendeleo* (development) campaigns have included the destruction of traditional houses, the banning of languages other than Swahili and English from schools, forced cattle sales, the promotion of boarding schools, and

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<sup>106</sup> For example, the 1979 Khartoum seminar on Traditional Practices Affecting the Health of Women and Children and the 1994 UN Declaration on the Elimination of Violence Against Women.

<sup>107</sup> TAMWA pamphlet, undated.



efforts to promote education about the rights of girls and women.<sup>108</sup> Yet this fixation on pastoralist “tradition” and “cultural conservatism” obscures the complexities – and potential - of social change in Maasai society. Though not always expressed in terms of *maendeleo* or the language of individual rights, pastoralist communities regularly discuss social change. Winterbottom, Koomen and Burford write

change among Maasai communities in Northern Tanzania is expressed by the Maa concept of *enkisasai* (new or modern), which emphasizes renewal, modification, and revitalization of that which is old. Maasai ideas about dress illustrate the concept of *enkisasai* at work. Most town dwellers in Northern Tanzania regard modern dress as Western clothing. For most rural Maasai, however, to dress in a modern way is to wear Maasai fashion for the appropriate age-set.<sup>109</sup>

While many women’s human rights activists and development workers are concerned about the Maasai “tradition” of female genital cutting, few pay attention to the ways in which pastoralist practices of circumcision ceremonies have changed. In February 2006, Aang Serian activists organized a community discussion for rural Maasai villagers on female rites of passage in Eluwai village in Upper Monduli. During the discussion, participants reflected on the ways in which circumcision ceremonies had changed during their lifetimes. Female initiates (*isipolio*) in past generations wore ceremonial leather robes with bead embroidery (*orkila*). In recent years, however, many people now opt to use *enanga*, clothes of similar design made from cloth. As cattle and other resources have

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<sup>108</sup> Talle 2000; See also LHRC 2004

<sup>109</sup> Winterbottom, Koomen, and Burford 2009

become scarce, a father is no longer always expected to perform the ceremony of *orkiteng londomono*, the slaughter of an ox before the circumcision ceremony.<sup>110</sup> A few months later, in July 2006, I attended a meeting of Maasai circumcisers in Eluwai village. One elder who had long practiced circumcision explained that circumcisers give cows' blood mixed with milk to restore girls' energy after circumcision. However, this circumciser remarked that she had recently found this treatment to be less effective. The cows had become so thin during repeated droughts that their milk did not contain enough fat. The circumciser considered this a suitable time to consider abandoning genital excision.<sup>111</sup>

These discussions point to ways in which culture is never static. When scholars and activists view culture as "local tradition" they may fail to see the dynamic, complex politics of social change, particularly when it is not framed in the universal language of law and rights or the linear terms of development. I propose a view of culture as dynamic and politicized. In Chapter Four, moreover, I argue that campaigns to end cultural practices can help to reconfigure cultural identities and social hierarchies in unexpected ways.

#### *Culture of global governance*

By rethinking the spatial politics of culture, we must again address the widespread assumption that transnational women's human rights activists and international organizations and their expatriate staff stand *outside of culture*. In her study of the international women's human rights system, anthropologist Sally Engle Merry makes this point. The participants in the CEDAW process, she writes, each come from particular cultural traditions (here Merry uses the term in the conventional "local" sense). Yet, as her

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<sup>110</sup> Ibid. See also transcript of Aang Serian Seminar, Eluwai, Monduli, 9 February 2006.

<sup>111</sup> Ibid.

analysis suggests, these individuals often operate between worlds. They view themselves as global activists; rational individuals operating within a system with universal relevance and jurisdiction. As Merry argues, “For many transnational elites, culture is far away. It is mostly located “out there” – in villages, mountains, deserts, deep forests, or among minority communities. [...] Here there is law, with culture hidden from view, buried in the everyday practices of modernity.”<sup>112</sup>

When development workers or human rights activists promote concepts like justice, women’s rights, bodily integrity, education or development in their campaigns, they do not simply disseminate information. In promoting these ideas, they must translate these conceptual abstractions and the implicit paradigms or “traveling theories”<sup>113</sup> that support them. As noted above, Anna Tsing describes the complex negotiations and mediations that characterize these encounters as “the awkward, unequal, unstable, and creative qualities of interconnection across difference.”<sup>114</sup> In this way, global campaigns do not just address local cultures, they engage in the translations and negotiations that produce culture, identities, and the boundaries of locality itself. Culture is not confined to the local; international agencies, organizations and tribunals are sites of culture, too. As Merry suggests, “Transnational legal settings are producing culture, but it is a culture that relegates culture to the margins. *The fight against culture is a deeply cultural one.*”<sup>115</sup>

By rethinking global governance as cultural practices, we might be able to view international efforts to promote women’s human rights in more nuanced ways. Campaigns

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<sup>112</sup> Merry 2005, pp.101-2. Merry remarks that “The appeal of global modernity is reminiscent of the appeal of civilization during the era of empire. In the post-colonial era, the glamour of the modern is still juxtaposed to backwards others, but now it includes those who are ‘developing’ but still burdened by culture.” (p.102).

<sup>113</sup> Said 1983; 1999 [2000]

<sup>114</sup> Tsing 2005, p.4

<sup>115</sup> Merry 2005, p.102 (emphasis added)

to promote women's human rights invariably involve discussions and collaborations among international agencies, government officials, civil society organizations, feminist activists, church congregations, village leaders, and many others. These encounters are complex negotiations between diverse ways of understanding the world; they require conversations across systems of meaning and signification.

*Vignette: Talking culture and rights*

Campaigns against female circumcision often adopt the language of human rights and emphasize bodily integrity, concepts that are thought to transcend cultural specificity. I witnessed many "local" discussions about the concept of rights. In Monduli villages, many posters, leaflets and t-shirts extol women's rights. When we asked women in a Monduli Juu market place to comment on a leaflet about the dangers of female genital cutting, someone commented on its use of the language of rights, which has no direct translation in Maa. One woman asked, "Whose right? God's right?"<sup>116</sup>

In this way, "target communities" are never just passive recipients of information about human rights. They are inevitably engaged in continuous efforts to make sense of these abstractions and interpret ideas. During my fieldwork in Monduli, I noticed that discussions about cultural change among Maa-speakers revolved around the concern that "the world is changing and the Maasai must change with it or risk dying out."<sup>117</sup> Local Maa-speaking activists were convinced that this appeal to group identity and identity survival resonated among pastoralist communities in ways that the language of rights could not. Yet these apparently competing discourses of identity and rights also worked

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<sup>116</sup> Field notes, Gemma Burford Enolengila and Jonneke Koomen, Monduli Juu market place, June 2006

<sup>117</sup> Ibid.

together; community members often related the concepts embedded in campaigns against FGM (rights, bodily integrity) to other modes of understandings of the world (pastoralist survival, for example). This example points to possibilities of serious engagement among competing ways of understanding rights and bodily integrity, identity and community.

Universal expressions of human rights travel, translate and do their work only as “engaged, practical projects.”<sup>118</sup> The problem of cultural translation is not simply a matter of grammar and vocabulary - of finding words in Maa that resemble the phrase “human rights.” These complexities of translation point to a relational problem of connection across difference.

#### *Women’s human rights as worldly encounters*

I have argued that the global governance of women’s human rights is always enacted through “local” practices. By critically examining the categories global and local, space and place, culture and the universal, we can be more attentive to the operation of power – and the resulting politics - of international women’s human rights campaigns, as expressed in discussions in northern Tanzanian villages about the acronym FGM. The discussions are not just “local politics,” technical problems, or mundane details; they are instead expressive of the *worldly encounters* entailed in the practices of women’s human rights campaigns. Studying these dynamics enriches academic understanding of both the tensions and possibilities of these global projects. Attention to the socially situated practices of women’s human rights – their translations and negotiations - serves to illuminate how the boundaries and identities associated with “global” and “local” are unstably reconfigured and reproduced.

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<sup>118</sup> Tsing 2005, p.8

## Chapters and Themes

I examine the worldly encounters of global governance by focusing on the social practices of women's human rights campaigns. To investigate these *ways-of-doing-things*, I examine "everyday" routines of international organizations and the global politics of so-called local places. I examine projects aiming to eliminate "harmful traditional practices" in East African villages, the initiatives to promote legal redress for the victims of genocidal sexual violence at an International Tribunal, and efforts to promote African women's "empowerment."

In Chapter Two I describe the conceptual and methodological frameworks of my research, and examine how social research is itself a form of social encounter. Chapters Three, Four, and Five each engage in depth with campaigns to promote women's human rights and empowerment in East Africa. In Chapter Three I examine efforts to address sexual violence against Rwandan women during the 1994 genocide in the International Criminal Tribunal for Rwanda. In Chapter Four I investigate campaigns to end "repressive cultural practices" against women and girls in Tanzania, as well as similar projects in Kenya and Uganda. I look at emerging efforts to promote microcredit and entrepreneurialism among the "poorest of the poor" African women in Chapter Five.

### *Global justice*

Human rights agencies, journalists and scholars have documented the widespread, targeted, and strategic use of sexual violence against women and girls in the interwoven conflicts in Rwanda, the DRC, and Uganda, as well as Darfur, the former Yugoslavia, and many other

places. Scholars of international relations and international law have examined efforts to address gender and sexual violence in these conflicts through international tribunals, special courts, and the International Criminal Court.

As scholars have argued, the Rwandan Tribunal has “revolutionized” the jurisprudence and institutional procedures surrounding mass rape in violent conflict. What kinds of social-cultural practices did this “revolution” entail? Few authors pay attention to everyday “local” encounters that make efforts to secure “justice for women” in these international institutions possible. In Chapter Three, *A Culture of Global Justice*, I address this significant omission through a study of the efforts of the International Criminal Tribunal for Rwanda to investigate, indict and prosecute those responsible for mass rape during the genocide of 1994. Drawing on in-depth interviews, field notes, witness testimony and court transcripts, I examine the dilemmas that characterize formal and informal Tribunal practices, particularly the routine encounters between “global” Tribunal staff and “local” Rwandan women who serve as ICTR witnesses.

I compare and contrast some of the procedures of the International Tribunal with the practices of the *gacaca* tribunals in Rwanda, which are often described as participatory, local, and traditional. I suggest, however, that the practices of the *gacaca* provide interesting and perhaps surprising points of continuity with those of the International Tribunal in Arusha. In tracing ways in which dilemmas of the ICTR sometimes are replicated in so-called grassroots gatherings, I argue that the controversies surrounding the International Tribunal should not in the first place be attributed to its “remote” location or its international mandate but rather to institutional practices that relegate “local” victims and witnesses as marginal to the project of global justice, despite their experiences being

central to the juridical pursuit of justice.

### *Local culture*

Wide-ranging international campaigns seek to end harmful “cultural practices” against women and girls throughout Africa. In Chapter Four, *The Global Governance of Culture*, I examine a wide variety of efforts to combat female excision in East Africa. Despite debates about the “best practices” or strategies that should guide this work, international organizations, national governments, civil society organizations and activists agree that *female genital mutilation*, as the practice has come to be known, should be viewed as a problem of local culture and tradition. Examining campaigns to end female circumcision in northern Tanzania, as well as projects based in Kenya and Uganda, I ask how these pervasive ideas about local culture structure the ways in which campaigners think about FGM and what kind of remedies they envision.

I argue that FGM is often symbolically invoked as an abstracted problem of local culture in campaigns to combat female excision. To understand how campaigns against female genital mutilation travel and translate, my fieldwork focused on campaigns against female excision in Tanzania, particularly in pastoralist Maasai villages. I examine discussions about female circumcision in pastoralist villages and so-called grassroots activists’ efforts to eliminate excision in female rites of passage in villages in Monduli, Tanzania. I also draw on historical and contemporary examples of initiatives targeting Kenyan Kikuyu and Maasai and the Sabiny in northeast Uganda. I find that efforts to end FGM in East African towns and villages are often intensely controversial and politicized *even when they explicitly claim to be culturally sensitive*. I suggest that these complex dynamics are



implicated in the production and reproduction of FGM as a “problem of culture.” When viewing female excision as primarily a problem of local culture, anti-FGM advocates are often unable to seriously consider the complex politicized controversies surrounding campaigns against female circumcision. In the context of Maasai semi-pastoralist villages in Monduli, I suggest that campaigns against FGM, at times, help to remake diverse rites of passage as highly politicized practices marking “insider” identity, reproducing outsider/insider tensions and the asymmetrical power relations between marginalized communities and the local, national and international authorities that govern them.

### *Empowerment*

While Chapters Three and Four focus on projects addressing bodily violence committed against women, Chapter Five, *We Want You To Change*, extends my argument to campaigns to promote women’s empowerment in Africa. By shifting my focus to development-oriented women’s rights campaigns, I seek to investigate whether the dilemmas that characterize campaigns aimed at *victims of violence* extend to projects that seek to empower women as *agents of development*. This juxtaposition should not be overstated, however. All the women’s human rights campaigns examined in this study encompass a broad array of concerns, including physical violence, education, health, and economic development. In fact, microcredit and microfinance are also increasingly promoted as human rights concerns, which is why I include them in this study of the global governance of women’s human rights.<sup>119</sup>

Microcredit, in particular, has emerged as a key strategy to promote women’s empowerment, participatory development, and entrepreneurship in the developing world.

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<sup>119</sup> See for example Mayoux 2000 and 2001; RESULTS 1997

When I discuss the dilemmas that characterize women's human rights campaigns in East Africa, I am often asked: "...but what about microcredit?" Or in a more verbose formulation: if human rights campaigns addressing physical violence against women face difficulties, do the efforts of international agencies to promote credit to women in the developing world transcend these uncomfortable dilemmas?

Perhaps this question reflects the way in which microcredit has often been described as a "bottom up" approach to women's empowerment. Indeed, microfinance proponents often emphasize local participation, collective decision-making, individual entrepreneurialism, and village women's groups. Some advocates even link microcredit to women's self-confidence and esteem. With a particular emphasis on initiatives in Africa, however, I explore ways in which the practices of microcredit movement may offer constrained avenues for women's empowerment. I examine how microcredit organizations may rely on the assumptions that "local" women borrowers are *rooted* in family obligations, that "women do not work," and that women are "inherently trustworthy." By examining ways in which credit projects claiming to promote women's empowerment may trade in the currency of women's marginal status, my argument highlights dilemmas similar to those revealed in the examination of efforts to address violence against women.

### *Encounters*

This dissertation examines global governance campaigns to promote women's human rights in East Africa. This introductory chapter has proposed an understanding of women's human rights not just as abstract norms but as social practices. Thus, this project investigates the complex translations and negotiations that characterize women's human

rights projects. In doing so, I seek to highlight the politics of these practices in producing “global” and “local” subjects and social hierarchies. Before my discussion of specific human rights campaigns, however, I first examine the politicized negotiations that characterize the process of social research itself in Chapter Two. I suggest ways in which the grounded encounters that characterize global women’s human rights campaigns provide brief moments of visibility “when power that often operates more subtly is exposed in all its incarnations.”<sup>120</sup>

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<sup>120</sup> Muntz and Hyndman 2006, p.451

## CHAPTER TWO

### Unexpected Negotiations:

#### Social Research as Social Encounter

This project examines the politics of the global governance of women's human rights in East Africa. My goal is to explore how "global" ideas about women's human rights "travel" and translate through local encounters.<sup>1</sup> So how does one go about studying international campaigns as "grounded" practices, through socially situated encounters? In this chapter, I lay out my approach to the study of international women's human rights campaigns as practices that are always immersed in "local" negotiations. I argue that social research is itself only possible through social encounters characterized by translations and negotiations across difference, and invariably structured by shifting and contextualized social relations. In Part One, I show how interdisciplinary feminist scholars provide important conceptual and methodological frameworks for this study of "local" encounters of global governance. In Part Two, I examine the key dilemmas posed by my research on women's human rights campaigns.

#### **Research imaginary**

As James Ferguson and Akhil Gupta have proposed, it is necessary to examine global governance at the "putative 'top' of the vertical picture... and the 'bottom.'"<sup>2</sup> Similarly, this study examines women's rights campaigns in "global spaces" and "local places." In

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<sup>1</sup> Tsing 2005

<sup>2</sup> Ferguson and Gupta 2002 [2005], p.118

doing so, however, I consider the ways in which women's rights campaigns construct their subjects and spatial referents, their "locals." Thus, I move between "global" and "local" sites while seeking to challenge these hierarchical designators.

This task challenged my research imaginary.<sup>3</sup> The sub-discipline International Relations has fixed its gaze on the socially abstracted world of states, international institutions, global norms, universal declarations and international conventions.<sup>4</sup> As feminist critics have argued, scholars have paid insufficient attention to the ways in which global politics is "configured in particular places, for particular groups of people, and to what particular ends."<sup>5</sup> Researchers have examined the emergence, institutionalization and diffusion of women's human rights norms in national and international institutions. Others have scrutinized the discourses and theoretical foundations of the concepts of human rights and women's rights. In these analyses, however, human rights are viewed as ideas, norms, policies, laws, texts, or discourses but not as socially embedded *practices* characterized by grounded, "local" encounters.<sup>6</sup> Neither the empirical comparative approaches to the study of international norms nor discursive/inter-textual approaches of critical International Relations theorists readily lend themselves to the study of the negotiation of women's human rights in specific places.<sup>7</sup> I was forced to rethink the

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<sup>3</sup> cf. Appadurai 2000 and 1996. See also discussion in Dimitriadis and Weis 2007.

<sup>4</sup> International Relations' scholarship on the local implementation of international norms focuses primarily on the adoption of international treaties, conventions and ideas by national governments.

<sup>5</sup> C. Freeman 2001, p.1009. C. Freeman argues that research on globalization often ignores "the flesh and blood of people's lives" (ibid.). Mountz and Hyndman (2006) argue that this literature is "conveniently depopulated... [people] appear belatedly as messy bodies that spoil the smooth surfaces of roving global capital" (p.449).

<sup>6</sup> While it does not explicitly address women's human rights issues, some of the literature on the bureaucratic politics of international organizations is a notable exception. See Barnett and Finnemore 1999 and 2004; Barnett 2002a and 2002b. Key studies of Amnesty International also offer "grounded" and politicized perspectives. See A. M. Clark 2001 and Hopgood 2006.

<sup>7</sup> Moreover, the oft-espoused commitment to methodological and theoretical pluralism in the discipline of IR often masks a lack of engagement between the orienting theoretical concerns and research practices of these prominent schools of thought.

conventional repertoire of research methodologies, concepts, and approaches to the study of international women's human rights campaigns.

At the same time, I found that research methods employed by scholars in the fields of anthropology, cultural studies, and area studies rarely captured the dynamic transnational politics of women's rights campaigns. As Sally Engle Merry writes, "The distinctive contribution of anthropology has always been its focus on small-scale, more or less observable social units and the cultural meanings and practices that constitute them."<sup>8</sup> James Clifford points out that the ritual of "far-away" fieldwork among anthropologists helps to reproduce the analytical separation of the local from the global.<sup>9</sup> Akhil Gupta and James Ferguson argue that the discipline of anthropology has promoted a view of cultures as separate and static social systems tied to particular "peoples" in specific territorialized locations. Conventional practices of anthropology fieldwork, they suggest, reinforce the idea that to learn about a culture you have to go a particular place.<sup>10</sup> In the field of cultural studies, Greg Dimitriadis and Lois Weis argue that traditional ethnography is a "deeply nationalist" and "particularist" project that has been "'rendered' anarchic in our moment of globalizing culture and capital."<sup>11</sup> Thus, the study of global governance and transnational processes poses important challenges to conventional "localist" fieldwork and ethnographical methods.

Recognizing the lacunae of the modes of inquiry that dominate the study of the "global" and the "local," this project draws on the innovative conceptual and methodological frameworks of distinctly interdisciplinary feminist scholarship, including

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<sup>8</sup> Merry 2006, pp.28-29

<sup>9</sup> Clifford 1997

<sup>10</sup> Gupta and Ferguson 1997, p.3

<sup>11</sup> Dimitriadis and Weis 2007, pp.326-7

research by geographers and anthropologists Sally Engel Merry, Doreen Massey, Richa Nagar, and Anna Tsing. In the following section, I review how these researchers' conceptual and methodological contributions inform this study of the grounded, situated politics of global governance.

### *The politics of the global*

Doreen Massey's work on the politics of place and space informs my understanding of global governance. Though Massey's theoretically rich analysis is often focused on cities and regional development in the UK, her conceptual framework provides important opportunities to rethink global governance and international women's human rights campaigns. As I have discussed in Chapter One, Massey argues that we readily associate the local with authentic, real, everyday, lived experiences. Yet these very concrete and grounded notions of place stand in contrast to highly abstracted and reified notions of the global, which we think of as "emanating from elsewhere."<sup>12</sup> This misleading dichotomy obscures the emplacement of global politics.<sup>13</sup> As Massey argues, and as I have emphasized above, the global is not "out there, or even up there," the global is just as real and grounded as the local.<sup>14</sup> Massey argues that "territorial thinking" detracts from "paths," "inter-relations," and "international connections."<sup>15</sup> At the same time, Massey cautions scholars against romanticizing local resistance. She warns that "Scale in itself is not the issue, the politics lies in the power-filled nature of social relations at all levels. [...]"

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<sup>12</sup> Massey 2007, p.165. See also Massey 2004, p.7; Massey 2002, p.24

<sup>13</sup> Massey 2004, pp.1-8

<sup>14</sup> Ibid., pp.7-8.

<sup>15</sup> Massey 2002, p.24

Neither local nor global, in itself, is on the side of the righteous (whatever your political persuasion); it depends on the social relations in which each is embedded.”<sup>16</sup>

This analysis conveys the co-constitution of global and local, and the contingent social relations that produce the boundaries of locality itself. Following Massey’s discussion of the global, this project examines the ways in which global governance can only exist through local encounters and can only be actualized through grounded negotiations.<sup>17</sup> Yet, in focusing the place-specific encounters of global governance, I emphasize that the boundaries of locality are socially constructed: place, like space, is “open and porous.”<sup>18</sup>

Recognizing that global forces are always “locally produced” and socially situated, this project examines women’s human rights as socially situated practices. Women’s human rights do their work when they are debated in community discussions in pastoralist villages or when international investigators are sent “on a mission” to interview genocide victims, for example. As such, this study is not a celebration of global governance undone by “local resistance.” Nor is this project an indictment of putatively abstract international women’s human rights norms or the international institutions, advocates, and agencies that seek to promote these “global” ideas. Instead, this project attempts to grapple with the contextualized practices of women’s human rights.

### *Culture and translation*

How does one study the grounded politics of global governance? Sally Engle Merry’s *detrterritorialized ethnography* provides an important guide. Merry examines the transnational

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<sup>16</sup> Massey 2001, p.16; Massey 2002

<sup>17</sup> Massey 2007, p.16; Massey 2005, p.13

<sup>18</sup> Massey 2002; Massey 1994



movement against gender violence in the “global” world of UN conferences and the CEDAW committee and the translation of transnational ideas about women’s human rights in “local places,” such as Hong Kong, Fiji, and Hawai’i. Merry’s analysis sheds light on the culture of global governance. In Merry’s study, “global spaces” are not remote institutions but social and cultural sites characterized by rational-legal bureaucratic practices and cosmopolitan norms of behavior.<sup>19</sup>

Merry’s intervention helps shed light on the ways in which “global” women’s rights activists and international agencies often view “local” culture as far away, fixed in place, backwards, timeless, and stagnant. Although she does not explicitly address the social construction of global and local (or culture and place), I draw on Merry’s ethnography to emphasize the *politics and production of culture and location* through campaigns to promote women’s human rights. Drawing loosely on Merry’s framework, I treat women’s campaigns to promote women’s human rights and empowerment not just as international norms or discourses but as socially situated practices.

Throughout this project I emphasize the translation and negotiation of women’s human rights. In doing so, I borrow from and expand on Merry’s analysis of the local translation and *vernacularization* of international human rights norms against gender violence. Transnational ideas about women’s human rights, Merry argues, depend on “local” intermediaries and translators who navigate between UN conferences, CEDAW committees and local community centers.<sup>20</sup> Merry suggests that NGO workers and women’s rights advocates localize transnational knowledge when they bring home concepts and strategies learned at international conferences. They translate local issues into the

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<sup>19</sup> Merry 2006, p.102 and p. 29 on the CEDAW process.

<sup>20</sup> Ibid., p.3

transnational language of human rights to gain international attention and legitimacy (in the form of funding or media attention, for example) and use the powerful language of human rights as a tool to address local problems. These intermediaries consciously and strategically mediate between international notions of human rights and “local ways of thinking about grievances.”<sup>21</sup> For Merry, transnational NGO activists “play a critical role in interpreting the cultural world of transnational modernity for local claimants.”<sup>22</sup>

My analysis, like Merry’s, emphasizes the on-going practices of translation inherent to women’s human rights campaigns. When activists promote concepts like women’s rights, bodily integrity, education or development in their campaigns in rural Monduli, for example, they promote, translate and rework the theoretical foundations of human rights into a specific social context. Simultaneously, I show ways in which people targeted by human rights campaigns must actively relate the concept of women’s rights to their understandings of the world. Women’s human rights campaigns rely on (and operate through) these *cultural translations*.

Merry views translation and vernacularization as the process of framing human rights in terms of local cultural symbols, addressing local conditions, and defining target populations.<sup>23</sup> While Merry moves between “global” and “local” locations, I argue that translation is not just a process of moving *between* contexts but that global governance is inherently a practice of localized negotiation. In other words, I emphasize the way in which practices of women’s human rights are always mediations and negotiations across systems of meaning. Women’s human rights activists do not just interpret abstract international standards in a way that makes them relevant to local culture; the practices of

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<sup>21</sup> Merry 2006, p.229

<sup>22</sup> Ibid., p.3

<sup>23</sup> Ibid., p.220

global governance help to construct the problem of culture as local, and *produce the local* as an object of global jurisdiction. In other words, women's human rights campaigners do not just move between putatively global spaces and local places; the practices of women's human rights depend on the production of the hierarchical social relations that undergird the project of global governance itself.

### *Encounters*

As Anna Tsing argues in her discussion of the Indonesian state, state rule is “*actualized* in local politics.”<sup>24</sup> Similarly, this study of the social practice of global governance is not about tracing links between discrete global and local places but an examination of the ways in which global governance is made possible only *through* local encounter.

Following the examples of Anna Tsing and Richa Nagar, this study does not explicitly engage with theoretical debates about the universality or cultural specificity of women's rights and human rights. These conversations are often framed by narrow disciplinary research agendas, which, as Nagar reminds us, are often of very little interest to people outside academia.<sup>25</sup> Moreover, these theoretical discussions often miss the point; ideas about human rights and women's rights do not – indeed, they cannot - work in the abstract. Through Tsing's intervention we are able to rethink women's rights, human rights and development not as abstract norms, standards or discourses but as *worldly encounters*, engaged, grounded, contextualized social practices. Women's rights and women's empowerment are socially situated expressions of universalizing visions, or universals. Again, these visions operate only through the friction of contingent social

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<sup>24</sup> Tsing 1993, p.26 (emphasis added). Tsing examines the construction of Meratu marginality in relation to the Indonesian state.

<sup>25</sup> Nagar 2003

encounters. As Tsing argues, “A wheel turns because of its encounter with the surface of the road; spinning in the air it goes nowhere. Rubbing two sticks together produces heat and light; one stick alone is just a stick.”<sup>26</sup>

The universalizing vision of women’s human rights is powerful. Universals travel far and wide, they are “knowledge that moves – mobile and mobilizing – across localities and cultures.”<sup>27</sup> Universals are productive of new ways of seeing and being in the world. As Tsing’s global ethnography suggests, this knowledge reshapes and remakes the world, expands our notions of locality, and creates “new forces and agents of history in [its] path.”<sup>28</sup> However, universals rarely work in ways we expect or predict. Worldly encounters are contingent, unexpected, and unstable.<sup>29</sup> These contingent encounters - the politics of human rights - are the focus of this dissertation and characterize the research process as well.

### *Engaged research*

Tsing’s ethnography cannot be contained within “the boundaries of locality.”<sup>30</sup> As Richa Nagar has argued, “focusing on the place-based context does not mean simply (or even primarily) talking about the local.”<sup>31</sup> Following these examples, this dissertation is not a local study, even though many of the campaigns I examine are physically located or conceived in the region of Arusha, northern Tanzania. Instead, my focus on women’s

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<sup>26</sup> Tsing 2005, p.5

<sup>27</sup> Ibid., p.7

<sup>28</sup> Ibid., p.8

<sup>29</sup> Ibid., p.3

<sup>30</sup> Ibid., p.7

<sup>31</sup> Nagar 2004, p.35 in the context of her discussion of *mut’a* in South Asian communities in Dar es Salaam. Also instructive is Cindi Katz’ *countertopography* of rural Howa, Sudan. Katz’s “local” research is in fact an attempt to capture the abstractions of global economic restructuring through studies of the lives of children. See Katz 2004, pp.xi-xii.

human rights campaigns in Northern Tanzania – with sojourns to Dar es Salaam, Rwanda, Uganda, Kenya, The Hague and New York – seeks to provide contextually “grounded” analyses to the study of the global governance of women’s human rights.

Unlike the impressive works of Merry and Tsing, this dissertation cannot claim to be an ethnography. However, I draw on Tsing’s engaged ethnographic approach, as well as the approaches of critical anthropologists such as Lesley Gill, Akhil Gupta, and James Ferguson. Following these researchers, I attempt to foreground the social practices, everyday routines, and *ways of doing things* that characterize women’s human rights campaigns. My examination of the Rwanda Tribunal emphasizes the routine bureaucratic practices, investigation methods, interview processes, courtroom procedures, and legal culture that structured the often-strained interactions between so-called “ordinary” Rwandan witnesses and representatives of the international Rwanda Tribunal.<sup>32</sup> At the ICTR I used my training as a volunteer court monitor in Hennepin County, where I had observed cases involving violence against women and children. This experience alerted me to the ways in which courtrooms are important places to study power and social inequalities “at work.” My chapter on women’s empowerment and microcredit campaigns centers on a local politician’s speech at a grassroots women’s seminar in L. ward, northern Tanzania, to capture the often-abstract vision of “women’s empowerment” at work in a rural village gathering. My study of efforts to eliminate female circumcision “zooms in” on the everyday discussions and dilemmas that characterize anti-FGM campaigns in rural communities in pastoralist villages in the Monduli District of Arusha, as well as the complexities of projects in Kenya and Uganda.

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<sup>32</sup> Reflecting commonplace usage at the ICTR, I use the awkward phrase “ordinary witnesses” to describe witnesses who are not classified as experts, detainees, or former members of the government or military elite. For a discussion of these distinctions, please see Chapter Three.

### *Knowledge production*

Of course, the research process is itself a form of social encounter. Richa Nagar's work on the politics of knowledge production emphasizes the social relations that make knowledge claims possible and reminds scholars that they do not have sole claim on theoretical knowledge.<sup>33</sup> Richa Nagar and Amanda Swarr's vision of contextualized, engaged transnational feminist praxis challenges commonplace distinctions between scholars and activists, theory and methodology, and individual authorship and collaborative process. The authors show ways in which engaged transnational collaborations can confront these established hierarchies of knowledge production.<sup>34</sup>

Recognizing that scholarly research is often guided by the priorities of academic disciplines rather than social struggles (and wishing to limit the unattractive effects of such discipline-determined knowledge), I sought to develop relationships and collaborations with "grassroots" activists, as well as practitioners, lawyers, and scholars in other disciplines.<sup>35</sup> In particular, my on-going conversations with Tanzanian activists inform my substantive arguments and my research process and I have sought to investigate concerns identified by activists as salient to their work. These collaborations are most visible and explicit in Chapter Four, *The Global Governance of Culture*, where I examine ways in which women's human rights projects encounter "local traditions." This study of campaigns

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<sup>33</sup> See for example Nagar, Lawson, McDowell and Hanson 2003; Nagar and Swarr 2006; Sangtin Writers 2006

<sup>34</sup> Nagar 2003; Nagar and Swarr 2010; Nagar and Swarr do not offer transnational collaborative praxis as an alternative research methodology or suggest this approach should be institutionalized in academic disciplines. The authors stress that collaboration is a dynamic process that "acquires its meanings and form in a given place, time, and struggle." See Nagar and Swarr 2006, p.14.

<sup>35</sup> Ibid. In pointing out these collaborations, I do not intend to portray myself as "global scholar" in relation to "local activists."

against female circumcision emerged from my collaborations with indigenous rights activists in Monduli villages of northern Tanzania.<sup>36</sup>

The way I came to study this pastoralist rite of passage, which is known as female circumcision, was somewhat unexpected. I had originally planned to investigate controversies and debates over international and governmental maternal health interventions among Maasai women in northern Tanzania. As I embarked on my second phase of research in 2006, however, I noticed that many women's health initiatives in the region were primarily concerned with the issue of female excision. During this time, I began working alongside the Monduli-based indigenous rights activists operating under the banner of Aang Serian (as discussed in Chapter One). While Aang Serian focuses primarily on promoting indigenous rights' education in rural Monduli villages, its members were concerned about the rhetoric and practice of the campaigns against female circumcision among the Maasai. As my relationship with the group developed, we documented government, NGO, and donor-led activities in the Arusha region. I accompanied Aang Serian activists as they interviewed anti-circumcision campaigners in Arusha (I subsequently interviewed members of the National Coalition against FGM in Dar es Salaam in 2006 and 2007 independently). I observed Aang Serian activists as they formulated and promoted an "alternative rites of passage" campaign in Monduli villages between May and July of 2006. I revisited the project at its peak in the Spring and Summer of 2007, and have continued to visit and correspond with the project founders.

My attempts to pursue collaborative research are embryonic. However, I hope that these nascent efforts will be the beginning of an engaged research agenda. These early,

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<sup>36</sup> My association with Aang Serian also led to an interdisciplinary project with Anna Winterbottom, a historian, and Gemma Burford Enolengila, a medical anthropologist and indigenous rights activist. See Winterbottom, Koomen and Burford 2009.

experimental attempts to form research collaborations have challenged me to think critically about the purpose and process of social research, particularly the way in which my research simultaneously depends on and invokes social relationships and responsibilities. Along these lines, the next section of this chapter examines key dilemmas that have characterized my research on the politics of women's human rights.

### **Dilemmas in the study of women's human rights**

The first time I met Marie, a senior West African interpreter at the Rwanda Tribunal, she asked me many probing questions about my research project. Weeks later, she explained why. "We, Africans, get weary of people who show interest," she said. "People come and help. [But] aid comes with too many restrictions. There is goodwill from the world, but goodwill is not enough. It is like a girl scout coming over to help."<sup>37</sup> In indirect terms, Marie expressed her misgivings about researchers, professionals, and students using the challenges and suffering of others to further their [our] own interests.

To the best of my abilities, though often inadequately, I have tried to conduct my research in light of these concerns. In this section, I examine the dilemmas posed by transnational research on women's human rights. These issues include - but are by no means limited to - the boundaries and ethical limits of social research, the socially structured relationship between researcher and "research subjects," and the challenges of reflecting on my own shifting "location" and position in relation to my research.

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<sup>37</sup> "Marie," not her real name, is a senior ICTR Interpreter from West Africa. I interviewed her on several occasions between 5 and 11 July 2005. This particular conversation occurred in Arusha, 11 July 2005.



*When victims become research subjects*

Inevitably, women's human rights campaigns involve "language work," making representations of women's needs, demands, and suffering to donors, judges, elders, governments, and many other audiences.<sup>38</sup> In doing so, women's rights advocates invariably face the excruciatingly difficult challenge of representing "victims" without compromising the complex lives of the people they wish to help. Though my work is of course much less consequential, I must also find ways in which to convey the dilemmas of women's human rights campaigns without misrepresenting, objectifying, or simplifying the "subjects" of my research.

Representing pain, suffering and physical violence is particularly difficult in this regard. Journalists, scholars, and novelists sometimes employ graphic descriptions of violence against women as a rhetorical device to draw in readers. After seven years of reading witness testimony, trial transcripts, reports, and secondary literature on violence against women, I still struggle to write about violence in a way that does not opportunistically invoke the suffering of others. While I have sought to avoid gratuitous representations of physical violence, I do cite witness testimony on mass rape at some length in my discussion of the Rwanda Tribunal. In doing so, I aim to provide context to the reader about the type of violence witnesses are asked to recall.

*Subjects and collaborators*

Researchers often describe the people they study as informants or research subjects. This language may obscure the theoretical work and interpretive resources of these interviewees. Women's human rights workers, activists, and lawyers frequently examine the political,

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<sup>38</sup> "Language work" is a term used by Dawes 2004.

ethical and practical dilemmas of their work. At the ICTR, for example, I had conversations with senior officials and technical workers, prosecution and defense attorneys, interpreters and language assistants, librarians and security personnel, researchers and interns, and many others (see Appendix Two). Everyone I talked to reflected on the mission, contributions, and limitations of the Rwanda Tribunal. Similarly, many activists working on issues related to female circumcision are profoundly sensitive to the heated politicized discussions surrounding their efforts. These efforts of Tribunal employees to theorize and scrutinize the work and mission of the ICTR reinforce the argument made above: academic researchers do not have a monopoly on knowledge-claims.<sup>39</sup>

In Chapter Three, I examine how genocide survivors tell their stories to Tribunal employees, emphasizing the key interactions between Tribunal staff and victims of sexual violence. I interviewed prosecution lawyers, including senior prosecutors, Rwandan case managers, and Registry officials (for a break down, please see Appendix Two).<sup>40</sup> Moreover, I sought to reflect the Tribunal's complex and hierarchical division of labor by interviewing four interpreters and language assistants, one investigator, one researcher, as well as numerous administrative workers, librarians, interns, and others.<sup>41</sup> On some occasions, these so-called technical workers have more daily contact with Rwandan witnesses and more "field" experience in Rwanda.

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<sup>39</sup> See for example Nagar, Lawson, McDowell and Hanson 2003; Nagar and Swarr 2006 and 2010; Sangtin Writers 2006. Nagar calls on scholars to think critically about their relationships and responsibilities to those they study.

<sup>40</sup> Of course, I had off the record and informal conversations with many more prosecutors and defense attorneys at the ICTR. I also spent time at the International Criminal Court in The Hague, where I met people organizing safe house facilities, gathering compensation claims, and thinking through the politics of women's rights. I also spoke to activists from NGOs working with the ICC, as well as lawyers based at the International Criminal Tribunal for the Former Yugoslavia.

<sup>41</sup> Note that these lower-level Tribunal workers are often African women. Interview with Gender Advisor, Tribunal Registry, Arusha, Tanzania, 4 July 2005.

While all interviews I conducted at the ICTR inform the concerns and argument of Chapter Three, I try to provide a degree of continuity for the reader by highlighting the experiences of a limited number of Tribunal employees who work closely with Rwandan witnesses. In particular, Chapter Three foregrounds my in-depth interviews with three prosecution lawyers, one investigator based in the Office of the Prosecutor, four interpreters/language assistants, as well as statements made by a gender advisor based in the Tribunal Registry. I focus on these individuals because of the depth of the interviewees's engagement with witnesses and the Tribunal process and because I was able to cross-check their accounts with publically available court documents.

### *Interviews*

My research considers the negotiation and translation of competing systems of meaning through consequential encounters between representatives of international institutions and local organizations, “grassroots” activists and village leaders, local politicians and women’s group members, international lawyers and genocide survivors. To do so, I interviewed NGO workers, human rights advocates, ICTR lawyers, administrators in UN agencies, economists in World Bank offices and embassies, and gender specialists at donor agencies. I spent time with medical professionals, rural teachers, “grassroots” activists, women in market places, and women making beaded jewelry in grassy plains. *All these meetings, conversations and interviews were themselves complex social encounters.*

Interviews are often described as a form of data gathering. In academic parlance, interviews can be in-depth, structured, unstructured, or semi-structured. My interviews with key informants at the Tribunal centered on the particular concerns and specific tasks

of each interviewee. As a result, these interviews can be described as semi-structured or, in a few cases, unstructured. In contrast, my interviews with gender specialists, “gender focal points,” and development officials at donor and UN agencies in Dar es Salaam were usually structured by topics we agreed to prior to the meeting. In Monduli, by contrast, I had much closer relationships with anti-FGM activists. These interviews sometimes took place in “informal” spaces, such as crowded *dalala* and homes. Most often, our conversations were outdoors. These interviews were often interrupted by childcare, food preparation and, once, by three uniformed soldiers armed with AK 47s who commandeered our transportation. Thus, many conversations spanned several days.

These descriptions do not adequately convey these meetings, however. Interviews are social encounters that involve translations and negotiations across difference structured by social context and social hierarchies. In some cases, interviews are on-going conversations, which, hopefully, build a degree of trust and understanding between the people involved. In a few rare but important cases, interviews that turned into conversations were so engaged and mutually productive that they seemed to me to be a process of collective theorizing. Other interviewees explicitly tried to teach me about what they described as an “African view of the world.” (Similarly, many conversations in Monduli revolved around “Maasai ways.”) ICTR Interpreter Marie, for example, explicitly sought to convey to me a world she knew I could never inhabit. She contrasted “African” and “Western” views of the world throughout our discussions. In a discussion about individual rights she emphasized, “this is not us Africans.” Marie also reflected on European representations of Africa. When chastising scantily dressed white Tribunal interns from Europe or the USA she said,

They think: This is Africa. Africa is holidays. It doesn't even cross their minds. [...] Maybe Africans don't say, but *I know* people are shocked. For them Africa is just being a place for relaxing vacation. [...] Let us starve and keep your aid. Let us be ourselves.<sup>42</sup>

The juxtaposition of “African” and “Western” (or “Maasai” and “Swahili”) *ways of doing things* was a constant thread throughout my interviews in East Africa. In an academic context, I may have dismissed these kinds of conversations as essentialist representations of cultural difference. However, I came to listen to these rich discussions in a different way. In Monduli villages, in urban NGOs, and in the Dar es Salaam offices of IMF economists, I found that people rely on the language of culture and cultural difference to describe and explain the complexities of their world. Understandably, interviewees depend on this language when they try to put their complex, multifaceted realities into words for an inquisitive overseas student-researcher. As such, I came to view these conversations about “cultural difference” as anything but straightforward. Marie’s analysis of “Western” and “African” culture, for example, helped me understand something about the ways in which Marie interpreted the problems of the Tribunal, the way she saw herself in relation to the institution and, of course, the way she viewed me. Moreover, I suspect that the framework of cultural difference helped people communicate something of their intangible and *hard to talk about* impressions to me.

Not all my interviewees were as forthcoming as Marie, of course. My interviews with gender advisors and development officials across international donor groups, UN offices, and financial institutions throughout Dar es Salaam were much more formal -

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<sup>42</sup> Interview, ICTR interpreter “Marie,” Arusha, Tanzania, 11 July 2005.

sometimes even technical. However, even these structured meetings allowed me to gain glimpses of the particular (and sometimes peculiar) institutional cultures, languages, and ideologies of the fragmented world of development agencies. For example, as part of my research for Chapter Five, I spent a day talking to a very welcoming group of IMF AFRITAC economists and statisticians in their high-rise office in central Dar es Salaam. The AFRITAC staff provide technical assistance on fiscal management to select African governments for the purpose of “capacity-building.” My discussions with the statisticians and economists at AFRITAC provided a brief encounter with a bureaucratic culture where the problem of development is viewed in terms of the inadequate expertise of African governments.

In Monduli, I interviewed NGO workers, teachers, village chairmen, indigenous rights activists, women’s group members, and women who were the “targets” of anti-FGM campaign (see Appendix Two). In my view, however, the most powerful revelations and useful information came from observing discussions among women’s group members, participants of rural seminars, or community consultations, such as the Church gathering in Enguiki described in Chapter One (also detailed in Appendix Two).<sup>43</sup> In most cases, the discussions I observed were part of rural educational seminars or campaigns against female circumcision.<sup>44</sup> In other cases, Aang Serian activists and I met with groups of women to ask them how they felt about specific campaign literature or anti-FGM slogans produced by national NGOs or local authorities (see figure 2.1 below). We also asked general

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<sup>43</sup> In Monduli villages, these group conversations moved between Maa and Swahili. The discussions were transcribed by Aang Serian activists and translated into English by Gemma Burford Enolengila for Aang Serian’s records and reports to their Kenyan donors. I observed these discussions with the help of youth who had attended secondary school sitting next to me, whispering translations into English. Unless otherwise stated, I cite group discussions from Aang Serian reports.

<sup>44</sup> These discussions were organized or indirectly encouraged by Aang Serian NGO.

questions about women's priorities.<sup>45</sup> By primarily emphasizing group discussions rather than one-on-one interviews, I do not mean to treat pastoralists as an amorphous group. In contrast, I hope to highlight the ways in which discussions about female circumcision often take place in Monduli as on-going, dynamic collective conversations. My use of group discussions also reflects my attempt to adjust my research methods to the patterns of daily life in the Monduli villages; group conversations are part of the ways in which things are done. Ideally, I would have liked to observe similar conversation among, say, ICTR prosecutors or microfinance advocates. However, the cultures and conventions of academic research and international bureaucracies do not readily lend themselves to such collective conversations in bureaucratic settings.

Always unpredictable, interviews sometimes touch on intimate subjects. Although I never solicited personal information from interviewees (and I emphasized this point before and during all my meetings), interviewees on several occasions did speak about traumatic personal experiences. The IRB would likely – and understandably - recommend me to cut short such conversations. Needless to say, I did not solicit more information than was volunteered, I did not take notes, and I have not written about these conversations afterwards. However, on none of those occasions did I feel it was respectful to cut short a conversation where a person was trying in good faith to communicate something of their reality. I raise this dilemma here to reinforce the point that interviews are never just about data-collection; they are also social relationships, expressed in the form of conversations between people.

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<sup>45</sup> In another circumstance, these conversations might have been called “focus groups.”

*Tape recording, note taking, and field notes*

Contrary to disciplinary conventions, I rarely recorded my interviews in East Africa on a tape or data recorder after my first research trip in 2005.<sup>46</sup> After several interviewees asked me not to record conversations in the first year of my fieldwork, I realized that the presence of a data recorder and the prospect of a permanent voice recording undermined my assurances that I would keep interviews anonymous.<sup>47</sup> In rural Monduli, the tape recorder proved to be an enormous distraction as it attracted enthusiastic children who wanted to listen to *muziki*. Moreover, my unrecorded interviews were, without exception, much more interesting than recorded conversations.<sup>48</sup> On a few occasions, I recorded formal interviews with development officials in Dar es Salaam solely because I sensed the interviewee expected me to follow convention. I also recorded the speech by the women's councilor in L. ward cited at length in Chapter Five.

In most situations, however, I relied on my own idiosyncratic shorthand note taking to record interviews. Of course, note taking (or tape recording, for that matter) can never capture the entire dynamic of a conversation, or the subtleties of the interviewees'

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<sup>46</sup> I used a tape recorder during some of my interviews at the ICTR in 2005. My interviews with some Arusha-based NGO directors, coordinators and medical professionals were conducted in collaboration with Aang Serian members. Some of these conversations were filmed by an Aang Serian member.

<sup>47</sup> I found it was particularly important to assure ICTR staff that I would keep interviews entirely anonymous. Perhaps lawyers are especially sensitive to this issue. Moreover, interviewees spoke to me about their professional anxieties and concerns about the institutions. Others shared painful personal experiences and ethical dilemmas. I did not want to undermine this trust by recording the conversation.

<sup>48</sup> Interviews also lasted longer when I did not have a tape recorder. For example, two in-depth interviews with "Florence" and "Monique" at the ICTR both lasted approximately three hours. One difficulty posed by not tape recording a conversation is that it is less immediately apparent to both parties what information is on and off the record. During a recorded conversation, an interviewee may ask me to "please turn off your tape recorder" before telling me something they did not wish me to write about. Similarly, I could make a point of turning the tape recorder off if an interviewee shared personal information. Without a tape recorder, I had to be much more explicit about my intentions. To do so, I reiterated the IRB consent process after the conversation by asking interviewees, "May I use this information you have shared with me in my research?" "May I tell your story to others?" "Is there anything you would like me to leave out?" "Would you like me to send you my notes?" In most cases, however, interviewees were far more concerned that I convey their message to as many people as possible, as soon as possible, rather than being interested in discussing issues of anonymity or confidentiality.



speech patterns and body language. As much as possible, my note taking was verbatim rather than thematic. I wanted to capture the exact phrasing used by interviewees so my notes focused mainly on the vocabulary, expressions, pauses and demeanor of the people I talked to.<sup>49</sup> This was particularly important in my research on the ICTR where I sought to understand very subtle interactions and impressions of Tribunal workers. Across each study, I wished to convey the jargon of women's human rights and development campaigns. Notable examples discussed in the following chapters include phrases like "a mission," "FGM," "grassroots seminar," "empowerment," "peasant," and "target population." Like academic jargon, these phrases often shed light on particular bureaucratic cultures, convey some key assumptions of women's rights campaigns, and in some cases even illuminate the ways women's rights advocates view themselves in relation to the people they are trying to assist. I transcribed the interviews immediately so the conversation and phrasing of the interviewee were fresh in my mind. I used a computer when available and handwritten notes when there was no electricity.

In the spirit of engaged ethnography, I also used "field notes" as a way to record and reflect on ICTR courtroom proceedings, rural seminars, community gatherings, church meetings, and conversations with women's groups, among others. As well as my interview transcript, I also wrote up separate notes on the circumstances and context of the interview, and reflections on my interactions with the interviewee. To name just two minor examples of this approach, my field notes of an interview with a senior East African ICTR prosecution lawyer (who I have not cited) in June 2005 recorded that he had a copy of Thomas Friedman's *The World is Flat* on his desk. My notes also mention that he wore

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<sup>49</sup> In Monduli and at the ICTR I usually had many opportunities to check information and revisit topics after the initial interview. In a few cases, I had interviewees confirm my transcripts.

argyle socks and that he quizzed me about the Oxford-Cambridge boat race of that year. My field notes describing an interview with a lower-level Rwandan case manager at the Tribunal (whom I have also not cited in the final version of this manuscript) mention that she had small notes with religious messages on her desk. While these details are not central to my argument, they helped me to reflect on the circumstances of each interview.

### *Limits*

Women's human rights challenge the unstable dichotomies of global and local, political and personal, strange and familiar, distant and intimate. As such, the study of women's human rights campaigns can touch on some very sensitive and controversial issues. In examining women's human rights campaigns, however, my emphasis is always on their everyday routines and social practices. I do not seek to expose any women's human rights campaigns and I steer clear of the sensationalist media accounts of "African corruption," or politicized assaults on "inefficient" UN bureaucracies, the "systematically mismanaged" Rwanda Tribunal, or supposed NGO incompetency.

In fact, accusations of "corruption" often result from de-contextualized understandings of women's human rights campaigns. Moreover, accusations of corruption have unanticipated social dynamics of their own. ICTR Interpreter Marie, for example, believes that the Tribunal is often accused of corruption because UN officials and Western journalists are suspicious of African employees' daily habits, such as lending money to friends and colleagues or sharing accommodation.

There were all these reports, bad press of systematic mismanagement. New journalists would come and ask about systematic mismanagement. But no

one came to investigate this systematic mismanagement. [...] It was Africa, corruption fits so well. Every time I hear about this corruption, it hurts.<sup>50</sup>

This project is neither an exposure of particular women's human rights campaigns nor a generalized indictment of the project of women's human rights. My goal is to reach an engaged and contextualized understanding of subtle dilemmas and politics of the social practices of women's human rights in specific social settings. As I emphasized to interviewees, I am interested in the *day-to-day* routines of women's human rights work, not its "secrets."

My effort to stay clear of the well-rehearsed discourse of "African corruption" is – I hope – evident in Chapter Five, *We Want You To Change*, which examines efforts to promote microcredit and micro-entrepreneurialism. Though not currently widely available, these loans are widely discussed in the Tanzanian media, NGO-run seminars, and government campaigns.<sup>51</sup> Small loans were also often the subject of discussions in village meetings and rural education campaigns that I attended and observed during my fieldwork.<sup>52</sup> However, I was asked by some informants not to write about specific incidents and conflicts between "grassroots" activists and local government officials. These silences are evident in my discussion of nascent credit project in Chapter Five. Due to the politically sensitive nature of government-NGO relations, NGO workers and

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<sup>50</sup> Interview with ICTR interpreter "Marie," Arusha, Tanzania, 11 July 2005.

<sup>51</sup> Though Tanzania has relatively few microfinance initiatives compared to South Asian and Latin American countries, the terms microcredit, small loans, entrepreneurialism, and income-generation dominated many of my discussions with gender advisers in UN agencies and donor offices.

<sup>52</sup> I also visited numerous small-scale NGO-like organizations in Arusha and Dar es Salaam which had started "income-generating activities." These income-generation projects usually revolved around the sale of beaded jewelry, often assembled by the intended beneficiaries of these organizations. During my visits to women's NGOs, I was sometimes told heartbreaking stories of unsold inventories and overseas volunteers who had absconded with cash. Suffice it to say that the dusty streets of Arusha are now lined with rows of women trying to sell beaded jewelry to European tourists on safari.

activists worried that local officials could block their embryonic projects. Thus, my investigation of women's empowerment and microfinance has a noticeably different tone to preceding chapters. Though I employ field notes to reflect on particular discussions of microcredit and empowerment in Tanzanian villages where possible, this chapter draws primarily on reports and position papers by NGOs, donors, aid agencies, and international organizations.

I also try to respect the ethical boundaries of social research. For instance, during my study of the ICTR I deliberately did not interview Tribunal witnesses, or visit safe houses. I did not want to violate spaces meant to protect anonymity, security, and wellbeing of witnesses; to do so would have been to replicate the ethical transgressions of some international investigators in Rwanda.<sup>53</sup> Instead, my study of routine interactions between Tribunal staff and Rwandan witnesses draws heavily on the words of people who worked closely with witnesses, including investigators, prosecutors, gender advisors and, particularly, interpreters and language assistants. I cite Tribunal witnesses only from public court transcripts using their ICTR code names, usually a two or three letter combination, and I use Binaifer Nowrojee's excellent 2005 report based on her interviews with former Tribunal witnesses.<sup>54</sup>

### *Caution*

Despite the East African governments' embrace of the language of *good governance* and the rituals of political liberalization, many government employees, NGO workers and even UN employees are very cautious in the ways in which they discuss and frame their activities in a

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<sup>53</sup> As documented in *Shattered Lives* 1996

<sup>54</sup> Nowrojee 2005

way I had not fully anticipated before I travelled to Tanzania for the first time in 2005. I have tried both to respect this caution *and* examine the political context of these concerns.

My first (and very welcome) lesson when I started my research at the Rwanda Tribunal in 2005 was not to use disciplinary jargon in conversations. I quickly learned not to ask an ICTR lawyer a general question about the *politics* of their work, a careless phrasing which I might use in an academic context. ICTR employees would understandably think a question about politics referred to the Tribunal's often fraught relations with the Rwandan government, a subject my research does not address in depth. Inevitably the response to any question like this would solicit the pointed response that "we have nothing to do with politics," an answer that is entirely appropriate in the context of a court. Instead, I learned to ask specific questions about the *difficulties* of Tribunal workers' interactions with Rwandan victims and witnesses, a phrasing that in fact much more accurately describes the concerns of my research. This language lesson became even more important in my subsequent discussions with Tanzanian women's rights and indigenous rights advocates because the Tanzanian government has explicitly admonished NGOs to refrain from politics, as noted in Chapter One.

Similarly, I learned to listen to silences. In June 2007 I was thoroughly scolded for carrying insufficient business cards and identification by an official at the Ministry for Community Development, Gender and Children after I inquired about the Tanzanian government's implementation of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol). Although the government signed the Protocol in 2003 and subsequently ratified the instrument in March 2007, I learned that its implementation remains controversial, perhaps even a bone of

contention between government officials and women's rights organizations. In retrospect, I should have known this. I had interviewed a women's rights advocate affiliated with a national civil society organization. She had emphasized "we are very optimistic there will be progress on this matter [of the Maputo Protocol] *in the future*."<sup>55</sup> Incidents like this helped me to appreciate more fully the subtleties and complexities of the relationship between women's rights activists and the Tanzanian government, despite their obligatory emphasis on their mutual understanding and cooperation. Similarly, this incident reminded me that while NGO workers or activists rarely directly criticize government inaction to "outsiders," they might provide important clues.<sup>56</sup>

Throughout my interviews, I noticed a recurring theme of job insecurity among middle-class African employees at international organizations and donor agencies. This anxiety appeared to me to be particularly heightened among African staff at the ICTR faced with the imminent prospect of the Tribunal's closure. Informally, my sense is that this insecurity is perhaps particularly high among Tanzanian, Rwandan (including Rwanda-Ugandan), and West African employees at the Rwanda Tribunal, and among the Tanzanian women who occupy some of the lowest paid positions in donor institutions and UN agencies in Dar es Salaam.

To avoid causing offense, I did not explicitly enquire about the insecurity I perceived to interviewees. However, I regularly heard generalizations that could explain my impressions. Several interviewees at the ICTR volunteered that many Africans

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<sup>55</sup> Anonymous interview, Dar es Salaam, Tanzania, 22 May 2007. More recently, the Women Legal Aid Centre has called for increased enforcement and implementation of the Protocol in Tanzania. See Kigwangallah 2009.

<sup>56</sup> On the other hand, anti-FGM activists who I had longer standing relationship with would talk to me confidentially about the difficulties they faced in their interactions with local officials. In these cases, I tried to convey that I understood their potentially precarious positions and would treat their information cautiously.

employed by international organizations have extensive obligations to a large network of family and friends who rely on their financial assistance, particularly in the absence of social security and service provisions. Yet, I cautiously suggest, the insecurity I perceived could also be symptomatic of Tanzanian, Rwandan and other African workers status as “native” employees in international organizations. The concerns of Rwandan interpreters at the ICTR illustrate this point. In two separate interviews, Rwandan ICTR interpreters “Peter” and “Monique” told me that their jobs were extremely stressful. Much of their work as interpreters involves translating for rural Rwandans who, in Peter and Monique’s estimation, are unable to string a sentence together. Moreover, both interpreters worried about constant corrections to their translations by the Accused in the courtroom. Both Peter and Monique were concerned that Tribunal lawyers and judges would think of them as incompetent for rendering apparently inaccurate translations. These concerns suggest, perhaps, that Peter and Monique felt scrutinized at an International Tribunal precisely because they are Rwandans.

Although my interpretation here is entirely speculative, I raise this issue to illustrate the politics of social research. Considering these complex and sometimes unpredictable dynamics, I have erred on the side of caution by using pseudonyms for most interviewees, although I have identified two collaborators, Aang Serian director Lesikar Ole Ngila and anthropologist and activist Gemma Burford Enolengila, with their permission. I use first-name pseudonyms throughout my study of the Rwanda Tribunal, even where informants did not request anonymity.<sup>57</sup> In other chapters, I usually refer to individuals by their job title rather than their personal names if they represent non-governmental organizations or

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<sup>57</sup> In most cases, I use first-name pseudonyms to contrast these individuals with the single or double letter bureaucratic identifying codes used for ICTR witnesses.

UN agencies. In Chapter Five, I examine a speech on empowerment made by a local politician for a rural women's group in northern Tanzania in the Arusha region. At the request of the women's group activists, I do not use the name of the politician or the village in question.

*Not exactly a woman*

Some scholars open their texts with a personal disclosure about their race, nationality, gender, sexuality and class (at times in the form an apologetic confession of their privileged social status in relation to their "research subjects"). While I believe it is always important to reflect on the privilege of authorship, particularly in transnational research, these disclosures at times obscure the ways in which a researcher's identity is never stable or fixed. As Richa Nagar and others have argued, the misleading notion of transparent reflexivity can "[reproduce] the idea of a detached, universalising gaze" of the author.<sup>58</sup>

Inevitably, my social position in relation to the "global" agencies and "local" communities I write about has thoroughly shaped my conversations, collaborations, and analysis at all stages of research and writing. Yet these dynamics manifested themselves in very different ways throughout my studies of the ICTR, rural Monduli campaigns against FGM, and development initiatives administered from Dar es Salaam. My identity "does not exist in isolation but only through mutually constitutive social relations."<sup>59</sup> In reflecting on these dynamics here, I wish to highlight the dynamic, shifting social relations that have shaped my research.

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<sup>58</sup> Nagar 2003, p.359; Pratt, 2000, p.641; See also Nagar and Swarr 2006

<sup>59</sup> Gillian Rose cited by Nagar 2003, p.359



After months of frantic emailing from Minnesota, I was able to apply for an ICTR external researcher identity card in May 2005. This card allowed me to access the ICTR building, library and courtrooms with relative ease.<sup>60</sup> It also helped me enter restricted areas, such as the Prosecutor's and Registry office buildings. (Incidentally, the card also served me well when I tried to enter any secure building in Dar es Salaam.) I believe I was able to obtain this card because a letter from Jim Johnson at the Interdisciplinary Center for the Study of Global Change (ICGC) at the University of Minnesota lent credence to my research in the eyes of ICTR registry officials.<sup>61</sup>

Counter-intuitively, perhaps, I believe I was able to have meaningful conversations with some ICTR staff in part because I appeared to be a comparatively young student or intern (despite my best efforts to appear older and scholarly).<sup>62</sup> Contrary to my expectations, this appearance was helpful at times because I was not immediately implicated in the bureaucratic politics of the ICTR. Perhaps some women's rights advocates at the Tribunal helped me out of a sense of responsibility to a younger person. For example, some female Tribunal workers explicitly addressed me as a woman ("As women, we know..."). On several occasions, prosecutors working on women's rights at the Tribunal encouraged me to pursue my research ("the world must know about these things you are studying").

My student appearance was a double-edged sword, of course. Perhaps it hampered my credibility during interviews with several more senior male ICTR prosecutors and

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<sup>60</sup> With the exceptions of a few closed sessions featuring very sensitive testimony, ICTR courtrooms are open to the public. In practice, however, I observed that Western tourists and students have much easier access to the Tribunal premises. A Somali undergraduate student from the University of Minnesota told me he was on several occasions prevented from entering the AICC compound in 2008. He was also stopped and questioned by the Arusha police outside the perimeter walls of the ICTR.

<sup>61</sup> I was on several occasions asked about the ICGC by Registry officials.

<sup>62</sup> I was often mistaken for an intern. Indeed, one of my most helpful guides to the Office of the Prosecutor was an intern working on an important case involving sexual violence.

registry officials, which were among my least fruitful conversations. One British prosecutor, for example, thought it necessary to instruct me on the most basic contours of the genocide convention for over an hour. After a series of intimidating experiences, I did not pursue any interviews with male lawyers who suggested meeting in bars.

### *Outsider*

Of course, I was an outsider at the ICTR. For example, I did not have privileged access to confidential files or insight into the personalities of judges, prosecutors and defense attorneys, as an employee might.<sup>63</sup> However, most ICTR facilities are housed in a single gated conference center so I was able to access public and informal spaces such as the cafeteria, kiosks, hallways, and smoking areas. This allowed me to get to know Tribunal staff through casual conversations. After spending four months at the Tribunal over a period of two years, I gained some day-to-day familiarity with the institutional routines of the Tribunal, as well as a degree of informal access. I was able to utilize “borrowed trust” from through word of mouth referrals and introductions.

While some of my interviews at the ICTR were quite intimate and revealing, my interviews with development workers, donors, World Bank economists, UN gender advisors, and even women’s NGOs in Dar es Salaam in 2007 were typically much more formal and structured. I also conducted my research by moving between organizations throughout Dar es Salaam, rather than anchored within one building. As such, I was not able to develop the same level of institutional familiarity or personal relationships. This dislocation may in some ways mirror the fragmentation of the international development

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<sup>63</sup> Frustratingly, my key card was often broken, forcing me to linger in hallways waiting for regular employees to unlock doors for me.

infrastructure, which is characterized by a myriad of overlapping but separate donor agencies, financial institutions, and government bureaucracies.

My situation while conducting research on FGM was entirely different again. I collaborated with a group of activists registered under the name Aang Serian over a period of three years. This collaboration was initially facilitated by my mother's acquaintance with Gemma Burford Enlengila, the British-born wife of the director of this organization, Lesikar Ole Ngila, both of whom I have written about in Chapter One. I stayed with Lesikar's extended family during most of my research trips, even when I was based at the ICTR. Among Aang Serian's inner circle I was simply a foreign student who "worked at the UN" and later accompanied Aang Serian group members as they researched and implemented their own FGM campaign. I was received among the wider Maasai community because I was associated with Lesikar. As a white "American" I was undoubtedly regarded as a privileged and, possibly, wealthy visitor. I was considered one of the oldest people in the homesteads and I was once assigned a bedroom reserved for honored elders.

Interestingly (and sometimes uncomfortably) I was not always perceived exactly as a woman in the villages of Monduli Juu. I had long hair and I wore trousers under my *kanga*. My lack of children was also a source of some debate (and amusement).<sup>64</sup> Nevertheless, I must have passed for a woman of sorts because I participated in women's gatherings, ate with women, slept in women's *boma*, and watched children.<sup>65</sup> Back in

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<sup>64</sup> In Monduli villages, Maasai girls must be circumcised to become women. Maasai women of all ages shave their heads. In contrast, *ilmurran* (young male warriors) wear their hair long. Furthermore, a woman's social status depends largely on her children.

<sup>65</sup> As I discuss in Chapter Five, Maasai women in Monduli villages generally eat separately from men and keep separate *boma*.

Arusha town, I was on occasion accompanied by *ilmurran*, transient Maasai warriors looking for paid work, when I walked to meetings at night for my “safety.”<sup>66</sup>

### **Opening up**

This project examines the politics of women’s human rights campaigns in East Africa.

This chapter has explained how my research process was not just about data collection, it was itself structured by worldly encounters. Having laid the conceptual and methodological foundation for this project, the following three chapters investigate three global campaigns to promote women’s rights. In the following chapters, I examine the ways in which global terminologies, strategies and campaigns in the area of women’s human rights function as grounded practical projects that invariably *travel and transform* as they do their work. By examining the everyday practices, processes, and social relations that characterize international women’s rights campaigns, I argue, we are able to understand the politics of global governance and women’s human rights in new ways.

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<sup>66</sup> This was particularly interesting to me. At the ICTR, a few staffers expressed concern about my safety walking the “dangerous” streets of Arusha. *Ilmurran*, in contrast, offered to accompany me when I had arranged to interview “drunken foreigners” (ICTR lawyers) after dark.

## CHAPTER THREE

### A Culture of Global Justice:

#### Women, Violence, and the Rwanda Tribunal

*Yusuf, a Tribunal Prosecutor and human rights lawyer from West Africa, tells me he was “amazed” that so many women have come to testify at the ICTR. “I don’t think I would give my story,” he reflects. “Without these [witnesses], the Tribunal cannot do anything. These people are barely surviving... and we have jobs here because of these people.”<sup>1</sup>*

The International Criminal Tribunal for Rwanda (ICTR) was established by the United Nations’ Security Council in the immediate aftermath of the 1994 Rwandan genocide.<sup>2</sup> Its mission was to hold the perpetrators and planners of the Rwandan genocide criminally responsible for their crimes, ensure that human rights “violations [were] halted and effectively redressed,” and “contribute to the long-term process of national reconciliation in Rwanda.”<sup>3</sup> As part of this mandate, the ICTR aims to “secure justice for women” and was empowered by the Security Council to prosecute those responsible for the massive

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<sup>1</sup> I interviewed ICTR prosecutor “Yusuf,” not his real name, on several occasions between June and August 2005 in Arusha. This conversation took place 5 July 2005.

<sup>2</sup> United Nations’ Security Council Resolution 955, 8 November 1994. The Rules of procedure and evidence adopted on 29 June 1995. Despite its initial support for an international court, the representative for the Rwandan Government, at the time a non-permanent member of the Security Council, ultimately voted against the Tribunal reportedly over its inability to impose the death penalty. Nevertheless, the representative did endorse the notion of individual criminal responsibility through the Tribunal. Cited in Eltringham 2006, footnote 38.

<sup>3</sup> Resolution 955; Annan 1998

sexual violence directed at women and girls during the genocide.<sup>4</sup> The Tribunal is celebrated as the first international tribunal to successfully prosecute mass rape as a war crime, a crime against humanity, and as an element of genocide. In fact, commentators argue that the Rwanda Tribunal has revolutionized women's human rights.<sup>5</sup>

In this chapter I examine how global justice for women is produced through the politics of translation and negotiation. I investigate the everyday practices that shape the Rwanda Tribunal work on women's human rights, specifically the routine encounters between ICTR staff and the genocide survivors who serve as Tribunal witnesses. This chapter reflects on the tensions between, on the one hand, the ICTR's important efforts to advance international criminal and humanitarian law and, on the other hand, the way in which ICTR staff are able to interact with the genocide survivors who are, in Prosecutor Yusuf's words, barely surviving. The project of global justice intrinsically depends on its relationship with victims, witnesses, and survivors; only the stories of Rwandans can open the door to the goal of international justice and the end of impunity. At the same time, however, the practices of global justice can counter-intuitively reinforce the *distance* between "local" victims and the expansive ambitions of global justice. Global justice, as it is practiced at the ICTR, is not about witnesses, victims, or even about Rwandans. It is always about something else; the global project of international justice is written on the lives of people in places.

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<sup>4</sup> UN Security Council Resolution 955, Articles 3 and 4; Statute of the ICTR, Article 3(g). The Tribunal Statute codified sexual violence as a violation of Common Article 3 of the Geneva Conventions (war crimes), as a Crime against Humanity, and as a violation of the Geneva Conventions and Additional Protocol II. In 1998 the ICTR delivered the first genocide conviction since the adoption of the Genocide Convention in 1948, as well as the first-ever conviction for rape as genocide. Rape is prosecuted as a violation of Common Article 3 of the Geneva Conventions, as crime against humanity and under the definition of Genocide.

<sup>5</sup> For example, Askin 2005; Moghalu 2005, p.82

Scholars have examined the emergence and development of international norms against sexual violence in conflict. There is also a growing literature on the contributions of international tribunals and courts in indicting and prosecuting those responsible for sexual violence.<sup>6</sup> Yet despite this sizable body of scholarship, few researchers in the fields of international relations and international law pay attention to everyday social and cultural practices that shape international tribunals.<sup>7</sup> This is a significant omission. As anthropologist Sally Engle Merry argues, international institutions are complex social systems. They are “created by [a] culture of transnational modern society... shaped by cosmopolitan elites from around the world.”<sup>8</sup> International legal institutions are sites of culture; a culture that is simultaneously characterized and obscured by routine rational-legal bureaucratic practices and cosmopolitan norms of behavior. “Here there is law, with culture hiding from view, buried in the everyday practices of modernity,” writes Merry.<sup>9</sup>

### *Outline*

In Part One I introduce the Arusha Tribunal and I describe key ethical issues in my research. In Part Two I explain why the ICTR is celebrated for its contributions to women’s human rights. Though ICTR jurisprudence is not the key focus of this chapter, I examine a key judgment rendered by the Tribunal concerning sexual violence in conflict situations.<sup>10</sup> Parts Three and Four investigate the central concerns of the chapter. Though

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<sup>6</sup> Examples include Askin 1997, 1999, 2007; Barria and Roper 2005; Moghalu 2005

<sup>7</sup> This argument is also made by Barnett and Finnemore 2004; Barnett and Duvall 2004

<sup>8</sup> Merry 2006, p.100. In this particular discussion Merry specifically addresses the institutional machinery surrounding the CEDAW process.

<sup>9</sup> *Ibid.*, p.102

<sup>10</sup> The argument of this chapter is neither predictive nor prescriptive. I have not sought to evaluate the ICTR’s contribution to international norms concerning women’s human rights and sexual violence. Such evaluations, I believe, would be both unfair and premature; the Tribunal is part of a fragmented and arguably *evolving* system of international law and global governance.

the massive violence of 1994 has been described as “unthinkable” and “unimaginable,”<sup>11</sup> the Tribunal relies on victim and witness testimony. As such, unspeakable violence must be articulated in the language of international law mediated through the mechanisms of the ICTR bureaucracy. Focusing on ICTR cases involving mass rape and sexual violence, I examine if, when, how and under what conditions victims of sexual violence are able to tell their stories to representatives of the International Tribunal.<sup>12</sup> I am particularly interested in the routine procedures that structure Tribunal workers’ encounters with Rwandan victims and witnesses. I examine how Tribunal workers investigate genocidal violence, locate victims, gather witness statements in Rwanda and render individuals’ stories of unimaginable suffering “fit for public appearance” at the Arusha Tribunal.<sup>13</sup> I look at how prosecutors take witnesses through their stories in a courtroom, how attorneys subject witness testimony to cross-examination, and how interpreters translate for witnesses. I reflect on some of the complex dilemmas and encounters that characterize the practice of global justice, including the divisions of labour between international lawyers, technical workers, local intermediaries and NGOs. I contrast this analysis with an examination of *gacaca* tribunals in Rwanda in Part Five. While the jurisdiction and *modus operandi* of the International Tribunal and these “grassroots courts” are entirely different, I argue that some of the practices of the *gacaca* provide interesting points of continuity with those of

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<sup>11</sup> I borrow these terms from Philip Gourevitch, who has argued “The language that’s used most frequently in response to something like Rwanda is “unspeakable,” “unthinkable,” “unimaginable.” And [in the case of Rwanda] those all struck me as words that get you off the hook and then in a sense give you license for both kinds of ignorance: literal ignorance – not knowing – and ignoring.” Interviewed in Dawes 2007, p.60.

<sup>12</sup> These questions are inspired in part by Dawes’s (2004) article on international organizations “who intervene in humanitarian crises by using language instead of food, medicine, or weapons, organizations whose most important act is, finally, not delivering supplies but asking questions” (p.249). Examining how NGO workers and UN staffers engage in representational strategies, Dawes seeks to “understand not only how we can use language to alter the operations of violence but also to see how, by using language in such ways, we might be altered” (p.250).

<sup>13</sup> Arendt 1998 [1958], pp.50-1



the Arusha Court. By tracing ways in which key dilemmas of the ICTR are at times replicated in a putatively grassroots tribunal, I aim to highlight the ways in which “justice for women” at the ICTR and the *gacaca* is always translated and negotiated through “local” social practices that can, at times, re-inscribe Rwandan victims of sexual violence as marginal, parochial objects of justice.

### **Research location and research politics**

The ICTR is not in Rwanda. This is a source of controversy. In 2003 former Rwandan Attorney General Gerald Gahima said of the ICTR “It has had no impact in our country. Few people know about it, let alone care.”<sup>14</sup> Binaifer Nowrojee, lead author of the groundbreaking Human Rights Watch *Shattered Lives* report, wrote in 2005 that “Little or no information about the trials at the ICTR reaches the majority of Rwanda’s population.”<sup>15</sup> She observed that the Tribunal’s location prevents most Rwandans from knowing about its work; “The distance, both physical and virtual, that divides the ICTR from the ordinary Rwandan has diminished its impact within the society.”<sup>16</sup>

The Tribunal is housed at the Arusha International Conference Centre in northern Tanzania. Arusha, with a population of approximately 270,000, is sometimes referred to as the “Geneva of Africa.” The town also hosted the ill-fated Arusha Accords, the peace agreement that sought to end the civil war between the MRND Rwandan Government, the Rwandan Patriotic Front and other factions in 1993. Ironically, during the regime of President Habyarimana, Rwanda was sometimes known as “little Switzerland” in reference

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<sup>14</sup> Gahima quoted by *BBC News Online*, 28 August 2003; Moghalu 2005, p.65 also refers to this report.

<sup>15</sup> Nowrojee 2005, p.20

<sup>16</sup> *Ibid.*

to its perceived political and economic stability.<sup>17</sup> To be clear, the Tribunal has maintained a media information centre called *Umusanzu mu Bwiyunge* (Contribution to Reconciliation) with a library, video facilities and copies of Tribunal judgments in Kigali since 2000.<sup>18</sup> In November 2008, the year the ICTR was scheduled to close, the Tribunal Registry began the process of setting up ten documentation centers aimed at lawyers in provincial courts throughout Rwanda with funds raised in part by the European Union.<sup>19</sup> Yet it is safe to say these efforts have done little to remedy the informational vacuum for most Rwandans who do not speak French, do not live in urban areas, and may not be literate. In informal conversations at the Tribunal low-level staffers lamented that ordinary Rwandan witnesses, many of whom are rural women who in witness statements describe themselves as farmers or peasants, are rarely informed about the outcomes of trials they participated in at great personal cost. In an informal conversation, one Tribunal prosecutor wondered out loud, “Why don’t they just send someone [...] to every village after each judgment? How much could that cost?”<sup>20</sup>

### *Research politics*

In a strange contrast to the void of information in Rwanda, many journalists, academics, lawyers and NGO workers have spent much time encouraging victims of the Rwandan Genocide to recall, recount and repeat their stories of suffering since 1994.<sup>21</sup> NGOs such

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<sup>17</sup> See Barnes 2004, p.134

<sup>18</sup> Moghalu 2005, p.74

<sup>19</sup> Sabiiti 2009; ICTR Newsletter, February 2009, pp.8-9

<sup>20</sup> Interview with an ICTR prosecutor, 27 July 2006, Arusha, Tanzania.

<sup>21</sup> Many legal documents and human rights reports have described the intensity of genocidal violence, particularly sexual violence against women. Alongside Alison Des Forges’s 1999 *Leave None to Tell the Story* and the 1995 African Rights report *Death, Despair and Defiance*, the seminal Human Rights Watch report *Shattered Lives: Sexual Violence during the Rwandan Genocide* authored by Binaifer Nowrojee published in 1996 probably made the single greatest contribution to international understanding of the gendered violence of the genocide – and its aftermath. This report spurred action among donors and international organizations,

as African Rights, Survivors' Fund and Human Rights Watch have undertaken the important task of collecting survivor testimony since April 1994.<sup>22</sup> Some researchers have sought to publicize on-going conflicts in Central Africa by graphically describing the violence of the genocide. Development workers hoping to obtain funds for their projects have on occasion described the heroic feats of genocide survivors.

Yet collecting witnesses' stories also raises important ethical dilemmas. Edward Behr's 1981 tale of an unnamed British war correspondent has been widely circulated to illustrate precisely this point. As Behr's story goes, the journalist arrived in a Congolese airport shouting at a crowd of Belgian colonial evacuees, "has any one here been raped and speaks English?"<sup>23</sup> In their extensive report published immediately after the Rwandan genocide and subsequently expanded in 1995, researchers from the NGO African Rights explain that their witnesses (and the Kinyarwanda-speakers who acted as interpreters) often found the process extremely difficult. "Their pain and loss was so great and so recent that many were still in a state of shock. Some were in great physical pain."<sup>24</sup> No one writing about genocidal violence in order to advance their own professional goals – a novel, report, or this dissertation project - can entirely avoid being part of this political economy of suffering. Perhaps the best we can hope for is that we are acutely aware of these competing interests.

This chapter examines the negotiations and translations – *the politics* - that characterize the project of international justice for women, as it is envisioned and practiced at the ICTR. As such, I do not claim to convey witnesses' experiences at the ICTR. As

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including the ICTR. See ICTR, Transcript of the testimony of expert witness Binaifer Nowrojee 12 July 2004 and 16 May 2005.

<sup>22</sup> See for example African Rights 1995 and *Shattered Lives* 1996.

<sup>23</sup> As reported by Behr 1981 and Drakulic 1994, p.178

<sup>24</sup> African Rights 1995, p.xvii

discussed in Chapter Two, I have not interviewed Tribunal witnesses or people who are categorized as genocide survivors.<sup>25</sup> I also did not visit safe houses or any other spaces that are meant to protect the anonymity, security and wellbeing of witnesses. Instead, this chapter focuses on the *worldly encounters* that face ICTR staff as they interact and negotiate with the people whose stories they need to hear in order to locate, indict, prosecute, defend, or convict (potential) *génocidaires*. To examine these encounters, I draw on interviews with prosecution lawyers, case managers, investigators and researchers, registry officials and senior administrators, as well as my observations of ICTR hearings and public court documents.<sup>26</sup> Much of this chapter focuses on the work of the Tribunal's technical staff, particularly interpreters, whose assigned tasks force them to reflect on the multi-faceted processes of translation and negotiation that underpin the work of the ICTR.

### **The ICTR and women's human rights**

The ICTR was scheduled to complete its work at the end of 2008. This deadline has been extended to 2010. When the Tribunal finally transfers its cases to Rwanda or other legal

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<sup>25</sup> Although this category is sometimes employed by scholars, journalists and international organizations to describe any Rwandan who suffered during the genocide, the term *genocide survivor* is used by the Rwandan government to describe ethnic Tutsi who were living in Rwanda during 1994. *Survivors* are sometimes afforded special status in government or international humanitarian efforts, development projects, or justice initiatives. The term is one of many "politically correct" social categories used in Rwanda to situate people in relation to the genocide without using ethnic identifiers. Tutsi who left after the 1959 independence movement and returned after the genocide are commonly referred to as *returnees*, *old-caseload*, or *59ers*. (These phrases are sometimes used to refer to the post-1994 political and economic elite in Rwanda, many of whom were Tutsi refugees in Uganda.) The terms *refugees* and *new-caseload* refer to Hutu who fled Rwanda in 1994 and returned after 1996. In many official documents, news reports and academic studies the awkward phrases such as "general population," "the masses," or "ordinary people" tend to imply Hutu. Though the Government of Rwanda has outlawed the use of ethnic terminology, these "politically correct" phrases can be politically loaded. For example, the phrase *the general population* may be used in a way that assigns responsibility for the genocide to all Hutu. The term *survivors* may be used to imply Tutsi privilege. For more discussions of these terms see for example Pottier 2002; Barnes 2004, pp.146-7; Molenaar 2005.

<sup>26</sup> I also spent time at the International Criminal Court in The Hague where I met people organizing safe house facilities, gathering compensation claims, and thinking through the politics of women's rights. I also spoke to activists from NGOs working with the ICC, as well as lawyers based at the International Criminal Tribunal for the Former Yugoslavia.

jurisdictions it will undoubtedly face mixed reviews regarding its relevance to ordinary Rwandans, its failure to investigate RPA/RPF war crimes, and many other issues. Yet, despite these controversies, the Arusha Court's contributions to women's rights have been widely celebrated.

In September 1998 the ICTR delivered the first genocide conviction since the adoption of the Genocide Convention in 1948, as well as the first-ever conviction by an international judicial body for rape as a crime against humanity, a war crime, and an act of genocide.<sup>27</sup> The Tribunal found Jean-Paul Akayesu, *bourgmestre* (mayor) of the commune of Taba in Butare condoned and encouraged “by his presence and actions” the rape of numerous women outside his communal offices. The ICTR ruled that Akayesu had presided over systematic rape of Tutsi women by the *interahamwe* (militia) under his command.<sup>28</sup> The judgment stated that sexual violence was an element of genocide as defined under the 1948 Genocide Convention because rape constitutes infliction of serious bodily and mental harm on victims, which resulted in the “physical and psychological destruction of Tutsi women, their families and their communities.”<sup>29</sup> Sexual violence “was a step in the process of destruction of the Tutsi group, destruction of the spirit, of the will to live, and of life itself.”<sup>30</sup> The judgment also established that the *bourgmestre* was personally criminally responsible for sexual violence committed by militia under his command near the *Bureau Communal*. As then Tribunal Judge Navanethem Pillay of South Africa explained, “[A]lthough Akayesu did not himself kill or rape anyone, he incurred

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<sup>27</sup> *Akayesu* Judgment 1998. In other words, the Court found that rape was used as part of the attack against the civilian population. This marked the first conviction for rape as a crime against humanity; other military tribunals included rape as form of “inhumane treatment.”

<sup>28</sup> Askin 1999, p.107

<sup>29</sup> *Akayesu* Judgment 1998, paragraph 731

<sup>30</sup> *Ibid.*, paragraph 732

criminal responsibility as he facilitated the commission of wrongful acts “through his words of encouragement [...] which, by virtue of his authority, sent a clear signal of official tolerance for acts of rape.”<sup>31</sup>

The ICTR’s landmark judgment has been widely discussed. Most reports, however, obscure the activism of women’s human rights advocates outside and within the court that led to the conviction. Akayesu’s original indictment did not include a charge of rape, despite evidence gathered and documented by human rights organizations and women’s groups that pointed to widespread sexual violence in Taba commune. Judge Pillay, at the time the only female judge appointed to the ICTR, played a key role in facilitating the amendment of Akayesu’s indictment. Currently UN High Commissioner for Human Rights, Pillay was at the time a member of the Advisory Board for an international women’s NGO, the Sisterhood Is Global Institute (SIGI) and an active participant at the 1994 United Nation’s Conference in Vienna.<sup>32</sup> Judge Pillay temporarily suspended the trial after testimony from witnesses known as Witness HH and Witness J. Witness J spontaneously testified that militia under Akayesu’s command had raped Taba women and girls, including her then six-year old daughter. Witnesses told the Court how they were beaten, mutilated, and raped in fields and near the *Bureau Communal*, which was controlled by Akayesu. Women and girls were also forced to walk naked and perform gymnastics for crowds in the streets. On 17 June 1997 Prosecutors amended Akayesu’s original indictment to include charges of rape as a crime against humanity, a war crime and genocide.<sup>33</sup>

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<sup>31</sup> Pillay 2000. The *bourgmestre* was held criminally responsible for sexual violence committed by the militia under his command on the basis of senior and command responsibility.

<sup>32</sup> Constitutional Court of South Africa 1994

<sup>33</sup> Akayesu was charged with rape and inhumane acts as crimes against humanity, with outrages upon personal

This amended indictment was also made possible by pressure from women's rights activists, notably the Coalition for Women's Human Rights in Conflict Situations. Under the umbrella of the Coalition, a sizable and international group of legal scholars and NGO representatives submitted an *amicus brief* to the ICTR in May 1997. The brief laid out a case for an amended indictment that included rape charges.<sup>34</sup> The efforts of these advocates were supported by a small group of Tribunal Prosecutors and case managers, including a number of African women lawyers well-versed in human rights and domestic violence issues. Newly established sexual assault investigation teams in the Office of the Prosecutor also facilitated the amended indictment.<sup>35</sup> In addition, Rwandan and international women's groups traveled to Butare to collect women's testimonies to boost Tribunal Prosecutors' efforts.<sup>36</sup>

As legal scholars have argued, the *Akayesu* judgment was unequivocally groundbreaking. Another ICTR witness, JJ (not J), testified that Akayesu had told the *interahamwe*, "Don't ever ask me anymore how a Tutsi woman tastes,"<sup>37</sup> which helped to establish Akayesu's genocidal intent. The judgment also formulated the first definition of rape in international law. Reflecting the pattern of sexual violence during the genocide, the Tribunal broadly defined rape as an act of sexual violence "which is committed on a person

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dignity as a war crime, and with genocide. "Counts 1 and 2 of the Amended Indictment were referenced in the rape allegations, thus allowing the rape crimes to be considered in the genocide findings." *Akayesu*, Amended Indictment cited in Askin 2005, p.1009.

<sup>34</sup> Coalition for Women's Human Rights in Conflict Situations 1997. See also Moghalu 2005, pp.81-2

<sup>35</sup> These teams were established during the tenure of the Tribunal's Canadian chief prosecutor Louise Arbour. For a brief discussion see Moghalu 2005, pp.60-1 who focuses on Arbour's role in these developments. Based on my own informal and off the record conversations with ICTR staff, I would tentatively suggest, however, that these teams may have been the result of efforts and internal advocacy of prosecutors and case managers with a grounding in feminist issues and women's human rights. Some of these attorneys, mainly women, had previously worked on domestic violence issues in their home countries.

<sup>36</sup> A UNIFEM staff member based in Rwanda interviewed in 2008 by Valji 2008.

<sup>37</sup> Askin 1999, p.107

under circumstances which are coercive.”<sup>38</sup> This definition sought to reflect the way in which sexual violence was performed with weapons, glass and wood to torture victims during the genocide. This broad definition was incorporated in other judgments, including the *Gacumbitsi* decision of 2004.<sup>39</sup>

As such, the ICTR has made very important contributions to international case law surrounding sexual violence. Since *Akayesu*, more leaders have been indicted and convicted of sexual violence during the genocide.<sup>40</sup> Others have been acquitted. At the time of writing several key trials are on-going, including the *Butare* trial of former Rwandan minister of Family and Women Affairs Pauline Nyiramasuhuko and her co-defendants. Nyiramasuhuko is the first woman ever indicted for rape in an international tribunal. Moreover, as I discuss below, the Tribunal has developed institutional procedures and resources available to witnesses and victims of sexual violence. These innovations have informed the Statute and procedures of the International Criminal Court, as well as other international and semi-international tribunals and courts. In turn, it is likely that developments at the ICTR have influenced national jurisdictions, including the Rwandan legal system.

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<sup>38</sup> *Akayesu* Judgment, paragraph 688

This decision could mean, for example, that coercion would not have to be determined for each individual act because the broader environment of genocide would constitute “a coercive environment.” This definition also held that penetration did not have to occur with a penis (reflecting the way in which many women were raped with objects such as broken bottles, machete, or spears). This innovation is widely attributed to Judge Pillay.

<sup>39</sup> Some commentators suggest the contribution of the *Akayesu* judgment may have been weakened by subsequent case law. Moreover, some critics have dismissed the *Akayesu* judgment as “feminist judicial activism.” See discussion in Moghalu 2005, pp.82-3.

<sup>40</sup> *Akayesu* paved the way for other decisions including *Furundzija*, *Celebici* and *Kunarac* at the Yugoslavia Tribunal. In *Kayishema and Ruzindana* ICTR judges found that sexual violence was part of the genocide, even though the indictment did not include any mention of these crimes. In *Semanza* the original indictment was amended to include sexual violence as a war crime and a crime of humanity (torture by means of rape), although the defendant was acquitted of several of these charges. The *Gacumbitsi* decision held the mayor of Rusumo commune responsible for rape as genocide and extermination. See Askin 2005.



## Victims, witnesses, and testimony

Indictments and judgments are made possible by witness testimony. Ordinary Rwandan people like witnesses J, H, and JJ were asked to tell their stories to Tribunal investigators, language assistants, NGO workers, lawyers and Judges in Arusha courtrooms. How do ICTR workers convince people to tell their stories? What kinds of negotiations and translations does the story-telling process involve? Despite a growing literature on the Rwanda Tribunal, few researchers have examined the encounters between International Tribunal staff and the witnesses they rely on.<sup>41</sup> In this way, authors have largely failed to examine the practices of international justice in relation to women's human rights.

International observers and human rights workers arrived in Rwanda to investigate genocidal violence in August 1994. These first investigation teams included Dutch and Canadian police officers.<sup>42</sup> While few studies have documented how these investigators went about their tasks, the Human Rights Watch report *Shattered Lives* criticized ICTR investigation methods. The report argued that Tribunal investigators, usually men, rarely asked Rwandan women about sexual violence.<sup>43</sup> Along similar lines, the late *Boston Globe* journalist Elizabeth Neuffer found that "With little or no experience investigating sex crimes, [UN investigators] often didn't ask about rape or didn't consider it important enough to ask about." Women in Taba commune told Neuffer that they did not report that they had been raped. They found it difficult to approach investigators, "mostly white

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<sup>41</sup> To my knowledge, only a few authors have investigated witnesses' experiences at the Tribunal. Journalist Elizabeth Neuffer (2001) traced key witnesses in the Akayesu trial. Language and literature scholar James Dawes (2007) examines cross-examinations of an expert witness, UNAMIR commander Roméo Dallaire, by defense lawyer Peter Erlander at the ICTR. Human Rights Watch researcher Binaifer Nowrojee (2004) has interviewed former ICTR witnesses.

<sup>42</sup> "ICTR Interpreter Monique" 2006. Interview. Arusha, Tanzania. 15 July; Loeky Drosen of Women's Initiatives For Gender Justice 2005. Interview. The Hague, The Netherlands. 15 May 2005.

<sup>43</sup> *Shattered Lives* 1996, p.95

males,” who “roared into the villages in their white UN Jeeps and then treated survivors with condescension, as if they were stupid rather than traumatized.”<sup>44</sup> The Human Rights Watch report also concluded that even those rare investigators who documented sexual violence did not gain the confidence of survivors and failed to ensure that witnesses were protected from possible retaliation. Interviews were not conducted in private or by individuals whom survivors felt they could trust.<sup>45</sup>

Cee, an ICTR prosecution investigator and former police official, was not part of those initial teams.<sup>46</sup> He came to work in Rwanda in the late 1990s because, as he explains, “so many people were dead.” As well as many other tasks, investigators like Cee gather witness statements. Many of these statements were collected in the 1990s, though some were gathered more recently. A large number of the statements are taken from Rwandan women because women disproportionately survived the genocide.<sup>47</sup>

Cee locates witnesses by gathering names, places and other “leads” from previous ICTR investigations and by talking to “multiple sources in the field.” When he goes to a village, he first approaches local authorities, particularly the *bourgmestre* (communal leader or mayor).<sup>48</sup> These officials might provide advice or names of “potential informants” from their lists of survivors.

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<sup>44</sup> Neuffer 2001, p.278.

<sup>45</sup> *Shattered Lives* 1996

<sup>46</sup> I interviewed Cee on 17 July 2005. I have changed his name and identifying personal information. All subsequent citations from Cee in this chapter refer to this interview.

<sup>47</sup> Women and girls accounted for over seventy percent of the Rwandan population in the period immediately after the genocide before the return of many male refugees. See *Shattered Lives* 1996.

<sup>48</sup> The *colline* (hill) and the *cellule* (cell) are the smallest units of local governance in Rwanda. *Bourgmestres* were very powerful heads of *communes* (administrative units below prefectures and sub-prefectures units) with populations usually numbering between 40,000-50,000. *Bourgmestres* could call local meetings and give instructions to the population. The administrative structure of Rwanda was reorganized and decentralized in 2006. See *BBC News Africa*, 3 January 2006.

The first UN investigation teams were “reluctant to work with local women’s organizations to identify women victims of rape.”<sup>49</sup> Nowadays, Cee may get information about victims of sexual violence from women’s groups and survivors organizations such as Avega Agahoza, the association of genocide widows, or Ibuka, the umbrella NGO representing genocide survivors.<sup>50</sup> Gossips are important too, Cee explains, “You can trap gossip. Let them talk and trap some information.”

Investigation work is very sensitive. Rwanda is a small and very densely populated country where many people engage in subsistence farming. Human rights organizations and journalists report that Tribunal witnesses and other genocide survivors have been ostracized, violently harassed, or otherwise victimized.<sup>51</sup> “If you bring the witness in the open, everyone will know what’s happening and the witness could be in danger,” says Monique, a Rwandan interpreter who translates for investigators. For this reason, Cee takes precautions: he avoids public places, particularly bars.

Importantly, Cee does not initially tell people he is a Tribunal investigator. Like other ICTR investigators, he says he must always negotiate the conditions under which witnesses will be willing to talk to him. “We say we are from some NGO. Once we are

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<sup>49</sup> *Shattered Lives* 1996, p.95

<sup>50</sup> Avega Agahoza (usually referred to just as Avega) is a well-known genocide widows association with 25,000 members throughout Rwanda. Its work focuses mainly on advocacy and services for victims of sexual violence. See African Rights 2004, pp.93-4. Ibuka (literally “remember”) was founded by prominent genocide survivor Bosco Rutagengwa. The Rwandan government and international donors have actively encouraged and supported the formation of women’s groups in Rwanda since the mid 1990s. Organizations include support groups, professional organizations, co-operatives, and grassroots socio-economic development projects. Notable examples include *Pro-Femmes Twese Hamwe*, *Urunana Rm’abashaka Amahoro* (“The chain of those in search of peace”) and *Abishyamba* (the association of “those who came together”). There are women’s committees at each level of government administration. Women occupy a small number of influential positions in important national ministries. See for example Neacsu and Mumukunde 2004.

<sup>51</sup> Witnesses who testify at the Tribunal, most notably the female witnesses at the *Akayesu* trial, have reportedly been treated as social outcasts years after their return to their home communities from Arusha. The *Akayesu* witnesses were denied services by Hutu business owners including bus drivers and shopkeepers, as well as by fellow Tutsi survivors who feared that by associating with witnesses they too would be accused of working for the ICTR. Some witnesses have been attacked and killed. See Neuffer 2001. For more details on harassment of gacaca witnesses, see below.

one-to-one [with a witness] we tell them we are from the ICTR,” Cee explains, a maneuver that reflects the controversy the ICTR provokes in Rwanda. To insure witnesses’ safety and the accuracy of the information they provide, Cee speaks to interviewees in private. Yet privacy is not a straightforward solution to the insecurity faced by many victims of sexual violence. Rwandan women interviewed by Human Rights Watch researchers reported that that they would have reported sexual violence to “someone from the community or a women’s organization with whom they are familiar.”<sup>52</sup> Similarly, women interviewed by Binaifer Nowrojee “indicated that they are more comfortable telling their testimonies to women investigators, and when necessary with women interpreters, in large part because of the stigma attached to rape.”<sup>53</sup> Notably, the Human Rights Watch researchers found that *survivors* prefer to talk to other female genocide survivors, not with (Tutsi) *returnees*, indicating the very contextual politicized tensions that underlie investigation work.<sup>54</sup>

It is important to “give time” to your sources, Cee says, “Let people keep on talking.” Still, it is very hard to get “leads” on sexual violence. “Gender crimes are not well reported. This is to do with the sensitivity of a crime. [...] Victims will not say rapes were being committed.” Moreover, while attackers might admit to murders in a local Court, they will usually deny having committed sexual violence. According to Cee, “If you interview a witness who is a Hutu from the attackers’ side, he will not tell you anything [about rape]. He will not admit anything due to the sensitivity of the crime. No one wants to admit publicly...”

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<sup>52</sup> *Shattered Lives* 1996, p.95.

<sup>53</sup> *Ibid.*, p.95

<sup>54</sup> *Ibid.*, p.3

If there are no leads, Cee examines the sites of the massacres, “bodies were found in such a way that you can develop a crime scene.” Survivors may also be able to describe the site of a massacre. Some “would come back to the hill of a massacre in the evening to see who had died. The killings would cease at night as attackers went home to sleep, eat and drink. The survivors can describe a crime scene, paint a picture, which provides leads and could lead you to women survivors.”

*“Now you come back to ask questions.”*

Investigators are usually accompanied by language assistants who interpret from Kinyarwanda to English or French. Monique, a Rwandan interpreter, has accompanied the first teams of UN and ICTR investigators since 1994.<sup>55</sup> “People were very wounded. Too much suffering,” she reflects.

Monique usually uses the third person past tense when describing the events that occurred in Rwanda over ten years ago. At times, however, Monique and other Tribunal interpreters sometimes switch tenses and personal pronouns, as if they are speaking on behalf of Tribunal witnesses. Describing her initial encounters between Rwandans and international investigators, Monique reflects that Rwandans “didn’t like to speak to *wazungu* (foreigners, white people). [...] Most of the people in Rwanda, especially victims, they were accusing the international community for having forsaken them. You people abandoned us... and now you come back to ask questions.”

Many people in Rwanda refused to speak to the Tribunal investigators. Monique remembers, “Sometimes they say, I don’t know. Christians will say, I have no interest in

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<sup>55</sup> I interviewed ICTR Interpreter “Monique,” not her real name, on 15 July 2006 in Arusha. I have changed her name and identifying personal information. All subsequent citations of Monique refer to this interview. While I contrast their accounts here, Cee and Monique do not work in the same team.

accusing anyone. God will punish. Some say, you won't raise my family from the dead. [...] Most people who have refused [to talk to us] just say, I don't have information."

In these difficult circumstances, Rwandan-speaking language assistants like Monique did much more than provide technical help. It fell upon Monique to convince witnesses to speak to investigators. "It was up to the interpreter to bargain and pull them down [convince them] so that they would speak," she explains. "And it's up to you, the interpreter, to make the meeting easier," she reflects.

Monique would tell witnesses, "we are sorry, we understand. But we must know the truth so the criminals can be punished." With the help of the local *bourgmestre*, Tribunal investigators would continue to question reluctant witnesses if they believed a person could provide good information, explains Monique. "You go back to the person. You say to them that he can really help." Sometimes, she feels that investigators "will insist too much."

"It was not easy," Monique tells me again and again during the course of our three-hour conversation. "When you approach people, you feel involved. You feel the same thing. You feel empathy. Especially me. Especially when you talked to the women, the raped women. It was very difficult for them to talk. They described how they were raped. Some were raped with bottles. Others..." Monique stops, then explains: "I was not married at the time. But I wondered what it was like for women who were married. To lie down with your husband at the end of the day... You feel as if something is going through your blood." Monique believes that people refused to talk because they had suffered too much. Using the third person past tense again, she reflects that "their hearts were hard, their hearts were hard."

*“I am being interviewed for the first time...”*

Witness statements are essential to the work of Tribunal prosecutors. They help shape investigations and are used to re-construct the pattern of violence in particular localities and locate other witnesses. They are used to indict suspected *génocidaires* and issue arrest warrants. Witness statements can be central to the work of prosecuting and defense teams when a case comes to trial. If a witness is asked to testify in an ICTR courtroom in Arusha, prosecution lawyers and defense attorneys will continually refer to a witness’s original statement. Anything the witness says in examination and cross-examination at the Tribunal will be rigorously checked against his or her original witness statements taken “in the field.” Discrepancies can seriously undermine the witness’s credibility.

The statements are written in the first person from the standpoint of the witness.<sup>56</sup> They are not, however, directly transcribed from witness interviews. The statements are written in English and French, and often orally translated on the spot by the language assistants. Cee explains that, “the interview is not free-flow.” A typical witness statement is no more than a couple of pages long (some are much shorter) and most follow the same pattern.

The statements always begin with a phrase like “I am being interviewed for the first time...” In the next paragraph, the statement describes how the witness learned of the death of President Habyarimana on April 6<sup>th</sup> 1994. As Cee explains, “all people know

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<sup>56</sup> Unlike ICTR judgments, motions and court transcripts, witness statements are not made available to the public. During my field research at the ICTR, however, I had the opportunity to study these statements.

where they were or what they [were] doing that day. They may not know it was the 6th of April but they know the plane was shot down.”<sup>57</sup>

A witness statement is never a verbatim transcript of what someone told a Tribunal investigator or interpreter in “the field.” Investigators use a standard series of questions “to help the witness develop what happened,” says Monique. They ask how many children the witness had, and if they were married. After establishing how the witness learned about the death of the president, investigators prompt the witness with questions such as “then what happened?” “Had you seen *so and so*?” “What was he doing?” As Cee puts it, the purpose of a witness statement is to “establish time and space by looking at a specific event [...] If his brother or wife was killed on a specific day, he’ll remember events that way. And then you can place other events from there.” Cee must structure the statement chronologically. “You put it in your laptop. You cut and paste events according to the timeline. He [the witness] tells [the investigator that] A then B then C. But he’ll say C is after A.”

While the original witness statements are often assumed to *speak for themselves* when they are used during ICTR trials, they are always heavily mediated representations. Tribunal investigators and interpreters like Cee have to translate witnesses’ complex, painful, and sometimes confused stories about suffering and violence into a language and format that emphasizes factual information, particularly dates, times, chronology, names, and places. In this way, witness statements are inevitably and necessarily part of the process of translating and negotiating justice through the practices of the ICTR.

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<sup>57</sup> All ICTR witness statements I viewed departed from the premise that the interviewee learned of the President’s plane crash on April 6<sup>th</sup> 1994.



*“We never went back to see her conditions.”*

Between its inception and August 2008, at least 2197 witnesses have testified in person at the Rwanda Tribunal in Arusha.<sup>58</sup> As a prosecution case becomes trial ready, investigators, trial attorneys and case managers must sometimes go back to “the field” to track down the people who gave their stories to investigators five or ten years ago.

This is no easy task. There is often a huge time lag between the date of the initial witness statement and the time when prosecutors come to locate those people they have selected to be trial witnesses. Often, lawyers, case managers, and investigators cannot find the witnesses they are looking for. Many have died since their original statements were taken, some from HIV/AIDS related illnesses.

In July 2006 I interviewed an African prosecution lawyer whom I will call Florence.<sup>59</sup> Florence had spent much time in Rwanda, locating women who could testify about sexual violence. Florence spoke animatedly and passionately about her work. During a conversation lasting almost four hours, she rarely paused or hesitated.

Florence described a particular trip, known in the jargon of the ICTR as a “mission.” Her task was to interview a particular witness, a Tutsi woman, who would later be brought to testify at the Tribunal. When Florence located the woman, she found her “so thin, she was a shadow. She had no food.”

Florence was deeply affected by the witness’ condition. “Even talking to an NGO man was a huge trouble [for her]. And then she was looking after five children. She told

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<sup>58</sup> This figure reflects witnesses for both defense and prosecution teams, including detained witnesses transported to Arusha, and a small number of expert witnesses. (A very small number of individuals have testified by video link). I have arrived at this figure by compiling the number of witnesses assisted by the ICTR Victims and Witness Unit listed in ICTR Annual reports between 1996 and August 2008. Unfortunately, the Annual Reports do not provide gender-segregated data.

<sup>59</sup> I interviewed “Florence,” ICTR prosecutor, on 27 July 2006 in Arusha. All future citations attributed to Florence refer to this interview. I do not include specific details of Florence’s job duties or cases to protect her anonymity.

me, they are orphans. And she was feeding an orphan baby on her breast. Can you imagine?” Florence asks me, with pointed emphasis, “She was *so* dry and thin.”

As discussed above, interviews with witnesses are, in theory, supposed to be held in private because witnesses have been targeted, ostracized or even killed for participating in ICTR investigations. Yet privacy is rarely possible in the small subsistence farming communities on Rwanda’s densely populated hillsides. During Florence’s interview with the thin woman “The whole village came! [They came] to see this [UN] vehicle, to ask for bottled water. *Everyone* knows why we are there! I tell you, I rethought the whole Tribunal.”

Florence feels ambivalent about this mission. “This woman, she wanted a nurse or a doctor. So for me to come as a lawyer with a leather briefcase... you just want to rethink the whole international criminal court. You ask yourself, whose justice are we talking about? I know the witnesses survived the machete but can they survive the attitudes? Is it an academic exercise? In 1999 we might take a statement [from a witness],” Florence reflects, “and then we don’t go back until years later when we want to use their evidence. We never went back to see her conditions.”

Prosecution attorneys like Florence, interpreters like Monique, and investigators like Cee face incredibly difficult dilemmas. Their task is to locate and piece together evidence that will serve as the basis of an indictment or contribute towards the case against one of the alleged planners and leaders of the genocide. They hope that these trials will result in important developments in international humanitarian and criminal law and, ultimately, help to end impunity for war crimes, crimes against humanity and genocide. Yet, investigators, interpreters and lawyers must gain information from individuals who are

in extremely desperate situations. The Tribunal staff usually interview these witnesses only once at a time and place dictated by the Tribunal's needs. After this encounter, they may never speak to the witness again (due, in part, to the Tribunal's high staff turnover).

While there are limited services available to Tribunal witnesses through the Tribunal Registry, which I will discuss below, ICTR prosecution staff cannot usually offer these people any immediate assistance; they are actively discouraged from giving witnesses food, water or coins to avoid any appearance of corruption. In this way, the routine encounters that enable Tribunal justice are always characterized by socially-situated negotiations and translations, often in the form of frustrating ambiguities.

*“Gender sensitive”*

When a case is trial ready, prosecutors and defenders will schedule witnesses to appear before the Tribunal. Some are expert witnesses, such as Human Rights Watch advisors Binaifer Nowrojee and the late Alison Des Forges. Other prominent people to testify for the Tribunal include former Rwandan government ministers, former US ambassadors and UNAMIR General Romeo Dallaire. But many Tribunal witnesses are genocide survivors, ordinary Tutsi women whose occupations were described in their original witness statements as farmers or “peasants.”

Sally Engle Merry writes that transnational activists and other *international actors* are characterized by their relative mobility. In fact, mobility is a central feature of the “disembodied space of [global] social life, one that exists in various spaces but is not

grounded in any one of them.”<sup>60</sup> She notes that the United Nation’s human rights’ system is supported by “transnational cosmopolitan elites: people who have studied and lived in different countries, are fluent in more than one language, travel often, attend international meetings, and understand their own socio-cultural world within the context of a transnational society.”<sup>61</sup> Many of the witnesses who appear at the Tribunal are not as mobile. The Tribunal Registry helps witnesses make logistical arrangements to come to Arusha. Though there was very limited – if any - victim protection for ordinary witnesses during the early years of the ICTR, the Registry now provides witnesses with safe houses. After his appointment in 1997, Registrar Okali created a unit for “gender issues and assistance to victims of genocide.”<sup>62</sup> A gender advisor, Mrs. B., based in the Registry “ensures that conditions are gender sensitive.”<sup>63</sup> Witnesses may bring children younger than two years of age with them to Arusha. The Registry may also provide financial support of twenty US dollars a day to compensate witnesses for lost earnings “as long as they indicate those before they come,” says Mrs. B. with such emphasis that I suspect this is a contentious administrative issue. “Witnesses may use this money to employ people to work on their farms or for childcare while they are away.”<sup>64</sup>

According to people who work closely with survivors who testify at the Tribunal, the journey from Rwanda to Arusha is difficult for many witnesses. In hushed tones several African ICTR employees tell me that worldly and mobile United Nations’ staff rarely fully appreciate the burdens faced by Rwandan witnesses. Florence, the Prosecution

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<sup>60</sup> Merry 2006, p.29. She also notes that “The conference halls [of Geneva, New York, Delhi, or Beijing] are inhabited by the same mobile actors who return to capitals and local programs to share their experiences. One could conceive of such people in terms of their relative mobility” (pp.29-30).

<sup>61</sup> Ibid., p.101

<sup>62</sup> Moghalu 2005, p.67

<sup>63</sup> Interview with ICTR Advisor on Gender Issues and Assistant to the Victims in the Office of the Registrar “Mrs B.,” Arusha, Tanzania 4 July 2005.

<sup>64</sup> Ibid.

attorney, reflects that “when witnesses come to Arusha, they have never flown. Can you even imagine?” she asks me. “From that short flight in the Beechcraft [the small ICTR airplane], they have jet lag. They are uncomfortable. They say, we don’t like this food. *These are the things we should ask!* They have fears of flying in the Beechcraft...”

*“The process has its own needs...”*

Like the Beechcraft, a “court room is, of course, already a setting that is meant to traumatize,” says Therese, an ICTR interpreter from West Africa.<sup>65</sup> Brenda, another prosecution attorney at the Tribunal, explains this dilemma differently.<sup>66</sup> “The process has its own needs,” she says.

One of these needs is that Tribunal witnesses appear before the Court. In most cases, they must face and identify the accused. Marie, the senior ICTR interpreter, remembers a witness who pointedly identified the Defendant to the Tribunal Justices, “He is over there, but he looks fatter now.”

Florence reflects on what it means for most witnesses to appear at an International Tribunal. “The Accused are relaxed and well looked after. Their lawyers give them gold watches from France. The witnesses have nothing to wear. You give them new clothes to wear in Court and they look *so* awkward. For a few days we take them out of their abject poverty, *just to extract legal information.*”

To extract this information, a lawyer for the Prosecution must take the witness through his or her “story” in Court. This story, however, has to adhere to certain strict

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<sup>65</sup> I interviewed ICTR interpreter “Therese,” not her real name, on 15 July 2005 in Arusha.

<sup>66</sup> I interviewed ICTR prosecutor “Brenda,” not her real name, on 13 July 2005 in Arusha.

legal standards. Witness testimony may only pertain to the Defendant's indictment. Witnesses must relay their experiences chronologically and descriptively. They must use literal descriptive phrases that can be translated into English and French. They must provide names, dates and places. And they must generally refrain from emotional outbursts.<sup>67</sup>

Of course, such standards are difficult to maintain in a trial. If a witness is brought to Arusha to testify about sexual violence, she will also want to tell the Tribunal if her children were murdered before her eyes that same day. Depending on the nature of the Defendant's indictment, the chronology of the crime, the witness' previous statements, and information previously disclosed to the defense team, this may not be acceptable to the Court. Florence explains,

When [the witnesses] tell us the full story [of everything they went through], the Court says it is not relevant to the indictment. If you bring the victim's background [other traumatic events] into Court, the Court thinks you are being emotional. You are forced to tell the witness, tell me your story, but it must be relevant to what the Accused is charged with. The Court won't let them add anything outside [of that].

As someone who used to work with women who had experienced domestic violence in her home country, Florence thought she knew what trauma was. "But when I

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<sup>67</sup> Nevertheless, Tribunal Judgments contain assessments of witness credibility that examine not only the substance of witness testimony, but also the witness's conduct in the courtroom. In the *Kajelijeli* Judgment (2003), for example, a witness was found convincing because of "her demeanor while testifying, including the emotional intensity of her recollection of events and her breakdown during testimony" (paragraph 680). Although the Court found that the testimonies of witnesses GDO and GDT were not sufficient to prove that militia commanders were responsible for mass rape, the witnesses were found "credible."

saw these [Rwandan] women... I couldn't even imagine. 'Their whole families were killed.' Florence would like to be a women's rights advocate, as well as a prosecutor. She says she would like to be able to tell the Tribunal how much the witnesses have suffered and how they continue to suffer. She would also like to spend more time in Rwanda. She says, "When I'm not in Court I could be in the field explaining [the ICTR] to people." But she can't. "There are legal parameters, the completion strategy, and [issues of] judicial economy." Despite deep ambivalence among many Tribunal staff who work closely with witnesses, these constraints cannot be questioned.

*"Rwandans don't talk about these things."*

To understand the tasks and dilemmas faced by witnesses and Tribunal staff, it is important to convey something of the scale, nature and purpose of sexual violence in the genocide. When testifying at the ICTR in 2004, Major Brent Beardsley, General Roméo Dallaire's assistant during the 1993-4 UNAMIR mission, was asked to describe the corpses he inspected at massacre sites. His agonizing testimony very graphically indicates the systematic nature and extensive scale of sexual violence in the genocide.

[...] when they killed women it appeared that the blows that had killed them were aimed at sexual organs, either breasts or vagina; they had been deliberately swiped or slashed in those areas. And, secondly, there was a great deal of what we came to believe was rape, where the women's bodies or clothes would be ripped off their bodies, they would be lying back in a back position [sic.], their legs spread, especially in the case of very young girls. I'm talking girls as young as six, seven years of age, their vaginas would be split

and swollen from obviously multiple gang rape, and then they would have been killed in that position. So they were laying [sic] in a position they had been raped; that's the position they were in.<sup>68</sup>

When he testified at the *Bagasora* trial in the same year, General Dallaire was asked to describe the female corpses he witnessed at roadblocks. He stilted but painfully descriptive response was recorded on the official Tribunal transcript as follows:

...young girls, young women [...] would be laid out with their dresses over their heads, their legs spread and bent. You could see what seemed to be semen drying or dried. And it all indicated to me these women were raped. And then a variety of material were crushed or implanted into their vaginas... their breast were cut off, and the faces were, in many cases, still the eyes were open and there was like a face that seemed horrified or something. They all laid on their backs. So there were some men that were mutilated also... their genitals and the like. A number of them were... women had their breasts cut off or their stomach open.<sup>69</sup>

In the years after the genocide, Dallaire contemplated suicide. Now a Canadian Senator, he told author James Dawes, "I've got six or seven years of therapy behind me, and that's done next to nothing."<sup>70</sup> Major Beardsley told the Court that "...amongst all of us the hardest thing that we had to deal with was not so much the bodies of people, the

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<sup>68</sup> Examination of Major Brent Beardsley, *Bagasora* trial transcript. 3 February 2004. Also cited in Askin 2005, p.1008.

<sup>69</sup> Dallaire's testimony in the *Bagasora et al.* trial, 20 January 2004 cited in Dawes 2007, pp.39-40

<sup>70</sup> Dallaire interviewed by Dawes 2007, p.40



murder of people. I know that can sound bad, but that wasn't as bad to us as the rape and especially the systematic rape and gang rape of children.”<sup>71</sup>

Like the UNAMIR commanders, ordinary witnesses who survived genocidal massacres testify about what they saw in 1994. Many have to describe to the Court how they were themselves physically attacked, tortured, and raped. As Prosecutor Florence points out, the Tribunal needs to “extract information,” and obtain detailed descriptions of the violence from the witnesses. While a broad legal definition of rape was established under the *Akayesu* judgment in 1998, ICTR prosecutors must still ensure that their witnesses tell the Court in detail how they were attacked and raped in order to establish sexual violence took place.

In many conversations with ICTR employees, including Rwandan staff, I was told that “Rwandans don't talk about these things.” Similarly, authors suggest that Rwandans “are known to be hesitant with strangers,” avoid engaging in contentious and conflictive debates, and are reluctant to describe the horrific events of the genocide.<sup>72</sup> Sometimes this is described as a “culture of lying.”<sup>73</sup> Several commentators suggest, moreover, that sexual violence is particularly taboo for Rwandans. Kingsley Chiedu Moghalu notes, for example, that rape is “unspeakable in their culture.”<sup>74</sup> This widespread explanation - there is something about Rwandan culture that inhibits Rwandans from talking - begs an obvious question: who would be able to speak of such things? Speech can never stand apart from the politics of translation and negotiation.

That said, linguists suggest that the Kinyarwanda language is characterized by

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<sup>71</sup> Testimony of Beardsley, as above. Also cited in Askin 2005, p.1008.

<sup>72</sup> Molenaar (2005i) recognizes that “This custom will probably have become stronger due to the imposition of politically correct discourse by the present government” (p.74).

<sup>73</sup> Molenaar 2005, p.74

<sup>74</sup> Moghalu 2005, p.67

indirect constructions, metaphors and linguistic taboos. James Dawes reminds us that the Rwandan genocide involved “conflict over terminology. [...] The killing itself was called ‘work’; kidnapping and raping a woman was called taking a ‘wife’; innocent civilians trying to cross roadblocks were labeled ‘infiltrators.’”<sup>75</sup> To the immense frustration of ICTR Prosecution lawyers, Rwandan witnesses often use the phrase “we got married” to describe how they were raped. Lawyers must coax their reluctant witnesses to use explicit descriptions such as the obscure Kinyarwanda phrase *gufata ku kgufu* (to take by force, to rape), *gusambanya* (bring someone to commit adultery), *kurungora* (a generic phrase describing sex with a woman) or *kuryamana* (to share a bed, to have sex) to describe sex acts.

“In my culture you don’t say the words for genitalia,” explains Peter, a Rwandan Court interpreter.<sup>76</sup> “But in Court you have to. It is a shock for interpreters, as well as witnesses. And graphic descriptions of rape are an ordeal for a woman. And the interpreter may be a woman too.” When witnesses object, Peter and his colleagues have some creative solutions. Peter sometimes substitutes other words for culturally offensive terminology. “I won’t use the word ‘vagina’ so I would say ‘your sex.’ Most interpreters do it like that.” Similarly a female prosecutor recounts how a witness in the *Gacumbichi* trial was uncomfortable using the word penis. The prosecutor eventually asked the witness to write the word on a piece of paper.<sup>77</sup>

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<sup>75</sup> Dawes 2007, p.59. As Dawes points out, conflicts over terminology characterized UN negotiations over the UNAMIR mission, debates in the western media (pp.59-60). As Samantha Power and Michael Barnett have persuasively argued, such language games also characterized debates within the Clinton administration and the UN Security Council.

<sup>76</sup> I interviewed Rwandan ICTR interpreter “Peter,” not his real name, on 26 June 2006 in Arusha.

<sup>77</sup> Interview with a member of the *Gacumbichi* prosecution team, Arusha, Tanzania, 23 July 2005.

“Most of them [witnesses] get it straight away.” Prosecutor Brenda believes, “they don’t mind using descriptive terms if there is a purpose... and if it is not used against them... once they understand that the process has its own needs, that biological words are needed. If they say ‘we got married’ it will be translated and people will think they went to a church, said vows and exchanged rings.”

*“I’m telling you about the genocide... [not] the story of a wedding.”*

In June 2005 I observed a cross examination of a Rwandan witness known as LAN at the high profile *Military II* trial. The witness testified that she had been held at a stadium during the genocide along with hundreds of other people. She explained to the Tribunal that while she was held at the stadium, she regularly saw women abducted and raped. During the cross-examination, an English-speaking defense attorney became frustrated when the witness could not recall the exact dates and times of the abductions. She could not remember the names of all the women she saw at the stadium. He shouted, “I don’t believe her!” Through a court interpreter, the witness protested. “I’d like to tell you this,” she said, “during the war I was witness to *things*. But I cannot recount what I saw as if I was reciting a poem. I’d like to tell you this. At the cathedral we were attacked twice... Now I’m telling you about the genocide. I am not... recounting the story of a wedding.”<sup>78</sup> The defense attorney responded, pointing at witness LAN, “You don’t really expect this court to believe you, do you?” The attorney then sighed theatrically and asked the Court rhetorically, “Why are they [witnesses] afraid of these questions?”<sup>79</sup>

This incident was not an unusual exchange for an ICTR courtroom. When

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<sup>78</sup> Citations from the testimony of witness LAN are taken both from my field notes and official ICTR transcripts, *Military II*, 28 November 2005.

<sup>79</sup> *ibid.*

prosecution witnesses testify at the Tribunal, defense teams must investigate their credibility through cross-examination. For prosecution witnesses in cases involving sexual violence this line of questioning can be extremely intrusive. In 2001, a witness known as TA testified in the high profile *Butare* trial. She told the Tribunal that she was raped by Pauline Nyiramasuhuko's son and co-defendant, Shalom Ntahobali. She was also repeatedly gang raped by his militia and infected with HIV. Binaifer Nowrojee described TA's cross-examination:

One of the more offensive questions put by defense lawyer Mwanyumba included reference to the fact that the witness had not taken a bath, the implication [was] that she could not have been raped because she smelled.<sup>80</sup>

According to a report in *Diplomatie Judiciaire*, the trial judges “burst out laughing” after this line of questioning and the story was circulated in the international press.<sup>81</sup> The Rwandan Government's official representative to the ICTR expressed concern and NGOs and survivors' groups for a time refused to cooperate with the Tribunal.<sup>82</sup> The genocide survivors' umbrella group Ibuka helped to organize a petition “denouncing the intimidation of witness TA.”<sup>83</sup> The laughing judges incident was widely cited as evidence of the ICTR's perceived incompetence.<sup>84</sup>

Few commentators, however, noted the excruciating detail and extraordinary length of TA's cross-examination. According to Tribunal records, TA was on the witness stand

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<sup>80</sup> Nowrojee 2005, p.24; See also Des Forges and Longman 2004.

<sup>81</sup> Cited in *Hirondelle*, 4 December 2001. Defenders of the Court, including Prosecution attorneys, subsequently argued that the Judges were laughing at the defense team's line of questioning, not at the witness. Interview with ICTR prosecution attorney, Arusha, Tanzania, 15 July 2005.

<sup>82</sup> *Hirondelle*, 4 December 2001

<sup>83</sup> Cited by *Internews Rwanda* 13 June 2005

<sup>84</sup> See for example McGreal 2002

from 24 October to 8 November 2001. The defense counsel questioned her in detail about the sixteen times she was raped. On her fourteenth day on the stand, a defence attorney asked TA, “Now, Madam, you were sexually attacked, according to your testimony, on the first time... behind the buildings of the prefecture and then subsequently by eight other persons... that first time, is that correct?” Witness TA responded, “Counsel, I would like you to be told on my behalf that since I have been here, this matter has been put to me more than a hundred times. I don't want to answer as if I have come here to sing some kind of chorus before the Tribunal.”<sup>85</sup>

In an informal conversation, one of the prosecuting attorneys who had worked closely with TA played down the incident as a “media event.”<sup>86</sup> But in 2003 witness TA reflected on her experience at the ICTR to Binaifer Nowrojee. “My parents, my brother and my sister were killed. I’m all alone. My relatives were killed in a horrible fashion. But I survived - to answer the strange questions that were asked by the ICTR.”<sup>87</sup> When TA returned to Rwanda, everyone knew she had testified about rape at the ICTR. Her fiancé left her and her house was attacked. “Today I would not accept to testify to be traumatized for a second time,” she told Nowrojee. “In any case, I’m already dead.”<sup>88</sup>

*“I could not count days... A day was like ten days.”*

In 2005 I asked Mrs. B., the ICTR gender advisor, if things are different now for witnesses from the controversial early days of the Tribunal. “Yes,” she said with pointed emphasis.

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<sup>85</sup> ICTR, *Butare* trial transcript, 6 November 2001, pp.45-6

<sup>86</sup> Conversation with a former member of the *Butare* prosecuting team, Arusha, Tanzania, 5 June 2005.

<sup>87</sup> Nowrojee 2005, p.24

<sup>88</sup> Ibid.

Then she added as an afterthought, “but there’s only so much you can change. They say *madame* and *sir* now, but then they have to get down to the truth.”<sup>89</sup>

Yet the process of getting “down to the truth” in a courtroom never stands apart from politicized negotiations. Lawyers have to solicit distances, dates, time and chronology from witnesses but even these “basic facts” require very difficult translations and negotiations in the context of the Tribunal.<sup>90</sup> Prosecutor Florence highlights the difficulties many witnesses face on the stand in this regard.

They [witnesses] are often accused of lying with dates. But they are often illiterate. Distances, dates.... They may not have these concepts. They may not be able to read a map. Colors, times, distances and dates... they [witnesses] become lost. It’s not their strength.

As investigator Cee explained above, the strength of the Prosecution’s case often revolves around the ability of witnesses to establish *when* particular events took place. As Cee explained, “the ICTR needs sequences.” Prosecution lawyers and investigators must establish a timeline of atrocities. But witnesses have immense problems remembering the chronology of their suffering. “The issue,” Cee said “is that these massacres were not isolated incidents. They occurred over three months, everywhere you’d go.” He explained,

No one remembers time and space. During the genocide the same things were happening every two to three days. There is huge confusion. Unless

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<sup>89</sup> Interview with ICTR Advisor on Gender Issues and Assistant to the Victims in the Office of the Registrar “Mrs B.,” Arusha, Tanzania, 4 July 2005.

<sup>90</sup> Senior interpreter Marie has noticed, for example, that some rural witnesses cannot estimate distance in meters or kilometers or describe shades of colors.

it is a specific horror, like a grenade in a church, or a husband or sister killed, people will not remember chronology.

In June 2005 a young woman known as QY testified about her rape as a young girl by a soldier.<sup>91</sup> As a prosecutor explained to me, QY survived by covering herself with her sister's blood so that the militia assumed she was dead. "She was gang raped at the *prefect's* office. She had a wound which was untreated for so long that worms were coming out of it. She had never had sex before and she was bleeding. And she was stinking. She's had no bath. [...] She took chlorine [hoping to die]. She was desperate. And they raped her again."<sup>92</sup> In cross-examination, QY was asked to estimate the number of days between attacks. She was not able to do so and was accused of being inconsistent by the Court. QY told the prosecution lawyer, "I could not count days. A day was like 10 days."<sup>93</sup>

*"Why are you so vague?"*

The official languages of the ICTR are English and French. These are the languages used by Tribunal lawyers, judges, court recorders and registrars. Yet many witnesses testify in Kinyarwanda. Some do so because they do not speak French, others find it easier to "think in their mother tongue," says Rwandan interpreter Peter. The words of these witnesses are simultaneously translated to French and English by the interpreters who sit in the soundproof booths located at the side of ICTR courtrooms.<sup>94</sup>

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<sup>91</sup> ICTR, *Muvunyi* transcript, 8 June 2005

<sup>92</sup> Interview, ICTR Prosecutor (Anonymous), Arusha, Tanzania, 27 June 2006.

<sup>93</sup> Ibid.

<sup>94</sup> The ICTR began using simultaneous interpretation (as opposed to consecutive translation) in 2002-3. See ICTR Annual Report 2003, paragraph 79.

In the early days of the Court, Kinyarwanda interpreters like Peter and Monique provided consecutive translation. They would sit next to a witness in the courtroom and interpret after the witness had finished answering a question or a long sentence.<sup>95</sup> It was a time-consuming process and Peter found it particularly difficult to translate witnesses' inappropriate outbursts under these conditions.

Peter believes his work as an interpreter is particularly difficult because he is from Rwanda. Like interpreter Monique and other Rwandans I talked to, he feels his work is constantly scrutinized.<sup>96</sup> As a result, he finds his job "tiresome and stressful." He is nervous about the inevitable presence of the defendants during all trial proceedings. "The Accused speaks the language so they will call out inaccuracies." He says it can be embarrassing to interpret for Rwandan witnesses, too. For Peter, many of these witnesses are "peasants without any education... from the villages... they are put on a plane." Peter finds that some of these witnesses "misunderstand" the role of the Tribunal Defense teams. Sometimes, witnesses get angry and accuse the Defense lawyers of lying. Peter is ashamed to translate these embarrassing outbursts in the presence of the cosmopolitan professionals at the Tribunal.

Monique, too, worries about "rendering" angry outbursts from Prosecution witnesses. She worries that ordinary Rwandans do not understand the way the Tribunal works. She believes most witnesses have had no direct experience with formal legal

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<sup>95</sup> When the ICTR investigation ensued, there were few interpreters trained in Kinyarwanda. After 1994, English-speaking Rwandans like Monique and Peter found work as translators for international organizations even though they were not trained interpreters. Peter started interpreting at conferences organized by international aid agencies. The ICTR recruited English and French speaking Rwandans as "language assistants" in the mid 1990s. These assistants received "in house training." Although many of these assistants inevitably came to be the primary contact between the ICTR and "ordinary" Rwandan witnesses (i.e. witnesses who are not detained and not classified as expert witness), they may not always be afforded institutional status equal to the ICTR's formally trained English-French/French-English interpreters who do not speak Kinyarwanda.

<sup>96</sup> Similarly, a Rwandan case manager I talked to informally in 2005 said she is "watched."



institutions or are only familiar with the Rwandan civil law tradition. As a result, Monique says, many witnesses view the defense counsel as personal representatives of the Accused.<sup>97</sup> Some witnesses shout at defense attorneys, “You are just eating money of the ICTR!” Monique also gets nervous “when a witness doesn’t express a thought [well], when they don’t know how to arrange his idea. The steno-typist is looking at you. You can’t talk to the witness to say, ‘why are you so vague?’ [...] you can’t keep asking [witnesses to repeat]. [The Court] will think you are incompetent.” On top of this, Monique worries that the quality of her work is constantly scrutinized by the defendants, who may at times interrupt her to dispute her translations. Monique finds the work is so stressful that at the end of the day she cannot do anything. “You can’t even talk to the kids,” she says.

Simultaneous interpretation is not an exact science, of course. “The concepts witnesses use cannot necessarily be translated directly,” Peter explains, “You can render it with a paraphrase. There are proverbs without equivalents. They are part of a cultural mindset.” When defense attorneys ask very hostile question of the witnesses, Peter sometimes tries to soften them with his tone of voice. “But if you’re a good interpreter,” he maintains, “if he is rough, you are rough.”

Defense attorneys also accuse witnesses of lying. “That’s their job,” Peter says. When Peter interprets such an accusation, he tries to substitute with the phrase “you are not telling the truth.” He says it means the same thing but bristles less.

Perhaps because they have the luxury of not being from Rwanda, other Tribunal employees highlight different aspects of these encounters. Interpreter Marie says “To call

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<sup>97</sup> I would tentatively suggest, however, that this is not necessarily a factual mistake on the part of the witnesses. The GOR has identified several Rwandan defense attorneys as genocide suspects. Some former ICTR employees have been indicted for genocide and are now in hiding. Moreover, ICTR defense teams are often assisted by Rwandan citizens who are selected by (or in some way associated with) the Accused.

someone a liar is so horrible to Africans. Witnesses go back to Rwanda and tell others, don't go there, they want to ridicule you!" Prosecutor Florence says "Parties [should not] call each other liars. That's for the bench to decide. Witnesses sometimes say: Do you think I have come all the way here to lie?" Florence interprets witnesses' outbursts not as a misunderstanding but as verbal acts of self-defense. "Witnesses have their dignity to protect," she says.

*"The reality is something else."*

Rwandan witnesses are asked to talk about unimaginable suffering in ICTR courtrooms. When I asked Tribunal interpreters what it is like to retell a witness' pain our conversations usually became stilted. Peter reflected that "it is difficult for them [witnesses] to describe how they were raped and cut... Pain is felt rather than expressed in words. If someone tells you that he loves you... the word is there... but [the reality] is something else."

Testifying about genocidal violence must be unimaginably difficult. Hannah Arendt wrote that pain is "the most private and least communicable [experience] of all"<sup>98</sup> Elaine Scarry argued that attempts to express or represent suffering inevitably force "pain *itself* into avenues of objectification."<sup>99</sup> James Dawes writes that some survivors of the Rwandan genocide were rendered temporarily or permanently unable to speak through shock or trauma. Some survivors cannot speak without a stammer. Dawes notes that many relapsed when asked to recount their experiences by journalists, NGOs or international organizations.<sup>100</sup>

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<sup>98</sup> Arendt 1998 [1958], pp.50-1.

<sup>99</sup> Scarry 1987, p.6

<sup>100</sup> Dawes 2007, pp.22-23

For ethical and legal reasons, described above, I have not interviewed Rwandan genocide survivors who have testified at the ICTR about their experiences. However, we may perhaps glean some insight from the experiences of the expert witnesses who testify in Arusha. UNAMIR commander Roméo Dallaire has suffered from post-traumatic shock and several nervous breakdowns after his experience in Rwanda. He told Dawes that testifying at the ICTR is like “reliving” the genocide.<sup>101</sup> After testifying at the ICTR for the first time, he “crashed and became like a vegetable for nearly seven months.”<sup>102</sup> He returned to Arusha in 2004 to serve as an expert witness at the military trial of Colonel Theoneste Bagosora, who is accused of planning the genocide. Trying to undermine Dallaire’s argument that there was a planned and orchestrated genocide, Bagosora’s defense lawyer, Peter Erlinder, suggested the General might be “intoxicated” or “brainwashed.”<sup>103</sup> The experience was horrendous for Dallaire, “It was returning to hell again.” He suggests his trauma and confusion had legal ramifications too, “my greatest fear was that my testimony would not support the prosecution’s position.”<sup>104</sup>

“The story itself is traumatic,” says interpreter Monique, “Your witness must recount a story and you can’t believe [it]... You dream of what you heard in the courtroom. *It is not good.*” In fact, several Tribunal interpreters and attorneys tell me they cannot bring themselves to believe the stories they hear from witnesses. Interpreter Therese explains,

we were not in Rwanda when it [the genocide] happened. It was remote.

We saw it on the television or something like that. Having a victim that was there is a different experience. You don’t believe it actually happened.

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<sup>101</sup> Dallaire cited in Dawes 2007, pp.38

<sup>102</sup> Ibid. p.51. See also Dallaire 2004

<sup>103</sup> Dawes 2007, p.52 and p.53

<sup>104</sup> Dallaire cited in Dawes 2007, p.51

It can't be true. But you also know it is true.

The first time Therese heard a witness describe how she was raped, she could not continue her work. "It was too much for me," she says, "I had to leave it to some male colleagues... You have sleepless nights, imagining what would have happened." Almost a decade later, I notice Therese visibly shakes as she recalls this.

Like his attempts to modify unacceptable words, Peter has also found ways of dealing with stress. "You have to reach that point," he says, "where you can be there without being there, without being part of it all. It would have negative psychological effects. You try to find a system of building a wall of protection. You have to think of your own life if you listen for five or six years."

After her first years at the Tribunal, Therese also started "protecting" herself. She says she feels numb. "Human beings have a faculty, like a barrier [to protect themselves]," Therese explains. "If I go on like this, I won't survive. You ask yourself, when is it *too* dangerous? When you go home and cry and can't sleep? Or when you feel numb? At which point am I most affected?"

Since 2005, trauma workshops have been made available to Tribunal staff. Therese attends these programs but Peter does not. "You have to let sleeping dogs lie. I don't have problems," he explains. "They will put things in your mind."

### **We are not NGOs**

Kinyarwanda-speaking interpreter Monique was "in the field" with Tribunal investigators gathering witness statements soon after the genocide. When visiting people's homes, she

would sometimes give the women she met small sums of money. “This was not encouraged,” she says, “you do it when the investigator doesn’t see you.”

Monique finds these encounters incredibly difficult. The witnesses suffer from “physical conditions, they are smelling bad. They have lost hope in life. Sometimes you start to talk to them and they start crying. You don’t know what to do. The kind of house they live in. A small tent or a hut with sometimes no chair. And *this is your compatriot!*”

“You don’t know how to help,” says Monique. She knows that the witnesses “expected the *mzungu* was going to give them something. You are coming for information but you don’t even help. Sometimes witnesses think investigators will speak on their behalf. We can’t help them. It is not our job. We are not NGOs.”

Since 1999 the Tribunal Registry, the impartial administrative arm of the Court, has provided some psychological counseling and medical assistance for “witnesses and victims.”<sup>105</sup> These measures are aimed particularly at female witnesses who experienced sexual assault and were often infected with HIV/AIDS during the genocide. Most of these services are based in the Tribunal’s Kigali clinic. This program was first established by the Tribunal Registrar, Agwu Ukiwe Okali of Nigeria. He introduced a new “precedent-setting” procedural rule allowing for limited assistance to victims serving as Tribunal witnesses in 1998. Okali argued these measures were a form of limited “restitutive justice” and a “moral necessity.” He also made the case that these services fulfilled pragmatic objectives required by the Tribunal’s mandate from the UN Security Council.<sup>106</sup>

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<sup>105</sup> Note that the terms “witnesses and victims” are often used together at the ICTR.

<sup>106</sup> Rule 34 (ii) states that the Tribunal victims and witnesses support unit must provide victims and witnesses with “relevant support, including physical and psychological rehabilitation, especially counseling in cases of rape and sexual assault.” Cited in Moghalu 2005, p.67.

Okali's measures were unprecedented. They have even set the standard for other far-reaching initiatives, notably in the Statute of the ICC.<sup>107</sup> At the same time, however, many ICTR staff members I talked to believe these services are inaccessible to the victims and witnesses they work with. Like Monique, prosecution lawyer Florence is concerned about the ICTR's inability to address the needs of the "desperate, desperate survivors." She has worked with many female witnesses who are infected with HIV/AIDS and other illnesses. Most also raise children, including adopted orphans. She is worried that the Tribunal does not provide sufficient support for witnesses. "We might have medicine for them at a cabinet at the ICTR. But they don't know about it! How would they get it?" Florence reflects, "There's a big gap between rhetoric and reality. But where is the *access*? Where is the *bridge*? We can talk of NGOs but can they access each survivor?"

The Tutsi woman who Florence interviewed on one of her "missions" was eventually brought to the Tribunal to testify. Florence reflects on this witness's experience with anguish.

This woman could not cry. She could just groan. But after giving evidence, she cried. And I knew it was the last time I would see her. That she would die. We gave her a death certificate. She wouldn't survive. I saw agony. I was not sure what we had done. We had opened a wound. How are we going to stop the bleeding? I needed time with this witness as I opened the wound but I had to go back to court. I wanted to ask her: what are her

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<sup>107</sup> During the preparatory committees in 1998, Okali also successfully argued for similar provisions to be incorporated in the Statute for the ICC. See for example discussion in Moghalu 2005, pp.66-74. Okali made his argument in an unpublished paper discussed by Moghalu 2005, pp.68-9.

aspirations, her fears, her needs. It takes time [but] I only saw my witness twice. We didn't invest the time.<sup>108</sup>

Florence is left with questions: "What has international law done in terms of this woman? Who will follow up? Is ICTR victim counseling enough?" She believes the witnesses need follow-up and medication. "Most of all," she says, "they live in abject poverty. *Abject poverty*. We could have done more. After twelve years, I think we could have done *something!* For a few days we take them out of their abject poverty, just to extract legal information. But no one takes care of them."

At the same time, Florence also recognizes that if the ICTR is to fulfill its purpose, it must limit its responsibilities. Officially, her professional prosecutorial duties end where international law ends: in the courtroom. After that, "as far as our agenda, this woman is now at an intersection. She is no longer a witness. She is in the hands of NGOs."

In the global governmental division of labour, medicine, food, housing, clothing and witness after-care are usually considered the responsibility of charities, women's groups, and international non-governmental organizations. At times, these groups receive grants from international donors or UN agencies. The ICTR relies on NGOs, particularly Rwandan women's groups, to care for victims. As investigator Cee emphasizes, "their [NGOs] role is taking care of witnesses. That is not our mandate."

The level of co-operation between the ICTR and NGOs varies, as does the Tribunal's relationship with the Rwandan Government. Tribunal investigators may not get any information if victims' groups are "not happy" with the Tribunal, says Cee. "Their

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<sup>108</sup> I have removed references of the specific ICTR case to protect the identity of the interviewee.

interest is other than ours,” he explains, “It’s a political thing, a clash of interests, mandates, working styles.”

Despite this stated division of labor, Rwandan women’s organizations and international human rights NGOs play an important role in collecting evidence and testimony. In particular, Rwanda survivors groups also play an important role in encouraging Rwandan women to testify at the ICTR, in national courts, and at the gacaca. For example, Rwandan women’s rights advocates traveled to Taba to interview genocide survivors during the *Akayesu* trial. As a staff member for the Rwandan Women’s Network explained to Nahla Valji, women who testify often come through Rwandan NGOs who provide women with “support” and “the space to build confidence and deal with potential stigma.” These NGOs also provide “community mobilizers” who may at times accompany survivors when they testify. The Rwandan Women’s Network employee remarked, “People do not just wake up one day and go in front of a crowd to tell how [they] were raped and brutalized.”<sup>109</sup> In other words, Rwandan women’s testimonies at the ICTR are always part of the on-going politics of negotiation which depends, at least in part, on a disparate network of women’s rights advocates.

Despite the blurry institutional division of labor, many Prosecution attorneys and Registry staff view NGOs as the appropriate providers of assistance and services to victims and witnesses. Even the Registry’s limited services in Kigali are staffed by NGO workers, in part to preserve the Registry’s appearance of impartiality.<sup>110</sup> This reflects a broader trend in Rwanda. As Erin Barnes has documented, the Rwandan government, the Ministry for Gender and Women’s Development (formerly named the Ministry for Women and Family

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<sup>109</sup> Interview with Rwandan Women’s Network staffer cited in Valji 2008.

<sup>110</sup> Okali in a letter to Akayesu’s defense lawyers dated 5 October 2000 cited in Moghalu 2005, p.72



Affairs), international donors and international agencies have funded and promoted a large variety of national and local women's organizations, associations and government-initiated women's committees.<sup>111</sup> These organizations play key roles in providing social services. Many of these groups attracted significant donor and government funds through the UNHCR-led Rwandan Women's Initiative, notably during the mid and late 1990s.<sup>112</sup> As Barnes notes, representatives from the Ministry for Gender and the UNHCR typically solicit proposals and allocate funds to national and local women's associations.<sup>113</sup> The result is a sort of "tendering" process where women's organizations are allocated funds to provide key emergency and social services, including clothing distribution and housing in the post-genocide emergencies. National women's organizations, under the umbrella group Pro-Femmes Twese Hamwe, also provide legal services, construct housing, and initiate media campaigns.<sup>114</sup> The Rwandan Women's Initiative has funded radio broadcasts, agricultural projects, micro-credit programmes, and a large number of other initiatives aimed at "vulnerable women" and "female survivors of the genocide... with their children born of rape."<sup>115</sup> While some assistance for genocide survivors is available through the government's Fund to Assist Survivors of the Genocide,<sup>116</sup> national civic organizations and

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<sup>111</sup> As noted in Chapters One and Two, these terms are misleading. While these organizations are promoted (often misleadingly) as autonomous groups, civil society organizations and "participatory spaces for grass-roots women," in practice few organizations who receive funding can claim to be entirely autonomous from the RPF government. See Barnes 2004, pp.144-6

<sup>112</sup> To indicate the scope of this initiative, the RWI budget for "women's empowerment projects" in 1998 was 1.6 million USD and 2.6 million USD in 1997. The bulk of these funds were allocated to government ministries and agencies. In 1997 women's NGOs received just under 1 million USD, though the vast majority of these funds were allocated to groups like Club Mama Sportifs that are closely associated with the RPF and the elite Ugandan returnee class. See Barnes 2004, pp.152-3.

<sup>113</sup> The Ministry for Gender took over responsibility for the RWI. Barnes (2004) argues that allocations tended to favor the priorities of the Rwandan government (pp.146, 149)

<sup>114</sup> Ibid., p.145

<sup>115</sup> Citations from UNHCR-Rwanda 1997 cited by Barnes 2004, p.149 see also pp.145-6.

<sup>116</sup> The Fund is designed to assist genocide survivors and their children with school fees. There are some efforts to address victims' health care, though reportedly only in Butare University Hospital. *African Rights* (2004), however, found that FARG rarely covers health costs (pp.89-90).

groups such as Association de Solidarité des Femmes Rwandaises (ASOFERWA), Ichyuzuzo, Benyshaka, and Club Mama Sportifs,<sup>117</sup> as well as the aforementioned Avega and Ibuka provide most advocacy and limited services for survivors, refugees, returnees and widows. The project of global governance, including the project of international justice from Rwandan women, depends on the on-going negotiation of tasks and activities between the ICTR, Rwandan NGOs, and the national and international organizations that support them.

### *Special measures*

Florence doubts that ICTR lawyers, who generally have little knowledge of trauma, can fully understand witnesses' needs. "It is dangerous to receive these women without training," she reflects. Before Okali's initiative there were no counselors, psychologists or social workers available to witnesses. That has changed somewhat. The ICTR employs or contracts a nurse-psychologist and a gynecologist in Kigali. While the psychologist is not involved with the judicial process or the prosecution team, she does "prepare witnesses" and deals with "issues related to trauma."<sup>118</sup> Sexual violence was the hallmark of the *Mubimana* trial of 2004-2005 when dozens of Rwandan women testified about mass rape. The Tribunal nurse-psychologist traveled to Arusha with the witnesses and stayed with them during the trial. This "special measure" was a major change of practice for the Tribunal, a Registry official told me in 2005. "It was inconceivable two years ago."<sup>119</sup>

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<sup>117</sup> Barnes 2004, p.152

<sup>118</sup> Though most sources suggest that the Tribunal subcontracts its medical services, a Registry Official told me that the Tribunal no longer outsources its medical facilities. Interview with ICTR Registry official, Arusha, Tanzania, 4 July 2005.

<sup>119</sup> *ibid.*

The Office of the Prosecutor, which must maintain separate staff from the Registry, now also has its own counselors. However, not all attorneys utilize these resources. While Florence believes strongly that witnesses should be cared for by counselors and social workers, others disagree. Brenda, another Prosecutor, works with many women who survived the genocide. She describes them as “fantastic witnesses, fantastic witnesses who lived through hell and they still get up in the morning. They are amazing not because of what they do but by the sheer fact that they get up in the morning.” Brenda feels that

sexual assault victims experience the same thing everywhere. A difference is the *context*, the massive slaughter in Rwanda. Typically, a woman would have a small child on her back. And someone would smash it through the head with a machete. And then rape the woman. If there is something different about Rwandan women, it is that they have been through these horrendous crimes. They have backbones of steel. They have absolutely nothing. *Absolutely nothing*. Sometimes they don’t even have enough food for their children. Amazing women.

When Brenda prepares her witnesses for trial, she is reluctant to use counselors. As in other legal systems, witnesses might be more vulnerable during cross-examination by Defense teams if they have spoken to a counselor. “The Defense could say that someone put these stories in their heads,” says Brenda.

Florence imagines things could be different. “If there were social workers... victims [could] be socially empowered to go back to their community and know, it’s not

my fault. But who empowers them to pick up the pieces? We're just picking up pieces and breaking them into more pieces."

*"Far from home."*

What would it mean to you to get a conviction for sexual violence, I ask a British ICTR Prosecutor. "It would make legal history," he answers. "It would be front-page news around the world, or at least page two. An interesting headline, not quite like the fall of the Berlin Wall but an interesting headline nonetheless."<sup>120</sup>

Yusuf, the West African prosecutor, says that Tribunal lawyers sometimes "forget the real reasons why we are here. We are eager to develop jurisprudence. But people in Rwanda don't give a shit about international criminal law." Yusuf tells me he was "amazed" that so many women have come to testify that they were raped. "I don't think I would give my story," he reflects.<sup>121</sup>

In a talk at Oxford University in 2008, Chief Prosecutor for the International Criminal Court, Luis Moreno Ocampo offered a different perspective. He was asked by an African student whether the Court in The Hague is too far away for most Ugandans to feel connected to the proceedings. In his answer, Ocampo told the audience of an African woman who cried with relief after testifying before the Court. He told the audience he did not feel the Court was too far removed. "People are desperate to tell their story," he said.<sup>122</sup>

I asked Tribunal workers I met with what the Tribunal could offer genocide survivors. Understandably, I heard very conflicting answers to this difficult question,

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<sup>120</sup> Interview with ICTR prosecutor (Anonymous), Arusha, Tanzania, 17 June 2005.

<sup>121</sup> Interview with ICTR prosecutor "Yusuf," Arusha, Tanzania, 5 July 2005.

<sup>122</sup> Ocampo 2008

sometimes from the same person. I identified only one person, Prosecutor Brenda, who expressed no hesitation (at least to me). She told me:

[Witnesses] always feel better afterwards. *Always*. Elated that people didn't view them negatively, didn't laugh at them. When they see the judgment it brings a status to their experience. It validates what they went through. All these white people, all these *mzungus*, and Africans who look like *mzungu*, all of a sudden all of these people believe them.

Other ICTR staff members were not as sure as Brenda. Prosecutor Florence and Interpreter Marie, for example, observed that the witnesses they worked with were rarely able to experience the elation Brenda so powerfully described because they were not able to tell their own stories. Marie and Florence also worried that very few women were informed about the outcome of a trial. In this way, many witnesses never know whether their stories were "believed."

Does being believed by foreigners and making international headlines constitute international justice? Florence reflected on this tension: "Witnesses must wonder, where do I come in? How do I link my rape to Arusha? In cross-examination, they keep asking, when can I go back home?"

It does not have to be this way, Florence told me. Legal redress is important but witnesses should also be able to tell their stories. "If women want to sit under a tree and cry all day, they should be able to do that. [...] They *should* have their day in court. They *should* have high expectations, but they are afraid. They have not understood where they come in." Florence paused for a moment for the first time in our three-hour conversation.

Then she says, “Justice is *so distant*, so far from home.” In this way, international justice for women, as it is practiced at the ICTR, simultaneously depends on and marginalizes Rwandan women who tell their stories.

### **Grassroots justice?**

An estimated 12,103 gacaca, “grassroots” genocide tribunals, have been established across Rwanda since 2005 as part of the RPF government’s program of reconciliation.<sup>123</sup> For many commentators, the “grassroots” gacaca process provides an inevitable point of comparison with the far-away International Tribunal. The gacaca is usually described as a “traditional,” “participative” and “innovative” community-based approach to justice.<sup>124</sup>

Peter Uvin and Charles Mironko describe gacaca as “a radical break with the domestic and international formal systems.”<sup>125</sup> Rwandan President Paul Kagame suggested the model was “along the lines of our traditional system of justice.”<sup>126</sup> An officer of the Gacaca Department of the High Court of Justice in Kigali described it as a “mechanism that is rooted in our culture.”<sup>127</sup> While critics complain that the ICTR does not make sufficient efforts to inform Rwandans about its work, the “grassroots” gacaca model emphasizes popular participation and “justice on the grass.”<sup>128</sup> In contrast to the deeply unpopular

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<sup>123</sup> I draw the figure of 12,103 from the Economist Intelligence Unit November 2006, p.16. Molenaar (2005) cites a ballpark figure of around 11,000 (p.2). Most *gacaca* began their judging and sentencing phases in March 2005. Gacaca tribunals have been gathering evidence since 2002. Most judges were elected in 2001 and trained in Spring 2002.

<sup>124</sup> Karekezi, Nshimiyimana and Mutamba 2004, p.73

<sup>125</sup> Uvin and Mironko 2003, p.229

<sup>126</sup> Kagame cited in Molenaar 2005, p.3

<sup>127</sup> Charles Kaitera, Director of communication Gacaca Department of the High Court of Justice in Kigali, interviewed by Molenaar 2005, p.10

<sup>128</sup> Gacaca is usually translated as “justice on the grass.” During his research in Rwanda, Molenaar (2005) was shown a plant called *umugaca*. Elders told him that ancient gacaca were held on soil covered by this plant. “This plant felt like a very soft carpet, which explains why people preferred to sit on it during sessions” (p.12). Molenaar also notes that a 1995-6 UNHCR report concluded the term *gacaca* was based on the

ICTR, some evidence suggests many Rwandans approve of gacaca. Surveys by Johns Hopkins University and the now-disbanded Rwandan human-rights organization LIPRODHOR suggest that approval rates for the gacaca in Rwanda are extremely high.<sup>129</sup>

Gacaca operate at the level of *cellule* and *secteur*.<sup>130</sup> Originally, the tribunals were designed to handle a caseload of around 760,000 “lower-level” suspects of category two and three crimes who did not directly plan or organize the violence.<sup>131</sup> Gacaca tribunals were instructed to gather evidence and conduct initial hearings on local crimes during the genocide and hear the cases of those accused of criminal murder (as opposed to genocidal murder), violent offenders, looters, and those who manned roadblocks. All individuals who are accused of planning and organizing the genocide and those charged with *category one* crimes were to be tried in national courts or the ICTR. The government of Rwanda claims sexual violence cases, defined as a category one crime, are forwarded to the Rwandan court system. Despite the Rwandan government’s assurances, however, a 2008-9

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Kinyarwanda proverb *urujya kujya i Bwami, rubanza mu Bagabo* which they translate as “before one addresses the *mwami*, one has to visit the wise men first” (ibid).

<sup>129</sup> Gabisirege and Babalola 2001. By contrast, Molenaar (2005) persuasively argues that repressive political and cultural context seriously undermines the accuracy of this survey data (pp.73-5). He writes “When confronted with strangers, it is deemed wiser to be careful instead of open and when one is asked a question it is better to give an answer that will not have negative consequences than an answer that comes close to the truth. This custom will probably have become stronger due to the imposition of politically correct discourse by the present government” (p.74).

<sup>130</sup> The *cellule* is the smallest unit of governance, on average 830 citizens. Cellule-level gacaca are responsible for investigating crimes committed in the cellule but process only suspects who committed crimes against property (category three crimes). Category two crimes are forwarded to *secteur* gacaca. *Secteurs* usually comprise six *cellules*. See Clark 2005, p.71.

<sup>131</sup> Economist Intelligence Unit, November 2006. See Clark 2005 for an excellent overview of the mechanics of gacaca (pp.68-78). Rwandan definitions of genocide crimes were established under the 1996 Organic Law and elaborated under the Gacaca Law of 2001. The revised Gacaca Law of 2004 reduced the number of categories from four to three. Category one crimes include the planners, organizers, instigators, supervisors and ringleaders of the genocide or crimes against humanity and their accomplices; government officials, police, militia and religious leaders, high profile murderers, torturers, those engaged in sexual violence and their accomplices. The GOR claimed gacaca tribunals did not compete for jurisdiction with the ICTR or Rwandan courts. However, as Clark notes, there are “no explicit principles [...] for the distribution of suspects between the ICTR and the national [Rwandan] courts. An unofficial [ad hoc] division between the jurisdictions assumes that the ICTR will hear the cases of suspects considered to be among the most important planners and perpetrators of the genocide, while leaving the remaining, lower-level category [one] cases to the national system” (p.70).

UNIFEM study has found that gacaca tribunals now routinely handle backlogged rape cases.<sup>132</sup>

On cursory inspection, then, the gacaca appear to be everything the International Tribunal is not: traditional, local and participatory. Proponents argue gacaca offer “victim-centered” justice and can be “empowering” for participants. Despite considerable criticism from international human rights organizations, Rwandan politicians and some scholars argue that gacaca is a political and social process that promotes reconciliation.<sup>133</sup> As such, it may be useful to consider this comparison in some depth. Does the gacaca provide a “local” alternative to the formalities of the putatively global justice of the “remote” ICTR? In this section, I argue that this global/local juxtaposition does not stand up. I focus my attention in this section on the practical and social dimensions of gacaca, pointing to ways in which the practices of the gacaca, like the ICTR, are implicated in the production of global governance.

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<sup>132</sup> Valji 2008. It is also very difficult to separate sexual crimes from other violent crimes. Moreover, it appears unlikely evidence of sexual violence would be referred to formal courts as rape was usually committed by militia members not senior figures.

<sup>133</sup> Where the ICTR is accused of offering “luxurious” prison facilities and medical treatment to detainees, human rights organizations argue that gacaca flagrantly violate internationally recognized legal standards protecting the rights of the accused. The gacaca system does not separate the role of prosecutor and judge, offers no legal counsel, no legally reasoned verdict, actively encourages prisoner confessions, and punishments for similar crimes may vary enormously between localities. See Uvin 2003, p.118. Amnesty International argue that gacaca do not meet basic requirements of fair trial and due process as prisoners and other accused do not have access to legal council or the right of a trial by a competent, independent and impartial tribunal. See Molenaar 2005, p.70. Scholars have suggested gacaca should be seen as a social or political tool not as a judicial mechanism. See for example Molenaar 2005; Clark 2005. Prominent commentators acknowledged that gacaca may be the only strategy to cope with the enormous Rwandan prisoner population – which may well constitute an “emergency.” Uvin (2003) argues that the Rwandan formal criminal justice system, despite international assistance, is completely inadequate for the task of dealing with the prisoner backlog. The formal system, he argues, also violates human rights, including the “basic right to a speedy trial, reasonable detention times and decent conditions of detention is being violated under the current practice, and no one has any credible ideas about how to change this [apart from gacaca]. In addition, approximately 60 per cent of those brought to justice [in the formal system] so far have not had legal counsel, and for many who had it this counsel was of low quality – as were the prosecutors, investigators and judges. Hence, when discussing gacaca, we are not comparing a ‘clean’ system that respects criminal and human rights law with one that violates it, but rather two practices that are both weak and incomplete” (p.119).



*“Traditional”*

Though described as traditional, contemporary gacaca tribunals were designed by the Rwandan government developed with input from UN agencies and funding from international organizations, donors and NGOs.<sup>134</sup> French scholar Jacques Fierens argues that the Rwandan government’s gacaca initiative “endeavours to legitimize a hereto unheard-of attempt at people’s justice [...] rather than to draw upon cultural specificities.”<sup>135</sup>

Though international representatives have often criticized the gacaca model, it is interesting to note that initial proposals came from UN representatives. In fact, a representative for the UN Secretary-General, Francis Deng, proposed the use of gacaca for resolving post-genocide land disputes in 1995. Deng argued that “Customary legal traditions which in the past constituted the traditional first and second instances of litigation (e.g. the institution of Gacaca), might be worthy of developing especially since a full-fledged judicial system is not yet fully operational...”<sup>136</sup>

Rwandan authorities initially rejected Deng’s proposal.<sup>137</sup> The gacaca option was sidelined in discussions until President Pasteur Bizimungu instructed the National Unit and Reconciliation Commission to investigate the use of gacaca in October 1998. These efforts were aided by international agencies, including the UNHCR, which issued a report on gacaca in February 1999. A United Nations’ Special Rapporteur concluded that gacaca

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<sup>134</sup> Molenaar 2005i, p.68; Uvin 2003

<sup>135</sup> Fierens 2005, pp.912-3

<sup>136</sup> UNESCO cited in Clark 2005, p.57.

<sup>137</sup> Clark 2005, pp.56-7. During this time, the Danish Centre for Human Rights (DCHR) and NGOs like Avocats Sans Frontieres (ASF) assisted the government of Rwanda with a major reform of the national court system. In August 1996 the Rwandan government passed the Organic Law, which established the categories of genocide crimes that are still used (in a revised form) in both gacaca and in Rwandan Courts. The Organic Law also provided for plea-bargaining deals for suspects who confessed to crimes.

tribunals “could be utilized for purposes of testifying in connection with reconciliation” though gacaca were not considered a suitable forum to process charges of crimes against humanity.<sup>138</sup>

Nevertheless, Bizimungu’s commission drafted gacaca proposals and began promoting the project among government officials, mayors, local leaders and NGOs from June 1999. A Gacaca Law was passed January 2001 (subsequently revised in 2004), followed by national education campaigns and a preliminary pilot phase that included displaying and parading prisoners in their home communities.<sup>139</sup> The rhetoric of tradition in the gacaca serves the Rwandan government’s campaign for a new Rwandan national identity.<sup>140</sup> Although the initiative is funded by numerous international donors, Rwandan politicians have argued that gacaca demonstrate that Rwandan society can “take care of its own problems” and should be promoted as a “justice system based on Rwandan cultural heritage [symbolizing] the strength of Rwandans and their culture.”<sup>141</sup>

The contemporary gacaca model does not much resemble “traditional” gacaca processes. Evidence suggests that gacaca historically served as flexible and versatile mechanisms used to solve neighborly and family disputes, such as verbal insults, bar brawls, or minor land disputes. While gacaca varied between localities and over time, gacaca were never used to handle serious cases like murder or important pastoralist matters like the theft of cows. These important disputes were likely settled by vendetta or by chief

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<sup>138</sup> United Nations 1999 cited in Clark 2004, p.59

<sup>139</sup> Clark 2004, p.60; Karekezi, Nshimiyimana and Mutamba 2004

<sup>140</sup> History is reportedly no longer taught in Rwandan schools and ethnic labels may not be used in public discussions. See Barnes 2004.

<sup>141</sup> Molenaar 2005i, p.68. Uvin and Mironko (2003) report that the gacaca information and training campaigns and management costs were paid for by the U.S., Belgian, German, Swedish and Swiss governments (p.228).

or *mwami*.<sup>142</sup> The genocide gacaca, by contrast, are highly structured, formalized affairs directed by the Rwandan government and organized by local political authorities who enforce community participation.<sup>143</sup> As Molenaar found, the genocide gacaca is “highly structured, highly formal, strictly hierarchical and [...] it forms an integrated part of the national legal system.” The process is the result of “active interventions from above [from the Rwandan government] in the *modus operandi* of traditional justice.”<sup>144</sup>

### “Popular”

Where few ordinary Rwandans are able to visit the Arusha tribunal, gacaca are held in the communities where crimes took place. Rwandans attend and take part in outdoor proceedings, many of which are in rural *communes*. Where ICTR witnesses borrow suits from the ICTR Victims’ Unit, gacaca participants “share the same way of dressing, level of education, poverty, religion and way of life.”<sup>145</sup> 170,000 elected lay people, including farmers, traders and craftsmen, serve as *inyangamugayo* (elected gacaca judges. Literally:

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<sup>142</sup> Molenaar 2005, pp.3, 15-16; Karekezi, Nshimiyimana and Mutamba 2004; Ingelaere 2008. There are other key differences too. While authorities currently promote women’s participation in genocide gacaca, Molenaar finds that women and children were historically excluded from direct participation in gacaca “because they were not allowed to speak to a group in public.” Molenaar also notes that “Women could, nevertheless, be very active behind the scenes and in that way women influenced the traditional gacaca tribunals. Children were sometimes ordered to be present at gacaca discussions, but this was mostly for educational purposes” (p.12).

<sup>143</sup> Karekezi, Nshimiyimana and Mutamba 2004, p.74

<sup>144</sup> Molenaar 2005, p. 26 and p.25. His research suggests that there is little certainty about jurisdiction or competence of historical gacaca. It is likely these arrangements varied over time and between regions, although traditional gacaca served as “the lowest echelon in the justice system” (p.15). It is probable that gacaca historically ruled only on relatively minor disputes among families and neighbors and land disputes. Molenaar concludes that “People who would have participated in traditional gacaca session one or more centuries ago would find it hard to recognize the new tribunals as being gacaca” (p.25). That said, Molenaar notes that gacaca have long been manipulated for political purposes: “When one studies the exact way that modern gacaca has been reshaped,” he writes, “striking similarities with earlier policies towards traditional justice emerge” (p.26). Belgian colonial authorities and post independence Hutu governments each pursued a policy of formalizing gacaca and integrating the tribunals within the Rwandan civil law framework. Bizarrely, the Rwandan government’s genocide gacaca policy could be viewed as a continuation of this long-standing political “tradition.”

<sup>145</sup> Molenaar 2005, p.1

people who do not like blame; people of integrity).<sup>146</sup> Though there is no gender quota in *inyangamugayo* elections, Rwandan authorities and NGOs have campaigned for the election of female judges. The proportion of female judges is estimated to be around one third at the cell-level and one fifth at the provincial level.<sup>147</sup>

In his nuanced ethnographic and historical study of gacaca, Molenaar writes that “In their own communities, where people feel at ease, they are more likely to show up and speak about what they saw [than they would be] in the unfamiliar situation of a formal courtroom.”<sup>148</sup> He observes,

During the meetings, the *inyangamugayo* [gacaca judges] sit on a row on wooden benches, facing the people who are seated on the grass. This is about the only difference between the judges and the rest of those in attendance. The judges are dressed the same as anyone else, most walk barefoot, the women carry children on their backs and breastfeed them, the judges are ordinary farmers, and only a couple of them know how to read and write. In this way, gacaca lives up to its reputation of being an accessible form of popular justice in which everyone can take part. [...]

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<sup>146</sup> Translation from Uvin and Mironko 2003, p.226. I draw the figure of 170,000 from Economist Intelligence Unit, November 2006. Lawyers, government officials and NGO workers are explicitly barred from serving as judges. The revisions to the Gacaca Law in 2004 reduced the number of judges from a total of 255,000. Clark 2005, p.72; Uvin 2003, p.117. *Inyangamugayo* (elected gacaca judges) must be over 21 and have a reputation for “truth and justice.” The community must agree they did not participate in the genocide. Many cell-level *inyangamugayo* were elected in 4 October 2001 in well-publicized and high turnout first round elections. See Harrell 2003, pp.78-9 and Molenaar 2005 p.23. Government employees and elected officials, police officers, soldiers, judges, clergy and NGO workers are excluded from serving as judges. The *inyangamugayo* receive around six days training on Rwandan law and legal principles, the management of gacaca hearings, ways of gathering and analyzing evidence, categorizing genocide suspects according to the severity of their crimes, sentencing, and conflict resolution. The trainings, which were funded largely by international donors, were held in April and May 2002. See Clark 2005, p.64; Uvin 2003, p.117.

<sup>147</sup> See Uvin 2003, p.220 and Molenaar 2005i, pp.98-99. Some commentators celebrate the fact that one fifth of elected judges are women as a “world record.” On the other hand, Uvin (2003) suggests that it is worrying that so few were elected.

<sup>148</sup> Molenaar 2005, p.72

everyone who wants to can make their contribution by testifying or giving his/her comments. Indeed, I have never noticed that anyone who wanted to testify was denied that right.<sup>149</sup>

Through the *inyangamugayo* and other participatory mechanisms, Rwandan authorities claim gacaca tribunals empower ordinary Rwandans. Ordinary people, rather than legal professionals, participate in collecting information about the genocide. The Rwandan government claims this process “create[s] new possibilities for social engagement and set[s] in motion a more sustained process for coming to terms with the past.”<sup>150</sup> Peter Uvin tentatively suggests that gacaca may have an advantage over other legal mechanisms because “people in the community by and large know the truth about who did and did not kill, and how, why, and with what degree of ruthlessness people killed others.”<sup>151</sup>

Gacaca tribunals usually take place in small rural villages; urban gacaca reportedly do not attract adequate participation. Once a quorum of 100 participants is gathered, a gacaca president opens proceedings by explaining the role of the elected judges, the purpose of the gacaca, the situation of the prisoners, and the rules of procedure. Impressing upon community members the need to participate and tell the truth, the president leads a short moment of silence in remembrance of those killed in 1994.<sup>152</sup> Local government officials enforce participation. Molenaar and Karekezi et al. each found that authorities in their field study sites regularly used threats of fines to coerce rural farmers and gacaca judges, who preferred to work their fields, to attend gacaca and arrive on

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<sup>149</sup> Ibid., p.98

<sup>150</sup> Molenaar 2005, p.72

<sup>151</sup> Uvin 2003, p.119

<sup>152</sup> See Clark 2005, p.1; Molenaar 2005 reports that few of these “minutes of silence” last a full sixty seconds and many are interrupted by uncomfortable giggles and chattering.

time.<sup>153</sup> Molenaar notes the irony that, “On the one hand gacaca is presented as being owned by the population, but on the other hand it is deemed necessary to use threats to get people to participate. Does this not mean that gacaca is a duty imposed from above, and not a right administered from below?”<sup>154</sup>

The GOR maintains that gacaca tribunals are designed to promote reconciliation among the communities where genocidal violence took place. Prior to gacaca proceedings, prisoners are encouraged to confess their crimes through a complex plea-bargaining system.<sup>155</sup> During the gacaca process, prisoners must publicly confess their crimes to their community, asking forgiveness from the family members of those they hurt or killed. Despite the emphasis on openness and forgiveness, observers report that the system of sentencing provides incentives for the accused to confess only to a minimal number of crimes. For example, prisoners might take responsibility for one murder but deny all others. Some reports and anecdotal evidence suggest, moreover, that prisoners may willingly confess to killings but will deny participating in sexual violence.<sup>156</sup>

The emphasis on reconciliation belies (and perhaps exacerbates) the very tense politics of gacaca gatherings. During gacaca tribunals, community members are asked to confirm or contest these confessions and make new accusations. In-depth studies have found that in many communities, particularly those with few Tutsi survivors, the Hutu population protest *en masse* through collective silence during the hearings. On other

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<sup>153</sup> Karekezi, Nshimiyimana and Mutamba 2004, p.79; Molenaar 2005, p.95.

<sup>154</sup> Molenaar 2005, pp.73-5.

<sup>155</sup> The system is based on the Organic Law of August 1996. Confessions are also encouraged through informal prisoner-led gacaca in detention facilities, outreach projects led by religious groups, and *ingando* (civil education centers; literally: solidarity camps). See Clark 2005, pp.57, 61.

<sup>156</sup> Gacaca gatherings are also charged with compiling lists of people who participated in the genocide who are not held as prisoners. Studies have found that very few new accusations are made in gacaca. In the rare cases that people are accused, they tend to take responsibility for comparatively minor crimes like looting or manning roadblocks. *Survivors* who make accusations are rarely corroborated by Hutu community members. See Molenaar 2005; Karekezi, Nshimiyimana, and Mutamba 2004; Clark 2005.

occasions, communities engage in heated arguments where *survivors*, a term that refers to Tutsi who lived in Rwanda during 1994, were pitted against the rest of the *community* or the *general population* (in discussions of Rwandan politics these terms usually imply Hutu).<sup>157</sup> An otherwise very favorable study from the National University of Rwanda conveys these tensions

The presidents of the gacaca courts consistently denounce the silence within the general population. Often they read the lists of accused without reaction from the assembly, even though those listed were the neighbors, friends, and brothers and sisters of those who attended the meetings. People reacted only when they were personally implicated, in order to insist they were innocent. Sometimes intense ‘duels’ broke out between a survivor who accused someone of participation and the accused who defended himself vehemently and even appeared threatening. The survivors were thus discouraged by the fact that they were the only ones to bring testimonies and charges before the public, sometimes under the denigration of others. It seemed to us that the sentiment of not wanting to attract enemies (*kutiteranya*) prevailed within the general population.<sup>158</sup>

The language of reconciliation and participation obscures the ways in which the National Unity Government’s gacaca project is centrally implicated in the politics of (global) governance. In fact, scholars have found it difficult to research popular perceptions of the gacaca process because Rwandans are afraid to criticize a government-

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<sup>157</sup> Molenaar 2005; Karekezi, Nshimiyimana, and Mutamba 2004

<sup>158</sup> Karekezi, Nshimiyimana, and Mutamba 2004, p.79

led campaign. For example, when Molenaar asked a female survivor about the importance of reconciliation, she answered: “What does it matter what I think? You know, a peasant has nothing to do, except to follow as a lamb what the authorities impose. Do not forget that to reconcile is an order of the high authorities, so what else can I do?”<sup>159</sup>

*“Ordinary people in the hills”*

The ICTR must prosecute, defend and judge genocidal crimes without reference to their social and historical context. The gacaca, in contrast, is by design integrated in communal life. As Molenaar explains, “gacaca takes away the judicial process from the formal courtrooms, and gives it to the ordinary people in the hills.”<sup>160</sup> While the ICTR and the gacaca are very distinct locations, the practices of both institutions are implicated in the production of the people who are described as “ordinary Rwandans,” “victims and witnesses,” and “peasants” as the objects of global governance.

Gacaca is a “social process.”<sup>161</sup> As such, “gacaca is not shaped by laws and legal safeguards but by social interaction within the community.”<sup>162</sup> Molenaar observes that

While lawyers, prosecutors and judges are all trained to restrict themselves to the one event that is at stake in relation to the law, ordinary people are not. You cannot expect them to distinguish gacaca and ordinary life. By bringing justice into [the] hills, it becomes part of communal life that is larger than only gacaca. One should realise that as a result all events and

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<sup>159</sup> Cited in Molenaar 2005, p.29. Molenaar suggests this was a typical response.

<sup>160</sup> Ibid., p.117

<sup>161</sup> Ibid., p.7

<sup>162</sup> Ibid., p.7



elements of this life, including age-old disputes between families, will play a role in the judicial process.<sup>163</sup>

As such, personal grievances, family disputes, and gossip apparently unrelated to the genocide often feature prominently in gacaca discussions.<sup>164</sup> These distractions and insults are often used to intimidate witnesses. Karen Brounéus, a psychologist at the University of Uppsala's Department of Peace and Conflict Research, conducted interviews with female genocide survivors in Rwanda. One interviewee explained why she did not tell her story at the gacaca. "When I wanted to testify, they did not want me to give correct testimony. They made me be quiet... Then I kept quiet because I saw that I was not safe."<sup>165</sup> Another woman told Brounéus

When I gave testimony [...] the *génocidaires* they are still angry. Even the *inyangamugayo* [judges], they did not understand anything of my testimony... They said derogatory remarks about women. They said that [the skeletons of family members were] the bones of dogs... They said it was not the bones of people, but of cows, dogs, not of people... I had a crisis. I could not continue.<sup>166</sup>

Unlike ICTR witnesses in Arusha courtrooms, gacaca witnesses testify amongst their neighbours, immediate community. As Molenaar observes, "Gacaca functions in a community, and in this community people live in a complicated web of relationships that is

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<sup>163</sup> Ibid., p.117

<sup>164</sup> Ibid., p.117

<sup>165</sup> Genocide survivor interviewed by Brounéus 2008, p.67

<sup>166</sup> Ibid., p.69

shaped by the past and determines people's futures." He finds that "Because testifying in gacaca can have enormous consequences, like imprisonment for life, it has the power to disrupt social networks."<sup>167</sup>

In this way, the ICTR and the gacaca are, in different ways, each uncomfortably implicated in often-explosive reconfiguration of politicized social relations in Rwanda. Human Rights Watch, Rwanda survivors associations, and the Rwandan *Daily Times* regularly report the murders of people who have testified at the gacaca. These reports strongly suggest that gacaca witnesses, including survivors and people who corroborate their accounts, are routinely harassed.<sup>168</sup>

Brounéus interviewed sixteen female genocide survivors. The interviewees each reported that their neighbors had thrown stones, destroyed their houses and essential crops, harassed their children, and issued death threats in retaliation for their testimony at the gacaca. Like ICTR witnesses who were ostracized and attacked after they returned, gacaca witnesses face retributions. As one woman told Brounéus,

I was afraid when I gave testimony in gacaca because the people were yelling... Afterwards, they came; they broke my windows. I was afraid. I thought I would be killed... I do not go to the gacaca any longer. I am scared to be attacked or killed. My sister was killed in February after she had given testimony.<sup>169</sup>

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<sup>167</sup> Molenaar 2005, p.117. As the author points out, this has profound implications for the accuracy of gacaca testimony. He argues "It would be naïve to expect people to accept these kinds of effects [on social and communal life] and decide to testify truthfully about what they witnessed" (118).

<sup>168</sup> See Human Rights Watch 2007a and 2007b. An 2008 Ibuka study concluded that at least 167 genocide survivors were murdered between 1995 in mid-May 2008. Over half of all murders were attributed to poisoning. Gacaca participants and *inyangamugayo* were also targeted. See Hirondele 15 July 2008. See also Molenaar 2005, p.43

<sup>169</sup> Interviewed by Brounéus 2008, p.68

Prosecutor Florence believes that some of the witnesses she brought to testify at the ICTR died from the trauma of giving evidence in Arusha. Similarly, Brounéus' interviewees spoke of having a crisis or *traumatisme* while testifying at the gacaca, crying, fainting, or shaking uncontrollably. One interviewee told Brounéus "What hurt me the most was that they [the neighbors] saw me, I had the *traumatisme* surrounded by them."<sup>170</sup> A woman interviewed by Brounéus points out the obvious threat to survivors' security "When we give testimony, the *génocidaires* and their families are stronger and more numerous than we are. We are very few. Our voice cannot be heard as well as theirs."<sup>171</sup>

If gacaca are thoroughly integrated in community life and embedded in local social relations, is it possible for people to testify about sexual violence? Few studies examine the status of sexual violence in the gacaca process because the GOR has regularly reassured human rights organizations and donors that category one crimes, including sexual violence, must be forwarded to national courts. However, as Nahla Valji of the Centre for the Study of Violence and Reconciliation in Cape Town reports, gacaca jurisdictions have been revised four times between 2004 and 2008. In the summer of 2008 the Rwandan House of Deputies and the Rwandan Senate reclassified sexual torture cases as category two crimes. As a result, rape cases can now be heard by gacaca courts.<sup>172</sup> In 2008 Domitilla Mukantaganzwa, Executive Secretary of the National Service of the Gacaca Courts,

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<sup>170</sup> Interviewed by Brounéus 2008, p.69. Molenaar (2005) documented the experiences of Drocelle, a Rwandan mother whose three children were murdered in the genocide, when she testified at the gacaca. He reports "she found it emotionally very difficult to talk about her children. Every week she had to repeat in detail her version of the events, which she found hard. Now and then she cried silently during the assemblies, which is considered inappropriate behavior and the population mostly sniggered uncomfortably in the presence of a crying woman. Even more difficult was the fact that the high number of confessions did not uncover the truth about what exactly had happened to her children and which individuals actually killed them. In her view, the confessions consisted of half-truths and lies about people's personal roles..." (p.120)

<sup>171</sup> Brounéus 2008, p.68

<sup>172</sup> Valji 2008

estimated that 6,808 sexual violence cases will be transferred to gacaca.<sup>173</sup> Women's rights' agencies, including UNIFEM, argue that this reclassification entirely undermines the "efforts of women's organizations to ensure that these cases were classified amongst the most serious crimes."<sup>174</sup> Uvin also argues that social stigma associated with rape, the absence of trauma counseling, and the social status of Rwandan women all combine to impede discussions of sexual violence.<sup>175</sup> A 2004 report by the Women's Legal Rights Initiative points out that a public confession of rape in gacaca is almost as shameful to the victim as to the perpetrator.<sup>176</sup>

### *Remote justice*

The contrast between the *local* gacaca and the "remote" *international* tribunal does not stand up. Regardless of their geographical locations, both mechanisms are political and politicized projects "from elsewhere" which are negotiated in particular places. In each case, the *practices* of justice, coupled with bureaucratic routines and hierarchical social relations, produce certain groups of people, places and concerns as "local." Though ICTR and gacaca justice are carried out through "grounded" encounters, "local" concerns are marginalized in these ambitious projects of justice and reconciliation.

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<sup>173</sup> Hirondele cited in Valji 2008, p.26. These alleged crimes all took place during the 1994 genocide.

<sup>174</sup> Valji 2008, pp.22-3. Note that even before this change, gacaca courts were charged with investigating and gathering evidence of genocide violence, including rape, in their jurisdiction.

<sup>175</sup> Uvin 2003, p.220. Uvin also suggests that despite new legislation granting women the right to property and inheritance and new women's organizations, gacaca discussions may deprive widows of their property and compensation.

<sup>176</sup> Cited in Valji 2008, p.24. This report also details an International Rescue Committee survey on behalf of the GOR which indicates that Rwandans do not believe gacaca is an appropriate venue to hear sexual violence cases. In 2006 63 percent of respondents agreed with the statement "Women will have difficulties revealing themselves as victims of sexual violence [in gacaca]" (p.24).

## **Conclusions: A culture of global justice**

This study of the ICTR has examined a universal vision of global justice for women in practice. This work, I have argued, is characterized by hierarchical encounters between “global” Tribunal workers and “local” victims; conversations and negotiations between Rwandans and the lawyers, interpreters, administrators, and investigators on the UN payroll. In order to carry out its mandate to investigate, indict, convict and defend alleged *génocidaires*, Tribunal workers must convince Rwandans to talk. Yet, even as the Tribunal relies heavily on their testimonies, Rwandan women and their stories are often marginalized by “the everyday practices of modernity.” ICTR processes and procedures can, paradoxically, render Rwandan victims and witnesses mute. The stories of many ordinary Rwandans become a side-show to the grand unfolding narrative of global justice – and the narrative of Rwandan national reconciliation. In this way, the International Tribunal relies on Rwandan victims and survivors even as its practices help to re-inscribe them as objects of international justice.

The gacaca is not an empowering alternative to the Arusha Court. In fact, the dilemmas I have described may not be intrinsic to the notion of international justice *per se*. The remoteness of the ICTR and marginalization of Rwandan witnesses is not in the first instance a problem of geography (although the physical distance does not help). The social relations that characterize the Tribunal’s work need not be attributed primarily to its Security Council mandate or location in Arusha. Instead, the difficulties and dilemmas which I have described must be attributed to what Noworjee describes as “virtual distance,” a *culture of global justice* that shapes international workers’ encounters with “local” victims and witnesses. These encounters are characterized by a bureaucratic worldview

that renders those women who are “barely surviving” as marginal within the global project of the ICTR. In other words, Rwandan witnesses and victims have become objects of international justice, even though their translated and mediated voices animate this project of global governance.

This chapter has focused on the often-overlooked routine practices that characterize the Tribunal’s pursuit of global justice in the name of Rwandan women. By focusing on these grounded practices, I have examined the ways in which this project of global governance depends on the politics of “local” encounter. In the following chapter I address these concerns in a different realm of activities: international campaigns to end female genital cutting among women in East Africa.

“Cultures are continually co-produced in the interaction I call friction: the awkward, unequal, unstable, and creative qualities of interconnection across difference.”<sup>1</sup>

## CHAPTER FOUR

### Global Governance and “Local Culture”

#### International Organizations, Grassroots Activists, and Campaigns against Female Circumcision

In 2003 the *Arusha Times* reported that a facilitator at a seminar run by a small NGO in Shiboro village, Tanzania described FGM as “barbaric.” Two-thirds of the local women in attendance walked out of the workshop. They protested that circumcision curbed promiscuity and provided a means for female initiation as adult members of their communities. In response, local church leaders argued the women who protested were “backwards” and motivated by “ignorance.”<sup>2</sup>

*Female genital mutilation*, widely known as FGM, is internationally condemned.<sup>3</sup>

While campaigners adopt a wide variety of strategies in their efforts to combat female

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<sup>1</sup> Tsing 2005, p.4

<sup>2</sup> *Arusha Times*, 2-8 August 2003. This article was brought to my attention by Gemma Burford Enolengila of Aang Serian NGO.

<sup>3</sup> The terminology surrounding female genital mutilation (abbreviated as FGM), female genital cutting (FGC), and female circumcision has been coherently discussed by scholars. See for example Shell-Duncan and Hernlund 2000, pp.3-7. I self-consciously use the term FGM in this chapter to reflect the ways in which many international organizations, grassroots NGOs and other campaigners characterize female excision in East Africa. Though not all forms of genital cutting in Sub-Saharan Africa are associated with generational rites, I use the term female circumcision because this term is used in Monduli villages.

excision, international organizations, national governments, and NGOs like the organization in Shiboro agree that FGM is a problem of “culture” and “tradition.” This chapter investigates how these pervasive ideas structure the ways in which women’s human rights advocates campaign to end female genital cutting in East African villages in Tanzania, Uganda and Kenya. I argue that when *female genital mutilation* is invoked as an abstracted “problem of culture,” efforts to combat female excision can have unanticipated and sometimes counterproductive consequences.<sup>4</sup> As such, I emphasize the ways in which campaigns to end FGM - interwoven international, national and local projects, which I characterize as practices of global governance - must engage in highly politicized negotiations and translations.

I focus my attention on controversies and struggles surrounding particular international and local campaigns to end female circumcision in East Africa. I examine initiatives in Tanzania, particularly in pastoralist Maasai villages<sup>5</sup> in the Monduli Juu District, and draw on examples from Kenya and Uganda.<sup>6</sup> In each case, I seek to understand how campaigns to end “harmful cultural practices” are communicated, translated and at times resisted in particular East African communities. I find that many campaigns against *female genital mutilation* are unexpectedly controversial, even where activists explicitly claim to be “culturally sensitive.” I suggest we might attribute some of

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<sup>4</sup> While emphasizing the social production and politicization of knowledge about “the problem of FGM” in global governance discourse and practice, I do not wish to diminish the violence of female excision.

<sup>5</sup> The *Ilkisongo* Maasai usually identify as pastoralist herders (I do not in this chapter discuss the Arusha or Waarusha agriculturalist group often associated with the Maasai). That said, many communities have long practiced some cultivation and other non-pastoralist economic activities due to land alienation, development programs, and economic necessity.

<sup>6</sup> I conducted fieldwork on FGM projects between May-August 2006 and April-June 2007. During much of this time, I observed and collaborated with Aang Serian, a small Maasai-led activist group based in Monduli, Northern Tanzania. For the purpose of disciplinary conventions I refer to Aang Serian as a “grassroots NGO.” This chapter draws on my experiences accompanying Aang Serian activists as they researched and organized community-based alternatives to conventional anti-FGM projects in pastoralist villages in the Monduli region. This project also draws on a collaborative project by Winterbottom, Koomen, and Burford 2009.



these problems to the way in which anti-FGM advocates view female excision as a “cultural problem” in the narrowest of terms without considering fully the ways in which culture is always and inevitably a contested, politicized terrain, a site of change, negotiations and struggles. By viewing female excision as primarily a problem of culture, activists and development workers are often unable to consider how the complex politics surrounding campaigns against female circumcision can at times reinforce hierarchical and asymmetrical cultural and political relations between “local” communities and global (as well as national) institutions.

I frame international campaigns against *female genital mutilation* as a project of global governance, conceived and implemented by a disparate network of donor and UN agencies, transnational activists, international NGOs, national civil society organizations, among others. As I have argued in prior chapters, efforts to end FGM can rarely be described as either “foreign” or “indigenous.” In fact, most initiatives are neither strictly “local” nor “global” precisely because the issue of FGM engages a tangled web of interconnected international, national and local actors who must invariably engage in complex and highly politicized encounters in particular places. For this reason, I look to explicitly international developments surrounding female genital mutilation (such as international declarations, transnational activism, donor agencies, and international organizations) as well as “local” campaigns in more remote places. I examine, for example, community discussions in pastoralist villages in the Monduli Juu District and look to the activities of “grassroots” and national activists in Tanzania. As I will explain below, these

so-called local phenomena must inform the study of the implementation of international campaigns to promote women's human rights.<sup>7</sup>

### *Outline*

In Part One, I discuss how global, national and local campaigners, and policy-makers have often viewed female excision as a “problem of African culture.” In doing so, anti-FGM advocates rarely acknowledge how the implementation of campaigns to eradicate female excision can engender far-reaching politicized controversies and resistance from the very communities they seek to transform. In Part Two, I turn to an in-depth discussion of various campaigns against FGM in East Africa, including efforts to criminalize female excision, campaigns centered around the issue of education, efforts to communicate the problems of FGM directly to rural pastoralist Maasai, and initiatives that explicitly adopt “culturally sensitive” approaches. I trace the ways in which these campaigns can have ambiguous, unexpected and even counter-productive implications. Finally, I suggest that campaigns against female circumcision can be implicated in the cultural production of hierarchical social relations when they inscribe particular groups of people as traditional, local, and marginal subjects of governance.

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<sup>7</sup> My choice of research topic is informed by my collaboration with Aang Serian. Established in 1999, the group organized a variety of educational and cultural services in several Maasai villages in Monduli Juu District and engaged in efforts to address FGM in the area since 2005. With a few exceptions, I have tried to avoid naming other grassroots groups, activists, or local organizations. Though many issues raised in this chapter were inspired by conversations with many knowledgeable “grassroots” activists in northern Tanzania, I must stress that my collaborators and informants may not share my interpretation of FGM interventions.

## Global governance of a “cultural problem”

Campaigns against female excision in East Africa are not new.<sup>8</sup> Historians trace early missionary campaigns in Kenya against circumcision back to at least 1906.<sup>9</sup> International organizations and charities, too, discussed the matter during the colonial era. In fact, Jomo Kenyatta wrote of a 1931 Save the Children Fund conference where various European delegates spoke out against the “barbarous custom [sic]” in Africa.<sup>10</sup> Various studies by the UN Commission on Human Rights, ECOSOC, the WHO, and the World Health Assembly also highlighted “the persistence of customs which subject girls to ritual operations” from the 1950s.<sup>11</sup>

Yet contemporary international campaigns against *female genital mutilation*, as the diverse practices of female excision increasingly came to be known, are most often traced back to the late 1970s. During this time, the issue of female excision was most prominently publicized by US journalist Fran Hosken, who framed the issue of female genital mutilation in the language of second wave feminism and primarily addressed western audiences. The widely disseminated *Hosken Report*, first published in 1979, and the Women’s International Network (WIN) advocated western feminist action on behalf of “their abused African sisters.”<sup>12</sup> These efforts gained momentum from the 1979 seminar

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<sup>8</sup> In contrast, US feminists Fran Hosken and Mary Daly argued in the late 1970s that the WHO, UNICEF, USAID, NGOs, missionaries, churches and other organizations in Africa “all know what is going on...But they do not speak [about female genital mutilation].” See Daly 1990 [1978], pp.157-8 (Note that Daly cites Hosken as her primary source). Moreover, they argue “in the socialist countries in Africa clitoridectomy and infibulations are practiced on a vast scale without comment from the government or health departments.” See Daly 1990 [1978], p.158. Historical evidence contradicts these assertions.

<sup>9</sup> See for example Tignor 1976 and Presley 1992 for accounts of missionary activities against female circumcision in Kenya which culminated in the controversies of the late 1920s. For evidence of smaller scale intervention by missionaries in colonial Tanganyika see for example Hokororo 1960.

<sup>10</sup> Kenyatta 1938 [1953], pp.131-2

<sup>11</sup> Welch 1995, p.105, fn.19

<sup>12</sup> Welch 1995

on Traditional Practices Affecting the Health of Women and Children in Khartoum, which is widely cited as a key starting point in transnational activism on the issue of FGM.<sup>13</sup>

During the 1980 world conference on women in Copenhagen, other international NGOs and UN agencies, including the UN Commission on Human Rights, became involved in discussions on female excision in Africa. However, very few African activists or organizations were involved in these international developments until the Inter-African Committee was established in 1984 to coordinate national and international campaigns against female genital cutting.<sup>14</sup> Though headquartered in Geneva and Addis Ababa, the IAC has established affiliate sections and committees in 28 African countries.<sup>15</sup> In part through these efforts, *female circumcision* became known as *female genital mutilation*.

International and national condemnation of FGM peaked in the mid 1990s. An influential 1993 report by Nahid Toubia prepared for the World Conference on Human Rights in Vienna estimated that 114, 296,000 women in Africa had undergone genital cutting procedures.<sup>16</sup> The Vienna Declaration and Programme of Action calls for the elimination of “certain traditional or customary practices.”<sup>17</sup> The subsequent UN Declaration on the Elimination of Violence against Women adopted by the General Assembly in December 1993 explicitly enumerated female genital mutilation.<sup>18</sup> As Claude Welch has argued, these transnational campaigns helped to frame genital cutting as a

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<sup>13</sup> WHO 1979. See also discussions by Boyle and Preves 2000, Boyle, Songora and Foss 2001; James and Robertson 2002; Shell-Duncan and Hernlund 2000, p.25 and pp.28-9; Welch 1995.

<sup>14</sup> Ibid.

<sup>15</sup> Welch 1995, p.96; IAC has chapters and committees in Egypt, Sudan, the Horn, and throughout West Africa. The Committee has a small presence in Tanzania, Kenya and Uganda.

<sup>16</sup> Toubia 1993; also cited in Welch 1995, p.88

<sup>17</sup> Vienna Declaration and Programme Of Action 1993

<sup>18</sup> UN General Assembly, Declaration on the Elimination of Violence against Women 1993, Article 2. FGM was also explicitly classified as a form of violence against women at the Beijing UN Conference on Women in 1995. At the conference Hillary Clinton stated “It is a violation of human rights when young girls are brutalized by the painful and degrading practice of female genital mutilation” (Cited by Shell-Duncan and Hernlund 2000, 27).

human rights issue; “From an issue espoused by a handful of Western feminists [in the 1970s], genital operations have become targets of widespread discussion and increasing government action.”<sup>19</sup>

As Elizabeth Boyle and her co-authors have established, FGM became “counter-normative internationally” in the 1980s and 1990s. Most notably, in 1996, the United States Congress enacted the Federal Female Genital Mutilation (FGM) Act that criminalizes genital cutting of minor girls. During the introduction of the Senate Bill, Senator Paul Wellstone of Minnesota described FGM as “a horrific form of child abuse as well as a human rights violation.”<sup>20</sup> The final Act made US support for loans distributed through the IMF and the World Bank conditional on foreign governments carrying out anti-circumcision campaigns.<sup>21</sup>

This legislation had profound implications for African governments. Over a short period of time, a large number of African governments signed international declarations and developed national legislation in response to international pressure, despite considerable local support for the practice in many cases.<sup>22</sup> The government of Tanzania, for example, issued legislation that outlawed FGM with the Sexual Offence Special Provision Act soon after the US conditions were set in 1998.<sup>23</sup> Boyle suggests that the Tanzanian government had “no leverage to ignore international ideology opposing female

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<sup>19</sup> Welch 1995, p.88

<sup>20</sup> 140<sup>th</sup> Cong. Record S14242-44 (1994) cited in Gunning 1998, p.210

<sup>21</sup> Boyle, Songora and Foss 2001

<sup>22</sup> African states which have passed national legislation against FGM include Benin, Burkina Faso, the Central African Republic, Chad, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, Ghana, Guinea, Kenya, Niger, Nigeria, Senegal, South Africa, Tanzania and Togo. (Note that governments not on this list may have approved national education campaigns on FGM in lieu of national legislation.) Other states that have passed national legislation include Australia, Belgium, Canada, Cyprus, Denmark, Italy, New Zealand, Norway, Spain, Sweden, the United Kingdom, as well as the US. See Mertus and Flowers 2008, p.157; Boyle and Preves 2000; Boyle, Songora, and Foss 2001.

<sup>23</sup> Though female circumcision was addressed in the Tanzanian criminal code since 1995, the Sexual Offence Special Provision Act 1998 explicitly criminalized the circumcision of girls under the age of 18 years.

genital cutting” resulting in “an enthusiastic if belated embrace of international calls to abolish female genital cutting.”<sup>24</sup>

More recently, Inter-African institutions have addressed the issue of FGM and have spurred on African governments to make further commitments to ending FGM. The OAU adopted the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (known as the Maputo Protocol) in 2003.<sup>25</sup> As Rachel Murray suggests, these efforts were motivated in part by OAU delegations to the UN Women’s Conferences in Copenhagen, Nairobi and Beijing.<sup>26</sup> The Protocol specifically recognized female genital mutilation among “harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards.”<sup>27</sup> By February 2008 twenty-three African states, including Tanzania, had ratified the Maputo Protocol, which commits governments to enforcing anti-FGM laws, promoting public awareness, and protecting victims.

Though international pressure may have provided the main initial impetus for the anti-FGM laws in many African states in the 1990s, civil society groups have also been active and vocal participants in these developments. In Tanzania members of the National

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<sup>24</sup> Boyle, Songora and Foss 2001, pp.534-6. After the 1998 Act the Tanzanian government also took additional steps to demonstrate its commitment to eliminating FGM. The Tanzanian Ministry for Health, and the Ministry of Community Development, Gender and Children published a fifteen year plan to eradicate FGM in 2003 with support from the WHO, UNICEF and UNFPA, *The National Plan of Action To Accelerate the Elimination of FGM and other Harmful Traditional Practices in Tanzania* (2003). In 2003 the Tanzanian government signed the Protocol on the Rights of Women in Africa (Maputo Protocol). The Tanzanian Ministry of Health runs anti-FGM programs, often in conjunction with NGOs and the National Committee on Traditional Practices.

<sup>25</sup> While the Maputo Protocol was originally drafted by the African Commission on Human and Peoples’ Rights, its provisions on female genital cutting were influenced by the OAU Women’s Unit and the Inter-African Committee on Harmful and Traditional Practices who had originally drafted a separate Convention on Harmful and Traditional Practices. When the ACHPR’s draft Protocol was forwarded to the OAU, the OAU asked the Commission to add provisions on harmful and traditional practices to it. See Murray 2004, p.151.

<sup>26</sup> Murray 2004, p.134

<sup>27</sup> Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol)

Coalition against FGM orchestrate educational and media campaigns, pursue civil and criminal action against perpetrators, and hold the Tanzanian government accountable to its international legal commitments.<sup>28</sup> These national civil society organizations maintain connections with international organizations, donor agencies, and philanthropic foundations that fund many national campaigns against FGM.<sup>29</sup> International fora also provide important opportunities for high profile national civil society activists and UN staff to share and debate campaign strategies, work towards legal harmonization and identify “culturally sensitive” approaches.<sup>30</sup> In these ways, campaigns against FGM reveal the intimate connections between national efforts and international initiatives.

While scholars have spent considerable energy studying campaigns against female genital mutilation orchestrated by national governments, international organizations and civil society organizations, few authors pay attention to small-scale campaigns led by small, local charities, churches, schools and community groups across East Africa. This is an unfortunate oversight. When “grassroots” activists engage with the issue of female excision they often employ language inspired by international agreements, declarations and activities. Some local initiatives I witnessed in East Africa explicitly employed internationally publicized “best practices” developed by United Nations agencies.<sup>31</sup> The issue of female excision invariably engages a complex web of interconnected local, national,

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<sup>28</sup> The Coalition includes AFNET, the Legal and Human Rights Centre (LHRC), the Tanzanian Media Women’s Association (TAMWA), and the Tanzanian Women Lawyers Association (TAWLA), among other organizations.

<sup>29</sup> The Konrad Adenauer Foundation, a branch of the German Christian Democratic Party, has supported the AFNET initiative (Interview with AFNET Regional Coordinator, Arusha, Tanzania, 22 June 2006). USAID has funded anti-FGM workshops organized by TAMWA (“TAMWA Organises Workshop for Anti-FGM Activists” *The Guardian of Dar Es Salaam*, 20 July 2006, 3). Italian NGOs Associazione Italiana Donne per lo Sviluppo (AIDOS) and No Peace Without Justice (NPWJ) collaborated and funded TAMWA’s *Stop FGM Campaign*.

<sup>30</sup> For instance, the UNFPA brought together United Nations staff and activists for a Global Technical Consultation on Female Genital Mutilation/Cutting in 2007 in order to develop a “global road map for the elimination of FGM.” See UNFPA 2007.

<sup>31</sup> See for example, Woman’s Voice International 2004; Inter-African Committee 2001.

regional and international actors. International ideas about FGM reach villages that are considered very remote. For this reason, campaigns to eradicate FGM in East Africa can rarely be accurately categorized as global or local, foreign or indigenous.

### *A problem of culture*

Local, national and international campaigners vigorously debate which kinds of strategies most effectively combat female excision. Without underestimating the diversity of strategies and viewpoints, there is a prominent convergence in disparate debates and efforts among global, national and local actors working to end FGM in East Africa. International organizations, national governments, civil society groups, and activists agree that FGM is a problem of “culture” and “tradition” (*-a kisasa*, Swahili).<sup>32</sup> In fact, the umbrella term *female genital mutilation* itself has enabled campaigners to draw parallels between very different surgeries across large geographical areas.<sup>33</sup>

As Isabelle Gunning has shown, US commentators and feminist activists have contributed significantly to the image of FGM as a “traditional cultural practice.” In the 1970s, US feminists and medics denounced female excision as torture and mutilation.<sup>34</sup> Mary Daly’s *Gyn/Ecology*, first published in 1978, included a chapter on “African Genital Mutilation: The Unspeakable Atrocities.” Daly describes the practice as “African,” as

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<sup>32</sup> “FGM,” as it has been symbolically and politically invoked, is of course not a single, pan-African problem. The abstracted “FGM problem,” as posited in global discourse is infused with social meanings, analytical shorthands, cultural assumptions and spatial thinking. These ideas shape how we think about the FGM problem, what needs to be done (within imagined limits of possibility), to whom, and how.

<sup>33</sup> When I observed community meetings in villages in Monduli Juu, Tanzania, it was not uncommon to hear speakers use the acronym “FGM” in the middle of a long speech in Maa or Swahili. Yet the acronym also conflates very different forms of genital excision and obscures their different meanings and purposes in particular communities.

<sup>34</sup> For a discussion on Mary Daly and Fran Hosken see James 2002 and also Welch 1995; for analysis of the US debates on FGM see Gunning 1998.



“barbaric rituals/atrocities,” as “demonic,” and as “sado-ritual[s].”<sup>35</sup>

This emphasis on culture and tradition shaped the language of international declarations against FGM, particularly since the 1979 Khartoum seminar.<sup>36</sup> The 1994 UN Declaration on the Elimination of Violence Against Women emphasizes the need to eliminate “any conflicts which may arise between the rights of women and the harmful effects of *certain traditional or customary practices*.”<sup>37</sup> In East Africa, local and international anti-FGM campaigners also emphasize the problem of “traditional culture.” A widely circulated pamphlet by the Tanzanian Media Women Association (TAMWA), a high profile Dar es Salaam-based NGO, describes female genital mutilation as an “outdated custom and tradition that violates human rights.”<sup>38</sup> Similarly, the government’s *National Plan of Action to Accelerate the Elimination of FGM and other Harmful Traditional Practices in Tanzania* describes excision as “a deeply rooted tradition” and “deeply entrenched in the cultural values of the community.”<sup>39</sup> UN agencies and international donors working in East Africa also emphasize traditional culture. I interviewed five gender advisors based at the Tanzanian headquarters of the UN Food and Agricultural Organization (FAO), USAID, UNFPA and the International Labour Organisation. Each advisor described FGM as “a problem of culture.”<sup>40</sup> According to a senior gender advisor at the International Labour Organization, FGM persists because “people are *still* engaged in *traditional practices*.”<sup>41</sup> A gender advisor at the FAO described the causes of FGM as

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<sup>35</sup> Daly [1978] 1990, pp.154-155

<sup>36</sup> See discussions by Boyle and Preves 2000, Boyle, Songora and Foss 2001; James and Robertson 2002; Shell-Duncan and Hernlund 2000, p.25 and pp.28-9.

<sup>37</sup> Cited in James and Robertson 2002, p96, emphasis added.

<sup>38</sup> TAMWA (undated).

<sup>39</sup> United Republic of Tanzania, *The National Plan of Action To Accelerate the Elimination of FGM and other Harmful Traditional Practices in Tanzania* (2003), p1 and p.4.

<sup>40</sup> Interview with USAID Gender advisor, Dar es Salaam, 20 July 2006

<sup>41</sup> Interview with ILO Gender advisor, Dar es Salaam, 19 July 2006 (emphases added)

“cultural.” He said, “ It is attitudes. Gender issues are part of the culture... FGM is part of a *cultural practice*. The government must be firm to totally ban this. Girls should be protected.”<sup>42</sup>

The emphasis on culture has been systematically and rigorously developed and promoted by the UNFPA, the lead United Nations agency responsible for tackling female genital mutilation. The UNFPA promotes an approach called the *culture lens* to address FGM, a problem “deeply rooted in the culture of the community.”<sup>43</sup> This “analytic programming tool” is designed to help “policy makers and development practitioners to understand and utilize *positive cultural values*, assets and structures in their planning and programming processes so as to reduce resistance” to anti-excision campaigns.<sup>44</sup> This approach informs the agency’s campaigns against female excision in East Africa, including the REACH program in northeast Uganda, which I discuss below.

#### *Culture, translation, and resistance*

When politicians and campaigners describe *female genital mutilation* as a problem of “tradition,” they often rely on an implicit anthropological framework that interprets cultures as static and isolated phenomena. Understood in this way, cultures are closely tied to particular peoples in specific territorialized locations in a world of diverse, isolated, separate cultures.<sup>45</sup> Cultures are viewed as discrete social systems to be deciphered in their distinctiveness by anthropologists or development workers. Culture, in this widespread view, is explicitly *not modern*.

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<sup>42</sup> Interview with FAO Gender and HIV/AIDS advisor, Dar es Salaam, 17 July 2006 (emphasis added)

<sup>43</sup> UNFPA 1997

<sup>44</sup> Correspondence with Leyla Sharafi, UNFPA, New York, 10 December 2007

<sup>45</sup> Gupta and Ferguson 1997a, p.3. The authors describe this as a “mosaic” view of the world, “a diversity of separate societies each with its own culture” (p.1).

As I have suggested in Chapter Two, interdisciplinary scholars – including “critical” anthropologists James Ferguson and Akhil Gupta - have destabilized this conventional anthropological view of culture. Rather than viewing culture as “naturally the property of a specialized, localized people,”<sup>46</sup> Gupta and Ferguson argue that cultures are inherently and thoroughly social and political phenomena. In the same way that identities are “made and remade,” culture is continually re-imagined, reproduced and transformed. Even apparently isolated “cultures” are shaped by complex regional, national and global connections and dialogues. In short, these critical anthropologists have shown that “cultures” are always and invariably characterized by *continual negotiations, contestations, struggles and politics*. This perspective on culture has important implications for the ways we view FGM as a “cultural practice” and “cultural problem.” By paying attention to the ways in which cultural forms are always “imposed, invented, reworked and transformed,”<sup>47</sup> we recognize that practices of female excision are not static, outmoded traditions but complex, contested, always-evolving practices with diverse social meanings. In taking Gupta and Ferguson’s approach seriously, we are also forced to acknowledge that cultures are not just “out there, over there” in remote villages in the developing world. Cultural assumptions or systems of meaning invariably shape all our lives, including those spaces and places we rarely associate with tradition or ritual. Rational-scientific thought, national and international bureaucracies, and indeed the technocratic discourses and practices of global governance are inevitably shaped by contested and politicized systems of meaning; they are cultural terrains.

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<sup>46</sup> Gupta and Ferguson 1997a, p.3

<sup>47</sup> Ibid., p.5

By rethinking what we mean by “culture” in this way, we might be able to view campaigns against FGM in East Africa differently. The efforts to end female excision I discuss in Part Two are always characterized by discussions, interactions and collaborations among international agencies, government officials, civil society organizations, feminist activists, village leaders, and the (by no means homogenous) communities they seek to transform. Once again, Anna Tsing’s metaphor of friction is instructive: these interactions are characterized by dynamic, contingent, unstable and sometimes unwieldy “qualities of interconnection across difference.”<sup>48</sup> These connections and encounters invariably entail complex cultural translations and negotiations between disparate ways of understanding the world. These cultural translations are not simply matters of vocabulary and grammar (although I will suggest below that this can be important too) but mediations and conversations across systems of meaning and signification. When development workers utilize internationalized jargon (“FGM”) and promote concepts like women’s rights, bodily integrity, education or development in their campaigns, they are not simply disseminating information. They *are also promoting, translating and reworking* conceptual abstractions and the implicit paradigms that support them (Edward Said used the phrase “traveling theories”). Similarly, “target communities” can never be passive recipients of information; they are inevitably engaged in continuous efforts to make sense of these abstractions, interpret ideas, and relate the concepts embedded in campaigns against FGM to other modes of understanding of the world.

In the next section, I explore the complex dynamics of some of these *cultural translations* involved in particular campaigns against FGM. I discuss ways in which international organizations, colonial authorities, national civil society organizations, and

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<sup>48</sup> Tsing 2005, p.4

“local” activists have sought to tackle FGM as a “cultural problem.” I trace some responses to these interventions and explore ways in which these complex encounters almost invariably involve (often) inadequate translations, politicized negotiations and, sometimes, resistance. Local encounters over international *female genital mutilation* campaigns, I will suggest, are active sites of conflict.<sup>49</sup>

### **Criminalizing culture: “I will circumcise myself”**

Local, national and colonial authorities have repeatedly outlawed and criminalized practices of female excision and female circumcision. While many governments explicitly criminalized FGM in the 1980 and 1990s, efforts to outlaw excision can be traced back to the colonial era.

British colonial authorities and their local delegates at times attempted to outlaw female excision - often with little success. Janice Boddy writes that when the British colonial administration in Sudan announced plans to outlaw the practice, “parents rushed to have their daughters infibulated, resulting in what one British observer reported as an unprecedented orgy of bloodletting.”<sup>50</sup> When a circumcision case was brought to trial the following year, it reportedly triggered such violent demonstrations against colonial authorities that colonial officials soon ceased enforcing the controversial policy.

When colonial native authorities banned female excision in the Meru region of Kenya in 1956, the policy provoked large-scale defiance and retaliatory mobilization, known as the *Ngaitana* (“I will circumcise myself”) movement. Thomas’ historical research suggests that large numbers of pubescent and pre-pubescent girls circumcised each other

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<sup>49</sup> I draw on Spivak 2005, p.105

<sup>50</sup> Boddy 1991, p.16

*en-masse*. In the following two years over 2,400 girls and their parents were taken to court. They faced large fines (often up to two years' income or significant livestock), imprisonment of up to six months and hard labor. Many more faced extra-legal punishments from "home guards rounding up suspects, burning their homes and confiscating livestock, and detaining them in headmen's camps."<sup>51</sup> As in the Sudan, this policy was abandoned within a few years. These ceremonies often took place despite explicit opposition from many elders, parents, traditional authorities, and the Christian churches. Thomas' interviewees compellingly argue that during the struggle against British colonialism, "the ban encouraged rather than deterred excision."<sup>52</sup>

Evidence suggests that some communities resisted the efforts of the post-independence Tanzanian government to forcibly outlaw female circumcision. From July 1970, a fungal infection known locally as *lawalawa* was reported in Dodoma and Singida, particularly among the Nyaturu ethnic group.<sup>53</sup> The outbreak led to mass circumcisions performed on male and female children because many people apparently believed that the disease could be cured by excision.<sup>54</sup> District government data collected by TANU cell leaders reported 5,188 child circumcisions in Singida, more than half of them girls, and 30 circumcision-related deaths.<sup>55</sup> Based on surveys of school children, the District Education

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<sup>51</sup> Thomas 2000, p.141

<sup>52</sup> *ibid.*

<sup>53</sup> AFNET 2004. See also Omari 1974, p.12. The term *lawalawa* is widely used in northern Tanzania to describe conditions that cause vaginal itching, such as thrush, *trichomonas vaginalis* and *candida*. The phrase was frequently used in Maasai villages in Monduli during my fieldwork trips between 2005 and 2007.

<sup>54</sup> Omari also reported that bacteria of the gums - commonly referred to as *nkiiri* - led to widespread teeth extraction and gum cutting of children as a preventative measures among the Nyaturu from 1963 onwards (1974, p.12)

<sup>55</sup> Reproduced in Omari 1974, p.17. The TANU figures also indicted 4218 reported teeth extractions/gum cutting during this period and 63 associated deaths. These figures include reports up to 16 January 1971 only.

Office reported 2,548 female circumcisions, including 12 adults, as well as 546 male circumcisions, including 11 adults.<sup>56</sup>

While the *lawalawa* outbreaks and mass excision were initially shrouded in secrecy, the TANU government launched a large campaign to end both excisions and, interestingly, ritual teeth extractions in the region.<sup>57</sup> A study by the Tanzanian Anti-Female Genital Mutilation Network (AFNET) reports that semi-military Field Force Units and police officers were sent to Singida and Dodoma communities to forcibly stop these practices over a period of six months. The report states that during this time

people were treated roughly, beaten, and held in custody in police cells, and ultimately sent to court, where they were convicted and given jail sentences. All this was done to women circumcisers, parents and guardians of circumcised children.<sup>58</sup>

Writing in 1974, Omari notes that opposition to the government campaign came from the relatives of those jailed and those who believed the community was being “deprived of their experts and specialists”<sup>59</sup> (presumably diviners and elders). The AFNET study suggests these harsh measures were counter-productive. “Instead of stopping FGM once and for all, it went underground until today. [Communities...] have continued performing it secretly.”<sup>60</sup>

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<sup>56</sup> *ibid.* The District Education Office data indicates 1439 reported teeth extractions/gums cutting incidents among males and 150 among females. Again, these figures reflect reported cases up to 16 January 1971 only.

<sup>57</sup> Omari 1974, pp.15-6

<sup>58</sup> AFNET 2004 (report pages not numbered)

<sup>59</sup> Omari 1974, p.16

<sup>60</sup> AFNET 2004

Omari interpreted the incident as “a sign of an underdevelopment process among the Nyaturu people.”<sup>61</sup> Yet, his report also casts some doubt over the claim that the widespread circumcisions and tooth extractions of late 1970 and early 1971 were carried out purely “in the name of culture.”<sup>62</sup> In fact, it appears that the mass excisions were not performed as Nyaturu *imaa* initiation rites for boys and girls because young children, babies and adults were cut and re-circumcised. On the contrary, Nyaturu elders apparently prescribed mass excision and tooth extraction as an emergency preventative measure in an effort to limit the spread of infection on the advice of diviners and *mganga* (healers). In doing so, the elders encouraged tooth extractions and excisions in a way that was “contrary to traditional custom.”<sup>63</sup>

#### *Systematic criminalization after 1998*

Under the 1998 Sexual Offence Special Provision Act, Tanzanians convicted of practicing female circumcision including parents and circumcisers currently face up to five years imprisonment and/or a hefty fine of three hundred thousand shillings (around US \$380). While it is hard to establish if FGM laws are widely enforced, Tanzanian journalists and NGOs have reported that parents and *ngariba* (circumcisers) have on occasions been convicted, fined, and imprisoned.<sup>64</sup> Moreover, girls are encouraged to report their parents to the local authorities or anti-circumcision NGOs like AFNET.<sup>65</sup> An NGO director

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<sup>61</sup> Omari 1974, p.16

<sup>62</sup> *ibid.*, p.16

<sup>63</sup> *ibid.*, p.12

<sup>64</sup> Interview with Anti-Female Genital Mutilation Network (AFNET) Regional Coordinator, Arusha, Tanzania, 15 June 2006. *Guardian*, 28 July 2006.

<sup>65</sup> Interview with AFNET Regional Coordinator, Arusha, Tanzania, 22 June 2006.



reports that girls may also face compulsory checks in school to determine whether they have been circumcised.<sup>66</sup>

The complexities of legal measures to address FGM in Tanzania were brought to light when the Dar es Salaam-based Legal and Human Rights Centre (LHRC), with financial support from the New York-based NGO Equality Now, investigated a situation involving three sisters from an extended migrant Maasai family living in Mvuha ward, Morogoro. The girls, aged 12, 13 and 14, sought protection from a local pastor in 1999 because they believed they were going to be forced to undergo circumcision. Though the pastor unsuccessfully tried to report the matter to several authorities in their village and Morogoro town, village and town police officers simply encouraged the girls to reconcile with their father or referred the girls to other jurisdictions. Though a Morogoro court ultimately issued an unsuccessful summons for the girls' father, the pastor accompanying the girls was arrested and accused of kidnapping and raping the sisters. The pastor was imprisoned and severely beaten in front of his wife and the girls' father. The police returned the sisters to their father and the following day they each underwent the circumcision ceremony.<sup>67</sup>

Hoping to publicize Tanzanian laws against female genital mutilation, the LHRC researched and documented this case, interviewing the sisters, witnesses and other community members. When senior police officials declined to launch a criminal case in 2001, the Centre brought an ultimately unsuccessful private civil case against the girls' father. In a 2004 report, the LHRC documents how the case was marred by bureaucratic incompetence and delays. The sisters, who were each married by this time, denied they had

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<sup>66</sup> Interview with Women in Action (WIA) Director, Arusha, Tanzania, 24 June 2006.

<sup>67</sup> LHRC 2004, pp.6-8

undergone circumcision, declined to testify against their father, and refused to submit to a gynecological exam. The girls' father was not convicted.

### *Backlash*

The LHRC sought to promote and raise awareness of the Tanzanian laws against FGM through publicity surrounding their case against the girls' father.<sup>68</sup> The Centre also organized local workshops on FGM for police and the migrant Maasai population in Morogoro region. In doing so, however, the Centre aimed its educational efforts at a highly visible and often-marginalized migrant Maasai community in Morogoro, while at the same time pursuing criminal and civil sanctions against community members.<sup>69</sup>

Aang Serian is a small social and cultural organization that has provided educational services in Maasai villages in Monduli Juu District since late 1999. While initially reluctant to tackle the highly controversial issue of female circumcision, Aang Serian has facilitated rural seminars on the dangers of FGM and HIV/AIDS since 2005. The organization now coordinates a sizable six-village project across rural Monduli supporting village-level efforts to promote alternative rites of passage without excision led by village leaders, rural activists, village women's group members, and former circumcisers. In their seminars, Aang Serian trainers explain that female genital mutilation is illegal. However, activists have found that it is often unhelpful to emphasize the legal status of female excision in their programs, believing that legal sanctions could be both ineffective and counter productive in Monduli

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<sup>68</sup> LHRC campaigners suggest that the publicity surrounding the case raised awareness about the laws against FGM. Their case also established private prosecution as legal recourse in FGM cases because the Morogoro court ruled that the defendant had a case to make before the court. See LHRC 2004, p.14.

<sup>69</sup> On Maasai pastoralist migration to Morogoro see Mung'ong'o and Mwamfupe 2003. The authors attribute pastoralist migration to land alienation and environmental degradation, particularly drought and the loss of grazing land, in Maasailand.

villages. Drawing on their extensive experience organizing community services in Monduli Juu District, activists fear a community backlash if any campaigns result in the conviction or imprisonment of Maasai parents or leaders. Instead, Aang Serian trainings revolve around community discussions led by villagers.

Equality Now's regional headquarters in Kenya fund several Aang Serian initiatives. In correspondence with their donor, Aang Serian members have sought to articulate and explain their approach in Monduli villages. One grant application explained that criminal sanctions

could trigger a backlash against the campaign or the organization in general.

It would almost certainly include violent pro-FGM demonstrations and forced excisions, and might threaten the safety of prominent activists. Even in a less extreme situation, the credibility of the organization would be seriously undermined. [...] If we were seen to be advocating for legal sanctions against offenders, and/or reporting them to authorities, Aang Serian would come to be regarded as an enemy - siding with the government and urban-based organizations to destroy the Maasai culture and identity.<sup>70</sup>

Aang Serian suggests that legal sanctions could harm their efforts to eradicate female circumcision. In doing so, the organization emphasizes the ways in which pastoralists interpret legal sanctions as part of on-going efforts by local and national authorities to marginalize, criminalize and forcibly relocate their communities. This contextual analysis points to ways in which apparently straightforward legal sanctions to

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<sup>70</sup> Aang Serian, correspondence with Equality Now, 3 December 2007

promote women's human rights may have unexpected and even counterproductive implications as they are translated and negotiated in particular locations.

### *Change*

The criminalization of FGM sometimes has unintended consequences. In the case of colonial Meru (described above), evidence suggests that widespread defiance of the ban on circumcision *changed the cultural meanings and character of female initiation rites*. Prior to the ban, female rites of passage typically took place over the three or four years immediately preceding a pubescent girl's marriage. The rites had included ear piecing, tattooing, periods of seclusion and bodily nourishment, ceremonies, celebrations, education, as well as excision. When female circumcision went "underground," Thomas argues it was "stripped of its attendant celebration and teachings, reduced to the clandestine performance of excision."<sup>71</sup> Defiance of the ban on excision reduced complex initiation rites to genital cutting alone, often among pre-pubescent girls. Based on this historical account, we might speculate that the ban on female circumcision not only increased the prevalence of female circumcision, but also *reified the practice of excision as the only means to female initiation* in many Meru communities.

Contemporary anti-FGM campaigns contribute to the changing cultural meanings and significance assigned to female circumcision among often marginalized linguistic and ethnic groups. Some evidence suggests that criminal sanctions in Tanzania may also have encouraged some practitioners and parents to circumcise girls at increasingly younger ages to avoid detection. In 2006, the Director of a small Arusha-based NGO reported that she

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<sup>71</sup> Thomas 2000, p.138

had found that children were circumcised at increasingly younger ages - even as babies - to avoid government efforts to detect circumcision of school-aged girls.<sup>72</sup> While difficult to corroborate, this view is supported by media reports and some anthropological studies. For example, *Afrol News* reported that “people circumvent the [FGM] law by privately cutting baby girls when they are a few days old” in central Tanzania.<sup>73</sup> In a different context, Hernlund reports that Gambian circumcisers who traditionally performed excisions on pre-pubescent girls increasingly operate on younger children, toddlers and babies. She suggests that “this trend may very well also be in part a reaction to campaigns against the practice.”<sup>74</sup>

Thus, criminal laws can help to change the meanings associated with female excision -- but not always in desirable ways. Ochieng Ogodo reports that after FGM was banned in Kenya in 2001, the practice “went underground” and was no longer part of public village ceremonies. “It is [now] conducted under a cloak of secrecy in more clinical environments, such as rural and small-city hospitals. There are even accounts of mobile FGM clinics, in which nurses and clinicians move from village to village, easily eluding police.”<sup>75</sup> While we cannot assume Ogodo’s findings represent a general trend, this report forces us to think about the ways in which practices of FGM, as understood in global and national governance as a static “traditional custom,” constantly transform and confront changing circumstances.

These types of encounters point to ways in which campaigns against FGM are thoroughly implicated in complex, muddy and murky politics of translation, negotiations

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<sup>72</sup> Interview with Women in Action (WIA) Director, Arusha, Tanzania, 24 June 2006.

<sup>73</sup> Mayombo 2002

<sup>74</sup> Hernlund 2000, pp.243-4

<sup>75</sup> Ogodo 2005

and resistance. This politics has far-reaching consequences, including contributing to discursive production of female excision as a problem of *backwards* and *criminal* cultural groups.

### **Culture, education, and ignorance**

Recognizing the limitations of legal measures to eradicate female circumcision, government officials, NGO workers and women's rights advocates have often called for education, school attendance and information about the harmful effects of excision as centrally important in efforts to eradicate female excision. This strategy has at times been adopted where criminal sanctions are deemed inappropriate. In the early 1930s, for example, a British House of Commons Committee looking into the question of clitoridectomy in Kenya decided "the best way to tackle the problem was through education" rather than through legislation.<sup>76</sup> Kenyatta wrote that the majority of delegates at a 1931 *Save the Children Fund* conference on African children in Geneva opposed abolishing circumcision through legal measures; "General opinion was for education which will enable the people to choose what customs to keep and which ones they would like to get rid of."<sup>77</sup>

European missionaries and, at times, colonial authorities in East Africa often argued that female circumcision undermined African girls' education.<sup>78</sup> The prevailing view among colonial missionaries in late 1920s colonial Kenya was that "the operation and subsequent ceremonies dulled the vitality of young women and drew them back to their

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<sup>76</sup> Kenyatta 1938, p.131

<sup>77</sup> *ibid.*, p.132

<sup>78</sup> Such arguments of course ignored African women's demands to broaden their access to education and improve their curriculum during the colonial era. See Presley 1992.

tribal traditions, thus making them more difficult to educate and Christianize.”<sup>79</sup> During this time, the British Colonial office in Kenya issued a statement that

The further bar to Education [of girls] is that most vile tribal custom carried on among the Kikuyu known as ‘circumcision of girls.’ According to custom a girl is not marriageable until this rite takes place, neither is she a member of the tribe. Education is bound to try and combat this, and as a result the child girl’s owner will do all he can to prevent her acquiring new ideas, for fear she should prove an unsalable [sic] article, and he should be left without the money she has represented to him since birth.<sup>80</sup>

Missionary campaigns to combat female circumcision in colonial Kenya often played out in church-run schools.<sup>81</sup> Efforts led by the Church of Scotland Mission, the Africa Inland Mission, and the Gospel Missionary Society were particularly controversial in the late 1920s. During this time, the missionaries promoted the establishment and enforcement of by-laws against female circumcision culminating in the controversial arrest and fining of two Kikuyu women for practicing circumcision. In 1929 the Church of Scotland Mission ordered Kikuyu church members and parents of students in missionary schools to sign declarations against circumcision.<sup>82</sup> The controversy led to significant numbers of Kikuyu students – as well as a smaller number of Maasai in Narok - leaving mission run schools in protest. The Church of Scotland Mission, moreover, fired

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<sup>79</sup> Tignor 1976, p.236

<sup>80</sup> British Kenya Colony and Protectorate Colonial Office cited by Presley 1992, p.91

<sup>81</sup> Tignor 1976, 235; Presley 1992, 89-100; See also Keck and Sikkink 1998 who explore why the Kikuyu in Kenya were the focus of colonial missionary campaigns to end female circumcision, while the Maasai were largely ignored (pp.66-72).

<sup>82</sup> Also see Kenyatta 1938, p.130-

instructors who would not sign declarations against circumcision from its mission schools and lost 80 percent of its students.<sup>83</sup> The 1929 controversy over female circumcision is widely regarded as the beginning of *Kareng'a* schools, the Kikuyu independent school movement in rural Kenya, and the increased popularity of the Kikuyu Central Association.<sup>84</sup> A society called *Miti ya Kenya* (trees of Kenya) reportedly revived its commitment to polygamy and female circumcision during the conflict.<sup>85</sup> Historians suggest that the circumcision controversy, though a symbol of wider issues, “played a considerable part in the emergence of the Kikuyu as a single people [...] and of a definitely expressed anti-European sentiment.”<sup>86</sup>

Tignor writes that a small group of Maasai Christians in Siyiapei, Narok District were also drawn into the 1929 dispute when three girls were withdrawn from an African Inland Mission school over the issue of circumcision.<sup>87</sup> When church leaders ordered all Maasai to declare their opposition to the practice, most members withdrew to establish their own church and school. As an expression of resistance to the Mission, Maasai girls were circumcised and Maasai boys had their teeth withdrawn and their earlobes pierced. The breakaway Maasai group stated that they would never allow a Maasai woman to remain uncircumcised, “no matter whether it meant prison or a fine or even a war with the government.”<sup>88</sup> In another dispute in 1937, Maasai were suspended from African Inland Mission Churches over the issue of circumcision in Lasit.

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<sup>83</sup> Middleton 1965, p.364

<sup>84</sup> Presley 1992, p.94. See also Tignor 1976, p.235; Kenyatta 1938, p.131; Bennett 1965, p.312

<sup>85</sup> Welbourn cited by Middleton 1965, p.364

<sup>86</sup> Middleton 1965, p.364. Presley (1992) argues that deep disagreements among Kikuyu over the circumcision controversy may have “persisted into the Mau Mau rebellion; that loyalists were members of families that sided with the missionaries in the 1930s and that the Mau Mau rebels were children of the anti-missionary faction” (p.94).

<sup>87</sup> Tignor 1976, p.251

<sup>88</sup> Ibid., p.252



More recently, various contemporary campaigns in pastoralist communities in Tanzania and Kenya have revolved around the issue of education and school. Government authorities and elite Maasai regularly urge rural Maasai “to send their children to school, so as not to be left out of the development process.”<sup>89</sup> Officials and anti-FGM campaigners emphasize female school attendance as a way to eradicate practices of female excision. A telling and representative example of this approach is an admonition by a District Education Officer in the Kuria region in 2005: “Let us circumcise the minds of our daughters with quality education instead of subjecting them to this *primitive culture*... FGM is condemned *worldwide* and the *local community* should not stick to it.”<sup>90</sup>

Because few rural Maasai girls are enrolled in secondary schools, many commentators have advocated school attendance as a way to combat FGM. For example, Agnes Pareyio, the prominent Kenyan anti-FGM activist and founder of the well-known Narok safe house, remembers that when she first started advocating against FGM she emphasized female education to circumvent potential opposition to her stance on circumcision. Pareyio says she used “girl-child education as an entry point. I thought people would hate me. But as I was doing it, trying to pretend like I was promoting girl-child education, it [FGM] came in slowly.”<sup>91</sup>

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<sup>89</sup> Talle 2000, p.121. Talle argues that East African discourses of development (*maendeleo*, ‘going forward’ in Swahili) and modernity (*-akisasa, Swahili*) explicitly articulate themselves in opposition to tradition (*-a asili*, Swahili) and culture. Within this discourse, the image of Maasai pastoralists often represents the “image of anti-development and primitivity.” Maasai traditional loaf shaped housing, ethnic clothing (particularly *shuka*, or robes), bodily smells (from the practice of smearing animal fat, *majuta*, on the body), body ornamentation (such as stretched earlobes, absent lower teeth), and particular behaviors “constitute a stark contrast to ‘things modern’ (*vitu vya kisasa*)” They represent *zamani* (‘before’) not *sasa* (‘now’). In this discourse of development, Talle writes, “Maasai traditions are in themselves dirty’ (*asili ya Maasai ni chafu*).” (see Talle 1999, 106-7, 117 121).

<sup>90</sup> District Education Officer cited in *Daily Nation*, 28 December 2005 (emphases added)

<sup>91</sup> Agnes Pareyio interviewed in the documentary *V-Day 2002*.

### *Education politics*

Colonial and contemporary advocates have argued that FGM, viewed as a traditional, backwards, tribal and primitive practice, will decline when girls are educated in mainstream educational institutions. In fact, the relationship between formal education and female circumcision is an unresolved debate among anthropologists and statisticians.<sup>92</sup> For example, evidence points to resurgent practices of female circumcision among educated girls in the late 1980s in the Kilimanjaro region of Tanzania among ethnic groups that had largely abandoned the practice. Anthropologist Astrid Nypan observed girls who underwent circumcision in defiance of their educated and uncircumcised mothers. Nypan suggested that these girls increasingly viewed circumcision as a means to enhance marriage prospects and social standing as employment prospects declined and school fees rose during Tanzania's economic liberalization.<sup>93</sup> Commenting on Nypan's study, Kawango Agot argues that "these young women perceived FGC as empowering and giving them some sense of self worth and the assurance of a future where education had failed."<sup>94</sup>

The narrow question of whether education (particularly secondary schooling) discourages the practice of female circumcision can be misleading. While intuitively appealing, these calls typically fail to consider the complex politics of formal education among minority ethnic groups such as the rural Maasai in northern Tanzania. For all practical purposes, the secondary schools available to (a select number of) Maasai girls are English-medium boarding schools run by Lutheran, Catholic or other Christian denominations. These institutions have historically converted Maasai to Christian

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<sup>92</sup> See for example, Shorter 1974; Nypan 1991, pp.39-65

<sup>93</sup> Nypan 1991

<sup>94</sup> Agot 2008, pp.290-1

denominations<sup>95</sup> and continue to be viewed by many rural pastoralists with some skepticism, if not outright suspicion. As is widely documented, many Maasai are reluctant to send their children away, believing that church-run boarding schools will encourage their sons and daughters to permanently leave their communities.<sup>96</sup>

Debates that pit school versus tradition obscure more complex dynamics and tensions between rural communities and the institutions that seek to change them, as well as the relationship between female circumcision and the politicization of cultural identity. To borrow a metaphor, many anti-FGM advocates hope for a “trickle down” of attitudes: girls educated in mainstream institutions will return home from their boarding schools to challenge female circumcision. They will show the community that another way is possible, and eventually others will follow their lead. When educated girls reject female circumcision, however, they may also reject their home communities entirely. Thus, while educated girls may indeed come to repudiate the practice of circumcision, as Skaine and many anti-FGM advocates hope, they may also break away from their rural communities and repudiate their families as “backward.” Implicit in the “send them to school” view, then, is the idea that girls should be “educated out” of their culture. This is not a hypothetical dilemma; the historical standoff between rural Maasai communities and the education systems that seek to civilize them revolves precisely around these kinds of tensions.<sup>97</sup>

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<sup>95</sup> See for example Hodgson 2005. In the Monduli region efforts have been led by Lutherans and Catholics. The missionary interviewed by Hodgson described the purpose of these schools in the 1950s-70s “as factories for producing Christians, Lutherans or Catholics depending on what school [the children] went to” (p.115).

<sup>96</sup> See for example Bentsen 1989 for one narrative.

<sup>97</sup> To complicate matters, many efforts to extend schooling to Maasai girls may be greatly motivated in the first instance by a desire to end FGM, rather than to promote literacy or other educational skills. Such

### *Anti-FGM education*

While many have called for school attendance as the catchall solution to the problem of “traditional practices,” an increasing number of NGOs, international organizations and governments have established educational programs specifically designed to dissuade communities from practicing female excision by highlighting the ill-effects of the practice. Seminars designed to educate women and men on the dangers of FGM are increasingly commonplace since the 1990s and the model has spread quickly.<sup>98</sup> In 2006, The Arusha-based regional coordinator of AFNET estimated that over 95 percent of the population in the Arusha area had received some form of structured anti-FGM education.<sup>99</sup>

### *Translating education*

It is easy to forget that generational rites are themselves often viewed as a form of education by the communities that participate in them. In July 2006, Aang Serian organized a meeting of *ngariba* (women who had practiced circumcision) in the Monduli Juu District. During this gathering the *ngariba* stressed that the process of female circumcision in Maasai communities was not an isolated event that begins and ends with genital excision. The circumcisers emphasized that Maasai circumcision was just one aspect of a series of complex rites that enable a girl to become an adult woman and fully-

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underpinnings may well bring the communities targeted by these efforts to continue to question the integrity and worth of these educational projects.

<sup>98</sup> Educational models tend to spread quickly. In Senegal, for example, an educational program called *tostan* (“breaking through”), organized by the Senegalese government, religious groups, UNICEF, UNDP and UNIFEM, seeks to dissuade communities from practicing FGM through structured modular education programs taken over several months or years. After completing the modules, 31 villages reportedly renounced the practice. By 1998 the project creator, a US citizen, reported the course was being run in 250 villages across Senegal. Moreover, the project creator was asked to establish similar programs in five other West African nations. See James 2002, p.105

<sup>99</sup> Interview with AFNET regional coordinator, Arusha, Tanzania, 22 June 2006.

fledged community member.<sup>100</sup> Circumcisers are not simply responsible for wielding razors; they are often respected community members who are asked by families to instruct their daughters on Maasai value systems and adult responsibilities such as childcare and food preparation. The circumcisers, brought together by Aang Serian, expressed their willingness to abandon female excision but wished to preserve other aspects of the generational rites, particularly its educational content.<sup>101</sup> Not only do these multifaceted rites help to establish pastoralist gender roles and communal identities, a *ngariba* argued, they are intrinsic to the very survival of Maasai society.<sup>102</sup>

FGM is bound up with the politics of education in very complex ways. Any discussion of female excision must consider the limited formal education provisions in the Monduli region. At the same time, the conversations above suggest negotiations over distinct and potentially competing ideas about what constitutes education: the formal instruction of the mission-run boarding school, the informative anti-FGM seminar run by NGO workers, or the instructional content of communal generational rites. In controversies over female excision, the former are expressed in the discourse of global governance as universal models, while the latter is inscribed as a parochial, even “backwards” cultural phenomenon. While understandable, such unhelpful juxtapositions are invariably polarizing and may well *reinforce* female excision as a politicized marker of Maasai cultural identity.

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<sup>100</sup> In this respect the process parallels the generational rite of male circumcision in Maasai communities.

<sup>101</sup> Field notes, Eluwai village, Monduli District, Tanzania, 7 July 2006. See also Russell-Robinson 1997, p.55; Mutisya 1996, pp.94-103.

<sup>102</sup> See Winterbottom, Koomen and Burford 2009. Female circumcision and initiation rites may have similar functions in other societies. For example, James and Robertson (2002) note that women’s secret societies in Sierra Leone use initiation rites for “instruction over several years in housewifery, beauty culture, arts and crafts, fishing, farming, childrearing, hygiene and sanitation, care for the sick, singing, drumming, dancing and drama, herbal lore, and respect for the elders” (p.11).

In fact, campaigns for education can play a part in the on-going reformulation of the meanings assigned to initiation rites. In 1974, anthropologist Aylward Shorter suggested that puberty rituals had declined as a form of family education with the onset of colonial modes of formal education in East Africa. He noted, however, that among the Kikuyu in Kenya, the Gisu in Uganda, and the Yao, Makua and Makonde in southeast Tanzania these rites took on new forms as symbols of culture and group identity.<sup>103</sup>

[T]he rites were attenuated to such a degree that little remained of them other than a somewhat unhealthy preoccupation with a physical operation on the organs of sex. *The wealth of instruction and ritual that formerly accompanied the operation and gave it meaning largely disappeared.*<sup>104</sup>

This analysis reinforces the point that the “cultural meanings” of female excision are never fixed or static. A village leader pointed to a dilemma during a FGM seminar convened by Aang Serian in Eluwai village.<sup>105</sup> He suggested that without the instruction period preceding circumcision, Maasai girls and women might come to be “trapped in the middle,” deprived of both traditional forms of instruction *and* formal education. He asked “if you take this [female initiation] away, what are you going to give them?”<sup>106</sup>

### **Translating culture: “These people are not Maasai”**

AFNET is a national Tanzanian NGO which receives financial assistance from the Konrad Adenauer Foundation, a branch of the German Christian Democratic Party. Though

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<sup>103</sup> Shorter 1974, p.80

<sup>104</sup> *ibid.*

<sup>105</sup> Eluwai village (alternative spelling: Eluay), Monduli District, lies at altitude 1600-1800m approximately 16 kilometers from the District capital of Monduli Chini. See Burford 2002.

<sup>106</sup> Local Official at an Aang Serian NGO seminar, 24-26 May 2006, Eluwai village, Monduli District.

headquartered in Dodoma, AFNET organizes many anti-FGM campaigns and seminars across the Arusha region.<sup>107</sup> Among its many outreach activities, AFNET has also produced an anti-FGM leaflet specifically aimed at rural Maasai. While researching local anti-FGM projects, we showed this leaflet to Maasai women in the Monduli Juu market place and trading center wedged between the villages of Eluwai and Emairete in the Monduli Juu District of northern Tanzania. Though many rural Maasai women are not able to read and write and some only speak the Maa language, the leaflet was written in Swahili. Nevertheless, the leaflet featured two illustrations that were subjected to much scrutiny by Maasai women in Monduli Juu.

We showed the leaflet to Mama May and other women in Monduli Juu. They told us that in the first illustration of the *emurata* (circumcision ceremony) the *enkamoratani* (circumciser) pictured was not wearing ceremonial clothing. They said that the *enkamoratani* was wielding the wrong kinds of instruments and she was not sitting in the proper position in a doorway. The girl who was to be circumcised was pictured demanding “*Acha!*” (“Stop!”). However, the women in Monduli Juu said she looked too old and too big to be of circumcision age. Furthermore, the women pictured were not bald (rural Maasai women shave their heads, including immediately preceding circumcision) and they were not wearing Maasai clothes.<sup>108</sup> Also missing was a traditional green branch of *oloilalei* (olive branch) planted in the ground outside the hut. The leaflet also featured a second illustration of people attending an anti-FGM meeting. The women noticed that the people

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<sup>107</sup> Interview, AFNET Regional Coordinator, Arusha, Tanzania, 22 June 2006.

<sup>108</sup> When girls are circumcised they wear a long *orkilani* garment traditionally made from leather but now usually made from cloth by their mothers (see also Hodgson 2005, p.55).

pictured are all *ormeeek*.<sup>109</sup> This means, the women in Monduli Juu told us, that the people illustrated are not Maasai. All the people attending the meeting are depicted as young. In a Maasai meeting, however, an elder would be involved in explaining and teaching others. The children illustrated in the leaflet could perhaps be Maasai, the women said, because they are wearing school uniforms.<sup>110</sup>

As it appeared to me, the illustrators of the leaflet had attempted to portray Maasai women (or at least generically “traditional” or “tribal” people). Yet the women we talked to did not recognize the strangely clothed women with full heads of hair in the cartoons as Maasai. The circumciser in the first illustration, for example, wore robes that to my eyes appeared as Maasai. Yet the women we talked to did not recognize these clothes as their own. The leaflet pictured the participants at an anti-FGM meeting wearing western clothes. Tellingly (and worryingly), there was no attempt by the illustrators here to portray the enlightened participants as either Maasai or “traditional.”

After the leaflet was translated to Maa and read out loud, the group we consulted felt that the text did not address *why* girls are circumcised. The authors referred to the circumcision of *wanawake* (women) rather than *wasichana* (girls) throughout the text. The Monduli women we spoke to felt this obscured the ways in which the ceremonies function as generational initiation rites where *wasichana* not *wanawake* are circumcised. One woman told us that the leaflet’s authors had not understood that “parents don’t subject girls to

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<sup>109</sup> *Ormeek* (sometimes *irmeek*) here refers to non-Maasai, or people wearing western clothing. Hodgson writes that the term is used to mean “stranger” or as a “derogatory name for ‘Swahilis’ or non-Maasai.” It may be used disparagingly to describe “Maasai who had adopted European clothes and ways, including education and Christianity” (Hodgson 2005, pp.122, 12, 130, 193). The word can sometimes also mean “enemy,” although it was not to my knowledge used as such in this discussion.

<sup>110</sup> Field notes by Gemma Burford Enolengila and Jonneke Koomen, Monduli Juu marketplace, Tanzania, 15 June 2006.



circumcision because they hate them but because they care about them and want them to be accepted and marry into good families.”<sup>111</sup>

### *Translating rights*

The closely connected concepts of individual rights and bodily integrity have arguably become the single most important way to articulate the anti-FGM message.<sup>112</sup> Across Africa, NGO campaigns, media reports, educational programs and public discussions on FGM rely heavily on the language of rights, bodily integrity and individual autonomy. To name but a few examples, *Tasaru Ntomonok Initiative* (TNI) in Narok, Kenya distributes posters with the text “a girl has the right to refuse circumcision.” Maasai girls at this rescue centre recite a poem *maisha yangu, mwili wangu, baki yangu* (my life, my body, my right), which is also the theme of a four-day training course provided to girls in Narok District.<sup>113</sup> Similarly, the well-known Senegalese *Tostan* program described above emphasizes “the *rights* of the individual... the *right* to health... a woman’s *freedom* to make decisions about *her body* and *to keep her body intact*...”<sup>114</sup> The theme of bodily integrity resonates strongly with those who stress FGM as an affront to “a woman’s dignity and women’s human rights.”<sup>115</sup> The FGM coordinator for the nationally renowned Tanzanian Media Women’s Association (TAMWA) told me

I think that you are taking a part of the woman, she will never be a complete woman anymore. [...] You cut the nose, cut the mouth, you

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<sup>111</sup> *ibid.*

<sup>112</sup> See Keck and Sikkink 1998. The term female genital mutilation itself originated as a way to frame circumcision as a human rights abuse by highlighting the bodily violence intrinsic to the practice.

<sup>113</sup> Field notes by Anna Winterbottom, Narok District, Kenya, 7 August 2006; Aang Serian, August 2006.

<sup>114</sup> Tostan project participant quoted in James 2002, 106 (emphases added).

<sup>115</sup> Interview with Tanzania Media Women Association (TAMWA) FGM Coordinator, Dar es Salaam, Tanzania, 14 May 2007.

remove the eyes, and the ears... it's not a face anymore! It will be left like a walking zombie. You are taking all the things that are important to a woman. You are denying her the sexuality and the sexuality is what makes her a woman.<sup>116</sup>

The concepts of rights and bodily integrity are central to international efforts to end FGM and national civil society campaigns in East Africa.<sup>117</sup> Yet these concepts may not always travel in the ways in which advocates anticipate. Aang Serian activists, for example, found that the FGM campaign materials available to them (usually compiled by national organizations and sponsored by international donors) emphasized individual rights. When Aang Serian members consulted people in Monduli villages about this literature, they were often told that these ideas clashed with Maasai understandings of social life and community membership. Calls to end female circumcision are often made in a language (“rights,” “women’s rights,” “human rights”) that, for many rural Maasai, might be both counter-intuitive and associated with “outsiders.” In rural Maasai communities, an individual’s social status is typically defined in terms of their familial relationships; the concept of women’s rights in terms of individual choice is not one that is easily translated by anti-circumcision campaigners. A woman’s status is usually defined in terms of her relationships to her father, husband, father-in-law, and sons. Women are commonly regarded as the domain of their fathers and the local *murran* (warrior class) until transferred

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<sup>116</sup> *ibid.*

<sup>117</sup> At times, the emphasis on bodily integrity may be articulated through reductionist equation of women with their sex organs, as evidenced above.

to their husbands through marriage.<sup>118</sup> For this reason, the organization rarely uses this terminology of rights in their projects. “This is a phrase not from the community,” an Aang Serian activist explained to me, “The concept of an individual doesn’t really exist. You are always in relation to someone else.”<sup>119</sup>

Human rights scholars and activists often argue that the concept of bodily integrity transcends cultural specificity. Freedom from physical violence to one’s body is often viewed as a *universal*,<sup>120</sup> a principle that people value regardless of their cultural understandings or social location. Yet, even the apparently straightforward term “body” can have ambiguous local meanings in Maasai communities. In Maa, “body” is often used as a metaphor for the family. For example, Maasai wives are often described as the “neck” to their husband’s “head.” In an anti-FGM seminar organized by Aang Serian in the village of Eluwai, participants pointed out that Maasai husbands are admonished to recognize and value their wives’ support, “as the neck supports the head.”<sup>121</sup> Participants also reflected on the ways in which female initiation and circumcision allowed a woman to be accepted as adult woman who is able take part in “bodily” family relationships. Because uncircumcised women are effectively barred from marriage and community membership, a woman would be unlikely to choose to exercise her *individual right* to resist circumcision over her community membership and even community existence.

The women in the Monduli Juu market place who commented on the AFNET leaflet were also concerned about its use of the language of rights, which has no direct

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<sup>118</sup> Marriages are typically polygamous and women tend be several generations younger than their husbands and wives are customarily referred to as “my child” by their husbands. See also Chieni and Spencer 1993.

<sup>119</sup> Aang Serian organizer, interview, northern Tanzania, 25 May 2007.

<sup>120</sup> I borrow here the deliberate phrasing by Tsing 2005

<sup>121</sup> Aang Serian FGM Seminar transcripts, Kitumisote Centre, Eluwai Village, Monduli, 9 February 2006

translation in Maa. Someone asked us, “Whose right? God’s right?”<sup>122</sup> The women we spoke to commented that local anti-FGM activists had recently emphasized Maasai cultural survival in FGM and HIV/AIDS seminars, impressing on the community that “The world is changing and the Maasai must change with it or risk dying out.” They told us this was much more persuasive and meaningful to them.<sup>123</sup>

While I do not wish to dispute the global relevance of the valuable concepts of rights and bodily integrity, it is important to trace how expressions of human rights travel, translate and otherwise do their work as “engaged, practical projects.”<sup>124</sup> The problems of translation in the situations described above are not simply matters of grammar and vocabulary - of finding words in Maa that resemble the phrase “human rights” (although this clearly is a practical concern too). The problem of translation I want to emphasize here is a relational problem of connection across systems of meaning and signification. I described the encounters above because they point to ways in which both the “local” Maa speakers in Monduli and the worldly anti-FGM campaigners who are fluent in the “global” language of human rights rely on complex cultural understandings and assumptions.<sup>125</sup> My argument is that we recognize that there is a tension – a potentially productive tension at that - between these particular modes of understanding the relations between bodily integrity, identity and community.

It is also worth noting the concept of bodily integrity may be selectively invoked in women’s human rights campaigns. I have identified numerous international and national

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<sup>122</sup> Field notes, Burford Enolengila and Koomen, Monduli Juu, Tanzania, June 2006

<sup>123</sup> *ibid.*

<sup>124</sup> Tsing 2005, p.8

<sup>125</sup> This is not to say that these discursive systems are isolated, that they do not overlap, or that they cannot speak to each other. Clearly many local activists have adopted the language and understandings of human rights discourse.

women's rights organizations concerned about female genital cutting among the Maasai. However, I have not been able to find any evidence of organized campaigns against the more widespread practices of tooth-extraction and facial-scarring that use the language of human rights or bodily integrity.<sup>126</sup>

### **“Highly culturally sensitive”**

Increasingly, international organizations, civil society organizations and NGOs campaign against FGM use methods they describe as culturally sensitive. In fact, the US Congress' 1996 FGM Act emphasizes “culturally sensitive education.”<sup>127</sup> This approach also informs the UNFPA's campaigns against FGM in East Africa, notably the widely publicized UNFPA-sponsored REACH Program in Uganda.

Like the Maasai in northern Tanzania, the small Sabinu ethnic group in northeastern Uganda practice female circumcision as a rite of passage into adulthood.<sup>128</sup> Uganda, like Tanzania, has comparatively low national rates of FGM. The Sabinu in Kapchorwa District are thought to be among only a few Ugandan ethnic groups that practice female excision. Contemporary controversies over FGM in Kapchorwa date back at least to 1988 when the local District Council passed a resolution that made female circumcision compulsory. Though the Ugandan Government soon intervened and the District Council ostensibly backed down from its position, the UNFPA reported “an

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<sup>126</sup> As discussed above, the efforts by the Tanzanian field force unit to halt mass circumcisions in the 1970s may also have targeted widespread tooth extractions. Moreover, schools and churches (such the African Inland Mission in Kenya mentioned above) have long sought to discourage Maasai parents from ritual tooth extraction and facial scarring. However, to my knowledge, these efforts were not framed in the language of rights or bodily integrity.

<sup>127</sup> Gunning 1998, p.213

<sup>128</sup> The Sabinu (also: Sabini) reportedly perform the ceremony only in even years during the month of December. As in Maasai communities, these circumcision ceremonies are part of important age-set celebrations. Sabinu circumcision ceremonies provide important social and economic benefits to participants, who are regarded as adults after the ceremony and often receive small cash gifts, sheep and cows.

explosion of the number of girls and women who undertook the practice” during the subsequent circumcision season that same year.<sup>129</sup> District Council leaders and other local politicians reportedly “went underground and supported the practice. [...] they encouraged the local community to undertake the practice [of FGM].”<sup>130</sup>

In 1993 and 1994, a Ugandan statistics student, whom I will call J.C., was conducting research in Kapchorwa. J.C. found that high profile community members in the area continued to promote female circumcision, despite their concession to the national government. J.C. found that local politicians encouraged the practice “because they felt that they were undermined [by central government interference]. They felt there was some operation [activity] from someone who was not part of the culture.” J.C. argues that these influential proponents of FGM were not motivated by a desire to maintain female excision *per se*, noting these people did not necessarily circumcise their own children. “They were supporting the practice but not supporting it genuinely,” he surmises.<sup>131</sup>

After more study, J.C. came to believe that an alternative approach was needed in Kapchorwa. He argued that any effort to address FGM must be “highly culturally sensitive.” It must empower women “so that they themselves also question the practice.” Elders, the custodians of the practice, “should be consulted and brought on board to question the practice.” With these principles, J.C. and the UNFPA launched the Reproductive, Educative and Community Health project (REACH) in 1996. For J.C., being “culturally-sensitive” meant collaborating with a group of Sabiny elders, while also working closely with the District Council that had previously mandated FGM. J.C. explains, “The understanding was that we would not walk far unless the District Council or

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<sup>129</sup> Thuo, Malinga and Ajom 2007; Telephone interview with J.C., 12 December 2007

<sup>130</sup> Telephone interview with J.C., 12 December 2007

<sup>131</sup> *ibid.*

District leadership endorsed our idea.”<sup>132</sup> During 1996, the REACH program held workshops for officials, women, elders, and religious leaders. REACH also established an extensive peer education program, recruiting bright schoolgirls to spread the anti-FGM message. The project also trained health providers to “integrate FGM messages as they offer their maternity services and the family planning services.”<sup>133</sup> REACH also worked to strengthen local government to collect statistics and documentation about FGM.

In 1996, the UNFPA hailed the project as an enormous success. FGM rates declined by 36.3 percent (544 cases of FGM were reported) during the 1996 circumcision season compared to the previous season in 1994 (854 reported cases).<sup>134</sup> J.C. views these developments as far-reaching changes: “we were moving a society from where they didn’t want to talk about it to a level where the district leadership was now campaigning openly against the practice.”<sup>135</sup> The UNFPA reported that the “Elders’ Association, clan leaders, women’s groups and adolescents have agreed to discard FGM, a significant breakthrough in the struggle to eliminate the practice.”<sup>136</sup> Amid much publicity the Sabiny elders were awarded the Population Award in 1998. J.C. and the chairman of the Sabiny Elders Association traveled to New York to accept their prize.<sup>137</sup>

The celebrations were perhaps premature. The UNFPA estimates that circumcision rates increased by over 100 per cent (1,100 reported cases) during the next circumcision season in 1998.<sup>138</sup> Some commentators report that local girls were left in the

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<sup>132</sup> *ibid.*

<sup>133</sup> *ibid.*

<sup>134</sup> Thuo, Malinga and Ajom 2007, p.10

<sup>135</sup> Telephone interview with J.C., 12 December 2007

<sup>136</sup> UNFPA 1997

<sup>137</sup> Telephone interview with J.C., 12 December 2007; See also Kidani 2006; UNFPA 1997

<sup>138</sup> Thuo, Malinga and Ajom 2007, p.10

dark as to why they were suddenly deprived of their traditional generational rites.<sup>139</sup>

Though it is hard to establish concrete information about the nature of the controversies, project documentation sheds some light on the intense political struggles surrounding FGM in Kapchorwa. The REACH project encountered significant opposition from community members, particularly a “pro-FGM group” of prominent Sabiny community members established in 1998 to “counteract messages” from the REACH Project.<sup>140</sup> J.C. suggests the publicity surrounding the project, including the prize, may have stirred resentment from community members who were not involved in the project. UNFPA staffers report:

The pro-FGC group was led by educated individuals including professors, magistrates, Agricultural Officers, Local Government leadership and teachers. During December 1998, they contributed enough money to provide every family that agreed to have its daughter cut, with a gift of Uganda Shillings 50,000, a calendar and a wrapper for women. In spite of the advocacy by the Elders [Association] and REACH staff, the Pro-FGC campaign was very successful in 1998.<sup>141</sup>

In order to combat opposition, the REACH program refocused its campaign towards a model that even more explicitly emphasized sensitivity to cultural issues. Coordinators sought to convince traditional leaders to abandon the practice by “sensitizing” them to its “harmful effects.” J.C. integrated community members who had once been hostile to the project into its management structure. The program tried to

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<sup>139</sup> Rahman and Toubia 2000, p.78

<sup>140</sup> Thuo, Malinga and Ajom 2007, p.3

<sup>141</sup> *ibid.*, pp.3-4



emphasize the positive aspects of culture, such as singing, dancing, gift-giving and other traditional festivities traditionally associated with female initiation, to promote the idea that “practices can change without compromising cultural values.”<sup>142</sup> J.C.’s successor reported she “introduced an annual culture day where we promoted culture and tradition especially proverbs, story telling, traditional foods, and development through cultural sensitive approaches.”<sup>143</sup>

While UNFPA figures suggest a very significant decrease in circumcision of 43.5 percent (621 reported cases) in 2000 (though we might wonder how many girls were eligible for circumcision in this small community after so many were circumcised in 1998), this was followed by a small increase of 4.2 per cent (647 reported cases) in 2002.

It is worth considering the ways in which opposition to the REACH project escalated again in 2002. REACH had become embroiled in intense community power struggles (though the details of controversies are unspecified in UNFPA reports). The Kapchorwa Chief Administrative Officer, who was closely associated with the REACH project, was murdered during the December circumcision season. A project coordinator reported that “the opposition group was working very hard to ensure every girl is cut.”<sup>144</sup> Thuo, Malinga and Ajom report that the coordinator’s husband was killed by the opponents of the project a month later.<sup>145</sup>

It is impossible to know what FGM rates in Kapchorwa would be in the absence of the REACH intervention. The UNFPA has reported an 8.4 per cent decrease in

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<sup>142</sup> Kidani 2006. See also Packer 2002, p.12; Thuo 2007

<sup>143</sup> Cited by Thuo, Malinga and Ajom 2007, p.4

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

circumcision in 2004 (595 cases) and a 28 percent decrease in 2006 (426 cases).<sup>146</sup> I examine REACH because it illustrates the complex and often unanticipated politics of anti-FGM intervention. The UNFPA acknowledges that REACH was “used as an entry point into politics” by opposition members (though the report and other project leaders I have communicated with do not elaborate on this point).<sup>147</sup> Moreover, the UNFPA report suggests that some of the program’s methods proved divisive in the community. The Peer Educator program, for example, recruited 356 “bright girls” as peer educators to lobby support for elimination of FGC at schools. Thuo reports that this strategy caused conflict when girls from poor families were rarely selected, suggesting that these girls subsequently “rebelled and opted to be cut.”<sup>148</sup> The mentor program was discontinued in 1999, though J.C. considers this among the project’s most important achievements. Similarly, the project’s efforts to compensate circumcisers for their loss of income proved unsuccessful.<sup>149</sup>

While REACH had links to community organizations and elders, the program may still have been seen as an initiative run by “outsiders.” In 2005 a Sabiny elder told a journalist that anti-FGM campaigners “have been sent by the whites” to destroy their culture. While local girls may initially appear to respond to the anti-FGM message, the elder argued, “[w]hen they face problems because they have not undergone circumcision, they always come back and we circumcise them.”<sup>150</sup> In 2003, Nangoli reported that married women up to 48 years of age were being circumcised in Kapchorwa. Survey data

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<sup>146</sup> Ibid.

<sup>147</sup> *ibid.* It is hard to establish the nature of the opposition to the project. Documentation on opposition to the REACH is not generally publicly available. Notably, project staffers I have contacted were generally unwilling to dwell on these difficulties.

<sup>148</sup> Thuo 2007

<sup>149</sup> Thuo, Malinga and Ajom 2007, p.4

<sup>150</sup> As told to Nandutu 2005

from the Family Planning Association of Uganda suggests that 647 women including 436 married women were circumcised in 2002.<sup>151</sup> A staff member of the Family Planning Association of Uganda explained that “This is partly because women who were not circumcised in their adolescent stages are going in for the knife upon marriage.”<sup>152</sup> The number of married women circumcised suggest more organized opposition to anti-FGM campaigns in Kapchorwa.<sup>153</sup>

The REACH project once again illustrates the complex dynamics of translation and resistance. Recognizing the sensitivity of the issue at stake, the REACH project explicitly and admirably sought to adopt a “culturally sensitive” approach. However, from the limited documentation available to me, it is not always clear *what sort of culture* the project sought to be sensitive too. Program officers recognized that female excision was central to the festivities surrounding Sabiny cultural rites. At the same time, however, it is not clear that this model allowed the program to reflect on how “cultural” practices of female excision were implicated in broader local dynamics, and how an apparently culturally sensitive program might become implicated in the political struggles among community elites and controversies over resource distribution including contributions to girls’ school fees, income of circumcisers, cash contributions to girls’ festivities, and post-marriage practices.

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<sup>151</sup> Nangoli 2003

<sup>152</sup> Ibid.

<sup>153</sup> I have not been able to identify any accounts of married Sabiny women being circumcised before the REACH project. It would be surprising if there had been incidents of this kind because female circumcision was considered a requirement for a girl to become eligible for marriage among the Sabiny (as among the Maasai). That said, it is important to note that there was very little research on Sabiny circumcision prior to the REACH project.

*Alternative rites*

As part of efforts to promote “culturally sensitive” interventions, anti-FGM advocates increasingly recognize the relationship between female excision and important cultural initiation rites in East Africa. Several projects have sought to develop “alternative ceremonies” and promote “circumcision through words.” These initiatives are gaining in popularity, notably in Kenya and more recently in Uganda.<sup>154</sup>

“Alternative rites” programs usually attempt to retain aspects of generational initiation rites, including celebration and ritual (and sometimes practices of seclusion and instruction), while abandoning female excision. Campaigners typically try hard to emphasize that their “campaign is not against [local] customs as a whole, merely against FGM.”<sup>155</sup>

One of the first publicized *ntanira na mugambo* (circumcision through words) ceremonies took place in August 1996 in the Meru village of Gatunga, Kenya. It was developed by the Kenyan government’s women’s organization, *Maendeleo Ya Wanawake*, and the Seattle-based Program for Appropriate Technology in Health (PATH).<sup>156</sup> IRIN News reports that

fifty families in the village sent their daughters for a week’s seclusion, during which the girls were educated about reproductive health issues, HIV/AIDS, communication, self-esteem and dealing with peer pressure. The week was crowned with celebrations and festivities, community singing, dancing and giving gifts to the girls, who had returned as women

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<sup>154</sup> J.C. Telephone interview, 12 December 2007. See also IRIN 2005, pp.7-8, p.13 and p.23.

<sup>155</sup> IRIN 2005, p.13

<sup>156</sup> Ibid., p.12; see also James 2002, p.104

without having undergone the damage and pain of FGM.<sup>157</sup>

This first ceremony encouraged others. By December 1996 fifty more families participated and by August 1997 seventy families took part. Unlike many of the anti-FGM education programs discussed above, alternative rites programs seek to “[capture] the cultural significance of female circumcision while doing away with the dangerous practices.”<sup>158</sup> Aang Serian’s “alternative rites” programs in Monduli, for example, are promoted through mature women who previously practiced circumcision. These alternative ceremonies emphasize the period of learning and community participation, as well as the clothing, celebration and foods that accompany “conventional” Maasai circumcision ceremonies.

These initiatives have promising indications. Yet some activists argue there is a danger that “alternative ceremonies” are orchestrated by schools, NGOs, national civil society organizations, and international organizations that are often perceived as community outsiders.<sup>159</sup> If so, these ceremonies may not fulfill important functions. As discussed above, female initiation rites among rural Maasai and other communities are not solely rituals about excision; they have a wide range of social purposes and meanings. Critics have been particularly concerned that high profile alternative rights ceremonies have excluded parents, circumcisers or other community members who would otherwise have been involved in a conventional circumcision ceremony. An anonymous interviewee in Tanzania described a rite of passage ceremony organized by a well-known NGO to me,

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<sup>157</sup> IRIN 2005, p.13

<sup>158</sup> African News Service, “Alternative Rite to Female Circumcision Spreading in Kenya” 19 November 1997 cited in James 2002, p.105.

<sup>159</sup> Anonymous interview, northern Tanzania, 27 May 2007; See also Mutisya 1996

The parents came... but these were the only people from the community included in the rite of passage. The rest of the community didn't see it. All they see is that the girls come back to the community wearing t-shirts saying *Stop FGM*. The interviewee was concerned that the NGO has made no effort to encourage the girls to wear traditional clothes or other Maasai cultural symbols.<sup>160</sup>

“Replacement ceremonies” are unlikely to address the diverse, wide-ranging cultural functions and meanings associated with female circumcision across East Africa (and beyond) if they are performed solely to advance a strong anti-FGM message. In the words of the Tanzanian interviewee, “It was *not* an alternative rite of passage. It was an *alternative* to a rite of passage.”<sup>161</sup> Ironically, where the transformation of female rites of passage focus solely on the elimination of genital excision, alternative ceremonies potentially lose their meanings as multi-faceted social rites.

#### *The limits of cultural sensitivity*

The emphasis on cultural sensitivity among anti-FGM advocates suggests a discursive complexity in debates about female excision. On the one hand, campaigners view culture as a key problem; culture is seen as something that must be overcome. On the other hand, perceptions of cultural appropriateness also act as legitimate and necessary constraints on the putatively universal, global jurisdiction of campaigns against FGM. Alternative rites of passage, elder associations, community-led project management, and culture days are

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<sup>160</sup> *ibid.*

<sup>161</sup> *ibid.*

undoubtedly innovative and useful strategies for anti-FGM campaigners. But we know that culture is more complicated than this. Cultures are not static systems that can be represented by a few knowledgeable individuals, a handful of community representatives, or a committee of elders.<sup>162</sup> It is not surprising then that cultural forms translated and reinterpreted by anti-FGM campaigners, performed by community outsiders, or appropriated by institutions will generate a politics, often expressed as resistance and even episodic hostility. There is no fast way to know a culture. In this way, “culturally sensitive” programs face difficult and unenviable questions: What are the politics of translation and negotiation involved in claiming to know a culture?<sup>163</sup> How can activists, development workers or government officials legitimately claim to be “sensitive” to the culture in which FGM is meaningful?

### **The production of culture and location**

When high profile activists, government officials, and international development workers portray FGM as a cultural practice, they describe it as at once a relic of the past (“still”), singular and homogenous (there is only one “culture”) and stubbornly static (“engraved”). The “problem” of female circumcision is deemed primarily one of physical mutilation perpetrated on victimized bodies that need protection in “backwards cultures.” In this chapter, I have argued that these simplistic characterizations of culture are thoroughly

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<sup>162</sup> Spivak (1993) reminds us that we cannot assume that “every person from a culture is nothing but a whole example of that culture” (p.189).

<sup>163</sup> It is perhaps worth recalling Kenyatta’s (1938) account of the missionary attitude toward *irua* (female circumcision) among the Kikuyu, “With such limited knowledge as they are able to acquire from their converts or from others, who invariably distort the reality of the *irua* in order to please them, these same missionaries pose as authorities of African customs. How often have we not heard such people saying: ‘We have lived in Africa for a number of years and we know the African mind well’” (p.154).

misleading and may have unintended and sometimes counter-productive implications for campaigns against female excision.

The encounters described above point to ways in which campaigns to eradicate FGM are thoroughly and inevitably implicated in complex processes of cultural production and cultural meaning-making. I have pointed to ways in which particular campaigns against FGM contribute to the changing cultural meanings and politics surrounding female excision among groups such as rural pastoralist communities in northern Tanzania, Kenyan Kikuyu and Ugandan Sabiny. And as I have shown, those shifting understandings of FGM do not always fall in line with the message of international organizations or government policies.

Static concepts of culture blind us to the ways in which we make ready associations between culture, subject-identities, spatial locations, and global-local relations. As Gupta and Ferguson argue, “all associations of place, people, and culture are social and historical creations to be explained, not just natural given facts.”<sup>164</sup> When we unquestioningly associate certain people - the Maasai, the Kikuyu or the Sabiny, for example - with a cultural practice like FGM, we usually ignore the ongoing historical and political processes that engender these associations. In doing so, we fail to explore the ways in which FGM becomes symbolically and strategically embroiled in construction of culture, identity and spatial location (and their mutual association). Efforts to eradicate FGM are thoroughly implicated in broader political and historical relations, including discourses about modernity, development and change. Similarly, campaigns against female excision are situated within a global, regional and national politics of cultural production that constitutes particular people as “traditional.” As such, culture is closely associated, even

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<sup>164</sup> Gupta and Ferguson 1997a, p.4



conflated, with *the local*, it is viewed as bound to and rooted in particular geographical places (usually remote places!). We readily associate the Maasai with what we perceive as their colorful, peculiar, exotic culture. Maasai culture, in this commonsense notion, is “over there” in remote Tanzanian and Kenyan highlands (to pursue this simplistic association we must forget, of course, the colonial construction of the “Masai Reserve” [sic]). Culture, viewed in this way, is *particular* and it is *local*. Anti-FGM campaigns are situated within a global, regional and national politics of cultural production that help to constitute particular people as “local” and marginal. These “victims of culture” are rendered as *subjects* and *objects* for (global) governance. In this way, campaigns against FGM are implicated in the production of place and location, and help to constitute women as the objects of global governance.

Of course, the perceived cultural particularity of “remote” and marginal people appears in sharp contrast to the practices of national and global governance. We are rarely inclined to describe international organizations like the UNFPA as sites of culture. This is no accident: state and transnational agents claim for themselves “geographies and interests that are national and universal.”<sup>165</sup> Government officials, national civil society organizations, and international organizations like the UNFPA position themselves as subjects that are somehow “outside” of culture, claiming for themselves a global jurisdiction and a position of universality. Yet it should go without saying that culture and cultural politics are not simply “local” phenomena. The institutions we think of as “global” are, of course, always tied to particular locations. Transnational FGM campaigns, international organizations, governmental institutions, national civil society organizations and the other apparatuses we associate with the complex webs of national-global

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<sup>165</sup> Ferguson and Gupta 2005 [2002], p.109

governance are themselves sites of culture, steeped in particular systems of understanding the world. In this way, encounters over FGM always entail complex translations and negotiations. They are politicized negotiations that inscribe particular kinds of spatial relations between “the global” (we perceive international organizations, NGOs, governments as “global,” and their ideologies as universal) and “the local” (the “marginal” people and places we view as bound by particularistic “cultures” and parochial interests).

As such, campaigns against “traditional cultural practices” may inadvertently work to produce and reproduce particular kinds of global-local relationships. FGM becomes a problem of culture and, thus, a problem of the local. These *locals*, subjected to the purview of global governance, are conceived as sites of a single, unchanging culture. As a result, solutions are too often identified outside the “traditional” community and located with national government, prominent civil society organizations, high profile campaigners and international institutions. In other words, remedies are sought outside of “culture” (the particular) and in the zone of the “universal” (often, though not exclusively, the realm of global governance).

### **Conclusions: “The onslaught of enemies”**

Viewing *female genital mutilation* as a problem of culture and tradition in the narrowest terms, campaigners are often unable to consider the contentious and complex politics of communities across Sub-Saharan Africa that practice very diverse forms of female excision. I have discussed controversies surrounding various legal, educational, rights-based and “culturally sensitive” interventions and pointed to their often unexpected, unintended and sometimes counter-productive implications. Efforts to prosecute those responsible for

FGM have been frustrated when communities refused to co-operate, when circumcisers continued covert circumcisions, and when “victims” refused to testify. Similarly, well-intentioned initiatives to educate particular communities out of their “ignorance” have repeatedly failed to acknowledge the fraught relationships between “minority” ethnic groups (such as Tanzanian pastoralists), local and national authorities, schools, and missionaries. The UNFPA’s much publicized REACH program in Uganda illustrates ways in which even “culturally sensitive” programs can engender intense political resistance. *These encounters suggest that campaigns against female excision can never be just about FGM; they are invariably (and often unwittingly) embroiled in highly politicized struggles and conflicts over competing visions of identity, autonomy and development, always thoroughly enmeshed in complex, hierarchical global-local relations.*

I have examined ways in which diverse practices and meanings associated with female excision are not fixed or static, they change and transform in response to historical and social changes, including anti-FGM campaigns. This potential for change is simultaneously promising *and* challenging. As our conversations with women in Monduli Juu and examples from Kenya and Uganda suggest, particular strategies, images and language can reinforce perceptions that anti-FGM efforts are carried out by community outsiders. (These “outsiders” do not have to be foreign aid workers; even privileged “grassroots” activists, government officials, Dar es Salaam-based NGO workers, church leaders, and local teachers can be considered “foreign” in particular contexts.) The juxtaposition between outsiders and insiders can politicize efforts to eradicate excision as an “onslaught of its enemies.”<sup>166</sup> In some situations, complex, multilayered generational

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<sup>166</sup> Aang Serian, correspondence to their donor, Equality Now, 3 December 2007

rites might be reduced to female excision alone, reified and reproduced as a fixed marker of an “insider” culture that is under global scrutiny.

Finally, I have argued that campaigns against *female genital mutilation* may tell us something about the complex ideational production of the hierarchical relations of global governance. By representing FGM as a problem of tradition and culture, anti-FGM campaigners implicitly claim for themselves the position of universality: they see themselves as subjects “outside” of culture. The efforts of international organizations, East African governments and Dar es Salaam-based activists are directed at transforming “local” communities and changing outdated “cultural” attitudes. Viewing FGM as a reified, abstracted cultural problem, campaigners invariably characterize it as a rural problem, a problem of “backwards” tribes, a problem of the poor and uneducated. FGM, then, is viewed as a problem of the *local*. These characterizations inscribe communities that practice female excision within a particular, asymmetrical global-local relationship where particular cultures or *locals* come to be subjected to the purview of global governance. As a result, these communities are rarely able to contribute to institutional efforts to think about FGM and campaign strategies. When *female genital mutilation* is inscribed as a problem of “local” culture and tradition, its solutions (even the “culturally-sensitive” solutions!) are paradoxically and often counterproductively developed and managed outside “target communities.”

“...the day will come when the last woman with a stall by the side of the  
road who needs a loan will actually get it.”<sup>1</sup>

“Women [in L ward] should be like other women. If women in town are getting  
loans, so should women in the bush. Women in L. ward shouldn’t be left  
behind.”<sup>2</sup>

## **CHAPTER FIVE**

### **“We want you to change”**

#### **The Global Politics of Women’s Empowerment**

Women’s empowerment is a recurring theme of global governance; a phrase widely circulated by politicians, NGO workers, and activists. Donors, international financial institutions, UN agencies, and governments pay tribute to women’s contributions to development and claim to promote women’s empowerment through their programs and projects. As Amanda Swarr and Richa Nagar note, “it is widely believed that the empowerment of the Third World’s poorest women holds the key to solving some of the most difficult questions of global poverty, hunger, and environmental degradation.”<sup>3</sup>

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<sup>1</sup> Harvard Business School Professor and former ACCION CEO and president Michael Chu 2007, pp.319-320.

<sup>2</sup> Speech by the District Women’s Councilor, L. ward, northern Tanzania, 25 May 2007

<sup>3</sup> Swarr and Nagar 2004, p.493

While the concept of women's empowerment is universal in its scope and ambition, commentators regularly remind us that the term has its origins in radical ideas about grassroots activism and popular education. Women's empowerment is all about the *bottom up*: local participation, collective decision-making, individual entrepreneurialism, village women's groups, and even women's self-confidence and esteem.

The widely circulated term empowerment connects disparate projects to a popular common theme. Among these programs, microcredit is widely celebrated as “an innovative approach that empowers the poor, and poor women in particular.”<sup>4</sup>

Microfinance institutions such as the Grameen Bank and Opportunity International claim to empower women by giving them access to credit; some even describe microcredit as a social movement for poor women.<sup>5</sup> In awarding the Nobel Peace Prize to Grameen Bank Founder Mohammad Yunus, the Nobel Committee praised microcredit as “an important liberating force in societies where women in particular have to struggle against repressive social and economic conditions.”<sup>6</sup> Microcredit has also been linked to women's human rights. A former microfinance manager in Africa, Paul Rippey, notes that international donors, politicians and microfinance programs describe microcredit as “a need or even a right,” akin to education or health care.<sup>7</sup>

While microcredit programs are well-established in South Asia and Latin America, international financial institutions, UN agencies, and development organizations increasingly promote initiatives in East Africa. The Tanzanian government, for example, has embraced microcredit as a means to promote women's empowerment. At a World

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<sup>4</sup> Weber 2006, p.194

<sup>5</sup> See Cheston and Kuhn 2002; Yunus 1999 and 2008; Deshpande and Burjorjee 2002, p.2

<sup>6</sup> Norwegian Nobel Committee 2006

<sup>7</sup> Rippey 2007, p.116

Bank workshop in 2007 former Tanzanian Minister of Justice and Constitutional Affairs, Mary Nagu, announced “How do we partner to build a better life for women? Empowering women by giving them financial independence should be the motto.”<sup>8</sup>

While the vision of women’s empowerment is universal, its social practices must always be “locally” situated. How does the global concept of women’s empowerment translate through specific social contexts? What kind of relations of global governance do these practices enable? This chapter argues that the global governance of women’s empowerment is made possible, in part, through its production of the local. In particular, I suggest ways in which certain practices of women’s empowerment and microfinance in specific contexts may offer very constrained avenues for women’s empowerment and can even contribute to the marginalization of poor women. In emphasizing the discursive production of women as marginal, local subjects, my argument differs from - but hopefully adds to - empirical studies and assessments that trace the ways in which particular programs have tried but at times failed to address women’s inequality.<sup>9</sup>

### *Outline*

In the first part of this chapter, I focus on a speech given by a local government official to an audience of pastoralist women in a northern Tanzanian village which I call L. ward. I examine ways in which the district councilor’s remarks echo key themes of global campaigns to promote women’s empowerment through microfinance: the need for women

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<sup>8</sup> Nagu cited in Ellis et al. 2007, p.23. Mary Nagu, formerly Tanzanian Minister of Justice and Constitutional Affairs, is now Minister of Industry, Trade and Marketing.

<sup>9</sup> This is a vast literature. Among the most widely cited include Goetz and Sen Gupta 1996; Kabeer 1998 and 2001. Other illustrative examples include Heyzer 1994; Ackerly 1995. While most of these studies focus on Bangladesh or India, researchers such as Mayoux 1999, the contributors to the One World Action Conference 2002, and Zamperetti and Dalla Costa 2008 examine projects in Africa. A more sizable scholarly literature focuses on South African microcredit initiatives.

to be *agents of development*, women's responsibilities as mothers to promote social and cultural change, and women's suitability to engage in small-scale entrepreneurialism. I explore ways in which microcredit advocates, including the local government official, often rely on the universalizing assumptions that "local" women borrowers are *rooted* in family obligations, that "women do not work," and that women are inherently trustworthy. I suggest ways in which global governance efforts to promote women's empowerment may, at times, reproduce women's marginal status. In Part Two, I point to ways in which international financial institutions and microcredit organizations claim to uncover women's "voices" and success stories. In doing so, however, I propose these accounts often offer decontextualized, atomized visions of the lives of the women they claim to represent.

### **The global logic of local empowerment**

#### *"Try and change"*

In May 2007, one hundred pastoralist Maasai women from six villages gathered in a village in northern Tanzania for a week-long women's seminar organized by a small NGO.<sup>10</sup> As is customary, a local government official arrived to make a speech at the seminar's closing ceremony. The official in question was a district women's councilor.<sup>11</sup> Identifying herself as an "educated Maasai," the councilor wore western dress and straightened hair. She addressed the Maa-speaking women in Swahili, "I am Maasai too, so *I know*," she repeated.

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<sup>10</sup> At the request of local activists, I do not identify the village, the NGO, or the CCM women's councilor in question.

<sup>11</sup> So-called women's councilors hold "special seats" (rather than constituency seats) in Tanzanian local authorities. Similarly, "women's MPs" hold "special seats" in the national legislature. For a discussion on women's advocacy, special seats and quotas in Tanzania see Tripp 2003b; Meena 2003.



The councilor thanked the NGO for organizing the event. Addressing the NGO activists, the councilor said, “try and change [L. ward].<sup>12</sup> Please, please, please try.”

The councilor identified the assembled women as the agents of social and cultural transformation. Women, the councilor argued, should take responsibility for ending female genital mutilation and early marriage in the villages. “If you refuse for a girl to be circumcised, she won’t,” the councilor maintained. “Because *we* [women] are inside the *boma* (home, hut, or homestead). The old man sits outside... We are the ones in the house!”

The councilor issued some stern warnings about the dangers of female circumcision and early marriage to the assembled women. Women in L. ward should ensure male community members do not marry off their young daughters. “Make sure the elders and the warriors listen,” she said. “I ask you through this meeting, [L. ward] should be the example of no one getting arrested. We *will* find out who is marrying off their children...”

The councilor talked about the importance of formal education. Women in L. ward should send their children to school, she said, “so that things will change. [...] Would you not be happy if your daughter was a councilor?”

The councilor thanked the assembled women for their efforts in the Tanzanian elections and during International Women’s Day. Then she asked them to stop cutting down trees. She issued a stern rebuke: “You [women in L. ward] are the worst offenders for cutting trees to make charcoal.”

During the speech, an elderly woman asked the councilor whether she could help women secure small bank loans. Microcredit and micro-entrepreneurial initiatives have recently been heavily publicized in Tanzania. In 2006 the Tanzanian government made 21

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<sup>12</sup> A ward is a unit of local governance in Tanzania.

billion Tanzanian shillings available for bank loans to help the poorest people in Tanzania to start “micro-enterprises.” Nevertheless, many complain that few poor or rural people have benefitted from these loans.

“We want you to change,” replied the councilor. “Change, so you don’t come to town to sell your charcoal. You will just get ripped off. Instead of charcoal, get loans and start businesses for making jewelry.” As she continued, the councilor mentioned several other potential uses for the loans: roofs, goats and secondary school fees.

“Women don’t have property,” the councilor conceded, “But women are trustworthy. They will be their own security. If you are given a loan, the money you have written down is your own, not your husband’s. If your husband has more than one wife, make your business a success. Your husband will love you more than the others!”

The councilor made the women many promises. “When I was elected I promised I would be a donkey for women,” she reminded the women. “Use the village leaders. Use me. We will go to the bank together and look for money! Come to [town] any day to get these loans... even tomorrow.” She urged the women to “call me” and promised to give them her telephone number. The councilor declared she would guarantee the loan herself.

The crowd cautiously welcomed these generous promises but I noted that the councilor soon shifted her tone. She suggested, “You don't need property to obtain a loan. [S., an NGO leader] will be your guarantee!” The NGO workers, young activists with growing families and few assets, looked nervous. They assured me later that they had made no such commitments.

The councilor reminded the women that “you voted for me to get development.” She explained that men and women from town had been given small bank loans. “But no

one from [L. ward] has been given any loans,” she lamented. “Women of [L.] should be like other women.”

Women are trustworthy, women will show results, the councilor said. This praise was also a warning, however. “Let [L.] show that you are also trustworthy! Let [L. ward] get a loan and pay it back! You *must* be trustworthy,” she emphasized.

Women should make their business a success, the councilor concluded. “I want to see results, I want to see benefits.”<sup>13</sup>

As the councilor connected the plight of the women in “the bush” with women in “in town,” her speech echoed prominent themes in global discussions about women’s empowerment. The councilor emphasized women’s responsibility for economic development and cultural change in their villages. She emphasized women’s duties as mothers and wives in the *boma*, reminding them they should send their children to school, pay school fees, and to protect daughters from circumcision and early marriage. She praised women for being trustworthy, yet urged them to live up to this reputation. While her speech hinted at the extensive workload of women in L. ward, the councilor urged women in L. ward to take out loans, run successful businesses, and generate cash income. In the following sections, I examine how the councilor’s speech in L. ward echoes key themes in global discussions about women’s empowerment and microcredit.

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<sup>13</sup> All citations from taken from my transcript and recording of the women’s councilor’s speech, L. ward, Northern Tanzania, 25 May 2007. The speech was given in Swahili but intermittently translated by NGO workers for the Maa-speaking audience. An NGO activist provided simultaneous translation into English for me.

*Everyone, everywhere*

The women's councilor in L. ward told the assembled women that they "should be like other women." If women in town are getting loans, the councilor argued, so should women in "the bush." Women in L. ward "shouldn't be left behind."<sup>14</sup> Like the councilor, microfinance advocates emphasize the importance of access to credit for women everywhere.

Microcredit is a global movement. As microfinance proponents strive to reach "further and deeper," poor women across the developing world are targeted as potential customers, clients and consumers.<sup>15</sup> Printed in a bold over-sized font, the first sentence of the widely cited Microcredit Declaration of 1997 reads, "Our purpose as an assembly is to launch a global movement to reach 100 million of the world's poorest families, *especially the women of those families...*"<sup>16</sup> The second phase of the campaign, sponsored by Citicorp, Chase Manhattan, American Express and the World Bank, launched in 2005, seeks to "ensure that 175 million of the world's poorest families, especially the women of those families, are receiving credit for self-employment and other business and financial services by the end of 2015."<sup>17</sup> Former ACCION CEO and President, Michael Chu believes that "microfinance makes it possible to one day reach the entire base of the population pyramid, and to sustain that effort across generations."<sup>18</sup> Chu writes wistfully, "the day will come when the last woman with a stall by the side of the road who needs a loan will actually get it."<sup>19</sup> Susie Cheston and Lisa Kuhn of the US-based Christian microfinance

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<sup>14</sup> Field notes, northern Tanzania, 25 May 2007

<sup>15</sup> Cheston and Kuhn 2002. Almost every report, scholarly article and textbook on microfinance reiterates the need to spread the industry *vider* to new markets and new clients and *deeper* by offering more products.

<sup>16</sup> Microcredit Summit 1997. The Declaration target was to reach 100 million people by 2005.

<sup>17</sup> Daley-Harris 2005, p.29 (emphasis added).

<sup>18</sup> Chu 2007, p.319-320

<sup>19</sup> Ibid.

group Opportunity International argue that “microfinance’s great potential to empower poor women [often] goes unrealized [...] *it has the potential to empower many more, even more greatly.*”<sup>20</sup>

Women’s empowerment is central to the logic of microcredit.<sup>21</sup> Microcredit proponents argue that when women take out small loans, they are able to engage in micro-entrepreneurial activities, earn money and turn a profit, gain financial autonomy, increase their control over household resources, and influence family decision-making. As a result, advocates argue, women will be more valued and respected by their husbands, their in-laws, and their communities. Cheston and Kuhn argue that

Microfinance programs have the potential to transform power relations and empower the poor – both men and women. In well-run microfinance programs, there is a relationship of respect between the provider and the client that is *inherently empowering*. This is true regardless of the methodology or approach...<sup>22</sup>

Martha Chen, a prominent scholar and development practitioner, writes “We believe that village women’s control over and access to material resources is a necessary condition to women’s exercise of social power and autonomy.” Chen continues, “If [women’s]

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<sup>20</sup> Cheston and Kuhn 2002, p.14

<sup>21</sup> Microfinance scholars and practitioners debate which institutional forms most effectively promote women’s empowerment. See for example Mayoux 1999; Cheston and Kuhn 2002. The extensive empirical research on microcredit shows that the impacts of microfinance vary enormously. Women of different casts and classes may not see the same benefits. See Ahmed 2007. Women across different continents may see very different effects. See Mayoux 1999. In some cases, analysts have found that microcredit may, at times, promote *more* violence against poor women. See Goetz and Sen Gupta 1996

<sup>22</sup> Cheston and Kuhn 2002, p.4 (emphasis mine). The authors argue that “empowerment is about change, choice, and power” (p.12). Yet the authors resort to defining empowerment in psychological terms. Similarly, Sam Daley-Harris of the Microcredit Summit Campaign (2006) stresses the psychological benefits: “microcredit is one of the most powerful tools to address global poverty, and it does so in a way that builds *self-esteem in the individual* and self-sufficiency in the institution providing the financial services.”

productivity can be enhanced or [their] employment expanded, women will *automatically* exercise greater power and autonomy within their households.<sup>23</sup>

Proponents like Chu, Chen, Cheston and Kuhn view empowerment through microfinance as *inherent* and *automatic*, as long as the programs are well managed. This logic operates regardless of social context: By taking out loans, women become clients. Through access to loans, women are able to engage in productive activities. Through their productivity, women gain control over resources. The “women of those families” envisioned by the Microcredit Declaration and the “last woman” invoked by Michael Chu do not live in any particular place and they have no distinguishing characteristics besides their gender and their (presumed) poverty. Even the goods on Chu’s “last woman’s” stall remain unspecified. In each of these articulations the logic of empowerment functions in the abstract; it is never viewed in terms of socially situated practices.

The failure to contextualize is not an oversight, however. Microcredit proponents such as Grameen Bank’s founder Muhammad Yunus believe that microcredit can, in principle, end poverty everywhere. When Charlie Rose asked Yunus if the Bangladeshi microfinance model could work in Africa, Yunus replied

...human beings are [the] same. They suffer through the same problems. Poverty is caused by the same forces. So what makes a poor person poor and living condition is hopelessness around her or him [sic], is the same thing everywhere, whether you live in Bangladesh, or you live in African country, or live in an American country, or even rich country like the United States [sic]. The forces which generate that poverty situation are the same. So reaction that is created by that would also be the same [sic], and

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<sup>23</sup> Chen 1996, p.80 cited by Fernando 2006, p.191 (emphasis mine)

the solutions that you can come up with in Bangladesh will be applicable in other countries also...<sup>24</sup>

As Dichter suggests, the microfinance model claims to resolve the “eternal bugaboo” of development, namely the dilemmas posed by context and local conditions. These complications no longer matter in the microcredit paradigm because “the techniques, the vocabulary, and the arithmetic of credit delivery [are] *universal*.”<sup>25</sup> Even where microcredit practitioners and scholars vigorously debate which types of credit models empower women most, these discussions primarily focus on institutional and organizational forms rather than social context.<sup>26</sup> Prominent microcredit advocates, like Yunus, Chu and Cheston, can confidently assert the global logic of microcredit: small loans and micro-enterprises are *the way out* for the last woman, the global poor, and the “base of the pyramid” whatever their circumstances.<sup>27</sup> In these abstract articulations, microcredit is beyond politics.

Hidden customers: In her account of the segmentation of low-income populations, Fauzia Erfan Ahmed offers case studies of three Bangladeshi women in order to understand “who poor women really are.”<sup>28</sup> Ahmed describes three women whom she met during her field research. Ahmed invokes each woman to represent a potential customer base for microfinance institutions. Women’s complex lives, social relationships and activities are reduced to a few characteristics - caste, age, marital status and educational

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<sup>24</sup> Transcript of *The Charlie Rose Show*, 20 September 2005

<sup>25</sup> Dichter 1999, p.14, emphasis mine.

<sup>26</sup> See for example Cheston and Kuhn 2002; Ahmed 2007. Exceptions include Mayoux 1999; Goetz and Sen Gupta 1996.

<sup>27</sup> Rangan et al. 2007

<sup>28</sup> Ahmed 2007, p.16

attainment - which either compromise or facilitate women's potential entrepreneurial activities. An elderly woman who successfully managed to invest her loans is an example of a "prime customer." A woman who faces pressure from male relatives to turn over control of her loans is a "customer at risk." Interestingly, Ahmed also discusses an important third category, which she calls "hidden customers."<sup>29</sup> To illustrate this type of client, Ahmed discusses the situation of a very poor, low caste, educated woman who does not want to take out loans. Though the educated but "low caste" woman has been trained to do a white-collar job and does not want to be a micro-entrepreneur, Ahmed considers her a potential customer.<sup>30</sup>

In Ahmed's account, poor women everywhere are viewed as potential customers, micro-entrepreneurs, and debtors. In this universalizing logic, there is no escape and no alternative to the microcredit model of empowerment. In the following subsections, I examine this logic more closely.

*"Women do not work" and "Women's work"*

The councilor told women in L. ward to take out loans to buy beads and encouraged women to invest in donkeys to help them transport goods to and from markets. In doing so, the councilor echoed a claim made by many microcredit proponents: women are empowered by working. Advocates argue that access to credit, combined with the social dynamics fostered by group loan mechanisms, promotes women's empowerment by allowing them to engage in work, fostering their financial independence, and encouraging the formation of social networks. Often drawing on evidence from microcredit programs

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<sup>29</sup> Ahmed 2007, p.19

<sup>30</sup> Ibid., pp.23-24



in Bangladesh and sometimes India, they argue that microcredit empowers isolated women to engage in economic activities they would otherwise not have performed and, therefore, allow women to earn their own income, which they would otherwise not have had.

A World Bank policy paper, *Does Micro-Credit Empower Women?*, illustrates this point. Three prominent microfinance researchers, Mark Pitt, Shahidur Khandker and Jennifer Cartwright, argue that microcredit programs increase women's empowerment and their economic productivity. The authors presume Bangladeshi women who do not participate in credit programs are not engaged (or insufficiently engaged) in productive activities. They reason that Bangladeshi women's physical mobility is frustrated by social and religious restrictions. Cultural norms confining women to their homes prevent women's participation in the labor market and hamper women's access to cash income. The researchers conclude that women's participation in microcredit programs and their subsequent cash income increases their household decision-making power.<sup>31</sup> Notably, the authors do not temper their findings by examining the impact among different social, economic or religious groups, nor do they restrict their argument that microcredit empowers women to Bangladesh.

The World Bank study suggests that women's participation in microcredit programs enables women to engage in productive labor: "participation in a group-based credit program increases the shadow value of female time."<sup>32</sup> The assumption that women without access to credit do not work is not uncommon. In her study of Grameen-style microcredit projects in rural Bangladesh, Brooke Ackerly found that credit organizations presumed that women borrowers *kaj kori na* (do not work) and that female borrowers were

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<sup>31</sup> Pitt, Khandker, Cartwright 2003, p.2

<sup>32</sup> Ibid., p.29. Conversely, the authors argue that "the shadow value of [men's] time is unaffected by program participation" (p.2).

free to spend their time at regular mandatory meetings. Moreover, Ackerly found that even microcredit managers viewed their female clients' income as "increasing their husband's earnings."<sup>33</sup>

While small loans could benefit many women in L. ward in various ways, the logic of microcredit may not operate in the way in which this World Bank study anticipates. Although the division of economic activities in L. ward, as among other semi-pastoralist Maasai, is structured by gender and generational groups, women in L. ward work and they are decidedly not house bound. Indeed, in the semi-pastoralist context, farming is often viewed as women's work.<sup>34</sup> (For this reason, the councilor suggested that women buy donkeys because women in L. ward are often engaged in subsistence agriculture, small crop production, milking and egg production, and agricultural marketing.<sup>35</sup>) The councilor also did not need to encourage the formation of local women's solidarity groups because agricultural activities in the drought-prone climate of the Tanzanian highlands depend on women's strong social and economic networks. Similarly, the councilor emphasized beading because it is viewed as a "traditional" Maasai women's craft. In fact, the women in L. ward had already formed a beading cooperative to generate income for their group activities. Finally, the councilor suggested women invest in iron roofs because housing

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<sup>33</sup> Ackerly 1995, p.59

<sup>34</sup> This is of course not to say that Maasai men do not engage in farming or that women do not tend to livestock, particularly in the context of long-term land alienation, drought, sedentarization, and development interventions. However, as Hodgson (2001a) has argued the construction of Maasai masculinity had become closely associated with pastoralism and, thus, disassociated from farming. Indeed, I once observed a Maasai leader change from his *shuka* (robes) into "Swahili" (western) clothes in order to tend to family crops! Moreover, evidence suggests that Maasai women contribute significantly to livestock production. For example, Wangui's (2008) study of the gendered division of labor in Kajiado District, Kenya found that Maasai women's contributions to livestock surpassed men's. On women's subsistence farming in Africa see, for example, Boserup 1970; Mayoux 1999.

<sup>35</sup> Interestingly, a survey conducted by Mike Fitzgibbon of International Famine Centre (2002) found that people in northern Tanzania preferred to invest their surpluses in "alternative assets, such as animals or land, as these currently offer a more convenient means of saving and cash access [than microfinance], and provide a greater return than [microfinance] financial service providers offer" (p.13).

construction is viewed as women's work in the pastoralist division of labor (see Chapter One).

It is, therefore, unlikely that small loans in L. ward would have liberated women from their homes or challenged commonplace notions of "women's work." The claim that microcredit *inherently* empowers women by promoting work outside the home, challenging gendered divisions of labor, and fostering new social networks among women should be contextually scrutinized.

Liberating entrepreneurs: Like the women's councilor, many organizations that promote entrepreneurship among women in Tanzania encourage women to develop enterprise projects emphasizing crafts, crops and other economic activities that are widely accepted as "women's activities." For example, the Women Entrepreneurship Development (WED) program, a prominent training scheme of Tanzanian Ministry of Trade Industry and Marketing's Small Industries Development Organization (SIDO), provides training for micro-entrepreneurs in food processing. When I asked the project manager why the program targeted women, she treated the question with justified incredulity, pointing to Tanzanian women's traditional roles as food producers

...women are the ones who deal with food! They bring money to the family. They create an impact for the family. Without women there would be no world! Men think they are the head of the family. But I think we steer the family and the country. Men may be the face but women push things. Women have always been marginalized and deprived.<sup>36</sup>

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<sup>36</sup> Interview with Access Coordinator, WED SIDO, Dar es Salaam, Tanzania, 14 May 2007

Similarly, microcredit proponents and donors in Tanzania stress that efforts to empower micro-entrepreneurs will increase women's productivity. The USAID mission in Tanzania, for example, promotes coffee processing technologies to small-scale coffee farmers, particularly to women who are usually responsible for coffee drying. A short article publicizing these initiatives entitled *Liberating women in Tanzania* featured prominently on the USAID Mission's website in 2006. The article explained that new coffee drying technologies purchased by communities have helped to "liberate rural Tanzanian women" because "women have more time to tend to non coffee related chores, and even participate in community events." USAID highlights the story of Blanka Ndunguru, who is described as a mother of three from Tanzania's Southern Highlands. Ndunguru says: "the freed time helps me to spend more time in caring for essential food crops and livestock at home."<sup>37</sup> This brief article highlights USAID Tanzania's efforts to promote women's empowerment and *mainstream gender* in its project designs and evaluation. Indeed, the project managers and donors have considered the gendered implications of coffee technology.<sup>38</sup> This brief account, however, also suggests some of the limits of USAID's emancipatory project. The coffee initiative does not seek to challenge the gendered division of labor or women's extensive social and reproductive responsibilities. In fact, USAID emphasizes poor women's productivity as the key to economic growth.

Global campaigns to promote empowerment must always navigate and negotiate contextual social relations.<sup>39</sup> Microcredit schemes may have many beneficial implications across communities but they do not assert a universal logic. The availability of credit does not *inherently* challenge gender roles or alleviate women's social obligations, as some

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<sup>37</sup> USAID, 2 May 2006

<sup>38</sup> Interview, USAID gender advisor, Dar es Salaam, 21 July 2006

<sup>39</sup> On women's social networks in Sub-Saharan Africa see for example Mayoux 1999.

proponents suggest. In fact, some credit and entrepreneurial initiatives may reinforce gendered divisions of labor. The implications of the global logic of microcredit are always negotiated in and through “local” encounters.

*Investing in women, families and autonomy*

Microcredit proponents often stress the social implications of *investing in women*. Women – and particularly mothers – are viewed as sustainable and strategic investments who are likely to spend their income on household expenses and on their children. John Hatch of FINCA International expresses the ambitious logic succinctly:

Increased income earned by a low-income mother translates into a chain of positive improvements for her family. A better diet and improved nutrition stimulate better family health. Improved health results in greater resistance to disease, high energy, greater capacity for work and learning and thus enhanced productivity. As family nutrition and health are stabilized, incremental investment in the education of children are almost certain to follow. Close behind education expenditures come investment in home improvements. And finally, these outcomes are paralleled by a near-total transformation of the borrower’s self-respect.<sup>40</sup>

This reasoning drives the recent expansion of microcredit initiatives in East Africa. The ILO, for example, facilitates a prominent credit project in Tanga, Tanzania, that focuses on poor mothers. Project managers reason that women have “greater impact on

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<sup>40</sup> John Hatch of FINCA International cited by Fernando 2006, p.195

children's welfare and education than fathers."<sup>41</sup> The promotional materials for the project emphasize the experiences of one woman, Salma Harub Abdala, who was able to start a mushroom farm with assistance from the program. The project publicity emphasizes Abdala's "empowerment" and its impact on her family: "With increased sales and profit, I am able to pay for the education requirements for my younger children, I have improved our housing, and we are able to eat quality meals."<sup>42</sup>

The rhetoric of investing in mothers presents an immediate dilemma, however. Proponents of microcredit emphasize that women are the sustaining forces of their families. Yet microfinance advocates actively *discourage* and prohibit women from using their loans for "consumption" purposes, defined as any expenditure not related to their businesses. Prohibited consumption spending includes basic needs such as food or emergency medical care for their families. Family expenses are not considered responsible uses for microloans, which have short turnovers on repayments and high interest rates. Microfinance must be used for entrepreneurial activities and borrowers who do use these loans for other purposes are chastised as "unbusinesslike."<sup>43</sup>

Autonomy: Microfinance organizations' emphasis on women's mothering responsibilities also sits uncomfortably alongside the logic of women's empowerment through financial autonomy. As I have addressed above, advocates argue that women are empowered when they earn cash income and make economic contributions to their households. They reason that women's financial independence enhances their social standing, particularly in relation to their husbands and in-laws. The argument that microcredit enhances women's independence and economic standing depends, in part, on

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<sup>41</sup> See for example ILO April 2005 and ILO December 2005

<sup>42</sup> Nyambo-Minja 2004

<sup>43</sup> Hirschmann 2006, p.82, Tinker 1990, p.41

conjectures about women's relationship to their households. Drawing on survey research data from South Asia, microcredit proponents, such as Pitt, Khandker and Cartwright, assume that women who do not have access to microcredit have little control over expenditures in their household unit where men are assumed to be the primary economic providers.<sup>44</sup>

As Linda Mayoux points out, however, the concept of *household* used in microcredit impact assessments and poverty monitoring does not readily translate to polygamous communities in Africa, such as L. ward.<sup>45</sup> Polygamous families in L. ward typically encompass numerous quasi-autonomous *hearth holds* rather than single-family or multi-generational households.<sup>46</sup> This is why the women's councilor joked: "If your husband has more than one wife, make your business a success. Your husband will love you more than the others."<sup>47</sup>

In the polygamous hearth holds of L. ward, women overwhelmingly carry the burden of generating cash income for their extended semi-pastoralist families. In the pastoralist ideal, men's labor is devoted to cows and other livestock, while women are usually responsible for non-pastoralist (and therefore feminized) economic activities, including "non-Maasai" activities that generate cash income.<sup>48</sup> Because masculine labor is equated with pastoralist activities, male cash contributions are likely to be minimal (at best). For this reason, many women in L. ward exercise considerable autonomy – *or burdens* - in "household" financial expenditures. As Mayoux's analysis suggests, women's increased

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<sup>44</sup> See for example Pitt, Khandker, Cartwright 2003

<sup>45</sup> Mayoux 1999. Feminist scholars of development have long challenged the use of "households" as units of analysis, yet many microcredit analysts still often employ this concept.

<sup>46</sup> Ibid.

<sup>47</sup> Field notes, L ward, Northern Tanzania, 25 May 2007

<sup>48</sup> These activities might include raising chickens, selling eggs, farming, crafts and marketing. Note that chickens are considered "not-Maasai" and chicken and eggs are not usually part of pastoralists' diets. However, some women in L. ward raise chickens in order to sell eggs at the market.

economic activities could even encourage men to withdraw or reduce their contributions to hearth holds headed by successful wives.<sup>49</sup> It is conceivable, therefore, that the logic of empowerment through financial autonomy could have perverse implications in pastoralist, polygamous communities like L. ward.

*The social production of trustworthy women*

During her long speech in L. ward, the women's councilor issued many stern warnings. Those responsible for circumcising and marrying of their young daughters would be arrested. Women should also refrain from cutting down trees. Women should send their children to school. Women should generate income and women should pay back loans. While the women's councilor repeatedly spoke of women's "trustworthiness" in repaying loans, the councilor also emphasized women's wide-ranging duties and responsibilities as potential borrowers. Reminding the women of the need to replay loans quickly, the councilor explicitly appealed to the honor of the village: "Let [L. ward] be the first to repay the loan!" The councilor emphasized that women's credit worthiness reflected on the reputation of the entire village and she hinted that the reputation of the Maasai group was at stake.

Like the women's councilor, microcredit proponents often celebrate poor women's trustworthiness, reliability and high repayment rates. The key gender-sensitive "innovation" of the microcredit model is lending to poor people who do not have traditional collateral. Because poor women rarely own land or have formalized land titles,

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<sup>49</sup> Mayoux 1999



many microcredit programs offer loans to people with “movable” or “social collateral.”<sup>50</sup> Microloans are secured through women’s “movable property,” reputations and social networks. Most microfinance institutions offer credit through group-based lending mechanisms.<sup>51</sup> This widely-replicated approach was developed by the prominent Bolivian microfinance institution, Bancosol. Funded in part by USAID, Bancosol lends money to women who are organized into “solidarity groups” of five to eight people who are collectively responsible for each others’ loan repayments.

The solidarity group model has been replicated across the developing world and it is increasingly promoted in Sub-Saharan Africa.<sup>52</sup> As the manager of FINCA in Junja, Uganda, reports, the group liability model depends on “peer group pressure” to ensure that women repay individual small loans.<sup>53</sup> Mphaya Simelane of the Swaziland Development and Savings Bank told researchers that “The Bank has learned from [experience] that peer pressure works. Now we are encouraging people to borrow as groups. Not just women – it started with women – but also men. We no longer rely on cattle as security, we rely on group pressure.”<sup>54</sup>

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<sup>50</sup> I used the term social collateral to emphasize the way in which micro-loans are often secured through women’s social networks. As Fernando (2006) points out, the claim that microcredit organizations do not require collateral from poor women is misleading because many loans are secured through social reputation. Weber describes group loan mechanisms as a way of replacing conventional collateral with “movable” property (Weber 2002, p.134 and 2006, p.194).

<sup>51</sup> There are many types of group lending models. “Solidarity groups” may consist of three to five people. Village banking models might involve thirty or more micro-entrepreneurs. Note that group lending may involve loans to individuals, not just groups. Nevertheless, the group acts as a guarantee.

<sup>52</sup> More infrequently, microfinance lenders might provide individual loans if women can provide referees who can personally guarantee loan repayment. See Deshpande and Burjorjee 2002.

<sup>53</sup> Kiwemba (2007) reports that FINCA-Uganda loans are provided to individual women who have met strict income, savings and training requirements. Borrowers become members of women’s groups (numbering around 30 women) to ensure group liability when individuals default on loans. To be eligible for individual loans, women must be engaged in an activity that provides daily or weekly income. Women must have a bank account and savings of at least 20% of the loan amount. Loans must be repaid in weekly installments over a period of 16 weeks at interest rates of 12%. Borrowers must attend weekly meetings and make weekly mandatory and additional saving contributions (p.280). FINCA argues that these conditions “play a vital role in the empowerment of individual women clients within a group” (p.281).

<sup>54</sup> Cited in Snyder and Tadesse 1995, p.53 (emphasis mine)

Relying on “strong group peer pressure that self-enforces repayment,”<sup>55</sup> microcredit proponents claim that group lending and solidarity models are effective, efficient and empowering for poor women. The model is “self-enforcing” because group members are responsible for each others’ loan repayments. When a member fails to repay a loan, other group members are forced to cover the loan. As a result, microcredit advocates can report high repayment rates by women. Yunus, for example, famously publicizes Grameen Bank’s ninety-eight and ninety-nine percent repayment rates.<sup>56</sup>

These celebrations of women’s trustworthiness obscure the ways in which microcredit loan repayment are ensured through contextual social relations. Anthropological researchers suggest that microcredit programs often rely on particularly pervasive forms of gendered social discipline and surveillance. Many microfinance organizations work through formal and informal social institutions such as peer groups, village elders, and local police to recoup loans.<sup>57</sup> In her study of the Bolivian city of El Alto, anthropologist Lesley Gill observes that women who are members of Bancosol solidarity groups are held collectively responsible for each others’ loan repayments. Gill argues that the solidarity group members, overwhelmingly indigenous women, are forced to act as unpaid proxy debt collectors who must “control each other through subtle threats and informal sanctions.”<sup>58</sup> Bancosol’s widely replicated group lending system relies on “[m]oral pressure, gossip about an individual’s self-worth, and shame from not making

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<sup>55</sup> Thirkill-Mackelprang 2005

<sup>56</sup> *The Charlie Rose Show* 2005

<sup>57</sup> See for example Fernando 2006; Gill 2000; Goetz and Sen Gupta 1996

<sup>58</sup> Gill 2000, p.148

payments,” she reports. Gill argues these practices undermine established patterns of mutual assistance and make solidarity “synonymous with debt repayment.”<sup>59</sup>

Similarly, Gill describes how interactions between borrowers and lenders – the business relationships that Cheston and Kuhn described as “inherently empowering” for borrowers – are structured by contextually racialized and gendered power dynamics. She finds that the indigenous women who are members of Bancosol’s solidarity groups are usually monitored and managed by upper-middle class *mestizo* male credit managers.<sup>60</sup> Bancosol’s operations, moreover, serve a financial and credit system that systematically marginalizes indigenous Bolivians within microcredit institutions with high interests and stringent social control, while white and mixed-race Bolivians are overwhelmingly served by mainstream lenders with competitive commercial rates and standardized repayment requirements.

In a different context, Jude Fernando found that microcredit assessments in South Asia can require borrowers to “surrender the freedom to manage their domestic economy and social life” to credit group leaders, NGO managers and other social institutions that support the work of microcredit organizations.<sup>61</sup> Drawing on his fieldwork in Bangladesh and India, Fernando describes the practices through which credit agents assess the “total material wealth and social life of the entire household, and their ‘freedom’ to make economic and social decisions.”<sup>62</sup> Inventories of household wealth drawn up by microfinance NGOs illustrate the extent of this surveillance. Fernando compiled a list of the resources that were scrutinized:

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<sup>59</sup> Gill 2000, p.148

<sup>60</sup> Ibid., p.148-150

<sup>61</sup> Fernando 2006, p.26

<sup>62</sup> Ibid., p.226

*bicycles*

*flashlights*

*rickshaws*

*furniture*

*trees in the gardens*

*the number of chickens owned*

*electric goods*

*presence of at least one income-earning male member*

*the number of unmarried daughters and widows in the household*

*the ability to obtain employment and to borrow from the money lenders<sup>63</sup>*

This invasive and far-reaching social collateral and discipline have profound consequences for social relations. As Fernando remarks, “Now, the entire household is framed as a public domain and placed under the control of the entire community, local government officials and the NGOs.”<sup>64</sup>

Credit institutions also rely on social norms about women’s family obligations when providing credit. In his study of NGOs and financial institutions serving poor women in the Moshi District of northern Tanzania, Mike Fitzgibbon of the International Famine Centre found that borrowers from NGO microfinance institutions were overwhelmingly female.<sup>65</sup> Financial organizations actively preferred female clients: women were known for superior repayment records and the “innate familial ties between women and their children (as opposed to men and their children)” were thought to “root” women

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<sup>63</sup> Fernando 2006, p.26

<sup>64</sup> Ibid., p.226

<sup>65</sup> Moshi is approximately 60km from the L. ward community.

in the region. Women were thought “less likely to abscond with a [credit] society’s funds.”<sup>66</sup>

Interestingly, none of the women at the seminar, the councilor, or the local NGO knew precisely what types of loans, if any, were available to pastoralist women in L. ward. Microfinance, as the term is usually understood, is not yet extensively developed in Tanzania. Group-based microcredit is sporadically available through a disparate network of largely unregulated NGOs and USAID initiatives.<sup>67</sup> The councilor suggested that small individual loans funded by the Tanzanian government’s widely publicized loan disbursement program might be available for women in L. ward through commercial banks.<sup>68</sup> Perhaps anticipating a skeptical response from her audience, the councilor even identified various solutions to the obvious problem of collateral facing women in pastoralist villages. “Show the bank how much jewelry you have already made and use that as your collateral,” she suggested. “If you take off your own personal jewelry [and add it to the collateral], it will look more impressive,” she added. The councilor also suggested she would herself co-sign women’s loans, although she soon distanced herself from this offer.

The women and NGO workers at the seminar politely listened to the councilor’s suggestions but, it appeared to me, most women were unconvinced. This apparent skepticism has proved justified. Tanzanian newspapers continue to report that few funds have been dispersed or that only urban middle class entrepreneurs have successfully tapped into the Tanzanian microloan funds.<sup>69</sup> Moreover, when I last contacted the NGO in L.

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<sup>66</sup> Fitzgibbon 2002, p.13

<sup>67</sup> There are also, of course, many formal and informal lending and saving mechanisms such as cooperatives, ROSCAs and informal savings groups.

<sup>68</sup> Field notes, L. Ward, 25 May 2007

<sup>69</sup> See for example Wang`anyi 2007; John 2005; Kamndaya 2008

ward in May 2009, NGO workers knew of no women in L. ward who had successfully applied for microloans.

Paradoxically, microcredit schemes that claim to “empower” trustworthy women often rely on women’s precarious social status, familial ties, and informal networks to sustain their activities and ensure loan repayment. In doing so, microfinance proponents’ emphasis on women’s “trustworthiness” obscures ways in which credit organizations may rely on far-reaching social discipline and sanctions.

### *The empowerment dilemma*

While advocates argue that credit for women logically transforms “traditional” patriarchal social relations and institutions, these changes do not occur in straightforward ways.

Similarly, though proponents claim that access to credit is *inherently empowering* for women, the universal logic of microcredit can only be translated through “local” social practices. In doing so, this vision of empowerment encounters complex dilemmas. Credit organizations must always work within the contextual constraints of the very social relations they seek to transform. As such, the socially embedded practices of microcredit may reproduce women’s marginality in unforeseen ways.<sup>70</sup> To ensure the financial viability of their institutions, microcredit schemes may depend on poor women’s precarious social status, work through oppressive social institutions, reinforce women’s economic and social burdens, and even institutionalize women’s position in the informal economy. While seeking to empower women, the practices of microcredit may have to trade in the currency of their disempowerment.

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<sup>70</sup> Fernando 2006, p.186

## Voices and Success Stories

When articulating their visions of women's empowerment, scholars and activists have often emphasized the need to uncover third world women's experiences and their "lived reality." In doing so, advocates hope to help "local women" acquire "voice."<sup>71</sup> Scholars Jane Parpart and Marianne Marchand, for example, argue that the "modernist" project of development works to silence and disempower poor women.<sup>72</sup> The authors propose an inclusive approach to the study of development, a perspective which they label postmodernist. Parpart and Marchand argue that scholars of development must acknowledge "subjugated voices" and the "recovery of women's knowledge/voices, especially those of the poor..."<sup>73</sup> Parpart and Marchand offer an approach

... that accepts and understands difference and the power of discourse, and that fosters open, consultative dialogue [which] can empower women in the South to articulate their own needs and agendas. Instead of simply seeing women as a disempowered 'vulnerable' group in need of salvation by Western expertise, Gender and Development experts can rethink their approach to development. Attention to women's lived realities and understandings, and genuine partnership between North and South can lead to development policies that *foster self-reliance and self-esteem...*<sup>74</sup>

Feminist development scholars' emphases on women's agency and self-help have gained considerable attention. Development workers, donors, and international financial

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<sup>71</sup> See a critical review by Lazreg 2002, pp.126-8

<sup>72</sup> Parpart and Marchand 1995, p.2 and p.17

<sup>73</sup> Ibid., p.17 and p.18

<sup>74</sup> Ibid., p.19 (emphasis mine)

institutions often emphasize the local dimensions of women's empowerment, notably community-based movements, popular participation, local decision-making, personal transformation and the leadership of local activists.<sup>75</sup> NGOs promote concepts such as "self-government in everyday life," self-actualization, "personal growth in self-developing individuals," self-reliance, and human creativity.<sup>76</sup> Development workers and programs claim they are "[sensitive] to community concerns and [willing] to work with the poor" and, at times, even frame initiatives that depend on expensive bureaucracy or technical expertise "in terms of participation, empowerment and partnership within specific, small-scale communities."<sup>77</sup>

Along similar lines, Parpart and Marchand's call to recover women's "knowledge/voices" has been heard.<sup>78</sup> Indeed, this dissertation project was initially motivated by my desire to address a "depopulated" literature of global governance where - it appeared to me - "local voices" were too often absent. Much more notably, the World Bank commissioned the *Voices of the Poor* project under the tenure of President James Wolfensohn. This research initiative emphasized participatory qualitative methodologies, locating marginalized "voices," and "listening to the poor."<sup>79</sup>

Similarly, microcredit advocates and donors have also sought to "uncover women's voices." To do so, many organizations publicize personalized stories of the achievements of women entrepreneurs. NGO reports, promotional brochures, and magazine articles regularly feature stories to illustrate the "grassroots" impact of microcredit. The USAID

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<sup>75</sup> The literature on "grassroots" development often traces inspiring success of individual "local" women, for example in promoting village groups. See for example Handy et al. 2006

<sup>76</sup> See the discussion on global governance and civil society in Jaeger 2007, p.267. See Also Nagar and Swarr 2004

<sup>77</sup> As argued by Parpart, Rai and Staudt 2002, p.9

<sup>78</sup> Parpart and Marchand 1995, p.17 and p.18

<sup>79</sup> See James Wolfensohn and Claire Short in Narayan 2000; Narayan and Petesch 2002; Bebbington 2006 p.270



mission in Tanzania, for example, highlights “success stories” of women entrepreneurs on its website. In 2007, USAID featured an article on Gefruda D., a woman from Kigoma.

The article emphasized Gefruda’s remarkable achievements:

In March 2001, with a loan in Tanzanian Shillings equal to around \$50, Gefruda bought tomatoes wholesale. Within 12 months, she had increased her income two-fold. With subsequent loans, she expanded her inventory and now has a small shop from which she sells flour, sugar and clothes. Three of her children are attending Secondary School now that she can afford to pay school and uniform fees. She says she is better able to care for her family’s clothing, dietary and health needs as well.<sup>80</sup>

Gefruda’s story was widely publicized in 2006 and 2007 by Jane Goodall Institute agencies in Canada, the U.S. and Switzerland, as well as USAID Tanzania.<sup>81</sup> The anonymous author of the story attributes Gefruda’s considerable achievements to two things: a series of small loans and her sensible investments. In other words, Gefruda’s success is credited to her entrepreneurial spirit and the technical solution offered by microfinance. This focus on individuals does not mean that microcredit proponents envision only modest successes for certain individuals. The USAID article suggests that Gefruda’s achievements are “contagious,” microcredit is spreading in Kigoma.<sup>82</sup>

### *Disembodied voices*

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<sup>80</sup> USAID 14 July 2007

<sup>81</sup> See Jane Goodall Institute (US) 2006; Jane Goodall Institute of Canada (undated); JGI Canada October 2007; Jane Goodall Institut Schweiz 2007

<sup>82</sup> USAID 14 July 2007

When USAID and the Jane Goodall Institute tell the stories of successful micro-entrepreneurs in Africa, they do not portray women as a “disempowered ‘vulnerable’ group in need of salvation by Western expertise.” In fact, when microcredit proponents highlight “local voices,” success stories, and case studies, they often posit micro-entrepreneurs like Gefruda as heroic agents. However, the anonymous author of Gefruda’s widely publicized story presents little in the way of social context to her achievements. Apart from her dependent children, a fee-based secondary school and a lending institution, the USAID story does not recognize the contribution of any other actors or institutions to Gefruda’s self-actualizing efforts. The state, social relations, and even social life itself appear to be absent from her success story.

This dearth of context in Gefruda’s story may not be an oversight, however. In the words of the CEO of the CGAP, microcredit is “bootstrap capitalism,” an entrepreneurial model of social and economic development that relies on ambitious individuals like Gefruda to model change.<sup>83</sup> As I discussed above, Muhammad Yunus emphasized that “human beings are [the] same. [...] So reaction that is created by that would also be the same.”<sup>84</sup> As such, as Thomas Dichter suggests, this approach rests on the assumption that people everywhere are “*naturally entrepreneurial*, they do not have to be urged or taught to be. They know their business. What they need is credit.”<sup>85</sup>

In other words, the global logic of microcredit is not contingent on context. While success stories celebrate female micro-finance entrepreneurs as agents of development, women’s “voices” can remain disembodied. Women’s stories, as told by microcredit

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<sup>83</sup> Elizabeth Littlefield cited by Rockrohr 2007

<sup>84</sup> Transcript of *The Charlie Rose Show*, 20 September 2005

<sup>85</sup> Dichter 1999, p.14 (emphasis mine). See also Weber 2006, p.194

donors, take place in a world of isolated locals, autonomous but family-minded individuals, and heroic entrepreneurs; a de-contextualized, atomistic vision of social life.

Parpart and Marchand advocated a paradigm of development that fosters women's "self-reliance and self-esteem..."<sup>86</sup> Similarly, the microcredit paradigm depends on language of grassroots activism, agency, and self-help. In microcredit success stories, as in the councilor's speech, "local" women are called on to arise as the agents of development. "Local" women are mobilized as feminized entrepreneurs confined to informal "micro" economies. In these articulations, the expansive global vision of empowerment and development is contained; these projects are reframed as local problems. As Hans-Martin Jaeger has argued, this is a subtle but consequential move. If the project of empowerment fails, "the (self)developing subject has simply neglected his or her potentials, made the wrong choices, or failed to act responsibly."<sup>87</sup> In this way, the discourses of empowerment may, at times, be complicit in the contextualized reconfiguration of poor women's marginality.

The emphasis on "uncovering" local women's voices obscures the politics of translation and negotiation. As women's success stories are promoted by NGOs, scholars and donor agencies, disembodied voices are mobilized "as a sign with no signified in the service of 'development.'"<sup>88</sup> Yet "local voices" are not *out there*, waiting to be found by social scientists and microfinance advocates. Neither "global" women's rights advocates nor scholars can ever simply uncover authentic "local" women's experiences and display them for public view. The process of representation is political: voices and experience must always be mediated and translated. In these negotiations, some women's "voices" are

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<sup>86</sup> Parpart and Marchand 1995, p.19

<sup>87</sup> Jaeger 2007, p.266

<sup>88</sup> As Algerian feminist Marnia Lazreg has argued in a different context. See Lazreg 2002, p.127 and p.129.

rendered local, marginal and “grassroots.” In this way, the discourses and practices of empowerment help to produce “local” women as the subjects of global governance. For this reason, my dissertation is not an exposition of “local women’s experiences of global governance,” as I had once anticipated, but an examination of the socially embedded negotiations – the politics - that produce and enable these hierarchical relations.

### **Conclusion: The empowerment dilemma**

Sonia Alvarez has remarked that “we vest great hopes in the ‘resistance’ everywhere in evidence in women’s daily lives, household survival strategies, and collective struggles. Yet we too often ignore the less glorious, more contradictory, more paradoxical dimensions and sometimes ephemeral qualities of those struggles.”<sup>89</sup> This chapter has sought to examine these sometimes-paradoxical implications and foundations of the global vision of women’s empowerment as it is translated and negotiated through particular social practices.

International financial institutions, UN agencies, NGOs, and women’s councilors celebrate microcredit as a key route to women’s empowerment. Some advocates even suggest that access to credit is *inherently empowering* for women *everywhere*. Yet the logic of microcredit does not function in the abstract; its practices of empowerment always negotiate particular social relations. Inevitably, microcredit programs operate within the messy context of the societies they seek to transform.

As the logic of microcredit is socially translated and negotiated, it may have unexpected and unforeseen implications. As I have suggested above, the practices of empowerment may, at times, depend on oppressive social institutions, perpetuate gendered divisions of labor, reinforce women’s marginality, and legitimize poor women’s status in

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<sup>89</sup> Alvarez 1996

precarious informal economies. In some cases, opportunity becomes debt, autonomy becomes obligation, and women's "inherent trustworthiness" becomes a means of social control. The point is not that microcredit initiatives do not always fulfill their goals. My argument is rather that the specific practices of empowerment must always negotiate contextualized social relations. If the "global" vision of women's empowerment is always "locally" situated, there can be nothing *inherent* about microcredit.

Is a global project to empower "local" women simply a contradiction? My investigation in this chapter suggests a more complicated analysis. In the framework of empowerment, women are no longer viewed the passive victims of development. Poor women in the developing world are now widely celebrated as *agents* of development. Yet the vision and practices of women's empowerment often rely on women's marginality and containment as *local* subjects, *grassroots* activists, and *micro*-entrepreneurs. In these articulations, newly empowered subjects continue to be viewed as "beings for others."<sup>90</sup>

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<sup>90</sup> A phrase used by Sangtin Writers 2006, pp.158-159

## CHAPTER SIX

### Contextual Conclusions

In this dissertation, I have offered an analysis of women's human rights not as abstract norms or institutional development but as socially situated practices. Arguing that international women's human rights norms are always "locally" translated, I have investigated ways in which campaigns to promote women's rights and empowerment have been negotiated in northern Tanzanian villages like Enguiki and Eluwai, through the activities of an International Tribunal, and by campaigns to promote women's microcredit. By doing so, I have examined international women's human rights projects not as struggles between *global* and *local*, between international norms and local practices, between governance (or law) and cultural traditions, or between outsiders and insiders. I have argued instead that international women's human rights campaigns should be viewed as engaged projects and as *politicized negotiations*. Through these "grounded" encounters the unstable distinctions between global and local, between "worldly" women's human rights advocates and "local communities," and between outsiders and insiders are mediated, renegotiated and reconfigured. In these conclusions, I focus on the implications of this research project for the study of the politics of women's human rights and global governance.

*Interrogating global and local*

The frames *global* and *local* structure scholarship in the field of International Relations and elsewhere. IR scholars of women's human rights often focus on international norms, international organizations, transnational activists, and their impact on national institutions. The discussions of village church congregations about female circumcision, women's conversations in highland grass clearings about small loans, or informal negotiations between international interpreters and genocide survivors "in the field" are not usually considered part of this picture of global politics of women's human rights. Yet, as I have argued, *global* and *local* are not distinct places, they are imaginaries. These commonplace binaries – along with other dualistic concepts such as space and place, agents and objects, culture and governance - undermine our ability to understand the dynamic politics of global governance of women's human rights.

In contrast, this study of international women's human rights campaigns has simultaneously emphasized the "global" politics of place, and the "local" practices of global institutions and agencies. I have examined the ways in which apparently remote places such as L. ward, Eluwai, and Enguiki are implicated in the global governance of women's human rights. I have paid attention to the negotiations between international lawyers, investigators and interpreters and the Rwandan genocide survivors whose stories they sought to gather, between "outsider" anti-FGM campaigners and the putatively traditional communities they hope to transform, and between microcredit advocates and the "local" women they hope to empower. I have argued that there is no global politics independent of such *local* encounters.

### *Global governance*

This project has challenged the commonplace view of global governance as disembodied, as “up there” and “elsewhere” in international institutions, norms or texts. I have proposed that the concept global governance does not refer to an abstract space, a distinct sphere or a scale. The study of global governance in Africa – and elsewhere - can never just focus on international declarations, UN conferences, international institutions or donor agencies headquartered in New York, Geneva, Nairobi, Dar es Salaam, or Kigali, or even their impact on national policy. I have emphasized also that global governance permeates “local” life. In East Africa and beyond, international agencies, initiatives, norms and standards are thoroughly absorbed in the dense and messy webs of local, national and regional governance, and the amorphous realm of civil society. In fact, international agreements have helped to construct these often-unstable categories and distinctions. Whether women’s human rights campaigns in East Africa are labeled as grassroots, NGO, government-run, or donor-led, they are situated in the multidimensional orbit of global governance. As I have pointed out, this does not mean that “local” and “national” initiatives to improve women’s lives can ultimately be traced back to international efforts, or that African civil society is made up of international organizations, as some commentators have provocatively suggested.<sup>1</sup> On the contrary, global governance transcends and complicates international, national, and local spatial designators, capturing a dense web of institutional arrangements, systems of meaning, and *ways of doing and thinking things*.

With this in mind, I have characterized women’s human rights as *practices of global governance*. In Chapter Three, for example, I examined how “justice for women” at the

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<sup>1</sup> See for example Guyer 1994, p.225 as discussed in Chapter 1.



International Criminal Tribunal for Rwanda depends on the negotiation of Rwandan women's stories and the translation of these accounts through the mechanisms of the Tribunal into the language of law. I suggested ways in which these practices can, at times, re-inscribe the marginalization of Rwandan women in the project of international justice. Thus, my articulation of women's human rights as social practices emphasizes the dynamic social life of global governance and the way it exerts its productive power through the constitution of social categories and social subjects.<sup>2</sup>

### *Politics and culture*

As I have shown, commentators and advocates sometimes describe global governance and human rights as if they are *outside culture* or *beyond politics*. In these articulations, governance and law are often posited as rational, cosmopolitan, and far removed from the messiness of "local" social relations. My analysis has complicated this picture. By characterizing global governance as socially-embedded "grounded" encounters, I have sought to demonstrate ways in which the practices of global governance are invariably immersed in contextual translations and negotiations; they are politics. I have argued that the practices of women's human rights campaigns help to constitute the objects and subjects of governance; including the people and places we often think of as local, parochial, and bound by traditional culture.

As I discussed in Chapter Four, human rights activists and international organizations often view culture as local, traditional and unchanging. In East Africa, coalitions of NGOs and human rights advocates, government officials, and international agencies campaign to eradicate so-called traditional practices such as female genital cutting.

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<sup>2</sup> Cf. Hewson and Sinclair 1999; Barnett and Duvall 2005

Yet, these characterizations of culture as static, traditional, and local obscure its dynamic politics. As I have argued, campaigns to end cultural practices can, at times, reconfigure cultural identities and social hierarchies in unexpected ways. In some cases, for example, campaigns against pastoralist “cultural conservatism” can unwittingly reinforce and even redraw contextualized distinctions between rural Maasai (“insiders”) and “outsiders.” As I pointed out, these “outsiders” do not have to be foreigners. Depending on the context, pastoralists in Monduli villages may consider government officials, secondary school teachers, representatives of local authorities, urban NGO workers, or even Maasai who wear “Swahili” clothes or attended boarding school to be *ormeeke* or not Maasai. I have suggested that in this context some campaigns against female genital cutting may counterproductively *politicize* female genital cutting – one element of complex and multifaceted generational rites - as an essential prerequisite of Maasai “insider” culture and identity.

By rethinking international women’s human rights as politicized socially situated practices, I have argued that scholars are able to consider the politics of global governance in new ways. My analysis suggests that women’s human rights activism and advocacy should not be seen as the enduring struggle of the agents of governance, law and development to tame unwieldy “local” cultural traditions. Instead, I have recast women’s human rights as contextually politicized negotiations through which dynamic categories of global governance are mediated, reproduced and re-made. In other words, global governance campaigns to promote women’s human rights do not just address local cultures, they engage in the translations and negotiations that help to produce culture, identities, and the boundaries of locality itself.

By rethinking global governance as mediations across systems of meaning and signification I have conceptualized international efforts to promote women's human rights as complex negotiations between diverse ways of understanding the world. As such, international women's human rights campaigns can never rise above the political fray, as commentators like Ahmed Rhazaoui have suggested. Without exception, the practices of women's human rights are socially situated negotiations; they are the stuff of politics.

*Translations and negotiations*

This project has emphasized the translation and negotiation of women's human rights. I have focused on projects promoting women's human rights, international justice for women, and women's empowerment. These powerful ideas are usually expressed as *universals*. In examining these ideas, however, I have avoided theoretical debates about the universal applicability or "local" cultural specificity of human rights principles. These conversations between scholars often operate at the level of abstraction. These discussions also tend to miss the point: the universality of women's human rights is not an empirical description but a *project of possibility*.

Global aspirations and universal ideals are always situational; they are enacted and produced through specific local encounters.<sup>3</sup> For example, I argued in Chapter Five that women's access to microcredit can never be *inherently empowering*, as enthusiastic proponents have loudly proclaimed. Rather, I have pointed to ways in which the universal logic of empowerment must always negotiate contextualized social relations through specific practices. Women's human rights campaigns never operate in the abstract; they are

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<sup>3</sup> Cf. Tsing 2005; Englund 2006; Goodale 2007

invariably encounters characterized by “interconnections across difference.”<sup>4</sup> Similarly, attempts to end “traditional cultural practices” and provide legal redress for victims of sexual violence entail contextual translations and negotiations. These translations and negotiations are not just about vocabulary and grammar (although, as my discussions of Kinyarwanda ICTR interpreters and Maa-speaking anti-FGM activists suggest, these can be difficult issues too); the encounters of women’s human rights are characterized mediations and conversations across systems of meaning and signification.

*Politics of social research*

When I embarked on this research project in 2005, I expected to evaluate the implementation of international agencies seeking to promote women’s human rights norms in East Africa. I anticipated that I would contrast these developments with the work of “grassroots activists.” Instead, I found that reports of apparent successes and failures of efforts to promote international women’s human rights standards in East Africa were part of a much more complex, messy picture -- a picture that defies such straightforward generalizations.

For this reason I have avoided generalized analyses of the implementation of putatively abstract women’s human rights norms. As Kathryn Sikkink has argued, these kinds of assessments must always depend on explicit or implicit comparisons, the latter often in the form of “comparisons to an ideal,” hypothetical or counterfactual.<sup>5</sup> I have not made such empirical comparisons across time or place precisely because I have emphasized the ways in which the practices of global governance - characterized by unstable worldly

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<sup>4</sup> Tsing 2005, p. 4

<sup>5</sup> Sikkink 2008 and Sikkink forthcoming.

encounters - are always translated and negotiated in specific social contexts.<sup>6</sup> As such, this study is not an evaluation of the implementation of international norms but an attempt to grapple with the contextualized *practices* of women's human rights.

In the course of doing so, I have highlighted the ways in which particular women's human rights campaigns may, at times, have counter-intuitive implications in particular social contexts. Microcredit advocates hoping to empower women may rely on women's marginal status to ensure loan repayment. Campaigns against FGM might sometimes be viewed as "an onslaught of enemies" and even politicize genital cutting. Efforts to promote justice for victims of sexual violence may render Rwandan genocide survivors who testify at the Tribunal marginal to the project of international justice. In examining these politicized negotiations, my focus has always been the everyday routines and social practices of women's human rights, not sensationalist accounts of "African corruption" or politicized assaults on supposedly "systematically mismanaged" NGOs or UN agencies. I have argued that these dilemmas should not be viewed in the first instance as *failures* of implementation or even as technical complications. Instead, I have characterized these tensions as *politics*; the complex, dynamic, and often-unpredictable translation and negotiation of global governance in particular places.

Conversely, I have examined women's human rights initiatives that have been widely recognized for achieving very desirable outcomes. The ICTR's *Akayesu* Judgment and certain episodes in the UNFPA's REACH project in Kapchorwa, Uganda, are notable examples. Yet, as I have shown, even these celebrated efforts involve dynamic and unwieldy social encounters and translations across difference. International campaigns can

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<sup>6</sup> That said, I have pointed to continuities between specific practices of gacaca and the ICTR to demonstrate the way in which each institution is engaged in the practices of (global) governance through "local" negotiations.

profoundly reformulate politics, reconfigure identity claims, redraw the boundaries of location, and transform social relations, often in unexpected ways. By foregrounding the social encounters that characterize these women's human rights projects, I do not seek to detract from their considerable achievements. Instead, I contend that these practices and *ways of doing things* must be seriously examined if we are to understand the politicized negotiations that characterize the global governance of women's human rights.

I have also suggested ways in which my own research process was itself characterized by the negotiation of competing systems of meaning. As I moved between international institutions and putatively local organizations, "grassroots" activists and urban human rights advocates, local politicians and women's groups, international lawyers and genocide survivors, I benefitted from *conversations that were complex social encounters*. As I explored in Chapter Two, these experiences challenged me to consider the politics of social research and the ethical dilemmas that characterize the study of women's human rights campaigns, while encouraging me to reflect on the dynamic, socially structured relationships between researchers, "research subjects," and collaborators.

Thus, this project has argued that global governance of women's human rights relies on politicized negotiations. Women's human rights activists are never simply messengers who deliver and disseminate international ideas about women's rights, empowerment or gender equality. Nor are they just technical workers who implement and oversee international human rights standards. The women and communities targeted by these are projects are never passive recipients of information about women's human rights. The work of women's human rights is *politics*; dynamic and often-unpredictable mediations across difference. This project has explored the ways in which global governance and

transnational research, broadly defined, are always “locally” translated and negotiated.

Campaigns to promote women’s human rights – as well as research on women’s human rights - are always characterized by socially situated encounters.

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## Images



Figure 1.1: Village meeting on FGM and HIV/AIDS, Enguiki Lutheran Church, Monduli District. 18 June 2006.



Figure 1.2: Lesikar Ole Ngila, Director of Aang Serian NGO. Eluwai, Monduli District. 20 July 2005. Lesikar told me of an incident when a documentary maker filmed him wearing his *shuka* but asked another Aang Serian activist wearing jeans to step out of the frame.



Figure 2.1. A “focus group” of Olomayani women’s group members facilitated by Gemma Burford Enolengila. Eluwai, Monduli District. 20 June 2006.

## Abbreviations

AICC	Arusha International Conference Centre (Tanzania)
AIDOS	Assoziatione Italiana Donne per lo Sviluppo (Italy)
AFRITAC	Africa Regional Technical Assistance Center
ARK	Abstinence & Risk Avoidance for Youth
ASF	Avocats Sans Frontieres
ASOFERWA	Association de Solidarité des Femmes Rwandaises (Rwanda)
CCM	Chama Cha Mapinduzi (Tanzania)
CEDAW	Convention/Committee on the Elimination of Discrimination against Women
CIDA	Canadian International Development Agency
DCHR	Danish Centre for Human Rights
DfID	Department for International Development (UK)
DRC	Democratic Republic of Congo
ECOSOC	Economic and Social Council (UN)
FC	Female Circumcision
FCS	Foundation for Civil Society (Tanzania)
FGC	Female Genital Cutting
FGM	Female Genital Mutilation
GOR	Government of Rwanda
GOT	Government of Tanzania
HIV/AIDS	Human immunodeficiency virus/Acquired immune deficiency syndrome
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IMF	International Monetary Fund
INTRAC	International NGO Training and Research Centre (UK)
LIPRODHOR	Ligue Rwandaise pour la promotion et la defense des droits de l'homme (Rwanda)
LHRC	Legal and Human Rights Centre (Tanzania)

MYW	Maendeleo ya Wanawake (Kenya)
NGO	Non-governmental organization
NPWJ	No Peace Without Justice
OAU	Organisation of African Unity
OMM	Organização da Mulher Moçambicana (Mozambique)
OTP	Office of the Prosecutor (ICTR)
PATH	Program for Appropriate Technology in Health (USA)
PAWO	Pan African Women's Organisation
PRS	Poverty Reduction Strategy
PRSP	Poverty Reduction Strategy Paper
REACH	Reproductive, Educative and Community Health project (UNFPA Uganda)
RWI	Rwandan Women's Initiative
SIDA	Swedish International Development Cooperation Agency
SUWATA	Shirika la Uchumi la Wanawake (Tanzania)
TAMWA	Tanzanian Media Women's Association
TANU	Tanganyika/Tanzania African National Union
TAWLA	Tanzania Women Lawyers Association
TGNP	Tanzania Gender Networking Programme
TNI	Tasaru Ntomonok Initiative (Narok, Kenya)
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
URT	United Republic of Tanzania
UWT	Umoja wa Wanawake wa Tanzania
WIA	Women in Action (Arusha, Tanzania)
WLAC	Woman Legal Aid Centre (Tanzania)



## Glossary \*

<i>Aang Serian</i> (Maa)	Social and cultural organization (or “NGO”) in Arusha and Monduli. Literally: House of Peace.
<i>Arusha</i> . Plural: <i>Waarusha</i> .	Social-ethnic group associated with the Maasai who traditionally practice agricultural rather than pastoralism. Waarusha may participate in Maasai male rites of passage ceremonies.
<i>Boma</i> (Kiswahili/Maa)	Home, enclosure.
<i>Bourgmestre</i> (French/Kinyarwanda)	A mayor (Rwanda). <i>Bourgmestres</i> such as Akayesu were very powerful heads of <i>communes</i> during the 1994 Genocide. <i>Bourgmestres</i> could call local meetings and give instructions to the population.
<i>Cellule</i> (French/Kinyarwanda)	A unit of local governance in Rwanda. On average 830 citizens.
<i>Colline</i> (French/Kinyarwanda)	Hill. Often refers to small, rural community.
<i>Communes</i> (French/Kinyarwanda)	Administrative units below prefectures and sub-prefectures units in Rwanda. The administrative structure of Rwanda was reorganized and decentralized in 2006.
<i>Emuratare</i> . Also: <i>E-m̄ r̄ata</i> (Maa).	Circumcision, rite of passage ceremony.
<i>Enanga</i> (Maa)	Ceremonial circumcision clothes made from cloth rather than leather.
<i>Enkisasai</i> (Maa)	New or modern. Renewal, modification, and revitalization of that which is old.
<i>Gacaca</i> (Kinyarwanda)	Local genocide tribunals in Rwanda established in 2001. Literally: “Grass” or “Justice in the grass.” According to Molenaar the word <i>gacaca</i> may be derived from the soft <i>umugaca</i> plant.

<i>Gufata ku kgufu</i> (Kinyarwanda)	To take by force, to rape.
<i>Genocide survivor</i>	A “politically correct” term often used by the Rwandan government and NGOs to describe ethnic Tutsi who were living in Rwanda during 1994. <i>Survivors</i> are sometimes afforded special status in government or international humanitarian efforts, development projects, or justice initiatives.
<i>Gusambanya</i> (Kinyarwanda)	Bring someone to commit adultery (euphemism that may refer to rape).
<i>Ingando</i> (Kinyarwanda)	Civil education centers for prisoners in Rwanda. Literally: solidarity camps.
<i>Ink-ajjik imodiok</i> (Maa)	Cattle dung plastered loaf-shaped huts, traditionally associated with the Maasai in Monduli Juu until the mid 1980s. Many were removed as part of villagization programs on the grounds that they were “old-fashioned” and “backward.”
<i>Inyangamugayo</i> (Kinyarwanda)	Elected gacaca judges. Judges must be over 21 and have a reputation for “truth and justice.” The community must agree they did not participate in the genocide. Literally: people who do not like blame; people of integrity.
<i>Irua</i> (Kikuyu)	Female circumcision (term used by Kenyatta).
<i>Isipolio</i> . Also: E-sípólíóí (Maa)	Female initiates. Girls under going rites of passage.
<i>Kurungora</i> (Kinyarwanda)	Sex with a woman (euphemism that may refer to rape).
<i>Kuryamana</i> (Kinyarwanda)	To share a bed, to have sex (euphemism that may refer to rape).
<i>Kutiteranya</i> (Kinyarwanda)	Enemies.
<i>Lawalawa</i> (Maa/Kiswahili/Colloquial)	A term widely used in northern Tanzania to describe conditions that cause vaginal itching, such as thrush, <i>trichomonas vaginalis</i> and <i>candida</i> .
<i>Maendeleo</i> (Kiswahili)	Development. Literally: “going forward.”

<i>Mafuta</i> (Maa)	Animal fat. Often used as soap.
<i>Maisha yangu, mwili wangu, baki yangu</i> (Kiswahili).	“My life, my body, my right” (slogan).
<i>Miti ya Kenya</i> (Kiswahili)	Trees of Kenya (organization).
<i>Murran</i> . Plural: <i>Imurran</i> (Maa)	Male Maasai warriors. Subdivided into junior and senior age-sets.
<i>Mwami</i> (Kinyarwanda)	King (Ancient Rwanda).
<i>Mzungu</i> . Plural: <i>Wazungu</i> (Kiswahili).	White person, European.
<i>New-caseload</i> . Also referred to as <i>refugees</i> .	These terms often refer to ethnic Hutu who fled Rwanda in 1994 and returned after 1996. Phrases such as “general population,” “the masses,” or “ordinary people” often imply Hutu.
<i>Ngariba</i> (Maa)	Older Maasai women who practice female circumcision.
<i>Nkiiri</i> (Colloquial, Tanzania)	Reportedly, a bacteria of the gums, blamed for mass tooth extractions in the early 1970s.
<i>Ntanira na mugambo</i> (Kiswahili)	Circumcision through words. (Alternative ceremony)
<i>Nyumba za bati</i> (Kiswahili)	Rectangular cement houses with corrugated iron roofs, which are often viewed as symbols of modernization.
<i>Olaji</i> (Maa)	Maasai age sets, generational groups.
<i>Oloiboni</i> (Maa)	Maasai spiritual leader. Often invited to attend community gatherings.
<i>Orkila</i> (Maa)	Beaded embroidery.
<i>Orkilani</i> (Maa)	Long garment worn by Maasai girls when they are circumcised. Traditionally made from leather but now usually made from cloth.
<i>Orkiteng londomono</i> (Maa)	Pastoralist ceremony involving the slaughter of an ox or goat, often before a circumcision ceremony.

<i>Ormeek</i> . Also: <i>Irmeeek</i> . Sometimes: <i>Ormeeki</i> (Maa)	A term used to describe outsiders, people who are not Maasai, Swahili-speakers, people wearing Western clothing. Can be used disparagingly.
<i>Returnees</i> , <i>old-caseload</i> , or <i>59ers</i>	Terms that often refer to ethnic Tutsi who left Rwanda in the late 1950s independence movement and returned after the genocide. (These phrases are also sometimes used to refer to the post-1994 political elite.)
<i>Sasa</i> (Kiswahili)	Now, nowadays, modern.
<i>Sectuers</i> (French/Kinyarwanda)	A unit of local governance in Rwanda. <i>Sectuers</i> usually comprise six <i>cellules</i> .
<i>Shuka</i> (Kiswahili/Maa)	Robes or blankets often worn by Maasai pastoralists.
<i>Traumatisme</i> (French/ Kinyarwanda)	A term used by genocide survivors to describe a crisis or a breakdown. <i>Traumatisme</i> may be brought on by persecution or by being asked to recall the genocide, according to women interviewed by Brounéus 2008.
<i>Urujya kujya i Bwami, rubanza mu Bagabo</i> (Kinyarwanda)	A Rwandan saying: “Before one addresses the <i>mwami</i> , one has to visit the wise men first.” See Molenaar 2005.
<i>Wanawake</i> (Kiswahili)	Women.
<i>Wasichana</i> (Kiswahili)	Girls.
<i>Zamani</i> (Kiswahili)	Before, earlier, long ago.

\* Since there is no standardized written Maa, my spelling of Maa words reflects common usage and pronunciation in Monduli Juu.