

Lund University
Department of Political Science

STV003
Autumn 2004
Supervisor: Anders Sannerstedt

Enabling Civil Society to Empower Women against HIV/AIDS

- A Minor Field Study on Malawi

Lena Kjellberg

Abstract

Malawi is an illustrating case of how gender inequalities exacerbate the spread of HIV/AIDS, and particularly undermines women's chances to protect themselves from getting infected. Further, a strong civil society has been recognised as a crucial feature in fighting HIV/AIDS, for instance by the Government of Malawi. Against this background, this thesis attempts to understand to what extent the Malawian civil society actually holds the enabling conditions in order to empower women against HIV/AIDS.

The thesis is based on empirical material collected during a Minor Field Study in Malawi, consisting of interviews mainly with representatives of civil society organisations involved in the fight against HIV/AIDS. By taking a starting-point in the concept of empowerment and exploring civil society theories, it analyses a number of conditions that have been identified to pose a challenge to the potential role of civil society. Among those are the lack of sufficient coordination, the conforming donor influence and inadequate technical skills in addressing the gender dimension, which all brings out the issue of autonomy. Overall, the conditions to a large extent derive from the paradox between the state to regulate - in terms of coordination, providing a sufficient gender-responsive legal framework, and adequate technical support - and at the same time to give civil society space to act – in terms of agenda-setting and being able to confront the state.

Keywords: Civil Society, HIV/AIDS, Gender, Empowerment, Malawi

List of Content

Acknowledgements	4
List of Abbreviations	5
1. Introduction	6
1.1 Purpose and Question at Issue	7
1.2 Method and Material	7
1.3 Disposition.....	9
2. Theoretical Approach.....	10
2.1 Gender Mainstreaming and Empowerment	10
2.2 Civil Society	11
3. Background	14
3.1. Women’s Socio-Economical Vulnerability to HIV/AIDS	14
3.2 The Political Context of Malawi	16
4. Analysis.....	18
4.1 Coordinating the Efforts	18
4.1.1 “The Urban Civil Society “	19
4.1.2 Competitiveness and Resource Attraction.....	20
4.2 Gender Mainstreaming the Efforts	22
4.2.1 Female Representation – A Pre-Requisite?	22
4.2.2 Lacking Support - Gender-Responsiveness and the Legal Framework	23
4.3 Setting the Agenda.....	25
4.3.1 “Surviving by Conforming”	25
4.3.2 A Call for Technical Skills	27
5. Conclusions.....	30
Bibliography.....	33
List of Respondents	38

Acknowledgements

After conducting this field study I no longer wonder why Malawi has been promoted as “The Warm Heart of Africa”. Without the open, friendly and helpful spirit of the people whom I have met and interviewed, this study could not have been successfully completed. My sincere thanks also go to Stella Ndaou of University of Malawi, my field supervisor, for her support and inspiration. I would as well like to express my gratitude to Dan Kuwali, for his everlasting assistance, moral support and encouragement. Lastly, but by no means the least, I would finally like to thank the Swedish Development Agency (SIDA) and the Electorate Board of the Department of Political Science, Lund University, for granting me the Minor Field Study scholarship that made this study possible.

List of Abbreviations

AIDS –	Acquired Immune Deficiency Syndrome
CBO –	Community-Based Organisation
CS –	Commonwealth Secretariat
CSO –	Civil Society Organisation
DPP –	Democratic Progressive Party
FBO –	Faith-Based Organisation
GDI –	Gender Development Index
HIV –	Human Immunodeficiency Virus
IEC –	Information, Education and Communication
INGO –	International Non-Governmental Organisations
MCP –	Malawi Congress Party
MYP –	Malawi Young Pioneers
NAC –	National Aids Commission
NGO –	Non-Governmental Organisation
PRSP –	Poverty Reduction Strategy Paper
SADC –	Southern African Development Community
UDF –	United Democratic Front
WHO –	World Health Organisation

1. Introduction

It is well known that HIV and poverty are inextricably linked; poverty is both a cause and a consequence of HIV/AIDS. (Türmen 2003:415) Malawi is an illustrating case of this. It is one of the poorest countries in the world with one of the highest HIV infection rates - 14.4% in age group 15-49 (2003) -, which seriously challenge their struggle for enhanced development. (NAC 2004:6, Reijer ed. 2002:1, ICCAF 2001:1) The linkage between poverty and HIV/AIDS can further be confirmed by the gender bias that exists in the spread of HIV/AIDS. Although it is a biomedical fact that HIV infects women more easily than men, this is amplified by the socio-economical disadvantaged position among women. (Egerö et.al 2001:10, ICCAF 2001:2) In its early stages HIV/AIDS was pre-dominantly a male infection, but the ratio of women is constantly increasing. Accordingly, the rate of infections in Malawi has remained roughly constant since the mid-90s, but the ratio of women has changed significantly. (NAC 2004:6, ICCAF 2001:2) As 58 % of the adult infections are now women, they account for almost 40 % more infections than men. (NAC 2004:17) Further, young females in Malawi face as much as 4 to 6 times higher risk to get infected than their male counterparts. (ICCAF 2001:2) This gender dimension of HIV/AIDS is a severe political problem that the Malawian government authorities have acknowledged¹.

It is often argued that a strong civil society is a significant advantage in the fight against HIV/AIDS, particularly by the international donors. (Kasfir 2004:118) Confirming this, civil society has, for example in the case of Uganda, been a pivotal player in the fight against HIV/AIDS. Notwithstanding is that the preventive impacts of civil society could not have been realised unless the state created space for their actions and initially mobilised all sectors around HIV/AIDS. (Putzel 2004:27f) The Government of Malawi has as well recognised civil society to play a central role in decreasing the high rates of HIV/AIDS infection². Hence, civil society can be seen as a potential actor in decreasing the spread of the infection, given that the means and the will are there.

Apart from emphasizing the role of civil society it is also commonly established that gender analyses, aiming at addressing the gender dimension of HIV/AIDS, are crucial in initiating appropriate and successful programmes combating HIV/AIDS. (e.g. Türmen 2003:417, Matlin & Spence 2001:1) Yet, the two aspects - the preventive role of civil society and gender inequality being an underlying factor - are almost exclusively dealt with as separate rather than mutual aspects when studying the fight against HIV/AIDS³. Confirming the relevance of such a study in Malawi both the gender bias and the role of the civil society have been acknowledged in Malawi⁴, but still the question remains as to how civil society actually has the capacity needed to address the gender dimension that is undermining the

^{1, 2, 4} See e.g. The National Strategic Framework for HIV/AIDS 2005-2009, The National HIV/AIDS Policy 2003, which are both the National AIDS Commission's tools aiming to set standards and guidelines for all responses including civil society. (NAC 2005a)

³ During my research I have not come across any study that comprehensively and critically analyzes the role of civil society in empowering women against HIV/AIDS.

HIV-epidemic. This, and the fact that Malawi is a small and rather “unexplored” country in terms of research and literature, with high rates of HIV/AIDS and severe gender inequalities amplifying its spread, determined me to carry out a field study on the issue.

1.1 Purpose and Question at Issue

My aim is to study the role of civil society in Malawi as an actor in the fight against HIV/AIDS, with specific focus on women’s socio-economical vulnerability against the infection. By approaching it on an empirical level I will explore what crucial conditions that affects civil society’s potential role in empowering women against the infection. My focus will be on the most crucial *internal* factors that have an effect on the intended impact, in terms of the means to adequately addressing gender, as well as coordination of the responses. In this I will incorporate and analyse what impact *external* factors, more specifically the relation the Government of Malawi and the donors, have on the means of civil society, for instance in terms of funding and legal framework. To clarify, I do not aspire to measure or evaluate the impact of existing activities, but rather I aim at enhancing a descriptive study of the conditions crucial for civil society’s role in empowering women against HIV/AIDS. On the background that women’s vulnerability against HIV/AIDS has been theoretically addressed on a state-level, in which civil society has been recognized as a crucial preventive element, the question at issue thus follows; *To what extent does civil society in Malawi have the enabling conditions in order to contribute in empowering women against getting infected by HIV?*

I will refer to civil society as a concept that *includes collective activities of citizens that runs or protects their interest in relation to the state*. Hence it does not include the sphere that is explicitly part of the state or family. More specifically, I will include organisations with a base in the civil society, such as Network Organisations, Non-governmental organisations (NGOs), International Non-Governmental Organisations (INGOs), Community Based Organisations (CBOs), Faith-based Organisations (FBOs) and at times refer to those as Civil Society Organisations (CSOs).

1.2 Method and Material

This thesis can be described as a hermeneutical case study. This means that the study is limited in terms of generalizing internationally, since it consists of one case – civil society in Malawi. Within positivism it is highlighted that a case study cannot be used for developing theories, but within hermeneutic it is rather an in-depth understanding of the case that is prioritised. (Lundquist 1993:104f) Though, by being forthright with its principal problem, as well as connect it to the “standard” conceptual framework, a case study still has potential to contribute with understanding of other cases. (Bjereld, Demker & Hinnfors 1999:76)

My ontological approach can be described as relativistic, in the sense that I consider the outcome of this study to be based on subjective conceptions. This approach derives from the idea that reality consists of mental constructions depending on social and cultural context. This is also true for myself in the position as a researcher and hence my epistemological approach is interpretist. This implies awareness that research can principally never generate

objective explanations, but that it can offer valuable understanding. (Lundquist 1993:67f, Marsh & Furlong 2002:18) Consequently, this study is not an attempt to bring out the truth, but instead an aspiration to contribute with an understanding of the problem, which is based on my interpretation of the assessments of the selected respondents. This I will do with a humble awareness of that my position as an “outsider” in a foreign country, undesirably, but yet unavoidably, colours my interpretations in different ways.

I have conducted 28 interviews in total, of which four were group interviews. 22 of the interviews were conducted with representatives from Civil Society Organizations, such as Community-based Organisations (CBOs), Non-Governmental Organisations (NGOs), Faith-based Organisations (FBOs), Youth-Organisations as well as Network Organisations. All the CSOs explicitly deal with HIV/AIDS. Though, other Civil Society Organisations, such as Women Organisations that do not focus on HIV/AIDS, may as well have an “indirect” impact on empowering women against the infection. This was an intentional delimitation according to my focus and desire to achieve a comprehensive analysis of the HIV/AIDS sector, rather than including all sections of civil society on the cost of in-depth understanding. The selection of respondents was based on snowball-sampling, which is a continuous process where respondents are identified through connections emerged at the field. (Devine 2002:205). Further, the selection of respondents were based on the notion that factors such as age, gender, occupational position, type of organization and rural/urban location could influence the respondents answers, whereas I have, based on this, strived to include a variety of respondents. (See List of Respondents p.38) However, it shall be mentioned that a majority of the respondents were based in urban areas, but which correspond to the actual distribution of organisations. Part from interviewing representatives from the civil society organisations, I have also interviewed a total of 5 representatives from the Ministry of Gender, National Aids Commission, Law commission, Council for Non-Governmental Organisations (CONGOMA) and the NGO Gender Coordinating Network, as well as a University Professor with special interest in HIV/AIDS prevention strategies. This was done in order to get further understanding of some particular issues based on their expertise and/or position in relation to HIV/AIDS CSOs.

The interviews were semi-structured, which means I have used a thematic interview guide to avoid being restricted to specific questions in a given order. Most of the interviews, 21 out of the total 28, were recorded on a minidisk and later transcribed. Some few respondents preferred not to be recorded, in some cases the recording failed and in other cases I simply made the assessment that recording would risk to affect the situation too much negatively. I chose to guarantee anonymity to most of the respondents, since it otherwise may have intimidated them to reveal weaknesses or direct controversial criticism.

An interview is a social meeting more or less just as any other. This means that the result of the interview will be affected of the situation, the position of the interviewed and the approach of the interviewer. (May 2001:174f) Consequently, misunderstandings and difficulties to pose understandable questions cannot be ruled out to have affected the outcomes, despite efforts to avoid. As two interviews required an interpreter, the risk of misunderstandings increased. Yet, in my wish to interview representatives from the rural areas, where English is not commonly spoken, using an interpreter was essentially inescapable.

Making an interview with a feministic approach also has particular implications since it concerns specific, implicit or explicit, hierarchical structures within society. There is a

contradiction with a feministic approach and “scientific distance” between the interviewer and the respondent, in why feministic researchers have favoured engagement instead of distance. (May 2001:164:f) By saying this, I am not suggesting that I strived to be engaged instead of distant, but that I am aware of possible implications on the final material. However, awareness is in itself an attempt to avoid it to the extent it is possible.

Reliability concerns the stability of the yielded values and questions whether the same result would be achieved in a hypothetical second conduction of the same study. (Manheim & Rich 1994:78) The different backgrounds and experiences of me as an interviewer and the respondents may have had an implicit steering impact on what aspects that were brought up to discussion and not, based on expectations and pre-conceived ideas of both parts. The most apparent risk I apprehended was that I, as an “outsider”, tend to embody the “Western world”, and therefore possibly viewed as representing a potential donor. This risks affecting the reliability, as the respondents may present certain aspect and leave out other in order to deliver a picture to their advantage. However, I strived to avoid this by being clear of my position as a student, my aim with the study and by guaranteeing anonymity.

When analysing the interviews I used a thematic approach, i.e. I organised the interview results according to the common themes. Although the selection of interviews were based on the notion that factors such as age, gender and rural/urban location could influence the respondents, I could not identify any relevant systematic influence on the answers.

1.3 Disposition

Chapter 2 is a discussion of theoretical approaches, firstly dealing with gender mainstreaming and empowerment, and secondly with civil society. The approaches that will be discussed lay ground for the analysis. Chapter 3 will give the essential background of the implications of women’s vulnerability against HIV/AIDS in Malawi, as well as discuss the background in terms of to what political context civil society in Malawi belongs. The analysis, chapter 4, is divided into three sectors – Coordinating the Efforts, Gender Mainstreaming the Efforts and Setting the Agenda. This is where the question at issue will be explicitly explored, as I identify and discuss the factors that affect the potential role of civil society. Finally, I will bring the findings together by presenting the conclusions of the study in chapter 5.

2. Theoretical Approach

This chapter will identify a number of theories offering ideas that can shed light on some of the essential issues regarding civil society's role in empowering women against HIV/AIDS. To understand the concept of empowering women I will begin by exploring different feministic approaches to empowerment and the gender mainstreaming approach, which will lay ground to some of the discussions in the analysis. I thereafter attempt to explore the concept of civil society and discuss some of the commonly contested features. My intention is not to identify myself with a specific approach or to find a straightforward consensus among the perspectives. Instead, I will in my analysis apply different approaches in an integrated fashion according to what level of descriptive contribution they can offer to the aim of this study.

2.1 Gender Mainstreaming and Empowerment

Gender is a term that has been widely used, but with no strict definition. Still, the term can be agreed upon something that refers to socially constructed roles of women and men ascribed to them on the basis of their sex. Gender roles depend on the context of culture, socio-economy and politics as well as age, race, class and ethnicity. There is also a rather established consensus on the notion that gender determines women's access to rights, resources and opportunity. It is therefore commonly used as a concept to describe unequal power relationship between men and women. (Peterson & Sisson Runyan 1993:17ff, Türmen 2003:411f) A gender analysis is thus to use gender as an organising principle as to understand the implications of unequal gender-based power relations. The gender mainstreaming approach, advocating gender analysis at each level of the fight against HIV/AIDS, has been increasingly common since the 1995 Beijing conference⁵, and is popular within strategies to combat HIV/AIDS. (Türmen 2003:411f, CS 2002:10ff) To mainstream a gender perspective is at a fundamental level understood as *to assess the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels.* (CS 2002:16ff⁶, Arnfred 2004:76) Though, the approach has received criticism on several points, which I will discuss in the analysis.

Further, empowering women is often stressed as a necessary action in order to manage the HIV/AIDS-epidemic. (Rao Gupta 2001:5, Kristofferson 2001:3) Yet, empowerment is defined in various ways depending on the theoretical approach and context. Many feminists argues that the usefulness of the concept comes with its vagueness, since it gives different actors a chance to attribute the concept with a meaning that is relevant and valid for their

⁵ The Fourth World Conference on Women: Action for Equality, Development and Peace Beijing, 4-15 September 1995. The conference was organised as an NGO-forum and The Beijing Declaration and Platform for Action is a resultant document.

⁶ CS is author's own abbreviation for Commonwealth Secretariat. The co-author is the Canada-based Maritime Centre of Excellence for Women's Health .

work and context. (Kabeer 2004:18). Nevertheless, I find it essential to clarify how I intend to use the concept, since it will affect the understanding of arguments developed in this thesis.

As a concept, empowerment entails a confrontation to the societal power-relations between men and women determined by gender. Accordingly, it is not enough to deal with women's vulnerability by treating the symptom of the problem, but rather it takes a fundamental change of the structural societal power relations. Therefore, I argue that empowerment cannot be separated from the concept of power. (Rao Gupta 2001:5ff, Kristofferson 2001:3). Power can be understood in terms of *the ability to make choices*, while empowerment aims to describe the *process of gaining the ability to make choices*. (Kabeer 2004:18f) The definition of power, as the ability to make choices, also implies an ability to choose otherwise and to have alternatives. Further, Kabeer (2004) argues that it is necessary to make a distinction between two levels of choices, since not all choices are equally relevant to the concept of power. The first order of choices can be described as strategic life choices, which are crucial in order for people to live the life they want. The second order of choices may affect the quality of life, but does not determine the person's life in a specific way. (Kabeer 2004:19) I will focus on what Kabeer calls first-level of choices, since I am dealing with scenarios that to a large extent determine the lives of women – the power to make choices that protect themselves from getting infected. Further, it is essential to agree on what type of power that leads to empowerment. Empowerment in the context of this thesis can be understood as *giving women the means (power) to protect themselves from the risks*, including all structural dimensions in terms of social, economical and political power.

Though, there are various views of what these gender-based societal power relations derive from. Social feminists, for an example, argue that women's subordination origins in both capitalism and patriarchal ideologies in which man is centre of all things and women is inferior. (Odora 1993:113) African-feminist approaches differ in many aspects from the Western feminist tradition. The major trends in the West have, unlike the African-feminists approaches, developed due to bourgeois individualism and the patriarchal control over women found in capitalist industrialising societies, in which the advancement of women's economic role has been the focus. African feminism has instead been described as heterosexual and pro-nata, focusing on problems related to "bread, butter, culture and power". Further, Western feminists have promoted individual female autonomy, while African feminists have put more emphasis on culturally related forms of public participation. (Mikell 1997:4) This different approach of African feminists, I argue, needs to be recognised when studying African women's empowerment since it determines the meaning of "changing the structural societal power relations". However, the focus of this study is not concerned with the roots of women's subordination per se or the methods of achieving a change. Thus, this is rather something to take into consideration when understanding the challenges discussed in the analysis.

2.2 Civil Society

"The problems with civil society starts with its definition (...)" (Allen 1997:330) Civil society is a somewhat complex concept that is defined in various ways in literature, and which has often been an irreversible discussion for many. (Boussard 2003:72) Nevertheless, there are some major trends within the contemporary civil society debate that I intend to discuss here. Hann (1996) offers a clear-cut comprehension of the trends, as he identifies "two camps": the

relativist and universalist. Although, he adds, most theorists tend to cross over the camps. The universalist approach adhere to an analytic definition of civil society that is to be used cross-culturally, in which Hann identifies the liberal-individualist understanding as the only plausible. The universalist approach is characterised by a view that civil society is something concrete and quantifiable. In contrast, the relativist approach recognises civil society as a concept that must be understood within the cultural, social and political context, in order to avoid ethnocentrism and imposing of western ideas. While the universalist approach can be criticized as too static, the relativists somehow fail to notice key elements of social behaviour and aspirations that most societies have in common. (Hann 1996:17f)

With a desire of a definition that can be used cross-culturally without being too static, Boussard argue for an open and clear-cut definition on what element that should be included in the definition. By focusing on particular groupings within the civil society, the concept can thus be easily applied depending on the purpose of the study. (Boussard 2003:9ff) The fact that civil society as a concept is in many aspects a western construction and in some respect belongs to a western context, is for many, e.g. the relativist camp, an argument against a cross cultural-definition. To avoid this, it is crucial to use a definition at a rather high abstract level. (Boussard 2003:80) With this in mind, I stated my definition of civil society as a concept that *includes collective activities of citizens with public ends and that runs or protects their interest in relation to the state*. This definition indicates two functions of civil society, which are commonly found and differently emphasized in the theoretical debate – the role of civil society in enhancing the state capacity and its role in containing state power. (Karlström 1999:105) According to the question at issue of this thesis, my focus is more on the former.

With a somewhat different focus than Hann, Edwards (2004) brings light to three theoretical positions that he sees as the major trends within the contemporary civil society debate. Firstly, the most common approach is the neo-Toquevillian approach in which civil society is used as an analytical model. This approach focuses on associational life consisting of non-profit organisations and is characterised by the view that civil society is distinct from the state and the market. Civil society is in this view a self-regulating sphere that needs to be protected from the state in order to resist despotism, in which internal pluralism is a favourable feature. (Edwards 2004:7ff) The distinction between civil society, state and market, implies civil society as the “third sector”, which I argue is unsatisfactory. Rather civil society and state are interrelated, where civil society is affected by the social, political and cultural context and should hence be studied as such. (SOU 2002:148, Chandoke 2001:12) According to Chandoke (2001) among others, the tendency to ignore the political dimension is one of the reasons that a lack of understanding of the concept is now commonly present in civil society arguments. (Chandoke 2001:1) Also, the external dimension of international donors have often been neglected (Boussard 2003:5ff), but which I contest in this thesis by recognizing its influence on the Malawian civil society. After having stressed that civil society cannot be understood as an isolated element of its society, I believe it is essential to draw attention to the issue of autonomy, which I will develop in the analysis.

Further, Edwards criticize the fact that the neo-Toquevillian approach is limited to focus on associational life, and advocate for a more dynamic approach that recognises other elements of civil society and interactions with other public and private institutions. (Edward 2004:32) In view of this, I recognize that this thesis tends to exclude other potentially relevant elements of civil society by a rather limited selection of respondents that represent civil

society. This should simply be regarded as a limitation according to the interest and size of the study and not a rejection of a more inclusive definition.

The second approach uses civil society as a normative model, whereas Edwards refer to it as “civil society as the good society”. This is a type of civil society, which consists of a realm of services with positive norms and values, which successfully meets certain social goals. (Edwards 2004:10ff) Civil society has indeed often been described as something inherently good, essentially as a societal element with capacity to influence democratic development. This is also an idea that can be connected with promotion of economic liberalisation on political change and the multi-party politics. (Kanyinga and Owiti 2003:1) One such version is based on the view that civil society works as an educator and involves an imbedded power that socializes its members into democratic norms. (Foley & Edwards 1996:39f). Civil society can, in this perspective, create opinions and awareness in order to affect behaviours and attitudes, as well as to work as a mechanism in establishing different social norms. (SOU 2002:149) This power of societal development can partly be explained by civil society’s close interaction with the people, and the knowledge of local needs as a result. (Boussard 2003:117) In the context of this thesis, this is a feature that implies a “natural” ability in civil society to modify women’s sexual subordination. On the contrary, many scholars analysing civil society outside Western society have stressed that a strong civil society does not automatically lead to democracy and development. (Rabo 1996:157) The mere existence, expansion or level of activity in civil society cannot be assumed to be congenial to or supportive of development and democratic norms. Also, a strong civil society, despite promoting ‘good or bad values’, may indirectly achieve negative consequences by undermining the functions of the states. (Ndegwa 1996:7ff) This is another vastly discussed issue with diverse standpoints, but which is excluded in this thesis due to limitations of size and focus.⁷ However, I thus suggest that civil society shall be viewed as something potentially, rather than inherently good. The potential, I will argue, is to a large extent determined by the existence of the enabling conditions in focus. Again, this can be understood in my view that civil society cannot be studied as an isolated element from the rest of the society, since it is affected by its social, political and cultural context.

The third model is what Edwards calls civil society as the “public sphere”, an arena for argumentation, public deliberation as well as institutional and associational collaboration. This arena is viewed to give space for developing and debating societal differences, social problems, public policy, and government action, among other issues that are relevant for the common good. Habermas, critical theory, is one of the most established theorists that support the model of civil society that Edwards describe as the “public sphere”. Such an arena is assumed to be favouring the common good. In claiming that the voices which are favouring the common good will triumph, the approach ignores that this is determined by the health of a democracy as it depends on whether various and alternative voices are heard or suppressed. (Edwards 2004:55) Hence, I argue the approach takes pluralism within civil society for granted, but which I argue is to ignore the reality of unequal starting-points in terms of social and economical power that will to a large extent determine the triumphing voices. In this context the external dimension of international donors becomes a crucial factor as it affects the set-up of civil society, which I therefore will bring attention to in the analysis.

⁷ See e.g. Ndegwa Stephen N. (1996) *The Two Faces of Civil Society* Connecticut: Kumarian press, and Lewis David & Wallace Tina ed. (2000) *New Roles and Relevance- Development NGOs and the Challenges of Change* Connecticut: Kumarian Press.

3. Background

There are some crucial issues that need to be dealt with if women are to have the means to protect themselves from getting infected. Actually, by failing to address gender inequalities in the preventive HIV/AIDS activities both men and women are put at risk, although women and adolescent girls are affected disproportional. (Türmen 2003:417) I have hence identified some major factors of what puts many Malawian women in a high-risk position, mainly based on what the respondents repeatedly brought up to discussion. This I find necessary as to thereafter, in the analysis, understand the challenges to adequately address this. I will as well briefly discuss the political context with regard to HIV/AIDS in a historical perspective, with the intention to examine the context to which civil society belongs.

3.1. Women's Socio-Economical Vulnerability to HIV/AIDS

Ethnocentric stereotypes have often described Africans to be more promiscuous than others. Although unprotected sex, with and without consent, constitutes the main cause of HIV/AIDS in Malawi (UNICEF 2001:1), there is no evidence for those notions of promiscuity. I hence argue that the prejudices often found in Western media, describing Africans as irrational and promiscuous, are simplifications of a much more complex reality. (Grundfest Schoepf 1997:316) The following picture is not intended to accentuate such stereotypical notions, but should instead be seen as constraining factors raised out of a much more complex context.

With a Gender Development Index (GDI) of 0.374 Malawi is ranked 163 out of 174 countries in the world, indicating large disparities between women and men. (PRSP 2002:89)⁸ Societies with large gender inequalities make a high-risk position for women to get infected, as well as increase the total rate of the disease. (Türmen 2003:412) Women's vulnerability to get infected is hence higher than men in the sense that *women have a higher exposure to risks and lack the means to protect themselves from the risks*. (Baden & Milward 1997:5f)

To start with, many respondents emphasized the need for women to know their human and legal rights, as many are not adequately aware of their rights. (e.g. Interview 2, 6, 11, 18, 21) Yet, since many women are taught to be submissive, they deny their rights even when they know them, according to several respondents. It was therefore emphasized that women should not only know their rights, but they should also be encouraged and informed of how to demand their rights. (e.g. Interview 2, 4, 6, 11, 9, 18) At the same time it was emphasized that not only women should be sensitised, as the awareness and support of men is essential in order for women to actually practice their rights. (e.g. Interview 1, 15, 18, 21) In other words, it is not enough to provide women and young girls with information or even teach them negotiating skills, unless men are reached. (Egerö et al 2001:18) Arguably, women's

⁸ The GDI (Gender-related Development Index) adjusts the average achievement of each country in life expectancy, literacy and gross enrolment, and income in accordance with the disparity in achievement between men and women, on a scale from 0.000-1. See e.g. <http://www.undp.org/hdr2002/faq.html>. It is included in this thesis to be seen as an indication, not a precise measure.

vulnerability against HIV/AIDS is not only a matter of empowering women, but also of empowering men to change their sexual behaviour. (SOU 2002:152f).⁹

However, much risk-behaviour is not caused by lack of knowledge, but because of lack of choice. The respondents frequently brought up survival sex, in form of transactional sex and commercial sex work, as a major problem that puts women at high risks. Poverty often leaves women, especially in female-headed households, to no other option but to earn an income by trading sex for money, food or other items. (e.g. Interview 1, 7, 13, 19, UNICEF 2001) One respondent also claimed that sex buyers often pay higher price for unprotected sex, which a woman who is daily struggling for money has difficulties to reject. (Interview 28) To economically empower women are hence necessary in order to give women a chance to protect themselves. (e.g. Interview 11, 12, 19, 21, 26)

To empower women economically may be an obvious requirement, but the vast implications of women's poverty may not be as apparent. Many women that are not struggling for money as such, but instead are economically dependent on their husbands, are as well exposed to high risks. Several respondents stressed that married women are at great risk because their husbands have multiple sexual partners. Their economical dependence and low status in marriage often makes them neglect their rights to refuse sex or to demand use of condom. (e.g. Interview 1, 8, 12, 21 Oxaal & Cooks et al 1998:81) Confirming this, a local study from Blantyre, Malawi, showed that among women diagnosed with HIV about 60 % were married, of whom 80 % reported never having had any sexual relationship outside marriage. (UNICEF 2001:2). Further, economically dependent women are reluctant to reveal for her husband that she is infected, even when he may have infected her, as it may result in divorce. (Interview 5, 18, UNICEF 2001:2) Even to go for testing can be a challenge for women. Often she needs her husband's approval and to ask for approval may create suspicions of unfaithfulness. (Interview 3, 11)

The set-up in the rural and urban areas differs in many aspects, and so also in terms of women's vulnerability to HIV/AIDS. So called cultural or traditional practices, of which some put women at another high risk to get infected, are mostly practiced in the rural areas. For instance when girls in some rural areas are still young they undergo an "initiation ceremony", which according to the respondents teach them to be submissive and how to please men sexually. Wife inheritance (chokolo) is another practice that was proposed to enhance the numbers of infections. The need for sensitising the communities about such practices was hence stressed. (e.g. Interview 6, 13, 19, 21)

Certainly, women need to know the risks in order to protect themselves from them. However, knowing the risks are not enough if you do not have the means to practice your knowledge. Poverty, economical dependence, low social status have thus been identified as the major factors that underline women's vulnerability to get infected, which more or less all derive from women's lack of education. In 2000 as few as 47 % of the women in Malawi are literate, comparing to 75 % of the men. (UNICEF 2005) Hence, education was by most respondents stressed as a major requirement to prevent women from finding themselves in high-risk positions such as economical dependence, prostitution and unawareness. (e.g. Interview 2, 5, 11, 15, 26) Undoubtedly, these assessments stress the need for women to be empowered, but nevertheless it shall be stressed that there is no simple and straightforward solution of how to empower women against getting infected.

⁹ Even though this seems to be a general awareness, the involvement of men in the fight against HIV/AIDS still is a rare element internationally. (RFSU 2004:1, Egerö, Hammar skjöld & Munck 2001:18)

3.2 The Political Context of Malawi

Although the situation in Malawi, as portrayed above, calls for urgent attention and increased actions the situation has by no means been left without concern by civil society or the state. Women's vulnerable situation has been increasingly acknowledged and addressed through different responses to HIV/AIDS¹⁰, but still the need for increased actions and resources, are evidently large. To understand the context that civil society is part of, I here intend to examine the political environment in Malawi in a historical perspective.

The exact time of the emergence of HIV in Malawi is unknown, but it is estimated to some time around 1977, while the first hospital cases were identified first in 1985. (Lwanda 2002:151) Kamuzu Hastings Banda, Malawi Congress Party (MCP), was at the time still the authoritarian dictator, and self-proclaimed Life-President, after he got in power following Malawi's independence in 1964. (Sindima 2002:187) His ruling has been described as one of the most repressive, corrupt, predatory and violent political system in Africa. A systematic suffocation of civil society was practiced, as the country was ruled under fear and nepotism. (Ihonvbere 1997:1, Mapanje 2002:183, Sindima 2002:194) Many of those who dared to oppose Banda or to show interest in succeeding him were assassinated, forced into exile, or detained without trial. The regime used a special security apparatus, the Malawi Young Pioneers (MYP), along with a large number of spies and paramilitary units, to frighten civil society and make sure that no opposing opinions or activities were practised. (Ihonvbere 1997:1f, Sindima 2002:201f)

When, in 1985, the World Health Organization (WHO) funded the establishment of a National AIDS Secretariat all initiatives and activities were organised so that it could be monitored by the Office of the President, which made its contribution rather insignificant. It took two years until the first national AIDS campaign programme was formulated. One year after, 1988, the National AIDS Control Programme replaced the National AIDS Secretariat. The activities were donor-funded and well paid compared to local salary scales, and the jobs were thus given to people with the "right" political connections. Since open debates were not encouraged and freedom of expression severely restricted, locals of civil society were reluctant to provide input with ideas or opinions. Further, as local research was constrained, all this had great implications on the civil society to act on the problems of HIV/AIDS. (Lwanda 2002:153f) However, in 1993 Banda was forced to act on the issue most likely out of self-interest, since the multi-party referendum was to take place the year after. The same year Banda's regime took away the constraints on local research on HIV and sexuality. (Lwanda 2002:152f)

Bakili Muluzi came into power in 1994 consequent to an election after the referendum that came to introduce multi-party politics. Press freedom and other liberties increased significantly, although some were still neglected. It therefore appeared doubtful of how open the UDF government was willing to be and how much it was willing to empower the civil society. (Ihonvbere 1997:8ff) Muluzi's party United Democratic Front (UDF), just as the other oppositional parties and pro-multiparty groups, had campaigned e.g. with addressing

¹⁰ See e.g. The National Strategic Framework for HIV/AIDS 2005-2009, The National HIV/AIDS Policy 2003, The National Gender Policy and Galgow, Manfred, 2001. "Non-Governmental Organisations – A Theoretical Framework" p.17-25 in Galgow Manfred, Lohmann Henning, Nickolmann Sibylle, Paul Kirsten, Paul Sabine *Non-Governmental Organisations in Malawi – Their Contribution for Development and Democratisation, Conditions and Scopes of Action in Development Policy*, University of Bielefeld

HIV/AIDS as a key issue for development. However, the promises of improving the HIV/AIDS situation were not put in practice until a long time after, and not even then fully employed. Further, in his later years he initiated new national policies and actions on how to spread HIV-awareness and the HIV/AIDS debate indeed developed to be more open than under Banda. (Lwanda 2004:161ff) Replacing the National AIDS Control Program, The National AIDS Commission (NAC) was established by the Muluzi government as a public Trust in July 2001. NAC was transformed and restructured as a Commission in order to efficiently take action according to an expanded National HIV/AIDS programme. (NAC 2005a) Yet, the regime was still criticised by many for its inaction and silence about HIV/AIDS. (Lwanda 2004:161ff) Bingu wa Mutharika, also representing UDF, replaced Muluzi in May 2004. With regard to public statements he made strengthened efforts in the fight against HIV/AIDS, although at the point of time when this study was conducted it was yet too early to assess any significant changes. Much media attention was at the time put on the conflict between Mutharika and Muluzi that had lead to that Mutharika resigned from UDF and established Democratic Progressive Party (DPP).¹¹

As examined above, the development of civil society in Malawi has been hindered for a long time, as society and politics were ruled by a one-party state. It was first in the mid-1990s that civil society expanded in numbers and developed into having a more active role in contributing to the development of the country. Significant contributions have since been made, particularly within the social welfare sector. Nevertheless, a growth in the number of organisations does not automatically mean that civil society has strengthened its role. (Nickolmann 2001:135ff) This is what I will continue discussing in the analysis.

¹¹ See e.g. www.nationmalawi.com, <http://www.africa-confidential.com/index.aspx?pageid=22&countryid=30>

4. Analysis

The vulnerable situation for women has already been examined and the focus will now be on civil society's role in addressing this. The complexity of what determines civil society capacity to make an impact on this cannot be over-emphasized. Nevertheless, I have identified several key areas, mainly based on the themes of the interview responses, and divided those into three main chapters - Coordinating the Efforts, Gender Mainstreaming the Efforts and Setting the Agenda. I will hence continue by analysing the identified factors in the perspective of earlier discussed civil society theories as well as approaches to empowerment and gender mainstreaming.

4.1 Coordinating the Efforts

According to WHO's Framework of Guiding Principles for HIV/AIDS Coordination "coordination of HIV/AIDS activities and decision-making about such activities is a process (rather than a structure) which promotes information exchange, builds alliances between different organisations and facilitates the creation of cooperation and programmes which are complementary, collaborative and reinforce one another (WHO 1995:3)". Similarly, the model of "civil society as the good society" suggest that those in search for a good society must find their allies with those who share the same agenda, and thus it requires coordinated actions between those allies that can push in the same directions. (Edwards 2004:53) Commonly argued, national governments have a state responsibility in relation to their citizens, which also means coordinating a multi-sectoral response to HIV/AIDS by involving all concerned partners in where civil society is one partner. However, it should be emphasized that coordination should not be practiced as an instrument of coercion and control by the regime. Instead it should generate partnership, based on mutually agreed objectives. (WHO 1995:3, Fowler 1998:117) Different networks within civil society can therefore play a significant role as to strengthen civil societies role as a partner, as well generate beneficial collaboration among themselves. (WHO 1995:8)

National AIDS Commission is the state-initiative of a coordinating body for all HIV/AIDS activities in Malawi. Among other tasks, NAC has mandate in providing leadership in coordinating and setting standards and guidelines for the prevention of HIV/AIDS in Malawi¹². (NAC 2005a) Measures of coordination from within the civil society in Malawi have as well been undertaken, where networks such as Malawi Network for AIDS Service Organizations (MANASO), Malawi Network for People Living with HIV/AIDS (MANET) and Malawi Interfaith Aids Association are a few to mention. The civil society networks as well as governmental mechanisms aiming to coordinate civil society organisations in Malawi are hence rather comprehensive.

¹² NAC is organised under a Board of Commissioners and a Secretariat. The Board has representatives from civil society, as their 19 seats belongs to the traditional leadership, Faith Based Organizations, business community, civil servants, Non-Governmental Organizations and representatives of people living with HIV/AIDS. (NAC 2005a)

The respondents differed in their views as to what extent civil society is satisfactory coordinated at present. Somehow confirming a “good society” model, some respondents were of the opinion that they had enough support in terms of coordination by the state, as well as that the level of cooperation were high within civil society itself. (e.g. Interview 1, 3, 4, 26) On the contrary, others were of the view that civil society is not united, claiming that they needed more support in terms of coordination. (e.g. Interview 8, 17, 19, 21) Based on some of the more negative assessments put forward by the respondents, I will continue to argue that the prospective of a satisfactory coordinated civil society faces two major challenges – coverage and competition.

4.1.1 “The Urban Civil Society “

With regard to geographical coordination of HIV/AIDS CSOs in Malawi, the respondents agreed on its shortcomings. Civil society organisations are largely concentrated in urban areas, and are to a large extent failing to reach out to the large masses in the rural areas.¹³ (Interview 12, 20, 26, Kaulungu Simwaka, 2002:38) Bad roads, lack of funding and lack of transportation were frequent explanations that the, mostly urban-based, organisations do not reach the rural areas. (e.g. Interview 10, 13, 18, 26). At the same time, the organisations or support-groups that are based in the rural communities lack exposure and capacity to apply for funds as well as to get the applications approved. (e.g. Interview 12, 20, 26) Hence, the intensity of activities is disproportionate with respect to urban and rural areas.

According to the state’s response, the responsibility of coordinating the geographical distribution of all HIV/AIDS activities lays upon NAC. (NAC 2005a) The commission has accordingly acknowledged the fact that Community-Based Organisations, commonly found in rural areas, are often facing “severe limitations of funding and also experiencing turnover of their volunteer workforce due to lack of “facilitation” (NAC 2005b:11).” As NAC runs a newly established (2004) granting system, the commission presumably and inescapably affect the set up of the civil society. Also, the fact that much of the funding from international donors goes through NAC confirms the determining role of NAC as to strengthen the capacity of rural-based organisations. (Interview 24, NAC 2005b) However, there is now a decentralisation taking place since disseminating, planning and monitoring from the centre has not been very effective, according to a NAC representative¹⁴. Decentralisation could be an advantage in terms of coordination since the smaller organisations in the rural areas can be better reached and easier monitored, although it is yet too early to comment on its effectiveness. (Interview 24) Decentralisation may be an advantage in terms of strengthening rural-based organisations, but other countries experiences have shown that a central leadership or centralist authority is still important in order to convince civil society to mobilise. (Putzel 2004:26)

However, the prospective of a well-coordinated civil society with regard to coverage, still faces challenges in terms of international donors. The failure of reaching rural areas can often be explained by donors’ impact of inadequate and uncoordinated identification of

¹³ About 85 %of Malawi’s population resides in the rural areas. (NAC 2005b:5)

¹⁴ The decentralization is meant to increase the collaboration between the District AIDS Commission (DAC, which is part of the local assembly. (Interview 25)

receivers of funding. (Edwards 2004:103f) Generally international donors have failed to try to locate by who and where activities are taking place in that particular country, and hence initiations and chosen partners have been done without regard to whether or not activities are present in the identified region. Instead, partnerships have often been established with the most well-known organisation, which tend to be already large and urban-based organisations. (Fisher 1998:175) In other words, international donors tend to concentrate their funding to capital cities and urban areas, and channels for funding are hence limited for rural areas, which has been stated to be the case in Malawi. (e.g. Interview 12, 20, 26, Edwards 2004:35)

Consequently, I argue that the lack of coordination of international donors affects the set-up of civil society by undermining pluralism. The notion of pluralism depends on a relatively equal access to resources for collective actions to develop, e.g. in form of establishing organisations. (Kasfir 2004:137) This is evidently not the reality in Malawi, as rural-based CSOs are underprivileged. Similarly, Edwards argue that the donor impact often leads to an artificial set-up of civil society. By supporting selected elements according to the donors own preference and vision of a strong civil society, significant elements in that unique civil society is not only being ignored, but more or less put out of power. (Edwards 2004:103f) I argue that this is particularity problematic considering that urban-based organisations, often NGOs, tend to consist of educated middle-class, while the rural-based, often CBOs, to a larger extent are part of the large economically disadvantaged mass. The artificial set-up of civil society in Malawi is hence “biased” towards the urban-middle class minority, while the perspective of rural population is underrepresented.

4.1.2 Competitiveness and Resource Attraction

One important function of a coordinating body is to minimise duplication and waste by sharing of information and/or resources. (Fowler 1998:117) Further, the effectiveness of coordination is to some extent determined by *how* it is achieved, but perhaps even more on the goodwill of the involved parties. (WHO 1995:8) Therefore, another major challenge is the lack of cooperation caused by competition. Several respondents stressed a worrisome level of competition within civil society organisation, which to a large extent seems to be a result of donor competition. (e.g. Interview 8, 10, 17, 21)

Even though there are no doubts about the need for financial resources, when funding is received from the outside the civil society tend to change its character as, according to Nickolmann (2001), another motive commonly arise. International funding is creating opportunities for rather well paid jobs, which is generally positive, but the consequence often change focus from result to resource attraction and civil society is increasingly regarded as job providers. (Nickolmann 2001:151) Hence, civil society tends to function as the alternative to employment in civil service in view of the people. (Ndegwa 1996:5). This was somewhat claimed by some respondents who implied that they had experienced that some, especially in youth-organisations, tend to be motivated by the opportunity for employment rather than by the organisation’s objectives. (Interview 15, 21, 26) The focus on resource attraction was further confirmed as some respondents argued that some organisations, in a desire to receive funds, do not share information that could lead to funding for others. The rivalry for funds lead to that organisations sometimes concentrate on promoting their own agenda and their own name with the hope of getting donor attention. (e.g. Interview 8, 10, 17, 21) The rivalry,

one respondent argued, also led to duplications and waste of resources. For instance the same kind of IEC-material¹⁵ is often produced by different CSOs, instead of sharing the information and the burden of resources that are put in producing those. (Interview 10)

In light of the focus on resource attraction the notion of civil society as the “public sphere” has shortcomings. The model suggest civil society as an arena where social issues can be discussed and developed and where space is given for collaboration between institutions and associations, assuming that what is favouring the common good will win. Confronting this, Edwards argues that there is an obvious challenge to achieve a cooperative atmosphere when there is a large difference in power between different associations to make their voices heard, advance their agenda and make progress in terms of consolidating their own understanding of norms in society at large. “Inequality poses a particular problem for civil society theory, since it invests in associations and their members with different levels of social resources that we know from experience are used for individual advancement, not just the common interest” (Edwards 2004:47ff) Thus, I argue that the approach fails in not considering that the impact of social and economical power gives certain groups a stronger voice, which to a large extent is determined by donor preferences. Inequalities in social and economic power, accentuated by artificial donor selection, has lead to that alternative views are ruled out on behalf of those favoured by donors and hence pluralism are undermined. Consequently, the focus on resource attraction has led to a situation where donor preferences rather than the voices of civil society itself determine what “the common good” consists of.

Based on this there is some evidence that more coordination of CSOs may be needed in Malawi - in terms of coverage and to achieve a cooperative atmosphere. Fowler (1998) sees mostly potential, but also danger with influential CSO co-ordinating bodies, whether it has strong government ties or not. The potential benefits are that space and protection can be largely achieved and collective interests can be advanced. It can as well help to establish and increase confidence within the public. On the other hand, such bodies may bring strong constraints on the autonomy for individual organisations, and decrease the possibility for CSOs to work as a counter-power to the state. (Fowler 1998:103ff) Autonomy in this context can be defined as having “...the freedom to make decisions with an optimal degree of discretion”. For individual organisations autonomy relates to coordinating bodies or networks, state and donors, while autonomy for a coordinating body or network relates to the state and donors. Autonomy hence describes a relationship upwards. (Fisher 1998:77) However, considering that most respondents did not claim restrictions as such by the state, but rather requested more coordination and support, autonomy was not expressed as an explicit issue. Strengthening the coordination by stronger state-bodies nevertheless risks weakening the autonomy of civil society. Thus, I argue that by also strengthening civil society networks the autonomy of civil society in relation to the state can increase. On the other hand, strengthening such networks may decrease the autonomy for individual organisations in relation to the network organisations. (Fisher 1998:77) However, I argue, it may yet be an advantage in terms of strengthening alternative voices within civil society as it increases the possibility to advance their own agenda.

¹⁵ IEC is an abbreviation that stands for Information, Education and Communication, commonly used in Civil Society Organisations.

4.2 Gender Mainstreaming the Efforts

After having discussed coordination at a rather general level, I will now concentrate on women's vulnerability specifically. Women's vulnerability to HIV/AIDS needs to be addressed in a coordinated manner, as goals and objectives among different actors should be compatible and not rule out each other, in order to achieve comprehensive results. (CS 2002:14f) The gender mainstreaming can be viewed as such an approach, also explicitly recognised by the Government of Malawi e.g. in the National Gender Policy. (Ministry of Gender 2000:5ff) Although a gender mainstreaming approach are multi-dimensional, I will here recognise the two aspects that I find most relevant affecting the means of civil society to empower women against HIV/AIDS - female representation in decision-making positions and a gender-responsive legal framework.

4.2.1 Female Representation – A Pre-Requisite?

The gender mainstreaming approach advocate for women to participate in setting goals and planning. The approach can be understood as a change of focus from strictly quantitative participation of women, to a more progressive approach i.e. bringing in the perspective of women in the development process itself. However, Arnfred (2004) is critical and describes it as an "institutional device", a policy adopted from above and identifies an obvious risk that it is merely integrated into existing agendas. (Arnfred 2004:76ff) Yet, participation of women in decision-making positions at all levels is a pre-condition, as it is a decisive factor for an enabling environment when addressing the gender dimension of HIV/AIDS. (CS 2002:18)

Encouragingly, Malawi has advanced a comprehensive set of institutional mechanisms dealing with gender issues, in which an aim of gender mainstreaming has been articulated. The National Gender Machinery, which is organised around the Ministry of Gender, Youth and Community Service, have in collaboration with NGOs and donor agencies developed the Malawi National Gender Policy as a tool for gender mainstreaming in all sectors. (Ministry of Gender 2000:3f, SARDC 2005) Malawi National Gender Policy 2000-2005 acknowledges the importance of female participation by promoting equal participation in the national development process at all stages. (Ministry of Gender 2000:5)

Interestingly, when discussing the political will to gender issues, the respondent that were of the opinion that there was a lack of political will often referred it to the fact that the proclaimed strive of having 30% of women in the parliament has not yet been achieved¹⁶. Malawi is a member state of Southern African Development Community (SADC) and signatory to SADC Declaration of 1997, which includes a commitment to fulfil 30% women in political and decision-making positions. (Ministry of Gender 2000:23) Yet, in 2005 women occupied only 13 % of the parliamentary seats. (The Permanent Mission of Malawi to the United Nations 2005:3) The lack of women in high positions was described as a failure that made some of the respondents questioning the political commitment. (e.g. Interview 6, 8, 17, 21) Arnfred also brings up this trend as an impediment. She argues that gender mainstreaming often result in well-formulated policies and paper-work, but that the goals are not even

¹⁶ In 2005 13% of the Parliamentary seats were occupied by women. This is however an increase from 8,5 % in 1999. (The Permanent Mission of Malawi to the United Nations 2005:3)

reflected in the staffing offices of government offices as well as in other development agencies. (Arnfred 2004:82) Most often, civil society tends to reflect the same social divisions as the society at large (Kasfir 2004:199), and accordingly the same trend was found in many CSOs, as they tend to have a dominant number of men in the higher and decision-making positions of the staff.¹⁷ (e.g. Interview 5, 6, 17, 18) The fact that the prevailing notion of empowering women among many of the respondents entailed participation in decision-making (e.g. Interview 6, 20, 21) and yet a large number of organisations, striving to empower women, does not fulfil this requirement, can be viewed problematic in terms of legitimacy and credibility. With the same reasoning that the respondents themselves claimed in terms of parliamentary seats, it could be viewed as a lack of commitment in view of the target communities. This is however, difficult to assess, as it goes beyond my empirical focus.

However, the major problem with lack of female representation to a large extent derives from the view that it is a measure of gender equality. Still, it could be argued that it is not relevant whether men or women are representing an idea as far as the idea favours gender equality. Though, when ideas are formulated in relation to experiences and identities it becomes more pertinent. (Phillips 2000:6ff) In other words, female participation is of importance when developing these ideas, while men may as well represent the ideas. Hence, I argue that the lack of female representation in decision-making position risks inhibiting the potential role for CSOs in advancing women's sexual subordinate, as it is crucial to base strategies and policies on female experiences and perspective.

4.2.2 Lacking Support - Gender-Responsiveness and the Legal Framework

I have argued that civil society and the state are clearly interdependent in many aspects. One aspect I find relevant and essential to highlight is the fact that the state is providing a legal framework, which may be either supportive or actually weaken the capacity of civil society. (Edwards 2004:24, Chandoke 2001:12) A conducive legislative framework is hence essential in order to advance gender equality in line with a gender mainstreaming approach. (CS 2002:17) Encouragingly, several ministries and CSOs are now attempting to address this by calling for a review of laws for gender responsiveness and HIV/AIDS, and a special group from the Law Commission has thus been established to review the laws. (Workshop Report 2005, NAC 2005b:19, The Permanent Mission of Malawi to the United Nations 2005:2) Nevertheless, there are aspects of the legal framework that, with regard to civil society's efforts in empowering women, yet are to be seen problematic.

Based on the respondents claim that women are often not aware of their legal rights, I argue that civil society, as suggested by Fowler and Edwards, could play a crucial role as an educator in order to create awareness and inform women as well as men of their rights and procedures of reporting. (e.g. Interview 2, 6, 11, 18, Foley & Edwards 1996:39f) At an obvious level, such efforts face challenges in terms of lack of law enforcing mechanisms, particularly in the rural areas, which often leaves for example rape cases without interference.

¹⁷ According to one respondent, due to low education among women, it has been difficult to find women with adequate level of education. (Interview 5) Although among volunteers on the field, women seem to dominate. However, the validity of these statements should be viewed restricted, since it is based on qualitative research and not a proper statistical survey. Such figures are not available according to my knowledge.

(Interview 10, 19, 25) Further, it was expressed that rape victims have felt discouraged to report due to the insensitive approach by the police. (Interview 15, 25) However, some respondents meant that the circumstances of reporting have been improved by efforts to sensitise the police and by the establishment of a Victim Support Unit at each police station in where rape victims are dealt with by a woman. (Interview 21, 25)

Further, Rabo (1996) discuss laws on personal status, such as laws regulating marriage, divorce, and inheritance, out of a gender perspective. She regards them as “a symbolic intersection or link between ideas about gendered personhood and moralities (Rabo 1996:159).” Following Rabo, I argue that such laws, or lack of such laws, have a symbolic value being a public statement that manifests the power-relations between men and women. In practice, lack of laws sufficiently protecting women instead tends to support men’s dominance. (Rabo 1996:159) The law against rape in Malawi can illustrate this. The law against rape has received criticism for being vague and too wide¹⁸, as rape is defined as “sex without consent” and thus “dressing sexy” or holding hands are interpreted as consent by some judges, according to the interviewed legal expert. (Interview 25) Further, marital rape is not a criminal offence per se in Malawi, as marriage is interpreted as consent. (Kainja 2002:4, Interview 25) Despite advocacy by civil society organisations and a formal suggestion twice to criminalize marital rape, it has not yet been approved. (Hendriks & Mwale 2005:29). The legal expert claimed, with support from Kainja (2002), that there is a general view that sex is a right in a marriage, which hinder such law to pass through. (Interview 25, Kainja 2002:3) Considering that marriage in Africa is often the institution in which women are most disadvantaged in terms of power and control, including sexual activity, I argue that marital rape need to be of great concern in order to empower women. Added to that, marriage is the relationship in where condom use is least documented internationally. (Jackson 2004:22) As there are yet no laws that recognise when someone intentionally infect someone with HIV/AIDS, although this is reviewed at the time of writing, this means that a husband can rape his wife (as well as any person having consent sex) knowing but not revealing that he is HIV/AIDS positive without interfering with the law. (Interview 10, 25, Kainja 2002:4) A married woman (as well as unmarried) is hence in a high-risk position (Jackson 2004:22), why I argue that the urge for revised laws is significant if CSOs are to have an adequate legal framework as a starting-point in their work to empower women against HIV/AIDS. In this context the somehow lack of efficient coordination also becomes urgent, as co-ordinating bodies or networks can play a role as a platform for effectively addressing the inadequate laws. (Fowler 1998:117)

However, others have criticized certain law and human rights approaches, arguing they overstress its relevance. Heywood, for an example, discuss HIV/AIDS from the perspective of human and legal rights and attempts to explore the challenges of implementing such approach in the worst affected countries, bearing in mind that it has its roots in the US and Europe. He identifies a great challenge of the law and human rights approaches in terms of inflexibility to adapt to social, economic and political differences faced in many “developing countries”. In many of these countries the law exists in three parallel systems – customary, religious and civil (or statutory, authors own remark). Civil and Constitutional laws may guarantee equal rights, but customary and religious laws often have a more significant impact on people’s lives, moral beliefs and behaviour. Usually it is the latter that impact on the day –to-day

¹⁸ See The Laws of Malawi, the Penal Code, Chapter 7:01, Section 132.

interactions and which conditions the behaviour of men and women. Hence, the significance of adapting legislation and legal action as a measure against HIV/AIDS, obviously depends on to what extent the country has a functioning legal system and the appreciation of rule of law (Heywood 2004:15ff). Therefore statutory laws require to be deployed with an extensive understanding of the context of appliance. “Appreciating the limits of law reform and litigation is as important as knowing its benefits (Heywood 2004:26)”.

Customary law has high significance in the Malawian context, also expressed by the interviewed legal expert. (Kainja 2002:1, Interview 25) She expressed concern over that customary laws are practiced ad hoc, which sometimes leaves women with little guarantee of protection. As there are no specific laws targeting when cultural practices are practiced against someone’s will, and as customary laws accept many of these practices, it is left without interference and often puts women at risk to get infected. This also means that although customary law is below customary law, which does not allow sexual intercourse without consent, this is not effectively regulated. The legal expert therefore suggested that a qualified customary law should be established, which would regulate the customary law. (Interview 25)

As shown in this chapter civil society organisation in some respects lack the necessary legal framework that can support their efforts in empowering women. The laws tend to support men’s dominance instead of addressing women’s subordination, which obviously leave organisations trying to address women’s sexual subordination in an ambiguous situation. With respect to the gender mainstreaming approach, which demands an approach in which goals and objectives among different actors are compatible, this lack of a supportive legal framework is evidently problematic.

4.3 Setting the Agenda

I have now discussed the challenges in achieving compatible and coordinated actions between those allies that can push in the same directions in striving to empower women. (Edwards 2004:53) But who decides the direction? This question brings us to the issue of civil society’s autonomy. I have argued that civil society and the state are inescapably interdependent, which may be either supportive or actually weaken the capacity of civil society. Hence I claim that in order for the state to be supportive, it requires a fine balance in order to coordinate the efforts and at the same time give civil society space to act according to their own objectives. (Putzel 2004:27) It is hence the latter I continue to illustrate here, by analysing the civil society’s relationship with the state and donors in terms of autonomy.

4.3.1 “Surviving by Conforming”

African civil society organisations are often handicapped by its external finance. (De Waal 2000:8) Poverty makes the civil society dependant on financial means from the state or international aid organisations, which could lead to problems when trying to be a counter power. (Gyimah-Boadi 1996:123) The issue of autonomy is therefore not only relevant in

terms of the state, but also in terms of donors (in which the state is one actor), which as well affect the civil societies capacity to act adequately. As in many other countries, in Malawi it seems to have lead to a tendency of CSOs to conform to ideas of donors and state instead of claiming their own views, which I intend to demonstrate in this chapter.

Much bilateral and multilateral funding goes through the state, passing NAC. (NACa) The major problem among the interviewed CSO-representatives was not that they felt restricted, but rather that they expressed a lack of political will mostly in terms of gender issues and technical and financial support. (e.g. Interview 8, 17, 21) But as one respondent pointed out, the state has apparent influence on what resources that flow and the priorities sometimes differ from that of the civil society's perspective. (Interview 5) Regarding international donors some respondents argued that, although it has been improving, some donors still put too many strings or dictate inaccurate methods, as well as enter with a top-down perspective. (e.g. Interview 2, 4, 5, 10, 16) Other respondents meant that a major problem was the fact that many donors often only give short-term funding, while most organisations wants long-term funding in order to make a more sustainable impact. (Interview 16, 26) On the other hand several respondents did not have any criticism to pose towards donors, and neither the state in terms of being a donor. (e.g. Interview 1, 17, 19, 21) When discussing gender related issues, it was even argued by many that donors have positive impact as to make them gender sensitive. (e.g. Interview 4, 8)

As you would expect, donors are different in their approaches, which can explain the differences in the respondent's views. Nevertheless, I argue that these differences in views can, to some extent, be explained by a tendency of reluctance to criticise donors' guidelines, ideas or requirements with a fear of that funding will be rejected. Several respondents confirmed this impression. (Interview 10, 15, 26)

One of the reasons that we have had problems with funding is that we have refused to kowtow to the donor-organisations, the big donors. We are not going to change our programmes in order to get funding. We want the integrity of our program, but there are many Malawians that will not think like that. **Why?** Because they want the funding and I think it is partly a hangover of 30 years of Kamuzu. If you showed any initiative under Kamuzu, you were in danger of getting imprisoned. (Interview 15)

Although it is not inclusively applicable, there is a tendency to adjust rather than disapprove donor initiatives. This obviously means that many of the funded projects are not necessarily the most needed according to the local organisations perspective, but rather the ones that will "please the donors". (Interview 10, 15, 26) In other words, the economical dependence seems to have lead to the commonly found dilemma where organisations tend to adapt the donors vocabulary and adjust activities based on donors objectives, rather than their own. (Boussard, 1998:11f) Two of the respondents suggested that some civil society organisations are aware of that donors require a gender dimension of a specific sort and therefore include it in the proposals, rather than because of a conviction that it is the right way to go. (Interview 10, 26)

The reluctance to criticise or disapprove may not be surprising, due to thorough economical dependence, but also when considering the history of political repression. Some few respondents, one quoted above, referred to tendency to conform to donor ideas as due to the repressive regime under Kamuzu Hastings Banda. (Interview 10, 15, 26) During Banda's era, the civil society clearly lacked the politico-legal framework that could enable it to have a significant and adequate function in the fight against HIV/AIDS. The abuse of rights, freedom and the rule of law simply undermined the mere existence of such activities. Accordingly, the

state did not give the space for the civil society to act and even less did it mobilise the civil society to take action on HIV/AIDS. When Muluzi came to power in 1994 the role of civil society did not enhance its significance until some years later. Muluzi then showed an increased, but not complete, political will by making efforts towards a more open debate on HIV/AIDS. (Lwanda 2002:161f) Given this long period of repression, and the rather immature transition from one-party-system to multi-party system, I argue it is not unexpected that there is a reluctance to criticize or reveal opposing views to the state.

The tendencies of "conforming to survive" affect the set up of civil society in many ways. As I have defined autonomy as "the freedom to make decisions with an optimal degree of discretion", these tendencies evidently put constraints on autonomy of civil society. More so, the function of civil society as a "public arena" for public debate is restricted. (see Chapter 2.2) The stronger voices will mainly be those who accept donor preferences and hence receive funding, as it was illustrated in the quote above (p.26). Hence the public arena may not necessarily reflect the voices of civil society itself, but rather the voices will be conformed to a mainstream approach, again restricting the opportunities of alternative voices to be heard and a critical mass to develop. Consequently, the pluralism of civil society, often regarded as a pre-requisite for an enabling environment (Kasfir 2004:123), is threatened by the steering impact of donor funding. On the other hand, the gender mainstreaming approach advocates for a common front in where goals and objectives are compatible. (CS 2002:14) Although the goals and objectives may not explicitly conflict, it is evident that the goals and objectives are to some extent determined by the steering impact of funding. Thus, the steering impact of donors seems to lead to a mainstreamed approach, but with a clear bias and on the cost of pluralism. Seemingly, it is conforming rather than mainstreaming that characterizes civil society.

Financial dependency obviously has a steering impact on organisational behaviour and therefore it is important to understand what capabilities that need to be strengthened for CSO to be able to deal with such dilemmas. (Fowler 1998:128) According to Ndegwa, it is the financial dependency, rather than government controls, that makes the largest threat to organisational sustainability and autonomy. (Ndegwa 1996:25) Fisher thus suggests that to gain autonomy civil society organisations need a financial diversification, i.e. funding from a variety of sources, which appears a judicious but difficult task. Further, she also highlights the need for internal technical expertise to gain autonomy. (Fisher 1998:78) Accordingly, I will continue next chapter by discussing the implications of internal technical expertise within civil society.

4.3.2 A Call for Technical Skills

During Banda's repressive regime members of civil society were reluctant to provide input with ideas or opinions. Constraints on research and actions on HIV/AIDS, resulted in a limited space of action for civil society, but which has now enhanced. (Lwanda 2002:153f) However, with regard to this background of vast constraints on civil society and the fairly recent transition from one-party-system to multi-party system, it shall be stressed that the mere existence of a civil society is not enough. For instance, some level of autonomy is argued as a crucial condition for civil society to be able to contribute to the development of a country.

(Ndegwa 1996:17) I have earlier argued that this historical background has developed into a fear of criticizing the donors, as well as the state, which have resulted in constraints on autonomy. I will continue to argue that the lack of technical skills, as it will be illustrated in this chapter, is both a result and cause in constrained autonomy. This further inhibits the chances for civil society to an agenda-setting that reflects the local needs.

Technical expertise is tied to organisational autonomy in the sense that it is needed to demonstrate successful projects and to influence agenda setting and policymaking. Technical skills are often viewed necessary with regard to legitimising activities and increasing the financial and moral support from government, donors and the general public - which is vital if the impact is to be amplified. (Edwards & Hulme 1997:23) Further, technical expertise commonly emerges from field research, according to Fisher. (Fisher 1997:90) The claim, by some respondents, that CSOs lack adequate research skills is hence an issue in terms of autonomy and CSO's means to empower women. (e.g. Interview 6, 15, 17)

...I think the first thing is to empower the civil society. They should have the knowledge of what they are doing, on women (...). And one thing is that they should be able to have the knowledge on research issues. Because some of the things that we are doing in the offices...we design the messages which are irrelevant, somebody in the village will never understand. So we have to carry out the research. We should have the capacity to carry out or design messages that are research based (...). Thereafter, if we do the research issues that are when we can target the gender issues very well. Because we will be making the research on *why* there has been this gender imbalance. (Interview 17)

In line with this several other respondents requested more technical support – especially among the CBOs (e.g. Interview 6, 17, 20, 26) To sufficiently address HIV/AIDS it has been argued that gender analyses need to be carried out in development interventions in all areas of societal development, as to understand the potential impact on women and men. (e.g. Türmen 2003:417, Matlin & Spence 2001:1) Further confirming the lack of technical skills, a local report from 2002 stated that most staff working with gender-related issues, in governmental institutions as well as civil society organisations, lack specialist technical skills in gender analysis, and argued that there is a conceptual ambiguity in the use of the term gender. (Kaulungu Simwaka, 2002:36) “...some NGOs activities are usually ad hoc in nature and are not based on vision and direction mainly due to lack of requisite skills and resources.” (Kaulungu Simwaka, 2002:36) Confirming this further, there was a tendency noticed among the respondents of a high level of awareness and acknowledgement of women's vulnerability, but at the same time many failed to elaborate on suggestions or visions of how it should be dealt with. Further, several workshop reports, organised by NAC and other governmental and UN-partners, has concluded that the workshops fail in providing skills in how to practice their knowledge as most tend to focus on conceptual issues. Accordingly, gender awareness exists, but the actors lack relevant tools and skills to deal with the complexity of gender relations. (Workshop Report, 2003, Workshop Report, 2005) Consequently, although the organisations want to do well, the impact is most likely restricted by lack of adequate technical skills.

On this background it is reasonable to believe that the National Gender Policy as well as the National HIV/AIDS Policy are restricted in impact. To start with, it was to some extent established by the respondents that the National Gender Policy were not comprehensively recognised or even known among HIV/AIDS CSOs up to now. Perhaps not surprisingly, the National HIV/AIDS policies are better known and used than the Gender Policy among the interviewed CSOs representative. (e.g. Interview 18, 20) This seems to be partly due to a lack

of sufficient mechanisms from the responsible state institutions side to actually disseminate the policies, as it was proposed by some respondents. (Interview 6, 10, 26) However, even if well disseminated, enhanced technical skills are needed in order to translate the policy into implementing programmes. More so, I argue that technical expertise is essential for CSOs to translate the policies to fit their own agenda and the context of implementation – again to increase, or avoid a decrease, of autonomy. Yet another likely obstacle for translating the policy into practice is that the policies are not written in a language for the grass-roots to appreciate it, according to some respondents. (e.g. Interview 10, 26)

The version of civil society as "the good society", I argue, has limitations in the Malawian context. This version, in this context, implies an ability within civil society to make an impact on opinions and awareness in order to affect behaviours and attitudes, and thereby modify women's sexual subordination. The potential lies in civil society's close interaction with the people, and the knowledge of local needs as a result. (Boussard 2003:117) Though, the lack of adequate methods and skills to address people's local needs in their unique context may inhibit the chances of advancing "the good society", as the process of empowering women and the implied change of gender relations must emerge from within, rather from outside by external actors such as donors. (Mikell 1997:6) Furthermore, according to Fowler (1998), it is crucial that development projects reflect the priorities of the people, but at the same time fit with the organisation's capability and strategy. It is of utmost importance to find goals that are compatible with people's real aspirations instead of basing projects on opportunistic or ill-informed responses according to what external resources that are available. (Fowler 1998:98) In line with this, I argue that it takes a fundamental change of the structural societal power relations to empower women against the infection. Although the opinions may differ of what those changes should consist of and how they should be carried out, it obviously require that the underlying problems are addressed with relevance to its context. A gender analysis can hence bring out and clarify societal power relations between men and women and how they affect their susceptibility differently. (CS 2002:12) Arguably, increased technical skills in carrying out gender analyses are therefore an essential prerequisite when developing HIV/AIDS programmes. Further, as technical expertise is tied to organisational autonomy, the lack of technical skills may as well inhibit the autonomy of civil society. (Edwards & Hulme 1997:23) The lack of autonomy in this respect hence restricts the possibility of adequately, and according to the local needs, addressing the structural power relations that underline women's vulnerability and setting the agenda thereafter.

5. Conclusions

This thesis has aimed at answering the question as to what extent civil society in Malawi actually is in a position to empower women against HIV/AIDS. As expected, there is no simple answer that reflects all affecting factors and dimensions¹⁹. This study is therefore to be seen as an attempt to advance an understanding of the problem, but which is limited with regard to the methodological choices made in the research process. Also, as indicated already in the introduction, it has therefore not been feasible to identify any single theoretical approach that succeeds in explaining the questions at issue. Instead the applied theories, mainly the two that characterise civil society as the good society on the one hand and public arena on the other hand, has facilitated in highlighting important aspects. The issue of autonomy has appeared a crosscutting issue, often bringing back the attention to the significance of well-functioning coordinating bodies within civil society. Furthermore, the highlighted issues all derive from the starting-point that it is only by changing the deeply embedded societal power-relations between men and women that women can be empowered against HIV/AIDS. However, I will now conclude by bringing the identified key areas together, as to understand the larger picture of the extent to which the present conditions allow civil society to contribute in empowering women within the fight against HIV/AIDS.

To begin with, this thesis has recognised two main concerns regarding coordination of the activities; coverage and competition. As in many other countries, the intensity of HIV/AIDS responses in Malawi is lower in rural than in urban areas. This is due to physical limitations such as insufficient infrastructure and remote distances, restraining urban-based organisations to reach out, as well restricting rural-based organisations to connect with donors that are mainly found in the large towns. Further I argue that it is a result of inadequate donor selection of partners, which tend to identify partners on *what* they are doing, ignoring *where* they are doing it. This has led to an artificial set-up of civil society where potentially significant elements are more or less put out of power, as small rural-based organisation often lack support and resources to sustain. In view of civil society as the public arena, in which civil society is a forum for public debate and collaboration that will favour the common good, the arena is hence dominated by the voices of urban-based organisations. Hence, the donor influenced artificial set-up of civil society, which tends to silence the voices of non-urban middleclass groups, has lead to a “biased common good”.

Not denying the need for external donor funding, the competitiveness for funding has inhibited the sharing of information, knowledge and resources, which in turn increases duplication and waste. Presumably, it works contra-productive in the sense that it inhibits development of knowledge and skills that actually could increase funding, as well as it hinders an advancement of efficient methods in addressing women’s vulnerability. I thus argue that coordination and enhanced collaboration is a pressing issue challenging the potential role for civil society to play in empowering women against HIV/AIDS.

¹⁹ Corruption, accountability and transparency are examples of contested features that has not been covered by this study, but that in all probability may impact on the capacity of civil society. This would, however, require further research with a different focus, but which indeed would shed more light on the potential role of civil society.

The endeavour to achieve a gender mainstreaming approach within HIV/AIDS responses, aiming to empower women against the infection, is somewhat ambiguous. Although, encouragingly, there is a comprehensive set of state institutions within the Gender Machinery, the tools aimed for mainstreaming gender, such as the National Gender Policy, seem to have had restricted influence on HIV/AIDS CSOs. This is not unique for Malawi. A UN-working paper, for instance, states that strategies for gender mainstreaming has largely emphasised the development of tools and instruments, but seldom demonstrated examples of good practice on the ground. (Braithwaite & Mikkelsen et al 2004:7) Confirming this further in Malawi, the gender mainstreaming approach, adopted at a state-level, recognises female participation in decision-making bodies as a precondition for an enabling environment, but yet the achievements are insignificant. The respondents as well as reports have stressed a lack of commitment reflected in terms of female participation in decision-making bodies – a trend also found in CSOs own offices. I argue that this is to be seen problematic, based on the notion that female representation is a precondition for an enabling environment, as the knowledge and understanding acquired by the experiences of being a woman are crucial in project development.

Further, I argue that a supportive legal framework is an indisputable requirement for an enabling environment. The legal framework in Malawi does not recognise the same gender-related issues that actually put women at high risk to get infected, marital rape particularly, which obviously weaken civil society's position to address such issues. Thus the laws, or lack of laws, should be seen as contra-productive symbolic public statements. However, customary law and its ad hoc practice is perhaps an even greater challenge, as it more so affects the large masses in their everyday-life. One challenge is that it tends to ignore the force of cultural practices that accentuate women's sexual subordination and hence risk to get infected – practices which many CSOs strive to address, but without support from the legal framework.

The extensive economical dependency to the state and donors affect CSOs autonomy in several ways. Along with a history of political repression it seems to have created a reluctance to criticise or oppose approaches, methods and even suggestions by donors (including the state). Still there exists a discontent with donors attaching too many strings and restricting the impact by basing ideas on a top-down perspective. The strong donor influence, I argue, seems to increase the level of conformity, undermine pluralism and reduce the chances of developing a critical mass that can offer new and extensive insights of the gender implications. The tendency to conform to donor's ideas thus restricts the autonomy of civil society, as well as it highlights the need for a stronger coordinating body within the civil society to work as a counter-power. (On the other hand, a stronger coordinating body in form of a civil society network may decrease the autonomy for individual organisations). The agenda-setting and the notion of common good are hence to a large extent determined by the steering impact of funding, and less by the civil society's knowledge of local needs. The impact of international donors, often driven by strong Neo-Toquevillian tendencies, hence boosts the distance from the social base (Edwards 2004:35), which is already existent due to an urban-middleclass biased donor promotion. Also, this means that civil society's advantage as an "educator" – interacting with the grassroots and achieving knowledge of local needs – is restricted and not fully utilized. This obviously conflicts with the notion, and starting-point of this thesis, that empowering women is a process that needs to be formulated from the bottom and up, in order to alter the underlining societal power-relations.

Encouragingly, there seems to be a consensus and high awareness with regard to the need of addressing women's vulnerability within civil society's efforts to combat HIV/AIDS. Nevertheless, the lack of technical skills among CSOs risks inhibiting opportunities of influencing the agenda-setting, as it threatens their autonomy. Technical skills in gender analysis are essential to enhance the chances to address the fundamental societal power-relations that underline women's vulnerability to HIV/AIDS. This is a tool that enables a bottom-up perspective that considers the context of cultural and social conditions. Therefore, I argue that if programmes are not rooted from the bottom and up and at the same time question the fundamental power-relations between women and men, there is a risk that the efforts to empower women may just work as a "make-up" or a "face-lift". The lack of technical skills as well as the reluctance to criticise donors therefore present a risk that the fundamental power-structures, of which gender-roles are a social construction, is simply reconstructed. Hence, as empowering women requires frequent gender analysis to target the deep-rooted structures of power, this is to be seen problematic.

All in all, the conditions discussed mainly concern the paradox between the state to regulate - in terms of coordination, guidance and support - and at the same time give civil society space to act – as to set their own agenda as well as to be able to confront the state. (see e.g. Kasfir 2004:129) Actually, the shortcomings seem to be a paradox itself, whereas both regulation and space to act are lacking. Regulation is lacking in terms of geographical coordination, with specific regard to donors selection, an adequate legal framework and sufficient technical support and guidance. Space to act is lacking in terms of low degree of autonomy, deriving from economical dependence and a history of political repression, and strong organised civil society networks functioning as a counter-power and agenda-setter. Against this background, it is not feasible to argue other than that civil society and the state do exist in an interrelated relationship. Neither, as shown throughout, is it reasonable to ignore the external dimension of donors when studying civil society. Not neglecting the impact at present, I therefore argue that it is first when the influence of state and donors is recognised that civil society can advance their impact in empowering women against HIV/AIDS.

Bibliography

Allen, Chris, 1997. "Who Needs Civil Society" p. 329-338 in *Review of African Political Economy* 24 (73):

Arnfred Signe, 2004. "Questions of Power: Women's Movements Feminists Theory and Development Aid" p.73-86 in Anne Sidac (ed.) *Discussing Women's Empowerment – Theory and practice* 3rd Edition, Sida-studies No 3, Stockholm: Sida

Baden Sally, & Milward, Kirsty et.al,1997 *Gender Inequality and Poverty: Trends, Linkages, Analysis and Policy Implications* Stockholm: Sida

Bjereld, Ulf, Demker, Marie & Hinnfors, Jonas, 1999. *Varför vetenskap?* Lund: Studentlitteratur

Boussard, Caroline, 1998. "Civilsamhälle och demokratisering", p. 148-169 in Hydén, Göran (ed) *Demokratisering i tredje världen*. Lund: Studentlitteratur.

Boussard, Caroline 2003. *Crafting Democracy – Civil Society in Post-Transition Honduras* Lund University: Department of Political Science

Braithwaite Mary & Mikkelsen Britha et al, 2004. *Integrating Gender Equality into Development Co-operation– Drawing Lessons from the Recent Evaluations by Sida and the European Commission Joint Seminar, Brussels, November 2003* UTV Working paper 2004:2, Stockholm:Sida

Chandhoke, Neera, 2001. "The 'Civil' and the 'Political' in Civil Society" *Democratisation* vol. 8, no. 2. London: Frank Cass

CS; Commonwealth Secretariat and the Canada-based Maritime Centre of Excellence for Women's Health, 2002. *Gender Mainstreaming in HIV/AIDS: Taking a Multisectoral Approach*, Commonwealth Secretariat and the Canada-based Maritime Centre of Excellence for Women's Health: London

De Waal, Alex, 2000. *AIDS: Africa's Greatest Leadership Challenge –Roles and Approaches for an Effective Response*, www.justiceafrica.org/papers.html 05-07-15

Devine, Fiona, 2002. "Qualitative Methods" p. 197-215 in Marsh, David & Stoker, Gerry *Theory and Methods in Political Science* 2nd Edition, Hampshire: Palgrave Macmillian

Edwards, Michael & Hulme, David, 1997. *Making a Difference – NGOs and development in a Changing World*, London: Earthscan Publications Ltd

Edwards, Michael, 2004. *Civil Society*, Cambridge: Polity Press

- Egerö Bertil, Hammarskjöld Mikael & Munck Lisa, 2001. *AIDS: The Challenge of this Century – Prevention, care and impact mitigation* Stockholm:Sida
- Fisher, Julie, 1998. *Non-governments: NGOs and the Political Development of the Third World*, West Hartford: Kumarian Press
- Foley, Michael W. & Edwards, Bob, 1996. “The Paradox of Civil Society” p. 38-52 in *Journal of Democracy*, vol.7, no.3
- Fowler, Alan, 1998. *Striking a Balance – A Guide to Enhancing the Effectiveness of Non-Governmental Organisations in International Development*, London: Earthscan Publications Ltd
- Galgow, Manfred, 2001. “Non-Governmental Organisations – A Theoretical Framework” p.17-25 in Galgow Manfred, Lohmann Henning, Nickolmann Sibylle, Paul Kirsten, Paul Sabine *Non-Governmental Organisations in Malawi – Their Contribution for Development and Democratisation*, Conditions and Scopes of Action in Development Policy, University of Bielefeld
- Grundfest Scoepf, Brooke 1997 “AIDS, Gender and Sexuality During Africa’s Economic Crisis” p.310-332 in Mikell, Gwendolyn (ed.) *African Feminism – The Politics of Survival in Sub-Saharan Africa*, Philadelphia: University of Pennsylvania Press
- Gyimah-Boadi, Emmanuel, 1996. “Civil Society in Africa”, p. 118-132 in *Journal of Democracy*, Vol. 7, No. 2.
- Hendriks, Sarah & Mwale, Fiona, 2005. *GTZ Malawi Combating Gender based Violence Project – Nkhaza and the Law*, Lilongwe, Malawi
- Heywood, Mark, 2004. “HIV/AIDS: From the perspective of Human Rights and Legal Protection”p.11-28 in Sisak, Anne (ed.) *One Step further – Responses to HIV/AIDS* Stockholm:Sida
- ICCAF, Interchurch Coalition of Africa, 2001. “Malawi: Cultural Practices responsible for Spreading HIV/AIDS from the magazine” in *Women’s International Network News*, Vol. Spring 2001
- Ihonvbere O. Julius, 1997. ”From Despotism to Democracy – The Rise of Multiparty Politics in Malawi”, in *Third World Quarterly*; Vol. 18, No. 2
- Jackson, Helen, 2004. “HIV/AIDS and Gender – Addressing Tough Realities in Research, Policy Development and Implementation” p. 19-26 in Bond Virginia & Kwesigabo Gideon ed. *Forging the Links Against AIDS – HIV/AIDS, Research, Policy and Practice*, Stockholm: Sida

Kaaber, Naila, 2004. "Reflections on the Measurements of Women's Empowerment in Discussing Women's Empowerment – Theory and practice" p.17-54 Anne Sidac (ed.) *Discussing Women's Empowerment – Theory and practice* 3rd Edition, Sida-studies No 3, Stockholm: Sida

Kainja G.D, 2002. *HIV/AIDS Policy Development – HIV/AIDS and the Law and Practice*, Malawi, Zomba: Centre for Social Research

Kanyinga Karuti & Owiti, Jeremiah, 2003. p.1-19, in *Voices from Southern Civil Societies*, (Main Report) University of Helsinki: Institute of Development Studies

Karlström, Mikael, 1999. "Civil Society and its Pre-suppositions: Lessons from Uganda" p.104-123 in Commaroff, John L. & Comaroff Jean (ed.) *Civil Society and the Political Imagination in Africa* Chicago: University of Chicago

Kasfir, Nelson, 2004. "Civil Society, the State and democracy in Africa" p117-142 in Burnell, Peter & Calvert, Peter, (ed.) *Civil Society in Democratisation*, London: Frank Cass and Company Ltd

Kaulungu Simwaka, Loyd, 2002. *National Machineries for the Advancement of Women*, Malawi Report (Submitted to United Nations, Division for the Advancement of Women & Division for Public Economics and Public Administration)

Kristoffersson, Ulf, 2001. "HIV/AIDS as a human security issue: a Gender Perspective" p. 16-18 in *Women's International Network News*, Vol. 27, No 1.

Lundqvist, Lennart, 1993. *Det vetenskapliga studiet av politik*. Lund: Studentlitteratur

Lwanda, John, 2002. "Tikutha: The Political Culture of the HIV/AIDS Epidemic in Malawi" p. 151-165 in Englund Harri (ed.) *A Democracy of Chameleons – Politics and Culture in the New Malawi* Stockholm: Nordiska Afrikainstitutet

Manheim B. Jarol & Rich C. Richard, 1994. *Empirical Political Analysis* 4th Edition, New York: Longman Publishers USA

Mapanje, Jack, 2002. *The Orality of Dictatorship: In Defence of My Country* p.178-187 in Englund Harri (ed.) *A Democracy of Chameleons – Politics and Culture in the New Malawi* Stockholm: Nordiska Afrikainstitutet

Marsh, David & Furlong, Paul, 2002. *A Skin not a Sweater: Ontology and Epistemology in Political Science* p.17-44 in Marsh, David & Stoker, Gerry *Theory and Methods in Political Science* 2nd Edition, Hampshire: Palgrave Macmillian

Matlin Stephen & Spence Nancy, 2001. "The Gender Aspects of the HIV/AIDS Pandemic" p.11-14 in *Women's International Network*, Vol 27 No 1

May, Tim, 2001. *Samhällsvetenskaplig forskning*, Lund: Studentlitteratur

Mikell, Gwendolyn, 1997. "Introduction" p. 1-50 in Mikell Gwendolyn (ed.) 1997. *African Feminism – The Politics of Survival in Sub-Saharan Africa*, Philadelphia: University of Pennsylvania Press

Ministry of Gender, 2000. *Malawi National Gender Policy 2000-2005*, 05-07-05 available at <http://www.sdn.org.mw/~ettah/gender/>

NAC, (National Aids Commission), 2004. *HIV and AIDS in Malawi – 2003 Estimates and Implications*, Lilongwe: National Aids Commission

NAC, 2005a. Website, National AIDS Commission,

NAC, (National Aids Commission), 2005b. *The National Strategic Framework for HIV/AIDS for Malawi for 2005-2009*, prepared by The Government of Malawi, National AIDS Commission

Ndegwa, N. Stephen, 1996. *The Two Faces of Civil Society* Connecticut: Kumarian press

Nickolmann Sibylle et al (2001) *NGOs as part of Civil Society* in Glasgow Manfred, Lohmann Henning, Nickolmann Sibylle, Paul Kirsten, Paul Sabine *Non-Governmental Organisations in Malawi – Their Contribution for Development and Democratisation*, Conditions and Scopes of Action in Development Policy, Bielefeld: University of Bielefeld

Odora E Catherine, 1993. *Educating African Girls in a Context of Patriarchy and Transformation : A Theoretical and Conceptual analysis* Stockholm: Institute of International Education, Stockholm University

Phillips, Anne, 2000. *Närvarons politik*. Lund: Studentlitteratur.

The Permanent Mission of Malawi to the United Nations, 2005. *The Forty-ninth Session of the Commission on the Status of Women 7th March 2005 – On the Review of the Implementation of the Beijing Platform for Action and the Outcome Document on the Twenty-third Special Session of the General Assembly*, Full report available at: <http://www.un.org/webcast/csw2005/statements/050307malawi-e.pdf> 14-08-01

PRSP - Malawi's Poverty Reduction Strategy Paper, April 2002, prepared by the Government of Malawi, http://poverty.worldbank.org/files/Malawi_PRSP.pdf 10-07-05

Peterson V. Spike & Sisson Runyan, Anne, 1993. *Global Gender Issues* Boulder: Westview Press

Putzel, James, 2004. *The Politics of Action on AIDS: A Case Study of Uganda* London: John Wiley & Sons Ltd

Rabo, Annika, 1996. "Gender, State and Civil Society in Jordan and Syria" p. 155-177 in Hann Chris & Dunn Elizabeth (ed.) *Civil Society Challenging Western Models* London: Routledge

Rao Gupta Geeta, 2001. "Approaches for Empowering Women in the HIV/AIDS Pandemic – A Gender Perspective" p.14-17 in *Women's International Network News*, Vol.27, No. 1

Reijer Piet, Chalimba Miriam & Ayazikwa Nakwagala Abel, 2002. "Malawi Goes to Scale with Anti-AIDS Clubs and Popular Media" p. 357-363 in *Evaluation and Programme Planning* Vol. 25

SARDC, 2005. *Strengthening Institutional Mechanisms*, Southern Africa's Research and Documentation Centre, http://www.sardc.net/widsaa/sgm/1999/sgm_ch2.html 25-07-05

Sindima, J. Harvey, 2002. *Malawi's First Republic – An Economic and Political Analysis* Oxford: University Press of America

SOU, 2002. *Globkom – En rättvisare värld utan fattigdom. Betänkande av den parlamentariska kommittén om Sveriges politik för global utveckling*, Statens Offentliga Utredningar 2001:96, Stockholm:Sida

Türmen T. 2003. "Gender and HIV/AIDS" p. 411-481 in *International Journal of Gynaecology and Obstetrics* Vol. 82

UNICEF, 2001. *Analysis of the Situation of Women and Children*, Final Report, Lilongwe Malawi

UNICEF, 2005. Country Statistics, Malawi
http://www.unicef.org/infobycountry/malawi_statistics.html 28-07-05

WHO, 1995. *Framework of Guiding Principles for HIV/AIDS Coordination at Country Level*, by WHO Global Programme on AIDS Management Committee (GMC), GMC Task Force on HIV/AIDS Coordination

Workshop Report, 2003. *Integrating Gender into Malawi Multi-Sectoral Aids Programs and other HIV/AIDS Activities*, held in Salima, Malawi, organised by Ministry of Gender and Community Services and National Aids Commission

Workshop Report, 2005. *Report of the Launch and Dissemination Workshop of the UN Secretary General's Report on Women, Girls and HIV/AIDS*, Held 23rd of August, Lilongwe, Malawi, organised by National Aids Commission, Ministry of Gender, Child Welfare and Community Service, and UNAIDS.

List of Respondents

No.	Feature	Sex	Location
1	CBO	F	U (R)
2	INGO	M	U (W)
3	NGO	M	U (W)
4	NGO	M	U (W)
5	NGO	M	U (W)
6	NGO	M	U (W)
7	FBO	M	U (W)
8	NGO	F	U (W)
9	NGO	F	U (W)
10	University Professor		
11	CBO	M	U (R)
12	CBO	1M/2F	R
13	CBO	2M/3F	R
14	FBO	2M	U (W)
15	NGO	F	U (W)
16	CONGOMA		
17	NGO	M	U (W)
18	NGO	M	U (W)
19	FBO	2F	U (W)
20	CBO	M	U (R)
21	NGO	F	U (W)
22	NGO	M	R
23	Ministry of Gender		
24	National AIDS Commission		
25	FBO	M	U (W)
26	NGO	F	U (W)
27	Legal Expert, Law Commission		
28	NGO Gender Coordination Network		

Remarks:

- 1) The column Location indicates the location of the office where the interview took place. R – rural, U – urban, U (R) – remote urban area, U (W) – urban, working in rural partly or only.
- 2) The interviews were conducted in chronological order. Most were done between February and March and some few in April and May.
- 3) The selection of interviews with CSOs is geographically proportional, as the Southern region (8) have the largest population followed by the Central region (7) and lastly the Northern region (5).