

Case Study: South Africa

South Africa: Beyond Numbers

Sheila Meintjes

Quantitatively, women's representation in the South African Parliament has hovered around the 30 percent 'critical mass' mark since 1994. This level of representation remained constant in the two subsequent elections, in 1999 and 2004. This significant proportion of women was largely due to the informal quota of the African National Congress (ANC), the ruling party. This case study explores the significance of women's presence and the impact it has made on the political process and on the decision making and policy making in parliament during the first decade of democracy.¹

A Decade of Electoral Politics

In 2004, South Africa celebrated ten years of democracy after more than 40 years of apartheid rule.² It was a democracy that had been hard fought for during a 30-year period of armed resistance and low-level civil war against white supremacy between the years 1960, when armed struggle began, and 1990, when the ban on the ANC and other liberation movements was lifted. Women had participated in the struggle for democracy in a multitude of ways, including as militant activists. How would this participation be translated into electoral politics and representative democracy? Would women's presence be reflected in political and material gains for women in society?

In April 2004, the country held its third democratic election, with overwhelming support given to the ANC, led by Thabo Mbeki, who began his second term as president. The first democratic parliament, led by President Nelson Mandela, had seen a remarkable array of parliamentarians from all sectors of society, from all race groups, and from a multitude of party political affiliations. A Government of National Unity opened the democratic phase, led by the ANC, but including the National Party (NP) that had ruled South Africa uninterrupted since 1948. To

symbolize a new era, the NP developed new logos, renamed itself the New National Party and opened its doors to black members. However, it was never able to establish a place for itself. Ironically, in 2004 it formed an election alliance with the ANC and a few months later it disbanded, its members flocking to the ANC or joining the opposition Democratic Alliance.

Of the 400 seats in the National Assembly, 131, or 33 percent, were held by women after the 2004 election, a marginal increase from the 28–29 percent in the second democratic parliament. Eight of 27 cabinet ministers were women (29.6 percent), and eight of 13 deputy ministers were women (61.5 percent). The use of closed lists in the proportional representation (PR) electoral system had clearly been good for women's presence in parliament. Moreover, their presence at the highest levels of decision making—the cabinet—suggested that women's status was significantly higher under democracy than it had been under apartheid, when less than 3 percent of representatives had been women. The PR system, the ANC quota, and the commitment of the governing party to gender equality were among the main reasons for this significant showing.

Background to Women's Participation in Parliament

South Africa's 40-year struggle against the racist edifice that came to be known as apartheid, between 1949 and 1990, involved a wide spectrum of civil society—trade unions, civic associations, youth movements—and included all race groups, in South Africa then classified, under the 1950 Population Registration Act, into whites, coloureds, Indians and blacks. Women organized separately, and joined the non-racial movement opposing apartheid from the 1950s onwards. A march of 20,000 women opposed to passes and inferior Bantu education, on the Union Buildings in Pretoria on 9 August 1956, is commemorated every year in South Africa in recognition of the contribution women made to the political struggle against apartheid. The tradition of separate and independent organization of women was a thread that ran through the mobilization of popular opposition during the 1970s and 1980s.

During the negotiations for a new constitution, between 1992 and 1994, women's organizations played a pivotal role in ensuring that the idea of women's needs and interests should become part of the debate about rights. A Women's National Coalition (WNC) was formed that crossed racial and ideological divides to influence the constitution-making process. After a two-year national campaign involving more than 2 million women, the WNC produced a Charter for Women's Effective Equality, a document that represented the hopes and dreams of South African women. The involvement of women from every political party in the WNC had also created a cohort of women political leaders whose joint concern was to promote gender equality. Their participation in the Charter campaign had created a broad consensus within different political parties not only about the need to integrate the needs and interests of women into their mandates, but also to include women

candidates in the parliamentary elections. The Charter became the blueprint for the gender policy direction of the new state. Included in its 12 articles was the demand for full and equal participation of women in representative politics.

Politics of Civil Society Mobilization

The WNC Charter campaign signalled that women were active political agents, deeply engaged in forging substantive civil and political equality for women citizens. When the traditional chiefs tried to suggest that customary law, which defined women as minors, should override the constitution, women throughout the country mobilized to protest against any attempt to prevent their enjoying equal citizenship rights. The WNC proposed that the new state should include a 'package' of institutions to promote and protect gender equality: in parliament, a women's caucus; in the state, an Office on the Status of Women; and an independent Commission for Gender Equality (CGE). These were later established.

From 1994, not only was women's political activity in South Africa characterized by the formal party political activities common to developed democracies; it was also, even more, linked to the mobilization of movements around particular issues that affected the everyday productive and reproductive interests of women. These issues included land distribution, anti-privatization, health, including reproductive health, HIV/AIDS and gender-based violence, among other more local demands such as housing and the provision of electricity to millions of people.

Gender-based violence and the very high prevalence of HIV/AIDS in South Africa proved to be one of the most challenging aspects of the transition to democracy. The new democratic era had produced a more acute awareness of women's rights in the context of the United Nations World Conference on Violence Against Women (1993), at which the concept of 'women's rights as human rights' had been widely accepted and adopted internationally. In 1995, the year following South Africa's first democratic election, the Fourth United Nations World Conference on Women held in Beijing provided the context for debate on gender equality and the idea of gender mainstreaming within state institutions globally. Research into political violence in South Africa acknowledged the high levels and endemic nature of gender-based violence. The HIV/AIDS pandemic also became a highly contentious issue as the state belatedly confronted the issue of its treatment. These issues became the centre of political activism and discourse.

Thus in South Africa there is little possibility of conceiving of electoral politics alone as 'the normative space' for politics. Politics exists in a wider sphere. A majority of the political activists involved in social movements were women. Despite high levels of illiteracy, women form the majority of active participants in social movements such as the Treatment Action Campaign (which deals with HIV-related issues). Women's political activism was reflected, too, in the fact that more women than men were registered as voters on the first voters' roll compiled during 1998, just before the second general election.

Apart from the mobilizing of social movements around the issues mentioned above, there was also a strong women's and gender non-governmental sector involved in a range of action that embraced advocacy, litigation, research and information dissemination, which coexisted alongside the activities of grass-roots social movements and institutional political pressure groups. The transition to democracy, though, meant a new professionalization of interest-led non-governmental organizations (NGOs). The state itself was particularly receptive to these groups, and public–private partnerships became a hallmark of state–society relations despite some of the tensions mentioned above. Efforts by civil society and the state to deal with gender violence were particularly strong—and continue to characterize their relations at the time of writing.

At the 2004 elections the overall majority of the ANC alliance significantly increased. Part of the reason for this seems to lie in the responsiveness of the ruling party to the demands of different constituencies. The women's agenda is one example. In few other countries have women been able to influence the national policy agenda in quite the same way as they have in South Africa. Part of the reason lies in the history of women's separate organization in civil society. Moreover, because of the nature of the struggle against apartheid, and indeed the support of apartheid by many women's organizations themselves, women's organizations were affiliated to different political parties. The depth of the women's organizations also challenged the political parties to take up women's interests as part of their manifestoes in order to get their vote. The fact that the ANC Women's League retains its separate organization, for instance, is a constant challenge to the party in general to take up women's issues as part of its general mandate.

Main Achievements of Women Legislators

The presence of large numbers of women in parliament has been an important aspect of engendering the institution. This included such material needs as crèches and women's toilets. Evidence from South Africa and elsewhere shows that the presence of women in electoral systems and in parliaments has made a significant difference to both the procedural aspects of parliamentary politics—sitting times are an example—and the legislative agenda, which has become more gender-sensitive. Formal experience was lacking among a majority of parliamentarians, but women faced particular constraints related to the inequality and the secondary status of women in society generally. One of their greatest contributions has been on the legislative front.

After the 1994 election a cross-party women's caucus was formed to coordinate what came to be seen as a 'women's agenda', the outcome of the WNC's Charter campaign. It soon became apparent that the driving force for legislative change was the ANC. New institution-building, however, has proved a complex matter, partly because of the lack of appropriate committed leadership at ministerial level, despite public commitment. Free health care for pregnant women and children under six

years was instituted by the first Minister of Health, Dr Nkosazana Dhlamini Zuma, who also spearheaded the legislation on reproductive rights and the right to abortion, despite opposition in the ANC. It was largely because of the strong women's lobby within the ANC that the act was passed in 1996.

An ad hoc committee to promote the 'quality of life and status of women' was established (at first without a budget) which within three years became a Joint Standing Committee of Parliament, known as the Joint Monitoring Committee on the Quality of Life and Status of Women (JMC). The task of this committee was to monitor legislation and to promote research into the key areas that prevented women from enjoying full equality. The JMC was chaired by Pregs Govender, an ANC MP and former manager of the WNC. She championed the issues raised by women in civil society and drove the legislative agenda relating to women. In 1998, she was responsible for ensuring that the Domestic Violence Act (no. 116 of 1998), the Maintenance Act (no. 99 of 1998) and the Recognition of Customary Marriages Act (no. 120 of 1998) were passed. One of the lessons learned, though, was that it was all very well to promote legislative change. More important was that adequate budgets be provided and that training of officials who implemented the acts be undertaken. This did not take place adequately, and the implementation of these acts has been the subject of considerable advocacy.

Within the state, the Office on the Status of Women was established to lead the process of gender mainstreaming. It also developed the national policy on gender equality. However, its role has been limited largely because it has no authoritative role in relation to the line departments in government and because it is under-resourced. Its influence is thus limited. It does, though, play a role in bringing the gender institutions together every quarter to share ideas and evaluate progress.

In 1997, in fulfilment of the constitutional prescriptions, the independent Commission on Gender Equality was established. The commission's role was to protect and promote gender equality in state and society, undertake research, investigate complaints and ensure that the country fulfilled its international commitments. Its contribution has been uneven, however, partly because of organizational tensions and its alignment with the other new state institutions.

Challenges to Policy Development

While policy development was the focus of the first democratic parliament, the period from 1999, after the second election, was driven by a commitment to the implementation of the new legislative frameworks. But it was more difficult to translate commitment into reality. Part of the challenge related to the lack of transformation within various departments. The Department of Health, for instance, had to contend with lack of primary health care services in general in the context of a lack of basic infrastructure—electricity supply, telecommunications, transport and even water. In the case of the criminal justice system, the Domestic Violence Act required levels of

sensitivity and commitment from the South African Police Services that were almost impossible to achieve. Efforts to overcome the act's deficiencies required considerable coordination and cooperation between different departments. This too, proved difficult to follow through. Moreover, the Treasury failed to provide an adequate budget for the act to be properly implemented. Thus the act was not entirely effective. The major challenge that faced the South African Government was the disjuncture between progressive planning and policy development and the necessary capacity to implement them.

The Domestic Violence Act replaced an earlier act, the Family Violence Act, which was passed quickly, and perhaps cynically, without widespread consultation, by the last National Party government in 1993. The revisions in the 1998 act were the work of the South African Law Commission (SALC) in concert with NGOs and legal academics with experience of the needs of survivors of intimate family violence. But its progress is also instructive in providing evidence of how easy it can be for legislation to be undermined by the limited understanding of the drafters of legislation. When the draft was first produced, it was rejected by the Chairman of the SALC for its 'lack of neutrality' and a revised draft was sent to parliament. Fortunately, the vigilance of civil society and the JMC forced the Justice Portfolio Committee to consider the first version of the bill, which then became the basis of the final act. The role of the committee was critical in ensuring that the act was passed.

In addition, there was also the promotion of a Woman's Budget process that was the outcome of a civil society–JMC partnership. The initiative came from a Commonwealth group that was keen to promote the idea in a few countries: Australia had been the pioneer of the process. South Africa was one of the first countries to implement the process, championed by Pregs Govender and assisted by technical experts from Australia and Britain. In 1998 and 1999 the national budget specifically acknowledged its adoption of a 'gender mainstreaming' approach, although during the subsequent three years this tended to fall into abeyance. The androcentric culture within politics and in parliament continued to bedevil the institution despite avowed changes in the role that women have played in altering the rules and forcing debates on gender equality, including participating in the legislation passed in 1997 setting up the CGE. Reports of continuing sexism and sexual harassment testified to the difficulties of transforming the environment.

How Has the Participation of Women Changed Politics?

Women's specific interests—sexuality, reproduction, violence and customary law—were translated into law through the strategies adopted by organizations in civil society in conjunction with the JMC, which in turn forged alliances with certain progressive male members of parliament, including President Thabo Mbeki.³ What seems clear from the South African case is that, while a critical mass of women in parliament is important, a necessary aspect of the effectiveness of the numbers is

what Anne Phillips calls the politics of ideas.⁴ The presence of women leads to change within parliament on such issues as meeting times or providing childcare. But the political agenda around gender issues more widely relies on an understanding of what gender transformation really means.

Gender mainstreaming can simply mean integrating women at the top without confronting the fundamental issues of gender equality. Political will within the political parties has to be fostered by feminist politicians who in turn must be both accountable to and supported by civil society lobbies. The transformation agenda of a cluster of feminist politicians is what ensures that policy and legislation transcend the mere presence of a critical mass of women. The danger is that these feminist politicians do not stay the course. The important factor seems to be the relationship between parliamentarians and the women's movement and NGOs committed to gender transformation. This calls for a commitment to ensuring that women's organizations continue to work together. The challenge is to ensure that this happens.

Evaluations of the gender machinery have clearly shown that the JMC's role has been critical in driving the process of legislative change. While the CGE made submissions to the committee and developed relationships with stakeholders in civil society, it has been less effective than was hoped. It became embroiled in internal conflicts that for some years hindered its institutional development. Although it has had some successes in undertaking public education and calling government departments to account, its public profile has not been very significant. It has monitored internal elections and with the Electoral Institute of Southern Africa (EISA) called on political parties to explain their gender policies. It is the activities of civil society itself that have been most effective in ensuring that women's issues were taken up by political parties. Indeed, women comprise the largest number of registered voters in South Africa—54.82 percent of registered voters—testament to the importance women attach to the vote and to the role of formal politics in their lives.⁵

Notes

- ¹ For a detailed study of the gender politics of the electoral system see Fick, Glenda, Sheila Meintjes and Mary Simons (eds), 2002. *One Woman, One Vote: the Gender Politics of South African Elections*. Johannesburg: Electoral Institute of Southern Africa. See also Albertyn, Cathi, Beth Goldblatt, Shireen Hassim, Likhapha Mbatha and Sheila Meintjes, 1999. *Engendering the Political Agenda: A South African Case Study*. Johannesburg: Centre for Applied Legal Studies.
- ² This case study takes for granted some understanding of South Africa's colonial and political history. For a useful overview see Lodge, Tom, Denis Kadima and David Pottie (eds), 2002. *Compendium of Elections in Southern Africa*. Johannesburg: Electoral Institute of Southern Africa (chapter 10).
- ³ Albertyn et al. 1999, op. cit.

- ⁴ See for example Phillips, Anne, 1995. *The Politics of Presence: The Political Representation of Gender, Ethnicity and Race*. Oxford: Oxford University Press.
- ⁵ Independent Electoral Commission, 'Registration statistics as on 26 Feb 2004', available at <<http://www.elections.org.za/Statistics1.asp>>.

Further Reading

- Agenda, 1999. *Agenda Monograph: Translating Commitment into Policy and Practice: Three Case Studies*. Durban: Agenda
- Ballington, Julie, 1998. 'Women's Parliamentary Representation: The Effects of List PR'. *Politikon*. Vol. 25, no. 2
- Beinart, William, 1994. *Twentieth Century South Africa*. Cape Town: Oxford University Press
- Cock, Jacklyn, 1997. 'Women in South Africa's Transition to Democracy', in J. Scott, C. Kaplan and D. Keates (eds). *Transitions, Environments, Translations: Feminism in International Politics*. New York: Routledge
- Hassim, Shireen, 1999. 'From Presence to Power: Women's Citizenship in a New Democracy'. *Agenda*, 40
- 2005. *Contesting Authority: Women's Organisations and Democracy in South Africa*. Madison: University of Wisconsin Press
- Lowe-Morna, Colleen, 2004. *Ringling up the Changes: Gender in Southern African Politics*. Johannesburg: Genderlinks
- Meer, Shamim, 1998. *Women Speak: Reflection on our Struggles, 1982–1997*. Cape Town: Kwela Books
- Meintjes, Sheila, 1998. 'Gender, Nationalism and Transformation: Difference and Commonality in South Africa's Past and Present', in R. Wilford and R. L. Miller (eds). *Women, Ethnicity and Nationalism: The Politics of Transition*. London: Routledge