DEMOCRACY, POLITICAL PROTEST AND TRANSITIONS

Women in South African Politics

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In transitions to democracy, especially third wave transitions in Africa, there has been the assumption that women's participation in politics will increase and gender inequality will diminish. One of the main assumptions is that women will be represented by women in government who will champion women's issues (called substantive representation). Of the mechanisms employed by African governments to increase women's representation, in line with global developments, are the use of quotas and reserved seats. Globally where quotas have been used women's descriptive representation (numbers of women) have increased. Countries in Sub-Saharan Africa have more than doubled their women's representation since the 1995 Beijing Declaration, to improve gender equality from 10 percent in 1995 to 24 percent in 2019. Burundi, Kenya, Rwanda, Somalia, the United Republic of Tanzania, and Uganda have constitutional quotas for national parliaments. Uganda also has reserved seats for women. South Africa has a voluntary party quota. An African country, Rwanda, has the highest number of women in a legislature at 61% as part of its post-conflict settlement.

South Africa is often cited as a success story of women's representation in government with one of the highest numbers of women in parliament in the world at 45%, and a raft of progressive women friendly laws that passed through parliament. It does indeed on face

value portray South Africa as an African state that takes gender equality seriously. This not withstanding, the intricacies of post-apartheid politics with a democratic state that is bogged down by a stale nationalist paradigm, with very high levels of corruption and patronage, combined with extraordinary high levels of gender based violence tell a different story. These already existing fissures were deepened due to the burden of the COVID-19 pandemic that fueled unemployment and gender inequality, leaving women's activism and movement building as two of the main resources to fight against social exclusion.

Below I will analyse women's representation in government, the politics of the national gender machinery in South Africa, as well as women's activism and movement building by young radical, African intersectional feminists.

Institutional Politics

The transition to democracy and the end of the liberation struggle in the early 1990s provided a window of opportunity for women's organizations and feminist activists and academics to insert women's issues into the transition agenda. This was coupled with a demand for descriptive representation. The African National Congress (ANC) was the only party that accepted a voluntary party quota of 30% in an electoral system of proportional representation closed list voting. Out of 400 representatives elected with the 1994 election 111 were women, but few women's names were at the top of the list (the zebra list [1] were only used in later elections). The outcome did approach a critical mass of 30%, fast tracking women into parliament [2], ensuring at least descriptive representation. For the 2009 national election the ANC quota increased to 50%.

The first parliament was qualitatively different from the later ones when feminist activists who were also the leaders of the women's movement at the time, the Women's National Coalition (WNC), became law makers and propelled a feminist agenda into the law making timetable. An array of women friendly laws were made during that time: the Domestic Violence Act (Act 116 of 1998) [3],) , the Maintenance Act (Act 99 of 1998) [4], the Recognition of Customary Marriages Act (Act 120 of 1998) [5] and the Choice of Termination of Pregnancy Act (Act 92 of 1996) [6]. The Sexual Offenses and Related Matters Act (Act 32 of 2007) [7] followed later. This was the closest South Africa has ever come to having substantive representation of women by women.

While this success story is the one that is often referred to the schisms started during the second parliament when the then President, Thabo Mbeki, was less open to a feminist agenda, specifically when women were critical of government actions such as Mbeki's Aids denialism [8] and his lack of engagement of the weapon scandal [9]. Many women MPs exited the state after the 1999 election, diminishing the impact of feminism in parliament.

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Regardless of the lack of substantive representation, South African women have been participating in politics in larger numbers than men. In the 2019 national election more women registered to vote than men, with women at 55% and men at 45% [10]. There is also a substantial gender gap in how women come to a voting decision. They vote less on party loyalty, but also factor in policies, leadership and rhetoric. Women have the ability to sway an election, but their contribution as power brokers are not utilized by political parties, because they do not attempt to draw on women voters. Bar from one opposition party, the Economic Freedom Fighters (EFF), party manifestos do not mention women as a specific constituency [11].

National Gender Machinery

To ensure a women friendly state women and feminist activists relied on the mandate of the UN Nairobi Platform of Action (1985) and later the Beijing Platform of Action (1995) to back up their demand for a National Gender Machinery. Knowing full well the failure of these state structures in Africa when it constitutes only a single body, like a Ministry of Women, the demand was for a “package” of structures that would promote women’s interests on the level of the Presidency, the legislature, and the executive. These demands culminated in the one of the most comprehensive and integrated set of structures in a state globally. It consisted of the following: an Office of the Status of Women in the Office of the President, a Joint Monitoring Committee on the Quality of Life and Status of Women (JMC) (that monitored all state departments), a Women’s Empowerment Unit in the Office of the Speaker, a multi-party women’s caucus in parliament, gender desks in all civil service departments (on national and provincial level) and the autonomous Commission for Gender Equality (CGE), protected by the Constitution [12].

In Africa many political parties have women’s auxiliaries or women’s leagues, a hangover of many liberation struggles [13]. These auxiliaries are, however, quite critical of feminism and mobilize women on nationalist platforms. In South Africa the ANC Women’s League (ANCWL) mobilizes women to serve the party agenda at large. Members of the ANCWL are recruited on grounds of party loyalty and political mobility, not because of an interest to promote gender equality. Nationalism frames women and women’s liberation in certain ways, most often as reproducers of the nation. As Hassim [14] points out, the League’s work was hampered in its ability to respond to demands that challenged the hierarchies that supported the political power of men because it happened within the authorising frame of nationalism that “imposes its hegemony on all women it mobilizes”. Women’s League members have been recruited to important committees in parliament as well as commissioners for the Commission for Gender Equality where they pursue the ruling party’s agenda. MP Angie Motshekga, a previous President of the ANCWL, publically denied that the ANCWL was a “feminist organisation” that was “hostile” to male leaders [15].

Despite the critique of feminists of women’s ministries the ANCWL demanded a ministry that was institutionalized in 2009 at the cost of other structures. Most other structures have now been phased out or are no longer functioning. Most gender desks have been shut

down. The only remaining structures are the Commission for Gender Equality and a struggling multiparty women's caucus [16].

The ANCWL has eroded the spaces of feminist activism, by starting its own state driven women's movement called the Progressive Women's Movement that mobilizes women according to a state driven agenda, sidelining feminist initiatives that were developed in civil society, especially around gender based violence (GBV).

Makhunga [17] accused the ANCWL of 'palliative care' (like putting a plaster on a broken arm) around GBV, which is the inability to locate GBV in a wider narrative of a failure of the implementation of socio-economic rights, and much deeper systemic issues such as patriarchal norms and structural inequalities. The ANCWL views GBV as a moral issue and favours moral restoration and a return to family values as solutions for GBV. Their involvement and appearances at court cases dealing with GBV are the 'performativity' of care. Members of the ANCWL will, for example, sing and dance in front of the courts and chant "rapists should rot in jail". The focus on incarceration does not deal with the core causes of the violence.

State Capture

In African countries where liberation movements became ruling parties there has always been the possibility of factionalism that would divide the party. The ANC calls itself a "broad church" that unites factions with different ideologies, as well as the South African Communist Party and trade unions. This makes coherent governance nearly impossible. When a more traditional leader (with a rural constituency and vast patronage networks) became the President in 2009, in the person of Jacob Zuma, corruption escalated, leading to decisions being taken in informal spaces, bypassing administrative rules and manifesting in what is called state capture. State capture is more than merely the embezzling of money or self-enrichment, but the repurposing of state institutions for different purposes that deviate from their formal mandates [18].

> In a context of state capture, women who are excluded from male dominant networks are not privy to decision making or resource distribution

This leads to a shadow state that develops in symbioses with the constitutional state, with detrimental effects for state feminism, because the state and the party becomes fused, shutting down spaces where feminists can operate. Feminist institutionalism takes place in the constitutional state according to formal rules, and feminists/women who are excluded from male dominant networks are not privy to decision making or resource distribution. Through the process of state capture all state institutions become hollowed out.

When institutional channels are closed off and substantive representation has not been reached, women have to turn to activism to engage the state. Below I discuss two examples – the Shukumisa Campaign against GBV and the Alliance for Rural Democracy.

The Women's Movement

While women's activism flourished during the transition to democracy, it became much more subdued because of the changing politics of institutional engagement. The national level Women's National Coalition that organized around a single issue of a Women's Charter, became fractured and later disappeared, to be replaced by, what I have called elsewhere, localized temporal movements [19]. These movements operate in a sectoral fashion, often uniting stakeholders around a single piece of legislation, e.g. the Shukumisa campaign that was united around the Sexual Offenses Act to ensure that feminist demands were included in the bill and to ensure that it passed through parliament. The Shukumisa Campaign followed what Beckwith [20] calls a 'coalition strategy' where alliances are constructed across a range of different women's/feminists' groups (including individual feminist activists who work inside and outside the state). Insider work (oversight over legislation) is combined with outsider tactics of women's mobilisation. The Shukumisa campaign includes consciousness-raising work on GBV, including the 'Get on the Bus and Stop Sexual Violence' campaign. One of the organizations, Tswaranang Legal Advocacy Centre, engages the state on a national and provincial level.

Shukumisa's advocacy activities are divided into four themes:

1. Strengthening Law and Policy
2. Strengthening the Criminal Justice System
3. Strengthening the Gender Based Violence Sector
4. Strengthening the Shukumisa Campaign and Coalition.

Another localized temporal movement was the Alliance for Rural Democracy (consisting of women's organizations, social justice organizations and the Commission for Gender Equality) that aimed to prevent the misogynist Traditional Courts Bill from passing through parliament. This bill would have prevented women from speaking for themselves in traditional courts. They would have been dependent on male relatives to do the talking, as well as receiving corporal punishment for transgressions – something that is completely unconstitutional. The activism of the Alliance for Rural Democracy killed the bill [21].

While law reform has always been a major tool to enhance gender equality, a generation of younger feminists that call themselves radical, African, intersectional feminists rejected institutional politics because of its limited success around issues of gender based violence. South Africa experiences between 40 000 and 60 000 reported rapes (to the South African Police Services) per year and intimate femicide that is five times the global average [22]. The under reporting for rape is very high, (an estimate of 1 in 9 rapes are reported) so that the statistics do not reflect the pervasiveness of sexual violence.

Young feminists make a direct link with conditions of violence and histories of colonialism,

expressed in digital #campaigns.

The #campaigns

The lack of socio-economic change in the lives of many South African's after the end of apartheid and increasing poverty and inequality spurred students into a revolt against the governing regime and specifically, tertiary educations institutions. In 2015/2016 student revolts across the country resulted in the #Rhodesmustfall, #OpenStellenbosch, #Endrapeculture and #Feesmustfall campaigns. Relating their alienation to the work of Franz Fanon, the Algerian psychiatrist who wrote about the brutality of French colonization of Algeria and the South African black consciousness leader, Steve Biko, they related their alienation in the institutional cultures of historical white universities to an experience of "black pain". The discourse of pain was related to the existential pain of the black body, and for women students it was also related to the experience of the pain of sexual violence at the hands of some men who were part of the campaigns, such as #RhodesMustFall and #FeesMustFall. This resulted in the #EndRapeCulture campaigns that demanded an end to the practices and stereotypes of sexual relations in the tertiary education environment that normalize sexual violence. This campaign manifested itself through women's topless marches through which they reclaimed their bodies from sexual objectification, invoking the age old African "curse" of the "naked protest" [23].

Naminata's research on African women's naked protests is very important to understand women's activism as continuities of pre-colonial pasts when women used to disrobe to show their disagreement with existing powers. She argues that women's agency needs to be interpreted in relation to constraint. When African women disrobe both a sense of desperation and power is at work. Women are not only victims without agency. Prof Stella Nyanzi's resistance to her imprisonment for what is viewed as her "harassment" of Uganda's President Museveni through a poem she published about him on social media is another example of this tactic. When she was sentenced to 18 months in prison in 2019 she bared her breasts in defiance.

The women students in South Africa who participated in these marches called themselves radical, intersectional African feminists. Intersectionality refers to the interlocking relations of dominance that are social, political, cultural and economic. These relations or power locates women differently according to race, class, gender and other markers of identity and are multiple, dynamic and simultaneous, leading to being positioned inside a matrix of domination [24]. These young women's protests opened avenues for intergenerational discussions, but also a more radical space in which to address gender based violence [25].

In August 2018 women across generations took to the streets in #TotalShutDown to force the government to listen to the voices of women on sexual violence and intimate femicide [26]. Since then the government has adopted a National Strategic Plan on Gender Based Violence and Femicide. The plan sets out interventions to decrease the very high levels of GBV. The mandate for the implementation of the plan is vested in the Ministry for Women, Youth and People with Disabilities.

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The plan includes six pillars according to which implementation needs to be tailored:

- Pillar 1: Accountability, Coordination and Leadership
- Pillar 2: Prevention and Rebuilding Social Cohesion
- Pillar 3: Justice, Safety and Protection
- Pillar 4: Response, Care, Support and Healing
- Pillar 5: Economic Power
- Pillar 6: Research and Information Systems

While the plan is a positive step in the right direction it is far from clear how the plan will be funded and how its goals will be reached. The problem of GBV was compounded by the COVID-19 pandemic.

The COVID-19 Pandemic

The COVID-19 pandemic that foregrounded high levels of inequality between the Global North and Global South also showed how in many countries gender based violence has increased because women were locked up (down) with perpetrators. While the period of strict lockdown showed a decrease in GBV statistics, the reality of violence on the ground tells a different story as could be seen after lockdown was eased.

In developing countries COVID-19 aggravated already existing inequalities. In South Africa unemployment skyrocketed from already high levels to 45% in 2021 including those discouraged from seeking jobs. Given the already existing apartheid inequalities black women bore the greatest brunt of the pandemic fallout. Those in the informal economy (selling wares like crafts, fruit and vegetables on the street) could not do so under level 5 lockdown (the most severe restrictions). A lack of food became a serious issue. Women also had to do the bulk of the care work when kids had to be home schooled and everyone had to start working from home. Given the high level of inequality many households do not have computers or access to the internet rendering many women and children outside formal schooling and work, leading to increased social exclusion and destitution [27].

Conclusion

The picture painted here of the political role, engagement and representation of women in South Africa is a complex one. While descriptive representation puts South Africa in the top 10% of countries with high women's representation in the world, it falls short of delivering on policy, especially in relation to extraordinarily high levels of gender based violence.

Many feminist initiatives are undermined by the ANC Women's League with its nationalist agenda. As long as liberation movements in Africa, turned political parties after liberation struggles, do not live up to the demands of constitutional democracy women will not reap the democratic benefits they are entitled to.

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3 — This act criminalizes violence in the privacy of the home and allow women to get court orders against perpetrators.
4 — This act enforces fathers' obligation to pay maintenance for their children.
5 — This act recognizes marriages conducted under African customary law and make the registration of marriages mandatory.
6 — This act legalizes abortion.
7 — This act changed the definition of rape to be more encompassing than only penetration and includes victim empowerment.
8 — President Mbeki denied that the HI virus causes AIDS, leading to an unwillingness by government to roll out anti-retroviral drugs that could have saved many lives.
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