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A Rock Strikes Back: Women's Struggles for Equality in the Development of the South African Constitution

Thuto Seabe Thipe
Macalester College, Thuto.Thipe@gmail.com

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Thuto Thipe
Advisor: Wendy Weber
Political Science Department
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ABSTRACT

In 1991, South African women's organisations formed the Women's National Coalition (WNC) to identify and advocate for women's primary needs in the post-apartheid Constitution. The outcome of this advocacy was South Africa's adoption, in 1996, of one of the most comprehensive protections of gender and sexuality rights of any national constitution. I argue that the WNC became a key actor in the development of the Constitution by drawing from a tradition of women's organising in South Africa that emphasised women's legitimacy in and value to public politics. The WNC rejected masculinist framings of politics and instead demanded that political structures change to be inclusive of and sensitive to women's needs.

ACKNOWLEDGEMENTS

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INTRODUCTION

"We shall teach the men that they cannot hope to liberate themselves from the evils of discrimination and prejudice as long as they fail to extend to women complete and unqualified equality in law and in practice."

- Women's Charter. Federation of South African Women. 1954

South Africa's adoption of a new Constitution in 1996 marked a radical transformation of the state's core values and governing principles. In this historic moment, South Africa broke from centuries of brutally oppressive policies under colonialism and apartheid to ratify a Constitution that, among other things, provides one of the most comprehensive protections of gender and sexuality rights of any national constitution.[1][2] This constitution established non-sexism and non-racialism as two of the democracy's foundational principles. To promote a society where all people have "full and equal enjoyment of all rights and freedoms,"[3] the constitution guarantees protection against discrimination on the bases of gender, sex, pregnancy, marital status, and sexual orientation.

Between the collapse of the apartheid regime in the late 1980s and the first democratic elections in 1994, leaders from parties across South Africa's political spectrum engaged in a series of negotiations to determine the structure and nature of the country's new democracy and Constitution. This period of negotiations presented a

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[1] "The golden thread of women's emancipation." African National Congress: South Africa's National Liberation Movement. http://www.anc.org.za/show.php?doc=ancdocs/pubs/umrabulo/umrabulo25/golden.html (accessed February 1, 2010).

[2] South Africa's interim Constitution of 1993 replaced apartheid policies. This interim Constitution was replaced in 1996 by the current Constitution.

[3] Constitution of the Republic of South Africa. 1996.

unique moment of possibility and the opportunity to shape the values and priorities of a new political order. In this historic moment was the chance for women to (re)define their position in South African public and private life and to challenge systems, structures and practices that subordinated women at all levels of society. Seizing this unprecedented opportunity, women's organisations from throughout the country organised under a single umbrella organisation, the Women's National Coalition (WNC), to create a visible platform from which to demand their rights and pursue gender equality in the new political dispensation.

The WNC was launched in early 1991 following the South African government's unbanning of the African National Congress (ANC) and its structures in 1990, at which time the ANC Women's League lobbied all women's organisations in South Africa to set up a coalition tasked with researching, co-ordinating, and drawing up a women's charter based on the priorities and concerns of South African women from all walks of life. Upon its establishment, the WNC started work on one of its chief objectives, developing the Women's Charter.[4] This Charter set out to identify protections and guarantees necessary for women to have the opportunity to realise freedom and equality in the new political dispensation, and to position women to gain leverage in influencing the Constitution to guarantee these protections.

The WNC overcame many challenges to become an effective agent in furthering women's equality in the development of South Africa's Constitution, starting from the time of its inception through to the development of the Women's Charter and women's involvement in the national political negotiations. First, the WNC united women whose

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[4] Letsebe, Anne. "The Women's National Coalition and the Charter for Effective Equality: Republic of South Africa." Proceedings of The Democratic Republic of Congo/ South African Women's Peace Forum. March 2003.

racial, class and ideological differences, among others, had been reinforced and manipulated by the apartheid regime to create divisions and hostility. Second, the WNC created a space where women's contributions to, and vulnerabilities in, society were not only publicly acknowledged but also addressed after centuries of marginalisation had rendered these invisible. Third, women fought for a place at the negotiating table where they could represent themselves and ensure that women's voices were heard and incorporated in the foundational text of the new democracy. In 1994 the WNC completed *The Women's Charter for Effective Equality* and handed it to Nelson Mandela in Parliament that same year.[5] In 1996, the Republic of South Africa adopted its new Constitution[6], which contains one the most extensive and comprehensive guarantees of gender and sexuality rights of any Constitution in the world.[7]

The pioneering gains in gender and sexuality rights detailed in the South African Constitution illustrate the WNC's success in influencing South Africa's political negotiations and the development of the Constitution to be inclusive of, and sensitive to, women's needs and roles in society. The WNC's active participation in the writing of the Constitution ensured that women were not sidelined as passive observers, but rather engaged in the process as active political agents. In this active role, women were able to establish non-sexism as a cornerstone of the South African democracy and gain political recognition of gender inequalities that prevent women from enjoying the full benefits of citizenship. The WNC's ability to influence the development of the Constitution in such a

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[5] Hassim, Shireen. "'A Conspiracy of Women': The Women's Movement in South Africa's Transition to Democracy." *Social Research* 69.3 (2002): 693-732.
[6] Between 1994 and 1996 South Africa's Interim Constitution was in place as the final provisions of the Constitution were decided.
[7] "Constitutional Court of South Africa - The Court." Home - Constitutional Court of South Africa. http://www.constitutionalcourt.org.za/site/thecourt/thebuilding.htm (accessed January 14, 2010).

revolutionary way presents the two main questions around which this paper is focused. First, how did the WNC succeed in negotiating power at the national political stage to emerge as a key actor in the development of the Constitution? Second, how did the WNC develop a list of substantive demands that so meaningfully spoke to and addressed women's realities of inequality and subjugation in society?

I argue that that the WNC gained influence in the national political negotiations through three primary factors: its framing of women's rights as human rights; its initiation of alliances with key male figures in the ANC; and most importantly through its broad base of women's grassroots networks that supported the WNC and its political platform. These methods and strategies of negotiating power were effective and meaningful, however, because of the WNC's larger framework of articulating and fighting for women's rights from women's perspectives and experiences. This overarching framework enriched the three factors by ensuring that the WNC was representative of and accountable to the diversity of South African women. By basing its goals and objectives on women's experiences and needs, the WNC rejected dominant masculinist framings of politics and affirmed the importance of women's epistemological privilege in democracy formation. I prove that women reconceptualised politics and political participation to make it accommodating, responsive, and accountable to women by demonstrating that the WNC drew from a long tradition of women's organising in South Africa that emphasised women's legitimacy in and value to public politics. It then directed the momentum and lessons from this tradition to mobilise a movement that used women's collective experiences of exclusion to develop an ethos of inclusion under

which women from all backgrounds organised to challenge masculine dominance in democracy and to fight for the protection of their rights in the Constitution.

The WNC was able to substantively advance women's agenda in the Constitution because it discussed national politics from women's perspectives, which reflected the realities of women's multiple and intersecting identities, roles and vulnerabilities in society. The WNC acknowledged that public politics were a masculine dominated field, however, it did not change to represent itself in more masculine terms or to argue for women's ability to perform masculinity in the same way as men. Instead, it demanded that the political process change to include women and to recognise the value and importance of women's perspectives and contributions. This position of women working to protect and advance women's rights, and not of women proving that they could be like men, enabled the WNC to reconceptualise discussions about equality and gender in the development of the Constitution, proving that women and men experience society differently and therefore need different protections to be able to realise equality. The WNC's members' refusal to give up their identities as women to participate in the political process changed the way that gender equality was framed and understood in political debate. These women used their experiences and perspectives as women to enrich political discussion and to produce substantive equality that affirms human dignity and freedom by recognising different layers of inequality and working to address these.

Significance

Throughout the world, structural, political, social, and cultural barriers prevent women from fully enjoying the freedoms of and equal protection under democracy.[8] Few

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[8] Bazilli, Susan, ed. *Putting Women on the Agenda*. Johannesburg: Ravan, 1991.

constitutions and democracies recognise gender as a crucial factor that influences the ways that citizens experience society. This neglect of gender as a driving social force has led to assumptions about equality and neutrality among sexes under democracy that have worked to significantly disadvantage and oppress women in democratic state structures.[9] The South African Constitution is one of the few in the world that meaningfully addresses and engages with issues of gender and sex oppression, and that outlines non-sexism as a cornerstone of its democracy. The commitment to gender equality outlined in the Constitution creates the foundation on which women in South Africa can challenge the democracy to meet their specific needs and make possible the realisation of equality. This paper explores how women were able to secure such advances and to challenge global historic political norms that establish patriarchy as the norm under which rights, citizenship and equality are conceptualised and applied. Understanding what South African women did- how they organised, how the identified and articulated their demands, how they lobbied, how they formed alliances amongst themselves and with men, and how they gained enough power to influence the Constitution- will help illuminate ways that women have been able to make substantive advances in politics and the conceptualisation of democracy.

Exploring the Constitution's developments in gender rights helps in identifying best practices established by women in South Africa that might also inform movements in other states to affect and impact other democracies to recognise and protect gender and sexuality rights. South African women drew from the best practices and lesson learned from women's liberation movements throughout the world, incorporating these into their strategies and also adapting new methods and practices to fit their unique situation. The

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[9] Phillips, Anne. *Engendering democracy*. University Park, Pa.: Pennsylvania State University Press, 1991.

South African movement therefore represents a wealth of best practices, borrowed and newly developed, that scholars can use to better understand gendered relationships in politics and democracy, as well as ways that patriarchal norms can be undermined to further equality.

By using a single case study of the WNC, I provide in-depth analysis of the South African women's movement for formalised rights and protections from the state. This analysis of the key trends, methods, and tools employed in the South African movement also highlights broader understandings of women's organising and lobbying for rights, prompting (re)conceptualisations of the role of gender in politics. By examining the WNC's success in breaking from dominant trends of women's marginalisation in national legislation, I highlight the value of women claiming a right to political involvement, representation and protection. I demonstrate that the WNC was able to do this by demanding a re-imagining of national politics to represent gendered vulnerabilities and inequalities. This demonstration of the feasibility of substantively addressing barriers to women's political equality opens doors for other countries to draw from this case and similarly challenge norms of gender misrepresentation and exclusion.

The WNC is an important case to study because South Africa was one of the first, if not the first, country to so thoroughly and substantively tackle gender inequalities in the national constitution. Although my paper is specific to South Africa, generalisations from this case can be drawn to provide concrete lessons, methodologies and tools for women in other movements seeking to increase gender sensitivity in legislation. The WNC's successes demonstrate the productivity and importance of rethinking gender in

politics and create a space for interrogating opportunities for the re-articulation of women's relationships with and to politics in other country contexts.

The WNC's success ensured that non-sexism is a foundational pillar of South Africa's democracy. This achievement meant that gender relationships and women's rights were not only included in the Constitution, but made fore in the democracy's objectives. This legislatively secured a position for women that could not easily be overturned or ignored and effectively reconceptualised democratic norms to include women as citizens entitled to the full protection of the law. In addition to providing a wealth of knowledge on organising, reconceptualising and challenging gendered power relationships, and establishing best practices in advancing women's rights, I believe that the experiences and achievements of the WNC are deeply motivating and inspiring for the possibilities of meaningfully affecting change. The WNC's success illustrates the possibilities for reconceptualising norms in ways that are inclusive of and empowering to women and sexual minorities, and can challenge other states to also afford all its citizens the full benefits and protections of democracy.

<u>Methodology</u>

This paper is a single case study of the WNC examining the role that it played in the development of the South African Constitution and analysing the factors that made it such a powerful actor during this period. I draw on a variety of mediums, including print, film and interviews to gain a historical perspective of the women's roles in the anti-apartheid struggle and the development of a post-apartheid democracy. In analysing the WNC's methods of organising, mobilising and consciousness raising I primarily draw on feminist and postcolonial theories that examine how historical loci of power and

oppression can be challenged to re-imagine and rearticulate society under different assumptions. Using these texts, I rely heavily on concepts of epistemological privilege, intersectionalty and coalition building.

The majority of my research is based on scholarly books and articles about the anti-apartheid struggle, women's history and the WNC. Many of these scholarly texts focus specifically on the negotiations over the Constitution and on records from different meetings and conferences in the anti-apartheid and women's struggles. These texts form the basis of my historical overview and provide the skeletal framework of this paper. I supplement these academic texts with autobiographical texts and key personal interviews with women involved in women's movements, the WNC, and the negotiations to gain more nuanced understandings of the many dynamics and conditions influencing the different movements and their political outcomes.

Paper Overview

This paper is divided into four parts. In Chapter 1, I begin by reviewing literature on gendered constructions of democracy, citizenship, and political participation to examine how and why women have overwhelmingly been marginalised, if not excluded, in transitions to democracy, state formation, and participation in senior political offices. This review examines theoretical frameworks of state and political structures to see how literature in this field explains women's relationships to normative democratic structures and systems. Here, I primarily draw on feminist theorists and literature that ground analyses on understandings of patriarchy as a hegemonic force that oppresses women and that needs to be challenged for women to gain rights and equality in society. I use these theories as a lens through which to understand how gendered constructions of politics and

democracy influence the ways that women are able to participate in these structures. For more concrete illustrations of these frameworks, I also review literature that demonstrates the application of these theories to specific country cases to reveal the barriers that women in different places have faced in participating in and being protected by democracy.

This literature review helps to contextualise the WNC's role in developing the South African Constitution by revealing ways that it drew from the knowledges produced by past women's movements. Through these examinations, the WNC recognised the masculinist underpinnings of normative democratic structures and practices and gained leverage to demand that these be reformed to become responsive to women's needs in South Africa. My contribution to the existing literature is a formal linking of feminist theories and methodology to the strategies and frameworks employed by the WNC. The WNC's work illustrates the practice of gendered analysis and deconstruction of patriarchal political and social norms that oppress and exploit women. I link this practice to theory and use feminist theoretical frameworks to understand the conceptual foundations of what the WNC did, how it challenged established powers, and why this is important to the ways that women live their daily lives and experience society. This use of feminist theory helps to highlight ways that subjugated knowledges are valuable to democratic processes and explicitly discusses ways that women are repeatedly silenced by dominant political structures. My linking of the WNC's work to feminist theory makes central the understanding that 'politics as usual' marginalise and oppress women, and makes clear the gender inequalities that necessitated that the WNC redefine political norms to make equality possible for women.

In Chapter 2, I provide a historical overview of major events in the anti-apartheid struggle and the ways that women were affected by, and responded to, the governments incrementally repressive policies and practices. I start this overview in 1956 with one of the first large-scale multi-racial women's marches in South Africa and end in the early 1990s with the build up to the formation of the WNC. This historical framing shows the rich legacy and tradition of women's organising in South Africa into which the WNC was borne. It contextualises women's organising in South Africa within the broader picture of the anti-apartheid struggle and highlights some of the major challenges that women's organising faced and ways that they addressed and overcame these challenges to advance women's rights and push for national liberation.

This historical contextualisation is important to my central argument because it illustrates the wealth of experience, knowledge, and political awareness among South African women produced by earlier movements that the WNC later drew on in its formation and the execution of its tasks leading to the writing of the Constitution. This chapter illustrates that South African women had been organising amongst themselves for decades before the WNC and had gained tremendous political experience fighting in the liberation struggle. This experience was invaluable to the WNC as many women already had identities as political actors, understood their contributions to the struggle as integral to its success, and were aware that as women they bore unique burdens in society that provided them with the insights to make contributions to democracy formation that a person without a woman's experiences could not make. This history of organising created an understanding that did not essentialise women, but rather acknowledged a shared struggle amongst them against patriarchy. This understanding became a fundamental

premise of the WNC. This chapter lays the foundations of my argument that the history of women's organising in South Africa influenced much of the WNC's later strategies, values, and methods of outreach and mobilising.

In Chapter 3, I analyse the internal organisation of the WNC, specifically examining factors that enabled the Coalition to succeed in uniting women across such diverse and disparate backgrounds. I focus on the writing of the Women's Charter to highlight ways that the WNC employed gender sensitive methods in reaching out to women, soliciting input on all women's experiences and conscientising women about their rights and the need to ratify these rights in the new Constitution. This chapter examines the internal workings of the WNC as well as its efforts in grass roots mobilisation through which it gained a broad base of support for its campaign to "put women on the agenda"[10] in the new democracy.

This chapter supports my central argument that the WNC's effectiveness and meaningfulness were directly linked to their articulation of women's demands based on women's perspectives and experiences, by illustrating how the WNC used gender sensitive approaches to their internal organising, their grassroots consciousness raising and mobilisation, and the writing of the Women's Charter. This chapter concretely demonstrates that in practical and fundamental ways, the WNC reconceptualised modes and methods of political participation to make them accessible and relevant to women. This feminised historically masculine systems and practices to ensure that they were representative of and accountable to women.

In the final chapter, Chapter 4, I analyse women's organising from 1990, during early stages of the negotiations and the beginning of widely circulated conversations

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[10] Bazilli, Susan, ed. *Putting women on the agenda*. Johannesburg: Ravan Press, 1991.

about the creation of a women's coalition, through to 1996 when the Constitution was adopted. This is the central chapter of the paper where I outline and analyse the growth of the WNC, both internally in terms of membership and participation, and externally in terms of gaining power in the national negotiations. This chapter shows how the WNC drew on past experiences of women's organising to develop strategies of organising and mobilising and how it also reconceptualised ideas of political participation to adapt them to the specific climate and conditions of its time. In this chapter I analyse the WNC's internal challenges and the strategies that it developed to overcome these obstacles and build an inclusive and effective body to champion women's rights. This internal analysis includes examining the WNC's logistical and organisational obstacles as well as steps it took to meet its goal of reflecting South African women's diverse experiences and needs. I also analyse the WNC's relationship to major political parties engaged in the negotiations, especially the ANC, to understand how it influenced these parties to include women in the negotiations and to incorporate women's inputs in the Constitution.

In this chapter I demonstrate how the development of the tools, knowledges and experiences highlighted in the preceding three chapters culminated during the negotiations where the WNC continued with its woman-focused approach to use a human rights framing of women's rights, key male alliances and its broad base of grassroots support to guarantee a central place for women in the Constitution. This chapter illustrates the WNC's application of many of the theories and frameworks explored in earlier chapters, and demonstrates that its unwillingness to succumb to dominant masculinist framing of politics, rights and legitimacy enabled its members to transform

the ways that equality is legislatively framed and understood, making it inclusive of the

provisions necessary for equality to be a realisable goal for women.

CHAPTER 1

Why the rights of man do not protect women: Literature Review

"It's not that silences exist. It's that silences are produced"

- Peter Rachleff

Throughout the world, women have played an essential role in national liberation movements, resisting authoritarian regimes and working under nationalist frameworks to promote democracy and the expansion and protection of rights by the state. In the consolidation of power through the establishment of democracies, few such movements have acknowledged women's roles in liberation struggles, either in terms of women's representation in senior government positions or in terms of legislation that provides for comprehensive protections of women's rights. Transitional governments' failures to promote gender equality in society illustrate the ways in which women are easily and often overlooked in democracy formation. The marginalisation of women in democracy formation, and in the majority of democratic states and governments,[11] reveal that traditional models of democracy that ignore gender difference disadvantage women and deny them many of the protections and privileges afforded to men.

Recognising historic trends of women's marginalisation in the development of democracies, South African women, working under the WNC, took active measures to ensure that South Africa's post-apartheid democracy affirmed a commitment to protecting women's rights and advancing non-sexism.[12] This movement for the incorporation of non-sexism as a core feature of South Africa's democracy came as an

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[11] Bazilli, Susan, ed. *Putting Women on the Agenda*. Johannesburg: Ravan, 1991.
[12] Razavi, Shahra. "Women in Contemporary Democratization." *International Journal of Politics, Culture, and Society* 15, no. 1 (2001): 201-24.

acknowledgement by women that national political transformation did not equate to improved women's rights or the furthering of women's interests in society. Instead, a democracy's commitment to the advancement of gender equality depended upon persistent, strategic, and at times forceful measures by women and men to challenge existing orders. This was a challenge to which South African women effectively responded, demanding and securing recognition and protection for women's rights in South Africa.

This chapter reviews literature on the relationships between women's rights, democracy formation, and gendered conceptualisations of the state and citizenship, to examine the ways in which transitions to democracy have affected women and their access to protections and benefits of citizenship promised under democracy. I begin by exploring the meanings and implications of gendered power relations and different ways that gender is complicated by other identity categories such as race and class. I discuss the relationships between these different identities in theories of intersectionality that explore ways that individuals' different identities interact with each other and are read in society. I then interrogate dominant constructions and articulations of democracy to examine how gender is incorporated in or excluded from this category, and what the implications of gendered understandings of democracy are for women by examining ways that ideas of citizenship and duty differ between men and women. I then discuss how gendered understanding of political actors and political participation influence the ways that women engage in politics. I use these theories to contextualize some of the struggles that the WNC encountered and to illustrate ways that the South African

situation drew from the experiences and knowledges of past movements, but also how it developed its own strategies to suit the unique context.

Although some of the authors whose texts are discussed in this chapter disagree about how gendered analysis should be used to lessen gender inequalities, they all agree that there is a need to recognise the gendered perceptions in society that influence relationships between different groups and influence individuals' access to political opportunities. These authors' texts illustrate how patriarchal political structures play a pivotal role in the formation of many women's roles and identities in society. The marginalisation, and in many instances exclusion, of women from formal political structures and processes has resulted in women's unequal, and inferior, treatment under democracy.

Given the complexity and wide range of women's participation in pro-democracy movements, I will not attempt to draw concrete conclusions about all democratisation movements and women's organizations. Instead, I examine trends between different movements that highlight commonalities in experiences, obstacles, and opportunities for women in different national democratisation movements. The WNC's successes in influencing the Constitution to be sensitive to gender add to the body of knowledge on women's experiences in transitions to democracy by illustrating how women can gain protections and advance equality by demanding a reconceptualisation of understandings of equality. By highlighting the ways that women are disadvantaged in society because of social, cultural, economic and political expectations and responsibilities of women, the WNC was able to prove that traditionally purported neutrality under democracy in fact disadvantages women and privileges men. The WNC proved that in order to meet the

needs of all citizens, democracies have to recognise the lived realities of inequality between sexes and work to ensure that differences between the sexes are not used to negatively discriminate against individuals and groups. In part, the WNC was able to articulate this position because the experiences of women in other transitional states taught that the failure to specifically protect against gender abuses resulted in the affirmation of patriarchy.

<div align="center">Gender</div>

Gender is used to describe the dichotomous relationship between femininity and masculinity, as well as the varying roles and identities associated with femininity and masculinity. Gender affects all levels of social, political and economic interactions between groups, shaping the manner in which different groups are treated and interact, based on gendered social expectations. Although gender is a social construct and is not biological, the general association of femininity with women and masculinity with men often results in the unequal treatment of men and women in social, economic and political spheres.[13]

Gender identities are typically associated with opposing roles and social positions, usually privileging masculinity over femininity. The characteristics of authority, strength, rationality and bravery commonly associated with masculinity are contrasted by submissiveness, weakness, irrationality and cowardice associated with femininity.[14] These gender ideologies materialise through their manifestation into social hierarchies and the institutionalisation of masculine dominance in society. These hierarchies are

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[13] Peterson, Spike V. "Feminist Theories Within, Invisible to, and Beyond IR." *Brown Journal of World Affairs* 10, no. 2 (2004): 35-46.
[14] Hooper, Charlotte. *Manly states: masculinities, international relations, and gender politics*. New York: Columbia University Press, 2001.

expressed through systems and structures of patriarchy which normalise gender inequalities and present them as the natural order.[15] The naturalisation of gender roles and inequalities has made gender invisible in many situations, allowing it to serve as a "primary (mode) of signifying relationships of power."[16] Gendered analyses of democracies are therefore crucial because they work to expose normalised inequalities and injustices that prevent equal access to and protection from democracy for both men and women citizens.

<div align="center">Identity and Epistemological Privilege</div>

Individuals and groups who have experienced life through specific identities are able to identify and express the internal and external factors that shape life through these identities, and based on this experience have a specific knowledge that individuals outside that group cannot as readily access. This location of knowing from 'the inside' as opposed to examining from the 'outside' describes epistemological privilege, or situated knowledge. Epistemological privilege identifies "locations for knowledge production from which to analyze the structure of oppression and domination that constitute patriarchal… thought".[17] Women's epistemological privilege explains that because of their varying experiences of subordination under patriarchical systems and structures, women are able to better view and understand the impacts of gender oppression than men whose views of these relations are obscured by their privilege. These principles of epistemological privilege can also be applied in a variety of unequal power relationships,

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[15] Peterson, Spike V. "Feminist Theories Within, Invisible to, and Beyond IR." *Brown Journal of World Affairs* 10, no. 2 (2004): 35-46.

[16] Benería, Lourdes. *Gender, development, and globalization: economics as if people mattered*. New York: Routledge, 2003: 40.

[17] Kolmar, Wendy K., and Frances Bartkowski. *Feminist Theory: a Reader*. Boston: McGraw-Hill Higher Education, 2005.

such as the epistemological privilege that people of colour have in racial relations and that working class people have in classed relations.

Discussing the impacts of women's situated knowledge, Nancy Hartsock argues that it does not create a dualism between those who understand and those who do not, but rather that it "posits a duality of levels of reality, of which the deeper level or essence both includes and explains the 'surface' or appearance, and indicates the logic by means of which the appearance inverts and distorts the deeper reality."[18] Drawing on the understandings produced through localised knowledge presents unique opportunities to develop strategies that meaningfully address the complexities of inequality and oppression. Examining systems and structures of oppression through the perspectives of people who are disadvantaged by them provides new ways of understanding their impacts and measures necessary for overcoming them.

<u>Intersectionality</u>

The diversity of women's experiences, identities and ideological frameworks call into question the idea that there is an essential expression or experience of womanhood. Within the category of women, there are divisions in terms of race, class, ethnicity and sexual orientation, to name a few, that alter the ways that women experience, and are viewed by, society. These distinct categories then overlap with each other in different ways, providing nuanced identity groups and social categories.

This multiplicity of identities simultaneously create numerous similarities and differences, which in turn provide opportunities for fragmentation and opposition

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[18] Hartsock, Nancy. "The Feminist Standpoint: Developing the Ground for a Specifically Feminist Historical Materialism." Edited by Sandra G. Harding. In *Feminism and methodology: social science issues*. Bloomington u.a.: Indiana Univ. Pr. u.a., 1987: 160 .

between women or alliance and coalition building around shared identities and experiences between individuals. Discussing the differences between women, bell hooks comments, "it radically calls into question the notion of a fundamentally common female experience which has been seen as the prerequisite for our coming together, for political unity. Recognition of the inter-connectedness of sex, race, and class highlights the diversity of experience, compelling redefinition of terms for unity. If women do not share 'common oppression,' what then can serve as a basis for our coming together?"[19] This question serves as a critical point for all women's organising, requiring that women define objectives and a common purpose in uniting. The tremendous diversity between and among women creates very sensitive dynamics and situations where complicated power relationships need to be negotiated, so as to recognise inequalities and differences without being paralysed by them, but instead drawing on common objectives and visions to use identities as a catalyst for collective reform and improvement.

Gender and Democracy

Feminist scholars writing on democracy have challenged assumptions that democracy is neutral, impartial and provides equal opportunity and protection to all citizens. Instead, they, especially postcolonial feminist scholars, argue that democracy is inevitably informed by existing gendered power relationships in which constructions of femininity and masculinity shape the roles, positions, and opportunities of citizens.[20] In writing on the relationship between gender and democracy, Anne Phillips argues that the

[19] hooks, bell. *Talking back: thinking feminist, thinking black.* Boston, MA: South End Press, 1989.
[20] Ranchod-Nilsson, Sita. "'This, Too, Is a Way of Fighting': Rural Women's Participation in Zimbabwe's Liberation War." Edited by Mary Ann Tétreault. In *Women and revolution in Africa, Asia, and the New World*. Columbia, S.C.: University of South Carolina Press, 1994..; Hooper, Charlotte. *Manly states: masculinities, international relations, and gender politics*. New York: Columbia University Press, 2001.

discussion of rights within a universalistic framework has created assumptions and expectations that all citizens are treated equally within democracy because they are bound to the same laws and offered the same protections. Pointing to economic, social and political disparities between men and women, Phillips argues that assumptions of neutrality fail to account for the pervasive inequalities in society that provide access and privilege to hegemonic masculinity and men and disadvantage femininity and women. She argues that without addressing these inequalities it is not possible to realize equality and many of democracy's promises that are premised on ideas of equality.

Philips' argument reveals that assumptions of neutrality ignore the institutional barriers and social and cultural expectations that force women into specific roles and positions and that bar access to many sites of political, economic, and social power. Factors such as pregnancy and childcare, domestic work, lower wages for equal work, and historically embedded power dynamics that privilege masculinity in the work force, disproportionately affect women and are not factored into dominant ideas of equality and equal opportunity. Because patriarchy is so pervasive, if gender inequalities are not named and addressed then they constantly reproduce themselves and assumptions persist that all people benefit from masculinist systems, structures and policies. Effectively, in democracies assumptions of neutrality work to mask gender oppressions and uphold patriarchal norms.

Georgina Ashworth also argues for the need to incorporate gendered analyses of democracy, highlighting the ways that women's invisibility in and/or absence from political forums is read and understood as consent to masculinist structures. Ashworth supports Phillips' problematisation of democracy as a gender neutral system, insisting

also that the different ways that men and women experience society necessitates a consideration of their different positionalities. She explains,

> There is a presumed commonality of interest between women and men by which governance decisions and actions are taken in the name of women but without consultation with them. But most women, if asked, have different priorities than most men. The legitimacy of existing governance structures and processes must be questioned when the interests and voices of over half the population are not reflected in the decisions that are made.[21]

Ashworth describes how women are silenced in democratic systems and structures, and this silence is then assumed to mean support of policies and systems that subordinate women. Even before entering national governing bodies, women must navigate internal party politics where "boys' club" cultures are dismissive of their concerns and quieten their voices through "the coercion to conform to the central interests of the parties, the timing of meetings and sessions, the pervasiveness of patronage, (and) the distance of politics from daily realities".[22] Ashworth's argument proves that while the 'rights of man' are assumed to mean the 'rights of all people', they are still at the end 'the rights of man' and as long as woman is excluded from the conceptualisation of these rights she will not be protected by them.

Mary Maboreke approaches the relationship between gender and democracy from the perspective of permissive power, stating that what is not forbidden is implicitly permitted.[23] She argues that laws that do not explicitly prohibit against gender-based discrimination by default allow such discrimination and deny its victims necessary

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[21] Ashworth, Georgina. "GENDERED GOVERNANCE." National Institute Of Rural Development. http://nird.ap.nic.in/clic/rrdl100.html (accessed March 07, 2010).

[22] Ashworth, Georgina. "GENDERED GOVERNANCE." National Institute Of Rural Development. http://nird.ap.nic.in/clic/rrdl100.html (accessed March 07, 2010).

[23] Maboreke, Mary. "Women and Law in Post-independence Zimbabwe." In *Putting women on the agenda*, by Susan Bazilli. Johannesburg: Ravan Press, 1991.: 218.

recourse to challenge their oppression. Examining the impact of the exclusion of gender in the articulation of Zimbabwe's Constitutional rights as it transitioned to being an independent democratic state, Maboreke argues that women were made vulnerable by not having their rights explicitly enumerated, but instead became subject to the interpretation of the judiciary and legislative bodies. This, she argues, provides little consistent protection to women, leaving them constantly at the mercy of subjective interpretations that could either enhance or detract from their status. Maboreke explains,

> The constitution forbids discrimination on all other grounds except sex. And one must assume that what is not expressly forbidden is implicitly permitted. So in Zimbabwe it is quite constitutional to discriminate against women for no other reason than that they are women.[24]

Maboreke's argument illustrates that unlike other rights of citizenship which democracy makes a commitment to advancing, women's rights are left ambiguous and vulnerable to abuse when they are not explicitly protected like other rights. Women are therefore sometimes afforded the full protections of the state as their male counterparts are, and other times denied these protections. This means that women's citizenship rights are variable, dependent on the whims and goodwill of the patriarchal state.

In line with rejections of democracy's gender neutrality, Kate Nash argues that the dominant conception of the citizen, the primary actor within democracy, is based on masculinist expectations, roles and identities. Without a reconceptualisation of understandings and expectations of citizenship, women cannot be afforded the full benefits and protections of the state, and similarly cannot participate in state structures as full citizens. Nash explains,

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[24] Maboreke, Mary. "Women and Law in Post-independence Zimbabwe." In *Putting women on the agenda*, by Susan Bazilli. Johannesburg: Ravan Press, 1991.: 218.

> To demand that citizenship, as it now exists, should be fully extended to women accepts the patriarchal mean of 'citizen', which is constructed from men's attributes, capacities and activities. Women cannot be full citizens in the present meaning of the term; at best, citizenship can be extended to women only as lesser men.[25]

Nash's argument illustrates that under traditional articulations of citizenship, women are understood as extensions of men, having the same needs, facing the same challenges and requiring the same protections as men. Because women do have different needs than men and experience society differently than men, they are read as not being able to adequately perform the expectations of citizenship, and therefore existing as lesser citizens. It can be deduced that as lesser citizens women participate in state structures to a lesser extent than men, enjoy less access to state systems, and receive fewer benefits and protections from the democratic state.

One of the key challenges that women face in transitional periods is negotiating power in a "context and citizenship model that excludes and marginalizes women and their concerns".[26] If they are not able to secure substantive changes in the structure of their democracy, women often find themselves working within masculinist systems to try to advance their rights. In such situations, it is difficult for women to secure the power necessary to affect policies that substantively improve women's lives. Sita Ranchod-Nilsson argues that

> In case after case women appeared to be losers because they were politically marginalized during periods of state consolidation following successful nationalist movements. Whether consigned to under-funded ministries or ghettoized in separate party organizations, 'women's interests' never remained central to nationalist movements after those movements gained control of state power… Women who were active in

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[25] Nash, Kate. *Contemporary political sociology: globalization, politics, and power*. Malden, Mass.: Blackwell Publishers, 2000: 253.

[26] Franceschet, Susan. "Women in politics in post-transitional democracies." *International Feminist Journal of Politics* 3, no. 2 (2001): 207-36.

nationalist organizations on 'equal' terms with men became less than full citizens after the attainment of state power.[27]

Once transition begins and informal resistance politics, often dominated by women, are institutionalised into formal politics, political parties become increasingly dominated by men and representative of men's interests. This physical exclusion of women often results in women's interests and demands becoming an after thought as more 'mainstream' issues come to the forefront. Here, the choices for women's groups are often to integrate into the larger system and risk having demands diluted or ignored or remain autonomous and separate from formal institutions.[28] Responding to these deeply inscribed inequalities that have been internalised by democracies around the world, Anne Phillips argues, "politics has to be reconceptualised without the blind spots of gender and democracy rethought with both sexes written in. Old concepts must be fashioned anew".[29] This trend in women being sidelined during transitions to democracy illustrates that playing a significant role in the liberation struggle leading to democracy does not guarantee a significant role in the subsequent democratic structure. To make substantive change in women's rights from democracies, the foundational understandings of democracies need to be interrogated and rearticulated in more gender inclusive ways.

Consolidation of Power in Transition: Where Do All the Women Go?

Transitions to democracy present a window of opportunity where states can decide the nature, form and values of their democracies, including what responsibilities

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[27] Ranchod-Nilsson, Sita. "Struggles for the Nation: Power, Agency, and Representation in Zimbabwe." Edited by Sita Ranchod-Nilsson and Mary Ann Tétreault. In *Women, states, and nationalism: at home in the nation?* London: Routledge, 2000: 168.

[28] Razavi, Shahra. "Women in Contemporary Democratization." *International Journal of Politics, Culture, and Society* 15, no. 1 (2001): 218.

[29] Phillips, Anne. *Engendering democracy*. University Park, Pa.: Pennsylvania State University Press, 1991: 3.

citizens owe to the state and their society and what protections and guarantees they can expect from the state. Given the gendered inequalities present in traditional understandings of democracy, transitions to democracy from authoritarian regimes present unique periods when women can be included in the central constructions of citizenship and citizen rights, instead of being treated as secondary to men as is often the case. Shahra Razavi supports the recognition of transitions to democracy as an important period in the formation of rights explaining, "democratic transitions, however restricted, represent propitious moments for making interventions into the state, because the state is potentially more fluid during such transformations than at other times".[30] The gains or losses established for women during periods of democratisation can have significant influence over the culture of the democracy and dictate the opportunities available to women. Periods of democratization are therefore important to study to understand the ways that gender norms are challenged and subverted or reinforced in democracy. Important lessons for future women's movements can be drawn from the experiences of past movements, both from ways that patriarchal norms have been upheld in transitions and ways that they have been challenged.

The patriarchal systems that dominate many authoritarian regimes do not automatically disappear with the emergence of democracy, but as many authors illustrate, are often reproduced in democratic systems to marginalise, exploit and oppress women within these democracies. Linda Zama notes this trend in Southern Africa explaining, "millions of women played and are still playing an active and supportive part in the process of decolonization. However, a general survey of the position of women in

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[30] Razavi, Shahra. *Women in contemporary democratization.* Geneva: United Nations Research Institute for Social Development, 2000.

independent states in Southern Africa gives a depressing picture."[31] Zama argues that because women have not participated in the political structures governing the states and societies in which they live, they have been unable to positively change their lives to secure their rights and develop infrastructure and legislation that protects their interests. Her analysis illustrates that although participating in anti-colonial systems works to dismantle many inequalities and oppressions associated with the colonial state, many other oppressions persist and leave women unable to enjoy the full benefits of independence and equality.

Elisabeth Friedman argues that despite their active involvement in, and contributions to, liberation struggles, women have systematically been marginalised or excluded from political processes during periods of transition and democratisation.[32] During the last four decades of the twentieth century, a series of states throughout the developing world underwent transitions from authoritarian and/or colonial regimes to democracies. At the fore of many of these democratisation movements were women, who organised at community and grassroots levels to challenge authoritarianism and demand rights for themselves and for their families.[33] Explaining women's exclusion in democracy formations, Friedman states, "the institutionalization of politics during the transition impedes the forms of organization that women developed under the previous regimes and their subsequent political incorporation into democracy".[34] Friedman writes specifically about Venezuela, explaining that the formalisation of politics in this country

[31] "Theories of Equality: Some thoughts for South Africa." In *Putting women on the agenda*, edited by Susan Bazilli, by Linda Zama, 57-61. Johannesburg: Ravan Press, 1991.

[32] Friedman, Elisabeth J. "Paradoxes of Gendered Political Opportunity in the Venezuelan Transition to Democracy." *Latin American Research Review* 33, no. 3 (1998): 87-135.

[33] Razavi, Shahra. "Women in Contemporary Democratization." *International Journal of Politics, Culture, and Society* 15, no. 1 (2001): 201-24.

[34] Friedman, Elisabeth J. "Paradoxes of Gendered Political Opportunity in the Venezuelan Transition to Democracy." *Latin American Research Review* 33, no. 3 (1998): 87-135.

introduced a series of systems and practices tailored to men's political participation that crippled the vibrant women's movement that was instrumental in advancing democracy. Although she focuses her analysis on Venezuela, Friedman argues that this trend of women being marginalised in politics because its institutionalisation during democratisation has been noted throughout Latin America. Many authors have made similar observations to Friendman's about the ways that the formalisation of political structures and practices exclude women, noting these trends in Zimbabwe, Namibia, Argentina, Brazil and Chile, among others.[35]

In many cases when women succeed in participating in the political processes during democratisation, they are marginalised within political structures, minimising their ability to substantively advance women's rights. This method of marginalising women can be more difficult to clearly address and overcome, because women still participate in the political structure. However, within this structure they are ghettoised and few, if any, women hold senior decision making positions from which to influence significant change.[36] Focusing on Brazil's transition to democracy, Sonia Alvarez argues that state powers have succeeded in "harnessing women's political activity into 'auxiliary' women's organisations, co-opting women's movement organizations and/or appropriating their political discourses, acquiescing to limited demands through public policy making, or suppressing women's movement demands altogether".[37] Alvarez's

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[35] Bazilli, Susan, ed. *Putting women on the agenda*. Johannesburg: Ravan Press, 1991.; Alvarez, Sonia E. *Engendering democracy in Brazil: women's movements in transition politics*. Princeton, N.J.: Princeton University Press, 1990. ; Friedman, Elisabeth J. "Paradoxes of Gendered Political Opportunity in the Venezuelan Transition to Democracy." *Latin American Research Review* 33, no. 3 (1998): 87-135.; Razavi, Shahra. "Women in Contemporary Democratization." *International Journal of Politics, Culture, and Society* 15, no. 1 (2001): 201-24.

[36] Kelber, Mim. *Women and government: new ways to political power*. Westport, Conn.: Praeger, 1994.

[37] Alvarez, Sonia E. *Engendering democracy in Brazil: women's movements in transition politics*. Princeton, N.J.: Princeton University Press, 1990: 20.

argument illustrates how women's interests have consistently been underrepresented or excluded in the formation of democracies, failing to reflect women's contributions to political liberation.

The ghettoisation and co-optation of women's movements in formal political structures again highlight the ways that democratic structures are conceptualised in masculine terms. This generally means that when women are included in democratic structures, they are either sidelined and made invisible or their voices are co-opted to reflect masculine interests. This representation in formal politics differs from feminine focused priorities and interests generally represented in informal political organisations before institutionalisation during democratisation. Alvarez's observations illustrate that without a reconceptualisation of democratic systems and structures that are inclusive of women, even when women do gain participatory roles in democracies, these roles do not allow for substantive advances in women's interests. This literature shows that democracy that is conceptually masculine forces women to either conform to masculine norms and standards or to work in the peripheries.

<u>Politics of the House: The Politics of Apolitical Actors</u>

Many feminist theorists developing the relationships between gender, nationalism and the state draw connections between familial structures in the home and ideas of citizenship under democracy and the state.[38] Men serve as leaders and protectors, who are obeyed, given loyalty, and respected. Men are served by their families and by the state because of their positions as patriarchs. Women nurture and care for their families and the state, their loyalty and priorities are self-sacrificial and they are revered in their ability

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[38] Ranchod-Nilsson, Sita. "'This, Too, Is a Way of Fighting': Rural Women's Participation in Zimbabwe's Liberation War." Edited by Mary Ann Tétreault. In *Women and revolution in Africa, Asia, and the New World*. Columbia, S.C.: University of South Carolina Press, 1994.

to help and provide for other people. Dominant patriarchal thought portrays the mind and politics as distinct from the body and culture. The former are generally privileged as masculine and associated with rationality and dominance while the later are constructed as feminine and primal, necessitating control and ownership over.[39] In this paradigm, women serve their families and the state through of their positions as the physical markers of culture and their ability, and expectation, to bear and raise dutiful and responsible citizens.

A trend that has been widely documented in studies of democracies throughout the world is of women being sidelined in democracies' political structures because of the assumption that women belong in the domestic sphere, which is separate from and inferior to the public political sphere.[40] Associated with this assumption is one that women's interests, rights and needs are also domestic matters, that should be negotiated within familial structures and not by the state. Women working to gain participation in formal political structures and processes have therefore had to struggle to prove their capability to serve as political actors and the legitimacy of their interests as state interests. Elisabeth Friedman argues that the traditional understanding of the public realm as a masculine space where men challenge different ideas to decide the organisational and governing principles of society has both impeded women's ability to enter into public politics and for the few women who are able make it in, to command the influence and legitimacy to substantively advocate for and advance women's interests.[41] The gender

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[39] Kolmar, Wendy K., and Frances Bartkowski. *Feminist theory: a reader*. Boston: McGraw-Hill Higher Education, 2005: 42-43.
[40] Murray, Christina, and Catherine O'Regan. "Putting Women into the Constitution." In *Putting women on the agenda*, edited by Susan Bazilli, 33-50. Johannesburg: Ravan Press, 1991.
[41] Friedman, Elisabeth J. "Paradoxes of Gendered Political Opportunity in the Venezuelan Transition to Democracy." *Latin American Research Review* 33, no. 3 (1998): 87-135.

constructions of masculinity as rational and controlling, and therefore relevant and important in public spaces, has meant that women are treated as 'unnatural' political actors who can, and should govern the home, but are incapable of governance beyond this sphere. The gendered binary between masculinity and femininity constructs masculinity as public, dominant and powerful, and therefore better suited to political power.

Women entering political spaces often have to find ways to counter associations of femininity with domesticity, passivity, and unreliability, either by legitimising and showing the value of feminine characteristics in the political sphere, or more commonly by performing and associating themselves with masculine characteristics. For women entering politics, gender is often an issue that they have to negotiate carefully, balancing typically masculine traits and characteristics with feminine ones. Referencing the ways that gendered understandings influence access to public political structures R. W. Connell argues "public politics on almost any definition is men's politics… The few women who do break through, such as Indira Gandhi and Margaret Thatcher, do so by their exceptional use of men's networks, not women's".[42] Dominant patriarchal thought assumes that men are naturally suited for politics because of their masculinity. Women, on the other hand, need to demonstrate that despite the weakness and irrationality associated with their femininity they are also capable political actors. Connell's analysis reveals the dilemma of representing women's interests in public politics when the dominant expectations are that women perform and value masculinity. Embedded in Connell's analysis is the conflict between women as agents able to represent and advance women's rights and interests in politics and women as actors expected to conform to

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[42] W., Connell, R. *Masculinities*. Berkeley: University of California Press, 1995: 205.

masculinist expectations, norms and values to participate in public politics. Connell's argument reveals that while the latter is upheld the former is not possible.

Conclusion

The texts discussed in this chapter all reveal the necessity of applying gendered analyses to democratic systems, structures and practices. Related to this, they also all demonstrate the threat of further exploitation and oppression of women if such analyses are ignored. The authors of these texts stress the importance of acknowledging the ways that gendered identity constructions influence women's access to political systems and structures and how a failure to acknowledge these factors limits the ability to address inequalities and to improve women's condition in society. The gendered constructions of the state and citizenship under democracy reviewed in this chapter illuminate many of the challenges that women's groups have faced in gaining rights in the establishment of national democracies. The knowledges produced through women's experiences in past democratisation movements identify best practices, but also reveal barriers and structural limitations that have prevented women from fully realising equality through citizenship and democracy. These lessons prove that women cannot gain substantive equality while working under the constraints of patriarchal reasoning and framings of rights and political participation. They prove that for women to participate in, contribute to, and benefit from democracy equally, understandings of democracy, citizenship, and rights need to change to include women.

In the early 1990s when the WNC was formed, women in South Africa had the benefit of drawing from past women's movement's experiences, and taking from them

key lessons on how to avoid the marginalisation experienced in other states.[43] Understandings of the ways that gender norms are used to politically disenfranchise women empowered the WNC to work to subvert oppressive gendered norms as applied to democracy and equality. The contextualisation of gender and democracy in this chapter illustrates why the WNC needed to reconceptualise the relationship between women, the state and political participation. This review highlights the norms and dominant frameworks in democracy formation, and the invisibility of women's rights within this framework. This nuanced understanding of gender in politics illustrates conceptual and practical reforms that the WNC needed to secure to serve as a key actor in the development of the Constitution and to advance substantive demands that meaningfully reflected women's realities of inequality and subjugation in society.

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[43] Manzini, Mavivi. "Keynote Address." In *Women and Power: Implications for Development.* Proceedings of Women and Power: Implications for Development, Johannesburger Hotel, Johannesburg. Johannesburg: World University Service Women's Development Programme, August 13- 15, 1992.

CHAPTER 2

"Now you have touched the women… you will be crushed!" : Women's History

1956-1990

"Success in negotiating the world dominated by males also depends on the extent to which one succeeds in changing the way the system works"

- Mamphela Ramphele

Beginning in 1948, the National Party, the ruling party of South African, began an intensified process of racial segregation and exploitation, called apartheid, aimed at cementing racial hierarchies through the systematic exploitation and dehumanisation of Coloured, Indian and, especially, Black populations. The apartheid policies, designed along racial lines, regulated daily life from housing to education and employment opportunities to individuals' movement. These policies employed restrictions, intimidation and brutal force to establish power inequalities and to debilitate communities, creating power for the apartheid regime.[44] In addition to constructing and promoting an ideology of the inferiority of Black, Indian and Coloured people, the apartheid government also advocated for the traditional roles of women in society, encouraging institutions, policies and practices that violated women's rights. These violations essentially excluded women from national decision making positions, rendering women, their needs, and their experiences, 'invisible' in the national narrative.

From the early years of the apartheid regime, groups organised to protest and destabilise the regime's inhumane policies and practices; protests which over the course

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[44] Britton, Hannah Evelyn. *Women in the South African Parliament from resistance to governance.* Urbana: University of Illinois Press, 2005.

of decades led to a state that was essentially ungovernable and economically crippled.[45] These conditions left the government with little alternative than to dismantle the apartheid system.[46] The decades leading up to the collapse of apartheid and the subsequent transition to democracy and formation of the WNC all marked different periods in women's organising in South Africa, as women's groups and movements adapted to respond to the changing needs and demands of their societies. As national conditions changed, different elements influenced how women were able to organise, challenges to which organisations sometimes met with success but which other times proved too overwhelming or restrictive to overcome. From these experiences the WNC drew a wealth of information, experience and skills, building on past successes and learning from failed efforts. The WNC continued to articulate a gender sensitive perspective in the development of the Constitution, building on goals established earlier by women's liberation organisations' constitutions and objectives.

The historical contextualisation provided in this chapter is important to my central argument because it illustrates the wealth of experience, knowledge, and political awareness among South African women produced by earlier movements that the WNC later drew on in its formation and the execution of its tasks leading to the writing of the Constitution. Although the WNC made many significant advances of its own, it was created in a political culture where women had long been fighting for their rights, for the recognition of their contributions to society, and for their place in public political life and decision-making structures. This culture of women's organising and active political

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[45] See Appendix II
[46] International disinvestment from South Africa and sanctions against the government also significantly contributed to the collapse of apartheid, however this is beyond the scope of this paper.

participation served as a key strength in the Coalition successfully articulating and realising an agenda for women's formal equality in South Africa.

In this chapter, I analyse major events and movements between 1956 and the early 1990s that shaped the course of the anti-apartheid struggle and the social and political climates in which women's organising and political participation matured to become an integral part of the liberation struggle. I begin with a theoretical review of the constructions and relationships between racial and gender identity groups under apartheid. This theoretical analysis provides a conceptual overview of the social, economic and political power relationships among and between different groups that defined the landscape of South African society and rigidly dictated the positions of specific groups and individuals within this society.

I start the historic review in 1956 with the first large-scale multi-racial, national women's march against apartheid policies. This event highlights some of the core issues around which women organised and some of the early themes that united women from across the economic, racial and social spectrums to challenge established political power. I continue with broad reviews and analyses of the 1960s, 1970s and 1980s, examining how the major events of these decades shaped the course of the liberation struggle. Specifically, I focus on what roles women played in this movement, how and around which issues women organised, and the types of strategies that they employed in responding to the consistent escalation of apartheid's restrictive and repressive policies. I conclude this chapter with an overview and analysis of some of the major events leading up to the development of the WNC between 1988 and 1992 when the WNC was formally launched.

This part of the chapter discusses the impact and importance of several notable exchanges between women in South Africa, women in exile, and women from other countries who had experienced exclusion and marginalisation of their interests in the formalisation of democracy in the context of their national liberation struggles. These formal and informal exchanges between women at different levels are important in contextualising the discussions between women about their expectations from and demands of the new political order, influences from outside the country about other women's experiences that would shape how South African women proceeded in securing their rights, and ways that South African women were beginning to conceptualise their role in the development of the new South Africa. This chapter lays the foundation of my argument that the history of women's organising in South Africa influenced much of the WNC's later strategies, values, and methods of outreach and mobilising. I demonstrate that the struggles and successes of women's organising during the periods reviewed in this chapter provided crucial lessons and insights for the WNC and significantly influenced the shape, content and methods of the Coalition.

Race and Gender Under Apartheid

Apartheid's economic and social organisation worked to destabilise Black family units, separating spouses and family members as men were forced to migrate to metropolitan areas around which economic opportunities were concentrated. In addition to a lack of protection and recognition from the state, many women in rural areas faced the challenges of raising families by themselves as husbands and fathers were forced into urban areas to seek employment opportunities, and restricted from moving as family units

by apartheid policies.[47] Women in these situations served as both mother and father, a position that placed a significant burden on women but that also provided measures of independence and opportunities for women to take community leadership roles. Many of these experiences as primary caretakers and leaders enabled women to lead some of the most successful mobilisation efforts in resistance to apartheid. While mobilising and actively resisting the regime, South African women also began to recognise the opportunity not only to gain national liberation, but also through which to further women's rights and visibility on the local and national levels. Through these steps women's involvement in the anti-apartheid struggle also served as a site for the women's movement.

Examinations of different women's liberation organisations provide insights into women's expressions of power in the face of patriarchal and racial oppressions implemented by the apartheid regime. These explorations of expressions of agency and insubordination by South African women reveal how despite the dehumanisation and societal disjunction caused by apartheid policies, they were able to draw strength from their different experiences and identities. Many of these conditions, in fact, propelled women to unify around shared oppressions and mobilised women across racial, class and party boundaries to resist oppressive forces. As illustrated by the WNC, and several other women's organisations predating the WNC, instead of succumbing to the forces exerting power to repress their voices, many South African women translated their suffering as a common cause around which to form social and political alliances and to struggle for women's and national liberation. Furthermore, these explorations reveal how women's

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[47] Britton, Hannah Evelyn. *Women in the South African Parliament from resistance to governance.* Urbana: University of Illinois Press, 2005.

mass organisation around their rights significantly altered their relationship to the state by challenging the infallibility of the apartheid regime's (and masculinist, more generally) knowledge, weakening apartheid systems of governance and providing an opportunity for women of colour to express power and agency by resisting apartheid impositions.

The apartheid government promoted traditional expressions of gender roles in society, with men as powerful heads of households and primary providers and women as dutiful and obedient wives confined to domestic realms. Above all, apartheid furthered the idea of women as subordinate to men, separate from decision-making outside the home and largely dependent on men.[48] Apartheid legislation and policies, however, largely prevented these gender roles and relationships from being realistically extended to the majority of black South Africans.

White masculinity also constructed itself as superior to black masculinity through the functioning of the state. The apartheid regime's control over all parts of black people's public, and to a significant extent private, lives worked to infantilise black men in the public sphere. With white, male figures as the primary decision making authorities in society, black men were forced to act within the confines dictated by the government, represented by white patriarchy. Apartheid was therefore able to construct black men as emasculate, or having deviant masculinity, because they did not fit the models of exclusive breadwinner and head of household or autonomous social and political actor that apartheid provided for white men.

The organisation of the apartheid regime's economy that forced black women to be heads of household and economic providers in rural areas and primary wage earners in urban areas, left the majority of black men largely unable to fulfil apartheid constructions

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[48] Kuzwayo, Ellen. *Call me woman*. San Francisco: Aunt Lute Books, 1991.

of masculinity. This construction of masculinity framed men as protectors of and providers for their families, and was constructed in contrast to female domesticity and submissiveness. The brutal restriction of the regime that limited black men's ability to fulfil these expectations created a situation where white power structures were able to construct black masculinity as inferior to white masculinity.

Apartheid also heavily associated masculinity with the ability to exert control over others, especially through violence. As a regime underpinned by, and embodying, violence apartheid was able to exert its masculinity over black men on a constant basis.[49] Connected to this, violence became one way that black men were also able to exert masculinity and power, especially in relation to women. The apartheid regime's constructions of masculinity, emphasising dominance, control and brutality, forged the connection between sexuality and violence, endangering women in exertions of state, institutional and individual masculinity. While black men suffered under white masculinity, black women suffered under white and black masculinity, experiencing both gender and race oppression. Although white women enjoyed the privileges and protections whiteness afforded under apartheid, they also experienced the oppressions of white patriarchy that among many things limited their economic and political participation, and constructed them as lesser citizens who had to answer to men.[50]

1956 March

On August 9 1956, approximately 20,000 women marched together in an unprecedented show of public opposition to and protest the apartheid government's increasingly restrictive and oppressive laws against African populations. Following the

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[49] Kuzwayo, Ellen. *Call me woman*. San Francisco: Aunt Lute Books, 1991.
[50] Bazilli, Susan, ed. *Putting women on the agenda*. Johannesburg: Ravan Press, 1991.

government's announcement of its plan to introduce amendments to the Urban Areas Act of 1950, intended to "tighten up control of movement of African women to town, registration of their service contracts, and a compulsory medical examination for all African women town-dwellers"[51] women began organising throughout the country to illustrate their collective strength and shared resistance to these measures. A key component of this Act was a requirement that black women carry pass books, identity books stating where a person could live and move between, a measure which had previously only applied to men. At the Union Buildings, the buildings housing the official seat of the South African government, these women left bundles of petitions containing more than 100,000 signatures at Prime Minister J.G. Strijdom's office door as neither he nor any of his senior staff was there to see the women.[52] Before leaving the Buildings, the impressive crowd of women stood in silence for thirty minutes with their hands raised in "the Congress salute," making their presence felt and their persistence known.[53]

As a strong response to these government efforts, the march succeeded in bringing together women from diverse races and class backgrounds and from throughout the country to the doors of the administrative centre of the regime to make their voice heard and their faces seen, effectively confronting the apartheid's power by demonstrating women's collective power.

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[51] Walker, Cherryl. *Women and resistance in South Africa*. New York: Monthly Review Press, 1991: 129.
[52] See Appendix III
[53] Schmidt, Elizabeth S. "Now You Have Touched the Women: African Women`s Resistance to the Pass Laws in South Africa 1950-1960." African National Congress Home Page.
http://www.anc.org.za/ancdocs/history/misc/schmi123.html (accessed November 16, 2009).

As they left the Union Buildings, the women sang freedom songs such as 'Nkosi sikeleli Afrika', but the song most associated with the march, and one written specifically for the occasion clearly conveys women's message to the apartheid powers:

> *Wathint` abafazi, Strijdom!*
> *Wathint` imbokodo uzo kufa!*
> Now you have touched the women, Strijdom!
> You have struck a rock
> (You have dislodged a boulder!)
> You will be crushed!

For decades after the 1956 march the phrase "*Wathint` abafazi, Wathint` imbokodo*" was (and is often still) used to evoke this moment of solidarity and power to represent women's courage and strength. The meaning of this phrase also goes far in challenging gender norms, which confine women to the domestic realm and label them as dependent and apolitical. It shows women's ability and courage to stand up to the highest authorities in the country and claim all spaces as their own. Through their actions, these women were literally claiming their right to different spaces by rejecting the passbooks and the restrictions they imposed, and also symbolically claiming space by demonstrating themselves as political actors to a regime that out rightly rejected women in formal political space. These women also claimed both their identities as women and as political agents, illustrating their ability to exercise a political voice without turning to masculine references. In this action the women at the march claimed femininity as political, rejecting narrowly defined categories of womanhood and femininity.

Dora Tamana, a member of the ANC Women's League and later a founding member of the Federation of South African Women illustrates the impact of passbooks on black women's lives when she expressed,

> We women will never carry these passes. This is something that touches my heart. I appeal to you young Africans to come forward and fight. These passes make the road even narrower for us. We have seen unemployment, lack of accommodation and families broken because of passes. We have seen it with our men. Who will look after our children when we go to jail for a small technical offence - not having a pass?[54]

These expressions of women's experiences illustrate some of the challenges that women faced, and the factors that brought women together from different backgrounds and different parts of the country. Tamana's address also reveals some of the key characteristics of shared oppression under patriarchy, which worked to unite women across races and classes and to demand recognition of women's rights and place in society.

<u>Women's Organising in the 1960s, 1970s and 1980s</u>

Nineteen sixty was a turning point in the liberation struggle against apartheid as protest mounted and a government desperate to retain power became increasingly aggressive and repressive.[55] On 21 March 1960, approximately 5,000 to 7,000 people gathered in Sharpville, a black township, to protest pass laws, which now applied to all Black South Africans. This non-violent protest was organised by the Pan African Congress (PAC) and consisted of the crowd marching to the local police station to offer themselves for arrest for not carrying their passes. No evidence indicates that anyone in

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[54] "1956 - The Women's March: Pretoria, 9 August." South African History Online - Homepage. http://www.sahistory.org.za/pages/governence-projects/womens-struggle/struggle5_1.htm (accessed November 16, 2009).
[55] See appendix II

the crowd was armed. After refusing to leave, the police began shooting at the crowd, which consisted of men, women and children. In this attack, 69 people were killed and 180 people were injured. Most people were shot in the back.[56]

In the aftermath of the Sharpville massacre, South Africa faced intense international pressure as foreign investors began disinvesting from South Africa and the United Nations Security Council and governments worldwide condemned the regime's brutality and oppressive policies. The South African government tried to quell fears in the white community and with remaining investors by claiming that there were no significant threats to apartheid, but on 30 March 1960 the government declared a state of emergency. Mass arrests began and almost all African leaders were imprisoned, but public protests against the regime continued. In April 1960, the ANC and PAC were both banned by the government. In 1961 ANC and PAC leaders decided that non-violent methods of resistance were proving ineffective and both organisations established military wings. This new turn focused on using violence to hurt the economy and to assert the organisations' presence despite being banned. In 1969, Umkhonto we Sizwe officially became open to women, and women took up arms alongside men.[57]

The apartheid government's banning of the ANC changed the resistance movement's landscape, destabilising the support base for many groups, forcing others underground, and also creating a vacuum for new organisations to fill in terms of organising resistance on the ground. The impact of the ANC's banning was felt concretely on women's resistance organising through the Federation of South African

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[56] "The sharpeville massacre 1960 | South African History Online." Remember Sharpeville. http://www.sahistory.org.za/pages/governance-projects/sharpeville/menu.htm (accessed December 9, 2009).
[57] See appendix II

Women (FSAW), which developed the 1954 Women's Charter and was the major multiracial women's organisation at the time.[58] The FSAW's constitution outlined a commitment to uniting South African women to "secure full equality of opportunity for all women, regardless of race, colour or creed; to remove social and legal and economic disabilities; to work for the protection of the women and children".[59] Although FSAW had not been banned, many of its members and allies were driven underground with the banning of the ANC. Following this setback, FSAW's immediate goal was to try to regroup, despite its most prominent leaders being detained or exiled. Despite these efforts, many of FSAW's structures were no longer in place limiting its effectiveness as a national site of resistance and organising. In 1961 FSAW decided that regional organisers should manage resistance at the ground level, moving responsibility from FSAW to more localised levels.

By the mid-1960s the FSAW had lost its former prominence at the national stage and much of its influence as an organising and mobilising body. This did not signal an end to women's organising, however, as Cherryl Walker explains, "after a period of apparent dormancy in the late 1960s – the result of the massive crackdown of the previous years – women began to regroup in the 1970s".[60] FSAW, and as a result women's resistance organising throughout the country, took a direct hit from the banning of the ANC. However the networks of women's support and communication groups had been built throughout the country over decades and were not extinguished during the 1960s. The FSAW established foundations for women's multiracial national organisation

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[58] See Appendix I
[59] "FEDSAW - The Federation of South African Women." IMBOKODO - Women's Struggle in South Africa | South African History Online. http://www.sahistory.org.za/pages/governance-projects/womens-struggle/orgs-fedsaw.htm (accessed January 05, 2010).
[60] Walker, Cherryl. *Women and resistance in South Africa*. New York: Monthly Review Press, 1991: 275.

through the articulation of women's needs in the Women's Charter, and in coming decades other organisations and movements built on these developments.

FSAW's development of a Women's Charter was important in producing a concrete set of priorities and demands around which women could organise. It represented a tangible articulation of women's collective political stance and set standards that women expected political organisations and the state to meet with regard to women's rights. FSAW's Women's Charter laid the foundations of the WNC's later Women's Charter. It demonstrated the importance of a clearly defined agenda and set of goals in terms of presenting women's political demands and in mobilising and uniting women at the grassroots. It also created a tradition of women voicing their experiences and articulating their needs in society based on their identities as women. This tradition supports the paper's overall argument that the WNC drew from the experiences of women's past experiences of organising in South Africa to articulate a position that emphasised women's legitimacy in and value to public politics. The Women's Charters show the WNC building on intellectual traditions of earlier movements that brought together women from all walks of life and organised them to challenge masculine dominance in politics and to fight for the protection of their rights in society.[61]

The 1970s were marked by a rise in student demonstrations against apartheid and as the government brutally repressed these demonstrations, a period began where young people played a strong role in apartheid resistance.[62] This was a period of intense violence and instability throughout the country that saw thousands of people killed, forced into exile and detained by the government. Even under these harsh conditions

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[61] See Appendixes I and IV
[62] See appendix II

women emerged as a powerful and visible force against apartheid. In 1973, women in the province of Natal formed a federation of black women. This federation grew from monthly meetings to a body offering resources to member organisations. In 1975, women in Natal the Transvaal province formed a national federation, the Black Women's Federation (BWF). At its founding conference, BWF adopted a constitution and resolved to deal with issues related to education, housing, labour, rural development, and detentions.[63] The BWF brought together 41 women's organizations and located itself within the Black Consciousness movement, focusing on the experiences of black women. Within fives months of its formation, most of the BWF's leadership had been banned or detained by the government. Within this time frame the BWF was also banned from holding rallies or political gatherings, and finally in 1977 after its second conference the BWF was officially banned.[64]

On June 16 1976, a crowd of between 3,000 and 10,000 students, the majority of them in high school, marched from their schools to Orlando Stadium in Soweto in protest against apartheid's Bantu Education that dictated that black children receive significantly inferior education to white children and new legislation that required that Black students be taught in Afrikaans. The students planned a peaceful protest to illustrate the overwhelming opposition to Bantu Education and express the political will and agency of Black students. When the students arrived at a police blockade some students started throwing stones at the police tanks, to which the police responded by opening fire on the

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[63] "IMBOKODO - Women's Struggle in South Africa | South African History Online." Black Women's Federation. http://www.sahistory.org.za/pages/governence-projects/womens-struggle/orgs-bwf.htm (accessed December 5, 2009).
[64] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005: 61.

students killing more than 500 students and wounding over 1,000.[65] Again, intense violence gripped the country as the government introduced constant surveillance and intimidation of Black townships with police presence, including low flying helicopters circling these areas. Police during this time responded with increased aggression and brutality, while the ranks of the ANC and PAC grew significantly as Black students actively joined the liberation movement fleeing into exile and moving underground.

As young people became increasingly involved in the struggle, both as agents and as government targets, parents also became important actors in the resistance to apartheid. In 1976, following the student uprisings, Winnie Mandela helped to found the Black Parents Association (BPA) urging the parents of protesting children to organize under the organisation. Winnie Mandela used motherhood as a symbolic identity around which to organise and she drew from her own identity as a mother to justify her ascension to leadership and power. At the founding meeting of the BPA, Winnie Mandela delivered a speech in which she called for unity around black pride and liberation, and in this speech specifically located women's crucial role in liberation. Speaking about the need for an organisation of black parents, she explained,

> When such a body has been established it might be an idea to form a 'Soweto Mothers' League', which would be part of the parent body. The role of women in such a body would be vital. There are problems that require women as women… [66]

Mandela's address highlights the ways that womenhood, specifically motherhood, were politicised to both encourage women to enter the liberation struggle and to legitimise

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[65] "African History: 16 June 1976 Student Uprising in Soweto." African History.
http://africanhistory.about.com/library/weekly/aa060801b.htm (accessed January 2, 2010).
[66] Mandela, Winnie. "Speech made by Mrs Winnie Mandela to mark the creation of the Black Parents' Association." Speech.
http://www.disa.ukzn.ac.za/index.php?option=com_displaydc&recordID=spe19760600.032.009.281 (accessed April 15, 2010).

their role in political spaces and bodies. Traditional gendered understandings of mothers as caregivers and often self-sacrificial familial protectors and providers, provided a popular framework through which to appeal to women and men and through which to support women's participation in this black consciousness organisation. The government's attacks against children worked to politicise parental identities and propelled many women into action in defence of their children.[67]

Winnie Mandela's address also highlights the idea that women are important to the liberation struggle, and to politics more generally, because of the insights they provide from their experiences as women. The call for "women as women" reveals an acknowledgement that women's gendered positionalities give them access to specific perspectives and knowledges in society that make them key actors in dismantling oppression. This expression of self-aware womanhood described by Mandela ties to my larger argument in this paper that there was a foundation in South Africa of women engaging in national politics from women's perspectives. This perspective reflected the realities of women's multiple and intersecting identities, roles and vulnerabilities in society. I draw a connection between the call for women's input and participation in politics during this period and the WNC's call for women's contribution to the development of the Constitution. Both of these movements argue for the value of "women as women" in politics, and urge for their participation in the political process. I argue that the WNC's success in developing a movement that affirmed the necessity of women's voices and participation in politics built on gains of earlier women's movements that articulated women's political empowerment.

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[67] Meintjes, Sheila. "Winnie Madikizela Mandela: Tragic figure? Populist tribune? Township tough?" *Southern Africa Report* 13, no. 4 (1998): 14. http://www.africafiles.org/article.asp?ID=3791 (accessed December 09, 2009): 14.

The mounting internal and external pressure against the apartheid regime in the 1980s created strong backlash from the government as it increased state violence, extended repressive laws, and banned more organisations in desperate attempts to retain power.[68] The government increased its control over Black communities and banned the few remaining resistance organisations. Between 1985 and 1987 the government announced back-to-back State of Emergencies, effectively turning the country into a police state.[69] The power of the state was severely weakened after United Nations Security Council passed Resolution 418 in 1977 that imposed a mandatory arms embargo against South Africa.[70] By the 1980s the South African economy was left devastated after the international pressure against apartheid resulted in governments and firms disinvesting in South Africa and imposing strict sanctions. Meanwhile, the ANC sent a clear message to its supporters to "make South Africa ungovernable," a sentiment to which unions, women's organisations, student organisations and a range of other groups reacted actively as the country erupted in mass protests and organising.[71]

Following the mobilisation of parents around the country during and after the 1976 uprisings, some former members of FSAW in the province of the Western Cape formed the United Women's Congress (UWCO) in 1981. UWCO organised around issues of protecting children from police brutality, the provision of childcare, economic

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[68] See appendix II
[69] "State of Emergency in the mid-1980's." South Africa: Overcoming Apartheid. http://overcomingapartheid.msu.edu/multimedia.php?id=23 (accessed January 2, 2010).
[70] United Nations. Security Council. *Resolution 418*. United Nations, 1977.
[71] "Make South Africa Ungovernable: Broadcast on Radio Freedom, October 10, 1984." ANC.org.za. http://www.anc.org.za/ancdocs/history/or/or84-10a.html (accessed January 13, 2010).

inequalities and housing.[72] UWCO was one of the few organisations that existed at the time, and it spearheaded the formation of the United Democratic Front (UDF).

The UDF was launched in 1983 when about 600 delegates from more than 230 organisations and a crowd of about 13 000 people converged for the founding of the organisation. Delegates represented a wide range of organisations from women, students, workers, and religious groups, among others. This gathering was the largest anti-apartheid grouping since the 1950s. Within a few years, the UDF was the leading anti-apartheid political movement within the country, after others had been driven underground, with more than 1.5 million supporters. Although the UDF was not aligned with any specific party, most of its leaders were either members of the underground ANC or sympathetic to it. UDF suffered significant losses in leadership during the 1986 State of Emergency when much of its leadership was detained or banned by the government. Its broad membership helped in this situation, however, as leadership from affiliate organisations stepped in to fill these vacuums. [73]

In 1987, the UDF's Women's Congress was established. At its launch, 100 delegates from the major non-racial women's organisations in the country committed to uphold FSAW's Women's Charter and the principles of non-racialism, non-sexism and democracy.[74] Writing in the 1980s in South Africa, Leila Patel describes the connections between the UDF Women's Congress and FSAW explaining,

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[72] "IMBOKODO - Women's Struggle in South Africa | South African History Online." Apartheid crumbles - Women in the turmoil of the 1980s. http://www.sahistory.org.za/pages/governance-projects/womens-struggle/struggle8.htm (accessed December 3, 2009).
[73] ""IMBOKODO - Women's Struggle in South Africa | South African History Online." Apartheid crumbles - Women in the turmoil of the 1980s. http://www.sahistory.org.za/pages/governence-projects/womens-struggle/struggle8.htm (accessed December 3, 2009).
[74] Govender, Pregs. "Launching UDF women's congress." *Agenda Feminist Media*, no. 1, 1987th ser.: 75-78. http://www.jstor.org/stable/4547918 (accessed April 4, 2010).

> Many women who were trained by their experience in the FSAW are playing a part in these new organisations. Many others, too young for such experiences, are nevertheless inspired by their precursors' actions. To these women the Federation was not a failure. Indeed, it was an important part of their pre-history- an important 'root'.[75]

 Throughout the history of women's organising for their rights in South Africa, women's organisations have built on the gains of other organisations and movements before them to continue making advances. Although the government's political repression and violence had limited women's ability to organise and forced groups into obscurity, later when other groups were formed they did not start from the beginning in conceptualising and articulating their demands but they drew from the work and lessons of earlier groups pushing to advance those demands further than groups in the past.

The UDF Women's Congress was made up of all women's organisations that were affiliated with the UDF, which made it a broad group in terms of its representation of women. One of the UDF Women's Organisation's primary Commitments was to the development of grassroots organisation. Women from different regions took on this task in variedly, organising in ways that best responded to the needs and conditions of their area.[76] This was a strategy also employed by the WNC, which gave regional bodies flexibility in the ways that they organised and mobilising. Realising that rigid frameworks do not allow for the variance in regional contexts, this flexibility was designed to ensure that the regional bodies were best able to meet and represent the needs of women in their specific contexts.

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[75] Patel, Leila. "South African Women's Struggles in the 1980's." *Agenda Feminist Media*, 1988. http://www.jstor.org/stable/4065688 (accessed January 3, 2010).
[76] "World University Service Women's Development Programme: Utilising the development and political process to entrench the rights of women." In *The need for an 'Apex' or Umbrella Body for women and the role of the women's coalition*. Proceedings of Women and Power: Implications for Development, Johannesburger Hotel, Johannesburg. World University Service Women's Development Programme, August 13-15 1992.

The UDF Women's Congress "aimed to teach men and women in the UDF about women's oppression and to increase women's skills".[77] As an organisation with a broad base of membership and a commitment to opposing gender discrimination, the UDF Women's Congress became a forum for discussing women's diverse experiences of oppression and needs for empowerment, and began articulating a comprehensive understanding of women's needs in South Africa.[78] By forming as a national body, the UDF Women's Congress aimed to also propel regional women's organisations by "asserting women's leadership and women's issues in a more forceful way within the UDF to ensure that the idea that women's struggle is an integral part of the political struggle is fully realised".[79] This goal and political commitment illustrated women's self-awareness as political agents and as crucial participants in national liberation. I argue that less than a decade later when the WNC was formed, it relied heavily on women's self-awareness as crucial political actors and used this to develop a platform on which women demanded a role in the negotiation of the Constitution.

In 1983, Natal Organisation of Women (NOW) was formed and was an affiliate of the UDF. NOW's main objective was "to fight for the upliftment of women" to formulate a constitution to safeguard women's rights".[80] Women were trained and encouraged to take up leadership positions in various fields. The establishment of NOW

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[77]"IMBOKODO - Women's Struggle in South Africa | South African History Online." Apartheid crumbles - Women in the turmoil of the 1980s. http://www.sahistory.org.za/pages/governance-projects/womens-struggle/struggle8.htm (accessed December 3, 2009).

[7878] "IMBOKODO - Women's Struggle in South Africa | South African History Online." Apartheid crumbles - Women in the turmoil of the 1980s. http://www.sahistory.org.za/pages/governance-projects/womens-struggle/struggle8.htm (accessed December 3, 2009).

[79] Govender, Pregs. "Launching UDF women's congress." *Agenda Feminist Media*, no. 1, 1987th ser.: 75-78. http://www.jstor.org/stable/4547918 (accessed April 4, 2010): 76.

[80]"IMBOKODO - Women's Struggle in South Africa | South African History Online." Apartheid crumbles - Women in the turmoil of the 1980s. http://www.sahistory.org.za/pages/governance-projects/womens-struggle/struggle8.htm (accessed December 3, 2009).

was a major factor in the increased role of women in political and civic organizations and in the establishment of the rights of women in the struggle and all spheres of society. In 1984, about 200 women from across the former province of the Transvaal organised to form the Federation of Transvaal Women (FEDTRAW), which was founded on the same principles as FSAW in commemoration of the 1956 march. FEDTRAW adopted FSAW's 1954 Women's Charter as its working document, and found women's demands outlined there to be the same as their demands in the 1980s.[81]

By the late 1980s, South Africa reached a point where it was ungovernable. The apartheid government was forced to its knees, and the end of the regime became the only option other than outright war. In 1989, South African president P.W. Botha suffered a stroke, leaving FW de Klerk as the country's new president. De Klerk began communication between the government and ANC leaders, marking a new phase in South African history.[82]

Women fought alongside men at all levels of resistance to apartheid and in this capacity affirmed their identities as women and comrades in the struggle. While participating in traditionally masculine spaces and roles in the resistance struggle, women still upheld their gendered identities as mothers, wives, sisters and daughters, and often used these identities as a support for their participation in masculine spaces and systems. Women illustrated their commitment, strength and bravery by standing up to the regime and risking violence, detention and even death by doing so. Women did not allow

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[81] "IMBOKODO - Women's Struggle in South Africa | South African History Online." Apartheid crumbles - Women in the turmoil of the 1980s. http://www.sahistory.org.za/pages/governance-projects/womens-struggle/struggle8.htm (accessed December 3, 2009).
[82] "IMBOKODO - Women's Struggle in South Africa | South African History Online." Apartheid crumbles - Women in the turmoil of the 1980s. http://www.sahistory.org.za/pages/governance-projects/womens-struggle/struggle8.htm (accessed December 3, 2009).

gendered expectations to be a limiting factor but rather used them as empowering ones. This is the tradition into which the WNC was borne: A tradition that recognised the possibility for tackling multiple oppressions and that recognised women's needs as liberators in the struggle and as citizens under democracy.

The WNC continued to articulate a gender sensitive perspective in the development of the Constitution, building on goals established in FSAW's Women's Charter and other women's liberation organisations' constitutions and objectives. Though the WNC made many significant advances of its own, it was created in a political culture where women had long been fighting for their rights, for the recognition of their contributions to society, and for their place in public political life and decision-making structures.

<u>Period Leading to the Formation of the Women's National Coalition</u>

Before the unbanning of the ANC in February 1990, women in the ANC Women's League (ANCWL) and other organisations began discussing the roles that women would play and the status that they would occupy in the next phase of national liberation. This was first explicitly expressed in a public forum at the Malibongwe Conference held in January 1990 in Amsterdam. The conference's theme was "Women united for a unitary, non-racial, democratic South Africa," and it succeeded in bringing together women activists based within South Africa, those in exile, and those from different countries to debate the status of women in South Africa's future.[83]

In this space women discussed the relationships between national liberation and gender equality, particularly how to ensure that women were not excluded from the

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[83] "Malibongwe Conference - Programme of Action." ANC.org.za.
http://www.anc.org.za/ancdocs/history/women/pr900118.html (accessed December 2, 2009).

agenda in the new dispensation. Speaking about this period, Thenjiwe Mtintso recalls, "the central question was - What kind of new democratic SA did the women want? The response to such a question would elaborate the notions of non-sexism, substantive equality and real democracy for women".[84] An active participant in the articulation of women's demands in the early 1990s and a representative of the South African Communist in the negotiations over the Constitution, Mtintso highlights the central question motivating women's organisation during this period and some of the broad answers developed in response to this question. This question about the kind of democratic South Africa women wanted reveals women's underpinning assumptions about the protections and benefits owed to them under democracy, and the centrality of their role in ensuring that the democracy commits to meeting their needs. The answers to this question highlights that women saw themselves as central to the development of the democracy and understood one of the democracy's key functions as being responsive to women's needs and adapting protections that adequately represent the unique challenges, responsibilities and vulnerabilities that women face in society.

At the Malibongwe Conference women were not framed as a monolithic whole but it was discussed how different positionalities arising from race, class, and gender oppressions affect women in different parts of the country. Underlying these discussions was the growing affirmation of the need for women to organise themselves into collective bodies to further their different material needs. There was also a growing awareness of the need to recognise and address issues specific to women, and gender equality more

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[84] Mtintso, Thenjiwe. "Umrabluo Series on Building the South African Women's Movement Part 1: The Women's National Coalition." African National Congress: South Africa's National Liberation Movement. http://www.anc.org.za/show.php?doc=/ancdocs/pubs/umrabulo/10/umrabulo10d.html (accessed March 25, 2010).<http://www.anc.org.za/show.php?doc=/ancdocs/pubs/umrabulo/10/umrabulo10d.html>.

broadly.8586 Following Malibongwe, the idea of a national women's organization embracing women from outside the ANC was raised in several forums inside the country.[87]

In the same month as the Malibongwe Conference, South Africa's Cosmopolitan magazine published an article reviewing different drafts of the Constitutional guidelines and the Bill of Rights. This publication, which was sold in national supermarket chain stores, demonstrated that debates about the content of the new Constitution had become mainstream. The publication of this content in a magazine targeting women also signified that women across the country were becoming aware of and engaged in discussions about what they could expect from the new Constitution, and these debates were no longer limited to women who were formally politically engaged.[88]

In August 1990 when the ANCWL was re-launched in Durban, questions about women's status in the negotiations of the new dispensation were again raised in discussions. These concerns were borne from observations about "the pre-eminence given to male comrades" which raised concerns about "the movement's commitment to women's emancipation."[89] Despite their active involvement at all levels of the liberation struggle, from participation in urban and rural protests and resistances to participation in armed resistance forces in exile and within the country, women were almost universally

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[85] "Malibongwe Conference - Programme of Action." ANC.org.za.
http://www.anc.org.za/ancdocs/history/women/pr900118.html (accessed December 2, 2009).
[86] Meintjes, Sheila. "The Women's Struggle for Equality during South Africa's Transition to Democracy." *Transformation* 30 (1996): 47-65.
http://digital.lib.msu.edu/projects/africanjournals/html/itemdetail.cfm?recordID=638 (accessed December 2, 2009).
[87] Singh, Mala. "Malibongwe Conference." *Agenda Feminist Media*, 1990.
http://www.jstor.org/pss/4065537 (accessed November 28, 2009).
[88] Bazilli, Susan, ed. *Putting women on the agenda*. Johannesburg: Ravan Press, 1991: 3.
[89] Meintjes, Sheila. "The Women's Struggle for Equality during South Africa's Transition to Democracy." *Transformation* 30 (1996): 47-65.
http://digital.lib.msu.edu/projects/africanjournals/html/itemdetail.cfm?recordID=638 (accessed December 2, 2009).

excluded in the early stages of negotiations before and during the transition to democracy. Dr Anne Letsebe, a co-chair of the WNC explained how this exclusion mobilised women saying,

> The initiative to launch a representative umbrella organisation was chiefly motivated by the observation and fear that women would be excluded from key political processes that were taking place and which were determining the future of South Africa during the transitional phase in our country. Women's exclusion was apparent both within the main political parties, and within the multi party negotiations. This exclusion was an important source of organisational coherence for what was to become an extremely heterogeneous coalition.[90]

This exclusion from early stages of the negotiation process served as a concrete example of women's shared oppression in South Africa and common marginalisation despite their diversity of experiences and identities. During this pivotal moment in South African history, as the nation was transitioning from authoritarianism to democracy, women's common experience of exclusion served as a spring board for a women's movement of inclusiveness. This exclusion provided a starting point around which a diversity of women could organise. Women organised around the desire to participate in the decision making process for the country and started to identify common goals and hopes for their political future. Women's exclusion demonstrated the necessity of gendered political analysis that could highlight the gendered perceptions in society that dictate relationships between different groups and influence individuals' access to political opportunities.

Conclusion

This chapter's historic overview illustrates South African women's rich history of organising to resist oppressive state powers and to defend their rights, their children and

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[90] Letsebe, Anne. "The Women's National Coalition and the Charter for Effective Equality: Republic of South Africa." Proceedings of The Democratic Republic of Congo/ South African Women's Peace Forum. March 2003.

their families' rights and to demand participation in all resistance activities. Women's willingness to organise in their communities, to take up arms in warfare, and to organise in regional and national women's organisation, illustrates their commitment to challenging the state's repressive power. This history illustrates a tradition of South African women's organising both as a support and ally to men's political organising and as independent groups specifically articulating their position and interests. This history of participation demonstrates South African women's organisational ability to mobilise and identify and lobby around concrete demands. It also reveals proactivity, that portrays women's ability to organise without men and also before men. The lessons learned during these decades of organising and active political participation proved invaluable to the WNC, and served as a source both for referencing and proving women's capacities as political actors and for drawing knowledge, skills and networks for later fighting for women's rights in the Constitution.

The history of organising reviewed in this chapter helps to explain why South African women were able to mobilise and organise across the country with such effectiveness and force. When the negotiations started, several political parties already had women with experience in organising, in mobilising at the grassroots, and in negotiating with and making demands from men in political parties. These experiences meant that women were in a position to effectively lead and organise themselves during the negotiations. The history of women's political participation meant that many women were already politically conscientised and when the WNC was formed. It built on the foundations of existing networks and supports of previous organisations and movements.

CHAPTER 3

Growing Big Ears: The Development and work of the WNC

"To make sure we incorporate the views of all South African women we have to start by listening to them."

Frene Ginwala at the launch of the WNC

The Women's National Coalition was formed in April 1992 as an umbrella of about 70 women's organisations ranging from political parties, to religious and occupational groups, service and special interest groups, and community organisations. Its mandate was to work across the country mobilising women to participate in a research process aimed at identifying their primary needs and priorities. This research would then be used to produce a document that could be used to make demands for women's advancement at constitutional, legislative and policy levels.[91]

The development of this document, which turned into the Women's Charter for Effective Equality, was also intended to serve as an organising and education tool, raising consciousness among women and encouraging increased political participation. This movement of empowering women began what Frene Ginwala described as "a conspiracy of women," in which women fought for agency, protection and representation in the state.[92] With its primary mandate the creation of a Women's Charter, the WNC was created with a clear purpose in mind and limited lifespan. The WNC's narrow mandate allowed it to focus on issues specific enough to illuminate shared experiences that were

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[91] Letsebe, Anne. "The Women's National Coalition and the Charter for Effective Equality: Republic of South Africa." Proceedings of The Democratic Republic of Congo/ South African Women's Peace Forum. March 2003.

[92] Moleketi, Geraldine F. "Women's Legacy to Future Generations, Keynote address 7." Proceedings of International Women's Conference March 8-9 2007.
www.nationalschool.gov.uk/downloads/GeraldineFraserMoleketi.pdf (accessed December 10, 2009).

meaningful to women's lives while still generating a framework flexible enough to apply in different local contexts to different groups. This balance allowed the WNC to appeal to women across political, race, class, geographic, religious and ideological backgrounds, and mobilise around a common objective: the formal protection of women's rights in the political order. This success in finding commonalities across difference was effective in part because it did not try to ignore difference or construct an essentialised identity of woman, but rather acknowledged the realities of difference without allowing itself to be limited or paralysed by these differences.

In this chapter, I examine the internal organisation of the WNC and the ways that it reached out to and interacted with women outside the Coalition to gain a broad base of support and the insights into the specific needs and wants of women throughout the country necessary for making meaningful changes in their lives. I begin with a discussion of intersectionality, a theoretical framework that explains how the cross sections of race, class, gender, geographic and other differences, influenced the constructions and understandings of womanhood in South Africa, creating enormous diversity in the meaning and expression of the category women. This framework is important in contextualising the challenges that the WNC faced in uniting women across the country and highlights the importance of the Coalition's efforts to reach out to and hear the experiences of women from all walks of life, both to understand the differences in women's experiences and needs but also to identify commonalities in experiences that could serve to unite women and raise causes around which to rally and address with urgency in the establishment of the democracy. I illustrate how understandings of intersectionality directly influenced the WNC's efforts by examining the Coalition's

development of a Women's Charter that was a consolidation of women's demands from and expectations of South Africa's democracy.

One of the Coalition's key tasks was to establish a Charter reflecting the realities of women's conditions in South Africa and representing the changes necessary for equality to be a realisable goal under the democratic dispensation. I therefore focus on the Charter to understand ways that the WNC conceptualised and practiced ideas of gender sensitivity. By analysing the WNC's methodology in creating the Charter, I highlight ways that the WNC re-imagined understandings of equality and demonstrated measures necessary to abandon masculinist discourses of politics and include women in the core framings of democracy and citizenship. This analysis is important in understanding how the WNC was able to produce a substantive representation of women's needs that spoke to the needs the real experiences of South African women and challenged masculinist assumptions of inherent equality in democracy.

The analysis in this chapter highlights some of the key steps the WNC took to ensure that South Africa avoid the dominant experience of democracy formation in which women are incorporated into discourses of nationalism then made invisible within these discourses. This chapter emphasises ways that the WNC acknowledged and drew on the unique responsibilities, vulnerabilities and experiences of women to show how these conditions necessitated accommodations and protections for women for equality to be a viable reality under democracy. I examine how the WNC argued that women's perspectives are not only valid, but in fact essential for meaningful discussions of equality and the full rights of citizenship. The review and analysis in this chapter support my central argument that the WNC's effectiveness and meaningfulness were directly

linked to their articulation of women's demands based on women's perspectives and experiences. By illustrating how the WNC applied gender sensitive approaches to their internal organising, their grassroots consciousness raising and mobilisation, and the writing of the Women's Charter I demonstrate how the WNC developed a list of substantive demands that so meaningfully spoke to and addressed women's realities of inequality and subjugation in society.

Women Uniting Across Difference in South Africa

The systematic racial and class segregation of South African society under apartheid created myriad experiences of womanhood. There was no essential South African woman and vast power inequalities existed between different groups of women. The experiences of one group of women could not be read as representative of South African experiences. To understand South African women's experiences and needs required inclusive conversations reaching women from different race, class, geographic and religious backgrounds. This was the realisation of the Women's National Coalition when it set out to develop "a document that was to reflect issues which women would identify as preventing them from enjoying full equality in the political, social and economic spheres of their lives".[93] To form cohesion among women with such a diversity of experiences and realities during an intense period of violence and instability, the WNC needed to find commonalities between South African women around which it could organise and rally women to demand their rights. This required examining the many ways that women were disadvantaged and oppressed both materially in terms of their ability to

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[93] Letsebe, Anne. "The Women's National Coalition and the Charter for Effective Equality: Republic of South Africa." Proceedings of The Democratic Republic of Congo/ South African Women's Peace Forum. March 2003.

provide basic needs for themselves and their families and politically in terms of their ability to participate in the new political order.

The literature on women's movements in transitions to democracy largely represents the WNC as a success story in and a model for international women's movements.[94] Overwhelming evidence supports these representations of the WNC, however, the creation and success of the WNC should not be understood as inevitable from the beginning of the national negotiation processes outside or within the Coalition. At the formation of the WNC and during many of its developments, there were significant obstacles threatening the Coalition's ability to serve as a cohesive and effective unit. The diversity of the Coalition's membership made it difficult at times to decide on specific approaches to tackling different challenges and to agree on priorities and desired outcomes for the Coalition given the limited time and resources available.

Despite differences in ideology, class, political affiliation and race, leadership and participants in the WNC realised the unique and historic opportunity for the advancement of women's rights that was presented in the transition to democracy. With this was also the urgent need for women's cooperation, if not solidarity, to secure the protection of women's rights in the formation of the new political dispensation. Describing the impetus for uniting under the WNC, Thenjiwe Mtintso explains,

> A coalition allowed separate identities, independence and interdependence, organisations tackling specific issues determined by their specific material conditions and lived experiences, while simultaneously creating networks, sharing information, skills and resources and uniting in action around those issues which each organisation agreed upon. A coalition allowed pliable and flexible boundaries between which members moved from time to time with integrity, acceptance and respect of each other. It also allowed for autonomous

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[94] Hassim, Shireen. "'A Conspiracy of Women': The Women's Movement in South Africa's Transition to Democracy." *Social Research* 69, no. 3 (2002): 693-732. In University of the Witwatersrand, http://wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009).

organisations and coordinated programmes avoiding political fragmentation or emphasis on difference while not imposing false universalism or "sisterhood" under notions of a homogenous category "women.[95]

Collective work under the WNC afforded women a powerful voice in deciding the shape and nature of South Africa's new political order. The negotiations for the new government and constitution therefore simultaneously presented unprecedented hope and opportunity but also uncertainty, necessitating women's combined efforts to affect material changes in the lives of women throughout the country and to ensure challenges to patriarchy by legislating protections for women's rights and gender equality.

The WNC's success therefore should not be understood as a surety from the outset, but rather an intentional process of collaboration, perseverance and a level of compromise, first within the WNC and then with different political parties and bodies involved in the national negotiations. The WNC had to consciously promote inclusiveness and a common purpose. Shireen Hassim describes how the legacy of apartheid influenced the ways that women in South Africa viewed themselves and each other, and consequently possibilities for organising saying,

> Apartheid highlighted graphically the distinctions between women; the racial structuring of all social relations meant that the illusion of sisterhood never seriously took hold in South Africa… Given this fractured history of women's politics in South Africa and, above all, the powerful sense in women's organizations associated with the ANC and the Pan African Congress that women's struggles could not be separated from other political struggles, the coalition never assumed that a sisterhood existed.[96]

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[95] Mtintso, Thenjiwe. "Umrabluo Series on Building the South African Women's Movement Part 1: The Women's National Coalition." African National Congress: South Africa's National Liberation Movement. http://www.anc.org.za/show.php?doc=/ancdocs/pubs/umrabulo/10/umrabulo10d.html (accessed March 25, 2010).<http://www.anc.org.za/show.php?doc=/ancdocs/pubs/umrabulo/10/umrabulo10d.html>.

[96] Hassim, Shireen. *Negotiating Spaces: Women in South Africa's Transition to Democracy*. University of the Witwatersrand. wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009).

Women in the WNC therefore not only had the challenge of uniting across political and ideological lines, but also of working together despite the power inequalities between races that had been naturalised through apartheid. Apartheid's policies of racial division effectively separated women from different groups and constructed their interests as diametrically opposed. The WNC therefore had to find ways of promoting inclusiveness to break down these constructions of opposing interests, to show common causes and construct pluralities of interest.

<u>The Phases Leading to the Women's Charter</u>

At the inception of the WNC, its members identified six primary phases that specifically outlined the Coalitions tasks and objectives and how it planned to meet these objectives. Mavivi Manzini, a member of the WNC's national steering committee and a member of the ANC Women's League executive, noted that "concerns about reaching out to women, especially the poorest, dominated the discussion at the workshop at the coalition". These concerns about representative input and participation of South African women were reflected in the development of the WNC's key strategies and its road map for identifying and codifying women's primary demands in democracy, as illustrated in the following six phases.

The first phase was "education and conscientisation". This phase involved setting up workshops, seminars, sit-ins, marches, picnics, and a variety of other communication opportunities for members of the WNC meet women in their different environments and speak to them about the Coalition and about women's rights. At a National Strategy Workshop, in 1993, the WNC identified five primary themes around which to build its

national campaign. These themes were: Women's legal status, women's access to land, resources and water, violence against women, health, and work.[97]

The second phase was "ascertaining the demands of women". This phase was developed to ensure that WNC representatives would not say in the negotiations "this is what we have to demand" but rather "women say this is what we want".[98] The second phase, intended to ensure the WNC's accountability to and authentic representation of South African women, involved outreach efforts including participatory research, seminars, workshops, seminars, and door to campaigning. This phase included fieldworkers from the WNC going out into communities to communicate with women and solicit their inputs in spaces that were safe, convenient and accessible to women.[99] The third phase was "processing the various demands". This phase was where the wide range of demands collected during the preceding phases were consolidated and processed by the WNC. Demands around each theme[100] were submitted including by individuals, and collected through mass meetings of women convened by regional affiliates. These

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[97] Hassim, Shireen. *Negotiating Spaces: Women in South Africa's Transition to Democracy*. University of the Witwatersrand. wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009).

[98]"World University Service Women's Development Programme: Utilising the development and political process to entrench the rights of women." In *The need for an 'Apex' or Umbrella Body for women and the role of the women's coalition*. Proceedings of Women and Power: Implications for Development, Johannesburger Hotel, Johannesburg. World University Service Women's Development Programme, August 13-15 1992: 58.

[99] "World University Service Women's Development Programme: Utilising the development and political process to entrench the rights of women." In *The need for an 'Apex' or Umbrella Body for women and the role of the women's coalition*. Proceedings of Women and Power: Implications for Development, Johannesburger Hotel, Johannesburg. World University Service Women's Development Programme, August 13-15 1992.

[100] See Appendix IV

meetings were so expensive and worked to be so inclusive, that some of these meetings had as many as 800 participants.[101]

The fourth phase was "educational programmes at local, regional and national levels". This phase involved educating women at all levels of society about the demands the Coalition collected, the significance of these demands in the new Constitution and the importance of supporting the Coalition's advancement of women's rights.[102]

The fifth phase was the "crystallisation of demands". In this phase the WNC used the information and inputs gathered in the previous stages to identify and articulate women's clear demands in the new political dispensation. Recalling this phase, the chair of the WNC's Research Supervisory Committee, Sheila Meintjes describes,

> We put together all the information and organised it systematically and thematically into twelve areas. The issues came directly out of the research. Where there were differences and contradictions (in the submissions) they all went in. We saw this as a draft…The draft research report was taken to all the regions, comments were made and taken back to central office for review…The draft was fine-tuned at a Steering Committee meeting, and then went to Congress. At Congress, everyone who wanted to spent the night processing the changes suggested from the floor…The document was made eloquent and presented again to Congress and debated once more. The polished Charter emerged from this and was adopted at the next Council meeting (in June 1994).[103]

This phase was largely conducted by a small group of women in the WNC, but worked to include the diversity of inputs collected in the preceding phases.

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[101] Hassim, Shireen. *Negotiating Spaces: Women in South Africa's Transition to Democracy*. University of the Witwatersrand. wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009).

[102] "World University Service Women's Development Programme: Utilising the development and political process to entrench the rights of women." In *The need for an 'Apex' or Umbrella Body for women and the role of the women's coalition*. Proceedings of Women and Power: Implications for Development, Johannesburger Hotel, Johannesburg. World University Service Women's Development Programme, August 13-15 1992.

[103] Hassim, Shireen. *Negotiating Spaces: Women in South Africa's Transition to Democracy*. University of the Witwatersrand. wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009).

The sixth, and final, phase was the "formulation and adoption of the charter". Meintjes' quote cited above illustrates the transition between in fifth and sixth phases and reveals that there were not always clear demarcations between the different phases.[104] Here, the WNC adopted its end product, created to represent women's voices in the development of the Constitution.

The Women's Charter for Effective Equality

The women's charter was designed to serve as a concrete representation of women's demands from the government and an illustration of women's ability to speak with a unified voice in articulating and demanding their rights. The charter was also designed as a capacity building tool, to develop women's skills in research, resource mobilisation and organising. At the grassroots level, women from the WNC met with women in their local environments throughout the country, allowing the charter to serve as a conscientising tool through which women could express their struggles in and hopes for their lives, and in many cases articulate what measures the new political order could take to improve their conditions. The charter therefore served multiple simultaneous purposes by mobilising, conscientising, and building the capacity of women at the grassroots level and also preparing a document representing women's needs. Describing the significance of the Women's Charter, Thenjiwe Mtintso explains,

> The compilation of and the content of the WC helped the WNC find the
> new collective identity within diversity and a common ground amongst
> most, if not all, women of SA irrespective of their race, class, religion,

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[104] ""World University Service Women's Development Programme: Utilising the development and political process to entrench the rights of women." In *The need for an 'Apex' or Umbrella Body for women and the role of the women's coalition.* Proceedings of Women and Power: Implications for Development, Johannesburger Hotel, Johannesburg. World University Service Women's Development Programme, August 13-15 1992.

political affiliation, region, language, ethnic origin, sexual orientation and many other women's multiple identities.[105]

The final product of this process, The Women's Charter for Effective Equality, was therefore a comprehensive collection of women's experiences, challenges, and visions from all walks of life throughout the country.[106]

An important feature of the development of the charter was its complete ownership by women. As part of its commitment to empowering and building the capacity of women, women took responsibility for handling all parts of the development of the charter, from researching, organising and writing the charter. Although different agencies offered to conduct the research for the WNC, the WNC declined all of these offers deciding instead to undertake all levels of research and writing itself. This meant that the WNC had to train hundreds of women throughout the country to be able to perform the needed tasks within a relatively short space of time. Anne Letsebe explains that the WNC took women from urban and rural areas and trained them to conduct research and interviews and how to mobilise other women. The WNC used varying of methods for data collection including focus groups, structured questionnaires and one on one interviews. The research was conducted in different local languages so as to be most accessible to women throughout the country and to represent a diversity of experiences and perspectives. This research produced significant qualitative information on women's lives and served as an empowerment tool through which women developed skills, new levels of consciousness and became able to speak to issues that affected women's lives in

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[105] Mtintso, Thenjiwe. "Umrabluo Series on Building the South African Women's Movement Part 1: The Women's National Coalition." African National Congress: South Africa's National Liberation Movement. http://www.anc.org.za/show.php?doc=/ancdocs/pubs/umrabulo/10/umrabulo10d.html (accessed March 25, 2010).<http://www.anc.org.za/show.php?doc=/ancdocs/pubs/umrabulo/10/umrabulo10d.html>.

[106] Letsebe, Anne. "The Women's National Coalition and the Charter for Effective Equality: Republic of South Africa." Proceedings of The Democratic Republic of Congo/ South African Women's Peace Forum. March 2003.

terms of labour, politics, married life, women and sexuality and a wide host of other issues.[107]

The process through which the charter was developed challenged many conventional understandings of political participation and representation. Instead of basing the charter on the experiences and perspectives of a few powerful leaders, as is often the case in the development of political frameworks, the WNC worked to be as inclusive as possible. This meant that instead of waiting for women on the ground to contact the WNC, as is often the assumption in discussions of political participation, the WNC went into the communities and homes of women to engage with them on their terms and in their spaces of comfort.

This approach recognised the many challenges that prevent women, especially poor women and women in rural areas, from participating in formal political processes and going to or making contact with political representatives. As primary caregivers in homes and families, women were at times unable to participate in public political processes that men might have been able to, because of their added responsibilities. Contacting women directly in their homes and local meeting areas made accessible political participation that might otherwise have been inaccessible because of distance and cost. In some situations cultural practices of patriarchy limited women's participation, as politics were understood as male processes and practices in which wives followed the lead of their husbands.

The success of this approach of meeting women in their local spaces was also influenced by the all women research teams, which allowed women to talk to each other

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[107] "Interview with Dr. Anne Letsebe." Interview by author. June 2009.

about issues that they could relate to as women. It also often solicited honest answers to questions as women were often more comfortable talking with other women about oppressions under patriarchy, which may not always have been as easily or comfortably communicated to a man.[108] The WNC's sensitivity to these gendered obstacles to political participation made it more able to reach a wide variety of women and solicit honest expressions of their challenges and hopes. By organising their research and mobilisation in ways that recognised women's positions, responsibilities and challenges, the WNC was able to solicit women's views in ways that traditional political outreach and research is often unable to do.

The WNC's processes of organising at the grassroots level and using these inputs as the starting place for developing the charter allowed the charter to be representative of women's experiences in different communities throughout the country, and to be an authentic presentation of women's needs. Within the first year of the WNC, eight regional coalitions were organised, a research team and a legal working group were functional and a national office in Johannesburg was established. The research team, with technical councillors, established hundreds of focus groups all over the country and over the following two years an estimated three million women participated in the focus groups where they voiced their aspirations and pointed out their grievances. The results of these focus groups and door-to-door questionnaires were analysed by a group of researchers and their findings were discussed with the legal working group to determine the boundaries within which a women's charter could be formulated.[109]

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[108] "Interview with Dr. Anne Letsebe." Interview by author. June 2009.
[109] "Women's National Coalition of South Africa, South Africa." International Institute for Sustainable Development (IISD). http://www.iisd.org/50comm/commdb/DESC/d18.htm (accessed January 14, 2010).

Initially there was debate within the coalition about whether a charter was an effective and inclusive means of communicating women's needs as it followed the ANC's tradition of expressing political voice through charters. Women from some organisations, especially from minority parties, feared that a charter would increase ANC influence in the WNC and exclude groups which did not come from the liberation struggle background. After debates within the WNC, it was decided that a charter would serve as an effective way of communicating needs, especially because of the diversity of South African women's experiences, and the need to produce a document expressing a unified women's voice. The charter, which was known as "Big Ears" within the WNC because of the goal that it would serve as an instrument capable of hearing the needs and challenges of women throughout the country, became a concrete objective around which the coalition organised. Realising the limited window of opportunity presented in the transition to democracy, debates about the significance of a charter became secondary to efforts to use the charter as a concrete way of expressing women's diverse experiences and ensuring that the needs expressed in these experiences became incorporated in the Constitution.[110]

Keeping Together Unlikely Bed-Fellows

Deep ideological differences divided women in the WNC and tensions grew about whether focusing on influencing the Constitution was the most productive and meaningful use of the WNC's resources. Some members of the Coalition, especially those who had been actively involved in resistance through the unions, argued

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[110] Hassim, Shireen. "'A Conspiracy of Women': The Women's Movement in South Africa's Transition to Democracy." *Social Research* 69, no. 3 (2002): 693-732. In University of the Witwatersrand, http://wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009).

concentrating efforts on the formal acknowledgements of rights might detract from the ability to change lived power dynamics at the grassroots level. Women in the WNC who were associated with parties other than the ANC also worried that the dominance of ANC members in the Coalition might undermine and co-opt their political agendas. At times, these divisions threatened to undermine the effectiveness of the Coalition, however an understanding of the uniqueness of the moment inspired a level of cohesion in the WNC. Shireen Hassim quotes Sheila Meintjes as explaining this cohesion by saying, "a lot of women were very good at looking beyond ideological and political differences and slights, for the ultimate recognition that if this didn't work then South African women would feel the effects in the future. There was a sense of a historical task." Hassim also quotes the WNC Co-Treasurer Jennifer Kinghorn as observing, "even when tensions developed in the National Office, we could stomach it because it was our window of opportunity, and if we didn't get this together, women would never be part of liberation. The cause was much bigger than the individual. And that was what kept us all together".[111] Women in the WNC recoginsed that if they did not work together and present a united front, then none of them would provide input into or enjoy the full benefits of the developing democracy.

The WNC's ability to draw together women from not only different, but also historically, materially and ideologically conflicting backgrounds, demonstrates the significance of women's liberation as a primary political objective. The Coalition's success in uniting women who were actively involved in the liberation struggle with women, especially white women, who were located in opposition to the ideals of the

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[111] Hassim, Shireen. *Negotiating Spaces: Women in South Africa's Transition to Democracy*. University of the Witwatersrand. wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009).

liberation movement, reveals the pervasiveness of patriarchal oppression in South Africa. The coalition of women from the National Party and the right-wing Transvaal Agricultural Union, two conservative pillars of the apartheid regime, with women from the ANC and Pan Africanist Congress[112] under a single banner with a common goal speaks to women's urgency in confronting patriarchy in this historical moment.

To guarantee women's rights, participants in the WNC were willing to challenge men from their own political parties, who were their historical allies during apartheid, to work with women in historically opposing political camps. The significance of this gesture cannot be overstated as it boldly attests to the extent of women's subordination across identity groups and their dedication to challenging and overcoming this subordination. The unlikely coalition of different groups of women should therefore not be read as the product of radical ideological transformations that resulted in perfect political alignment between these groups. Instead, the success in forming and maintaining this Coalition reflects women's realisation of the importance of working together in spite of their different possitionalities and their shared commitment to the realisation of women's rights across South Africa.

While women came together in an exemplary way under the WNC to claim an equal place for women in the Constitution, the nature of the Coalition allowed them to retain autonomy and loyalties to different groups. Part of this autonomy meant that while supporting the larger objective and sentiments of the Women's Charter, women's organisations within the WNC retained "their freedom to reserve their position on

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[112] Cock, Jacklyn and Alison Bernstein. "Gender Differences: Struggles around 'Needs' and 'Rights' in South Africa." *NWSA Journal* 13, No. 3 (2001): 139

particular clauses with which they do not wish to associate themselves".[113] This highlights that while the WNC sought to unite women around a common liberation, it did not seek to silence minority voices or force conformity among participants.

Conclusion

The WNC was created in a unique moment in South African history when the dramatic reconceptualisation of the state, the government and the citizen meant that women had the opportunity to dictate to the state, to define the protections and responsibilities the state owed to women, and to articulate the role women would play in the governance of the new democracy. The apartheid system perpetuated itself through imposed divisions between groups of people and the constant reproduction of exploitations and oppressions. These divisions created deep chasms between groups of women, and created the impression of different priorities and needs between different groups of women. The limited window of opportunity presented during this period presented an urgency, however, that did not allow women to be paralysed by these differences. Women in the WNC realised that if they were to gain a place for themselves in the Constitution and in the governing structures of the new democracy, they had to coalesce and identify common goals and purpose. Despite conflicting priorities and perspectives, women in the WNC knew that none of them would make advancements if they did not work together against patriarchal forces of exclusion and subordination. With this determination to gain full and equal rights in the Constitution, the WNC brought together unlikely partners and built momentum across the country around

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[113] Hassim, Shireen. *Negotiating Spaces: Women in South Africa's Transition to Democracy*. University of the Witwatersrand. wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009): 26.

improving women's lives and formally guaranteeing full access to the benefits of democracy.

The WNC's inclusive and participatory framework made it representative of a broad range of women's needs and experiences and hopes for the new democracy. The process of writing the Charter challenged dominant gender norms of exclusivity that make political participation inaccessible to many women, and revealed the possibilities of widely accessible political processes that engage with and are accountable to women from all walks of life. This input from such a diversity of women also meant that the WNC could speak authoritatively and representatively of women's needs and experiences, therefore enabling the WNC to identify and advocate for additions to the Constitution that meaningfully spoke to and addressed women's realities of inequality and subjugation in society.

CHAPTER 4

Negotiating Democracy

"As women, citizens of South Africa, we are here to claim our rights. We want recognition and respect for the work we do in the home, in the workplace and in the community. We claim full and equal participation in the creation of a non-sexist, non-racist democratic society."

Preamble- Women's Charter for Effective Equality, 1994

The language of the South African Constitution goes beyond surface discussions of equality to representing a level of detail and inclusiveness that reflects an appreciation of gendered inequalities and different factors that make women vulnerable in society.[114] Instead of relying on vague understandings of equality that make levels of protection dependent on the persuasions of the legislature of the time, the Constitution specifies factors and conditions where women experience increased vulnerability, such as pregnancy, sex, martial status and sexual orientation and prohibits unfair discrimination on these grounds. These achievements in producing a Constitution and democratic principles that are sensitive to gender inequalities demonstrate the WNC's success in influencing discourse around ways that national democracy enables or constrains the realisation equality among citizens.

Sensitivity towards gender and equality were not a given from the outset of the negotiations, and without the intense, directed struggles of women, especially those in the WNC, this gender sensitivity would most likely not have been included. The WNC acknowledged that public politics were a masculine dominated field, however, it did not change to represent itself in more masculine terms or to argue for women's ability to

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[114] See Appendix V

perform masculinity in the same way as men. Instead, it demanded that the political process change to include women and to recognise the value and importance of women's perspectives and contributions. This position as women working to protect and advance women's rights, and not as women proving that they could be like men, enabled the WNC to reconceptualise discussions about equality and gender in the development of the Constitution by arguing that women and men experience society differently and therefore need different protections to be able to realise equality. What therefore made the WNC revolutionary in its ability to change the way that gender equality was framed and understood was its members' refusal to give up their identities as women to participate in the political process. Instead they used their experiences and perspectives as women to enrich political discussion and to produce substantive equality that affirms human dignity and freedom by recognising different layers of inequality and working to address these.

In this chapter I specifically focus on the political negotiations established to decide the shape and nature of the South African democracy, analysing how men in this process employed traditional understandings of democracy that frame gender analysis as an unnecessary component of political engagement and how women, especially through the WNC, fought back against these assumptions to force the recognition and respect of their rights. This chapter begins with the first public communications between the apartheid government and leaders from the liberation movement and broadly highlights key events in the development of these discussions and eventual negotiations. This period involved intense struggles for power, compromises and multi-layered interactions, however for the purposes of this paper I focus on the general events during these interactions to provide a contextualisation of the national political climate and landscape.

In this chapter I analyse how women's collective experience of exclusion during the negotiations provided leverage around which to organise and served to illustrate that although women's experiences varied enormously across the country, women were all subject to the dominant oppressions of patriarchy. Here I examine how women from across the racial, economic, political and geographic spectrum exerted power to establish themselves as a key political force in the development of the Constitution.

I identify three specific tools and strategies employed in this struggle for power and influence. First, the ideological situating of women's rights within the dominant liberation struggle discourse of human rights; second alliances with key male figures in the ANC; and third, and most importantly, power through numbers as a representative of a significant portion of the electorate. I continue a review and analysis of the ways that women struggled to gain a place in the negotiations and to inclusion their demands in the Constitution, with the culmination of women's threats to boycott the elections and in doing so delegitimise a democracy that did not recognise and work to serve their needs. I conclude this chapter with the WNC's handing over of the Women's Charter in 1994, and the eventual adoption of the current Constitution in 1996.

<div align="center">Negotiations</div>

In February 1990, some of the first significant steps towards formal negotiations began when F.W. de Klerk announced the unbanning of the ANC and other banned liberation organisations. This same year Nelson Mandela was also released from prison. In May 1990, ANC leadership met with the government at the President's residence to negotiate the *Groote Schuur Minute*, a document which reflected both sides' commitment "towards the resolution of the existing climate of violence and intimidation from

whatever quarter as well as a commitment to stability and to a peaceful process of negotiations".[115] This included indemnity from prosecution for returning exiles and the release of political prisoners.[116] This consensus between the ANC and the government was extended in August 1990 through the *Pretoria Minute,* which reaffirmed commitment to the *Groote Schuur Minute* and added the suspension of the armed struggle by the ANC and its military wing Umkhonto we Sizwe and the release of more political prisoners starting in September of that year.

In September 1991, twenty-seven political organisations and national and homeland governments came together to sign the National Peace Accord, a document drafted to "to signify our common purpose to bring an end to political violence in our country and to set out the codes of conduct, procedures and mechanisms to achieve this goal".[117] This Accord prepared the way for Convention for a Democratic South Africa (CODESA), a national forum for the negotiations of the dismantling of the apartheid regime. CODESA began during an intense period of violence in South Africa, with the government sponsoring much of this violence to destabilise the country, while meeting with liberation parties around issues of transformation. CODESA did not ultimately bring a breakthrough in the negotiations towards ending apartheid and ushering in democracy. It however proved a crucial period in women's organising and mobilising in national

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[115] "De Klerk's reply to Nelson Mandela 2 July 1992 - The O'Malley Archives." Nelson Mandela Foundation Home. http://www.nelsonmandela.org/omalley/index.php/site/q/03lv02039/04lv02046/05lv02092/06lv02094.htm (accessed January 4, 2010).
[116] "Minutes and Accords between the ANC and the South African Government, May 1990 - February 1991: THE GROOTE SCHUUR MINUTE." *ANC.org.za*. African National Congress. Web. 25 Nov. 2009. <http://www.anc.org.za/ancdocs/history/minutes.html>.
[117] "National Peace Accord." African National Congress Home Page. http://www.anc.org.za/ancdocs/history/transition/npaccord.html (accessed November 25, 2009).

politics, and played a significant role in increased participation in the WNC from a wide range of women's organisations.[118]

CODESA

CODESA I began in December 1990,[119] with the representation of nineteen different groups, including the South African government, the National Party, the African National Congress, the South African Communist Party, the Inkatha Freedom Party, the Democratic Party, the South African Indian Congress, the Coloured Labour Party, the Indian National People's Party and Solidarity Party, and the leaders of the nominally independent Bantustans of Transkei, Ciskei, Bophuthatswana and Venda. The right-wing white Conservative Party and the left-wing Pan Africanist Congress boycotted CODESA.[120] The political parties at CODESA virtually all selected all-male teams to represent them, resulting in fewer than fifteen women out of more than 200 representatives present at the negotiations.[121] This virtually universal exclusion of women from involvement in these negotiations, across political parties, races and classes made it clear to women that transition to democracy would not automatically result in their emancipation, but that they had to fight for space and participation in the national political transformation.

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[118] Rantete, Johannes, and Hermann Giliomee. "Transition to Democracy through Transaction?: Bilateral Negotiations between the ANC and NP in South Africa." *Transition to Democracy through Transaction?: Bilateral Negotiations between the ANC and NP in South Africa* 91, no. 365 (1992): 515-42. http://www.jstor.org/stable/722988 (accessed December 5, 2009).
[119] See Appendix II
[120] Marasinghe, Lakshman. "Constitutional Reform in South Africa." *International and Comparative Law Quarterly* 42 (1993): 827-45.
[121] Hassim, Shireen. *Negotiating Spaces: Women in South Africa's Transition to Democracy*. University of the Witwatersrand. wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009).

During the different representatives' addresses, Helen Suzman, a veteran parliamentarian who had long served as one of the sole women representatives in parliament, expressed her dismay at the lack of women's representation in the negotiation process. She explained how the transformation of the South African political order needed to address oppression in its many different forms, not only racial oppression but also gender discrimination, which could not be tackled while women were absent from the negotiation table. She explained,

> Here we are in this great hall at a momentous time, and I can't believe my eyes and ears when I see the number of women in the room. As with racism, so with sexism - you can enact legislation, but despite this, racism and gender discrimination exists. When I look around, there are maybe ten out of 228 delegates who are women. CODESA, as a way forward, must include more women.[122]

As an established parliamentarian with extensive experience challenging inequality and exclusion, Suzman was able to participate in CODESA because of her prominent and long standing role in the national public political space. This was a position that had been inaccessible to many women during apartheid, making them unable to voice their input in the ways that women who were already involved in national politics were able to. Men involved in liberation movements met with government to negotiate the terms of the new political order; however the women from liberation movements who worked and fought alongside the men were absent at the negotiation tables. This absence from the first stage of negotiations determining South Africa's political future sent a message to women throughout the country and across the political spectrum that women's interests and needs would not be prioritised unless South African women demanded that this happen and that they be included in the process of democracy building. This exclusion of women, and the

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[122] "The Soul of a Nation: Constitution-making in South Africa." The Soul of a Nation: Constitution-making in South Africa. http://www.sahistory.org.za/pages/library-resources/online%20books/soul-of-nation-constitution/chapter6.htm (accessed January 5, 2010).

lack of sensitivity to gender equality in the negotiations that it represented served as a significant push for many women's organisations to join efforts and to mobilise a women's voice that could not be ignored by the groups involved in the negotiations.

Women from throughout the country responded to the exclusion of women from CODESA with outrage, taking to demonstration in a variety of ways. A wide range of groups and individual women across the country from different professional fields and political parties bought advertising space in newspapers demanding greater participation of women in the negotiations. There could be little doubt that women's marginalization from politics was being challenged as never before. This groundswell of anger fed into the meetings across political party lines to discuss the formation of a coalition, making the possibility of a national women's coalition a reality.[123]

Although initially different organisations expressed hesitance about joining the WNC, following CODESA I and the effective exclusion of women from the national multi-party negotiations by virtually all political parties, it became clear that there was shared oppression between South African women. In addition to shared marginalisation was the realisation of a shared future for women, and shared stakes in influencing the negotiations and development of the new Constitution. This presented an opportunity to guarantee certain protections by and from the state through legislation, and to ensure women's involvement in formal political processes in the new dispensation. The goals of ensuring women's involvement in the multi-party negotiations were therefore two fold. Firstly, it would ensure that women were protected and provided opportunities under the new order and secondly, it would raise consciousness- among women and men- about the

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[123] Hassim, Shireen. "'A Conspiracy of Women': The Women's Movement in South Africa's Transition to Democracy." *Social Research* 69, no. 3 (2002): 693-732. University of the Witwatersrand, http://wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009).

impact that women can have in the political process, thereby opening new possibilities for women's involvement in the new democratic order.

Human Rights: A Common Framework Between Liberation and Women's Movements

The dominant framework expressed by liberation movement parties within the negotiations was that of a human rights based democracy. Following the gross atrocities committed by the apartheid government, there was a powerful push to protect against any such violations and abuses in the future. This human rights discourse focused on equality between all people and the promotion of non-racism.[124] Also championing equality and protection against abuses and discrimination, the WNC framed women's liberation in the context of human rights, pointing to shared values of protecting individual and group rights as national liberation parties. This ideological overlap between the liberation movement's agenda and the women's movement's agenda allowed the WNC to make significant inroads in negotiating the terms of democracy.

By framing women's rights in the larger context of human rights, the WNC was able to highlight how the two movements were advocating similar principles. A human rights framework also meant that a failure to recognise women's rights would signify a failure to up hold human rights, the foundational principle of the new democratic order. The WNC's framing of issues demonstrated its commitment to fighting discrimination at multiple levels. The WNC ability to challenge liberation movement parties to uphold the standards of human rights protections that they were fighting for in the negotiations by extending these rights to also protect women in society.

"The Freedom Charter- Adopted at the Congress of the People, Kliptown, on 26 June 1955." ANC.org.za. http://www.anc.org.za/ancdocs/history/charter.html (accessed December 8, 2009).

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<u>Male Supporters of Women's rights</u>

An important factor in women's ability to influence the negotiations to be inclusive of women and gender rights was the ability to form alliances with men within political parties, especially the ANC, to champion for the acknowledgement of gender and sex inequalities and protect against associated abuses.[125] The ANC had a long tradition of acknowledging women's roles in liberation politics and supporting women's rights. This support was expressed by leader such as Oliver Tambo and in foundational documents such as The Freedom Charter, which states the equality of women. Women within the ANC played a strong role in advancing these progressive stands on gender, however the translation of progressive stands into formal party policy influencing the party's direction and principles was achieved by collaborative work of women and their male comrades. The influence of the cooperation between women and men in the ANC in shaping the party's position on the relationship between national and women's liberation is illustrated in the ANC National Executive Committee's May 1990 statement "On the Emancipation women in South Africa" which stated,

> The experience of other societies has shown that the emancipation of women is not a by-product of a struggle for democracy. It has to be addressed in its own right within our organization, the mass democratic movement and in society as a whole. The prevalence of patriarchal attitudes in South African society permeates our own organizations, especially at decision-making levels, and the lack of a strong mass women's organization has been to the detriment of our struggle.[126]

This statement provided an important political base and ideological impetus to move the

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[125] Hassim, Shireen. *Negotiating Spaces: Women in South Africa's Transition to Democracy*. University of the Witwatersrand. wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009).

[126] "Statement of the National Executive Committee of the African National Congress on the Emancipation of Women in South Africa May 2nd 1990." *Agenda Feminist Media* 8 (1990): 19-23. http://www.jstor.org/stable/4065629 (accessed December 6, 2009).

struggle for women's rights forward. Although the WNC represented a powerful voice, it needed the support of established political parties already involved in the negotiations, and the ability to wield significant influence in the negotiations. A significant part of the WNC's goal was to influence substantive equality, which did not only provide lip service to issues of inequality but presented opportunities to address them. Without strong support for such changes from parties present at the negotiation table, it is unlikely that such changes would have been effectively received.

The WNC, driven by women within the ANC, was able to command the support of the ANC at crucial moments in the negotiations. The presence of a strong political party that favoured a structural transformation rather than merely a transfer of power was crucial to the success of claiming space for women's rights in the new democracy. The ANC, which had undergone a slow process of internal transformation of decision-making processes and representational structures, had committed itself to eradicating gender inequalities.[127] The formal commitments of the ANC to including women at all levels of decision making and gender equality concerns in policy frameworks created an ideological basis from which to make women's demands a benchmark of substantive democracy.

<center>Power Through Numbers</center>

One of the WNC's primary strengths was the power that it commanded through numbers. By reaching out to women at all levels of society throughout the country and gaining their support, the WNC became a coalition with influence over a significant percentage of voters. As such, the WNC became a force in the national political sphere

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[127] Hassim, Shireen. "'A Conspiracy of Women': The Women's Movement in South Africa's Transition to Democracy." *Social Research* 69.3 (2002): 693-732.

that could not be silenced. Through the WNC women realised their collective power, and their ability to significantly influence the course of the democratic proceedings. Hassim describes the significance of women's collective political power explaining the ANC's realisation that

> The national liberation movement had to regard its traditional constituencies as electoral bases for which it was competing with other political parties- in other words, it had to play the new electoral game of democracy. Women could no longer simply be treated as a resource for mass mobilization that could be called on at political will but rather had to be treated as a constituency with electoral power to choose between different political parties. [128]

This status as a constituency with significant voting power meant that women's demands could not be ignored. The independence that women gained by building a coalition that went beyond the range of women's organizations that were sympathetic to the ANC provided the WNC with considerably more flexibility. [129] As an autonomous body, the WNC was able to exert pressure for accountability in a way that could not be contained by the internal mechanisms and discourses of party loyalty. The WNC therefore gained considerable strength from its autonomy and the masses of women represented under its banner.

During debates about the inclusion of women representatives in the negotiations, it became clear to ANC leadership that women were not willing to sacrifice issues of gender inequality because of party loyalty. Senior women in the ANC framed their demands by pointing out that throughout the struggle for liberation women fought alongside men, from the battlefields in armed resistance to lobbying in offices and to the streets in organised protest.

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[128] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005:133.
[129] Hassim, Shireen. "'A Conspiracy of Women': The Women's Movement in South Africa's Transition to Democracy." *Social Research* 69.3 (2002): 693-732.

Women proved their loyalty to the ANC and the cause of national liberation through their continuous work and sacrifices over the decades, and in turn they demanded that the ANC prove it loyalty to the women's equality. Senior women representatives in the ANC threatened that if the party did not make a commitment to women's rights and actively support women's agenda then women would organise a national boycott of the elections.[130] Such a boycott would disrupt the transition to democracy, reduce the legitimacy of the elections, and raise attention to the lack of protection women were afforded in the new government. Through this stance and threat to boycott the elections, women leadership in the ANC proved that it would not support a democracy that did not promote equality at all levels, and left women behind in the move towards liberation. With this threat to boycott the elections, the ANC could not ignore women's demands and moved quickly to increase women's representation at the negotiation within the party and also from other parties present.

<center>Inclusion in the Negotiations</center>

During the negotiations the WNC centred its advocacy and lobbying around two key issues: first, an increase in the number of women representatives and second the inclusion of the principle of non-sexism in the Constitutional Principles.[131] In response to the wave of protests at women's exclusion from CODESA, the management team proposed that women be included in political parties' delegations. The WNC welcomed this development, and used the opportunity to gain a separate seat from the ANC in the

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[130] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005: 153-155.
[131] Meer, Shamim. "Freedom for Women: Mainstreaming Gender in the South African Liberation Struggle and Beyond." *Gender and Development* 13, no. 2 (2005): 36-45.

negotiations. The WNC hoped that from this independent situation it would be able to influence and caucus with women from other political parties.

This suggestion of independence from the ANC was met with significant resistance from the ANC's Negotiations Committee, which saw the move as unnecessary given the ANC's commitment to include women in the negotiation delegations. The WNC was not satisfied with this limited representation, and women from the ANCWL Strategising Group produced a document that highlighted gender issues in each of the working committees and made recommendations. This document was presented to CODESA, where it was agreed that instead of giving the WNC its own seat, CODESA would instead push for a Gender Advisory Committee (GAC) to monitor and advise on the gender implications of CODESA's terms of reference and the decisions of the Management Committee and working groups.[132]

The move to create a Gender Advisory Committee was received with varying responses by different groups within the WNC. Some women saw this as a victory for raising the visibility and profile of gender issues in national politics, while other women saw this as the further marginalisation of gender issues which prevented groups from having to confront the absence of women among the negotiators. [133] This reflected the differing understandings on how to most efficiently tackle issues of gender inequality in the negotiations and how to incorporate women into the negotiation process. Despite these differences, the consensus remained that gender analysis and women's perspectives

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[132] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005: 153-155.
[133] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005:153-155.

were essential to the negotiations. The challenge emerged in how to insert gendered analyses.[134]

In June 1992, CODESA was dissolved because of increasing violence around the country, specifically marked by the Boipatong Massacre where more than 40 people were killed during a march in Boipatong. The violence, which was started by Inkatha Freedom Party members, was read by the ANC as a sign of the determined effort by some parties to derail negotiations.[135] ANC leaders met to discuss the implications of the massacre and decided to reaffirm its commitment to a settlement, but to break off all negotiations. It further accused the government of complicity in the soaring violence. In September of the same year, soldiers in Bisho opened fire on people who, as part of the mass-action campaign, were protesting against the homeland government. Many people died, and the violence of the massacre, and the potential for even more widespread bloodshed and instability that it suggested, shocked both sides back to the negotiating table.[136]

In April 1993, a new round of constitutional negotiations began, known as the Multi-Party Negotiating Process (MPNP).[137] The aim of these talks was to solidify agreements on the constitutional framework for the new democracy. The Negotiating Council of the MPNP established seven technical committees to consider submissions and proposals. The WNC focused on the Technical Committee on Constitutional matters,

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[134] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005: 156.
[135] See appendix II
[136] "History of the Constitution - Constitutional Court of South Africa." Home - Constitutional Court of South Africa. http://www.constitutionalcourt.org.za/text/constitution/history.html#1991 (accessed November 9, 2009).<http://www.constitutionalcourt.org.za/text/constitution/history.html#1991>.
[137] See appendix II

which was tasked with agreeing on an interim constitution, eventually to be finalized and adopted by an elected Constitutional Assembly.[138]

Then the Women Said 'No More'!

Again at MPNP, as at CODESA, women were significantly under-represented among the negotiators and the technical committees. The first reaction from some previous members of the GAC was to reinstitute GAC as a technical committee preparing reports on the gender implications of different proposals. The WNC reacted to this proposal harshly, writing an open letter to political leaders at the negotiations accusing them of turning GAC into a "political ghetto" that kept women at the margins and denied them access into the nucleus of power. [139] With this statement they questioned ANC leaders' commitment to women's representation and participation in the development of the new political order. The ANC Women's League also held protests outside the MPNP meetings at the first meeting of the Negotiating Council demanding "a representative voice of women-from all parties- be heard within the inner chambers of the negotiating council." In a demonstration of their commitment to fighting for women's rights in the new democracy, these women threatened to boycott the first elections if their demands for inclusion were not met.[140]

In response to the increasing perception of the GAC as a restrictive factor for women that contributed to their marginalization, women from different political parties began to demand inclusion in the national decision making teams. All women

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[138] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005: 153-155.

[139] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005: 153-155.

[140] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005: 154.

representatives at the MPNP coalesced in a meeting to discuss a common stand and establish a united way forward to ensure women's meaningful inclusion in the negotiations. The result of this meeting was the identification of the following demands: "The establishment of a Women's Caucus, the release of the report of the all-male Negotiating Council's last meeting where the question of women's participation was being debated, and to the last meeting of the Negotiating Council" before the issues of women's participation was to be resolved.[141] This meeting illustrated the common dismissal of women and their interests across identity lines, and women's uniting around the recognition of this political otherisation. Here, again, women were drawn together across party lines because of the shared experience of exclusion and marginalization in the political process. As was the case in earlier stages of negotiation, women had a tangible common factor between them that could further mobilisation and unity to apply pressure on all male self-selected technical committees.

Women across party lines agreed that pressure to substantively include women in the negotiations needed to come from within and outside the MPNP. To this end, women activists established the MPNP Monitoring Collective in July 1993. The WNC expressed that it hoped to develop a "close co-operation between women negotiators and the WNC Monitoring Group".[142] Because the WNC's Women's Charter was still being developed during this period and specific goals and priorities were being distilled, it was difficult for women negotiators to commit to narrow objectives. This position necessitated that women at the negotiations, "ensure that the formulation of constitutional principles and

[141] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005: 153-155.

[142] Hassim, Shireen. *Negotiating Spaces: Women in South Africa's Transition to Democracy*. University of the Witwatersrand. wiserweb.wits.ac.za/PDF%20Files/wirs%20-%20hassim.PDF (accessed December 5, 2009).

other agreements at the multiparty talks were as broad and inclusive as possible".[143] This approach focused more on encouraging a framework for the constitution rather than a prescriptive structure which could be limiting and prevent women's groups' interventions at a later stage. This inclusivity also allowed women from different parties and identity backgrounds to pursue a common agenda and present a united front in the face of marginalisation and silencing by male dominated negotiation processes.

The first draft of the Constitutional Principles excluded the explicit mention of non-sexism, despite the GAC's recommendation of this phrase. The WNC responded quickly to this omission, sending a submission to the MPNP asking for the explicit inclusion of the principle of non-sexism and the prohibition of gender discrimination along with racial discrimination. The technical committee incorporated the request to prohibit gender discrimination but excluded non-sexism from the Constitutional Principles, arguing that it was implied in the general terms of the principles.[144] This response from the Technical Committee illustrates how a lack of sensitivity to women's disenfranchisement in society leads to the assumption that masculinist terms of liberation automatically incorporate women. It does not recognise the specific vulnerabilities and discrimination that women face in society, it renders these invisible, and categorises women under the same group as men, even though their needs and responsibilities are often varied in society.[145]

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[143] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005: 155.
[144] Meer, Shamim. "Freedom for Women: Mainstreaming Gender in the South African Liberation Struggle and Beyond." *Gender and Development* 13, no. 2 (2005): 40.
[145] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005: 153-155.

The exclusion of non-sexism revealed the need for the WNC to bring attention to issues of protection of rights specific to women, and illustrate the disproportionate subjugation that women in society face in relation to men. The WNC took the responsibility of proving the many ways that women had been denied full participation in public political and social life and how the Constitution was the best place to guarantee that women be able to enjoy the full rights and privileges of citizenship as men. This was in line with the practice and experience of what women in the WNC, in parties at the negotiations, and in civil society did during the negotiations. The debate on the non-sexism clause was reopened when the Interim Constitution was presented to the Constitutional Assembly, and here women members of Parliament successfully argued for the inclusion of the principle of non-sexism.[146]

Handing the Charter to Parliament

The success of the WNC's efforts to promote women's rights and protect against gender inequality was most concretely illustrated in February 1994 when the Women's Charter was accepted at a national convention. The Charter was unanimously adopted with the exception of minor clauses and has been translated in all 11 official South African languages. The Women's Charter is divided into the following 12 Articles: Equality, Law and the Administration of Justice, the Economy, Education and Training, Development Infrastructure and the Environment, Social Services, Political and Civic Life, Family Life and Partnerships, Custom, Culture and Religion, Violence Against

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[146] Hassim, Shireen. *Women's organizations and democracy in South Africa contesting authority*. Madison: University of Wisconsin Press, 2005: 153-155.

Women, and Health and Media. Following its adoption, many workshops were held to promote the contents of the Charter in different communities.[147]

The Women's Charter was officially handed to President Nelson Mandela, on August 9, 1994, the anniversary of the women's march to the Union Buildings in 1956. Subsequently this day has been officially declared National Women's Day.[148]

What Do the Gains Represented in the Constitution Mean for Women?

Although ultimately, women's daily experiences and conditions are largely dependent on dominant social attitudes towards gender and women's rights, the guarantees represented in the Constitution provide women recourse to challenge oppression and demand equality. The Constitution's position as the supreme law of the Republic ensures that women's rights cannot be taken away or negatively influenced by any external factors. This firm guarantee is reiterated in the Constitution's mandate that "law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled".[149] This protection allows for women's rights to be advanced and to grow under the democracy, but not to be withheld or minimised in anyway.

In addition to the rights mentioned earlier in this chapter, the Constitution also ensures a right to "freedom and security of the person" in both public and private spaces and the right to "bodily and psychological integrity," which includes decisions about reproduction and security and control of the body.[150] These protections cover a broad range of areas that affect women, which allows for their adaptability over time as society

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[147] "Women's National Coalition of South Africa, South Africa." International Institute for Sustainable Development (IISD). http://www.iisd.org/50comm/commdb/DESC/d18.htm (accessed January 14, 2010).
[148] "Women's National Coalition of South Africa, South Africa." International Institute for Sustainable Development (IISD). http://www.iisd.org/50comm/commdb/DESC/d18.htm (accessed January 14, 2010).
[149] See Appendix V
[150] See Appendix V

changes. This also allows for their constant expansion to limit abuses and oppression of women and respond to these as they might change over time. The battles fought and won for women's rights in the Constitution therefore provide long-term protects to women and prohibit future abuses or the introduction of laws that detract from these gains.

The enshrinement of women's rights in the Constitution does not signal an end to women's oppression or the crowning of a post-patriarchal state or society. It does, however, demonstrate the Republic's commitment to the recognition of women's rights. It promises a democracy that does not tolerate sexism and that supports women in challenging sexism where it exists. Women's victories in the Constitution can therefore be read the inscription of women's rights on to the heart of the South African democracy.

Conclusion

The WNC's experiences of exclusion and ghettoisation during the political negotiations echoed trends of many other transitions to democracy in which patriachal political norms predominated and women's demands from democracy remained unmet. The WNC had the benefit of observing these trends, and developing responses to combat exclusion and repression. The WNC's overwhelmingly strong support throughout the country made them an organisation that could not be ignored, silenced and made invisible, as was the expectation of women and the experiences of women in many other countries. In many ways, the WNC was able to anticipate some challenges that they encountered from male political actors and established political powers because women from other movements shared their experiences, lessons and insights.

The WNC's grassroots organising and mobilising made it a power that could not be ignored or marginalised. Men in political parties had no choice but to engage with the

WNC and listen to and act on its demands because of the power that it commanded in numbers. The WNC's ability to draw the level of support that it did illustrates the Coalition's success in being an accessible, inclusive and gender sensitive organisation. Women from across the country backed the WNC with their support, indicating that the WNC was able to speak to women in a way that was meaningful and real, and also communicate what they learned from different women effectively with men in political parties at the negotiations. This success shows the WNC's efficient and thorough work at both the grassroots levels where support was gained, demands were heard and conscientising took place, and at the executive levels where the final inclusions in the Constitution were debated and eventually decided on.

The achievements of this women's movement changed the ways that gender was discussed, that equality was conceptualised and rights were imagined. The WNC proved that the burdens and responsibilities that women face in society necessitate their increased protection and the specification of their rights so that they cannot be taken away or ignored as is often the case in democracies throughout the world. The WNC radically influenced the content of the Constitution with regard to gender and sexuality rights, and proved that only after such measures can aspirations towards equality become realisable.

CONCLUSION

"Many new provisions on gender issues reflect the progress that we are making as a nation towards securing equality for our women compatriots who have for far too long suffered too many privations merely because of their gender. Yet it is in actual practice that our ideals and intentions will be tested"

-Nelson Mandela at the adoption of the new Constitution, May 1996

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The WNC faced many difficulties in order to bring women together to speak with a unified voice that was powerful enough to challenge institutionalized powers of patriarchy. The challenges internally, in bringing together women from diverse backgrounds, and externally, in working to establish gender equality as a national priority and gain women seats of authority in politics, showed how the WNC was able to adapt to the changing political climates and work strategically to make the most significant advances for women possible. The WNC did not rely on one method of lobbying nor did it form alliance solely with one party or organisation, but rather created alliances with different women's groups and parties to continue gaining power. The Coalition also used a number of different methods of exercising power in relation to parties at the negotiations, adapting responses and approaches depending on the situation.

In the negotiations, there were three primary ways that the WNC gained and exercised power: by increasing their numbers and showing their ability to influence constituencies, by forming alliances with powerful political parties who could support their objectives, and by framing their goals in a human rights framework, which was the dominant framework used by liberation movement parties in articulating their visions for democracy. The WNC overcame many obstacles throughout the course of the negotiations to ensure women's rights were enshrined in the Constitution.

The WNC gained power through numbers, through ideological appeal and through alliances, however much of their success in making substantive advances that spoke to the realities and experiences of South African women came from their ability to adapt their systems of mobilising, consciousness raising and organising to be gender sensitive. The WNC not only insisted on women's faces at the negotiating tables, it demanded that women's perspectives be included here too. Instead of using traditional political models that exclude many women from participation in politics, they tailored their research and communication with women around the living situations and social responsibilities of many women. The WNC therefore not only advocated for gender reform within legislation, but it lived it in the way that they conducted programmes and engaged with women. This enabled the WNC able to access information and resources that might not have been available through traditional models of political participation.

With information about women's lives and challenges throughout the country, the WNC was able to influence the Constitution and the negotiations towards democracy in a way that was reflective of and true to women's conditions, and that could therefore substantively improve women's lives in South Africa. The WNC ensured that women's rights occupied a central place in South Africa's democracy by enshrining these rights in the Constitution. The protection of women's rights in the South African democracy's core values ensures that any government or other actor in South Africa cannot infringe upon the rights gained during this period and women are able to challenge such infringements if they occur.

In an interview with the WNC's co-chair Dr. Anne Letsebe, Letsebe shared with me some of the motivating factors behind her involvement in the Coalition and insights

into the intensely personal, visceral commitment that she and other participants in the WNC made to the cause of improving women's lives. Part of the inspiration in hearing these experiences was her framing of events and processes within a historical framework that brought stories to life by showing how gradual progressions were made, bitter battles were fought, and many small victories were won before women realised their place in the Constitution.

One such instance of drawing together connections on a historical trajectory was at the conclusion of our interview as we walked out of the Union Buildings where Letsebe works. Here she shared a story with me about her grandfather who had worked as a labourer constructing the Union Buildings after his return from fighting for South Africa in the First World War. Letsebe explained how upon their return from The War, her grandfather and his colleagues constructed the Union Buildings labouring with the determination that they would eventually work inside the Buildings as government workers, making decisions about the governance of the country for which they had risked their lives. Reflecting on how no black South African in either her grandfather or her father's generations lived to work in a position of authority in the Union Buildings, Letsebe highlighted her position both as a woman and as a black South African in one of the most senior positions in the Union Buildings. With this example, Letsebe revealed history as a progression and a constant struggle to gain and maintain power and protections for marginalised groups. From the start of the twentieth century, South African women organised and rallied around their rights, demanding that the state acknowledge and protect these rights and treat women as citizens in their own country. Many women who dedicated their lives to this struggle for equality did not live to see it

realised, but their sacrifices were not in vain. The strength, confidence and determination of a matured women's movement that drew on the achievements and lessons of a long history of organising was able to do what few states in the world have achieved in articulating the protections and guarantees necessary for women to pursue and realise equality in society.

The obstacles faced and the battles fought by the WNC serve as an illustration of the many ways that patriarchy undermines women and leads to a fundamentally unequal society. In the negotiations women were excluded and rendered invisible. After they forced their way into the negotiations, they were assigned marginal roles with limited influence. Even as active participants in the negotiations, women were still marginalised when the Technical Committee only partially included their demands for equality, dismissing the language of non-sexism as unnecessary. The suggestion from this stance is that patriarchy protects women and that explicit recognition of women as separate from men only complicates the ordering of society. We see from the WNC's struggles that women rejected these acts of subordination, demanding the recognition and protection of their rights to allow women to live as full citizens under democracy. Through their consistent struggle, determination, and strategic work the WNC eventually ensured that South African women enjoy a place in the Constitution. The WNC proved that providing a gendered analysis does not undermine the objectives of democracy but rather it enriches its content. The WNC illustrates that the protection of women's rights and the pursuit of national liberation need not be mutually exclusive. Democracy and the overthrow of apartheid did not need to be sacrificed in any way for women to enjoy their rights, and women can, and did, pursue both struggles simultaneously and victoriously.

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Appendix I

Women's Charter

Adopted at the Founding Conference of the Federation of South African Women
Johannesburg, 17 April 1954

Preamble: We, the women of South Africa, wives and mothers, working women and housewives, African, Indians, European and Coloured, hereby declare our aim of striving for the removal of all laws, regulations, conventions and customs that discriminate against us as women, and that deprive us in any way of our inherent right to the advantages, responsibilities and opportunities that society offers to any one section of the population.

A Single Society: We women do not form a society separate from the men. There is only one society, and it is made up of both women and men. As women we share the problems and anxieties of our men, and join hands with them to remove social evils and obstacles to progress.

Test of Civilisation: The level of civilisation which any society has reached can be measured by the degree of freedom that its members enjoy. The status of women is a test of civilisation. Measured by that standard, South Africa must be considered low in the scale of civilised nations.

Women's Lot: We women share with our menfolk the cares and anxieties imposed by poverty and its evils. As wives and mothers, it falls upon us to make small wages stretch a long way. It is we who feel the cries of our children when they are hungry and sick. It is our lot to keep and care for the homes that are too small, broken and dirty to be kept clean. We know the burden of looking after children and land when our husbands are away in the mines, on the farms, and in the towns earning our daily bread.

We know what it is to keep family life going in pondokkies and shanties, or in overcrowded one-room apartments. We know the bitterness of children taken to lawless ways, of daughters becoming unmarried mothers whilst still at school, of boys and girls growing up without education, training or jobs at a living wage.

Poor and Rich: These are evils that need not exist. They exist because the society in which we live is divided into poor and rich, into non-European and European. They exist because there are privileges for the few, discrimination and harsh treatment for the many. We women have stood and will stand shoulder to shoulder with our menfolk in a common struggle against poverty, race and class discrimination, and the evils of the colourbar.

National Liberation: As members of the National Liberatory movements and Trade Unions, in and through our various organisations, we march forward with our men in the struggle for liberation and the defence of the working people. We pledge ourselves to keep high the banner of equality, fraternity and liberty. As women there rests upon us also the burden of removing from our society all the social differences developed in past times between men and women, which have the effect of keeping our sex in a position of inferiority and subordination.

Equality for Women: We resolve to struggle for the removal of laws and customs that deny African women the right to own, inherit or alienate property. We resolve to work for a change in the laws of marriage such as are found amongst our African, Malay and Indian people, which have the effect of placing wives in the position of legal subjection to husbands, and giving husbands the power to dispose of wives' property and earnings, and dictate to them in all matters affecting them and their children.

We recognise that the women are treated as minors by these marriage and property laws because of ancient and revered traditions and customs which had their origin in the antiquity of the people and no doubt served purposes of great value in bygone times.

There was a time in the African society when every woman reaching marriageable stage was assured of a husband, home, land and security.

Then husbands and wives with their children belonged to families and clans that supplied most of their own material needs and were largely self-sufficient. Men and women were partners in a compact and closely integrated family unit.

Women who Labour: Those conditions have gone. The tribal and kinship society to which they belonged has been destroyed as a result of the loss of tribal land, migration of men away from the tribal home, the growth of towns and industries, and the rise of a great body of wage-earners on the farms and in the urban areas, who depend wholly or mainly on wages for a livelihood.

Thousands of African women, like Indians, Coloured and European women, are employed today in factories, homes, offices, shops, on farms, in professions as nurses, teachers and the like. As unmarried women, widows or divorcees they have to fend for themselves, often without the assistance of a male relative. Many of them are responsible not only for their own livelihood but also that of their children.

Large numbers of women today are in fact the sole breadwinners and heads of their families.

Forever Minors: Nevertheless, the laws and practices derived from an earlier and different state of society are still applied to them. They are responsible for their own person and their children. Yet the law seeks to enforce upon them the status of a minor.

Not only are African, Coloured and Indian women denied political rights, but they are also in many parts of the Union denied the same status as men in such matters as the right to enter into contracts, to own and dispose of property, and to exercise guardianship over their children.

Obstacle to Progress: The law has lagged behind the development of society; it no longer corresponds to the actual social and economic position of women. The law has become an obstacle to progress of the women, and therefore a brake on the whole of society.

This intolerable condition would not be allowed to continue were it not for the refusal of a large section of our menfolk to concede to us women the rights and privileges which they demand for themselves.

We shall teach the men that they cannot hope to liberate themselves from the evils of discrimination and prejudice as long as they fail to extend to women complete and unqualified equality in law and in practice.

Need for Education: We also recognise that large numbers of our womenfolk continue to be bound by traditional practices and conventions, and fail to realise that these have become obsolete and a brake on progress. It is our duty and privilege to enlist all women in our struggle for emancipation and to bring to them all realisation of the intimate relationship that exists between their status of inferiority as women and the inferior status to which their people are subjected by discriminatory laws and colour prejudices.

It is our intention to carry out a nation-wide programme of education that will bring home to the men and women of all national groups the realisation that freedom cannot be won for any one section or for the people as a whole as long as we women are kept in bondage.

An Appeal: We women appeal to all progressive organisations, to members of the great National Liberatory movements, to the trade unions and working class organisations, to the churches, educational and welfare organisations, to all progressive men and women who have the interests of the people at heart, to join with us in this great and noble endeavour.

Our Aims

We declare the following aims:

This organisation is formed for the purpose of uniting women in common action for the removal of all political, legal, economic and social disabilities. We shall strive for women to obtain:

1. The right to vote and to be elected to all State bodies, without restriction or discrimination.

2. The right to full opportunities for employment with equal pay and possibilities of promotion in all spheres of work.
3. Equal rights with men in relation to property, marriage and children, and for the removal of all laws and customs that deny women such equal rights.
4. For the development of every child through free compulsory education for all; for the protection of mother and child through maternity homes, welfare clinics, creches and nursery schools, in countryside and towns; through proper homes for all, and through the provision of water, light, transport, sanitation, and other amenities of modern civilisation.
5. For the removal of all laws that restrict free movement, that prevent or hinder the right of free association and activity in democratic organisations, and the right to participate in the work of these organisations.
6. To build and strengthen women's sections in the National Liberatory movements, the organisation of women in trade unions, and through the peoples' varied organisation.
7. To cooperate with all other organisations that have similar aims in South Africa as well as throughout the world.
8. To strive for permanent peace throughout the world.

[1.] The Charter expressed the philosophy and aims of the newly established Federation of South African Women (FSAW). It was adopted at the inaugural conference and included in the final report of the conference.

Source: "Women's Charter." *ANC.org.za*. African National Congress. Web. 2 Dec. 2009. <http://www.anc.org.za/ancdocs/history/women/wcharter.html>.

Appendix II

Timeline 1910- 1996

1910- Act of Union; Britain handed over the administration of South Africa's four provinces to the local white population.

1912- African National Congress (ANC) was formed.

1913- Native Land Act was passed; Attempts to issue women with passes on the same basis as men led to massive protests.

1918- Charlotte Maxeke started the first formal women's organization, Bantu Women's League (BWL) which was created to resist the pass laws.

1931- BWL was recognised as the women's branch of the ANC; Women's section of the Communist Party was established.

1936- Native Land and Trust Act cemented the distribution of land on a permanent basis.

1943- Women were formally admitted as ANC members.

1948- ANC Women's League (ANCWL) and ANC Youth League were formed; National Party won South Africa's general election and began instituting policies of apartheid.

1950- Group Areas Act was passed to continue and extend racial segregation; Suppression of Communism Act was passed, banning activists and outlawing many forms of opposition to apartheid; Communist Party of South Africa (CPSA) was banned.

1951- Bantu Authorities Act was passed setting up Bantustan structures.

1952- Defiance Campaign against Unjust Laws was launched by the ANC and the South African Indian Congress (SAIC).

1953- Helen Suzman became the United Party's representative in Parliament, becoming one of the few women representatives.

1954- Federation of South African Women (FEDSAW) was formed, bringing together women from the ANC, the SAIC, trade unions and self-help groups for the first time; Women's Charter adopted at founding conference of FEDSAW.

1955- Freedom Charter was adopted by the South African Congress Alliance, which consisted of the ANC, the SAIC, the South African Congress of Democrats and the Coloured People's Congress. The Freedom Charter detailed the Congress Alliance's core principles including: Support for democracy and human rights, land reform, labour rights, and nationalization; Black Sash, the Women's Defence of the Constitution League, was formed.

1956- 20,000 women protested in Pretoria against the extension of passes to African women; ANCWL President Lilian Ngoyi was elected the first women to join the ANC NEC.

1956-61- Treason Trial of 156 leaders of the Congress Alliance, all eventually found not guilty of high treason; Bus boycotts in Alexandra, Johannesburg and Evaton on the Rand.

1959- International anti-apartheid movement was launched in response to an ANC call for a worldwide boycott of apartheid; Pan-Africanist Congress was formed

1960- Sharpeville massacre; ANC and PAC were banned.

1961- South Africa left the Commonwealth; The armed struggle against apartheid was launched.

1962- United Nations (UN) General Assembly called for sanctions against South Africa

1963- A voluntary arms embargo was instituted by the UN Security Council; Zainab Asvat led a women's march to the Union Buildings to protest against the appointment of the Indian National Council and the Group Areas Act.

1964- Nelson Mandela, Walter Sisulu and six other colleagues were sentenced to life imprisonment at the Rivonia Trial

1966- UN General Assembly condemned apartheid as a 'crime against humanity'.

1969- Umkhonto we Sizwe, the ANC's military wing, was officially opened to women members.

1971- The Voice of Women magazine was launched.

1973- Wave of strikes by black workers.

1975- The Black Women's Federation was formed, drawing heavily on the Women's Charter.

1976- Internal Security Act was passed, which introduced even harsher measures than those under the existing Terrorism Act and other legislation; Protests against Bantu Education by school students in Soweto grew into a nationwide uprising; Winnie Mandela established Black Parents' Association during Soweto uprisings, and she detained under Internal Security Act.

1977- Steve Biko died in detention; Black Women's Federation was banned; 18 black consciousness and other anti-apartheid organisations were banned; Mandatory arms embargo was imposed by the UN on South Africa

1980- Renewed national campaign for the release of Nelson Mandela was launched; Boycotts of apartheid education by school and college students grew across the country; Nationwide wave of industrial and community based protests.

1981- Nationwide resistance to the 20 year celebration of the apartheid regime; The United Women's Organisation was formed, becoming instrumental in the formation of the United Democratic Front (UDF) in 1983.

1982- Ruth First was killed in Mozambique from a letter bomb sent by agents of the South African government.

1983- UDF was formed as an umbrella for anti-apartheid organisations throughout South Africa; Natal Organization of Women (NOW) was formed.

1984- Federation of Transvaal Women (FEDTRAW) was formed; Nationwide resistance to the introduction of a new constitution incorporating a tricameral parliament and continuing the exclusion of the African majority from all political power-including citizenship rights; ANC adopted "non-sexist" to its objectives for a democratic South Africa.

1985- South African government declared a State of Emergency.

1986- South African government declared a State of Emergency; The United Women's Organisation joined the Women's Front, together forming the United Women's Organisation Congress; The PAC's African Women's Organisation was formed in Katlehong

1989-

(August)-F.W. de Klerk was sworn in as acting president of South Africa, one day after P.W. Botha resigned as the result of a power struggle within the National Party;

The National Party, lost nearly a quarter of its parliament seats to far-right and anti-apartheid rivals, its most significant loss in forty years.

(Oct)- South African President F.W. de Klerk announced that eight prominent political prisoners, including ANC official Walter Sisulu, would be unconditionally freed, but that Nelson Mandela would remain imprisoned.

1990-

(February)- F.W. de Klerk lifted a ban on the ANC and promised to free Nelson Mandela; The Natal Organisation of Women (NOW) disbanded to join the ANC.

(May)- Negotiations for a new political dispensation began with a meeting between the ANC and the South African government resulting in *Groote Schuur Minute*, a joint commitment to reduce violence, to create an environment conducive to negotiations and for the government to release political prisoners; Former president P.W. Botha quit National Party as a protest against F.W. de Klerk's apartheid reform program.

(August)- The South African government and the African National Congress extended the consensus to include several new points. This *Pretoria Minute* included the suspension of the armed struggle by the ANC and its military wing Umkhonto we Sizwe.

1990-1994- Over 5,000 people were killed in KwaZulu-Natal province prior to the first democratic elections.

1991-

(February)- F.W. de Klerk committed to repealing all remaining apartheid laws; The South African government and the ANC announced an agreement on the terms of the ANC's suspension of its armed struggle against apartheid.

(April)- Women's National Coalition was formed.

(July)- The ANC held its first national conference since it was banned in 1960; US President Bush lifted economic sanctions against South Africa citing the country's improvement toward racial equality as his motivation.

(September)- President F.W. de Klerk proposed a new constitution that would allow blacks to vote and govern. The African National Congress rejected the plan, arguing that it was designed to maintain white privileges; *National Peace Accord* was signed, prepared the way for the Convention for a Democratic South Africa (CODESA) negotiations. It was signed by representatives of twenty-seven political organisations and national and homeland governments.

(December)- CODESA began with a plenary session which lasted a few days, and working groups were appointed to deal with specific issues. These working groups continued their negotiations over the next month. Women comprised about 5 per cent of the delegates, resulting in ANCWL and other women's organisations threatening a boycott of the negotiations. Under pressure from women's lobby groups, it was finally agreed that at least one of the delegates from each political party/organisation's negotiating team had to be a woman.

1992-

(April)- The Women's National Coalition was formally launched.

(May)- CODESA II (the second plenary session) was launched.

(June)- Boipatong massacre took place, with 46 residents of Boipatong killed by mainly Zulu hostel dwellers. Mandela accused De Klerk's government of complicity in

the attack and withdrew the ANC from the negotiations, leading to the end of CODESA II.

(September)- The Bisho massacre took place, where the army of the Ciskei Bantustan opened fire on protest marchers, killing 28 and bringing a new urgency to the search for a political settlement; The government and the ANC agreed on a *Record of Understanding*, agreeing on a constitutional assembly, an interim government, political prisoners, hostels, dangerous weapons and mass action. These talks restarted the negotiation process after the dissolving of CODESA.

1993-

(April)- Chris Hani, leader of the South African Communist Party was assassinated. Multi-Party Negotiating Process (MPNP) gathered for the first time. In contrast to CODESA, the white right (the Conservative Party and the Afrikaner Volksunie), the Pan Africanist Congress and the KwaZulu homeland government initially participated in the MPNP.

(June)-Negotiations were interrupted when the right-wing Afrikaner Weerstandsbeweging stormed the World Trade Centre in Kempton Park, breaking through the glass front of the building with an armoured car and briefly taking over the negotiations chamber.

(November)-MPNP ratified the interim Constitution, thereafter a *Transitional Executive Council* oversaw the run-up to a democratic election.

1994 –

(February)- The Women's National Coalition adopted the Women's Charter for Effective Equality.

(April)- The first democratic South African elections resulted in the ANC winning 62% of the vote, and Nelson Mandela becoming president, with De Klerk and Thabo Mbeki as deputy presidents. The National Party, with 20% of the vote, joined the ANC in a Government of National Unity; The 10 ethnically determined "homelands" of the apartheid era were dissolved and incorporated into nine new provincial administrative regions.

1995 –

(February)- The Constitutional Court held its first sessions.

(June). The Constitutional Court declared the death penalty unconstitutional.

(July) Nelson Mandela signed a law creating the Truth and Reconciliation Commission to investigate human rights violations committed from March 1960 to May 1994.

1996 – Parliament adopted the new Constitution.

Appendix III

"The Demand of the Women of South Africa for the Withdrawal of Passes for Women and the Repeal of the Pass Laws"

Petition presented to the Prime Minister, Pretoria, 9 August 1956

We, the women of South Africa, have come here today. We represent and we speak on behalf of hundreds of thousands of women who could not be with us. But all over the country, at this moment, women are watching and thinking of us. Their hearts are with us.

We are women from every part of South Africa. We are women of every race, we come from the cities and the towns, from the reserves and the villages. We come as women united in our purpose to save the African women from the degradation of passes.

For hundreds of years the African people have suffered under the most bitter law of all - the pass law which has brought untold suffering to every African family.

Raids, arrests, loss of pay, long hours at the pass office, weeks in the cells awaiting trial, forced farm labour - this is what the pass laws have brought to African men. Punishment and misery - not for a crime, but for the lack of a pass.

We African women know too well the effect of this law upon our homes, our children. We, who are not African women, know how our sisters suffer.

Your Government proclaims aloud at home and abroad that the pass laws have been abolished, but we women know this is not true, for our husbands, our brothers? our sons are still being arrested, thousands every day, under these very pass laws. It is only the name that has changed. The "reference book" and the pass are one.

In March 1952, your Minister of Native Affairs denied in Parliament that a law would be introduced which would force African women to carry passes. But in 1956 your Government is attempting to force passes upon the African women, and we are here today to protest against this insult to all women. For to us an insult to African women is an insult to all women.

We want to tell you what the pass would mean to an African woman, and we want you to know that whether you call it a reference book, an identity book, or by any other disguising name, to us it is a PASS . And it means just this:-

- That homes will be broken up when women are arrested underpass laws

- That children will be left uncared for, helpless, and mothers will be torn from their babies for failure to produce a pass
- That women and young girls will be exposed to humiliation and degradation at the hands of pass-searching policemen
- That women will lose their right to move freely from one place to another.

In the name of women of South Africa, we say to you, each one of us, African, European, Indian, Coloured, that we are opposed to the pass system.

We voters and voteless, call upon your Government not to issue passes to African women.

We shall not rest until ALL pass laws and all forms of permits restricting our freedom have been abolished.

We shall not rest until we have won for our children their fundamental rights of freedom, justice, and security.

Source: "'The Demand of the Women of South Africa for the Withdrawal of Passes for Women and the Repeal of the Pass Laws,' Petition presented to the Prime Minister, Pretoria, 9 August 1956." *ANC.org.za*. African National Congress. Web. 05 Jan. 2010. <http://www.anc.org.za/ancdocs/history/women/petition560809.html>.

Appendix IV

THE WOMEN'S CHARTER FOR EFFECTIVE EQUALITY

(This is the second draft Charter drawn up through the National Women's Coalition structures, and approved at the National Conference on 27 February 1994)

PREAMBLE:

As women, citizens of South Africa, we are here to claim our rights. We want recognition and respect for the work we do in the home, in the workplace and in the community. We claim full and equal participation in the creation of a non-sexist, non-racist democratic society.

We cannot march on one leg or clap with one hand. South Africa is poorer politically, economically, and socially for having prevented more than half of its people from fully contributing to its development.

Recognising our shared oppression, women are committed to seizing this historic moment to ensure effective equality in a new South Africa.

For decades, patriarchy, colonialism, racism and apartheid have subordinated and oppressed women within political, economic and social life.

At the heart of women's marginalisation is the patriarchal order that confines women to the domestic arena and reserves for men the arena where political power and authority reside. Conventionally, democracy and human rights have been defined and interpreted in terms of men s experiences. Society has been organised and its institutions structured for the primary benefit of men.

Women want to control their lives. We bear important responsibilities but lack the authority to make decisions in the home and in society.

We want shared responsibility and decision-making in the home and effective equality in politics, the law, and in the economy. For too long women have been marginalised, ignored, exploited and are the poorest and most disadvantaged of South Africans.

If democracy and human rights are to be meaningful for women, they must address our historic subordination and oppression. Women must participate in, and shape the nature and form of our democracy.

As women we have come together in a coalition of organisations and engaged in a campaign that has enabled women to draw on their experience and define what changes are needed within the new political, legal, economic and social system.

The development of the potential of all our people, women and men, will enrich and benefit the whole of society.

We set out here a programme for equality in all spheres of our lives, including the law, the economy, education, development and infrastructure, political and civic life, family life and partnerships, custom, culture and religion, health and the media.

ARTICLE 1: EQUALITY

Equality underlies all our claims in this Charter. We recognise that the achievement of social, economic, political and legal equality is indivisible. Our struggle for equality involves the recognition of the disadvantage that women suffer in all spheres of our lives. As a result similar treatment of women and men may not result in true equality. Therefore the promotion of true equality will sometimes require distinctions to be made. No distinction, however, should be made that will disadvantage women. Within this context programmes of affirmative action may be a means of achieving equality.

We demand that equality applies to every aspect of our lives, including the family, the workplace and the state. The right to equality shall not be limited to our relationship with the state.

- The principle of equality shall be embodied at all levels in legislation and government policy. Specific legislation shall be introduced to ensure the practical realisation of equality.
- The state shall establish appropriate institutions to ensure the effective protection and promotion of equality for women. These institutions shall be accessible to all women in south Africa.

ARTICLE 2: LAW AND THE ADMINISTRATION OF JUSTICE

Women demand equality in the development, application, adjudication, interpretation and enforcement of the law. This can only be achieved if the social, economic and political position of women is taken into account in deciding policy, determining legislative priorities, and in formulating, applying, interpreting, adjudicating and enforcing all laws.

- At all times the law, and its application, interpretation, adjudication and enforcement, shall promote and ensure the practical realisation of equality for women.
- There shall be equality in the treatment of women in all legal and quasi-legal proceedings.
- Women shall have equal legal status and capacity in civil law, including, amongst others, full contractual rights, the right to acquire and hold rights in property, the right to equal inheritance and the right to secure credit.
- All public and private institutions shall enable women to exercise their legal capacity.
- Positive and practical measures shall be taken to ensure equality for women complainants in the criminal justice system.
- There shall be equality for women offenders.
- There shall be equality for women in the legal profession
- Women shall be equally represented on, and participate in the selection of, the constitutional court, the judiciary, the magistracy, all tribunals and commissions, including the Human Rights Commission, and in the Department of Justice.

- There shall be educational programmes to address gender bias and stereotypes and to promote equality for women in the legal system.
- Women shall have equal representation on, and participation in all traditional courts, alternative dispute resolution mechanisms and local community courts.
- There shall be accessible and affordable legal services for women. In particular the position of paralegals in assisting women to claim their rights shall be recognised.

ARTICLE 3: ECONOMY

Conventional definitions of the economy do not include a major proportion of the work performed by women. The key sectors of the South African economy are occupied and dominated by men. Women face social, economic and ideological barriers to full and equal participation in the economy. Women are perceived in terms of their domestic and reproductive role. Women participate in large numbers in sectors of the economy which are characterised by low wages and poor working conditions. Low remuneration is worsened by discrimination against women in the receipt of social benefits. As a result, many women are forced to make a living outside the formal economy.

- Gender stereotyping and the categorisation of jobs on the basis of sex and gender, must be eliminated.
- Equal benefits must be provided including housing, pensions and medical aid, amongst others.
- There should be no discriminatory taxation. All dependents supported by women breadwinners should be recognised for tax deductions for women.
- Legal mechanisms are needed to protect women against unfair, monopolistic and other exploitative business practices that affect women's participation in the informal economy.
- Safe and healthy facilities must be provided for women in the informal sector.
- Women must be protected from sexual harassment and violence in all the places where women are working.
- Group benefits are needed for women outside formal employment, such as accident and disability insurance, group housing schemes, sick leave and maternity benefits.
- Women need access to credit which is not based on the need for collateral or linked to their marital status.
- Health and safety for commercial sex workers and their clients are needed. Prostitution should be decriminalised.
- Economic policy must secure a central place for women in the economy.
- The full participation of women in economic decision-making should be facilitated.
- The definition of what constitutes economic activity must include all women's work.
- Unpaid labour should be recognised as contributing to the creation of national wealth and should be included in the national accounts.
- Gender stereotyping of work in the home needs to be combatted

ARTICLE 4: EDUCATION AND TRAINING

Education and training in South Africa has historically focused on schooling, higher education and vocational training in the workplace. It has been male oriented, inaccessible, inappropriate and racially discriminatory. It has ignored women's needs and experience. Education and training is a continuous lifelong process. Education includes educare, adult basic and continuing education, primary, secondary and tertiary education and vocational training for the formal and

informal economy. Education and training must meet the economic, social, cultural and political needs of women in South Africa.

- Every woman shall have the right to education and training at any stage of her life in order to realise her full potential.
- Every person has the right to equality within education irrespective of sex, gender, pregnancy, race, sexual orientation, age, disability, urban or rural location, domestic and child care responsibilities and financial status.
- Accessible and appropriate institutions shall be established to provide education to enable active participation by women, particularly rural women, single mothers, and disabled women.
- There shall be no negative gender stereotyping in both curriculum development and educational practice.
- Women shall be represented at all levels of the policy-making, management and administration of education and training.
- Women shall have special access to funds for education and training.
- Childcare facilities shall be provided at all education and training institutions.
- Human rights education to develop awareness of women's status, to build women's self confidence, and enable them to claim their constitutional and legal rights should be implemented.
- Girls and women in educational institutions must be protected against sexual harassment and abuse.
- Sex education shall be provided for boys and girls at all levels of schooling.

ARTICLE 5: DEVELOPMENT, INFRASTRUCTURE AND THE ENVIRONMENT

Women are primarily responsible for maintaining the household and the community. The majority of South Africans have been denied access to the full range of basic development resources and services necessary to sustain a healthy and productive life. Rural women and informal settlement residents in particular have been denied vital resources. The gradual destruction of the natural environment soil erosion, deforestation and air pollution increases women's household, agricultural and community work responsibilities.

Women should participate in designing and implementing development programmes to meet their needs.

- Employment generated from development and infrastructure programmes should benefit women.
- Adequate, accessible and safe water supplies and sanitation should be made available to all communities, including those in rural areas and informal settlements.
- Services such as communications and electricity or other appropriate sources of energy must be extended to all communities as a matter of priority.
- Women need safe transport networks.
- Women need affordable and secure housing with non-discriminatory subsidies and loans.
- Women must have equal access to land and security of tenure, including women living under customary law.
- Accessible health care, recreational, educational and social welfare facilities should be provided to women.
- There shall be protection of natural resources to benefit women

ARTICLE 6: SOCIAL SERVICES

- Social services should be a right and not a privilege. Inadequate social services place the burden for providing these on women, since women are primarily responsible for maintaining the household and the community.
- Social welfare services should be provided by both the state and the private sector in accordance with the principles of social justice, equality, appropriateness and accessibility.
- Social services should apply to all areas of women's lives, in particular in the home, the workplace, health and education.
- The system of social services should pay special attention to the needs of rural and disabled women.
- State pensions should be provided to all women on an equal basis.
- Accessible and affordable social services should be provided to women.

ARTICLE 7: POLITICAL AND CIVIC LIFE

Women have traditionally been excluded from participation and decision-making in political, civic and community life. Democracy requires that the political playing field between men and women be levelled by acknowledging women's right to participate equally in all political activities.

- Women shall have equal opportunity and access to leadership and decision-making positions at all levels of government.
- Rural women have the right to be part of decision-making structures in traditional communities.
- Women shall have equal access to, and representation on, public bodies.
- Traditional institutions shall be restructured in accordance with the principles of equality and democracy.
- There shall be adequate and appropriate support services to facilitate the full political participation of women.
- Women shall have the right to acquire, change or retain their nationality and to pass it on to their children.
- Women shall be free from political intimidation and threat to her person.

ARTICLE 8: FAMILY LIFE AND PARTNERSHIPS

There are many different types of families which have not enjoyed the same rights, duties and benefits. Women bear an unequal burden in maintaining the family and yet have little power to make decisions.

- All family types shall be recognised and treated equally.
- Women shall have equality within the family and within marriages and intimate relationships.
- Women shall have the right to choose the partner of their choice.
- Women shall have equal rights during, and at the dissolution of, a marriage.
- Women married under customary law shall have the right to inherit from their husbands.
- Women must have the right to decide on the nature and frequency of sexual contact within marriage and intimate relationships.

- Partners and all members of the household should endeavour to share domestic responsibilities.
- Women should have equal access to the financial resources of the household.
- Women should have equal decision-making powers and access to information with regard to the economic management of the household.
- The integrity of the partnership has to be maintained without external and familial interference, except where physical, sexual and emotional abuse occurs.
- Women shall have guardianship over their children.
- Women shall nave adequate, effective and enforceable maintenance and/or social welfare benefits for themselves and their children.

ARTICLE 9: CUSTOM, CULTURE AND RELIGION

Customary, cultural and religious practice frequently subordinates women. Roles that are defined for women are both stereotypical and restrictive Women are often excluded from full participation, leadership and decision-making in religious and cultural practice.

- Custom, culture and religion shall be subject to the equality clause in the Bill of Rights.
- All women shall have the freedom to practise their own religion, culture or beliefs without fear.

ARTICLE 10: VIOLENCE AGAINST WOMEN

Violence in all its forms is endemic to South African society. Both sexual and domestic violence are pervasive and all women live under the threat of or experience violence. Women experience secondary victimization at all stages of the criminal justice system.

- Women shall be entitled to security and integrity of the person which shall include the right to be free from all forms of violence in the home, in communities, in the workplace and in public spaces.
- The state should be responsible for public education about the dignity and integrity of the person.
- There shall be legal protection for all women against sexual and racial harassment, abuse and assault.
- Facilities staffed by trained personnel where women can report cases of rape, battery and sexual assault, undergo medical examination and receive appropriate treatment and counselling shall be provided.
- Appropriate education and training for police, prosecutors, magistrates, judges, district surgeons and other persons involved in dealing with cases of rape, battery, sexual assault and incest must be provided.
- There shall be accessible and affordable shelters and counselling services for survivors of rape, battery and sexual assault.

ARTICLE 11: HEALTH

Health services in South Africa have traditionally been unequal, inaccessible and inappropriate. Women in particular are unaware of their rights in relation to health services. Health Services have not been appropriately oriented to meet women's health needs and priorities. The lack of basic life sustaining services, such as water and sanitation, has denied the majority of South Africans access to the resources necessary to ensure good health.

- Equal, affordable and accessible health care services which meet women's specific health needs shall be provided.
- Women have the right to control over their bodies which includes the right to reproductive decisions.
- Access to Information and knowledge to enable women to make informed choices about their bodies and about health care should be provided.
- Education about family planning and family planning services should be provided free of charge to both men and women.
- Every person shall have access to adequate nutrition.
- Appropriate and accessible mental health care services must be provided to women.

ARTICLE 12: MEDIA

In South Africa women do not enjoy equal access to, or coverage in the film, print and electronic media. Very few women own or control media institutions or occupy executive or editorial decision-making positions. Women are marginalised and trivialised in the media. The principles of freedom of speech and the press should not justify the portrayal of women in a manner that is degrading and humiliating or promotes violence against them.

- Women must have equal access to all media and media institutions.
- The contribution of women in all areas of public and private life must be reflected in the media.
- The promotion of equality, including affirmative action, in employment must redress current imbalances in the status of women in the media.
- There is a need to monitor the representation of women in the media.
- Negative or injurious stereotypes of women must be eliminated.

This Charter gives expression to the common experiences, visions and aspirations of South African women. We are breaking our silence. We call for respect and recognition of our human dignity and for a genuine change in our status and material conditions in a future South Africa.

Source: Women's National Coalition. "THE WOMEN'S CHARTER FOR EFFECTIVE EQUALITY." *African National Congress*. ANC.org.za. African National Congress. Web. 1 Feb. 2010. <http://www.anc.org.za/ancdocs/policy/womchart.htm>.

Appendix V

Excerpts from the Constitution of the Republic of South Africa

Chapter 1: Founding Provisions

Republic of South Africa

1. The Republic of South Africa is one, sovereign, democratic state founded on the following values:

(a) Human dignity, the achievement of equality and the advancement of human rights and freedoms

(b) Non-racialism and non-sexism

(c) Supremacy of the constitution and the rule of law

(d) Universal adult suffrage, a national common voters roll, regular elections and a multi-party.

Supremacy of Constitution

2. This Constitution is the supreme law of the Republic;
law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.

Citizenship

3. (1) There is a common South African citizenship.

(2) All citizens are -

(a) equally entitled to the rights, privileges and benefits of citizenship; and (b) equally subject to the duties and responsibilities of citizenship.

(3) National legislation must provide for the acquisition, loss and restoration of citizenship.

Chapter 2: Bill of Rights

1. This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.
2. The state must respect, protect, promote and fulfill the rights in the Bill of Rights.

Section 9: Equality

Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

1. Everyone is equal before the law and has the right to equal protection and benefit of the law.
2. Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.
3. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
4. No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.
5. Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

Section 12: Freedom of security of the person

1. Everyone has the right to freedom and security of the person, which includes the right-
   a. not to be deprived of freedom arbitrarily or without just cause;
   b. not to be detained without trial;
   c. to be free from all forms of violence from either public or private sources;
   d. not to be tortured in any way; and
   e. not to be treated or punished in a cruel, inhuman or degrading way.
2. Everyone has the right to bodily and psychological integrity, which includes the right-

a. to make decisions concerning reproduction;

b. to security in and control over their body; and

c. not to be subjected to medical or scientific experiments without their informed consent.

Source: Constitution of the Republic of South Africa. 1996