Representation without Participation: Dilemmas of Quotas for Women in Post-apartheid South Africa

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Abstract

This article provides a sketch of ways in which 'formal' institutions of democratic representation work in practice for women in South Africa (SA). In doing so, the state of women's participation and representation in the political process in SA is explored. Available data substantiates that women's organisations and women's wings of political parties have influenced the Government of SA and political parties to introduce quotas for women. Although quotas have increased the descriptive representation of women in political arenas, their representation in the decision-making process has not yet been ensured. Women face several social, cultural and political challenges that hinder their participation, and are still neglected by their male counterparts. Election of women councillors does not resolve a series of dilemmas concerning how to institutionalise democratic representation within a racially diverse, spatially divided and rapidly changing political landscape in SA.

Key words: women, participation, representation, government, quota

Sumário

Este artigo fornece um esboço de como as instituições "formais" de representação democrática funcionam na prática, em prol dos interesses das mulheres na África do Sul. Desta forma, a participação e representação das mulheres no processo político na África do Sul é explorado. Os dados disponíveis comprovam que as organizações de mulheres e alas femininas dos partidos políticos têm influenciado o Governo da África do Sul e partidos políticos a introduzirem cotas para as mulheres. Embora as cotas aumentaram a representação descritiva das mulheres na arena política, ainda não foi assegurada a sua representação no processo de tomada de decisão. As mulheres enfrentam vários desafios sociais, culturais e políticos que impedem a sua participação, e ainda são negligenciadas por seus colegas do sexo masculino. Eleição de vereadoras não resolve a série de dilemas a respeito de como institucionalizar a representação democrática dentro de uma paisagem política racial diversa, espacialmente dividida e em rápida transformação na Africa do Sul.

Palavra-chave: mulheres, participação, representação, governo e cota

Introduction

It has been recognised that participation and representation of women in politics, national legislatures and municipal councils have grown steadily in South Africa (SA), and this has become a subject of debate in political and academic circles. Political scientists and analysts have investigated many factors contributing to variations in women's representation, perhaps the most influential being the link between statutory gender quota laws and greater numbers of women in power. Others assert that sustainability of the economic and social empowerment of women depends on the extent of their integration in the political decision-making process (Panday, 2008). Studies have found that the influence of quotas outweighs the effects of economic development and other socio-economic indicators (Ballington, 1998; Panday, 2008). Therefore, political participation of women is an indicator through which the extent of enjoyment of political rights by women is measured.

It has been realised in SA that without active participation and incorporation of women's perspectives at all levels, the goals of equality, development and peace cannot be achieved. This article examines different dimensions of the question of quotas for women in the political process in SA, and considers whether these really do ensure their representation in political decision-making, in an attempt to expose the underbelly of post-apartheid SA. It considers the interplay between territorial and partisan interests in power inequalities as well as institutional mechanisms of continuity and change in protection of the patriarchal order.

Importance of Women's Participation and Representation in Politics

Many theorists have placed importance on participation and representation of women in politics. John Stuart Mill pointed out that participation of both the majority and minority has to be ensured for a government to be competent and efficient. In a seminal article, Reynolds (1999) observed that Mill included women in his definition of the disenfranchised 'minority' of that time. Four claims are made in this article for the importance of participation and representation of women in politics:

- *Justice*: Absence of members of historically disadvantaged groups such as women from political institutions is increasingly regarded as evidence of injustice. This can be associated with what Stevens (2007) calls the 'agency' argument – since women constitute half of any country's population, that alone reserves them the right to constitute half of the decision-making bodies.
- *Efficiency*: Women bring resources into politics, namely values, experiences, and the unique expertise that differentiates them from men. A political system that does not utilise both genders' experiences and resources is incompetent and failing in legitimacy.
- *Diversity*: Genders have separate political aspirations or interests that need to be directly represented by these genders themselves. Women's active participation and vigorous contribution in decision-making is essential to ensure that they promote and defend their specific needs and interests, promoting gender-sensitive governance and enhancing access

to and control over local resources for both (Stevens, 2007).

- *Changing the political system*: Inclusion of women in politics improves the quality of democratic deliberation; public policy can be improved by having a more diverse set of representatives who can influence the political agenda.

Sapiro (1981, p 712) summarises these arguments by saying that in the case of women, descriptive representation was 'a necessary condition, but it is not sufficient'. Her argument for necessity rests on the grounds that (1) Having women rather than men in office makes government demonstrably more responsive to women's interests; (2) Participation in government is intrinsically valuable; and (3) Increased representation of women will change the perception that politics is a male domain. Therefore, the extent of women's representation in government has considerable political consequences. The validity and trustworthiness of democracy will be in question if women, constituting half of the population, remain absent from the different institutions of a society (Panday, 2008).

History of Women's Politics in SA

During the British colonial period, and later the apartheid regime from the 1940s to the 1990s, rural local government remained exclusively male (Cameron, 1988; Mamdani, 1996). For example, under indirect rule, the lowest tier of State administration in rural areas was under the authority of traditional authorities governing by the 'customary law' of particular 'tribes', and women were legal 'minors' (Welsh, 1971; Cassim, 1981; Hassim, 1990). These structures were imposed in order to perpetrate the apartheid system.

Women were not allowed to cast a vote until the 1930s, when white women were granted universal adult suffrage. A law was passed in 1923 (Native (Urban Areas) Act of 1923) to institute local government in the form of municipal and township councils with legislative powers. This law attracted into local politics power elites, distancing women from representative structures of local government until the critical junctures of the 1990s (Bond, 2000; Nesvåg, 2000).

Since the 1990s, quotas for women in Parliament have increased remarkably, reaching their present level of 43% of a total of 400 seats. Since gaining political power in 1994, the African National Congress (ANC)-led government has sought to bring women into national politics through electoral politics. Central to SA's 1996 Constitution was the adoption of the Bill of Rights, with extensive gender-equality provision and a positive obligation on the State to ensure women's participation and representation in decision-making. This was the first time in history that the rights of women in SA were included in the Constitution across racial lines.

One may argue that the political presence of women in the Government of National Unity (GNU) (1994-1999) contributed to numerous policies to support the incorporation of women in local government structures. In 1998, the White Paper on Local Government and the Municipal Structures Act (MSA) were promulgated, both advocating quotas for women in local government. Since then, there have been numerous controversies regarding the implementation of the quota

system and ways of filling these seats, partly because this was left to individual political parties to decide through their political party agencies, influenced by territorial and partisan interests.

Similarly, quotas for women were demanded in the structures of traditional authorities by progressive forces – women's organisations and political parties. In 2003, the Traditional Leadership and Governance Framework Act (TLGFA) was passed in Parliament to secure the quota for women in the traditional authority structures (traditional councils), which have to link with the local government structure in SA. However, the partial and uneven character of reforms and the politics they generated added additional layers of complexity and tension to the participation and representation of women (Myeni, 2012). Even though only one political party, the ANC, has voluntarily adopted a 50/50 quota system for its proportional representation (PR) lists, other political parties (see Table 1) do make a contribution to the transformation of women's representation and distribution of women in key sites of decision- making.

Present State of Women's Participation in SA

Women's participation in politics in SA is at national, provincial and local government level, as well as in the institution of traditional leadership. The focus in this article is limited to the national and local levels of government. At national level women can play a role as law- and policy-makers, while at local government level, women play a role only in development-related implementation and bylaw-making processes. Few women (see Table 1) who dominated politics in SA from 1994 to 2014 ensured significant advances in government for women.

Women in National Parliament

Prior to 1994, SA was insensitive to gender justice in the political arena, since the old political elite used a racist franchise to compose the South African Parliament. Thus, Parliament did not become an institution where the voices of women were heard, and where they could influence the course of government. Clearly the social composition of the apartheid Parliament was male-dominated. However, the late Helen Suzman represented the United Party (later the Progressive Party and Progressive Federal Party) for 36 years, 13 of these as sole opposition member in the apartheid Parliament (Hassim, 2006). Other than this, women were narrowly defined in terms of common exclusion from the processes and forums of public decision-making. In addition, the space was not progressive enough for both economic and social life because of the racist franchise that was at play.

Table 1 provides comparative data on the last five successive national government elections in SA. Women continually increased their representation in Parliament from 1994 to 2009, with it decreasing a little in 2014. After the first democratic election in 1994, women constituted a record 27.7% of Members of Parliament, placing SA seventh highest in the world on this indicator (Britton, 2002, p 33; Hassim, 2006). After the June 1999 general elections, women members increased to 30%, and after April 2004, constituted a record 32.75% of all parliamentarians elected. This increased further to 43% in 2009 (Commission of Gender Equality, 2010, p 60). However, after May 2014, women parliamentarians decreased to 39%.

The increase in women parliamentarians is through the Proportional representation (PR) system, which has a positive correlation with the percentage of women elected in Parliament (Matland, 1998; Goetz, 1998). Some argue that an advantage of party lists with PR is that it assists women, in that even if voters were reluctant to vote for women, voting for the party benefitted the women that were running (Goetz, 1998). Women achieved a significant breakthrough in representation in SA from 1994 onwards, largely attributable to the ANC's adoption of a quota system ensuring that at least 30% of candidates (in the 1994-2004 elections) on their lists were women. This quota was increased to 50% in the April 2009 and May 2014 general elections. This was not only an achievement for the ANC, but for SA at large, widely signalling the extent to which the new democracy had been inclusive and enhancing its image both locally and internationally.

How do women win candidate selection within a political party? There are two main categories into which women who are nominated fall: (1) Those with a close relationship with the women's movement, but who come through party tickets, and (2) Those who accrued political strength from years of association with the party organisation. In reality, political parties do not want to take any risk by nominating 'ordinary' women candidates, and that in itself perpetuates women's marginal presence in Parliament.

As Table 1 shows, reaching a 'critical mass' of elected women members did not take long in SA. Increases in women's representation averaged 3% between the 1994, 1999 and 2004 elections. In the beginning, having a quota was considered the sole avenue for women's entry into the legislature – and this has changed only slightly since the emergence of political parties led by women (Democratic Alliance (DA), Independent Democrats and National Freedom Front (NFP)). Nonetheless, there was a decrease in women parliamentarians after May 2014, largely because these women-led parties have failed to adopt a quota system, and have not shown strength in convincing women to stand out for political competitive elective posts from municipalities to the National Assembly.

Table 1 also shows that some of the 'older' parties did not have elected women members in Parliament. For instance, the breakaway Congress of the People registered 15 women in Parliament in 2009, and Economic Freedom Fighters registered nine in Parliament in 2014 doing better than both the Freedom Front and Pan Africanist Congress. Party delegates to Parliament from within the DA are elected on the basis of the universal adult suffrage. Evidence from parties not using the quota system suggests that to ensure women are equitably represented at national level, it is not enough to merely place women on lists – they must also be placed in electable positions.

Morna et al. (2009) illustrate that SA is the one country in the region that now gives the Southern African Development Community (SADC) the confidence that, with the right political will, the 50/50 objective can be achieved – at least in political decision-making. Morna et al. (2009) further argue that SA now has the highest representation of women in Parliament and Cabinet in the SADC region, and among the highest in local government. This success could partly be attributed to massive gender advocacy efforts by civil society. However, the decrease in women parliamentarians after May 2014 is a threat to this confidence, and followed a decrease of women in local government elections in 2011.

Table 1: Women's Representation in Parliament, 1994-2014

Party	1994			1999			2004			2009			2014		
	No. of Seats	No. of Women	% Women	No. of Seats	No. of Women	% Women	No. of Seats	No. of Women	% Women	No. of Seats	No. of Women	% Women	No. of Seats	No. of Women	% Women
ANC	252	90	35.7	266	95	35.7	279	104	37	264	130	49.2	249	116	47
Democratic Party/ Democratic Alliance	7	1	14	38	6	15.7	50	13	26	67	20	29.9	89	26	29
Inkatha Freedom Party	43	10	23	33	9	27.2	28	5	18.5	18	4	22.2	10	1	10
National Party/ New National Party	82	9	10	28	4	14.2	7	0	0	-	-	-	-	-	-
United Democratic Movement				14	1	7	9	4	44.4	4	0	0	4	0	0
Independent Democrats							7	3	43	4	1	25	-	-	-
African Christian Democratic Party	2	0	0	6	2	33	6	2	33.3	3	1	33.3	3	1	33.3
Freedom Front				3	0	0	4	0	0	4	0	0	4	0	0
United Christian Democratic Party				3	1	33	3	0	0	2	1	50	0	0	0
Pan Africanist Congress	5	1	20	3	0	0	3	0	0	1	0	0	1	0	0
Congress of People										30	15	50	3	0	0
Economic Freedom Fighters	-	-	-	-	-	-	-	-		-	-	-	25	9	36
Other				5	2	40	4	0	0	3	0	0	12	2	16.7
Total	**400**	**111**	**27.7**	**400**	**120**	**30**	**400**	**131**	**32.75**	**400**	**172**	**43**	**400**	**156**	**40.5**

Note: Figures for these results include the participation and representation of women from political parties that do not use the quota system in the closed PR lists.

Source: Hassim (2006, p 174); Commission for Gender Equality (2010); Independent Electoral Commission Election Reports (1999, 2004, 2009); www.elections.org.za

In the South African parliamentary system, decisions are made at two crucial sites: The Cabinet and portfolio committees (Hassim, 2006), which are crucial for women to exercise their leverage. Table 2 provides comparative data on participation of women in Cabinets for the last five successive national government elections in SA. It shows that over the years there was an increase in participation of women as ministers, meaning upward mobility of women within the hierarchy, and a relationship between the quota mechanism and upward mobility of women in SA's Parliament.

Table 2: Women's Representative in Decision-making, 1994-2014

Election Year	Total no. of Government Departments/Ministries	No. of Women Ministers	No of Women Deputy Ministers	% of Cabinet Seats Occupied by Women
1994	27	4	8/14	15
1999	29	8	8/13	28
2004	28	12	8/13	43
2009	34	13	9	41
2014	35	15	15	42

Women in Local Government

Seekings (2000) stated that local government in the apartheid city was characterised by a complex process of functional inclusion, spatial separation and political exclusion, influenced by the view that blacks were 'temporary sojourners' in white cities. The local government system was male-biased and legislated the separation of African men and women, also attempting to structure African life in such a manner that only basic needs would have to be provided for by the State and white employers. The impact of the South African patriarchal society was compounded by the intersection of the historical realities of race, class and gender, as well as disability.

With the promulgation of the LGTA of 1993, government tried to incorporate women into local government bodies. In 1995, changes were brought into the official discourse on the LGTA, and it was amended to secure the minimum representation of women in local government. The amended Act defined women as an 'interest group' along with apartheid old guards such as farmers, landowners and traditional authorities (Pycroft, 1996; Hendricks & Ntsebeza, 1999). The Act gave women not more than 10% representation in an ex officio capacity in local government, based on the decision of the Member of Executive Council responsible for local government in the Provincial Government. Women were to undergo candidate selection in their respective political parties, which in part protected the patriarchal order.

The GNU tried to put more policies in place to support the incorporation of women in local government structures, and from the late 1990s, discussion of quotas dominated official discourses (1998 White Paper on Local Government; 1998 MSA; 2000 Municipal Systems Act), and contributed to the second reorganisation of local government. The 1998 White Paper on Local Government, drawing from the experience of the 1995/1996 local government elections,

acknowledged that women were under-represented, and proposed that political parties introduce a gender quota, encouraging them to ensure that in the next three municipal elections, at least half of the candidates on the party list were women.

The 1998, MSA also called for equal representation of women and other marginalised groups, but did not explicitly demand equal presence on wards and proportional lists. As a result, fewer women featured as ward candidates, and even fewer were elected (Tables 3 and 4). These discourses provided for the division of local councils into wards, which started more clearly after the December 2000 local government elections. This introduced the second reorganisation of local government into a two-tier system.

Tables 3 and 4 provide comparative data on the last three local government elections. As Table 3 shows, political parties that contested local government elections nationally increased from 79 in December 2000 to 97 in March 2006, and to 121 in May 2011. Both the ward-based and PR system provided a political environment that allowed a wide range of opinions to be expressed by political parties, as long as they worked within constitutional parameters.

Table 3 shows the total number of independent candidates contesting local government elections from 2000 to 2011. Selee (2004, p 20) concludes that even though independent candidates have mixed success, the electoral system allows citizens to develop new forms of political action. There is thus an emerging bloc of candidates external to political parties, forming an alliance around local power-broking structures, which again serve largely to exclude women. This means there are different sources for the 'supply of women' to the mainstream politics. Despite those women's movements, some emerge from civil society organisations who are not only driven by the political influence but by social influence, and a greater space is allowed by the electoral law that operates at the local government, which allows for independent candidates to emerge.

Table 4 provides a comparative analysis of women's representation in the last three local government elections, with a gradual increase in women's participation and descriptive representation in local government over the course of two municipal elections, but with a shameful decline in women's participation and representation in the May 2011 local elections.

Comparing Tables 3 and 4, there are three possible explanations for the increase in women contesting and winning seats in the post-apartheid local government: Increase in political parties contesting local government elections; increases in contested wards; and extension of democratic institutions, all contributing to the increase in political parties contesting local elections. Before leaving office in April 1994, the strategic decision of the National Party Government to have strong constitutional principles for decentralising power to sub-national politics and the intersection of democratising political reforms created supporters of decentralisation where women and quotas were also considered (Oomen, 2005; Hassim, 2006).

There are also possible explanations for the decline seen in the May 2011 local elections. Firstly, these results clearly demonstrate the impact of voluntary party quotas in a PR system in which parties determine where women are on the lists. Secondly, the political action of the ANC

Women's League (ANCWL) from the early 1990s that advocated for the candidate quota for improved political representation of women in politics, had an impact on structural changes in favour of women in local politics (Meintjes, 1998a; Hassim, 2006). These shifted the responsibility of women's under-representation away from women and re-authored it to political elites in the territory to devise new strategies and principles.

Hassim (2006) argues that in recognition of the most immediate problem being in the traditional electoral processes, the candidate quota was seen as a means of fast-tracking women's political representation. This was to influence reforms in candidate selection methods. However, these gender-specific claims contributed to a decline, and a bitter experience for women, considering that it was only the ANC that used a gender quota. In the election of 2011, the proportion of women councillors in the ANC dropped to 44% from 46% in 2006 (Morna et al, 2011).

Some scholars suggest that forms of electoral system are not necessarily the crucial point in the increase in women, but rather the number of candidates running for election and the number of representatives in a constituency (Lundell, 2004). The evidence presented in this article seems to confirm that an increase in the number of candidates running for election has been one of the contributing factors influencing the increase of women in political office in local politics in SA (Table 3).There is also a pattern emerging of women being locked into and dependent on internal party politics for political opportunities.

Table 3: Candidates for General Members of Local Government, 2000-2011

Year of Election	No. of Municipalities with Wards	No. of Political Parties	No. of Independent Candidates	Total No. of Wards Contested	Total No. of Candidates Contesting LG Elections	Total no. of Candidates Contesting per Gender		Total No. of PR Councillors	Total No. of Ward-based Councillors
						Female Candidates	Male Candidates		
2000	237	79	689	3 754	30 081	8 562	21 519	16 156	13 925
2006	237	97	663	3 895	45 189	15 718	29 471	21 498	23 691
2011	237	121	748	4277	53 596	19 731	33 865	23 278	29 570

Note: The number of general candidates contesting the first local government elections in 1995/1996 was not included since it was run using a different formula, which was agreed upon to secure participation of minorities.

Source: Independent Electoral Commission Elections Reports (2000, 2006); Morna et al (2009); www.elections.org.za

Table 4: Representation of Women in Municipal Councils, 2000-2011

Year of Election	Results per Gender		Results of Women per PR and Ward Councillors		% of Ward Seats Won by Women	% of PR Seats Won by Women	Overall % Won by Women
	Female	Male	PR	Wards			
2000	2 284	5 753	1 651	633	16.9	38.1	28
2006	3 314	5 036	1 889	1 425	37	42	40
2011	3 495	5 596	2 086	1 408	33	43	38

Note: The number of general candidates contesting the first local government elections in 1995/1996 was not included since it was run using a different formula, which was agreed upon to secure participation of minorities.

Source: Independent Electoral Commission Elections Reports (2000, 2006); Morna et al (2009); www.elections.org.za

Actors in Introduction of Quotas for Women

Since gaining political power in 1994, the ANC-led Government has considered the need for reform to improve women's political representation in politics in SA, and introduction of quotas for women dominated public discourse during the reform processes. Here, I examine the roles of the government, women's organisations and women in political parties in those reforms.

The Role of Government

From the 1994 Interim Constitution to the 1996 Final Constitution, the Government of SA laid down the fundamental values upon which the Republic is founded, including non-sexism and non-racialism. In 1996, the Constitutional Assembly provided a legitimising framework that did not exclude women from politics but enshrined their rights to form political parties, make political choices, and take part in party activities, according to the liberal discourse of the country's Constitution. In the Bill of Right, gender equality became a core principle and value for South African democracy, formally influencing both political parties and the Independent Electoral Commission[1] to ensure that women's political participation or political presence was not prejudiced in any way (Hassim, 2006, p 183). The equality clause of the Constitution includes a provision aimed at ensuring substantive rather than merely formal equality.

Since 1994, SA has taken measures to advance the status of women, and signed and ratified all relevant major international instruments, including the Beijing Platform for Action (PFA) in 1995, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in December 1996, and the SADC Protocol on Gender and Development in 1997, the latter aiming to achieve gender parity in all areas of decision-making by 2015.

In 2000, *South Africa's National Policy Framework on Gender Equality and Women's Empowerment* was prepared by the Office on the Status of Women with input from women's movement activists, those working in non-governmental organisations, and scholars from different universities. This aimed to reverse the history of women's discrimination and marginalisation, both this framework and the Gender Policy Framework for Local Government aim to ensure that Gender Focal Points are appointed to all levels of Government and in respective departments. These frameworks ground themselves in the 1996 Constitution, gender theories and various international and regional instruments to which SA is a signatory. However, the fact that the 1996 Constitution does not provide for quotas to ensure adequate representation of women in elected public bodies, and that no legal quotas are established for national or provincial elections, make it difficult to have a penalty if the MSA is not adhered to. Accordingly, the discourse of descriptive representation of women was more influential in portraying women as a group – but not in enforcing empowerment at the level of individual citizens.

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1   The Independent Electoral Commission is a permanent body that administers elections established under the Electoral Commission Act of 1996. The Electoral Act has an Electoral Code of Conduct that has to be respected by all registered parties and candidates, also requiring political parties to put into place mechanisms that would enable women to access their rights.

Also, despite these legislative frameworks, earlier actors such as traditional authorities were given tremendous powers over a relatively lengthy period of transition, and in the new system of local government (Beall, 2005, Oomen, 2005, and Ntsebeza, 2005). The last legal barrier for women to participate in all areas of national and local development was overcome when the TLGFA was passed in Parliament in 2003 to secure minimum representation of women in traditional authority structures (traditional councils), which have to link with the local government structure. However, introduction of the quota system in traditional leadership deepened women's dependence on male traditional leaders (Myeni, 2012).

All told, the Government of SA has set up a comprehensive network of mechanisms and institutions for the advancement of women. In the second half of the 1990s, the Commission for Gender Equality was established according to Section 187 of the South African Constitution, to ensure 'protection, development and attainment of gender equality' in order to balance the 1996 Constitution and the transition to democracy.

However, these new institutions of women's participation serve in a very contradictory environment, which can be described as 'representation without power'. In 2009, President Jacob Zuma announced the formation of a Ministry of Women, Youth, Children and Disability for co-ordination of programmes to address gender inequality. Critics argued that combining women and children in the same ministry was problematic (Morna et al, 2010), and that the ministry was not canvassed or debated and required clear conceptualisation to be effective. After the May 2014 general elections, President Zuma created a stand-alone Ministry of Women in the Office of the Presidency. Overall, SA is a case where women organised themselves and had some input in the negotiation process that culminated in the transition to democracy as well as the establishment of the Ministry of Women.

The Role of Women's Organisations

Women's voices in SA have also grown in strength due to a significant increase in women's organisations. The first such organisation, the Women's Enfranchisement League,[2] was established in 1902 in Durban and subsequently spread and grew (Walker, 1991), intensified by the failure of political elites in the National Convention (1908-1909) to grant women the right to vote.

As Walker (1991) observed, these scattered League(s) in different towns and cities held their inaugural conference in Durban in March 1911, which resulted in the formation of the Women's Enfranchisement Association of the Union (WEAU). The WEAU was initially committed to non-racialism on the issue of franchise for the purpose of women's liberation, but in their

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2   The first organisation to espouse women's suffrage in South Africa was the Women's Christian Temperance Union, founded in 1889. This organisation was instrumental against the trade of alcoholic beverages. The organisation remained convinced that male legislators would always ignore their campaign if women had no vote (Walker, 1991).

Conference in 1924, changed in favour of an only-white vote. These women in former colonies and later provinces identified as their common interest the elimination of patriarchy (understood as the system of male domination), but here there was also an intersection of class, race and colonial forms of domination with oppression of women. A number of women's organisations were established with active support from urban elite groups (both male and female); however, their mobilisation was ineffective, in part because they did not reach into rural areas where most of the population lived, and because their objectives in furthering women's issues were not unified due to territorial segregation and the dominant racist discourse.

At the time of SA's Union and apartheid regimes from 1910 to the 1990s, there were a number of women's organisations in both urban and rural areas. In the early 1900s, political developments excluded women from political institutions. Women were not granted membership within the ANC, including voting rights, despite the fact that they were among its founding members; rather they were auxiliary members (Walker, 1991; Seekings, 2000). To make the place for women in the ANC leaders sponsored the Bantu Women's League, which restricted its activities to a narrow range associated with the 'upliftment and education' of girls (Hassim, 2006).

From the 1940s, many changes took place. In 1943, the ANCWL was formed and allowed women to become full members with the right to vote and participate at all levels (Walker, 1991; Seekings, 2000). Formation of the ANCWL opened a political space for women's representation in the ANC. As Walker (1991, p 90) argues: "... the ANC had finally come to incorporate women, one half of the people it claimed to represent, into its political frame of reference." However, national liberation took priority over the problem of gender inequality, because the ANCWL was created whereby "African women could be channelled into the national liberation movement on a footing that was, at least theoretically, equal to that of men" (Walker, 1991, p 115). Women were organised specifically as African women, a mark of the subsequent form that the women's movement would take in the national liberation movement (Hassim, 2006).

Formation of the ANCWL contributed to the creation of the Federation of South African Women (FSAW) in 1954, which in 1955 launched an independent militant campaign against the extension of passes to women to regulate their urban mobility. The FSAW was a non-racial women's movement operating within the Congress Alliance, the umbrella group formed by the ANC, white Congress of Democrats, South African Indian Congress and Coloured People's Organisation to oppose apartheid.

Women had begun to expand their activities to local struggles, and their mobilisation became stronger in urban areas. The first shift in opportunity came in the late 1970s and 1980s, when the political terrain of opposition to apartheid shifted to the local level, and women's participation in community organisations was encouraged to expand resistance at grassroots level. An unintended consequence of the 1980s institutional configuration was that it opened a new terrain of political struggle at local level, in turn providing a political opportunity for women to mobilise as a group separately from black people (Meintjes, 1998a; Hassim, 2006).

In these decentralised struggles about access to services and resource distribution, women developed a sense of agency that served as a building block in forming separate women's organisations challenging women's exclusion from the negotiation phase in the 1990s. Hassim (2006) argues that the local organising and politicisation of community issues drew many women with no previous history of collective action into political struggles and subsequently into women's associations. For a brief period from 1981 to 1984, women's organisations mushroomed, such as the United Women's Organisation in the Western Cape, Natal Organisation of Women and the Federation of Transvaal Women, until disbanded to give way to the relaunch of the ANCWL in August 1990. The shift in opportunity reconfigured the universe of political discourse to include not only universalistic demands for a democratic state, but also new, gendered concerns.

The political shifts of focus opened windows for women to take part in the democratisation process and activities in ways that had been totally impossible before the 1990s. Women's organisations began to establish links with each other across racial lines and geography, in order to focus on activities to raise the consciousness of women at grassroots level. This helped these organisations to raise gender issues in other forms, for the purpose of incorporating them into the democratisation processes. The Women's National Coalition (WNC), formed in April 1992, became an avenue through which women mobilised for action during the negotiation period. This coalition of women's organisations united to ensure that women's voices would be heard in shaping the new South Africa.

According to Goetz (1998, p 246) the WNC was nationally and indeed globally unprecedented in size and diversity, having approximately 90 women's organisations under its umbrella in 1994. The WNC was the largest and most representative women's organisation in the history of SA (Tripp, 1994), originally a brainchild of women in political parties who had been descriptively and substantively excluded from the negotiation processes. The WNC committed to building a society based on gender equality, democracy, and peace, and provides an interesting example. In order to address problems of subordination of and hostility to women, and the disregard that women experience from male colleagues, the WNC created an independent power base in the processes of transition.

The WNC's aim to challenge obstacles in the path of gender equality was to target traditional authorities, which formally constituted their authority in homeland politics through official discourses; therefore the WNC faced intensified conflict with traditional leaders over the equality clause, which seemed to challenge their claims to hereditary power (Walker, 1994). Traditional leaders at the Multi-Party Negotiating Process (MPNP) demanded exclusion of customary law from the Bill of Rights. As Mokgoro (1997, p 1283) recounted, in the MPNP, traditional leaders lobbied for the place of customary law, while feminists lobbied against it. The WNC was trying the prevent continuation of apartheid's race-based mechanisms for organising political representation. Overall, once these women were organised and grouped together, they realised their individual potentials better and gained confidence in their ability to challenge social norms and other forms of discrimination, learning to negotiate new roles and opportunities.

The Role of Women in Political Parties

The success story of women in political parties in SA is impressive. The WNC, through the backing of the ANCWL, pursued dual politics: It appealed to the ANC from the independent base of the coalition, and appealed to the ANC's internal commitments to represent the demand for gender equality. The activities of women in their political parties created immense pressure on the negotiators to make changes in policies for the post-apartheid state regarding women's participation and representation. As a result, the constitutional negotiators replaced the old British system with the multi-member district system, which utilises party-list PR, found most likely to enhance women's representation (Ballington, 1998). Women activists and academics who participated in the WNC during the negotiation process contributed to the debate about the choice of an electoral system that would be beneficial to women's representation and introduction of a quota system (Britton, 2002 and Hassim, 2003).

Rejection of adoption of a quota system in 1993 appears to have been a response by ANC leaders to the failed quota proposal for party positions at the ANC's first conference held in Durban in 1991. Gender activists within the ANC continued to lobby for a quota until the December 2007 National Conference. Evidence suggests gradual changes: at the December 1997 and December 2007[3] National Conferences, the decision about the quota for women moved from 33% to 50%, meaning a reform of the ANC's constitution, after progressive forces demanded increased representation of women in government structures. The ANC quota system substantially improved the representation and impact of women in Parliament, and its policy has been consistent in supporting the need for affirmative action and gender equality. Women opened the debate about women's representation in political institutions, mainly among members who had clearly supported the idea of a quota for women in the National Executive Committee of the ANC.

Major Factors Affecting Women's Involvement in Politics

The overall extent of women's participation in the political process is much lower than that of their male counterparts, despite determined efforts to create change. The following factors hinder the process of women's participation in the political process: structural deficiencies, patriarchy, culture and education.

Structural Deficiencies

In SA, women representatives are disadvantaged by political and structural constraints arising from the way in which quotas for seats for women are incorporated and implemented. As discussed

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3   One has noticed through a historical trace of the nomination of women National Executive Committee (NEC) members, that changes took place from 1997 to 2007 within the ANC. For example, out of 60 NEC members, there were only 15 women, which increased to 19 in 2002 and improved dramatically to 40 women in 2007, plus two in the top six office bearers (see ANC Constitution as amended and adopted at 52nd National Conference, Polokwane, December 2007).

earlier, a 'mixed electoral system' was introduced in local government, with a combination of the constituency and PR that applied to urban areas being extended to all municipalities with wards, even in rural areas. This provided for centralisation of administrative power to political parties, in order to secure territorial power. Again the quotas for women were not used by political parties, except the ANC; however, even then the practice carries dynamics of gender exclusion. This was especially so when territorial interests and power to govern prevailed at the beginning of decentralisation reforms.

As shown earlier, women were further disadvantaged by resource constraints: even though there is an increase in the number of women in political office (as councillors elected through PR), women's influence in politics did not necessarily increase. Hierarchies of knowledge and power set developmental boundaries for public representatives in local politics. In essence, the main difference between the PR and ward councillors is that the latter are accorded fully-fledged powers to carry out development activities. This means that the legitimacy of women as PR councillors in the public sphere is reduced because they do not have any direct say on the official development activities or distribution of resources and benefits to constituents. This reflects the negative attitude of the lawmakers toward women.

As Beall (2005) and Goetz (2003) note, affirmative action for enhancing participation of women in local government elections in many countries has been taken as an extra measure, rather than considering women as credible and legitimate political actors. Robinson (1995, p 18) noted that women do not enjoy much influence in local politics because the combination of ward and PR was a result of a compromise forged during transition. The scenario around PR showed a constraint and unwillingness to devolve formal authority at local government level. The system serves to build in 'participatory exclusion' within the democratic process, challenging the sustainable political careers of women in local politics, and indicating major political structural deficiency and inequality.

Patriarchy

SA is a dualistic State, integrating statutory and customary law. At statutory level, the South African Constitution encompasses many rights, including those prohibiting discrimination on the basis of gender. However, the traditional patriarchal[4] society of SA, based on class, race and gender divisions, has not been dismantled, so while class mobility allows movement between rich and poor, the division of social space and differences in behavioural norms between men and women are rigidly maintained.

The family, constituting the basic unit of social organisation and control, sets norms for male and female roles, and the father (or, in his absence, the next male kin) is the head of the household. Both decision-making powers and economic control are vested in the hands of men,

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4   Patriarchy can be defined as a system of social structures and practices in which men dominate, exploit and oppress women.

and the family operates through a clearly defined system of rights and obligations. In addition, the day-to-day life of most inhabitants of SA is governed by traditional courts that administer customary laws primarily based on male power, authority and domination over women.

This patriarchal tradition is embedded in historical legacies, where the code was first enacted in 1891 (Natal Code of Bantu Law, Law No. 19 of 1891) and reproduced under the Native Administration Act of 1927, which sanctioned tribal marriages and set up a separate court system of chiefs and commissioners (Walker, 1990 and Hughes, 1990). According to Section 27(2) of the Code of Bantu Law, a native female was deemed a perpetual minor in law, and had no independent powers. Provisions of this official discourse meant that African women in KwaZulu-Natal were under the guidance of their natural guardian for life, if not emancipated. Four major areas severely disadvantaged African women: Legal capacity, property ownership, marriage and ownership of men. These official discourses institutionalised and legitimatised the patriarchal ruling relations, which seemed difficult to dismantle due to the intersection of rights and custom in SA's liberal Constitution.

Culture

Cultural and traditional practices continue to infringe on the rights of women, and gendered power relations at all levels and in all spheres of life pose serious impediments to advancement of women. These cultural norms are perpetuated and sustained by the powerful institutions of the family, traditional authorities and religion, and have significant impacts on gendered-related issues.

Empowerment of women in terms of access to decision-making positions is considerably affected by the cultural stereotypes that exist in most societies. In SA, the major forms of stereotype include (1) That women's primary responsibility is to take care of the family and children, and it is only a secondary obligation to get involved in political and social institutions, (2) That the public domain is mainly for men, while the private household domain is for women, (3) That women lack experience, and thus are not capable of assuming leadership positions, and (4) That women's involvement in the public sphere should be an extension of their roles in the family.

Some of these gender stereotypes are rooted in social norms and practices, and SA is not an exception in this regard. In addition, ideas about participation of women are still associated with their marital status. However, at the same time, the new processes seem to have enormous power to erode some forms of patriarchies in favour of women in electoral politics.

Education

Through education, women can be knowledgeable, skilled, and self-confident in their participation in the ongoing development process. However, most South African women are still illiterate, lack information on the political process, and do not know how to mobilise for policies that respond to women's interests. Some have lost interest in voting due to unfulfilled promises and the rampant corruption embedded in neo-liberal policies. As a result, women lose interest in participating in political activities.

Most women remain engaged in the informal economy or the subsistence sector at low wages or none at all – members of the low-skilled or unskilled labour force. Even though there are political developments to improve the lives of women in the post-apartheid regime, the services that they offer remain invisible, unrecognised, and devalued. They are therefore somehow unprotected by laws and legislation. Their involvement in the informal economy means their incomes are inadequate and still seen by themselves and their families to be used by the family instead of spent as they themselves decide. In such a situation, women cannot afford the expenses required for political participation.

Representation without Participation

While political developments in SA through the ANC introduced quotas for women in order to ensure their participation in the political process, it remains an important question to determine whether these provisions have ensured representation of women in decision- making – or simply ensured attendance of some women in government institutions. The domination of men is still taken for granted in the public sphere and world of politics – men using their patronage networks to influence the decision-making process. It remains difficult for elected women to be seen as legitimate actors, especially in local government structures in SA.

However, we should not imagine that it is impossible for some women politicians to have a real impact on politics. For example, SA has seen the appointment of two female Deputy Presidents in Government (Phumzile Mlambo-Ngcuka and Baleka Mbete), although neither completed a full political term. Nkosazana Dlamini-Zuma, also from the ANC, became the first female Head of the African Union Commission. There are also a few successful women in South African politics who lead political parties, and who have been successful in local government and been elected Mayor and Deputy Mayor in Metropolitan Municipalities, District Municipalities and Local Municipalities. However, their number is so small that they are viewed as exceptions.

In order to get a better idea of the extent of serious representation of women in political decision-making, this article draws on the experiences of both women and members in the political process as reported in other studies. Myeni (2012) in his thesis, suggested that more than 80% of women councillors interviewed in KwaZulu-Natal were dissatisfied – especially those who are PR councillors – at being prevented from exercising their rights and responsibilities as representatives. An even greater percentage expressed their exclusion from decision-making structures, whereas in an important structure such as Council, they are barred from expressing views not be in line with their political party's mandate. This reflects that the patriarchal society and its supporting structures offer little space for women to develop their authority and agency. To a large extent, political development through decentralisation reforms and processes tends to strengthen and reinvigorate existing traditional institutions and elites (Agarwal, 1997, Goetz, 2003, and Beall, 2005).

Furthermore, some members of society are not yet ready to accept women in key decision-making structures and processes. The extent of the above practices, the dilemma of women

in politics, and the role of official discourses over women participating in local politics are well captured in the testimony of one male councillor who was sympathetic to women in (local) politics: "If you are a married woman you seem to have an acceptable status to represent the community, but with males they are acceptable either married or not".[5] This reflects experience in one administrative area in KwaZulu-Natal, where women suffer from an identity crisis and marital status is deeply rooted in 'a patchwork quilt of patriarchies'.[6]

Marital status is not something 'given' in an African community, but a process that goes through indigenous or customary law. The fact that there are legal processes taking place in both formal and informal institutions, transfer of property in the form of cattle and rituals that legitimate legal rulings, all represent fundamental material and moral constructions of gender integral to the local decentralised system.

The above testimony of the male councillor also says something about the convergence of formal and informal institutions: Women's marginalisation is reinforced by the paternalistic and discriminatory attitudes of male representatives, and their belief that women should not be involved in local politics, and that while men get into office on merit, women get in through institutionalised favours in the form of quotas and moral qualifications. It is clear that extending the scope for participation of women through quotas does not ensure their active participation in the decision-making process. For full participation in decision-making, it is necessary to overcome the rigid social, political and cultural barriers that women still face.

What Should be Done?

Genuine participation by women in decision-making remains limited, despite the introduction of quotas for them by political parties. The major causes of poor representation of women have been political, structural, educational and sociocultural as well as economic, restricting women's participation and representation while maintaining the dominance of territorial and partisan interests. Several improvements are required to ensure greater female representation in the process of politics in SA.

First, it is the responsibility of Government to initiate further reforms in the constitutional and legal provisions intended to ensure gender equality in every sphere. Legal measures need to be passed in order to implement enacted legislation such as the MSA of 1998 effectively. The new Ministry of Women must focus on issues of importance to women in every sector, and move away from being event-driven to focus on empowerment that would have an impact on women's lives.

Second, cultural norms and perceptions have stereotyped women's roles as limited to the family domain. It is essential to bring about changes by initiating appropriate educational, cultural

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5   Interview with Councillor Dlamini, 18 June 2009.
6   According to Bozzoli (1983: p 149) a patchwork quilt of patriarchies is a system in which forms of patriarchy are sustained, modified or entrenched in a variety of ways, depending on the internal character of the system.

and informational policies. Discrimination against women should be made clearly unacceptable or be totally rejected, and educational curricula should be redesigned to highlight the significance of women's participation in development at all levels. The mass media should help policymakers and administrators to realise the importance of gender inequality and also work to encourage women to reorganise their roles and affirm themselves as equal partners of men in all sectors.

Third, since women's representation in the legislative and executive bodies greatly depends on their participation and representation in political parties, there is a need for the political parties in SA to take appropriate initiatives to expand party representation. Use of quotas for women should be adopted by all political parties. It might be easier to bring about such reforms in political parties since the largest political party, the ANC, uses the quota system to remain the governing party in SA. This practice is not unique to SA: Women quotas in political parties exist in countries such as Germany, Sweden, Norway and Denmark (Ballington, 1998). The commitment of political leaders at all levels to gender equality and to adopting and implementing existing and future reforms is critical in ensuring that the under-representation of women in the decision-making process is addressed.

Fourth, according to international best practices, political parties are encouraged to include motivated and qualified women in leadership positions, and sensitise party members to the importance of opening a supportive space for women among their members, leadership, and internal structures. During election campaign periods, political parties and civil society organisations should provide training and mentor women candidates by strengthening their campaigning skills, through training on fundraising, message development, working with the media, building voter contact and outreach programmes, writing campaign plans, and designing targeted methods of voter communication. Political parties should establish party funding mechanisms for money to be raised to support women candidates during their campaigning.

Fifth, political parties must adopt clear rules for the participation of women delegates at national party conferences, considering that in these national conferences, national organisational leaders are elected, resolutions and major party decisions are made and policies adopted that guide the direction of the party. Parties should consider establishing targets to ensure that a proportion of the delegates attending are women. Nonetheless, women's political structures such as the African National Congress Women's League (ANCWL) should continue to advocate for measures to promote women's electoral candidacies and lobby party leaders to ensure that women candidates are given high positions on the lists, and assigned to winnable seats. In addition, women's structures could seek funding for training interventions for women candidates, and conduct civic education and voter outreach. Political parties should also ensure that their manifesto and campaign messages are targeted to women voters, articulating the party positions on gender equality and women's empowerment.

Finally, government-initiated policy measures intended to empower women cannot go beyond rhetoric if adequate funding in the form of budget allocations is not provided. In order to be effective, political will must be translated into both policies and resources. At the same time, to

develop and strengthen women's capacity as political leaders, develop media relations, and help women generate resources, Government should work to ensure women's equal access to career patterns in SA.

Conclusion

Empirical analysis confirms that the opportunity for large numbers of women to participate and be political representatives in all spheres of government (national, provincial and local) only really began after 1994, through quotas. It was found that quotas became a new political technology of power, when both territorial and partisan interests dominated at the beginning of democratisation and political decentralisation. The gender quota as a strategy to ensure women's political participation and representation remain controversial in SA, as elsewhere. However, it is beyond doubt that where quotas have been implemented, the popular political culture has gradually become more accepting of women taking part in politics.

SA has been like other emerging democracies, where governments have shown commitment to their increased representation. This played a role in advancing women's political representation. Tripp (1994) argues that enhanced political representation of women largely depends on the government's political will, rather than on world economic standing and other economic factors. For example, despite being one of the poorest countries, Mozambique has made remarkable improvements in women's legislative representation compared to many advanced and industrialised countries. Greater women's representation in Uganda, Tanzania and several other African countries has been accounted for by initiation of party quotas and reserved seats (Tripp, 1994 and Tripp & Kang, 2008). Outside the African region, numerous women's movements have gained momentum through the process of democratisation. In Turkey, women's rights and the diversity of women's voices gained momentum through democratisation and economic transformation (De Brito, 2006). Moreover, since 1990, Bangladesh as an emerging democracy, overthrew autocratic rule and was able to set the stage for enhanced participation of women in the political process through the quota system.

Nevertheless, inequality of women in South African society remains common. Along with structural deficiencies, sociocultural obstacles and the dominance of territorial and partisan interests remain the major impediment to greater participation by women in the political process. Although the 1996 Constitution guarantees equal opportunities for women and men in every sphere, the women of SA are still fighting to enter the political process. The introduction of quotas for women by the ANC increased the number of women in Parliament as well as in local government, but has not yet ensured their genuine representation in the decision-making process.

Numerically, the proportion of seats held by women in Parliament and local government is still below the 50% recommended by the SADC and African Union, and this means that women are poorly represented in all spheres of decision-making. One may argue that the battle for women's active participation has just begun, and even the use of a gender quota should not be regarded as automatically enhancing women's access to decision-making power. The dominance of territorial

and partisan interests must not prevent women representatives from grasping the new opportunities offered to them. As they overcome obstacles like illiteracy and culture, women will create strong grounds for improving their lot in SA.

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