

Women and the struggle for gender inclusivity during the transition, 1990-1994



By Zine Magubane

Introduction

The Government of National Unity was formally inaugurated on 10 May 1994. The *Sunday Times* praised the new government for its gender inclusivity and the new parliament for having transformed ‘virtually overnight’.

From being one of the world’s most sexist governments our new Parliament, with its 106-strong contingent of women, has emerged as one of the world’s most progressive. South Africa has moved from 141st place on the list of countries with women in Parliament, to seventh ... With a jump from 2.7 per cent to 26.5 per cent, South African women are now better represented than their British and American counterparts.¹

In his state of the nation address at the opening of parliament in May of 1994, President Nelson Mandela spoke in strong terms about the importance of eliminating gender discrimination. ‘The nurturing of our youth stands at the centre of our reconstruction and development,’ Mandela explained. He went on to say that:

Similar considerations must attach to the equally important question of the emancipation of the women of our country. It is vitally important that all structures of Government, including the President himself, should understand fully that freedom cannot be achieved unless the women have been emancipated from all forms of oppression.²

Nowhere in Africa do women have more clearly spelt out legal rights than in South Africa. According to Georgina Waylen, ‘the South African transition to democracy

1 J. Wilhelm and D. Streak, ‘SA Parliament a World Leader in the Fight for Sexual Equality’, *Sunday Times*, 29 May 1994.

2 State of the Nation Address, Parliament, Cape Town, 24 May 1994, at <http://www.info.gov.za/speeches/1994/170595002.htm>

is one of the few that has resulted in some marked improvements in women's descriptive and substantive representation in its immediate aftermath'.³ South Africa's final Constitution, widely viewed as one of the world's most progressive, includes an equality clause that prohibits discrimination on the basis of gender and sexual orientation:

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

There is no denying that women in South Africa emerged from their democratic transition having inserted gender equality 'into the heart of democratic debates'.⁵ The new government created a range of institutions to represent and defend women's interests and, in doing so, extended women's political participation. These institutions include a Commission on Gender Equity which is an independent, statutory body created in terms of the constitution. Furthermore, there is an Office on the Status of Women in the President's Office. The African National Congress (ANC) and its partners in the Alliance each have a gender desk or department at the top of the organisation, as well as at intermediate and lower levels, to monitor policies and programmes on gender equity. The same holds true for most government bodies. Measures such as the Employment Equity Act and the Promotion of Equality and Prevention of Unfair Discrimination Act empower all South Africans to challenge inequality and discrimination on the basis of gender. Customary law was made subject to the Bill of Rights. According to one theorist, the truly unique thing about South Africa is the fact that 'the makers of South Africa's new democracy discuss citizenship in explicitly gendered terms, paying close attention to the ways in which gendered identities and interests play out in the consolidation of democracy'.⁶

These achievements become even more impressive when we consider that 'some of the most vibrant women's movements active during the breakdown of authoritarianism have not necessarily had the greatest success in achieving increased levels of descriptive and substantive representation for women after the restoration of electoral politics'.⁷ It is very common for societies to react to radical social change by 'backsliding' on women's issues.

3 G. Waylen, 'Women's Mobilization and Gender Outcomes in Transitions to Democracy: The Case of South Africa', *Comparative Political Studies*, 40 (2007), 541.

4 Sections 9(3) and (4) of the Constitution of the Republic of South Africa, Act No. 108 of 1996.

5 S. Hassim, 'Negotiating Spaces: Women in South Africa's Transition to Democracy', Witwatersrand University Interdisciplinary Research Seminar, Johannesburg, 2002, 2.

6 GW Seidman, 'Gendered Citizenship: South Africa's Democratic Transition and the Construction of a Gendered State', *Gender and Society*, 13 (1999), 288.

7 G. Waylen, 'What can the South African Transition Tell us about Gender and Democratization', Occasional Paper No. 9, Centre for Advancement of Women in Politics (2004), 2.

The transition from resistance to governance has not been easy for any of the armed political movements that have come to power in the former European colonies since World War II. And it has only become knottier since the end of the cold war. Most national liberation movements moved to demobilise women once short-term political goals were achieved. Or, in the name of maintaining (male) unity, they postponed attention to women's demands in instances where national objectives remained unmet or new forms of counter-revolution surfaced.⁸

The active role that women came to play in negotiations, and the gains they made in parliament as a result, were by no means foregone conclusions. Lindiwe Zulu, who was elected to the ANC Women's League (ANCWL) National Executive Committee (NEC) in 1993, used the occasion of the Sixth International Congress on Women to reflect on how bleak things were for women during the start of negotiations:

When the negotiations process led by the ANC started in 1994, women were not involved – not because of unwillingness on their part but because the negotiators had not thought it necessary to involve women. This was nothing new for women, because we had seen the same process in Zimbabwe, Angola, and Mozambique.⁹

Brigitte Mabandla, the only female member of the ANC Constitutional Committee, describes the run-up to the first democratic elections in similar terms.

In this struggle for power, wrestling for power, it's all male. The majority in the commissions [like] CODESA is all men. They deal with what they regard as 'hard stuff'. As they converge to a Constituent Assembly it will be the men. Yes, we are going to have a classical male situation. I think the most troubling thing is the mouthing of democracy – of involvement of women. I actually feel that we are being heavily patronised, even by De Klerk, for example, and the DP.¹⁰

As the ANC entered the negotiations process it seemed that the 'fear of creating divisions in the national liberation struggle [had led] to the development of a women's movement afraid of seriously challenging patriarchal domination'.¹¹ In the first round of negotiations at the Convention for a Democratic South Africa (CODESA), none of the political parties negotiating South Africa's transition included women on their teams. Of the 400 delegates, only 23 were female. The behaviour of male politicians,

8 D. Connell, 'Strategies for Change: Women and Politics in Eritrea and South Africa,' *Review of African Political Economy*, 7 (1998), 190.

9 L. Zulu, 'Role of Women in the Reconstruction and Development of the New Democratic South Africa,' *Feminist Studies*, 24, 1 (1998), 150.

10 UWC, O'Malley Archives, Interview with Brigitte Mabandla, conducted by Pdraig O'Malley, 13 January 1993.

11 P. Horn, 'Conference on Women and Gender in Southern Africa,' *Transformation*, 15 (1991), 37.

irrespective of party affiliation, seemed to confirm Albie Sachs' claim that 'one of the few proudly non-racial institutions in South Africa is patriarchy'.¹²

How, then, did gender activists successfully raise gender issues during negotiations toward majority rule? How did it come to be that 'the ANC in its understanding of the political importance of women [became] more advanced than any other political organisation in South Africa?'¹³ This chapter argues that women in the ANC and its allied organisations set the stage for the incorporation of gender concerns into the South African transition long before the ANC came to power. As the following quote from a gender activist within the ANC demonstrates, women fought to get both the ANC leadership and its rank and file members to recognise women's interests and allow them access to leadership and decision-making roles long before 1994.

We started pushing for the two struggles [of national liberation and women's liberation] to go together, to say that you cannot obtain national liberation without women's liberation. And that started taking root, especially first among the leadership of the ANC itself. The leadership of that time ... started articulating the same position, and [so did] other leaders.¹⁴

The chapter will explain the role that gender activists, like the one quoted above, played in negotiations, elections, and the design of the new state. It will begin with an analysis of the 'Statement of the National Executive Committee of the African National Congress on the Emancipation of Women in South Africa' which was released on 2 May 1990 (hereafter the NEC Statement). My goal is to historicise the NEC Statement and explain how the stage was set for women to leverage their power and pressure the ANC to declare policy support for gender issues. I will then examine the politics that accompanied the re-establishment of the ANCWL inside the country and explain how gender activists pursued a strategy of increasing women's formal representation in conventional institutional sites like the negotiating teams in CODESA and the Multiparty Negotiating Process (MPNP). Gender activists believed that they needed to increase women's representation in parliament in order to improve policy outcomes. They saw demands for representation as the necessary first step towards creating an accountable and responsible government. I will conclude with a discussion of the formation of the multi-racial Women's National Coalition (WNC) and its impact on negotiations, focusing specifically on its engagement with the Congress of Traditional Leaders (CONTRALESA). Cross-party coalitions like the WNC enabled women to defeat CONTRALESA, a powerful lobby that wanted to protect their traditional powers to allocate land and resources and exclude customary law from the Bill of Rights.

My analysis rests on information gathered from a variety of sources including primary documents, memoirs, autobiographical and biographical accounts, and

12 A. Sachs, 'Judges and Gender: The Constitutional Rights of Women in a Post-Apartheid South Africa', *Agenda*, 7 (1990), 1.

13 A. Charman, C. de Swardt and M. Simons, 'The Politics of Gender: Negotiating Liberation', *Transformation*, 15 (1991), 40.

14 Cited in H.E. Britton, *Women in the South African Parliament* (Urbana: University of Illinois Press, 2005), 43.

existing secondary analyses. I rely heavily on scholarly articles written by activists and key players in women's organisations as these articles represent activists' self-conscious choices of words and opinions and reflect more accurately the sense of public debates. My approach is informed by Bahati Kuumba's 'gender conscious approach to the political process model'. In her comparative analysis of the American civil rights movement and South Africa's anti-pass movement, Kuumba argues that 'the particular structural location and semiautonomous resistance of African/Black women ... served as catalysts that catapulted these movements for racial justice and/or national liberation to higher levels'.¹⁵ I share Kuumba's view that in the course of resisting apartheid, women experienced gender discrimination at the same time that they challenged gender expectations. These experiences led them to advocate for gender equity within the anti-apartheid movement, particularly within the ANC, and to form autonomous organisations dedicated specifically to addressing women's problems. Their struggle for inclusion in the Mass Democratic Movement (MDM) helped to radicalise their male comrades such that they were able to accept, in principle at least, the ideal of non-sexism.

I extend Kuumba's argument by showing how, during negotiations, women's experiences of gender inequality and discrimination were catalysts that led them to form the WNC – a non-racial, feminist inspired organisation. The WNC played a decisive role in making gender equality a priority in the negotiation process and ensuring that gender concerns were put on the constitutional agenda. Many of the major players in the WNC had their gender consciousness shaped by their participation in multiracial women's organisations and/or pushing for greater gender awareness, representation, and equity within the anti-apartheid movement. Their ability to use negotiations as an entry point for a broader questioning of the assumptions about citizenship and equality that underwrote transformation emerged from these experiences. While I agree with Gay Seidman's idea that international feminist discussions played a role in helping South African activists to 'develop a collective definition of gender interests and begin to build those interests into the structure of democratic institutions', I intend to focus on the relatively neglected dimension of the internal struggles that provided the context and opened the door such that those international influences could be both heard and acted upon.¹⁶ Without the fertile 'soil' of an internally generated transformation in gender consciousness, the international feminist discourses that Seidman identifies would never have taken root or prospered.

I will now turn to an analysis of the NEC Statement. This 'opened up considerable political space for women in the transition period ... and encouraged exceptional policy outcomes'.¹⁷ The NEC Statement marks the first time that the ANC leadership officially acknowledged women's emancipation as an autonomous aspect of national liberation and is an excellent entry point for illuminating the history of gender

15 B. Kuumba, 'You've Struck a Rock': Comparing Gender, Social Movements, and Transformation in the United States and South Africa, *Gender and Society*, 16 (2002), 505.

16 Seidman, 'Gendered Citizenship', 287.

17 G. Geisler, *Women and the Remaking of Politics in Southern Africa* (Uppsala: Nordiska Afrikainstitutet, 2004), 64.

activists' efforts to be included in the ANC's decision making structures. These early experiences with gender advocacy gave women the leverage to expand their demands for inclusion and equal representation to the entire political system once the ANC was unbanned.

The NEC Statement: Coming forward, looking back

In January of 1990, a historic meeting took place. One set of authors describe it as 'a watershed for South African women and the ANC'.¹⁸ The meeting, called the Malibongwe Conference, was organised by the Women's Section of the ANC and the Dutch Anti-Apartheid Movement. Its theme was 'Women United for a Unitary, Non-racial, Democratic South Africa'. The conference proposal opened with a description of the meeting's purpose.

South African women must unite in order to exert pervasive pressure as would elicit non-sexist policies and practices in present society, in the struggle, and in post-apartheid South Africa. The nature and depth of current repression as well as the need for a united front against apartheid carries the risk that women's concerns will be subsumed under the national struggle, thus losing out on the opportunity to collectively formulate strategies that will address women-specific oppression and ensure equal participation in the future.¹⁹

Malibongwe was the largest of a number of meetings that brought together women from the United Democratic Front (UDF), trade unions, community service organisations and religious groups alongside women who held positions as chief representatives all over the globe to 'address women's oppression specifically and develop non-sexist policies for a future South Africa'.²⁰ It drew together 170 South African delegates (about 100 from within the country and the rest from the ANC Women's Section and others in exile). The conference was one of the first to feature internal women activists, exiles, and women from other countries evaluating and debating gender politics in post-apartheid South Africa. There were also a number of papers written by men, many of whom were members of the ANC in exile.

The conference resolutions made it clear that gender was an issue that had to be addressed as an autonomous aspect of national liberation. In her speech to the assembled delegates, Frene Ginwala, who would later go on to co-chair the ANC Emancipation Commission and co-convene the WNC, charged the ANC to 'remain true to its principles and values' by 'seriously address[ing] the question of the emancipation of women'.²¹ Leila Patel, a member of the Federation of Transvaal Women (FEDTRAW), addressed the issue of the relationship between national oppression and gender oppression. She urged her audience to remember that, 'the

18 Charman, et al., 'Politics of Gender', 40.

19 Amsterdam Women's Conference Proposal, Lusaka, 10 November 1988. Cited in Hassim, 'Negotiating Spaces', 8.

20 M. Singh, 'Malibongwe Conference', *Agenda*, 6 (1990), 23.

21 Quoted in Geisler, *Women and the Remaking of Politics*, 76.

struggle must be waged simultaneously at all three levels. The question of the emancipation of women is therefore integral to our national democratic struggle'.²²

Just two weeks after the Malibongwe Conference the National Party (NP) government announced that the ANC, the South African Communist Party (SACP), the Pan Africanist Congress (PAC) and other liberation organisations would be unbanned. Four months later a six-day seminar, initiated by women in the ANC, took place in Lusaka. This meeting, where the ANC constitutional guidelines were discussed and the re-launch of the ANCWL within South Africa was planned, carried the Malibongwe resolutions into the ANC executive. The end result was the ANC's landmark policy statement ('Statement of the National Executive Committee of the African National Congress on the Emancipation of Women in South Africa May 2nd 1990'). The statement addressed the status of women and gender in the organisation and outlined a set of goals for the future. It was the first comprehensive statement on women's emancipation released by any political party. Cathi Albertyn, a feminist lawyer who played a key role in the MPNP, described the significance of the NEC Statement in these terms:

This statement represented a substantial shift in the ANC position on women. It was the first official acceptance of the independent nature of women's liberation. It was also significant in its acknowledgement of the material, cultural, and ideological context of gender oppression and facilitated a far more sophisticated policy and strategy on gender in the mass democratic movement than previously.²³

The NEC Statement came at a very crucial time in the liberation struggle. Its uniqueness stems from the fact that it is a forward looking document whose positions are rooted firmly in history. As will be explained below, the document did not emerge *sui generis*. Rather, it was a direct outcome of historical gender struggles within the ANC. Frene Ginwala described the situation accurately when she said, 'the result did not come out of nothing ... it was a process'.²⁴ This process took place in such forums as the first conference of women in exile in Luanda in 1981; the ANC's National Consultative Conference in Kabwe (June 1985); the Women's Section regional seminar on gender that immediately preceded Kabwe; and the meeting between the South West African People's Organisation (SWAPO) and the ANC which followed it; the Nairobi Conference of the UN Decade for Women (1985); the second conference of the ANC Women's Section (Angola 1987); and the seminar on 'Feminism and National Liberation', hosted by the Women's Section in London in 1989.

22 Quoted in S. Meintjes, 'Gender, Nationalism and Transformation: Difference and Commonality in South Africa's Past and Present', in R. Wilford and R.L. Miller, eds, *Women, Ethnicity and Nationalism* (New York: Routledge, 1998), 77.

23 C. Albertyn, 'Women and the Transition to Democracy in South Africa', in F. Kaganas and C. Murray, eds, *Gender and the New South African Legal Order* (Cape Town: Juta, 1994), 49.

24 Quoted in G. Geisler, 'Parliament is Another Terrain of Struggle: Women, Men and Politics in South Africa', *Journal of Modern African Studies*, 38 (2000), 607.

The NEC Statement opens by defining gender equality as a central component of national liberation and making the full achievement of democracy contingent on the complete elimination of gender oppression:

The African National Congress's (ANC's) commitment to eliminate racism, oppression and exploitation from our society cannot fail to address also the question of the emancipation of women ... We consider it long overdue that our organisation and the entire democratic movement establishes principles and initiates practices which will guide us in fulfilling this pledge.²⁵

The NEC Statement is notable for the position it takes on five issues, namely: (1) how gender oppression is understood and defined; (2) the relationship between gender emancipation and national liberation; (3) the impact of gender inequality in the private sphere on women's ability to exercise agency in the public political sphere; (4) the role of affirmative action in addressing gender inequality; and (5) the need for a Charter of Women's Rights. Furthermore, the statement identifies the following concerns as being the most pressing: participation of women in leadership roles and the representation of their interests; developing, restructuring, and reviving specific organizations to advocate for gender issues; systematically analysing and understanding the nature of gender oppression in South Africa; and reformulating legal, economic, and social policies as a means for building a non-racial and non-sexist democratic future.

The NEC Statement also spells out the nature of gender oppression quite clearly. It argues that gender oppression is 'everywhere rooted in a material base and is expressed in socio-cultural traditions and attitudes all of which are supported and perpetuated by an ideology which subordinates women'.²⁶ The statement identifies apartheid as only one among many sources of gender inequality and draws attention to the ANC's failure to 'fully integrate women's concerns and the emancipation of women in the practice of the liberation struggle'.²⁷ It goes on to acknowledge that the prevalence of patriarchal attitudes and 'the absence of sufficient numbers of women, especially at decision making levels and the lack of a strong mass women's organisation' had been detrimental to the overall aims of the struggle.²⁸ It concludes that 'the particular concerns of more than half of our people are hardly heard when we define our strategies and determine our tactics'.²⁹

In the statement the ANC officially commits to 'the development and implementation of a wide range of policies for restructuring the organisation to meet the tasks of the day'.³⁰ In line with this, the NEC calls for a re-examination of the

25 'Statement of the NEC of the ANC on the Emancipation of Women in South Africa', *Agenda*, 8 (1990), 19.

26 *Ibid.*, 20.

27 *Ibid.*, 21.

28 *Ibid.*

29 *Ibid.*

30 *Ibid.*, 21.

function of the Women's Section³¹ and a revival of the ANCWL to ensure that 'gender issues are integrated in all spheres of our movement'.³²

In a roundtable discussion about the NEC Statement, Shula Marks, a South African academic, praised the document for its 'self-examination and criticism'.³³ Belinda Bozzoli, a feminist academic who had previously criticised women in the ANC for staging resistance in 'conservative' and 'patriarchal' ways, agreed.³⁴

The first thing I looked for was the idea that gender oppression wasn't simply located in some colonial legacy or in racism and apartheid, which I think is often a fault of nationalist movements attempting to incorporate gender. I was so pleased and impressed to find that there is a much richer analytical statement being made. Gender oppression is seen as having a material base; it is seen as being perpetuated by apartheid and the customs and practices of all our people. I think in giving it that legal, material, and cultural base this document is a great advance and provides a superb policy ground upon which we can then build strategies.³⁵

The candour and self-awareness expressed in the statement is a direct outgrowth of very specific gender struggles that occurred during the 1980s. The ANC has been described as an organisation 'suffused with a masculine idiom'.³⁶ Nevertheless, as I discuss below, the liberation struggle became an important site where women pursued demands for gender equality and 'substantive' democracy.

Gender politics in the ANC in exile, 1980–1990

For a decade prior to the appearance of the NEC Statement, members of the Women's Section had been rebelling against the fact that the ANC 'dealt with women simply as another sector to be mobilised for the struggle against apartheid'.³⁷ The statement includes a quote from a speech, Oliver Tambo made at the First Conference of Women in Exile in Luanda in 1981. In the speech, Tambo reflected on how the liberation struggle had weakened itself in its failure to acknowledge and take full advantage of women's true abilities. The Luanda conference was the first time that 'a clearly defined political position on women began to emerge within the Women's Section'.³⁸

31 In exile the ANCWL was suspended. Instead, women in the ANC were organised from 1969 (following the Morogoro Conference) as the Women's Section, headed by the Women's Secretariat. All women in the ANC in exile were automatically members of the Women's Section.

32 'Statement of the NEC of the ANC', 21.

33 'Picking up the Gauntlet: Women Discuss ANC Statement', *Agenda*, 8 (1990), 7.

34 B. Bozzoli, 'Marxism, Feminism, and South African Studies', *Journal of Southern African Studies*, 9 (1983), 167.

35 'Picking up the Gauntlet', 6.

36 R. Suttner, 'Cultures of the African National Congress of South Africa: Contribution of Exile and Prison Experiences', WISER seminar series, 'The State We are In', University of the Witwatersrand, Johannesburg, 15 August, 2002, 4.

37 J. Cock, *Women and War in South Africa* (London: Open Letters, 1992), 140.

38 S. Hassim, 'Nationalism, Feminism and Autonomy: The ANC in Exile and the Question of Women', *Journal of Southern African Studies*, 30 (2004), 439.

The struggle to conquer oppression in our country is the weaker for the traditionalist, conservative, and primitive restraints imposed on women by the man-dominated structures within our Movement, and also because of equally traditionalist attitudes of surrender and submission on the part of women.³⁹

According to Mavivi Manzini, who started working for the Women's Section in 1979 and edited its publication *Voice of the Women*, Tambo's speech was widely viewed as 'a major ANC policy statement on the question of the emancipation of women'.⁴⁰ At the time of the speech, the ANC's official policy was that the Women's Section was there to mobilise women into the national liberation struggle. Although women activists were repeatedly reminded that 'their key task remained that of national liberation', their ability to perform that function was constrained by the fact that 'a gulf seemed to exist between the Women's Section and women in the military, with the Women's Section playing almost no role in providing political direction to women cadres'.⁴¹ The Women's Section played a very minor role in recruiting women into the underground, providing direction to the internal women's movement, or providing leadership to women in Umkhonto we Sizwe (MK).⁴² Women were also denied access to leadership positions throughout the organisation. Over the course of the 1980s, however, the Women's Section began to actively push the ANC's male leadership to become more proactive about gender discrimination and to promote more women into leadership positions. They also began to advocate for the idea that gender emancipation needed to be pursued alongside national liberation. The ANC in exile began to undergo a serious process of internal transformation as a result.

An important part of this transformation involved formally committing to eradicating gender inequality in the ANC by challenging the tendency to make women the movement's 'social workers'. In addition, the ANC, with Tambo's strong encouragement, began to focus on getting more women into leadership roles. This meant that it had to begin dealing more seriously with issues such as sexual harassment *within* the organisation; the gendered division of labour in the struggle; and gender based violence in the public and private spheres. Activist women were the first to bring attention to these matters, even though they ran the risk of being labelled 'divisive' and 'too Westernised'. According to Ginwala 'some people [in the ANC] said these issues should not be discussed publicly, and are quite critical. But we feel they must be raised'.⁴³ Barbara Masekela expressed a similar view in a 1991 interview:

Traditionally the role of women in the ANC has been one of assisting the movement rather than being equal partners. We were the kind of 'side by side' type of freedom fighters who were assisting the men, not because that's how we conceived it but because in fact this is a result of the whole

39 'Statement of the NEC of the ANC', 21.

40 D.E.H. Russell, *Lives of Courage: Women for a New South Africa* (New York: Basic Books, 1989), 129.

41 Hassim, 'Nationalism, Feminism, and Autonomy', 450.

42 S. Hassim, *Women's Organizations and Democracy in South Africa: Contesting Authority* (Scottsville: University of KwaZulu-Natal, 2006), 103.

43 'ANC Women: Their Strength in the Struggle', *Work in Progress*, 45 (1986), 13.

social, political tradition of South Africa as a whole. South Africa is a very patriarchal society and all sections of the population, racially and otherwise, have this one thing in common ... [W]e found that 'feminist' was not regarded as a positive expression. To be a feminist ... was at some point viewed as very divisive.⁴⁴

The NEC Statement quotes Sam Nujoma and Oliver Tambo's 1985 joint pledge to the women of Namibia and South Africa that they would not see their 'objectives achieved, our task completed, or our struggle at an end until the women of Namibia and South Africa are fully liberated'. They went on to say: 'We consider it long overdue that our organisation and the entire democratic movement establishes principles and initiates practices which will guide us in fulfilling this pledge.'⁴⁵

Nujoma and Tambo made this promise at a 1985 meeting between SWAPO and the ANC. Their utterances should be seen as both promoting and *reflecting* positions that were arrived at during high level meetings and discussions about women in the liberation struggle. These meetings began in earnest with the 1981 meeting in Luanda discussed above. Their frequency and intensity increased markedly after 1984, which the ANC officially declared 'The Year of the Women'.⁴⁶ The NEC Statement's acknowledgement of the deleterious impact of traditionalist male attitudes was first articulated officially at the ANC's National Consultative Conference in Kabwe. In a paper on the 'Role and Place of Women in Society, the ANC, and the Struggle', the author explicitly addressed the 'traditional, conservative and primitive constraints imposed on women by man-dominated structures within our movement'.⁴⁷ The NEC's acknowledgment of the fact that ANC policies 'have to address simultaneously the material base, the legal system, the political and other institutions and the ideological and cultural underpinning of gender oppression now and in the future' came about because women made the ANC aware of how their ability to exercise their rights as citizens within the ANC was adversely impacted by gender discrimination and stereotyping.⁴⁸ In a 1989 interview, Manzini described the sexist atmosphere that women in exile had faced:

Even in the Women's Section, we find that women cannot come to our meetings because they say, 'I have to cook first,' or 'There's nobody to remain with the child,' and yet their husband is there in the house. Our men must take part in looking after the children ... We have recently received reports from one ANC unit that the women are too busy to meet because after work

44 UWC, O'Malley Archives, Interview with Barbara Masekela conducted by Padraig O'Malley, 18 September 1991.

45 'Statement of the NEC of the ANC', 19.

46 The First meeting of the National Women's Executive Committee was held in April 1984. In 1985 the Women's Section called for a regional seminar to discuss the role of women in the struggle and within the ANC. The ANC's Consultative Conference in Kabwe, June 1985, devoted a special section to women.

47 Hassim, 'Nationalism, Feminism, and Autonomy', 447.

48 'Statement of the NEC of the ANC', 22.

they still have to attend to their family's needs. But we don't accept this. It's a question of attitude. Our men think that our place is in the kitchen. Even when our president, Oliver Tambo, says women's place is in the battlefield.⁴⁹

Instead of upending the gender division of labour in the 'home' (so to speak) the Women's Section more often took over caretaking tasks traditionally assigned to women. In a 1985 interview, Ginwala described how the Women's Section had 'taken on some responsibilities so that women [could] operate more fully in the ANC'.

We struggled to make sure there were always crèches at meetings. This is now the case, and it is policy. This may seem unimportant, but ANC women cadres in Western Europe do not have supportive family structures to help with childcare ... We have now established crèches so that fulltime ANC functionaries can be fully active. In Tanzania we have a crèche where women cadres of the ANC can go to have children. They can stay there for up to two years, then can leave the child there while they go back to their duties. There are also crèches in Lusaka, because it is not ideal for women to leave their children.⁵⁰

The Women's Section became responsible for providing exiles with educational, health, and social support. The situation in exile was threatening to reach crisis levels following the sudden influx of young people after 1976. Sherry McClean, an Irish social worker stationed at Solomon Mahlangu Freedom College (SOMAFCO), presented a paper on 'Models of Work with Cadres within the National Liberation Movement' at the ANC Seminar on Social Welfare. She reported that 'many of our comrades suffer extreme anxiety, feelings of guilt at leaving their families so suddenly in South Africa, homesickness, displacement and insecurity on initially coming into exile'.⁵¹ The report concluded that 'counselling on a one to one basis to offer emotional support and reassurance at this crucial initial stage would be of enormous benefit and could prevent difficulties in the future'.⁵² Practically speaking, however, most people 'felt that they had no-one they could turn to for help and support or to confide in'.⁵³ As a result, the responsibility for caring for exiles' physical and emotional well-being often fell on the Women Section's shoulders.

Kuumba's idea that 'at the same time that gender roles, ideologies, and power systems can inhibit social movement activities and processes, they can also catalyse actions and contribute to the dynamism of social movement processes' is useful for understanding how this gender history informed the writing of the NEC Statement.⁵⁴ When asked about the nature of the problems the Women's Section faced in exile,

49 Quoted in Russell, *Lives of Courage*, 130.

50 'ANC Women: Their Strength in the Struggle', 12.

51 S. McClean, 'Models of Work with Cadres in the National Liberation Movement', Paper at ANC Seminar on Social Welfare, Department of Economics and Planning, Lusaka, 27–30 July 1988, 4.

52 Ibid.

53 Ibid.

54 Kuumba, 'You've Struck a Rock', 506.

Violet Matlou recalled: ‘the trouble with the youngsters from South Africa was the boys didn’t want to see South African girls dating foreigners. For instance there was this one [comrade who] assaulted a girl who was dating a foreigner and then he was expelled’.⁵⁵ Indeed, the Women’s Section’s archives show that they dealt with numerous interpersonal disputes wherein gender dynamics featured prominently and their archived reports ‘carry numerous reports of abuse’.⁵⁶ Playing the role of the movement’s ‘social worker’, however, was the catalyst for Women’s Section members to begin to frame issues like domestic violence, sexuality, pregnancy, abortion, and the gendered division of labour in political terms. According to Manzini, the Women’s Section ‘took up the issue of rape and other violence against women very seriously’ and circulated information about spousal and child abuse throughout different communities.⁵⁷ Thus, the practical work the Women’s Section undertook made them push the ANC to adopt more progressive social policies overall.

The Women’s Section took the issue of domestic violence to the level of the director, and the organisation’s suggestion that offending men should be locked up for two weeks, whether or not this was requested by their partners, was adopted. This was based on the idea that such violence was not just an offence against the woman, but against the community as a whole.⁵⁸

In theory the ANC recognised that ‘the fundamental ethos of social welfare within the national liberation movement should be according to the commitment for equality in a caring, accepting and healthy environment in line with the democratic South Africa [the ANC] intends to build’.⁵⁹ In practice, however, many male ANC members misunderstood the Women’s Section and its role. Therefore, the Women’s Section also had to focus on politically educating its members about gender inequality. At SOMAFCO, for instance, ‘women were implored not to neglect their political responsibilities because of their social activities. Men and women were to assist with childcare so as to allow mothers to attend meetings or fulfil political tasks’.⁶⁰ In addition, all SOMAFCO committees were expected to have equal numbers of males and females and consciously avoid the traditional sexual division of labour.

When female comrades took on more active roles in the struggle they ‘defied many typical male attitudes to relations between the sexes in South Africa at the time, amongst whatever racial group’.⁶¹ In taking up these new roles, however, they faced gender discrimination. Ruth Mompoti, who has been described as ‘the most powerful woman in the ANC’ dealt with many MK cadres.⁶² She recalls how

55 Interview with Violet Matlou, conducted by S.M. Ndlovu, Pretoria, 12 July 2007, SADET Oral History Project (hereafter SOHP).

56 Hassim, ‘Nationalism, Feminism, and Autonomy’, 438.

57 Russell, *Lives of Courage*, 131.

58 S. Morrow, B. Maaba and L. Pulumani, *Education in Exile: SOMAFCO, the ANC School in Tanzania, 1978 to 1992* (Pretoria: HSRC Press, 2004), 138–139.

59 McClean, ‘Models of Work’, 1.

60 Morrow, et al., *Education in Exile*, 35.

61 Ibid.

62 Russell, *Lives of Courage*, 60.

in the beginning there were hardly any women. I remember four that came together: Daphne (her MK name), Jacqueline (also her MK name), and there was Nomsa (also an MK name), etc. I don't remember how many men there were, 200 or so, and only about four women!"⁶³

Although women constituted 20 per cent of the MK cadres by 1989, they were absent from the commanding structures of the army. According to Raymond Suttner, MK had a lot of sexist practices. Women were made to wash their commanders' uniforms and officers had exploitative relationships with women trainees.⁶⁴ Tokenism in assignments and discriminatory attitudes led to women being denied leadership positions. Jacqueline Molefe, head of MK communications, explains how

in the beginning we were not allowed to carry guns in the camps – only pangas. Men did the guard duty at night ... Some men in MK have a negative attitude. Even some of our leaders were against us getting into the army.⁶⁵

Women also battled gender stereotypes and politics in their everyday interactions. 'The problem with the men was they all had to be related to these women ... Everybody wanted a girlfriend and there were only so many,' Mompoti recalls.⁶⁶ Thandi Modise, an MK commander, describes how women were chastised when they complained about being sexually harassed in the barracks.

They were against us. There was such a strong negative feeling ... As if we were wrong and this man was right to come night after night and feel our bodies ... They protected him. He went into one [men's barrack] they just closed the door ... and up to this day we cannot say whether there was just one man doing it or whether there were a number of them.⁶⁷

In a 1989 interview, Mompoti, one of only three women on the ANC's NEC, expressed how urgent it was to 'continue to fight to put our women into leadership positions and make them more able so that they can lead and articulate their problems. We still suffer from the old traditions'.⁶⁸ The Women's Section was practically the sole institutional voice pressing the ANC to rectify the issue of gender-based discrimination. They were the first to challenge the ANC leadership to focus seriously and holistically on the role of women in the organisation and they 'infused their demands with a new discourse of women's liberation'.⁶⁹ At the first meeting of the Women's National

63 'Ruth Mompoti', in SADET, *The Road to Democracy: South Africans Telling their Stories, Volume 1* (Houghton: Mutloatse Arts Heritage Trust, 2008), 315.

64 'Inside the ANC', *Speak*, 56 (1993).

65 Cock, *Women and War*, 162.

66 Interview with Ruth Mompoti, conducted by S.M Ndlovu and B. Magubane, Vryburg, 15 August, 2001, SOHP, 31.

67 T. Modise and R. Curnow, 'Thandi Modise: A Woman in War', *Agenda*, 43 (2000), 39.

68 Russell, *Lives of Courage*, 117.

69 S. Meintjes, 'Politics of Engagement: Women Transforming the Policy Process in Domestic Violence Legislation in South Africa', in A.M Goetz and S. Hassim, eds, *No Shortcuts to Power: African Women in Politics and Policy Making* (London: Zed, 2003), 144.

Executive Committee (WNEC) in 1987, for instance, the leadership complained that the Women's Section had limited autonomy in their decision-making and that the ANC NEC did not respond to their demands.

At the 1987 NWEK Conference (held in Lusaka), affirmative action around gender was one of the key debates. According to Manzini, the Women's Section

recommended to the ANC that there had to be a concerted effort by the movement to uplift women educationally and politically because it is very clear that, with only three women on the [thirty five member] Executive Committee, there's still a problem.⁷⁰

Baleka Kgositsile, who would later be elected Secretary-General of the ANCWL, called the 1987 meeting a watershed event.

1987 was the first year that we looked at gender and it was agreed that a national commission on women's emancipation be set up. This did not happen. But at this conference everyone spoke openly for the first time and we agreed, for example, that girlfriend and wife battery could not continue among cadres.⁷¹

Women in the internal movement also pushed the Women's Section to be even stronger and more forward thinking. At the Second Conference of the ANC Women's Section in Angola (also held in 1987), a recording of a paper written by internal activists was read. The paper

challenged the ANC women's Section to get the ANC to state 'unequivocally' its 'long-term programme, strategy and tactics ... in confronting women's oppression and safeguarding women's democratic rights in a free and united South Africa'. It raised again the lack of an independent constitution for the Women's Section and suggested the finalisation of a Bill of Rights, 'which will be a document adopted by the ANC as a whole and not by women alone.'⁷²

The strident tone of their demands is linked directly to the fact that internal activists, like their partners in exile, found themselves performing stereotypical 'female support' roles in the struggle.

The ANC's NEC Statement directly acknowledges this history in the subsection headed 'ANC Policy':

As recommended by the 1987 ANC Women's Conference we are actively considering the appointment of a National Commission on the Emancipation of Women to sensitise, monitor, stimulate, and report on the women's position.

70 Russell, *Lives of Courage*, 129.

71 Cited in G. Daniels, 'ANCWL: Breaking out of the Mould?', *Work in Progress*, 75 (1991), 37.

72 Hassim, 'Nationalism, Feminism, and Autonomy', 450.

Highest priority must be given to finding the means to facilitate women's participation in the struggle and within all the political, administrative and military sectors of the ANC from the grassroots through to the NEC.

Patterns of discrimination and inequality are not self-correcting. Rather, they tend to replicate themselves, as those already in leading positions acquire necessary experience and confidence and appear better equipped to bear responsibility. To break this cycle we need to take affirmative action within the ANC to supplement and reinforce education and advancement programmes based on the principle of full equality.⁷³

The ANC adopted a set of constitutional principles in 1988. The principles were promoted through the United Nations (UN) and the Organisation of African Unity (OAU). This was done so that they would be included in the UN resolutions as conditions that any future South African constitution would have to meet to gain acceptability by the international community. The guidelines included a clause on equal rights for women. However, these guidelines, as gender activists point out,

retained the ranking of the Freedom Charter, placing a constitutional duty on the state and all social institutions to eradicate race discrimination and the 'economic and social inequalities' it had produced while no such urgency was placed on the issue of discrimination against women.⁷⁴

Cathi Albertyn, a feminist lawyer, describes the guidelines as 'the most important political document since the Freedom Charter which paid even less attention to the situation of women than did its predecessor'.⁷⁵

The ways in which women were radicalised during the 1980s culminated with their very strong response to the 1988 ANC constitutional guidelines. Politically active women responded quickly and in strong terms to the guidelines' peremptory treatment of gender and the paucity of women on the Constitutional Committee, which had 19 men and only one woman. 'None of the men refused to sit on the committee because the majority of the population was excluded,' Ginwala complains. 'Yet, if it was a black and white issue, all of them would have noticed!'⁷⁶ The ANC's Constitutional Committee decided to launch a public debate on the guidelines through a series of broadly inclusive conferences because 'although consistent with internationally recognised norms, the constitutional guidelines adopted by the ANC were not consistent with ANC rhetoric of a "people's war", "people's power", and "ungovernability", which dominated the struggle in South Africa in the late 1980s'.⁷⁷ Ten conferences were held between 1990 and 1993 that were focused on discussing substantive constitutional issues and the intersection of gender with law, human rights, equality, and democracy.

73 'Statement of the NEC of the ANC', 22.

74 C. Murray and C. O'Regan, 'Putting Women into the Constitution', in S. Bazilli, ed., *Putting Women on the Agenda* (Johannesburg: Ravan Press, 1991), 51.

75 Albertyn, 'Women and the Transition', 46.

76 Cited in Daniels, 'Breaking out of the Mould?', 37.

77 H. Klug, 'Participating in the Design: Constitution Making in South Africa', *Review of Constitutional Studies*, 18 (1996), 34.

One of the most important meetings was a six-day seminar held in Lusaka, organised by the Constitutional Committee and the ANC Women's Section. Although the guidelines were discussed by various sub-sets of the democratic movement inside South Africa, only the Lusaka seminar focused specifically on gender equality in a democratic dispensation. There were discussions on the legal disabilities of African women; the prevalence of gender inequality in South African society; and the material, cultural, and ideological underpinnings of gender oppression. According to Mabandla, the Constitutional Committee's only female member, 'the demand for the protection of women's rights and the promotion of gender equality in a democratic, non-racial and non-sexist South Africa was made unequivocally' at this meeting.⁷⁸

The ANC's first revision to the constitutional guidelines was drafted during the Lusaka meeting. The preamble originally stated that the constitution should 'promote the habits of non-racial and non-sexist thinking and the practise of anti-racist behaviour'. The revised preamble made the following addition: 'Special attention has to be paid to combating sexism, which is even more ancient and as pervasive as racism.' In her 'feminist reading' of the constitutional guidelines, Dorothy Driver praises the change, noting that

although the focus of the preamble remains on reparations to the damage done by apartheid, the reference to the need to fight sexism, and above all the acknowledgement that sexism is 'even more ancient' than racism, provide welcome contradiction of the insistence elsewhere that the practice of subordinating women was brought to Africa by the colonisers.⁷⁹

The clause on affirmative action was changed so that instead of saying 'the state shall take affirmative action to eliminate the inequalities and discrimination between the sexes' it referred to the need for the state to 'take affirmative action to eliminate inequalities, discrimination, and abusive behaviour based on gender' which 'corrects the implicit exclusion of sexist behaviour in the preamble'.⁸⁰

The Lusaka seminar and its related discussions culminated in the writing of the NEC Statement. According to seminar attendee Nolulamo Gwagwa:

When the Constitutional Committee was set up and the constitutional guidelines were drafted, the NEC appointed an all-male committee. Criticism came from amongst the women and it was very openly articulated, criticism of the committee itself and of the guidelines. So women started saying, how do we amend the guidelines so that they deal with issues of gender? And the seminar came out of that. Now their whole initiative has been carried right through to the point that the ANC has adopted a position on the emancipation of women.⁸¹

78 B. Mabandla, 'Promoting Gender Equality in South Africa', in Bazilli, ed., *Women on the Agenda*, 76.

79 D. Driver, 'The ANC Constitutional Guidelines in Process', in Bazilli, ed., *Women on the Agenda*, 83.

80 Ibid., 84.

81 'Picking up the Gauntlet', 8-9.

Ginwala, who may have been the physical author of the NEC Statement, explains the substance of the gender critiques, which ranged from the failure of the constitutional guidelines to fully address the legal disabilities faced by women, to the cultural underpinnings of gender oppression:

When women in the ANC looked at our proposed constitutional guidelines, a number of changes were proposed which needed to be included in the constitution of a democratic non-racial, non-sexist South Africa. We believe it is necessary to place an obligation on the state to end sexism, in a similar manner to the obligation to end racism. Otherwise, the equal rights accorded to women can be no more than rhetoric ... Another recommendation made was that any law, custom or practice that discriminates against women should be held to be unconstitutional. Again, in the proposed guidelines there was the idea of democratising the traditional office of chiefs. However, the traditional powers of chiefs included judicial functions, and in most societies women were not even admitted to the courts ... Similarly, proposals were made regarding the family: the need to recognise various types of family systems, and to remove the structural subordination of women in any new family law.⁸²

The statement thus identifies a range of actions that the ANC should pursue in order to address their previous failures to represent women's interests or integrate them into leadership roles. The stance that the document takes can be directly attributed to the Lusaka discussions.

Even white, but especially black, women do not participate fully in the decision and policy-making organs of our country. Notwithstanding these oppressive conditions, women have made significant contributions to our liberation struggle. But, as is evident among the youth, the people's army and elsewhere in our ranks, we have to acknowledge that their full potential has not been realised.⁸³

In order to break this cycle, the NEC called for 'affirmative action within the ANC to supplement and reinforce education and advancement programmes based on the principle of full equality'.⁸⁴

One of the most visible achievements of the 1980s was 'the insertion of values of gender equality into the vision for a democratic South Africa'.⁸⁵ Despite the undeniably conservative thrust of women's lives in exile, as well as the sometimes contradictory nature of the Women's Section, there is no question that they were the ones responsible for putting gender on the agenda of the movement in exile.

82 F. Ginwala, 'Women and the Elephant: The Need to Redress Gender Oppression', in Bazilli, ed., *Putting Women on the Agenda*, 68.

83 'Statement of the NEC of the ANC', 21.

84 *Ibid.*, 22.

85 S. Hassim, 'Women's Organizations, Feminism, and the UDF', *Transformation*, 51 (2003), 64.

Their experiences with gender discrimination pushed the ANC to formulate more radical ways of explaining how the anti-apartheid movement might conceive of the connection between women's liberation and national liberation. In many respects the ideas they formed 'predated positions that emerged from women's organisations during the 1990s'.⁸⁶ For example, the Women's Section began working on drawing up a Bill of Rights for Women in 1987 (an idea first mooted at Kabwe in 1985) – an important precursor to the Women's Charter, adopted by the Women's National Coalition in 1994.

As the above discussion has demonstrated, the intentions of the ANC with regard to women's emancipation were generally good. However, according to Ginwala, many of these excellent intentions did not translate into wholly progressive practices.

The ANC in exile has adopted very progressive positions on the emancipation of women, positions that are far in advance of other national liberation movements, and of many Western governments and political parties. However, the adoption of such policies owed more to the persuasive advocacy of some women members than to the level of understanding of either the membership or the entire leadership. As a consequence, both in exile and in the reconstituted legal ANC in South Africa, little regard was paid in practice to the question of women's emancipation, and on a number of occasions the ANC leadership failed to act in conformity with its policy pronouncements.

Ginwala is especially critical of the fact that 'very few women were on the interim leadership structures appointed by the NEC to establish the ANC inside South Africa'.⁸⁷ I will turn to this issue, focusing specifically on the reconstitution of the ANCWL, in the next section.

The return of the ANC Women's League

As was recommended in the 2 May Statement, the ANCWL was re-launched in August 1990 as an autonomous organisation linked to the ANC. The return of the ANCWL was highly anticipated. However, it also raised many new and potentially volatile issues. The League was expected to mobilise women into the ANC and increase African women's political literacy. It retained its 'social welfare' function at the same time that it was attempting to launch a progressive 'agenda around gender' within the ANC. Women looked to them to pressure the ANC to increase the number of women in leadership positions and promote gender sensitive policies. Albertina Sisulu described the immensity of these challenges in an October 1991 speech at the African-American Institute in New York.

⁸⁶ Hassim, *Women's Organizations and Democracy*, 91.

⁸⁷ Ginwala, 'Women and the Elephant', 69.

The Women's League has a lot of work to do. To begin with, to get the women into the ANC Women's League, we had to start first by organising women into the ANC. Then we started our organisation. It took us quite some time, but we managed to launch the Women's League ... We have a long way to go because in South Africa most of our women are illiterate and we have to start from the beginning in organising seminars and literacy classes, so that at least in post-apartheid South Africa, we have women who are able to stand on their own for their rights. Our objective is to develop our women politically to take their rightful places. We want to train them in skills, as some of them have been on farms all their lives, with their men working in urban areas, being left to look after the children and see to it that they are educated ... The ANC Women's League is an auxiliary body of the ANC, which is guided by its policies. Our task as women is to tackle the issues that are affecting women directly, like housing. Our task is to see to the education of the children. It is a long way to go as far as the women are concerned because it is the women and children who are suffering most in South Africa.⁸⁸

This strategic emphasis was 'not unanimously supported within the League'.⁸⁹ Some women wanted a much more overtly feminist focus on the emancipation of women and were sceptical of the League's capacity to articulate and carry through a feminist agenda. Ginwala expressed such doubts early on:

I don't think the ANC Women's League *can* liberate women. To assume that it can is ignoring political reality. It is true that as a national liberation movement the ANC's priority is national liberation ... But we have progressed by moving to integrate into it, an understanding of gender oppression and a commitment to the emancipation of women. And the Women's League has taken on an autonomous role. That's by decision of the women. But being realistic we have got to accept that when it comes to the choice, either or, the decision is more than likely to fall towards national liberation. I mean that is by virtue and definition of what the organisation is. Now if we are going to push for a real challenge to gender oppression and the real emancipation of women, what we need is a strong women's organisation, organised around the issues of concern to women. Therefore, while the League has a particular role to play, we still need a national women's organisation.⁹⁰

Ginwala's comments gesture to yet another challenge the ANCWL faced – how they would relate to the broad swathe of UDF affiliated women's organisations that had been active internally while the ANC was banned. In the wake of the

88 A. Sisulu, 'The Work of Women', *Africa Report*, 36 (1991), 45.

89 Hassim, *Women's Organizations and Democracy*, 17.

90 'Picking up the Gauntlet', 14.

unbanning of the ANC and other liberation movements, the fate of autonomous women's organisations was uncertain. Ela Ramgobin, a member of both the Natal Indian Congress (NIC) and the Natal Organisation of Women (NOW) felt 'the unbanning of the ANC and the coming return of the exiles has posed many difficult and exciting questions for internal political organisations. The most important was how are internal organisations going to relate to ANC structures?'⁹¹ According to Pregs Govender, a NOW member who eventually chaired the WNC, the answer to that question was 'not very well'. In her autobiography, *Love and Courage: A Story of Insubordination*, Govender recalls how 'when internal women's organisations like NOW dissolved, their experience with the [Women's] League was not sisterly; many described the encounter as a bruising process'.⁹² Pat Horn, a long time ANC activist, describes the unification process as tension filled.

UDF-affiliated regionally-based women's organisations had been attempting since the early 1980s to re-launch a national Federation of South African women. The attempts had failed to get off the ground. Instead, the regionally-based women's organisations themselves periodically experienced conflicts which led to further splits. The ANC Women's Section, having been unbanned in February 1990, had only just started launching the structures of the ANC Women's League since about July 1990. Some of the UDF-affiliated women's organisations had consequently decided to disband in favour of putting energy into strengthening the structures of the ANC Women's League. But this was also not a smooth process and was accompanied by many localised conflicts.

She goes on to reflect how this conflict was indicative of the inherent limits of the NEC Statement:

Having been filled with hope by the ANC Statement of May 1990 on the Emancipation of Women, I had forgotten that a statement from above could not, in one fell swoop, eliminate the historical divisions in the political liberation movement or the women's movement which still mirrors many of these dimensions. The political intolerance of today, which has now assumed alarming proportions of violence, is a major inhibiting factor to the development of a strong new political force of feminism on the South African scene.⁹³

Horn alludes to a key tension – the merger of internal organisations such as NOW; the United Women's Organisation (UWO); and FEDTRAW, with the ANCWL. The leaders of these organisations felt pressure to ignore their reservations and merge. In an interview with Dan Connell, a NOW activist, he said that NOW members feared

91 E. Ramgobin, 'The ANC Women's League Returns', *Agenda*, 7 (1990), 21.

92 P. Govender, *Love and Courage: A Story of Insubordination* (Auckland Park: Jacana, 2007), 123.

93 Horn, 'Conference on Women and Gender', 84.

'betraying the ANC if they stayed independent'.⁹⁴ Janet Love, who worked for many years in the underground movement, explains the difficulties that stemmed from the failure of the returning exiles to fully appreciate (and therefore effectively build upon) the achievements made by internal activists:

I think the problematic issue was more around the fact that in many areas there could have been a much smoother transition [between] what had been built through the underground and MDM structures and what came into the country as part of the leadership from outside. The transition could have been much smoother. The gains that had been made could have been capitalised on a lot better. For me, the classical example is what happened to the women's organisations. There were really a number of women's organisations, grassroots organisations scattered throughout the country, that were doing incredibly good work and had loose network associations throughout the country. The ANC nowhere capitalised on those organisations. In fact, if anything, [ANC] was very much part of the collapse of grassroots women's organisations. I don't think we've ever quite seen the recovery of [the women's] movement as a movement.⁹⁵

Thenjiwe Mthintso, an MK soldier and SACP member, agrees. 'When we came into the country, in one way we demobilised these women who had been active in their own right because we had this focus, a serious focus, on rebuilding the ANC.'⁹⁶ Khosi Xaba, an ANCWL organiser, believes that many internal activists criticized the Women's League for being 'from outside' and 'out of touch with the [internal] situation'.⁹⁷

Many activists feared that the merger of autonomous women's organisations, like NOW and the UWO, with the ANCWL would make it impossible for women's organisations to define and articulate a role outside the framework of nationalism. In a *Transition* article on women's emancipation in post-apartheid South Africa, Pat Horn, a union organiser and gender activist, cites the lack of a strong feminist movement as a potential threat to women's ability to take advantage of the opportunities offered by regime change.

As we enter the 1990s, we are hopeful of attaining a transition to a new democratic post-apartheid South Africa ... Many organisations have for years been resisting the tyranny of apartheid, and they now find themselves having to work towards the construction of the post-apartheid regime of their dreams. Inevitably, those organisations which have already established themselves and started winning significant demands, are clearer in their vision of what kind of South Africa they are fighting for, and more advanced

94 Connell, 'Strategies for Change', 197.

95 UWC, O'Malley Archives, Interview with Janet Love, 28 February 2002.

96 Connell, 'Strategies for Change', 198.

97 'A Long and Difficult Road: Building the ANC Women's League', *Speak*, 33 (1991), 125.

in their ability to devise strategies for getting there. The progressive trade union movement is an obvious instance of this. It now stands as the watchdog of working class interests, ready to enforce its demands through militant action during the process of political change. But people who have suffered exploitation based on criteria other than class, such as sex, sexual orientation, physical handicap, etc., are less well accommodated organisationally than the working class. The ANC in its attempt to build a democratic post-apartheid South Africa free from all kinds of oppression and exploitation, has started to look at how to do this. But due to the absence of strong grass-roots feminist organisation in South Africa, the ANC does so with very little strongly-directed guidance from militant democratic women's organizations.⁹⁸

Despite the fact that multi-racial women's organisations had existed since the 1950s, opposition to patriarchal domination was not necessarily strong enough to unify women across race and class. According to Horn, 'The most difficult task in our struggle against patriarchal domination is to construct unity between feminists, and all women committed to the emancipation of women ... [T]hat unity does not come naturally'.⁹⁹

Ultimately, despite the significant concerns of their leaders, the mergers were completed and the first ANCWL national conference took place from 25–28 April 1991 in Kimberley. This town was chosen because of its historical significance as the birthplace of Sol Plaatje and its history as an ANC stronghold during the 1950s. Over 800 delegates assembled to oversee the election of a new leadership team and come up with a programme of action for the entire organisation.

Albertina Sisulu gave the opening address. She reiterated that women's liberation would not come about simply by passing resolutions. 'Resolutions mean nothing unless they are strengthened by practise in our daily lives', she exhorted.¹⁰⁰ She called for an active women's movement to pressure the ANC leadership to translate their forward-thinking policies into action. Gertrude Shope followed and discussed how the ANCWL might intervene in the negotiation process and in the writing of the new constitution. Alfred Nzo read an address from O.R. Tambo wherein Tambo reflected back on some of the key moments in the ANC's struggle to achieve gender equity and reminded attendees of the key purposes of the League; to organise women into the struggle and make sure that women's rights were protected in the new dispensation.

For the ANC as a whole your action in re-launching the Women's League is of the utmost importance ... In 1985 I and President Sam Nujoma made a joint pledge to the women of Namibia and South Africa, that we would not consider our objectives achieved, our task completed, or our struggle at

98 P. Horn, 'Post-Apartheid South Africa: What About Women's Emancipation?', *Transformation*, 15 (1991), 25.

99 Horn, 'Conference on Women and Gender', 86.

100 Daniels, 'Breaking out of the Mould?', 35.

an end until the women of South Africa and Namibia are fully liberated. The existence of a strong mass women's organisation is necessary for the achievement of this objective – and a strong ANC Women's League will be essential to make that a reality ... I have one personal request to make to you. When this conference ends and you disperse to your various regions and take your places in your various formations, what will the task of each of you be? ... How will you address the issues which face us on the path towards a democratic constitution? How can you help bring about an elected constituent assembly to ensure that the outcome of negotiations is indeed the democratic, non-racial, and non-sexist one which we seek? In other words, I am asking you to take action to help ensure that the future of our country matches the aspirations for which our people, and particularly our women, have struggled for so long.¹⁰¹

The ANCWL leadership team was elected at the Kimberley meeting. The run-up to the elections was marked by tensions between women in the internal and exile organisations as well as between women who wanted to organise under an explicitly feminist banner and those who saw the ANCWL as primarily a vehicle for mobilising women into the ANC. Winnie Mandela's decision to run for president was another stumbling block. At the same time she was running for the presidency she was on trial for kidnapping and assault. Many people feared that if Winnie Mandela were elected to the executive, it would not only be divisive but would also bring the ANCWL's commitment to justice and tolerance into question.

A heated discussion that occurred hours before the election resulted in Albertina Sisulu withdrawing from the election and throwing her support behind Shope to whom Mandela lost in a vote of 196 to 400. According to *The New York Times*, 'Mandela's prospects were indisputably hurt by her ongoing trial'.¹⁰² Sisulu was elected Deputy President; Baleka Kgositsile (Secretary-General); Mako Njobe (Treasurer-General); and Nosiviwe Maphisa (National Organiser). The Executive Committee, on which Mandela was given a seat, included Thandi Modise, Hilda Ndude, Mavivi Manzini, Ruth Mompati and Ivy Gcina. One criticism raised was the lack of diversity on the Executive. There seemed to be a 'dominance of African women', *Agenda* later reported.¹⁰³

Nelson Mandela made a brief appearance at the conference. He congratulated the new office bearers and encouraged the losers and their supporters to 'rally behind' the executive.¹⁰⁴ Manzini agreed, declaring that she was

101 'Message by Oliver Tambo at Re-launch of the ANC Women's League', Durban, 9 August 1990.

102 C.S. Wren, 'Winnie Mandela Loses Women's League Vote', *The New York Times*, 29 April 1991, A7.

103 D. Manicom, 'National Women's League Conference: Women Act Now for Equality, Unity, and Development!', *Agenda*, 10 (1991), 9.

104 Ibid.

pleased that Shope is president because we don't want to follow the tradition in the rest of Africa where all presidents' wives head the women's wing of the movement. This is a clear indication that the ANC Women's League is now an independent body.¹⁰⁵

On the second day of the conference, delegates discussed the specific challenges of building the ANCWL from the grassroots. Particular attention was paid to how to achieve accountability between national, regional, and branch structures as well as the future relationship between the League and other progressive organisations like the Congress of South African Trade Unions (COSATU), the SACP, and independent women's organisations. The conference then divided into three commissions, namely: Emancipation and Development; Structure; and State of Organisation. The Emancipation and Development subcommittee recommended that the ANC establish an emancipation desk; a training centre to equip women with skills and political education; and a research unit to investigate the role of women in the economy, health, and education. A major issue for Kgositsile was the resolution to form a national commission on women to discuss gender issues, monitor representation, and implement affirmative action. 'This must happen with urgency,' she was quoted as saying.¹⁰⁶

In his opening address at the Kimberley meeting, Tambo made a point to mention that it was important that women themselves took concrete steps towards redressing the lack of women in leadership positions.

Some of you were present at the conference of ANC women held outside South Africa in 1981 and may recall that I observed then that, 'If we are to engage our full potential in pursuit of revolutionary goals, then, as revolutionaries, we should stop pretending that women in our movement have the same opportunities as men.' A decade later, in May this year, our National Executive Committee, in its statement on the Emancipation of Women in South Africa, re-emphasized the fact that women are not present in sufficient numbers in the structures of our organisations, especially at decision making levels, and that as a consequence we have not as yet fully integrated women's concerns and the emancipation of women into the practice of our liberation struggle. The decision of the NEC to take steps toward redressing this problem will only bring concrete changes if women themselves organise and act so as to bring about the changes in attitude amongst both men and women that have perpetuated the situation.¹⁰⁷

In response, the Emancipation and Development Commission recommended that there should be a 30 per cent quota for women on all policy-making bodies of the ANC. This proposal was accepted by the Constitutional Committee, the outgoing

105 Daniels, 'Breaking out of the Mould?', 37

106 Ibid., 35.

107 Tambo, 'Rally to Relaunch the ANCWL'

ANC NEC, and all the regions at an inter-regional workshop. They preferred this proposal to another one that suggested including ANCWL chairpersons and secretaries from each region on the NEC.

At the 48th ANC National Conference in July 1991, however, the constitutional commission mooted a proposal to drop the 30 per cent quota. Mary Turok, a long-time member of the ANC, describes how ‘one after another women leaders, young and old, stood up to demand that the organisation honour its commitment to women’.¹⁰⁸ Significantly, not one member of the ANC NEC, which had originally accepted the proposal, spoke up to defend it. Manzini, a member of the 11-member executive board, later reported that the debate lasted five hours. At one stage some women threatened to walk out.¹⁰⁹

Supporters argued that affirmative action would be necessary to eliminate both gender and race discrimination in post-apartheid society. Therefore, if one supported affirmative action with regard to race, it should follow naturally that affirmative action should apply to gender. Parallels were also drawn between the ways in which arguments in favour of ‘merit’ were used to perpetuate discrimination on the basis of race and gender. Finally, ANCWL members reminded the assembled delegates that proposals and policies opposing gender discrimination were not enough – they had to be supported by concrete means of redress like affirmative action.

Those who opposed the measure questioned why women should be singled out when many different groups had suffered discrimination. Others objected to the fact that affirmative action infringed on their right to freely choose among the candidates. Still others suggested that women had to prove they would be capable leaders and furthermore, simply having a woman in office did not guarantee that she would promote a feminist agenda. Fears were also expressed that the 30% quota for women might open the door to other under-represented groups in the ANC demanding the same. According to Suzi Nkomo, a conference attendee, the affirmative action discussion was ‘the hottest debate at the conference and the atmosphere was tense because the quota was viewed as women wanting to rob men of their positions’.¹¹⁰ Although the majority of the 2 000 delegates did not support the proposal, support for the quota was not unequivocally opposed by male delegates. ‘Contrary to the impression in the media, the debate was not an occasion where women were pitted against men.’¹¹¹ Horn, executive member of the ANCWL in Natal, reported that:

The participation by male delegates was mixed. Some of the interventions were just crudely sexist. Others bewailed the disappearance of merit as a criterion if the quota system should be adopted. Others said that the quota

108 M. Turok, ‘The Women’s Quota Debate: Building Non-Sexism’, *Work in Progress*, 76 (1991), 9.

109 M. Manzini, ‘Political Party Quotas in South Africa’, Paper presented at the International Institute for Democracy and Electoral Assistance (IDEA)/Electoral Institute of Southern Africa (EISA)/Southern Africa Development Community (SADC) Parliamentary Forum conference on ‘Implementation of Quotas: African Experiences’, Pretoria, 11–12 November 2003.

110 ‘Two Steps Forward: Progress on the Gender Front’, *Tribute*, September 1992, 46.

111 *Ibid.*

system would pose too many of its own problems and so we should find other ways to work on improving women's participation in the ANC. Others used the old nationalist argument that we first have to have national liberation and after that we could get on to women's emancipation. And then others, encouragingly, said that they had been persuaded by the women's arguments and supported the quota system.¹¹²

Joe Slovo, who was chairing the session, asked for the proposal to be put to a vote. The ANCWL made a strategic error when they elected not to take part, because according to the Secretary-General, Kgositsile, the ANCWL believed that the ANC had already committed to the affirmative action policy in December of 1990 and, therefore, the issue did not need to be voted on. Furthermore, members of the league feared that if they lost the vote it would be like losing a vote for affirmative action.

In the wake of this unexpected announcement, the conference was thrown into upheaval and adjourned for a number of hours during which the NECs of the ANC, the ANCWL and the ANC Youth League (ANCYL) tried to reach a compromise. The meeting reconvened the following day. The ANCWL president apologised for the previous day's disruption in a prepared statement. She also suggested that the matter should be brought to a close in as expedient a way as possible. Ultimately, the proposal was dropped. To add insult to injury, 'one male delegate patronisingly rapped the women over the knuckles for the indignity of introducing the issue into the conference'.¹¹³ Without the quota, only 18 per cent of the people voted onto the NEC were female. In a post-meeting interview in *Green Left Weekly*, Albertina Sisulu explained why women fought so hard for the quota and affirmative action:

It seems they still feel the women are inferior. Affirmative action hasn't been implemented yet, that was our quarrel with men in that conference ... We demanded 30 per cent because we are just starting ... The quota is too low as far as I'm concerned. The attitude of the men was that women must get in the NEC by merit. We differ with them.

Sisulu went on to point out that women had earned these positions and fears about unqualified women being elected were completely baseless:

While the men were in jail we were running the show ... We made this organisation to be where it is today. Even our head office is being run by women. We want 50% elected to the NEC and you know, in the next election we will be there.¹¹⁴

Reflecting back on the proposal's defeat, Ginwala surmises that it was partly the result of 'strategic failure by key women activists'.¹¹⁵ Report-backs from the meeting confirmed that the ANCWL leadership had not done enough political education on

112 P. Horn, 'ANC 48th National Conference', *Agenda*, 11 (1991), 16.

113 P. Horn, 'ANC Women's Quota: The Debate Continues', *Work in Progress*, 77 (1991), 37.

114 R. Mohideen and N. Dixon, 'South Africa: Albertina Sisulu Speaks', *Green Left Weekly* (1991), 2.

the proposal. According to Kgositsile, the League did not do enough work in the regional and branch structures.¹¹⁶ Most of the debates on affirmative action within the ANC had ‘taken place in exile and then only within a limited circle’.¹¹⁷ Manzini agrees, explaining that:

According to our assessment, the Women’s League was supported by the ANC leadership at the national level, but branch delegates from the provinces, including women, argued that they did not have a mandate to support the motion. Indeed, the issue was not debated in the ANC branches prior to the conference.¹¹⁸

Horn feels that the ANCWL lost the ‘moral high ground’ when it pushed to have the NEC settle the issue when it appeared that the issue could not be resolved by the conference delegates, a more representative body. ‘The women’s emancipation struggle cannot afford to be perceived to be in opposition to the struggle for democratisation of South African society,’ she warns.¹¹⁹

Barbara Masekela surmises that the defeat, although disappointing, was a valuable exercise:

Although we lost the battle for a quota and for a policy on affirmative action, it was a very, very valuable exercise and experience for everybody ... Our position at the conference was that ... it is very important for the ANC as the liberation movement to be a leader in ideas and set the standards for the rest of the population because it is a very backward country as far as [affirmative action] is concerned.¹²⁰

Manzini explains how the League’s strategy changed post-conference:

After the conference we approached our Women’s League and ANC structures to initiate debate on the representation of women and the quota system. We identified our strategic allies among the male members of the ANC, who could also articulate this issue.¹²¹

Kgositsile confirmed to *Speak* magazine that the ANCWL ‘learned a lot from what happened at the conference’.¹²² She, like Manzini, said that the League planned to be much more conscientious about increasing gender awareness within the ANC, especially given the fact that debates over the new constitution were on the horizon. ‘We must plan workshops and put pressure on the national leadership to make sure that the new constitution ensures the emancipation of women. That is where the

115 Ginwala, ‘Women and the Elephant’, 69.

116 ‘We’ve Got the Future Looking at Us’, *Speak* (1991), 128.

117 Turok, ‘Women’s Quota Debate’, 9.

118 Manzini, ‘Political Party Quotas’, 3.

119 Horn, ‘ANC Women’s Quota’, 37.

120 UWC, O’Malley Archives, interview Barbara Masekela, 18 September 1991.

121 Manzini, ‘Political Party Quotas’, 3.

122 ‘We’ve Got the Future’, *Speak* (1991), 128..

ANC Women's League campaign for a charter of women's rights comes in.¹²³ I will turn to a discussion of the WNC, the campaign for a Charter of Women's Rights, and their combined impact on constitutional negotiations, in the final section.

Gender politics in the negotiations

The 2 May 1990 NEC Statement explicitly calls on the ANCWL to initiate a campaign for a Charter of Women's Rights:

Women must lead the national debate for a Charter of Women's Rights which will elaborate and reinforce our new constitution, so that in their own voice women define the issues of greatest concern to them and establish procedures for ensuring that the rights claimed are made effective.

We call upon the ANCWL to initiate a campaign for the Charter involving all other structures of our organisation, the membership and supporters throughout South Africa. The campaign should involve millions of women directly in the process of determining how their rights would be protected in a new legal and constitutional order. Such an initiative will provide the opportunity to set an example of democracy in practice, and be a major agency for stimulating women to break the silence imposed on them.

In August of 1991, the ANCWL invited women from a variety of political parties to the seminar 'Women: Raising Your Voices in the Future Constitution'. The seminar's aim was to formulate strategies for the campaign that would culminate in the Women's Charter. Feroza Adams of the ANCWL explained that, 'there is space for women to reach some common perspective in terms of gender equality because the issue affects women across party political lines or affiliations'.¹²⁴ Thus, invitations were extended to all women's formations in the PWV area for the event, including women's groups affiliated to political organisations such as the PAC, the NP, the Conservative Party (CP), and the Inkatha Freedom Party (IFP); women's sectors of labour movements; and independent formations such as Women for Peace and the Black Sash.

The following month, when the National Peace Accord between all major parties had little to say about women's issues, concerns were raised. Women's organisations had not been included in the consultations that established the National Peace Accord. Nor were they represented in the peace agreement. Thus, in September of 1991, representatives of a wide range of organisations met with the ANCWL to discuss forming a national women's organisation that would link women across divides of race, ideology, class and party.

123 Ibid.

124 'First Steps to a Women's Charter', *The New Nation*, 9–15 August 1991, 3.

At this meeting it was apparent that many women's organisations shared a concern over (1) the general nature of gender oppression; (2) the entrenchment of the elimination of racism and sexism in the new Constitution; (3) the participation of women in the constitutional negotiations; (4) the protection of women's rights in the Constitution beyond the mere declaration of equality between women and men; and (5) the uniting of women's groups in a campaign for a Charter of Women's Rights and for any other constitutional provisions that were necessary to entrench equality for women.¹²⁵

Speaking at this event, Ginwala laid out the basic purpose of the WNC:

South Africa is entering a period of negotiated transition from apartheid to democracy. It is important that women actively intervene so as to ensure that during the transition, the future non-racial and democratic South Africa is transformed also into a non-sexist one ... The months ahead offer South African women both an opportunity and a challenge. The opportunity is there because we are discussing and negotiating a new South African dispensation and so the way is open for women to incorporate clauses and mechanisms that will facilitate genuine equality between men and women in the future South Africa.¹²⁶

The absolute necessity for a group that would represent women across political parties became acutely apparent in December of 1991, when women were virtually sidelined from the negotiating process. There were 400 delegates from the various political parties. However, only 23 of them were women. The largest high-level female representation was found in the Natal Indian Congress (NIC) which sent seven women representatives. Ela Ramgobin was the NIC's delegate. The NIC's Transvaal division appointed Rehana Adam as an advisory. The NIC also had another five women on the CODESA subcommittees as decision-making delegates. The IFP sent four women delegates – ET Mhentu, Faith Gasa, I. Mars and Sue Vos. The SACP and the ANC each had three women: Thenjiwe Mthintso, Nozizwe Madlala, and Geraldine Fraser-Moleketi represented the SACP, while Marion Sparg, Gertrude Shope and Barbara Masekela represented the ANC. The Lebowa and Ciskei governments had one each. The Democratic Party (DP) appointed one female advisor, Dene Smuts. The Solidarity Party (SP) also appointed one female advisor. The NP and the National People's Party each had one female delegate. None of the other parties had women representing their constituents.

A flurry of protests ensued. Women, regardless of their political affiliation, were outraged. Sheena Duncan, Black Sash national executive member and Vice-President of the National Council of Churches, called it 'disgraceful'.¹²⁷ Lindiwe

125 Albertyn, 'Women and the Transition', 50.

126 G. Naero, 'Implications of Gender Advisory Committee', *Negotiation News*, 24 April 1992, 10.

127 'Women Rally to Suzman's Codesa Plea', *The Star*, 23 December 1991, 3.

Zulu, a spokesperson for the ANCWL decried the situation for being ‘typical of our patriarchal society’.¹²⁸ Ginwala told *The Star* that the male delegates saw women as ‘not having any role in matters of state, in politics or public affairs. These are considered to be the rightful preserve of men’.¹²⁹ Helen Suzman agreed and publicly denounced the presence of men at CODESA:

Here we are in this great hall ... 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 discrimination still exists. When I look around, there are maybe 10 out of 228 delegates who are women. CODESA, as a way forward, must include more women.¹³⁰

Suzman was supported by speakers from the IFP, the ANCWL, the NP and the SACP. Thenjiwe Mthintso, one of the SACP delegates, said she considered the near total absence of women on the decision making level

very distressing, quite shocking, and typical of our patriarchal society. Yesterday I attended a steering committee as an advisory. There were 20 male delegates—but the two women present attended as advisors. When I was observing all the different delegation offices, the high number of women in the administrative and typing positions became very obvious. Women at the delegation offices are good enough to type up reports and answer telephones, but our sex does a mysterious disappearing trick at the higher planning levels of CODESA, something which I personally find frustrating.¹³¹

In January 1991, Suzman and Mthintso asked the CODESA Management Committee to investigate mechanisms for ensuring that women would be adequately represented in CODESA's structures. Later that month, a group of prominent women which included Barbara Masekela (ANC), Baleka Kgositsile (ANCWL), Gill Noero (DP) and Frene Ginwala (ANC), penned a joint letter that was reprinted in a number of major news outlets. The letter read in part:

The relative absence of women at the Convention for a Democratic South Africa (CODESA 1) and among the working groups that began work this week, calls into question the commitment to non-sexism in the Declaration of Intent signed by the participants. The concern expressed by the management committee at the lack of participation by women comes strangely from an all-male group composed of senior leaders of the very organisations that are responsible for the situation, but failing to give consideration to the matter when nominating their own delegations to the various CODESA structures

128 C. Hurry, 'Scorned Women Fume over All Male Management', *The Star*, 23 May 1992, 2.

129 Ibid.

130 'Numbers of Women Criticized', *Sunday Star*, 22 December 1991, 2.

131 Ibid.

... Do they want us to believe that there is not a single woman among their groups who is capable of speaking in the working groups, or serving on the steering committees? Is the anthem of the 'new' South Africa to be sung by an all-male choir?¹³²

The ANCWL took the lead in protesting women's exclusion, going so far as to stage a sit-in at the negotiations. The League initially proposed that CODESA should grant it separate status from the ANC at the talks. The ANC's Negotiations Committee did not like this plan. One negotiator went so far as to say that CODESA 'was dealing with political issues and as the Women's League knew little about politics and was not a political organisation, its representation was inappropriate'.¹³³ In response, the ANCWL drafted a submission to CODESA indicating the gender issues facing each of the working committees as well as ways to resolve them. The ANCWL recommended that a Gender Advisory Committee (GAC) be formed to monitor and advise on the gender implications of CODESA, the decisions of the Management Committee, and the working groups. Kgositile, ANCWL Secretary-General, told *Mayibuye*:

we think that an advisory group on gender should be formed by CODESA in addition to submissions to its working groups. This will help to ensure that the active involvement of women becomes part of the political culture of our country. Women's participation in politics and government is a goal we will continue to strive for using all possible methods.¹³⁴

A joint letter signed by the Black Sash, the ANCWL, Lawyers for Human Rights, the IFP, and academics from the University of the Witwatersrand (WITS), the University of the Western Cape (UWC), Stellenbosch University and the University of South Africa (UNISA) was reprinted in a number of different newspapers. The letter also called for CODESA management to 'take action by introducing a Gender Advisory Committee as part of CODESA. This committee could advise the working groups on the gender implications of their terms of reference and comment on their recommendations'.¹³⁵

On 30 March 1992, CODESA's management committee agreed to establish the Gender Advisory Committee (GAC) to advise the working groups on the gender implications of the decisions taken by the convention. Pravin Gordhan, the committee chairman, spoke at a news conference at the World Trade Centre. He explained that the decision to establish the GAC came after careful consideration of representations from organisations and individuals. The GAC was smaller than CODESA's working groups. It initially comprised one delegate from each party and was later expanded to include an advisor with speaking rights from each. Smuts of the DP, who was part of the lobby that persuaded the Management Committee to form the GAC, acknowledged that

132 'Will the "New" SA Anthem be Sung by an All-male Choir?', *Weekly Mail*, 24 January 1992, 17.

133 Hassim, *Women's Organizations and Democracy*, 152.

134 'Where are the Women?', *Mayibuye*, March 1992, 13.

135 'Lawyers for Human Rights', *Sunday Times*, 22 March 1992, 12.

representation through political parties is a source of unhappiness to many women's organisations who would like to be there, but there is no way of getting electoral representation but through parties and it is important to establish who represents women through those parties.¹³⁶

Elizabeth Bhengu of the IFP disagreed. 'There are so many women's organisations which were not invited,' she complained to the *Natal Mercury*.¹³⁷ Smuts averred that the GAC would make itself available to any community women's organisation that wanted to put its case to CODESA.

The GAC was expected to produce a report, to be debated at CODESA 2, which reflected the consensus of all CODESA parties. The GAC set a limited task for itself – finding ways of ensuring maximum participation by women in the transition. 'It did not seek to address ways of combating gender inequality in the new order which the negotiations were meant to produce.'¹³⁸ The GAC had a difficult start. It met for the first time on 6 April (just one month before CODESA 2) and began by studying the decisions already taken by the working groups as well as submissions from women's organisations and political parties. A report issued by the Centre for Policy Studies suggested that the limited mandate worked to the GAC's advantage because it made it easier to reach consensus within the group. Furthermore, it was an achievable goal given the limited time frame. However, the centre's report also details a number of drawbacks, including the fact that the GAC had to agree to principles without examining their content; that only a handful of delegations were familiar with the issues that faced the GAC; that some representatives did not even bother to attend or made very few appearances; and that the proceedings of the GAC did not result in serious bargaining sessions between the contending parties. Furthermore, the GAC had limited influence within the Management Committee and the working groups often did not really understand what the GAC was doing.

The GAC ultimately produced a report that recommended that 'non-sexism' be added to all references to non-racism and democracy in agreements; that women be included in all National Peace Accord structures; that the proposed media commission should include gender conscious persons; that women should be encouraged to participate in constitution making and in all future elections; and that a just bill of rights, that specified women's particular rights, be attached to the constitution. There was no requirement, however, that the GAC's recommendations be followed. As a result, opinions about the GAC varied widely. Thenjiwe Mthintso of the SACP, went so far as to call it a complete failure – 'toothless dog'.¹³⁹ Others, like Gill Noero of the DP, believed that the GAC was successful given the considerable constraints it was working under. 'The GAC had no opportunity to present its proposals, and it is

136 A. Garman, 'Codesa Women won't be Ignored', *Natal Witness*, 7 March 1992, 5.

137 L. Knoesen, 'Time to Say Yes to Women's Rights', *Natal Mercury*, 17 March 1992, 11.

138 S. Friedman, *The Long Journey: South Africa's Quest for a Negotiated Settlement* (Johannesburg: Ravan 1993), 130.

139 *Ibid.*, 134.

unfair to criticise the committee as useless and powerless because it had only advisory powers,' she pointed out.¹⁴⁰

On 25 April 1992, shortly after the GAC was established, the WNC was formally launched. It was 'chiefly motivated by the fear that women could be excluded from key political processes that were taking place and which were determining the future of SA'.¹⁴¹ As Melissa Steyn, a WNC member, put it:

There was a general awareness, expressed by many South African women at the time, that if we did not make an impact upon the process of change while the ground rules for the new society were being drawn up, it would be very difficult to alter the power dynamics within the country on a post-hoc basis. As such, the Women's Coalition was part of a wider mobilisation of women on a variety of fronts, including the organisation of conferences, workshops, and symposia ... South African activist women were determined that the women's movement in South Africa should not meet the fate of so many other women's movements in nationalist struggles, namely, that once liberation had been won, women's issues would once again be relegated to a subordinate role.¹⁴²

Although it was initiated by women in the ANC, the WNC was an independent organisation that could articulate its claims separate from any political organisation. This was, according to Hassim, 'a new phenomenon in women's politics'.¹⁴³ Ginwala was made convener of the WNC; she already headed the ANC's Research Department and was Deputy Head of its Emancipation Commission. Ginwala's access to ANC leadership and her positions of power 'gave her an added authority in a force that sustained the Charter Campaign of the WNC and signalled a genuine openness to the diverse social experience of women of different classes, races, ages and political loyalties'.¹⁴⁴ Ann Letsebe, from the Black Social Workers' Organisation, was made Co-convener; Thoko Msane, from the Young Women's Christian Association (YWCA), was given the post of Secretary-General; and Miriam Stein of the Union of Jewish Women and Jennifer Kinghorn from Soroptimist International, were made co-treasurers.

The WNC consisted of 70 women's organisations that came together to identify women's needs, priorities, and aspirations through a dual process of campaigning and research. It was an 'extraordinary convergence of women across geography, age, race, class, religion, ideology, and politics'.¹⁴⁵ The affiliated bodies included political

140 Ibid.

141 WNC, *The Origins, History, and Process of the Women's National Coalition: Summary Report of the Women's National Coalition Research* (Johannesburg: WNC, 1991), 19.

142 M. Steyn, 'A New Agenda: Restructuring Feminism in South Africa', *Women's Studies International Forum*, 21 (1998), 41.

143 Hassim, 'Negotiating Spaces', 3.

144 J. Cock and A. Bernstein, 'Gender Differences: Struggles around Needs and Rights in South Africa', *NWSA Journal*, 13 (2001), 143.

145 Ibid., 139.

organisations, stokvels, women hawkers, domestic workers, union organisers, the Black Sash, and activists from rural women's organisations. The WNC Constitution provided for three categories of participation, namely: national women's organisations; national organisations that included women members; and regional coalitions of women's organisations. Steyn describes the excitement she felt working on the WNC:

An experience that has left an indelible impression on my memory as a 'white,' middle-class, academic woman was participating in the National Women's Coalition, a body that united women across racial, ethnic, political, religious, and class differences in order to research and draw up a document called the *Women's Charter*. The Cape Town branch of the Coalition initially met in a stark community hall in Nyanga, a township on the outskirts of Cape Town. The women who came from other districts would drive in a convoy into the township because the high level of violence within the country at the time was focused in the township areas. Having known only the enforced separation of Apartheid, working together as equals on a project with women from other races was a new experience for many of the women present, especially as the composition of the group reflected all those who had been most marginalised in the previous dispensation – disenfranchised races and ethnic groups, disabled women, lesbians.¹⁴⁶

Gertrude Fester, an active participant in the civics movement in the 1980s who went on to play a key role in the WNC in the 1990s, agreed that 'the launch of the National Women's Coalition proved that, despite political differences, women could work together fairly effectively when faced with a task that would benefit all women'.¹⁴⁷ However, she also acknowledged that, given the diversity of women's experiences, points of view, and needs, constructing a feminist agenda that was authentically South African was very difficult.

Women's alliances present many problems. Because of the legacy of apartheid and the divided, exploitative society we've inherited, building a true and meaningful alliance is not an easy task. The alliances/coalition need to be broadened to be truly representative of the women of South Africa. The challenges for us are enormous. How do we challenge power relations amongst women so that the educated/ middle-class/ academic/ white/ urban/ confident women, do not dominate? How do we ensure that all affiliates participate equally and meaningfully? We have learned from women's experiences in other countries as well as our own the difficulty, if not impossibility, of the concept of 'sisterhood'.¹⁴⁸

146 Steyn, 'A New Agenda', 41.

147 G. Fester, 'Closing the Gap, Activism and Academia in South Africa: Towards a Women's Movement', in O. Nnaemeka, ed., *Sisterhood, Feminisms and Power* (Trenton: Africa World Press, 1998), 232.

148 *Ibid.*, 233.

Mabandla agreed, by saying: ‘The coalition by its nature is a weak structure because it’s a coalition of women across the political divide.’ She predicted that ‘as we move further to power, tensions might mount.’¹⁴⁹

Indeed, many of the organisations affiliated to the WNC did not want to be involved in a ‘political’ organisation. The Afrikaner organisation Kontak, for example, wanted the WNC to remain apolitical. Political parties, on the other hand, were concerned that their constituencies would object to their involvement if the WNC reached positions they did not agree with. Thus, the WNC chose to avoid any resolutions on issues like abortion because it feared that the dissension would be catastrophic. Gill Noero, a member of both the WNC and the Democratic Party, explained that the WNC was ‘insistent that it must keep to concentrated, narrowly focused issues – the broader the scale, the greater potential for conflict’.¹⁵⁰ Some women objected to the fact that the Working Committee, which was WNC’s central decision-making body, were chosen as individuals, rather than representatives of their organisations. Some groups, like the National Party, were critical of the fact that organisations with more members would get more votes. They felt that all organisations within the coalition should have the same number of votes. Some ANC women felt that the WNC was dominated by white, middle class women in general and the National Party in particular. However, the Nationalist Party representatives frequently expressed suspicion about the ‘ANC dominance’ in the WNC. The DP and the NP rejected the idea of a women’s charter because they were uneasy with the idea that the charterist orientation might be given prominence to an ANC tradition. These differences between women were ‘particularly marked in Natal where violent struggles between the Inkatha and ANC activists were raging’.¹⁵¹ The IFP initially refused to join the coalition. For women in Natal, the decision to invite the IFP into the coalition ‘reflected the lack of concern of the national Women’s League for the regional concerns of its members’.¹⁵²

The WNC was also beset by a host of practical, organisational problems. Ginwala explained the nature of them an interview with *Mayibuye*:

One of the problems we have at the moment is that people expect the Coalition to do everything rather than themselves. Women’s organisations have not done what they should have done. For example, every national organisation should already have a plan on how they are going to campaign around the Charter and that is not being done. It is being left to the regional or national coalitions to do. We need much more activity by individual organisations, either individually or collectively and this is very important. Individual women must motivate their organisations to act and also to join and form local coalitions. We need to have something not only on the top level, but within a village, within a community. There are branches of

149 UWC, O’Malley Archives, Interview Brigitte Mabandla, 13 January 1993.

150 ‘The Party Option’, *Vrye Weekblad*, 29 January 1993, 26.

151 Hassim, *Women’s Organizations and Democracy*, 137.

152 *Ibid.*

women's organisations and these must come together to discuss the issues. This is very crucial. We do not have enough of this kind of initiative.¹⁵³

So much fell on the shoulders of the steering committee because, according to Ginwala, the WNC

had tremendous difficulty getting off the ground and being effective ... because we are a temporary organisation. We have a limited mandate. We have difficulty getting staff. We are trying to manage a massive project and we want skilled women to run it. There are very few skilled women and most of them are already employed. It is very difficult for any of the women to leave their jobs. National organisations have not been able to second to us, because they themselves are weak.¹⁵⁴

The tensions between Ginwala and the WNC's Project Manager, Govender, only added to the WNC's difficulties. In her autobiography, *Love and Courage*, Govender describes their relationship as having a great deal of conflict.

In her opening message at the WNC launch, Ginwala exhorted the assembled delegates:

a future non-sexist South Africa depends on us. No one is going to give it to us. We have been banging on doors for generations and nobody has opened them. Now we have to open the doors through the voices of millions of South African women.¹⁵⁵

Shortly after the WNC was launched, they held a weekend workshop to lobby for the Women's Charter. About 400 delegates representing civic societies and political organisations attended. Women's exclusion from CODESA was a major topic of discussion. The delegates resolved that the WNC must be in charge of drafting a charter of women's rights to be incorporated into the documents and legal structures that would define post-apartheid South Africa. 'A charter of women's rights must contain what women want – not what lawyers and experts say we need,' Ginwala told the assembled crowd. 'I believe we must grow big ears. We must listen to women everywhere – in rural and urban areas, factory women, women in big mansions, and bring all their demands together.'¹⁵⁶ The WNC had a dual role. The first was to build a national women's movement via a grassroots campaign to draft a charter of women's equality. The second was to influence the compilation of the constitution by making sure that gender was considered in the formulation of laws. The goals were linked in that the charter was to form the basis for the WNC's interventions into the constitutional negotiations. According to Govender, 'one of the big challenges was to integrate the two key objectives of the coalition's campaign, by ensuring that

153 'Tower of Babel? Understanding the Women's National Coalition', *Mayibuye*, July 1993, 20.

154 *Ibid.*, 18.

155 T. Pandey, 'Forcing Open the Doors – The Women's National Coalition', *Speak*, 40 (1992), 146.

156 *Ibid.*

the research for the Women's Charter campaign was conducted in as participatory a manner as possible'.¹⁵⁷

The WNC chose to focus on five concrete issues, namely: women's legal status; women and land; women and violence; women and health; and women and work. 'Affirmative action and the political representation of women were identified as the major themes running through these five foci.'¹⁵⁸ In addition to campaign work, the research process involved focus groups, questionnaires, chain letters, in-depth interviews, and community report cards. Govender explained how the 'participatory research process' would work:

The campaign we are embarking on includes the largest participatory research process of its kind in the world. A hundred field workers will, over a period of three months, conduct discussions with groups of women all over the country to hear the changes these women would like to see in a new South Africa. The ideas will be recorded, analysed, and the central issues highlighted for the Charter of Women's Equality. The issues will then be carried further by women themselves acting to make sure this happens.¹⁵⁹

According to Sheila Meintjes, a member of the WNC's Research Supervisory Group, preparations for the education and research aspects of the campaign did not go quickly or smoothly. She described the coalition's structure as 'unwieldy' and 'hierarchical in its functioning'.¹⁶⁰ Despite these difficulties, the WNC was forced into action when women were sidelined in the negotiating process. Their exclusion made the charter campaign even more urgent. In her speech at the launch of the WNC, Ginwala referenced the fact that

the exclusion of women in the CODESA process is both a symbol of our present society and a grim warning of the future. They will talk of non-sexism, they will not practise it. The air around us is thick with talk of change, of the end of racism and apartheid, of a new era of democracy. Is the change we are all talking about going to mean simply adding some black men where white men sat before?¹⁶¹

Kinghorn, Co-treasurer of the WNC, agreed that 'no women at CODESA is a symptom of traditional male thinking. Meanwhile, women have been keeping society going'.¹⁶²

Meintjes found that despite its grand intentions, the WNC was 'a bit of a bystander at [this] crucial moment in the transitional period'.¹⁶³ According to her there was

157 Govender, *Love and Courage*, 134.

158 J. Cock, 'Women in South Africa's Transition to Democracy', in J.W. Scott, C. Kaplan and D. Keates, eds, *Transitions, Environments, Translations: Feminisms in International Politics* (New York: Routledge, 1997), 311.

159 P. Govender, 'Breaking the Silence: Women's National Coalition', *Agenda*, 16 (1993), 43.

160 S. Meintjes, 'Chartering Women's Future', *Southern Africa Report Archive*, 9 (November 1993), 12.

161 Govender, *Love and Courage*, 126.

162 'Women Get Tough over Bill of Rights', *Sunday Star*, 26 April 1992, 15.

163 Meintjes, 'Chartering Women's Future', 10.

a certain ambiguity about the role of the WNC *vis-à-vis* the negotiations. While not formally intervening, one of the Coalition's projects is to monitor the content and process of the talks and to provide the women negotiators with information on the gender implications of key constitutional clauses.¹⁶⁴

Although almost all the women in the GAC were WNC members, 'the Coalition was not itself involved in this fight to ensure the representation of women and gender issues in the constitutional talks'.¹⁶⁵ She attributed this to the fact that the WNC was unable to take up a strong political stance due to the diversity of its membership base.

Before GAC had time to establish a firm role or develop more robust positions CODESA dissolved. It was followed in March of 1993 with a new round of negotiations known as the MPNP. The aim of this round of talks was to secure agreement on a constitutional framework for a democratic South Africa. A negotiating council, which considered submissions and proposals, was formed in April. There were 26 political parties represented on the negotiating council.

The negotiating council established seven technical committees. From the WNC's perspective the most important committee was the Technical Committee on Constitutional Matters, which would draft an interim constitution to be eventually finalised and adopted by an elected Constitutional Assembly. As was the case with CODESA, however, women were under-represented among the negotiators and in the technical committees. Furthermore, during CODESA the opening line of the declaration of intent stated that the process was moving towards a non-sexist and non-racial South Africa. That line, however, was eliminated from the MPNP documents. 'We fought for its reinstatement,' ANC delegate and ANCWL Secretary General Baleka Kgositsile explained. 'We believe the words reinforce the reasons for the whole process. Our end picture, what we are fighting for, is a non-sexist and non-racist society.'¹⁶⁶

In order to protest against women's lack of representation in the technical committees and in the Negotiating Council, the ANCWL staged a protest outside the World Trade Centre at the first meeting of the Negotiating Forum. They threatened to boycott the first elections if women were not represented. A meeting of all the women representatives from the 26 parties in the MPNP was convened. The women requested the report of the all-male Negotiating Council's last meeting where the question of women's representation was discussed. One of the women said the report caused 'considerable concerns about the negative attitude and chauvinism' of the majority of the council's members.¹⁶⁷ In this meeting they decided to push the leadership to add an additional member to each party's negotiating team, so long as that member was a woman. They also decided to advocate for a women's caucus which would work across party lines.

164 Ibid., 11.

165 Ibid.

166 S. Kooma, 'Focus on Gender', *Sowetan*, 7 July 1993, 8F.

167 E. Waugh, 'Women Want Talks Equality', *The Star*, 30 March 1993, 9.

The involvement of women's sections of political parties was key to the success of the WNC. These women had access to negotiators in a way that non-party women's organisations did not. Women were able to put the cross-party negotiating techniques they had honed in the WNC to use as they worked together behind the scenes, to strategise. As an IFP member who played a critical role in the negotiations explained to Hannah Britton:

When they decided to set up the negotiating council ... there was only one delegate and two advisors per party, and all those delegates were men ... So I went to my own party, and loudly complained at our national council and was told [by our leadership]: 'Are you telling me I should change my delegate? ... [I said] 'All I ask is for permission to try to negotiate for it.' [The leadership answered] 'Go ahead.'

Then [the women from the ANC] and I played a game. I said, 'I've got permission now to go ahead. Inkatha will take the lead in trying to bring women into the negotiation process.' [The ANC women's leader] then went to Cyril and said, 'Are we going to let Inkatha take the lead?' I then called the National Party women. We were all ... trying to figure out what we were going to do ... So we got an appointment to make our case to the then all-male council.¹⁶⁸

Mavivi Manzini of the ANC, Suzanne Vos of the IFP, and Joan Hunter of the NP, were chosen to present the all-male Negotiating Council with the case for including women. Vos stressed the ineffectiveness of the GAC and reiterated that women wanted to be present in the Negotiating Council, where the real debates were taking place, and in the Negotiating Forum where decisions would be endorsed. Vos explained that the absence of women from negotiating structures was a direct result of their historical disadvantage and that if South Africa was to emerge as a non-sexist democracy women had to be included in all negotiating structures.

Eventually the committee agreed that each political delegation to the Negotiating Council should have at least one woman delegate, and later, that each technical committee should have at least one woman member. Since each delegation at the Negotiating Council consisted of two delegates and two advisors it meant that 50 per cent of the delegates at the Negotiating Council were women. A women's caucus was established within the Negotiating Council which consisted of women delegates of all the parties and organisations participating in the talks. Their aims were to ensure the fair representation of women in all the activities of the process; give guidance to the way gender issues should be treated and discussed; and to provide input to women outside the process about progress in the talks. 'We came together to speak in one voice,' said caucus chairperson Nomusa Jajula. 'We come from different structures as politicians but as women we have suffered the same oppression. We wanted to bridge

168 H.E. Britton, 'Coalition Building, Election Rules, and Party Politics: South African Women's Path to Parliament', *Africa Today*, 49 (2002), 42.

party friction and show the public that we can work together.¹⁶⁹ Kruger described her appointment as a 'victory for women. It is confirmation that we are not here because there were seats reserved for people in dresses'.¹⁷⁰ Sigawu agreed:

I felt very bad when women were assisting in chairing the Negotiations Forum. All we were doing was just to point out people who wanted to say something. We could not contribute to the decisions being made ...We want men to participate in gender issues. We do not believe that issues that concern women should be reserved for women only.¹⁷¹

ANC chief negotiator, Cyril Ramaphosa, heralded the decision to include women and actively address gender concerns as 'progressive' and 'historic'.¹⁷²

Another major achievement of the Women's Caucus was the appointment of four women onto two all-male technical committees. Stella Sigawu of the Transkei Traditional Leaders Association and Corlia Kruger of the Afrikaner Volksunie were elected members of the Planning Committee which was thought to be the committee that wielded the most power in the Negotiating Council because it determined the direction and form of council meetings, planned the way forward for the process, and came up with solutions and resolutions that could not be taken by the council. The Planning Committee met most days when the council was in session to plan for debates or to try to broker compromises when differences arose which could not be resolved immediately. ANC delegate Baleka Kgositsile and Martheanne Finnemore of the DP were put on the panel of chairpersons. Chairpersons had the potential to be quite influential because they determined the progress of the meetings and rounded up the daily proceedings. Jajula described these appointments as a 'sign of vertical mobility for women', that would 'neutralise the patriarchal structure of the council' and 'play an educative role among their male counterparts'.¹⁷³

Nevertheless, the women who became delegates had an extremely tough time. Finnemore explained what she experienced:

The appointment of women delegates at the beginning of the process in March was highly controversial. Personally, I was always confident that it would prove successful and seized the offer of the opportunity to be the woman delegate for the Democratic Party with both hands. But I did not envisage the tough battle that lay ahead or the barriers that would have to be hurdled if the women were to achieve their aims. Many of us had little formal preparation for the task ahead and took a while to find our feet. During this first phase, the gender oppression directed towards some of the women delegates was quite awesome. Unbelievably, one male delegate would get up and walk out every time the female counterpart spoke. We also

169 S. Kooma, 'They are Not Just Pretty Faces', *Sowetan*, 20 August 1993, 14.

170 'They Steal Men's Thunder', *Sowetan*, 20 August 1993, 14.

171 Ibid.

172 'At Last, it's the Nitty-Gritty', *Pretoria News*, 1 April 1993, 17.

173 Kooma, 'Not Just Pretty Faces', 14.

suffered from the token appointment of some women delegates who were seen as nothing more than window-dressing models.¹⁷⁴

The fact that very few women were on the lists of technical committee members posed yet another challenge. Their lack of political experience and technical expertise meant that women had limited ability to impact the technical committees. To counter this, the WNC established the Multiparty Negotiating Process Monitoring Collective to influence the MPNP from the outside. Elsabe Wessels was given the task of monitor. She relayed the discussions at the MPNP to the Monitoring Collective, which was made up of feminist lawyers. In an editorial she penned for the *Mail & Gaurdian*, Wessels described the MPNP as the ‘ultimate boys’ game’ where women had to suffer ‘schoolboy sniggers and sneers ... when the issue of women’s rights comes up for discussion’. Despite their physical presence at the MPNP, Wessels complained, women were still being sidelined.

The technical committees set up to provide guidance to the negotiating council lack sensitivity and foresight, and have failed to advance women’s emancipation in their reports. No attempt was made to balance the presence of men and women in the composition of these technical committees and no attempt was made to include gender rights specialists. Individual political parties do not facilitate the matter. Not one so far has offered a thorough, well researched or comprehensive approach to the legal and social status of women, either in submissions to the technical committees or in responses in the negotiating council. Even those parties who publicly pronounce non-sexist policies and thrive on a progressive image in the whole area of gender equality have failed to adopt a serious approach.¹⁷⁵

Albertyn of the Centre for Applied Legal Studies (CALs) was appointed ‘document monitor’. She agreed that simply including women in the process was no guarantee that women’s experiences and needs would be represented. She pointed to the fact that women’s presence was tempered by ‘several levels of marginalisation and exclusion’ in the process of the MPNP. She drew attention to the fact that it was hard for women outside of political parties to influence the process.

It was difficult for the wider constituency of women to influence the process whether through the political delegations or in the technical committees. The technical committees were particularly important in determining what went before the Negotiating Council. Their reports formed the basis and substance of the Interim Constitution and the legislation which accompanied the transition. Although the technical committees were technically bound to follow the instructions of the Negotiating Council and the political parties in drafting these reports, in reality they had enormous power in deciding the content of their reports and consequently, in deciding which submissions and comments (of organisations outside of the MPNP)

174 M. Finnemore, ‘Negotiating Power’, *Agenda*, 20 (1994), 20.

175 E. Wessels, ‘Lost Laundry in the Boys’ Locker Room’, *Mail & Guardian*, 29 July–5 August 5 1993), 31.

they would consider and include in their reports. With very few exceptions, these technical committees paid little or no attention to gender in their reports.¹⁷⁶

Delegations, which comprised political parties and governments only, sat on the Negotiating Council, which was the decision-making body of the MPNP. These delegations nominated the experts who sat on the various technical committees. Albertyn saw this as a major avenue whereby gender inequality became entrenched. '[T]here was no representation of women per se. This meant that the promotion of gender issues was dependent on the willingness and ability of women and others to raise and defend them.'¹⁷⁷

The ways in which the issue of violence was dealt with aptly illustrates Albertyn's point. Kgositsile, who also held the post of ANCWL Secretary-General, said that women delegates had to draw attention to the specific issue of violence against women, and its impact on political participation, to the attention of the Technical Committee on Violence:

While we should ensure that intimidation by opposing political parties does not occur, we should not forget that violence also impacts on women and that this might interfere with their right to engage in free political activity. Women are exposed to violence inside and outside their homes, where some of them are prevented by their husbands from attending meetings. They must therefore be legally protected from situations that make them feel vulnerable and therefore unable to participate freely in politics.¹⁷⁸

In an article based upon the ANC's Emancipation Commission's submission to the Technical Committee on Violence in June of 1993, Meintjes explained that the Emancipation Commission submitted proposals to the Negotiating Forum which they believed would assist in changing the prevailing climate of violence.

The objective of the submission was to draw attention to the ways in which gender determined the experience of violence. The document proposed that women's organisations join the National Peace Accord, especially to address the nature of violence against women. All peace structures should include equal numbers of women to signal commitment to equality. A further proposal was that an education and training programme be instituted in schools, in the police, army and peace committees about problems of violence against women and the meaning of non-sexism. A Gender Watch Group to monitor the peace process was also suggested. Finally the document recommended that women's refuges be established.¹⁷⁹

176 Albertyn, 'Women and the Transition', 56.

177 Ibid.

178 Cited in Koona, 'Focus on Gender', 8.

179 S. Meintjes, 'Political Violence and Gender: A Neglected Relation in South Africa's Struggle for Democracy', *Politikon*, 25 (1998), 106.

Albertyn went on to point out that ‘although each delegation was bound to include a woman delegate, some did not do so at all. Others appointed a token woman in a non-speaking capacity’.¹⁸⁰ Wessels observed a similar dynamic and argued that:

the manner in which women gain delegate status is highly questionable. Nepotism is evident in the presence of some women while for the rest, with a few exceptions, women delegates are moved in and out of the Negotiating Council like laundry. Few women have permanent status and even fewer serve in the negotiating think tanks of their parties. Thus, most of the women delegates fail to make constructive contributions in any area, let alone in the area of gender equality and women’s rights.¹⁸¹

The *Sunday Nation* agreed, reporting that some parties:

rotated their female delegates each week and severely undermined their chances of getting a grasp of the issues at stake and the process of how to make a contribution. The National Party at one point seemed to be bringing in a different secretary every week.¹⁸²

Albertyn also highlighted the fact that some women delegates either did not raise gender issues or did so in ways that were not progressive. Her point is well illustrated by the example of Kobie Gouws, who occupied the women’s seat for the Afrikaner Volksunie in the Negotiating Council. Described by *Negotiation News* as a ‘seasoned right-wing intellectual’ who campaigned strongly for a separate Afrikaner homeland, Gouws expressed extremely conservative views about gender and race in an interview with Pdraig O’Malley.¹⁸³ In response to the question ‘What characteristics or values would you associate with black people that would distinguish them from Afrikaners?’ Gouws suggested that African women unilaterally supported traditional law and polygamy (in direct opposition to the findings of the WNC). Gouws also made gender the pivot upon which racial difference turned.

They have marriage beliefs and things which are totally different to the Afrikaans belief of monogamy or whatever you call it ... They are not worried about being married before having children. As a matter of fact it is a cultural institution with them to test the wife before they get married to see whether she is fertile or not and then he is allowed to leave her alone, he needn’t marry her then if she can’t have children ... If she had a baby [the wife] wouldn’t mind [someone else] looking after it which is perhaps a very good thing because men go off quite a lot and some of their women have to go to work too. So they don’t mind doing that, they’re not that family tightly knitted ... They love their children dearly but they don’t mind whether it’s one man’s child or another’s.¹⁸⁴

180 Albertyn, ‘Women and the Transition’, 56.

181 Wessels, ‘Lost Laundry in the Boys’ Locker Room’, 31.

182 L. Slachmuisjider, ‘Women’s Impact on the Talks’, *Sunday Nation*, 12 September 1993, 8.

183 K. Gouws, ‘Bottoms Up!’, *Negotiation News*, 21 July 1993, 9.

184 UWC, O’Malley Archives, interview with Kobie Gouws, 18 July 1990.

In actuality, the Rural Women's Movement (RWM) had been calling for a review of customary law and practices since the 1980s. They were particularly concerned about the rights of rural women regarding inheritance and land ownership. WNC research found that over 60 per cent of focus groups who mentioned the issue of customary law felt that it was oppressive to women. Of these, 63 per cent were black women. 'Many women in the focus groups stated that they experienced hardship and gender discrimination under chieftainships.'¹⁸⁵ Furthermore, 48 per cent of black focus groups believed that under customary law 'women did not have decision making power as to the number of children they could have, nor the frequency or nature of sexual contact ... Many women said they wanted this to be a joint decision'.¹⁸⁶ Only 2 per cent of black focus groups supported the practice of polygamy. Thus, one of the most fiercely contested battles and perhaps the most significant achievement of progressive women in the MPNP happened during the debate on the Bill of Rights in August of 1993 where they challenged CONTRALESA, led by Chief Nonkonyana, who objected to the equality provisions in the Bill of Rights.

Traditional leaders' claims for the recognition of indigenous culture led them to attempt to include provisions in the interim bill of rights that recognised 'customary law' and would favour indigenous law in situations where it came into conflict with fundamental rights. In a *Sunday Times* interview Nonkonyana, a Transkei chief and lawyer, stated his position plainly.

We are not directly opposed to the fact that everyone is equal in the eyes of the law, but there are basic differences. There is nothing wrong if a traditional leader is brought to court for a criminal offence, because he is not above the law. But there are serious problems if the law says all citizens, including chiefs, kings, and ordinary people, are equal in status. There are also serious problems presented by the clause which says there shall be no discrimination based on race, gender, or creed.¹⁸⁷

CONTRALESA called for the clause on gender equality to be struck from the draft constitution altogether. They also asked that a house of traditional leaders be established alongside the legislative assembly and senate. 'I've not doubt that if there is gender equality my sisters will challenge my inheritance,' Nonkonyana continued. 'My first-born is a daughter. I love her very much. But I can't give her more rights. If she tries to claim she is my heir, just imagine the uproar in my community.'¹⁸⁸ CONTRALESA was supported by the Western Cape Women's Coalition which submitted a motion to the technical committee that rural women be excluded from the Bill of Rights for two years. The motion came before the Negotiating Council, which set up a committee of experts to debate it. The committee included Chief Justice Pierre Olivier, Professor Charles Dlamini, Cathi Albertyn and Thandi Mandensela of CALS.

185 WNC, *Summary Report*, 76.

186 *Ibid.*, 77.

187 E. Mantini, 'Royal Row over Bill of Rights', *Sunday Times*, 24 October 1993, 18.

188 L. Sly, 'Equality Yes – But for Women, Too?', *Chicago Tribune*, 4 November 1993.

Because CONTRALESA was such a powerful source of support for both the ANC and the government, their proposal was not dismissed outright. The preference of men in the ANC and the NP might have been to find a compromise solution because ‘the chiefs were not only a vociferous lobby, they also had the potential to incite political disruptions in rural areas and especially in Natal’.¹⁸⁹ Indeed, in their proposal for a House of Traditional Leaders, CONTRALESA reiterated that ‘traditional chiefs still possess sufficient influence in traditional communities to hinder implementation of any government policy if they choose to do so’.¹⁹⁰

The ANCWLs Kgosisile predicted that such a move might lead to a Bill of Rights that protected many more white women than black. As such, she promised the League would ‘oppose the traditional leaders head on’.¹⁹¹ The WNC prepared a briefing paper which argued that, were CONTRALESA to prevail, the ultimate impact would be to establish two states in the new post-apartheid South Africa:

The former will be subject to the Constitution and the Bill of Rights, and its citizens will resort to the Bill of Rights to challenge discrimination. In the latter, rural communities (and particularly rural women) will be isolated in a traditional state with no resort to the full rights of citizenship. Like the apartheid state, we will be creating two classes of citizens.¹⁹²

ANC delegate Manzini surmised that ‘perhaps some of them [the chiefs] have personal interests to protect’. She went on to explain that although traditional customs like lobola would continue,

there was no reason to constitutionalise the inequality of women. The new constitution will place human rights above everything else. The question of equality in all spheres of life will be supreme. Our struggle is against any form of domination and that includes also domination by men.¹⁹³

Manzini also urged that customary law needed to be interpreted correctly.

There have been developments and many changes in our society and customary law has not been able to develop and address these changes. It has been held static. Also in the process of trying to interpret customary law, there have been distortions and wrong perceptions as to what custom and culture are for the indigenous people. This is because the courts which have been interpreting customary law are dominated by white males who have little contact with the communities they are dealing with. Now we are faced with the culture of human rights and we have customary law which is distorted and has moved from the original practice.¹⁹⁴

189 Hassim, *Women's Organizations and Democracy*, 156.

190 Sly, ‘Equality Yes’.

191 Mantini, ‘Royal Row’, 18.

192 WNC, ‘Briefing on Women, Culture, Customary Law, and Equality’, Unpublished manuscript, 3.

193 Sly, ‘Equality Yes’.

194 ‘Women and Customary Law’, *Mayibuye*, December 1993, 34.

The Technical Committee on Fundamental Rights drafted a compromise clause – Clause 32 – which neither CONTRALESA nor the women delegates (particularly those within the ANC) was happy with. They worked through the Women's Caucus and the WNC to gather support and advocate for their position. Outside the MPNP, the RWM sent a statement to the MPNP requesting that Clause 32 be removed in favour of the equality clause which guaranteed that the Bill of Rights would trump customary law. One of the most vocal supporters of the equality clause was Sigcau, a member of the Transkei Traditional Leaders Association's delegation and daughter of the paramount chief of Eastern Pondoland. 'I always maintain that I am firstly a woman and then a traditional leader', Sigcau told the *Sunday Nation*.¹⁹⁵ Lydia Kompe of the RWM said the rural women would boycott the elections if the Bill of Rights excluded them. Mabandla of the ANC Constitutional Committee averred that 'the implications of the suspension of the Bill of Rights would be disastrous – it would elevate this undermined mass of norms called customary law above the supreme law of the nation, the Constitution'.¹⁹⁶ Albertyn and Madonsela, representing CALS, made two submissions to the technical committee. They noted that it was 'important that culture, custom and religion should not be used to deny the rights and the question of choice – whether to live under a customary or non-customary system'. After canvassing the opinions of rural women's groups and hearing near unanimous support for the equality clause, their report concluded: 'Rural women should be full citizens of South Africa with access to rights.' However, they conceded that 'the positive and non-discriminatory aspects of culture and customary law should also be retained'.¹⁹⁷

Bilateral negotiations that happened behind the scenes resulted in a document that offered two compromise positions. One favoured the women's lobby while the other favoured traditional leaders. The chiefs held out for a total victory and refused any compromise position. This was a 'ploy which backfired, giving the women the opening to do the same'.¹⁹⁸ Another deciding factor was the bilateral agreement signed between the ANC and the government, which substantially weakened CONTRALESA's demands for the constitutional entrenchment of traditional rule.

Negotiation News described the final stages of the debate over the issue at the Negotiating Council as 'acrimonious' and 'bruising'.¹⁹⁹ However, in November of 1993, the parties at the World Trade Centre finally agreed there was neither sufficient nor general consensus on the issue and therefore customary law would not be included in the fundamental Bill of Rights. The agreement endorsed a general protection for custom and culture but with a clear understanding that the right to equality would not be compromised by it. Ginwala, who called the decision a 'tremendous victory for women', credited the threat by rural women to boycott the elections as having played a

195 'Women's Impact on the Talks', *Sunday Nation*, 12 September 1993, 8.

196 'Rural Women's Threat to Elections', *Sunday Nation*, 26 September 1993, 8.

197 Ibid.

198 'Women Give Chagrined Chiefs a Bruising', *Negotiation News*, 15 December 1993, 2.

199 Ibid.

decisive role.²⁰⁰ Manzini reiterated that ‘today’s decision does not assume that African culture is being eradicated. It simply means that women can challenge customary law and provide for its development and reforms’.²⁰¹ Some women were angry, however, that they did not receive the level of support they expected from their parties. ‘In retrospect,’ the editors of *Negotiation News* reported, ‘the handling of the issue by a male dominated political leadership raises serious questions about the commitment of leading political parties to an inclusive democratic tradition’.²⁰² Albertyn, who had submitted a report defending the equality clause later surmised that:

it was clear that both the Technical Committee and the Ad Hoc Committee were taking little or no account of submissions by women’s organisations. These experts were largely unresponsive to the views of (mostly women) lawyers who disagreed with them. They also used their status as ‘experts’ to dismiss the opposition of the women delegates.²⁰³

Despite all of this, however, Albertyn concluded that overall ‘women made significant gains in the struggle for gender equality’.²⁰⁴

Indeed, in addition to the equality clause, women acting on the advice of international feminist academics pushed for (and achieved) the use of a multimember district electoral system that utilised party-list proportional representation. This was a system that international research had shown was most likely to enhance women’s representation. Women activists and negotiators had relied on this type of research when they began crafting an electoral system amenable to enhancing gender equity. The ANC also committed to a quota of 33 per cent of women when drawing up electoral lists.

After their experiences during the negotiations, politically active women went into the new dispensation determined to work actively to get their needs on the agenda. Nkosazana Zuma, the ANCWL Southern Natal region chair, called on her constituents to be prepared to revise their relationship with the ANC:

We will have to ask ourselves when the ANC forms part of the government whether it will still have women’s issues on its agenda, or will they be submerged beneath other issues such as the economy, education and health? And will the ANC be able to convince its other partners in the government of the importance of women’s issues? We will have to guard against a situation similar to that in Zimbabwe where the Ministry of Women’s Affairs simply became a mouthpiece of ZANU (PF).²⁰⁵

The Women’s Charter was adopted at a national convention convened by the WNC in February 1994 and presented to parliament in August of that year. Delegates from 92

200 S. Kooma, ‘Elation as Customary Law gets Thumbs Down’, *Sowetan*, 7 November 1993, 2.

201 Ibid.

202 ‘Chagrined Chiefs’, 2.

203 Albertyn, ‘Women and the Transition’, 60.

204 Ibid.

205 L. Ngakane, ‘Women Out to Rethink their Party Loyalties’, *Daily News*, 9 December 1993, 10.

organisations approved the Charter. When the Charter was finished it had 12 articles that ranged from basic demands for equality to substantive demands for education, health, family life, and culture. When the Charter was introduced it was too late for the document to be included in the draft constitution. Nevertheless, the Charter campaign was impactful. The campaign facilitated women being able to intervene in the transition process. The final Constitution adopted in May 1996 did not make the Charter part of the Bill of Rights. Nevertheless, it enshrined gender equality and the possibility of affirmative action.

Conclusion

Women's democratic participation in the liberation movement served to transform both the national liberation struggle and the vision of a post-apartheid future. This process of struggling to pursue gender equality within the liberation movement laid the foundation for the 'historic closeness between the women's movement and the ANC [that] formed the basis for demands for women's representation during the political transition'.²⁰⁶ As Mabandla explained in a 1993 interview, the liberation struggle became an important site where women pursued demands for gender equality:

In the ANC we do have an impact, but it's tough. I must say we have been tested over time. The fact that the ANC's male chauvinism was talked about so much is because we have the latitude to actually expose those things. We don't know what happens in the DP's closet. Women are scared to ask what happens in the National Party.²⁰⁷

Mabandla alluded to the fact that women's demands were pursued more successfully within the ANC than within any other party. Women's experiences exemplify the idea that beneath the 'broad umbrella of the ANC' people had different experiences, distinct expectations of what membership meant, and distinct hopes for what benefits membership might bestow. These differences led them to form 'divergent conceptions of democracy within the ANC and the society at large'.²⁰⁸ Gender discrimination in the organization made them question the idea of a strict divide between public and private activities and pushed them to develop what Seidman calls a 'gendered construction of what it means to be a worker and citizen'.²⁰⁹ As they were drawn into activist organisations and engaged in semi-autonomous resistance 'women moved beyond their "traditional" roles in society and the household and confronted their status within and in relation to dominant political organisation'.²¹⁰ As a result, women

206 A.M. Goetz and S. Hassim, 'Introduction: Women in Power in Uganda and South Africa', in A.M. Goetz and S. Hassim, eds, *No Shortcuts to Power*, 14.

207 UWC, O'Malley Archives, Interview with Brigitte Mabandla, 13 January 1993.

208 Suttner, 'Cultures of the ANC', 4.

209 G. Seidman, 'No Freedom without the Women: Mobilization and Gender in South Africa, 1970-1992', *Signs*, 18 (1993), 294.

210 J. Beall, S. Hassim and A. Todes, 'A Bit on the Side? Gender Struggles in the Politics of Transformation in South Africa', *Feminist Review*, 33 (1989), 33.

became less reluctant to draw attention to the failure of some male comrades to live up to their democratic ideals when it came to gender.

Women's experiences in youth and civic movements were yet another avenue that led them to see the necessity of organising as women. Organisations like the UWO and NOW 'contributed greatly to the politicisation and empowerment of the women who participated in them'.²¹¹ Their members actively challenged apartheid structures of oppression through trade unions, consumer and rent boycotts, and the mass democratic movement. After being involved in community organisations many activists either joined or started women's organisations because they felt these were the only spaces where they could agitate for their specific concerns as women. As a result, women's organisations often had leaders and members who were active in the UDF and the trade unions. These women were the agents that were most responsible for bringing gender progressive ideas, like those eventually expressed in the 1990 NEC Statement, into the heart of the national liberation struggle.

Gender activists' prior success in securing the right to be represented and included in decision making within the ANC, gave them the experience and leverage to expand their demands for inclusion and equal representation to the entire political system after the ANC was unbanned. Discussions of human rights and democracy more generally, added further legitimacy to campaigns for gender rights. Further, demonstrating a commitment to eradicating gender discrimination became a key way for political parties to demonstrate that they were committed to being inclusive and redressing social inequality. The struggle for gender equality thus became an integral part of the struggle to create a just society.

211 G. Fester, 'Women's Organisations in the Western Cape: Vehicles for Gender Struggle or Instruments of Subordination?', *Agenda*, 34 (1997), 45.





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Members of the Qwaqwa branch of COSAS during a political rally at the local football stadium.