

## 1. INTRODUCTION

This report is intended to contribute to an understanding of how women's effective representation and participation in local government can be enhanced. The report was commissioned from the Human Sciences Research Council (HSRC) by the South African Local Government Association (SALGA), and was conducted as a short research project between 17 November and 12 December 2003. A second round of research, and an update of the report, was conducted in the second half of January 2004. The project aimed to summarise existing work in the area, consult as widely as possible with both experts on gender and local government, as well as local government representatives, and make workable recommendations that municipalities could implement in order to give effect to greater representation and active participation of women in local government. The resulting report is intended to be open-ended, in the sense that it attempts to highlight areas for future research, and also in the sense that this study is neither exhaustive nor definitive. Rather it is a contribution to ongoing research on this topic, and will no doubt have to be updated at regular intervals and built upon in the future.

The report is also limited to focusing specifically on women's participation in local government as political representatives, rather than at the level of civil society, or as individual members of their communities. The narrowness of this focus is not because we think that women's participation in other respects is unimportant and not worth doing research on. On the contrary, we regard this as too important a subject for it to be conflated with research on women's political representation. Women's participation in local government at other levels therefore deserves a separate research exercise and analysis, but our comments in this research are directed towards how women's political representation may be effectively enhanced. Furthermore, it must be noted from the outset that women's representation and participation cannot be separated from issues of gender mainstreaming more generally, or from issues of development, as these are increasingly recognised as being inextricably linked to women's political participation.

Section 2 of the report aims to situate the importance of the issue of women's political participation by outlining women's political rights as equal citizens in a democracy. With particular reference to women's participation in local government, the report points out the connection between the importance of women's active participation and the imperative of development, in light of the new developmental focus of local government in South Africa. There are therefore both moral, rights-based reasons; and practical social and economic reasons; for thinking that women's adequate and effective representation at the level of local government in South Africa should be a priority.

Section 3 of the report outlines the legal framework for women's political rights in South Africa. It describes the provisions in the Constitution and the National Action Plan that relate to women's political rights, as well as the relevant international instruments. It also briefly outlines the relevant South African law on local government, and how it relates to women's participation.

Section 4 gives some background to the historical challenges to women's participation in local government in South Africa, and it describes the outcome of the 1995 and 2000 local government elections in this regard. This serves to introduce section 5, which describes some of the existing challenges to women's effective representation at local government level.

This is followed by some narrative examples in section 6. Again these are not intended to be exhaustive or definitive. It was not possible within the ambit of this project to do a full national survey. Rather the researcher in question selected municipalities and subjects within them that were judged to be representative either of women in local government more generally, or who

could comment on attitudes towards them. Their narratives, and the examples that they give of the challenges they face, reinforce and illustrate the challenges outlined in section 5, and for this reason, they are listed under same category headings as those in section 5.

Section 7 contains recommendations on strategies to secure both greater and more substantive participation of women in local government. The report contains two checklists: one for women councillors specifically, and one for more general use by municipalities. The report suggests that these can be used as the basis for workshopping around issues to do with gender and gender mainstreaming at local government level. The report also suggests ways that women representatives may be empowered, and indicates how gender related issues and policies may be mainstreamed. Finally the section identifies areas in which research within municipalities can be done and some opportunities in this regard.

A number of methodologies were used in this study. Sections 2-4 were compiled on the basis of a background “desk” study, in which the researcher aimed to give both background to the issue, as well as a concise summary of the relevant law that supports women’s legal rights of political participation in South Africa. The desk study was supplemented by interviews with experts in the field from universities, the Office on the Status of Women in the Presidency (OSW), the Commission for Gender Equality (CGE), and the Department of Provincial and Local Government (DPLG). Sections 5 and 7 were also based on a combination of desk research, and interviews supplemented by empirical research. Interviews were conducted with experts at the Gender Advocacy Project (GAP), NADEL’s Human Rights Research and Advocacy Project, and members of parliament who actively promote women’s rights. The researcher also brought to the project past experience in training women local government councillors and so the recommendations are informed by this experience. We also relied upon information from Statistics South Africa (in particular the 2001 census data), and the Independent Electoral Commission (IEC) (for statistics on voter registration).

Section 6 was based on an initial series of interviews with women representatives in leadership positions (mayors and executive mayors) in selected municipalities in South Africa. The reasons for focusing on women in these positions, in the first instance, are twofold. Firstly women in these positions are able to offer a dual perspective: They are simultaneously confronted with the prejudices that face women in leadership positions; and they are able to offer perspectives on the basis of their own experience as women councillors in local government. Their cases are therefore paradigm cases, rather than representative in a scientific sense. The second reason for focusing on such a narrow sample of representatives has to do with practical constraints. This study represents an exercise in “instant research” – it was conducted over an extremely compacted initial three-week period, in which the researchers were required to make use of the resources and subjects available to them. The leaders of municipalities tend to be more accessible (in terms of their availability for interview either by phone, e-mail, or in person) whereas councillors often cannot be contacted in these ways in such a short period of time.

The first round of interviews was supplemented by a second round in January 2004, which was aimed at local government councillors – men and women – who are not in leadership positions. These interviews represented a mix of ward, PR, and independent councillors so as to give as wide a perspective as possible on the challenges faced by women representatives in local government in South Africa. However, again, these represent only a small sample, and so the researchers have therefore flagged a more representative qualitative survey of local government councillors as a critical area of future research, and one that SALGA is urged to take up and facilitate.

## 2. WHY DOES WOMEN'S POLITICAL PARTICIPATION MATTER?

Democracy in South Africa is based on two fundamental constitutional principles that distinguish it from the political system of the past. Firstly, democracy in South Africa has meant that every person over the age of 18 has full rights of citizenship including both the right to vote and the right to stand for office. These political rights are enshrined in Section 19 of the *Constitution of the Republic of South Africa 1996*.

Political rights are reinforced by the major principle of democracy in South Africa - that of equality.<sup>1</sup> Section 9 of the Constitution enshrines the equality clause and section 9(2) states that

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

And section 9(3)

*The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.*

What this means is that all South African citizens over the age of 18 have an *equal* right not only to vote, but also to stand for political office. All South Africans have *equal rights of political participation*.

However, the equal exercise of this right is a matter of particular concern for women for a number of reasons. Firstly, women traditionally have been excluded from political participation in South Africa owing to deeply entrenched norms of patriarchy that consigned women to playing a role within the family and the home, rather than in politics and the economy. Secondly, women's ability to participate in politics is often limited by their capacity, as women are more likely to be affected by constraints of poverty and poor education, but also because women fulfil the majority of domestic duties, which makes it difficult, for example, for them to attend meetings held in the evening.

However women's participation in politics and political decision making is critical, not only as a matter of equality and human rights, but also as part of a policy agenda which prioritises development and services, as will be explained in section 2.3 below.

### 2.1 Understanding Gender and Gender Mainstreaming

The rhetoric surrounding gender and gender mainstreaming can be confusing and intimidating. Talk about "gender" is often confused with "women's issues," and gender is often treated as a secondary, added-on issue. However, the challenge that local governments are facing is to *mainstream* gender, which means that gender considerations must form part of the core of all policy decisions. As GAP remarks,

*If local government is to address gender issues seriously then it is important that municipalities define what they understand gender to mean ... Gender issues are central to the task of development and gender equality is a "developmental goal in its own right."<sup>2</sup>*

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<sup>1</sup> Section 9 of the Constitution is reinforced by the *Promotion of Equality and Prevention of Unfair Discrimination Act 2000*. In particular, chapter 2 section 8 outlaws unfair discrimination on the grounds of gender.

<sup>2</sup> World Bank cited in GAP, 2002a: 12

So what does gender mean and why is it so important for the aims of developmental local government?

Gender is understood to be something *in addition* to the biological differences between men and women – after all being born a man or a woman is a genetic matter of fact, but a fact to which different significance is attached in different cultures and societies. And it is the *significance* that is attached to the biological fact of being a man or a woman that is central to understanding what gender is about.

All societies and all cultures attach some significance to the fact of being a man or a woman, and depending on what that is, it will determine a whole range of *socially constructed* expectations of a person. So for example, the perception that women's role is within the home, and men's role is outside of the home as breadwinners, is not a biologically determined fact. Rather it is based on a socially constructed set of relationships, that *can*, after all, be changed.

And what is central here to understanding why gender is an important consideration for women's rights and women's equality, is the fact that our socially constructed roles carry with them different amounts of power in our society. We do not, for example, allocate as much power (either economic or social) to women who play a purely domestic role, as we do to men who have jobs and roles outside of the home. So, "[g]ender inequality is reflected in the differential access that men and women have to economic, political and social power."<sup>3</sup>

Inequality and the relative allocation of power has special resonance in the South African context, where the racial discrimination of the past has meant that some women are particularly disadvantaged. Poor black women are recognised as having the greatest burden in terms of gender inequality, and so the attempt to address gender inequality must focus on those who have been most marginalized, rather than being only focused on getting the numbers of women representatives right. So, "[r]ather than the 'add women and stir' approach to addressing gender, what is needed [are] strategies and tactics that take account of the power effects of difference."<sup>4</sup>

And this is what gender mainstreaming is all about. Gender mainstreaming is about placing not just women, but issues that are of critical important to women's rights, well-being, and active participation as equal citizens, at the top of the political and policy agenda. The following section unpacks this distinction by dealing with the importance of women's representation, followed by some consideration of the specific importance of women's voices being heard in local government.

## **2.2 Why is it important for women to be represented?**

According to the 2001 Census, 52.2% of the population of South Africa are women, and so women's political participation is important for representing the needs and rights of the majority (see Figure 1 and Table 1 in the appendix).

Furthermore, according to estimates based on the provincial census statistics provided by Statistics South Africa, 53% of those who will be of voting age (18 years and older) in the 2004 elections are women (see Table 2 in the appendix<sup>5</sup>). Women therefore not only constitute an

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<sup>3</sup> GAP, 2002a; 12

<sup>4</sup> Cornwall, 2003: 1338

<sup>5</sup> These figures must be considered as estimates only, indicating a general trend, rather than hard and fast statistics. According to comments by the Statistics Council Sub-Committee, "preliminary independent demographic analyses of the census results suggest that the final figures probably represent [among others] an

overall majority in South Africa, but they also represent a significant portion of the electorate, which underlines the importance of their political representation. Even more significantly, women constitute a (disproportionately) large percentage of those who are *registered* to vote in the 2004 national and provincial elections, and the 2005 local government elections, according to the IEC<sup>6</sup> (see Table 3 in the appendix).

However it is not only women's numerical *representation* in government that matters, but their active *participation* in the sense of being able to contribute to decisions about policies and the allocation of resources that is of concern. The challenge is to translate *formal equality* – equality in the Constitution and before the law, into *substantive equality* – the actual exercise of the right to equal participation. In other words, women's mere *presence* in government is not enough if that presence does not translate in actual *power* to make decisions about policy and items on the agenda.<sup>7</sup>

South Africa stands out in both Africa and indeed in the world in having succeeded in bringing large numbers of women into formal politics since 1994.<sup>8</sup> Nearly a third of parliamentary representatives at the national level are women, and 38% of ministerial posts are held by women, according to the data on South Africa contained in the Human Development Report for 2003.<sup>9</sup> These achievements reflect the concerted policy commitment on the part of the South African government to mainstreaming women in politics. This is in line with the commitment of South Africa to gender equality not only in terms of the Constitution, but also by accession to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action and the SADC Gender and Development Declaration (which are discussed in section 3.2 below). In order to give effect to the commitment to mainstreaming women in politics, South Africa has developed the National Gender Machinery (NGM), most importantly the Office on the Status of Women (OSW) located in the Presidency.<sup>10</sup> According to Susan Nkomo, the CEO of the OSW, the job of the OSW is to make the government work for women by holding it to its obligations under the Constitution and international law.<sup>11</sup>

In this regard, the OSW developed *South Africa's National Policy Framework for Women's Empowerment and Gender Equality*, which was adopted by Cabinet in December 2000. Chapters 4 and 5 of the National Policy Framework (NPF) are particularly worth noting as they are directed at *implementing* women's political representation and participation. Chapter 4 contains the Institutional Framework "for the establishment of an efficient, effective and co-ordinated machinery to formulate, implement, monitor and evaluate government policy on women's empowerment and emancipation."<sup>12</sup> Section 4.2.3 of the NPF states that

*The shift thus from inequality to equality requires the transformation of government and civil society. National Machinery acts as a vehicle through which South Africa can meet its constitutional and international commitments to gender equality, human rights and social justice.*

The legal framework for women's equal participation is outlined in section 3 below, but the NPF outlines the responsibility of individual government departments for setting up Gender

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underestimate of men relative to women." However, even the adjusted figures (with 95% confidence limits) reflect that women substantially outnumber men. See [www.statssa.gov.za](http://www.statssa.gov.za)

<sup>6</sup> See [www.elections.org.za](http://www.elections.org.za)

<sup>7</sup> See Hassim, 1999

<sup>8</sup> Goetz and Hassim, 2003: 1

<sup>9</sup> See section 2.3 below for the numbers of women in local government in South Africa.

<sup>10</sup> Adams, 2003

<sup>11</sup> Interview with Ms Nkomo, 18 November 2003

<sup>12</sup> *National Policy Framework for Women's Empowerment and Gender Equality*, Section 4.1.2. Office on the Status of Women in the Presidency, 2000: 25

Units or Focal Points (GFPs) to promote gender equality and women's empowerment in their work. In addition the NPF lays down the framework for Provincial and Local Government Machinery for Advancing Women's Empowerment and Gender Equality (sections 4.5 and 4.6 of the NPF).

At the time of the formulation of the NPF, the focus was primarily on the national and provincial spheres of government. However the NPF emphasises the importance of gender sensitive policies for service delivery in particular, which is one of the duties of local government, and therefore the importance of the development of gender structures at local level, to match the national and provincial structures, is implicit.

Chapter 5 of the NPF outlines the Integrated Co-ordination Framework and Process for Gender Mainstreaming. The emphasis on gender mainstreaming is critical because it means that women's issues are placed at the centre of all law and policy decisions, rather than being treated as secondary issues. This is in line with women's equal status as a matter of law and a matter of right, as women are not second-class citizens, but rather as equal citizens in a democracy they deserve to have their interests and rights prioritised. The commitment to mainstreaming women's human rights stems from the precedent created at the World Conference on Human Rights in June 1993 that resulted in the *Vienna Declaration and Programme of Action*.<sup>13</sup> The Vienna Declaration forms the basis for South Africa's own *National Action Plan for the Promotion and Protection of Human Rights*, which is discussed in section 3 below.

Mainstreaming women's political rights of participation and representation is therefore important because women's voices on law and policy issues, such as safety, education, housing and services, must be included if those laws and policies are to reflect *equally* the rights and interests of all citizens. And women's interests in this regard are sometimes different to men's. So it is not the case that women can be "represented" by men – rather the commitment to mainstreaming means that women's participation is a primary, rather than a secondary consideration of political participation.

This raises the question of why women's participation in *local government* specifically is so important.

### **2.3 Why does Women's Representation matter in Local Government?**

According to *Gender and Development – A Handbook for Councillors and Officials* "Local Government is the sphere of government closest to the people, and the one that impacts most on women's lives. It is best placed to analyse and respond to the needs of different women."<sup>14</sup>

Government in South Africa is based on a model of decentralisation, which creates 3 tiers of government that are intended to be equal, co-operative and interdependent (see Figure 2 in the appendix). Local government is therefore not subordinate to either the national or provincial structures, but rather is, in one sense, the most important tier of government, because it is the one with which citizens engage most directly. Furthermore, as local government is the tier that is most directly responsible for matters relating to development and service delivery, it is the one which has the greatest significance for people's day-to-day lives.

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<sup>13</sup> See Tomasevski, 2000: 249-250

<sup>14</sup> SALGA publication, cited in the *National Policy Framework for Women's Empowerment and Gender Equality*, Section 4.6. Office on the Status of Women in the Presidency, 2000: 33

This is particularly significant for women because of the importance of basic services to women in their role as the primary givers of care to children, the sick and the elderly, and in light of the large and growing number of female-headed households in South Africa. The Gender Advocacy Programme (GAP) makes this point:

*[T]he provision of basic services is not a gender-neutral exercise and has a profound impact on the lives of women. The gendered nature of roles in society means that women tend to do the cooking, cleaning, household chores and caring activities in families. The provision of basic services such as water, electricity and sanitation therefore reduces the burden of domestic work and frees women to engage in other economic activities and community affairs.*<sup>15</sup>

Women also have *knowledge* of their communities<sup>16</sup> and their needs, and these must be articulated at the level of local government decision-making about services that affect those communities.

It is important here to note that in the 284 municipalities in South Africa, according to SALGA,<sup>17</sup> there are a total of 7 990 elected local government councillors. Of those, 5 699 (71%) are men, and 2 323 (29%) are women. While this is close to the 30% goal for women's political representation set out in the SADC Gender and Development Declaration (see section 3.2.1 below), it is rather startling when one considers that 53% of the electorate are women.

Of course, it is not the case that women's representation in local government will automatically translate into gender sensitive policies, but it is nevertheless a *necessary* condition. As is noted above, South Africa is one of the leading countries in the world when it comes to women's representation at national level.<sup>18</sup> However, there are critical reasons for thinking that women's participation at the local level is of even more significance for the articulation of women's rights and interests. GAP identifies six reasons why women's representation at municipal level is critical.

Firstly, as is mentioned above, women comprise the majority of South Africa's citizens, and so as a matter of representative democracy, their adequate representation is imperative.

Secondly, women's needs in relation to municipal services are particular and sometimes quite different from men's. As Mbatha describes it, "while women and men might share a common set of interests in deracialising the system of local government, there may be areas of government design and practice over which women and men have different and possibly competing interests."<sup>19</sup> Particularly with regard to the provision of basic services, women's needs are more pressing. Men and women experience poverty differently as a result of women's role within the home and as caregivers, and so in circumstances of poverty, access to services such as water and electricity are of more critical importance to women. This is an aspect of the "feminisation" of poverty experienced by many women in South Africa, as women comprise the majority of the very poorest sectors of the population as a whole.<sup>20</sup>

The third reason identified by GAP is that women in local government act as role models to other women, and therefore demonstrate that it is possible for women to participate and make a difference (in this regard see section 7.2.3). Closely related to this is the idea that local government is an important training ground for women who have no prior experience of

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<sup>15</sup> GAP, 2002a: 5

<sup>16</sup> This point was emphasised by Joyce Piliso-Seroke in an interview on 20 November 2003

<sup>17</sup> SALGA Survey: Statistics on Women in Local Government, July 2003

<sup>18</sup> According to GAP's *Gender and Performance Indicators for Local Government*, South Africa is ranked eighth in the world in terms of women's participation at national level. GAP, 2002a: 14

<sup>19</sup> Mbatha, 2003b: 190

<sup>20</sup> The 2003 Human Development Report illustrates this starkly by showing that South African women's average per capita income (\$7 047) is *less than half* of that for men (\$15 712).

governance, in preparing them for taking on greater responsibility at the provincial and national level.<sup>21</sup>

Fourthly, GAP identifies women as “important agents for change” at the local and neighbourhood level, because of their intimate knowledge of those communities. Their expertise and knowledge in this regard are an invaluable resource when deployed in local government.

The fifth point is that women in local government are employees of the municipality, and this often means that they are concerned with the working environment in so far as it is conducive to women’s participation. For example the provision of childcare facilities is more likely to occur in a situation where women are adequately represented.

The final point is that women tend to be more concerned with the common good, owing to the fact that they are more likely to be intimately involved in their communities. One result of this, according to the World Bank, is a tendency towards lower levels of corruption where women’s participation rates are higher. However, more significant is the connection between gender mainstreaming in political participation and development.

Local government under democracy in South Africa is tasked with the new role of promoting social and economic development, articulated through the introduction of the Integrated Development Plans (IDPs) (which are discussed in more detail in section 3 below). The Millenium Development Goals, which are aims to be achieved across the world by 2015, target gender empowerment, education, health and environmental indicators as being critical to development and poverty reduction. According to a report of the World Bank Gender and Development Group,

*Development policies and actions that fail to take gender inequality into account and fail to address disparities between males and females will have limited effectiveness and serious cost implications ... one of the main findings of the Arab Human Development Report 2002 is that the low empowerment of women is one of three deficits which have seriously hampered human development in the region over the last three decades. Thus an approach to development that strives to increase gender equality has high payoffs for human well-being.*<sup>22</sup>

This is borne out by the Human Development Report data for 2003, which shows that countries that have higher levels of gender parity, tend to be towards the upper end of the Human Development Index, so development is in direct proportion to women’s political participation. The point that women’s participation in local government in particular is essential to realising the goals of development was emphasised by Yusuf Patel, the Director of Intergovernmental Planning at the Department of Provincial and Local Government (DPLG). Mr Patel stressed that this has been borne out by international best practice (as noted here), and that in addition to the egalitarian principles of democracy that require women’s political representation and participation, women’s closer relationship to their communities contributes to greater progress being made when they are deployed as local government representatives.<sup>23</sup>

This underlines the critical importance of including women in decision making about IDPs, as will be discussed in the following section (see 3.2.2 and 3.2.4).

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<sup>21</sup> This was pointed out by Dr Shireen Hassim in an interview on 18 November 2003. The point was made comparatively with particular reference to this practice in Britain, indicating that there is still much scope for this in South Africa.

<sup>22</sup> *Gender Equality and the Millenium Development Goals*, 2003: 4-5

<sup>23</sup> Interview with Mr Patel on 3 February 2004



### **3. THE SOUTH AFRICAN LEGAL FRAMEWORK FOR WOMEN'S POLITICAL RIGHTS**

As is noted above, South Africa has developed law and policy commitments relating to equality and human rights. The ones that relate specifically to local government and the equal participation of women are briefly outlined here.

However this law must be read and considered from the perspective not only of what it says about women's political participation, but also in terms of matters upon which it is silent. As laws are designed to be of general application, they frequently omit specific reference to, not only women, but also the elderly, disabled, or people who are vulnerable or who may be discriminated against in other ways. Therefore in much legislation – and the laws discussed here are no exception – references to women's equality is *implicit* rather than *explicit* – and one has to extrapolate from the general principles of the Constitution how the relevant law is to be interpreted with regard to women's rights and their political representation.

It is also a worthwhile exercise to consider whether or not the *implicit* equality of women (because after all the Constitution overrides and applies to all other laws) is sufficient, or whether or not there are lacunae in the law that may be plugged by a more concerted or explicit statement of women's rights.

#### **3.1 The Constitution and the National Action Plan**

In addition to the sections in the Bill of Rights in Chapter 2 of the Constitution which establish equal political rights, as outlined in section 2 above, Chapter 3 of the Constitution makes provision for "Co-operative Government." Section 40(1) outlines the three equal spheres of government – national, provincial and local, and states that they are "distinctive, interdependent, and interrelated." Section 41(1)(h) creates the obligations for the three spheres to co-operate by assisting and supporting one another (see Figure 2 in the appendix).

Chapter 7 of the Constitution deals specifically with local government. Among the duties of local government as laid out in section 152, are: the sustainable provision of services; the promotion of social and economic development and a healthy environment; and encouraging the involvement of communities and community organisations. Section 153 outlines the Developmental Duties of Municipalities, which prioritises basic needs and social and economic development. Section 158 states that every citizen who is qualified to vote for a Municipal Council is eligible to be a member of that council (unless they are employed in the municipality in some other official capacity, or are a member of the national or provincial government or another municipal council). What this means is that all citizens are entitled to participate in the decision-making structures of local government. While the section of the Constitution that deals with representative local government does not specifically identify the imperative of women's equitable representation, it may be taken that this is implicit given the equality clause contained in section 9 (see section 2 above).

However, arguably a more glaring omission in the Constitution is its silence on the matter of whether individual equality should prevail over, or supersede the rights and claims of groups in terms of the rights of cultural determination also enshrined in Chapter 2. The Constitution also recognises the institution of traditional leadership, but does not indicate whether this is to prevail over women's equality, or be superseded by it, when they are in conflict. The institution of traditional leadership, and the challenges it poses to women's effective representation in local government is discussed in more detail in section 5.2 below. However, it is worth noting the following remarks:

*The question of how to reform customary practices and arrangements so as to bring them in line with the sex equality provision of the Constitution has proved to be no easy matter, however: what the Constitution does for sex equality and individual rights generally, it also does for the rights of cultural, linguistic and religious groups. Moreover the Constitution specifically recognises the validity of African customary law and the system of traditional leadership associated with it.*<sup>24</sup>

The silence of the Constitution on this matter may be seen to significantly undermine women's equality. This has particular implications for their representation and participation in local government, as it is in this particular sphere of political representation that they are most likely to be challenged by entrenched patriarchal, culturally defended, institutions and practices (see section 5.2), owing to the overlapping, or concurrent jurisdiction of traditional councils and local government on a range of matters, such as land administration and service provision.

The major policy document that supports the Constitution is the 1998 *National Action Plan for the Promotion and Protection of Human Rights (NAP)*. The NAP is South Africa's response to the *Vienna Declaration and Programme of Action*, adopted at the 1993 World Conference on Human Rights. The Vienna Declaration recommends that states draw up a national action plan to identify the steps that need to be taken to promote and protect human rights. This is necessary because, as (then) President Nelson Mandela says in the Foreword to the NAP,

*The experience of South Africans and of all peoples everywhere has taught that in order for the rights and freedoms embodied in constitutions to be realised, they must become part of the everyday reality of citizens lives, and the institutions protecting them must be deeply entrenched.*

The NAP reiterates the political rights outlined in the Constitution, and with particular reference to women's political rights, the NAP notes that one of the challenges is "creating an environment that affirms women who either are, or want to, participate in political activities." The NAP further notes that one of the ways to address this challenge is through public education on gender equality, in terms of Article 7 of CEDAW (CEDAW is discussed below). Other important strategies are supporting those bodies that monitor and implement gender equality, such as the Commission for Gender Equality (CGE) and the Office on the Status of Women (OSW); and encouraging political parties to set targets for gender equality for participation in their parties. The NAP does not however specifically refer to either local government, or the challenges to women's representation and participation in that sphere.

## **3.2 International and South African Law**

### **3.2.1 CEDAW and the SADC Gender and Development Declaration**

In the post-1994 era since South Africa's first democratic elections, there has been a concerted move towards accession to the major human rights treaties and conventions in keeping with the avowed priorities of the government in promoting and protecting the human rights of all. The most important of these for women's rights and equality is the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* of 1979. CEDAW was intended to overcome the ongoing "extensive discrimination that continue[d] to exist"<sup>25</sup> in spite of the numerous human rights instruments that preceded it that held the equality of women to be an implicit facet of human rights. Article 5 places on state parties the responsibility of taking measures to

*modify social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and all other practices which are*

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<sup>24</sup> Deveaux, 2003: 796

<sup>25</sup> See the preamble to CEDAW

*based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.*

Furthermore, CEDAW commits state parties to equalising the role and status of women in all areas of social and economic life (article 13), and in particular employment (article 11). Article 14 recognises the particular difficulties faced by rural women in terms of their economic position as supporters of dependents and their activities within the informal economy. It commits state parties to incorporating women into decision-making about rural development and economic planning, as well as to ensuring their access to basic services and state benefits. This has resonance in the South African context as rural women bear the brunt of the burden of poverty and economic inequality, and usually have the least access to social services, and are most vulnerable to exploitation. See section 2.3 above which outlines the connection between development as an imperative of local government, and the more equitable representation and participation of women in local government.

South Africa signed and ratified CEDAW without reservations in 1995, and since then efforts have been made to equalise the position of women in law. However, the role of the family, and customary inequalities therein remain a complicated matter, and one that has not been entirely resolved (see sections 5.2 and 5.6 below).

South Africa reported for the first time to CEDAW in 1998. The report noted the establishment of the Office on the Empowerment of Women in the Office of President, the Office on the Status of Women located in the Office of the Deputy President and the Commission for Gender Equality, all of which are aimed at gender mainstreaming in South Africa and giving effect to the equality of women. However, South Africa's representative also noted

*that continuing deep entrenchment of patriarchy and customary, cultural and religious practices contributed to widespread discrimination against women in South Africa. She informed the Committee that violence against women and children was increasing, including domestic violence, sexual violence and sexual harassment.*<sup>26</sup>

As far as women's economic situation is concerned, it was reported that only 6% of African women over the age of 20 held tertiary qualifications, and 20% of African women had no formal education. Unemployment was higher among women than men, and more women were self-employed "with little job security and lower incomes than those in the formal wage employment sector." The representative also noted the prevalence of HIV/AIDS among poor and marginalized African women.<sup>27</sup>

The Committee, in responding to the South African delegation's report, noted stereotypical attitudes towards women and emphasised that these attitudes needed to be addressed. The Committee further noted "the legacy of apartheid for women includes widespread discrimination and underdevelopment, and is visible in areas such as women's high levels of unemployment, illiteracy and poverty and in the violence against women."<sup>28</sup> The Committee also reiterated its concern for the plight of rural women who are especially vulnerable to poverty as a result of low levels of education and literacy, unemployment, and lack of access to, in particular, health and fertility services. The Committee further emphasised that women needed to be included in land reform programmes.<sup>29</sup> Again this has resonance in light of the importance of including women as effective representatives in local government because it is

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<sup>26</sup> See the *Report of the Committee on the Elimination of Discrimination Against Women*, Nineteenth Session: 59

<sup>27</sup> *Report of the Committee on the Elimination of Discrimination Against Women*, Nineteenth Session: 59

<sup>28</sup> *Report of the Committee on the Elimination of Discrimination Against Women*, Nineteenth Session: 60

<sup>29</sup> *Report of the Committee on the Elimination of Discrimination Against Women*, Nineteenth Session: 61

important to have representatives that are both willing and able to take up these policy issues and serve as a conduit through which women's interests may be articulated.

South Africa's international law obligations with regard to the equal rights of women are extensive, as in addition to CEDAW, there are duties generated by the *Universal Declaration of Human Rights* of 1948, the 1966 *Covenant on Civil and Political Rights*, and the 1981 African "*Banjul*" *Charter on Human and People's Rights*. Also worth noting is the *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa* which was adopted by the African Union in July 2003. Article 19 of the Protocol outlines the Right to Sustainable Development, including the state's duty to include a "gender perspective in national development planning procedures" and to "ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes." Again this must be understood in light of the argument presented in section 2.3 above that outlines the connection between women's effective political representation and the success of developmental local government in South Africa.

Another international instrument that supports women's equal rights in South Africa is the *Beijing Declaration and Platform for Action* (PFA) which was adopted at the Fourth World Conference on Women in 1995. The PFA has been adopted by the Southern African Development Community (SADC) in the form of the *Gender and Development Declaration* (GDD), which was signed by 14 SADC Heads of State (including South Africa) in 1997. One of the aims of the GDD is to achieve a target of at least 30% of women in political and decision-making structures by 2005. While the GDD is not law, as CEDAW is,<sup>30</sup> it is nevertheless a "guiding principle" for all SADC countries, and they are assessed by the SADC Gender Monitor (SGM).

The SGM has commended South Africa's national and provincial institutional mechanisms to advance gender equality within the structures of government. Key here are the OSW and the gender focal points at provincial level. The CGE is also mentioned as the body that monitors performance in this regard. However as has been noted above, parallel mechanisms are yet to be established at the level of local government in South Africa, which is critical to women's meaningful participation in the sphere of government that impacts most directly on their daily lives. As the SGM remarks, "while women's participation in politics and such decision-making bodies as local government has improved in most countries since [1997], women are still concentrated in the more traditional female-biased professions."<sup>31</sup> The SGM also notes the ANC's quota system for women on their party lists (adopted before the 1999 national and 2000 local elections), which reserves 30% of parliamentary and 50% of local government seats for women. This has had marked results, with women comprising 29% of local government councillors in 2003 (compared with just 19% in 1995). (See section 2.3 above and section 4.2 below where this is outlined in more detail).

### 3.2.2 Local Government White Paper 1998

As far as South African law is concerned, the *Local Government White Paper* of 1998, which aimed to facilitate the transformation of local government and the realisation of developmental local government, has generated legislation relating to these aims. The most important legislation is the *Local Government: Municipal Structures Act*, 117 of 1998, and the *Local Government: Municipal Systems Act*, 23 of 2000.

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<sup>30</sup> By both signing and ratifying CEDAW, South Africa has undertaken to carry out its provisions as if they were South African law, passed by parliament. This is known as transformation of international law – when a treaty or convention is ratified in addition to being signed by a country, it is "transformed" into the law of that country.

<sup>31</sup> SADC Gender Monitor, Issue 1 February 1999, <http://www.sardc.net/widsaa/sgm/1999/ie4-index.html>

Section A of the White Paper deals with the “Current Reality” and identifies apartheid as having created unequal municipal institutions, as local government was, as much as any other tier of government, an instrument of the apartheid state. The result of this was that many formerly non-white areas, in particular those that fell in the black homelands, were underdeveloped and suffered from scarce resources resulting in a lack of essential services. All of this created the need for a new local government system in the post-apartheid era. What is remarkable about this historical account is that its focus on the effects of apartheid is seen entirely in racial terms. The gendered aspects of apartheid – which were exacerbated by the migrant labour system – are not included. And so, as the White Paper goes on to describe the skewed settlement patterns that apartheid resulted in, it makes only a passing reference to the implications that this has for women in poor rural communities, where they continue to be a majority. However this passing reference to “gender, class and race” concludes in section 3.2 thus:

*Local government is uniquely placed to analyse and understand power dynamics within a community, and ensure that those who tend to be excluded and marginalized can become active and equal participants in community processes and the transformation of the settlements where they live.*

Arguably the absence of an explicit focus on the gender disparities of apartheid, and therefore the imperative of rectifying this as far as women’s effective representation in local government is concerned, has resulted in similar lacunae in the Structures and Systems Acts.

Section B of the White Paper focuses on “Developmental Local Government,” and to this end outlines Integrated Development Planning (IDPs) as one of the characteristics of such government, which is developed in the Structures and the Systems Acts. These are five year plans which each local government is required to draw up consultatively and which are progressively monitored year by year. As has been indicated, it is critical that women are involved in both developing and implementing these IDPs because the goals of social development and service delivery are ones that impact upon them so significantly (see section 2.3 above).

The White Paper describes Developmental Local Government as “local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives.” As was described in section 2.3 above, women tend to have greater knowledge of their communities, as well as what their social, economic and material needs are, and so in this sense too, it is imperative that a representative number of women are included in local government, and that their participation is encouraged. The White Paper also makes reference to “including the excluded” and in particular notes that “there are many obstacles to the equal and effective participation of women, such as social values and norms, as well as practical issues such as the lack of transport, household responsibilities, personal safety, etc.” In light of this recognition, the White Paper obliges municipalities to adopt an inclusive approach, as well as to devise strategies to remove obstacles and encourage the participation of marginalized groups, including women.

A further focus of the White Paper is on poverty eradication, and in particular it focuses on women’s needs. The White Paper states that poverty eradication is the main aim of development and community empowerment, and recognises that in as much as the majority of poor are women, empowerment strategies necessarily need to focus on women if they are to be effective. And again, as is argued in this report, and as is explicitly described in section 2.3, this can only occur where women are effectively represented in local government. In support of the reasons given in section 2.3 as to why women’s representation and participation in local government is imperative, especially in so far as women are the primary users of basic services and the provision of basic services is one of the key functions of local government,

the White Paper remarks, “the provision of household infrastructure can particularly make a difference to the lives of women, who usually play the major role in reproductive (domestic) work which sustains the family and local society.”

### 3.2.3 The Municipal Structures Act 1998

Section 19 of the Municipal Structures Act lays down as one of the objectives of municipalities that they annually review the needs of the community and prioritise those needs. They must also review their processes for involving the community, and to this end they must “develop mechanisms to consult the community and community organisations in performing its functions and exercising its powers” [section 19(3)]. As has already been noted in section 2.3, women are particularly effective as representatives in this regard owing to their generally closer ties to, and knowledge of, their communities.

The Act also deals with the representation of women both as elected representatives and on ward committees. Section 73(3)(a)(i) requires there to be procedural rules for women to be equitably represented on ward committees, which is significant because these committees inform their councillors as to what the most pressing needs of the community are. In so far as women elected representatives are concerned, the Act requires parties to “seek to ensure that fifty percent of the candidates on the party list are women, and that women and men candidates are evenly distributed through [sic] the list” [Schedule 2, Part 1, section 5(3)]. While this does not oblige parties to include women as candidates to represent wards (a problem discussed in section 5.5 below) it does nevertheless require both ward councillors, and councillors elected according to the proportional representation (PR) system, to give consideration to the needs and interests of the community in general, and the specific needs and interests of women in that community in particular.

However, it is also worth noting that the different roles that are assigned to PR and ward councillors, because (as is described in section 5.5) the tendency is for parties to avoid fronting women as ward candidates, preferring to concentrate them on the party lists. If one considers section 73 of the Act, which describes how ward committees are established, and outlines their powers and functions, it becomes clear that ward councillors, as the chairpersons of those committees, have a more clearly defined role and necessarily closer relationship to the people in that ward. The less well-defined role of PR councillors and their necessarily less direct relationship with the electorate serves to reinforce the impression that the PR councillors are “secondary” or “inferior” to the ward councillors. And the fact that most women councillors are also PR councillors, emanating from their inclusion on the party lists, serves to reinforce the stereotype of *women* councillors as being secondary and inferior.

There are three recommendations that arise from these omissions. Firstly perhaps a stronger legal obligation to include women on the party lists (i.e. a quota) is required for *all* parties, not just those that choose to respond to the recommendation of the Act. Secondly, parties should also perhaps be obliged to include women as ward candidates too, in order to break down the negative distinction between the two types of councillors. Thirdly, more clearly defined roles and responsibilities for PR councillors, especially in so far as their interaction with the community is concerned, will help to dispel the impression of them as a lesser sort of representative, as well as allow for more effective articulation of the needs of the community by those councillors.

### 3.2.4 The Municipal Systems Act 2000

The Preamble to this Act, following the White Paper, notes that local government under apartheid did not address the needs of the majority of South Africans, creating the backdrop for developmental local government. In light of this, the preamble states that

*a fundamental aspect of the new local government system is the active engagement of communities in the affairs of municipalities of which they are an integral part, and in particular in planning, service delivery and performance management.*

Chapter 4 of the Act deals with community participation, including the mechanisms, processes and procedures necessary to develop this. In particular, section 17(3)(c) stipulates that when establishing these mechanisms, processes and procedures, the special needs of women must be taken into account. Here again it is important that women are adequately and effectively represented in local government in order for these needs to be articulated, as is outlined in section 2.3 above.

The other important aspect of the Act is its emphasis on Integrated Development Planning (IDPs) and performance management. This is important because “performance indicators are the primary means of holding municipalities accountable.”<sup>32</sup> Chapter 5 of the Act deals with the adoption of IDPs, stating that these must be “developmentally oriented” in order to “contribute to the progressive realisation of the fundamental rights contained in ... the Constitution” [section 23(1)(c)]. In drafting an IDP, the municipality is required to consult the local community on its development needs and priorities and to allow for the community to participate in drafting the IDP [section 29(1)(b)(i-ii)]. Section 34 of the Act stipulates that the municipal council must review its IDP annually, and this is to be done in terms of its performance measurements laid down in Chapter 6, section 41 of the Act, which outlines the “core components” of a municipal management system. Section 41(1)(a) creates the obligation that municipalities

*set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality’s development priorities and objectives set out in its integrated development plan.*

Section 42 stipulates that the community must be involved in setting these indicators and performance targets for their municipality. Again, given the closer involvement of ward councillors with their communities via the ward committees, and given that the majority of women councillors are PR councillors with less clearly defined roles, the effectiveness of women councillors is likely to be compromised by their being consigned to these positions. And as is noted in section 3.2.3, there is a need for both more clearly defined roles for PR councillors, as well as a more equitable distribution of men and women not only on the party lists, but as ward candidates too.

Chapter 8 of the Act deals with Municipal Services, and states that as a general duty, municipalities are obliged to give effect to the Constitution, in particular by prioritising basic needs and promoting development. Access to services that are environmentally sustainable is therefore seen to be a key component of developmental local government. And because of the critical importance of the provision of basic services to women in particular, as has been noted already, IDPs and performance management systems must therefore take women’s rights and needs into account in particular in this regard. And this is done most effectively, as is described in section 2.3, when women are adequately represented in local government.

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<sup>32</sup> GAP, 2002a: 10

## 4. BACKGROUND TO WOMEN'S (NON)PARTICIPATION IN LOCAL GOVERNMENT

In spite of the measures outlined above, which are aimed at mainstreaming women's political representation and participation, and in spite of the pressing urgency of their involvement in local government in particular, there nevertheless remain significant obstacles for women in local government in South Africa. Many of these obstacles are not new, and so some reflection on the history of women's participation in local government is useful in identifying what remains as barriers to women's full political participation in local government.

### 4.1 The History of Women's Participation and the Women's Movement

Goetz and Hassim remark that "decentralisation is one of the cornerstones of the contemporary good governance agenda"<sup>33</sup> because it is anticipated that this will contribute to more responsive, developmentally focused government. Furthermore, this is expected to improve accountability to groups and areas that were previously disadvantaged. This is supposed to work particularly to the advantage of women, because women are supposed to be better able to engage in politics at local level. However, while this may be true of countries in the developed world, where women are better represented numerically at local than at national level, in developing countries there seem to be other factors that operate at the local level that obstruct women's participation. This has the result that while numbers of women in parliament may be high (as they are in South Africa) this may disguise the inadequate representation of women in local government.

One reason for this may be that "traditional patriarchies can be more intense and immediate in their repressive effect on women's public engagement at the local compared to the national level."<sup>34</sup> This will be explored further in sections 5.2 and 5.6 which deals with the ongoing challenges to women in local government in light of both stereotypical attitudes towards them, as well as the challenge of traditional leadership. Another reason for women's less effective representation at local than at national level may be that the broader women's movement (consisting of NGO's, the gender machinery, and other bodies with a gender equity mandate) can be "fragmented by decentralisation"<sup>35</sup> which compromises its ability to mobilise to support women who are in local government, but also in developing equitable policies and practices.

Local government under apartheid was differentially structured for each race group, with the result that at the time of the transition there were massive inequalities in services, infrastructure and resources that had to be taken into account in redesigning a new system of government that would be able to meet the demands of equality and sustainable development. As a result, the demarcation process to establish new municipalities "prioritised issues of economy, class and race over gender."<sup>36</sup> It is worth noting that the sidelining of gender equality in new democracies, in spite of their declared commitments to it, is not unique to South Africa. Robinson cites Chile as another example where the opposition became the state with the advent of democracy, but "the oppositional nature of the women's movement remain[ed] unchanged. What is different is the nature of the state it confronts."<sup>37</sup>

The state in South Africa under apartheid was characterised by deeply entrenched patriarchy and (white) male authority. Furthermore, "this masculine state apparatus perceived its objects of administration to be male heads of households, keeping control over women" and this

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<sup>33</sup> Goetz and Hassim, 2003: 20

<sup>34</sup> Goetz and Hassim, 2003: 21

<sup>35</sup> Goetz and Hassim, 2003: 21

<sup>36</sup> Mbatha, 2003b: 190

<sup>37</sup> Chuchryk cited in Robinson, 1995: 7



masculine domination has endured to some degree in the post-apartheid era, “especially at the local level and in rural areas where traditional leadership is still strong.”<sup>38</sup> One of the results of this is that women’s organisations were not included in the negotiations on local government that took place in 1993-4 in the form of a Local Government Negotiating Forum (LGNF), in contrast to the manner in which the national and provincial institutions were negotiated. The restructuring of local government was regulated by the *Local Government Transition Act*, 209 of 1993, which emphasised the need to integrate a society fragmented by apartheid. While the Act encouraged the representation of women in local government, it failed to outline any mechanisms that could be used to facilitate this.

Mbatha argues that “women’s representation was a low priority in a context where there was tremendous competition for representation among business, residents’ associations, and ratepayers groups.”<sup>39</sup> Furthermore, in spite of the ANC’s commitment to a 30% quota for women on the party lists at national and provincial level, they were not prepared to extend this quota to the local party lists. Progressive civil society, which was represented by the South African National Civics Organisation (SANCO) in the negotiations, was formally committed to gender equality, but largely male dominated.

The LGNF was therefore split into statutory and non-statutory delegations, with the latter being constituted by SANCO as the umbrella body of the civic organisations formed in 1992 to replace the United Democratic Front (UDF). While a preliminary effort was made by SANCO to ensure a sufficient number of women were present at the negotiations, this effort failed, and “the few women who were appointed to the LGNF ... never managed to make a concerted impact on the proceedings.”<sup>40</sup> This was compounded by the fact that the LGNF itself was made up in such a way that it left out a number of groups with an interest in local government<sup>41</sup> – political parties, business groups and regionally based organisations were excluded along with women’s organisations. The Women’s Lobby requested representation, but were turned down because they did not meet the admission criteria. The argument that the Lobby put forward for their inclusion is a powerful one and worth noting:

*We are deeply concerned that there may not be sufficient numbers of women involved in this planning. We fear that issues with which women are even more familiar and knowledgeable than men may be overlooked. Local development must have the input of women interacting with men to achieve fundamental changes and improvement.*<sup>42</sup>

As a result the LGNF did not have any formal structure or method for including women, in contrast to the pressure placed on parties at the constitutional negotiations to include women in their teams. It was therefore not surprising that very few women were included as negotiators or in the advisory teams or working groups, with the result that gender issues were almost completely ignored.<sup>43</sup> This was to have serious implications for women’s representation in local government in the elections in 1995.

## 4.2 The 1995 and 2000 Elections

In the first democratic national election in 1994, women were to achieve 27.7% of the overall number of seats in parliament. 35.7% of the total number of MP’s returned by the African

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<sup>38</sup> Robinson, 1995: 9

<sup>39</sup> Mbatha, 2003b: 190

<sup>40</sup> Robinson, 1995: 9

<sup>41</sup> In order to participate in the LGNF, an organisation had to be nationally constituted, be a stakeholder in local government, and be part of either the statutory or non-statutory delegations.

<sup>42</sup> Cited in Robinson, 1995: 10

<sup>43</sup> Robinson, 1995: 10

National Congress (ANC) (which won an overall majority), were women.<sup>44</sup> However, this relatively high level of representation for women at the national level was not mirrored at local level, where women comprised only 19% of local government councillors in 1995/6.

As a result of this disparity, and in light of the recognition of women's importance in local government, there was a fresh round of activity in the run-up to the 2000 elections with a view to mobilising greater support and representation for women, which led to an increase in their overall representation at local level to 28.2%. According to SALGA's statistics, in 2003 this had increased slightly to 29%,<sup>45</sup> presumably as a result of a small number of councillors vacating their seats and being replaced (for which provision is made in Chapter 3, Part 1 of the Municipal Structures Act).

Mbatha credits the Gender Advocacy Programme (GAP) with having been the driving force behind these efforts. At the time of the formulation of the White Paper on Local Government of 1998, it appeared as if, like in 1993-4, issues of gender and women's representation would once again be glossed over. In assessing the Green Paper on Local Government, GAP criticised it for failing to list gender mainstreaming as a duty of local government, and pointed out that this was in contravention of the Constitution as well as South Africa's commitments under CEDAW. Furthermore they emphasised the importance of local government as a site for the equalisation of relations between men and women at community level.

Their recommendations were a reservation of seats for women by all parties according to a quota, and for consideration to be given to the numbers of women in local councils. They argued further for this quota to be backed up by programmes to assist with capacity-building, and financial support for independent women candidates. The ANC agreed to a 50% quota of women on the PR lists and while other parties did not, the concession that was won was the clause in the Municipal Structures Act of 1998 (cited above) that strongly encourages parties to increase the representation of women on their party lists to 50% where possible and to ensure that men and women are equitably distributed on those lists.

Many challenges remain to women's full and active representation in local government. What has gone before can help in identifying the existing challenges and devising strategies to address them. Most important among these are the mechanisms regulating access to political representation for women, such as the type of electoral system; social and cultural conditions that often discriminate against women; the support of political parties; and constraints of skills and experience.

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<sup>44</sup> Hassim, 2003: 105

<sup>45</sup> SALGA Survey: Statistics on Women in Local Government, July 2003

## 5. CHALLENGES TO WOMEN'S EFFECTIVE REPRESENTATION IN LOCAL GOVERNMENT

The aim of this section of the report is to outline what remain some of the pervasive challenges to women's participation in local government in South Africa. While we do not wish to be unnecessarily provocative, and nor do we wish to indicate that these obstacles cannot be overcome, we think that it is important to at least note that these challenges continue to exist. Recognising these challenges is a crucial step in overcoming them. These challenges are reinforced by the accounts of local government representatives who participated in this study, which are contained in section 6 of the report.

### 5.1 Women's Participation and Development

As is noted above, the local government framework put into place by the Municipal Systems Act and the Municipal Structures Act lays the basis for developmental local government. All local authorities are required to develop an Integrated Development Plan (IDP). While women's rights and needs are supposed to be ensured through women's participation in the process of creating IDPs, this does not always happen in practice. The problem here is not the legislative or policy framework regarding local government (although the imperative of women's representation could in some instances be made more explicit, as is described in section 3 above). The challenge is the implementation of these policies in a way which ensures that the voices of women are heard – not just as an additional consultation but as central actors at all stages of the process: from the formulation of IDPs, to decisions made in the implementation of very specific plans, for example where taps should be situated.

This poses a particular challenge to women councillors; especially those representing poor and rural constituencies, to take initiative in ensuring that women's interests are represented in the formulation of IDPs. As Patricia Cornwall remarks:

*Unless efforts are made to enable marginal voices to be raised and heard, claims to inclusiveness made on behalf of participatory development will appear rather empty. Requiring the representation of women on committees or ensuring women are consulted are necessary but not sufficient ... The ethic of participatory development ... is ultimately about changing relations of power that objectify and subjugate people.*<sup>46</sup>

So what is important about the participatory development approach is that it not only takes difference into account, but that it takes difference and gendered power relations seriously. This requires more than just women's representation in local government; it requires their effective participation.

### 5.2 Customary Roles and Traditional Authorities

Women's formal equality – equality before the law and as equal citizens – and the conflicting traditional role of women in African custom, remains a complicated matter in South Africa. At the time of the constitutional negotiations, it was agreed that African customary law should be subject to the equality clause in the Bill of Rights. Many traditional leaders, who comprise a powerful lobby, however vehemently opposed this. As a result, "the relationship between the clauses on custom and equality [in the Constitution] was not clearly articulated."<sup>47</sup> Consequently, in the post-apartheid era, women's rights as equal rights have not been as firmly entrenched as they ought to have been, owing to the reluctance on the part of the

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<sup>46</sup> Cornwall, 2003: 1337-8

<sup>47</sup> Albertyn and Hassim, 2003: 146

government and the courts to enforce these when they come into conflict with the powers of traditional leaders and claims of culture that discriminate against women.<sup>48</sup> This relates back to the observation made in section 3.1 that the Constitution itself does not indicate clearly which of these two claims should take precedence.

Shirin Motala has noted in particular how the dual recognition of the hierarchical claims of traditional leadership and women's equal right to participate in local government has created an obstacle to the effective representation of rural women. She refers to her research in Dannhauser, where women reported that the *amakhosi* had difficulty in listening to women's views, and she quotes one woman as saying: "*Amakhosi are known as oNdlovu kaiphikiswa – which means the elephant that you cannot disagree with.*"<sup>49</sup> Motala's research concentrated on a group of women development activists from Maluti / Matatiele, and on a second group of women from the towns and farming community around Dannhauser, Hattingspruit, and Durnacol. In response to the question, "what difference does it make to have women as councillors" some of the latter group of women replied that it made no difference at all, because the women councillors were "submissive or afraid to disagree with or question men."<sup>50</sup>

This observation poses a particular challenge for women councillors in areas where there are traditional authorities. On the one hand, they have to be aware of possible conflicts of interest and to be well-informed about new legislation relating to the roles and powers of traditional leadership, and how these relate to women's equal rights. On the other hand – and perhaps this is the far greater challenge – they have to develop the confidence and skills to articulate the needs and interests of the women in their community when they do come into conflict with the roles and powers of traditional leaders.

A recent development in this regard is the *Traditional Leadership and Governance Framework Act 2003* (adopted at the time of the writing of this report). The Bill which preceded the Act caused some consternation, especially amongst women's NGOs and advocates of women's rights in South Africa. The Women's Legal Centre (WLC) made a submission before the Provincial and Local Government Portfolio Committee on 25 September 2003. In particular, the WLC was concerned with section 2 of the Act (then a Bill, still being debated), which deals with the Establishment of a Traditional Community. The WLC argued that "wholesale adoption of customary law without examining practices that continue to militate against women's rights to equality offends the very same principles in the Constitution that it seeks to uphold."<sup>51</sup> They recommended that the Act should provide mechanisms to promote equality and prohibit discrimination, and provide for sanctions where the principle of equality was violated. The WLC pointed out other provisions of the Act relating to the powers and roles of traditional leaders that were in conflict with women's equal rights, and argued that the Act provided an ideal opportunity to rectify these once and for all.

However the Provincial and Local Government Portfolio Committee (PLPC) argues that the Act and its amendments

*constitute, we think, an intricate set of balances of the demands of the key stakeholders.*

*Essentially, they revolve around simultaneously enhancing the role of traditional leadership institutions and requiring them to be more transformative.*<sup>52</sup>

Getting the balance right between the powers of traditional leadership, and women's right to participate meaningfully in local government remains a potentially significant challenge to

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<sup>48</sup> See Bentley, 2003 and Mbatha 2003a: 5-7 for some examples of these conflicts.

<sup>49</sup> Motala, 2000: 19

<sup>50</sup> Motala, 2000: 18-19

<sup>51</sup> *Women's Legal Centre Submission on Traditional Leadership and Local Governance Framework Bill: 4*

<sup>52</sup> *Report of the Portfolio Committee on Provincial and Local Government on the Traditional Leadership and Governance Framework Bill, 29 October 2003*

women's effective representation in local government, and one will have to be monitored over time.

In this regard the PLPC, in reporting to Parliament on the Bill (before it was enacted), *noted that while the provisions for the transformation of the institution of traditional leadership conform with the Constitution, in particular its democratic and gender equality aspects, were adequate, they might not be in future. The Report recommended that the Bill should be reviewed over time to take account of this need. In particular, the Committee noted that the issue of gender equality as it applied to succession of traditional leaders needed to be addressed further.*<sup>53</sup>

There are therefore two challenges that face women representatives in this regard: They are faced with the challenge of overcoming cultural stereotypes about them as women, which may regard their role as women councillors as inappropriate; *and* they are confronted with the challenge of articulating the rights of the women in their communities that they represent when they come into conflict with patriarchal claims of traditional authority.

There are cases where women, and in particular women councillors, are themselves traditional leaders, but these tend to be the exception. According to Mbatha, with the exception of a few communities such as the Balovedu of Limpopo Province, "women do not have leadership rights under customary law."<sup>54</sup> This is problematic for achieving not only the adequate (numerical) representation of women in local government in areas where there are traditional authorities, but in addition it compounds the problem of the effective participation of women councillors once they are elected. This is because, as Mbatha notes in her earlier study "there is no established custom of female authority in community decision making" with the result that when women councillors become involved in issues, such as the allocation of land and provision of services, that may also fall under the jurisdiction of traditional authorities, "they complain about the condescension and contempt with which they are treated by [those] authorities."<sup>55</sup>

Of those interviewed for this study, none of the subjects was themselves a traditional leader, but one of the women mayors was the wife of a traditional leader. This subject remarked that her conjugal relationship with a traditional leader facilitated her access to those with traditional authority in her area.<sup>56</sup> For the comments of the other councillors interviewed for this study on the subject of the interaction between traditional leaders and women in local government, see section 6.3.2.

Mbatha, in a recent article on the Act, has emphasised gender inequality in the institution of traditional leadership, by commenting that while the Act has made provision for women to be allowed to succeed to positions of traditional leadership, it does not confront the problem of "why women do not participate in the institution of traditional leadership in the first place."<sup>57</sup> She goes on to comment that a flaw in the Act is that it presented an opportunity to set out explicitly how to achieve the objective of women becoming traditional leaders – "an implied suggestion that women may be traditional authorities does not fully satisfy the equality provision of the Constitution."<sup>58</sup> So what is necessary to remedy this would be for the Act to explicitly lay down not only the ways in which women may succeed to positions of traditional leadership, but perhaps also to, at least, strongly encourage their representation in this way in

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<sup>53</sup> *Report of the Portfolio Committee on Provincial and Local Government on the Traditional Leadership and Governance Framework Bill*, 22 October 2003:

<sup>54</sup> Mbatha, 2003a: 5

<sup>55</sup> Mbatha, 2003b: 199

<sup>56</sup> Interview 28 November 2003

<sup>57</sup> Mbatha, 2003a: 4

<sup>58</sup> Mbatha, 2003a: 5

adequate numbers. While there is a one third quota for women on traditional councils (over which traditional leaders will preside), there is no such quota for leadership positions. However, according to Yusuf Patel from DPLG, the new legislation is aimed at “loosening up” the traditional structures to ensure that there is greater involvement and participation of women in developmental issues,<sup>59</sup> and this will hopefully lead to a co-operative relationship between local government and traditional leaders, as well as facilitate the participation of women in traditional authorities.

There are no easy answers to the potential conflict between traditional leadership and women’s equality. While there are exceptions to the general rule that this poses a challenge to women’s representation and effective participation in local government, it is nevertheless important to bear in mind that these institutions have the potential to hinder women councillors in carrying out their role in local government and also that they have the potential to perpetuate culturally embedded stereotypes about women’s capacity for leadership. It is therefore critically important that traditional authorities are themselves co-opted to support greater representation and more effective participation of women in local government, and that they are encouraged to see women local government councillors as playing a co-operative, rather than an oppositional role, with regard to their areas of authority.

The related issue of access to land by women is also of crucial importance. One of the areas to be monitored in coming years is the implementation of the *Communal Land Rights Bill* (which is a closely related and complementary piece of legislation to the Traditional Leadership Act), which gives women the right of access to land, but at the same time leaves considerable power in the hands of traditional authorities. Various NGOs and paralegal bodies have raised concerns about this Bill, and whether through strengthening the role of traditional authorities it will result in the further disempowering of women, especially poor rural women, who are the most disadvantaged section of the population. This Bill, when it comes into operation (presumably later this year as it is currently in progress in Parliament) will operate in tandem with the Traditional Leadership Act. While further comment in the Land Rights Bill is premature, and beyond the scope of this study, it must be flagged as a critical area of concern for SALGA in the future in so far as women’s participation in local government is concerned, because it is one of the areas in which local government and traditional leaders will have joint (potentially conflicting) competence.

### **5.3 Capacity and Training**

This was the key challenge to women councillor’s effective participation in local government that was identified by Yusuf Patel from DPLG. Mr Patel remarked that the challenge is to move forward beyond representation to find women who have the requisite skills and capabilities to meet the demands of developmental local government and who have the confidence to “stand their ground.”<sup>60</sup>

The key challenge identified here is that once women are represented in local government structures, they often do not have the capacity to be effective in influencing policy decisions and representing the interests of women. Nor is this problem confined to women representatives or staff; many men in such positions in local government have not been given the tools and information required in order to understand gender policies, consult effectively, and implement and monitor municipal programmes in a way which takes gender into account. Mr Patel referred to this as a “generic capacity building challenge.”<sup>61</sup>

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<sup>59</sup> Interview with Mr Patel on 3 February 2004

<sup>60</sup> Interview with Mr Patel on 3 February 2004

<sup>61</sup> Interview with Mr Patel on 3 February 2004

Despite being in the position of public representatives, many women councillors fail to represent their constituents effectively. In many cases this is due to a lack of capacity, skills or training; in other cases it is due to a lack of confidence or leadership skills. Many of those consulted emphasized the importance of capacity-building in a number of areas: skills such as computer skills, public speaking, facilitation and mediation; and skills relating to accessing information, understanding legislation and interpreting policy. The issue of skills is closely linked to that of confidence which is remarked upon in more detail in section 5.6 below. See also sections 6.3.3 and 6.3.6 for the narrative accounts of women local government councillors on how they perceive these related challenges.

#### **5.4 The “Cinderella Tier”<sup>62</sup> – Lack of Resources and Commitment**

Another of the key challenges to gender equity at local government level is the lack of resources, especially in those municipalities serving impoverished rural communities. Such municipalities, as well as those serving bigger metro councils where they have to ensure equitable and consistent delivery to diverse populations, are coming under enormous demands, especially in regard to service delivery. The challenge here is to ensure that gender is *mainstreamed* in local government using an integrated, developmental approach. For this to happen, all people involved in local government need to become developmental. For example, the requirement of formulating an Integrated Development Plan, while a worthy objective, is useless unless there is a solid commitment by all involved in a local authority, and the IDP is not seen simply as another burdensome process that has to be endured.

Additionally, in terms of the allocation of resources and the commitment of staff to gender issues, it is not acceptable that gender is given a limited space as a “subcommittee of community development” which is in turn a “subcommittee of social development!”<sup>63</sup> Far from mainstreaming gender issues, this approach is one that marginalizes women and creates special but small and inherently limited spaces in which they can find a voice.

As for local government being the “Cinderella Tier” – it is regrettable that although local government is the closest to the people in terms of its functions, it often has the least resources required to meet the demands and needs of the people on the ground. Local governments are always caught in a dilemma of trying to raise revenue from the poor in order to cover the costs of the services they provide, and at the same time relying on central government for resources to cover other costs.

Local government in 2003-4 has been allocated just 3.3% of government revenue, compared to 40% for national government and 56.7% for the provinces. However, according to a report of the Department of Provincial and Local Government, “local government generally has more fiscal capacity than the provinces”<sup>64</sup> as local government raises on aggregate about 90% of their own revenue through the levying of property taxes, levies on businesses, user charges, and the provision of electricity and water. But, as the report goes on to note, “although budgeting on the expectation of collecting all their revenue, many municipalities do not collect a significant portion of revenue due. This results in deficits at the end of the financial year.” What this means in reality is that many municipalities are grossly under-resourced in terms of their ability to generate revenue, and as a result to perform the duties assigned to them.

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<sup>62</sup> This term was used by Shireen Hassim to describe the under-resourcing of local government in an interview on 18 November 2003.

<sup>63</sup> This example is of the Cape Town Unicity, the example being given by Colleen Aspel of the Gender Advocacy Programme in Cape Town in an interview on 28 November 2003.

<sup>64</sup> *The Intergovernmental System in South Africa*. Department of Provincial and Local Government (DPLG) Research Paper, July 2002: 4

Municipal budgets usually do not disaggregate expenditure on the basis of gender, so it is hard to tell how women are benefiting from service delivery or development projects, and whether there are discrepancies based on gender. Specific budget allocations for gender units or a gender forum, and for monitoring gender equity and women's participation, are seldom made. This poses a particular challenge for the effective participation of women councillors in local government because it consigns gendered issues that ought to be mainstreamed to the periphery as nice-to-have (but not necessary) add-ons, rather than essential elements in developmental local government (see section 2.3).

## 5.5 The Nature of the State and the Electoral System

South Africa is still grappling with the legacy of the apartheid state as having entrenched both gender and racial hierarchies. As we have noted above, these can have a particularly negative impact on women's ability to engage effectively as representatives in local government, particularly poor black women, and women in rural areas. According to Yusuf Patel, local government has traditionally been a sphere of white male domination (see section 4.1 above), and the concept of local government, in contrast to today's developmental and participatory focus, was largely defined in terms of towns and urban centres. The result of this was that many rural areas were not included, as they fell under the system of homeland administration. The result of this is that for many people, in particular those in rural areas, the experience of local government is a relatively new one, and one in which they are learning to participate fully.<sup>65</sup>

Another element worth noting is that the process of demarcation has affected the revenue raising potential of some municipalities. This means that, as is outlined in section 5.4, while all municipalities receive an equitable share of the state's revenue, not all are equally able to generate the large portion (as much as 90%) of their revenue which they require to deliver services, as well as determine which policies to prioritise.

Furthermore, while decentralisation of the state is supposed to facilitate greater participation of women in local government, in reality, a strong women's movement can be fragmented at local level (as is discussed in 4.1 above), owing to the competing interests and pressures facing women representatives. As Goetz and Hassim remark:

*In many contemporary decentralisation efforts, there is a contradiction between the greater power enjoyed by traditional – and often culturally conservative or ethnically defined – local elites under new institutions of decentralised governance, and the notion that previously subordinated groups ought to participate in decision making.*<sup>66</sup>

This point is made with reference to women's political participation in Uganda and South Africa. However, linking this with section 5.2 above, and with particular reference to women in local government in South Africa Goetz and Hassim note that:

*Women's organisations have accused the Department of Local Government of placing the accommodation of traditional authorities above the interests of ordinary citizens, and have pointed out that the way traditional leaders decide on issues of land access and service delivery discriminates against women.*<sup>67</sup>

This relates to decentralisation as a possible obstacle to women's representation because the prioritisation of women's equal rights at the level of national and provincial government has yet to "trickle down" as effectively to the level of local government.

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<sup>65</sup> Interview with Mr Patel 3 February 2004

<sup>66</sup> Goetz and Hassim, 2003: 22

<sup>67</sup> Goetz and Hassim, 2003: 22



One of the most important factors that impacts on women's effectiveness as political representatives, according to Mbatha, is the electoral system.<sup>68</sup> The current electoral system in South Africa is run on the principle of proportional representation – political parties put forward a list of candidates for election, and the number of seats or representatives they are allocated in government depends on the percentage of the vote the party gets. This system applies to national and provincial elections at present. There is a certain advantage in this system for increasing women's representation, as parties that are committed to this may take the initiative of putting forward a large number of women for election, in high enough positions on the list that they are bound to be elected. The disadvantage is that voters have no direct say in who is elected to represent them – they can only be involved in selecting the candidates if they become active in party branches.

The situation is somewhat different with regard to local elections. Here, some candidates are elected on the basis of party lists, and others to represent wards. Ward councillors are thus directly responsible to their constituencies, and they are supposed to be held accountable through ward committees, which are designed to ensure that councillors have a channel of communication with the various interest groups in their constituency. If women are adequately represented – both through women's organisations and through other formations of civil society – the ward committees can be an effective means of ensuring the voice of women is heard in local government. Similarly, if there is a strong women's lobby or women's league in a political party, it can ensure that women are put forward for election on the party list. As is noted in section 4.2 above, the ANC is committed to a 50% quota of women (*on the party lists*) for local government elections, and in terms of the Municipal Structures Act, all parties are encouraged to increase the representation of women on their party lists to 50%, and to ensure that men and women candidates are distributed equitably on the list. The challenge here is to ensure that women *are* effectively represented in both these systems. It is all too easy for women's interests to be subsumed by political jostling for power, rivalry between different interest groups, or simply lost in the general competitiveness over access to power, whether in the form of positions on a list or in a council, or in the form of access to financial or decision-making power.

The political will of parties to ensure representation of women is crucial here – and where that political will is not present, women's organisations may resort to lobbying to try and ensure that parties represent their interests adequately. Some political parties, including the ruling ANC, are committed to ensuring that one-third of all candidates, at all levels of government, are women. The Gender Advocacy Programme has campaigned for half (50%) of local government representatives to be women, arguing that it is especially important to increase the influence of women at the local government level.<sup>69</sup> Democratic Alliance Member of Parliament Sheila Camerer noted that municipal budgets and policies are influenced by women in proportion to their numbers in such a forum, and that after a "tipping factor" (25-30%) is reached this influence tends to grow exponentially.<sup>70</sup> These points would support the argument that parties should aim to include women as more than one-third of their candidates.

The challenge does not end with getting women elected, however. While women may be relatively well-represented through the list system, because of the political will of the majority party, the challenge is for these councillors to be effective and not perceived as somehow secondary because they were placed on the list because of the requirement for a certain percentage of councillors to be women. In other words, while the number of women represented is significant – and lobbying of political parties to ensure this is still necessary –

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<sup>68</sup> Mbatha, 2003b: 196

<sup>69</sup> Interview with Phumeza Qeqe, Gender Advocacy Programme, Cape Town, 28 November 2003.

<sup>70</sup> Correspondence from Sheila Camerer, 5 November 2003.

the challenge is to go beyond numbers and ensure that women are empowered to be meaningful representatives at local government level.

Mbatha emphasises this problem by pointing out that “there are different role expectations for the different types of councillors” because the ward representatives have a more direct representative relationship with an identifiable constituency, while the PR councillor “is the watchdog of the council whose responsibility is to ensure that the council is implementing policies and that communities are aware of the local council’s duties.”<sup>71</sup> However, her study reveals that communities do not make this distinction, but rather expect all women councillors to be concerned with addressing the needs of women. This is not ideal because political parties, both in South Africa and in other countries, are reluctant to front women as ward candidates, preferring to concentrate women candidates in the PR lists (which relates to an attitudinal distrust of women candidates on the part of both parties and voters, which is discussed below). This relegates the PR candidates to a second-class status, and also makes it difficult for PR candidates to establish “effective linkages [with] and accountability [to]” the community that they represent.<sup>72</sup> And so inevitably if the majority of women are consigned to the role of PR rather than ward candidates, it serves to perpetuate the stereotype of them as less efficient, less competent, and therefore unreliable as political representatives. And this problem is compounded, as is noted in section 3.2.3 above, because the role of ward candidates is more clearly defined and they have by definition a closer relationship to the community through the ward committees, while the PR candidates have neither a clearly defined role, nor a relationship to a ward.

This may all seem rather confusing: On the one hand, it is argued that the PR system, and a mixed PR and ward system at local level, is good for getting larger numbers of women represented. On the other hand it is argued that the mixed PR and ward system at local level contributes to relegating many women councillors to a “second class” status because they are concentrated on the party lists rather than being fronted as ward candidates. However the problem here is less one of there being two different kinds of candidates, but rather the way in which those candidates are treated by their parties, and therefore perceived by the electorate. In order for women’s numerical representation to lead to their effective participation in local government, whether they are ward or PR candidates, a more equal role and status needs to be allocated to both these kinds of councillor. To do this quotas would be required of all parties for the inclusion of women on their party lists (see sections 6.4 and 7.2.3 below); and, as is argued in section 3.2.3 above, the role and function of PR candidates needs to be spelled out in more detail and made equivalent in terms of its community involvement and accountability to that of ward candidates. Finally, consideration should be given to strongly encouraging all parties to front women as ward candidates in equitable numbers, if not even requiring this in the form of a quota.

## **5.6 Social Barriers to Women’s Participation in Local Government**

The effective participation of women in local government is confronted with a great challenge with respect to the prevalent attitudes to women in our society. As Mbatha remarks:

*Although the electoral system may facilitate increases in women’s representation, it cannot be a guarantee of the effectiveness of women councillors in articulating women’s interests in decision making. The conditions for effectiveness are set by rather more intractable factors [including] cultural norms and expectations of women’s roles.*<sup>73</sup>

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<sup>71</sup> Mbatha, 2003b: 196-7

<sup>72</sup> Mbatha, 2003b: 197

<sup>73</sup> Mbatha, 2003b: 201

Patriarchy is prevalent, to some extent, across the spectrum of South African society,<sup>74</sup> and this means that people hold assumptions and beliefs that run counter to the equality of all that is guaranteed in our constitution. Some of these assumptions and beliefs are based on ideas about the inferiority or incapacity of women; some are based on traditional or cultural notions of what roles women should play in society. Many people – not only men, but women too – do not believe that women can effectively hold positions of power in society, or that they should hold such positions. Many men feel threatened when women do hold positions of power, and women may feel weak and unable to challenge men who hold positions of power. Such attitudes inform and reinforce the social barriers to women's effective participation in local government. The roles which women are still required to play in the private realm – as wives, mothers, homemakers and providers – place limitations on their capacity to be effective in the public realm. Such limitations relate to both time and place, and to the amount of energy and stress that women have when required to juggle responsibilities in both of these realms.

Women often accept the roles which society and culture assign them: doing the domestic chores, the childminding, the grassroots work of building organisations or working in development projects at grassroots level. Women are often sidelined by being allocated sewing and baking projects, for example; rather than having a say in hard issues which affect the whole community, such as budget allocations, policing, or service provision. As Albertyn and Hassim comment, "it is often the dominant social and cultural norms of society that constitute formidable barriers to the enjoyment of the rights entrenched in the law."<sup>75</sup> This is not dissimilar to the challenges to women's representation and participation in local government sometimes posed by the institution of traditional leadership (described in section 5.2 above).

Women councillors may also sometimes be assigned roles in committees relating to health and welfare, which are considered to be traditionally within women's domain.<sup>76</sup> Control of resources – land, finances, housing – has traditionally been men's domain and men feel especially threatened when women demand some say over allocation of such resources. In addition, women may lack the confidence or skills to participate in decision-making in government (see section 5.3 above). While the problem of skills is not exclusive to women – after all many men may also be deficient in the skills required to be an effective local government representative – the lack of skills experienced by some women is compounded by a lack of confidence in challenging those in positions of power about policy decisions.<sup>77</sup> In support of this, see the accounts given by local government representatives in sections 6.3.3 and 6.3.6 below. A further challenge is raised in relation to municipal staff and those involved in the training and education of professionals in our society. Are town planners, engineers, public administrators and accountants trained to see policy and implementation of policy through a gendered lens? The curricula for such training need to be revised to ensure that gender is mainstreamed so that professionals in local government are equipped to respond to gender issues.

All of these points are well supported by the councillors interviewed for this study. In the following section we consider the experience of women in local government from the perspective of local government councillors, by way of example of the issues raised here. The case studies are by no means meant to be representative in a scientific sense. Rather the narrative accounts that are offered below serve to reinforce the account of the challenges to women's effective representation in local government outlined here, and also serve as a guide to developing some strategies as to how these may be overcome.

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<sup>74</sup> Ginwala, 1991: 65; Robinson, 1995: 8-9

<sup>75</sup> Albertyn and Hassim, 2003: 150

<sup>76</sup> Maharaj and Reddy, 1996: 157-8

<sup>77</sup> Mbatha, 2003b: 202-203; Maharaj and Reddy, 1996: 153

## **6. NARRATIVE EXAMPLES OF THE CHALLENGES TO WOMEN IN LOCAL GOVERNMENT**

### **6.1 Outline, Scope and Objectives of the Study**

This section of the report examines women's representation and participation in local government in selected local and district municipalities across the country by presenting the verbatim perspectives of local government representatives. In the first round of interviews (November-December 2003), the study focused on women mayors and executive mayors in different municipalities because these women wield significant influence in the decision-making and policy-making processes of local government. These women mayors and executive mayors are by no means a representative sample of women in local government - a more representative countrywide study of all women councillors needs to be conducted in future, preferably just before or immediately after the 2005 local government elections. However, given the limited time available for conducting the research, we contacted a selection of women mayors, executive mayors to understand their perspectives regarding the issue of women's participation and representation in local government. As is indicated in section 1, they are regarded as paradigm cases of the problems facing women representatives in local government.

A second round of interviews was conducted in January 2004 to supplement the inputs of the earlier participants and to expand on their views from the perspective of ordinary local government councillors. To this end, 6 councillors - 2 each from the categories of ward, proportional representation (PR) and independent candidates - were selected and interviewed, half of them males. Again, these are by no means a representative sample but, their views were added to obtain additional comments on women's representation in local government from councillors at "grassroots" level. No doubt a future more representative survey will generate greater insights.

The aim of these interviews was to gain first-hand knowledge based on the experiences of the councillors interviewed on these issues. Overall, while those interviewed gave mixed responses to questions about their experiences of women's representation and participation in local government structures, there were common elements in many of their responses. For instance, several women indicated that the post-1994 political changes in the country had enabled women to score a number of victories in terms of their representation and participation; but many others stated that the situation of women had not changed significantly in terms of the challenges to their effective representation in local government. They attributed this to, among other things, patriarchy, women's multiple roles (e.g. woman as mother, mayor, leader, manager, etc.), lack of skills, and what a few women bluntly referred to as "oppression by men." In this regard, South Africa's case is not unique or different from that of other countries in southern Africa and elsewhere where women still struggle for equitable representation in their countries' socio-economic and political structures.<sup>78</sup>

The objectives and scope of the research (telephonic interviews) were to:

- collect inputs from the women mayors, executive mayors and other local government councillors on women's participation in local government

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<sup>78</sup> Shaul, 1982:495-7.

- identify the support that municipalities provide to women representatives
- look at challenges that constrain women's participation in local government
- find out what is being done to enhance women's participation at this level; and
- find out what the women local government representatives themselves understand about women's participation and representation in local government

## 6.2 Approach and Methods of Data Collection

This research was conducted using a questionnaire (see appendix, Figure 3) as the basis for interviews with representatives from selected municipalities. Our experience was that the response rate of mailed questionnaires to mayors, executive mayors, and other individuals, is extremely low. This is for a variety of reasons, such as lack of time that they have owing to their busy schedules, the numerous crises that characterise local government, respondent fatigue, and too many meetings both in the mornings and afternoons. Thus we decided on one-on-one telephone interviews with the respondents in order to ensure a higher response rate.

In addition to a survey of the literature on women in local, national and international governance, we chose to interview women mayors and executive mayors as well as selected grassroots councillors. We selected half of the executive mayors in the database.<sup>79</sup> Through a purposive sample<sup>80</sup> we selected the local and district municipalities in the list, taking care to include a reasonable mix of both urban and rural areas in all provinces. An attempt was made to avoid interviewing respondents in the same districts and to include municipalities in each of the provinces (at least two municipalities per province). Whenever we failed to obtain an interview,<sup>81</sup> we added extra names and municipalities based on a process of substitution. Each candidate was given a number and through random selection they were selected for interview.<sup>82</sup> Altogether we conducted 22 interviews with local government elected representatives: 19 women councillors in leadership positions (4 executive mayors and 12 mayors in the first round of interviews and three grassroots level councillors from the ward, PR and independent categories in the second round) and 3 male councillors (1 each from the ward, PR and independent categories, also in the second round).

Owing to the geographical spread of the respondents,<sup>83</sup> the most expedient, if not always the most thorough, method of collecting data was through telephone interviews. The questionnaire (9 questions, see appendix, Figure 3) was read out to all respondents during a 15-20 minute interview.

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<sup>79</sup> The selection was made using SALGA's July 2003 Survey on Statistics on Women in Local Government, which was compiled based on the results of the 2000 local government elections. At the time the study was conducted, 55 of the 284 Municipalities in South Africa were led by women (mayors and executive mayors).

<sup>80</sup> As indicated, the time constraints for conducting the research were such that the idea was not to produce a representative sample, but a manageable number of women mayors, executive mayors and some grassroots level councillors, spread fairly across the country, which could serve as a pilot basis for future research.

<sup>81</sup> This occurred for various reasons: either a blunt refusal (1 only), non-availability, or polite dismissal.

<sup>82</sup> The grassroots (male and female) ward, PR and independent councillors included in the survey were identified from the SALGA database and selected through a purposive procedure that sought to identify councillors in each of these three categories, also taking care to balance urban and rural municipal areas or councils.

<sup>83</sup> The respondents were based in all of the country's nine provinces.

### 6.3 Subjects' Perceptions of the Challenges to Women in Local Government<sup>84</sup>

Below are some narrative examples given in the interviews of the challenges to women's participation in local government. It is important to emphasise that these statements represent entirely *subjective* opinions, as they are a selection of verbatim responses from the councillors themselves. They do *not* represent the views of the researchers and nor did we make any attempt to "put words in their mouths." Where a similar response was given frequently by a number of those interviewed, their comments have been summarised.

It is therefore salient how these perceptions support and illustrate the challenges to women's representation and participation in local government identified and outlined in section 5 above. For the sake of clarity – and to emphasise the connection between the literature on the subject and the subjective perceptions of the councillors we interviewed - we have clustered their responses under the same headings as were used in section 5. These two sections therefore need to be read in conjunction, with these examples supporting and illustrating the comments made in section 5, from the perspective of the councillors whose actual experience is reflected here.

Of course some issues are more frequently identified than others, while some are dealt with in less detail. The frequency of the responses to the different challenges may serve as an indication of their subjective importance. We have also endeavoured to include both positive and negative responses to present as balanced and impartial a view as possible. Furthermore, these categories are not hermetic and necessarily distinct from one another, and so there may be areas of overlap between them. We have nevertheless tried to summarise and group them as clearly as possible according to the categories of challenges to women's representation and participation in local government that were identified in section 5.

In order to protect the anonymity of those who agreed to participate in the study, we have included information only on the provincial location of the municipality in question (so as to reflect the wide geographical spread of those consulted) and the date of the interview. The actual identity of the subjects in each case is known only to the researchers who conducted the interviews.

#### 6.3.1 Women's Participation and Development

In section 5 above we outlined the challenges that women face in gaining representation and effective participation in local government, in particular rural women in poor areas, who may have problems of access both in terms of their ability to participate, but also in getting to council meetings, etc.

One of the subjects from a local municipality in the Northern Cape had this to say:

*"women are physically far removed from where the activities of development occur; women are not given opportunities; they feel intimidated by men whenever they are in council meetings."*<sup>85</sup>

On the other hand, a positive response to the issue of development and women's participation was received from an interview with a representative from a local municipality in Limpopo:

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<sup>84</sup> See the appendix, Table 4, for a quantitative and qualitative summary of the responses.

<sup>85</sup> Interview 28 November 2003

*“Our municipality does respond to women’s concerns and includes their views in budgets and policies, and we have a gender policy that deals with relevant matters.”<sup>86</sup>*

On the whole, the rather complicated and nuanced relationship between women’s participation and developmental local government was not commented upon in much detail. The respondents had far more to say on other issues!

### 6.3.2 Customary Roles and Traditional Authorities

Some councillors specifically commented on the issue of the relationship between women councillors, mayors, and executive mayors; and traditional leaders. Others did not deal directly with the traditional leaders, electing not to talk about the issue. However, those who did speak about women’s representation in local government structures in the areas under the jurisdictions of the traditional leaders highlighted the difficulties experienced by some women local government representatives in dealing with issues pertaining to gender equality.

A subject in Limpopo stated, with reference to her relationship with the traditional leaders in her area,

*“In this province the tradition of oppressing women is still there... and there is still resistance to gender equality, although the ruling party is making attempts to bring this about.”<sup>87</sup>*

Another participant in the same province stated,

*“The oppression by men that we experience means that for a woman to go to the chief on her own is still seen as unacceptable.”<sup>88</sup>*

This view was corroborated by another participant in KwaZulu-Natal who said,

*“women are still suffering in my municipality; for a woman to approach a King is not easy. You still need to organise a man to be able to do that.”<sup>89</sup>*

As is indicated in section 5, none of the respondents (male or female) that participated in the study were themselves traditional leaders. One woman who is married to a traditional leader was generally supportive of the role of traditional leaders in her area although she also stated that more women are needed in the municipal councils to ensure equity.

On the subject of traditional leadership and how this potentially poses a challenge to women councillors’ representation and participation in local government, a respondent from Limpopo remarked:

*“[some] women mayors’ relations with traditional leaders are often strained when discussing controversial topics on tradition and culture, such as ‘dikoma’, male circumcision schools, [which] are seen as a taboo subject for women in Limpopo province.”<sup>90</sup>*

Another subject, also from Limpopo, remarked that

*Some traditional leaders in Limpopo do not accept that women can go to the kraal (chief’s residence) and sit with them as equals.<sup>91</sup>*

Similar comments were made by a (male) councillor in KwaZulu-Natal,<sup>92</sup> who cited an example of the *amabandla* gatherings in which women are required to sit some distance from the men at the traditional leader’s court, and where women are usually quiet and subservient.

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<sup>86</sup> Interview 28 November 2003

<sup>87</sup> Interview 27 November 2003

<sup>88</sup> Interview 28 November 2003

<sup>89</sup> Interview 28 November 2003

<sup>90</sup> Interview 27 November 2003

<sup>91</sup> Interview 28 November 2003

<sup>92</sup> Interview 19 January 2004

### 6.3.3 Capacity and Training

A number of respondents commented on this particular challenge to their effectiveness as local government representatives. One of the subjects from KwaZulu-Natal identified a *“lack of skills [and] inferiority complex”* as posing a particular challenge to her participation in council.<sup>93</sup> In so far as this affects women councillors’ confidence, a Western Cape respondent elaborated, saying that

*“we still experience male oppression and domination by men in council; women feel intimidated and would rather keep quiet in council meetings because of bullying tactics by men.”*<sup>94</sup>

“Lack of skills and confidence” was a recurring response from several women interviewees. These interviewees did not suggest that *only* women lack skills but their aim was apparently to emphasise the effect of the apartheid legacy’s exclusion of women, especially black women, from positions of power and influence. For instance, one woman councillor in KwaZulu Natal blamed the lack of confidence on the misconception that, *“women don’t have brains and must stay at home [rather than occupy public office].”*<sup>95</sup>

This was backed up by a subject in Limpopo who identified

*“fear, especially stage fright; and lack of confidence and assertiveness.”* This subject went on to comment that

*“some women mayors experience problems with their (male) Municipal Managers, apparently because the woman was appointed as a token or window-dressing measure.”*<sup>96</sup>

This comment was made with reference to a woman who was selected by her political party as an attempt to cater for gender representivity in a particular municipality by bringing in women candidates, but some male party members did not enthusiastically support this move.

However, another interviewee, a male councillor in Gauteng, disagreed, arguing that men and women were the same and performed the same tasks in local government.<sup>97</sup>

Illiteracy was also identified as a challenge to women representatives by many of the respondents, who particularly noted that in many rural (and some urban) areas a number of women are illiterate or semi-literate, and that this compromises women’s ability to be effective representatives and participants in local government generally, and in the councils specifically. In this regard see section 3.2.1 where the problem of lack of access to education for, in particular, black South African women is mentioned as part of the content of South Africa’s report to CEDAW.

Finally, as a point about women’s capacity to be effective local government representatives, a subject in Limpopo remarked that *“local government work is too demanding and often conflicts with women’s multiple roles in society.”*<sup>98</sup> While this is closely related to the issues raised in the section on social barriers to women’s participation, it is worth noting here too.

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<sup>93</sup> Interview 28 November 2003

<sup>94</sup> Interview 28 November 2003

<sup>95</sup> Interview 20 January 2004

<sup>96</sup> Interview 28 November 2003

<sup>97</sup> Interview 20 January 2004

<sup>98</sup> Interview 27 November 2003



#### 6.3.4 Lack of Resources and Commitment

A few of the participants commented at any length on the under-resourcing of local government, and the related problem of the slowness of the “trickle-down” of gender equalisation at national and provincial level to local level.

However, a respondent from the Free State remarked that *“Municipalities are not as sensitive to gender issues as they should be.”*<sup>99</sup> This comment was made in light of policies and legislation that are seen to be gender sensitive or “women friendly” but which are largely concentrated at the provincial and national levels.

Another participant, from Limpopo, commented on the under-resourcing of their municipality and how this compromised their ability to address issues raised by councillors that respond to women’s needs:

*“In my municipality budgetary and policy issues do not include women because we seriously need money to start projects, but the budget allocated is not enough. I think municipalities are not responsive or sensitive to gender issues.”*<sup>100</sup>

#### 6.3.5 The Nature of the State and the Electoral System

A handful of those interviewed dealt with these challenges, although they were not questioned directly about it - the interviews were focused on their day-to-day experiences, rather than the manner in which they were elected. However reference was made by an interviewee in the Northern Cape to *“the apartheid legacy of the past [when] women were seen as being fit only for the kitchen and they are visible only at lower levels within the local government councils.”*<sup>101</sup> This relates to the historically racist and patriarchal state, outlined in sections 4 and 5, which has left an imprint on South African institutions.

Some of the interviewees also commented on the role of political parties and the effect that this has on women’s representation and participation in local government. The interviewer did not seek to identify the respondents’ party affiliations. However, a few participants stated that their political party creates opportunities for women’s representation, a possible reference to the ANC because in the 2000 local government elections the ANC was, as has been noted, *“the only party to use a formal quota.”*<sup>102</sup>

The issue of quota’s as a recommendation is commented on in section 7, but it is interesting to note here the comment of one of the Free State participants:

*“There is a need for a quota system to ensure women’s participation in senior positions of local government; and to build women’s assertiveness by encouraging them to apply for advertised posts, because women do not always apply whenever senior posts are advertised as they lack confidence to do so.”*<sup>103</sup>

How the increased representation of women in the administration would improve the representation and participation of women in council is outside of the scope of this report, but the relationship between the administrative (appointed) and political (elected) officials in all

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<sup>99</sup> Interview 28 November 2003

<sup>100</sup> Interview 28 November 2003

<sup>101</sup> Interview 28 November 2003

<sup>102</sup> Mbatha, 2003b: 195

<sup>103</sup> Interview 28 November 2003

three spheres of government in South Africa has to be mutual if democracy is to function efficiently.

Furthermore, as many of the women councillors we interviewed mentioned that they are undermined by their municipal managers, it is an issue that is at least worth raising here. As one councillor from the Western Cape put it

*“From the politicians side there is commitment and responsiveness to gender equality, but from the side of the officials we still experience problems to reverse gender disparities.”<sup>104</sup>*

With reference to appointed officials, one interviewee from Limpopo stated:

*“Whenever a woman is appointed to a position of responsibility, men will pursue her and try to find mistakes to use as a basis for her dismissal.”<sup>105</sup>*

While this is relevant to the nature of the structure of local government (and therefore the decentralised nature of the state) it also links to the challenges faced by women in terms of attitudes towards them, which are described in their words in the following section.

### 6.3.6 Social Barriers to Women’s Participation in Local Government

By far the most pressing issue for those that were interviewed were the social barriers to women’s effective representation and participation in local government.

According to a participant from the Free State, women are constantly confronted with prejudice against them as women in a male-dominated environment. This had the result of

*“leading to no respect for women’s opinions, non-visibility of women and their inability to gain access to senior positions. Women face more problems at senior levels in the councils.”<sup>106</sup>*

A large number of the respondents expressed these sentiments stating that women’s general absence (or low number) in many councils across the country led to this “non-visibility,” which also emanated from a subtle way of excluding them from top positions. They also added that it is at senior levels (i.e. both administrative and political) where women experienced the greatest problems in local government.

A Limpopo respondent stated that

*“men undermine women’s leadership, especially where a woman supervises them.”<sup>107</sup>*

This comment refers both to political representatives and administrative officials. Several women mayors and executive mayors stated that the position of municipal manager in councils was often occupied by men and wondered whether this was merely coincidental (which relates to the section above). They also mentioned the frustration of having to deal with the gender dynamics of men who sometimes rely on male networks at work to clandestinely resist women mayors’ proposals or programmes.

Mention was also made of the fact that women have to exceed a certain standard in order to show themselves to be capable of holding positions in local government, and in addition that

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<sup>104</sup> Interview 28 November 2003

<sup>105</sup> Interview 28 November 2003

<sup>106</sup> Interview 28 November 2003

<sup>107</sup> Interview 27 November 2003

certain issues are regarded as not within their competence but rather the exclusive domain of their male counterparts, which reinforces the observations made in section 5.6. A participant in the Northern Cape summed up these points in the following way:

*“Women must prove that they have potential and are capable. To succeed, they must try to behave like men. Women rarely handle issues that are “men led” e.g. finance.”<sup>108</sup>*

Further support for the claim that women are assigned roles that are perceived to be “feminine” came from a councillor in KwaZulu Natal who argued that

*“men tended to band together and usually selected only their buddies for council committees.”*

But she was quick to add that women must fight such stereotypes and

*“show what they are capable of.”<sup>109</sup>*

Many women also made mention of the – obvious but worth reiterating – fact that social norms require multiple roles of women, that make it very difficult for them to participate in extra activities, and so women’s effective participation in local government is necessarily compromised by the multiple demands of mother, care-giver, breadwinner, and homemaker. As it was concisely put by a participant from KwaZulu-Natal,

*“women have to do much more than men.”<sup>110</sup>*

#### **6.4 Strategies identified by the Subjects to Enhance Women’s Effective Representation**

The following were identified by the respondents as both workable and necessary strategies to combat the difficulties and obstacles to women’s effective representation in local government. They are worth noting in light of the recommendations contained in section 7 of the report, as the perceptions illustrated here closely mirror the expert opinions that inform the recommendations of this report.

Firstly, a comment was generally made that women need legal advice and training. This comment was made in light of the volume of current legislation and policies formulated since 1994 relating to local government and specifically to women’s rights therein. Many women local government representatives are uncertain about the legal intricacies and technicalities relating to women’s empowerment, representation and participation in development and in local government.

Another suggestion was the setting up of a gender or women’s forum both inside and outside the local government councils (see section 7.1.3.1 where this suggestion is considered in more detail) and targeting men in organisations as part of advocacy programmes. This point was particularly emphasised by a respondent in the Western Cape, who wanted to stress the need to target men in gender advocacy programmes to disseminate gender equality information to them as well.<sup>111</sup> Her argument is supported by the following quote from an interviewee in Limpopo:

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<sup>108</sup> Interview 27 November 2003

<sup>109</sup> Interview 20 January 2004

<sup>110</sup> Interview 28 November 2003

<sup>111</sup> Interview 28 November 2003

*“Men must be informed through gender advocacy programmes that women are not there to take their jobs; we should now look at women’s capabilities in order to empower them.”<sup>112</sup>*

As far as the recommendation of a quota for women in local government is concerned (see section 7 below and section 2.3 above) this was the remark of a councillor from the Western Cape:

*“my party has committed itself to allocate at least 30% of positions to women, this should be increased to 50%. But there is no similar commitment from other parties.”<sup>113</sup>*

The suggestion of a 50% quota is an intriguing one, as while it exceeds that set out in the SADC Gender and Development Declaration (see section 3.2.1 above), it is not indefensible in light of women’s overall majority in the electorate and of those registered to vote (see Tables 2 and 3 in the appendix). It is also a proposal that is endorsed by GAP (see section 5.5).

## **6.5 Observations and Summary of Interviews**

Many municipalities in South Africa have attempted to deal with gender inequalities, especially amongst local government councillors. However, an overview of the interviews that we conducted shows a mixed response. On the one hand, there were those who said that government has shown a particular intention and commitment to deal with the under-representation and minimal participation of women in local government, for example by ensuring that women are appointed as mayors and executive mayors. Nevertheless, this group of public representatives blamed the legacy of apartheid, men’s reluctance to accept women as equals, women’s multiple roles in society, and the general negative attitudes of society towards women leaders, especially at the local government level, for undermining the gains already made. For this group of public representatives, the policies, budgets and laws have been produced, but the problem is at the *implementation* phase where these measures have not made an impact. Therefore, they emphasised that there should be evaluation and monitoring mechanisms introduced to examine progress in relation to women’s participation and representation in local government.

On the other hand, some women councillors argued that they are still sidelined or marginalized in local government, especially in the top decision making positions of the municipalities that our research covered. For their part, these representatives argued that very often there were *no policies, budgets, etc. that supported gender equality within their own municipalities*. Even where women were appointed as mayors or executive mayors, this was done as a kind of window-dressing mechanism without any long-term aim for redressing gender imbalances within the municipalities by adopting mechanisms to deal with under-representation and lack of participation. Where such mechanisms existed, they argued, men (especially municipal managers) often resisted or undermined the women mayors, leading to a crisis within the municipality’s governance process. Thus, here the aim would be to put in place more explicit measures and mechanisms, such as gender policies in relation to recruitment and appointment of municipal officials and election of councillors, to deal with the under-representation and lack of participation of women within these municipalities.

As has been noted, the persistence of gender inequalities in many countries’ local government structures is a common challenge, but “gender equality has become a buzz word in the

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<sup>112</sup> Interview 28 November 2003

<sup>113</sup> Interview 28 November 2003

spheres of the South African government.”<sup>114</sup> One of the positive things to have emerged from the robust debates of the post-apartheid era is that issues of representation and participation of women in the democratic process now appear on the national agenda, albeit sometimes as a result of pressure from women’s activists and groups. But it would seem that the more things change, the more they stay the same because “[a]lthough women’s numbers in local councils are increasing they are still low in comparison with male numerical domination of councils, committees, and executive councils.”<sup>115</sup> As another observer notes, “[t]he literature on representation for marginalized groups has tended to focus on the question whether women should represent women and blacks should represent blacks.”<sup>116</sup> However, in South Africa we are seemingly moving beyond this rather simplistic idea and concentrating on the need for substantive representation and participation whereby women play a meaningful and leading role in the democratic process. Such an approach will include the need for broader and equitable representation of women not only in government institutions but also in public agencies, non-governmental and community based organisations, as well as independent structures for promoting gender equality, such as the Commission for Gender Equality (CGE).<sup>117</sup>

## 6.6 Other Recommendations

The following lacunae were identified by the researchers conducting the interviews on the basis of the information that they gleaned from these, and are intended to supplement and support the recommendations made in section 7 of the report. However, the recommendations offered here are of more general application and are intended to be taken up by bodies such as SALGA, while the recommendations in section 7 are directed more at municipalities themselves.

- There is a need for more gender disaggregated data specifically on women’s roles, representation and participation in local government.
- A clearer role for the CGE and the OSW in relation to local government should be developed. It was noted in section 2 that local government has, up until now, not received the same attention as national and provincial government with regard to its gender parity. This was confirmed in the interviews with the OSW and CGE, who reiterated that the effects of these policies had yet to “trickle down” to local level. To this end, there is a need for gender focal points and evaluation and monitoring of any gender related policies and programmes.<sup>118</sup>
- The increased support of SALGA to women councillors, mayors and executive mayors in the form of basic and advanced training (i.e. capacity building and empowerment) on how to be an effective councillor; gender sensitisation; conflict resolution and management; and assertiveness; would be useful.<sup>119</sup>
- Women candidates of the various political parties need to consider forms of collaboration across the political spectrum, focusing on the common themes of gender equality and women’s meaningful role in the democratic process in South Africa (see section 7.1.3.1).

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<sup>114</sup> Adams, 2003: 25.

<sup>115</sup> Mbatha, 2003b: 200.

<sup>116</sup> Weldon, 2002: 1153.

<sup>117</sup> Adams, 2003: 30.

<sup>118</sup> Gender focal points should be established where they are not available, and where such structures exist, monitoring of gender related policies and programmes should be undertaken.

<sup>119</sup> Some interviewees were not aware that such training is available and offered by SALGA and so there is a need to ensure that training related information reaches women at local government level. Others complained that such training was inadequate and so perhaps further research is necessary to find out what the shortcomings are.

- Women must be part of all decision-making in local government<sup>120</sup> (see section 7.2.1)
- Women councillors and mayors who attend training courses should be accredited for such courses. (Some interviewees hoped that this could enhance the literacy levels of women in responsible positions in local government.)
- There is a need to ensure that municipal budgets also include a substantial allocation to gender related work and programmes, and to ensure that these eventually reach and benefit women (see section 7.1.3.2)

Following on from these observations gleaned from the interviews, the following section outlines concrete strategies and suggestions for municipalities to implement, in order to facilitate women's effective representation and participation in local government.

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<sup>120</sup> This might appear to be a confusing statement because women councillors are also decision makers. However, several interviewees made this point with reference to councils that either do not have women representatives, or that have very few women in their midst.

## 7. STRATEGIES TO SECURE WOMEN'S EFFECTIVE REPRESENTATION AND PARTICIPATION IN LOCAL GOVERNMENT

The strategies put forward here are intended to be ones that can be easily implemented by municipalities and local government councillors, without the need for outside consultants, and so prevents these issues from being displaced to another level. These recommendations are based on the experience of the researcher in training women in local government in the Eastern Cape, and draws on the work of GAP in this regard. The recommendations should be read in conjunction with the issues, obstacles and recommendations raised by the local government councillors whose views are included in section 6, as well as the recommendations to SALGA and others in section 6.6 which were gleaned by the researchers from the interviews, and identified as gaps.

### 7.1 Recommended strategies

#### 7.1.1 Conduct a Gender Responsiveness Evaluation

As a starting point, it is recommended that each municipality conduct its own gender evaluation, to assess how they are responding to the imperative of gender mainstreaming, using the following checklist. This will enable a particular local government to see where the problems are and put into place appropriate strategies to overcome these problems. Local governments should see this as a challenging and stimulating exercise, rather than as a tedious bureaucratic procedure to be got out of the way by filling in the form as quickly as possible. It is important to note that an actively engaging exercise such as this contributes to the goal of mainstreaming gender rather than sidelining it.

As regards qualitative indicators (see below), it should be noted that all participatory and democratic processes take time, but it is worth investing a bit of time in self-evaluation, because the dividend of having done so is the streamlining of other processes in the future. It should also be noted that most of these evaluation exercises can be conducted by councillors themselves: the conducting of such an evaluation can be an empowering process for women councillors. It is not necessary to hire outside consultants to conduct such self-evaluation – and in many cases it is a good test of how accessible information is to women councillors, if they are involved in conducting such an evaluation.

As regards quantitative indicators (see below), it is important that local governments develop the capacity to monitor and record gendered statistics: if these are not on record at present, it may take some time to research and record these statistics – but once this is done, the capacity and framework will exist for ongoing monitoring of progress in relation to gender equality.

Here we offer two ways in which local governments can evaluate the extent of women's participation in their structures and processes. The first is a set of *qualitative questions* which can be answered in a variety of ways, and which deal primarily with the role of women councillors. Because qualitative questions deal with opinions and attitudes rather than things that can be measured, it is usually better to workshop answers rather than have one official filling in a questionnaire.

Who answers or workshops the question will depend on the nature of the question. As a starting point, it is suggested that all women councillors in a particular municipality conduct this exercise. But this is not necessarily the end of the process. Questions about participation in ward committees may best be answered by getting together a group of women who serve in

different ward committees, or by asking particular ward committees to workshop a question, or both. Questions about the budget may be answered by getting the budget committee to workshop the question, or getting women councillors to workshop the question – or preferably both, so that the answers of women councillors who may be excluded from such a process can be compared to the answers of those who do participate in the process.

An alternative or additional means of answering these questions is to distribute an open format questionnaire to individual councillors, women and men, ward committee members, and other interested parties. For example, questions about participation of civil society in formulating the IDP may need to be answered by members of local women's organisations. It is important to explain that there are no right or wrong answers to such questions - they are simply to enable a local government to evaluate its own practices.

The second set of questions are *quantitative questions* or indicators for measuring women's participation in local government, and the "engendering" of local government processes, as a whole. These need to be answered either with statistics, or with a simply yes/no answer. These indicators are drawn from sets of indicators developed by two institutions which have done extensive work in this field – the Gender Advocacy Programme (GAP), and the Local Government Project of the University of the Western Cape Community Law Centre.



### 7.1.1.1 Checklist for women councillors

It is suggested that women councillors can make use of the following categories to devise their own questions relating to gender in their municipality. The questions here serve as some examples.

#### Empowerment:

Question: *Are you, as women councillors, empowered to participate meaningfully in local government?*

#### Practical concerns:

- Are there childcare facilities available?
- Are there other practical problems that prevent women from participating? (E.g. time of meetings, transport to meetings, safety of meeting venues)
- Are there other domestic problems and / or commitments which prevent full participation by women?

#### Skills and capacity:

Question: *Do you, as women councillors, have the skills to participate fully?*

#### Practical Concerns:

- literacy/numeracy/language skills
- computer skills
- skills to access information effectively
- public speaking skills
- negotiation/facilitation/mediation skills

#### Resources:

Question: *Do you, as women councillors, have access to the necessary resources to participate fully?*

#### Practical Concerns

- documentation (laws, policy documents, budgets, resolutions)
- technology (computers, internet, email etc.)

#### Personal empowerment and attitudes:

Questions:

- *Do you, as women councillors, have the confidence to participate in debates and policy formulation in council?*
- *Are other councillors and municipal officials 'gender sensitive' and open to women councillors' contributions?*
- *Are you, as women councillors, able to use your power as public representatives to represent the interests of women in their constituency or party?*

### 7.1.1.2 Checklist for local government as a whole

Most of the following questions are *quantitative* indicators. Local governments can use these indicators to work out quickly the extent of women's participation. This information can be compared with other municipalities (SALGA can assist with this process) in order to find out whether a municipality is on track as regards women's participation and gender sensitivity, or has been left behind. Some of these questions are *qualitative* too, for example those on institutional indicators rely on the subjects' impression, and so these can also serve as a useful indicator of how gender and the mainstreaming of women in the municipality are perceived.

#### Representation of women:

Questions:

- *What % of councillors are women?*
- *What % of ward committee members are women?*
- *What % of the members of the Budget Finance committee are women?*
- *What % of the IDP steering committee or representative forum are women?*
- *What % of members of the teams preparing the IDP are women?*
- *What % of senior municipal employees are women? (and define senior)*

#### Institutional indicators:

Questions:

- *Is there a gender policy in your municipality?*
- *Is there a specific gender unit or gender forum in your municipality?*
- *Are gender issues taken into account when policies are drafted?*
- *Do policy documents, public communications and by-laws of the municipality reflect gender-sensitive language?*
- *Is there a specific budget for promoting gender equality?*
- *What % of total expenditure is devoted to municipal services prioritised by women?*
- *Are contracts allocated by your municipality taking into account gender indicators?*
- *What proportion of contract value is given to firms with at least 30% women ownership and which employ at least 30% women?*

#### Ward Committees:

Questions:

- *Are women's organisations represented in the ward committee?*
- *If not, are women as a constituency/interest group represented in some other way?*
- *Are women's interests given a voice in ward committee meetings?*
- *Are meetings or other consultations conducted in such a way that women feel free to participate?*
- *Do ward committees make an effort to find out the views of women in their ward about their specific needs, service delivery, development projects, other problems or concerns?*

#### Civil society and development:

Questions:

- *Are women's organisations consulted in the process of policy formulation, the formulation of the IDP, and in specific policies affecting women (housing, transport, childcare, health, informal sector trading or SMMEs)?*
- *Are individual women consulted at community or ward level in these processes?*
- *Are women included in decision-making about development decisions that affect them directly?*
- *Are gender indicators included in the IDP?*
- *Do all programmes in the IDP include gender equity considerations?*

### Gender violence:

There are specific ways in which violence against women directly affects their ability to participate effectively in local government. At a public level, the safety of women councillors needs to be taken into account when considering meeting venues and times, and transport to meetings, especially at night. At a private level, women councillors may face the threat of domestic violence or sexual abuse if their political participation is resented by their partners, other family members or neighbours.

Given the extent of violence against women in our society, questions should also be included on such issues of critical concern to that community that relate to matters of public policy, and which are deeply gendered in their consequences. All councillors and ward committee representatives should ask themselves the following questions:

- *Is your municipality safe for women and children?*
- *Can women walk around safely at any time of the day or night?*
- *Is there safe public transport for women and children?*
- *Is there street lighting?*
- *Is there a shelter where abused women and children can be protected from further violence?*
- *Do you know the extent of violence against women and children in your community? E.g. are statistics on rape, domestic violence and abuse of children available to you as a public representative?*
- *Do you have a good working relationship with the SAPS in your community? Is there a Community Policing Forum, and if so, does it take the issue of violence against women and children seriously? Are women adequately represented in this forum?*

### Service and other indicators:

As is mentioned above, service delivery is an issue of particular importance to women, and so these types of questions are important indicators of gender responsiveness in a given municipality.

Questions:

- *Has information been collected with regard to women's needs as regards service delivery?*
- *What % of roads are lit by street lighting?*
- *Do housing policies ensure access on equal terms for women without partners or for same-sex partners?*
- *Has there been an assessment of the need for childcare facilities in your municipality? What is the extent of this need?*
- *Has the use of public transport been assessed with regard to the needs of women?*

## 7.1.2 Empowering Women Representatives

Having conducted a gender evaluation as outlined above, the next step is for councils to ensure that those women who occupy positions as public representatives in local government as councillors, are able to participate effectively. What does this mean?

What steps need to be taken are of course related to the problems and needs identified in the evaluation process. Some of the possible areas of action are as follows:

- *Practical considerations*: ensure that venues for meetings are accessible and safe; times are convenient for women; childcare is provided where necessary
- *Personal empowerment*: ensure that documents are written accessibly, women councillors are given access to information, language and cultural barriers to women participating are overcome through translation, skills training, capacity building and confidence building
- *Political empowerment*: ensure that women are included on all structures, including budget committees, and are able to participate effectively in such structures
- *Gender awareness*: ensure that gender awareness training is mainstreamed so that all councillors and staff receive training in gender issues
- *Consultation*: ensure that women councillors have the time and resources to consult their constituencies – especially women - so as to ensure that the interests of women are represented apart from party political interests

## 7.1.3 Mainstreaming Gender at Local Government Level: What it Means in Practice

### 7.1.3.1 Gender policy and women's caucuses

At one level, mainstreaming gender at local government level entails the formulation and adoption of a clear *gender policy* by each municipality. Women councillors should take the initiative in ensuring that this happens. Once this is done, the implementation of the gender policy needs a process of ongoing *monitoring and evaluation* to ensure that it does not just get sidelined as a “women’s issue.”

There are also institutional political ways in which the adoption of gender policies and the participation of women can be enhanced. One idea is for there to be *gender focal points* at local government level. Members of such a body should be nominated and tasked with the monitoring of gender budgeting and the integration of gender in things like procurement of contracts. Another is that women councillors could form a *women's caucus* – this can be either within political parties, or across parties. Whether women's participation is better enhanced by caucuses within parties, or across parties, is a subject for possible future research. However, participation in a caucus at other levels of government has shown that women's caucuses are effective in promoting women's participation, in that they allow less experienced women representatives to *learn from the experience* of other women; they allow women representatives the space to *build confidence* in analysis and debate; and they provide *opportunities for women to network* with one another on matters of common interest. All of these elements serve to reinforce the ability of women councillors to be effective local government representatives.

### 7.1.3.2 Mainstreaming of gender in institutional processes

Another strategy for mainstreaming gender is to “piggyback” both a gendered analysis and women's participation on established processes, programmes or institutions. While the

participation of women in such processes is important, but it is necessary to note that it is not *in itself* sufficient to ensure that women's interests are effectively represented.

The most important of these processes at local government level are

- IDPs (Integrated Development Plans) and
- KPIs (Key Performance Indicators).

See section 3.2.4 above where these are outlined according to the Municipal Systems Act.

In addition, many local governments are developing policies and strategies for Local Economic Development (LED), and this often takes the form of Public Private Partnerships (PPPs). In these cases, where municipalities are working together with the private sector, there also needs to be a process of monitoring and measuring women's participation, and developing indicators to ensure that women are included in the process of economic development. For example, councils can adopt policies which ensure that tenders and contracts are awarded to companies that have a certain percentage of women owners, or a certain percentage of women employees, or a certain percentage of women beneficiaries. In evaluating PPPs, councils can ask gender sensitive questions of their private partners, for example, do housing companies take account of the needs of women? Do they consult with women clients? Do they treat women clients with consideration?

It is possible to measure and monitor women's participation in all these processes – in other words, to *mainstream* gender in all processes. This is not merely a technical exercise, however: The challenge is for local governments to ensure that gender is mainstreamed as part of an integrated, participatory and developmental approach to service delivery. Municipalities need to develop their own guidelines (or to use guidelines such as this document) to ensure effective participation by, and consultation with, women at community level.

Women councillors have a key role to play in ensuring that this happens. As public representatives, they are the bridge between the municipality and the community they represent. But as noted above, their responsibility goes beyond their presence on committees - their presence as women in such processes does not in itself ensure that women's interests are represented. Furthermore, in order for developmental local government to become a meaningful reality, all councillors – men and women – need to adopt a gendered analysis of development processes.

## **7.2 Areas of Opportunity**

Some suggestions are given here for how SALGA can work together with local governments to enhance the effective representation and participation of women and to ensure the "engendering" of local government more broadly:

### **7.2.1 Ensure Women's Participation in Development Processes**

This entails making sure that women's participation in developmental local government goes beyond "lip-service." In practice this means ensuring the representation of women on ward committees and other structures at grassroots level that work with local councillors, and ensuring that women in such structures have a real voice.

It is also critical that women's organisations and women's groups, or women in other organisations of civil society, such as civic structures and youth organisations, are consulted

and included at all stages of planning and implementation of development policies and programmes by local government.

Women must in addition be effectively represented in IDPs, in housing policies, in urban planning. For example, if a shopping centre is planned, is there a place to change babies' nappies? Are taxi terminals situated where women will be safe getting home in the evening? Is there a designated space where women vendors can hawk their produce?

Finally, a gender forum should be established and it should have real influence. It is crucial for women to have influence where it matters, on policies and decisions, at all levels, on all issues. Women should not just get consulted or made responsible for social welfare and sewing projects. There should also be women in positions in treasuries, on budget committees, and making decisions about infrastructure.

As noted above, the presence of women on structures or in processes does not in itself guarantee that women's interests are represented adequately. Certainly, there are cases where women who are ward councillors are driving the process of formulating IDPs, and this is an important step forward. Yet, as noted above, women ward councillors are in a minority; and even where they are in the driving seat of local development processes, this does not in itself mean that they adopt a gendered perspective. Political pressures of various kinds can override the representation of women's interests.

So what is important here for enhancing women's representation and participation in local government is firstly emphasising the link between women's participation and developmental local government (see section 2.3 above); and secondly ensuring that sufficient numbers of women (a "critical mass") are involved in chairing ward committees dealing with the issues central to the formulation of the IDPs and in other key decision-making positions. This requires parties to be encouraged to front greater numbers of women as ward councillors and to follow up on the other recommendations in section 7.2.3 below.

### 7.2.2 Start Where People are At

For women councillors faced with considerable pressures, the adoption of a gendered analysis as recommended above may seem a daunting task. It is not easy to "add on" women's concerns when councils are already struggling to deal with poverty, unemployment, service delivery crises, homelessness and health problems. In this context, the most viable strategy for women councillors to ensure that women's concerns are taken up is to link gender issues and women's participation to other programmes that are addressing social needs or crises, such as HIV/AIDS, or poverty alleviation.

Take as a starting point the burning issue in a particular community, and "engender" policy around this issue – for example, look at service delivery, water and sanitation through a gender lens. As GAP notes, "the participation of women in local government and the integration of gender analysis in programming and service delivery are essential not only to the transformation process of local government, but also for effective service delivery."<sup>121</sup>

It is also important to ensure that women – both public representatives, and their constituents – have access to information. Women councillors need access to information, both for their own empowerment, and as a tool in empowering the women they represent. Women in communities need to know who can be held to account, how to hold councillors to account for

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<sup>121</sup> GAP, 2002b: 5

problems or failures with service delivery, who is responsible for the financial decisions, and who allocates budgets or decides on debt relief.

So the effective representation and participation of women local government councillors may be enhanced by these strategies of *mainstreaming* gender issues by *engendering* the policy and debate around an existing issue; and by *facilitating greater access to information* as to mechanisms of accountability and identifying who is specifically answerable for what. In this way existing projects can be developed in tandem with the greater effectiveness of women councillors.

### 7.2.3 The Role of Parties in Local Government

What should political parties be doing to ensure the effective participation of women representatives in local government? The following suggestions can be taken up by women councillors within political parties, by women's structures within political parties, by women's organisations in order to lobby political parties from the outside, and by SALGA and NGOs working together with women in political parties.

- Leaders of political parties need to demonstrate the political will to insist on an equitable *number* of women to stand as ward councillors and be placed on lists in electable positions. This could take the form of a quota system (although not all parties are comfortable with this idea). Ongoing lobbying for a quota has proved effective in putting pressure on political parties to increase the number of women put forward for election.
- Political parties need to establish women *role models*; women will be more confident and willing to stand for election if they see other women playing a meaningful role in local government. As MP Sheila Camerer noted, "women tend to follow other women into political structures."<sup>122</sup> In this regard see section 2.3, where the importance of women in local government as role models to other women is identified by GAP as one of the reasons why their representation and participation in local government is so critical.
- Related to the point about role models, political parties need to ensure that women are appointed to *leading roles* within the structure, and that women can play *meaningful roles* within such structures.
- Political parties should be encouraged to develop their own *gender policies*; to adopt gender responsive policies, to establish women's caucuses, and to engage in the ongoing process of monitoring and evaluating women's participation in their own structures.

## 7.3 Suggestions for Future Research

There is much research that local governments can do themselves: As noted above, the process of developing the research capacity of women councillors is in itself an empowering process. Such research can also be done in partnership with NGOs and / or with the assistance of SALGA.

For example, local government councillors and staff should be trained to do gender-sensitive research. Local governments also need assistance in developing a gender policy and their own gender focal points. It has been noted that the Office on the Status of Women (OSW) is concentrated on national and provincial levels, and has not reached local government level yet, and so this would make a useful starting point.

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<sup>122</sup> Correspondence from Sheila Camerer, 5 November 2003

Based on their gender evaluations (see above), municipalities can identify the areas in which they need to do further research. SALGA can assist municipalities in identifying best practices used in “engendering” local government, and can share these examples across municipalities.

Councils need training in some basic research methods so that they can collect, analyse and disaggregate data on the basis of gender. Some examples of quantitative questions to ask in this regard are:

- can your municipality give statistics for how many men and women have applied for housing, and how many have received housing assistance?
- can your municipality give statistics for how many female-headed households there are?

Councillors and council staff can be trained to do participatory, gender-sensitive research at grassroots level. By using participatory research methods they can find out what the needs of women are, how these needs are prioritised, and where the problem areas are that need to be addressed urgently. Some examples of the types of issues to be addressed in these participatory studies are:

- Whether women have *access to land*, or want access to land; whether women are producing food
- *Women as caregivers*: do women offering childcare have adequate support and training? Are the needs of working women being met in your community? What is the extent of the need for childcare facilities? What about homecare for the elderly, the disabled, orphans, those suffering from AIDS or other debilitating diseases such as TB?
- *Women as entrepreneurs*: are the needs of women in the informal sector (e.g. hawkers) being met? Do women have support to set up small businesses (e.g. bakeries). Do women have access to credit and loans? Is there training in financial and business management for women?
- *Dealing with poverty and unemployment*: what strategies are women using to cope with poverty and unemployment?
- *Accessing what is due*: do women have access to the information they need in order to obtain government support in the form of grants, food parcels, health care, indigent support for access to services such as electricity and water?
- *Rights*: do women know their constitutional rights and how to realize these rights? Do they understand the functions of different government departments, do they have access to these departments, do they know the right procedures to follow in order to ensure access to their rights?
- *Participation of women*: has any research been done that enables you to identify the reasons for a lack of women’s effective participation in local government in your municipality?

As has been stressed throughout this report, women councillors are especially effective in this regard, owing to their more intimate knowledge of, and involvement in, their communities. Furthermore, by mainstreaming gender in this way – that is by “engendering” the focus of local government – the effectiveness of women councillors is enhanced, because placing emphasis on these issues simultaneously emphasises the strengths of women councillors, and develops their skills and ability to participate effectively in local government.

## 8. CONCLUSION



The following comment was made two decades ago, and it is striking that it still forms the backdrop today to research exercises such as this one:

*As a global trend, rising numbers of women in politics will indicate that human beings are making progress toward a more human world—not because women are necessarily more humane than men, but because any society that categorically excludes half its members from the process by which it rules itself will be ruled in a way that is less than fully human.*<sup>123</sup>

This report has outlined the reasons for prioritising women’s political representation and participation at local government level from the perspective of both the human rights of women; and the imperative of development as the underlying purpose of local government today.

The report has also described in some detail the background to the obstacles to women’s participation in local government in South Africa, and how many of these endure in the present. The clear identification of these barriers, without equivocation is, we believe, critical to breaking them down. In support of this, we have offered some narrative examples from women (and a few men) who themselves confront these obstacles daily, and their voices and the collective experience they bring to bear on this issue not only highlight the obstacles, but also present ways to overcome them.

Finally we have offered some workable solutions that municipalities can implement themselves in order to give effect to the twin goals of enhancing the representation and participation of women as councillors in local government, and in mainstreaming gender in all policies and procedures that local government is charged with carrying out. This is integral to the goal of developmental local government as mandated by the Constitution, international and South African law.

By way of conclusion to this report we offer some suggestions for how the research may be developed. As this research exercise represents only a small contribution to the subject, it necessarily raises many questions. The questions raised here highlight some ideas for how this critical issue for democracy, human rights and development in South Africa, may be taken forward.

Firstly there is a clear need for a national *qualitative* survey on women political representatives in local government to complement the *quantitative* survey already conducted by SALGA in July 2003. The representatives who were interviewed for this report represent only a tiny sample, and while their narratives are both powerful and informative, a more scientific survey is necessary. Furthermore, the data collected in the quantitative survey can be expanded to include not only numbers of women councillors, but also the roles that they play in council. Statistics on the numbers of women in senior management positions within municipalities as well as other professional municipal staff would also be instructive.

Furthermore, there is a need for not only additional training and participatory research within municipalities, as outlined above, but it is important to emphasise that these must be part of an *ongoing* exercise on the part of SALGA in co-operation with the OSW, the CGE and other relevant NGOs such as GAP. The effort to enhance women’s representation and participation in local government is not something that can be achieved in a “one off” exercise, but rather should itself be mainstreamed and form part of the core of the activities of all municipalities on a year by year basis. As Yusuf Patel from DPLG remarked, there needs to be a “continuous

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<sup>123</sup> Newland cited in Shaul, 1982: 491

learning process” in order to ensure that women local government councillors are effective once they are elected, and that they contribute to the new sustainable “cadreship” of local government leaders that is being built.<sup>124</sup>

Finally there is much scope for greater co-operation between women as elected councillors and members of political parties, and the broader women’s movement at the level of civil society. The formation of constructive partnerships for the purposes of training, monitoring and evaluating, as well as advocating for women’s rights and equality are an invaluable tool in the ongoing effort to mainstream gender in local government. Again SALGA, the OSW and the CGE have a leading role to play in not only facilitating these partnerships, but also ensuring that they endure and have the necessary effect for women’s rights and representation in local government in South Africa.

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<sup>124</sup> Interview with Mr Patel on 3 February 2004