Structure and Agency in the Politics of a Women's Rights Coalition in South Africa: The Making of the South African Sexual Offences Act, 2007

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How do women's rights groups campaign for vital institutional reform of archaic laws on sexual violence in new democracies? How can they best 'work politically' to achieve positive outcomes? What lessons are there for donors and supporters?

This research paper presents the findings from a study of a women's coalition in South Africa. The National Working Group on Sexual Offences (NWGSO) was established to influence the progressive reform of national rape laws and it became the largest civil society coalition to have collaborated on law reform in South Africa. The Working Group emerged at a time of profound change in South Africa's political settlement, and was a product of the new political processes and institutional arrangements that unfolded in the early years of the democratic transition. The research thus represents a case study that explores the relations between structure and agency in the politics of reform. In analysing the successes and setbacks of this groundbreaking coalition, this study offers lessons for civil society leaders, policy makers and developmental partners in how best to support developmental coalitions and strengthen their capacity to promote long-term, sustainable social change.

Key findings are summarised as:

- Critical overarching themes from the research

- Factors that facilitate the formation of coalitions

- Potential success factors for women's coalitions

- Coalition strategies for greater influence

- Key elements of effective donor support for women's coalitions and more widely across civil society

- The identifiable successes of this particular coalition.

Eleven overarching themes

- 'Critical junctures' such as national political change may provide opportunities for civil society to redefine its rules of engagement with the state. Knowing when and how to seize such opportunities is crucial.

- Many factors account for the emergence of coalitions, including: new opportunities for political engagement during political transition; how local actors form collective initiatives and their motivation to initiate meaningful social change; the existence of prior networks and experience; the ability to mobilise popular civil society support; donor support.

- New spaces for policy influence may be opened through engaging in law reform. This study shows how the coalition's extensive experience in women's advocacy and in-depth understanding of the law contributed to their success.

- Strategies of 'judicial/legislative advocacy' can

assist the process of legal reform, but success depends on the existence of a relatively free judiciary.

- Women's coalitions may draw on and expand their elite networks and exploit political and institutional arrangements to build develop-mental partnerships.

- Co-operative networks between elite actors that span both civil society and government may initiate new processes of legal reform.

- The building of elite networks between national and international advocates at high-ranking meetings (such as UN Conferences) may have positive developmental outcomes - if the right people are involved.

- 'Soft advocacy' or 'backstage politics' may be more effective strategies where co-operative relationships exist between high-ranking state actors and civil society leaders.

- In dominant one-party states such as South Africa, 'adversarial advocacy' such as moni-toring government's fulfilment of laws and policies or criticising political elites in the media may antagonise the party and reduce engagement.

- A coalition's leadership structures and func-tioning must be determined through consen-sual processes and not automatically assumed or enacted by its key figures.

- Competition over funding may lead to disrup-tive tensions and there are strong grounds for ensuring transparency about a coalition's funding.

Factors which facilitate the formation and evolution of civil society coalitions

- Democratic transition may create 'triggers' for the emergence of coalitions. These may include retrogressive state actions, such as implementing policies that violate the rights of women, or progressive state actions, such as the opening of new spaces for engagement with the government.

- Civil society leaders and donors need key political analytical skills in order to systemati-cally scan the political landscape, identify and seize opportunities for political participation and define realistic limits.

- Prior networks between individuals, civil society organizations and parliament often play a key role, helping to establish synergy between influential state actors and civil society elites. Newer coalitions can learn from such past strategies.

- 'Rolling triggers' - new, high profile events (in this case study, the rape allegations and court case against South Africa's Deputy President, Jacob Zuma) may galvanise greater action by civil society, often inspiring changes in strategic direction.

- Organisations join coalitions to increase their own capacity and skill base, establish wider networks (regionally and/or nationally) and expand their sphere of influence. Pre-existing social networks between individual leaders may help but, if the leadership and organisa-tion of the coalition are not seen as account-able to all of its members, they may also hinder.

- Organisations with the greatest expertise, broadest networks and strongest resource base are more likely to drive the establishment and evolution of coalitions.

- Donors should make funds available specifi-cally for promoting collective action between sectors within civil society. Funding earmarked by international development agencies and other funders for the establishment of a coalition, and early consensus-building between members, played a crucial role in the formation of the Working Group. est faciisin-vent acerrumetur aut voluptat.

Factors that facilitate the *relative 'success'* of women's coalitions

- **Expertise within the fields of legal advocacy and women's rights:** Understanding parlia-mentary procedures and demonstrable experience and understanding of advocacy on women's issues, concrete legal and policy recommendations, and an ability to 'speak the language' of parliamentarians and law-makers all strengthen a coalition's potential impact.

- **Demographic diversity:** Where state elites value affirmative action and the empower-ment of previously marginalised populations, the issue of positionality (or perceived identity) is vital. Their perception of the 'authenticity' of a coalition's leaders, and their 'true' repre-sentation of their 'constituents', may enhance prospects for success.

- **Establishing a broad support base:** This can, potentially be an important factor, given that civil society has historically had the greatest

impact when campaigns have been expressed as mass social movements. However, maintaining solidarity across a large coalition may reduce its objectives to the 'lowest common denominator'. There may thus be a trade-off between inclusion and extensiveness of the coalition, on the one hand, and the ability to agree on a clear program, on the other hand.

- **Building internal consensus:** Accountable and transparent leadership is essential for maintaining the solidarity, motivation and active participation of a coalition's members. For example, distribution of clear, accessible information helps to encourage participation and build consensus.

- **Invoking the 'human rights' framework:** The coalition in this study situated (hence framed) rape law reform within the broader framework of human rights and constitutional imperatives – areas prioritised by leaders of the transition. It was thus able to link rape law reform symbolically with democracy, constitutionalism and modernity.

- **Maintaining and deploying political alliances** and appropriate advocacy strategies (ranging from 'soft advocacy' to more direct legislative advocacy.

Coalition strategies for greater influence

- Strategies to elicit change through collective action must be determined from within a coalition, and according to the local context.

- Building consensus and solidarity among members, and innovative techniques to empower 'weaker' organisations within a collective, enable a coalition to better represent all its partners.

- Past collaborations with elite political actors, particularly those with 'activist sympathies', can provide valuable political leverage.

- Civil society participation in state ratification of international conventions may instigate increased political commitment to fulfilling its tenets. However, civil society leaders may need to tread a fine line between collaborating privately with state elites and publicly opposing state inadequacies.

Key elements of effective donor support for women's coalitions

This study has identified key elements that could make the role of donors in supporting coalitions – particularly women's coalitions - more effective:

- Detailed understanding of local gender history and politics. Donors that emphasise monitoring and oversight of state entities may be eager to fund 'adversarial advocacy' without enough consideration of negative impacts.

- Engaging with a diverse range of key players and understanding the political landscape. Donors need a trained workforce, both local and international, with political analytical skills in the gender field that enable them to 'think and work politically'.

- Brokering opportunities for women's leaders to meet and to articulate and aggregate their collective objectives. Providing operational costs for community-based organisations is vital to ensure their continued inclusion and active participation.

- 'Donor transience' has a negative impact on developmental coalitions. Donors should sustain commitments to organisations that continue to deliver on their indicators, rather than shifting attention and resources to more currently fashionable causes.

- Donors need to change their focus from being 'project oriented' to being 'goal oriented', investing less in supporting short-term projects with sharply delineated boundaries and more in promoting systemic social change through innovative funding mechanisms.

- It is important for donor evaluation to focus also on processes as well as outputs or outcomes, as internal governance and decision-making may affect performance on the ground.

- Donors need to collaborate with each other to avoid duplication, conflict or gaps in funding women's coalitions, and to ensure more strategic direction for specific sectors of civil society.

- Donors need to ensure that there is a high level of financial transparency regarding all parties involved in funding contracts.

Evidence and indicators of the successes of this coalition

- Substantive improvements achieved on rape laws and attendant policies in South Africa.

- 'Elevated organisation' of civil society – that is, an establishment and expansion of collaborative networks within the women's sector.

- Strengthened alliances across the women's sector, and new alliances with other sectors. However, disagreements over funding and strategic direction, leading to the departure of some key actors, were detrimental to the coalition.

- Cultivating knowledge of legislative reform processes and of civil society's opportunities (or lack thereof) for political participation in these.

- Deepening and extending public discussion and debate on issues about sexual offences.

- The creation of future opportunities for judicial/legislative and other forms of advocacy to challenge the inadequate aspects of Sexual Offences Law and attendant policies. The coalition has already developed a new monitoring campaign called *Shukumisa* ('Shake Things Up')' which oversees the state's delivery of services mandated by the Act and related policies.

Download the full paper:

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