

More than a female complaint

By NDUMI GWAYI



The concept of gender has often created much confusion among women and the public in general. But where do the distortions lie in what has become known as the 'gender vs women' debate?

It is perhaps important, firstly, to mention that there is no concept like gender in African languages. Hence 'sex' and 'gender' basically have the same meaning (just like the the relative pronouns he/she). This initial confusion surfaced in discussions within our Gender Focus Group in the Border region, and levelling the playing field was therefore a logical step to bring everyone on board and to reach a common understanding.

As an advocate of human rights for all, I regard women's rights as crucial to a democratic future. It should be the responsibility of all South Africans, men and women, to redress current imbalances of power in this area. This understanding suggests a gender approach to addressing our societal misconstructions. Gender is an integral part of all forms of power.

While women do need to address issues affecting them as a biological and socio-political grouping, the tendency to categorise women often means that differences such as class and race are overlooked. These differences only surface in forums where gender relations are examined in the variety of settings in which they occur.

Thenjiwe Mtintso of the SA Communist Party once argued that the fight by 'black brothers and sisters against national oppression' was a misnomer without a focus on gender oppression. She referred to a particular trend in the liberation struggle that clearly defined the source of gender oppression and also espoused women's emancipation. Yet it fell short of defining 'the notion of non-sexist society seriously enough to unambiguously address patriarchal relations'.

It is therefore crucial that people explore ways of challenging the status quo at the level of power relations, and it is not possible for one section of society (women) to do this effectively on their own.

During her address to our Gender Focus Group on this debate earlier this year, Thoko Matshe of the Women's National Coalition said the social roles people play in society were at the centre of the concept of gender. These social constructions, she said, were loaded with psychological and physical traits that are artificial and attributed to all men

and women.

Gender roles are also oppressive to males in many respects and groups working with these issues would do well to take advantage of this strategic gap to broaden involvement in the struggle against gender oppression. We need a co-ordinated gender-awareness drive to ensure that a new political dispensation overcomes these stereotypes and makes power accessible across the board both legally and constitutionally.

Gender should not be used as a substitute for the term 'women' as this encourages emphasis on social life areas that are traditionally regarded as the domain of women.

Social relations should ensure that women's rights are addressed by all to encourage participation of all sectors of society in the decision-making processes that affect their lives.

Ndumi Gwayi is the regional director of Idasa in East London.

(The Gender Focus Group can be contacted through the East London office.)

a uniform model of ACCs and community courts for the Eastern Cape region. After three workshops, the delegates of Sanco were able to draft a proposal that satisfied their needs.

This proposal was positively received by all the participants in the conference. They included members of different NGOs working in the areas of crime prevention (Nicro, Cape Town), dispute resolution (Community Dispute Resolution Trust and IMMSA) and paralegal training (LHR and Community Law Centre). Members of the South African Police and the attorney-general's office in Port Elizabeth followed the proceedings with interest, and several academics also participated.

Keynote speaker Albie Sachs had eloquent words for the project, and compared this initiative with the popular tribunals of Mozambique, where ordinary citizens were involved in dispensing justice.

Nonetheless, Sachs was cautious as regards the implementation of the project of community courts and the need to protect the civil and human rights of each individual. In this sense, he argued that further discussions at the national level would be necessary before implementation.

Max Mamase, regional co-director of Idasa, strongly defended the need for community courts in a future political dispensation. He argued that this initiative had to be seen within the context of a developing civil

society, which is working for the democratisation of the government; a civil society which is working for the creation of structures which will decentralise power, allowing more participation to the private citizen.

Sanco will enhance its proposal with the contributions made during the conference and will then decide what to do with the final version of the proposal. Regardless of the outcome of the final draft, the conference has opened the debate on the topic and any restructuring of the judicial system will need to take this proposal into account.

Daniel Nina is a researcher with Vista University and co-ordinated the community courts conference.